ROLL CALL - Members present: Cardenas, Garcetti, Greuel, Hahn, LaBonge, Ludlow, Miscikowski, Perry, Smith, Villaraigosa, Weiss, Zine and President Padilla (13); Absent: Parks and Reyes (2).

SALUTE TO THE FLAG

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF JUNE 16, 2004

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 32

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 Noticed for Public Hearing - Items 1-12

ITEM NO. (1) - PUBLIC HEARING CLOSED - APPEALS DENIED - ASSESSMENT CONFIRMED

Roll Call #9 - Motion (Hahn - LaBonge) Adopted, Ayes (14); Absent: Reyes (1)

04-0337 - HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and CD 15 confirmation of assessment to cover the costs of graffiti abatement of the building(s) and the cleaning and fencing of the lot at 636 West 157th Street.

(Assessment: $18,944.43)

ITEM NO. (2) - RECEIVED AND FILED INASMUCH AS THE ASSESSMENT HAS BEEN PAID

Roll Call #1 - Motion (Greuel - Villaraigosa) Adopted to Receive and File, Unanimous Vote (13);
Absent: Parks and Reyes (2)

04-0338 - HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and CD 14 confirmation of assessment to cover the cost of cleaning the lot at 3825 Cazador Street.

(Assessment: $1,899.80)
ITEM NO. (3) - PUBLIC HEARING CLOSED - NO APPEALS - ASSESSMENT CONFIRMED

04-0365 - HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and CD 2 confirmation of assessment to cover the cost of cleaning the lot at 15045 Hesby Street. (Assessment: $300.00)

ITEM NO. (4) - PUBLIC HEARING CLOSED - NO APPEALS - ASSESSMENT CONFIRMED

04-0366 - HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and CD 2 confirmation of assessment to cover the costs of barricading and graffiti abatement of the building(s) and the cleaning and fencing of the lot at 10465 Las Lunitas Avenue a.k.a. 7304 Summitrose Street. (Assessment: $10,552.38)

ITEM NO. (5) - PUBLIC HEARING CLOSED - NO APPEALS - ASSESSMENT CONFIRMED

04-0367 - HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and CD 10 confirmation of assessment to cover the cost of cleaning the lot at 2934 Potomac Avenue. (Assessment: $2,182.32)

ITEM NO. (6) - RECEIVED AND FILED INASMUCH AS THE ASSESSMENT HAS BEEN PAID

Roll Call #1 - Motion (Greuel - Villaraigosa) Adopted to Receive and File, Unanimous Vote (13); Absent: Parks and Reyes (2)

04-0368 - HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and CD 2 confirmation of assessment to cover the cost of cleaning the lot at 14741 Albers Street. (Assessment: $1,091.16)

Roll Call #3 - Motion (Zine - Cardenas) Adopted to Continue, Unanimous Vote (13); Absent: Parks and Reyes (2)

ITEM NO. (7) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON JULY 13, 2004

03-0363 - HEARING PROTESTS against the proposed improvement and maintenance of the CD 1 NORTHEAST LINKAGES PHASE II LIGHTING DISTRICT (REBALLOT).

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Northeast Linkages Phase II Lighting District (reballot), in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on April 13, 2004 - Continue hearing and present Ordinance on JULY 13, 2004 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)
ITEM NO. (8) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON JULY 13, 2004

04-0401 - HEARING PROTESTS against the proposed improvement and maintenance of the CD 6 SATICOY STREET AND CABOT DRIVE LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Saticoy Street and Cabot Drive Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on April 13, 2004 - Continue hearing and present Ordinance on JULY 13, 2004 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (9) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON JULY 13, 2004

04-0424 - HEARING PROTESTS against the proposed improvement and maintenance of the CD 4 ARCOLA AVENUE AND WOODBRIDGE STREET LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Arcola Avenue and Woodbridge Street Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on April 13, 2004 - Continue hearing and present Ordinance on JULY 13, 2004 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (10) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON JULY 13, 2004

04-0425 - HEARING PROTESTS against the proposed improvement and maintenance of the CD 3 LINDLEY AVENUE AND KILLION STREET LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Lindley Avenue and Killion Street Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on April 13, 2004 - Continue hearing and present Ordinance on JULY 13, 2004 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)
ITEM NO. (11) - PUBLIC HEARING CLOSED - ADOPTED

Roll Call #4 - Motion (LaBonge - Miscikowski) Adopted, Ayes (14); Absent: Reyes (1)

04-0179 - GENERAL EXEMPTION, PLANNING AND LAND USE MANAGEMENT COMMITTEE CD 4

REPORT and ORDINANCE FIRST CONSIDERATION relative to Development Agreement between the City of Los Angeles and Legacy Partners 2560 L.P. for the project at 5550-54 Wilshire Boulevard.

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

1. FIND that this action is generally exempt from California Environmental Quality Act (CEQA), pursuant to Article II, Section 2(l) of the City's Guidelines and based on Section 15162 (a)) of the State of California CEQA Guidelines.

2. ADOPT the FINDINGS prepared by the Director of Planning on behalf of the City Planning Commission.

3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning, authorizing the execution of the Development Agreement, subject to the effective date of the Ordinance, between the City of Los Angeles and Legacy Partners 2560 L.P. relative to property within the Wilshire Community Plan for the proposed demolition of existing retail buildings and construction of a mixed use project with 197 dwelling units, 38,850 square feet of ground floor retail (Wilshire frontage only) and related subterranean and ground floor structured parking, six stories (65-feet in height), with 573 parking spaces. Site area is 89,684 square feet and the total floor area is 265,600 square feet for property at 5550-54 Wilshire Boulevard. (A Conditional Use for this project was approved by the Planning Commission at its meeting on November 13, 2003.)

Applicant: Legacy Partners L.P. CPC 2002-7016 CU-SPR-DA

4. AUTHORIZE the Mayor to execute the Development Agreement on behalf of the City.

5. REQUEST the City Attorney, subject to the effective date of the Ordinance, to obtain all necessary signatures needed to process the Development Agreement.

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

ITEM NO. (12) - PUBLIC HEARING CLOSED - ADOPTED

Roll Call #10 - Motion (Miscikowski - Cardenas) Adopted, Ayes (15)

04-0676 - MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to appeal on a Specific Plan Project Compliance review, Specific Plan Exception, Conditional Use Permit, and a Coastal Development Permit for property at 204 Hampton Drive (St. Joseph Center).
Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency, City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 04-0676 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV 2003-3305 MND] filed on July 25, 2003.

2. ADOPT the FINDINGS of the West Los Angeles Area Planning Commission (WLAAPC) as the Findings of Council.

3. RESOLVE TO GRANT APPEAL filed by St. Joseph Center, Rhonda Meister from part of the determination of the WLAAPC in approving Condition Nos. 7, 8, 9.c, 11, 13, 14.b, 15, 17, 18.d and f., 29 and 35, as required conditions under the Conditional Use Permit, and as modified by the Planning and Land Use Management Committee from the determination of the WLAAPC in approving a Specific Plan Exception, Conditional Use Permit, and a Coastal Development Permit for the proposed demolition of an existing 11,000 square foot community service center (St. Joseph Center), and the construction, use and maintenance of a new two-story church (as an expansion to an existing church, St. Clements), to include a non-profit center and child care facility within a new 30,000 square foot building at 204 Hampton Drive.

4. RESOLVE TO DENY APPEALS filed by Steve R. Aguilar, et al. from part of the determination of the WLAAPC in approving a Specific Plan Exception request for 41 feet in height at the proposed construction; and the appeals filed by A. Holcomb and Tom Fuller from the entire determination of the WLAAPC.

Applicant: St. Joseph Center, Rhonda Meister

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

TIME LIMIT FILE - JULY 11, 2004
(LAST DAY FOR COUNCIL ACTION - JULY 9, 2004)

Items for Which Public Hearings Have Been Held - Items 13-26

ITEM NO. (13) - ADOPTED

Roll Call #5 - Motion (Parks - Miscikowski) Adopted, Ayes (14); Absent: Reyes (1)

04-0554 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the Immigration Amnesty lawsuit settlement and public dissemination strategies.
Recommendations for Council action, pursuant to Motion (Reyes - Padilla - Cardenas):

1. REQUEST the Mayor's Office of Immigrant Affairs, with the assistance of the Human Relations Commission and the City Attorney, to report back to the Arts, Parks, Health and Aging Committee in 30 days on the status of the recent Immigration Amnesty lawsuit settlement.

2. REQUEST the Mayor's Office of Immigrant Affairs to develop a strategy to inform the public of this settlement and present this strategy to the Arts, Parks, Health and Aging Committee.

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

ITEM NO. (14) - ADOPTED, *AS AMENDED - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #11 - Motion (LaBonge - Hahn) to Adopt as Amended, Ayes (14); Noes: Smith (1)

04-0002 - CONTINUED CONSIDERATION OF ARTS, PARKS, HEALTH AND AGING COMMITTEE S69 REPORT and RESOLUTION relative 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 *and SEEK AMENDMENT to remove any requirement that needle exchange programs be agents or employees of the local jurisdiction.

*(LaBonge - Hahn)

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

(Continued from Council meeting of June 15, 2004)

Roll Call #5 - Motion (Parks - Miscikowski) Adopted, Ayes (14); Absent: Reyes (1)
(Item Nos. 15-18)

ITEM NO. (15) - ADOPTED

01-0328 - BUDGET AND FINANCE COMMITTEE REPORT relative to the LATAX Project Status report for the period October 1, 2003 to March 31, 2004.

Recommendation for Council action:

NOTE and FILE the LATAX Executive Steering Committee report relative to the status of the LATAX Project for the period October 1, 2003 to March 31, 2004, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.
Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the City Administrative Officer (CAO) to encumber funds totaling $485,000 within the Attorney Conflict Panel Fund No. 46T, Department 10, for the following Attorney Conflict Panel firms:
   
a. $25,000 to Contract No. 104631 for the firm of Alvarez-Glasman and Colvin, for the case entitled Oliva v. City.
   
b. $250,000 to Contract No. 105767 for the firm Baker and Hostetler, for the case entitled Orjalo v. City.
   
c. $50,000 to Contract No. 101193 for the firm Ballard, Rosenberg, Golper and Savitt, for the case entitled Aronsohn v. Hahn.
   
d. $50,000 to Contract No. 104483 for the firm Fuentes and McNally for the case entitled Oliva v. City.
   
e. $25,000 to Contract No. 104518 for the firm Harrington, Foxx, Debrow and Canter, for the case entitled Oliva v. City.
   
f. $10,000 to Contract No. 102665 for the firm McCune and Harber, for the case entitled Harper v. City.
   
g. $25,000 to Contract No. 102664 for the firm McCune and Harber, for the case entitled Chrisman v. City.
   
h. $50,000 to Contract No. 10443 for the firm Pollak, Vida and Fisher, for the case entitled Guevara v. City.

2. AUTHORIZE the CAO, or designee, to prepare Controller instructions for any necessary technical adjustments.

Fiscal Impact Statement: The CAO reports that funding in the amount of $4.3 million is provided in the 2003-04 Budget for the Attorney Conflict Panel. There is no additional impact to the General Fund as a result of these recommendations.
RECEIVE and FILE the City Administrative Officer’s quarterly report relative to the status of Interest Rate Swap Agreements, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

ITEM NO. (18) - ADOPTED

02-2442 - COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT relative to Second Amendment to Personal Services Agreement No. 2143 with DMJM+Harris, Incorporated, for engineering and construction support services.

Recommendation for Council action:

CONCUR with the Board of Harbor Commissioners’ action on February 25, 2004, approving the Second Amendment to Agreement No. 2143 (assigned Harbor Department Agreement No. 2143-B) between the City of Los Angeles Harbor Department and DMJM+Harris, Incorporated for a three year time extension, until February 7, 2007, and to increase compensation by a net amount of $2,482,601 for engineering and construction support services.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed Second Amendment to Agreement No. 2143 between the Harbor Department and DMJM+Harris, Incorporated will have no impact on the City’s General Fund. The current agreement amount of $10,250,000 will increase in the proposed Second Amendment by $2,482,601 for a total Agreement amount of $12,732,601.

TIME LIMIT FILE - JULY 9, 2004
(LAST DAY FOR COUNCIL ACTION - JULY 9, 2004)

Roll Call #12 - Motion (Hahn - Zine) Adopted, Ayes (15)
(Item Nos. 19-20)

ITEM NO. (19) - ADOPTED

04-1072 - EDUCATION AND NEIGHBORHOODS COMMITTEE REPORT relative to inadequate time for the neighborhood councils to comply with the Department of Neighborhood Empowerment’s (DONE) request to encumber funds.

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

1. NOTE and FILE the DONE report, dated June 10, 2004, relative to the reasons why neighborhood councils were not given adequate notice to comply with the Department’s request to encumber funds before the end of the fiscal year, inasmuch as the report is submitted for information purposes only and no Council action is required.

2. INSTRUCT the DONE to report on the process for the proper use of the funds allocated to the neighborhood councils and educating the neighborhood councils on the process.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.
ITEM NO. (20) - ADOPTED

04-1115 - EDUCATION AND NEIGHBORHOODS COMMITTEE REPORT relative to allowing neighborhood councils to carry their budget balance into the next fiscal year.

Recommendation for Council action:

NOTE and FILE the Motion (Hahn - Garcetti) relative to instructing the City Administrative Officer (CAO) to report with recommendations to allow neighborhood councils the ability to roll-over their budget balance into the next fiscal year, inasmuch as the CAO reported that the neighborhood councils’ budget balance will roll-over into the next fiscal year and no Council action is required.

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

ITEM NO. (21) - ADOPTED

Roll Call #13 - Motion (Perry - Parks) Adopted, Ayes (14); Absent: Garcetti (1)

04-0519 - ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE REPORT relative to the grounding of the City’s dual-fueled refuse collection trucks in March 2004.

Recommendations for Council action, as initiated by Motion (Zine - Weiss):

1. NOTE and FILE the Department of General Services (GSD) and Bureau of Sanitation’s (BOS) joint reports dated April 2004 and May 18, 2004, relative to the grounding of approximately 180 of the City’s refuse collection trucks in March 2004, inasmuch as the Departments’ report that the trucks have been repaired, three are currently in operation and the remaining are expected to return to full service by July 1, 2004.

2. INSTRUCT the GSD, BOS and the City Attorney to report back in 45 days on the status of the dual-fueled refuse collection trucks including how many are back in service and a report on reimbursements being requested for any additional costs incurred by the City during the refuse trucks’ grounding due to the manufacturers defects.

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

(Information Technology and General Services Committee waived consideration of the above matter)

Roll Call #5 - Motion (Parks - Miscikowski) Adopted, Ayes (14); Absent: Reyes (1)

(Item Nos. 22-24)

ITEM NO. (22) - ADOPTED

04-0743 - ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE REPORT relative to the California Air Resources Board’s (CARB) Voluntary Software Upgrade Program.
Recommendations for Council action, as initiated by Motion (Perry - Greuel):

1. NOTE and FILE the Environmental Affairs Department (EAD) report dated June 2, 2004 relative to CARB's Voluntary Software Upgrade Program for heavy-duty vehicles, inasmuch as the report is submitted for information only and no Council action is required.

2. INSTRUCT the EAD to report back in 45 days with a status update on the program.

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

ITEM NO. (23) - ADOPTED

04-1121 - ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE REPORT relative to stormwater and used oil recycling public education programs.

Recommendations for Council action:

1. AUTHORIZE the Bureau of Sanitation (BOS) to execute a contract amendment with S. Groner and Associates for public education activities related to the stormwater and used oil recycling programs in an amount not to exceed $1,226,000.

2. AUTHORIZE the President or two members of the Board of Public Works to execute the amendment on behalf of the City.

Fiscal Impact Statement: The BOS reports the cost of the amendment is funded by the Stormwater Pollution Abatement Fund and the Used Oil Block Grant. There is no impact on the General Fund. Funds in the amount of $50,000 are available in Fund 100, Department 82, Account No. 3040. Additional funds are included in Fiscal Year 2004-05 budget requests.

ITEM NO. (24) - ADOPTED

00-1673 - PERSONNEL COMMITTEE REPORT relative to a proposed contract amendment for the Real Time Internship Program.

Recommendation for Council action:

AUTHORIZE the General Manager, Personnel Department, or designee, to execute the proposed amendment to Contract No. C-102821 with the Transportation Foundation of Los Angeles for the Real Time Internship Program. The proposed amendment extends the term of the contract, effective July 1, 2001, by two years, for an expiration date of June 30, 2006, and increases the funding limit to $1,009,598.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed amendment to the contract with the Transportation Foundation of Los Angeles for the Real Time Internship Program will result in no additional impact to the General Fund. Funding for this contract will be provided from savings or Special Funds transferred from participating departments to the Personnel Department.
ITEM NO. (25) - ADOPTED - FORTHWITH

Roll Call #14 - Motion (Zine - Weiss) Adopted, Ayes (15)

01-2704 - PERSONNEL COMMITTEE REPORT relative to the 2003-06 Memorandum of Understanding (MOU) No. 25 for the Police Officers, Captain and Above Representation Unit.

Recommendations for Council action:

1. APPROVE the 2003-06 MOU for the Police Officers, Captain and Above Representation Unit.

2. AUTHORIZE the City Administrative Officer (CAO) and the Controller to correct any clerical errors or, if approved by the City Attorney, any technical errors in the MOU.

Fiscal Impact Statement: The CAO reports that the first year cost for the MOU salary and pension is approximately $285,637. The ongoing salary and pension cost at the end of the contract is approximately $1,418,592.

ITEM NO. (26) - ADOPTED

Roll Call #5 - Motion (Parks - Miscikowski) Adopted, Ayes (14); Absent: Reyes (1)

04-0894 - PERSONNEL COMMITTEE REPORT relative to exempting nine positions for the Office of the Controller from Civil Service provisions of the City Charter.

Recommendation for Council action:

APPROVE the exemption of the following nine positions, in the Office of the Controller, from the Civil Service provisions of the City Charter, pursuant to City Charter Section 1001(b):

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<th>Code</th>
<th>Title</th>
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<td>1</td>
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<td>Deputy Director of Auditing</td>
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Fiscal Impact Statement: None submitted by the City Controller. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.
Items for Which Public Hearings Have Not Been Held - Items 27-62
(10 Votes Required for Consideration)

Roll Call #6 - Motion (Weiss - Smith) Adopted, Ayes (14); Absent: Reyes (1)
(Item Nos. 27-49)

ITEM NO. (27) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS - SET FOR HEARING JULY 23, 2004

01-1172 - COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the annual assessment of the Proposition 218 Confirmed Street Lighting Maintenance Assessment District and Preliminary Report for 2004-05.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated June 7, 2004.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JULY 23, 2004 as the hearing date for the maintenance of the annual assessment of the Proposition 218 Confirmed Street Lighting Maintenance Assessment District and Preliminary Report for 2004-05.

(Board of Public Works Hearing Date: July 14, 2004)

ITEM NO. (28) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS - SET FOR HEARING JULY 23, 2004

01-1172 - COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the annual assessment of the 1996/97 Z-Series Street Lighting Assessment Districts and Preliminary Report for 2004-05.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated June 7, 2004.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JULY 23, 2004 as the hearing date for the maintenance of the annual assessment of the 1996/97 Z-Series Street Lighting Maintenance Assessment Districts and Preliminary Report for 2004-05.

(Board of Public Works Hearing Date: July 14, 2004)

ITEM NO. (29) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS - SET FOR HEARING JULY 23, 2004

01-1172 - COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the annual assessment of the Los Angeles City Street Lighting Maintenance Assessment District and Preliminary Report for 2004-05.
Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the report of the Director, Bureau of Street Lighting, dated June 7, 2004.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JULY 23, 2004 as the hearing date for the maintenance of the annual assessment of the Los Angeles City Street Lighting Maintenance Assessment District and Preliminary Report for 2004-05.

(Board of Public Works Hearing Date: July 14, 2004)

ITEM NO. (30) - ADOPTED

04-0005 - RESOLUTION removing the property at 496-98 1/2 East Avenue 28 from the Rent Escrow Account Program [REAP], (Case No. 3648/4019), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of June 15, 2004. Assessor I.D. No. 5206-021-029 Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on August 8, 2001)

ITEM NO. (31) - ADOPTED

04-0005 - RESOLUTION removing the property at 1449-53 1/2 Mansfield Avenue from the Rent Escrow Account Program [REAP], (Case No. 5661), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of June 15, 2004. Assessor I.D. No. 5548-016-033 Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on August 21, 2002)

ITEM NO. (32) - ADOPTED

04-0005 - RESOLUTION removing the property at 1405-07 East Pleasant Avenue from the Rent Escrow Account Program [REAP], (Case No. 6669), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of June 15, 2004. Assessor I.D. No. 5174-021-016 Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on July 31, 2003)
ITEM NO. (33) - ADOPTED

04-0005 - RESOLUTION removing the property at 205-07 West 101st Street from the Rent Escrow Account Program [REAP], (Case No. 6969), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department’s report of June 15, 2004.

(Notice of Acceptance into the REAP/Rent Reduction Program was released on November 20, 2003)

ITEM NO. (34) - ADOPTED

04-0005 - RESOLUTION removing the property at 810-14 West 94th Street from the Rent Escrow Account Program [REAP], (Case No. 7226), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department’s report of June 15, 2004.

(Notice of Acceptance into the REAP/Rent Reduction Program was released on February 25, 2004)

ITEM NO. (35) - ADOPTED

04-0005 - RESOLUTION removing the property at 1121-23 1/2 Laveta Terrace from the Rent Escrow Account Program [REAP], (Case No. 7344), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department’s report of June 15, 2004.

(Notice of Acceptance into the REAP/Rent Reduction Program was released on March 24, 2004)

ITEM NO. (36) - ADOPTED

04-0005 - RESOLUTION removing the property at 10355 South Western Avenue from the Rent Escrow Account Program [REAP], (Case No. 7359), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department’s report of June 15, 2004.

(Notice of Acceptance into the REAP/Rent Reduction Program was released on March 24, 2004)
ITEM NO. (37) - ADOPTED

04-0005 - RESOLUTION removing the property at 1915-21 Eastlake Avenue from the Rent Escrow S233 Account Program [REAP], (Case No. 7427), inasmuch as the owner has corrected the CD 1 cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department’s report of June 15, 2004.

Assessor I.D. No. 5210-026-008
Registration No. 0045443

(Notice of Acceptance into the REAP/Rent Reduction Program was released on April 27, 2004)

ITEM NO. (38) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS
- TO THE MAYOR FORTHWITH

04-0664 - COMMUNICATION FROM THE CITY ADMINISTRATIVE OFFICER (CAO) relative to a technical correction for payment of settlement in the case entitled Armando Coronado v. City of Los Angeles.

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

1. TRANSFER funds totaling $400,000 from Liability Claims Fund 100, Department 59, Account 9770, to Extraordinary Liability Claims Fund 112, Account 2000, Department 12.

2. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the CAO, and AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: The CAO reports that funding in the amount of $400,000 is provided in the 2003-04 Adopted Budget for Liability Claims, Fund 100, Account 9770. There is no additional impact on the General Fund.

(Budget and Finance Committee waived consideration of the above matter)

ITEM NO. (39) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

04-1133 - COMMUNICATION FROM THE DEPARTMENT OF GENERAL SERVICES (GSD) AND THE MUNICIPAL FACILITIES COMMITTEE (MFC) relative to a lease renewal for the Office of the Mayor to support the City’s liaison operations in the State Capitol.

Recommendation for Council action:

AUTHORIZE the GSD to negotiate and execute a lease renewal for office space at the League of California Cities building at 1400 K Street, Sacramento, CA 95814, for the Office of the Mayor, under the terms and conditions substantially as outlined in the GSD/MFC report, dated May 27, 2004 and attached to the Council file.
Fiscal Impact Statement: The GSD reports that the proposed rental rate is equivalent to a $0.10 increase over the current rent. There is no impact to the General Fund. The GSD proposed budget for Fiscal Year 2004-05 includes sufficient funds to cover the K Street lease costs.

(Information Technology and General Services Committee waived consideration of the above matter)

ITEM NO. (40) - ADOPTED
04-1153 - MOTION (REYES - SMITH) relative to declaring the Celebration of Centenary Year on CD 1 June 25-27, 2004 a Special Event (fees and costs absorbed by the City = $6,119).

Recommendation for Council action:

DECLARE the Celebration of Centenary Year, sponsored by the St. Thomas the Apostle Church on June 25-27, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.

ITEM NO. (41) - ADOPTED
04-1152 - MOTION (REYES - SMITH) relative to declaring the First Annual Chinese Food Festival CD 1 on June 18-20, 2004 a Special Event (fees and costs absorbed by the City = $4,319).

Recommendation for Council action:

DECLARE the First Annual Chinese Food Festival, sponsored by the Chinatown Business Improvement District on June 18-20, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.

ITEM NO. (42) - ADOPTED
04-1151 - MOTION (GREUEL - HAHN) relative to declaring the Sunland-Tujunga Fourth of July CD 2 Parade on July 4, 2004 a Special Event (fees and costs absorbed by the City = $4,240).

Recommendation for Council action:

DECLARE the Sunland-Tujunga Fourth of July Parade, sponsored by the Sunland-Tujunga Rotary Club on July 4, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.
ITEM NO. (43) - ADOPTED

03-1237 - MOTION (GREUEL - HAHN) relative to declaring the Norwich Avenue Block Party on CD 2 June 19, 2004 a Special Event (fees and costs absorbed by the City = $1,226).

Recommendation for Council action:

DECLARE the Norwich Avenue Block Party, sponsored by the residents of the 5400 block of Norwich Avenue on June 19, 2004, a "Special Event“ and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance.

ITEM NO. (44) - ADOPTED

00-1306 - MOTION (GREUEL - HAHN) relative to declaring the 17th Annual Matilija Block Party on CD 2 July 4, 2004 a Special Event (fees and costs absorbed by the City = $1,226).

Recommendation for Council action:

DECLARE the 17th Annual Matilija Block Party, sponsored by the Matilija Neighborhood Association on July 4, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.

ITEM NO. (45) - ADOPTED

01-0674 - MOTION (SMITH - REYES) relative to declaring the Fourth Annual Granada Hills Street Faire on October 2, 2004 a Special Event (fees and costs absorbed by the City = $5,566).

Recommendation for Council action:

DECLARE the Fourth Annual Granada Hills Street Faire, sponsored by the Granada Hills Business Improvement District and the Granada Hills Chamber of Commerce on October 2, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance.

ITEM NO. (46) - ADOPTED

04-1148 - MOTION (PERRY - GARCETTI) relative to declaring the Environmental Service Fair on CD 9 June 26, 2004 a Special Event (fees and costs absorbed by the City = $1,314).

Recommendation for Council action:

DECLARE the Environmental Service Fair, sponsored by Council District Nine and the Department of Public Works on June 26, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements AND fees and costs that may be associated with the use of facilities under the jurisdiction of the Board of Recreation and Park Commissioners.
ITEM NO. (47) - ADOPTED

04-1147 - MOTION (PERRY - VILLARAIGOSA) relative to declaring the Second Annual Block Party on June 23, 2004 a Special Event (fees and costs absorbed by the City = $1,226).

Recommendation for Council action:

DECLARE the Second Annual Block Party, sponsored by the Downtown Los Angeles Neighborhood Council on June 23, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.

ITEM NO. (48) - ADOPTED

02-1289 - MOTION (WEISS - ZINE) relative to declaring the Fairfax High School Graduation on June 17, 2004 a Special Event (fees and costs absorbed by the City = $2,413).

Recommendation for Council action:

DECLARE the Fairfax High School Graduation, sponsored by the Fairfax High School on June 17, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance.

ITEM NO. (49) - ADOPTED

04-1146 - MOTION (WEISS - ZINE) relative to declaring the Ayres Avenue Block Party on July 4, 2004 a Special Event (fees and costs absorbed by the City = $1,188).

Recommendation for Council action:

DECLARE the Ayres Avenue Block Party, sponsored by the residents of Ayres Avenue on July 4, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance.

ITEM NO. (50) - RECEIVED AND FILED

Roll Call #7 - Motion (Miscikowski - Parks) Adopted to Receive and File, Unanimous Vote (14); Absent: Reyes (1)

04-1145 - MOTION (REYES - PARKS) relative to declaring the Pasadena Orchestra Philharmonic Community Concert on June 19, 2004 a Special Event (fees and costs absorbed by the City = $4,411).

Recommendation for Council action:
DECLARE the Pasadena Orchestra Philharmonic Community Concert, sponsored by the City of Los Angeles, Mayor Hahn and Council District One on June 19, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.

Roll Call #6 - Motion (Weiss - Smith) Adopted, Ayes (14); Absent: Reyes (1) (Item Nos. 51-56)

ITEM NO. (51) - ADOPTED

04-1144 - MOTION (PERRY - PARKS) relative to declaring the Ralph Bunche Home Ribbon Cutting CD 9 Ceremony on June 25, 2004 a Special Event (fees and costs absorbed by the City = $1,226).

Recommendation for Council action:

DECLARE the Ralph Bunche Home Ribbon Cutting Ceremony, sponsored by the Dunbar Economic Development Corporation on June 25, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.

ITEM NO. (52) - ADOPTED

04-1143 - MOTION (PERRY - SMITH) relative to declaring the “A Change Gonna Come: Sound of CD 9 LA Street Festival” on June 19, 2004 a Special Event (event sponsor to reimburse the City for all fees and cost incurred AND meet insurance and application requirements).

Recommendation for Council action:

DECLARE the “A Change Gonna Come: Sound of LA Street Festival”, sponsored by Little Pedro’s on June 19, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion.

ITEM NO. (53) - ADOPTED

04-1142 - MOTION (CARDENAS - PADILLA) relative to declaring the First Annual “Celebrating a CD 6 Clean Community” Clean up and Environmental Services Fair on June 19, 2004 a Special Event (fees and costs absorbed by the City = $800).

Recommendation for Council action:

DECLARE the First Annual “Celebrating a Clean Community” Clean up and Environmental Services Fair, sponsored by Council District Six and the Department of Public Works on June 19, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements.
ITEM NO. (54) - ADOPTED

01-0713 - MOTION (PERRY - PARKS) relative to a request for an exemption from the Convention Center fee waiver policy for the Knowledge Symposium sponsored by Educate Los Angeles on June 12, 2004.

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

1. FIND that the event, sponsored by Educate Los Angeles, serves a public purpose in that approximately 1,500 community members will attend this event that will educate parents on how to be more involved with their children’s education.

2. AUTHORIZE the General Manager, Convention Center, to make an exception to the Council’s Convention Center waiver policy by waiving a maximum of $6,022 in room rental fees for this event.

3. INSTRUCT all concerned departments that should unforeseen circumstances change the actual date of the Special Event, the aforementioned departmental instructions continue to apply.

ITEM NO. (55) - ADOPTED

02-2785 - MOTION (PERRY - SMITH) relative to a request for an exemption from the Convention Center fee waiver policy for the Graduation Ceremony sponsored by the Los Angeles Unified School District on June 16-17, 2004.

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

1. FIND that the event, sponsored by the Los Angeles Unified School District, serves a public purpose in that over 1,000 community members will attend this graduation.

2. AUTHORIZE the General Manager, Convention Center, to make an exception to the Council’s Convention Center waiver policy by waiving a maximum of $6,000 in room rental fees for this event.

3. INSTRUCT all concerned departments that should unforeseen circumstances change the actual date of the Special Event, the aforementioned departmental instructions continue to apply.

ITEM NO. (56) - ADOPTED - TO THE MAYOR FORTHWITH

04-1154 - MOTION (MISCIKOWSKI - PARKS) relative to the Los Angeles Police Department (LAPD) implementing an At-Risk Youth Program.

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

1. AUTHORIZE the Chief of Police to accept $230,000 in augmentation of funds from the Department of Probation for Fiscal Year 2003-04.
2. AUTHORIZE the Chief of Police to negotiate, execute and submit any necessary agreements and documents subject to the review and approval of the City Attorney as to form and legality.

3. REQUEST the Controller to establish Account No. 202 within the LAPD’s Fund No. 45D, for the receipt and disbursement of grant funds.

4. AUTHORIZE the LAPD to deposit any additional Juvenile Justice Crime Prevention grant award funds into Fund 45D.

5. AUTHORIZE the LAPD by using a Journal Voucher to reimburse Fund 100, Department 70, Sworn Overtime Account 1090 from Fund 45D, Account No. 202.

6. AUTHORIZE the LAPD to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.

7. REQUEST the Mayor’s Office of Criminal Justice Planning to review and consider assuming administration of this grant.

ITEM NO. (57) - ADOPTED, *AS AMENDED - SEE FOLLOWING

Roll Call #15 - Motion (Miscikowski - Weiss) to Adopt as Amended, Ayes (15)

04-1150 - MOTION (MISCIKOWSKI - PARKS) relative to retaliation training and legal advice regarding retaliation and associated workplace issues for the Los Angeles Police Department (LAPD).

Recommendation for Council action:

1. AUTHORIZE the City Attorney to execute a contract with the law firm of Leibert, Cassidy and Whitmore, *or another law firm as appropriate, for retaliation training and legal advice regarding retaliation and associated workplace issues for the LAPD in an amount not to exceed $15,000.

*2. INSTRUCT the City Clerk to place on the agenda for the first City Council meeting date in Fiscal Year 2004-05, or shortly thereafter, the instruction to the Controller to TRANSFER from the Reserve Fund the amount of the prior year reversion on June 30, 2004, from the City Attorney Contractual Services Account, Fund No. 100, Department No. 12, Account No. 3040, for LAPD retaliation training ($15,000), to the Unappropriated Balance, Fund No. 100/58, and APPROPRIATE therefrom to the City Attorney Contractual Services Account, Fund No. 100, Department No. 12, Account No. 3040, for LAPD retaliation training.

*3. AUTHORIZE the City Administrative Officer to make technical corrections as necessary to those transactions in this Motion to implement the Council intentions. *(Miscikowski - Weiss)
ITEM NO. (58) - ADOPTED

04-1149 - MOTION (SMITH - REYES) relative to transferring funds for the Napa Drive Erosion Control Project.

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

TRANSFER $70,000 within Special Gas Tax Fund No. 206, Department 50, from Account V500 - Contingencies, to a new project account entitled “Napa Drive Erosion Control Project.”

ITEM NO. (59) - ADOPTED - FORTHWITH

00-0635 - MOTION (PARKS - GARCETTI) relative to resolving claims associated with construction CD 8 of the Rita Walters Learning Complex for Family and Community Development at 915 West Manchester Avenue and 932 West 85th Street.

Recommendations for Council action:

1. APPROVE the Agreement and Mutual Release between the City of Los Angeles and Reza, Inc./Dennis J. Amoroso Construction, resolving all claims between the parties relative to the construction of the Youth Opportunities Unlimited Alternative High School and Childcare facilities, known as the Rita D. Walters Learning Complex for Family and Community Development at 915 West Manchester Avenue and 932 West 85th Street in South Los Angeles, subject to the approval of the City Attorney as to form and legality

2. AUTHORIZE the Board of Recreation and Park Commissioners to execute the Agreement on behalf of the City.

ITEM NO. (60) - ADOPTED

03-1643 - RESOLUTION (SMITH - LABONGE) relative to changing the date of the Public Works S1 Committee meetings.

Recommendation for Council action:

RESOLVE, pursuant to Section 2.2 of the Los Angeles Administrative Code, that the regularly scheduled meeting time of the Public Works Committee, be changed from the second and fourth Wednesday of each month at 9:00 a.m. to the second and fourth Friday of each month at 9:00 a.m. effective upon adoption of this Resolution.
ITEM NO. (61) - MAP APPROVED - CITY ENGINEER REPORT AND RESOLUTION ADOPTED

04-1158 - FINAL MAP OF TRACT NO. 53803 and RESOLUTION for property at 20147 Arminta CD 3 Street, east of Laramie Avenue.
(Approve Subdivision Improvement Agreement and Contract with attached security documents)
(ADOPT City Engineer Report)
(ADOPT Resolution of Acceptance of Future Street)
(ADOPT Bond No. C-106744)
(Quimby Fee: $7,570)
Applicants: Arminta Place, LLC
Reynaldo De Leon

ITEM NO. (62) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-1157 - PARCEL MAP L.A. NO. 2001-3430 lying southerly of Albers Street and easterly of CD 2 Hazeltine Avenue.
(Approve Subdivision Improvement Agreement and Contract with attached security documents)
(ADOPT City Engineer Report)
(ADOPT Bond No. C-106553)
(Quimby Fee: $4,542)
Applicants: Thomas A. Riela
Frank J. Sobecki

Item Noticed for Public Hearing - Item 63

ITEM NO. (63) - PUBLIC HEARING CLOSED - PROTESTS DENIED - ASSESSMENT CONFIRMED - ORDINANCE ADOPTED

Roll Call #8 - Motion (Perry - Smith) Adopted, Ayes (14); Absent: Reyes (1)

04-0088 - CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CD 1 CONSIDERATION relative to the improvement and maintenance of GRAND AVENUE AND CESAR E. CHAVEZ AVENUE LIGHTING DISTRICT.

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

1. DENY the protests and confirm the assessments.

2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting system, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Sections 50078.6 and 54954.6 (Proposition 218).

(Public Hearing held May 28, 2004)
Items for Which Public Hearing Have Been Held - Items 64-65

ITEM NO. (64) - ADOPTED, AS AMENDED - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #16 - Motion (Garcetti - Hahn) to Adopt as Amended, Ayes (15)

04-0529 - CONTINUED CONSIDERATION OF STATUTORY EXEMPTION, CATEGORICAL EXEMPTION, NEGATIVE/MITIGATED NEGATIVE DECLARATION and ORDINANCE FIRST CONSIDERATION relative to the proposed 2004-05 Proposition K Assessment.

Recommendations for Council action, as recommended by the L.A. for Kids Steering Committee (Steering Committee), SUBJECT TO THE APPROVAL OF THE MAYOR:

a. With respect to the projects in List 1 of Attachment 7 of the Steering Committee report dated April 29, 2004:

   1) FIND THAT each of these projects are STATUTORILY OR CATEGORICALLY exempt from the California Environmental Quality Act under particular State and City CEQA Guidelines listed on the attached list, for the reasons set forth on that list.

   2) INSTRUCT the Department of Recreation and Parks (DRP) and City Engineer to prepare a Notice of Exemption reflecting Council’s actions under recommendation a. 1) above and file such notice with the City and County Clerks within five working days of the City Council’s action.

b. With respect to the projects in List 2 of Attachment 7 of the Steering Committee report dated April 29, 2004:

   1) FIND THAT these projects are exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines section 15262 and Article III, section 2,d of the City CEQA Guidelines because the City Council’s action is not subject to CEQA. The City Council’s action is not an approval of a project which may cause a physical change in the environment, but instead is in the nature of a feasibility and planning study for a project which is not being approved at this time.

   2) INSTRUCT the DRP and City Engineer to prepare a Notice of Exemption reflecting Council’s action under recommendation b. 1) above, and file such notice with the City and County Clerks within five working days of the City Council’s action.

c. With respect to the following projects in List 3 of Attachment 7 of the Steering Committee report dated April 29, 2004:

   1) FIND that the City Council’s action is exempt from CEQA under Article III, section 2,i, because the underlying project has already been evaluated and processed in accordance with the City CEQA Guidelines.

   2) INSTRUCT the DRP and City Engineer to prepare a Notice of Exemption reflecting Council’s actions under c. 1) above and file such notice with the City and County Clerks within five working days of the City Council’s action.
d. With respect to the projects in List 4 of Attachment 7 of the Steering Committee report dated April 29, 2004:

1) REVIEW and CONSIDER the Negative/Mitigated Negative Declaration.

2) CERTIFY that the Negative/Mitigated Negative Declaration has been prepared in accordance with CEQA, and ADOPT it.

3) ADOPT all the mitigation measures described in the Mitigated Negative Declaration as part of the City Council's approval of the Proposition K Assessment and ADOPT the mitigation monitoring program prepared to ensure that the mitigation measures will be implemented.

4) FIND that with imposition of the mitigation measures, there will remain no significant impacts.

5) INSTRUCT the DRP and the City Engineer to prepare a Notice of Determination and file such notice with the City and County Clerks within five working days of the City Council's approval.

e. With respect to the projects on List 5 of Attachment 7 of the Steering Committee report dated April 29, 2004:

1) FIND that those are projects which may be considered for funding after CEQA compliance and no further action is required at this time.

f. PRESENT and ADOPT the accompanying ORDINANCE prepared and transmitted by the City Attorney, confirming the assessments and approving the assessment diagram for Fiscal Year 2004-05.

g. INSTRUCT the City Engineer to record a Notice of Assessment with the County Recorder.

h. REQUEST the Controller to set up accounts for the 2004-05 Proposition K Assessment in the following funds pursuant to instructions to be provided by the City Administrative Officer (CAO): Proposition K Projects Fund No. 43K, Proposition K Maintenance Fund No. 43L, and Proposition K Administration Fund No. 43M.

i. APPROVE the 2004-05 Expenditure Plan and the Five Year Plan for the LA for Kids Program as set forth in Attachments 1, 2, 3 and 4 of the Steering Committee report dated April 29, 2004.

j. INSTRUCT the Information Technology Agency to prepare and transmit the necessary computer tape to the County containing the assessment levy information confirmed by the City Council for Fiscal Year 2004-05 for each parcel in the District.

k. AUTHORIZE the City Engineer to:

1) Negotiate and execute two-year grant contracts with competitive grant applicants in the five year plan, excluding the DRP projects, subject to the approval of the City Attorney as to form and legality.
2) Negotiate and execute service and maintenance agreements with competitive grant applicants in the five year plan for the term required in the LA for Kids Program Request for Proposals, excluding Department of Recreation and Parks projects, subject to approval of the City Attorney.

(Public Hearing Closed June 15, 2004)

ADOPTED

AMENDING MOTION (LABONGE - GARCETTI)

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

1. SUBSTITUTE attachment language in recommendations “a” through “e” to reflect a revised list of projects along with the corresponding environmental categories and actions consistent with the revised Attachment 7 entitled Categories of Environmental Documents - Revised.

2. AMEND recommending “i” relative to approving the 2004-05 Expenditure Plan and the Five Year Plan as set forth in Attachments 1, 2, 3 and 4 of the L.A. for Kids Steering Committee report attached to the Council file, to include the attached revised 5-year Plan (Attachment 1), List A (Attachment 2), List B (Attachment 3). There are no revisions to List C (Attachment 4).

3. AMEND the City Engineer’s report adopted by Council on May 12, 2004 for the 2004-04 Proposition K assessment to include the attached revised 5-year Plan (Attachment D), List A (Attachment A), List B (Attachment B). There are no revision to List C (Attachment C).

New recommendations for Council action:

4. APPROVE the attached list of projects potentially eligible for maintenance funding in 2004-05 entitled Potential Maintenance Funding List (Attachment 12), which will be attached to the Engineer's Report. (The list consists of all Proposition K projects funded to date that may receive maintenance funding in 2004-05.)

5. ADOPT the reprogramming of 2003-04 Proposition K: L.A. for Kids Program funding, as noted in the attachment entitled Proposed Reprogramming of 2003-04 L.A. for Kids Program which includes: pre-development, project funds, maintenance funds, inflation funds and interest funds (Attachment 8).

6. AUTHORIZE the City Administrative Officer (CAO) to replace Attachment 8a and make related changes to Attachments 1 (Five Year Plan) and 3 (List B) allocating funds to San Pedro Boys and Girl’s Club Multipurpose Center for the existing Attachment 8 in the Engineer’s Report, /IF the Grant Agreement with White Memorial is not executed by June 28, 2004, at 12:00 noon, to allow time for the grant agreement to be executed with San Pedro Boys and Girls’ Club Multipurpose Center and for filing of the Engineers Report by June 30, 2004.

7. INSTRUCT the City Engineer and Public Works Office of Accounting to submit documentation of work order charges for administrative staffing costs to the CAO for administrative staffing costs during fiscal year 2004-05.
8. RESOLVE that pursuant to Charter Section 245, the Council waives review of the actions taken by the Board of Recreation and Park Commissioners at its meeting of June 16, 2004, with respect to the review of bids and the awards of the contracts or memorandums of understanding for the Griffith Recreation Center Synthetic Soccer Field (CD 4) and Pedlow Skate Park Expansion (CD 6).

9. APPROVE the first amendments to Contract No. C-2911 with Jones and Stokes Associates, Inc. And to Contract No. C-2884 with the Planning Center for as-needed environmental consulting services for Proposition K and other capital projects, increasing the amount of the contracts by $300,000 each to $600,000 each, subject to the review and approval of the City Attorney and City Risk Manager.

10. AUTHORIZE the President and the Secretary of the Board of Recreation and Park Commissioners to execute the amendment to Contract No. C-2911 with Jones and Stokes Associates, Inc. and the amendment to Contract No. C-2884 with the Planning Center.

11. AUTHORIZE the CAO to prepare technical adjustments as needed and the Controller to implement those technical adjustments.

ITEM NO. (65) - ENTIRE MATTER CONTINUED TO JUNE 29, 2004 - SEE FOLLOWING

Roll Call #17 - Motion (Zine - Greuel) Adopted to Continue, Unanimous Vote (15)

03-1788 - CONTINUED CONSIDERATION OF RULES AND ELECTIONS COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to current City policies for issuing badges to civilian commissioners and board members.

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

PRESENT and ADOPT the accompanying ORDINANCE amending Los Angeles Municipal Code Section 52.32 to limit issuance of badges to members of boards or commissioners of public safety-related and proprietary departments.

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

CONTINUED

AMENDING MOTION (ZINE - GREUEL)

Recommendation for Council action:

AMEND section (c)3b of the proposed ordinance to read:

b. Upon leaving the board or commission, the badge shall be collected and forwarded to the City Clerk, who, upon request from the board or commission, will reissue the same or another badge to the commissioner, provided the badge is permanently mounted or affixed to a plaque or other display element for presentation purposes and the engraved or embossed thereon is the word “RETIRED” and figures showing his or her term of service. The recipient of such badge must reimburse the City for the cost of the badge.
Items for Which Public Hearings Have Not Been Held - Items 66-67
(10 Votes Required for Consideration)

ITEM NO. (66)- SUBSTITUTE MOTION ADOPTED IN LIEU OF ORIGINAL MOTION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #18 - Motion (Garcetti - Cardenas) Adopted, Ayes (15)

RECEIVED AND FILED

04-0612 - CONTINUED CONSIDERATION OF MOTION (GARCETTI - GREUEL) amending the Purchase and Sale Agreement, and reprogramming $84,000 in Urban Development Action Grant (UDAG) and $174,000 in Community Development Block Grant (CDBG) funding for improvements relative to the acquisition of Lake Street Park at 227 North Lake Street, and related actions.

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

1. APPROVE the following three amendments to the Purchase and Sale Agreement between the City of Los Angeles and Niemen Properties, Inc., relative to the acquisition of the Lake Street Park project at 227 North Lake Street; and, AUTHORIZE the President and Secretary, Board of Recreation and Park Commissioners to execute the following amendments, subject to the approval of the City Attorney as to form and legality:
   a. The inclusion of the Universal Access Playground previously approved by Council.
   b. Change Orders and early closing.
   c. The construction and purchase of additional park improvements.

2. INSTRUCT the General Manager, Community Development Department (CDD) to reprogram $84,000 in UDAG funding California Youth Theater Project (Fund No. 356, Account No. T612), and CDBG funds in the amount of $74,000 (Account No. W326), and $100,000 (Account No. K230) from the Hollywood Sunset Free Clinic, subject to the review of eligibility.

3. AUTHORIZE the General Manager, CDD, to make the necessary amendments to the appropriate CDBG Consolidated Plan, and to prepare the necessary Controller instructions and/or make technical adjustments that may be required and are consistent with this action; and, AUTHORIZE the Controller to implement these instructions, subject to the review of the City Administrative Officer.

(Housing, Community and Economic Development Committee waived consideration of the above matter)
ADOPTED

SUBSTITUTE MOTION (GARCETTI - LABONGE)

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

1. APPROVE the Amendments 2, 3 and 4 to the Purchase and Sale Agreement between the City of Los Angeles and Niemann Properties Inc. Relative to the acquisition of the Lake Street Park project (a.k.a. Temple Beverly) at 227 North Lake Street, and AUTHORIZE the President and Secretary of the Board of Recreation and Park Commissioners to execute the amendments, subject to the approval of the City Attorney as for form. The amendments consist of:

   a. Early closing of escrow on a portion of the property on which park improvements have previously been constructed, and a second final close of escrow on the remainder of the property upon completion of additional park improvements (gymnasium building and ancillary improvements) recently elected by the City Council to be added to the site (referred to as amendment No. 2).

   b. The inclusion and payment for the Universal Access Playground previously approved by the City Council (referred to as amendment No. 3).

   c. Full and final payment for change order costs in the amount of $375,000 for the entire turn-key acquisition including the additional improvements (gymnasium), unless the City changes the scope of the additional improvements (except as required to build the improvements to code) or additional off-site or subterranean parking is required (referred to as amendment No. 4).

2. INSTRUCT the General Manager, Community Development Department (CDD) to reprogram Urban Development Action Grant (UDAG) funding in the amount of $84,000 from the California Youth Theater project (Fund No. 356, Account No. T612), and Community Development Block Grant (CDBG) funds in the amount of $174,000 from CDD Related Costs to Lake Street, and $174,000 from Hollywood Sunset Free Clinic, subject to the approval of the substantial amendment to the Consolidated Plan to CDD related costs. Cumulative funding totals $432,000.

3. INSTRUCT the Controller to do the following:


   b. Decrease $174,000 from Account No. T299 Related Costs, CDD Trust Fund No. 424.

   c. Transfer $74,000 from Account No. W326 Hollywood Sunset Free Clinic and $100,000 from Account No. K230, Hollywood Sunset Free Clinic to Account No. T299 Related Costs within CDD.

   d. Decrease $84,000 from Account No. T612 UDAG Miscellaneous Revenue Fund No. 356.
e. Establish a new Account No. V757 entitle Temple Beverly-Lake Street within Fund No. 356 UDAG Miscellaneous Revenue and appropriate $84,000 thereto.

f. Expend funds upon proper demand of the General Manager, CDD or his designee.

4. AUTHORIZE the General Manager, CDD to make the necessary amendments to the appropriate CDBG Consolidated Plan, and prepare the necessary Controller instructions and/or make technical adjustments that may be required and are consistent with this action in order to insur timely payment into the escrow of the funds required to purchase a portion of the Lake Street Park property in accordance with the Purchase and Sale Agreement and Amendment Nos. 2 and 4, and; AUTHORIZE the Controller to implement these instructions, subject to the approval of the CAO.

ITEM NO. (67) - ADOPTED

Roll Call #19 - Motion (Cardenas - Padilla) Adopted, Ayes (15)

03-0204 - CONTINUED CONSIDERATION OF RESOLUTION (CARDENAS - PADILLA) relative to extending the term of service of the Business Tax Advisory Committee (BTAC).

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to extend the term of service of the BTAC by six months, to December 31, 2004.

(Rules and Elections Committee waived consideration of the above matter)

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

03-1280 - MOTION (MISCIKOWSKI - WEISS) relative to declaring the McCool Avenue Block Party on June 26, 2004 a Special Event (fees and costs absorbed by the City = $1,162).

04-1215 - MOTION (VILLARAIGOSA - PERRY) relative to declaring the East Los Angeles Occupational Center Student Recognition Ceremony on June 18, 2004 a Special Event (fees and costs absorbed by the City = $668).

04-1214 - MOTION (VILLARAIGOSA - PERRY) relative to declaring the 70th Anniversary of the Tenrikyo Mission on June 19-20, 2004 a Special Event (fees and costs absorbed by the City = $4,799).

04-1213 - MOTION (VILLARAIGOSA - PERRY) relative to declaring the Hollenbeck Police Station Open House on June 19, 2004 a Special Event (fees and costs absorbed by the City = $1,226).

00-1268 - MOTION (VILLARAIGOSA - SMITH) relative to declaring the El Sereno Bicentennial Parade on July 3, 2004 a Special Event (fees and costs absorbed by the City = $5,822).
03-0847 - MOTION (VILLARAIGOSA - SMITH) relative to declaring the 13th Annual Corn Festival on June 27, 2004 a Special Event (fees and costs absorbed by the City = $2,523).

01-1137 - MOTION (VILLARAIGOSA - SMITH) relative to declaring the Resurrection Church Festival on June 4-6, 2004 a Special Event (fees and costs absorbed by the City = $10,601).

02-1318 - MOTION (GARCETTI - LUDLOW) relative to declaring the Black Entertainment Television (BET) Annual Awards Show on June 29, 2004 a Special Event (event sponsor to reimburse the City for all fees and cost incurred AND meet all insurance requirements).

04-1210 - MOTION (GARCETTI - HUDLOW) relative to declaring the Latino Film Festival from July 16-25, 2004 a Special Event (fees and costs absorbed by the City = $2,500).

02-1388 - MOTION (LUDLOW - REYES) relative to declaring the Lafayette Square Association Block Party on July 17, 2004 a Special Event (fees and costs absorbed by the City = $1,226).

04-1209 - MOTION (LUDLOW - REYES) relative to declaring the Block Party and Vacation Bible School Kick Off on July 11, 2004 a Special Event (fees and costs absorbed by the City = $1,226).

04-1208 - MOTION (PARKS - PERRY) relative to declaring the First Annual Women’s Health and Wellness Day on June 26, 2004 a Special Event (fees and costs absorbed by the City = $2,000).

03-1321 - MOTION (LABONGE - HAHN) relative to declaring the Fourth of July Block Party - Lillian Way on July 4, 2004 a Special Event (fees and costs absorbed by the City = $1,188).

04-0548 - MOTION (LABONGE - LUDLOW) relative to declaring the Los Angeles Salud de la Mujer Health Fair on July 24, 2004 a Special Event (fees and costs absorbed by the City = $558).

04-1212 - MOTION (CARDENAS - MISCIKOWSKI) relative to waiving permit fees related to the Foothill Community Police Station’s Explorer Trailer.

01-2765 - MOTION (GARCETTI - LUDLOW) relative to the Elysian Valley United Community Service Center project.

04-0600 - MOTION (GARCETTI - LUDLOW) relative to the Community Redevelopment Agency’s (Agency) 2004-05 Proposed Budget and Work Program.

03-1523 - MOTION (PARKS - MISCIKOWSKI) relative to the Settlement Agreement and Release and the Amended Order for Approval of Transfer of Structured Settlement Payment Rights for the claim filed by Clarence Chance.

04-1211 - MOTION (GREUEL - ZINE) relative to the Canoga Park Business Improvement District (BID) and the Studio City BID.
RESOLUTIONS PRESENTED PURSUANT TO RULE NO. 16 - TO BE PLACED ON THE NEXT AVAILABLE AGENDA

04-0001 - RESOLUTION (PADILLA - MISCIKOWSKI) relative to the City Council standing in recess on July 2, 2004 and on July 27, 28 and 30, 2004.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon her request, and without objections, Councilmember Hahn was excused to leave at 12:00 p.m. from Council session of Wednesday, June 23, 2004 due to City business and Motion (Smith - Miscikowski) was unanimously adopted to excuse her to leave at 11:00 a.m. from Council session of Wednesday, June 30, 2004 due to City business.

Motion (Garcetti - Cardenas) unanimously adopted to excuse Councilmember Villaraigosa to arrive at 11:45 a.m. to Council session of Friday, June 25, 2004 due to City business.

Upon his request, and without objections, Councilmember Garcetti was excused from Council session of Friday, July 23, 2004 due to personal business and Motion (Hahn - LaBonge) was unanimously adopted to excuse him from Council session of Tuesday, June 29, 2004 due to City business.

Upon his request, and without objections, Councilmember Zine was excused from Council sessions of Tuesday, August 17, 2004 and Wednesdays, August 11 and 18, 2004 and Friday, August 13, 2004 due to personal business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

04-0606 - Penny Rowland

At the conclusion of this day's Council Session

ADJOURNING MOTIONS WERE ADOPTED in tribute to the memory of:

04-0607 - John T. Graves

Donald W. Crowell

Talbot "Tal" Terrell

Edward Donnell Parker

Nestor Vargas

(Perry - LaBonge)

(Parks)

(Parks - Smith)

(Parks - Perry)

(Garcetti)
Ayes, Cardenas, Garcetti, Greuel, Hahn, LaBonge, Ludlow, Miscikowski, Parks, Perry, Reyes, Smith, Villaraigosa, Weiss, Zine and President Padilla (15).

Whereupon the Council did adjourn.

ATTEST: J. Michael Carey, CITY CLERK

By

Council Clerk PRESIDENT OF THE CITY COUNCIL