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

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF NOVEMBER 12, 2004

COMMEMDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 17

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 1-11

ITEM NO. (1) - ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #4 - Motion (LaBonge - Garcetti) Adopted, Ayes (13); Absent: Perry and Weiss (2)

00-2217 - PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE CDs 1,4, & 13 FIRST CONSIDERATION relative to effecting zone changes for the Silver Lake-Echo & 13 Park-Elysian Valley Community Plan.

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

1. ADOPT the FINDINGS of the Director of Planning as the Findings of the Council.

2. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning, effecting the zone changes for the Silver Lake-Echo Park-Elysian Valley Community Plan on Sunset Boulevard from McDuff Street on the east to Glendale Boulevard on the west from C2-1VL to [Q]C2-1VL and P-1L to [Q]C2-1L (Subarea 13b); and from C2-1L to [Q]C2-1L, P-1L to [Q]C2-1L, and C2-1VL to [Q]C2-1VL (Subarea 14a).

CPC 1995-0357 CPU

Said rezoning shall be subject to the [Q] Qualified classification zone limitations substantially as shown on the sheet(s) attached to the Committee report.
3. ADVISE the applicant of [Q] Qualified classification time limit as described in the Committee report.

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 - JANUARY 27, 2005
(LAST DAY FOR COUNCIL ACTION - JANUARY 26, 2005)
(URGENCY CLAUSE - 12 VOTES REQUIRED)
(Mitigated Negative Declaration adopted by Council on August 11, 2004)

ITEM NO. (2) - CONTINUED TO NOVEMBER 23, 2004

Roll Call #1 - Motion (Garcetti - Cardenas) Adopted to Continue, Unanimous Vote (11); Absent: Ludlow, Reyes, Villaraigosa and Weiss (4)

00-1091 - CONTINUED CONSIDERATION OF HOUSING, COMMUNITY AND ECONOMIC CD 1 DEVELOPMENT COMMITTEE REPORT relative to the recommendations of the Community Redevelopment Agency’s (Agency) Independent Panel regarding protests filed in connection with the Yale Terrace Development Project, Request for Proposal (RFP).

Recommendations for Council action:

1. DISAPPROVE the Agency’s Board of Commissioners action of October 7, 2004 to approve the recommendations of the Independent Panel to cancel the RFP issued for the development of the Yale Terrace Development Project and to issue a new RFP.

2. REFER the matter of the Yale Terrace Development RFP back to the Agency Board of Commissioners for re-consideration at its next available meeting; and, REQUEST that the Agency Board of Commissioners approve the May 6, 2004 staff recommendation to select New Economics for Women (NEW) as the developer of the project, and authorize staff to negotiate and enter into an exclusive right to negotiate with NEW.

3. DIRECT the Agency to develop a standardized RFP process that includes an appeal process similar to that used by the Community Development and Los Angeles Housing Departments and discloses the weighting of RFP selection criteria to participants.

Fiscal Impact Statement: The Agency reports that this action will not impact the General Fund.

(Continued from Council meeting of November 10, 2004)
Roll Call #2 - Motion (Perry - LaBonge) Adopted, Ayes (11); Absent: Ludlow, Reyes, Villaraigosa and Weiss (4) (Item Nos. 3-11)

ITEM NO. (3) - ADOPTED - FORTHWITH

03-0353 - PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to extending interim regulations on issuance of all building permits, change-of-use, or land use permits for automobile-related uses in the North Hollywood Interim Control Ordinance (ICO) area.

Recommendations for Council action, as initiated by Motion (LaBonge - Reyes):

1. FIND that appropriate City agencies and officials are exercising due diligence to assure that the automobile-related use regulations for the design guidelines and standards with associated [Q] conditions, or alternative land use restrictions to regulate automobile uses, are being expeditiously processed in the area subject to the North Hollywood ICO.

2. RESOLVE to extend Ordinance No. 175631 to continue the interim regulations imposed on the issuance of all building permits, change-of-use, or land use permits for Automobile-Related Uses on all properties along Burbank, Cahuenga, Chandler, Lankershim and Magnolia Boulevards, and Tujunga and Vineland Avenues in the North Hollywood ICO area within the North Hollywood Redevelopment Project area, the North Hollywood-Valley Village Community Plan, and the Mid-Town North Hollywood Neighborhood Council, for 365 days or until such time as other permanent land use regulations are imposed.

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

ITEM NO. (4) - ADOPTED

00-1557 - PUBLIC SAFETY COMMITTEE REPORT and RESOLUTION relative to acceptance of a grant award from the Department of Alcoholic Beverage Control (ABC) for the Operation ABC Minor Decoy Program.

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

1. ACCEPT the grant award for $20,000 for the Operation ABC Minor Decoy Program, and AUTHORIZE the Chief of Police to execute the Grant Agreement for the period of July 1, 2004 through June 30, 2005, subject to City Attorney approval as to form and legality.

2. ADOPT the accompanying RESOLUTION, subject to City Attorney approval as to form and legality, which endorses the Grant Agreement and agrees that any liability arising from the City's performance of activities funded by this Grant shall be the responsibility of the City.

3. AUTHORIZE the Mayor's Criminal Justice Planning Office (MCJPO) to receive and expend the grant funds in accordance with the grant conditions and upon proper documentation of grant-eligible costs.
4. AUTHORIZE the Controller to:
   a. Establish a receivable in the amount of $20,000 and appropriate this amount to
      accounts within the Operation ABC Fund No. 654, as follows:

      | Account | Title                | Amount |
      |---------|----------------------|--------|
      | W171    | Overtime Police Officers | $19,000 |
      | W204    | Supplies             | $1,000 |

   b. Transfer up to a maximum of $19,000 from the Operation ABC Fund No. 654,
      Account No. W171, to the Police Department, Fund No. 100, Department 70,
      Account No. 1092 Overtime Sworn, as grant funds are received and upon
      notification from the MCJPO.

5. AUTHORIZE the MCJPO to prepare Controller’s instructions for any necessary
   technical adjustments, subject to City Administrative Officer (CAO) approval.

Fiscal Impact Statement: The CAO reports that this grant provides $20,000 for Police
Department overtime and supplies. There is no impact on the General Fund.

ITEM NO. (5) - ADOPTED

00-1557 - PUBLIC SAFETY COMMITTEE REPORT and RESOLUTION relative to acceptance of a
grant award from the Department of Alcoholic Beverage Control (ABC) for the Operation
ABC in the Hollenbeck area.

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

1. ACCEPT the grant award for $25,000 for the Operation ABC in the Hollenbeck area, and
   AUTHORIZE the Chief of Police to execute the Grant Agreement for the period of July
   1, 2004 through June 30, 2005, subject to City Attorney approval as to form and legality.

2. ADOPT the accompanying RESOLUTION, subject to City Attorney approval as to form
   and legality, which endorses the Grant Agreement and agrees that any liability arising
   from the City’s performance of activities funded by this Grant shall be the responsibility
   of the City.

3. AUTHORIZE the Mayor’s Criminal Justice Planning Office (MCJPO) to receive and
   expend the grant funds in accordance with the grant conditions and upon proper
   documentation of grant-eligible costs.

4. AUTHORIZE the Controller to:
   a. Establish a receivable in the amount of $25,000 and appropriate this amount to
      Account No. W171 Overtime Police Officers within the Operation ABC Fund No.
      654.
b. Transfer up to a maximum of $25,000 from the Operation ABC Fund No. 654, Account No. W171, to the Police Department, Fund No. 100, Department 70, Account No. 1092 Overtime Sworn, as grant funds are received and upon notification from the MCJPO.

5. AUTHORIZE the MCJPO to prepare Controller's instructions for any necessary technical adjustments, subject to City Administrative Officer (CAO) approval.

**Fiscal Impact Statement:** The CAO reports that this grant provides $25,000 for additional Police Department overtime. There is no impact on the General Fund.

**ITEM NO. (6) - ADOPTED**

04-2204 - PUBLIC SAFETY COMMITTEE REPORT relative to a proposed agreement with Ms. Donna Cline for police composite artist services.

Recommendation for Council action:

AUTHORIZE the Chief of Police to execute an Agreement with Ms. Donna Cline, attached to the Council file, for police composite artist services for a term of three years, effective upon execution, with two one-year options to extend, subject to the approval of the City Attorney as to form and legality.

**Fiscal Impact Statement:** The City Administrative Officer reports that funds totaling approximately $90,000 are available in the Police Department's Contractual Services Account No. 3040 for these services. The source of funds is the General Fund.

**ITEM NO. (7) - ADOPTED**

04-1959 - PUBLIC SAFETY COMMITTEE REPORT relative to the Los Angeles Police Department’s (LAPD) 2003 K-9 Unit Annual Summary Report.

Recommendation for Council action:

NOTE and FILE the LAPD’s 2003 K-9 Unit Annual Summary Report, inasmuch as the report is submitted for information only and no Council action is necessary.

**Fiscal Impact Statement:** Not applicable.

**ITEM NO. (8) - ADOPTED**

03-0968 - PUBLIC SAFETY COMMITTEE REPORT relative to notification procedures between the CD 5 Los Angeles Police Department (LAPD) and Los Angeles Fire Department (LAFD) in connection with several arson-suspected cases in the Encino area.

Recommendation for Council action:
NOTE and FILE the LAPD and LAFD reports relative to inter-agency coordination between the LAPD and the LAFD in connection with a series of incendiary fires which occurred at places of worship in the Encino area, inasmuch as the reports are submitted for information only and no Council action is necessary.

**Fiscal Impact Statement:** Not applicable.

**ITEM NO. (9) - ADOPTED**

04-1250 - PERSONNEL and BUDGET AND FINANCE COMMITTEES’ REPORT relative to hiring freeze exemptions for two positions in the Bureau of Contract Administration.

Recommendation for Council action:

EXEMPT one time from the hiring freeze one position of Assistant Director Bureau of Contract Administration, Code 7298, and one position of Chief Construction Inspector, Code 7296, in the Bureau of Contract Administration; and AUTHORIZE backfill authority if the positions are filled by promotion from within the Bureau of Contract Administration.

**Fiscal Impact Statement:** The City Administrative Officer reports that the annual cost to fill one Assistant Director position and one Chief Construction Inspector position is approximately $223,000. The 2004-05 Budget provides full funding for the positions. The position costs are reimbursable through overhead charges from private development permits, special funds and billings to proprietary departments.

**ITEM NO. (10) - ADOPTED**

04-1250 - PERSONNEL and BUDGET AND FINANCE COMMITTEES’ REPORT relative to hiring freeze exemptions for two positions in the Department of Neighborhood Empowerment (DONE).

Recommendation for Council action:

EXEMPT from the hiring freeze throughout the fiscal year one position of Senior Accountant I, Code 1523-1, and one position of Accounting Clerk II, Code 1223-2, in the DONE; and AUTHORIZE backfill authority if the positions are filled by promotion from within the DONE.

**Fiscal Impact Statement:** The City Administrative Officer reports that the cost to fill these positions for the remainder of the fiscal year, according to the DONE’s hiring plan, is $95,812; $72,121 in direct costs and $23,691 in related costs. These costs would be funded by the General Fund.
ITEM NO. (11) - ADOPTED

04-1250 - PERSONNEL and BUDGET AND FINANCE COMMITTEES’ REPORT relative to filling one position of Management Analyst II in the Office of the City Administrative Officer (CAO).

Recommendation for Council action:

APPROVE, pursuant to the Managed Employment Process, the filling of one position of Management Analyst II, Code 9184-2, in the CAO, for the balance of Fiscal Year 2004-05.

Fiscal Impact Statement: The CAO reports that the annual cost to fill the position is $81,893; $64,602 in direct costs and $17,291 in related costs.

Items for Which Public Hearings Have Not Been Held - Items 12-23
(10 Votes Required for Consideration)

ITEM NO. (12) - ADOPTED

Roll Call #5 - Motion (Reyes - Parks) Adopted, Ayes (13); Absent: Perry and Weiss (2)

99-0005 - RESOLUTION removing the property at 743 South Burlington Avenue from the Rent Escrow Account Program [REAP], (Case No. 2842), 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 November 10, 2004. Assessor I.D. No. 5142-006-015 Registration No. 0507723

(Council action of December 15, 1999 placed property into REAP)

Roll Call #3 - Motion (Perry - Smith) Adopted, Ayes (11); Absent: Ludlow, Reyes, Villaraigosa and Weiss (4)
(Item Nos. 13-20)

ITEM NO. (13) - ADOPTED

00-0005 - RESOLUTION removing the property at 1136 South Arapahoe Street from the Rent Escrow Account Program [REAP], (Case No. 3115), 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 November 10, 2004. Assessor I.D. No. 5076-014-007 Registration No. 0365338

(Council action of July 12, 2000 placed property into REAP)
ITEM NO. (14) - ADOPTED

01-0005 - RESOLUTION removing the property at 1136 South Arapahoe Street from the Rent Escrow Account Program [REAP], (Case No. 3486), 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 November 10, 2004. Assessor I.D. No. 5076-014-007 Registration No. 0365338

(Council action of March 21, 2001 placed property into REAP)

ITEM NO. (15) - ADOPTED

04-0005 - RESOLUTION removing the property at 4805 Saint Elmo Drive from the Rent Escrow Account Program [REAP], (Case No. 4331), 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 November 10, 2004. Assessor I.D. No. 5067-009-039 Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on February 7, 2002)

ITEM NO. (16) - ADOPTED

04-0005 - RESOLUTION removing the property at 10419 West Regent Street from the Rent Escrow Account Program [REAP], (Case No. 6569), 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 November 10, 2004. Assessor I.D. No. 4314-008-020 Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on May 7, 2003)

ITEM NO. (17) - ADOPTED

04-0005 - RESOLUTION removing the property at 519-21 Athens Boulevard from the Rent Escrow Account Program [REAP], (Case No. 6983), 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 November 10, 2004. Assessor I.D. No. 6117-005-014 Registration No. 7210990
ITEM NO. (18) - ADOPTED

04-0005 - RESOLUTION removing the property at 533-35 West 74th Street from the Rent Escrow Account Program [REAP], (Case No. 7325), 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 November 10, 2004.

Assessor I.D. No. 6020-025-021
Registration No. None

ITEM NO. (19) - ADOPTED

04-0005 - RESOLUTION removing the property at 1251-65 West 36th Street from the Rent Escrow Account Program [REAP], (Case No. 7623), 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 November 10, 2004.

Assessor I.D. No. 5040-006-011
Registration No. None

ITEM NO. (20) - ADOPTED

00-1353 - MOTION (REYES - VILLARAIGOSA) relative to declaring the 60th Annual Northeast Los Angeles Holiday Parade on December 5, 2004 a Special Event (fees and costs absorbed by the City = $11,500).

Recommendation for Council action:

DECLARE the 60th Annual Northeast Los Angeles Holiday Parade, sponsored by Council District One and the Highland Park Chamber of Commerce on December 5, 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. (21) - ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #6 - Motion (LaBonge - Reyes) Adopted, Ayes (13); Absent: Perry and Weiss (2)

04-2354 - RESOLUTION (PADILLA - REYES - LABONGE) relative to the Anaheim Angels possibly changing their name to the Los Angeles Angels.
Recommendations for Council action, SUBJECT TO THE CONCURRENCE OF THE MAYOR:

1. RESOLVE that the Los Angeles City Council RECOGNIZES that the City of Los Angeles is currently home to one and only one major league baseball team and that is the Los Angeles Dodgers.

2. RESOLVE that the Los Angeles City Council SUPPORTS the City of Anaheim in its opposition to the Anaheim Angels’ efforts to change their name to the Los Angeles Angels.

3. RESOLVE that the Los Angeles City Council URGES the Angels' ownership to reconsider its decision.

Roll Call #3 - Motion (Perry - Smith) Adopted, Ayes (11); Absent: Ludlow, Reyes, Villaraigosa and Weiss (4) (Item Nos. 22-23)

ITEM NO. (22) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-2345 - FINAL MAP OF TRACT NO. 60810 for property lying northerly of Olympic Boulevard CD 10 on the west side of St. Andrews Place.
(Approve Subdivision Improvement Agreement and Contract with attached security documents)
(ADOPT City Engineer Report)
(ADOPT Bond No. C-107513)
(Quimby Fee: $25,025)
Applicants: Hwan Sun You
Thomas Iacobellis & Associates, Inc.

ITEM NO. (23) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-2352 - FINAL MAP OF TRACT NO. 53341 for property lying easterly of Westgate Avenue and northerly of Montana Avenue.
(Approve Subdivision Improvement Agreement and Contract with attached security documents)
(ADOPT City Engineer Report)
(ADOPT Bond No. C-107514)
(Quimby Fee: $12,090)
Applicants: Michael Cohanzad
Jack Little Company
Closed Sessions - Items 24-29

ITEM NO. (24) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR
FORTHWITH - SEE FOLLOWING

Roll Call #13 - Motion (Miscikowski - Reyes) Adopted in Open Session, Ayes (10);
Absent: Cardenas, LaBonge, Perry, Villaraigosa and Weiss (5)

03-2771 - 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 Vista Media, Inc., v. City of
Los Angeles, et al., Los Angeles Superior Court Case No. BC22832. (This action arises out of a challenge
to the City’s Off-Site Sign Periodic Inspection Program.)

(On September 28, 2004, this matter was withdrawn from the Council agenda and referred
to the Planning and Land Use Management Committee. On October 27, 2004, the
Planning and Land Use Management Committee considered this matter in Closed
Session.)

(Continued from Council meeting of November 3, 2004)

ADOPTED

MOTION (MISCIKOWSKI - REYES)

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

AUTHORIZE the City Attorney to enter into the settlement and sign on behalf of the City.

Roll Call #12 - Motion (Miscikowski - Parks) Adopted, Ayes (10); Absent: Cardenas, LaBonge,
Perry, Reyes and Weiss (5)
(Item Nos. 25-27)

ITEM NO. (25) - MOTION ADOPTED TO APPROVE CITY ATTORNEY RECOMMENDATIONS -
TO THE MAYOR FORTHWITH - SEE FOLLOWING

04-2143 - 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 Carmen Serrano v. City of Los Angeles, Workers’ Compensation Appeals Board Case No. LAO 810475; Claim No. 9001-2001-1278. (Alleged personal injuries sustained during the
course and scope of employment as an Engineering Associate.)

(Budget and Finance Committee considered the above matter on November 9, 2004)

ADOPTED

MOTION (MISCIKOWSKI - PARKS)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:
1. AUTHORIZE a Compromise and Release in the lump sum of $125,000 to end litigation and settle the case entitled Carmen Serrano v. City of Los Angeles, Workers’ Compensation Appeals Board Case No. LAO 810475; Claim No. 9001-2001-1278.

2. AUTHORIZE a lump sum payment of $125,000 to Carmen Serrano in the manner prescribed by the Workers’ Compensation Appeals Board Order and AUTHORIZE payment from the Personnel Department’s Human Resources Benefit Account No. 9910.

This matter was approved by the Budget and Finance Committee (Parks - Miscikowski - Cardenas - Garcetti “yes”) at its meeting of November 9, 2004, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (26) - MOTION ADOPTED TO APPROVE CITY ATTORNEY RECOMMENDATIONS - TO THE MAYOR FORTHWITH - SEE FOLLOWING

04-2245 - 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 case entitled David Goldtrap v. City of Los Angeles, Workers’ Compensation Appeals Board Case No. MON 278783; Claim No. 9001-2000-1763. (Alleged personal injuries sustained during the course and cope of employment as a carpenter for the City of Los Angeles as a union hall hire for the Department of Recreation and Parks.)

(Budget and Finance Committee considered the above matter on November 9, 2004)

ADOPTED

MOTION (MISCIKOWSKI - PARKS)

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

1. AUTHORIZE a Compromise and Release in the lump sum of $125,000 to end litigation and settle the case entitled David Goldtrap v. City of Los Angeles, Workers’ Compensation Appeals Board (WCAB) Case No. MON 278783; Claim No. 9001-2000-1763.

2. AUTHORIZE a lump sum payment of $125,000 to David Goldtrap in the manner prescribed by the Workers’ Compensation Appeals Board Order and AUTHORIZE payment from the Personnel Department’s Human Resources Benefit Account No. 9910.

This matter was approved by the Budget and Finance Committee (Parks - Miscikowski - Cardenas - Garcetti “yes”) at its meeting of November 9, 2004, in Closed Session as permitted by Government Code Section 54956.9(a).
ITEM NO. (27) - MOTION ADOPTED TO APPROVE CITY ATTORNEY RECOMMENDATIONS - TO THE MAYOR FORTHWITH - SEE FOLLOWING

04-2244 - 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 case entitled Tonya Wyatt-Mulligan v. City of Los Angeles, Workers' Compensation Appeals Board Cases Nos. VNO 340961, VNO 340958; Claim No. 9002-1989-3397. (Alleged personal injuries sustained during the course and scope of employment as a police officer with the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter on November 9, 2004)

ADOPTED

MOTION (MISCIKOWSKI - PARKS)

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

1. AUTHORIZE a Stipulated Award for 70 percent permanent disability or $98,095.00 payable at $230.00 per week, plus a lifetime pension thereafter at $41.15 per week in the case entitled Tonya Wyatt-Mulligan v. City of Los Angeles, WCAB Case Nos. VNO 340961, VNO 340958; Claim No. 9002-1989-3397.

2. AUTHORIZE a Stipulated Award to Tonya Wyatt-Mulligan in the manner prescribed by the Workers' Compensation Appeals Board Order and AUTHORIZE payment from the Personnel Department’s Human Resources Benefit Account No. 9910.

This matter was approved by the Budget and Finance Committee (Parks - Miscikowski - Cardenas - Garcetti “yes”) at its meeting of November 9, 2004, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (28) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #14 - Motion (Miscikowski - Hahn) Adopted in Open Session, Ayes (10); Absent: Cardenas, LaBonge, Perry, Villaraigosa and Weiss (5)

02-0488 - The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the status of funding, and appropriation for matters in which the City is represented by outside counsel.

(Budget and Finance Committee considered the above matter on November 9, 2004)

ADOPTED

MOTION (MISCIKOWSKI - HAHN)

Recommendation for Council action:
ADOPT the accompanying recommendations of the City Administrative Officer relative to the status of funding, and appropriation for matters in which the City is represented by outside counsel, SUBJECT TO THE APPROVAL OF THE MAYOR.

This matter was approved by the Budget and Finance Committee (Parks - Miscikowski - Cardenas - Garcetti voted "yes") at its meeting of November 9, 2004, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (29) - CONTINUED TO NOVEMBER 24, 2004

Roll Call #11 - Motion (Miscikowski - Smith) Adopted to Continue, Unanimous Vote (10);
Absent: Cardenas, LaBonge, Perry, Reyes and Weiss (5)

02-0488 - The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the status of funding, and appropriation for the outside counsel contract in the case entitled Slade v. Gates, and other Monell issues.

(Budget and Finance Committee considered the above matter on November 9, 2004)

Item for Which Public Hearing Has Not Been Held - Item 30
(10 Votes Required for Consideration)

ITEM NO. (30) - UNANIMOUS APPROVAL WITHHELD - ORDINANCE OVER ONE WEEK TO NOVEMBER 24, 2004 - AMENDING MOTIONS A AND D REFERRED TO PUBLIC WORKS COMMITTEE - SEE FOLLOWING

Roll Call #7 - Motion (Parks - Greuel) Adopted to Refer Amending Motion 30A, Ayes (13);
Absent: Cardenas and Weiss (2)

Roll Call #8 - Motion (Parks - Hahn) to Refer Amending Motion 30B, Failed of Adoption, Ayes (4);
Noes: Garcetti, Greuel, Ludlow, Miscikowski, Parks, Reyes, Smith, Villaraigosa and Zine (9); Absent: Cardenas and Weiss (2)

Roll Call #9 - Amending Motion (Parks - Hahn) 30B Failed of Adoption, Ayes (4);
Noes: Garcetti, Greuel, LaBonge, Ludlow, Miscikowski, Smith, Villaraigosa, Zine and President Padilla (9); Absent: Cardenas and Weiss (2)

Roll Call #10 - Motion (Smith - Villaraigosa) Adopted to Refer Amending Motion 30D, Ayes (11);
Noes: Parks and Perry (2); Absent: Cardenas and Weiss (2)

00-1073 - COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to amending and adding various subsections of Section 42.00(f) of the Los Angeles Municipal Code (LAMC).

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

PRESENT and ADOPT the accompanying ORDINANCE amending and adding various subsections of Section 42.00(f) of the LAMC to regulating the permitting, aesthetics and placement of newsracks in the public right of way.
Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

(Public Works Committee waived consideration of the above matter)

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

REFERRED TO PUBLIC WORKS COMMITTEE

AMENDING MOTION 30A (PARKS - HAHN - SMITH)

Recommendation for Council action:

REPLACE Section (6)(N) with the following language:

“(N) Immediately in front of any residence, museum, school, or place of worship that has been officially designated as a Los Angeles Historical or Cultural Monument. If there is a block face on which all buildings have been so officially designated, then the Board shall determine the siting on such block face of four (4) newsracks. The owner of any other building that has been officially designated as a Los Angeles Historical or Cultural Monument may petition the Board for a restriction on the number of newsracks that may be placed in front of such building.”

FAILED OF ADOPTION

AMENDING MOTION 30B (PARKS - HAHN)

Recommendations for Council action:

1. REPLACE Section (7)(B)(3) under “Size, Appearance, Placement, Installation, and Construction of Newsracks,” with the following:

“All newsracks shall be primarily constructed of metal and shall be either blue, green, red, white, or brown, as further specified by the Board of Public Works, except as provided in § 42.00(0(17) “Streetscape Plan/Specific Plan Areas.”

2. REPLACE Section (8) under “Unlawful Use” with the following:

“(8) Unlawful Use: No newsrack shall be sued for advertising signs or publicity purposes. External lettering is restricted to the following:

(A) If the newsrack is situated next to the curb, the side parallel to the curb, next to the lanes of traffic, may have external lettering replication the publication masthead style and color, for the permitted publication in the subject newsrack, in a total area not to exceed 160 square inches.
If an individual newsrack is used to distribute more than one publication, each publication distributed in that newsrack shall be entitled to have external lettering replicating publication masthead style and color for the permitted publications in the subject newsrack. However, the total area for all such publication mastheads on the curb side of that newsrack shall not exceed 160 square inches.

(B) The side of the newsrack facing pedestrian traffic, except in Specific Plan/Streetscape Plan Areas, as identified in Section (17) may have a “Rack Card,” with a total area not be exceed 238 square inches, which exclusively promotes the newspaper or periodical being dispensed, and shall not include any third party advertising. Alternatively, the newsrack may have lettering replicating the publication masthead style and color in the rack card pan area.

(C) Other than as permitted in this section, no other lettering or advertising of any kind shall be permitted anywhere else on the newsrack, including the mount.

3. INCLUDE the following under Section (17) “Streetscape Plan/Specific Plan Areas:"

“A Business Improvement District created pursuant to California Streets and Highways Code §§ 36699m et seq, and the City of Los Angeles’ Citywide Business Improvement District Program, or a Neighborhood Council may petition the Board to require that all newsrack be painted black (RAL 9017 Grotto Black), blue (Benjamin Moore No. 805 Westwood Blue), or gray (Marine Silver 38/90010) within certain geographic areas defined in this Section. The Board may grant the petition if the Business Improvement District or Neighborhood Council has completed a City-approved coordinated streetscape project that contains at least four of the following categories of streetscape: transit shelters, public amenity kiosks, pillar kiosks, automated self-cleaning toilets, benches, trash receptacles, planters or trees, bicycle racks, street lights, and information kiosks. In addition, a qualifying project should contain 25 or more individual items of streetscape. If all of these criteria are satisfied, then the Board may require that the newsracks be painted one of the three specified colors on those block faces within the project area that contain 5 or more items of coordinated streetscape.”

REFERRED TO PUBLIC WORKS COMMITTEE

AMENDING MOTION 30D (SMITH - VILLARAIGOSA)

Recommendation for Council action:

DELETE the next to the last sentence of subsection (3)(A) in order to allow more time for publishers with financial hardships to comply with the color requirements of the ordinance. The ordinance can be amended in the future once an appropriate time requirement is determined by the City and the publishers.
MOTIONS PRESENTED PURSUANT TO RULE NO. 16 - TO BE PLACED ON THE NEXT AVAILABLE AGENDA

02-2731 - MOTION (LABONGE - GREUEL) relative to declaring the WE CARE Holiday Craft Party on December 2, 2004 a Special Event (fees and costs absorbed by the City = $2,504).

02-2263 - MOTION (PADILLA - MISCIKOWSKI) relative to declaring the Health and Safety Fair on November 20, 2004 a Special Event (fees and costs absorbed by the City = $578).

04-2388 - MOTION (LUDLOW - HAHN) relative to declaring the Wilshire Boulevard Temple 75th Anniversary on November 21, 2004 a Special Event (fees and costs absorbed by the City = $500).

04-2389 - MOTION (PERRY - PARKS - GREUEL) relative to a request for an exemption from the Convention Center fee waiver policy for the Los Angeles City Quality & Productivity Commission Awards Ceremony on October 14, 2004.

04-2387 - MOTION (LABONGE - GREUEL) relative to construction of the Chandler Bikeway in the North Hollywood Redevelopment Area.

04-0046 - MOTION (HAHN - LABONGE) relative to design and construction of gateways in the S11 Wilmington community.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

04-1977 - Tim Allen (Garcetti - LaBonge)

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

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk            PRESIDENT OF THE CITY COUNCIL