

Los Angeles City Council, Journal/Council Proceedings
Wednesday, May 17, 2006
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, LaBonge, Padilla, Parks, Perry, Reyes, Weiss, Wesson, Zine and President Garcetti (10); Absent: Cardenas, Hahn, Huizar, Rosendahl and Smith, (5).

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
MAY 12, 2006

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - NONE

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

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

Item Noticed for Public Hearing - Item 1

ITEM NO. (1) - APPLICANT CONSENTS TO A CONTINUANCE TO JUNE 28, 2006

Roll Call #1 - Motion (LaBonge - Reyes) Adopted to Continue, Unanimous Vote (14);
Absent: Cardenas (1)

[06-0629](#)

CD 4

VARIANCE APPEAL filed by Kenneth E. Owen, from the decision of the Central Area Planning Commission in part, in granting a variance and finding that the Zoning Administrator erred only in that the subject rotunda should be allowed to observe the non-conforming height of the existing roof ridge line of the structure, and to permit a maximum height of 42 feet 11 inches consistent with the existing roof ridge line of the structure in lieu of the permitted height of 36 feet, for the construction, use and maintenance of a 314 square-foot rotunda enclosure over a foyer entry for the property at 2588 North Nottingham Avenue, subject to Conditions of Approval.

ZA 2005-2175 YV ZAA (2A)

Applicant: David A. Lewis,
Dalia Ortner, Representative

Items for Which Public Hearing Have Been Held - Items 2-3

Roll Call #5 - Motion (Perry - Padilla) Adopted, Ayes (13); Noes: Weiss (1); Absent: Cardenas (1)
(Item Nos. 2-3)

ITEM NO. (2) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS

06-0976

COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST in response to Motion (Perry - Rosendahl), relative to review of the pole attachment and anchor fees.

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

(For background reports and materials related to this matter, contact the Legislative Assistant for the Energy and Environment Committee at 213-978-1072.)

[On April 28, 2006, the Council adopted Motion (Perry - Rosendahl) Asserting Jurisdiction over the April 18, 2006 action of the Board of Water and Power Commissioners, pursuant to City Charter Section 245.]

TIME LIMIT FILE - MAY 19, 2006

(LAST DAY FOR COUNCIL ACTION - MAY 19, 2006)

ADOPTED

ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to review of Department of Water and Power (DWP) pole attachment and anchor fees.

Recommendations for Council action:

1. VETO the Board of Water and Power Commissioners' (Board) actions on April 18, 2006 and May 2, 2006, increasing pole attachment and anchor fees to \$30 and \$15, respectively.
2. REQUEST that the Board, in any future pole attachment fee actions, take into account comparative and actual DWP cost information in establishing a fee and a public process that can be strongly defended as reasonable.
3. REQUEST that the Board review the appropriateness of including an automatic periodic fee adjustment provision (pursuant to Charter Section No. 607) and a requirement for removal of debris from lines in its standard pole attachment license agreement.
4. REQUEST the DWP to review existing pole attachment license agreements to ensure that these were submitted for Council review, if required under the terms of Ordinance No. 172550, and that procedures are in place to ensure that agreements subject to Council review are properly submitted to the Council.

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

TIME LIMIT FILE - MAY 19, 2006

(LAST DAY FOR COUNCIL ACTION - MAY 19, 2006)

10 VOTES REQUIRED

ITEM NO. (3) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS

06-0976-S1

COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST in response to Motion (Perry - Smith), relative to review of the pole attachment and anchor fees.

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

(For background reports and materials related to this matter, contact the Legislative Assistant for the Energy and Environment Committee at 213-978-1072.)

[On May 9, 2006, the Council adopted Motion (Perry - Smith) asserting jurisdiction over the May 2, 2006 action of the Board of Water and Power Commissioners, pursuant to City Charter Section 245.]

TIME LIMIT FILE - MAY 30, 2006

(LAST DAY FOR COUNCIL ACTION - MAY 30, 2006)

ADOPTED

ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to review of Department of Water and Power (DWP) pole attachment and anchor fees.

Recommendations for Council action:

1. VETO the Board of Water and Power Commissioners' (Board) actions on April 18, 2006 and May 2, 2006, increasing pole attachment and anchor fees to \$30 and \$15, respectively.
2. REQUEST that the Board, in any future pole attachment fee actions, take into account comparative and actual DWP cost information in establishing a fee and a public process that can be strongly defended as reasonable.
3. REQUEST that the Board review the appropriateness of including an automatic periodic fee adjustment provision (pursuant to Charter Section No. 607) and a requirement for removal of debris from lines in its standard pole attachment license agreement.

4. REQUEST the DWP to review existing pole attachment license agreements to ensure that these were submitted for Council review, if required under the terms of Ordinance No. 172550, and that procedures are in place to ensure that agreements subject to Council review are properly submitted to the Council.

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

TIME LIMIT FILE - MAY 30, 2006

(LAST DAY FOR COUNCIL ACTION - MAY 30, 2006)

10 VOTES REQUIRED

Items for Which Public Hearings Have Not Been Held - Items 4-13 (10 Votes Required for Consideration)

ITEM NO. (4) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

Roll Call #3 - Motion (LaBonge - Huizar) Adopted, Ayes (14); Absent: Cardenas (1)

06-0768

COMMUNICATION FROM THE MAYOR relative to the appointment of Mr. Roland Palencia to the Quality and Productivity Commission.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Roland Palencia to the Quality and Productivity Commission, for the term ending April 4, 2010, is APPROVED and CONFIRMED. Mr. Palencia resides in Council District Four. (Current Commission gender composition: M=7; F=7; Vacancy=1)

Ethics Commission Review: Complete

Background Check Review: Pending

TIME LIMIT FILE - MAY 20, 2006

(LAST DAY FOR COUNCIL ACTION - MAY 19, 2006)

(Audits and Governmental Efficiency Committee waived consideration of the above matter)

ITEM NO. (5) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

Roll Call #4 - Motion (Parks - Wesson) Adopted, Ayes (14); Absent: Cardenas (1)

06-0769

COMMUNICATION FROM THE MAYOR relative to the appointment of Ms. Patricia A. Means to the Board of Fire and Police Pension Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Ms. Patricia A. Means to the Board of Fire and Police Pension Commissioners for the term ending June 30, 2009, is APPROVED and CONFIRMED. Ms. Means resides in Council District 10. (Current Commission gender composition: M=8; F=1)

Ethics Commission Review: Complete

Background Check Review: Pending

TIME LIMIT FILE - MAY 21, 2006

(LAST DAY FOR COUNCIL ACTION - MAY 19, 2006)

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

Roll Call #2 - Motion (Rosendahl - Greuel) Adopted, Ayes (14); Absent: Cardenas (1)
(Item Nos. 6-10)

ITEM NO. (6) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

05-1141

CD 11 COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of ELECTRIC AND PALMS AVENUES (RE-BALLOT) STREET LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated March 17, 2006.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JULY 19, 2006 as the hearing date for the maintenance of Electric and Palms Avenues (re-ballot) Street Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$187.27 will be collected annually starting with tax year 2006-07 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: July 12, 2006)

ITEM NO. (7) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

06-0632

CD 2

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

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated March 17, 2006.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JULY 19, 2006 as the hearing date for the maintenance of Dixie Canyon Avenue and Moorpark Street Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$343.95 will be collected annually starting with tax year 2006-07 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: July 12, 2006)

ITEM NO. (8) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

06-0634

CD 7

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

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated March 17, 2006.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of JULY 19, 2006 as the hearing date for the maintenance of Ralston Avenue and Polk Street Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$369.10 will be collected annually starting with tax year 2006-07 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: July 12, 2006)

ITEM NO. (9) - ADOPTED

05-1745

CD 7 MOTION (PADILLA - LABONGE) relative to declaring the Hansen Dam Sprint Triathlon on August 13, 2006 a Special Event (fees and costs absorbed by the City = \$2,822).

Recommendation for Council action:

DECLARE the Hansen Dam Sprint Triathlon, sponsored by the Department of Recreation and Parks and other entities, in conjunction with the Office of Councilmember Alex Padilla on August 13, 2006, 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. The event sponsor shall meet the application requirements of the City, AND this action does not include the waiver of fees and costs that may be associated with the use of facilities under the jurisdiction of the Board of Recreation and Park Commissioners.

ITEM NO. (10) - ADOPTED

06-1093

CD 5 MOTION (WEISS - WESSON) relative to declaring the Welcoming Ceremony on May 15, 2006 a Special Event (fees and costs absorbed by the City = \$1,188).

Recommendation for Council action:

DECLARE the Welcoming Ceremony, sponsored by the Agudath Israel on May 15, 2006, 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. (11) - ADOPTED - FORTHWITH

Roll Call #7 - Motion (Huizar - Parks) Adopted, Ayes (12); Absent: Cardenas, Greuel and Weiss (3)

06-0010-S15

MOTION (HUIZAR - PARKS) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the May 7, 2006 deaths of Alejandro Alberto Posada and Ester Elizabeth Posada.

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

1. PROVIDE an offer of reward in the amount of \$75,000 for information leading to the identification, apprehension, and conviction of the person(s) responsible for the May 7, 2006 deaths of Alejandro Alberto Posada and Ester Elizabeth Posada.
2. FIND that the subject reward complies with the provisions of Chapter 12, Article 1, Division 19, of the Los Angeles Administrative Code.

3. DIRECT the City Clerk to publish the required notices and/or advertisements to effectuate this reward.

ITEM NO. (12) - ADOPTED

Roll Call #2 - Motion (Rosendahl - Greuel) Adopted, Ayes (14); Absent: Cardenas (1)

04-2566-S4

MOTION (PERRY - GREUEL) relative to approving street and lane closures to facilitate the construction of the proposed LA Live Project located just north of Staples Center.

Recommendations for Council action:

1. AUTHORIZE the Department of Transportation (LADOT), the Bureau of Engineering, and the Bureau of Street Services to work with AEG, the developer of the LA Live Project in Downtown Los Angeles and other involved City staff to implement the following:
 - a. An exemption from the Holiday Construction Moratorium for the construction of LA Live and convention center hotel, through 2010.
 - b. Closure of Chick Hearn Court (from Georgia to Figueroa Streets) for up to 120 days on May 22, 2006 in order to construct approved tunnels under the roadway.
 - c. Closure of Georgia Street from Chick Hearn Court to Olympic Boulevard from May 15, 2006 to October 30, 2007.
 - d. Closure of the two west bound lanes on Chick Hearn Court between Georgia and Cherry Streets and dedicated east bound right turn lane on Olympic Boulevard between Cherry and Georgia Streets from May 15, 2006 to October 30, 2007.
 - e. Closure from May 15, 2006 to October 30, 2007 of curb lanes adjacent to the "Olympic East" block of the project (Figueroa Street between Olympic Boulevard and Chick Hearn Court; Olympic Boulevard between Georgia and Figueroa Streets; Chick Hearn Court between Figueroa and Georgia Streets) and the curb lanes adjacent to the "Olympic West" block of the project (Cherry Street between Chick Hearn Court and Olympic Boulevard; Olympic between Cherry and Georgia Streets; Chick Hearn Court between Georgia and Cherry Streets) in order to allow the developer to pour concrete and install exterior building facades in compliance with watch manual, and subject to full coordination with the LADOT on traffic mitigation and time frames.
 - f. Permit street and utility work to occur from May 15, 2006 to April 15, 2008 along streets adjacent to the "Olympic East" and "Olympic West" blocks, which are bounded by Olympic Boulevard, Chick Hearn Court, Figueroa, 11th, Cherry and Georgia Streets, between 8:30 a.m. and 4:00 p.m. in compliance with the watch manual and subject to coordination with the LADOT on traffic mitigation and time frames.
2. REQUEST and AUTHORIZE the Board of Public Works to take any further actions required to implement the above instructions.

ITEM NO. (13) - ADOPTED

Roll Call #8 - Motion (Rosendahl - Hahn) Adopted, Ayes (12); Absent: Cardenas, Greuel and Weiss (3)

06-0002-S87

RESOLUTION (ROSENDAHL - HAHN) relative to the City's position in connection with AB 2501 (Lieu).

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

RESOLVE to include in the City's 2005-06 Legislative Program SUPPORT of AB 2501 (Lieu) which would require the Santa Monica Airport to monitor and record taxi, idle, approach and takeoff times of jet operations for one year commencing January 1, 2007; and to make this data available to the public for their review.

Item for Which Public Hearing Has Not Been Held - Item 14 (10 Votes Required for Consideration)

ITEM NO. (14) - RECEIVED AND FILED

Roll Call #6 - Motion (Huizar - Weiss) Adopted to Receive and File, Ayes (14); Absent: Cardenas (1)

06-0600

VERBAL AMENDING MOTION (PADILLA - REYES) in connection with the Mayor's Proposed 2006-07 Budget.

I MOVE that the Council clarify that the Budget contains no allocation for any changes in governance in the Los Angeles Unified School District.

(Scheduled pursuant Council Rule 53)

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

06-1150

MOTION (WESSON - LABONGE) relative to declaring the Community Fair on May 27-29, 2006 a Special Event (fees and costs absorbed by the City = \$13,227).

06-1151

MOTION (GARCETTI - LABONGE) relative to declaring the Armenian Cultural Festival on May 28, 2006 a Special Event (fees and costs absorbed by the City = \$3,170).

06-1152

MOTION (REYES - ROSENDAHL) relative to declaring the Unity Exposition on May 20, 2006 a Special Event (fees and costs absorbed by the City = \$1,500).

06-1153

MOTION (REYES - ROSENDAHL) relative to declaring the Bengali New Years Celebration on May 27-28, 2006 a Special Event (fees and costs absorbed by the City = \$4,000).

05-0010-S48

MOTION (PARKS - PADILLA) relative to reinstating the reward offer in the death of Johnny D. Stringer for an additional 60 days.

06-1154

MOTION (LABONGE - GARCETTI) relative to installation of a crosswalk and lights on Tujunga Avenue at Califa Street in Council District Four.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, Councilmember Weiss was excused from Council sessions of June 27 & 28, 2006 due to City business.

Upon his request, and without objections, Councilmember Smith was excused to leave at 11:30 a.m. from the Council session of July 11, 2006; and upon his request, and without objections, Councilmember Smith was excused from the Council sessions of July 14, 18, 19 & 21, 2006 due to City business.

Motion (Hahn - Weiss) unanimously adopted to excuse Councilmember Perry from the Council sessions of Wednesday, May 31, 2006 and Tuesday, June 6, 2006 due to personal business.

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

| | |
|------------------------|---------------------------------------|
| 06-0776 - Ryan Francis | (Parks - Smith - All Councilmembers) |
| Earl D. Woods | (Parks - Wesson - All Councilmembers) |
| Floyd Patterson | (Parks - Wesson - All Councilmembers) |
| David Asper Johnson | (Rosendahl) |
| Margaret Marie Wesson | (Wesson - Perry) |

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

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL