

Los Angeles City Council, Journal/Council Proceedings  
Tuesday, April 26, 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, Perry, Reyes, Smith, Villaraigosa, Weiss, Zine and President Padilla (12); Absent: Cardenas, LaBonge and Parks (3).

SALUTE TO THE FLAG BY COUNCILMEMBER ZINE AND THE EL CAMINO HIGH SCHOOL ACADEMIC DECATHLON COACH

MOMENT OF INSPIRATION BY DWAYNE WILSON, WILDWOODS FOUNDATION EXECUTIVE DIRECTOR

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF APRIL 20, 2005

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 29

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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 1-8

ITEM NO. (1) - CONTINUED TO APRIL 27, 2005

Roll Call #10 - Motion (Zine - Reyes) Adopted to Continue, Unanimous Vote (13);  
Absent: LaBonge and Parks (2)

[05-0461](#)

CD 3 HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" for alcohol sales for off-site consumption located at 18525 Sherman Way, Calimex Food For Less (grocery market).

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at 18525 Sherman Way, Calimex Food For Less (grocery market) will serve the "Public Convenience or Necessity" and will not tend to create a law enforcement problem.
2. GRANT the Application for Determination of "Public Convenience or Necessity" for the sale of alcoholic beverages for off-site consumption located at 18525 Sherman Way.
3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control as the required findings under Business and Professions Code Section 23958.4.

Applicants: Binh and Judy Lam

TIME LIMIT FILE - APRIL 29, 2005

(LAST DAY FOR COUNCIL ACTION - APRIL 29, 2005)

ITEM NO. (2) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO DENY APPLICATION - FORTHWITH

Roll Call #6 - Motion (Perry - Reyes) Adopted to Deny Application, Ayes (13); Absent: LaBonge and Parks (2)

05-0235

CD 9

CONTINUED HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" for off-site consumption at La Mexicana Market at 4800 Compton Avenue (grocery market).

Recommendations for Council action:

1. DETERMINE that the "Public Convenience or Necessity" WILL NOT BE SERVED by the proposed sale of alcohol for off-site consumption at 4800 Compton Avenue, La Mexicana Market (grocery market), inasmuch as the proposed site is within a census tract with an undue concentration of alcoholic beverage sales licenses.
2. DENY the Application for Determination of "Public Convenience or Necessity" for the sale of alcoholic beverages at 4800 Compton Avenue, based upon the above finding.
3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control as the required findings under Business and Professions Code Section 23958.4.

Applicant: Gil A. Hong

TIME LIMIT FILE - MAY 6, 2005

(LAST DAY FOR COUNCIL ACTION - MAY 6, 2005)

(Continued from Council meeting of April 19, 2005)

Roll Call #1 - Motion (Cardenas - Ludlow) Adopted, Ayes (13); Absent: LaBonge and Parks (2)  
(Item Nos. 3-7)

ITEM NO. (3) - PUBLIC HEARING CLOSED - ADOPTED

04-1711

CD 6 CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of WYANDOTTE STREET AND NOBLE AVENUE LIGHTING DISTRICT.

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

1. FIND that a majority protest exists in the Street Lighting Maintenance Assessment District and therefore the proposed assessment cannot be enacted.
2. PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings relating to the above lighting district, if there was not a majority protest as a result of balloting, and if protests are denied, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the streetlights are not installed or are removed from service if previously installed.

(Public Hearing held April 5, 2005)

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

04-1829

CD 7 CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of ROXFORD STREET AND BORDEN AVENUE NO. 1 LIGHTING DISTRICT.

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

1. FIND that a majority protest exists in the Street Lighting Maintenance Assessment District and therefore the proposed assessment cannot be enacted.
2. PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings relating to the above lighting district, if there was not a majority protest as a result of balloting, and if protests are denied, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the streetlights are not installed or are removed from service if previously installed.

(Public Hearing held April 5, 2005)

ITEM NO. (5) - PUBLIC HEARING CLOSED - ADOPTED

04-1830

CD 6

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of GAVIOTA AVENUE AND ARCHWOOD STREET LIGHTING DISTRICT.

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

1. FIND that a majority protest exists in the Street Lighting Maintenance Assessment District and therefore the proposed assessment cannot be enacted.
2. PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings relating to the above lighting district, if there was not a majority protest as a result of balloting, and if protests are denied, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the streetlights are not installed or are removed from service if previously installed.

(Public Hearing held April 5, 2005)

ITEM NO. (6) - PUBLIC HEARING CLOSED - ADOPTED

04-1831

CD 10

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of VENICE BOULEVARD AND COMEY AVENUE LIGHTING DISTRICT.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held April 5, 2005)

ITEM NO. (7) - PUBLIC HEARING CLOSED - ADOPTED

04-1833

CD 7

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of DEVONSHIRE STREET AND SEPULVEDA BOULEVARD LIGHTING DISTRICT.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held April 5, 2005)

ITEM NO. (8) - PUBLIC HEARING CLOSED - ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #7 - Motion (Miscikowski - Garcetti) Adopted, Ayes (13); Absent: LaBonge and Parks (2)

04-1761

CATEGORICAL EXEMPTION, HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT and BUDGET AND FINANCE COMMITTEES' REPORT and ORDINANCE FIRST CONSIDERATION relative to establishing an Enterprise Zone Hiring Tax Credit Voucher Application Fee.

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

1. FIND that this action is categorically exempt from pursuant to the California Environmental Quality Act (CEQA), under Article 18, Section 15273(a) of the State CEQA guidelines, and Article II, Section 2.0 of the City's environmental guidelines.
2. PRESENT and ADOPT the accompanying ORDINANCE amending Chapter II of the Los Angeles Municipal Code to add Article 1.17 to establish an Enterprise Zone Hiring Tax Credit Voucher Application Fee of \$25 to process each application.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund. Approving the recommendations above will establish an Enterprise Zone Tax Credit Processing Fee of \$25. The fee, if established, can be used to off-set staff and expense costs incurred by Community Development Department in the processing of the Enterprise Zone Tax Credit applications. Further, the State imposed its own Enterprise Zone Tax Credit Processing Fee of \$10 per applicant and is requiring local jurisdictions to collect and remit the fees to the State.

## Items for Which Public Hearings Have Been Held - Items 9-28

Roll Call #3 - Motion (Smith - Reyes) Adopted, Ayes (13); Absent: LaBonge and Parks (2)  
(Item Nos. 9-20)

ITEM NO. (9) - ADOPTED - TO THE MAYOR FORTHWITH

05-0546

BUDGET AND FINANCE COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to Department of Water and Power (DWP) Power Revenue Fund transfer to the City of Los Angeles for Fiscal Year (FY) 2004-05.

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

PRESENT and ADOPT the accompanying ORDINANCE directing the transfer of surplus money from the Power Revenue Fund of the DWP to the Reserve Fund during FY 2004-05.

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

(Commerce, Energy and Natural Resources Committee waived consideration of the above matter)

ITEM NO. (10) - ADOPTED - TO THE MAYOR FORTHWITH

05-0570

BUDGET AND FINANCE COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to Department of Water and Power (DWP) Water Revenue Fund transfer to the City of Los Angeles for Fiscal Year (FY) 2004-05.

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

PRESENT and ADOPT the accompanying ORDINANCE directing the transfer of surplus money from the Water Revenue Fund of the DWP to the Reserve Fund during FY 2004-05.

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

(Commerce, Energy and Natural Resources Committee waived consideration of the above matter)

ITEM NO. (11) - ADOPTED

04-1700-S4

PERSONNEL COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending the 2004-05 Departmental Personnel Ordinance, City Administrative Officer (CAO), to provide a salary note for a Finance Specialist III.

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

PRESENT and ADOPT the accompanying ORDINANCE to amend Ordinance No. 176373 (2004-05 Departmental Personnel Ordinance, CAO) to provide a salary note for a Finance Specialist III.

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

ITEM NO. (12) - ADOPTED

04-1700-S13

PERSONNEL COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending the 2004-05 Departmental Personnel Ordinance, Cultural Affairs Department, to provide a salary note for the incumbent Commission Executive Assistant.

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

PRESENT and ADOPT the accompanying ORDINANCE to amend Ordinance No. 176382 (2004-05 Departmental Personnel Ordinance, Cultural Affairs Department) to provide a salary note for the incumbent Commission Executive Assistant.

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.

ITEM NO. (13) - ADOPTED

02-2427

CDs 1,9, & 14, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to various zone changes and zone boundaries within the Central City Community Plan.

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

1. ADOPT the March 1, 2005 FINDINGS of the Director of Planning as the Findings of the Council.
2. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning, amending Section 12.04 of the Los Angeles Municipal Code changing the existing zones, height districts and zoning maps associated with the Central City Community Plan Update. CPC 1994-0225 CPU
3. INSTRUCT the Planning Department to update the General Plan and appropriate maps pursuant to this action.

(Mitigated Negative Declaration and Resolution adopted by Council on January 8, 2003)

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

ITEM NO. (14) - ADOPTED

05-0375

CD 5 MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to vesting zone change for property at 801-27 North Fairfax Avenue.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 05-0375 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV 2004-1143 MND] filed on August 20, 2004.
2. ADOPT the FINDINGS of the City Planning Commission as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the City Planning Commission, effecting the Vesting Zone Change from C2-1VL to (T)(Q)RAS4-1VL, subject to conditions of approval, for the proposed construction of a four-story, 102,111 square foot mixed-use residential/retail project on 0.77 acres of land with three stories of apartments (93 units), one-story retail (15,826 square feet, including 11,078 square feet restaurant), and two levels of subterranean parking, providing 242 parking spaces, for property at 801-27 North Fairfax Avenue. (The City Planning Commission also approved a Site Plan Review for this project which was not appealed.)

Applicant: James Frost

CPC 2004-1142 VZC SPR

Said rezoning shall be subject to the "Q" Qualified classification zone limitations substantially as shown on the sheet(s) attached to the Committee report.

4. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Committee report.
5. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.

Fiscal Impact Statement: The Planning Department reports that there is no General Fund impact, as administrative costs are recovered through fees.

TIME LIMIT FILE - MAY 31, 2005

(LAST DAY FOR COUNCIL ACTION - MAY 31, 2005)

ITEM NO. (15) - ADOPTED

05-0402

CD 3

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to zone change for property at 7723 North Etiwanda Avenue.

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



1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 05-0402 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV 2003-8184 MND] filed on January 30, 2004.
2. ADOPT the FINDINGS of the South Valley Area Planning Commission (APC) as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the South Valley APC, effecting the zone change from RA-1 to (T)(Q)R1-1, incident to subdivision and subject to conditions of approval, for the development of three new single-family parcels from one 22,000 square foot lot at 7723 North Etiwanda Avenue.

Applicant: Hildy Carpenter, Owner

APCSV 2003-8187 ZC

Said rezoning shall be subject to the "Q" Qualified classification zone limitations substantially as shown on the sheet(s) attached to the Committee report.

4. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Committee report.
5. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.

Fiscal Impact Statement: The Planning Department reports that there is no General Fund impact, as administrative costs are recovered through fees.

TIME LIMIT FILE - JUNE 1, 2005

(LAST DAY FOR COUNCIL ACTION - JUNE 1, 2005)

ITEM NO. (16) - ADOPTED

**03-0600-S67**

BUDGET AND FINANCE COMMITTEE REPORT relative to a request to write off a Reserve Fund loan of \$42,469.70.

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

APPROVE the request of the Information Technology Agency (ITA) to write off a Reserve Fund loan of \$42,469.70, inasmuch as an inadvertent overstatement of expenditures against funds received from the Building and Safety Systems Development Fund resulted in an advancement of a Reserve Fund loan to close the ITA's 2003-04 year-end accounting records, and a reversion worksheet correction was not approved by the Controller.

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

ITEM NO. (17) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS

04-0011

BUDGET AND FINANCE COMMITTEE REPORT relative to the Project Safe Neighborhoods Program Grant.

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

1. ACCEPT and APPROVE a no-cost extension to December 31, 2005, extending the grant period by six months.
2. TRANSFER \$137,000, as a reimbursable advance, from the Reserve Fund to the Unappropriated Balance and APPROPRIATE a like amount therefrom to Police Department Grant Fund No. 339, Department 70, Account No. V408, and Revenue Source Code for Fund 339 to be assigned by the Controller.
3. AUTHORIZE the Los Angeles Police Department to prepare Controller instructions for any technical adjustments, subject to the approval of the City Administrative Officer (CAO), and AUTHORIZE the Controller to implement the instructions.

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

(Public Safety Committee waived consideration of the above matter)

ITEM NO. (18) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATION

04-0345

00-2094

BUDGET AND FINANCE COMMITTEE REPORT relative to the status of Reserve Fund loans.

Recommendation for Council action:

RECEIVE and FILE the Controller reports, dated December 17, 2004 and March 23, 2005, relative to the status of Reserve Fund loans, inasmuch as the reports are submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (19) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATION

04-0600-S41

BUDGET AND FINANCE COMMITTEE REPORT relative to the status of City Attorney liability accounts for the month ending March 31, 2005.

Recommendation for Council action:

NOTE and FILE the City Attorney's report relative to the status of liability accounts for the month ending March 31, 2005, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (20) - ADOPTED

05-0047

BUDGET AND FINANCE COMMITTEE REPORT relative to a request to write off a Reserve Fund loan of \$126,273.

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

APPROVE the request by the Information Technology Agency (ITA) to write off a Reserve Fund loan of \$126,273, inasmuch as documentation is not available to provide supporting detail for actual amounts expended as part of a reprogramming of Community Development Block Grant funds to provide Community Development Department applications support.

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

ITEM NO. (21) - CONTINUED TO APRIL 27, 2005 - SEE FOLLOWING

Roll Call #2 - Motion (Hahn - Ludlow) Adopted to Continue, Unanimous Vote (13);  
Absent: LaBonge and Parks (2)

05-0629

COMMUNICATION FROM THE BOARD OF WATER AND POWER COMMISSIONERS relative to proposed Easement Deed with the Los Angeles Community College District for the exchange of non-exclusive reciprocal easements.

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

(For copies of related, staff-generated reports for this matter, please contact the Legislative Assistant for the Commerce, Energy and Natural Resources Committee at 213-978-1076.)

CONTINUED TO APRIL 27, 2005

COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to the proposed Easement Deed with the Los Angeles Community College District (LACCD) for the exchange of non-exclusive reciprocal easements.

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

1. APPROVE Resolution No. 005-209 as adopted by the Board of Water and Power Commissioners' (Board) on April 5, 2005, and APPROVE the Easement Deed with the LACCD Easement Deed with the LACCD to exchange certain non-exclusive reciprocal easements for roadway purposes at the former Lomita Pump Station and Well property on the easterly boundary of the Los Angeles Harbor College campus located at 1111 Figueroa Place, Wilmington, California.
2. PRESENT and ADOPT the accompanying ORDINANCE approving execution of the non-exclusive reciprocal easements for roadway purposes between the LACCD and the Los Angeles Department of Water and Power (DWP) at the site of the former Lomita Pumping Station and Well property.
3. CONCUR with the determination of the Community Planning Bureau that the exchange of non-exclusive reciprocal easements for roadway purposes at the former Lomita Pump Station and Well property on the easterly boundary of the Los Angeles Harbor College is consistent with the General Plan.

Fiscal Impact Statement: The City Administrative Officer reports that there will be no impact on either the General Fund or the Revenue Funds of the DWP.

ITEM NO. (22) - ADOPTED

Roll Call #8 - Motion (Zine - Weiss) Adopted, Ayes (12); Noes: Smith (1); Absent: LaBonge and Parks (2)

02-1996

PERSONNEL COMMITTEE REPORT relative to amending the 2002-05 Memorandum of Understanding (MOU) for the Department of Water and Power (DWP) Operating, Maintenance, and Service Unit.

Recommendation for Council action:

APPROVE the amendment to the 2002-05 MOU for the DWP Operating, Maintenance and Service Unit, represented by the International Brotherhood of Electrical Workers (Local 18), to adopt a salary structure for the classification of Underground Distribution Construction Mechanic (UDCM). This amendment is in accordance with the October 15, 2003 Letter of Intent between the DWP and Local 18.

Fiscal Impact Statement: The DWP reports that the DWP currently has 40 employees occupying positions at the UDCM "B" level (DDR No. 94-38116) and 29 employees occupying positions at the UDCM "A" level (DDR No. 94-38310). Based on the proposed salary increase for UDCM "B" and "A," and the number of incumbents at each pay level as referenced above, the total fiscal impact for 2004-05 is \$360,702 annually. Since this amendment is retroactive to October 1, 2002, the total annual fiscal impact for 2002-03 and 2003-04 is \$327,167 and \$343,526, respectively. There is no impact on the General Fund.

Roll Call #3 - Motion (Smith - Reyes) Adopted, Ayes (13); Absent: LaBonge and Parks (2)  
(Item Nos. 23-26)

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

04-1250-S72

PERSONNEL and BUDGET AND FINANCE COMMITTEES' REPORT relative to filling one position of Management Analyst II 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 one position of Management Analyst II, Code 9184-2, assigned to the Tenant Services Unit, Asset Management Division, 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 this position is \$87,392; \$69,302 in direct salary costs and \$18,090 in related costs.

ITEM NO. (24) - ADOPTED

05-0002-S57

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the City's position in connection with alcoholic beverages and licensing restrictions, Senate Bill (SB) 148 (Scott).

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

RESOLVE that the City include in its 2005-06 State Legislative Program SUPPORT of Senate Bill 148 (Scott), which would allow a city to provide for a reasonable amortization period, terminate or impose conditions on a retail alcohol licensee that was "grandfathered" in, i.e. had operated legally prior to the adoption of a conditional use permit as detailed on the text of the bill, line 27(c), and as delineated as follows:

"Notwithstanding subdivision (b), a county or city may provide for a reasonable amortization period and termination of, or imposition of conditions on legal nonconforming uses pursuant to, a validly enacted zoning ordinance."

Fiscal Impact Statement: The Chief Legislative Analyst reports that there will be no impact upon the General Fund as a result of this action.

ITEM NO. (25) - ADOPTED

05-0264

CD 7

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to proposed General Plan Amendment to the Sylmar Community Plan and concurrent zone change for property at 13251 Dronfield Avenue and Add Area.

Recommendations for Council action:

1. CONCUR with the November 18, 2004, action of the City Planning Commission (CPC) in disapproving a proposed General Plan Amendment to the Sylmar Community Plan from Very Low I Density Residential land use designation to Low Medium I Residential land use designation, and concurrent zone change from RA-1 (Suburban Zone) to [T][Q] RD3-1 (Residential Density Multiple Family Zone), for the proposed demolition of two single family dwellings and the construction of 25 detached residential condominiums, two-stories, approximately 23 feet high, with 74 parking spaces on a 101,479 square foot lot at 13251 Dronfield Avenue and Add Area within the Sylmar Community Plan - Periodic Plan Review, Window No. 141, Geographic Area 1, inasmuch as the CPC has determined that the proposed General Plan Amendment and zone change do not conform with the City's General Plan, and are not compatible with adjacent land uses. (On February 14, 2005, the Mayor concurred with the CPC action of disapproval of the General Plan Amendment and concurrent zone change, and transmitted the matter to the Council for consideration.)

Applicant: Jim Brewer, Spiegel Development, Inc. CPC 2003-8778 ZC-GPA-PPR

2. ADOPT the FINDINGS of the City Planning Commission as the Findings of the Council.

Fiscal Impact Statement: The CPC reported that there is no General Fund impact as administrative costs are recovered through fees.

TIME LIMIT FILE - MAY 16, 2005

(LAST DAY FOR COUNCIL ACTION - MAY 13, 2005)

ITEM NO. (26) - ADOPTED

05-0221

CD 7

MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an appeal on a variance to permit the addition of live pig slaughtering use to an existing retail poultry slaughtering business at 9023 Sepulveda Boulevard.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 05-0221 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV 2004-4536 MND] filed September 17, 2004.
2. ADOPT the attached FINDINGS of the Zoning Administrator as the Findings of the Council.
3. RESOLVE TO GRANT APPEAL filed by Edward Rose, from the entire decision of the North Valley Area Planning Commission (NVAPC), THEREBY SUSTAINING the decision of the Zoning Administrator in denying a variance to permit the addition of live pig slaughtering use to an existing retail poultry slaughtering business in the C2-1 Zone, as previously authorized pursuant in Case No. ZA 2001-3178 (ZV), for property at 9023 Sepulveda Boulevard.
4. ADOPT the Clarified Action, as submitted by the Zoning Administrator, which provides that the latest 2004 action by the Zoning Administrator is clarified to stipulate that only the continuation of the pig slaughtering use added in 2001 is denied, while the non-expired poultry slaughtering previously granted in 1999, pursuant to Case No. Case No. ZA 99-0286 may continue unless determined to be a nuisance, pursuant to the Nuisance Abatement Authority of Section 12.27 I of the Los Angeles Municipal Code (LAMC).
5. INSTRUCT the Planning Department in consultation and with assistance of the Department of Building and Safety, to initiate nuisance abatement proceedings relative to existing poultry slaughtering use granted in 1999, subject to conditions under Case No. ZA 99-0286 (ZV).
6. RECEIVE and FILE Motion (Smith for Padilla - Weiss), adopted by Council on February 15, 2005, asserting jurisdiction (pursuant to Charter Section 245), over the February 3, 2005, action of the NVAPC in approving the appeal from the determination of the 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 (Commercial) zone at 9023 Sepulveda Boulevard (ZA 2004-4535 [ZA] -1A), and requesting that the matter be referred to the Planning and Land Use Management (PLUM) Committee for its review and consideration, inasmuch as the appeal on the variance filed with the NVAPC, is further appealable to City Council on a form provided by the Planning Department, pursuant to LAMC Section 12.27 O, and the PLUM Committee recommendations relative to the appeal filed under this section are contained in this Committee report.

Applicant: Jimmy Tran (Robert Lamishaw, Representative)

ZA Case No. 2004-4535 (ZV)-1A

7. REQUEST the City Attorney and Chief Legislative Analyst, to prepare a memorandum to City Councilmembers explaining limitations on the Council under Charter Section 245.

Fiscal Impact Statement: The NVAPC reported that there is no General Fund impact as administrative costs are recovered through fees.

TIME LIMIT FILE - MAY 31, 2005

(LAST DAY FOR COUNCIL ACTION - MAY 31, 2005)

ITEM NO. (27) - CONTINUED TO APRIL 27, 2005

Roll Call #13 - Motion (Garcetti - Reyes) Adopted to Continue, Unanimous Vote (12);  
Absent: LaBonge, Parks and Perry (3)

05-0383

CD 13 CATEGORICAL EXEMPTION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an appeal on conditions for the use known as the Florentine Gardens at 5951 Hollywood Boulevard.

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

1. FIND that this action is categorically exempt from California Environmental Quality Act, pursuant to Article III, Section 1, Class 3(4) of the City's Environmental Guidelines.
2. ADOPT the FINDINGS of the Zoning Administrator as the Findings of the Council.
3. RESOLVE TO GRANT IN PART APPEAL filed by Kenneth MacKenzie (Gerry Hernandez, Representative), from the determination of the Zoning Administrator in finding that the operation of the Florentine Gardens located at 5951 Hollywood Boulevard is in partial compliance, subject to the attached modified conditions of approval as requested by the applicant and further modified by the Zoning Administrator and staff representing Council District 13.

Applicant: City of Los Angeles  
Office of Zoning Administration DIR 96-0122 (RV) (PA3)

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

TIME LIMIT FILE - MAY 5, 2005

(LAST DAY FOR COUNCIL ACTION - MAY 4, 2005)

ITEM NO. (28) - ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #9 - Motion (Padilla - Garcetti) Adopted, Ayes (13); Absent: LaBonge and Parks (2)

05-0002-S39

PUBLIC SAFETY COMMITTEE REPORT relative to the City's position in connection with S 620, the Assault Weapons Reauthorization Act of 2005 federal assault weapons ban.



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

RESOLVE that the City include in its 2005-06 Federal Legislative Program SUPPORT of S 620, the Assault Weapons Reauthorization Act of 2005, which would reinstate the federal assault weapons ban.

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

## Items for Which Public Hearings Have Not Been Held - Items 29-53

(10 Votes Required for Consideration)

ITEM NO. (29) - RESOLUTION ADOPTED AWARDED THE MUNICIPAL IMPROVEMENT CORPORATION OF LOS ANGELES REFUNDING CERTIFICATES OF PARTICIPATION (REFUNDING PROGRAM AY) TO A SYNDICATE LED BY CITIGROUP GLOBAL MARKETS, INC., AT A TRUE INTEREST COST OF 3.156251 PERCENT AND REJECTING ALL OTHER BIDS - FORTHWITH

Roll Call #4 - Motion (Miscikowski - Smith) Adopted, Ayes (13); Absent: LaBonge and Parks (2)

05-0560

AWARD OF THE SALE of Municipal Improvement Corporation of Los Angeles Refunding Certificates of Participation (Refunding Program AY), in an amount not to exceed \$75,000,000 to the lowest responsible bidder, adoption of RESOLUTION and other actions related thereto.

(Pursuant to adoption of the Budget and Finance Committee report on April 8, 2005)

Roll Call #5 - Motion (Garcetti - Smith) Adopted, Ayes (13); Absent: LaBonge and Parks (2)  
(Item Nos. 30-43)

ITEM NO. (30) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

04-0940

CD 14 COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to the establishment of an Off-Leash Dog Exercise Area in a portion of Hermon Park.

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

PRESENT and ADOPT the accompanying ORDINANCE amending Section 63.44 of the Los Angeles Municipal Code to establish an Off-Leash Dog Exercise Area in a portion of Hermon Park.

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.

(Arts, Parks, Health and Aging Committee waived consideration of the above matter)

ITEM NO. (31) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-2062

CD 2

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of SUMMITROSE STREET AND COMMERCE AVENUE LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated October 4, 2004.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JUNE 28, 2005 as the hearing date for the maintenance of Summitrose Street and Commerce Avenue Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$93.71 will be collected annually starting with tax year 2005-06 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: June 20, 2005)

ITEM NO. (32) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-2063

CD 6

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of RUNNYMEDE STREET AND LAUREL CANYON BOULEVARD LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated October 4, 2004.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JUNE 28, 2005 as the hearing date for the maintenance of Runnymede Street and Laurel Canyon Boulevard Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$1,318.21 will be collected annually starting with tax year 2005-06 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: June 20, 2005)

ITEM NO. (33) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-2106

CD 7

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of BURNET AVENUE AND PLUMMER STREET LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated October 6, 2004.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JUNE 28, 2005 as the hearing date for the maintenance of Burnet Avenue and Plummer Street Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$879.44 will be collected annually starting with tax year 2005-06 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: June 20, 2005)

ITEM NO. (34) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-2135

CD 6

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of VANOWEN STREET AND FORBES AVENUE LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated October 13, 2004.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JUNE 28, 2005 as the hearing date for the maintenance of Vanowen Street and Forbes Avenue Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$1,009.87 will be collected annually starting with tax year 2005-06 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: June 20, 2005)

ITEM NO. (35) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-2136

CD 5

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of WHITE OAK AVENUE AND VENTURA BOULEVARD LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated October 13, 2004.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JUNE 28, 2005 as the hearing date for the maintenance of White Oak Avenue and Ventura Boulevard Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$1,742.06 will be collected annually starting with tax year 2005-06 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: June 20, 2005)

ITEM NO. (36) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-2139

CD 15

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of WESTMONT DRIVE AND GAFFEY STREET NO. 1 LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated October 15, 2004.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JUNE 28, 2005 as the hearing date for the maintenance of Westmont Drive and Gaffey Street No. 1 Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$10,590.83 will be collected annually starting with tax year 2005-06 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: June 20, 2005)

ITEM NO. (37) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-2140

CD 13

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of FERNWOOD AND BRONSON AVENUES LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated October 15, 2004.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JUNE 28, 2005 as the hearing date for the maintenance of Fernwood and Bronson Avenues Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$1,302.18 will be collected annually starting with tax year 2005-06 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: June 20, 2005)

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

04-2141

CD 7

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of OSBORNE STREET AND NORRIS AVENUE LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated October 15, 2004.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JUNE 28, 2005 as the hearing date for the maintenance of Osborne Street and Norris Avenue Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$227.01 will be collected annually starting with tax year 2005-06 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: June 20, 2005)

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

05-0002-S90

COMMUNICATION FROM THE MAYOR AND THE COUNCIL PRESIDENT relative to the City's position in connection with AB 371 (Goldberg) Water Recycling Act of 2005.

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

CONCUR with the action of the Mayor and the Council President relative to a Resolution establishing in the City's 2005-06 State Legislative Program SUPPORT of AB 371 (Goldberg), the Water Recycling Act of 2005, that would establish regulatory jurisdiction over the use of recycled water and would provide for the implementation of uniform water recycling criteria to eliminate inconsistent regulation of recycled water projects.

Fiscal Impact Statement: The Chief Legislative Analyst reports that the fiscal impact has not been determined. The City Administrative Officer has not completed a financial analysis of this report.

[Legislative Urgency Positions calendared pursuant to Los Angeles Administrative Code Section 2.19(d)]

ITEM NO. (40) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

03-0405

CD 6

COMMUNICATION FROM CHAIR, PUBLIC WORKS COMMITTEE relative to withdrawal of the vacation request for Sylmar Avenue easterly of Van Nuys Boulevard between Sylvan Street and Erwin Street Mall.

Recommendation for Council action:

RECEIVE and FILE the communication from the City Engineer, as initiated by Motion (Perry - LaBonge), relative to the vacation request for Sylmar Avenue easterly of Van Nuys Boulevard between Sylvan Street and Erwin Street Mall, inasmuch as the petitioner withdrew said vacation request on March 30, 2003 and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (41) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-1276

CD 10 CATEGORICAL EXEMPTION and COMMUNICATION FROM CHAIR, PUBLIC WORKS COMMITTEE relative to vacating an alley northeasterly of Pico Boulevard between Third and Fourth Avenues.

Recommendations for Council action:

1. FIND that the vacation is categorically exempt from the California Environmental Quality Act of 1970, pursuant to Article VII, Class 5(3) of the City of Los Angeles Environmental Guidelines.
2. ADOPT the FINDINGS of the City Engineer dated October 14, 2004, as the Findings of the Council.
3. ADOPT the accompanying City Engineer report dated October 14, 2004 to approve the vacation.
4. INSTRUCT the City Clerk to set a public hearing date for MAY 17, 2005.

Fiscal Impact Statement: The City Engineer reports that the petitioner has paid \$6,540 for the investigation of this request pursuant to Section 7.42 of the Los Angeles Administrative Code (LAAC). Any deficit fee to recover the cost pursuant to Section 7.44 of the LAAC will be required of the petitioner. Maintenance of the public easement by City forces will be eliminated.

ITEM NO. (42) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-1922

CD 6 CATEGORICAL EXEMPTION and COMMUNICATION FROM CHAIR, PUBLIC WORKS COMMITTEE relative to vacating a 20-foot emergency access easement northerly of Arminta Street from Nollan Place to 355 feet easterly thereof.

Recommendations for Council action:

1. FIND that the vacation is categorically exempt from the California Environmental Quality Act of 1970, pursuant to Article VII, Class 5(3) of the City of Los Angeles Environmental Guidelines.
2. ADOPT the FINDINGS of the City Engineer dated February 2, 2005, as the Findings of the Council.
3. ADOPT the accompanying City Engineer report dated February 2, 2005 to approve the vacation.

4. WAIVE the fees for said vacation proceeding in accordance with Section 7.46 of the Los Angeles Administrative Code.
5. INSTRUCT the City Clerk to set a public hearing date for MAY 17, 2005.

Fiscal Impact Statement: The City Engineer reports that an estimated \$2,599.67 has been expended for the investigation and processing of this proceeding, and approximately \$6,000 will be required from the General Fund to complete the process. Since LAAC Section 7.46 exempts all governmental agencies from payment of fees, the Bureau of Engineering will absorb the cost of processing this request. Maintenance of the public easement by City forces will be eliminated.

ITEM NO. (43) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

05-0334

CDs 8, 9 COMMUNICATION FROM CHAIR, PUBLIC WORKS COMMITTEE relative to the temporary closure of various streets for railroad crossing repairs.

Recommendation for Council action:

RECEIVE and FILE the Board of Public Works report relative to the temporary closure of Western Avenue between Slauson Avenue and 59th Street; Normandie Avenue and San Pedro Street between Slauson Avenue and 58th Street; Paloma Avenue between Slauson Avenue and 56th Street from February 18, 2005 through February 20, 2005 and February 25, 2005 through February 27, 2005 respectively for railroad crossing repairs, inasmuch as the repair work has been completed and the temporary street closures are no longer needed and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (44) - REFERRED TO PLANNING AND LAND USE MANAGEMENT AND BUDGET AND FINANCE COMMITTEES

Roll Call #11 - Motion (Garcetti - Greuel) Adopted to Refer, Unanimous Vote (13);  
Absent: LaBonge and Parks (2)

05-0002-S60

CDs 4 & 13 CONSIDERATION OF RESOLUTION (GARCETTI - LABONGE - LUDLOW) relative to the City's position in connection with Assembly Bill 588 (Goldberg).

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



RESOLVE to establish a position of SUPPORT in the City's 2005-06 State Legislative Program for Assembly Bill 588 (Goldberg) to create a statistical district for the Hollywood Community Plan area, and SEEK technical amendments to ensure accurate street names and boundaries.

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

Roll Call #5 - Motion (Garcetti - Smith) Adopted, Ayes (13); Absent: LaBonge and Parks (2)  
(Item Nos. 45-50)

ITEM NO. (45) - ADOPTED

05-0728

CD 5 MOTION (WEISS - PARKS) relative to declaring the March of Gratitude on May 8, 2005 a Special Event (fees and costs absorbed by the City = \$2,500).

Recommendation for Council action:

DECLARE the March of Gratitude, sponsored by the Simon Wiesenthal Center on May 8, 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. (46) - ADOPTED

04-0856

CD 12 MOTION (SMITH - ZINE) relative to declaring the Fourth of July Spectacular on July 4, 2005 a Special Event (fees and costs absorbed by the City = \$8,389).

Recommendation for Council action:

DECLARE the Fourth of July Spectacular, sponsored by the Shepherd of the Hills on July 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, except insurance AND application requirements.

ITEM NO. (47) - ADOPTED

04-0739

CD 5 MOTION (WEISS - ZINE ) relative to declaring the Los Angeles Times Festival of Books on April 23-24, 2005 a Special Event (fees and costs absorbed by the City = \$10,000).

Recommendation for Council action:

DECLARE the Los Angeles Times Festival of Books, sponsored by the Los Angeles Times on April 23-24, 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 salaries and overtime for assigned Traffic Action Team Members. (The University of California Los Angeles will reimburse the City for traffic control officers at the perimeter of their campus).

ITEM NO. (48) - ADOPTED

05-0729

CD 13 MOTION (GARCETTI - LABONGE) relative to declaring the Armenian Genocide Commemoration March on April 23, 2005 a Special Event (fees and costs absorbed by the City = \$3,000).

Recommendation for Council action:

DECLARE the Armenian Genocide Commemoration March, sponsored by the United Armenian Commemorative Committee on April 23, 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. (49) - ADOPTED

04-0010-S19

CD 9 MOTION (PERRY - PARKS) relative to reinstating the reward offer in the death of Erica Carpinteyro on April 3, 2004, for an additional 60 days.

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

REAFFIRM Council's findings and REINSTATE the reward offer relative to the death of Erica Carpinteyro (Council action of May 14, 2004 Council File No. 04-0010-S19) for an additional period of 60 days from the publication of the offer of reward by the Office of the City Clerk and, further, that the sum of \$50,000 shall be the aggregate maximum sum of any payment or payments of a City reward in this instance.

ITEM NO. (50) - ADOPTED

05-0749

MOTION (CARDENAS - PADILLA) relative to asserting jurisdiction over the April 19, 2005, action of the Board of Water and Power Commissioners (Board) to approve a settlement regarding existing litigation in the case of City of Los Angeles, etc. v. Fleishman-Hillard, Inc., et al.

Recommendations for Council action:

1. ASSERT jurisdiction, pursuant to Section 245 of the Los Angeles City Charter, over the action taken by the Board on April 19, 2005 relative to approving a settlement regarding existing litigation in the case of City of Los Angeles, etc v. Fleishman-Hillard, Inc., et al.
2. REFER this matter, upon assertion of jurisdiction, to the Commerce, Energy and Natural Resources Committee for further review and consideration.

TIME LIMIT FILE - APRIL 29, 2005

(LAST DAY FOR COUNCIL ACTION - APRIL 29, 2005)

10 VOTES REQUIRED

ITEM NO. (51) - SUBSTITUTE RESOLUTION ADOPTED IN LIEU OF ORIGINAL RESOLUTION - SEE FOLLOWING

Roll Call #12 - Motion (Miscikowski - Ludlow) to Adopt Substitute Resolution, Ayes (12);  
Absent: LaBonge, Parks and Perry (3)

[05-0002-S83](#)

RESOLUTION (MISCIKOWSKI - PARKS) relative to the City's position on giving City security officers the powers of arrest authority under State Penal Code Section 830.7.

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

RESOLVE that the City include in its 2005-06 State Legislative Program, SUPPORT of AB 1536 (Bass) giving City security officers the powers of arrest of a peace officer under State Penal Code Section 830.7 IF AMENDED to provide that the granting of arrest authority be dependent upon an authorizing local ordinance and a memorandum of understanding with the City permitting the exercise of that authority.

ADOPTED

SUBSTITUTE RESOLUTION (MISCIKOWSKI - LUDLOW)

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

RESOLVE that the City include in its 2005-06 State Legislative Program, SUPPORT of AB 1536 (Bass) giving City security officers the powers of arrest of a peace officer under State Penal Code Section 830.7 IF AMENDED to provide that the granting of arrest authority be dependent upon an authorizing local ordinance and a memorandum of understanding with the City permitting the exercise of that authority.

Roll Call #5 - Motion (Garcetti - Smith) Adopted, Ayes (13); Absent: LaBonge and Parks (2)  
(Item Nos. 52-53)

ITEM NO. (52) - MAP AND BOND APPROVED - CITY ENGINEER REPORT ADOPTED

04-0974

CD 1 FINAL MAP OF TRACT NO. 60368 lying northerly of Venice Boulevard and westerly of Berendo Street.  
(Approve Subdivision Improvement Agreement and Contract with attached security documents)  
(ADOPT City Engineer Report)  
(ADOPT Bond No. C-108039)  
Applicants: Loyola High School of Los Angeles  
Iacobellis & Associates, Inc.

ITEM NO. (53) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

05-0748

CD 14 FINAL MAP OF TRACT NO. 60578 lying on the northerly corner of Spring and Third Streets.  
(ADOPT City Engineer Report)  
(Quimby Fee: \$53,508.50)  
(Less Dwelling Unit Construction Tax: \$10,000)  
Applicants: 257 Spring Street, LLC  
Land Design Consultants, Inc.

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

02-0393

MOTION (REYES - PERRY) relative to declaring the 16th Annual Museums of the Arroyo Day on May 22, 2005 a Special Event (fees and costs absorbed by the City = \$3,000).

04-0649

MOTION (REYES - PERRY) relative to declaring the Easter Holiday Event on May 1, 2005 a Special Event (fees and costs absorbed by the City = \$600).

05-0810

MOTION (REYES - PERRY) relative to declaring the LA Greek Fest 2005 on September 9-11, 2005 a Special Event (fees and costs absorbed by the City = \$8,000).

05-0811

MOTION (REYES - PERRY) relative to declaring the Annual Parish-School Fiesta on May 15, 2005 a Special Event (fees and costs absorbed by the City = \$2,500).

05-0813

MOTION (WEISS - VILLARAIGOSA) relative to declaring the Westwood Library Grand Opening on May 7, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).

05-0814

MOTION (WEISS - PERRY) relative to declaring the VCFILMFEST2005 on April 28, 2005 a Special Event (fees and costs absorbed by the City = \$484).

05-1073-S6

MOTION (VILLARAIGOSA - WEISS) relative to augmenting charter bus services in Council District 14.

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

05-0812

RESOLUTION (LUDLOW - VILLARAIGOSA - PERRY - GREUEL) relative to declaring May 4, 2005 as "John W. Mack Day."

## COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon her request, and without objections, Councilmember Hahn was excused from Council session of Friday, April 29, 2005 due to City business.

Motion (Zine - Garcetti) unanimously adopted to excused President Padilla from Council session of Friday, April 29, 2005 due to City business.

## COMMENDATORY RESOLUTION ADOPTED IN HONOR OF:

05-0574 - Tom Harris

(Perry - Reyes)

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

05-0573 - Enrique de la Cruz, Sr.

(Ludlow)

Dr. Reatha Dora Morris Herndon

(Ludlow)

Bill Conron

(Smith)

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

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL