Los Angeles City Council, Journal/Council Proceedings  
Friday, January 16, 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, Greuel, Hahn, LaBonge, Ludlow, Miscikowski, Parks, Perry, Reyes, Smith, Villaraigosa, Zine and President Padilla (14); Absent: Weiss (1).

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF JANUARY 13, 2004

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 11

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

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

Item Noticed for Public Hearing - Item 1

ITEM NO. (1) - RECEIVED AND FILED

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

03-2642 - HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" for off-site consumption at El Super (supermarket) at 12727 Sherman Way.

Recommendations for Council action:

1. DETERMINE that the "Public Convenience or Necessity" WILL NOT be served by the sale of alcohol for off-site consumption at El Super (supermarket) at 12727 Sherman Way, inasmuch as the applicant has not obtained a Conditional Use Permit for this project.

2. DENY WITHOUT PREJUDICE the Application for Determination of "Public Convenience or Necessity" for the sale of alcoholic beverages at 12727 Sherman Way, based upon the above finding.
3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control (ABC) as the required findings under Business and Professions Code Section 23958.4.

Application filed by: Bodega Latina Corporation.

TIME LIMIT FILE - JANUARY 18, 2004

(LAST DAY FOR COUNCIL ACTION - JANUARY 16, 2004)

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

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

Roll Call #3 - Motion (Hahn - Zine) Adopted to Continue, Ayes (14); Absent: Weiss (1)

03-2340 - EDUCATION AND NEIGHBORHOODS COMMITTEE REPORT relative to allegations made by the past president of the Bel-Air Beverly Crest Neighborhood Council regarding the Department of Neighborhood Empowerment (DONE).

Recommendations for Council action, as initiated by Motion (Weiss - Hahn):

1. NOTE and FILE theDONE report, dated December 11, 2003, relative to the Bel-Air Beverly Crest Neighborhood Council regarding the quality of support from DONE, submitted pursuant to Motion (Weiss - Hahn), dated October 24, 2003.

2. INSTRUCT the DONE to report to the Education and Neighborhoods Committee within 30 days on the status of its reorganization, including staffing, to meet the fiscal needs of the City and the needs of the emerging neighborhood councils.

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

ITEM NO. (3) - ADOPTED

Roll Call #8 - Motion (Cardenas - Hahn) Adopted, Ayes (13); Absent: Padilla and Weiss (2)

03-2335 - EDUCATION AND NEIGHBORHOODS COMMITTEE REPORT and RESOLUTION relative to supporting the creation of a Los Angeles Education Coordinating Council and a special education unit in the Department of Children and Family Services.

Recommendation for Council action, as initiated by Resolution (Cardenas - Hahn), SUBJECT TO THE CONCURRENCE OF THE MAYOR:
ADOPT the accompanying RESOLUTION to join the Los Angeles Board of Education and the Los Angeles Community College District Board of Trustees in supporting the creation of a Los Angeles Education Coordinating Council and a special education unit in the Department of Children and Family Services to effectively address the needs of dependent and probation youth; and DIRECT the Commission for Children, Youth and Their Families to actively participate as a member of the workgroup formed to study the feasibility of creating a Los Angeles Education Coordinating Council, and to report back to the Council on the findings and recommendations of the said inter-agency collaborative.

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

Items for Which Public Hearings Have Not Been Held - Items 4-12
(10 Votes Required for Consideration)

ITEM NO. (4) - CONTINUED TO JANUARY 23, 2004

Roll Call #1 - Motion (Parks - Garcetti) Adopted to Continue, Ayes (14); Absent: Weiss (1)

03-2573 - CONTINUED CONSIDERATION OF COMMUNICATION FROM THE CITY ATTORNEY and RESOLUTION relative to the authority to destroy certain obsolete records of the Department of City Planning.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to destroy certain obsolete records of the Department of City Planning Administrative Services (DCP/100, 71 boxes); Division of Land, Parcel Maps (DCP/252, four boxes); Environmental Review Section (DCP/271, 14 boxes) for the period of January 1, 1941 through December 31, 1999.

Fiscal Impact Statement: The City Clerk reports that the retention of 89 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 $16.91 per month, or $202.92 per year.

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

(Continued from Council meeting of December 17, 2003)
ITEM NO. (5) - ADOPTED

01-0593 - CONSIDERATION OF RESOLUTION (REYES - GARCETTI) relative to extending through April 17, 2004, the term of the Rent Stabilization Ordinance provisions temporarily suspending the use of major rehabilitation as grounds for eviction.

Recommendation for Council action:

RESOLVE to extend through April 17, 2004, the term of the Rent Stabilization Ordinance (No. 175359) provisions temporarily suspending the use of major rehabilitation as grounds for eviction.

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

ITEM NO. (6) - ADOPTED

00-0394 - MOTION (VILLARAIGOSA - PARKS) relative to declaring the Eagle Rock Farmers' Market every Friday between January 2, 2004 and December 31, 2004 a Special Event (fees and costs absorbed by the City = $30,658).

Recommendation for Council action:

DECLARE the Eagle Rock Farmers' Market, sponsored by the Eagle Rock Chamber of Commerce every Friday between January 2, 2004 and December 31, 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. (7) - ADOPTED FORTHWITH

04-0033 - MOTION (VILLARAIGOSA - PARKS) relative to declaring the Community Art Opening on January 17, 2004 a Special Event (fees and costs absorbed by the City = $2,186).

Recommendation for Council action:

DECLARE the Community Art Opening, sponsored by the Dangerous Curve and Los Angeles River Artists and Business Association on January 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. (8) - ADOPTED

00-0263 - MOTION (PARKS for PERRY - REYES) relative to declaring the 46th Annual Grammy Awards on February 8, 2004 a Special Event (fees and costs absorbed by the City = $124,163).

Recommendation for Council action:

DECLARE the 46th Annual Grammy Awards, sponsored by the National Academy of Recording Arts and Sciences on February 8, 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 any American with Disabilities Act requirements.

ITEM NO. (9) - ADOPTED

04-0036 - MOTION (SMITH - LUDLOW) relative to initiating street vacation proceedings for the alley between Motor Avenue and Vinton Avenue from Regent Street to approximately 113.50 feet northerly thereof.

Recommendations for Council action:

1. INITIATE street vacation proceedings, pursuant to California Streets and Highways Code, Division 9, Part 3, Public Streets, Highways and Service Easements Vacation Law for the alley between Motor Avenue and Vinton Avenue from Regent Street to approximately 113.50 feet northerly thereof.

2. DIRECT the Bureau of Engineering to investigate the feasibility of this vacation request.

3. DIRECT the Bureau of Engineering to present its report regarding the feasibility of vacating the requested areas to the Public Works Committee.

ITEM NO. (10) - ADOPTED FORTHWITH

03-0666 - MOTION (SMITH - PARKS) relative to initiating street vacation proceedings for Royal Street and the intersecting 14 foot alley northwesterly of Figueroa Street between 32nd and Jefferson Boulevard.

Recommendations for Council action:

1. INITIATE street vacation proceedings, pursuant to California Streets and Highways Code, Division 9, Part 3, Public Streets, Highways and Service Easements Vacation Law for Royal Street and the intersecting 14 foot alley northwesterly of Figueroa Street between 32nd Street and Jefferson Boulevard.
2. DIRECT the Bureau of Engineering to investigate the feasibility of this vacation request.

3. DIRECT the Bureau of Engineering to present its report regarding the feasibility of vacating the requested areas to the Public Works Committee.

ITEM NO. (11) - ADOPTED - TO THE MAYOR FORTHWITH

00-1073 - MOTION (LABONGE - HAHN) relative to transferring funds for photographic services in the preservation of the image of the mural at the intersection of Talmadge and Prospect in Council District Four.

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

1. TRANSFER $500 from the Council District Four account of the Street Furniture Revenue Fund No. 43D Department 50 to the General City Purposes Fund No. 100-56, Account No. 0704 (Council District Four Community Services) and ALLOCATE therefrom to Douglas Piburn, Photographer, to provide funding for photographic services in the preservation of the image of the mural at the intersection of Talmadge and Prospect in Council District Four.

2. INSTRUCT the City Clerk to prepare the necessary documents in the above specified amount and for the above stated purpose, to issue payment to Mr. Douglas Piburn, Photographer for services rendered to the satisfaction of Council District Four.

ITEM NO. (12) - APPROVED

04-0041 - FINAL MAP OF TRACT NO. 53718 lying easterly of De Soto Avenue and southerly of Valerio Street.

(Approve Subdivision Improvement Agreement and Contract with attached security documents)

(ADOPT Bond No. C-106086)

(Quimby Fee: $16,120)

(Less Dwelling Unit Construction Tax: $1,600)

Applicants: Paul Harrison
Harvey Goodman

Item for Which Public Hearing Has Been Held - Item 13

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

Roll Call #5 - Motion (Smith - Cardenas) Adopted, Ayes (14); Absent: Weiss (1)

02-1812 - CONTINUED CONSIDERATION OF PUBLIC WORKS COMMITTEE REPORT relative to the transfer of funds from the Street Furniture Revenue Fund and the Public Works & Trust Fund (PWTF) for street improvements and sidewalk repairs.
Recommendation for Council action:

AUTHORIZE the Department of Public Works Bureau of Financial Management and Personnel Services (BFMPS) to transfer funds from the PWTF (Fund No. 834), Special Projects Deposits (Account No. 4873) to the Bureaus of Street Lighting (BSL) and Street Services (BSS) to construct sidewalk improvements in Council Districts Four, Six, and Nine, as follows:

a. Transfer $6,000 from the PWTF, Fund No. 834, Department No. 50, Account No. 4873 to the General Fund, Fund No. 100, BSL for the implementation of street improvements in Council District Four. Funds are to be appropriated within the General Fund, Fund No. 100, BSL, Department No. 84, as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1090</td>
<td>Salaries - Overtime</td>
<td>$3,000</td>
</tr>
<tr>
<td>8780</td>
<td>Street Lighting Improvement and Supplies</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

b. Transfer $106,821 from the PWTF, Fund No. 834, Department No. 50, Account No. 4873 to the General Fund, Fund No. 100, BSS for the implementation of street improvement projects in the amount of $54,370 for Council District Four and $52,451 for Council District Nine. Funds are to be appropriated within the General Fund, Fund No. 100, BSS, Department No. 86, as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1090</td>
<td>Salaries - Overtime</td>
<td>$53,411</td>
</tr>
<tr>
<td>3030</td>
<td>Construction Expense</td>
<td>$53,410</td>
</tr>
</tbody>
</table>

c. Transfer $106,586 from the Street Furniture Revenue Fund, Fund No. 43D, Department 50 for sidewalk repairs in Council District Six, to the General Fund, Fund No. 100, BSS. Funds are to be appropriated within the General Fund, Fund No. 100, BSS, Department No. 86, as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1090</td>
<td>Salaries - Overtime</td>
<td>$53,293</td>
</tr>
<tr>
<td>3030</td>
<td>Construction Expense</td>
<td>$53,293</td>
</tr>
</tbody>
</table>

Fiscal Impact Statement: The BFMPS reports that there is no fiscal impact to the General Fund. The proposed funds will come from the PWTF and the Street Furniture Revenue Fund.

(Continued from Council meeting of January 13, 2004)
ADOPTED

AMENDING MOTION (SMITH - CARDENAS)

Recommendation for Council action:

AUTHORIZE the Department of Public Works Bureau of Financial Management and Personnel Services (BFMPS) to transfer from the Public Works Trust Fund (PWTF) (Fund No. 834), Special Projects Deposits (Account No. 4873) to the Bureaus of Street Light (BSL) and Street Services (BSS) to construct street improvement projects as follows:

a. Transfer $6,000 from the PWTF, Fund No. 834, Department No. 50, Account No. 4873 to the General Fund (GF), Fund No. 100, BSL for implementation of one street lighting project as identified in the PWTF in Council District Five. Funds are to be appropriated within the GF, Fund No. 100, BSL, Department No. 84 as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1090</td>
<td>Salaries - Overtime</td>
<td>$4,800</td>
</tr>
<tr>
<td>8780</td>
<td>Street Lighting Improvement and Supplies</td>
<td>1,200</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$6,000</strong></td>
</tr>
</tbody>
</table>

b. Transfer $407,042 from the PWTF, Fund No. 834, Department No. 50, Account No. 4873 to the GF, Fund No. 100, BSS for the implementation of street improvement projects as identified in PWTF in Council Districts Four, Six and Nine. Funds are to be appropriated within the GF, Fund No. 100, BSS, Department No. 86 as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1090</td>
<td>Salaries - Overtime</td>
<td>$240,155</td>
</tr>
<tr>
<td>3030</td>
<td>Construction Expense</td>
<td>166,887</td>
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<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$407,042</strong></td>
</tr>
</tbody>
</table>

c. Transfer $106,586 from the Street Furniture Revenue Fund (SFRF), Fund No. 43D, Department No. 50 for sidewalk repairs in Council District Six, to the GF, Fund No. 100, BSS, and appropriate within the GF, Fund No. 100, BSS, Department No. 86 as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1090</td>
<td>Salaries - Overtime</td>
<td>$53,293</td>
</tr>
<tr>
<td>3030</td>
<td>Construction Expense</td>
<td>53,293</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$106,586</strong></td>
</tr>
</tbody>
</table>
Fiscal Impact Statement: The BFMPS reports that there is no fiscal impact to the General Fund. The proposed funds will come from the PWTF (Fund No. 834) and the SFRF (Fund No. 43D).

Items For Which Public Hearing Have Not Been Held - Items 14-15
(10 Votes Required for Consideration)

ITEM NO. (14) - REFERRED TO HOUSING COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

Roll Call #6 - Motion (Garcetti - LaBonge) Adopted to Refer, Unanimous Vote (14);
Absent: Weiss (1)

02-2605 - CONTINUED CONSIDERATION OF MOTION (LABONGE - GARCETTI) relative to the acquisition of property at 1708 Fifth Street for the continued operation of the Bobbie Andelson Youth Home residential care facility by the Gay and Lesbian Adolescent Social Services (GLASS) agency.

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

1. TRANSFER Community Development Block Grant (CDBG) funds in the amount of $100,000 from the acquisition of 439 South Serrano Avenue in Los Angeles to the acquisition of 1708 Fifth Street in Los Angeles.

2. INSTRUCT the General Manager, Community Development Department or designee to:
   a. Make any necessary amendments to the Consolidated Plan subject to the determination of funding availability, relative to the allocation of CDBG funds to the new site.
   b. Negotiate and execute an agreement with GLASS for the acquisition of 1708 Fifth Street, in Los Angeles.

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

(Continued from Council meeting of January 14, 2004)

ITEM NO. (15) - RECEIVED AND FILED

Roll Call #7 - Motion (Zine - Smith) Adopted, Ayes (14); Absent: Weiss (1)

03-1404 - CONTINUED CONSIDERATION OF MOTION (ZINE - SMITH) relative to recalling the service of Detective III Jerry Stephens for an additional 90 days for continued service on a civil case.
Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. REAFFIRM the Council’s findings of June 27, 2003 regarding the request by the City Attorney and the Los Angeles Police Department (LAPD) for the recall to service of retired LAPD Detective III, Jerry Stephens, pursuant to Charter Section 1410 (b), for service on the civil case entitled *Placebecia v. City of Los Angeles*, for an additional 90 days of service beginning January 2, 2004.

2. EXEMPT from the Hiring Freeze, one position of Detective III, Robbery-Homicide, for Detective Jerry Stephens.

(Continued from Council meeting of January 14, 2004)

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

01-0932 - MOTION (REYES - PARKS) relative to declaring the Spring 2004 Commencement Week for May 10, through May 14, 2004 a Special Event (fees and costs absorbed by the City = $5,000).

02-2713 - MOTION (PARKS - PERRY) relative to declaring the 19th Annual Martin Luther King, Jr. Kingdom Day Parade on January 19, 2004 a Special Event (fees and costs absorbed by the City = $5,000).

04-0095 - MOTION (PARKS - PERRY) relative to declaring the Martin Luther King National Holiday Commemoration Bike Race and Festival on January 19, 2004 a Special Event (fees and costs absorbed by the City = $1,000).

04-0093 - MOTION (REYES - PARKS) relative to transfer of funds to provide funding to support community programs and groups in Council District One.

01-1856 - MOTION (GARCETTI - LABONGE) relative to Special Event declaration for the Silver Lake Farmers’ Market for an additional period through June 30, 2004.

00-3073 - MOTION (LABONGE - PARKS) relative to funding for a proposed “2025 Visioning S22 Workshop” for Council District Four.

04-0094 - MOTION (GREUEL - HAHN) relative to amending previous Council actions in connection with the Special Event declaration for the Ventura Place Farmers’ Market.

03-2117 - MOTION (GREUEL - HAHN) relative to funding for the Sun Valley - Hollywood Way public transit corridor streetscape beautification project.

02-2825 - MOTION (PADILLA - LABONGE) relative to approving an extension of time to complete construction of project at the Boys and Girls Club of San Fernando Valley.
COMMUNICATIONS PRESENTED PURSUANT TO RULE NO. 70 - TO BE PLACED ON THE NEXT AVAILABLE AGENDA

02-0149 - COMMUNICATION FROM CHAIR, ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE relative to cleanup of soils laced with low-level radioactive waste.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, Councilmember Cardenas was excused to leave at 11:15 a.m. from Council session of Friday, January 30, 2004 due to City business.

Motion (Miscikowski - Garcetti) unanimously adopted to excuse President Padilla was excused from Council session of Friday, January 30, 2004 due to personal business.

Motion (Parks - Ludlow) unanimously adopted to excuse Councilmember Perry from Council session of Friday, January 30, 2004 due to City business and upon her request, and without objections, she was also excused from Council session of Friday, April 30, 2004 due to City business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

04-0003 - American Heart Month, February 2004  (Perry - Parks)
  Ronald Vinje  (Smith)
  James Duffy  (Smth)
  Fred Gaines  (Greuel - Smith)
  Margo Dutton  (Smith - Reyes)

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

04-0004 - Charles Dennis Reese  (Parks - Zine)
  Dolores Cecile Rouzan Wright  (Parks - Perry)
  LaShaun Lionel Drye  (Perry)
  Bette Leonard  (Perry - All Councilmembers)
  Terrell Sherrills  (Hahn)
  Mary Adams  (LaBonge - All Councilmembers)
Ayes, Cardenas, Garcetti, Greuel, Hahn, LaBonge, Ludlow, Miscikowski, Parks, Perry, Reyes, Smith, Villaraigosa, and Zine (13); Absent: Weiss and President Padilla (2).

Whereupon the Council did adjourn.

ATTEST: J. Michael Carey, CITY CLERK

By

Council Clerk PRESIDENT OF THE CITY COUNCIL