Los Angeles City Council, Journal/Council Proceedings
Tuesday, February 15, 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: Greuel, Hahn, LaBonge, Ludlow, Miscikowski, Perry, Reyes, Smith, Zine and President Padilla (10); Absent: Cardenas, Garcetti, Parks, Villaraigosa and Weiss (5).

SALUTE TO THE FLAG

MOMENT OF INSPIRATION BY JULES BOYELE, PRESIDENT, CONGOLESE COMMUNITY OF SOUTHERN CALIFORNIA

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF FEBRUARY 9, 2005

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 21

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

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

Items Noticed for Public Hearing - Items 1-4

Roll Call #4 - Motion (Perry - LaBonge) Adopted, Ayes (14); Absent: Cardenas (1) (Item Nos. 1-2)

ITEM NO. (1) - PUBLIC HEARING CLOSED - PROTESTS DENIED - ORDINANCE ADOPTED - TO THE MAYOR FORTHWITH

03-1161 CD 9 HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to levying the special assessment for the Little Tokyo Business Improvement District (BID) for the fiscal period January 1, 2005 through December 31, 2005.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:
1. HEAR PROTESTS against the proposed levying of the special assessment for the Little Tokyo BID 2005 Fiscal Year (FY), pursuant to Section 36524 of the California Streets and Highways Code.

2. PRESENT and ADOPT accompanying ORDINANCE levying the special assessment for the Little Tokyo BID FY 2005, if a majority protest, as defined by Section 36525 of the California Streets and Highways Code is found not to exist.

3. AUTHORIZE the City Clerk, subject to the approval of the City Attorney, to prepare, execute and administer a contract between the City and the Little Tokyo Business Association, the nonprofit service provider for administration of the BID, if the Ordinance levying the special assessment is adopted.

4. AUTHORIZE the Controller to provide, if necessary and if available, an advance against the Little Tokyo BID revenue, in an amount not to exceed $38,552 (representing 25 percent of the anticipated assessment revenue for the Little Tokyo BID FY 2005), to the Little Tokyo Business Association, if the Ordinance levying the special assessment is adopted.

Fiscal Impact Statement: The City Clerk reports that direct costs for Department administration of the Little Tokyo BID program for its FY 2005 will be recovered from the assessments collected. The amount of recoverable City costs to be charged to the District will be five percent (5%) of the BID’s anticipated assessment revenue for its 2005 fiscal year. There are no assessments to be paid for City-owned properties located within the boundaries of the BID. Therefore, there is no impact on the General Fund.

(Pursuant to Council adoption of Ordinance No. 176346 and Housing, Community and Economic Development Committee report on December 14, 2004)

ITEM NO. (2) - PUBLIC HEARING CLOSED - PROTESTS DENIED - ORDINANCE ADOPTED - TO THE MAYOR FORTHWITH

04-2480 CD 1, 4 & 10

HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to levying the special assessment for the Wilshire Center Business Improvement District (BID) for the fiscal period January 1, 2005 through December 31, 2005.

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

1. HEAR PROTESTS against the proposed levying of the special assessment for the Wilshire Center BID 2005 Fiscal Year (FY), pursuant to Section 36524 of the California Streets and Highways Code.

2. PRESENT and ADOPT accompanying ORDINANCE levying the special assessment for the Wilshire Center BID FY 2005, if a majority protest, as defined by Section 36525 of the California Streets and Highways Code is found not to exist.
3. AUTHORIZE the City Clerk, subject to the approval of the City Attorney, to prepare, execute and administer a contract between the City and the Wilshire Center Business Improvement Corporation, the nonprofit service provider for administration of the BID, if the Ordinance levying the special assessment is adopted.

4. AUTHORIZE the Controller to provide, if necessary and if available, an advance against the Wilshire Center BID assessment revenue, in an amount not to exceed $229,154.01 (representing 25 percent of the anticipated assessment revenue for the District’s FY 2005), to the Wilshire Center BID, if the Ordinance levying the special assessment is adopted.

Fiscal Impact Statement: The City Clerk reports that direct costs for Department administration of the Wilshire Center BID program for its FY 2005 will be recovered from the assessments collected. The amount of recoverable City costs to be charged to the BID will be $27,498.48, representing three percent (3%) of the District’s anticipated assessment revenue for its 2005 fiscal year. There are no assessments to be paid for City owned properties located within the boundaries of the BID. Therefore, there is no impact on the General Fund.

(Pursuant to Council adoption of Ordinance No. 176347 and Housing, Community and Economic Development Committee report on December 14, 2004)

ITEM NO. (3) - CONTINUED TO FEBRUARY 16, 2005

Roll Call #1 - Motion (LaBonge - Ludlow) Adopted to Continue, Unanimous Vote (10);
                  Absent: Cardenas, Garcetti, Parks, Villaraigosa and Weiss (5)

04-1925 CD 4 CONTINUED CONSIDERATION OF 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)

(Continued from Council meeting of February 8, 2005)

ITEM NO. (4) - PUBLIC HEARING CLOSED - ADOPTED

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

04-1364 PLANNING AND LAND USE MANAGEMENT AND BUDGET AND FINANCE COMMITTEES’ REPORT and ORDINANCE FIRST CONSIDERATION relative to a proposed City Planning Department Automated Systems and Development Surcharge increase from three to six percent.

Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:
PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning, amending Subsection B of Section 19.13 and Section 98.0418 of the Los Angeles Municipal Code to increase the City Planning Department Automated Systems and Development Surcharge from three to six percent.

Fiscal Impact Statement: The City Administrative Officer reports that additional revenue generated by the City Planning Systems Development Fund will benefit the General Fund to the extent that current and proposed eligible operating and expense costs can be shifted to the Fund from the General Fund. In Fiscal Year 2004-05, the Fund will reimburse the General Fund an estimated $1.2 million for full related costs. In future years, adjustments to the direct and indirect funding allocations will be necessary to maximize the use of the Fund and maintain the current level of General Fund reimbursement.

Items for Which Public Hearings Have Been Held - Items 5-19

Roll Call #4 - Motion (Perry - LaBonge) Adopted, Ayes (14); Absent: Cardenas (1) (Item Nos. 5-6)

ITEM NO. (5) - ADOPTED

04-1815 CD 7 PUBLIC WORKS COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to establishing names for private driveways lying on Sylmar Avenue at Gledhill Street as Day Lily Lane, Cacti Court, and Daisy Drive.

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

1. ADOPT the FINDINGS contained in the City Engineer report dated September 3, 2004 as the Findings of the Council.

2. PRESENT and ADOPT the accompanying ORDINANCE effectuating the name establishment of private driveways lying on Sylmar Avenue at Gledhill Street as Day Lily Lane, Cacti Court, and Daisy Drive.

Fiscal Impact Statement: The City Engineer reports that $535 was collected, pursuant to Section 18.09 of the Los Angeles Municipal Code for the processing of this report.

ITEM NO. (6) - ADOPTED

04-2261 CD 7 PUBLIC WORKS COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to establishing names for private driveways lying on Hoyt Street and Fenton Avenue as Hoyt Lane, Cedar Grove Lane, Birch Grove Lane, Apple Grove Lane, and Fenton Grove Lane.
Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the FINDINGS contained in the City Engineer report dated December 8, 2004 as the Findings of the Council.

2. PRESENT and ADOPT the accompanying ORDINANCE effectuating the name establishment of private driveways lying on Hoyt Street and Fenton Avenue as Hoyt Lane, Cedar Grove Lane, Birch Grove Lane, Apple Grove Lane, and Fenton Grove Lane.

Fiscal Impact Statement: The City Engineer reports that $2,675 was collected, pursuant to Section 18.09 of the Los Angeles Municipal Code for the processing of this report.

Roll Call #2 - Motion (Perry - Smith) Adopted, Ayes (10); Absent: Cardenas, Garcetti, Parks, Villaraigosa and Weiss (5) (Item Nos. 7-18)

ITEM NO. (7) - ADOPTED

04-2332
CD 11

ORDINANCE SECOND CONSIDERATION authorizing the condemnation of real property for the Baywood to Benedict Canyon Sewer Project.

(Public Hearing closed on February 8, 2005)

ITEM NO. (8) - ADOPTED

05-0111

ORDINANCE SECOND CONSIDERATION amending 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).

(Personnel Committee report adopted on February 8, 2005)

ITEM NO. (9) - ADOPTED

04-1677

BUDGET AND FINANCE COMMITTEE REPORT relative to a request for waiver of penalty filed by Comcast Phone of California LLC.

Recommendation for Council action:

APPROVE the recommendation of the Office of Finance (OOF) relative to a request for waiver of penalty filed by Comcast Phone of California LLC., in the amount of $314,590.65.
Fiscal Impact Statement: None submitted by the OOF. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

(On October 1, 2004, the Council referred this matter back to the Budget and Finance Committee. Budget and Finance Committee reconsidered the matter on February 1, 2005.)

ITEM NO. (10) - ADOPTED

05-0002-S19

COMMERCER, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT and RESOLUTION relative to sponsorship of legislation to clarify City’s right to charge capital facilities fees for governmental and educational customers.

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

ADOPT the accompanying RESOLUTION to include in the City’s 2005-06 Legislative Program SPONSORSHIP and/or SUPPORT of legislation to clarify the City’s right to charge capital facilities fees to governmental and educational customers in a manner consistent with how all other similarly situated Department of Water and Power (DWP) customers are charged.

Fiscal Impact Statement: The Chief Legislative Analyst reports that failing to collect the fair share of capital facilities fees from governmental and public agencies would expose the DWP to hundreds of millions of dollars in lost revenues as well as legal challenges from past and present customers.

ITEM NO. (11) - ADOPTED

03-0528

ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE REPORT and RESOLUTION relative to authority to accept grant funding from the State Water Resources Control Board (SWRCB) for the Ballona Creek Stormwater Trash Capture System Project.

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

ADOPT the accompanying RESOLUTION authorizing the Director of the Bureau of Sanitation (BOS), or designee, to:

a. Accept the SWRCB’s Proposition 13 grant award of $1,400,000 for the Ballona Creek Stormwater Trash Capture System.

b. Negotiate, execute, and submit all necessary documents, including, but not limited to, applications, agreements, amendments, subject to the approval of the City Attorney as to form, for the specified grant award from the SWRCB.
Fiscal Impact Statement: None submitted by the BOS. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

ITEM NO. (12) - ADOPTED

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to AmeriNational Community Services, Inc., for servicing of Los Angeles Housing Department’s (LAHD) amortizing loan portfolio.

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

1. AUTHORIZE the General Manager, LAHD, or designee, to:
   a. Negotiate and execute a loan servicing agreement based substantially on the draft agreement included as an attachment to the LAHD transmittal dated November 1, 2004, attached to the Council file, with AmeriNational Community Services, Inc., for a term of one year from the date of execution with an option to renew for two additional one-year periods, subject to funding availability, contractor performance and compliance with all other City contracting requirements.
   b. As a consumer benefit to LAHD loan clients, utilize an interest calculation methodology that is consistent with mortgage industry practice whereby the amount of interest associated with each loan payment is precalculated, in contrast to the current practice of interest accrual based on the number of days between payments.
   c. Collect from borrowers third party fees pertaining to the recordation of LAHD reconveyances for purposes of paying those costs directly, as a means of ensuring that recordable documents are filed with the Los Angeles County Recorder in a timely manner, and utilize existing accounts for the collection and disbursement of those fees.
   d. Prepare Controller instructions and make any necessary technical adjustments consistent with the Mayor and Council action on this matter, subject to the approval of the City Administrative Officer (CAO), and request the Controller to implement those instructions.

2. AUTHORIZE the Controller to:
   b. Transfer funds as follows:
<table>
<thead>
<tr>
<th>From:</th>
<th>Fund No.</th>
<th>Dept.</th>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>561</td>
<td>43</td>
<td>G220</td>
<td>Program Income-HOME</td>
<td>$130,223</td>
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<tr>
<td></td>
<td>561</td>
<td>43</td>
<td>R220</td>
<td>Program Income-HOME</td>
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<td></td>
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<td>Total</td>
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<tr>
<th>To:</th>
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<th>Dept.</th>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>561</td>
<td>43</td>
<td>W220</td>
<td>Income - HOME</td>
<td>$408,600</td>
</tr>
</tbody>
</table>

c. Expend funds not to exceed $408,600 from Fund No. 561, Account W220, Department 43, upon proper written demand of the General Manager, LAHD, or designee.

**Fiscal Impact Statement:** The CAO reports that there is no impact on the General Fund. The recommendations involve the use of federal HOME Investment Partnership Program funds.

**ITEM NO. (13) - ADOPTED**

04-2644 CD 9

**HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT**
relative to Community Redevelopment Agency (Agency) Board Resolution and Cooperation Agreement with Enterprise Home Ownership Partners, Inc. (EHOP) for funding of second mortgages and authority to enter into loan agreements with eligible first-time homebuyers.

Recommendations for Council action:

1. **APPROVE** the Finding of Benefit Resolution (attached to the Council file) which makes the finding that an Agency program providing second mortgages to qualified very low, low and moderate income individuals/families to purchase residences within or in the immediate vicinity of the Council District Nine Redevelopment Project Area (CD9RPA) is of benefit to the CD9RPA.

2. **ACKNOWLEDGE** that the existing commitment of $350,000 in the Agency Fiscal Year (FY) 2004-05 Budget and Work Program is available for use for the EHOP Homebuyer Program for second mortgage loans.

3. **AUTHORIZE** the Agency Chief Executive Officer, or designee, to:

   a. Amend certain previously approved provisions (terms and conditions) for a Cooperation Agreement with EHOP, to enter into a three-year Cooperation Agreement with EHOP for an amount not to exceed $350,000 for 2004-05 and $500,000 annually for the next two fiscal years and to take such other actions as may be necessary to carry out the Cooperation Agreement, subject to:
1) Availability of funds

2) Review and approval of the City Attorney as to form and legality.

3) Review and approval of the Department of Public Works, Bureau of Contract Administration for contract compliance provisions.

b. Execute Loan Agreements with eligible first-time homebuyers to provide second mortgages and to take such other actions as may be necessary to carry out the Loan and Covenant Agreements, subject to:

1) Review and approval of the City Attorney as to form and legality.

2) Review and approval of the Department of Public Works, Bureau of Contract Administration for contract compliance provisions.

4. INSTRUCT the Agency Chief Executive Officer and the General Manager, Los Angeles Housing Department, or designees, to report back in 90 days from Council approval of this report on the feasibility of entering into a Memorandum of Understanding or a Cooperation Agreement in which resources can be combined to fund home ownership program activities, in particular soft-second mortgages.

Fiscal Impact Statement: The CAO reports that there is no General Fund impact as a result of these actions. The recommended actions involve Agency Council District Nine Redevelopment Project Area Housing Trust Funds in the amount of $350,000 for FY 2004-05 and $500,000 annually for the next two fiscal years, subject to the availability of funds.

ITEM NO. (14) - ADOPTED

01-1224 CD 9

PUBLIC WORKS COMMITTEE REPORT relative to appropriation of funds for the continued operation of the Beautification and Cleanup Program in the Council District Nine Corridors South of the Santa Monica Freeway Recovery Redevelopment Project.

Recommendation for Council action, pursuant to Motion (Perry - Parks), SUBJECT TO THE APPROVAL OF THE MAYOR:

APPROPRIATE $250,000 received from the Community Redevelopment Agency to the Board of Public Works, Fund No. 100/74, Account No. 3040 for the continued operation of the Beautification and Cleanup Program in the Council District Nine Corridors South of the Santa Monica Freeway Recovery Redevelopment Project.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.
ITEM NO. (15) - ADOPTED

03-0538
CD 9   PUBLIC WORKS COMMITTEE REPORT relative to vacating L-shaped alley (portion of) southwesterly of 10th Street and northwesterly of Crocker Street.

Recommendation for Council action:

DENY the request to vacate L-shaped alley (portion of) southwesterly of 10th Street and northwesterly of Crocker Street, inasmuch as customers and owners of neighboring businesses would be adversely impacted by the vacation.

Fiscal Impact Statement: The City Engineer reports that the petitioner paid $6,540 for the investigation and processing of this request pursuant to Section 7.42 of the Los Angeles Administrative Code.

ITEM NO. (16) - ADOPTED

04-1149
CD 12   PUBLIC WORKS COMMITTEE REPORT relative to fund transfer to support the Napa Drive Erosion Control Project.

Recommendations for Council action, pursuant to Motion (Smith - Ludlow), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. INSTRUCT the Bureau of Street Services (BSS) to perform the work assigned to the Napa Drive Erosion Control Project.

2. TRANSFER $70,000 from the Special Gas Tax Street Improvement Fund No. 206/50, Account No. V401, Napa Drive Erosion Control Project to the following fund and accounts listed below:

   Bureau of Street Services, Fund No. 100/86:

<table>
<thead>
<tr>
<th>Account</th>
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<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1090</td>
<td>Salaries, Overtime</td>
<td>$45,000</td>
</tr>
<tr>
<td>3030</td>
<td>Construction Materials</td>
<td>20,000</td>
</tr>
<tr>
<td>6020</td>
<td>Operating Supplies</td>
<td>5,000</td>
</tr>
</tbody>
</table>

   **Total** $70,000

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.
ITEM NO. (17) - ADOPTED

PUBLIC WORKS COMMITTEE REPORT relative to an economic analysis / life cycle cost study to determine the use of concrete vs. asphalt for the construction of infrastructure projects.

Recommendation for Council action:

NOTE and FILE the City Administrative Officer report, in response to Motion (Smith - Ludlow), on an economic analysis / life cycle cost study on the use of concrete vs. asphalt for construction projects, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (18) - ADOPTED

PUBLIC WORKS COMMITTEE REPORT relative to fund transfers from the Special Gas Tax Street Improvement Fund to support the Catalina Street Retaining Wall Project.

Recommendations for Council action, pursuant to Motion (LaBonge - Cardenas), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. INSTRUCT the Bureau of Street Services (BSS), the Bureau of Street Lighting (BSL), and the Bureau of Engineering (BOE) to perform the work assigned to the Catalina Street Retaining Wall Project.

2. TRANSFER $7,532 from the Special Gas Tax Street Improvement Fund No. 206/50, Account No. W500, Contingency for Construction to Account No. W504, B & T Catalina Street Retaining Wall.

3. TRANSFER and APPROPRIATE $150,092 from the Special Gas Tax Street Improvement Fund No. 206/50, Account No. W504 to the following funds and accounts listed below:

   Bureau of Street Services, Fund No. 100/86:

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<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1090</td>
<td>Salaries, Overtime</td>
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</tr>
<tr>
<td>3030</td>
<td>Construction Materials</td>
<td>20,000</td>
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<tr>
<td>3040</td>
<td>Contractual Services</td>
<td>10,000</td>
</tr>
<tr>
<td>6020</td>
<td>Operating Supplies &amp; Expense</td>
<td>10,292</td>
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<tr>
<td></td>
<td>Total</td>
<td>$140,292</td>
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Bureau of Street Lighting, Fund No. 100/84:

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<tbody>
<tr>
<td>1090</td>
<td>Salaries, Overtime</td>
<td>$2,500</td>
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<tr>
<td>8780</td>
<td>Street Lighting Improvement &amp; Supplies</td>
<td>$3,000</td>
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<td></td>
<td><strong>Total</strong></td>
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Bureau of Engineering, Fund No. 100/78:

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<tr>
<td>1010</td>
<td>Salaries, General</td>
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<td><strong>Total</strong></td>
<td><strong>$4,300</strong></td>
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</table>

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

ITEM NO. (19) - ADOPTED - FORTHWITH

Roll Call #6 - Motion (Reyes - Greuel) Adopted, Ayes (14); Absent: Cardenas (1)

**03-0706**

ARTS, PARKS, HEALTH AND AGING and PLANNING AND LAND USE MANAGEMENT COMMITTEES’ REPORT relative to proposed revisions to the City’s 1987 Child Care Policy.

Recommendations for Council action:

1. **ADOPT** the revised Child Care Policy substantially as set forth in Attachment II of the joint City Administrative Officer (CAO) and Chief Legislative Analyst (CLA) report dated December 23, 2004 (attached to the Council file), and as amended to sunset the original Child Care Policy adopted in February 1987, including the provisions and mandates related to the Vendor Preference Component.

2. **INSTRUCT** the Commission for Children, Youth and Their Families (CCYF) to:

   a. Establish an Inter-Departmental Child Care Facilities Task Force to develop recommendations for coordinating City funding and leveraging City resources in order to expand the availability of child care throughout the City.

   b. Reconvene the City of Los Angeles Child Care Committee for the purpose of providing ongoing advice and support to the CCYF as it relates to the implementation of the revised Child Care Policy.
c. Report back to Council with the Implementation Plan for the revised Child Care Policy.

d. Submit all funding requests consistent with the revised Child Care Policy annually with the CCYF’s budget submittal.

e. Report back to Council within 90 days on priority strategies and action steps for the implementation of the revised Child Care Policy.

3. INSTRUCT the Departments of Building and Safety, Planning, and Fire to work with the CCYF to incorporate childcare facility projects in its case management unit and report back to Council with an implementation plan within 30 days.

4. REQUEST the Mayor’s Office of Economic Development, in coordination with the CCYF, to promote the development of child care facilities throughout the City.

Fiscal Impact Statement: The CAO and CLA report that the revised Child Care Policy will have no fiscal impact on the City at this time. The CCYF has been instructed to include any requests for funding for activities related to the revised Child Care Policy as part of its annual budget submittal.

(Education and Neighborhoods Committee waived consideration of the above matter)

Items for Which Public Hearings Have Not Been Held - Items 20-34
(10 Votes Required for Consideration)

Roll Call #3 - Motion (Zine - Miscikowski) Adopted, Ayes (10); Absent: Cardenas, Garcetti, Parks, Villaraigosa and Weiss (5)
(Item Nos. 20-31)

ITEM NO. (20) - ADOPTED - FORTHWITH

05-0072

RESOLUTION relative to the Declaration of Local Emergency by the Mayor, dated January 12, 2005, and ratified by the Council on January 18, 2005 and February 1, 2005, due to the occurrence of severe and repeated rain storms which caused significant damage to a number of properties within the City of Los Angeles, pursuant to the provisions of the Los Angeles Administrative Code (LAAC) Section 8.27.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to CONTINUE the Mayor’s Declaration of Local Emergency, directing all appropriate City departments, agencies and personnel to continue to perform all duties and responsibilities to represent the City of Los Angeles in
this matter for the purpose of abating the emergency and receipt, processing and coordination of all inquiries and requirements necessary to obtain whatever State and Federal assistance that may become available to the citizens of the City of Los Angeles who may be affected by the emergency; authorizing the City Administrative Officer to execute for and on behalf of the City all applications for State or Federal assistance which may be made available; instructing the Emergency Operations Board to advise the Mayor and Council on the extension of this Declaration of Local Emergency as may be required; and further, INSTRUCT the City Clerk to forward copies of this Resolution to the Governor of the State of California, the Director of the Office of Emergency Services of the State of California, and the Los Angeles County Board of Supervisors.

(Pursuant to Section 8.27 of the LAAC, Council approval of the existence of a local emergency and need for continuing state of local emergency is required within seven days from the original declaration by the Mayor and every 14 days thereafter until terminated.)

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

04-1250-S54

COMMUNICATIONS FROM MEMBER, PERSONNEL COMMITTEE and VICE-CHAIR, BUDGET AND FINANCE COMMITTEE relative to filling one position of Property Manager III in the Department of General Services (GSD).

Recommendation for Council action:

APPROVE, pursuant to the Managed Employment Process, the one-time filling of one position of Property Manager III, Code 1964-3, in the GSD; and AUTHORIZE backfill authority if this position is filled by promotion from within the GSD.

Fiscal Impact Statement: The City Administrative Officer reports that the annual General Fund cost to fill the position is $132,139; $107,824 in direct salary costs and $24,315 in related costs. Note that this position helps generate approximately $4 million in annual revenue for the City based upon the sale of surplus City-owned property.

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

01-1831

COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION TO VACATE relative to Parma Place from Napoli Drive to its southerly terminus - VAC-E1400768.

Recommendations for Council action:

1. REAFFIRM the FINDINGS of June 4, 2002, that this vacation is in substantial conformance with the General Plan, pursuant to Section 556 of the Los Angeles City Charter (subject to the conditions contained therein).
2. RESCIND the RESOLUTION TO VACATE No. 04-1400768, adopted by City Council on February 24, 2004, and ADOPT the accompanying revised RESOLUTION TO VACATE No. 04-1400768 for the vacation of Parma Place from Napoli Drive to its southerly terminus.

3. APPROVE the City Engineer report dated January 5, 2005 for the vacation.

4. INSTRUCT the Department of Public Works, Bureau of Engineering, Land Development Group, to record the Resolution with the Los Angeles County Recorder.

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.

ENVIRONMENTAL WORK COMPLETED FOR THIS PROJECT

ITEM NO. (23) - ADOPTED

02-0039 CD 11  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).

Recommendation for Council action:

DECLARE the 2005 Nissan Open presented by Countrywide, sponsored by the Los Angeles Junior Chamber of Commerce on February 12-20, 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. (24) - ADOPTED

05-0219 CD 11  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).

Recommendation for Council action:

DECLARE the Pet Theft Awareness Day, sponsored by the Last Chance for Animals on February 14, 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. (25) - ADOPTED

05-0220 CD 1

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).

Recommendation for Council action:

DECLARE the Chinatown/Council District One Chinese New Year's Celebration, sponsored by Council District One on February 8-9, 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. (26) - ADOPTED

05-0222 CD 14

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).

Recommendation for Council action:

DECLARE the Eagle Rock Farmers' Market, sponsored by the Eagle Rock Chamber of Commerce on January 28, 2005 through June 24, 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. (27) - ADOPTED

05-0223 CD 14

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).

Recommendation for Council action:

DECLARE the Learning to Be A Champion, sponsored by the Hollenbeck Youth Center on February 12, 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. (28) - ADOPTED

05-0224 CD 9  
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).

Recommendation for Council action:

DECLARE the Children Advocate Orientation, sponsored by the Council District Nine and YEAH 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, INCLUDING insurance AND application requirements.

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ITEM NO. (29) - ADOPTED

04-0234 CD 9  
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).

Recommendation for Council action:

DECLARE the Guatemalan and Central American Communities Gathering, sponsored by the Consulado de Guatemala on March 6, 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.

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ITEM NO. (30) - ADOPTED

05-0225 CD 9  
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).

Recommendation for Council action:

DECLARE the St. John’s Well Child and Family Center Grand Opening, sponsored by the St. John’s Well Child and Family Center on February 11, 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. (31) - ADOPTED

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.

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

1. FIND that the “Holiday Celebration” event, sponsored by the LA’s Best, serves a public purpose in that it will provide approximately 1,500 community members with a free holiday meal.

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. (32) - ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #7 - Motion (Reyes - Parks) Adopted, Ayes (14); Absent: Cardenas (1)

05-0010-S9
MOTION (PERRY for REYES - ZINE) relative to an offer of reward for information leading 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.

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

1. PROVIDE an offer of reward in the amount of $20,000 for information leading to the identification, apprehension, and conviction of the person(s) responsible for the fire at the Sacred Heart Church in Lincoln Heights.

2. FIND that the subject reward complies with the provisions of Chapter 12, Article 1, Division 19, of the Los Angeles Administrative Code.

3. DIRECT the City Clerk to publish the required notices and/or advertisements to effectuate this reward.
Roll Call #3 - Motion (Zine - Miscikowski) Adopted, Ayes (10); Absent: Cardenas, Garcetti, Parks, Villaraigosa and Weiss (5)
(Item Nos. 33-34)

ITEM NO. (33) - ADOPTED

05-0221 MOTION (SMITH for PADILLA - WEISS) relative to asserting jurisdiction over the February 3, 2005 action of the North Valley Area Planning Commission.

Recommendations for Council action:

1. ASSERT jurisdiction, pursuant to Charter Section 245, over the February 3, 2005 action of the North Valley Area Planning Commission approving the appeal from the determination of the Associate Zoning Administrator's denial of a variance to permit the continued use and maintenance of an existing poultry and pig slaughtering use in the C2-1 zone at 9023 Sepulveda Boulevard.

2. REFER the entire matter, upon asserting jurisdiction, to the Planning and Land Use Management Committee for its review and consideration.

TIME LIMIT FILE - FEBRUARY 15, 2005
(LAST DAY FOR COUNCIL ACTION - FEBRUARY 15, 2005)
10 VOTES REQUIRED

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

05-0236 PARCEL MAP L.A. NO. 2002-4625 lying southeasterly of Venice Boulevard and easterly of Pacific Avenue.
(Approve Subdivision Improvement Agreement and Contract with attached security documents)
(ADOPT City Engineer Report)
(ADOPT Bond No. C-107711)
(Quimby Fee: $9,100)
Applicants: Richard Ehrman
Robert Kameoka
Closed Sessions - Items 35-36

ITEM NO. (35) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #8 - Motion (Miscikowski - Smith) Adopted in Open Session, Ayes (12); Absent: Parks, Perry and Villaraigosa (3)

05-0106

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to retention of outside counsel to assist the City Attorney in the defense of employment litigation.

(Budget and Finance Committee considered the above matter in Closed Session on February 1, 2005 - Continued from Council meeting of February 9, 2005)

ADOPTED

MOTION (MISCIKOWSKI - SMITH)

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

1. AUTHORIZE the City Attorney to continue retention of outside counsel regarding defense of Daniel P. Carvin v. City of Los Angeles, Los Angeles Superior Court Case No. BC 290533.

2. AUTHORIZE the City Attorney to expend $120,000 from the Liability Claims Account No. 9770, for a contract for Jackson Lewis LLP.

3. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to the law firm of Jackson Lewis LLP.

This matter was approved by the Budget and Finance Committee (Parks - Miscikowski - Garcetti - Smith “yes”) at its meeting of February 1, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (36) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #9 - Motion (Padilla - Miscikowski) Adopted in Open Session, Ayes (12); Absent: Parks, Perry and Villaraigosa (3)

04-2357

The City Council shall recess to Closed Session, pursuant to Government Code Section 54957, to consider the appointment of an Interim Chief Legislative Analyst.

(Ad Hoc Committee for the Selection of a Chief Legislative Analyst considered this matter in Closed Session on February 4, 2005 - Continued from Council meeting of February 9, 2005)
ADOPTED

MOTION (PADILLA - MISCIKOWSKI)

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

1. RESOLVE that the appointment of Gerry F. Miller as Interim CLA pending selection and appointment of a permanent CLA, is APPROVED.

2. RESOLVE that the salary rate of pay for the Interim CLA, including a 15 percent increase, is APPROVED.

(Ad Hoc Committee for the Selection of a Chief Legislative Analyst considered on February 4, 2005 in Closed Session as permitted by Government Code Section 54957)

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

05-0267 - MOTION (REYES - PERRY) relative to declaring the Sixth Annual St. Ignatius Community Festival on March 25, 2005 a Special Event (fees and costs absorbed by the City = $1,200).

04-1625 - MOTION (PERRY - LABONGE) relative to declaring the Full Scale High-Rise exercise drill on February 26, 2005 a Special Event (fees and costs absorbed by the City = none submitted).

03-0320 - MOTION (CARDENAS - GARCETTI) relative to declaring the Eighth Annual Van Nuys Health Fair and Family Festival on March 5, 2005 a Special Event (fees and costs absorbed by the City = $612).

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Motion (Hahn - LaBonge) unanimously adopted to excused Councilmember Garcetti to leave at 11:15 a.m. from Council session of Wednesday, February 16, 2005 due to City business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

05-0014 - United Nations International Day in Support of Victims of Torture (Perry - Villaraigosa)

Loft Appeal (Perry - Villaraigosa)
At the conclusion of this day's Council Session
ADJOURNING MOTIONS WERE ADOPTED in tribute to the memory of:

05-0013 - Patricia Bishop Carey (Padilla - All Councilmembers)

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

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk                  PRESIDENT OF THE CITY COUNCIL