

Los Angeles City Council, Journal/Council Proceedings  
Friday, June 3, 2005  
John Ferraro Council Chamber, Room 340, City Hall - 10 am

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

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

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
MAY 31, 2005

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 23

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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 for Which Public Hearings Have Been Held - Items 1-16

Roll Call #3 - Motion (Hahn - Miscikowski) Adopted, Ayes (11); Absent: Cardenas, Garcetti,  
Perry and Reyes (4)  
(Item Nos. 1-9)

ITEM NO. (1) - ADOPTED - ORDINANCE OVER ONE WEEK TO JUNE 10, 2005

[05-0982](#)

CD 15 ADMINISTRATIVE EXEMPTION, COMMERCE, ENERGY AND NATURAL RESOURCES  
COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to utilizing the  
design-build project delivery system for the Port Security Grant Program - Round 3  
Projects.

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

1. FIND that the proposed utilization of the Design-Build project delivery system for the five Port Security Grant Program - Round 3 Projects are exempt from the requirements of the California Environmental Quality Act (CEQA) as provided by Article II, Section 2(f) of the Los Angeles City CEQA Guidelines, as amended by the Los Angeles City Council on July 31, 2002. Physical improvements associated with these projects will require assessment in accordance with CEQA.

2. CONCUR with Resolution Nos. 6342 and 6343 as adopted by the Board of Harbor Commissioners (Board) on February 23, 2005, APPROVE Resolution No. 6342 for Design-Build utilizing the competitive-based sealed proposal method and APPROVE Resolution No. 6343 for prequalification of Design-Build entities for the five Port Security Grant Program - Round 3 Projects pursuant to Charter Section 375 and Administrative Code Section 10.18.
3. PRESENT and ADOPT the accompanying ORDINANCE authorizing the Harbor Department (Harbor) to let five design-build contracts pursuant to a competitive sealed proposal method, establishing contracting criteria and permitting the Harbor to establish criteria and conduct negotiations relating to the procurement, design, engineering, construction, proof-of-performance testing, and training for five surveillance and security system projects funded by the U.S. Department of Homeland Security Transportation Security Administration.

Fiscal Impact Statement: The Board reports that the five projects will be implemented over fiscal years 2004-05, 2005-06 and 2006-07. The funds will be appropriated once the five contracts are awarded.

ITEM NO. (2) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS - ORDINANCE OVER ONE WEEK TO JUNE 10, 2005 - SEE FOLLOWING

05-1004

COMMUNICATION FROM THE CITY ADMINISTRATIVE OFFICER AND ORDINANCE FIRST CONSIDERATION relative to the 2002-06 Memorandum of Understanding (MOU) for the Port of Los Angeles Command Officers Unit (MOU No. 27).

(Personnel Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comments will be provided.)

(For copies of the report for this matter, please contact the Legislative Assistant for the Personnel Committee at 213-978-1077.)

ADOPTED

PERSONNEL COMMITTEE REPORT and ORDINANCE relative to the 2002-06 Memorandum of Understanding (MOU) for the Port of Los Angeles Command Officers Unit (MOU No. 27).

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

1. PRESENT and ADOPT the accompanying ORDINANCE to amend Los Angeles Administrative Code, Division 4, Section 4.61, Salary Notes Applicable to the Harbor Department. These notes were applicable to certain non-represented sworn classifications which are now contained in MOU No. 27.

2. APPROVE the 2002-06 MOU for the Port of Los Angeles Command Officers Unit (MOU No 27).
3. AUTHORIZE the City Administrative Officer (CAO) to correct any clerical errors or, if approved by the City Attorney, any technical errors in the MOU.

Fiscal Impact Statement: The CAO reports that the additional cost of this agreement has no impact on the City's General Fund because the entire cost is an obligation of the Harbor Department.

ITEM NO. (3) - ADOPTED - TO THE MAYOR FORTHWITH

[02-0267](#)

[03-0209-S13](#)

CD 13 ORDINANCE SECOND CONSIDERATION relative to the direct sale of the City-owned property without calling for bids to the Community Redevelopment Agency in the amount of \$4,700,000 for the development of affordable housing for elderly households, and the construction of a public parking structure.

(Housing, Community and Economic Development Committee report adopted on May 27, 2005)

10 VOTES REQUIRED

ITEM NO. (4) - ADOPTED

[04-1951](#)

CD 11 ORDINANCE SECOND CONSIDERATION relative to abandoning all proceedings relating to the WELLESLEY AND ROCHESTER AVENUES 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 Closed on May 27, 2005)

ITEM NO. (5) - ADOPTED

[04-1910](#)

CD 14 ORDINANCE SECOND CONSIDERATION relative to levying the assessments and ordering the maintenance of the ALAMEDA AND LOS ANGELES STREETS 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 closed on May 27, 2005)

ITEM NO. (6) - ADOPTED

04-1912

CD 3 ORDINANCE SECOND CONSIDERATION relative to the levying the assessments and ordering the maintenance of the STRATHERN STREET AND OAKDALE AVENUE 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 closed on May 27, 2005)

ITEM NO. (7) - ADOPTED

04-1909

CD 7 ORDINANCE SECOND CONSIDERATION relative to the levying the assessments and ordering the maintenance of the RALSTON AND HUBBARD AVENUES 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 closed on May 27, 2005)

ITEM NO. (8) - ADOPTED

04-1875

CD 2 ORDINANCE SECOND CONSIDERATION relative to the levying the assessments and ordering the maintenance of the FOOTHILL BOULEVARD AND MT. GLEASON AVENUE 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 closed on May 27, 2005)

ITEM NO. (9) - ADOPTED

04-1874

CD 2 ORDINANCE SECOND CONSIDERATION relative to the abandoning all proceedings relating to the SHERMAN WAY AND RANCHITO AVENUE 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 closed on May 27, 2005)

ITEM NO. (10) - CONTINUED TO JUNE 17, 2005

Roll Call #2 - Motion (Miscikowski - Weiss) Adopted to Continue, Unanimous Vote (11);  
Absent: Cardenas, Garcetti, Perry and Reyes (4)

01-2082

PUBLIC SAFETY COMMITTEE REPORT relative to Domestic Abuse Response Team (DART) Program expansion.

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

1. APPROVE the establishment of a DART Program Citywide.
2. INSTRUCT the General Manager, Community Development Department (CDD), to work with the Los Angeles Police Department (LAPD) and the Mayor's Criminal Justice Planning Office (MCJPO) to prepare a DART Program funding package for consideration in the deliberation of the 2005-06 Budget to include all necessary administrative, operational and staffing needs.
3. INSTRUCT the General Manager, CDD, or designee, and the Chief of the Police, or designee, and REQUEST the MCJPO, to seek federal and state funds for the continuation and expansion of the DART Program.
4. INSTRUCT the CDD and City Administrative Officer and REQUEST the MCJPO to consider funding a DART Program with Community Development Block Grant Consolidated Plan program savings.
5. INSTRUCT the Chief Legislative Analyst to report to Council in 30 days on sponsorship of federal and state legislation to fund the DART Program.

Fiscal Impact Statement: The Domestic Violence Working Committee reports that there is no General Fund impact at this time. Approval of the recommendations in this report would centralize and formalize the funding and administration of the DART Program Citywide. The cost for starting and maintaining one DART is estimated at \$238,000. Citywide coverage could result in a potential annual cost of approximately \$4.2 million if the City funded one DART in each of the 18 LAPD stations. However, additional funding sources need to be identified prior to creating new DARTs.

(Housing, Community and Economic Development Committee waived consideration of the above matter)

Roll Call #3 - Motion (Hahn - Miscikowski) Adopted, Ayes (11); Absent: Cardenas, Garcetti, Perry and Reyes (4)  
(Item Nos. 11-15)

ITEM NO. (11) - ADOPTED

05-0337-S3

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

Recommendation for Council action:

DIRECT the Chief Legislative Analyst (CLA) to report back in 30 days with recommended actions to address the areas of disagreement between the City and the Independent Monitor, relative to the Consent Decree.

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

ITEM NO. (12) - ADOPTED

05-0337-S7

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

Recommendation for Council action:

NOTE and FILE the LAPD report dated May 19, 2005 relative to the TEAMS II monthly status report, inasmuch as the report is submitted for information and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (13) - ADOPTED

05-0337-S8

PUBLIC SAFETY COMMITTEE REPORT relative to the Los Angeles Police Department's Office of the Inspector General's (OIG) staffing transition process and plan to improve reviews and audits.

Recommendation for Council action:

NOTE and FILE the Board of Police Commissioners' report dated April 22, 2005 relative to the OIG staffing transition process and plan of action to improve the timeliness and quality of its reviews/audits, inasmuch as the OIG has begun to implement the resources and process changes and believes that this approach will improve both the quality and timeliness of the OIG's reviews and audits.

Fiscal Impact Statement: Not applicable.

ITEM NO. (14) - ADOPTED

05-0337-S9

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

Recommendation for Council action:

NOTE and FILE the Board of Police Commissioners' report dated May 3, 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. (15) - ADOPTED

04-2669

PUBLIC SAFETY and BUDGET AND FINANCE COMMITTEES' REPORT relative to the Los Angeles Police Department's (LAPD) Forensic Casework DNA Backlog Reduction Program grant.

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

1. AUTHORIZE the Chief of Police to accept the grant award of \$669,707 from the United States Department of Justice, National Institute of Justice (NIJ) for the Forensic Casework DNA Backlog Reduction Program for the period of July 1, 2004 through December 31, 2005.
2. AUTHORIZE the Chief of Police to execute the Forensic Casework DNA Backlog Reduction Program Cooperative Agreement on behalf of the City and submit all necessary documents relative to the grant award and to negotiate, execute and submit any other necessary agreements and documents relative to the grant for 2004-05, subject to the approval of the City Attorney as to form and legality.

3. APPROVE a Reserve Fund advance of \$669,707 and AUTHORIZE the Controller to transfer said amount from the Reserve Fund to the Unappropriated Balance and APPROPRIATE this amount therefrom to Fund No. 339, Police Department Grant Fund, into a new appropriation account designed as W504, Forensic Casework DNA Backlog Reduction Program, the Reserve Fund Advance to be reimbursed upon receipt of grant funds from the NIJ.
4. AUTHORIZE the LAPD to receive and deposit grant funds in Fund No. 339 and expend funds for grant-eligible overtime salaries, operating expenses and contractual services consistent with the grant award and grant budget.
5. AUTHORIZE the LAPD to transfer \$87,744 from Fund No. 339 to Fund No. 100, Department No. 70, Account No. 1090, Salaries Overtime.
6. REQUEST the LAPD submit invoices to the NIJ in a timely manner to ensure that the Reserve Fund is reimbursed expeditiously.
7. AUTHORIZE the Chief of Police, or designee, to perform appropriate accounting adjustments and to prepare Controller instructions for any necessary technical changes, subject to the approval of the City Administrative Officer (CAO) and AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: The CAO reports that the Forensic Casework DNA Backlog Reduction Program costs are fully reimbursable. A Reserve Fund advance of \$669,707 is required to fund this program on an interim basis. Full repayment to the Reserve Fund advance from the grant is anticipated by the third quarter of 2005-06.

ITEM NO. (16) - REFERRED BACK TO THE RULES AND ELECTIONS COMMITTEE - SEE FOLLOWING

Roll Call #1 - Motion (Greuel - Miscikowski) Adopted to Refer, Unanimous Vote (11);  
Absent: Cardenas, Garcetti, Perry and Reyes (4)

05-1019

CD 14

MOTION (PADILLA - MISCIKOWSKI) relative to options available to the City Council to fill the vacancy in Council District 14, consistent with all legal, practical, fiscal and managerial considerations and possible action to initiate procedures necessary for the calling of a special election or an appointment to fill the vacancy.

(Rules and Elections Committee report to be submitted in Council. If public hearing is not heard in Committee, an opportunity for public comment will be provided.)

(For copies of related, staff-generated reports for this matter, please contact the Legislative Assistant for the Rules and Elections Committee at 978-1056.)

REFERRED

RULES AND ELECTIONS COMMITTEE REPORT relative to options for filling the anticipated vacancy in the Office of Member of the Council, Fourteenth Council District.

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

1. REQUEST the City Attorney to prepare and submit all necessary documents including an Ordinance that calls for and provides for a Special Election to fill the anticipated vacancy in the Office of the Member of the Council, Fourteenth Council District utilizing the dates listed below, and INSTRUCT the City Clerk to place the Ordinance on the JULY 1, 2005 Council Agenda for consideration:

<u>Election activity</u>	<u>Date</u>
<u>Declaration of Intention</u>	
First day to file	August 2, 2005
Last day to file	August 6, 2005
<u>Nominating Petitions</u>	
First day to issue	August 2, 2005
Last day to issue	August 22, 2005
First day to file	August 2, 2005
Last day to file	August 22, 2005
<u>Special Election</u>	October 11, 2005
<u>Special Run-Off Election</u>	December 13, 2005

2. INSTRUCT the City Clerk to prepare and place on the JULY 1, 2005 Council Agenda, a Resolution requesting the County of Los Angeles to authorize the County Registrar-Recorder to provide services in support of the Fourteenth Council District Special Election to fill the anticipated vacancy in the Office of the Member of the Council, Fourteenth Council District.

3. INSTRUCT the City Clerk to report back no later than July 31, 2005 on any supplemental funding required to conduct the Special Election to fill the anticipated vacancy in the Office of Member of the Council, Fourteenth Council District.

Fiscal Impact Statement: The City Clerk reports the estimated cost of conducting a single Council District Special Election in the Fourteenth Council District, given the number of precincts and the estimated 15 to 20 candidates filing papers to run, would be up to \$700,000 if two elections were needed. The City Clerk's Office would not require an immediate appropriation since there are anticipated surplus funds remaining from the 2005 Primary Nominating and General Municipal Elections. Once the Clerk's Office completes the accounting closeout for the 2005 municipal elections, they will submit a supplemental appropriations request, if necessary.

Items for Which Public Hearings Have Not Been Held - Items 17-31  
(10 Votes Required for Consideration)

Roll Call #5 - Motion (Greuel - Smith) Adopted, Ayes (11); Absent: Cardenas, Garcetti, Perry and Reyes (4)  
(Item Nos. 17-26)

ITEM NO. (17) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS - FORTHWITH

05-1300

COMMUNICATION FROM THE CITY CLERK and RESOLUTIONS transmitting the following certified results of votes cast at the General Municipal and Consolidated Elections held Tuesday, May 17, 2005.

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION finding, determining, and declaring the total number of votes cast at the General Municipal and Consolidated Elections held in the City of Los Angeles on Tuesday, May 17, 2005, for the various candidates for the Office of Mayor and Office of Member of the City Council in District No. 11.
2. ADOPT the accompanying RESOLUTION finding, determining and declaring the total number of votes cast at the General Municipal and Consolidated Elections held on Tuesday, May 17, 2005, in favor of and against the proposed City of Los Angeles Charter Amendment A.
3. ADOPT the accompanying RESOLUTION finding, determining and declaring the total number of votes cast at the General Municipal and Consolidated Elections held on Tuesday, May 17, 2005, in favor of and against the proposed City of Los Angeles Charter Amendment B.

Fiscal Impact Statement: The City Clerk reports that adopting the Resolutions declaring the results of the City of Los Angeles General Municipal and Consolidated Elections will have no impact on the General Fund.

ITEM NO. (18) - ADOPTED, AS AMENDED - TO THE MAYOR FORTHWITH - SEE FOLLOWING

04-0658

CONSIDERATION OF MOTION (ZINE - SMITH - PARKS) relative to opposition to the petition of Daniel Steven Jenkins seeking a new trial.

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

INSTRUCT the City Clerk to inform the California State Attorney General, of the City's strong opposition to the petition of Daniel Steven Jenkins to the California State Supreme Court seeking a new trial in the murder of Los Angeles Police Detective Thomas C. Williams.

(Public Safety Committee waived consideration of the above matter)

ADOPTED

AMENDING MOTION (ZINE - PARKS)

Recommendations for Council action:

REQUEST the City Attorney to file, within 30 days, an Amicus Curiae brief with the California Attorney General opposing the petition of Daniel Steven Jenkins to the California State Supreme Court seeking a new trial in the murder of Los Angeles Police Detective Thomas C. Williams.

ITEM NO. (19) - ADOPTED

05-1081

CD 1 MOTION (REYES - GARCETTI) relative to declaring La Feria de los Ninos 2005/Children's Fair 2005 on June 4, 2005 a Special Event (fees and costs absorbed by the City = \$1,600).

Recommendation for Council action:

DECLARE La Feria de los Ninos 2005/Children's Fair 2005, sponsored by La Curacao on June 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.

ITEM NO. (20) - ADOPTED

05-1082

CD 2 MOTION (GREUEL - PERRY) relative to declaring the Los Angeles Police Department (LAPD) - Valley Traffic Safety Fair on June 11, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).

Recommendation for Council action:

DECLARE the LAPD - Valley Traffic Safety Fair, sponsored by the LAPD - Valley Traffic Division on June 11, 2005, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, INCLUDING insurance. The event sponsor shall meet the application requirements of the City.

ITEM NO. (21) - ADOPTED

04-0818

CD 9 MOTION (PERRY - REYES) relative to declaring the LA Kids Read on June 4, 2005 a Special Event (fees and costs absorbed by the City = \$2,030).

Recommendation for Council action:

DECLARE the LA Kids Read, sponsored by the Library Department on June 4, 2005, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, INCLUDING insurance. The event sponsor shall meet the application requirements of the City.

ITEM NO. (22) - ADOPTED

01-0548

CD 11 MOTION (MISCIKOWSKI - LUDLOW) relative to declaring the Brentwood 5K and 10K Run and Walk on May 29, 2005 a Special Event (fees and costs absorbed by the City = \$3,420).

Recommendation for Council action:

DECLARE the Brentwood 5K and 10K Run, sponsored by the Westside Family YMCA on May 29, 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. (23) - ADOPTED

04-1044

CD 11 MOTION (MISCIKOWSKI - LUDLOW) relative to declaring the 15th Annual Kid's Nature Festival on June 4, 2005 a Special Event (fees and costs absorbed by the City = \$2,278).

Recommendation for Council action:

DECLARE the 15th Annual Kid's Nature Festival, sponsored by the Children's Nature Institute on June 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. This action does not waive fees and costs for facilities under the jurisdiction of the Board of Recreation and Park Commissioners.

ITEM NO. (24) - ADOPTED

05-1084

CD 3 MOTION (ZINE - GREUEL) relative to declaring the Under the Sea Carnival on June 24-26, 2005 a Special Event (fees and costs absorbed by the City = \$2,547).

Recommendation for Council action:

DECLARE the Under the Sea Carnival, sponsored by Saint Joseph the Worker Catholic Church on June 24-26, 2005, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.

ITEM NO. (25) - ADOPTED

05-1085

CD 3 MOTION (ZINE - GREUEL) relative to declaring the Valley Cultural Center's 30th Anniversary Concerts in the Park on Sundays from June 5, 2005 through August 28, 2005 a Special Event (fees and costs absorbed by the City = \$4,654).

Recommendation for Council action:

DECLARE the Valley Cultural Center's 30th Anniversary Concerts in the Park, sponsored by the Valley Cultural Center, Council District Three, Fidelity Investments, A-Rental Connection, Marriot Hotels and Wells Fargo on Sundays from June 5, 2005 through August 28, 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. (26) - ADOPTED

05-1086

CD 14 MOTION (VILLARAIGOSA - SMITH) relative to declaring the Academia Semillas del Pueblo Community Celebration on June 18, 2005 a Special Event (fees and costs absorbed by the City = \$2,190).

Recommendation for Council action:

DECLARE the Academia Semillas del Pueblo Community Celebration, sponsored by the Academia Semillas del Pueblo on June 18, 2005, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.

ITEM NO. (27) - ADOPTED, AS AMENDED - SEE FOLLOWING

Roll Call #6 - Motion (Hahn - LaBonge) to Adopt as Amended, Ayes (11); Absent: Cardenas, Garcetti, Perry and Reyes (4)

03-0352

MOTION (PERRY - REYES) relative to a request for an exemption from the Convention Center fee waiver policy for the Congress of Neighborhoods event on June 25, 2005.

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

1. FIND that the events sponsored by the City of Los Angeles Department of Neighborhood Empowerment serve a public purpose in that they provide valuable information to over 1,000 Neighborhood Council leaders and community stakeholders.
2. AUTHORIZE the General Manager, Convention Center, to make an exception to the Council's Convention Center waiver policy by waiving a maximum of \$25,000 in room rental fees for this event.
3. INSTRUCT all concerned departments that should unforeseen circumstances change the actual date of the Special Event, the aforementioned departmental instructions continue to apply.

ADOPTED

AMENDING MOTION (HAHN - LABONGE)

Recommendation for Council action:

INCREASE the amount of the fee waiver to \$30,000 and to make the waiver applicable to Convention Center associated fees in addition to room rental fees.

Roll Call #5 - Motion (Greuel - Smith) Adopted, Ayes (11); Absent: Cardenas, Garcetti, Perry and Reyes (4)  
(Item Nos. 28-31)

ITEM NO. (28) - ADOPTED

05-1083

CD 11 MOTION (MISCIKOWSKI - LUDLOW) relative to authorizing the Bureau of Street Services (BOSS) to provide profiling work for two resurfacing/paving projects at the Los Angeles International Airport (LAX).

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

1. INSTRUCT and AUTHORIZE the BOSS to provide profiling work for two resurfacing/paving projects located at the LAX Taxiway F between 25 Right and 25 Left and at the LAX Taxiway C-6 Gear Track.

2. AUTHORIZE the Controller to APPROPRIATE \$21,495 received from the LAX Revenue Fund No. 700, Department 04, General Ledger Account No. 522290 Paving, Fund Center No. 1150024 Construction and Maintenance Division-Office of the Chief, into the General Fund 100, Department 86, Revenue Source 4194 and TRANSFER this amount therefrom to the Street Services Fund No. 100-86, Account No. 1090, for the above purposes.
3. INSTRUCT and AUTHORIZE the BOSS to reimburse the General Fund 100, Department 86 on an as-needed basis upon the receipt of proper documentation from the BOSS.

ITEM NO. (29) - ADOPTED

05-1087

CD 11 MOTION (MISCIKOWSKI - PARKS) relative to installation of additional traffic controls on Sunset Boulevard east of Rivas Canyon Road and waiving B-Permit fees for said installation.

Recommendations for Council action:

1. FIND that: (a) the City desires the flashing yellow beacon to be constructed on the north side of Sunset Boulevard 230 feet east of Rivas Canyon Road; (b) the flashing yellow beacon will provide a public benefit because traffic safety for the public will be enhanced at this intersection; and, (c) the City will receive consideration by virtue of the fact that the improvements are being fully funded by private parties.
2. WAIVE the B-permit fees and construction bond requirement, inasmuch as this project fulfills a needed public purpose by improving traffic safety, and the project will be completed by a private contractor and the work will include a performance bond.

ITEM NO. (30) - ADOPTED

04-1540

CD 14 MOTION (VILLARAIGOSA - SMITH) relative to approving an extension of time for design and construction, including all closeout activities at Para Los Ninos Sixth Street Childcare and Development Center.

Recommendation for Council action:

APPROVE the extension of time as recommended by the Proposition K - L.A. for Kids Steering Committee and DIRECT the City Engineer to negotiate and execute Supplemental Agreement No. 1 or Amendment No. 3, as appropriate, to the Proposition K - L.A. for Kids Grant Agreement (Contract No. C-105015) to extend the term for design and construction, including all closeout activities, to December 31, 2005, substantially in the same form as attached to the Motion, subject to review and approval as to form by the City Attorney.

ITEM NO. (31) - ADOPTED

04-0937

RESOLUTION (PERRY - VILLARAIGOSA) relative to declaring June 11, 2005 to be L.A. Works Day 2005.

Recommendation for Council action:

RESOLVE to DECLARE June 11, 2005 "L.A. Works Day 2005."

## Items for Which Public Hearings Have Been Held - Items 32-34

Roll Call #4 - Motion (Miscikowski - Smith) Adopted, Ayes (11); Absent: Cardenas, Garcetti, Perry and Reyes (4)  
(Item Nos. 32-33)

ITEM NO. (32) - ADOPTED

05-0672

CD 11

CONTINUED CONSIDERATION OF ENVIRONMENTAL IMPACT REPORT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING AND REPORTING PROGRAM and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to appeals on Vesting Tentative Tract No. 52928 at 17331 and 17333 Tramonto Drive.

Recommendations for Council action:

1. CERTIFY that the Environmental Impact Report (ENV 2000-2696 EIR; State Clearing House No. 2002051086) has been completed in compliance with the California Environmental Quality Act, the State Guidelines and the City Guidelines and that the City Council has reviewed the information contained therein and considered it along with other factors related to this project; that this determination reflects the independent judgment of the lead agency, City of Los Angeles; and that the documents constituting the record of proceedings in this matter are located in Council file No. 05-0672 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 Environmental Impact Report.
2. ADOPT the FINDINGS made pursuant to and in accordance with Section 21081 of the Public Resources Code and the Statement of Overriding Considerations prepared by the City Planning Department.
3. ADOPT the FINDINGS of the Planning Commission including the Subdivision Map Act Findings and Mello Act Findings, as well as all environmental findings and a Mitigation Monitoring and Reporting Program , and the Findings of the Planning and Land Use Management Committee as the Findings of the Council.

4. DENY APPEALS filed by Pacific Palisades Residents Association, Ms. Beagles, Mr. Congdon, Ms. Heidt, Mr. and Ms. Hirschman, Mr. and Mrs. Knotz, Mr. and Mrs. Mirkin, and Dr. Todd Sadow, Castellammare Mesa Homeowners and Pacific Palisades Community Council.
5. GRANT APPEAL filed by Lou Jacobs and Ken Kahan, Palisades Landmark, LLC, in part, THEREBY APPROVE the November 18, 2004, action of the City Planning Commission in sustaining the decision of the Advisory Agency in part, in approving Vesting Tentative Tract No. 52928 for the proposed construction, use and maintenance of an 82-unit condominium project located at 17331 and 17333 Tramonto Drive, subject to modified Conditions of Approval as approved by the Commission, and Conditions Nos. 117 and 118, as further modified by the Planning and Land Use Management Committee.

Applicant: Palisades Landmark, LLC

VTT 52928

6. ADVISE the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Exemption Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.
7. INSTRUCT the City Planning and Housing Departments to identify strategies for systematically conducting independent review of economic feasibility analyses when submitted pursuant to the Mello Act (California Government Code Section 65590 et seq.) and Interim Administrative Procedures (pursuant to Settlement Agreement, Venice Town Council, et al. v. City of Los Angeles), including but not limited to: creating in-house city staff positions with the appropriate financial expertise and skills; Department of City Planning or Los Angeles Housing Department retention of outside consultants; identifying potential revenue sources, such as appeal fees to off-set administrative costs and outside consultants costs; and to report back with recommendations within 60 days to the Planning and Land Use Management Committee.
8. INSTRUCT the City Clerk to notify as a part of the notification process, the Western Center on Law and Poverty and the Legal Aid Foundation of Los Angeles regarding the Council's action on this matter.

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

TIME LIMIT FILE - JUNE 3, 2005

(LAST DAY FOR COUNCIL ACTION - JUNE 3, 2005)

(Continued from Council meeting of May 31, 2005)

ITEM NO. (33) - ADOPTED

03-0580  
00-2219

CONTINUED CONSIDERATION OF PUBLIC WORKS and TRANSPORTATION COMMITTEES' REPORT relative to the Public Way Reservation System (PWRS) to coordinate non-emergency activities and manage construction work in City Streets.

Recommendations for Council action:

1. INSTRUCT the Bureau of Engineering (BOE) to implement the PWRS as a viable solution to coordinate non-emergency activities and manage construction work in City streets.
2. REQUEST the City Attorney to prepare and present an ordinance to amend Chapter 6 Article 2.1 of the Los Angeles Municipal Code (LAMC) by adding Section 62.251 Coordination of Activities Within the Public Way - Public Way Reservation System, as similarly attached to the Council file.
3. INSTRUCT the BOE to report back to Council one year after the implementation of the PWRS ordinance on its status and effectiveness. The BOE will also make recommendations that include the feasibility of expanding the program Citywide.

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

(Continued from Council meeting of June 1, 2005)

ITEM NO. (34) - CONTINUED TO JUNE 7, 2005

Roll Call #7 - Motion (Smith - Miscikowski) Adopted to Continue, Unanimous Vote (11);  
Absent: Cardenas, Garcetti, Perry and Reyes (4)

04-1034-S1

CONTINUED CONSIDERATION OF ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT and BUDGET AND FINANCE COMMITTEES' REPORTS relative to Proposition O funding for the purchase and installation of catch basin inserts and coverings (Project).

A. ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE REPORT

Recommendations for Council action:

1. APPROVE the following interim criteria for the selection of said Project as eligible for Proposition O funding:

“Any project that uses any single device or series of devices that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate resulting from one-year, one-hour storm in the subdrainage area.”

2. FIND said Project eligible for Proposition O funding.
3. REQUEST the City Attorney to prepare the appropriate documents for the issuance of up to \$17 million in Proposition O general obligation bonds for said installation work and for the reimbursement from Proposition O bond proceeds for monies that were used to front fund said work.

## B. BUDGET AND FINANCE COMMITTEE REPORT

Recommendations for Council action:

1. APPROVE the following interim criteria for the selection of the purchase and installation of catch basin inserts and coverings project as eligible for Proposition O funding:

“Any project that uses any single device or series of devices that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate resulting from one-year, one-hour storm in the subdrainage area.”

2. FIND said Project eligible for Proposition O funding.
3. REQUEST the City Attorney to prepare the appropriate documents for the issuance of up to \$10.3 million in Proposition O general obligation bonds for said installation work and for the reimbursement from Proposition O bond proceeds for monies that were used to front fund said work.
4. APPROVE the use of \$6.7 of previously budgeted MICLA funds for said installation; and AUTHORIZE the City Administrative Officer (CAO) to make any technical corrections necessary to complete this action.

Fiscal Impact Statement: The CAO and the Chief Legislative Analyst report that the costs associated with said installation work will be paid through the issuance of up to \$17 million in general obligation bonds from Proposition O. There will be no cost to the General Fund for the installation of said devices.

(Continued from Council meeting of May 31, 2005)

MOTION ADOPTED UPON FINDINGS BY COUNCIL THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THE COUNCIL AGENDA FOR FRIDAY, JUNE 3, 2005, PURSUANT TO GOVERNMENT CODE SECTION 54954.2(b)(2) AND COUNCIL RULE 23

ADOPTED - FORTHWITH

Roll Call #8 - Motion (Parks - Smith) Findings on Need to Act - Adopted, Ayes (10);  
Absent: Cardenas, Garcetti, Hahn, Perry and Reyes (5)

Roll Call #9 - Motion (Parks - Smith) Adopted, Ayes (10);  
Absent: Cardenas, Garcetti, Hahn, Perry and Reyes (5)

05-1123

CD 6 MOTION (PARKS - SMITH) relative to the procurement of modular microwave communications equipment for the Van Nuys City Hall is warranted without a competitive bidding process on the basis that the equipment is required for the preservation of life, health or property, and, recognizing that such work cannot feasibly be performed using City resources.

Recommendation for Council action:

AUTHORIZE the City's Purchasing Agent to:

- a. Issue a Purchase Order directly to Harris Corporation-MCD in accordance with their in the amount of \$158,261 (excluding required taxes and freight).
- b. Waive the contractor requirements for the Contractor Responsibility Ordinance, Equal Benefits Ordinance, Slavery Disclosure Ordinance, Affirmative Action, Child Care Statement, Code of Conduct, Living Wage Ordinance, Sweat Free Procurement Code of Conduct Ordinance, Child Support Ordinance, and Recycled Contents Ordinance.

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

04-1024

MOTION (PARKS - SMITH) relative to declaring the Harvard/Century/98th Street Block Club Party on June 4, 2005 a Special Event (fees and costs absorbed by the City = \$312).

05-1125

MOTION (LUDLOW - LABONGE) relative to declaring the Los Angeles High School Road Race on August 6, 2005 a Special Event (fees and costs absorbed by the City = \$3,780).

02-0648

MOTION (LUDLOW - LABONGE) relative to declaring the Wilshire Center Farmers' Market every Friday from July 1, 2005 through September 29, 2005 a Special Event (fees and costs absorbed by the City = \$4,496).

01-0993

MOTION (PADILLA - GREUEL) relative to declaring the San Fernando Valley Fair on June 9-12, 2005 a Special Event (fees and costs absorbed by the City = \$33,804).

05-1130

MOTION (VILLARAIGOSA - LUDLOW) relative to declaring the Eagle Rock Neighborhood Watch Block Party on July 3, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).

04-1026

MOTION (VILLARAIGOSA - LUDLOW) relative to declaring the Eight Annual Male Health Fair on June 26, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).

01-1137

MOTION (VILLARAIGOSA - LUDLOW) relative to declaring the Church of the Resurrection - Parish Fiesta on June 3-5, 2005 a Special Event (fees and costs absorbed by the City = \$10,759).

05-1131

MOTION (HAHN - PARKS) relative to declaring the Annual Pride Day on June 11, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).

05-0706

MOTION (PARKS for PERRY - PADILLA) relative to declaring the Downtown Arts Festival on June 3-5, 2005 a Special Event (fees and costs absorbed by the City = \$1,188).

05-1132

MOTION (MISCIKOWSKI for PERRY - PARKS) relative to declaring the Community Clean Celebration on June 11, 2005 a Special Event (fees and costs absorbed by the City = \$1,326).

04-1148

MOTION (MISCIKOWSKI for PERRY - PARKS) relative to declaring the Fourth Annual Environmental Service Fair on June 18, 2005 a Special Event (fees and costs absorbed by the City = \$1,326).

05-1133

MOTION (PARKS for LUDLOW - ZINE) relative to declaring the Annual Career Day Fair on May 20, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).

02-0232

MOTION (HAHN - PARKS) relative to declaring the Annual Shakespeare by the Sea on June 17 through July 17, 2005 a Special Event (fees and costs absorbed by the City = \$4,280).

03-1134

MOTION (MISCIKOWSKI - SMITH) relative to declaring the Carnevale Venice Beach on June 25-26, 2005 a Special Event (fees and costs absorbed by the City = \$18,413).

03-1508

MOTION (HAHN - LUDLOW) relative to declaring the Sandison Street Block Party on July 4, 2005 a Special Event (fees and costs absorbed by the City = \$1,226).

04-0010-S51

MOTION (LABONGE - ZINE - LUDLOW) relative to reinstating the reward offer relative to the sexual assaults committed in the area of Koreatown for an additional 60 days.

05-1124

MOTION (LABONGE - HAHN) relative to authorizing payment for reimbursement for a charter bus trip from the Council District Four portion of the Street Furniture Revenue Fund.

05-1073-S14

MOTION (LABONGE - HAHN) relative to authorizing payment for the cost of water needed for irrigation of certain median islands in the vicinity of 1901 1/2 Monon Street from the Council District Four portion of the Street Furniture Revenue Fund.

04-2540

MOTION (MISCIKOWSKI - LABONGE) relative to transferring funds from the Council District 11 Real Property Trust Fund to provide funding to support community programs and groups in Council District 11.

04-2540-S1

MOTION (MISCIKOWSKI - LABONGE) relative to funding to provide support of Council District 11 community services efforts.

05-1073-S15

MOTION (SMITH for PERRY - ZINE) relative to transferring funds from the Council District Nine portion of the Street Furniture Revenue Fund for speed humps in Council District Nine.

05-1126

MOTION (MISCIKOWSKI - LABONGE) relative to funding from the Council District 11 Real Property Trust Fund for an improvement project at the intersection of Sunset Boulevard and the 405 Freeway.

05-1127

CATEGORICAL EXEMPTION and MOTION (MISCIKOWSKI - LABONGE) relative to funding from the Venice Area Surplus Real Property Fund for the Presidents Row solar street lighting project in Council District 11.

05-1128

MOTION (MISCIKOWSKI - SMITH) relative to acquiring the necessary rights to access and maintain a storm drain system in the vicinity of 619 Muskingum Avenue, Pacific Palisades.

05-1129

MOTION (LUDLOW - HAHN) relative to amending Proposition K grant agreement to extend the term for design and construction, including all closeout activities for the Gramercy Family Center in Council District 10.

## COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon her request, and without objections, Councilmember Hahn was excused to leave at 11:30 a.m. from Council session of September 14, 2005 due to City business.

Upon his request, and without objections, Councilmember Garcetti was excused to leave at 11:30 a.m. from Council session of June 14, 2005 due to City business.

## COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

05-0574 - Winnie Chow Davis

(Zine - All Councilmembers)

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

05-0573 - David C. Weiss

(Smith)

Clarence Turner

(Villaraigosa - All Councilmembers)

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

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL