

Los Angeles City Council, **Journal/Council Proceedings**
Tuesday, **December 18, 2007**
John Ferraro Council Chamber, Room 340, City Hall - 10 am

ALL ITEMS FORTHWITH

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

ROLL CALL - Members present: Alarcon, Cardenas, Greuel, Huizar, LaBonge, Reyes, Rosendahl, Smith, Zine and President Garcetti (10); Absent: Hahn, Parks, Perry, Weiss and Wesson (5).

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
DECEMBER 12, 2007

SALUTE TO THE FLAG

MOMENT OF INSPIRATION

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

Items for Which Public Hearings Have Been Held - Items 1-30

**ITEM NO. (1) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATION -
SEE FOLLOWING**

Roll Call #8 - Motion (Greuel - LaBonge) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)

[07-3698](#)

COMMUNICATION FROM THE MAYOR relative to the appointment of Mr. Lee Kanon Alpert to the Board of Water and Power Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Lee Kanon Alpert to the Board of Water and Power Commissioners for term ending June 30, 2012 is APPROVED and CONFIRMED. Mr. Alpert will fill the vacancy created by Mr. H. David Nahai, who resigned on October 5, 2007. Mr. Alpert resides in Council District 12 (Current Commission gender composition: M=2; F=2; Vacancy=1).

Ethics Commission Review: Pending

Background Check Review: Pending

(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 213-978-1076.)

TIME LIMIT FILE - DECEMBER 31, 2007

(LAST DAY FOR COUNCIL ACTION - DECEMBER 19, 2007)

ADOPTED

ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to the appointment of Mr. Lee Kanon Alpert to the Board of Water and Power Commissioners for the term ending June 30, 2012.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Lee Kanon Alpert to the Board of Water and Power Commissioners for term ending June 30, 2012 is **APPROVED** and **CONFIRMED**. Mr. Alpert will fill the vacancy created by Mr. H. David Nahai, who resigned on October 5, 2007 and he resides in Council District 12 (Current Commission gender composition: M=2; F=2; Vacant=1).

Ethics Commission Review: Complete

Background Check Review: Complete

TIME LIMIT FILE - DECEMBER 31, 2007

(LAST DAY FOR COUNCIL ACTION - DECEMBER 19, 2007)

**Roll Call #1 - Motion (Rosendahl - Zine) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)
(Item Nos. 2-12)**

ITEM NO. (2) - ADOPTED - ORDINANCE OVER TO JANUARY 8, 2008

07-0687

BUDGET AND FINANCE COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Administrative Code (LAAC) to increase the maximum value of individual referrals to collection agencies.

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

PRESENT and ADOPT the accompanying ORDINANCE amending Chapter II, of Article I, Section 5.181(a) of the LAAC to increase the maximum value of individual referrals to collection agencies from the current \$1,000 to \$3,000.

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

ITEM NO. (3) - ADOPTED - ORDINANCE OVER TO JANUARY 8, 2008

07-3140

CD 7

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone change for property at 11349 North El Dorado Avenue.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency in the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 07-3140 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 2005-7194 MND] filed on November 10, 2005.
2. ADOPT the FINDINGS of the North Valley Area Planning Commission (NVAPC) as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the NVAPC, effecting a zone change, incident to a Tentative Tract Map, from RA-1 to (T)(Q)RD6-1 for the proposed one-lot subdivision with eight detached residential condominium units on a 1.69 acre lot located at 11349 North El Dorado Avenue, subject to Conditions of Approval.

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

4. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Committee report.
5. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.
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 NVAPC reports that there is no General Fund impact, as administrative costs are recovered through fees.

TIME LIMIT FILE - DECEMBER 31, 2007

(LAST DAY FOR COUNCIL ACTION - DECEMBER 19, 2007)

ITEM NO. (4) - ADOPTED - ORDINANCE OVER TO JANUARY 8, 2008

05-1215

TRANSPORTATION COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to 2007-08 rate adjustments for non-ambulatory passenger vehicle services in the City of Los Angeles.

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

1. FIND that, based on continued increases in industry costs, rate adjustments for non-ambulatory service vehicles are appropriate.
2. FIND that the use of the approved rate study methodology for the 2007-08 non-ambulatory passenger vehicle service rate adjustment is appropriate.
3. FIND that the proposed schedule of rates and charges as shown in Board Order No. 588 is just, reasonable, non-discriminatory and non-preferential for all permitted non-ambulatory services.

4. RESCIND Board Order No. 586 and ADOPT Board Order No. 588 establishing the rates and charges for non-ambulatory passenger vehicle services in the City.
5. PRESENT and ADOPT the accompanying ORDINANCE approving a resolution of the Board of Transportation Commissioners adopted on August 9, 2007 which said resolution is designated as Board Order No. 588, fixing rates and charges for non-ambulatory passenger vehicle service in the City of Los Angeles for 2007-08.

Fiscal Impact Statement: The City Administrative Officer (CAO) reports that implementation of the recommendations does not impact the City's budget. The rates are those charged to private non-ambulatory service users and do not affect the fees paid to the City for vehicle permits. However, the financial impact on City residents should be minimal because the majority of non-ambulatory passenger transportation users are those covered by Medical, Medicare, the County of Los Angeles contracts and private insurance companies.

ITEM NO. (5) - ADOPTED - ORDINANCE OVER TO JANUARY 8, 2008

07-2832

TRANSPORTATION COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to 2007-08 rate adjustments for private ambulance services in the City of Los Angeles.

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

1. FIND that, based on continued increases in industry costs, rate adjustments for private ambulance services in the City are appropriate.
2. FIND that the use of the approved rate study methodology for the 2007-08 non-ambulatory passenger vehicle service rate adjustment is appropriate.
3. FIND that the proposed schedule of rates and charges as shown in Board Order No. 587 is just, reasonable, non-discriminatory and non-preferential for all permitted private ambulance transportation services.
4. RESCIND Board Order No. 585 and ADOPT Board Order No. 587 establishing the rates and charges for private ambulance service in the City.
5. PRESENT and ADOPT the accompanying ORDINANCE approving a resolution of the Board of Transportation Commissioners adopted on August 9, 2007 which said resolution is designated as Board Order No. 587, fixing rates and charges for private ambulance service in the City of Los Angeles for 2007-08.

Fiscal Impact Statement: The City Administrative Officer (CAO) reports that implementation of the recommendations does not impact the City's budget. The rates are those charged to private ambulance service users and do not affect the fees paid to the City for ambulance permits. However, the financial impact on City residents should be minimal because the majority of non-ambulatory passenger transportation users are those covered by Medical, Medicare, the County of Los Angeles contracts and private insurance companies.

ITEM NO. (6) - ADOPTED

05-2599

BUDGET AND FINANCE COMMITTEE REPORT relative to proposed contract amendments for Attorney Conflict Panel (ACP) firms.

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

1. AUTHORIZE the City Administrative Officer (CAO) to execute amendments adding funds totaling \$1,350,000 from within the ACP Panel Fund No. 46T/10, as follows, subject to the review and approval of the City Attorney:
 - a. \$600,000 for Amendment No. 4 to Contract No. 110843 for the firm Hinshaw and Culbertson, LLP, for the case entitled Christie v. City.
 - b. \$500,000 for Amendment No. 2 to Contract No. 111235 for the firm Hinshaw and Culbertson, LLP, for the case entitled Smith v. City.
 - c. \$250,000 for Amendment No. 2 to Contract No. 110739 for the firm Meyers, Nave, LLP, for the case entitled Liddy, Ortiz and Buchanan v. City.
2. AUTHORIZE the CAO to make any technical adjustments needed to implement the intent of the Mayor and Council action, and AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: The CAO reports that the recommendations contained in the report will have no additional impact on the General Fund. The proposed amendments are in compliance with City Financial Policies in that budgeted funds will be used to support this program. Funding in the amount of \$1,350,000 is provided for the ACP contracts under Fund No. 46T.

**ITEM NO. (7) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS -
SEE FOLLOWING**

06-0600-S83

MOTION (PERRY - GARCETTI) and COMMUNICATION FROM THE CITY ADMINISTRATIVE OFFICER relative to the use of savings from the City's 2006-07 General Fund allocation to the Year Round Shelter Program to reimburse the Los Angeles Homeless Services Authority for prior payment to the Volunteers of America for services provided in 2004.

(Budget and Finance 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 Budget and Finance Committee at 213-978-1075.)

ADOPTED

BUDGET AND FINANCE COMMITTEE REPORT relative to the use of savings from the 2006-07 General Fund allocation to the Year Round Shelter Program to reimburse the Los Angeles Homeless Services Authority (LAHSA) for prior payment to the Volunteers of America.

Recommendations for Council action, as initiated by Motion (Perry - Garcetti), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. **APPROVE** the use of \$119,132 in General Fund savings derived from the City's 2006-07 allocation to the Homeless Shelter program to address necessary one-time financial adjustments concerning the delivery of homeless services.
2. **AUTHORIZE** the General Manager, Los Angeles Housing Department (LAHD), or designee, to execute contracts or amend existing contracts with the LAHSA to allocate \$119,132 in General Fund savings as follows:
 - a. In an amount not to exceed \$30,000 as one-time funds to augment funding in 2007-08 for the Winter Shelter Program sites in Culver City and West Los Angeles to be operated by EIMAGO, Inc., a nonprofit organization, reflective of the budget summary included at Attachment A of the City Administrative Officer's (CAO) report attached to the Council file;
 - b. In an amount not to exceed \$89,132 to reimburse LAHSA for a prior payment issued to the Volunteers of America for services provided from April 1, 2004 through June 30, 2004 while operating the City-funded Downtown Drop-in Center for the homeless.
3. **AUTHORIZE** the General Manager, LAHD, or designee, to prepare Controller instructions and make any technical adjustments and corrections necessary to implement these actions, subject to the approval of the CAO and **REQUEST** the Controller to implement these instructions.
4. **REQUEST** the Controller to expend funds upon proper demand from the General Manager, LAHD, or designee.

Fiscal Impact Statement: The CAO reports there is no additional General Fund impact. Approval of the recommendations contained in this report will provide one-time funds totaling \$119,132 to augment funding for the operation of the Winter Shelter Program sites in Culver City and West Los Angeles for 2007-08 (\$30,000) and to reimburse the LAHSA for payments issued in 2004 to a nonprofit organization for costs incurred while operating the City-funded Downtown Drop-in Center (\$89,132). The funding is derived from General Fund savings from the City's 2006-07 allocation to the Homeless Shelter Program. In compliance with City Financial Policies, continuation funding of the Winter Shelter Program sites at the augmented funding level beyond the stated contract period will be contingent on identification of additional, ongoing revenues.

ITEM NO. (8) - ADOPTED

07-0591

BUDGET AND FINANCE COMMITTEE REPORT relative to an amendment to the Annual Audit Contract and request for additional funds for the Fiscal Year (FY) 2006-07 Audit Contract.

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

1. AUTHORIZE the Mayor and the Council President to execute the contract amendment, attached to the Council file, subject to the approval of the City Attorney as to form and legality.
2. AUTHORIZE the use of \$51,250 from the FY 2007-08 General City Purposes (GCP) Budget for the additional audit work included in the contract amendment, attached to the Council file, including \$10,000 for unforeseen problems.

Fiscal Impact Statement: The Controller, Chief Legislative Analyst and City Administrative Officer report that the total cost of the additional contract amendment is \$89,130 of which \$37,880 will be paid from available contingency money in the existing contract and \$51,250 will be funded from the FY 2007-08 GCP budget.

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

ITEM NO. (9) - ADOPTED

07-0600-S38

CD 4 BUDGET AND FINANCE COMMITTEE REPORT relative to funding for Phase II of the Griffith Park Fire Recovery Project (Project).

Recommendations for Council action, as initiated by Motion (LaBonge - Hahn), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. APPROPRIATE \$1,155,000 from the Unappropriated Balance, Fund No. 100/58, Reserve for Economic Uncertainties, to the Department of Recreation and Parks Fund No. 302/88, Contractual Services Account No. 3040.
2. INSTRUCT the Department of Recreation and Parks, in conjunction with the City Administrative Officer (CAO), to provide a breakdown of costs for all three phases of the Griffith Park Fire Recovery Project so the Council is aware of the total cost of the Project.
3. AUTHORIZE the CAO to make technical corrections as necessary to those transactions included in the report to implement Mayor and Council intentions.

Fiscal Impact Statement: The CAO reports that an appropriation in the amount of \$1.155 million from the Unappropriated Balance, Reserve for Economic Uncertainties is recommended to address the funding shortfall for Phase II of the Griffith Park Fire Recovery Project. Additional funding, in an amount that cannot be determined at this time, will be required in future years to complete Phase III of the Project.

ITEM NO. (10) - ADOPTED

07-3715

BUDGET AND FINANCE COMMITTEE REPORT relative to a refund claim filed by Lowes HIW Inc., for overpayment of business tax.

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

APPROVE the refund claim filed by Lowes HIW Inc., for overpayment of business taxes for a not to exceed amount of \$92,385.77.

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

ITEM NO. (11) - ADOPTED

07-3716

BUDGET AND FINANCE COMMITTEE REPORT relative to a refund claim filed by David and Goliath LLC, for overpayment of business tax.

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

APPROVE the refund claim filed by David and Goliath LLC, for overpayment of business tax for a not to exceed amount of \$53,878.66.

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

**ITEM NO. (12) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS -
SEE FOLLOWING**

07-3728

MOTION (ROSENDAHL - PERRY) and COMMUNICATION FROM THE CITY ADMINISTRATIVE OFFICER relative to the use of savings from the City's 2006-07 General Fund allocation to the Homeless Shelter Program, in an amount not to exceed \$30,000, for two winter shelter sites in West Los Angeles to be operated by EIMAGO, Inc.

(Budget and Finance 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 Budget and Finance Committee at 213-978-1075.)

ADOPTED

BUDGET AND FINANCE COMMITTEE REPORT relative to the use of savings from the City's 2006-07 General Fund allocation to the Homeless Shelter Program for two winter shelter sites in West Los Angeles to be operated by EIMAGO.

Recommendations for Council action, as initiated by Motion (Rosendahl - Perry), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. **APPROVE** the use of \$119,132 in General Fund savings derived from the City's 2006-07 allocation to the Homeless Shelter program to address necessary one-time financial adjustments concerning the delivery of homeless services.
2. **AUTHORIZE** the General Manager, Los Angeles Housing Department (LAHD), or designee, to execute contracts or amend existing contracts with the Los Angeles Homeless Services Authority (LAHSA) to allocate \$119,132 in General Fund savings as follows:
 - a. In an amount not to exceed \$30,000 as one-time funds to augment funding in 2007-08 for the Winter Shelter Program sites in Culver City and West Los Angeles to be operated by EIMAGO, Inc., a nonprofit organization, reflective of the budget summary included at Attachment A of the City Administrative Officer's (CAO) report attached to the Council file;
 - b. In an amount not to exceed \$89,132 to reimburse LAHSA for a prior payment issued to the Volunteers of America for services provided from April 1, 2004 through June 30, 2004 while operating the City-funded Downtown Drop-in Center for the homeless.
3. **AUTHORIZE** the General Manager, LAHD, or designee, to prepare Controller instructions and make any technical adjustments and corrections necessary to implement these actions, subject to the approval of the CAO and **REQUEST** the Controller to implement these instructions.
4. **REQUEST** the Controller to expend funds upon proper demand from the General Manager, LAHD, or designee.
5. **INSTRUCT** the LAHD to ensure that EIMAGO includes questions during the intake process to get a better understanding of the client's place of origin; questions should include where client's have been staying within the last year, month, week and day.
6. **INSTRUCT** the LAHSA to facilitate the creation of a task force that would evaluate the effectiveness of the Winter Shelter Program on the Westside. The task force should include representatives from Councilmember Rosendahl's Office, Supervisor Yaroslavsky's Office, the Westside Shelter and Hunger Coalition, and the LAHSA.

Fiscal Impact Statement: The CAO reports there is no additional General Fund impact. Approval of the recommendations contained in this report will provide one-time funds totaling \$119,132 to augment funding for the operation of the Winter Shelter Program sites in Culver City and West Los Angeles for 2007-08 (\$30,000) and to reimburse the LAHSA for payments issued in 2004 to a nonprofit organization for costs incurred while operating the City-funded Downtown Drop-in Center (\$89,132). The funding is derived from General Fund savings from the City's 2006-07 allocation to the Homeless Shelter Program. In compliance with City Financial Policies, continuation funding of the Winter Shelter Program sites at the augmented funding level beyond the stated contract period will be contingent on identification of additional, ongoing revenues.

Roll Call #12 - Motion (Alarcon - Hahn) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4) (Item Nos. 13-15)

ITEM NO. (13) - ADOPTED, AS AMENDED - SEE FOLLOWING

[05-0894-S3](#)

EDUCATION AND NEIGHBORHOODS COMMITTEE REPORT relative to the Neighborhood Council Review Commission's (NCRC) Final Report dated September 25, 2007 regarding recommendations concerning Neighborhood Council elections.

Recommendation for Council action:

APPROVE the following NCRC Final Report recommendations relative to Neighborhood Council elections:

- a. The Board of Neighborhood Commissioners (BONC) to play a role as a final appeal for the grievance system. (Recommendation No. 25 of the NCRC Final Report)
- b. The Plan for a Citywide System of Neighborhood Councils (Plan) to state that stakeholder status in Neighborhood Councils shall be open to those who live, work, or own property in the Neighborhood and also to those who declare a stake in the neighborhood and affirm the factual basis for it. [Recommendation No. 42(a) of the NCRC Final Report]
- c. That Neighborhood Councils be empowered to allocate board seats, voting rights, and other procedures, consistent with the City Charter, Plan, and Ordinance, and may allocate different voting roles to different categories of stakeholders. [Recommendation No. 42(b) of the NCRC Final Report]
- d. The City Attorney to advise Neighborhood Councils on the allowable parameters of such structures and shall ensure that board structures do not limit broad participation. [Recommendation No. 42(c) of the NCRC Final Report]
- e. That the Neighborhood Council election process be simplified and standardized, with common sense requirements that are easy to enforce and likely to promote the greatest participation. (Recommendation No. 44 of the NCRC Final Report)

- f. The City Clerk to organize and run Neighborhood council elections and provide the additional City resources to accomplish this task. (Recommendation No. 45 of the NCRC Final Report)
- g. The City Clerk to explore devoting space in the voter pamphlet to encourage people to participate in their Neighborhood Council. (Recommendation No. 46 of the NCRC Final Report)
- h. That there be a package of common election rules that are adhered to by all Neighborhood Councils, built on the Ordinance passed by the City Council in 2005. (Recommendation No. 47 of the NCRC Final Report)
- i. That the City shall share responsibility with Neighborhood Councils for organizing elections. (Recommendation No. 48 of the NCRC Final Report)
- j. That Neighborhood Council elections shall occur on regional or citywide election dates, but not concurrent with City elections. (Recommendation No. 49 of the NCRC Final Report)
- k. That all election rules shall be finalized and in place at a set time before the election. (Recommendation No. 50 of the NCRC Final Report)
- l. That the responsibility for the City's portion of the outreach effort necessary to mobilize stakeholders to vote in Neighborhood Council elections shall be concentrated in the Department of Neighborhood Empowerment (DONE). (Recommendation No. 51 of the NCRC Final Report)
- m. That Neighborhood Councils may choose to participate in the conduct of the election in collaboration with the City Clerk. If Neighborhood Councils do not wish to participate in the running of the election, they would not be required to establish an elections committee. (Recommendation No. 52 of the NCRC Final Report)
- n. That elections shall be held on a regional or citywide basis, with individual Neighborhood Council elections grouped by region on the same day or within the same week. Each Neighborhood Council election would still be a stand-alone event based on its own bylaws. Elections of large regions may need to be conducted over a two week period. The City Clerk shall guide the 3-4 month election process from candidate verification through training sessions, candidate forums and debates, and community outreach up until election day. The DONE is to be responsible for community outreach. (Recommendation No. 53 of the NCRC Final Report and as amended by Committee action)
- o. That the City shall provide assistance in outreach. Volunteers may assist in the operation of the election. (Recommendation No. 54 of the NCRC Final Report and as amended by Committee action)
- p. Election challenges shall be resolved via the regional grievance process proposed by the NCRC. (Recommendation No. 55 of the NCRC Final Report)
- q. Decisions in the pre-election period made by election monitors may be appealed to a panel drawn from a pool of stakeholders as noted below. [Recommendation No. 55(a) of the NCRC Final Report]

- r. Poll workers, trained by and accountable to the City Clerk, will be the first line of monitoring of the election. [Recommendation No. 55(b) of the NCRC Final Report]
- s. Poll workers who witness a violation of election rules shall, consistent with City Clerk procedures, order the violator to cease and desist. [Recommendation No. 55(c) of the NCRC Final Report]
- t. If the violation continues, the poll worker shall, consistent with City Clerk procedures, call the election monitor team, which shall go to the polling place, receive the poll worker's report, and take appropriate action. If the violator persists, the election team may call law enforcement. [Recommendation No. 55(d) of the NCRC Final Report]
- u. Votes shall be counted by the City Clerk staff in a manner that is accessible and open while consistent with City Clerk election procedure. [Recommendation No. 55(e) of the NCRC Final Report]
- v. A post-election challenge must be filed in writing, consistent with the citywide election procedures and it must specify the basis for the challenge and include documentation. The challenge will be processed according to the grievance procedure recommended by the NCRC. [Recommendation No. 55(f) of the NCRC Final Report]
- w. The panel may immediately dismiss the appeal or may consider it further. It may ask for written comments from those involved in the election, and then make a decision. The election monitor team must cooperate in this review. If the challenge is found to have no merit, it will be dismissed. If the challenge has merit, the panel shall have the power to impose sanctions. Contrary to the current practice, challenges to the factual accuracy of self-affirmed stakeholder status may be considered by the appeals panel. [Recommendation No. 55(g) of the NCRC Final Report]
- x. The dismissal of a challenge may be appealed to the BONC, which will not be required to hear the appeal except under specified circumstances. [Recommendation No. 55(h) of the NCRC Final Report]
- y. Volunteers may assist in the operation of the election. Volunteers may not be candidates in the elections they are assisting. [Recommendation No. 55(i) of the NCRC Final Report]
- z. The Plan to state that term limits for Neighborhood Council board members shall be for two or four years to be decided upon by individual Neighborhood Councils, and the City Attorney to prepare the necessary Ordinance to effectuate this recommendation. (Recommendation No. 57 of the NCRC Final Report and as amended by Committee action)

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

Community Impact Statements: The Silver Lake Neighborhood Council (SLNC) supports the recommendations of the NCRC. Specifically, the SLNC has resolved support for: (1) the proposed stakeholder definition; (2) the City Clerk conducting NC elections; (3) The DONE creating a comprehensive online accounting system for the NC financial transactions. In addition, the SLNC urges the City to adopt the following changes in the governance of NCs: Grant NCs the right to land-use appeals; create a legal framework and mechanism for NCs to raise funds/accept donations and to make grants/donations; establish a citywide NC voting age of 14 years of age.

The Mar Vista Community Council (MVCC) Board of Directors, during its monthly meeting on October 9, 2007, deliberated and passed the following resolution: 1) The MVCC does not support expanding, broadening, or changing the current stakeholder definition. The NCRC recommendation weakens the influence of persons with a true stake in the neighborhood. 2) The MVCC does not support requiring elections to be held on two year cycles and therefore does not support turning them over to the City Clerk. We find it critical to have staggered two year terms for board members, with only half elected in any single election. This provides continuity of service.

ADOPTED

AMENDING MOTION (ALARCON - HAHN)

Recommendation for Council action:

REQUEST the City Attorney to prepare the appropriate Neighborhood Council Plan and ordinance amendments as necessary.

ITEM NO. (14) - ADOPTED

[05-0894-S3](#)

EDUCATION AND NEIGHBORHOODS COMMITTEE REPORT relative to the Neighborhood Council Review Commission (NCRC) Final Report dated September 25, 2007.

Recommendation for Council action:

APPROVE the following NCRC Final Report recommendations:

- a. Neighborhood Councils shall remain advisory. (Recommendation No. 1 of the NCRC Final Report)
- b. Neighborhood Councils shall continue to be considered as City entities. Consistent with the recommendations of the NCRC, in such areas as elections and fiscal administration, the City shall make every effort to implement the structure of the Neighborhood Council system so that unnecessary bureaucratic requirements are not placed on Neighborhood Councils, recognizing that Neighborhood Councils are not traditional City agencies. (Recommendation No. 2 of the NCRC Final Report)

- c. The Mayor shall require each City department to provide the Department of Neighborhood Empowerment (DONE) with a list of contact people for Neighborhood Councils. [Recommendation No. 7(a) of the NCRC Final Report]
- d. Departments may provide lists of contact persons identified by function and/or geographic area, depending on how that department operates. [Recommendation No. 7(b) of the NCRC Final Report]
- e. The DONE shall keep departmental contact information updated, and provide such information to each Neighborhood Council. [Recommendation No. 7(c) of the NCRC Final Report]
- f. All Neighborhood Councils shall, to the greatest extent feasible, monitor the regular business of the City and inform themselves of issues of importance to their Neighborhood Council and the City as a whole. This in no way diminishes the City's responsibility to inform the Neighborhood Councils. (Recommendation No. 9 of the NCRC Final Report and amended by Committee action)
- g. The opinions and input of Neighborhood Councils to City agencies shall be formally noted by the appropriate decision maker in the decision. (Recommendation No. 14 of the NCRC Final Report)
- h. The DONE, Los Angeles Housing Department and the Department of City Planning shall make presentations to Neighborhood Councils to educate about the land use process and the various housing needs in the City. (Recommendation No. 15 of the NCRC Final Report)
- i. City Councils offices shall be encouraged to respond in a timely manner on matters submitted to them by Neighborhood Councils in their district. (Recommendation No. 16 of the NCRC Final Report)
- j. The City shall formally encourage developers to be in contact with Neighborhood Councils at the earliest possible time. If a project is subject to major change after initial Neighborhood council review, the review shall begin again. [Recommendation No. 17(a) of the NCRC Final Report]
- k. Neighborhood Councils shall adopt set procedures for reaching decisions on land use matters that are time-limited and consistent. Notification of all parties shall be consistent and usable. [Recommendation No. 17(b) of the NCRC Final Report]
- l. The Board of Neighborhood Commissioners (BONC) shall continue as a City Commission, subject to the City Charter provisions on City commissions, and shall remain advisory with respect to the day-to-day operations at the DONE. In the exercise of its power, the BONC shall be subject to the City Council's authority under Charter Section 245 to review and remand decisions of City commissions. (Recommendation No. 23 of the NCRC Final Report)
- m. The BONC shall be responsible for policy making and oversight, approval fo contracts and leases, and the promulgation of rules and regulations, subject to the City Charter and the Ordinance authority of the City Council. (Recommendation No. 24 of the NCRC Final Report)

- n. The BONC shall have the central role in approving broad policies for the Neighborhood Council system, with such policy making role based upon recommendations from the DONE General Manager and input from the Neighborhood Councils and the public. In areas of policy that have not been preempted by the City Charter or by Ordinance, the BONC shall have the authority to make policies for the Neighborhood Council system. (Recommendation No. 26 of the NCRC Final Report)
- o. The General Manager of DONE shall be the head of the Department and shall have full control and authority over the operations of the Department. The BONC's policy making authority shall in no way impinge upon the General Manager's role as the chief administrative officer of the department, nor the General Manager's direct role in working with Neighborhood Councils on implementing policies embodied in the Neighborhood Council bylaws and in citywide rules and regulations. (Recommendation No. 27 of the NCRC Final Report)
- p. As long as they are consistent with the City Charter, Ordinance, or policies adopted by the BONC, the General Manager of DONE shall have the authority to set rules and procedures for the management of DONE. The absence of a policy shall not preclude the General Manager from taking action. (Recommendation No. 28 of the NCRC Final Report)
- q. In addition to making policies for the Neighborhood Council system, the BONC shall conduct periodic public hearings and open deliberations on the policy direction of the Neighborhood Council system and formulate recommendations to the DONE, the City Council, and the Neighborhood Councils. (Recommendation No. 29 of the NCRC Final Report)
- r. As the only City agency both directly involved with Neighborhood Councils and subject to the Brown Act, the BONC shall make policies, rules, and regulations only through a process that sets the highest standard for open, participatory governance, engaging in outreach that is wide-ranging and technologically advanced. Through this process, Neighborhood Council stakeholders will be able to learn the best practices for outreach and notification and be fully aware of actions taken by the BONC that can impact their activities. (Recommendation No. 30 of the NCRC Final Report)
- s. The Board shall be comprised of seven members, each of whom shall represent the interests of the City in its entirety. (Recommendation No. 33 of the NCRC Final Report)

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

Community Impact Statements: The Silver Lake Neighborhood Council (SLNC) supports the recommendations of the NCRC. Specifically, the SLNC has resolved support for: (1) the proposed stakeholder definition; (2) the City Clerk conducting NC elections; (3) the DONE creating a comprehensive online accounting system for the NC financial transactions. In addition, the SLNC urges the City to adopt the following changes in the governance of NCs: Grant NCs the right to land-use appeals; create a legal framework and mechanism for NCs to raise funds/accept donations and to make grants/donations; establish a citywide NC voting age of 14 years of age.

The Mar Vista Community Council (MVCC) Board of Directors, during its monthly meeting on October 9, 2007, deliberated and passed the following resolution: 1) The MVCC does not support expanding, broadening, or changing the current stakeholder definition. The NCRC recommendation weakens the influence of persons with a true stake in the neighborhood. 2) The MVCC does not support requiring elections to be held on two year cycles and therefore does not support turning them over to the City Clerk. We find it critical to have staggered two year terms for board members, with only half elected in any single election. This provides continuity of service.

ITEM NO. (15) - ADOPTED

05-0894-S3

EDUCATION AND NEIGHBORHOODS COMMITTEE REPORT relative to the Neighborhood Council Review Commission (NCRC) Final Report dated September 25, 2007.

Recommendations for Council action:

1. APPROVE IN CONCEPT and INSTRUCT the Department of Neighborhood Empowerment (DONE) and the Information Technology Agency (ITA) to report with an implementation plan relative to the following NCRC recommendation:

The methods of providing formal information to Neighborhood Councils shall be upgraded, simplified, and made as user-friendly as possible. (Recommendation No. 4 of the NCRC Final Report)

2. APPROVE IN CONCEPT and REQUEST the City Attorney to work with the Chief Legislative Analyst (CLA), City Administrative Officer (CAO) and DONE and report with a strategy relative to the implementation of the following NCRC Final Report recommendations:
 - a. The Mayor shall direct chief administrative officers of each City department, office and commission to submit, within 90 days of enactment of an ordinance including this recommendation, to the CAO, the Mayor and the DONE, procedures to enable Neighborhood Councils to influence decisions made by that department, especially decisions affecting programs, activities and spending. At a minimum, these procedures shall include: (Recommendation No. 5 of the NCRC Final Report)
 - 1) A list identifying the decisions, or types of decisions, made by that department in which any community or neighborhood has a stake. At a minimum, this list shall include any decision involving the expenditure of public funds for a project or program that has a specific location (e.g., capital improvements to streets, sidewalks, parks, libraries, youth programs, cable television franchise renewals/modifications, etc.), and those deemed likely to affect the quality of life of a community's stakeholders (positively or negatively). [Recommendation No. 5(a) of the NCRC Final Report]
 - 2) General timelines for that department's decision-making process. [Recommendation No. 5(b) of the NCRC Final Report]

- 3) For each decision-making process, procedures for providing early notification to Neighborhood Councils that are designed to enable Neighborhood Councils to influence decisions made by that department, especially decisions affecting programs, activities and spending. Such procedures may include: 1) for long-term programmatic decision-making processes, a semiannual or periodic report detailing upcoming decisions in which a community or neighborhood has a stake, including the timeline for such decisions; or 2) for decisions that are more immediate, ad hoc or short-term (for which a periodic report would not provide sufficient notice), procedures for notification on an issue-by-issue or case-by-case basis. [Recommendation No. 5 (c) of the NCRC Final Report]
 - 4) Procedures for incorporating input from Neighborhood Councils into decision-making. [Recommendation No. 5(d) of the NCRC Final Report]
 - 5) To the maximum extent practicable, these procedures shall be developed with the participation of Neighborhood Councils. Among the tools that general managers shall be encouraged to utilize are Memoranda of Understanding (MOUs). [Recommendation No. 5(e) of the NCRC Final Report]
3. APPROVE the following NCRC Final Report recommendation:
- Whether or not the DONE is able to retain its exempt positions, the DONE shall devise job descriptions that accurately reflect the unusual nature of DONE staff roles, including but not limited to, hours of work, and type of skills required. The City shall assist in this process by recognizing the unique nature of the DONE mission, and its need for a lean, flexible approach. (Recommendation No. 20 of the NCRC Final Report)
4. APPROVE IN CONCEPT and REQUEST the City Attorney and the Board of Neighborhood Commissioners (BONC) to report relative to the following NCRC Final Report recommendation:
- Unless clearly inapplicable, the BONC shall be subject to the policies, rules, and regulations it establishes for Neighborhood Councils. (Recommendation No. 31 of the NCRC Final Report)
5. APPROVE IN CONCEPT, subject to City Attorney review and possible amendments to the Neighborhood Council Plan relative to the following NCRC Final Report recommendation:
- The BONC shall meet annually with the City Council and representatives of Neighborhood Councils to offer a report and self-evaluation of its activities for the previous year, and as appropriate, recommend policy changes. (Recommendation No. 36 of the NCRC Final Report and as amended by Committee action)
6. APPROVE IN CONCEPT and INSTRUCT the DONE and CAO to report on fiscal impacts, the roles of respective parties and an implementation plan to reflect shared responsibilities, relative to the following NCRC Final Report recommendation:
- a. The responsibility for outreach for the Neighborhood Council system shall be shared between the City government and the Neighborhood Councils. (Recommendation No. 58 of the NCRC Final Report)

- b. The City government shall research and apply methods of outreach on a regional and citywide basis in order to encourage people to participate in Neighborhood Councils. A “best practices” model shall draw on what has already been working well. [Recommendation No. 58(a) of the NCRC Final Report]
 - c. The City shall provide direct outreach services to Neighborhood Councils, organized on a regional basis. [Recommendation No. 58(b) of the NCRC Final Report]
 - d. When outreach services are made available to Neighborhood Councils, every effort shall be made to reduce bureaucratic red tape. A separate track shall be established for Neighborhood Council outreach services provided by the City, e.g., printing. [Recommendation No. 58(c) of the NCRC Final Report]
 - e. While the City government ought to have broad responsibility for improved outreach and participation, Neighborhood Councils have a major responsibility to be inclusive and engaging. The DONE shall assist Neighborhood Councils to help make sure that these goals are being actively pursued. [Recommendation No. 58(d) of the NCRC Final Report]
7. APPROVE IN CONCEPT and INSTRUCT the DONE and BONC to identify the appropriate town models and provide an analysis of how they could better effectuate participation and REQUEST the City Attorney to provide legal analysis of models identified and draft Neighborhood Council Plan amendment as may be necessary, relative to the following NCRC Final Report recommendation:

Legal implications of “town hall” models of Neighborhood Council meetings shall be explored with the City Attorney. (Recommendation No. 60 of the NCRC Final Report)

8. APPROVE IN CONCEPT and INSTRUCT the DONE to prepare and present a reorganization plan for the department to more effectively support Neighborhood Council activities, relative to the following NCRC Final Report recommendation:

The DONE shall be reorganized to highlight the community organizing and technical assistance aspects of its staff, rather than elections administration. DONE staff shall help Neighborhood Councils to create lean, engaging agendas. (Recommendation No. 61 of the NCRC Final Report)

Fiscal Impact Statement: None submitted by the NCRC. Neither the CAO nor the CLA has completed a financial analysis of this matter.

Community Impact Statements: The Silver Lake Neighborhood Council supports the recommendations of the NCRC. Specifically, the SLNC has resolved support for: (1) the proposed stakeholder definition; (2) the City Clerk conducting NC elections; (3) The DONE creating a comprehensive online accounting system for the NC financial transactions. In addition, the SLNC urges the City to adopt the following changes in the governance of NCs: Grant NCs the right to land-use appeals; create a legal framework and mechanism for NCs to raise funds/accept donations and to make grants/donations; establish a citywide NC voting age of 14 years of age.

The Mar Vista Community Council Board of Directors, during its monthly meeting on October 9, 2007, deliberated and passed the following resolution: 1) The MVCC does not support expanding, broadening, or changing the current stakeholder definition. The NCRC recommendation weakens the influence of persons with a true stake in the neighborhood. 2) The MVCC does not support requiring elections to be held on two year cycles and therefore does not support turning them over to the City Clerk. We find it critical to have staggered two year terms for board members, with only half elected in any single election. This provides continuity of service.

**Roll Call #1 - Motion (Rosendahl - Zine) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)
(Item Nos. 16-21)**

ITEM NO. (16) - ADOPTED

07-3608

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to identifying what City Policy requirements must be met when Council conducts a Tax Equity and Fiscal Responsibility Act (TEFRA) hearing, and what enforcement tools are available to ensure that those requirements are being met.

Recommendations for Council action, as initiated by Motion (Perry - Parks):

1. REQUEST the City Attorney and INSTRUCT the Los Angeles Housing Department and Chief Legislative Analyst (CLA), with the assistance of the City Administrative Officer (CAO), to provide a report by the end of January 2008 identifying what City Policy requirements (e.g. prevailing wage, local hiring) must be met when Council conducts a TEFRA hearing, and what enforcement tools are available to ensure that the requirements are being met.
2. INSTRUCT the Community Redevelopment Agency to notify Council Offices when large developments requesting funds are segmented and subject to different City Policy requirements.

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

ITEM NO. (17) - ADOPTED

07-0644

PUBLIC WORKS COMMITTEE REPORT relative to the implementation and enforcement of the Bureau of Street Services' (BOSS) Newsrack Program for the regulation of newsracks in the City.

Recommendation for Council action:

NOTE and FILE the December 4, 2007 BOSS report relative to the implementation and enforcement of the Newsrack Program for the regulation of newsracks in the City, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (18) - ADOPTED

07-0789

CD 1 CATEGORICAL EXEMPTION, PUBLIC WORKS COMMITTEE REPORT and RESOLUTION relative to the temporary closure of Gates Street from Abrigo Avenue to approximately 658 feet southerly thereof.

Recommendations for Council action:

1. FIND that the temporary closure of Gates Street from Abrigo Avenue to approximately 658 feet southerly thereof, is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5 of the City of Los Angeles Environmental Guidelines.
2. AUTHORIZE the temporary closure of Gates Street from Abrigo Avenue to approximately 658 feet southerly thereof, as depicted in the map accompanying the January 2, 2007 City Engineer report, attached to the Council file, subject to the conditions contained within the City Engineer report, pursuant to State Vehicle Code Section 21101.4 for a period of 18 months.
3. ADOPT the accompanying RESOLUTION for the temporary closure of Gates Street from Abrigo Avenue to approximately 658 feet southerly thereof.
4. ADOPT the FINDINGS of the City Engineer dated January 2, 2007 as the Findings of the Council.
5. ADOPT the accompanying City Engineer report dated January 2, 2007 to approve the temporary closure of Gates Street from Abrigo Avenue to approximately 658 feet southerly thereof.

Fiscal Impact Statement: The City Engineer reports that the Bureau of Engineering is absorbing the cost of processing the request in the approximate amount of \$1,050. Maintenance of the public easement by City forces will be eliminated.

ITEM NO. (19) - ADOPTED

07-3704-S1

CD 9 PUBLIC WORKS COMMITTEE REPORT relative to relief from dedication/easement requirements in connection with the Adams and Central Mixed-Use Project (Project) located at 1011 East Adams Boulevard.

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

INSTRUCT the Bureau of Engineering (BOE) and the Los Angeles Department of Water and Power (LADWP), in consultation with the Department of Building and Safety and the City Planning Department, to report with recommendations on possible relief from the dedication/easement conditions delineated below for the proposed Project containing 80 low and very low income housing units located at 1011 East Adams Boulevard:

- a. The BOE's requirement for an additional 0.75 feet long the property frontage to complete a 52-foot half right-of-way, which is in addition to the 10-foot future street widening dedication of Adams Boulevard.
- b. The LADWP's requirement for a five-foot dedication of the alley located behind the Project location, to the north of Adams Boulevard, to provide space for the cross-arms of the newly situated power poles, and BOE's requirement for a 2.5-foot dedication.
- c. The BOE's requirement for alley improvements and possible deferral of actual street improvements on Adams Boulevard and Central Avenue until such time that the entire stretch of the streets are widened and improved on both sides, with an agreement by the developer to make the improvements via land covenants.

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

07-3858

CD 9

PUBLIC WORKS COMMITTEE REPORT relative to the issuance of a revocable permit for the alley (Pembroke Lane) between Eighth and Ninth Streets in connection with the construction of the 830 South Flower Street parking building and construction stormwater filtration device and ancillary storm drain.

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

1. INSTRUCT the Bureau of Engineering (BOE) to issue a revocable permit for the alley (Pembroke Lane) between Eighth and Ninth Streets so that construction of the 830 South Flower Street parking building and construction of State of California Standard Urban Stormwater Mitigation Plan-compliant stormwater filtration device and ancillary storm drain to exit the alley at Eighth Street in accordance with previously-approved BOE plan and permit can be commenced prior to recordation of a final tract map (Tract No. 53965-5).
2. DIRECT that any revocable permit which the City Engineer may decide to issue relative to the matter referred to above in Recommendation No. 1 be made on condition that the developer appropriately guarantee, and post a bond in sufficient amounts to be determined by the City Engineer, to return and reconstruct the rights-of-way back to their present condition in the event that the developer does not complete the proposed development project and/or does not record the final tract map.

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

07-3236

CD 9 TRANSPORTATION COMMITTEE REPORT and RESOLUTION relative to authorizing the Los Angeles Department of Transportation (LADOT) to remove the 180-foot northbound bus-only lane segment on Hill Street north of 12th Street and restore said segment to two-way mixed traffic flow operation.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION authorizing the LADOT to remove the 180-foot northbound bus-only lane segment on Hill Street north of 12th Street and restore the segment to two-way mixed flow traffic operation.

Fiscal Impact Statement: The LADOT reports that removal of the short bus-only lane segment would require signage and striping changes, incurring nominal staff and equipment costs which could be absorbed into the LADOT's operating budget.

ITEM NO. (22) - ADOPTED

07-3754

TRANSPORTATION COMMITTEE REPORT relative to authorizing the Los Angeles Department of Transportation (LADOT) to partner with other agencies in the preparation of a joint application package for Federal funds in connection with the Congestion-Reduction Demonstration Initiatives.

Recommendation for Council action, as initiated by Motion (Greuel - Rosendahl):

AUTHORIZE the LADOT to partner with the Southern California Metropolitan Transportation Authority and the California Department of Transportation in the preparation of a joint Congestion-Reduction Demonstration Initiatives application package to the US Department of Transportation with consideration of the overall project elements including complementary City components which total approximately \$35 million as detailed in the December 4, 2007 LADOT report, attached to the Committee report.

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

ITEM NO. (23) - ADOPTED

Roll Call #1 - Motion (Rosendahl - Zine) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)

07-3863

TRANSPORTATION COMMITTEE REPORT relative to authorizing the purchase of five used compressed natural gas-powered buses for the Commuter Express Program.

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

1. AUTHORIZE the General Manager, Los Angeles Department of Transportation (LADOT), to enter into a Memorandum of Understanding (MOU) with the Victor Valley Transit Authority (VVTA) for the transfer of five used clean-fuel buses for the City's Commuter Express Program, at a total cost not to exceed \$187,926, subject to the approval of the City Attorney as to form and legality.
2. AUTHORIZE the General Manager, LADOT, to execute Amendment No. 5 to Contract No. C-104346 with Veolia Transportation, Inc. or successor contractors for the painting, decaling and minor mechanical servicing of the five buses received from the VVTA at a cost not to exceed \$150,000, or \$30,000 per bus.
3. APPROPRIATE and TRANSFER \$337,926 within the Proposition A Local Transit Assistance Fund No. 385 from the Commuter Express/Community Connection Account No. Y247 to a new account, the Commuter Express Compressed Natural Gas Powered Buses Account, account number to be designated by the LADOT.

Fiscal Impact Statement: The City Administrative Officer (CAO) reports that implementation of the recommendations will not impact the General Fund. The total cost for the City to purchase five buses powered by compressed natural gas from the VVTA for the City's Commuter Express Program is \$187,926. Additional costs associated with the preparation and minor maintenance to be conducted by the Commuter Express contract operator(s) is \$150,000. Therefore, the total cost to implement the recommendations is \$337,926. Sufficient funding for this purpose is available from savings accrued in the 2006-07 Proposition A Adopted Budget.

ITEM NO. (24) - ADOPTED

Roll Call #7 - Motion (LaBonge - Greuel) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)

07-3885

TRANSPORTATION COMMITTEE REPORT relative to authorizing fund transfers and appropriations for landscaping activities in connection with the Metro Orange Line Busway and adjacent bikeway.

Recommendations for Council action, as initiated by Motion (Greuel - Cardenas - Zine), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the appropriation and transfer of \$700,000 from the Proposition A Local Transit Fund No. 385, Reserve for Future Transit Capital and Service Account No. C399 to the Proposition A local Transit Fund No. 385, Orange Line Bikeways Account Number to be designated by the Los Angeles Department of Transportation (LADOT) to front-fund landscaping activities on various City parcels adjacent to the Metro Orange Line bikeway.
2. TRANSFER, as needed, \$670,000 from the Proposition A Local Transit Fund No. 385, Orange Line Bikeways Account Number to be designated by the LADOT to the following accounts within the Department of General Services (GSD) Fund No. 100/40 to complete the necessary construction work:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1014	Construction Salaries	\$330,000
1101	Construction Salaries Hiring Hall	\$150,000
1121	Construction Salaries Hiring Hall Fringe Benefits	\$ 52,500
3180	Construction Materials and Supplies	\$ 37,500

3. AUTHORIZE the appropriation of \$32,000 from the Proposition A Local Transit Fund No. 385 for the LADOT and Department of Public Works to conduct the necessary survey, inspection and permit activities associated with the Orange Line bikeway landscaping.
4. AUTHORIZE the LADOT to invoice and receive up to \$702,116.67 from the Los Angeles County Metropolitan Transportation Authority (Metro) to reimburse the City for the above-mentioned work.
5. INSTRUCT the GSD to return any uncommitted advances at the end of Fiscal Year 2007-08 to the Proposition A Local Transit Fund No. 385, Orange Line Bikeways Account Number to be designated.
6. AUTHORIZE the Controller to make technical corrections as necessary to the transactions as detailed above to implement the Council's intentions.
7. DIRECT the LADOT to work with the Clean and Green Program to see if it is feasible to use its workers for the non-engineering aspects of the Metro Orange Line Busway and adjacent bikeway projects.

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

Roll Call #1 - Motion (Rosendahl - Zine) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4) (Item Nos. 25-29)

ITEM NO. (25) - MOTION ADOPTED TO APPROVE COMMITTEES' REPORT RECOMMENDATIONS

07-0356

ARTS, PARKS, HEALTH AND AGING and BUDGET AND FINANCE COMMITTEES' REPORT relative to funding for the 2007 Music LA Summer Program.

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

1. RATIFY the Department of Cultural Affairs' (Cultural Affairs) submission of a matching grant application for the California Arts Council (CAC), State-Local Partnership Program.
2. RATIFY Cultural Affairs' acceptance of a grant award from the CAC in an amount not to exceed \$18,000.

3. AUTHORIZE Cultural Affairs to appropriate, encumber, and expend \$18,000 in grant funds awarded by the CAC, for the Cultural Affairs Music LA Summer 2007 Program.
4. AUTHORIZE Cultural Affairs to match the CAC grant award with \$18,000 in sponsorship revenue it received from AT&T.
5. AUTHORIZE Cultural Affairs to increase its 2007-08 Budget of \$30,000 for Music LA by \$36,000 for a total amount not to exceed \$66,000.
6. AUTHORIZE Cultural Affairs to prepare Controller instructions for any needed technical accounting adjustments, subject to review and approval by the City Administrative Officer (CAO).

Fiscal Impact Statement: The CAO reports that approval of the above recommendations will have no fiscal impact on the General Fund. The source of funds is grant money awarded by the CAC and money received through advertising revenue paid by AT&T. The proposed contract is in keeping with the financial policies of the City in that a one-time source of funds has been identified to fund the one-time expenditures.

ITEM NO. (26) - ADOPTED

07-2896

BUDGET AND FINANCE COMMITTEE and AD HOC COMMITTEE ON PUBLIC DEBT, BONDS AND FINANCING REPORT relative to a qualified list of financial advisors for various City debt programs.

Recommendations for Council action:

1. APPROVE the following 13 firms to serve on the City's list of qualified financial advisors, as needed, for various debt programs for a three-year term to begin when the first firm is chosen:
 - a. Acacia Financial Services (Minority Business Enterprise [MBE])
 - b. Backstrom McCarley Berry (MBE/Local Business Enterprise [LBE]) (co-financial advisor only)
 - c. Columbia Capital Management (MBE)
 - d. Fieldman Rolapp and Associates (LBE)
 - e. Frasca and Associates (Women Business Enterprise [WBE]/LBE)
 - f. Gardner Underwood and Bacon (MBE/LBE)
 - g. Kelling Northcross and Nobriga
 - h. Montequ DeRose and Associates (LBE)
 - i. Municipal Capital Management (WBE/LBE)
 - j. Public Financial Management (LBE)
 - k. Public Resources Advisory Group (LBE)
 - l. Scott Balice Strategies (WBE)
 - m. Norne, Inc. (MBE/LBE)
2. APPROVE and AUTHORIZE the City Administrative Officer (CAO) to negotiate and execute contracts with any of the above 13 firms, as needed, in an aggregate amount not to exceed \$4 million over a three-year term to serve as financial advisors and/or co-financial advisors for various City debt programs, subject to the approval of the City Attorney as to form.

3. APPROVE and AUTHORIZE the CAO to negotiate and execute contracts with Public Advisory Resources Group as lead financial advisor and with Norne, Inc., and Frasca and Associates as co-financial advisors to the Wastewater System Revenue Bonds Program in an aggregate amount not to exceed \$1 million over a period of three years, with two one-year extensions, subject to the approval of the City Attorney as to form.
4. INSTRUCT the CAO to report back to the Budget and Finance Committee on the increased diversity of the qualified list and review the rankings of the panel for consistency.

Fiscal Impact Statement: The CAO reports that the cost of financial advisory services for various City debt programs (Convention Center Lease Revenue Bonds, Municipal Improvement Corporation of Los Angeles Lease Financings, Parking Revenue Bonds, Police Communications System Assessment Bonds, Proposition K Assessment Bonds, Sanitation Waste Resources Revenue Bonds and Tax and Revenue Anticipation Notes) and the Wastewater System Revenue Bond Program is estimated between \$30,000 and \$180,000 per financing transaction, depending on the complexity of the financing. Costs will be funded either from bond proceeds upon the successful closing of a financing transaction or from budgeted funds within each bond program.

ITEM NO. (27) - ADOPTED

07-2943

BUDGET AND FINANCE COMMITTEE and AD HOC COMMITTEE ON PUBLIC DEBT, BONDS AND FINANCING REPORT relative to a Request for Qualifications (RFQ) for investment banking services for City bond programs.

Recommendation for Council action:

AUTHORIZE the City Administrative Officer (CAO) to release an RFQ for investment banking services to create four pools of qualified firms for negotiated bond sales, with each pool consisting of eight to 10 firms; and, INSTRUCT the CAO to report back to the Council with recommendations on those firms qualified to serve in the four pools.

Fiscal Impact Statement: The CAO reports there is no fiscal impact to the General Fund from approval of this report.

ITEM NO. (28) - ADOPTED

07-3235

ENERGY AND ENVIRONMENT and BUDGET AND FINANCE COMMITTEES' REPORT relative to the Bureau of Sanitation (BOS) bi-monthly status report for the Stormwater Program for April and May 2007.

Recommendation for Council action:

NOTE and FILE the BOS bi-monthly status report for the Stormwater Program for April and May 2007, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (29) - MOTION ADOPTED TO APPROVE COMMITTEES' REPORT AND COMMUNICATION RECOMMENDATIONS

07-3498-S1

PUBLIC SAFETY and BUDGET AND FINANCE COMMITTEES' REPORT and COMMUNICATION FROM CHAIR, PERSONNEL COMMITTEE relative to a revised staffing plan for the Police Administration Building project and new position authorities for the Bureaus of Contract Administration and Engineering.

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

1. ADOPT the revised staffing plan for the Police Administration Building project authorizing a total of 38.75 positions, as detailed in the attachment to the City Administrative Officer (CAO) report to the Mayor and Council dated November 8, 2007 (attached to the Council file).
2. INSTRUCT the CAO to include resolution positions in the Personnel Authority Resolution for 2008-09 and 2009-10.
3. RESOLVE that the following 14 positions, in the Bureaus designated below, for the fiscal year ending June 30, 2008 are APPROVED, subject to position allocation by the Personnel Department and pay grade determination by the CAO:

Bureau of Contract Administration

<u>No.</u>	<u>Code</u>	<u>Title</u>
8	7294	Senior Construction Inspector
3	7291	Construction Inspector

Bureau of Engineering

<u>No.</u>	<u>Code</u>	<u>Title</u>
3	7245-3	Civil Engineering Associate III

Fiscal Impact Statement: The CAO reports that the staffing recommended for the new Police Administration (New Parker Center) Building project will be Municipal Improvement Corporation of Los Angeles (MICLA) funded. Debt service payments to MICLA are made from the General Fund. The estimated increase in staffing cost of \$4.93 million is included in revised Police Administration Building project budget.

**ITEM NO. (30) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS,
AS AMENDED - SEE FOLLOWING**

**Roll Call #13 - Motion (Greuel - Hahn) to Adopt as Amended, Ayes (10); Noes: Rosendahl (1);
Absent: Parks, Perry, Weiss and Wesson (4)**

05-0894-S5

EDUCATION AND NEIGHBORHOODS and PERSONNEL COMMITTEES' REPORTS relative to City Clerk conduct of Neighborhood Council elections.

RECEIVED AND FILED

A. EDUCATION AND NEIGHBORHOODS COMMITTEE REPORT

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

1. AUTHORIZE and DIRECT the Office of the City Clerk to conduct Neighborhood Council board member elections during the spring months of April, May and June of each even numbered year pursuant to a schedule to be developed by the City Clerk in consultation with the Neighborhood Councils.
2. REQUEST the City Attorney to prepare and submit any necessary Neighborhood Council System Plan and/or implementing Ordinance(s) modifications necessary to establish the program.
3. AUTHORIZE and DIRECT that the terms of Neighborhood Council board members elected during the period of July 1, 2007 through December 31, 2007 be extended through June 30, 2010.
4. AUTHORIZE and DIRECT that those Neighborhood Council board members elections scheduled to be held during the upcoming period of January 1, 2008 through June 30, 2008 be conducted by the Office of the City Clerk, during the spring months of April, May and June 2008.
5. RESOLVE that Employment Authority for one Senior Project Coordinator, Code No. 1538, and four Project Coordinators, Code No. 1537, in the Office of the City Clerk to conduct Neighborhood Council board member elections for the period July 1, 2007 through June 30, 2008, is APPROVED.
6. AUTHORIZE the transfer of \$638,190 from the Reserve Fund to the Unappropriated Balance and APPROPRIATE therefrom to Fund 100, City Clerk, Department 14, to the following accounts:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1010	Salaries General	\$204,129
1090	Salaries Overtime	\$ 81,408
1070	Salaries, As-Needed	\$208,978
4170	Election Expenses	\$143,675

7. AUTHORIZE the City Clerk or designee(s) to prepare Controller instructions and any necessary technical adjustments or clarifications that are consistent with the Mayor and City Council actions on this matter.

Fiscal Impact Statement: The City Clerk reports that from a fiscal impact perspective, it is important to clarify both the immediate and ongoing fiscal impact of assigning this responsibility to the City Clerk.

Fiscal Year 2007-08

If the City Council directs the City clerk to conduct the Neighborhood Council board member election starting in the spring of 2008 (for approximately 30-35 Neighborhood Councils), then an interim appropriation/transfer of \$638,190 will be required. A portion of these funds can be transferred from the Department of Neighborhood Empowerment's (DONE) operating budget (exact amount to be determined in consultation with DONE).

Fiscal Year 2008-09

During Fiscal Year 2008-09, when the City Clerk is not conducting Neighborhood Councils board member elections, there will be an ongoing annual staff cost of approximately \$375,000. However, approximately 40 percent of these costs (\$150,000) will be shared with our municipal election partner jurisdictions, as these positions will be used to conduct the regular municipal elections.

Fiscal Year 2009-10

During the spring of 2010 when the full program is under way (some 90 Neighborhood Councils), the cost for the fiscal year will be approximately \$1.3 million. Again, a portion of these funds can be covered by the amount that would have been budgeted within DONE if they had continued with the responsibility for conducting the elections.

The every other year funding pattern shown in Fiscal Year 2008-09 and Fiscal Year 2009-10 would then continue forward.

Community Impact Statement: The Mar Vista Community Council (MVCC) Board of Directors, during its monthly meeting on October 9, 2007, deliberated and passed the following resolution: 1) The MVCC does not support expanding, broadening, or changing the current stakeholder definition. The NCRC recommendation weakens the influence of persons with a true stake in the neighborhood. 2) The MVCC does not support requiring elections to be held on two year cycles and therefore does not support turning them over to the City Clerk. We find it critical to have staggered two year terms for board members, with only half elected in any single election. This provides continuity of service.

RECEIVED AND FILED

B. PERSONNEL COMMITTEE REPORT

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

1. APPROVE the proposed policy for the Neighborhood Council Funding Program to provide that a Neighborhood Council shall not have more than \$150,000 in available balances at any given time, as detailed in attachment 2 of the City Administrative Officer (CAO) report.
2. REQUEST the City Attorney to prepare and present an ordinance, pursuant to Charter Sections 213 and 514, transferring the powers, duties and functions of neighborhood council elections from the Department of Neighborhood Empowerment (DONE) to the City Clerk with the operative date subject to appropriation of funds, which ordinance shall:
 - a. Authorize the Office of the City Clerk to conduct Neighborhood Council board member elections during the months of April, May and June of each even-numbered year pursuant to a schedule to be developed by the City Clerk in consultation with the Neighborhood Councils.
 - b. Authorize the Office of the City Clerk to direct that the terms of Neighborhood Council Board members elected during the period of July 1, 2007 through December 31, 2007 be extended through June 30, 2010.
 - c. Authorize the Office of the City Clerk to promulgate election rules and regulations and issue any directives, moratoriums or rules necessary to administer the Neighborhood Council board member elections.
3. INSTRUCT the DONE, with the assistance of the CAO, to ensure that there is full cost recovery for election administration costs from Neighborhood Councils and include the necessary actions in DONE's annual budget submittal.
4. INSTRUCT the CAO to review the continued need for the DONE election support positions as part of the 2008-09 budget process.
5. AUTHORIZE the Controller to TRANSFER \$115,256 from the following accounts in the Department of Neighborhood Empowerment Fund No. 100/47 to the Office of the City Clerk Fund No. 100/14, Salaries General Account 1010 for the administration of the remaining Neighborhood Council elections for the 2007-08 fiscal year:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
6010	Office and Administrative	\$ 10,000
3040	Contractual Services	\$105,256

6. AUTHORIZE the Controller to DECREASE the General Fund budget allocation to the Neighborhood Empowerment Trust Fund No. 44B/47 by \$222,934 and reduce special purpose fund appropriation for Neighborhood Council funding by a like amount as delineated in Attachment 5 of the CAO report.
7. APPROPRIATE \$222,934 in unspent Neighborhood Council funds from the Neighborhood Council Funding Program Fund No. 44B/47, Account No. 218 to the following accounts within the Office of the City Clerk Fund No. 100/14 to the offset Neighborhood Council election costs in spring 2008:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1070	Salaries, As-Needed	\$208,978
1090	Salaries, Overtime	\$ 13,958

8. INSTRUCT the City Clerk to UNENCUMBER \$300,000 in 2006-07 appropriated funds from the Office of the City Clerk Fund No. 100/14, Account No. 4170 and AUTHORIZE the Controller to APPROPRIATE such amount to the following accounts within the Office of the City Clerk:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1010	Salaries, General	\$ 88,875
1090	Salaries, Overtime	\$ 67,450
4170	Election Expense	\$143,675

9. RESOLVE that Employment Authority for the following positions at the Office of the City Clerk, subject to allocation by the Personnel Department and paygrade determination by the CAO, is APPROVED:

<u>Positions</u>	<u>Code</u>	<u>Title</u>
1	1538	Senior Project Coordinator
4	1537	Project Coordinator

10. INSTRUCT the City Clerk to report back 60 days after the Neighborhood Council election process is completed with a detailed accounting of funds spent and revert any unused funds to the appropriate funding source.
11. AUTHORIZE the CAO to make technical corrections as necessary to those transactions included in this report to implement Mayor and Council intentions and AUTHORIZE the Controller to implement the corrections.
12. RESOLVE that one Senior Project Coordinator and four Project Coordinator positions in the Office of the City Clerk BE EXEMPTED from the Civil Service provisions of the City Charter.

13. CONVENE a Working Group composed of the CAO, CLA, City Clerk, and the DONE to monitor/oversee the conduct of the 2008 Neighborhood Council elections and to report back to the City Council on the outcome of said elections, along with recommendations for future funding and any needed improvements beyond 2008.

Fiscal Impact Statement: The CAO/CLA report that the cost of the proposed transfer of Neighborhood Council elections to the Office of the City Clerk in spring 2008 will be offset from savings within the budgets of the DONE and the City Clerk and excess Neighborhood Council fund allocations as described in Attachment 2 of the CAO/CLA report. The CAO and the DONE will need to ensure full cost recovery for election administration costs by working with the Board of Neighborhood Commissioners to identify a minimum contribution level to support election administration. During the fiscal years where there are regular municipal elections and the City Clerk is not conducting Neighborhood Council elections, the General Fund would provide approximately \$380,000 to maintain the salary for the five positions. Approximately 40 percent of the municipal elections costs will be billed to the municipal election partner jurisdictions.

Community Impact Statement: The Mar Vista Community Council (MVCC) Board of Directors, during its monthly meeting on October 9, 2007, deliberated and passed the following resolution: 1) The MVCC does not support expanding, broadening, or changing the current stakeholder definition. The NCRC recommendation weakens the influence of persons with a true stake in the neighborhood. 2) The MVCC does not support requiring elections to be held on two-year cycles and therefore does not support turning them over to the City Clerk. We find it critical to have staggered two year terms for board members, with only half elected in any single election. This provides continuity of service.

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

ADOPTED, *AS AMENDED

BUDGET AND FINANCE COMMITTEE REPORT relative to the assignment of the responsibility for conducting Neighborhood Council (NC) board member elections to the City Clerk, as recommended in the September 25, 2007, Neighborhood Council Review Commission's final report on the system of Neighborhood Councils.

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

1. **APPROVE the proposed policy for the Neighborhood Council Funding Program to provide that a NC shall not have more than \$150,000 in available balances at any given time, as detailed in the City Administrative Officer's (CAO) report dated December 11, 2007, attached to the Council file.**
2. **REQUEST the City Attorney to prepare and present an ordinance, pursuant to Charter Sections 213 and 514, transferring the powers, duties and functions of NC elections from DONE to the City Clerk with the operative date subject to appropriation of funds, which ordinance shall:**

- a. Authorize the Office of the City Clerk to conduct NC board elections during the months of April, May and June of each even-numbered year pursuant to a schedule to be developed by the City Clerk in consultation with the NCs;
 - b. Authorize the Office of the City Clerk to direct that the terms of NC board members elected during the period of July 1, 2007 through December 31, 2007 be extended through June 30, 2010; (also see Recommendation #12)
 - c. Authorize the Office of the City Clerk to promulgate election rules and regulations and issue any directives, moratoriums or rules necessary to administer the NC board member elections.
3. INSTRUCT the Department of Neighborhood Empowerment (DONE), with the assistance of the CAO, to ensure that there is full cost recovery for election administration costs from all potential sources and to address those funding needs as part of the annual budget process.
 4. INSTRUCT the CAO to review the continued need for the DONE election support positions as part of the 2008-09 budget process.
 5. TRANSFER \$115,256 from the following accounts in the DONE Fund No. 100/47 to the Office of the City Clerk Fund No. 100/14, Salaries General Account 1010 for the administration of the remaining NC elections for the 2007-08 fiscal year:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
6010	Office and Administrative	\$ 10,000
3040	Contractual Services	<u>105,256</u>
	Total	\$115,256

6. AUTHORIZE the Controller to decrease the General Fund budget allocation to the Neighborhood Empowerment Trust Fund No. 44B/47 by \$222,934 and reduce special purpose fund appropriation for NC funding by a like amount as delineated in CAO report Attachment 5.
7. APPROPRIATE \$222,934 in unspent NC funds from the NC Funding Program Fund No. 44B/47, Account 218 to the following accounts within the Office of the City Clerk Fund No. 100/14 to offset the NC election costs in spring 2008:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1070	Salaries, As-Needed	\$208,978
1090	Salaries, Overtime	<u>13,958</u>
	Total	\$222,934

8. **INSTRUCT** the City Clerk to unencumber \$300,000 in 2006-07 appropriated funds from the Office of the City Clerk Fund No. 100/14, Account 4170 and **AUTHORIZE** the Controller to appropriate such amount to the following accounts within the Office of the City Clerk:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1010	Salaries, General	\$ 88,875
1090	Salaries, Overtime	67,450
4170	Election Expense	<u>143,675</u>
Total		\$300,000

9. **AUTHORIZE** by resolution the following positions at the Office fo the City Clerk, subject to allocation by the Personnel Department and paygrade determination by the CAO:

<u>Code</u>	<u>Title</u>	<u>Number</u>
1538	Senior Project Coordinator	1
1537	Project Coordinator	<u>4</u>
Total		5

10. **INSTRUCT** the City Clerk to report back 60 days after the NC election process is completed with a detailed accounting of funds spent and revert any unused funds to the appropriate funding source.
11. **INSTRUCT** the CAO and Chief Legislative Analyst to work with DONE during the budget process to determine what their new role is and how it conforms with their recommended funding and positions as it relates to their new responsibilities now that the election process is being transferred to the Office of the City Clerk.
12. **APPROVE** the following process as it relates to NC board member elections:
- a. the Office of the City Clerk shall conduct NC board member elections for those NCs scheduled to hold elections between April 2008 and June 2008;
 - b. NCs scheduled to hold their board member elections between July 2008 and December 2008 have the option to participate in NC elections to be run by the Office of the City Clerk in June 2008; to extend the terms of current board members to 2010 and hold elections in 2010 (NCs choosing these options must then take the necessary actions to amend their respective by-laws to reflect the procedural change); or for those NCs who choose not to proceed with these options, hold their board member elections as prescribed by their respective by-laws under the direction of DONE, during this interim period. The City Clerk must be notified by the NCs, by February 2008, of their chosen option.

- c. Board member positions for which NC elections would be held during January 2009 to June 2009, shall be extended to 2010 at which time the City Clerk will conduct all NC board member elections on a two year cycle.
13. AUTHORIZE the CAO to make technical corrections as necessary to those transactions included in this report to implement Mayor and Council intentions and REQUEST the Controller to implement the corrections.
 - *14. FIND that one Senior Project Coordinator and four Project Coordinator positions in the Office of the City Clerk BE EXEMPTED from Civil Service. *(Greuel - Hahn)
 - *15. CONVENE a Working Group composed of the CAO, CLA, City Clerk, and the Department of Neighborhood Empowerment (DONE) to monitor/oversee the conduct of the 2008 NC elections and to report back to the City Council on the outcome of said elections, along with recommendations for future funding and any needed improvements beyond 2008. *(Greuel - Hahn)

Fiscal Impact Statement: The City Administrative Officer (CAO) and Chief Legislative Analyst (CLA) report that the cost of the proposed transfer of NC elections to the Office of the City Clerk in spring 2008 will be offset from savings within the budgets of the Department of Neighborhood Empowerment (DONE) and the City Clerk and excess NC fund allocations as described in the CAO/CLA report Attachment 2 (attached to the Council file). NCs that are affected with the transition to the City Clerk for the period July 1, 2008 through December 31, 2008 may have the option to defer the election until 2010 or schedule the election with the City Clerk in spring 2008. DONE will administer any election for those NCs requesting to continue with the scheduled election date during July 2008-December 2008. The cost for 30 NC elections administered by DONE is approximately \$177,000 and will require a General Fund contribution. The CAO and DONE will need to make an effort to ensure full cost recovery for election administration costs from all potential sources and to address those funding needs as part of the annual budget process. During the fiscal years where there are regular municipal elections and the City Clerk is not conducting NC elections, the General Fund would provide approximately \$380,000 to maintain the salary for the five positions. Approximately 40 percent of the municipal elections costs will be billed to the municipal election partner jurisdictions.

Items for Which Public Hearings Have Not Been Held - Items 31-56

(10 Votes Required for Consideration)

ITEM NO. (31) - ADOPTED

Roll Call #11 - Motion (Zine - Reyes) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)

07-3575

COMMUNICATION FROM CHAIR, PERSONNEL COMMITTEE relative to the reappointment of Ms. Edna E. J. Francis to the Employee Relations Board.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Ms. Edna E. J. Francis to the Employee Relations Board for the new term ending September 23, 2012 is APPROVED and CONFIRMED. Ms. Francis resides in Council District 14. (Current Commission gender composition: M=3; F=2)

Ethics Commission Review: Complete

Background Check Review: Complete

TIME LIMIT FILE - DECEMBER 20, 2007

(LAST DAY FOR COUNCIL ACTION - DECEMBER 19, 2007)

**Roll Call #2 - Motion (Smith - Huizar) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)
(Item Nos. 32a-32j)**

ITEM NO. (32) - ADOPTED

[07-0005-S830](#)

et al. RESOLUTIONS relative to removing various properties from the Rent Escrow Account Program.

Recommendation for Council action:

ADOPT the accompanying RESOLUTIONS removing the following properties from the Rent Escrow Account Program (REAP), inasmuch as the owner(s) have corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department (LAHD), Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the LAHD's report of December 10, 2007:

[07-0005-S830](#)

CD 15 a. Property at 1415 North Marine Avenue (Case No. 7719).
Assessor I.D. No. 7421-023-030

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 23, 2004)

[07-0005-S831](#)

CD 7 b. Property at 15240 Rayen Street (Case No. 107328).
Assessor I.D. No. 2654-009-005

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 23, 2007)

[07-0005-S832](#)

CD 8 c. Property at 939 West 82nd Street (Case No. 82469).
Assessor I.D. No. 6032-005-024

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on April 5, 2007)

07-0005-S833

CD 13 d. Property at 245 North Alvarado Street (Case No. 128703).
Assessor I.D. No. 5157-020-104

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on October 23, 2007)

07-0005-S834

CD 14 e. Property at 4542 West Verdugo Road (Case No. 114959).
Assessor I.D. No. 5684-001-015

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 12, 2007)

07-0005-S835

CD 1 f. Property at 1049 West 21st Street (Case No. 86735).
Assessor I.D. No. 5124-004-016

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on April 25, 2007)

07-0005-S836

CD 13 g. Property at 5555 Harold Way (Case No. 9736).
Assessor I.D. No. 5544-024-028

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on October 11, 2007)

07-0005-S837

CD 14 h. Property at 2008 East Hollenbeck Drive (Case No. 26266).
Assessor I.D. No. 5183-021-001

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on November 29, 2006)

07-0005-S838

CD 11 i. Property at 11981 West Nebraska Avenue (Case No. 40411).
Assessor I.D. No. 4259-012-031

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on July 26, 2007)

07-0005-S839

CD 11 j. Property at 11985 Nebraska Avenue (Case No. 40413).
Assessor I.D. No. 4259-012-078

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on July 27, 2007)

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

Roll Call #12 - Motion (Alarcon - Hahn) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)

05-0894-S3

COMMUNICATION FROM CHAIR, EDUCATION AND NEIGHBORHOODS COMMITTEE relative to the Neighborhood Council Review Commission (NCRC) Final Report dated September 25, 2007.

Recommendations for Council action:

1. APPROVE IN CONCEPT and REQUEST the Mayor to instruct departments to annually report on Neighborhood Council related activities relative to the following NCRC recommendation:

Chief administrative officers shall be required to report to the Mayor and City Council on an annual basis on the extent of cooperative efforts with Neighborhood Councils. (Recommendation No. 6 of the NCRC Final Report)

2. APPROVE IN CONCEPT and INSTRUCT the City Clerk, with the assistance of the Chief Legislative Analyst (CLA), the City Administrative Officer (CAO), Information Technology Agency (ITA) and the City Attorney to report relative to the implementation of the following NCRC Final Report recommendations:

- a. The City shall continue to upgrade and modernize the online Council File Index, including making agenda items searchable by topic, area, keyword and term, and capable of being followed online. [Recommendation No. 8(a) of the NCRC Final Report]
- b. The City shall establish a system to automatically send electronic notices to persons who have requested such notice whenever there is activity on a Council file, keyword, or term. [Recommendation No. 8(b) of the NCRC Final Report]
- c. City agenda items shall list the affected Neighborhood Council(s). [Recommendation No. 8(c) of the NCRC Final Report]
- d. The City shall establish a recommended standard for early notification as a minimum of 60 days from introduction of any motion/case/file to final decision. It is understood that such a requirement will serve as a guideline and not a mandate, as many conditions will require more rapid action. Conversely, for longer decision-making processes such as capital spending programs, utility rate increases, etc., 60 days might be unreasonably short. [Recommendation No. 8(d) of the NCRC Final Report]
- e. The City shall define "a reasonable opportunity to provide input" as a minimum of seven calendar days from the date of first broad public notification (e.g., the announcement of a new council file in the Council file Referral, or a similar notification sent to the Department of Neighborhood Empowerment database). [Recommendation No. 8(e) of the NCRC Final Report]

- f. Notwithstanding the above, Council Rules No. 16 and No. 23 will continue to allow the City Council to handle matters on an emergency or expedited basis. The NCRC recommends revising Council Rules No. 16 and No. 23 to include the following: “When such items are introduced before the Council, the Clerk will note for the record that the Early Warning requirements of Charter Section 907 have been waived.” [Recommendation No. 8(f) of the NCRC Final Report]
 - g. The City Council is requested to review its policies and procedures and revise as necessary to lessen the likelihood of major policy issues being heard without previous opportunity for public input. [Recommendation No. 8(g) of the NCRC Final Report]
 - h. The Department of Neighborhood Empowerment (DONE) shall, within six months of the implementation of this recommendation, ensure that it has complied with the provision of the Plan for a Citywide System of Neighborhood Councils (Plan) which states, “Subject to all other provisions of this Plan, all Certified Neighborhood Councils shall be provided access to a computer and to the Internet. DONE shall provide technical training on the use of a computer to each Certified Neighborhood Council.” [Recommendation No. 8(h) of the NCRC Final Report]
3. APPROVE IN CONCEPT and INSTRUCT the ITA and CAO to report relative to the implementation and fiscal impacts of the following NCRC Final Report recommendation:
- The City’s website shall be modified so that individuals can send the same message to all members of the City Council at the same time with a single command. (Recommendation No. 11 of the NCRC Final Report)
4. APPROVE IN CONCEPT and INSTRUCT the Human Relations Commission, DONE and CAO to report relative to the following NCRC Final Report recommendation:
- a. The DONE, in cooperation with City departments shall continue and expand its voluntary training sessions on (1) substantive City policies and programs; and (2) how City Hall works, how to access City Hall, and how to influence City decisions. Such training shall be available in a variety of formats, including live workshops, on-demand sessions online, and printed materials. [Recommendation No. 13(a) of the NCRC Final Report]
 - b. The City shall provide training for City employees on communicating with Neighborhood Councils. These sessions shall also include “cross-cultural communications” training relative to the relationship between Neighborhood Council members and City employees. [Recommendation No. 13(b) of the NCRC Final Report and as emended by Committee action]
5. APPROVE IN CONCEPT and INSTRUCT the Board of Neighborhood Commissioners (BONC) and DONE, with the City Attorney, to report as to the enhanced role of BONC as a disciplinary body and REQUEST the City Attorney to draft and present modifications, as appropriate, to the Neighborhood Council Ordinance and Plan relative to the following NCRC Final Report recommendation:

The role of the BONC shall be clarified and expanded. The role of the BONC is defined as a policy and rule making, regulatory and disciplinary body. (Recommendation No. 22 of the NCRC Final Report)

6. APPROVE IN CONCEPT and REQUEST the City Attorney to draft an amendment to the Neighborhood Council Ordinance concerning BONC's appointment structure to reflect our regional structure, relative to the following NCRC Final Report recommendation:

The BONC's appointment structure shall be revamped to fit within a regionalized structure, by ensuring that the seven members are selected with one from each of the seven Area Planning Commission regions. (Recommendation No. 34 of the NCRC Final Report)

7. APPROVE IN CONCEPT and REQUEST the City Attorney to draft an amending Ordinance that the BONC membership shall reflect the "class, homeowner/renter status and sexual orientation" of a community, relative to the following NCRC Final Report recommendation:

The members of the BONC shall reflect the diverse geographic areas of the City and the diversity of communities of interest, neighborhoods, ethnicity, race, gender, age, class, homeowner/renter status and sexual orientation. (Recommendation No. 35 of the NCRC Final Report)

8. APPROVE IN CONCEPT and INSTRUCT the BONC and DONE to develop a process to implement the suggested grievance plan, and REQUEST the City Attorney to prepare necessary amending language to the Neighborhood Council Ordinance and Plan, relative to the following NCRC Final Report recommendation:

Subject to uniform procedures, Neighborhood Councils shall have 60 days to consider all grievances. A regional commission shall be established in each planing area. The commissioners are to be chosen by the Neighborhood Councils. In the first step after the Neighborhood Council level, a grievance or complaint is taken to the regional commission for the appropriate area. The decision can be appealed to the BONC, but: 1) only if the BONC agrees to take appeal; and 2) the appeal must be based on a violation of bylaws or other stated rules and affect all Neighborhood Councils; and 3) the BONC can render a final decision. The City Council can overturn the BONC's decision in accordance with Charter Section 245. (Recommendation No. 37 of the NCRC Final Report)

9. APPROVE IN CONCEPT and INSTRUCT the DONE, with assistance from the City Attorney, to prepare an implementation plan on Neighborhood Council subdivisions, and REQUEST the City Attorney to prepare and present Neighborhood Council Ordinance and Plan amendment(s) in conjunction with the BONC/DONE subdivision plan, relative to the following NCRC Final Report recommendation:

- a. The BONC shall propose a policy on Neighborhood Council subdivisions to the City Council after taking input from Neighborhood Councils and stakeholders. (Recommendation No. 40 of the NCRC Final Report)
- b. A subdivision policy shall give priority to subdivisions of Neighborhood Councils with a resident base in the top 25th percentile of all Neighborhood Councils. [Recommendation No. 40(a) of the NCRC Final Report]

- c. The burden of proof for a subdivision should be on the applying Neighborhood Council to ensure that neighborhoods are not abandoned by Neighborhood Councils. [Recommendation No. 40(b) of the NCRC Final Report]
- d. If a Neighborhood Council applies for subdivision, each new portion of the Neighborhood Council shall apply for certification as a new Neighborhood Council. The processes of subdivision and certification of the new Neighborhood Councils shall occur concurrently so as not to disenfranchise the existing stakeholders. [Recommendation No. 40(c) of the NCRC Final Report]

- 10. APPROVE IN CONCEPT and REQUEST the City Attorney, with assistance from DONE to report and draft a Neighborhood Council Plan amendment relative to the following NCRC Final Report recommendation:

The Plan shall be amended to recognize the right of Neighborhood Councils to join together in regional and citywide alliances. (Recommendation No. 41 of the NCRC Final Report)

- 11. APPROVE IN CONCEPT and REQUEST the City Attorney to report and draft a Neighborhood Council Plan amendment relative to the following NCRC Final Report recommendations:

- a. Neighborhood Councils shall continue to have authority, through their bylaws, to design the structures of their boards consistent with the Charter, Ordinances, and policies adopted by the BONC. Changes to board structures must be approved by the BONC. [Recommendation No. 43(a) of the NCRC Final Report]

- b. The DONE shall inform Neighborhood Councils about the findings of research on the advantages and disadvantages of different types of board structures. This shall be in a “best practices” format. [Recommendation No. 43(b) of the NCRC Final Report]

- c. The DONE shall develop and publicize models of board structure that can be adopted wholesale by Neighborhood Councils. [Recommendation No. 43(c) of the NCRC Final Report]

- d. The BONC shall adopt procedures to allow for appointments to, or removal from, a Neighborhood Council board and in other ways make exceptions to the bylaws where necessary to enable boards to achieve quorum and conduct business. [Recommendation No. 43(d) of the NCRC Final Report]

- 12. APPROVE IN CONCEPT, subject to the submission from BONC and DONE of a new grievance procedure, and REQUEST the Human Relations Commission (HRC) to report on how they might implement the role of changing from election challenges to assisting Neighborhood Councils in the areas of diversity and intergroup relations, relative to the following NCRC Final Report recommendation:

The HRC shall no longer serve as Final Decision Maker regarding challenges to Neighborhood Council elections, except in a transitional and training role for a revised system. The HRC shall focus its efforts on assisting Neighborhood councils in the areas of diversity and intergroup relations. The DONE shall inform Neighborhood Councils of the resources of the HRC. (Recommendation No. 56 of the NCRC Final Report)

13. APPROVE IN CONCEPT and INSTRUCT the DONE, with the assistance of the Community Redevelopment Agency, CAO, Planning Department, Community Development Department, and the Los Angeles Housing Department, to report relative to the following NCRC Final Report recommendation:

The DONE shall help Neighborhood Councils to gather data regarding the Neighborhood Council area, including “asset mapping” of neighborhood organizations and other vital community assets. The DONE shall reach out to neighborhood interests, especially if they are not reached by the Neighborhood Council. (Recommendation No. 62 of the NCRC Final Report)

14. APPROVE IN CONCEPT and INSTRUCT the DONE, with the assistance of ITA, to report, including fiscal impacts, relative to the following NCRC Final Report recommendation:

The DONE shall revamp its website, and improve its electronic communication, while also finding new ways to reach Neighborhood Councils that have much less electronic usage. The DONE shall post Neighborhood Council meeting minutes and agendas, regardless of whether the council has its own website. Neighborhood Councils should submit on an annual basis, a list of names and contact information for their Neighborhood Council, which they would like added to the DONE database. Such list may include stakeholders such as alternates, committee chairs, committee members, and non-voting stakeholders. There should also be a subscribe/unsubscribe function. (Recommendation No. 63 of the NCRC Final Report)

15. APPROVE IN CONCEPT and INSTRUCT the DONE to report on an implementation strategy relative to the following NCRC Final Report recommendation:

The DONE shall challenge and encourage Neighborhood Councils to be more inclusive and to become aware of ways in which participation by new people or groups is actively or passively discouraged. (Recommendation No. 64 of the NCRC Final Report)

16. APPROVE IN CONCEPT and INSTRUCT the DONE to report on implementation strategy, relative to the following NCRC Final Report recommendations:

- a. Realistic standards for participation in Neighborhood Councils shall include the interests or groups that comprise the area represented by the Neighborhood Council to the greatest degree possible. Voter turnout and meeting attendance are desirable but are not the main indications of Neighborhood Council participation. [Recommendation No. 65 of the NCRC Final Report]
- b. Neighborhood Councils shall attempt to reflect the diverse geographic area of the Neighborhood council and the diversity of community interests, ethnicity, race, gender, age, class, religion, homeowner and renter status and sexual orientation. [Recommendation No. 65(a) of the NCRC Final Report]
- c. It is suggested that Neighborhood Councils create plans to guide the achievement of such diversity within their boards. [Recommendation No. 65(b) of the NCRC Final Report]

17. APPROVE IN CONCEPT and INSTRUCT the CAO, CLA, and City Clerk to report relative to the following the NCRC Final Report recommendation:

Funds unspent and unencumbered at the end of three years shall revert to a fund administered by the DONE to support a Neighborhood Council program for outreach, education and communication for which Neighborhood Councils may apply based on demonstrated need. (Recommendation No. 67 of the NCRC Final Report)

18. APPROVE IN CONCEPT and INSTRUCT the CAO and DONE to report relative to the following NCRC Final Report recommendations:

- a. The DONE shall prepare a menu of frequently needed clerical, office, and other administrative tasks and identify vendors who can provide them. (Recommendation No. 69 of the NCRC Final Report)
- b. Neighborhood Councils shall be offered the opportunity to purchase a “package” of clerical, administrative, and related services through the City, using their City funds. [Recommendation 69(a) of the NCRC Final Report]
- c. The DONE shall also assist Neighborhood Councils in pooling their resources to locate providers of clerical, administrative, and related services. [Recommendation 69(b) of the NCRC Final Report]

19. APPROVE IN CONCEPT and INSTRUCT the CAO, with assistance from CLA, to report relative to the following NCRC Final Report recommendation:

The City Council should also explore additional funds that Neighborhood Councils with a large resident base can apply for, which will supplement the operation of their Neighborhood Council. (Recommendation No. 71 of the NCRC Final Report)

Fiscal Impact Statement: None submitted by the NCRC. Neither the CAO nor the CLA has completed a financial analysis of this matter.

Community Impact Statements: The Silver Lake Neighborhood Council (SLNC) supports the recommendations of the NCRC. Specifically, the SLNC has resolved support for: (1) the proposed stakeholder definition; (2) the City Clerk conducting NC elections; (3) DONE creating a comprehensive online accounting system for the NC financial transactions. In addition, the SLNC urges the City to adopt the following changes in the governance of NCs: Grant NCs the right to land-use appeals; create a legal framework and mechanism for NCs to raise funds/accept donations and to make grants/donations; establish a citywide NC voting age of 14 years of age.

The Mar Vista Community Council (MVCC) Board of Directors, during its monthly meeting on October 9, 2007, deliberated and passed the following resolution: 1) The MVCC does not support expanding, broadening, or changing the current stakeholder definition. The NCRC recommendation weakens the influence of persons with a true stake in the neighborhood. 2) The MVCC does not support requiring elections to be held on two year cycles and therefore does not support turning them over to the City Clerk. We find it critical to have staggered two year terms for board members, with only half elected in any single election. This provides continuity of service.

**Roll Call #2 - Motion (Smith - Huizar) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)
(Item Nos. 34-56)**

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

07-1810

COMMUNICATION FROM THE CITY ATTORNEY and RESOLUTION relative to a request to destroy obsolete records from the Department of Transportation, Material Control Division.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize destruction of certain obsolete records from the Department of Transportation, Material Control Division (DOT/17 - 8 boxes), for the period July 1, 2002 through June 30, 2003.

Fiscal Impact Statement: The City Clerk reports that the retention of 8 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$1.25 per month, or \$15.00 per year.

[These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 485-8783 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

(Information Technology and General Services Committee waived consideration of the above matter)

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

07-2695

COMMUNICATION FROM THE CITY ATTORNEY and RESOLUTION relative to a request to destroy obsolete records from the Office of the Controller, Financial Reporting (Check Reconciliation) Division.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize destruction of certain obsolete records from the Office of the Controller, Financial Reporting (Check Reconciliation) Division (CTR/44 - 614 boxes), for the period June 28, 1991 through June 30, 1995.

Fiscal Impact Statement: The City Clerk reports that the retention of 614 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$95.78 per month, or \$1,149.36 per year.

[These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 485-8783 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

(Information Technology and General Services Committee waived consideration of the above matter)

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

07-2696

COMMUNICATION FROM THE CITY ATTORNEY and RESOLUTION relative to a request to destroy obsolete records from the Office of the Controller, Financial Reporting (Demand Audit) Division.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize destruction of certain obsolete records from the Office of the Controller, Financial Reporting (Demand Audit) Division (CTR/33 - 2,079 boxes), for the period January 1, 1993 through December 31, 1996.

Fiscal Impact Statement: The City Clerk reports that the retention of 2,079 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$324.32 per month, or \$3,891.84 per year.

[These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 485-8783 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

(Information Technology and General Services Committee waived consideration of the above matter)

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

07-3576

COMMUNICATION FROM THE CITY ATTORNEY and RESOLUTION relative to a request to destroy obsolete records from the Office of the City Attorney, Land Use Division.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize destruction of certain obsolete records from the Office of the City Attorney, Land Use Division (ATY/04 - 227 boxes), for the period January 1, 1962 to January 1, 2003.

Fiscal Impact Statement: The City Clerk reports that the retention of 227 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$35.41 per month, or \$424.92 per year.

[These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 485-8783 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

(Information Technology and General Services Committee waived consideration of the above matter)

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

07-3577

COMMUNICATION FROM THE CITY ATTORNEY and RESOLUTION relative to a request to destroy obsolete records from the Office of the City Attorney, Special Trials Division.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize destruction of certain obsolete records from the Office of the City Attorney, Special Trials Division (ATY/25 - 48 boxes), for the period January 1, 1962 to January 1, 2003.

Fiscal Impact Statement: The City Clerk reports that the retention of 48 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$7.49 per month, or \$89.88 per year.

[These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 485-8783 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

(Information Technology and General Services Committee waived consideration of the above matter)

ITEM NO. (39) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENATION

07-3578

COMMUNICATION FROM THE CITY ATTORNEY and RESOLUTION relative to a request to destroy obsolete records from the Office of the City Attorney.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize destruction of certain obsolete records from the Office of the City Attorney for various divisions (ATY/03, ATY/12, ATY/15, ATY/24, ATY/29, ATY/30, ATY/32 - 638 boxes) for the period January 1, 1962 to January 1, 2003.

Fiscal Impact Statement: The City Clerk reports that the retention of 638 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$99.53 per month, or \$1,194.36 per year.

[These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 485-8783 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

(Information Technology and General Services Committee waived consideration of the above matter)

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

07-2804

COMMUNICATION FROM THE CITY ATTORNEY and RESOLUTION relative to a request to destroy obsolete records from the Department of Transportation, Payroll Division.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize destruction of certain obsolete records from the Department of Transportation, Payroll Division (DOT/14 - 619 boxes), for the period November 1, 1993 through October 2, 2004.

Fiscal Impact Statement: The City Clerk reports that the retention of 619 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$96.56 per month, or \$1,158.72 per year.

[These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 485-8783 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

(Information Technology and General Services Committee waived consideration of the above matter)

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

07-2805

COMMUNICATION FROM THE CITY ATTORNEY and RESOLUTION relative to a request to destroy obsolete records from the Department of Transportation, Data Systems Division.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize destruction of certain obsolete records from the Department of Transportation, Data Systems Division (DOT/26 - 20 boxes), for the period January 1, 1995 through December 31, 1999.

Fiscal Impact Statement: The City Clerk reports that the retention of 20 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$3.12 per month, or \$37.44 per year.

[These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 485-8783 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

(Information Technology and General Services Committee waived consideration of the above matter)

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

07-2806

COMMUNICATION FROM THE CITY ATTORNEY and RESOLUTION relative to a request to destroy obsolete records from the Department of Transportation, Personnel Division.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize destruction of certain obsolete records from the Department of Transportation, Personnel Division (DOT/15 - 11 boxes), for the period January 1, 1983 through December 31, 1999.

Fiscal Impact Statement: The City Clerk reports that the retention of 11 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$1.72 per month, or \$20.64 per year.

[These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 485-8783 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

(Information Technology and General Services Committee waived consideration of the above matter)

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

07-0006-S24

CD 3 COMMUNICATION FROM THE CHIEF OF POLICE relative to a graffiti apprehension reward payment for a graffiti vandalism incident that occurred on May 11, 2007 at 20211 Sherman Way.

Recommendations for Council action:

1. APPROVE the \$1,000 graffiti apprehension reward payment for a graffiti vandalism incident that occurred on May 11, 2007 at 20211 Sherman Way.
2. AUTHORIZE the City Clerk to pay this claim from the Vandalism and Graffiti Trust Fund No. 870.

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

(Public Safety Committee waived consideration of the above matter)

ITEM NO. (44) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

07-0006-S25

CD 12 COMMUNICATION FROM THE CHIEF OF POLICE relative to a graffiti apprehension reward payment for a graffiti vandalism incident that occurred on May 2, 2007 at the 118 Freeway and Tampa Avenue.

Recommendations for Council action:

1. APPROVE the \$1,000 graffiti apprehension reward payment for a graffiti vandalism incident that occurred on May 2, 2007 at the 118 Freeway and Tampa Avenue.
2. AUTHORIZE the City Clerk to pay this claim from the Vandalism and Graffiti Trust Fund No. 870.

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

(Public Safety Committee waived consideration of the above matter)

ITEM NO. (45) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

07-3939

CD 1 COMMUNICATION FROM THE DEPARTMENT OF RECREATION AND PARKS (DRP) relative to a ground lease with the Los Angeles Neighborhood Land Trust (LANLT) for the Francis Avenue Community Garden.

Recommendation for Council action:

AUTHORIZE the President and Secretary of the Board of Recreation and Park Commissioners to execute the 99-year Lease Agreement with the LANLT for the maintenance and operation of the Francis Avenue Community Garden, subject to the approval of the City Attorney.

Fiscal Impact Statement: The DRP reports that the property will be donated to the Department and also maintained by LANLT and, therefore, will have no anticipated impact to the City's General Fund.

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

ITEM NO. (46) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

04-1694

CD 7 COMMUNICATION FROM THE BUREAU OF STREET LIGHTING relative to the Hubert Humphrey Park Lighting District.

Recommendation for Council action:

RECEIVE and FILE the Hubert Humphrey Park Lighting District, inasmuch as the project has been inactive since 2004 due to lack of funding.

Fiscal Impact Statement: Not applicable.

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

04-2005

CD 9 COMMUNICATION FROM THE BUREAU OF STREET LIGHTING relative to the San Pedro and 89th Streets Lighting District.

Recommendation for Council action:

RECEIVE and FILE the San Pedro and 89th Streets Lighting District, inasmuch as the project has been inactive since 2004 due to lack of funding.

Fiscal Impact Statement: Not applicable.

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

04-2016

CD 8 COMMUNICATION FROM THE BUREAU OF STREET LIGHTING relative to the Western Avenue and 39th Street Lighting District.

Recommendation for Council action:

RECEIVE and FILE the Western Avenue and 39th Street Lighting District, inasmuch as the project has been inactive since 2004 due to lack of funding.

Fiscal Impact Statement: Not applicable.

ITEM NO. (49) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

04-2065

CDs 8 & 10 COMMUNICATION FROM THE BUREAU OF STREET LIGHTING relative to the La Brea Avenue and Veronica Street Lighting District.

Recommendation for Council action:

RECEIVE and FILE the La Brea Avenue and Veronica Street Lighting District, inasmuch as the project has been inactive since 2004 due to lack of funding.

Fiscal Impact Statement: Not applicable.

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

04-1775

CD 11 CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION TO VACATE relative to the vacation of the first alley northwesterly of Zanja Street between Walgrove Avenue and the northwesterly/southwesterly alley southwesterly thereof (VAC E1400923).

Recommendations for Council action:

1. REAFFIRM the FINDINGS of May 24, 2006, that the vacation of the first alley northwesterly of Zanja Street between Walgrove Avenue and the northwesterly/southwesterly alley southwesterly thereof, is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City of Los Angeles Environmental Guidelines.
2. REAFFIRM the FINDINGS of May 24, 2006, that this vacation is in substantial conformance with the General Plan, pursuant to Section 556 of the Los Angeles City Charter.
3. ADOPT the accompanying RESOLUTION TO VACATE NO. 07-1400923 for the vacation of the first alley northwesterly of Zanja Street between Walgrove Avenue and the northwesterly/southwesterly alley southwesterly thereof.
4. INSTRUCT the City Clerk to transmit, following Council adoption, Resolution to Vacate No. 07-1400923 to the Land Development Group of the Bureau of Engineering for recordation of said Resolution with the Los Angeles County Recorder.

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

ENVIRONMENTAL WORK COMPLETED FOR THIS PROJECT

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

07-3623

CD 3

CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION relative to dedicating land for public street purposes for land located along 21305 West Saticoy Street.

Recommendations for Council action:

1. FIND that this project is categorically exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(5) of the City's Environmental Guidelines.
2. FIND that this acceptance of the Irrevocable Offer of Dedication of land is in substantial conformance with the General Plan, pursuant to Sections 556, 558, and 559 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated November 5, 2007 and the accompanying RESOLUTION OF ACCEPTANCE of Irrevocable Offer of Dedication of land located along 21305 West Saticoy Street.
4. AUTHORIZE the Real Estate Section, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that the applicant has paid a Dedication Fee in the amount of \$2,247. for processing this Irrevocable Offer of Dedication. This includes a fee to provide for the cost of processing the real estate transfer documents in the amount of \$2,100 and a seven percent surcharge in the amount of \$147 in accordance with Sections 12.37 and 61.03 of the Los Angeles Municipal Code respectively. No additional funds will be required from the General Fund for the processing of this request.

ITEM NO. (52) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

07-3628

CD 5 CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION relative to dedicating land for public street purposes for land located along 18051 West Boris Drive.

Recommendations for Council action:

1. FIND that this project is categorically exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(5) of the City's Environmental Guidelines.
2. FIND that this acceptance of the Irrevocable Offer of Dedication of land is in substantial conformance with the General Plan, pursuant to Sections 556, 558, and 559 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated November 5, 2007 and the accompanying RESOLUTION OF ACCEPTANCE of Irrevocable Offer of Dedication of land located along 18051 West Boris Drive.
4. AUTHORIZE the Real Estate Section, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that the applicant has paid a Dedication Fee in the amount of \$2,033 for processing this Irrevocable Offer of Dedication. This includes a fee to provide for the cost of processing the real estate transfer documents in the amount of \$1,900 and a seven percent surcharge in the amount of \$133 in accordance with Sections 12.37 and 61.03 of the Los Angeles Municipal Code respectively. No additional funds will be required from the General Fund for the processing of this request.

ITEM NO. (53) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

07-3764

CD 4 CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION relative to dedicating land for public street purposes for land located along 5707 North Klump Avenue.

Recommendations for Council action:

1. FIND that this project is categorically exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(5) of the City's Environmental Guidelines.

2. FIND that this acceptance of the Irrevocable Offer of Dedication of land is in substantial conformance with the General Plan, pursuant to Sections 556, 558, and 559 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated November 20, 2007 and the accompanying RESOLUTION OF ACCEPTANCE of Irrevocable Offer of Dedication of land located along 5707 North Klump Avenue.
4. AUTHORIZE the Real Estate Section, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that the applicant has paid a Dedication Fee in the amount of \$1,926 for processing this Irrevocable Offer of Dedication. This includes a fee to provide for the cost of processing the real estate transfer documents in the amount of \$1,800 and a seven percent surcharge in the amount of \$126 in accordance with Sections 12.37 and 61.03 of the Los Angeles Municipal Code respectively. No additional funds will be required from the General Fund for the processing of this request.

ITEM NO. (54) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

07-3768

CD 11

CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION relative to dedicating land for public street purposes for land located along 12140 West Washington Place.

Recommendations for Council action:

1. FIND that this project is categorically exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(5) of the City's Environmental Guidelines.
2. FIND that this acceptance of the Irrevocable Offer of Dedication of land is in substantial conformance with the General Plan, pursuant to Sections 556, 558, and 559 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated November 20, 2007 and the accompanying RESOLUTION OF ACCEPTANCE of Irrevocable Offer of Dedication of land located along 12140 West Washington Place.
4. AUTHORIZE the Real Estate Section, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that the applicant has paid a Dedication Fee in the amount of \$2,247 for processing this Irrevocable Offer of Dedication. This includes a fee to provide for the cost of processing the real estate transfer documents in the amount of \$2,100 and a seven percent surcharge in the amount of \$147 in accordance with Sections 12.37 and 61.03 of the Los Angeles Municipal Code respectively. No additional funds will be required from the General Fund for the processing of this request.

ITEM NO. (55) - ADOPTED

07-3954

CD 14 MOTION (HUIZAR - CARDENAS) relative to declaring the Guadalupe Day event on December 11-12, 2007 a Special Event (fees and costs absorbed by the City = \$25,110).

Recommendation for Council action:

DECLARE the Guadalupe Day event, sponsored by Council District 14 on December 11-12, 2007, 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. (56) - ADOPTED

07-3994

MOTION (REYES - LABONGE) relative to the acquisition of the Francis Avenue Community Garden.

Recommendation for Council action:

INSTRUCT the City Engineer to negotiate and execute Amendment No. 1 to the Proposition K - L.A. for Kids Grant Agreement between the City of Los Angeles and the Los Angeles Neighborhood Land Trust for the acquisition of the Francis Avenue Community Garden (Contract No. C-111820) to extend the term from December 31, 2007 to February 29, 2008.

Closed Sessions - Items 57-61

ITEM NO. (57) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #14 - Motion (Greuel - Huizar) Adopted in Open Session, Ayes (8); Noes: Rosendahl and Zine (2); Absent: Parks, Perry, Smith, Weiss and Wesson (5)

07-3844

The City Council shall recess to Closed Session, pursuant to Government Code Section 45956.9(a), to confer with its legal counsel relative to settlement in the case entitled Jill Niles v. City of Los Angeles, Workers' Compensation Appeals Board Case Nos. VNO448313, et al., Claim Nos. 9002-1997-3294, et al. (Applicant alleges she sustained personal injuries during the course and scope of her employment as a police officer with the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on December 10, 2007)

ADOPTED

MOTION (GREUEL - HUIZAR)

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

- 1. AUTHORIZE the City Attorney to enter into a settlement in the case entitled Jill Niles v. City of Los Angeles, Workers' Compensation Appeals Board Case Nos. VNO448313, et al., Claim Nos. 9002-1997-3294, et al., through a Stipulated Award in the sum of \$108,445.00, payable at \$230 per week for 471.50 weeks, plus a life pension of \$72,660.00 at a weekly rate of \$57.98 at the conclusion of permanent disability payments.**
- 2. AUTHORIZE the City Attorney to execute the Stipulated Award with all appropriate parties for submission to the Workers' Compensation Appeals Board for its award of payment.**

This matter was approved by the Budget and Finance Committee (Parks - Greuel - Rosendahl - Smith "yes") at its meeting on December 10, 2007, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (58) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #15 - Motion (Greuel - Smith) Adopted in Open Session, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)

07-3845

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 Stewart Weinreb v. City of Los Angeles, Workers' Compensation Appeals Board Case Nos. VNO424838, et al., Claim Nos. 9002-1993-3106, et al. (Applicant alleges he sustained personal injuries during the course and scope of his employment as a police officer with the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on December 10, 2007)

ADOPTED

MOTION (GREUEL - SMITH)

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

- 1. AUTHORIZE the City Attorney to enter into a settlement in the case entitled Stewart Weinreb v. City of Los Angeles, Workers' Compensation Appeals Board Case Nos. VNO424838, et al., Claim No. 9002-2002-0284, through a Stipulated Award in the sum of \$141,565.00, plus an estimated life pension of \$79,758.85 at a weekly rate of \$119.83 payable at the conclusion of permanent disability payments.**

2. **AUTHORIZE the City Attorney to enter into a settlement in the case entitled Stewart Weinreb v. City of Los Angeles, Workers' Compensation Appeals Board Case Nos. VNO424838, et al., Claim No. 9002-1993-3106, through a Stipulated Award in the sum of \$23,800.00**
3. **AUTHORIZE the City Attorney to execute the Stipulated Awards with all appropriate parties for submission to the Workers' Compensation Appeals Board for its award of payment.**

This matter was approved by the Budget and Finance Committee (Parks - Greuel - Smith - Rosendahl "yes") at its meeting on December 10, 2007, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (59) - RECEIVED AND FILED

**Roll Call #3 - Motion (Rosendahl - Smith) Adopted to Receive and File, Unanimous Vote (11);
Absent: Parks, Perry, Weiss and Wesson (4)**

07-3848

The City Council shall recess to Closed Session, pursuant to Government Code Section 45956.9(a), to confer with its legal counsel relative to the case entitled Constantine Tombros v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC357981. (This case arises out of a trip and fall incident which occurred on November 11, 2005.)

(Budget and Finance Committee considered the above matter in Closed Session on December 10, 2007)

ITEM NO. (60) - RECEIVED AND FILED

**Roll Call #4 - Motion (Smith - Rosendahl) Adopted to Receive and File, Unanimous Vote (11);
Absent: Parks, Perry, Weiss and Wesson (4)**

07-3914

The City Council shall request Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Rosalinda Munoz, et al., v. City of Los Angeles, et al., Los Angeles Superior Court Case No. SC085617. (This action arises from an incident involving a dangerous condition which occurred on April 15, 2005.)

(Budget and Finance Committee to consider the above matter in Closed Session on December 17, 2007)

ITEM NO. (61) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #16 - Motion (Greuel - Smith) Adopted in Open Session, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)

06-0065

The City Council shall recess to Closed Session, pursuant to Government Code 54956.9(b), to confer with its legal counsel relative to the case entitled Rosetta Morgenstern v. City of Los Angeles, Claim No. C06-1367. (Inverse condemnation claim concerning 3130 Oakshire Drive.)

(Budget and Finance Committee to consider the above matter in Closed Session on December 17, 2007)

ADOPTED

MOTION (GREUEL - SMITH)

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

1. **AUTHORIZE the City Attorney to execute a settlement agreement and all other documents necessary to implement the first phase of the settlement.**
2. **AUTHORIZE the City Attorney to expend \$144,344.67 in settlement of the case entitled Rosetta Morgenstern v. City of Los Angeles, Claim No. C06-1367, from City Attorney Fund No. 100, Department 59, Account NO. 9770.**
3. **AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to Rosetta Morgenstern and the Law Offices of Mark S. Novak.**

This matter was approved by the Budget and Finance Committee (Parks - Greuel - Huizar - Rosendahl - Smith "yes") at its meeting on December 17, 2007, in Closed Session as permitted by Government Code Section 54956.9(a).

Items for Which Public Hearings Have Been Held - Items 62-64

**Roll Call #5 - Motion (Reyes - Zine) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)
(Item Nos. 62-64)**

**ITEM NO. (62) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS -
SEE FOLLOWING**

07-4031

CD 14 MOTION (REYES for HUIZAR - LABONGE) relative to a transfer of funds for outside counsel to assist with the Elephant Hill matter in the case entitled Monterey Hills Investors, LLC v. City of Los Angeles, Case No. BS 110114.

(Council may recess into Closed Session pursuant to Government Code Section 54956.9(a) to confer with its legal counsel on the above matter)

(Budget and Finance Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)

(For background reports and materials related to this matter, contact the Legislative Assistant for the Budget and Finance Committee at 213-978-1075.)

ADOPTED

BUDGET AND FINANCE COMMITTEE REPORT relative to an appropriation of \$50,000 for outside counsel in the case entitled Monterey Hills Investor, LLC v. City of Los Angeles.

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

1. **APPROVE** the hiring of the law firm of Meyers Nave to assist with the Elephant Hill Matter.
2. **TRANSFER \$50,000** from the Unappropriated Balance, Outside Counsel including Workers' Compensation line item, to the City Attorney, Fund No. 100, Department 12, Account 9301, City Attorney Outside Counsel.

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

(The City Council may recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the above matter.)

ITEM NO. (63) - ADOPTED

07-0287

TRANSPORTATION COMMITTEE REPORT relative to updating the Coastal Transportation Corridor Specific Plan (CTCSP).

Recommendations for Council action, as initiated by Motion (Rosendahl - Greuel), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. **AUTHORIZE** the appropriation and transfer of funds to provide for two new positions recommended in the October 15, 2007 Los Angeles Department of Transportation (LADOT) report, as attached to the Committee report, from the CTCSP Trust Fund 447, Department 94, to the following accounts, upon the request of the General Manager, LADOT:
 - a. LADOT Fund No. 100, Department No. 94:

Transfer and appropriate \$50,000 to Account No. 1010 (Salaries, General), \$2,500 to Account No. 1090 (Salaries, Overtime), and \$5,000 to Account No. 6010 (Office and Administration Expense), to cover the salary costs for the remainder of the current fiscal year (estimated to be six months).

- b. Department of City Planning Fund No. 100, Department No. 68:

Transfer \$45,000 to Account No. 1010 (Salaries, General), \$2,500 to Account No. 1090 (Salaries, Overtime), and \$5,000 to Account No. 6010 (Office and Administration Expense) with these amounts to cover the salary costs for the remainder of the fiscal year (estimated to be six months).

2. RESOLVE the Employment Authority for the following new positions on an annual basis for the duration of the CTCSP update, is APPROVED:
 - a. One new Transportation Engineering Associate (Class No. 7280-3) position for the LADOT.
 - b. One new City Planning Associate (Class No. 7941) position for the Department of City Planning.
3. AUTHORIZE the LADOT to hire an outside transportation and Environmental Impact Report consultant team to update the CTCSP including the option of utilizing the contract procurement process of either the Community Redevelopment Agency or of the Southern California Association of Governments if found to be more efficient.
4. AUTHORIZE the LADOT to TRANSFER up to \$1 million, as needed, from the CTCSP Trust Fund No. 447 to an account titled "CTCSP Update" to cover costs associated with contractual services in order to contract with the necessary consultants to assist the City in preparing the transportation improvement program and the environmental analysis.
5. APPROVE and FUND from the CTCSP Trust Fund No. 447 the following City staff positions, needed for oversight and review of the CTCSP restudy and update:
 - a. One new City Planning Associate (Class No. 7941) position for the Department of City Planning.
 - b. One new Transportation Engineering Associate (Class No. 7280-3) position for the LADOT.

Fiscal Impact Statement: The LADOT reports that the proposed CTCSP update project would not have an impact on the General Fund. The CTCSP Trust Fund No. 447 would pay for consultant services and City staff administrative time to complete the project. Once the revised CTCSP is adopted, the Ordinance will establish funding requirements for capital improvements needed to mitigate traffic impacts generated by land development, with projects being designed and constructed as funds are collected. The collection of the fees is based on unknown development schedules which may span many years; therefore, a cost increase factor (based on a construction industry standard) is included in the resolution to offset the future cost increases of the mitigation program from inflationary factors.

(Personnel Committee waived consideration of the above matter)

**ITEM NO. (64) - MOTION ADOPTED TO APPROVE COMMITTEES' REPORTS RECOMMENDATIONS -
SEE FOLLOWING**

07-3892

ADOPTED

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTIONS relative to approval of a Joint Powers Agreement with the California Municipal Finance Authority and approval of the Tax Equity and Fiscal Responsibility Act (TEFRA) Minutes for the issuance of conduit bonds.

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

1. ADOPT the accompanying RESOLUTION authorizing the Mayor, on behalf of the City, to enter into the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, subject to the approval of the City Attorney as to form.
2. ADOPT the accompanying RESOLUTION and Minutes from the Public Hearing held in accordance with Section 142 of the Internal Revenue Code of 1986, as amended, and Section 147(f) of the Code for the California Municipal Finance Authority to issue up to \$23 million in tax-exempt bonds for the Partnership to Uplift Communities for a Charter School located at 11500 Eldridge Avenue, Lakeview Terrace, California.
3. INSTRUCT the City Administrative Officer (CAO) to accept and deposit approximately \$11,000 from the California Municipal Finance Authority as its share of the issuance fees.

Fiscal Impact Statement: The CAO reports that joining the California Municipal Finance Authority will have no impact on the General Fund as there is no cost to join. Issuance of tax-exempt bonds by the California Municipal Finance Authority for the Partnership to Uplift Communities will not result in any fiscal impact to the City. These bonds will be fully repaid by the Partnership to Uplift Communities. The General Fund will receive a gift of \$11,000 as well as \$3,000 to hold the TEFRA Hearing.

(Budget and Finance Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)

(For background reports and materials related to this matter, contact the Legislative Assistant for the Budget and Finance Committee at 213-978-1075.)

ADOPTED

BUDGET AND FINANCE COMMITTEE REPORT and RESOLUTIONS relative to approval of a Joint Powers Agreement with the California Municipal Finance Authority, and related matters concerning the issuance of conduit bonds to finance the construction of a charter school in the Lakeview Terrace area of Los Angeles.

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

CONCUR with the recommendations of the Housing, Community and Economic Development Committee relative to approval of a Joint Powers Agreement with the California Municipal Finance Authority, and related matters concerning the issuance of conduit bonds to finance the construction of a charter school in the Lakeview Terrace area of Los Angeles.

Fiscal Impact Statement: The City Administrative Officer reports that joining the California Municipal finance Authority will have no impact on the General Fund as there is no cost to join. Issuance of tax-exempt bonds by the California Municipal Finance Authority for the Partnership to Uplift Communities will not result in any fiscal impact to the City. These bonds will be fully repaid by the Partnership to Uplift Communities. The General Fund will receive a gift of \$11,000 as well as \$3,000 to hold the Tax Equity Fiscal Responsibility Act (TEFRA) Hearing.

Items for Which Public Hearings Have Not Been Held - Items 65-70

(10 Votes Required for Consideration)

**Roll Call #10 - Motion (Zine - LaBonge) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)
(Item Nos. 65a-65k)**

ITEM NO. (65) - ADOPTED

07-4042

et al. MOTIONS relative to "Special Events" to be held in the various Council Districts.

Recommendations for Council action:

DECLARE the following community events as "Special Events"; APPROVE any temporary street closures as requested; and, INSTRUCT the involved City departments to perform such services as detailed the Council motions attached to the various listed Council files, including the waiver of fees, costs and requirements and other related issues, as specified:

07-4042

CD 1 a. MOTION (REYES - LABONGE) relative to declaring the Cedillo Annual Toy Distribution on December 14, 2007 a Special Event (fees and costs absorbed by the City = \$1,800).

07-4047

CD 1 b. MOTION (REYES - LABONGE) relative to declaring the La Curacao New Year's Eve Celebration on December 31, 2007 a Special Event (fees and costs absorbed by the City = \$5,000).

06-3117

CD 1 c. MOTION (REYES - LABONGE) relative to declaring the Pico Union Harvest Festival on December 22, 2007 a Special Event (fees and costs absorbed by the City = \$2,800).

- 05-2819
CD 8 d. MOTION (CARDENAS for PARKS - ZINE) relative to declaring the Kids IV Life Christmas Toy Giveaway on December 24, 2007 a Special Event (fees and costs absorbed by the City = \$2,000).
- 07-4046
CD 8 e. MOTION (CARDENAS for PARKS - ZINE) relative to declaring the Annual Community Outreach Celebration on December 24, 2007 a Special Event (fees and costs absorbed by the City = \$1,000).
- 07-4045
CD 13 f. MOTION (GARCETTI - GREUEL) relative to declaring the Walk Tall event on December 12, 2007 a Special Event (the event sponsor shall reimburse the City for all fees and costs associated with this event).
- 07-4043
CD 13 g. MOTION (GARCETTI - GREUEL) relative to declaring the LAX Xmas Party on December 16, 2007 a Special Event (the event sponsor shall reimburse the City for all fees and costs associated with this event).
- 07-4041
CD 13 h. MOTION (GARCETTI - GREUEL) relative to declaring the Buena Vista Christmas Party on December 20, 2007 a Special Event (the event sponsor shall reimburse the City for all fees and costs associated with this event).
- 07-4040
CD 9 i. MOTION (PERRY - REYES) relative to declaring the Surface New Years Eve 2008 event on December 31, 2007 a Special Event (fees and costs absorbed by the City = \$1,000).
- 07-4039
CD 9 j. MOTION (PERRY - REYES) relative to declaring the Creative Group Holiday Party on December 14-15, 2007 a Special Event (fees and costs absorbed by the City = \$500).
- 07-4038
CD 11 k. MOTION (ROSENDAHL - GREUEL) relative to declaring the Grand Opening of Fire Station No. 62 on January 5, 2008 a Special Event (fees and costs absorbed by the City = \$4,132).

ITEM NO. (66) - ADOPTED

Roll Call #6 - Motion (Alarcon - Huizar) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)

07-4037

MOTION (HAHN - PERRY) relative to a donation from the Los Angeles Police Foundation for TeamMate Audit Management Software and maintenance agreement..

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

1. FIND that the Family Law Conference event, sponsored by the Legal Aid Association of California, serves a public purpose in that it will provide valuable legal information to event participants.
2. AUTHORIZE the General Manager, Convention Center, to make an exception to the Council's Convention Center waiver policy by waiving a maximum of \$11,781.68 in room rental fees for this event.

ITEM NO. (67) - SUBSTITUTE MOTION ADOPTED - SEE FOLLOWING

Roll Call #7 - Motion (LaBonge - Greuel) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)

07-4030

MOTION (GREUEL for PARKS - WEISS) relative to a donation from the Los Angeles Police Foundation for TeamMate Audit Management Software and maintenance agreement.

Recommendation for Council action:

ACCEPT a donation in the amount of \$145,148.63 from the Los Angeles Police Foundation for the TeamMate Audit Management Software and its related software/hardware and first year maintenance agreement, subject to the Board of Police Commissioners accepting the donation.

ADOPTED

SUBSTITUTE MOTION (GREUEL for PARKS - HUIZAR)

Recommendations for Council action:

1. **ACCEPT** the Los Angeles Police Foundation donation of the TeamMate Audit Management Software and its related software/hardware and first year maintenance agreement valued at \$145,148.63.
2. **INSTRUCT** the Los Angeles Police Department to place this software on it's departmental inventory list and to thank the donors on behalf of the City.

**Roll Call #6 - Motion (Alarcon - Huizar) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)
(Item Nos. 68-69)**

ITEM NO. (68) - ADOPTED

07-2244

MOTION (REYES - LABONGE) relative to a grant agreement with the California Pollution Control Financing Authority.

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

1. AUTHORIZE the Planning Department to negotiate and execute a Grant Agreement with the California Pollution Control Financing Authority, subject to the approval of the City Attorney as to form and legality, in the amount of \$350,000 for assessment and analysis of the Cornfield/Arroyo Seco Specific Plan, requiring that all expenses for work to be performed by October 23, 2010, and with the understanding that no City funds are required as a condition to accepting this grant.
2. TRANSFER \$25,000 from the Reserve Fund to the Unappropriated Balance Fund No. 100/58 and APPROPRIATE therefrom to the Planning Fund No. 100/68, Account No. 6010 (Office and Administrative Expense) as an advance; said funds to be reimbursed to the General Fund upon receipt of grant funds from the California Pollution Control Financing Authority.
3. INSTRUCT the Planning Department to report back with recommendations for Requests for Proposals and the selection of contractors.

ITEM NO. (69) - ADOPTED, AS AMENDED - SEE FOLLOWING

07-4044

MOTION (REYES - GARCETTI) relative to Community Design Overlay scope and qualified conditions that regulate against auto related, auto oriented uses, and other incompatible uses, and encourage pedestrian oriented uses for the Cypress Park and Glassell Park communities.

Recommendations for Council action:

1. INSTRUCT the Planning Department to include as part of the Community Design Overlay scope, qualified conditions (Q's) that regulate against auto related, auto oriented uses, and other incompatible uses, and encourage pedestrian oriented uses.
2. INSTRUCT the Planning Department to include residential guidelines for single and multi-family buildings.
3. INSTRUCT the Planning Department to coordinate with the River Unit of the Planning Department to ensure coordination with the River Revitalization Master Plan and the River Improvement Overlay.
4. INSTRUCT the Planning Department to revise the proposed Community Design Overlay approximate boundaries to reflect generally those in the attached maps for Cypress Park and Glassell Park communities.

ADOPTED

AMENDING MOTION (REYES - GARCETTI)

Recommendation for Council action:

INCLUDE Fletcher Drive in the corridor list.

ITEM NO. (70) - ADOPTED

Roll Call #10 - Motion (Zine - LaBonge) Adopted, Ayes (11); Absent: Parks, Perry, Weiss and Wesson (4)

07-0600-S59

MOTION (ZINE for SMITH - REYES) relative to amending a previous Council action regarding the 2008 International Earthquake Conference.

Recommendation for Council action:

APPROVE the following instruction to supersede the second moving clause from the October 24, 2007 Council action:

INSTRUCT the General Manager, Emergency Preparedness Department, or designee, with the assistance of the Chief Legislative Analyst, to negotiate and execute the necessary agreements or documents for the 2008 International Earthquake Conference, subject to the approval of the City Attorney as to form and legality, and to administer and monitor these agreements; and, AUTHORIZE the City Clerk to expend the appropriated funds for this event.

MOTION ADOPTED UPON FINDINGS BY COUNCIL THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THE COUNCIL AGENDA FOR TUESDAY, DECEMBER 18, 2007, PURSUANT TO GOVERNMENT CODE SECTION 54954.2(b)(2) AND COUNCIL RULE 23

ADOPTED - FORTHWITH

Roll Call #17 - Motion (Huizar - Rosendahl) Findings on Need to Act - Adopted, Ayes (11);

Absent: Parks, Perry, Weiss and Wesson (4)

Roll Call #18 - Motion (Huizar - Rosendahl) Adopted, Ayes (11);

Absent: Parks, Perry, Weiss and Wesson (4)

07-4098

MOTION (HUIZAR - ROSENDAHL) relative to additional funding for the El Sereno Constituent Services Center/Barrio Action Youth and Family Center.

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

1. **TRANSFER \$77,862 from the Public Works Trust Fund No. 834-50 to the Unappropriated Balance Fund No. 100-58 and APPROPRIATE therefrom to the Capital Improvement Expenditure Program Fund No. 100-54, Account No. C708 entitled "El Sereno CSC - Barrio Action/Private" to be used as a loan to Barrio Action Youth and Family Center for Costs associated with construction of the El Sereno Constituent Service Center/Barrio Action**

Youth and Family Center with the understanding that the collateral for the loan shall be the Barrio Action Youth and Family Center Proposition 40 Murray Hayden grant and that any funds loaned shall be repaid to the City within four months, shall be deposited into the Capital Improvement Expenditure Program Fund No. 100-54, Account No. C708, entitled "El Serreno CSC - Barrio Action/Private and shall be transferred therefrom to repay the Public Works Trust Fund loan.

2. **AUTHORIZE** the Department of Public Works to negotiate and execute any document with Barrio Action Youth and Family Center, or any other agency or organization, in the above amount, for the above purpose, subject to the approval of the City Attorney as to form and legality, and **AUTHORIZE** the Department of Public Works, Office of Accounting to make payments not to exceed \$77,862 from the Capital Improvement Expenditure Fund No. 100-54, Account No. C708, entitled El Sereno CSC - Barrio Action/Private under conditions to be set forth in the above referenced loan agreement between the City and Barrio Action Youth and Family Center.
3. **AUTHORIZE** the Department of Public Works, Office of Accounting to make any technical corrections to effectuate the intent of this Motion, and **DIRECT** the Bureau of Engineering to report within 120 days to the Council on the status of the repayment of the loan.

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

07-4101

MOTION (REYES - ROSENDAHL) relative to declaring the El Salvador Byzantine Latino Quarter New Year's Parade on December 29, 2007 a Special Event (fees and costs absorbed by the City = \$8,000).

07-4102

MOTION (HUIZAR - HAHN) relative to declaring the HARD NYE event on December 31, 2007 a Special Event (the event sponsor shall reimburse the City for all fees and costs associated with this event).

07-4103

MOTION (ROSENDAHL - SMITH) relative to initiating street vacation proceedings for the alley turnaround easterly of Haskell Avenue and northerly of Devonshire Street adjacent to Lot 1 of Tract 15557.

07-4099

MOTION (HUIZAR - LABONGE) relative to asserting jurisdiction over the December 13, 2007 action of the City Planning Commission in connection with a project located at 695 Santa Fe Avenue, Case No. ZA 2005-6616 (ZV)(ZAA)(ZAD)(SPR)-1A.

07-4100

MOTION (HUIZAR - CARDENAS) relative to funding from the Central Los Angeles Recycling and Transfer Station Community Amenities Trust Fund for community amenities within Council District 14.

07-4105

MOTION (HUIZAR - GARCETTI) relative to funding for the Council Districts 13 and 14 special reception for the Los Angeles Filipino Association of City Employees in the City Hall Tom Bradley Room.

07-4104

MOTION (HAHN - LABONGE) relative to funding from the Pipeline Franchise Revenue portion of the Council District 15 Real Property Trust Fund for street and sidewalk infrastructure improvements within the Council District.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, President Garcetti was excused from Council sessions of Tuesday and Wednesday, January 22 and 23, 2008 due to personal business.

Upon her request, and without objections, Councilmember Perry was excused to arrive at 11:00 a.m. to Council session of Friday, January 11, 2008 due to City business.

Upon her request, and without objections, Councilmember Perry was excused from Council meetings of Fridays, February 1, 2008, April 4, 2008, May 2, 2008, June 6, 2008, August 8, 2008, September 5, 2008, October 3, 2008, November 7, 2008 and December 5, 2008 due to City business.

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

07-3187 - Charlie Kenan

(Hahn)

Ayes, Alarcon, Cardenas, Greuel, Hahn, Huizar, LaBonge, Reyes, Rosendahl, Smith, Zine and President Garcetti (11); Absent: Parks, Perry, Weiss and Wesson (4).

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL