

Los Angeles City Council, Journal/Council Proceedings  
Tuesday, February 8, 2005  
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: Garcetti, Greuel, Hahn, Ludlow, Miscikowski, Parks, Perry, Smith, Villaraigosa, Weiss and Zine(11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4).

SALUTE TO THE FLAG

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
FEBRUARY 2, 2005

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - NONE

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

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

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### Items Noticed for Public Hearing - Items 1-9

Roll Call #2 - Motion (Greuel - Weiss) Adopted to Continue, Unanimous Vote (11);  
Absent: Cardenas, LaBonge, Reyes and President Padilla (4)  
(Item Nos. 1-2)

ITEM NO. (1) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE  
PRESENTED MARCH 1, 2005

04-2134

CD 2 HEARING PROTESTS against the proposed improvement and maintenance of the  
DELANO STREET AND BECK AVENUE LIGHTING DISTRICT.

Recommendation for Council action:

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

(Ordinance of Intention adopted on December 8, 2004 - Continue hearing and present  
Ordinance on MARCH 1, 2005 to consider report of protests to be submitted as a result  
of balloting, pursuant to Proposition 218)

ITEM NO. (2) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON MARCH 1, 2005

04-2136-S1

CD 5 HEARING PROTESTS against the proposed improvement and maintenance of the VENTURA BOULEVARD AND WHITE OAK AVENUE NO. 3 LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Ventura Boulevard and White Oak Avenue No. 3 Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on December 8, 2004 - Continue hearing and present Ordinance on MARCH 1, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (3) - RECEIVED AND FILED INASMUCH AS THE ASSESSMENT HAS BEEN PAID

Roll Call #3 - Motion (Parks - Perry) Adopted to Receive and File, Unanimous Vote (11);  
Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

04-0334

CD 8 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of assessment to cover the cost of asbestos removal from the building(s) at 1025 West 65th Place. (Assessment: \$4,831.26)

Roll Call #5 - Motion (Hahn - Parks) Adopted, Ayes (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)  
(Item Nos. 4-5)

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

04-1923

CD 8 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of assessment to cover the costs of graffiti abatement of the building(s) and the fencing of the lot at 5341 South Fourth Avenue. (Assessment: \$1,375.20)

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

04-1924

CD 15 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of assessment to cover the costs of cleaning and fencing the lot at 1123 West Anaheim Street. (Assessment: \$3,716.45)

ITEM NO. (6) - CONTINUED TO FEBRUARY 15, 2005

Roll Call #4 - Motion (Ludlow - Perry) Adopted to Continue, Unanimous Vote (11);  
Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

04-1925

CD 4 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of assessment to cover the cost of cleaning the lot at 2750 North Auburn Street. (Assessment: \$2,546.04)

ITEM NO. (7) - RECEIVED AND FILED INASMUCH AS THE ASSESSMENT HAS BEEN PAID

Roll Call #3 - Motion (Parks - Perry) Adopted to Receive and File, Unanimous Vote (11);  
Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

04-1926

CD 9 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of assessment to cover the cost of asbestos removal from the building(s) at 4107 South Avalon Boulevard. (Assessment: \$1,225.00)

ITEM NO. (8) - PUBLIC HEARING CLOSED - NO APPEALS - ASSESSMENT CONFIRMED

Roll Call #5 - Motion (Hahn - Parks) Adopted, Ayes (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

04-1927

CD 15 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of assessment to cover the cost of monitoring of the asbestos removal at 10912 South Compton Avenue. (Assessment: \$504.00)

ITEM NO. (9) - PUBLIC HEARING CLOSED - ORDINANCE OVER ONE WEEK TO  
FEBRUARY 15, 2005

Roll Call #6 - Motion (Smith - Zine) Adopted, Ayes (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

04-2332

CD 11 CATEGORICAL EXEMPTION, PUBLIC HEARING and ORDINANCE FIRST CONSIDERATION relative to condemnation of real property for the Baywood to Benedict Canyon Sewer Project.

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

1. FIND that the condemnation of real property for the Baywood to Benedict Canyon Sewer Project is categorically exempt under Article III (formerly Article VII), Section 1(a) and Section 1(c)4 of the City of Los Angeles California Environmental Quality Assessment Guidelines.

2. ADOPT the FINDINGS of the Director of Planning as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE authorizing the condemnation of real property for the Baywood to Benedict Canyon Sewer Project.
4. AUTHORIZE the City Attorney to make a deposit of probable just compensation and obtain an order for possession prior to trial.

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

(Pursuant to Council action of January 7, 2005)

## Items for Which Public Hearings Have Been Held - Items 10-23

ITEM NO. (10) - ADOPTED - ORDINANCE OVER ONE WEEK TO FEBRUARY 15, 2005

Roll Call #7 - Motion (Hahn - Greuel) Adopted, Ayes (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

05-0111

PERSONNEL COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to establishment of salary for the new class of Medical Records Supervisor.

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

1. PRESENT and ADOPT the accompanying ORDINANCE to amend Ordinance No. 175048 (2001-04 Salaries and Benefits for Non-Represented Classes) to provide a salary for the new class of Medical Records Supervisor (Code 1120).
2. AUTHORIZE the City Administrative Officer (CAO), upon accretion of the class of Medical Records Supervisor to a bargaining unit, to amend the appropriate Memorandum of Understanding to reflect the salary approved by Ordinance.

Fiscal Impact Statement: The CAO reports that the salary costs for the new class have been included in the current budget for the Personnel Department.

ITEM NO. (11) - CONTINUED TO MARCH 18, 2005

Roll Call #1 - Motion (Parks - Perry) Adopted to Continue, Unanimous Vote (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

04-0052

CONTINUED CONSIDERATION OF TRANSPORTATION COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to granting a pipeline franchise to Pacific Terminals LLC (Pacific) to operate existing pipelines within the City.

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

PRESENT and ADOPT the accompanying ORDINANCE granting to Pacific a non-public utility pipeline franchise to install, retain, operate and maintain pipelines and their adjunct communication lines within the City of Los Angeles.

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

(Continued from Council meeting of January 7, 2005)

ITEM NO. (12) - ADOPTED

Roll Call #7 - Motion (Hahn - Greuel) Adopted, Ayes (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

02-2794-S1

ORDINANCE SECOND CONSIDERATION amending the Los Angeles Administrative Code to add a section exempting neighborhood councils from Government Code Section 87300 which requires adoption and promulgation of a conflict of interest code, and to add a section establishing the procedures and standards for determining the applicability of an exemption to other entities.

(Education and Neighborhoods Committee report adopted on February 1, 2005)

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

Roll Call #10 - Motion (Greuel - Garcetti) Adopted, Ayes (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

05-0002-S16

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the City's 2005-06 Federal Legislative Program position on funding for Community Development Block Grant (CDBG) programs.

Recommendation for Council action, as initiated by Resolution (Greuel - Garcetti), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

RESOLVE that the City of Los Angeles include in its 2005-06 Federal Legislative Program SUPPORT of full funding for the CDBG, the Home Investment Partnerships Program, Youthbuild USA, Section 8 Vouchers; and OPPOSITION to any legislation which would impose any reductions in these valuable programs.

Fiscal Impact Statement: The Chief Legislative Analyst reports there is no impact on the current General Fund and that there is possible significant impact in future years.

ITEM NO. (14) - ADOPTED

Roll Call #7 - Motion (Hahn - Greuel) Adopted, Ayes (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

05-0151

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the Community Services Block Grant (CSBG) Funding, and related actions.

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

1. AUTHORIZE the General Manager, Community Development Department (CDD), or designee, to :
  - a. Accept \$7,128,842 in 2005 CSBG award from the California Department of Community Services and Development (CSD).
  - b. Execute and return to CSD the signed CSBG Contract No. 05F-4619 for \$7,128,842 with the required supporting documentation, subject to the approval by the City Attorney as to form and legality.
2. ALLOCATE the 2005 CSBG \$7,128,842 award as follows:
  - a. \$5,703,074 to partially fund the Human Services Delivery System (HSDS).
  - b. \$131,644 for computer programming services to support HSDS reporting systems.
  - c. \$1,425,768 for the CDD administration costs.
3. DIRECT the CDD to report back to the Mayor and Council, within 30 days, with a comparison between the 2004 HSDS contractor allocations and the proposed 2005 HSDS contractor allocations by funding source.
4. AUTHORIZE the CDD to carryover unexpended 2004 program year CSBG funds in an amount not to exceed \$262,000 and allocate this amount to the HSDS contracts.
5. AUTHORIZE the General Manager, CDD, or designee, to prepare Controller instructions and make necessary technical adjustments concerning the above recommendations, subject to the approval of the City Administrative Officer (CAO), and AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: The CAO reports that there is no General Fund impact as a result of these actions. Approval of the recommendations involve the acceptance of a \$7,128,842 CSBG award by the CSD and allocation of the funds for programs and administration. The CSBG funds partially fund the City HSDS contracts. The CAO also states that the 2005 CSBG award is \$46,889 less than the amount received by the City in 2004.

ITEM NO. (15) - CONTINUED TO MARCH 18, 2005

Roll Call #1 - Motion (Parks - Perry) Adopted to Continue, Unanimous Vote (11);  
Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

04-1582

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to requiring wireless service providers to offer 3-1-1 "One Call to City Hall" access to their customers.

Recommendation for Council action, pursuant to Motion (Greuel - Weiss):

REQUEST the City Attorney, pursuant to Federal Communication Commission (FCC) regulations (12 FCC Rcd 5572 [1997]), to negotiate with wireless service providers that do not currently offer 3-1-1 "One Call to City Hall" access to their customers to require that such service is provided within 60 days.

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

Community Impact Statement: The Silver Lake Neighborhood Council supports the inclusion of neighborhood council contract information into 3-1-1's Citywide Service Directory. It is critical that stakeholders have access to this information via telephone, especially for the many residents of Los Angeles who do not have regular access to the internet. We urge you to act quickly to ensure inclusion of neighborhood council contact information into the 3-1-1 system.

ITEM NO. (16) - ADOPTED

Roll Call #7 - Motion (Hahn - Greuel) Adopted, Ayes (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

05-0099

PERSONNEL COMMITTEE REPORT relative to maintenance of salary and benefits for full-time City employees activated by the armed services of the United States for the tsunami relief effort.

Recommendations for Council action, pursuant to Motion (Miscikowski - Padilla):

1. REQUEST the City Attorney, with the assistance of the Personnel Department and the City Administrative Officer (CAO), to prepare and present an ordinance to provide that all full-time City employees, who are activated by the armed services of the United States for the tsunami relief effort, receive the difference between their current City salaries and their military salaries and continuation of current City medical, dental and life insurance program benefits for the duration of their military assignment, consistent with previously adopted military leave Ordinances.
2. INSTRUCT the CAO to report on the fiscal impact concurrent with the presentation of the Ordinance.

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

Roll Call #1 - Motion (Parks - Perry) Adopted to Continue, Unanimous Vote (11);  
Absent: Cardenas, LaBonge, Reyes and President Padilla (4)  
(Item Nos. 17-18)

ITEM NO. (17) - CONTINUED TO MARCH 18, 2005

04-1134

CDs 9, 10, 11 & 15 CONTINUED CONSIDERATION OF TRANSPORTATION COMMITTEE REPORT relative to application of Southern California Water Company (SCWC) for a pipeline franchise to operate existing pipelines within the City.

Recommendations for Council action:

1. FIND that SCWC is in need of a pipeline franchise to maintain existing pipelines in City streets associated with the transportation of potable water.
2. OFFER for sale a pipeline franchise to install, retain, operate and maintain pipelines and adjunct communication lines within the City of Los Angeles, substantially as shown in the Board of Transportation Commissioners' report dated March 25, 2004 (attached to the Council file), and if SCWC is the highest responsible bidder, then award the franchise to SCWC.
3. INSTRUCT the City Clerk to publish the Notice of Sale of a Pipeline Franchise, in accordance with the Los Angeles Administrative Code, Section 13.17.

Fiscal Impact Statement: The Department of Transportation reports that SCWC's pipeline franchise fees for 2004 would be \$54,163.20.

(Continued from Council meeting of January 7, 2005)

ITEM NO. (18) - CONTINUED TO MARCH 18, 2005

04-1344

CD 15 CONTINUED CONSIDERATION OF TRANSPORTATION COMMITTEE REPORT relative to the application of Four Teams Oil Production & Exploration Company, Inc. (Four Teams) for a pipeline franchise to operate existing pipelines within the City.

Recommendations for Council action:

1. FIND that Four Teams is in need of a pipeline franchise to operate and maintain existing pipelines in City streets associated with the production of crude oil.
2. OFFER for sale a pipeline franchise to install, retain, operate and maintain pipelines and adjunct communication lines within the City of Los Angeles, substantially as shown in the Board of Transportation Commissioners' report dated May 27, 2004 (attached to Council file), and if Four Teams is the highest responsible bidder, then award the franchise to Four Teams.



3. INSTRUCT the City Clerk to publish the Notice of Sale of a Pipeline Franchise, in accordance with the Los Angeles Administrative Code, Section 13.17.

Fiscal Impact Statement: The Department of Transportation reports that Four Teams' pipeline franchise fees for 2004 would be \$242.92.

(Continued from Council meeting of January 7, 2005)

Roll Call #7 - Motion (Hahn - Greuel) Adopted, Ayes (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)  
(Item Nos. 19-23)

ITEM NO. (19) - ADOPTED

04-1164

TRANSPORTATION COMMITTEE REPORT relative to the "Watch the Road" Traffic Safety and Education Campaign.

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

1. TRANSFER \$500,000 from the Reserve Fund to the Unappropriated Balance and APPROPRIATE therefrom to the Department of Transportation (DOT) Fund 100, Department 94, Account No. 3040 to pay for traffic safety radio ads, as a loan, payable upon reimbursement from the State of California Office of Traffic Safety (OTS).
2. DIRECT the DOT to submit invoices to the OTS in a timely manner in order to receive reimbursement to the Reserve Fund as quickly as possible.
3. AUTHORIZE the General Manager, DOT, to invoice the OTS to accept up to \$1,500,000 in state reimbursable grant funding, with no City match requirement, for the "Watch the Road" Traffic Safety and Education campaign and deposit and appropriate these funds into account(s), to be determined by the DOT, for expenditure and reimbursement of expenses for this program.
4. DIRECT the DOT to report quarterly on the status of the "Watch the Road" Traffic Safety and Education Campaign.

Fiscal Impact Statement: The DOT reports that funding for the "Watch the Road" Traffic Safety and Education campaign are to be paid through \$1,500,000 in state reimbursable grant funding with no City match requirement.

ITEM NO. (20) - ADOPTED

05-0012

TRANSPORTATION COMMITTEE REPORT relative to establishing a railroad quiet zone along Valley Boulevard between Mission Road and the City boundary with Alhambra.

Recommendations for Council action, as initiated by Motion (Villaraigosa - Reyes), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

1. RESOLVE to DIRECT the Department of Transportation (DOT), in consultation with the Department of Public Works, to prepare and submit the necessary documentation and application to the Federal Railroad Administration which would establish a railroad quiet zone along Valley Boulevard between Mission Road and the City boundary with Alhambra consistent with the requirements in the new Interim Final Rule for Use of Locomotive Horns at Highway Crossings.
2. DIRECT the DOT to report back to the Transportation Committee on February 9, 2005.

Fiscal Impact Statement: The DOT reports that there will be some General Fund impact depending on the alternatives selected to address the Supplementary Safety Measures. These costs will be determined as each measure is identified and its impact determined.

ITEM NO. (21) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT AND COMMUNICATION RECOMMENDATION

04-1250-S55

BUDGET AND FINANCE COMMITTEE REPORT and COMMUNICATION FROM MEMBER, PERSONNEL COMMITTEE relative to filling 17 positions in the Department of General Services (GSD).

Recommendation for Council action:

APPROVE, pursuant to the 2004-05 Managed Employment Process, the one-time filling of 12 positions of Custodial Services Attendant, Code 3156, 4 positions of Senior Custodial Services Attendant I, Code 3157-1, and 1 position of Custodial Supervisor, Code 3176, in the GSD; and AUTHORIZE backfill authority if these positions are filled by promotion from within the GSD.

Fiscal Impact Statement: The City Administrative Officer reports that the annual General Fund cost to fill these positions is \$750,877; \$545,568 in direct salary costs and \$205,309 in related costs.

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

04-1250-S56

BUDGET AND FINANCE COMMITTEE REPORT and COMMUNICATION FROM MEMBER, PERSONNEL COMMITTEE relative to filling 40 positions in various classifications in the Department of Recreation and Parks.

Recommendations for Council action:

1. APPROVE, pursuant to the 2004-05 Managed Employment Process, the one-time filling of the following 40 full-time positions in the Department of Recreation and Parks:

<u>No.</u>	<u>Code</u>	<u>Title</u>
1	1116	Secretary
1	2423-2	Aquatic Facility Manager II
1	2434	Recreation Facility Director
14	2469	Recreation Coordinator
2	3114	Tree Surgeon
1	3115	Maintenance and Construction Helper
3	3141	Gardener Caretaker
1	3143	Senior Gardener
1	3333-1	Building Repairer I
1	3344	Carpenter
7	3523	Light Equipment Operator
2	3585	Motor Sweeper Operator
2	3711	Equipment Mechanic
2	3863	Electrician
1	1129	Personnel Records Supervisor

2. AUTHORIZE backfill authority if the above-listed positions are filled by promotion from within the Department of Recreation and Parks.

Fiscal Impact Statement: The City Administrative Officer reports that the five-month direct salary cost for filling the 40 positions is about \$808,000 and is available in the Department of Recreation and Parks' salaries general account. The annual direct salary cost for these 40 positions is about \$1.99 million.

ITEM NO. (23) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT AND COMMUNICATION RECOMMENDATION

03-2596

CD 12

TRANSPORTATION COMMITTEE REPORT and COMMUNICATION FROM CHAIR, INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE relative to a proposed lease agreement for the Chatsworth Chamber of Commerce at the Chatsworth Metrolink Station Depot.

Recommendation for Council action:

INSTRUCT the Department of General Services (GSD) to negotiate and execute a five-year lease agreement, with a five-year option to renew, between the City and the Chatsworth Chamber of Commerce for 1,059 square feet of office space at the Chatsworth Metrolink Station Depot at 10038 Old Depot Plaza Road in Chatsworth, subject to the review of the City Attorney as to form and legality.

Fiscal Impact Statement: The GSD reports that the Department of Transportation Proposition C Fund will realize an annual income of \$11,688 (Fund 540, Department 94, Revenue Source 4428).

## Items for Which Public Hearings Have Not Been Held - Items 24-34 (10 Votes Required for Consideration)

Roll Call #1 - Motion (Parks - Perry) Adopted to Continue, Unanimous Vote (11);  
Absent: Cardenas, LaBonge, Reyes and President Padilla (4)  
(Item Nos. 24-26)

ITEM NO. (24) - CONTINUED TO MARCH 18, 2005

04-0523

CD 15 CONTINUED CONSIDERATION OF ACCEPTANCE OF BIDS relative to the Notice of Sale for a Pipeline Franchise in the City of Los Angeles.

Recommendations for Council action:

1. FIND that the City of Los Angeles is in need of a pipeline franchise to install, retain, operate and maintain pipelines and their adjunct communication lines associated with the transportation of oil and oil products.
2. ACCEPT and AWARD the BID for the pipeline franchise to the responsible bidder offering to pay the City the highest cash consideration, but not less than \$500 and, if ARCO Terminal Services Corporation is the highest responsible bidder, award the franchise to this company.
3. REQUEST the City Attorney to prepare the pipeline franchise ordinance for the successful bidder for presentation to the Council.
4. INSTRUCT the Department of Transportation to notify the successful bidder and ensure that all good faith deposits are returned to the unsuccessful bidders, subsequent to the award of the bid.
5. REQUIRE that the successful bidder file a faithful performance bond in duplicate with the City Clerk within five days after the award of the pipeline franchise, pursuant to Los Angeles Administrative Code Section 13.30.

(Pursuant to Council action of May 11, 2004 - continued from Council meeting of January 7, 2005)

ITEM NO. (25) - CONTINUED TO MARCH 18, 2005

04-0524

CDs 8, 10 & 15 CONTINUED CONSIDERATION OF ACCEPTANCE OF BIDS relative to the Notice of Sale for a Pipeline Franchise in the City of Los Angeles.

Recommendations for Council action:

1. FIND that the City of Los Angeles is in need of a pipeline franchise to install, retain, operate and maintain pipelines and their adjunct communication lines associated with the transportation of oil and oil products.

2. ACCEPT and AWARD the BID for the pipeline franchise to the responsible bidder offering to pay the City the highest cash consideration, but not less than \$500 and, if BP West Coast Products LLC is the highest responsible bidder, award the franchise to this company.
3. REQUEST the City Attorney to prepare the pipeline franchise ordinance for the successful bidder for presentation to the Council.
4. INSTRUCT the Department of Transportation to notify the successful bidder and ensure that all good faith deposits are returned to the unsuccessful bidders, subsequent to the award of the bid.
5. REQUIRE that the successful bidder file a faithful performance bond in duplicate with the City Clerk within five days after the award of the pipeline franchise, pursuant to Los Angeles Administrative Code Section 13.30.

(Pursuant to Council action of May 11, 2004 - continued from Council meeting of January 7, 2005)

ITEM NO. (26) - CONTINUED TO MARCH 18, 2005

04-0525

CDs 2,4, 5,6,7,8, 10 & 15 CONTINUED CONSIDERATION OF ACCEPTANCE OF BIDS relative to the Notice of Sale for a Pipeline Franchise in the City of Los Angeles.

Recommendations for Council action:

1. FIND that the City of Los Angeles is in need of a pipeline franchise to install, retain, operate and maintain pipelines and their adjunct communication lines associated with the transportation of crude oil.
2. ACCEPT and AWARD the BID for the pipeline franchise to the responsible bidder offering to pay the City the highest cash consideration, but not less than \$500 and, if ARCO MidCon LLC is the highest responsible bidder, award the franchise to this company.
3. REQUEST the City Attorney to prepare the pipeline franchise Ordinance for the successful bidder for presentation to the Council.
4. INSTRUCT the Department of Transportation to notify the successful bidder and ensure that all good faith deposits are returned to the unsuccessful bidders, subsequent to the award of the bid.
5. REQUIRE that the successful bidder file a faithful performance bond in duplicate with the City Clerk within five days after the award of the pipeline franchise, pursuant to Los Angeles Administrative Code Section 13.30.

(Pursuant to Council action of May 11, 2004 - continued from Council meeting of January 7, 2005)

Roll Call #8 - Motion (Villaraigosa - Weiss) Adopted, Ayes (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)  
(Item Nos. 27-31)

ITEM NO. (27) - ADOPTED

05-0090

CD 14 CONSIDERATION OF MOTION (VILLARAIGOSA - WEISS) relative to the sub-lease of 17 parking spaces located on City-owned property at 6065 York Boulevard.

Recommendation for Council action:

AUTHORIZE the Los Angeles Police Historical Society and/or the Department of General Services to negotiate and execute the necessary agreement to sub-lease 17 parking spaces located on City-owned property at 6065 York Boulevard to Grace Stone, Franchisee, Curves International (Curves Franchisee), on a temporary basis and in conformance with other terms and conditions set forth in the Memorandum of Understanding between Curves International and the Los Angeles Police Historical Society, dated December 13, 2004, subject to the review of the City Attorney as to form and legality.

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

ITEM NO. (28) - ADOPTED

05-0169

CD 13 MOTION (GARCETTI - LABONGE) relative to declaring the memorial service for Julia A. Bennett on February 4, 2005 a Special Event (fees and costs absorbed by the City = \$500).

Recommendation for Council action:

DECLARE the memorial service for Julia A. Bennett, sponsored by the Los Angeles Fire Department on February 4, 2005, 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, INCLUDING insurance and application requirements.

ITEM NO. (29) - ADOPTED

05-0170

CD 9 MOTION (PERRY - SMITH) relative to declaring the American Choral Directors Association National Convention on February 5, 2005 a Special Event (fees and costs absorbed by the City = \$3,816).

Recommendation for Council action:

DECLARE the American Choral Directors Association National Convention, sponsored by the Music Center on February 5, 2005, 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. (30) - ADOPTED

05-0171

CD 9 MOTION (PERRY - SMITH) relative to declaring the 76th Street Community Event on February 19, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).

Recommendation for Council action:

DECLARE the 76th Street Community Event, sponsored by the CANN DU Neighborhood Council on February 19, 2005, 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, INCLUDING insurance. The event sponsor shall meet the application requirements of the City.

ITEM NO. (31) - ADOPTED

01-1360

CD 9 MOTION (PERRY - SMITH) relative to declaring the Central Avenue Jazz Festival on July 30-31, 2005 a Special Event (fees and costs absorbed by the City = \$30,000).

Recommendation for Council action:

DECLARE the Central Avenue Jazz Festival, sponsored by Council District Nine, the Community Redevelopment Agency and the Cultural Affairs Department on July 30-31, 2005, 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, INCLUDING insurance.

ITEM NO. (32) - ADOPTED

Roll Call #11 - Motion (Perry - Smith) Adopted, Ayes (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

05-0172

CD 1 MOTION (REYES - SMITH) relative to declaring the Annual Ceremony to Honor Cuautemoc on February 26, 2005 a Special Event (fees and costs absorbed by the City = \$2,000).

Recommendation for Council action:

DECLARE the Annual Ceremony to Honor Cuautemoc, sponsored by Council District One on February 26, 2005, 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.

Roll Call #8 - Motion (Villaraigosa - Weiss) Adopted, Ayes (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)  
(Item Nos. 33-34)

ITEM NO. (33) - ADOPTED

03-2569-S3

MOTION (MISCIKOWSKI - PADILLA) relative to a contract for messaging software and associated professional services for the Emergency Preparedness Department (EPD).

Recommendations for Council action:

1. FIND, in accordance with Charter Section 1022, that the work to be performed during implementation of the project can be preformed more feasibly by independent contractors rather than City employees, in view of technical, expert, and short-term nature of the work.
2. AUTHORIZE the EPD, to execute a contract, in an amount not to exceed \$57,374 and for a maximum term of three years, with ESi Acquisition, Inc., approved as to form by the City Attorney, for acquisition of Emergency Operations Center Incident Management System messaging software and associated professional services including training.
3. INSTRUCT the EPD to work with the Controller and the Mayor's Criminal Justice Planning Office to initiate reimbursement as per grant guidelines.

ITEM NO. (34) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

05-0168

CD 11 FINAL MAP OF TRACT NO. 53797 for property lying southerly of National Boulevard and westerly of Butler Avenue.  
(Approve Subdivision Improvement Agreement and Contract with attached security documents)  
(ADOPT City Engineer Report)  
(ADOPT Bond No. C-107708)  
(Quimby Fee: \$13,650)  
(Less Dwelling Unit Construction Tax: \$1,200)  
Applicants: Park West Group, Inc.  
Gary Safronoff



## Item for Which Public Hearing Has Been Held - Item 35

ITEM NO. (35) - REFER TO BUDGET AND FINANCE COMMITTEE

Roll Call #9 - Motion (Parks - Perry) Adopted to Refer, Unanimous Vote (11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4)

04-2415

04-2368

CONTINUED CONSIDERATION OF AUDITS AND GOVERNMENTAL EFFICIENCY COMMITTEE REPORT AND COMMUNICATION FROM MEMBER, PERSONNEL COMMITTEE and BUDGET AND FINANCE COMMITTEE REPORT relative to creation of a Fraud, Waste and Abuse Investigation Unit in the Office of the Controller (Controller).

### A. AUDITS AND GOVERNMENTAL EFFICIENCY COMMITTEE REPORT AND COMMUNICATION FROM MEMBER, PERSONNEL COMMITTEE

Recommendations for Council action, as initiated by Motion (Villaraigosa - Weiss - Greuel), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. RESOLVE that Employment Authority, for the following additional positions in the Controller for the Fraud, Waste and Abuse Investigation Unit, from February 1, 2005 through June 30, 2005, subject to allocation by the Personnel Department and paygrade determination by the City Administrative Officer (CAO), is APPROVED:

<u>No.</u>	<u>Code</u>	<u>Title</u>
1	0602-1	Special Investigator I
1	0602-2	Special Investigator II
1	1368	Senior Clerk Typist

2. TRANSFER \$108,294 from the Reserve Fund to the Unappropriated Balance, and APPROPRIATE therefrom to the Controller, Fund 100/26, as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1010	Salaries General	\$ 76,104
3040	Contractual Services Expense	25,000
6010	Office & Administrative Expense	3,590
7300	Furniture, Office & Technical Equipment	<u>3,600</u>
	Total	\$108,294

3. REQUEST the City Attorney to determine whether it is permissible for the proprietary departments to reimburse the General Fund for costs associated with the investigation of complaints of fraud, waste and abuse occurring within those departments.
4. REQUEST the Controller to report back to the Council on a quarterly basis with a summary of the investigative and financial results achieved by the implementation of the Fraud, Waste and Abuse Investigation Unit.
5. INSTRUCT the Chief Legislative Analyst to work with the City Attorney to draft a resolution that protects whistleblowers from retaliation even if they use a City computer during work hours to make the report.
6. NOTE and FILE the Controller's report, dated January 4, 2005, relative to proposed criteria for referring whistleblower cases to other agencies, inasmuch as the report is submitted for information only and no Council action is necessary.

#### B. BUDGET AND FINANCE COMMITTEE REPORT

Recommendations for Council action, as initiated by Motion (Villaraigosa - Weiss - Greuel), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. CONCUR with the recommendations of the Audits and Governmental Efficiency Committee and Member, Personnel Committee, relative to the creation of a Fraud, Waste and Abuse Investigation Unit in the Office of the Controller.
2. REQUEST the Controller, working with the City Attorney, the City Ethics Commission, Personnel Department and the City Administrative Officer (CAO), to report back to the Budget and Finance Committee relative to the development of expanded protocols for the handling of fraud, waste and abuse complaints that may fall under the jurisdiction of other City departments for follow up, to ensure a coordinated effort in addressing complaints.

Fiscal Impact Statement: The CAO reports that the additional 2004-05 General Fund cost for the proposed Fraud, Waste and Abuse Investigation Unit will be \$146,424; \$108,294 in direct and \$38,130 in related costs. The 2005-06 General Fund cost of the proposed unit will total \$307,092; \$253,680 in direct and \$53,412 in related costs. The cost to the General Fund of the proposed unit will be reduced by any permissible reimbursement for investigation of complaints pertaining to the proprietary departments and any recovery of funds resulting from the discovery of irregularities, fraud, collusion, conflict of interest or improprieties through investigations conducted by the proposed unit.

(Continued from Council meeting of February 4, 2005)

**Item for Which Public Hearing Has Not Been Held - Item 36**  
(10 Votes Required for Consideration)

ITEM NO. (36) - ADOPTED

Roll Call #12 - Motion (Parks - Perry) Adopted, Ayes (10); Absent: Cardenas, LaBonge, Reyes, Weiss and President Padilla (5)

05-0206

CD 8 MOTION (PARKS - REYES - LUDLOW) relative to various actions in connection with property at 3423 West 43rd Place, known as Botach Tactical.

Recommendations for Council action:

1. DIRECT the Los Angeles Department of Building and Safety (DBS) to immediately perform a thorough inspection of the premises and records of the property at 3423 West 43rd Place, currently occupied by Botach Tactical, a business that operates as a warehouse distributing specialized equipment such as guns and ammunition utilized by law enforcement and military personnel.
2. DIRECT the DBS to issue the necessary "Order to Comply" for each violation found at the property at 3423 West 43rd Place.
3. INSTRUCT the DBS to prepare and present a report to the Planning and Land Use Management Committee within seven days if it finds the property at 3423 West 43rd Place to be in compliance with above described issues.
4. INSTRUCT the DBS, with the assistance of the Los Angeles Police Department and the City Attorney, to report to the Planning and Land Use Management Committee within 14 days with their recommendations to ensure that those businesses which engage in the sale and distribution of law enforcement equipment comply with all of the City's zoning, public safety, business license and other code requirements.

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

02-0039 - MOTION (MISCIKOWSKI - GREUEL) relative to declaring the 2005 Nissan Open presented by Countrywide on February 12-20, 2005 a Special Event (fees and costs absorbed by the City = \$64,632).

05-0219 - MOTION (MISCIKOWSKI - GREUEL) relative to declaring the Pet Theft Awareness Day 2005 on February 14, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).

05-0220 - MOTION (ZINE for REYES - PERRY) relative to declaring the Chinatown/Council District One Chinese New Year's Celebration on February 8-9, 2005 a Special Event (fees and costs absorbed by the City = \$3,000).

- 05-0222 - MOTION (VILLARAIGOSA - PERRY) relative to declaring the Eagle Rock Farmers' Market on January 28, 2005 through June 24, 2005 a Special Event (fees and costs absorbed by the City = \$15,580).
- 05-0223 - MOTION (VILLARAIGOSA - PERRY) relative to declaring the Learning to Be A Champion on February 12, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).
- 05-0224 - MOTION (PERRY - VILLARAIGOSA) relative to declaring the Children Advocate Orientation on February 5, 2005 a Special Event (fees and costs absorbed by the City = \$111).
- 04-0234 - MOTION (PERRY - VILLARAIGOSA) relative to declaring the Guatemalan and Central American Communities Gathering on March 6, 2005 a Special Event (fees and costs absorbed by the City = \$2,170).
- 05-0225 - MOTION (PERRY - PARKS) relative to declaring the St. John's Well Child and Family Center Grand Opening on February 11, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).
- 05-0226 - MOTION (PERRY - PARKS) relative to a request for an exemption from the Convention Center fee waiver policy for the Holiday Celebration on December 7, 2004.
- 05-0010 - MOTION (PERRY for REYES - ZINE) relative to an offer of reward for information leading  
S9 to the identification, apprehension, and conviction of the person(s) responsible for the fire at the Sacred Heart Church in Lincoln Heights on January 21, 2005.
- 05-0221 - MOTION (SMITH for PADILLA - WEISS) relative to asserting jurisdiction over the February 3, 2005 action of the North Valley Area Planning Commission.

## COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, Councilmember Garcetti was excused to leave at 12:30 p.m. from Council session of Tuesday, February 15, 2005 due to City business.

Upon his request, and without objections, Councilmember Parks was excused from Council sessions of Wednesday, February 9, 2005 and Friday, February 11, 2005 due to personal business.

Motion (Smith - Hahn) unanimously adopted to excuse Councilmember Villaraigosa to leave at 11:30 a.m. from Council session of Tuesday, February 15, 2005 due to personal business.

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

- 05-0013 - Henry Jay Graf, Captain II (Ludlow - Smith - Zine)

Vartouhi Sepani Hadadian

(Villaraigosa)

Ayes, Garcetti, Greuel, Hahn, Ludlow, Miscikowski, Parks, Perry, Smith, Villaraigosa, Weiss and Zine(11); Absent: Cardenas, LaBonge, Reyes and President Padilla (4).

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT PRO TEMPORE OF THE CITY COUNCIL