

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

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
MARCH 30, 2005

SALUTE TO THE FLAG

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 24

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 1-5

Roll Call #1 - Motion (Smith - Cardenas) Adopted to Continue, Unanimous Vote (15)
(Item Nos. 1-5)

ITEM NO. (1) - PUBLIC HEARING HELD - HEARING CONTINUED TO AND ORDINANCE TO BE
PRESENTED ON APRIL 26, 2005

[04-1829](#)

CD 7 HEARING PROTESTS against the proposed improvement and maintenance of the
ROXFORD STREET AND BORDEN AVENUE NO. 1 LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Roxford Street
and Borden Avenue No. 1 Lighting District, in accordance with Sections 6.95-6.127 of the
Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on February 2, 2005 - Continue hearing and present
Ordinance on APRIL 26, 2005 to consider report of protests to be submitted as a result
of balloting, pursuant to Proposition 218)

ITEM NO. (2) - PUBLIC HEARING HELD - HEARING CONTINUED TO AND ORDINANCE TO BE PRESENTED ON APRIL 26, 2005

04-1830

CD 6 HEARING PROTESTS against the proposed improvement and maintenance of the GAVIOTA AVENUE AND ARCHWOOD STREET LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Gaviota Avenue and Archwood 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 February 2, 2005 - Continue hearing and present Ordinance on APRIL 26, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (3) - PUBLIC HEARING HELD - HEARING CONTINUED TO AND ORDINANCE TO BE PRESENTED ON APRIL 26, 2005

04-1831

CD 10 HEARING PROTESTS against the proposed improvement and maintenance of the VENICE BOULEVARD AND COMEY AVENUE LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Venice Boulevard and Comey 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 February 2, 2005 - Continue hearing and present Ordinance on APRIL 26, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (4) - PUBLIC HEARING HELD - HEARING CONTINUED TO AND ORDINANCE TO BE PRESENTED ON APRIL 26, 2005

04-1711

CD 6 HEARING PROTESTS against the proposed improvement and maintenance of the WYANDOTTE STREET AND NOBLE AVENUE LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Wyandotte Street and Noble 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 February 2, 2005 - Continue hearing and present Ordinance on APRIL 26, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (5) - PUBLIC HEARING HELD - HEARING CONTINUED TO AND ORDINANCE TO BE PRESENTED ON APRIL 26, 2005

04-1833

CD 7 HEARING PROTESTS against the proposed improvement and maintenance of the DEVONSHIRE STREET AND SEPULVEDA BOULEVARD LIGHTING DISTRICT.

Recommendation for Council action:

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

(Ordinance of Intention adopted on February 2, 2005 - Continue hearing and present Ordinance on APRIL 26, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

Items for Which Public Hearings Have Been Held - Items 6-20

ITEM NO. (6) - ADOPTED - FORTHWITH

Roll Call #7 - Motion (LaBonge - Greuel) Adopted, Ayes (15)

05-0360

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the appointment of Mr. Mark Persaud to the Board of Zoo Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Mark Persaud to the Board of Zoo Commissioners for the term ending June 30, 2008, to fill the vacancy created by the resignation of Mr. Larkin Arnold, is APPROVED and CONFIRMED. Mr. Persaud resides in Council District Two. (Current Commission gender composition: M=0; F=4)

Ethics Commission Review: Pending

TIME LIMIT FILE - APRIL 11, 2005

(LAST DAY FOR COUNCIL ACTION - APRIL 8, 2005)

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

Roll Call #8 - Motion (Zine - Miscikowski) Adopted, Ayes (15)

04-1046-S1

PUBLIC SAFETY COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to requiring that notice be given to purchasers of motor-driven cycles and motorized bicycles (aka pocket bikes).

Recommendations for Council action, as initiated by Motion (Zine - Smith), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE relative to adding Section 47.17 to the Los Angeles Municipal Code to require that notice be given to purchasers of motor-driven cycles and motorized bicycles (pocket bikes) in the City of Los Angeles that such vehicles are not appropriate for operation on a public street or highway.
2. NOTE and FILE the Los Angeles Police Department report dated August 20, 2004 relative to bringing mini-motorcycles into compliance with appropriate City, County and State license codes and to provide basic law and safety information to operators of mini-motorcycles, inasmuch as the report is submitted for information only and no Council action is necessary.

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.

Roll Call #4 - Motion (Zine - Ludlow) Adopted, Ayes (15)
(Item Nos. 8-10)

ITEM NO. (8) - ADOPTED

05-0493

AD HOC COMMITTEE ON GANG VIOLENCE AND YOUTH DEVELOPMENT REPORT relative to increased violence in and around school campuses and efforts to address this problem.

Recommendation for Council action:

NOTE and FILE the March 18, 2005 Motion (Ludlow - Perry) requesting that the Commission on Children, Youth and their Families, the Human Relations Commission, the Police Department, and the Los Angeles Unified School District report to the Ad Hoc Committee on Gang Violence and Youth Development relative to the status of increased violence in and around school campuses and on efforts to address this problem, inasmuch as a presentation was made to the Committee on March 21, 2005 on this issue and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (9) - ADOPTED

02-0488-S7

BUDGET AND FINANCE COMMITTEE REPORT relative to the financial status of outside counsel contracts.

Recommendation for Council action:

NOTE and FILE the City Attorney report relative to the financial status of outside counsel contracts for the month of February 2005, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (10) - ADOPTED

04-0521

BUDGET AND FINANCE COMMITTEE REPORT relative to the Los Angeles City Employees' Retirement System (LACERS) Comprehensive Annual Financial Report for fiscal year ending June 30, 2004.

Recommendation for Council action:

RECEIVE and FILE the LACERS Comprehensive Annual Financial Report for fiscal year ending June 30, 2004, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (11) - CONTINUED TO MAY 6, 2005

Roll Call #3 - Motion (Zine - Parks) Adopted to Continue, Unanimous Vote (15)

02-2878

BUDGET AND FINANCE COMMITTEE REPORT relative to a fund transfer from the Unclaimed Monies Seized Incidental to Arrest Trust Fund.

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

TRANSFER \$190,955.82 from the Unclaimed Monies Seized Incidental to Arrest Trust Fund No. 7772, to the General Fund.

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

ITEM NO. (12) - ADOPTED

Roll Call #4 - Motion (Zine - Ludlow) Adopted, Ayes (15)

05-0359

BUDGET AND FINANCE COMMITTEE REPORT relative to unclaimed checks for the Street Improvement Fund and the Registered Bond Accounts.

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

1. AUTHORIZE the Treasurer to TRANSFER \$1,353.00 from the Street Bond Improvement Fund, Account No. 1459-7-03542, to the General Fund.
2. AUTHORIZE the Treasurer to TRANSFER \$750.00 from the Registered Bond Interest Account No. 14591-80058, to the General Fund.

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

ITEM NO. (13) - CONTINUED TO MAY 6, 2005

Roll Call #3 - Motion (Zine - Parks) Adopted to Continue, Unanimous Vote (15)

05-0517

BUDGET AND FINANCE COMMITTEE REPORT relative to a fund transfer from the Unclaimed Monies Seized Incidental to Arrest Trust Fund.

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

TRANSFER \$132,276.10 from the Unclaimed Monies Seized Incidental to Arrest Trust Fund No. 7772, to the General Fund.

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

Roll Call #4 - Motion (Zine - Ludlow) Adopted, Ayes (15)
(Item Nos. 14-19)

ITEM NO. (14) - ADOPTED

00-2134-S7

BUDGET AND FINANCE COMMITTEE REPORT relative to changes to the Business Tax Ordinance.

Recommendations for Council action:

1. REQUEST the City Attorney to draft an ordinance amending Section 21.14 of the Los Angeles Municipal Code (LAMC), requiring businesses to furnish the Office of Finance with information on their subcontractors, vendors and tenants.
2. REQUEST the City Attorney to draft an ordinance amending Section 21.190 of the LAMC, to add the title of Professions and Occupations.
3. REQUEST the City Attorney to draft an ordinance amending Section 21.6.10 of the LAMC, to allow for more participation of businesses in the City's Use Tax Direct Payment Permit Incentive Program.

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

ITEM NO. (15) - ADOPTED

03-0668-S1

BUDGET AND FINANCE COMMITTEE REPORT relative to a quarterly report on the status of Interest Rate Swap Agreements.

Recommendation for Council action:

RECEIVE and FILE the City Administrative Officer's (CAO) 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 necessary.

Fiscal Impact Statement: Not applicable.

Debt Impact Statement: The CAO reports there is no impact on the City's outstanding debt as a result of filing this Quarterly Report on the status of Interest Rate Swap Agreements.

ITEM NO. (16) - ADOPTED

04-0600-S53

BUDGET AND FINANCE COMMITTEE REPORT relative to budgetary adjustments required resulting from price increases.

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

1. TRANSFER \$3,500,000 from the Reserve Fund to the Unappropriated Balance and APPROPRIATE therefrom to the Department of General Services, Fund 100/40, Petroleum Account No. 3230 to fund fuel price increases.
2. TRANSFER \$750,000 from the Fire Department, Fund 100/38, Variable Staffing Overtime Account No. 1098 to the following accounts within the Fire Department, Fund 100/38:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
3230	Petroleum	\$350,000
6020	Operating Supplies & Expense	<u>400,000</u>
	Total	\$750,000

3. TRANSFER \$2,200,000 from the Reserve Fund to the Unappropriated Balance and APPROPRIATE therefrom to the Police Department, Fund 100/70, Petroleum Account No. 3230 to fund fuel price increases.

Fiscal Impact Statement: The City Administrative Officer reports that appropriations totaling \$5.7 million are required from the Reserve Fund to ensure sufficient funding is available to procure fuel for City operations.

ITEM NO. (17) - ADOPTED

04-1988

BUDGET AND FINANCE COMMITTEE REPORT relative to the financial condition of the Fire and Police Pension System (Pensions) and the Los Angeles City Employees' Retirement System (LACERS).

Recommendations for Council action:

1. AUTHORIZE the establishment of a Debt Management Committee of City officials, including the City Administrative Officer (CAO) as Chair, the Chief Legislative Analyst, the Controller, the Treasurer, the City Attorney, and those departments and agencies that are responsible for issuing their own debt, which would include disclosure review in its duties.
2. INSTRUCT the CAO to review the draft Comprehensive Annual Financial Report and REQUEST the Controller to participate in the detailed review of the CAO report Appendix A.
3. INSTRUCT the CAO to include a description of the new disclosure process in the City's Debt Management Policy.
4. INSTRUCT the CAO to contract with the City's Disclosure Counsel to conduct annual training for elected officials, department heads and appropriate staff regarding their roles and responsibilities in the City financial disclosure process.
5. INSTRUCT the Departments of Airport, Harbor, Water and Power, Housing and Community Development, the Community Redevelopment Agency (CRA) and the Housing and Industrial Development Authorities to submit their City disclosure information to the CAO to ensure consistent City information is disclosed.
6. INSTRUCT the CAO, City Attorney, Controller and the City's Certified Public Accountants to conduct annual workshops on financial disclosure requirements for all City departments, including the CRA.

7. AUTHORIZE expansion of the responsibilities of the Debt Management Committee to include reviewing financial disclosure issues for the City, not just General Government.

Fiscal Impact Statement: The CAO reports that it is anticipated that the cost for disclosure training will be approximately \$5,000 annually. The cost for 2004-05 can be absorbed within the CAO's budget.

ITEM NO. (18) - ADOPTED

04-0109

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to the making and posting of "High Fire Danger" and "No Smoking" signs.

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

1. AUTHORIZE and INSTRUCT the Department of Transportation (DOT) to administer the contract for fabrication and installation of "High Fire Danger" and "No Smoking" signs at 160 intersections that the Los Angeles Fire Department (LAFD) has determined are the appropriate locations for these signs within the Very High Fire Hazard Severity Zone.
2. INSTRUCT the Chief Legislative Analyst and the City Administrative Officer to identify funding within the DOT budget for this project.

Fiscal Impact Statement: The Department of General Services reports the estimated total cost to install 160 signs at the locations identified by the LAFD is approximately \$18,900.

ITEM NO. (19) - ADOPTED

04-0600-S42

PERSONNEL COMMITTEE REPORT relative to a listing of all substitute and in-lieu position authorities needed to fulfill the intent of the Council action on the 2004-05 Budget.

Recommendation for Council action:

RECEIVE and FILE the City Administrative Officer report relative to a listing of all substitute and in-lieu position authorities needed to fulfill the intent of the Council action on the 2004-05 Budget, inasmuch as the report is submitted for information only, and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (20) - REFERRED TO INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE

Roll Call #2 - Motion (Weiss - Villaraigosa) Adopted to Refer, Unanimous Vote (15)

04-1250-S64

PERSONNEL and BUDGET AND FINANCE COMMITTEES' REPORT relative to filling two positions of Assistant General Manager Information Technology Agency (ITA).

Recommendation for Council action:

APPROVE, pursuant to the 2004-05 Managed Employment Process, the one-time filling of two positions of Assistant General Manager ITA, Code 9381, in the ITA; and AUTHORIZE backfill authority if these positions are filled by promotion from within the ITA.

Fiscal Impact Statement: The City Administrative Officer reports that the annual cost to fill both positions is \$355,195; \$293,916 in direct costs and \$61,279 in related costs.

Items for Which Public Hearings Have Not Been Held - Items 21-33
(10 Votes Required for Consideration)

Roll Call #5 - Motion (Greuel - Zine) Adopted, Ayes (15)
(Item Nos. 21-26)

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

04-0341

COMMUNICATION FROM CHAIR, AUDITS AND GOVERNMENTAL EFFICIENCY COMMITTEE relative to the Independent Auditor's reports and financial statements for the Mobile Source Air Pollution Reduction Program of the City of Los Angeles for the Fiscal Years ended June 30, 2003 and June 30, 2004.

Recommendation for Council action:

NOTE and FILE the Simpson and Simpson's Independent Auditor's reports and financial statements for the Mobile Source Air Pollution Reduction Program of the City of Los Angeles for the Fiscal Years ended June 30, 2003 and June 30, 2004, inasmuch as the reports are submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

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

05-0202

COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST relative to the sale of six surplus Los Angeles Police Department (LAPD) patrol vehicles.

Recommendations for Council action, pursuant to Motion (Parks - Zine):

1. AUTHORIZE the sale of six LAPD patrol vehicles (Equipment Nos. 84237, 83684, 84757, 84309, 84394 and 83515) for \$1.00 each and FIND that the sale and transfer of this surplus equipment fulfills a humanitarian purpose, is of benefit to the City, and that the City is receiving adequate compensation for such equipment.
2. REQUEST the City Attorney to expedite preparation of the appropriate documents to effectuate the sale and transfer of the above identified surplus equipment at below market value to the Exposition Park Department of Public Safety, and to notify the Councilmember of the Eighth District.
3. INSTRUCT the City Clerk to inform the Exposition Park Department of Public Safety (Chief Clifford Green, 700 State Drive, Los Angeles, CA 90037) that the equipment must be claimed within 60 days from the date of Council approval of the request, at which time the vehicles will revert to the City's surplus equipment pool for disposal by the Department of General Services.

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

ITEM NO. (23) - ADOPTED

04-1102

CONSIDERATION OF MOTION (SMITH - ZINE) relative to the sale of a surplus Los Angeles Police Department (LAPD) 1996 Ford 12 passenger van.

Recommendations for Council action:

1. REQUEST the LAPD to sell a 1996 Ford 12 passenger van, Shop No. 27951 for the sum of \$1.00 to the LAPD, Devonshire Area, Volunteer Surveillance Team, and that the transfer of ownership be accomplished in the shortest time possible.
2. REQUEST the LAPD, since the vehicle will often be used to conduct department undercover operations, to provide the maintenance for the vehicle.

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

ITEM NO. (24) - ADOPTED

01-0618

CD 1

MOTION (REYES - GARCETTI) relative to declaring the Opening Day Celebration on April 12, 2005 a Special Event (fees and costs absorbed by the City = \$3000).

Recommendation for Council action:

DECLARE the Opening Day Celebration, sponsored by the Los Angeles Dodgers on April 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 fees.

ITEM NO. (25) - ADOPTED

02-0252

CD 7 MOTION (PADILLA - CARDENAS) relative to declaring the 12th Annual Cesar Chavez Peregrination and Cultural Arts Festival on April 3, 2005 a Special Event (fees and costs absorbed by the City = \$2,800).

Recommendation for Council action:

DECLARE the 12th Annual Cesar Chavez Peregrination and Cultural Arts Festival, sponsored by Council District Seven, the Department of Recreation and Parks and Pueblo and Salud, Inc. on April 3, 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.

ITEM NO. (26) - ADOPTED

01-0764

CD 8 MOTION (PARKS - REYES) relative to declaring the Ninth Annual Run for Christ on June 25, 2005 a Special Event (fees and costs absorbed by the City = \$1,000).

Recommendation for Council action:

DECLARE the Ninth Annual Run for Christ, sponsored by the Jerusalem Missionary Baptist Church on June 25, 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.

ITEM NO. (27) - ADOPTED

Roll Call #9 - Motion (Cardenas - Miscikowski) Adopted, Ayes (15)

05-0559

CD 6 MOTION (CARDENAS - MISCIKOWSKI) relative to declaring the Community Cleanup on April 9, 2005 a Special Event (fees and costs absorbed by the City = \$1,416).

Recommendation for Council action:

DECLARE the Community Cleanup, sponsored by Council District Six on April 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.

Roll Call #5 - Motion (Greuel - Zine) Adopted, Ayes (15)
(Item Nos. 28-30)

ITEM NO. (28) - ADOPTED

04-0453

CD 6 MOTION (CARDENAS - MISCIKOWSKI) relative to declaring the Second Annual Panorama City-Van Nuys Spring Parade on April 24, 2005 a Special Event (fees and costs absorbed by the City = \$1,208).

Recommendation for Council action:

DECLARE the Second Annual Panorama City-Van Nuys Spring Parade, sponsored by Sober Link, Inc. on April 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.

ITEM NO. (29) - ADOPTED

03-0833

CD 6 MOTION (CARDENAS - MISCIKOWSKI) relative to declaring the Israeli's Independence Day Festival on May 15, 2005 a Special Event (fees and costs absorbed by the City = \$1,278).

Recommendation for Council action:

DECLARE the Israeli's Independence Day Festival, sponsored by the Council of Israeli Organization of Los Angeles on May 15, 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.

ITEM NO. (30) - ADOPTED

05-0558

CD 9 MOTION (PERRY - PARKS) relative to declaring the Easter Celebration on March 25, 2005 a Special Event (fees and costs absorbed by the City = none submitted).

Recommendation for Council action:

DECLARE the Easter Celebration, sponsored by the Los Angeles Mission on March 25, 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.

ITEM NO. (31) - ADOPTED

Roll Call #10 - Motion (Reyes - Smith) Adopted, Ayes (15)

05-0557

CD 1 MOTION (REYES - SMITH) relative to declaring the Annual Community Peace March on March 25, 2005, a Special Event (fees and costs absorbed by the City = \$1,000).

Recommendation for Council action:

DECLARE the Annual Community Peace March, sponsored by the Immaculate Conception Church on March 25, 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 fees.

Roll Call #5 - Motion (Greuel - Zine) Adopted, Ayes (15)
(Item Nos. 32-33)

ITEM NO. (32) - ADOPTED

05-0556

CD 14 MOTION (VILLARAIGOSA - REYES) relative to declaring the Salesian High School Career Day on April 22, 2005, a Special Event (fees and costs absorbed by the City = \$2,294).

Recommendation for Council action:

DECLARE the Salesian High School Career Day, sponsored by Salesian High School on April 22, 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. (33) - ADOPTED

05-0002-S64

RESOLUTION (MISCIKOWSKI - ZINE) relative to the City's position regarding legislation that would require a gun safety warning to be on all firearm sales contracts and posted conspicuously wherever guns are sold.

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

RESOLVE that the City include in its 2005-06 State Legislative Program, SUPPORT for AB 944 (Ridley-Thomas) which would require a gun safety warning to be on all firearm sales contracts and posted conspicuously wherever guns are sold.

Item for Which Public Hearing Has Been Held - Item 34

ITEM NO. (34) - ADOPTED

Roll Call #11 - Motion (Padilla - Garcetti) Adopted, Ayes (15)

03-1524

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT and BUDGET AND FINANCE COMMITTEES' REPORT relative to a pilot program for establishing "smoke-free" units at multi-family housing developments financed by the City's Affordable Housing Trust Fund.

Recommendations for Council action, as initiated by Motion (Padilla - Garcetti - Miscikowski - Hahn):

1. REVIEW and APPROVE the Smoke-Free Housing Pilot Program (as discussed in the Los Angeles Housing Department [LAHD] report to the Mayor dated November 9, 2004, attached to the Council file), and AUTHORIZE the General Manager, LAHD, or designee, to implement the program.
2. REQUEST the City Attorney to work with the LAHD to draft appropriate language for loan agreements, regulatory agreements, and related documents necessary to implement the pilot program.
3. INSTRUCT the General Manager, LAHD, or designee, to:
 - a. Discuss applications received for the pilot program when LAHD submits its funding recommendations pursuant to the 2005 Notice of Funding Availability for Mayor and Council approval.
 - b. Report one year later, in early 2006, on any specific development lessons learned from the Smoke-Free Housing Pilot Program, and provide subsequent periodic reports as needed.

Fiscal Impact Statement: The LAHD reports that General Fund dollars make up part of the Affordable Housing Trust Fund. If the smoke-free requirement increases costs, or reduces the leveraging offered by equity investors, then more funds may be needed.

Items for Which Public Hearings Have Not Been Held - Items 35-36 (10 Votes Required for Consideration)

ITEM NO. (35) - ADOPTED - FORTHWITH

Roll Call #6 - Motion (Garcetti - Weiss) Adopted, Ayes (15)

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, February 1, February 15, March 1, 9, and 23, 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. (36) - NO ACTION TAKEN

DEPARTMENT OF TRANSPORTATION TO REPORT relative to implementation of the pilot program enabling hybrid vehicles to park free at City parking meters, and related matters.

(Pursuant to Council action taken under Council file No. 04-1362 on March 30, 2005)

Closed Sessions - Items 37-43

ITEM NO. (37) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #12 - Motion (Cardenas - Smith) Adopted in Open Session, Ayes (13);
Absent: Parks and Reyes (2)

04-2654

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Phillip R. Greene v. City of Los Angeles, et al., United States District Court Case No. CV 03-04234 GAF (Ex). (This action arises from a use of force on a car theft suspect by members of the Los Angeles Police Department, on April 24, 2002, following a short pursuit.)

(Budget and Finance Committee considered the above matter in Closed Session on March 29, 2005)

ADOPTED IN OPEN SESSION

MOTION (CARDENAS - SMITH)

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

1. AUTHORIZE the City Attorney to expend \$900,000 in settlement of the case entitled Phillip R. Greene v. City of Los Angeles, et al., United States District Court Case No. CV 03-04234 GAF (Ex), from the Liability Claims Account No. 9770, Fund 100, Department 59.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable, as follows:
 - a. \$817,500 made payable to Payab & Associated and Quadree Green.
 - b. \$82,500 made payable to Primax Recoveries Incorporated.

This matter was approved by the Budget and Finance Committee (Parks - Miscikowski - Cardenas - Garcetti - Smith "yes") at its meeting of March 29, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (38) - MEETING HELD - CONTINUED TO APRIL 13, 2005

05-0192

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Richard Hodkinson v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 309547. (This action arises from a pedestrian versus motor vehicle accident that occurred on Sunset Boulevard.)

(Budget and Finance Committee considered the above matter in Closed Session on March 29, 2005)

ITEM NO. (39) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #13 - Motion (LaBonge - Smith) Adopted in Open Session, Ayes (13);
Absent: Parks and Reyes (2)

05-0501

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the cases entitled Jose Hipolito Villareal v. City of Los Angeles, et al., and Korinna Sehringer v. City of Los Angeles, et al., Los Angeles Superior Court Case Nos. BC 289383 and BC 30863. (This action arises from a sewer and water backup into a single story apartment complex on November 24, 2001.)

(Budget and Finance Committee considered the above matter in Closed Session on March 29, 2005)

ADOPTED IN OPEN SESSION

MOTION (LABONGE - SMITH)

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

1. AUTHORIZE the City Attorney to expend \$240,000 in settlement of the cases entitled Jose Hipolito Villareal v. City of Los Angeles, et al., and Korinna Sehringer v. City of Los Angeles, et al., Los Angeles Superior Court Case Nos. BC 289383 and BC 30863, from the Sewer Construction and Maintenance Fund.
2. AUTHORIZE and INSTRUCT the Director, Bureau of Sanitation, to draw a demand thereon in said amount from the Sewer Construction and Maintenance Fund No. 760/50, Account to be determined by the Bureau, payable to the Law Offices of David E. Kenney and Jose Hipolito Villareal, Martha Villareal and Korinna Sehringer.

This matter was approved by the Budget and Finance Committee (Parks - Miscikowski - Cardenas - Garcetti - Smith "yes") at its meeting of March 29, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (40) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #14 - Motion (Cardenas - Smith) Adopted in Open Session, Ayes (13);
Absent: Parks and Reyes (2)

05-0502

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Michael Gallegos v. City of Los Angeles, et al., United States District Court Case No. CV 02-06379 GAF. (Plaintiff alleges a violation of civil rights and false arrest by the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on March 29, 2005)

ADOPTED IN OPEN SESSION

MOTION (CARDENAS - SMITH)

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

1. AUTHORIZE the City Attorney to expend \$600,000 in settlement of the case entitled Michael Gallegos v. City of Los Angeles, et al., United States District Court Case No. CV 02-06379 GAF, from the Extraordinary Liability Claims Account No. 2000.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to Moreno, Becerra, Guerrero, and Casillas and Michael Gallegos.

This matter was approved by the Budget and Finance Committee (Parks - Miscikowski - Garcetti - Cardenas - Smith "yes") at its meeting of March 29, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (41) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #15 - Motion (Cardenas - Smith) Adopted in Open Session, Ayes (13);
Absent: Parks and Reyes (2)

05-0503

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Jose Leyva v. City of Los Angeles, et al., United States District Court Case No. CV 02-06380 GAF. (Plaintiff alleges a violation of civil rights and false arrest by the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on March 29, 2005)

ADOPTED IN OPEN SESSION

MOTION (CARDENAS - SMITH)

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

1. AUTHORIZE the City Attorney to expend \$400,000 in settlement of the case entitled Jose Leyva v. City of Los Angeles, et al., United States District Court Case No. CV 02-06380 GAF, from the Extraordinary Liability Claims Account No. 2000.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to Moreno, Becerra, Guerrero, and Casillas and Jose Leyva.

This matter was approved by the Budget and Finance Committee (Parks - Miscikowski - Cardenas - Garcetti - Smith "yes") at its meeting of March 29, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (42) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #16 - Motion (Cardenas - Smith) Adopted in Open Session, Ayes (13);
Absent: Parks and Reyes (2)

05-0504

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Lynette Parker v. City of Los Angeles, et al., United States District Court Case No. CV 04-5938 JFW. (Plaintiff alleges a violation of civil rights and false arrest by the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on March 29, 2005)

ADOPTED IN OPEN SESSION

MOTION (CARDENAS - SMITH)

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

1. AUTHORIZE the City Attorney to expend \$145,000 in settlement of the case entitled Lynette Parker v. City of Los Angeles, et al., United States District Court Case No. CV 04-5938 JFW, from the Extraordinary Liability Claims Account No. 2000.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to Moreno, Becerra, Guerrero, and Casillas and Lynette Parker.

This matter was approved by the Budget and Finance Committee (Miscikowski - Garcetti - Cardenas - Smith "yes"; Parks recused himself) at its meeting of March 29, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (43) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH

Roll Call #17 - Motion (Cardenas - Smith) Adopted in Open Session, Ayes (13);
Absent: Parks and Reyes (2)

05-0505

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Kelly Carrington v. City of Los Angeles, et al., United States District Court Case No. CV 01-07432 GAF. (Plaintiff alleges a violation of civil rights and false arrest by the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on March 29, 2005)

ADOPTED IN OPEN SESSION

MOTION (CARDENAS - SMITH)

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

1. AUTHORIZE the City Attorney to expend \$120,000 in settlement of the case entitled Kelly Carrington v. City of Los Angeles, et al., United States District Court Case No. CV 01-07432 GAF, from the Extraordinary Liability Claims Account No. 2000.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to Moreno, Becerra, Guerrero & Casillas and Kelly Carrington.

This matter was approved by the Budget and Finance Committee (Miscikowski - Cardenas - Smith - Garcetti "yes"; Parks recused himself) at its meeting of March 29, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

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

05-0616

MOTION (LABONGE - GREUEL) relative to declaring the St. Charles Church Festival on April 22-24, 2005 a Special Event (fees and costs absorbed by the City = \$6,579).

05-0615

MOTION (PERRY - SMITH) relative to declaring the 51st Street Block Party on April 17, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).

05-0614

MOTION (PERRY - REYES) relative to declaring the FAB Market on the third Saturday of each month from April 16, 2005 to April 16, 2006 a Special Event (fees and costs absorbed by the City = \$17,586).

- 05-0613 MOTION (PERRY - SMITH) relative to declaring the Hanamatsuri Celebration on April 10, 2005 a Special Event (fees and costs absorbed by the City = \$1,500).
- 05-0611 MOTION (PERRY - SMITH) relative to declaring the Latino Divino Restoro on April 9, 2005 a Special Event (event sponsor to reimburse the City for all fees and cost incurred).
- 04-0381 MOTION (PERRY - REYES) relative to declaring the Third Annual Health and Safety Fair on April 30, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).
- 02-1531 MOTION (MISCIKOWSKI - HAHN) relative to declaring the Annual Venice Hongwanji Buddhist Temple Memorial Service and Festival on July 16-17, 2005 a Special Event (fees and costs absorbed by the City = \$4,568).
- 04-0910 MOTION (HAHN - MISCIKOWSKI) relative to declaring the Harbor Boat Tours on May 14-15, 2005 a Special Event (fees and costs absorbed by the City = \$10,508).
- 05-0608 MOTION (MISCIKOWSKI - HAHN) relative to declaring the Keep the Peace March and Rally on April 2, 2005 a Special Event (fees and costs absorbed by the City = \$8,719).
- 04-0702 MOTION (MISCIKOWSKI - HAHN) relative to declaring the Venice Japanese-American Community Center Festival on June 18-19, 2005 a Special Event (fees and costs absorbed by the City = \$2,163).
- 02-0973 MOTION (HAHN - MISCIKOWSKI) relative to declaring the Harbor City Recreational Center Carnival and Fundraiser on May 20-22 and July 8-10, 2005 a Special Event (fees and costs absorbed by the City = \$15,282).
- 04-2337 MOTION (ZINE - PERRY) relative to declaring the Warner Park Fine Arts and Crafts Festival on April 16-17, 2005 a Special Event (fees and costs absorbed by the City = \$7,166).
- 05-0607 MOTION (ZINE - PERRY) relative to declaring the Temple Aliyah Purim Carnival on April 2-3, 2005 a Special Event (fees and costs absorbed by the City = \$5,199).
- 05-0511 MOTION (PERRY - REYES) relative to a request for an exemption from the Convention Center fee waiver policy for the Experience College 2005 event on April 9-10, 2005.

05-0610

MOTION (PERRY - SMITH) relative to a request for an exemption from the Convention Center fee waiver policy for the Dr. Alexander's Legacy Continues - Knowledge is Power event on April 23, 2005.

05-0612

MOTION (VILLARAIGOSA - WEISS - LUDLOW - PARKS) relative to asserting jurisdiction over an April 4, 2005 action of the Board of Airport Commissioners regarding concession contract extensions.

05-0609

MOTION (WEISS - PARKS) relative to a fund transfer for services in connection with the Jewish Federation of Los Angeles reception on April 5, 2005.

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

05-0002-S69

RESOLUTION (PERRY - PADILLA) relative to the City's position in connection with H. R. 893 (Becerra), better known as the Wartime Parity and Justice Act of 2005.

05-0617

RESOLUTION (PERRY - GARCETTI) relative to declaring April 1 through April 30 as "Earth Month" in the City of Los Angeles.

05-0490-S1

RESOLUTION (PERRY - LABONGE) relative to declaring April 12, 2005 as "Garifuna Day" in the City of Los Angeles.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, Councilmember Zine was excused to leave at 11:30 a.m. from Council session of Tuesday, April 12, 2005 due to personal business.

Upon his request, and without objections, Councilmember Villaraigosa was excused from Council session of Tuesday and Wednesday, April 12 and 13, 2005 and was excused to leave at 11:30 a.m. from Council session of Friday, April 22, 2005 due to personal business.

Upon her request, and without objections, Councilmember Hahn was excused from Council sessions of Tuesday, April 12 and 26, 2005 due to City business and from Council sessions of Friday, May 27, 2005 and Tuesday, May 31, 2005 due to personal business.

Upon her request, and without objections, Councilmember Miscikowski was excused from Council session of Wednesday, April 20, 2005 due to personal business.

Upon his request, and without objections, Councilmember Smith was excused from Council session of Friday, October 14, 2005 due to personal business.

