

Los Angeles City Council, Journal/Council Proceedings
Wednesday, October 13, 2004
John Ferraro Council Chamber, Room 340, City Hall - 10 am

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

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

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
OCTOBER 8, 2004

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 Noticed for Public Hearing - Items 1-6

**Roll Call #2 - Motion (Parks - Reyes) Adopted, Ayes (10); Absent: Greuel, Hahn, Smith,
Villaraigosa and Zine (5)
(Item Nos. 1-6)**

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

04-1022 - HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and
CD 8 confirmation of assessment to cover the costs of barricading of all openings of the
building(s) and the cleaning and fencing of the lot at 1256 West 39th Place.
(Assessment: \$9,336.94)

ITEM NO. (2) - PUBLIC HEARING CLOSED - NO APPEALS - ASSESSMENT CONFIRMED

04-1021 - HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and
CD 8 confirmation of assessment to cover the costs of demolition, asbestos removal and
asbestos monitoring of the building(s) and the fencing of the lot at 8453 South Broadway.
(Assessment: \$78,222.55)

ITEM NO. (3) - PUBLIC HEARING CLOSED - NO APPEALS - ASSESSMENT CONFIRMED

04-1380 - HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and CD 9 confirmation of assessment to cover the costs of demolition of the building(s) and the cleaning and fencing of the lot at 617 East 56th Street. (Assessment: \$63,142.10)

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

04-1379 - HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and CD 14 confirmation of assessment to cover the costs of barricading of all openings, demolition, asbestos removal and asbestos monitoring of the building(s) and the cleaning and fencing of the lot at 722 North Terrace 49. (Assessment: \$26,791.05)

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

04-1378 - HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and CD 9 confirmation of assessment to cover the costs of barricading of all openings and graffiti abatement of the building(s) and the cleaning and fencing of the lot at 8023 South Towne Avenue. (Assessment: \$5,751.00)

ITEM NO. (6) - PUBLIC HEARING CLOSED - NO APPEALS - ASSESSMENT CONFIRMED

04-1377 - HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and CD 9 confirmation of assessment to cover the costs of cleaning and fencing of the lot at 1386 East 46th Street. (Assessment: \$5,202.96)

Items for Which Public Hearings Have Been Held - Items 7-23

ITEM NO. (7) - ADOPTED - FORTHWITH

Roll Call #5 - Motion (Miscikowski - LaBonge) Adopted, Ayes (11); Absent: Greuel, Hahn, Smith and Zine (4)

04-1914 - PERSONNEL COMMITTEE REPORT relative to the appointment of Ms. Courtney A. Powers to the Commission on the Status of Women.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Ms. Courtney A. Powers to the Commission on the Status of Women for the term ending June 30, 2007, is APPROVED and CONFIRMED. Ms. Powers resides in Council District 11. (Current Commission gender composition: M=0; F=7)

TIME LIMIT FILE - NOVEMBER 7, 2004

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 5, 2004)

Roll Call #3 - Motion (Reyes - Ludlow) Adopted, Ayes (10); Absent: Greuel, Hahn, Smith, Villaraigosa and Zine (5) (Item Nos. 8-12)

ITEM NO. (8) - ADOPTED - ORDINANCE OVER ONE WEEK TO OCTOBER 20, 2004

99-0637 - MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT CD 3 COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone change for property at 20315 Runnymede Street.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 99-0637 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 98-0258 ZC (PM) MND] filed on July 24, 1998.
2. ADOPT the FINDINGS of the City Planning Commission as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the City Planning Commission, effecting the zone change from incident to Parcel Map No. 7244-PS, from R1-1 to (T)R1-1 to permit construction of three single-family dwellings for property at 20315 Runnymede Street.

Applicant: Robert Kayvon

CPC 98-0123 ZC

4. REMOVE the (T) Tentative classification as described in detail on sheet(s) attached to the Committee report.
5. ADVISE the applicant of "T" Tentative classification time limit as described in the Committee report.

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

ITEM NO. (9) - ADOPTED - ORDINANCE OVER ONE WEEK TO OCTOBER 20, 2004

04-1707 - MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT CD 3 COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone change for property at 20405 West Runnymede Street.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 04-1707 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 2002-6860 MND] filed on December 30, 2002.
2. ADOPT the FINDINGS of the South Valley Area Planning Commission (APC) as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the South Valley APC, effecting the zone change from RA-1 to (T)(Q)R1-1, incident to Parcel Map, proposed to create two single-family parcels from one 0.41 acre lot at 20405 West Runnymede Street.

Applicant: Susan R. Legaspi

APCSV 2003-6859 ZC ZAA

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.

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

TIME LIMIT FILE - NOVEMBER 23, 2004

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 23, 2004)

ITEM NO. (10) - ADOPTED - ORDINANCE OVER ONE WEEK TO OCTOBER 20, 2004

04-1708 - MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT
CD 3 COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone
change at 18525 Clark Street.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 04-1708 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 2003-6589 MND] filed on December 5, 2003.
2. ADOPT the FINDINGS of the South Valley Area Planning Commission (APC) as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the South Valley Area Planning Commission, effecting the zone change from RA-1 to (T)(Q)R3-1, subject to conditions, for the proposed construction of ten apartment units, three-stories, 34 feet, six inches in height, with a roof deck open space, and 20 garage parking spaces at grade level for tenants plus three guest spaces for a total of 23 parking spaces on a 13,297 square foot lot at 18525 Clark Street.

Applicant: Danny Hersako

APCSV 2003-6588 ZC ZV

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.

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

TIME LIMIT FILE - NOVEMBER 23, 2004

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 23, 2004)

ITEM NO. (11) - ADOPTED - ORDINANCES OVER ONE WEEK TO OCTOBER 20, 2004

04-1709 - MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT
CD 3 COMMITTEE REPORT and ORDINANCES FIRST CONSIDERATION relative to a zone change and building line removal for property at 7507 Tampa 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 City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 04-1709 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 2003-0628 MND] filed on February 28, 2003.
2. ADOPT the FINDINGS of the South Valley Area Planning Commission (APC) as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCES, approved by the South Valley APC, effecting the zone change from RA-1 to (T)(Q)RZ3-1, subject to conditions of approval; and a reduction from Building Line Ordinance No. 105340 to permit an eight foot easterly setback in lieu of 25 feet required for the proposed construction of four single-family, two-story, detached houses each with an attached two-car garage on a 13,064 square foot lot subdivided into four parcels at 7507 Tampa Avenue.

Applicant: Cohasset, LLC/Robert Leff

APCSV 2003-0626 ZC
APCSV 2003-0627 BL

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.

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

TIME LIMIT FILE - NOVEMBER 23, 2004

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 23, 2004)

ITEM NO. (12) - ADOPTED - ORDINANCE OVER ONE WEEK TO OCTOBER 20, 2004

04-1807 - MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT
CD 3 COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone change for property at 18308 Keswick Street.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 04-1807 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 2003-7328 MND] filed on November 26, 2003.
2. ADOPT the FINDINGS of the South Valley Area Planning Commission (APC) as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the South Valley APC, effecting the zone change from RA-1 to (T)(Q)RD3-1, incident to Tentative Tract No. 60423, subject to the conditions of approval for the proposed subdivision for a maximum of a new five-unit residential detached single-family condominium project on a 0.39 acre site at 18308 Keswick Street.

Applicant: K and H Development

APCSV 2003-7327 ZC

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.

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

TIME LIMIT FILE - DECEMBER 13, 2004

(LAST DAY FOR COUNCIL ACTION - DECEMBER 10, 2004)

ITEM NO. (13) - CONTINUED TO NOVEMBER 12, 2004

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

04-0052 - TRANSPORTATION COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to granting a pipeline franchise to Pacific Terminals LLC (Pacific) to operate existing pipelines within the City.

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

PRESENT and ADOPT the accompanying ORDINANCE granting to Pacific a non-public utility pipeline franchise to install, retain, operate and maintain pipelines and their adjunct communication lines within the City of Los Angeles.

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

**Roll Call #3 - Motion (Reyes - Ludlow) To Adopt as Amended, Ayes (10); Absent: Greuel, Hahn, Smith, Villaraigosa and Zine (5)
(Item Nos. 14-23)**

ITEM NO. (14) - ADOPTED, *AS AMENDED - SEE FOLLOWING

04-0046 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT
S7 relative to the Community Redevelopment Agency (Agency) reimbursing costs incurred by the Los Angeles Housing Department (LAHD) for the Urgent Repair Program (URP).

Recommendations for Council action:

1. AUTHORIZE the Chief Executive Officer, Agency, or designee, to use appropriate Tax Increment funds ***or program income** only to reimburse LAHD for costs incurred for URP program activities during the period April 1, 2004 through March 31, 2005, in an amount not to exceed \$100,000, upon submittal by LAHD of documentation of the eligible expenditures. ***(Garcetti - Reyes)**
2. DIRECT the Agency, with the assistance of LAHD, to report back to Council in 90 days relative to:
 - a. Reimbursement by the Agency for the LAHD for prior years URP expenses in redevelopment project areas (2002-03 through 2003-04).
 - b. A permanent source of Agency funds for future URP expenses.
 - c. The amount of URP funds expended to date in redevelopment project areas for 2004-05.

Fiscal Impact Statement: The City Administrative Officer (CAO) reports that this action will not impact the General Fund. The provision of Assembly Bill 1290, tax increment, and program income funds for URP will reduce the level of funding available for non-housing work program activities in respective redevelopment project areas.

ITEM NO. (15) - ADOPTED

04-1701 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT
CD 3 relative to the cost of facade improvements for the Independence Shopping Center at 21001 Sherman Way.

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency, or designee, to amend the Agency's Fiscal Year 2004-05 Work Program and Budget to transfer funds in the amount of \$400,000 from Work Objective RP6990 (Response to Development Opportunities) to RP2950 (Business Attraction and Retention) to cover a portion of the cost of facade improvements for the Independence Shopping Center at 21001 Sherman Way, in the Council District Three Earthquake Disaster Assistance Project Area.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund. Funding to cover a portion of the cost of facade improvements for this project will be provided from Council District Three Earthquake Disaster Assistance Project Area Tax Increment funds and Tax Allocation Bond proceeds.

ITEM NO. (16) - ADOPTED

04-1733 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT
CDs 1, 4, relative to leasing office space for the Community Redevelopment Agency's (Agency) Pico Union 1 and 2, Westlake, Wilshire Center/Koreatown, and Mid-City Corridors Project Office.

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, Agency, or designee, to execute an agreement with 3055 Wilshire, LLC., to lease office space at 3055 Wilshire Boulevard, for the Pico Union 1 and 2, Westlake, Wilshire Center/Koreatown, and Mid-City Corridors Project Office, for an initial term of five years with an option to extend the lease for five additional years.

Fiscal Impact Statement: The Chief Legislative Analyst reports that this action will not impact the General Fund. Funds will be provided by Pico Union 1 and 2, Westlake, Wilshire Center/Koreatown, and Mid-City Corridors Project revenue.

ITEM NO. (17) - ADOPTED

04-1571 - CATEGORICAL EXEMPTION and PLANNING AND LAND USE MANAGEMENT
CD 13 COMMITTEE REPORT relative to Conditional Use appeal for property at 2911 San Fernando Road.

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

1. FIND that this action is categorically exempt from California Environmental Quality Act pursuant to Article III, Section 1, Class 1(5) of the City's Environmental Guidelines.
2. ADOPT the October 7, 2004, FINDINGS of the Zoning Administrator as the Findings of the Council.

3. RESOLVE TO DENY IN PART/GRANT IN PART APPEAL filed by Oscar P. Gutierrez (Laura I. Gutierrez, representative), from the entire determination of the Zoning Administrator, THEREBY APPROVE the plans to change the status of an existing temporary gymnasium to permanent, and allow the continued use of two modular buildings for classroom purposes in conjunction with an existing private high school at 2911 San Fernando Road, subject to modified conditions, and Condition No. 4 as modified from an earlier Zoning Administrator's action in Case No. CUZ 83-409 (June 19, 1984), to read as follows:

The use of the existing driveway at the terminus of Avenue 30 shall be entirely prohibited. Specifically, the applicant shall convert the existing gate into a non-operable fence to the satisfaction of the Department of Building and Safety. Said gate/fence shall prohibit access to the site from Avenue 30. Plans for such closure shall be first submitted to the Los Angeles Fire Department who shall review them as to fire safety and access issues.

Applicant: Ron Sires, Ribet Academy

CUZ 83-0409(PA1)

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

TIME LIMIT FILE - OCTOBER 13, 2004

(LAST DAY FOR COUNCIL ACTION - OCTOBER 13, 2004)

(Continued from Council meeting of September 15, 2004)

ITEM NO. (18) - ADOPTED

04-1640 - MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT CD 3 COMMITTEE REPORT relative to Conditional Use appeal for property at 7011 Shoup Avenue.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency, City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 04-1640 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 2003-8945 MND] filed on April 9, 2004.
2. ADOPT the FINDINGS of the City Planning Commission as the Findings of the Council.

3. RESOLVE TO DENY APPEAL filed by Roger Best, from the entire decision of the City Planning Commission, THEREBY APPROVE a conditional use in the A1-1 zone, to permit the conversion of an existing 62,434 square foot, 82-bed psychiatric hospital to a private school with 39 classrooms, which will accommodate a maximum of 500 students, grades pre-K through Eight, and include an assembly room which will become either a 2,800 square foot gymnasium equipped with moveable seats or a 900 foot chapel with 128 fixed seats, with a minimum of 100 parking spaces proposed for the project, subject to conditions of approval for property at 7011 Shoup Avenue.

Applicant: Kadima Hebrew Academy

CPC 2003-8944 CU

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

TIME LIMIT FILE - NOVEMBER 9, 2004

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 9, 2004)

ITEM NO. (19) - ADOPTED

03-1472 - PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an application for a hardship exemption from provisions of the City's Windsor Square Interim Control Ordinance (ICO) for the property at 129 North Windsor Boulevard.

S7
CD 4

Recommendations for Council action:

1. GRANT hardship exemption from the City's Windsor Square ICO (Ordinance No. 175150) for the proposed increase in size of an existing 1,513 square foot single-family dwelling to 2,055 square feet, and an existing garage from 364 square feet to 414 square feet, and the addition of a guest house 414 square feet, 18 feet 2 inches in height for the property at 129 North Windsor Boulevard.
2. ADVISE the applicant that this hardship exemption, if granted by the City Council, is not a permit or license and that any other approvals, permits and licenses required by law must be obtained from the proper agencies.

Applicant: Shimon Ben Basset (Milan Lijol, representative)

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

ITEM NO. (20) - ADOPTED

03-0600 - PUBLIC SAFETY COMMITTEE REPORT relative to the Narcotics Analysis Laboratory Trust Fund Expenditure Plan No. 11, Equipment Portion.

S57

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

APPROVE the expenditure of \$200,000 from the Narcotics Analysis Laboratory Trust Fund No. 863 for the Los Angeles Police Department, Scientific Investigation Division, for the procurement of a Laboratory Information Management System.

Fiscal Impact Statement: The City Administrative Officer reports that sufficient funds exist within the Narcotics Analysis Laboratory Trust Fund for providing \$200,000 towards the procurement of a Laboratory Information Management System. There is no General Fund impact.

ITEM NO. (21) - ADOPTED

04-1811 - PUBLIC SAFETY COMMITTEE REPORT relative to a monetary donation from the Los Angeles Police Foundation to the Underwater Dive Unit (UDU).

Recommendation for Council action:

ACCEPT and APPROVE the monetary donation in the amount of \$10,800 from the Los Angeles Police Foundation, to be used by the Los Angeles Police Department's UDU to refurbish a boat donated to the UDU by the Los Angeles Fire Department and THANK the donor for this generous donation.

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

ITEM NO. (22) - ADOPTED

02-1250 - PERSONNEL and BUDGET AND FINANCE COMMITTEES' REPORT relative to hiring
S341 freeze exemptions for one position of Senior Clerk Typist and one position of Management Analyst I in the Bureau of Sanitation.

Recommendation for Council action:

EXEMPT throughout the fiscal year one position of Senior Clerk Typist, Code 1368, and one position of Management Analyst I, Code 9184-1, in the Solid Resources Engineering and Construction Division, Bureau of Sanitation.

Fiscal Impact Statement: There are sufficient funds in the Bureau of Sanitation's salary account to cover the cost of these positions.

ITEM NO. (23) - ADOPTED

03-1250 - PERSONNEL and BUDGET AND FINANCE COMMITTEES' REPORT relative to hiring
S63 freeze exemptions for Refuse Collection Truck Operator and Refuse Collection Supervisor positions in the Bureau of Sanitation.

Recommendations for Council action:

1. EXEMPT from the hiring freeze throughout the fiscal year 15 positions of Refuse Collection Truck Operator II, Code 3580-2, in the Bureau of Sanitation.
2. EXEMPT from the hiring freeze throughout the fiscal year the equivalent of 14 Refuse Collection Truck Operator II, Code 3580-2, as-needed authority positions, in the Bureau of Sanitation.
3. EXEMPT one time from the hiring freeze six positions of Refuse Collection Supervisor, Code 4101, in the Bureau of Sanitation.

Fiscal Impact Statement: There are sufficient funds in the Bureau of Sanitation's salary account to cover the cost of each position.

Items for Which Public Hearings Have Not Been Held - Items 24-55

(10 Votes Required for Consideration)

**Roll Call #4 - Motion (Garcetti - Weiss) Adopted, Ayes (11); Absent: Greuel, Hahn, Smith and Zine (4)
(Item Nos. 24-52)**

ITEM NO. (24) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS - ORDINANCE OVER ONE WEEK TO OCTOBER 20, 2004

04-1603 - COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE CD 5 OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of FULTON AVENUE AND VENTURA BOULEVARD LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated August 9, 2004.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of DECEMBER 15, 2004 as the hearing date for the maintenance of Fulton Avenue and Ventura Boulevard Lighting District, in accordance with Proposition 218, Articles XIII C and XIID of the California Constitution and Government Code Sections 50078.6, 54954.6 and 54960.1.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$515.86 will be collected annually starting with tax year 2004-05 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: December 6, 2004)

**ITEM NO. (25) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS -
ORDINANCE OVER ONE WEEK TO OCTOBER 20, 2004**

04-1604 - COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE
CD 7 OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the
maintenance of GLEDHILL STREET AND VAN NUYS BOULEVARD LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated August 9, 2004.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date
of DECEMBER 15, 2004 as the hearing date for the maintenance of Gledhill Street and
Van Nuys Boulevard Lighting District, in accordance with Proposition 218, Articles XIIC
and XIID of the California Constitution and Government Code Sections 50078.6,
54954.6 and 54960.1.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$229.50
will be collected annually starting with tax year 2004-05 that will go into a dedicated street
lighting maintenance assessment account for the use in the operation and maintenance
of this street lighting system.

(Board of Public Works Hearing Date: December 6, 2004)

**ITEM NO. (26) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS -
ORDINANCE OVER ONE WEEK TO OCTOBER 20, 2004**

04-1552 - COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE
CD 7 OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the
maintenance of NORRIS AVENUE AND LARKSPUR STREET LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated August 4, 2004.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date
of DECEMBER 15, 2004 as the hearing date for the maintenance of Norris Avenue and
Larkspur Street Lighting District, in accordance with Proposition 218, Articles XIIC and
XIID of the California Constitution and Government Code Sections 50078.6, 54954.6
and 54960.1.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$492.89
will be collected annually starting with tax year 2004-05 that will go into a dedicated street
lighting maintenance assessment account for the use in the operation and maintenance
of this street lighting system.

(Board of Public Works Hearing Date: December 6, 2004)

**ITEM NO. (27) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS -
ORDINANCE OVER ONE WEEK TO OCTOBER 20, 2004**

04-1553 - COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE
CD 1 OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the
maintenance of FIGUEROA STREET AND PIEDMONT AVENUE LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated August 4, 2004.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of DECEMBER 15, 2004 as the hearing date for the maintenance of Figueroa Street and Piedmont Avenue Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Sections 50078.6, 54954.6 and 54960.1.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$231.63 will be collected annually and dedicated to a street lighting maintenance assessment account for the operation and maintenance of this street lighting system. An initial collection of \$231.63 will be collected in 2005-06 for the Fiscal Year of 2004-05.

(Board of Public Works Hearing Date: December 6, 2004)

**ITEM NO. (28) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS -
ORDINANCE OVER ONE WEEK TO OCTOBER 20, 2004**

04-1554 - COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE
CD 3 OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the
maintenance of AVENIDA HACIENDA AND VENTURA BOULEVARD LIGHTING DISTRICT.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated August 4, 2004.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of DECEMBER 15, 2004 as the hearing date for the maintenance of Avenida Hacienda and Ventura Boulevard Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Sections 50078.6, 54954.6 and 54960.1.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$511.802 will be collected annually starting with tax year 2004-05 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: December 6, 2004)

ITEM NO. (29) - ADOPTED

01-0005 - RESOLUTION removing the property at 1453-59 East 52nd Street from the Rent Escrow Account Program [REAP], (Case No. 3419), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of October 6, 2004. Assessor I.D. No. 5104-007-023
S40
CD 9
Registration No. None

(Council action of February 6, 2001 placed property into REAP)

ITEM NO. (30) - ADOPTED

04-0005 - RESOLUTION removing the property at 120 West 120th Street from the Rent Escrow Account Program [REAP], (Case No. 4481), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of October 6, 2004. Assessor I.D. No. 6132-026-014
S433
CD 15
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on October 15, 2001)

ITEM NO. (31) - ADOPTED

04-0005 - RESOLUTION removing the property at 2808 Hillcrest Drive from the Rent Escrow Account Program [REAP], (Case No. 5881), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of October 6, 2004. Assessor I.D. No. 5050-011-004
S432
CD 10
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on December 5, 2002)

ITEM NO. (32) - ADOPTED

04-0005 - RESOLUTION removing the property at 646-46 1/2 East 41st Place from the Rent Escrow Account Program [REAP], (Case No. 6093), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of October 6, 2004. Assessor I.D. No. 5115-003-003
S431
CD 9
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on December 30, 2002)

ITEM NO. (33) - ADOPTED

04-0005 - RESOLUTION removing the property at 1407-25 Ricardo Street a.k.a. 2483-85
S430 Lancaster Avenue from the Rent Escrow Account Program [REAP], (Case No. 6340),
CD 14 inasmuch as the owner has corrected the cited REAP violations and provided proof of
compliance with the Los Angeles Housing Department, Code Enforcement Unit,
habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings
contained in the Los Angeles Housing Department's report of October 6, 2004.

Assessor I.D. No. 5202-014-013
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on April 3, 2003)

ITEM NO. (34) - ADOPTED

04-0005 - RESOLUTION removing the property at 1142-44 North West Kensington Road from the
S429 Rent Escrow Account Program [REAP], (Case No. 6354), inasmuch as the owner has
CD 1 corrected the cited REAP violations and provided proof of compliance with the Los Angeles
Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance
No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's
report of October 6, 2004.

Assessor I.D. No. 5404-023-002
Registration No. 0524454

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on February 27, 2003)

ITEM NO. (35) - ADOPTED

04-0005 - RESOLUTION removing the property at 725-27 West Alpine Street from the Rent
S428 Escrow Account Program [REAP], (Case No. 6704), inasmuch as the owner has corrected
CD 1 the cited REAP violations and provided proof of compliance with the Los Angeles Housing
Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No.
173810, and ADOPT the Findings contained in the Los Angeles Housing Department's
report of October 6, 2004.

Assessor I.D. No. 5407-011-014
Registration No. 0276329

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on June 24, 2003)

ITEM NO. (36) - ADOPTED

04-0005 - RESOLUTION removing the property at 2218 North Thomas Street from the Rent Escrow Account Program [REAP], (Case No. 6879), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of October 6, 2004. Assessor I.D. No. 5211-007-008
S427
CD 1
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on July 30, 2003)

ITEM NO. (37) - ADOPTED

04-0005 - RESOLUTION removing the property at 5205-07 1/2 San Rafael Street from the Rent Escrow Account Program [REAP], (Case No. 7239), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of October 6, 2004. Assessor I.D. No. 5469-004-035
S426
CD 1
Registration No. 0611509

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on February 24, 2004)

ITEM NO. (38) - ADOPTED

04-0005 - RESOLUTION removing the property at 1655 South Highland Avenue from the Rent Escrow Account Program [REAP], (Case No. 7392), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of October 6, 2004. Assessor I.D. No. 5067-005-011
S425
CD 10
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on July 8, 2004)

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

04-1723 - COMMUNICATION FROM CHAIR, AUDITS AND GOVERNMENTAL EFFICIENCY COMMITTEE relative to adoption of the proposed Joint Labor Compliance Monitoring Program for the Department of Public Works.

Recommendation for Council action:

NOTE and FILE the Board of Public Works' report relative to the proposed Joint Labor Compliance Monitoring Program for the Department of Public Works, inasmuch as the report was inadvertently transmitted from the Mayor to the City Clerk.

Fiscal Impact Statement: Not applicable.

ITEM NO. (40) - ADOPTED

03-0398 - CONSIDERATION OF MOTION (GARCETTI - REYES) relative to reprogramming CD 13 \$192,000 in Community Development Block Grant (CDBG) funds to complete the Echo Park Boathouse Rehabilitation.

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

1. AUTHORIZE the General Manager, Community Development Department (CDD), to reprogram \$192,000 in CDBG from Council District 13's Streetscape Improvement line item (30th Year/Project ID 109) to complete the Echo Park Boathouse Rehabilitation.
2. AUTHORIZE the Controller to:
 - a. Establish a new account No. W708 entitled "Echo Park Boathouse," within Fund No. 424 CDBG, and appropriate thereto \$192,000.
 - b. Decrease account No. W468 in the amount of \$192,000 within Fund No. 424 CDBG.
 - c. Expend funds upon proper demand of the General Manager, CDD, or designee.
3. DIRECT the General Manager, CDD to:
 - a. Prepare the necessary Controller instructions and/or make any technical adjustments that may be required and are consistent with this action, subject to the review of the City Administrative Officer.
 - b. Authorize the to Controller implement these instructions.
 - c. Prepare Consolidated Plan amendment(s), if necessary.

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

ITEM NO. (41) - ADOPTED

04-2048 - MOTION (ZINE - REYES) relative to declaring the Canoga Park Health and Safety Fair on CD 3 October 16, 2004 a Special Event (fees and costs absorbed by the City = \$914).

Recommendation for Council action:

DECLARE the Canoga Park Health and Safety Fair, sponsored by the Councilmember Dennis Zine, Commission for Children Youth and Their Families and Canoga Park Neighborhood Network 4 Kids on October 16, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.

ITEM NO. (42) - ADOPTED

04-2050 - MOTION (PARKS - REYES) relative to declaring the 2004 Black Cuisine Expo/Taste of CD 8 Leimert on October 23-24, 2004 a Special Event (fees and costs absorbed by the City = \$3,500).

Recommendation for Council action:

DECLARE the 2004 Black Cuisine Expo/Taste of Leimert, sponsored by the Black Cuisine Expo in conjunction with Youth Speaks Through Culinary Arts on October 23-24, 2004, 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. (43) - ADOPTED

02-2041 - MOTION (PADILLA - CARDENAS) relative to declaring the Annual MI School Community CD 7 Festival on October 15-17, 2004 a Special Event (fees and costs absorbed by the City = \$900).

Recommendation for Council action:

DECLARE the Annual MI School Community Festival, sponsored by the MI School on October 15-17, 2004, 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. (44) - ADOPTED

04-1643 - MOTION (PADILLA - CARDENAS) relative to declaring the Council District Seven CD 7 Community Clean Up on October 16, 2004 a Special Event (fees and costs absorbed by the City = \$4,800).

Recommendation for Council action:

DECLARE the Council District Seven Community Clean Up, sponsored by the Office of Council District Seven on October 16, 2004, 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.

ITEM NO. (45) - ADOPTED

04-2051 - MOTION (PARKS - REYES) relative to declaring the University of Southern California's CD 8 (USC) School of Cinema/Television's 75th Anniversary on September 26, 2004 a Special Event (fees and costs absorbed by the City = \$2,000).

Recommendation for Council action:

DECLARE the USC School of Cinema/Television's 75th Anniversary, sponsored by UCS on September 26, 2004, 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. (46) - ADOPTED

03-2238 - MOTION (REYES - PARKS) relative to declaring the BJC Community Resource Fair on CD 1 October 9, 2004 a Special Event (fees and costs absorbed by the City = \$3,000).

Recommendation for Council action:

DECLARE the BJC Community Resource Fair, sponsored by the Budlong, Juliet and Catalina Neighborhood Association on October 9, 2004, 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. The event sponsor will fulfill the insurance requirements of the City.

ITEM NO. (47) - ADOPTED

04-2052 - MOTION (REYES - PARKS) relative to declaring the Festival, Caminata por La Paz y La CD 1 Education de las Americas on October 15-17, 2004 a Special Event (fees and costs absorbed by the City = \$15,309).

Recommendation for Council action:

DECLARE the Festival, Caminta por La Paz y La Education de las Americas, sponsored by the Americas and Caribbean Incapacitate Organizacion on October 15-17, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.

ITEM NO. (48) - ADOPTED

04-2054 - MOTION (HAHN - LABONGE) relative to declaring the Neptune Avenue Block Party on CD 15 October 23, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).

Recommendation for Council action:

DECLARE the Neptune Avenue Block Party, sponsored by the Families of Neptune Avenue, between "Q" Street and "R" Street in Wilmington on October 23, 2004, 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. (49) - ADOPTED

02-1250 - MOTION (ZINE - PARKS) relative to rescinding a prior Council action regarding a S364 Storekeeper I position in the Los Angeles Police Department (LAPD).

Recommendation for Council action:

RESCIND Council's action of August 6, 2004 exempting from the hiring freeze one Storekeeper I position for the Supply Section of the LAPD.

ITEM NO. (50) - ADOPTED

04-2049 - MOTION (GARCETTI - REYES) relative to a contract extension with Keyser-Marston CD 13 Associates to develop the Hollywood Comprehensive Economic Development Strategy.

Recommendation for Council action:

AUTHORIZE the Mayor's Office of Economic Development, or designee, to negotiate and execute an amendment to Contract No. (C-102512) with Keyser-Marston Associates to develop the Hollywood Comprehensive Economic Development Strategy, to extend the term of performance from May 31, 2004 to March 31, 2005, subject to the approval of the City Attorney as to form and legality.

ITEM NO. (51) - ADOPTED

00-1073 - MOTION (GREUEL - HAHN) relative to amending a prior Council action regarding the S41 installation of a crosswalk in Council District Two.
CD 2

Recommendation for Council action:

AMEND Council's action of September 28, 2004 relative to the transfer of funds for installation of a Duratherm crosswalk at Milbank Street and Ventura Boulevard to change the location of the crosswalk installation to Van Nuys Boulevard and Hortense Street.

ITEM NO. (52) - ADOPTED

04-2053 - RESOLUTION (GARCETTI - REYES) relative to declaring November 16, 2004 as "Prematurity Awareness Day" in the City of Los Angeles.

Recommendation for Council action:

RESOLVE to DECLARE November 16, 2004 as "Prematurity Awareness Day" in the City of Los Angeles and encourage all citizens to support the March of Dimes efforts to fund research and programs to find causes and eradicate the problem of premature birth.

ITEM NO. (53) - ADOPTED - ADDITIONAL MOTION ADOPTED - SEE FOLLOWING

Roll Call #6 - Motion (Cardenas - Miscikowski) Adopted, Ayes (11); Absent: Greuel, Hahn, Smith and Zine (4)

04-2074 - MOTION (CARDENAS - PADILLA) relative to anticipated action by the Board of Water and Power Commissioners in connection with the case entitled City of Los Angeles Acting by and through the Los Angeles Department of Water and Power v. McCarthy Western Constructors, Inc., et al.

Recommendation for Council action:

CONSIDER whether or not to assert jurisdiction, pursuant to Charter Section 245, of the Board of Water and Power Commissioners' anticipated action at its meeting on October 12, 2004, relative to the recommendation for settlement in the case entitled City of Los Angeles Acting by and through the Los Angeles Department of Water and Power v. McCarthy Western Constructors, Inc., et al., Los Angeles Superior Court Case No. BC 269553.

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

ADOPTED

MOTION (CARDENAS - MISCIKOWSKI)

Recommendation for Council action:

RESOLVE, pursuant to Charter Section 245 (b), to WAIVE review of the October 12, 2004, action of the Board of Water and Power Commissioners relative to the recommendation for settlement in the case entitled City of Los Angeles Acting by and through the Los Angeles Department of Water and Power v. McCarthy Western Constructors, Inc., et al., Los Angeles Superior Court Case No. BC 269553.

**Roll Call #4 - Motion (Garcetti - Weiss) Adopted, Ayes (11); Absent: Greuel, Hahn, Smith and Zine (4)
(Item Nos. 54-55)**

ITEM NO. (54) - ADOPTED

04-2075 - MOTION (PADILLA - LABONGE) relative to providing funding for the construction of a CD 7 Universal Access Playground at Hansen Dam.

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

TRANSFER \$480,000 in the CD-7 Real Property Trust Fund No. 689 to the Recreation and Parks Fund 302-89, Account No. 9270 (General Capital) for construction of a Universal Access Playground at Hansen Dam.

ITEM NO. (55) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-2059 - FINAL MAP OF TRACT NO. 26534 for property lying easterly of Westholme Avenue and CD 5 northerly of Missouri Avenue.
(Approve Subdivision Improvement Agreement and Contract with attached security documents)
(ADOPT City Engineer Report)
(ADOPT Bond No. C-107176)
(Quimby Fee: \$40,950)
(Less Dwelling Unit Construction Tax: \$3,600)
Applicants: Wiseman Construction
Jack Little

Closed Sessions - Items 56-57

ITEM NO. (56) - MEETING HELD - ACTION TAKEN IN CLOSED SESSION

04-1858 - The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled James Nolan, et al., v. City of Los Angeles, United States District Court Case No. CV 03-02190 NM. (This is a collective action brought under the Fair Labor Standards Act for unpaid overtime in the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter on October 5, 2004)

ITEM NO. (57) - MEETING HELD - ACTION TAKEN IN CLOSED SESSION

04-2056 - The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Clearihue v. City of Los Angeles, Los Angeles Superior Court Case No. SC 079069. (Plaintiff alleges that the City-owned improvements have caused movement of the slopes supporting his property and has resulted in cracking throughout his residence.)

(Public Works Committee waived consideration of the above matter)

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

01-2247 - MOTION (GARCETTI - CARDENAS) relative to declaring the Fourth Annual Veterans Day Parade and Community Health Fair on November 6, 2004 a Special Event (fees and costs absorbed by the City = \$7,143).

- 04-2098 - MOTION (GARCETTI for GREUEL - LABONGE) relative to declaring the Saint Jane Frances de Chantal Catholic Church Fall Family Festival on October 17, 2004 a Special Event (fees and costs absorbed by the City = \$2,067).
- 04-2097 - MOTION (PARKS - REYES) relative to declaring the Fela Kuti Celebration on October 16, 2004 a Special Event (fees and costs absorbed by the City = \$500).
- 04-2096 - MOTION (REYES - PARKS) relative to declaring the Northeast Action Team Event on October 16, 2004 a Special Event (fees and costs absorbed by the City = \$2,000).
- 04-2095 - MOTION (REYES - PARKS) relative to declaring the St. Vincent Health Fair on October 23, 2004 a Special Event (fees and costs absorbed by the City = \$2,000).
- 04-2099 - MOTION (PADILLA - MISCIKOWSKI) relative to lease agreement for the Sylmar Neighborhood Council at 13515 1/2 Hubbard Street, Sylmar.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Motion (Parks - Ludlow) unanimously adopted to excuse Councilmember Villaraigosa from Council session of Friday, October 22, 2004 due to personal business.

Upon his request, and without objections, Councilmember Reyes was excused from Council session of Tuesday, October 19, 2004 due to City business.

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

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL