- - - SPECIAL COUNCIL MEETING - - -

10:30 A.M. OR AS SOON THEREAFTER
AS COUNCIL RECESSES ITS REGULAR MEETING

ROLL CALL - Members present: Greuel, Hahn, Huizar, LaBonge, Padilla, Parks, Perry, Reyes, Rosendahl, Smith, Weiss, Wesson, Zine and President Garcetti (14); Absent: Cardenas (1).

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

Item for Which Public Hearing Has Not Been Held - Item 1
(10 Votes Required for Consideration)

ITEM NO. (1) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS, AS AMENDED - SEE FOLLOWING

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

06-0594 COMMUNICATION FROM CHAIR, ARTS, PARKS, HEALTH AND AGING COMMITTEE, RESOLUTION and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to the proposed 2006-07 Proposition K assessment.

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

1. ADOPT the City Engineer's report for the 2006-07 Proposition K assessment (Attachment 10 of the LA for Kids Steering Committee (Steering Committee) report dated May 5, 2006 contained in Council File No. 06-0594).

2. ADOPT the accompanying RESOLUTION of Intention to levy an assessment authorized by Proposition K, pursuant to the Landscaping and Lighting Act of 1972 (Attachment 11 of the Steering Committee report).

3. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION to levy an assessment authorized by Proposition K, pursuant to the Landscaping and Lighting Act of 1972 (Attachment 12 of the Steering Committee report).

4. INSTRUCT the City Clerk to publish notice by June 2, 2006 of a public hearing to take place on JUNE 14, 2006 at 10 a.m. during the regular Council meeting.
5. INSTRUCT the City Clerk to set an agenda item for public hearing on the Council agenda for JUNE 14, 2006 to include the following actions:

a. With respect to the projects in List 1 of Attachment 7:

1) Find that each of these projects are statutorily or categorically exempt from the California Environmental Quality Act (CEQA) under the particular State or City CEQA Guidelines listed on the attached list, for the reasons set forth on that list.

2) Direct the Department of Recreation and Parks (DRP) and/or the Bureau of Engineering (BOE) to prepare Notice(s) of Exemption or Notice(s) of Determination reflecting Council’s actions under recommendation 5 a. 1) above and file such notices with the City and County Clerks within five working days of the Council’s action.

b. With respect to the projects in List 2 of Attachment 7:

1) Find that these projects are exempt from the CEQA under State CEQA Guidelines Section No. 15262 and Article III, Section No. 2, d of the City CEQA Guidelines because the Council’s action is not subject to CEQA. The Council’s action is not an approval of a project which may cause a physical change in the environment, but instead is in the nature of a feasibility and planning study for a project which is not being approved at this time.

2) Instruct the DRP and the BOE to prepare a Notice of Exemption reflecting Council’s action under recommendation 5 b. 1) above, and file such notice with the City and County Clerks within five working days of the Council’s action.

c. With respect to the projects in List 3 of Attachment 7:

1) Find that the Council’s action is exempt from CEQA under Article III, Section No. 2, i, because the underlying project has already been evaluated and processed in accordance with the City CEQA Guidelines.

2) Instruct the DRP and/or the BOE to prepare a Notice of Exemption reflecting Council’s actions under c. 1) above and file such notice with the City and County Clerks within five working days of the Council’s action.

d. With respect to the projects in List 4 of Attachment 7:

1) Review and consider the Negative Declaration/Mitigated Negative Declaration.

2) Certify that the Negative Declaration/Mitigated Negative Declaration has been prepared in accordance with CEQA, and adopt it.
3) Adopt all the mitigation measures described in the Mitigated Negative Declaration as part of the Council’s approval of the Proposition K assessment and adopt the mitigation monitoring program prepared to ensure that the mitigation measures will be implemented.

4) Find that with imposition of the mitigation measures, there will remain no significant impacts.

5) Instruct the DRP and the BOE to prepare a Notice of Determination and file with the City and County Clerks within five working days of the Council’s approval.

e. With respect to the projects in List 5 of Attachment 7:

Find that those are projects that may be considered for funding after CEQA compliance. No further action is required at this time.

f. Adopt the ordinance prepared and transmitted by the City Attorney, confirming the assessments and approving the assessment diagram for Fiscal Year 2006-07.

g. Instruct the City Engineer to record a Notice of Assessment with the County Recorder.

h. Instruct the Controller to set up accounts for the 2006-07 Proposition K assessment in the following funds pursuant to instruction to be provided by the City Administrative Officer (CAO): Proposition K Projects Fund No. 43K, Proposition K Maintenance Fund No. 43L, and Proposition K Administration Fund No. 43M.

i. Approve the 2006-07 Expenditure Plan and the Five Year Plan for the LA for Kids Program as set forth in Attachments No. 1, 2, 3, 4 and 6.

j. Instruct the Information Technology Agency to prepare and transmit the necessary computer tape or compact disk, as appropriate, to the County containing the assessment levy information confirmed by the Council for Fiscal Year 2006-07 for each parcel in the District.

k. Authorize the City Engineer to do the following:

1) Negotiate and execute two year grant contracts with competitive grant applicants in Year 10 of the Five Year plan (2006-07), excluding the DRP projects, subject to the approval of the City Attorney.

2) Negotiate and execute service and maintenance agreements with competitive grant applicants recommended for funding in the Five Year Plan for the term required in the LA for Kids Program Request for Proposals, excluding DRP projects, subject to the approval of the City Attorney.
Fiscal Impact Statement: The Steering Committee reports that adoption of an ordinance and resolution of intention to levy the Proposition K: LA for Kids Assessment for Fiscal Year 2006-07 indicates the Council’s intention to levy assessments totaling $25 million to acquire and construct park and recreational facilities. The assessment can only be used for capital improvements, acquisition of land, administration, and maintenance. Staff costs associated with recreational programming are to be provided from the annual operating budgets of City departments or other entities. An order of magnitude estimate of the annual cost to the General Fund for the additional staffing and maintenance associated with the Five Year Plan is approximately $7.54 million in 2006 dollars, once all projects come on line.

The Steering Committee also reports that it has been provided with construction budget estimates for all projects anticipated to be funded in Year 10 (2006-07) by the BOE. The BOE reports that Proposition K funds, in combination with other funds where available, are sufficient to complete construction and meet all Proposition K obligations, without having an impact on the General Fund for Fiscal Year 2006-07.

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

ADOPTED

AMENDING MOTION (PARKS - LABONGE)

Recommendation for Council action:

INSTRUCT the City Administrative Officer and Chief Legislative Analyst to create a budget timetable for future year Prop K assessments to allow Council time to review the documents in advance of the General Fund Budget.

Closed Sessions - Items 2-5

ITEM NO. (2) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #2 - Motion (Parks - Huizar) Adopted in Open Session, Ayes (10); Absent: Cardenas, LaBonge, Padilla, Reyes and Smith (5)

02-2223

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Cleveland v. City of Los Angeles, United States District Court Case No. CV 99-9175 CBM. (This case arises out of Fair Labor Standards Act litigation involving Los Angeles Fire Department dual-function paramedics.)

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

MOTION (PARKS - HUIZAR)

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

1. AUTHORIZE the City Attorney to pay liquidated damages, attorney fees, interest and costs totaling $3,028,488.03, from the Liability Claims Account No. 9770, Fund No. 100, Department 59.

2. TRANSFER $1,422,915.03 from the Reserve Fund to the Unappropriated Balance Fund No. 100/58 and APPROPRIATE therefrom to the Liability Claims Account No. 9770, Fund No. 100, Department 59.

3. REQUEST the Controller, with the assistance of the Los Angeles Fire Department (LAFD), to pay the claimants for back pay totaling $2,565,757.01 per the judgment.

4. APPROPRIATE $537,541 from the Unappropriated Balance Fund No. 100/58, Fire-Restoration of 5 Fire Captains, Account No. 0172, to the Fire Department Fund No. 100/38, Overtime Constant Staffing Account No. 1093.

5. INSTRUCT the LAFD to set aside $1.0 million in internal savings to fund a portion of the Department’s payments to the claimants. (Internal transfers have been identified and will be recommended in the City Administrative Officer’s Year-End Financial Status Report to fund this portion of the back pay.)

6. TRANSFER $1,028,216.01 from the Reserve Fund to the Unappropriated Balance Fund No. 100/58 and APPROPRIATE therefrom to the Fire Department Fund No. 100/38, Overtime Constant Staffing Account No. 1093.

7. REQUEST the Controller to record a Reserve Fund loan against the Fire Department totaling $2,451,131.04 to be repaid from future savings generated within the Department.

8. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.

(Budget and Finance Committee waived consideration of the above matter)
The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the status of lawsuit and anticipated additional litigation in connection with the Kern County Biosolids Initiative, County Sanitation District No. 2, et al., v. County of Kern, et al., Tulare County Superior Court Case No. CV-PT-00-189564. (This matter arises as a result of the vote of the Kern County Board of Supervisors to place an initiative on the June ballot which would ban the land application of biosolids in the unincorporated portions of Kern County. The City's Green Acres Farm, which currently receives the City’s biosolids, is located within this area.)

(Energy and Environment and Budget and Finance Committees waived consideration of the above matter)

ADOPTED

MOTION (PARKS - HUIZAR)

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

1. AUTHORIZE the City Attorney to retain outside counsel in connection with the Kern County Biosolids Initiative and hire Bingham McCutchen and Beveridge & Diamond.

2. INSTRUCT the Controller to APPROPRIATE $600,000 from available cash within the Sewer Construction Maintenance Fund to Fund 760, Account A282, Object 304.

(Energy and Environment and Budget and Finance Committees waived consideration of the above matter)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Derrick Evans, Jorel Evans and Isiah Morbley v. City of Los Angeles, et al., United States District Court Case No. CV 04-2764. (This action arises from an incident involving members of the Los Angeles Police Department, commencing on April 18, 2003.)

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

MOTION (PARKS - HUIZAR)

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

1. AUTHORIZE the City Attorney to expend $125,000 in settlement of the case entitled Derrick Evans, Jorel Evans and Isiah Morbley v. City of Los Angeles, et al., United States District Court Case No. CV 04-2764, from Liability Claims Account No. 9770, Fund 100, Department 59.

2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to The Law Offices of Gary S. Casselman and Derrick Evans, Jorel Evans and Isiah Morbley.

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

ITEM NO. (5) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #5 - Motion (Parks - Huizar) Adopted in Open Session, Ayes (10); Absent: Cardenas, LaBonge, Padilla, Reyes and Smith (5)

06-1099

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(b), to confer with its legal counsel relative to settlement in the case entitled Susan Sherayko and Peter Sherayko v. City of Los Angeles, Los Angeles Superior Court Case No. EC 040899. (This matter involves a claim for damages for nuisance, trespass, dangerous condition of public property and inverse condemnation.)

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

ADOPTED

MOTION (PARKS - HUIZAR)

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

1. AUTHORIZE the City Attorney to expend $1,325,000 in settlement of the case entitled Susan Sherayko and Peter Sherayko v. City of Los Angeles, Los Angeles Superior Court Case No. EC 040899, from Liability Claims Account No. 9770, Fund 100, Department 59.

2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to Susan Sherayko and Peter Sherayko, and the Law Offices of Joseph Liebman, P.C., their attorneys.

(Budget and Finance Committee waived consideration of the above matter)
Councilmember Hahn moved, seconded by Councilmember Zine, that the Special Council meeting adjourn.

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

Whereupon the Special Council meeting did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL