

Los Angeles City Council, Journal/Council Proceedings  
Wednesday, April 27, 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, Miscikowski, Perry, Reyes, Smith, Zine and President Padilla (10); Absent: LaBonge, Ludlow, Parks, Villaraigosa and Weiss (5).

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
APRIL 22, 2005

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 33

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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 Hearings - Items 1-15

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

Roll Call #3 - Motion (Garcetti - Reyes) Adopted, Ayes (10); Absent: LaBonge, Ludlow, Parks, Villaraigosa and Weiss (5)

**04-2648**

CD 1 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of assessment to cover the costs of barricading of all openings, demolition of the building(s), asbestos removal from the building(s), monitoring of the asbestos removal and the cleaning and fencing of the lot at 3410 East Manitou Avenue.  
(Assessment: \$50,155.82)

ITEM NO. (2) - CONTINUED TO MAY 18, 2005

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

**04-2649**

CD 15 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of assessment to cover the costs of cleaning and fencing the lot at 1930 East 110th Street.  
(Assessment: \$5,320.00)

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

Roll Call #2 - Motion (Hahn - Greuel) Adopted to Receive and File, Unanimous Vote (10);  
Absent: LaBonge, Ludlow, Parks, Villaraigosa and Weiss (5)

04-2650

CD 15 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of assessment to cover the cost of cleaning the lot at 10727 South Central Avenue. (Assessment: \$300.00)

Roll Call #3 - Motion (Garcetti - Reyes) Adopted, Ayes (10); Absent: LaBonge, Ludlow, Parks, Villaraigosa and Weiss (5)  
(Item Nos. 4-5)

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

05-0004

CD 13 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of assessment to cover the cost of cleaning the lot at 1509 North Winona Boulevard. (Assessment: \$948.50)

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

01-2732

CD 15 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of assessment to cover the cost of cleaning the lot at 1246 East 106th Street. (Assessment: \$1,539.30)

Roll Call #4 - Motion (Miscikowski - Cardenas) Adopted to Continue, Unanimous Vote (10);  
Absent: LaBonge, Ludlow, Parks, Villaraigosa and Weiss (5)  
(Item Nos. 6-15)

ITEM NO. (6) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 24, 2005

01-1490

CD 2 HEARING PROTESTS against the proposed improvement and maintenance of the FOOTHILL BOULEVARD AND MC VINE AVENUE LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Foothill Boulevard and Mc Vine 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 23, 2005 - Continue hearing and present Ordinance on MAY 24, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (7) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 24, 2005

04-1876

CD 2 HEARING PROTESTS against the proposed improvement and maintenance of the FOOTHILL BOULEVARD AND WOODWARD AVENUE LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Foothill Boulevard and Woodward 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 23, 2005 - Continue hearing and present Ordinance on MAY 24, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (8) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 24, 2005

04-1871

CD 14 HEARING PROTESTS against the proposed improvement and maintenance of the FIGUEROA STREET AND COLORADO BOULEVARD LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Figueroa Street and Colorado 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 23, 2005 - Continue hearing and present Ordinance on MAY 24, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (9) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 24, 2005

04-1869

CD 11 HEARING PROTESTS against the proposed improvement and maintenance of the AVENIDA ORIENTE AND LINNET STREET LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Avenida Oriente and Linnet 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 23, 2005 - Continue hearing and present Ordinance on MAY 24, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (10) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 24, 2005

04-1870

CD 11 HEARING PROTESTS against the proposed improvement and maintenance of the BUTLER AND MISSISSIPPI AVENUES LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Butler and Mississippi Avenues 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 23, 2005 - Continue hearing and present Ordinance on MAY 24, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (11) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 24, 2005

04-1872

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

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Woodman Avenue and Osborne 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 23, 2005 - Continue hearing and present Ordinance on MAY 24, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (12) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 24, 2005

04-1790

CD 5 HEARING PROTESTS against the proposed improvement and maintenance of the MTA - CHANDLER BOULEVARD AND BELLAIRE AVENUE - G1 LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of MTA - Chandler Boulevard and Bellaire Avenue - G1 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 23, 2005 - Continue hearing and present Ordinance on MAY 24, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (13) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 24, 2005

04-1861

CD 13 HEARING PROTESTS against the proposed improvement and maintenance of the GLENDALE BOULEVARD AND AARON STREET LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Glendale Boulevard and Aaron 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 23, 2005 - Continue hearing and present Ordinance on MAY 24, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (14) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 24, 2005

04-1862

CD 13 HEARING PROTESTS against the proposed improvement and maintenance of the GLENDALE BOULEVARD AND BERKELEY AVENUE LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Glendale Boulevard and Berkeley 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 23, 2005 - Continue hearing and present Ordinance on MAY 24, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (15) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 24, 2005

04-1863

CD 13 HEARING PROTESTS against the proposed improvement and maintenance of the GLENDALE BOULEVARD AND MONTANA STREET LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Glendale Boulevard and Montana 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 23, 2005 - Continue hearing and present Ordinance on MAY 24, 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 16-46

Roll Call #5 - Motion (Hahn - Greuel) Adopted, Ayes (10); Absent: LaBonge, Ludlow, Parks, Villaraigosa and Weiss (5)  
(Item Nos. 16-25)

ITEM NO. (16) - ADOPTED - ORDINANCE OVER ONE WEEK TO MAY 4, 2005

04-0522

CD 15 HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to reconfirmation proceedings for the Downtown San Pedro Parking and Business Improvement District (BID).

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

1. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION to levy an annual assessment for the San Pedro BID's fifth operating year.
2. DIRECT the City Clerk to schedule, prepare, publish, and mail the public hearing notice, as required by the provisions of Section 36500 et seq. of the California Streets and Highways Code.
3. REQUEST that the City Attorney, with the assistance of the City Clerk, prepare an enabling ordinance levying the special assessment for the San Pedro BID's fifth operating year beginning April 1, 2005 to March 31, 2006.
4. AUTHORIZE the City Clerk to prepare, execute, and administer a contract between the City and the San Pedro Peninsula Chamber of Commerce to administer the San Pedro BID, subject to the approval of the City Attorney as to form and legality, and further subject to the adoption of the enabling Ordinance.
5. REQUEST the Controller to provide, if necessary and if available, an advance against the San Pedro BID's 2005-2006 operating year assessment revenue in the amount not to exceed \$16,694.75, representing 25 percent of the BID's anticipated revenue receipts for its 2005-2006 operating year, to the San Pedro Peninsula Chamber of Commerce, subject to the adoption of the enabling Ordinance.

Fiscal Impact Statement: The City Clerk reports that this action will not impact the General Fund. There are no assessments to be paid for City-owned properties located within the boundaries of the San Pedro BID. City Clerk administrative expenses will be charged to the San Pedro BID and will be recovered from assessments collected. The amount of recoverable costs to be charged to the San Pedro BID for its 2005-2006 operating year will be \$4006.74, representing five percent of the BID's anticipated assessment revenue for its 2005-2006 operating year, plus an additional one percent for departmental costs associated with the direct billing of BID stakeholders.

ITEM NO. (17) - ADOPTED - ORDINANCE OVER ONE WEEK TO MAY 4, 2005

05-0500

CD 11

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone change at 1645 Abbot Kinney 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. 05-0500 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 2004-3058 MND] filed on June 24, 2004.
2. ADOPT the FINDINGS of the West Los Angeles Area Planning Commission (APC) as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the West Los Angeles APC, effecting the zone change from M1-1-O to (T)(Q)CM-1-O, subject to conditions of approval, for the proposed construction, use and maintenance of a new 22-unit, 27,022 square foot mixed use development with residential and commercial, and providing 81 parking spaces located at 1645 Abbot Kinney Boulevard. (The West Los Angeles Area Planning Commission also approved a Specific Plan Exception, Variance, Adjustment, Coastal Development Permit, Project Permit Compliance and Mello Act Compliance, subject to conditions for this project.)

Applicant: Patrick Tooley, AKMU, LLC APCW 2004-3297 ZC CU SPE CDP ZA ZAA

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.
6. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
7. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

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 16, 2005

(LAST DAY FOR COUNCIL ACTION - JUNE 15, 2005)

ITEM NO. (18) - ADOPTED

98-2043

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to potential litigation against the gun industry.

Recommendation for Council action:

RECEIVE and FILE:

- a. Communications from the City Attorney dated January 12, 1999, and June 14, 1999, inasmuch as the reports are submitted for information only and no Council action is necessary.
- b. Motion (Feuer - Chick) which requests the City Attorney to provide analysis and advice regarding gun litigation, legal strategies, and related matters, inasmuch as the City Attorney communications above are submitted in response to the Motion and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (19) - ADOPTED

03-1457

CD 9

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to extending the expiration and completion dates for the Avalon Gardens Project of the Proposition K - L.A. for Kids Grant Agreement.

Recommendation for Council action, pursuant to Motion (Perry - Parks):

INSTRUCT the City Engineer to negotiate and execute a Supplemental Agreement No.2 with the Housing Authority of the City of Los Angeles (HACLA)- Avalon Gardens, to extend the expiration date and the completion date for the Avalon Gardens project, including all closeout activities of the Proposition K- L.A. for Kids Grant Agreement between the City of Los Angeles and HACLA, as defined therein, to September 3, 2005, subject to the review of the City Attorney as to form and legality, and subject to the following conditions:

- a. The grantee shall report the status of the project, and any potential delays thereto, to the Proposition K-L.A. for Kids Steering Committee on a monthly basis.
- b. The grantee shall not be granted any further extensions.



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

ITEM NO. (20) - ADOPTED

03-2266-S1

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to measures currently being taken to address the West Nile Virus health concern.

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

INSTRUCT the Departments of Recreation and Parks, Public Works, and Animal Services, in coordination with the Los Angeles County Vector Control, to report on measures being taken to address the West Nile Virus health concern, including ongoing public education efforts.

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

ITEM NO. (21) - ADOPTED

04-0929

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the Department of Aging's (Aging) 2003-04 Year-End Annual Report.

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

1. APPROVE Aging's 2003-04 Year-End Annual Report for submission to the California Department of Aging (CDA) in accordance with both the Older Californians Act and the Older Americans Act requirements.
2. AUTHORIZE the General Manager, Aging, or designee, to process the 2003-04 Year-End Annual Report and submit it to the CDA, subject to the review of the City Attorney as to form and legality.

Fiscal Impact Statement: Aging reports that there is no fiscal impact on the City's General Fund as a result of this action.

ITEM NO. (22) - ADOPTED

05-0232

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to authorization to approve an Educational and Technical Assistance Grant to End Violence Against and Abuse of Women with Disabilities.

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

1. AUTHORIZE the Executive Director, Department on Disability (DOD), or designee, to:
  - a. Enter into a Memorandum of Understanding, substantially as attached to the DOD report dated December 23, 2004, with the Los Angeles Commission on Assaults Against Women (LACAAW) and the Westside Center for Independent Living (WCIL), subject to the review of the City Attorney as to form and legality.
  - b. Submit a grant application to the U.S. Department of Justice, Office on Violence Against Women, for an Educational and Technical Assistance Grant to End Violence Against and Abuse of Women with Disabilities, substantially as described in the DOD report dated December 23, 2004, subject to the review of the City Attorney as to form and legality.
  - c. Accept the Grant Agreement Award in the amount of \$240,000 from the U.S. Department of Justice, Office on Violence Against Women, subject to the review of the City Attorney as to form and legality.
  - d. Negotiate, execute, and administer the City's grant agreement subcontracts with the LACAAW and the WCIL, as necessary, to manage and execute the scope of work, subject to the review of the City Attorney as to form and legality.
2. APPROVE the pro forma Agreements, attached to the DOD report dated December 23, 2004, relative to the grant agreement subcontracts with the LACAAW and the WCIL, subject to the review of the City Attorney as to form and legality.
3. AUTHORIZE the Controller to establish, subject to the review of the City Administrative Officer, an account entitled:
  - a. LACAAW within Fund 473, in the amount of \$53,972.
  - b. WCIL within Fund 473, in the amount of \$53,363.

Fiscal Impact Statement: The DOD reports that there is no fiscal impact on the City's General Fund as a result of these actions.

ITEM NO. (23) - ADOPTED

05-0446

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT and RESOLUTION relative to initiating proceedings for the 2005-06 Proposition K Assessment.

Recommendations for Council action:

ADOPT the accompanying RESOLUTION to Initiate Proceedings for the 2005-06 Proposition K Assessment which instructs the City Engineer to present a report to Council that describes the capital improvements to parks and recreation facilities citywide to be undertaken in the coming fiscal year, pursuant to the Landscaping and Lighting Act of 1972.

Fiscal Impact Statement: The L.A. for Kids Steering Committee reports that adoption of the accompanying Resolution will initiate proceedings to levy the annual \$25 million Proposition K assessment which will be used to fund park and recreation improvements citywide.

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

ITEM NO. (24) - ADOPTED

05-0470

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to a grant proposal for the Universitywide AIDS Research Program (UARP), and related actions.

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

1. AUTHORIZE the AIDS Coordinator's Office, Department on Disability (DOD), in collaboration with the UCLA Center for HIV Identification, Prevention, and Treatment Services (CHIPTS), to apply for and submit a \$100,000 grant proposal (substantially as attached to the DOD report dated March 15, 2005) to the University of California's UARP to fund a research project entitled the "HIV Technology Transfer in Los Angeles." (The City's proposed allocation from the grant proposal is \$10,000.)
2. AUTHORIZE the AIDS Coordinator's Office, DOD, to:
  - a. Accept, if funded, the City's allocation of \$10,000 from the UARP.
  - b. Enter into an Agreement with CHIPTS for use of the City's allocation of \$10,000 from the grant proposal.
3. AUTHORIZE the Executive Director, DOD, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer.
4. AUTHORIZE the Controller to implement said instructions upon receipt from the Executive Director, DOD.

Fiscal Impact Statement: The DOD reports that there is no General Fund impact as a result of these actions.

ITEM NO. (25) - ADOPTED

05-0162

05-0163

05-0164

BUDGET AND FINANCE COMMITTEE REPORT relative to the City Attorney's policy regarding conflict waivers.

Recommendation for Council action:

RECEIVE and FILE the City Attorney's report relative to a policy regarding conflict waivers, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

ITEM NO. (26) - ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #10 - Motion (Hahn - Greuel) Adopted, Ayes (15)

04-0002-S132

EDUCATION AND NEIGHBORHOODS COMMITTEE REPORT and RESOLUTION relative to the City's position in connection with any legislation to increase funding for public education and for fully funding the amounts authorized in the No Child Left Behind Act.

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

ADOPT the accompanying RESOLUTION to include in the City's 2005-06 Federal Legislative Program SUPPORT for any legislation to increase funding for public education and for fully funding the amounts authorized in the No Child Left Behind Act.

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

ITEM NO. (27) - ADOPTED

Roll Call #5 - Motion (Hahn - Greuel) Adopted, Ayes (10); Absent: LaBonge, Ludlow, Parks, Villaraigosa and Weiss (5)

05-0002-S32

EDUCATION AND NEIGHBORHOODS COMMITTEE REPORT relative to the City's position in connection with the proposed cuts by President Bush in the education part of the proposed budget for 2006.

Recommendation for Council action, pursuant to Resolution (Greuel - Hahn), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

RESOLVE to include in the City's 2005-06 Federal Legislative Program OPPOSITION to the proposed cuts by President Bush in the education part of the proposed budget for 2006.

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

ITEM NO. (28) - ADOPTED, AS AMENDED - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #11 - Motion (Padilla - Hahn) to Adopt as Amended, Ayes (13);  
Absent: Perry and Weiss (2)

05-0002-S78

EDUCATION AND NEIGHBORHOODS COMMITTEE REPORT relative to the City of Los Angeles creating the Presidents' Joint Commission on Los Angeles Unified School District (LAUSD) Governance.

Recommendations for Council action, pursuant to Resolution (Padilla - Hahn - Parks):  
SUBJECT TO THE CONCURRENCE OF THE MAYOR:

1. RESOLVE to create The Presidents' Joint Commission on LAUSD Governance to determine the best manner in which to align the LAUSD governance structure to the demands of student academic rigor and achievement, and prepare young people for adult life in the 21st century.
2. RESOLVE that the Commission undertake the actions outlined in said Resolution.

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

ADOPTED

AMENDING MOTION (PADILLA - HAHN)

Recommendation for Council action:

AMEND the Resolution creating the Presidents' Joint Commission on Los Angeles Unified School District Governance to include four appointments as in addition to those listed on said Resolution, as follows: (a) One by the Mayor of the City of Los Angeles; (b) one by the Mayors of the southeast cities; (c) one by the President of the Board of the Los Angeles Unified School District; and, (d) one by the Vice President of the Board of the Los Angeles Unified School District.

Roll Call #5 - Motion (Hahn - Greuel) Adopted, Ayes (10); Absent: LaBonge, Ludlow, Parks, Villaraigosa and Weiss (5)  
(Item Nos. 29-34)

ITEM NO. (29) - ADOPTED

01-0320

CDs 8 & 13

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the Community Redevelopment Agency (CRA) increasing a work order for the Law Offices of Kathryn Reimann for billboard-related litigation.

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, CRA, or designee, to increase the work order amount for the Law Offices of Kathryn Reimann by \$89,950, from \$287,750 to \$377,700, for additional legal services related to the billboard litigation entitled Regency Outdoor Advertising v. Community Redevelopment Agency and City of Los Angeles (Case No. CV 99-10456 GHK), currently in the United States District Court.

Fiscal Impact Statement: The Chief Legislative Analyst reports that this action will not impact the General Fund. The budget increase will be charged to all Project Areas, using Agency funds.

ITEM NO. (30) - ADOPTED

02-0553

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the Los Angeles Housing Department (LAHD) issuing a Request for Proposals (RFP) for Fair Housing Services.

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

1. AUTHORIZE the General Manager, LAHD, or designee, to:

- a. Prepare and release an RFP for Citywide Fair Housing Services for the period October 1, 2005 through March 31, 2006, for a funding level not to exceed \$377,500 for this period and renewable for two additional one-year options for a maximum term of 30 months, contingent on funding availability, contractor performance and other City contracting requirements, and community and City needs, subject to the approval of the City Attorney as to form and legality.
- b. Submit RFP results and recommendations for contract awards for approval by the Mayor and Council, including appropriate funding levels and Controller instructions.
- c. Prepare Controller instructions for any necessary technical adjustments consistent with the Mayor and Council action on this matter, subject to the approval of the City Administrative Officer (CAO); and, authorize the Controller to implement the instructions.

2. AUTHORIZE the Controller, upon proper written demand of the General Manager, LAHD, or designee, to expend \$377,500 from the Community Development Trust Fund, Fund No. 424, Department 22, Account No. Y-207, Fair Housing, pursuant to the 2005-06 (31st Year) Consolidated Plan.

Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund. The above recommendations concern the use of Community Development Block Grant funds approved in the Consolidated Plan, and Rent Stabilization Funds approved in the Adopted Budget for Citywide Fair Housing Services.

ITEM NO. (31) - ADOPTED

02-2217

CD 5 HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the Encino Commons Business Improvement District's (BID) Fiscal Year 2005 Annual Planning Report.

Recommendations for Council action:

1. FIND that the Encino Commons BID Fiscal Year 2005 Annual Planning Report (attached to the Council file) complies with the requirements of the State Law.
2. ADOPT the accompanying Annual Planning Report for the Encino Commons BID's 2005 Fiscal Year, pursuant to the State Law.

Fiscal Impact Statement: The City Clerk reports that this action will not impact the General Fund.

ITEM NO. (32) - ADOPTED

02-1402

CDs 9 & 14 HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the Historic Downtown Los Angeles Business Improvement District's (BID) 2005 Fiscal Year Annual Planning Report.

Recommendations for Council action:

1. FIND that the Historic Downtown Los Angeles BID Fiscal Year 2005 Annual Planning Report (attached to the Council file) complies with the requirements of the State Law.
2. ADOPT the accompanying Annual Planning Report for the Historic Downtown Los Angeles BID's Fiscal Year 2005, pursuant to the State Law.

Fiscal Impact Statement: The City Clerk reports that this action will not impact the General Fund.

ITEM NO. (33) - ADOPTED

03-0209-S3

CD 3 HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to a predevelopment loan agreement with LCB Enterprises, LLC, for the predevelopment costs of a community center at the Tierra del Sol affordable housing development.

Recommendations for Council action:

1. AMEND the Community Redevelopment Agency's (CRA) Fiscal Year 2005 Work Program and Budget to transfer \$200,000 from Work Objective RP2060 (Reseda Theater) to Work Objective RP1060 (Tierra del Sol) for predevelopment costs relating to the development of a community center.
2. AUTHORIZE the Chief Executive Officer, CRA, or designee, to execute a predevelopment loan agreement with LCB Enterprises, LLC, in an amount not to exceed \$200,000 for the purpose of covering predevelopment costs relating to the development of a community center as part of the Tierra del Sol affordable housing development at 7505 Canoga Avenue.

Fiscal Impact Statement: The Chief Legislative Analyst reports that this action will not impact the General Fund.

ITEM NO. (34) - ADOPTED

05-0508

CD 4

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to an exclusive negotiation agreement with Gershwin @ Metro LLC for property in, and adjacent to, the Hollywood Redevelopment Project Area, and related property acquisition for the replacement of school-site housing.

Recommendations for Council action:

1. AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (CRA), or designee, to execute an Exclusive Negotiation Agreement (entitled "Attachment A" of the CRA report to Council dated March 17, 2005, attached to the Council file) with Gershwin@Metro LLC for properties on a portion of the north side of Hollywood Boulevard between Western Avenue and Garfield Place, and properties on the west side of Western Avenue outside but immediately adjacent to the Hollywood Redevelopment Project Area, subject to the approval of both the City Attorney as to form and legality, and the Department of Public Works, Bureau of Contract Administration for compliance with CRA contracting requirements.
2. AUTHORIZE the CRA to facilitate and handle the City of Los Angeles' acquisition of properties on the west side of Western Avenue adjacent to, but outside, the boundaries of the Hollywood Redevelopment Project Area for the replacement of school-site housing, pursuant to Assembly Bill 1309.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund. Funds will be provided from Developer Contributions, Hollywood Tax Increment, and Hollywood Housing Trust Funds.



ITEM NO. (35) - ADOPTED

Roll Call #8 - Motion (Reyes - Hahn) Adopted, Ayes (15)

05-0693

CDs 1, 9,  
& 14

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to a contract with the IBI Group to prepare a feasibility study for the Downtown "Red Car" Trolley Project.

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (CRA), or designee, to award a contract to IBI Group, in the amount of \$100,000, for the Downtown "Red Car" feasibility study.

Fiscal Impact Statement: The Chief Legislative Analyst reports that this action will not impact the General Fund. The contract will be paid using United States Department of Housing and Urban Development Economic Development Initiative funds granted to the CRA for this purpose.

Roll Call #5 - Motion (Hahn - Greuel) Adopted, Ayes (10); Absent: LaBonge, Ludlow, Parks, Villaraigosa and Weiss (5)  
(Item Nos. 36-38)

ITEM NO. (36) - ADOPTED

04-1250-S66

PERSONNEL COMMITTEE REPORT relative to staff for the Public Expression Permit process for the Venice Beach Boardwalk.

Recommendation for Council action, pursuant to Motion (Miscikowski - Zine):

APPROVE, pursuant to the 2004-05 Managed Employment Process, the one-time filling of one position of Senior Recreation Director I, Code 2446-1, in the Department of Recreation and Parks, for the Public Expression Permit process for the Venice Boardwalk; and AUTHORIZE backfill authority if this position is filled by promotion from within the Department of Recreation and Parks.

Fiscal Impact Statement: The City Administrative Officer reports that funding for the Senior Recreation Director I position is available within the Department of Recreation and Parks' 2004-05 Budget. There is no additional impact on the General Fund.

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

ITEM NO. (37) - ADOPTED - FORTHWITH

04-1250-S73

PERSONNEL COMMITTEE REPORT relative to filling one position of Senior Management Analyst II in the City Clerk.

Recommendation for Council action:

APPROVE, pursuant to the 2004-05 Managed Employment Process, the one-time filling of one position of Senior Management Analyst II, Code 9171-2, in the Special Assessments Section, Administrative Services Division, City Clerk; and AUTHORIZE backfill authority if the position is filled from within the City Clerk.

Fiscal Impact Statement: The City Administrative Officer reports that there are sufficient funds in the City Clerk Salaries General Account 1010 to cover the cost of this position.

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

ITEM NO. (38) - ADOPTED - FORTHWITH

04-1250-S75

PERSONNEL COMMITTEE REPORT relative to filling one position of Senior Clerk Typist and one position of Principal Clerk in the City Clerk.

Recommendation for Council action:

APPROVE, pursuant to the 2004-05 Managed Employment Process, the one-time filling of one position of Senior Clerk Typist, Code 1368, and one position of Principal Clerk, Code 1201, in the Administrative Services Division, City Clerk; and AUTHORIZE backfill authority for the Principal Clerk position if this position is filled from within the City Clerk.

Fiscal Impact Statement: The City Administrative Officer reports that there are sufficient funds in the City Clerk Salaries General Account 1010 to cover the costs of these positions.

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

ITEM NO. (39) - ADOPTED

Roll Call #9 - Motion (Smith - Reyes) Adopted, Ayes (15)

05-0499

CD 12 CATEGORICAL EXEMPTION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an appeal on a variance to permit the temporary use of an existing day care facility as a high school located at 19809 Nordhoff Place.

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 1(22) of the City's Environmental Guidelines.
2. ADOPT the FINDINGS of the Zoning Administrator, as amended by the Planning and Land Use Management Committee, as the Findings of the Council.
3. RESOLVE TO DENY the appeal filed by Jeanette Plumb, Philip J. Hess (Representative), from the entire determination of the North Valley Area Planning Commission in approving a Variance to permit the temporary use of an existing day care facility approved under Case Nos. ZA 89-0037 (ZV) and ZA 89-0038 (CUZ) as a high school facility at 19809 Nordhoff Place, subject to conditions of approval.

Applicant: Sanje Ratnavale, Sierra Canyon School                      ZA 2004-6141 (ZV) 1-A  
Dale Neal/Michael Nytzen, Representatives

Fiscal Impact Statement: The North Valley Area Planning Commission 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)

Roll Call #5 - Motion (Hahn - Greuel) Adopted, Ayes (10); Absent: LaBonge, Ludlow, Parks, Villaraigosa and Weiss (5)  
(Item Nos. 40-46)

ITEM NO. (40) - ADOPTED

05-0619

CD5 MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to Tentative Tract Map appeal (TT 61732) for property at 357 North Hayworth Avenue.

Recommendations for Council action:

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. 05-0619 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 2004-6237 MND] filed on October 18, 2004.
2. ADOPT FINDINGS of the Advisory Agency as the FINDINGS of the Council.

3. DENY IN PART and GRANT IN PART appeal filed by Beverly Wilshire Homes, Inc./Robert Standish, Robert L. Glushon, Representative, from the entire determination of the Central Area Planning Commission, THEREBY SUSTAIN the decision of the Deputy Advisory Agency in approving Tentative Tract No. 61732 to permit the construction of a 45-foot high, 16-unit condominium on approximately 13,232 net square foot lot in the R3-1 Zone with 40 parking spaces, for property at 357 North Hayworth Avenue, subject to prior approval of a Landscape Plan approved by the Planning Department, and to the satisfaction of the Council District Five staff, to ensure that landscaping concerns of the adjacent neighbors are addressed.

Applicant: Jerry Levy, Hayworth Villas, LP

TT 61732-2A

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 2, 2005

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

ITEM NO. (41) - ADOPTED

05-0337-S1

PUBLIC SAFETY COMMITTEE REPORT relative to Los Angeles Police Department's (LAPD) response to the Office of the Inspector General's (OIG) recommendations regarding managing retaliation.

Recommendations for Council action:

1. NOTE and FILE the Board of Police Commissioners' (Police Commission) report relative to the LAPD's response to the OIG's recommendations regarding managing retaliation, inasmuch as the report is submitted for information only and no Council action is necessary.
2. REQUEST the LAPD to report back in 60 days on the adoption and implementation, etc., of the LAPD Anti-Retaliation Policy.
3. REQUEST the Chief Legislative Analyst (CLA) to work with the LAPD to coordinate the integration of the TEAMS II system and its data and the Anti-Retaliation Policy data to allow the LAPD to access any necessary data to facilitate the implementation of the Anti-Retaliation Policy.

Fiscal Impact Statement: None submitted by the Police Commission. Neither the City Administrative Officer nor the CLA has completed a financial analysis of this report.

ITEM NO. (42) - ADOPTED

05-0337-S3

PUBLIC SAFETY COMMITTEE REPORT relative to Los Angeles Police Department's (LAPD) Consent Decree status update.

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

1. TRANSFER \$64,000 from the Unappropriated Balance, Fund No. 100, Department No. 58, LAPD Consent Decree Program Account, Account No. 0078, to the following LAPD Fund No. 100, Department No. 70, accounts, in the following amounts, for the purchase of a laser device and related software:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
7300	Equipment	\$56,674
6020	Operating Expenses	\$ 7,326

2. REQUEST the LAPD to report back to the Public Safety Committee in June 2005, regarding the status of the purchase of the Force Investigations Division equipment and software purchased with the funding allocated in Recommendation No. 1.
3. REQUEST the LAPD to review the structure of the Audit Division, including the potential civilianization of the Captain position, for opportunities to further stabilize staff and to maximize the returns on training resources invested, and report back to the Public Safety Committee within 60 days.
4. FIND that the use of a competitive selection process, such as Request for Proposal, is impractical for the expeditious procurement of professional services for TEAMS II configuration management and Use of Force System, Risk Management Information System, and Complaint Management System integration testing services necessary to comply with the TEAMS II development time line in the Consent Decree between the City and the U.S. Department of Justice and to ensure RMIS operation on as expeditious a time line as possible; and WAIVE the competitive bidding requirements, pursuant to Charter Section 371(e)(10).
5. FIND that the TEAMS II configuration management and integration testing services can be performed more feasibly on the mandated schedule by an independent contractor, than by City staff, pursuant to Charter Section 1022.
6. AUTHORIZE the Chief Legislative Analyst (CLA) and the Mayor's Office, in close coordination with the LAPD, to negotiate and execute an Amendment to the Sierra Systems, Inc. Agreement (Agreement No. C-105410), in an amount not to exceed \$500,000, for professional services for TEAMS II configuration management and integration testing services, including knowledge transfer.

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

ITEM NO. (43) - ADOPTED

05-0337-S5

PUBLIC SAFETY COMMITTEE REPORT relative to Los Angeles Police Department's (LAPD) Out-Of-Statute Personnel Complaints.

Recommendation for Council action:

NOTE and FILE the Board of Police Commissioners' report dated March 16, 2005 relative to the status of the Out-Of-Statute Personnel Complaints, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (44) - ADOPTED

05-0337-S6

PUBLIC SAFETY COMMITTEE REPORT relative to Los Angeles Police Department's (LAPD) transition of the Critical Incident Investigation Division (CIID) to the Force Investigations Division (FID).

Recommendations for Council action:

1. NOTE and FILE the Board of Police Commissioners report dated March 30, 2005 relative to the status of the transition of the CIID to FID, inasmuch as the report is submitted for information only and no Council action is necessary.
2. REQUEST the LAPD to report back on the revised "Thumb Chocking" policy when it has been completed. (Thumb Chocking changes a semi-automatic pistol from double action to single action).

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

ITEM NO. (45) - ADOPTED

05-0337-S7

PUBLIC SAFETY COMMITTEE REPORT relative to Los Angeles Police Department's (LAPD) status of the TEAMS II project.

Recommendation for Council action:

NOTE and FILE the LAPD report dated April 15, 2005 relative to the TEAMS II monthly status report, inasmuch as this report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (46) - ADOPTED

05-0420

CD9 INFORMATION TECHNOLOGY AND GENERAL SERVICES and BUDGET AND FINANCE COMMITTEES' REPORT relative to the assignment of space at the Union Bank Building, 120 South San Pedro Street.

Recommendation for Council action:

APPROVE the reassignment of approximately 5,000 square feet of office space at the Union Bank Building, 120 South San Pedro Street, vacated by the Information Technology Agency, to the Bureau of Engineering, Police Administration Building Headquarters Project Management Team, till the end of the current lease period, as substantially described in the Department of General Services (GSD) report dated February 24, 2005 (attached to the Council file).

Fiscal Impact Statement: The GSD reports that the cost of the entire suite has been paid through the Telecommunications Development Account (TDA) fund. Since half of the suite is no longer being used for TDA-funded purposes, the General Fund will need to begin paying for half of the rent, or \$10,300 per month. The GSD further reports that since the GSD 6030 Leasing Account is facing a shortage this year, the additional expense will have to be addressed in a Financial Report adjustment later this year.

Items for Which Public Hearings Have Not Been Held - Items 47-56

(10 Votes Required for Consideration)

Roll Call #6 - Motion (Smith - Perry) Adopted, Ayes (11); Absent: LaBonge, Ludlow, Parks and Villaraigosa (4)  
(Item Nos. 47-48)

ITEM NO. (47) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-0963-S1

COMMUNICATION FROM VICE CHAIR, ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE relative to authority to execute a Memorandum of Understanding (MOU) with the Regional Water Quality Control Board (RWQCB) for the regulation of Onsite Wastewater Treatment Systems (OWTS).

Recommendations for Council action:

1. APPROVE the Board of Public Works (BPW) report relative to authority to execute an MOU with the RWQCB for the regulation of OWTS.
2. AUTHORIZE the President, or two members, of the BPW to execute said MOU.
3. REQUEST the BPW to amend said MOU to allow for the full cost recovery of the OWTS Regulation Program (Program).

4. INSTRUCT the Bureau of Sanitation to report to the Council after 90 days of implementation of said Program.

Fiscal Impact Statement: The BPW reports that there is no fiscal impact to the General Fund at this time. However, the BPW anticipates that a future ordinance, to be adopted prior to the implementation of said Program, will include fees to be assessed on property owners with onsite wastewater treatment systems.

ITEM NO. (48) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-0458

COMMUNICATION FROM VICE CHAIR, TRANSPORTATION COMMITTEE relative to extending the term of the contract with the Confederation of Downtown Associations for the "Downtown Wayfinding/Transit Connection" for an additional 24 months.

Recommendation for Council action, pursuant to Motion (Perry - Parks):

AUTHORIZE the Department of Transportation (DOT) to extend the term of Agreement No. C-100760 with the Confederation of Downtown Associations of Los Angeles for the "Downtown Wayfinding/Transit Connection" for an additional 24 months with a new termination date of April 30, 2007 with all other terms and conditions of the contract to remain in force.

Fiscal Impact Statement: The DOT reports that there is no impact on the General Fund. This request is for time-extension only.

ITEM NO. (49) - ADOPTED, AS AMENDED - FORTHWITH - SEE FOLLOWING

Roll Call #12 - Motion (Hahn - LaBonge) to Adopt as Amended, Ayes (10); Absent: Perry, Reyes, Smith, Villaraigosa and Weiss (5)

04-1187

COMMUNICATION FROM VICE CHAIR, TRANSPORTATION COMMITTEE relative to amending the Los Angeles Municipal Code (LAMC), Section 80.36, which makes it unlawful for vehicles over 6,000 pounds to operate on residential streets.

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

REQUEST the City Attorney to prepare and present an ordinance to amend Section 80.36.1 of the LAMC to provide that:

- a. For first time offenders, the maximum fine shall be increased from \$50 to \$250, the second offense to be increased from \$100 to \$250, and the third and subsequent offenses be increased to a maximum \$1,000.
- b. The first and second offenses of Section 80.36.1 within a one-year period shall be deemed an infraction, while the third and subsequent offenses shall be deemed misdemeanors.



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

ADOPTED

AMENDING MOTION (HAHN - LABONGE)

Recommendation for Council action:

REQUEST the City Attorney to prepare and present an ordinance to amend Section 80.36.1 of the Los Angeles Municipal Code to provide that:

- a. For the first two offenses the fine shall be a minimum of \$250, and the third and subsequent offenses shall be increased to a minimum of \$1,000.

Roll Call #6 - Motion (Smith - Perry) Adopted, Ayes (11); Absent: LaBonge, Ludlow, Parks and Villaraigosa (4)  
(Item Nos. 50-54)

ITEM NO. (50) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

05-0231

CD 9

COMMUNICATION FROM VICE CHAIR, TRANSPORTATION COMMITTEE relative to redesignating and downgrading Santa Fe Avenue between First and Fourth Streets from a Major Highway to a modified Collector Street.

Recommendations for Council action, pursuant to Motion (Perry - Villaraigosa):

1. DIRECT the City Planning Department, in coordination with the Department of Transportation (DOT), to prepare and present the necessary documents and plan amendments to the "Streets and Highways Designation Map" of the Transportation Element of the General Plan and to the Central City North Community Plan, to redesignate and downgrade Santa Fe Avenue between First and Fourth Streets from a Major Highway to a modified Collector Street, with variable dimensions of 57 to 82 foot right-of-way, including a 42-50 foot minimum roadway.
2. DEDICATE the right-of-way in excess of the required minimum roadway dimensions on the eastern side of Santa Fe Street between First and Fourth Streets to the Los Angeles County Metropolitan Transportation Authority to support the construction of parking, housing and other public benefits for the community.

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

ITEM NO. (51) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

05-0563

COMMUNICATION FROM VICE CHAIR, TRANSPORTATION COMMITTEE relative to a charter bus trip for a group of students from Van Nuys High School to visit the Cesar Chavez National Memorial in Keene, California.

Recommendation for Council action:

NOTE and FILE the April 7, 2005 Department of Transportation (DOT) report in response to Motion (Cárdenas - Garcetti) relative to instructing the DOT to make a one-time exception to the Charter Bus Transit Service Area to secure charter bus transport for a group of students from Van Nuys High School for a 8.5 hour excursion to the Cesar Chavez Memorial in Keene, California and to allow for this trip to be outside of service boundaries, inasmuch as the DOT provided the scheduled trip on March 30, 2005 and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (52) - ADOPTED

05-0750

CD 8 MOTION (PARKS - PERRY) relative to declaring the Second Annual K-Jam 3 on 3 Basketball Tournament on April 23, 2005 a Special Event (fees and costs absorbed by the City = \$500).

Recommendation for Council action:

DECLARE the Second Annual K-Jam 3 on 3 Basketball Tournament, sponsored by The KoreAm Journal 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. (53) - ADOPTED

03-0026

CD 9 MOTION (PERRY - PARKS) relative to declaring the Gala on April 30, 2005 a Special Event (fees and costs absorbed by the City = \$1,659).

Recommendation for Council action:

DECLARE the Gala, sponsored by The Museum of Contemporary Art on April 30, 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) except insurance AND application requirements.

ITEM NO. (54) - ADOPTED

01-0363

CD 2 MOTION (GREUEL - WEISS) relative to declaring the Sherman Oaks Band Review on April 30, 2005 a Special Event (fees and costs absorbed by the City = \$4,689).

Recommendation for Council action:

DECLARE the Sherman Oaks Band Review, sponsored by Notre Dame High School on April 30, 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) except insurance AND application requirements.

ITEM NO. (55) - SUBSTITUTE MOTION ADOPTED IN LIEU OF ORIGINAL MOTION -  
SEE FOLLOWING

Roll Call #13 - Motion (Reyes for Villaraigosa - Greuel) to Adopt Substitute Motion, Ayes (10);  
Absent: Perry, Reyes, Smith, Villaraigosa and Weiss (5)

03-0566

CDs 9 &

14

MOTION (VILLARAIGOSA - SMITH) relative to declaring the Fiesta Broadway on May 1, 2005 a Special Event (estimated cost of the event \$201,951 of which fees and costs absorbed by the City = \$121,951, event sponsor to reimburse the City \$80,000).

Recommendation for Council action:

DECLARE the Fiesta Broadway, sponsored by All Access Entertainment on May 1, 2005, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of fees (costs absorbed by the City) except insurance and application requirements.

ADOPTED

SUBSTITUTE MOTION (REYES for VILLARAIGOSA - GREUEL)

MOTION (REYES for VILLARAIGOSA - GREUEL) relative to declaring the Fiesta Broadway on May 1, 2005 a Special Event (estimated cost of the event \$201,951 of which fees and costs absorbed by the City = \$121,951, event sponsor to reimburse the City \$80,000).

Recommendation for Council action:

DECLARE the Fiesta Broadway, sponsored by All Access Entertainment on May 1, 2005, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of fees (costs absorbed by the City) except insurance and application requirements.

ITEM NO. (56) - ADOPTED

Roll Call #6 - Motion (Smith - Perry) Adopted, Ayes (11); Absent: LaBonge, Ludlow, Parks  
and Villaraigosa (4)

05-0758

CD 1

MOTION (REYES - VILLARAIGOSA) relative to authorizing the Department of Transportation (DOT) to apply for and accept federal grant funding for the Blossom Plaza project in Chinatown.

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

1. AUTHORIZE the General Manager, DOT, to prepare and submit all necessary application documents for the several Federal Department of Transportation grant funds related specifically to the Blossom Plaza project.
2. AUTHORIZE the General Manager, DOT, to accept the several Federal Department of Transportation grant funds related specifically to the Blossom Plaza project, and negotiate and execute any documents necessary to receive these funds, subject to review by the City Attorney as necessary.
3. INSTRUCT the General Manager, DOT, to report back with appropriate expenditure plans and Controller instructions needed to implement the project.

## Closed Sessions - Items 57-58

ITEM NO. (57) - WITHDRAWN FROM COUNCIL AGENDA

Roll Call #15 - Motion (Parks - Miscikowski) Adopted To Withdraw From Agenda, Unanimous Vote (10); Absent: Perry, Reyes, Smith, Villaraigosa and Weiss (5)

05-0660

The City Attorney shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Theodosia Tsavidis v. City of Los Angeles, et al., Los Angeles Superior Court Case No. SC 080913. (This case arises from an automobile accident involving plaintiff and a Bureau of Engineering employee, that occurred on July 8, 2003, at approximately 11:30 a.m., on the southbound 405 Freeway Wilshire Boulevard off ramp.)

(Budget and Finance Committee considered the above matter in Closed Session on April 12, 2005)

(Continued from Council meeting of April 22, 2005)

ITEM NO. (58) - MEETING HELD - NO ACTION TAKEN

BUREAU OF SANITATION TO REPORT relative to case entitled Estate of Norma Vides v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 207495. (This action arises from an automobile accident involving plaintiff and a Bureau of Sanitation employee, that occurred on March 23, 1998, on Sunland Boulevard near Wheatland Avenue in the City of Los Angeles.)

(Pursuant to Council action of April 20, 2005)

## Item Noticed for Public Hearing - Item 59

ITEM NO. (59) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION

Roll Call #14 - Motion (Zine - Cardenas) Adopted to Grant Application, Ayes (10);  
Absent: Perry, Reyes, Smith, Villaraigosa and Weiss (5)

05-0461

CD 3 CONTINUED HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" for alcohol sales for off-site consumption 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 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)

## Items for Which Public Hearings Have Been Held - Items 60-61

Roll Call #7 - Motion (Hahn - Cardenas) Adopted, Ayes (11); Absent: LaBonge, Ludlow, Parks and Villaraigosa (4)  
(Item Nos. 60-61)

ITEM NO. (60) - ADOPTED - ORDINANCE OVER ONE WEEK TO MAY 4, 2005

05-0629

CD 15 CONTINUED CONSIDERATION OF 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 at 1111 Figueroa Place, Wilmington.
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. (61) - ADOPTED, AS AMENDED - SEE FOLLOWING

05-0383

CD 13

CONTINUED CONSIDERATION OF 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 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)

ADOPTED

AMENDING MOTION (GARCETTI - REYES)

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

MODIFY Recommendation No. 3 as it applies to the attached modified conditions of approval by substituting the following for No. 21 a and deleting 21 b, in its entirety, as follows:

21. The business operator shall implement the following measures to prevent the consumption of alcoholic beverages by minors:
  - a. Consumption of alcohol or drinking from glass bottles shall be prohibited on the dance floor. A minimum of two warning signs advising of these prohibitions shall be posted contiguous to the dance floor.
  - ~~b. Color-coded beverage containers shall be used to identify alcoholic and non-alcoholic drinks. No beverages shall be served in glass bottles.~~

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

04-2573-S1

MOTION (PADILLA - SMITH) relative to declaring the Mission Area Police Station Dedication on April 30, 2005 a Special Event (fees and costs absorbed by the City = \$1,326).

04-0778-S1

MOTION (PERRY - WEISS) relative to declaring Denim Day in Los Angeles on April 27, 2005 a Special Event (fees and costs absorbed by the City = \$250).

02-0647

MOTION (PARKS - PERRY) relative to declaring the 12th Annual Revlon Run/Walk For Women on May 7, 2005 a Special Event (fees and costs absorbed by the City = \$20,000).

04-0386

MOTION (PARKS - PERRY) relative to declaring Neighborhood Pride Day on June 11, 2005 a Special Event (fees and costs absorbed by the City = \$500).

04-0276

MOTION (LABONGE - GREUEL) relative to declaring the 13th Annual NoHo Theater and Arts Festival and Carnival on May 13-15, 2005 a Special Event (fees and costs absorbed by the City = \$18,197).

05-0837

MOTION (LABONGE - GARCETTI) relative to declaring the 14th Annual Los Feliz Village Street Fair on June 5, 2005 a Special Event (fees and costs absorbed by the City = \$5,919).

05-0836

MOTION (MISCIKOWSKI - HAHN) relative to declaring the Venice Disaster Preparedness Expo on April 23, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).

05-0834

MOTION (HAHN - MISCIKOWSKI) relative to declaring the Wilmington Cinco de Mayo on April 30 - May 1, 2005 a Special Event (fees and costs absorbed by the City = \$19,538).

05-0838

MOTION (PERRY - REYES) relative to a request for an exemption from the Convention Center fee waiver policy for the Los Angeles (LA) River Master Plan Evaluation Committee Interviews and Presentations event on May 11-12, 2005.

05-0830

MOTION (SMITH - PARKS) relative to partial funding to support community programs and groups in Council District 12.

04-2540

MOTION (MISCIKOWSKI - HAHN) relative to providing funding for community programs in Council District 11.

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

04-0691

RESOLUTION (REYES - PERRY - SMITH) relative to submitting applications for Proposition 50, Chapter 8 planning grant funds.

## COUNCILMEMBER'S REQUEST FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, Councilmember was excused from Council session of Wednesday, May 4, 2005 and was excused to leave at 11:30 a.m. from Council session of Wednesday, May 25, 2005 due to City business.



COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

05-0574 - Theodore Bikel

(Garcetti - LaBonge)

William Allan Murrell

(Hahn - All Councilmembers)

106th California State PTA Convention  
and the Caravan for Kids

(Hahn - All Councilmembers)

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

05-0573 - Cameron David Hill

(Parks)

Myron William McDaniel

(Parks)

Roger Ramirez

(Zine)

Ayes, Cardenas, Garcetti, Greuel, Hahn, LaBonge, Ludlow, Miscikowski, Parks, Zine and President Padilla (10); Absent: Perry, Reyes, Smith, Villaraigosa and Weiss (5).

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL