

Los Angeles City Council, Journal/Council Proceedings  
Wednesday, February 4, 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: Greuel, LaBonge, Ludlow, Miscikowski, Parks, Perry, Reyes, Smith, Villaraigosa and Zine(10); Absent: Cardenas, Garcetti, Hahn, Weiss and President Padilla (5).**

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
JANUARY 30, 2004

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - NONE

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

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

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## **Items for Which Public Hearings Have Been Held - Items 1-11**

**ITEM NO. (1) - ADOPTED - FORTHWITH**

**Roll Call #3 - Motion (LaBonge - Reyes) Adopted, Ayes (12); Absent: Cardenas, Garcetti  
and President Padilla (3)**

00-1971 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT  
relative to the reappointment of Mr. Reynold M. Blight to the Industrial Development  
Authority.

Recommendation for Council action:

RESOLVE that the Council President's reappointment of Mr. Reynold M. Blight, pursuant  
to Charter Section 502(b), to the Industrial Development Authority for the new term ending  
June 30, 2006, is APPROVED and CONFIRMED. Mr. Blight resides in Council District  
Four. (Current Commission gender composition: M=5; F=2)

**Roll Call #1 - Motion (Reyes - Hahn) Adopted, Ayes (11); Absent: Cardenas, Garcetti, Weiss and President Padilla (4)  
(Item Nos. 2-3)**

**ITEM NO. (2) - ADOPTED**

02-0208 - PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the reappointment of Ms. Greta T. Hutton to the South Valley Area Planning Commission.

Recommendation for Council action:

RECEIVE and FILE the Mayor's reappointment of Ms. Greta T. Hutton to the South Valley Area Planning Commission for the term ending June 30, 2005, inasmuch as the nominee has been replaced.

**ITEM NO. (3) - ADOPTED**

03-1857 - PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the appointment of Ms. Elizabeth J. Giffin to the Central Area Planning Commission.

Recommendation for Council action:

RECEIVE and FILE the Mayor's appointment of Ms. Elizabeth J. Giffin to the Central Area Planning Commission for the term ending June 30, 2008 to fill the vacancy created by the expiration of Mr. Allan Abshez' term, inasmuch as the nominee has been replaced.

**ITEM NO. (4) - ADOPTED, AS AMENDED - SEE FOLLOWING - NEW ORDINANCE TO BE PRESENTED ON FEBRUARY 6, 2004**

**Roll Call #7 - Motion (Zine - Reyes) to Adopt as Amended, Ayes (11); Absent: Cardenas, Garcetti, Padilla and Villaraigosa (4)**

03-2667 - CONTINUED CONSIDERATION OF MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to zone change at 18300 Strathern 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 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. 03-2667 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 2003-1242 MND] filed on March 21, 2003.

2. ADOPT the FINDINGS of the South Valley Area Planning Commission (APC).
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the South Valley APC, effecting the zone change, incident to subdivision, from RA-1 to (T)(Q)R1-1, for a proposed subdivision for a maximum of a new 7-lot single family residential development on a 0.9 net acre site at 18300 Strathern Street.

Applicant: Sienna Residential, LLC

APCSV 2003-1241 ZC ZAD

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 - MARCH 7, 2004

(LAST DAY FOR COUNCIL ACTION - MARCH 3, 2004)

(Continued from Council meeting of January 28, 2004)

**ADOPTED**

**AMENDING MOTION (ZINE - REYES)**

**Recommendation for Council action:**

**ADD the following language for (T) Condition number 2 in the zone change ordinance for 18300 Strathern Street (CF 03-2667, APCSV-2003-1241-ZC-ZAD):**

**"No widening of Etiwanda Street shall be required, and the existing mature street trees shall be preserved. If the City Engineer determines that such preservation is impossible then the Council Office shall be notified prior to the removal of any of the trees."**

**ADOPTED**

**AMENDING MOTION (ZINE - REYES)**

**Recommendation for Council action:**

**NOT PRESENT and ORDER FILED Ordinance, approved by the South Valley Area Planning Commission, effecting the zone change, incident to subdivision, from RA-1 to (T)(Q)R1-1, for a proposed subdivision for a maximum of a new 7-lot single family residential development on a 0.9 net acre site located at 18300 Strathern Street.**

**ITEM NO. (5) - ADOPTED, AS AMENDED - SEE FOLLOWING - TO THE MAYOR FORTHWITH**

**Roll Call #10 - Motion (Miscikowski - Reyes) to Adopt as Amended, Ayes (12);  
Absent: Cardenas, Garcetti and Villaraigosa (3)**

**01-1305 - CATEGORICAL EXEMPTION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to establishing Citywide methane mitigation requirements.**

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

1. FIND that this action is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Article II, Section 2(m) of the City's Guidelines.
2. ADOPT the FINDINGS of the Department of Building and Safety.
3. ADOPT the December 23, 2003, Department of Building and Safety report relative to establishing citywide methane mitigation requirements and to include more current construction standards to control methane intrusion into buildings.
4. PRESENT and ADOPT the accompanying ORDINANCE, relative to the proposed amendments to Sections 91.106.4.1, Division 71 of Article 1, Chapter IX of the Los Angeles Municipal Code to establish Citywide methane mitigation requirements.

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

**ADOPTED**

**AMENDING MOTION (MISCIKOWSKI - REYES)**

**Recommendation for Council action:**

**INSTRUCT the Department of Building and Safety to report back annually relative to what is being learned, what is being submitted as analysis occurs, and the levels of improvement needed; and further, INSTRUCT the Department of Building and Safety to create a task force, including but not limited to Neighborhood Councils, individuals involved with development, and experts, as needed.**

**Roll Call #1 - Motion (Reyes - Hahn) Adopted, Ayes (11); Absent: Cardenas, Garcetti, Weiss and President Padilla (4)  
(Item Nos. 6-7)**

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

99-0975 - COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT relative to S4 a proposed First Amendment to the Memorandum of Understanding (MOU) for contract compliance services for the Alameda Corridor Transportation Authority (ACTA).

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

1. APPROVE the proposed First Amendment to the MOU between the ACTA and the City for contract compliance purposes.
2. AUTHORIZE the Board of Public Works to execute the First Amendment to the MOU with the ACTA for the period of January 1, 2003 through December 31, 2004.
3. RESOLVE that Employment Authority for the following continuing positions in the Bureau of Contract Administration for the period September 1, 2003 through June 30, 2004, is APPROVED:

<u>No.</u>	<u>Class Code</u>	<u>Class Title</u>
1	1368	Senior Clerk Typist
1	9184-1	Management Analyst I
<u>1</u>	9184-2	Management Analyst II
3		

4. AUTHORIZE a one-time exemption from the Hiring Freeze for the three positions listed in Recommendation No. 3.
5. AUTHORIZE the Department of Public Works Bureau of Contract Administration to receive reimbursement in the General Fund from the ACTA to reimburse the City for expenditures incurred in Fiscal Year 2003-04.
6. AUTHORIZE the Controller to appropriate funds in the Bureau of Contract Administration Department 76, Fund 100, Accounts to be determined by the Director, Bureau of Contract Administration, or designee, upon receipt of reimbursements from the ACTA in the amount of the costs incurred by the Bureau of Contract Administration.
7. AUTHORIZE the City Administrative Officer (CAO) to make technical corrections as necessary to implement the Mayor and Council actions.

Fiscal Impact Statement: The CAO reports that there is no impact on the General Fund. Funding for the costs of the Amendment will be reimbursed by the ACTA.

(Public Works Committee waived consideration of the above matter)

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

03-2349 - HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE REPORT  
CD 9 relative to maximizing opportunities for community input on the proposed University of Southern California (USC) Galen Events Center.

Recommendation for Council action:

NOTE and FILE Community Redevelopment Agency reports, attached to the Council file, relative to maximizing opportunities for community input on the proposed USC Galen Events Center, inasmuch as the reports are submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

**ITEM NO. (8) - ADOPTED, AS AMENDED - SEE FOLLOWING**

**Roll Call #4 - Motion (Reyes - Smith) to Adopt as Amended, Ayes (12); Absent: Cardenas, Garcetti and President Padilla (3)**

00-1566 - PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an  
S24 application for a hardship exemption from provisions of the City's Pico-Union Interim  
CD 1 Control Ordinance (ICO) for the proposed project at 1453 Constance Street.

Recommendations for Council action:

1. GRANT hardship exemption from the City's Pico-Union ICO (Ordinance No. 174609) for the proposed demolition of a single-family residence, removal of a swimming pool, and paving of the entire area for use as a parking lot for property at 1453 Constance Street.
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: Kalani Childs

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.

**ADOPTED**

**AMENDING MOTION (REYES - WEISS)**

**Recommendations for Council action:**

**AMEND the Planning and Land Use Management Committee report relative to an application for a hardship exemption from provisions of the City's Pico-Union Interim Control Ordinance for the proposed project at 1453 Constance Street, to include the following additional Conditions, as recommended by the Planning Department:**

- 1. The applicant shall provide landscape buffers/planter areas, a minimum of 3 feet wide along the northerly and southerly existing block walls. Such planters shall be installed to the rear to a point 6 feet away from the rear existing, abutting building (center and northwesterly) along the rear property line and 10 feet away from the rear building (southwesterly comer area) which is the location for the dumpsters. Moreover, comer landscape planters shall be provided at the northeasterly and southeasterly comers (each measuring 4 feet x 4 feet from comer) of the proposed landscaped parking lot.**

**The landscaping shall include a combination of trees, vines and groundcover with automatic irrigation. Within the 3 feet planter areas along the north and south property lines, the trees shall be planted at a ratio of 1 tree for every 5 parking spaces.**

**All landscaping shall be maintained at all times vigorous and vibrant and shall be replanted as needed.**

- 2. The applicant is maintaining the existing fencing which consists of the following: Fronting along Constance, the fencing is a combination of an approximately 3 foot high wrought iron over 3 foot high block wall; along the northerly and southerly (partial) property lines, an approximately 8 foot high block wall exists; partially on the southerly property line and along the whole rear property line, the existing buildings are the barriers.**
- 3. The subject landscaped parking lot shall include security lighting to ensure a well lighted parking lot and will ensure that such lighting shall be shielded from the adjacent residential use.**
- 4. The parking lot shall be securely closed after business closes to ensure that loiterers and illegal dumping does not occur. The applicant shall maintain at all times the parking lot free of trash and debris.**
- 5. The applicant shall house the trash dumpsters within this landscaped parking lot (at the southwesterly comer) and shall position them to the satisfaction of Department of Transportation which reviews traffic circulation for the driveway and parking lots. The emphasis is that the dumpsters will be housed and positioned to avoid having to roll out the dumpsters into the street for servicing. The dumpsters shall be prohibited on the public right of way.**
- 6. The housing of storage containers and open storage of equipment shall be prohibited within this landscaped parking lot.**

7. The applicant shall ensure that employees and the company vehicles do not park on the public streets. The understanding is that the parking for the company vehicles and employee parking will not conflict since the company vehicles will be stored overnight after close of business hours and the employees will use the parking lot during business hours.
8. Along the subject property's frontage (where no driveway conflicts exist), the applicant shall plant vine pockets against the existing fencing fronting the sidewalk and shall install street trees to the satisfaction of the Bureau of Street Services, Street Tree Division.

Roll Call #1 - Motion (Reyes - Hahn) Adopted, Ayes (11); Absent: Cardenas, Garcetti, Padilla and Weiss (4)  
(Item Nos. 9-11)

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

02-1912 - PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an application for a hardship exemption from provisions of the City's Lincoln Heights Interim Control Ordinance (ICO) for the proposed project at 2535 North Workman Street.

Recommendations for Council action:

1. GRANT hardship exemption from the City's Lincoln Heights ICO (Ordinance No. 175154) for the proposed stucco, installation of new windows, and roof replacement at a single-family residence located at 2535 North Workman Street.
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: Mercedes Hernandez (Richardo Monterroso, representative)

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.

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

03-0227 - CATEGORICAL EXEMPTION, PUBLIC WORKS COMMITTEE REPORT and RESOLUTION relative to vacating a portion of the northwesterly side of Vestal Avenue from Donaldson Street to 50 feet northeasterly thereof.

Recommendations for Council action:

1. FIND that this vacation is categorically exempt from the California Environmental Quality Act of 1970 pursuant to Article VII, Class 5(3) of the City's Environmental Guidelines.



2. ADOPT the FINDINGS of the City Engineer dated March 27, 2003, as the Findings of Council.
3. ADOPT the accompanying RESOLUTION TO VACATE No. 03-1400808.
4. AMEND recommendation "A" of the City Engineer report dated March 27, 2003, to vacate the northwesterly 13-foot portion of Vestal Avenue from Donaldson Street to 50 feet northeasterly thereof.
5. ADOPT the City Engineer report dated March 27, 2003, as amended above, that summary street vacation proceedings (VAC-E1400808) BE INSTITUTED for the northwesterly 13-foot portion of Vestal Avenue from Donaldson Street to 50 feet northeasterly thereof, subject to the conditions enumerated therein.

Fiscal Impact Statement: The City Engineer reports that the petitioner has paid a fee of \$6,540 for the investigation of this request pursuant to Los Angeles Administrative Code (LAAC), Section 7.42. An additional processing fee to recover the cost may be required of the petitioner, pursuant to LAAC, Section 7.44.

**ITEM NO. (11) - ADOPTED**

02-2285 - BUDGET AND FINANCE and INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEES' REPORTS relative to a contract for a treasury workstation and related consulting services with SunGard Treasury Systems.

**A. BUDGET AND FINANCE COMMITTEE REPORT**

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

1. AUTHORIZE the Treasurer to negotiate and execute a contract for a treasury workstation and related consulting services with SunGard Treasury Systems for the period of January 1, 2004 through December 31, 2004 subject to three one-year renewals not to exceed \$417,500 excluding annual maintenance charges.
2. TRANSFER \$499,891 from the Reserve Fund to the Unappropriated Balance and REAPPROPRIATE therefrom to the Office of the Treasurer, Department 96, Fund 100 as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
3040	Contractual Services	\$417,500
6010	Office & Administrative Expense	55,611
7300	Furniture, Office & Technical Equipment	<u>26,780</u>
		\$499,891

Fiscal Impact Statement: The City Administrative Officer reports that funds for this project will be partially reimbursable from the Sewer Construction and Maintenance Fund (nine to ten percent) and special fees charged to the proprietary departments (36 percent). The transfer of these funds has been factored into the Reserve Fund calculation in the Financial Status Report.

**B. INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT**

Recommendation for Council action:

AUTHORIZE the Treasurer to execute a contract for a treasury workstation and related consulting services with SunGard Treasury Systems, subject to fiscal considerations.

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

(Environmental Quality and Waste Management Committee waived consideration of the above matter)

**Items for Which Public Hearings Have Not Been Held - Items 12-30**

(10 Votes Required for Consideration)

**Roll Call #2 - Motion (Zine - Smith) Adopted, Ayes (11); Absent: Cardenas, Garcetti, Weiss and President Padilla (4)  
(Item Nos. 12-22)**

**ITEM NO. (12) - ADOPTED**

01-0005 - RESOLUTION removing the property at 3514 West 39th Street from the Rent Escrow S51 Account Program [REAP], (Case No. 3472), inasmuch as the owner has corrected the CD 10 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 January 28, 2004.

Assessor I.D. No. 5033-004-009  
Registration No. None

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

**ITEM NO. (13) - ADOPTED**

04-0005 - RESOLUTION removing the property at 155 East 111th Street from the Rent Escrow Account Program [REAP], (Case No. 5883), 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 January 28, 2004.

Assessor I.D. No. 6073-016-026  
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on November 27, 2002)

**ITEM NO. (14) - ADOPTED**

04-0005 - RESOLUTION removing the property at 2021 Stanford Avenue from the Rent Escrow Account Program [REAP], (Case No. 6325), 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 January 28, 2004.

Assessor I.D. No. 5131-011-012  
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on April 29, 2003)

**ITEM NO. (15) - ADOPTED**

04-0005 - RESOLUTION removing the property at 5341 West Loma Linda Avenue from the Rent Escrow Account Program [REAP], (Case No. 6953), 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 January 28, 2004.

Assessor I.D. No. 5544-008-017  
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on November 25, 2003)

**ITEM NO. (16) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION**

99-1803 - COMMUNICATION FROM CHAIR and MEMBER, BUDGET AND FINANCE COMMITTEE  
S8 relative to Police Officer recruitment and hiring.

Recommendation for Council action:

RECEIVE and FILE the Personnel Department report, dated May 9, 2001, relative to changes made to the Police Officer examination process to ensure that the City does not hire officers such as those who were profiled in the Los Angeles Police Departments Board of Inquiry report into the Rampart Area Corruption incident, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

**ITEM NO. (17) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS -  
TO THE MAYOR FORTHWITH**

03-1950 - COMMUNICATION FROM THE MAYOR'S CRIMINAL JUSTICE PLANNING OFFICE  
S1 relative to the United States (US) Department of Justice, Office of Community Oriented Policing Services (COPS) Fiscal Year (FY) 2003 Enhancement of Community Policing Grant award.

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

1. ACCEPT the FY 2003 COPS Enhancement of Community Policing Program grant award for \$250,000 for the term September 1, 2003 through August 31, 2005, subject to the approval of the City Attorney as to form and legality.
2. AUTHORIZE the Mayor and Chief of Police to execute and submit the COPS Enhancement of Community Police Program award to the US Department of Justice COPS Office, on behalf of the City.
3. AUTHORIZE the Controller to establish a New Fund entitled COPS Enhancement of Community Policing Program Grant Fund for the receipt and disbursement of grant funds.
4. AUTHORIZE the Director, Mayor's Criminal Justice Planning Office, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: None submitted by the Mayor's Criminal Justice Planning Office. Neither the City Administrative Officer nor Chief Legislative Analyst has completed a financial analysis of this report.

(Public Safety Committee waived consideration of the above matter)

**ITEM NO. (18) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS**

99-1947 - COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION TO VACATE relative  
CD 5 at Bella Drive from its northerly terminus to approximately 397 feet southerly thereof -  
VAC-E1400669.

Recommendations for Council action:

1. REAFFIRM the FINDINGS of September 27, 2000, that this vacation is in substantial conformance with the General Plan pursuant to Section 556 of the Los Angeles City Charter (subject to the conditions contained therein).
2. ADOPT the accompanying RESOLUTION TO VACATE No. 03-1400669 for the vacation of Bella Drive from its northerly terminus to approximately 397 feet southerly thereof.
3. APPROVE the City Engineer report dated December 30, 2003 for the vacation.
4. INSTRUCT the Bureau of Engineering, Land Development Group, to record the Resolution with the Los Angeles County Recorder.

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

**ENVIRONMENTAL WORK COMPLETED FOR THIS PROJECT**

**ITEM NO. (19) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS**

03-2764 - CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and  
CD 13 RESOLUTION relative to acceptance of future street as public street.

Recommendations for Council action:

1. FIND that this acceptance is categorically exempt from the California Environmental Quality Act of 1970 pursuant to Article VII, Class 5(4) of the City's Environmental Guidelines.
2. FIND that this acceptance of the future street as public street is in substantial conformance with the General Plan pursuant to Section 556 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated December 23, 2003, and the accompanying RESOLUTION OF ACCEPTANCE for the future street as public street lying on Hollywood Boulevard and Bronson Avenue.
4. INSTRUCT the Real Estate Division, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that a fee of \$897.73 was collected for processing this report pursuant to Sections 7.3 and 7.41.1 of the Los Angeles Administrative Code.

**ITEM NO. (20) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS**

03-2768 - CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and CD 5 RESOLUTION relative to acceptance of future street as public street.

Recommendations for Council action:

1. FIND that this acceptance is categorically exempt from the California Environmental Quality Act of 1970 pursuant to Article VII, Class 5(4) of the City's Environmental Guidelines.
2. FIND that this acceptance of the future street as public street is in substantial conformance with the General Plan pursuant to Section 556 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated December 23, 2003, and the accompanying RESOLUTION OF ACCEPTANCE for the future street as public street lying on Rosewood Avenue at La Brea Avenue.
4. INSTRUCT the Real Estate Division, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that a fee of \$897.73 was collected for processing this report pursuant to Sections 7.3 and 7.41.1 of the Los Angeles Administrative Code.

**ITEM NO. (21) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS**

04-0028 - CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and CD 11 RESOLUTION relative to acceptance of future public access and habitat protection easements as public access and habitat protection easements.

Recommendations for Council action:

1. FIND that this acceptance is categorically exempt from the California Environmental Quality Act of 1970 pursuant to Article VII, Class 5(4) of the City's Environmental Guidelines.
2. FIND that this acceptance of the future public access and habitat protection easements as public access and habitat protection easements is in substantial conformance with the General Plan pursuant to Section 556 of the Los Angeles City Charter.

3. ADOPT the City Engineer report dated January 7, 2004, and the accompanying RESOLUTION OF ACCEPTANCE of future public access and habitat protection easements as public access and habitat protection easements lying on Roma Court at Quarterdeck Mall; Via Donte between Ketch Mall and Voyage Mall; and The Grand Canal between Buccaneer Street and Driftwood Street.
4. INSTRUCT the Real Estate Division, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that the cost for processing of this request is estimated at \$1,200.

#### ITEM NO. (22) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-0029 - CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and CD 12 RESOLUTIONS relative to acceptance of future street, alley and slope easements as public street, alley and slope easements.

Recommendations for Council action:

1. FIND that this acceptance is categorically exempt from the California Environmental Quality Act of 1970 pursuant to Article VII, Class 5(40) of the City's Environmental Guidelines.
2. FIND that this acceptance of the future street, alley and slope easements as public street, alley and slope easements is in substantial conformance with the General Plan pursuant to Section 556 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated January 8, 2004, and the accompanying RESOLUTIONS OF ACCEPTANCE of future street, alley and slope easements as public street, alley and slope easements: Parthenia Street and Canoga Avenue; Parthenia Street and Gothic Avenue; Plummer Street and Canoga Avenue; Rayen Street and Wilbur Avenue; and Wilbur Avenue between Nordhoff Street and Bahama Street.
4. RETAIN the access restrictions over Parcels A and B, Parcel Map L.A. No. 4114 to control future development over the adjoining properties.
5. INSTRUCT the Real Estate Division, Bureau of Engineering, to record the Resolutions with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that the cost for processing of this request is estimated at \$6,000.

**ITEM NO. (23) - CONTINUED TO FEBRUARY 11, 2004**

**Roll Call #5 - Motion (Zine - Ludlow) Adopted to Continue, Unanimous Vote (12);  
Absent: Cardenas, Garcetti and President Padilla (3)**

04-0002 - CONSIDERATION OF RESOLUTION (ZINE - LUDLOW - GARCETTI) relative to urging S19 both parties in the on-going grocery strike to immediately return to the bargaining table to negotiate and resolve the dispute.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION urging both parties, employers and employees, in the on-going grocery strike to immediately return to the bargaining table and to negotiate in good faith until the dispute is resolved.

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

**ITEM NO. (24) - ADOPTED, \*AS AMENDED - SEE FOLLOWING**

**Roll Call #6 - Motion (Reyes - Villaraigosa) to Adopt as Amended, Ayes (12); Absent: Cardenas, Garcetti and President Padilla (3)**

02-0169 - MOTION (REYES - VILLARAIGOSA) relative to declaring the Los Angeles Chinatown CD 1 Firecracker Run on February ~~10~~ \*8, 2004 a Special Event (fees and costs absorbed by the City = \$10,622).

Recommendation for Council action:

DECLARE the Los Angeles Chinatown Firecracker Run, sponsored by the Los Angeles Chinatown Firecracker Run Committee on February ~~10~~ \*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. **\*(Reyes - Villaraigosa)**

**Roll Call #2 - Motion (Zine - Smith) Adopted, Ayes (11); Absent: Cardenas, Garcetti, Weiss and President Padilla (4)  
(Item Nos. 25-29)**

**ITEM NO. (25) - ADOPTED**

00-0070 - MOTION (REYES - VILLARAIGOSA) relative to declaring the Sidewalk Sale in Lincoln CD 1 Heights on February 6-8, 2004 a Special Event (fees and costs absorbed by the City = \$4,334).

Recommendation for Council action:



DECLARE the Sidewalk Sale in Lincoln Heights, sponsored by the Lincoln Heights Chamber of Commerce and Council District One on February 6-8, 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.

**ITEM NO. (26) - ADOPTED**

04-0156 - MOTION (SMITH - HAHN) relative to initiating street vacation proceedings for the alley CD 15 easterly of Dominguez Avenue from Anaheim Street to 150 feet southerly thereof, in Council District 15.

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 Dominguez Avenue from Anaheim Street to 150 feet southerly 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. (27) - ADOPTED**

04-0157 - MOTION (SMITH - GREUEL) relative to initiating street vacation proceedings for the alley CD 2 and a portion of Bellingham Avenue between Kittridge Street and Hamlin Street westerly of Laurel Canyon Boulevard, in Council District Two.

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 and a portion of Bellingham Avenue between Kittridge Street and Hamlin Street westerly of Laurel Canyon 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. (28) - ADOPTED**

04-0158 - MOTION (SMITH - LABONGE) relative to initiating street vacation proceedings for a portion of the easterly side of Zorada Drive from Willow Glen Road to approximately 160 feet northerly thereof, in Council District Four.

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 a portion of the easterly side of Zorada Drive from Willow Glen Road to approximately 160 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. (29) - ADOPTED**

04-0159 - MOTION (SMITH - ZINE) relative to the Chatsworth Business Improvement District (BID) placing street furniture along Devonshire Street and Mason Avenue.

Recommendation for Council action:

REQUEST the Board of Public Works and all its appropriate Bureau's to issue the necessary permits to the Chatsworth BID to allow them to place street furniture in planned locations along Devonshire Street and Mason Avenue; and further WAIVE all fees associated with issuing the appropriate permits.

**ITEM NO. (30) - ADOPTED - TO THE MAYOR FORTHWITH**

**Roll Call #9 - Motion (Smith - LaBonge) Adopted, Ayes (12); Absent: Cardenas, Garcetti and Villaraigosa (3)**

04-0002 - RESOLUTION (SMITH - LABONGE - ET AL.) relative to urging the State Water Resources Control Board to uphold the action of the Los Angeles Regional Water Quality Control Board with respect to the Waste Discharge Requirements for the proposed Sunshine Canyon Landfill City/County expansion.

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

ADOPT the accompanying RESOLUTION urging the California State Water Resources Board to uphold the December 4, 2003 action, in its entirety, of the Los Angeles Regional Water Quality Control Board and reject the appeal by Browning Ferris Industries-Sunshine Canyon Landfill.

## Closed Sessions - Items 31-39

### ITEM NO. (31) - MEETING HELD - CONTINUED TO FEBRUARY 11, 2004

The City Council shall recess to Closed Session, pursuant to Government Code Section 54957.6, to consider recommendations of the Executive Employee Relations Committee concerning further bargaining instructions to the City Administrative Officer, and other issues involving employee wages and benefits with respect to the following:

Community Redevelopment Agency Reduction in Force

### ITEM NO. (32) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING - TO THE MAYOR FORTHWITH

#### Roll Call #14 - Motion (Parks - Miscikowski) Adopted in Open Session, Ayes (15)

03-1439 - 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 Nelson Ortiz v. City of Los Angeles, et al., United States District Court Case No. CV 02-08504. (This Rampart-related case arises out of an incident in which plaintiff alleges violation of constitutional rights and false imprisonment.)

(Budget and Finance Committee considered the above matter in Closed Session on January 20, 2004)

(Continued from Council meeting of January 28, 2004)

#### ADOPTED IN OPEN SESSION

##### MOTION (PARKS - MISCIKOWSKI)

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

1. AUTHORIZE the City Attorney to expend \$225,000 in settlement of the case entitled Nelson Ortiz v. City of Los Angeles, et al., United States District Court Case No. CV 02-08504, from the Extraordinary Liability Claims Account No. 2000.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to Moreno, Becerra, Guerrero & Casillas and Nelson Ortiz.

**ITEM NO. (33) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING - TO THE MAYOR FORTHWITH**

**Roll Call #12 - Motion (Zine - Weiss) Adopted in Open Session, Ayes (14); Absent: Parks (1)**

01-0976 - The City Council shall recess to Closed Session, pursuant to Government Code Section S32 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Gene Serrano v. City of Los Angeles, et al., United States District Court Case No. CV 00-13356 GAF. (Plaintiff alleges a violation of civil rights and false arrest by the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on January 29, 2004)

**ADOPTED IN OPEN SESSION**

**MOTION (ZINE - WEISS)**

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

- 1. AUTHORIZE the City Attorney to expend \$190,000 in settlement of the case entitled Gene Serrano v. City of Los Angeles, et al., United States District Court Case No. CV 00-13356 GAF, from the Extraordinary Liability Account No. 2000.**
- 2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to Marshall Caskey, Attorney at Law, and Gene Serrano.**

**ITEM NO. (34) - MEETING HELD - ACTION TAKEN IN CLOSED SESSION**

01-0976 - The City Council shall recess to Closed Session, pursuant to Government Code Section S33 54956.9(a), to confer with its legal counsel relative to the case entitled A. Rivas v. Daryl Gates, et al., United States District Court Case No. CV 00-07207 GAF. (Plaintiff alleges a violation of civil rights and false arrest by the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on January 29, 2004)

**ITEM NO. (35) - MEETING HELD - ACTION TAKEN IN CLOSED SESSION**

01-0976 - The City Council shall recess to Closed Session, pursuant to Government Code Section S34 54956.9(a), to confer with its legal counsel relative to the case entitled Steven Moss v. Daryl Gates, et al., United States District Court Case No. CV 00-07164 GAF. (Plaintiff alleges a violation of civil rights and false arrest by the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on January 29, 2004)

**ITEM NO. (36) - MEETING HELD - ACTION TAKEN IN CLOSED SESSION**

04-0082 - The City Council shall recess to Closes Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled J.S. Lee v. Daryl F. Gates, et al., United States District Court Case No. CV 03-03126. (Plaintiff alleges a violation of civil rights and false arrest by the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on January 29, 2004)

**ITEM NO. (37) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING - TO THE MAYOR FORTHWITH**

**Roll Call #13 - Motion (Zine - Weiss) Adopted in Open Session, Ayes (15)**

04-0129 - 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 of the business tax refund suit brought by Radio Shack, Inc.

(Budget and Finance Committee considered the above matter in Closed Session on January 29, 2004)

**ADOPTED IN OPEN SESSION**

**MOTION (ZINE - WEISS)**

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

- 1. AUTHORIZE the City Attorney to expend \$106,000, in settlement of the business tax refund suit brought by Radio Shack, Inc., from the Liability Claims Account No. 9770.**
- 2. AUTHORIZE the City Attorney to enter into a settlement agreement providing that the taxpayer, Radio Shack, Inc., should be taxed as a retailer for its cell phone receipts.**

**ITEM NO. (38) - MEETING NOT HELD - CONTINUED TO FEBRUARY 10, 2004**

**Roll Call #11 - Motion (Miscikowski - Reyes) Adopted to Continue, Unanimous Vote (12);  
Absent: Cardenas, Garcetti and Villaraigosa (3)**

04-0148 - The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(b)(1), to confer with its legal counsel relative to the status of the transfer of the Hollywood and Highland Complex by TrizecHahn Hollywood, LLC, and other related issues, including potential offer of settlement.

**ITEM NO. (39) - MEETING HELD - CONTINUED TO FEBRUARY 18, 2004**

03-2507 - The City Council shall recess to Closed Session, pursuant to Government Code Section S1 54956.9(b) and/or (c), to confer with its legal counsel relative to potential litigation to recover or preserve funding provided by the Vehicle License Fee.

**Item for Which Public Hearing Has Been Held - Item 40**

**ITEM NO. (40) - REFERRED BACK TO ARTS, PARKS, HEALTH AND AGING COMMITTEE TOGETHER WITH AMENDING MOTION**

**Roll Call #8 - Motion (LaBonge - Hahn) to Refer, as Amended, Unanimous Vote (12); Absent: Cardenas, Garcetti and Villaraigosa (3)**

03-2104 - CONTINUED CONSIDERATION OF ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the Arts Development Fee and the Public Works Improvements Arts Program.

Recommendations for Council action, pursuant to Motion (Ludlow - LaBonge):

1. INSTRUCT the City Administrative Officer (CAO), with the assistance of the Cultural Affairs Department (CAD) and the Department of Building and Safety (DBS), to report to the Arts, Parks, Health and Aging Committee in 30 days regarding the Arts Development fee and the Public Works Improvements Arts Program, including but not limited to a description of the differences between the two programs, the payment and expenditure processes, the monitoring of funds, the project selection criteria, and the options available for the use of funds not yet designated for specific projects.
2. INSTRUCT the CAD to report to the Arts, Parks, Health and Aging Committee in 30 days with a listing of current and proposed art projects in each Council District, including but not limited to funds that have not been earmarked for specific projects, and the status and availability of these funds.

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

(Continued from Council meeting of January 30, 2004)

**REFERRED TO ARTS, PARKS HEALTH AND AGING COMMITTEE**

**AMENDING MOTION (PARKS - LUDLOW)**

**Recommendations for Council action:**

1. AMEND recommendation No. 1 to also REQUEST the Chief Executive Officer of the Community Redevelopment Agency (CRA) to report to the City Administrative Officer (CAO) with a description of the CRA's public arts program and INSTRUCT the CAO,

with assistance of the Cultural Affairs Department (CAD) to include the CRA's program in the report to the Arts, Parks, Health and Aging Committee regarding the Arts Development Fee and the Public Works Improvements Art Program in 30 days.

2. INSTRUCT the CAO and the Chief Legislative Analyst, with the assistance of the CAD and the CRA, to evaluate the three programs and provide recommendations on how to achieve greater efficiency, effectiveness and cost savings to the Arts, Parks, Health and Aging Committee in 60 days.

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

- 03-0272 - MOTION (REYES - PARKS) relative to declaring the 24th Annual Ceremony to Honor Cuauhtemoc on February 28, 2004 a Special Event (fees and costs absorbed by the City = \$3,029).
- 03-0207 - MOTION (PARKS - PERRY) relative to declaring the 2nd Annual Children's Village in Leimert Park on February 6, 2004 a Special Event (fees and costs absorbed by the City = \$4,500).
- 04-0202 - MOTION (PARKS - PERRY) relative to declaring the NBA Sprite Celebration on February 10, 2004 a Special Event (fees and costs absorbed by the City = \$10,000).
- 04-0203 - MOTION (CARDENAS - GARCETTI) relative to declaring the West Van Nuys Community Clean Up on March 13, 2004 a Special Event (fees and costs absorbed by the City = none submitted).
- 04-0201 - MOTION (PARKS - PERRY) relative to a request for an exemption from the Convention Center fee waiver policy for the Commercial Cleaning Expo on February 19, 2004.
- 03-2333 - MOTION (PERRY - PARKS) relative to a request for an exemption from the Convention Center fee waiver policy for the 22nd Los Angeles County Decathlon on February 7, 2004.
- 04-0200 - MOTION (PARKS - PERRY) relative to partial funding to obtain special services to support community programs in Council District Eighth.

## **COUNCILMEMBER'S REQUEST FOR EXCUSE FROM COUNCIL MEETINGS**

Upon his request, and without objections, Councilmember Reyes was excused from Council session of Wednesday, February 11, 2004 due to City business.

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

04-0004 - David Boyd	(LaBonge)
Dr. Richard W. Lid	(LaBonge)
Jason Ramos	(LaBonge - Ludlow)
Shulma Ramos	(LaBonge - Ludlow)
Grace Imani	(Parks)
Emanuel "Manny" Rubinfeld	(Smith - Weiss)

**Ayes, Cardenas, Garcetti, Greuel, Hahn, LaBonge, Ludlow, Miscikowski, Parks, Perry, Reyes, Smith, Villaraigosa, Weiss, Zine and President Padilla (15); Absent: (0).**

**Whereupon the Council did adjourn.**

ATTEST: J. Michael Carey, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL