

Los Angeles City Council, Journal/Council Proceedings
Tuesday, June 8, 2004
John Ferraro Council Chamber, Room 340, City Hall - 10 am

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

ROLL CALL - Members present: Cardenas, Greuel, Hahn, LaBonge, Ludlow, Miscikowski, Parks, Reyes, Smith, Weiss, Zine and President Padilla (12); Absent: Garcetti, Perry and Villaraigosa (3).

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
JUNE 2, 2004

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 21

PUBLIC TESTIMONY ON NON-AGENDA ITEMS AT THE CALL OF THE CHAIR -
An opportunity for public testimony was provided.

ROLL CALL NUMBER (#) - INDICATES THE ORDER IN WHICH THE ITEMS WERE ACTED
UPON DURING THE COUNCIL MEETING

Items for Which Public Hearings Have Been Held - Items 1-17

ITEM NO. (1) - ADOPTED - FORTHWITH

Roll Call #1 - Motion (Miscikowski - LaBonge) Adopted, Ayes (11); Absent: Garcetti, Greuel, Perry and Villaraigosa (4)

04-0946 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the appointment of Ms. M. Susan Key to the Board of Library Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Ms. M. Susan Key to the Board of Library Commissioners for the term ending June 30, 2006, to fill the vacancy created by the resignation of Ms. Cynthia A. Telles, is APPROVED and CONFIRMED. Ms. Key resides in Council District 11. (Current Commission gender composition: M=1; F=4)

TIME LIMIT FILE - JUNE 25, 2004

(LAST DAY FOR COUNCIL ACTION - JUNE 25, 2004)

ITEM NO. (2) - CONTINUED TO JUNE 15, 2004

**Roll Call #3 - Motion (LaBonge - Ludlow) Adopted to Continue, Unanimous Vote (11);
Absent: Garcetti, Greuel, Perry and Villaraigosa (4)**

01-0610 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the Injection Drug
S3 User/Needle Exchange component of the City's 2004-05 AIDS Prevention Program.

Recommendation for Council action, as initiated by Motion (LaBonge - Garcetti):

1. REQUEST the City Attorney to prepare and present an ordinance amending the Los Angeles Administrative Code to allow the Department on Disability (DOD), once a State of Public Health Emergency relating to AIDS has been declared by the Mayor and ratified by the City Council, to monitor the state of emergency to determine whether the conditions constituting the AIDS public health emergency still persist.
2. INSTRUCT the DOD to negotiate and execute contracts for the Injection Drug User/Needle Exchange component of the City's 2004-2005 AIDS Prevention Program, for the period of April 1, 2004 through March 31, 2005, and to submit these contracts or a pro forma contract to the Council for approval, subject to the review of the City Attorney as to form and legality.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

**Roll Call #2 - Motion (Cardenas - Zine) Adopted, Ayes (12); Absent: Garcetti, Perry
and Villaraigosa (3)
(Item Nos. 3-4)**

ITEM NO. (3) - ADOPTED - FORTHWITH

01-2032 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to proposed
supplemental agreements with Kanner Architects (Kanner) and Barton Phelps &
Associates, Inc. (Phelps), for as-needed architectural design services.

Recommendation for Council action:

AUTHORIZE the President and Secretary, Board of Recreation and Park Commissioners (Board), to execute the accompanying proposed Supplemental Agreements with:

- a. Kanner for as-needed architectural design services, subject to the review of the City Attorney as to form and legality.
- b. Phelps for as-needed architectural design services, subject to the review of the City Attorney as to form and legality.

Fiscal Impact Statement: The City Administrative Officer reports that there is no impact on the General Fund. Sufficient funds are available in various Department of Recreation and Parks project accounts including County Proposition A-2 (1996) and City Proposition K funds.

ITEM NO. (4) - ADOPTED

02-1272 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the "Recruiting and Educating Librarians for the 21st Century" Federal Program.

Recommendation for Council action:

RECEIVE and FILE the Los Angeles Public Library report dated June 28, 2002, relative to the Federal Program, Recruiting and Educating Librarians for the 21st Century, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

**Roll Call #3 - Motion (LaBonge - Ludlow) Adopted to Continue, Unanimous Vote (11);
Absent: Garcetti, Greuel, Perry and Villaraigosa (4)
(Item Nos. 5-6)**

ITEM NO. (5) - CONTINUED TO JUNE 15, 2004

04-0002 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT and RESOLUTION relative
S69 to supporting Assembly Bill (AB) 2871 (Berg), the Clean Needle and Syringe Exchange.

Recommendation for Council action, SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION (LaBonge - Garcetti - Perry) establishing a position of SUPPORT in the City's 2004-05 Legislative Program for AB 2871 (Berg), the Clean Needle and Syringe Exchange, which would remove the need for local governments to continually renew a Declaration of Emergency to operate clean needle and syringe exchange programs.

Fiscal Impact Statement: The Chief Legislative Analyst reports that there is no impact on the General Fund.

ITEM NO. (6) - CONTINUED TO JUNE 15, 2004

04-0002 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT and RESOLUTION relative
S72 to supporting Senate Bill (SB) 1159 (Vasconcellos) which would authorize licensed pharmacies to sell or furnish nonprescription hypodermic syringes to adults as part of the Disease Prevention Demonstration Project.

Recommendation for Council action, SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION (Garcetti - LaBonge) establishing a position of SUPPORT in the City's 2004-05 Legislative Program for SB 1159 (Vasconcellos) which would authorize licensed pharmacies to sell or furnish nonprescription hypodermic syringes to adults as part of the Disease Prevention Demonstration Project.

Fiscal Impact Statement: The Chief Legislative Analyst reports that there is no impact on the General Fund.

ITEM NO. (7) - ADOPTED

Roll Call #2 - Motion (Cardenas - Zine) Adopted, Ayes (12); Absent: Garcetti, Perry and Villaraigosa (3)

04-0864 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to a request to rename the "Programs for the Handicapped Trust Fund" to the "Programs for People with Disabilities Trust Fund" and authorizing the Department on Disability (DOD) to receive gifts of up to \$25,000 without the need for Council action.

Recommendations for Council action, as initiated by Motion (LaBonge - Greuel):

1. REQUEST the City Attorney to prepare and present an ordinance amending the Los Angeles Administrative Code to rename the "Programs for the Handicapped Trust Fund" to the "Programs for People with Disabilities Trust Fund."
2. RECEIVE and FILE the recommendation contained within Motion (LaBonge - Greuel) requesting that the DOD be authorized to receive gifts of up to \$25,000 without the need for Council action inasmuch as no City department is authorized to accept more than \$5,000 (the DOD's current limit) and no further Council action is required.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

ITEM NO. (8) - ADOPTED

Roll Call #4 - Motion (LaBonge - Hahn) Adopted, Ayes (11); Absent: Garcetti, Greuel, Perry and Villaraigosa (4)

04-0581 - ARTS, PARKS, HEALTH AND AGING and BUDGET AND FINANCE COMMITTEES' REPORT relative to negotiating and executing Senior Services Contracts.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the General Manager, Department of Aging (Aging), or designee, to negotiate and execute 21 contracts with the service providers identified in Attachment I of the City Administrative Officer (CAO) report dated April 28, 2004 for Adult Day Support Centers and Home Secure senior services, effective April 1, 2004 through March 31, 2005, in accordance with the funding allocations in the column titled "Total Contract Funding," subject to:
 - a. The review of the City Attorney as to form and legality.
 - b. The approval of the Office of the CAO, Contractor Enforcement Section, for compliance with the City's contracting requirements.
 - c. The availability of funds.

2. AUTHORIZE the Controller to:

- a. Establish new accounts and appropriate \$2,518,685 within the Senior Human Services Fund Number 42J as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
W300	Adult Day Support Centers	\$1,502,143
W400	Legal Services Program	250,190
W500	Home Secure Program	629,941
W600	Home Modification Program	66,334
W700	Shared Housing Program	<u>70,077</u>
	Total	\$2,518,685

- b. Disburse funds to the recommended service providers upon submission of proper demand from the General Manager, Aging, or designee.

3. INSTRUCT the City Clerk to place on the City Council agenda on **JULY 1, 2004**, or as soon thereafter, the following, SUBJECT TO THE APPROVAL OF THE MAYOR:

AUTHORIZE the Controller to transfer \$555,857 in Fiscal Year 2004-05 General City Purposes Funds from Fund 100, Department 56 (Account Number and Title to be established) to the Senior Human Services Fund Number 42 J, New Account Number W302 titled ADSC - FY 04-05 City Funds.

Fiscal Impact Statement: The CAO reports that approval will result in the allocation of \$3,864,954, comprised of \$2,518,685 in previously approved Community Development Block Grant funds, \$187,000 in Older Americans Act Grant funds and \$1,115,857 in General Funds. Of the \$1,115,857 General Funds, \$560,000 is allocated in the 2003-04 Adopted Budget and \$555,857 is requested in the 2004-05 Proposed Budget.

**ITEM NO. (9) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS
- TO THE MAYOR FORTHWITH - SEE FOLLOWING**

**Roll Call #5 - Motion (Cardenas - Miscikowski) Adopted, Ayes (11); Absent: Garcetti, Greuel,
Perry and Villaraigosa (4)**

04-1008 - ADMINISTRATIVE EXEMPTION and COMMUNICATION FROM THE BOARD OF AIRPORT COMMISSIONERS relative to an extension of the temporary appointment of Kim Day as Interim Executive Director for the Los Angeles World Airports.

(Commerce, Energy and Natural Resources Committee report to be submitted in Council. If a public hearing is not held in Committee, an opportunity for public comment will be provided.)

ADOPTED

ADMINISTRATIVE EXEMPTION and COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT relative to an extension of the temporary appointment of Kim Day as Interim Executive Director for the Los Angeles World Airports.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

- 1. FIND** that the extension of the temporary appointment of Kim Day as Interim Executive Director for the Los Angeles World Airports (LAWA) is administratively exempt from the requirements of the California Environmental Quality Act (CEQA), as provided by Article II, Section 2(f) of the Los Angeles City CEQA Guidelines.
- 2. ADOPT** Resolution No. 22375 approving the extension of the temporary appointment of Kim Day as the LAWA's Interim Executive Director for a period not to exceed six months; and **CONCUR** with the Board of Airport Commissioners' action on May 10, 2004 extending the temporary appointment of Kim Day as Interim Executive Director.

ITEM NO. (10) - ADOPTED

Roll Call #2 - Motion (Cardenas - Zine) Adopted, Ayes (12); Absent: Garcetti, Perry and Villaraigosa (3)

04-0002 - ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE REPORT and S71 RESOLUTION relative to supporting regulations to reduce greenhouse emissions emitted by passenger vehicles.

Recommendations for Council action, SUBJECT TO THE CONCURRENCE OF THE MAYOR:

- 1. ADOPT** the accompanying RESOLUTION (Perry - Cardenas) that the City include in its 2003-04 State Legislative Program, a position which **URGES** the California Air Resources Board (CARB) to adopt the strongest possible regulations to reduce greenhouse emissions emitted by passenger vehicles, pursuant to AB 1493 (Pavley) and that the State Legislature **SUPPORT** such regulations to protect the health and welfare of the State's residents and economy.
- 2. INSTRUCT** the Environmental Affairs Department to coordinate comments regarding the CARB's proposed regulation through the City's Interdepartmental Alternative Fuels Taskforce and to process them through Council as appropriate.

Fiscal Impact Statement: None submitted by the Chief Legislative Analyst. The City Administrative Officer has not completed a financial analysis of this report.

**ITEM NO. (11) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATION
- TO THE MAYOR FORTHWITH**

**Roll Call #6 - Motion (Hahn - LaBonge) Adopted, Ayes (11); Absent: Garcetti, Greuel, Perry
and Villaraigosa (4)**

04-1049 - ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE REPORT
CD 15 relative to reducing Bacterial Indicator Densities at Los Angeles Harbor Inner Cabrillo
Beach and Main Ship Channel.

Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

AUTHORIZE the Bureau of Sanitation (BOS) to provide written and oral comments on the
draft Los Angeles Harbor Bacteria Total Maximum Daily Load for Los Angeles Harbor
Inner Cabrillo Beach and Main Ship Channel.

Fiscal Impact Statement: None submitted by the BOS. Neither the City Administrative
Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

**Roll Call #2 - Motion (Cardenas - Zine) Adopted, Ayes (12); Absent: Garcetti, Perry
and Villaraigosa (3)
(Item Nos. 12-13)**

ITEM NO. (12) - ADOPTED

04-0194 - ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT and ARTS, PARKS, HEALTH
AND AGING COMMITTEES' REPORT relative to utilizing synthetic fields at recreation and
parks facilities.

Recommendations for Council action:

1. NOTE and FILE Motion (Perry - LaBonge) relative to the Department of Recreation and
Parks (DRP) exploring the possibilities of utilizing synthetic fields at recreation and
parks facilities, inasmuch as the DRP made presentations at meetings of the
Environmental Quality and Waste Management and Arts, Parks, Health and Aging
Committees on April 21, 2004 and June 1, 2004, respectively, and no Council action is
required.
2. INSTRUCT the DRP to report back to both Committees within 90 days on the progress
of converting additional fields to synthetic fields.

Fiscal Impact Statement: None submitted by the DRP. Neither the City Administrative
Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

ITEM NO. (13) - ADOPTED - TO THE MAYOR FORTHWITH

03-0008 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT
S13 relative to reprogramming Community Development Block Grant (CDBG) funds to fund retroactive salary payments for Los Angeles Housing Department (LAHD) employees.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the transfer and appropriation of CDBG administrative funds, set aside in 2002-03, for the purpose of paying the CDBG portion of the Engineers and Architects Association (EAA) retroactive pay increases for LAHD employees, due to the completion of EAA negotiations in July 2003 and payment of retroactive salaries in September 2003.

2. AUTHORIZE the Controller to:

a. TRANSFER appropriations within the Community Development Trust Fund, Fund No. 424, as follows:

	<u>Account</u>	<u>Title</u>	<u>Amount</u>
From:	T143	LAHD	\$498,273.89
To:	V143	Housing	\$498,273.89

b. Increase appropriations by \$498,273.89 in the General Fund, Fund No. 100/43, Salaries General, Account 1010.

c. Transfer appropriations within the Community Development Trust Fund, Fund No. 424, as follows:

	<u>Account</u>	<u>Title</u>	<u>Amount</u>
From:	T298	Related Costs - Housing	\$166,124.51
To:	V298	Related Costs - Housing	\$166,124.51

3. AUTHORIZE the General Manager, LAHD, or designee, to prepare Controller instructions and make any technical adjustments consistent with this action, subject to the review of the City Administrative Officer (CAO); and, AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: The CAO reports that the transfer and appropriation of CDBG funds from 2002-03 to 2003-04 will mitigate any impacts to the General Fund by increasing LAHD's salary and related costs budget to compensate for salary retroactive payments made in the current year. These payments were budgeted in 2002-03 but were unspent due to the timing of bargaining unit salary negotiations.

ITEM NO. (14) - ADOPTED

Roll Call #7 - Motion (Padilla - Reyes) Adopted, Ayes (11); Absent: Garcetti, Greuel, Perry and Villaraigosa (4)

04-0923 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT
CD 7 relative to authorizing the Community Redevelopment Agency (Agency) to execute an exclusive right to negotiate for 180 days with Olson Urban Housing, LLC., for the development of for-sale housing on an Agency-owned parcel at 13574 Foothill Boulevard.

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, Agency, or designee, to execute an exclusive right to negotiate with Olson Urban Housing, LLC., for a period of 180 days, for an approximately 53,489 square foot Agency-owned parcel at 13574 Foothill Boulevard for the proposed development of for-sale affordable to moderate income housing.

Fiscal Impact Statement: The Chief Legislative Analyst reports that this action will not impact the General Fund. No Agency funds will be used for this request.

**Roll Call #2 - Motion (Cardenas - Zine) Adopted, Ayes (12); Absent: Garcetti, Perry and Villaraigosa (3)
(Item Nos. 15-17)**

ITEM NO. (15) - ADOPTED

02-1916 - PERSONNEL COMMITTEE REPORT relative to Amendment No. 1 to the 2001-04 Supervisory Building Trades and Related Employees Memorandum of Understanding (MOU) No. 13 for establishment of salary bonus for Supervisory Trades employees.

Recommendations for Council action:

1. APPROVE the Amendment No. 1 to MOU No. 13 to establish the salary bonus for Supervisory Trades employees who are selected to work as Construction Project Coordinators on approved special-funded projects.
2. INSTRUCT the Department of General Services and the City Administrative Officer (CAO) to report to the Personnel Committee every six months during the two-year pilot program on the effect of the salary bonus on construction project quality and cost savings.

Fiscal Impact Statement: The CAO reports that the anticipated cost of the bonus is \$6,000 per year for projects valued at \$1.5 to \$2.99 million and \$9,000 for projects valued at \$3 million or more. The cost of the Construction Project Coordinator bonuses will be offset by reductions in labor and materials costs for each qualified special-funded project.

ITEM NO. (16) - ADOPTED - TO THE MAYOR FORTHWITH

04-0011 - PERSONNEL COMMITTEE REPORT relative to Project Safe Neighborhoods Program
S1 Grant Award - Los Angeles City Attorney Component/United States Attorney Cross-designation.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. APPROVE the Office of Homeland Security/Office of Emergency Services Grant Application for the Project Safe Neighborhoods Program for the period of November 1, 2003 through October 31, 2004, subject to the approval of the City Attorney as to form and legality.
2. AUTHORIZE the City Attorney to accept the grant award of \$133,390 and execute and submit the Grant Award Acceptance Form and other necessary documents to the Office of Homeland Security/Office of Emergency Services on behalf of the City.
3. TRANSFER \$12,349 from the Reserve Fund to the Unappropriated Balance and APPROPRIATE this amount therefrom to Fund 100/12, Account No. 1020, Salaries-Grant, to be reimbursed upon receipt of grant funds.
4. TRANSFER \$34,590 from the Reserve Fund to the Unappropriated Balance and APPROPRIATE this amount therefrom to the City Attorney Grant Fund No. 368 into new appropriation accounts as follows, to be reimbursed upon receipt of grant funds:

<u>Fund</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
368/12	V801	Fringe Benefits	\$27,090
368/12	V802	Equipment	3,640
368/12	V803	Operating Expenses	<u>3,860</u>
Total			\$34,590

5. RESOLVE that Employment Authority for one position of Deputy City Attorney II, Code 0551, through June 30, 2004, is APPROVED; and EXEMPT this position from the hiring freeze.
6. REQUEST that the City Attorney provide relevant information for a hiring freeze exemption if the above position is filled through an internal transfer according to the hiring freeze program in force at that time.
7. INSTRUCT the City Clerk to place on the Council agenda on JULY 1, 2004, or immediately thereafter the following recommendation, SUBJECT TO THE APPROVAL OF THE MAYOR:

TRANSFER \$86,451 from the Reserve Fund to the Unappropriated Balance and APPROPRIATE this amount therefrom to Fund 100/12, Account No. 1020, Salaries-Grant, to be reimbursed upon receipt of grant funds.

8. REQUEST the City Attorney to submit invoices to the Office of Homeland Security/Office of Emergency Services to ensure that the Reserve Fund is reimbursed in a timely manner.
9. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval fo the City Administrative Officer (CAO), and AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: The CAO reports that Reserve Fund advances of \$46,939 and \$86,451 are required for Fiscal Years (FY) 2003-04 and 2004-05, respectively, to fund the Project Safe Neighborhoods Program on an interim basis. Full payment from the grant is anticipated by the second quarter of FY 2005-06. The CAO reports that there will be a future General Fund impact to fund the Deputy City Attorney II position if grant funding is not continued.

(Public Safety and Budget and Finance Committees waived consideration of the above matter)

ITEM NO. (17) - ADOPTED

04-0263 - PERSONNEL and BUDGET AND FINANCE COMMITTEES' REPORT relative to continuation of Employment Authority for the LA Bridges program.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. RESOLVE that continued Employment Authority for the following seven positions, in the Community Development Department in the LA Bridges program, from July 1, 2003 through June 30, 2004, subject to allocation by the Civil Service Commission, is APPROVED:

<u>No.</u>	<u>Code</u>	<u>Title</u>
4	1537	Project Coordinator
3	1538	Senior Project Coordinator

2. EXEMPT one time from the hiring freeze the positions listed in Recommendation No. 1, above.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the recommendations listed above does not result in an additional General Fund obligation. Full funding for staff positions is provided in the 2003-04 Adopted Budget, General City Purposes Fund.

Items for Which Public Hearings Have Not Been Held - Items 18-27
(10 Votes Required for Consideration)

ITEM NO. (18) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

Roll Call #8 - Motion (Miscikowski - Reyes) Adopted, Ayes (12); Absent: Garcetti, Perry and Villaraigosa (3)

04-0730 - COMMUNICATION FROM THE DIRECTOR OF PLANNING and ORDINANCE FIRST CD 12 CONSIDERATION relative to General Plan Consistency Program correction for Chatsworth - Porter Ranch Community Plan (Subarea 2120).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the April 16, 2004 Findings of Director of Planning as the Findings of the Council.
2. PRESENT and ADOPT the accompanying ORDINANCE, correcting the zone from (T)RA-1-H to [T]RA-1-H for the properties in Subarea 2120, Ordinance No. 165788 and retaining the original "T" removal instruction for the Subarea, as a part of the General Plan/Zoning Consistency Program for the Chatsworth - Porter Ranch Community.
CPC 1986-0786 GPC

(Planning and Land Use Management Committee waived consideration of the above matter)

ITEM NO. (19) - CONTINUED TO JUNE 15, 2004

Roll Call #9 - Motion (Miscikowski - Parks) Adopted to Continue, Unanimous Vote (11); Absent: Garcetti, Greuel, Perry and Villaraigosa (4)

03-0593 - COMMUNICATION FROM THE LOS ANGELES BOARD OF POLICE COMMISSIONERS (Police Commission) relative to reconsideration of award of 77th Area Official Police Garage (OPG) contract to Al's Towing.

Recommendation for Council action:

REAFFIRM the original Police Commission action of March 18, 2003 awarding the 77th Area OPG contract to Al's Towing.

Fiscal Impact Statement: None submitted by the Police Commission. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

(Public Safety Committee waived consideration of the above matter)

(Pursuant to Los Angeles Administrative Code Section 10.5, Council has 60 days from the date the contract is transmitted by the Board and received by the City Clerk to approve this matter)

(Council may recess to Closed Session, pursuant to Government Code Section 54956.9(b), to confer with its legal counsel relative to the above matter)

TIME LIMIT FILE - JULY 24, 2004

(LAST DAY FOR COUNCIL ACTION - JULY 23, 2004)

**Roll Call #8 - Motion (Miscikowski - Reyes) Adopted, Ayes (12); Absent: Garcetti, Perry and Villaraigosa (3)
(Item Nos. 20-27)**

ITEM NO. (20) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS FORTHWITH

04-0985 - COMMUNICATION FROM THE LOS ANGELES BOARD OF POLICE COMMISSIONERS (Police Commission) relative to a donation of 2,500 body armor vests to be used by the Iraqi Police Service.

Recommendations for Council action:

1. APPROVE the Los Angeles Police Department recommendation to donate 2,500 body armor vests to the United States Central Command operating in Doha, Qatar.
2. REQUEST the City Attorney to draft the necessary documents to finalize the transfer.

Fiscal Impact Statement: None submitted by the Police Commission. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

(Public Safety Committee waived consideration of the above matter)

ITEM NO. (21) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-0559 - CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and CD 12 RESOLUTION relative to acceptance of future street as public street lying on Reseda Boulevard at Chase Street.

Recommendations for Council action:

1. FIND that this acceptance is categorically exempt from the California Environmental Quality Act of 1970, pursuant to Article VII, Class 5(4) of the City's Environmental Guidelines.
2. FIND that this acceptance of the future street as public street is in substantial conformance with the General Plan, pursuant to Section 556 of the Los Angeles City Charter.

3. ADOPT the City Engineer report dated March 16, 2004, and the accompanying RESOLUTION OF ACCEPTANCE for the future street as public street lying on Reseda Boulevard at Chase Street.
4. INSTRUCT the Real Estate Division, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that a fee of \$897.73 was collected for processing this request pursuant to Sections 7.3 and 7.41.1 of the Los Angeles Administrative Code.

ITEM NO. (22) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-0561 - CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and CD 13 RESOLUTION relative to acceptance of future storm drain easement as public storm drain easement lying on Temple Street and Glendale Boulevard.

Recommendations for Council action:

1. FIND that this acceptance is categorically exempt from the California Environmental Quality Act of 1970, pursuant to Article VII, Class 5(19) of the City's Environmental Guidelines.
2. FIND that this acceptance of the future storm drain easement as public storm drain easement is in substantial conformance with the General Plan, pursuant to Section 556 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated March 16, 2004, and the accompanying RESOLUTION OF ACCEPTANCE for the future storm drain easement as public storm drain easement lying on Temple Street and Glendale Boulevard.
4. INSTRUCT the Real Estate Division, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that a fee of \$1,070 was collected for processing this request pursuant to Sections 7.3 of the Los Angeles Administrative Code.

ITEM NO. (23) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-0562 - CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and CD 11 RESOLUTION relative to acceptance of future alley as public alley lying on Flower Court northeasterly of Seventh Avenue.

Recommendations for Council action:

1. FIND that this acceptance is categorically exempt from the California Environmental Quality Act of 1970, pursuant to Article VII, Class 5(4) of the City's Environmental Guidelines.

2. FIND that this acceptance of the future alley as public alley is in substantial conformance with the General Plan, pursuant to Section 556 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated March 16, 2004, and the accompanying RESOLUTION OF ACCEPTANCE for the future alley as public alley lying on Flower Court northeasterly of Seventh Avenue .
4. INSTRUCT the Real Estate Division, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that a fee of \$897.73 was collected for processing this request pursuant to Sections 7.3 and 7.41.1 of the Los Angeles Administrative Code.

ITEM NO. (24) - ADOPTED

04-0656 - CONSIDERATION OF MOTION (REYES - SMITH) relative to the repair and replacement of the retaining wall on Montecito Drive between Radio Drive and Pagoda Place.
CD 1

Recommendation for Council action:

INSTRUCT the Bureau of Engineering to report to the Public Works Committee with recommendations and a work plan for immediately replacing an 80-foot portion of the retaining wall on Montecito Drive between Radio Drive and Pagoda Place, which fell on March 12, 2004, and for the bracing of the balance of the retaining wall in the interests of public safety.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (25) - ADOPTED

04-0656 - CONSIDERATION OF MOTION (REYES - SMITH) relative to the appropriation and transfer of \$360,000 from the Special Gas Tax Fund for the repair and replacement of the retaining wall on Montecito Drive between Radio Drive and Pagoda Place.
CD 1

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the Controller to TRANSFER \$360,000 from the Special Gas Tax Fund No. 206, Dept. 50, Account V500-Contingencies to a new project account entitled: "Montecito Drive Retaining Wall Replacement (across House No. 1088) W.O. E6000760."
2. INSTRUCT the Bureau of Engineering, as appropriate, to review bids and award a contract, as well as process any other necessary documentation, relative to the repair and replacement of the retaining wall on Montecito Drive between Radio Drive and Pagoda Place, subject to the review of the City Attorney as to form and legality.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (26) - ADOPTED - TO THE MAYOR FORTHWITH

03-1250 - MOTION (ZINE - PARKS - PADILLA for MISCIKOWSKI) relative to exempting one
S75 position of Executive Director, Board of Police Commissioners from the hiring freeze.

Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

EXEMPT one-time from the hiring freeze, one position of Executive Director, Board of Police Commissioners.

ITEM NO. (27) - ADOPTED - TO THE MAYOR FORTHWITH

04-0002 - RESOLUTION (LABONGE - HAHN) relative to supporting AB 1799 (Mullin) to allow the
S108 California Alzheimer's Disease and Related Disorders Research Fund to remain on the income tax form.

Recommendation for Council action, SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION that the City include in its 2003-04 Legislative Program, SUPPORT of AB 1799 (Mullin) which would allow the California Alzheimer's Disease and Related Disorders Research Fund to remain on the income tax form.

Item for Which Public Hearing Has Been Held - Item 28

ITEM NO. (28) - ADOPTED, AS AMENDED - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #10 - Motion (Reyes - Padilla) to Adopt as Amended, Ayes (11); Absent: Garcetti, Greuel, Perry and Villaraigosa (4)

01-1057 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to reprogramming a 1995 earthquake assistance grant award in the amount of \$2.5 million from the United States Department of Commerce and Economic Development Administration (EDA).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the Mayor's Office of Economic Development (MOED) to reallocate the remaining balance of the \$2.5 million dollars of EDA Earthquake Infrastructure Grant funds to:
 - a. Atwater Project at Glendale Avenue and Madera.
 - b. Views at 270.
 - c. Hollywood Media District.
 - d. Staples Center Phase II.

2. AUTHORIZE the Mayor' Office to submit applications and present to Council for approval any recommendations for grant acceptance and related conditions upon award of any EDA grants and conditions for:

a. The following four proposed projects, which may be further revised by the MOED upon mutual agreement between the Developer, MOED and the respective Council Office based on their funding needs and/or change in scope:

<u>Proposed Projects</u>	<u>Proposed EDA Grant</u>
Atwater Project at Glendale Avenue and Madera (Attachment A)	\$ 641,166
Views at 270 (Attachment B)	259,800
Hollywood Media District (Attachment C)	68,500
Staples Center Phase II (Attachment D)	<u>1,540,534</u>
Total	\$2,510,000

b. The following priority list of projects if any of the proposed projects become un-ready or if funds become available from costs savings which may be further revised by the Mayor's Office:

<u>Proposed Projects</u>	<u>Proposed EDA Grant</u>
LA Design Center	\$ 500,000
Wilshire Vermont Station	1,000,000
Pacoima Economic Revitalization Center	250,000
North Hollywood Mixed-Use Project	455,000

3. APPROVE the EDA Earthquake Assistance Grant allocations in an amount not to exceed \$641,166; and, AUTHORIZE the Mayor, or designee, to negotiate and present to Council for approval the EDA grant agreement between MOED and Cal Asia Property Development Co., and City Departments as necessary, to manage and execute the Atwater Project at Glendale and Madera Avenues project, subject to the approval of the City Attorney as to form and legality, and further subject to the review of the City Administrative Officer's (CAO) Contractor Enforcement Unit as to compliance with the City's requirements.

4. APPROVE the EDA Earthquake Assistance Grant allocations in an amount not to exceed \$259,800; and, AUTHORIZE the Mayor, or designee, to negotiate and present to Council for approval the EDA grant agreement between MOED and Hollywood Community Housing Corporation, and City Departments as necessary, to manage and execute the Views at 270 project, subject to the approval of the City Attorney as to form and legality, and further subject to the review of the CAO's Contractor Enforcement Unit as to compliance with the City's requirements.

5. APPROVE the EDA Earthquake Assistance Grant allocations in an amount not to exceed \$68,500; and, AUTHORIZE the Mayor, or designee, to negotiate and present to Council for approval the EDA grant agreement between MOED and the Hollywood Media District, and City Departments as necessary, to manage and execute the Hollywood Media District project, subject to the approval of the City Attorney as to form and legality, and further subject to the review of the CAO's Contractor Enforcement Unit as to compliance with the City's requirements.

6. APPROVE the EDA Earthquake Assistance Grant allocations in an amount not to exceed \$1,540,534; and, AUTHORIZE the Mayor, or designee, to negotiate and present to Council for approval the EDA grant agreement between MOED and the L.A. Arena Land Co., and City Departments as necessary, to manage and execute the Staples Center Phase II project, subject to the approval of the City Attorney as to form and legality, and further subject to the review of the CAO's Contractor Enforcement Unit as to compliance with the City's requirements.
7. APPROVE the EDA Earthquake Assistance Grant allocations in an amount not to exceed \$500,000; and, AUTHORIZE the Mayor, or designee, to negotiate and present to Council for approval the EDA grant agreement between MOED and CISCO Brothers Furniture, and City Departments as necessary, to manage and execute the LA Design Center project, subject to the availability of EDA Earthquake Infrastructure Grant funds for this project, the approval of the City Attorney as to form and legality, and the review of the CAO's Contractor Enforcement Unit as to compliance with the City's requirements.
8. APPROVE the EDA Earthquake Assistance Grant allocations in an amount not to exceed \$1,000,000; and, AUTHORIZE the Mayor, or designee, to negotiate and present to Council for approval the EDA grant agreement between MOED and Wilshire Vermont Housing Partners, L.P., and City Departments as necessary, to manage and execute the Wilshire Vermont Station project, subject to the availability of EDA Earthquake Infrastructure Grant funds for this project, the approval of the City Attorney as to form and legality, and the review of CAO's Contractor Enforcement Unit as to compliance with the City's requirements.
9. APPROVE the EDA Earthquake Assistance Grant allocations in an additional amount not to exceed \$250,000; and, AUTHORIZE the Mayor, or designee, to negotiate and present to Council for approval the EDA grant agreement between MOED and Valley Economic Development Center, and City Departments as necessary, to manage and execute the Pacoima Economic Revitalization Center project, subject to the availability of EDA Earthquake Infrastructure Grant funds for this project, the approval of the City Attorney as to form and legality, and the review of the CAO's Contractor Enforcement Unit as to compliance with the City's requirements.
10. APPROVE the EDA Earthquake Assistance Grant allocations in an amount not to exceed \$455,000; and, AUTHORIZE the Mayor, or designee, to negotiate and present to Council for approval the EDA grant agreement between MOED and the Community Redevelopment Agency, and City Departments as necessary, to manage and execute the North Hollywood Mixed-Use Project, subject to the availability of EDA Earthquake Infrastructure Grant funds for this project, the approval of the City Attorney as to form and legality, and the review of the CAO's Contractor Enforcement Unit as to compliance with the City's requirements.
11. AUTHORIZE the Controller to:
 - a. Release funds upon demand of the Mayor's Office.
 - b. Establish new appropriation accounts within Fund No. 649, Infrastructure Investment Fund, as follows:

<u>Account</u>	<u>Title</u>	<u>Appropriation Amount</u>
VXXX	Atwater Project at Glendale Avenue and Madera	\$ 641,166
VXXX	Views at 270	259,800
VXXX	Hollywood Media District	68,500
VXXX	Staples Center Phase II	<u>1,540,534</u>
Total		\$2,510,000

- c. Appropriate and expend funds, upon proper written demand of the Mayor, or designee, in a total amount not to exceed \$2,510,000 from Fund 649, Infrastructure Investment Fund.
- d. Authorize the Mayor, or designee, to prepare Controller instructions consistent with this action, and to make any technical adjustments, subject to the review of the CAO; and, authorize the Controller to implement these instructions.

12. REQUEST the Mayor's Office, in conjunction with the Chief Legislative Analyst (CLA), to meet with the First Council District Office to review the grant award and to identify potential alternative funding for other projects that are ready to proceed and eligible for EDA funding.

Fiscal Impact Statement: None submitted by the Mayor's Office. Neither the CAO nor the CLA has completed financial analysis of this report.

ADOPTED

AMENDING MOTION (REYES - PADILLA)

Recommendations for Council action:

ADD the Highland Park Project with a proposed EDA Grant amount of \$800,000 to the list of priority projects identified under Recommendation No. 2b of the committee report.

RECONSIDERATION OF ITEM NO. 7 FROM FRIDAY, JUNE 4, 2004

ITEM NO. (7) - ORDINANCE ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #11 - Motion (Villaraigosa - Ludlow) to Reconsider - Adopted, Ayes (12);

Absent: Garcetti, Greuel and Perry (3)

Roll Call #12 - Motion (Villaraigosa - Ludlow) Adopted, Ayes (12);

Absent: Garcetti, Greuel and Perry (3)

04-0388 - CONTINUED CONSIDERATION OF STATUTORY EXEMPTION and ORDINANCE FIRST CD 14 CONSIDERATION relative to authorizing the acquisition of certain real property by eminent domain for the Valley Boulevard Grade Separation Project.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this action is statutorily exempt from the California Environmental Quality Act pursuant to the Public Resources Code, Section 21080.13.
2. PRESENT and ADOPT the accompanying ORDINANCE authorizing the acquisition by eminent domain of the subject property.
3. DIRECT staff to take all actions necessary to authorize payment for these acquisitions from the account(s) identified in the City Attorney report dated March 2, 2004.
4. AUTHORIZE the City Attorney to acquire the subject property via eminent domain; to make a deposit of probable just compensation for the subject property; and, to obtain an order for immediate possession prior to trial.

(Continued from Council meeting of May 28, 2004)

MOTION ADOPTED UPON FINDINGS BY COUNCIL THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THE COUNCIL AGENDA FOR TUESDAY, JUNE 8, 2004, PURSUANT TO GOVERNMENT CODE SECTION 54954.2(b)(2) AND COUNCIL RULE 23

ADOPTED - FORTHWITH

**Roll Call #13 - Motion (Padilla - Miscikowski) Findings on Need to Act - Adopted, Ayes (11);
Absent: Garcetti, Greuel, Perry and Villaraigosa (4)**

**Roll Call #14 - Motion (Padilla - Miscikowski) Adopted, Ayes (11);
Absent: Garcetti, Greuel, Perry and Villaraigosa (4)**

04-0001 - MOTION (PADILLA - MISCIKOWSKI) relative to declaring a Council recess on June 11, 2004 in commemoration of the National Day of Mourning in honor of former President Ronald Reagan.

Recommendations for Council action:

RESOLVE that the City Council stand in recess on June 11, 2004 in commemoration of the National Day of Mourning in honor of former President Ronald Reagan who passed away last Sunday.

MOTIONS PRESENTED PURSUANT TO RULE NO. 16 - TO BE PLACED ON THE NEXT AVAILABLE AGENDA

04-1107 - MOTION (PARKS - SMITH) relative to declaring the Community Block Club Birthday Party on June 19, 2004 a Special Event (fees and costs absorbed by the City = \$312).

04-1106 - MOTION (ZINE - PARKS) relative to declaring the Fifth Annual Food, Wine and Microbrew Festival-Fundraiser for the Valley Cultural Center on June 10, 2004 a Special Event (fees and costs absorbed by the City = \$1,404).

04-1105 - MOTION (ZINE - PARKS) relative to declaring the Festival in the Park on June 13, 2004 a Special Event (fees and costs absorbed by the City = \$5,292).

- 02-0856 - MOTION (LABONGE - PADILLA) relative to declaring the Van Ness Avenue Block Party on June 12, 2004 a Special Event (fees and costs absorbed by the City = \$1,188).
- 02-2300 - MOTION (LUDLOW - LABONGE) relative to the continued closure of the streets within the La Fayette Square area to help deter criminal activity.
- 03-0307 - MOTION (PARKS - ZINE) relative to the Central Los Angeles Recycling and Transfer Station (CLARTS) transition plan.
- 03-1209 - MOTION (PARKS - LABONGE) relative to public artwork in memory of Celes King III on the southwest corner of Martin Luther King, Jr. Boulevard and Crenshaw Boulevard.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, Councilmember Zine was excused from Council meeting of June 15, 2004, to arrive at 11:00 a.m. for City business.

Motion (Zine - Reyes) unanimously adopted to excuse Councilmember Hahn from Council meeting of June 11, 2004, to leave at 12:00 p.m. for City business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

- 04-0606 - Sidney J. Machtinger (Greuel - Weiss)
- Detective II Jerry "Papa" Greenfield (Garcetti - LaBonge)
- Gail Irene Gacharna (Garcetti - LaBonge)
- Detective II Martha "Martie" Herrera (Garcetti - LaBonge)

**At the conclusion of this day's Council Session
 ADJOURNING MOTIONS WERE ADOPTED in tribute to the memory of:**

- 04-0607 - Ronald Wilson Reagan (Padilla - All Councilmembers)
- Ralph Forrest Russell (Hahn)
- Joseph Klein (LaBonge - All Councilmembers)
- John Elliot Herod (Ludlow)
- Clarence Laskey (Parks)
- Dr. Rayfield Lewis (Parks)

Ayes, Cardenas, Hahn, LaBonge, Ludlow, Miscikowski, Parks, Reyes, Smith, Villaraigosa, Weiss, Zine and President Padilla (12); Absent: Garcetti, Greuel and Perry (3).

Whereupon the Council did adjourn.

ATTEST: J. Michael Carey, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL