

Los Angeles City Council, Journal/Council Proceedings
Wednesday, July 14, 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, Hahn, LaBonge, Ludlow, Miscikowski, Parks, Perry, Reyes, Smith and Weiss (11); Absent: Greuel, Villaraigosa, Zine and President Padilla (4).

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
JULY 9, 2004

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 21

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) - CONTINUED TO JULY 21, 2004

**Roll Call #1 - Motion (LaBonge - Reyes) Adopted to Continue, Unanimous Vote (11);
Absent: Greuel, Villaraigosa, Zine and President Padilla (4)**

04-1038 - MITIGATED NEGATIVE DECLARATION and HEARING APPEALS filed by Santa Monica
CD 2 Conservancy (Paul Edelman, Representative), from the entire determination of the North
Valley Area Planning Commission in approving Parcel Map No. AA2001-3944 PMLA-1A,
subject to conditions for four proposed parcels at 10300 Wornom Avenue.

Applicant: Terry Walker

AA2001-3944 PMLA-1A

TIME LIMIT FILE - JULY 21, 2004

(LAST DAY FOR COUNCIL ACTION - JULY 21, 2004)

Items for Which Public Hearings Have Been Held - Items 2-9

ITEM NO. (2) - CONTINUED TO JULY 20, 2004

Roll Call #4 - Motion (LaBonge - Miscikowski) Adopted to Continue, Unanimous Vote (11);
Absent: Greuel, Villaraigosa Zine and President Padilla (4)

03-1694 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to the establishment of the Black Market Cigarette Prosecution Trust Fund.

Recommendation for Council action, pursuant to Motion (Padilla - LaBonge - et al.),
SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the accompanying ORDINANCE which will add Chapter 65 to Division 5 of the Los Angeles Administrative Code and will establish the Black Market Cigarette Prosecution Trust Fund to be utilized by the City Attorney and the Los Angeles Police Department for the purpose of training, preparation, prosecution, and investigation of criminal cases related to Black Market Cigarette investigations and prosecutions.

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

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

CONTINUED

BUDGET AND FINANCE COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to establishment of a Black Market Cigarette Prosecution Trust Fund.

Recommendations for Council action, pursuant to Motion (Padilla - LaBonge, et al.),
SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE relative to adding Chapter 65 to Division 5 of the Los Angeles Administrative Code, to establish a Black Market Cigarette Prosecution Trust Fund, as amended by the City Attorney.
2. REQUEST the City Attorney to prepare documents in cooperation with the Controller to establish a General Fund Departmental Receipts account for receipt of excess balances from the Black Market Cigarette Prosecution Trust Fund.
3. REQUEST the City Attorney to provide an expenditure plan as part of each year's budget submission, detailing the activities to be funded from the Black Market Cigarette Prosecution Trust Fund.
4. REQUEST the City Attorney to provide an annual report to the Council relative to the activities of the Black Market Cigarette Prosecution Program, including a detailed account of expenditures from the Trust Fund.

Fiscal Impact Statement: The City Administrative Officer reports that there is a potential General Fund impact of up to \$40,000 in revenue annually that will be restricted for use in tobacco enforcement activities.

**Roll Call #2 - Motion (Garcetti - Perry) Adopted, Ayes (11); Absent: Greuel, Villaraigosa, Zine and President Padilla (4)
(Item Nos. 3-5)**

ITEM NO. (3) - REPORT ADOPTED - ORDINANCE OVER ONE WEEK TO JULY 21, 2004

04-1306 - PERSONNEL COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to establishment of salary for the new class of Background Investigation Manager.

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

1. PRESENT and ADOPT the accompanying ORDINANCE to amend Ordinance No. 175048 (2001-04 Salaries and Benefits for Non-Represented Classes) to provide a salary for the new class of Background Investigation Manager, Code 1759.
2. AUTHORIZE the City Administrative Officer (CAO), upon accretion of the class to a bargaining unit, to amend the appropriate Memorandum of Understanding to reflect the salary approved by Ordinance.

Fiscal Impact Statement: The CAO reports that the Personnel Department will be reallocating an existing vacant position in order to create this new job. The difference in the cost of the two positions is \$20,692 annually.

ITEM NO. (4) - MOTION ADOPTED TO APPROVE RESOLUTION RECOMMENDATION

04-0002 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT and RESOLUTION relative to the City's position in connection with Senate Bill (SB) 921 (Kuehl).
S64

SUBMITS WITHOUT RECOMMENDATION the recommendation of Resolution (Villaraigosa - Garcetti - Ludlow), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to establish a position of SUPPORT in the City's 2003-04 State Legislative Program for SB 921 (Kuehl), and other similar legislation, which would help increase the number of people in the State of California who have access to affordable health care.

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

Community Impact Statement: The Grass Roots Venice Neighborhood Council reports that, at its meeting held June 7, 2004, 14 Board members voted to support Resolution (Villaraigosa - Garcetti - Ludlow) and four Board members abstained. An unacceptable number of Venice residents and other stakeholders have no health care insurance and others have inadequate insurance. The Board supports the measures outlined in SB 921 as an efficient way to provide universal access to affordable high-quality health care for all Venice stakeholders.

ITEM NO. (5) - ADOPTED

04-0204 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to a list of potential sites for the Korean American Museum.

Recommendation for Council action:

NOTE and FILE the Department of General Services report dated May 6, 2004, relative to a list of potential sites for the Korean American Museum, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

ITEM NO. (6) - ADOPTED

Roll Call #3 - Motion (Reyes - Perry) Adopted, Ayes (13); Absent: Villaraigosa and President Padilla (2)

04-0002 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT S74 relative to City's position in connection with HR 4480 (Turner).

Recommendation for Council action, substantially as initiated by Resolution (Reyes - Garcetti - Villaraigosa - Perry), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to include in the City's 2003-2004 Legislative Program SUPPORT for HR 4480 (Turner) reinstating the brownfields tax deduction or environmental clean-up cost deduction for areas designated as Urban Empowerment Zones and/or Renewal Communities.

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

ITEM NO. (7) - ADOPTED

Roll Call #2 - Motion (Garcetti - Perry) Adopted, Ayes (11); Absent: Greuel, Villaraigosa, Zine and President Padilla (4)

04-1088 - MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE CD 11 MANAGEMENT COMMITTEE REPORT relative to Tract Map appeal (TR 52769) at 17325 Castellammare Drive.

Recommendations for Council action:

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. 04-1088 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 filed on August 15, 1997 [ENV97-0248 SUB].

2. ADOPT FINDINGS of the West Los Angeles Area Planning Commission as modified by the Planning and Land Use Management Committee, and shown in the attachment to the Committee report.
3. DENY APPEAL IN PART filed by Sunset Coastal, A California Limited Partnership (c/o G. H. Palmer Associates) from part of the determination of the West Los Angeles Area Planning Commission in sustaining the decision the Deputy Advisory Agency's approval of the modification of Tentative Tract No. 52769, for the proposed construction, use and maintenance of a 21-unit condominium project, including a 25 percent density bonus of six additional units, for a total of 27 units at 17325 Castellammare Drive, subject to conditions, and THEREBY APPROVE a 23-unit condominium project, including a 25 percent density bonus of six additional units, for a total of 29 unit at the location, as recommended by the Councilmember of Council District 11, subject to the conditions as modified and as shown in the attachment to the Committee report.

Applicant: Sunset Coastal, A California Limited Partnership TT 52769-MOD-1A
(c/o G. H. Palmer Associates)

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 - JULY 14, 2004

(LAST DAY FOR COUNCIL ACTION - JULY 14, 2004)

ITEM NO. (8) - CONTINUED TO JULY 21, 2004

**Roll Call #4 - Motion (LaBonge - Miscikowski) Adopted to Continue, Unanimous Vote (11);
Absent: Greuel, Villaraigosa Zine and President Padilla (4)**

04-0002 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT
S118 and COMMUNICATION FROM CHAIR, CONVENTIONS, TOURISM, ENTERTAINMENT
INDUSTRY AND BUSINESS ENTERPRISE COMMITTEE and RESOLUTION relative to
City's position in connection with Assembly Bill (AB) 606 (Nunez), the "Humane Treatment
of Hotel Room Attendants Act of 2004."

Recommendation for Council action, as initiated by Motion (Ludlow - Villaraigosa),
SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to establish a position of SUPPORT in the City's
2003-04 State Legislative Program for AB 606 (Nunez), the Humane Treatment of Hotel
Room Attendants Act of 2004, which would enact remedial legislation to enhance and
protect the working conditions of hotel room attendants.

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

ITEM NO. (9) - PERSONNEL COMMITTEE REPORT ADOPTED - ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE REPORT RECEIVED AND FILED

Roll Call #5 - Motion (Perry - Zine) Adopted, Ayes (13); Absent: Villaraigosa and President Padilla (2)

02-2532 - PERSONNEL COMMITTEE and ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE REPORTS relative to grant-funded, tree-planting projects.

ADOPTED

A. PERSONNEL COMMITTEE REPORT

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

1. AUTHORIZE the General Manager, Environmental Affairs Department (EAD), or designee, to:
 - a. Accept on behalf of the City \$250,000 in State Environmental Enhancement and Mitigation Program funds for the Rooted in Neighborhoods tree-planting project, subject to final approval by the California Transportation Commission.
 - b. Execute, on behalf of the City, all necessary grant contracts, agreements, and amendments with the funding agencies to fully implement the above project, subject to approval of the City Attorney as to form and legality.
 - c. Execute amendments to existing contracts and other agreements as necessary to fully implement the project, subject to compliance with Executive Directive No. 16, and the approval of the City Attorney as to form and legality.
 - d. Expend funds from the new account to be established by the Controller to fully implement the grant project.
2. DETERMINE, in accordance with City Charter Section 1022, that the work to be performed for the Rooted in Neighborhoods Project, can be performed more feasibly by independent contractors than by City employees, as it is of a limited scope and duration.
3. AUTHORIZE the Controller to establish a new account entitled Rooted in Neighborhoods Account No. 0040 within the Environmental Affairs Trust Fund No. 537.
4. AUTHORIZE the Controller to implement the necessary transactions to TRANSFER and APPROPRIATE funds as follows:
 - a. \$40,000 from the Available Balance in the Environmental Affairs Trust Fund No. 537 to the Rooted in Neighborhoods Account No. 0040 to use as front-funding for the Rooted in Neighborhoods grant project.

- b. \$60,000 from the Available Balance in the Environmental Affairs Trust Fund No. 537 to the Los Angeles Green Corridors Account No. 0037 to use as front-funding for the Los Angeles Green Corridors grant project.
- c. \$83,095 from the Environmental Affairs Trust Fund No. 537, Los Angeles Green Corridors Account No. 0037 to the EAD Fund 100/37, As-Needed Salaries Account No. 1070 to pay City staff working on the Los Angeles Green Corridors grant project.
- d. \$10,000 from the Environmental Affairs Trust Fund No. 537, Greenways to Schools Account No. 0039 to the EAD Fund 100/37, As-Needed Salaries Account No. 1070 to pay City staff working on the Greenways to Schools grant project.

RECEIVED AND FILED

B. ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE REPORT

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

1. AUTHORIZE the General Manager, Environmental Affairs Department (EAD), or designee, to:
 - a. Accept on behalf of the City \$250,000 in State Environmental Enhancement and Mitigation Program funds for the Rooted in Neighborhoods tree-planting project, subject to final approval by the California Transportation Commission.
 - b. Execute, on behalf of the City, all necessary grant contracts, agreements, and amendments with the funding agencies to fully implement the above project, subject to approval of the City Attorney as to form and legality.
 - c. Execute amendments to existing contracts and other agreements as necessary to fully implement the project, subject to compliance with Executive Directive No. 16, and the approval of the City Attorney as to form and legality.
 - d. Expend funds from the new account to be established by the Controller to fully implement the grant project.
2. DETERMINE, in accordance with City Charter Section 1022, that the work to be performed for the Rooted in Neighborhoods Project, can be performed more feasibly by independent contractors than by City employees, as it is of a limited scope and duration.
3. AUTHORIZE the Controller to establish a new account entitled Rooted in Neighborhoods Account No. 0040 within the Environmental Affairs Trust Fund No. 537.

4. AUTHORIZE the Controller to implement the necessary transactions to TRANSFER and APPROPRIATE funds as follows:
 - a. \$40,000 from the Available Balance in the Environmental Affairs Trust Fund No. 537 to the Rooted in Neighborhoods Account No. 0040 to use as front-funding for the Rooted in Neighborhoods grant project.
 - b. \$60,000 from the Available Balance in the Environmental Affairs Trust Fund No. 537 to the Los Angeles Green Corridors Account No. 0037 to use as front-funding for the Los Angeles Green Corridors grant project.
 - c. \$83,095 from the Environmental Affairs Trust Fund No. 537, Los Angeles Green Corridors Account No. 0037 to the EAD Fund 100/37, As-Needed Salaries Account No. 1070 to pay City staff working on the Los Angeles Green Corridors grant project, and reappropriate the balance of funds remaining in Fund 100/37, Account 1070 for the Los Angeles Green Corridors Account No. 0037 in Fiscal Year (FY) 2003-04 to the same fund and account in FY 2004-05.
 - d. \$10,000 from the Environmental Affairs Trust Fund No. 537, Greenways to Schools Account No. 0039 to the EAD Fund 100/37, As-Needed Salaries Account No. 1070 to pay City staff working on the Greenways to Schools grant project, and reappropriate the balance of funds remaining in Fund 100/37, Account 1070 for the Greenways to Schools Account No. 0039 in FY 2003-04 to the same fund and account in FY 2004-05.

5. RESOLVE that continuation of the following as-needed employment positions required for EAD natural resources and greening projects is APPROVED:

<u>Title</u>	<u>Class Code</u>
Project Coordinator	1537
Project Assistant	1542
Student Professional Worker	1502

Fiscal Impact Statement: The EAD reports that the proposed project will bring \$250,000 in State funds to the City of Los Angeles to plant 1,000 additional street trees, and the EAD will devote an additional \$50,000 in matching funds through in-kind services. The requested transfers of funds will allow implementation of the existing grant-funded, tree-planting projects and do not incur additional expenses for the City nor impact the General Fund.

Items for Which Public Hearings Have Not Been Held - Items 10-28

(10 Votes Required for Consideration)

**Roll Call #6 - Motion (Reyes - Hahn) Adopted, Ayes (11); Absent: Greuel, Villaraigosa, Zine and President Padilla (4)
(Item Nos. 10-17)**

ITEM NO. (10) - ADOPTED

01-0005 - RESOLUTION removing the property at 2818 South Bronson Avenue from the Rent
S77 Rent Escrow Account Program [REAP], (Case No. 3538), inasmuch as the owner has
CD 10 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 July 7, 2004. Assessor I.D. No. 5051-009-004

(Council action of May 9, 2001 placed property into REAP)

ITEM NO. (11) - ADOPTED

04-0005 - RESOLUTION removing the property at 837 West 42nd Place from the Rent Escrow
S271 Account Program [REAP], (Case No. 4013), inasmuch as the owner has corrected the
CD 9 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 July 7, 2004. Assessor I.D. No. 5091-005-014

(Notice of Acceptance into the REAP/Rent Reduction Program was released on
August 8, 2001)

ITEM NO. (12) - ADOPTED

04-0005 - RESOLUTION removing the property at 4424-28 1/2 Arlington Avenue from the Rent
S272 Escrow Account Program [REAP], (Case No. 5791), inasmuch as the owner has corrected
CD 8 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 July 7, 2004. Assessor I.D. No. 5015-026-029

(Notice of Acceptance into the REAP/Rent Reduction Program was released on
October 1, 2002)

ITEM NO. (13) - ADOPTED

04-0005 - RESOLUTION removing the property at 638 Midvale Avenue from the Rent Escrow
S273 Account Program [REAP], (Case No. 6357), inasmuch as the owner has corrected the
CD 5 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 July 7, 2004. Assessor I.D. No. 4363-015-008

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

ITEM NO. (14) - ADOPTED

04-0005 - RESOLUTION removing the property at 9116-16 1/2 South Baring Cross Street from S274 the Rent Escrow Account Program [REAP], (Case No. 6593), inasmuch as the owner has CD 8 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 July 7, 2004. Assessor I.D. No. 6039-002-027

(Notice of Acceptance into the REAP/Rent Reduction Program was released on June 17, 2003)

ITEM NO. (15) - ADOPTED

04-0005 - RESOLUTION removing the property at 8873 Wadsworth Avenue from the Rent Escrow S275 Account Program [REAP], (Case No. 7454), inasmuch as the owner has corrected the CD 9 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 July 7, 2004. Assessor I.D. No. 6024-018-001

(Notice of Acceptance into the REAP/Rent Reduction Program was released on June 1, 2004)

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

03-0926 - COMMUNICATION FROM CHAIR, HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE relative to increasing the work order for the law firm of Fox and Sohagi for legal services related to the demolition of the Historic Giese Residence.

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (Agency), or designee to:

- a. Amend the Agency's 2003-04 Budget and Work Program to transfer \$170,000 from Work Objective CH9990 (Project General) to CH6990 (Response to Development Opportunities).
- b. Increase the Work Order for Fox and Sohagi in the amount of \$170,000 (from \$75,000 to \$245,000) for additional legal services related to the demolition of the Historic Giese Residence lawsuit.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund. Funding for this Work Order increase will reduce dollars available to the Chinatown Redevelopment Project Area inasmuch as this action was not anticipated in the 2003-04 Work Program and Budget.

ITEM NO. (17) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-0600 - COMMUNICATION FROM CHAIR, HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE and RESOLUTIONS relative to the Community Redevelopment Agency's (Agency) proposed Budget and Work Program for Fiscal Year 2004-05.
S1

Recommendations for Council action:

1. APPROVE the Agency's 2004-05 Proposed Budget and Work Program totaling \$358.8 million, comprised of a first year work program of \$235.1 million and \$123.7 million available for future year work programs and debt service.
2. APPROVE the following Central Business District (CBD) related actions:
 - a. The proposed 28th Annual Work Program for the CBD including the Public Fiscal Impact Report which is contained in the CBD section of the proposed 2004-05 Budget and Work Program (attached to the Council file).
 - b. The establishment by the Agency of indebtedness as set forth in the CBD Work Program.
3. FIND that:
 - a. The purposes for which the CBD Tax Increment Funds are to be expended cannot reasonably or feasibly be financed from any other source.
 - b. The elimination of blight and redevelopment as set forth in the Annual Work Program of the Agency cannot be accomplished by private enterprise without the aid and assistance of the Agency.
4. AUTHORIZE the Agency to acquire land, except by eminent domain, prior to there being a written agreement concerning the sale and redevelopment of the property to facilitate acquisition of single room occupancy hotels for rehabilitation, of key sites for commercial or adaptive use in the Historic Core or in South Park, and of sites for development of additional housing in South Park.
5. ADOPT the accompanying joint RESOLUTIONS to transfer CBD and Bunker Hill (BH) Funds for the work objectives for City Center (CC) Redevelopment Project Area (pursuant to the California Health and Safety Code Sections 33334.2, 33445, and 33449), as follows [Attachment V, VI and VII of the joint City Administrative Officer (CAO)/Chief Legislative Analyst (CLA) report dated July 6, 2004, attached to the Council file]:
 - a. Approve the use of approximately \$469,700 in CBD Housing Trust Funds for the Grand Avenue Apartments development and other Downtown opportunities for low and moderate housing within the CC and that benefit the CBD and that are consistent with the CC five-year implementation plan.

- b. Approve the use of approximately \$3.1 million in BH General Revenue Funds which: 1) Assist with the elimination of blight, provide affordable housing, construction of public facilities and improvements and benefit the BH; 2) are consistent with the CBD five-year implementation plan; and, 3) there are no other reasonable means of financing available.
- c. Approve the use of approximately \$4 million in BH Housing Trust Funds for the Grand Avenue Apartments development and other Downtown opportunities for low and moderate housing within the CC and that benefit the BH and that are consistent with the CC five-year implementation plan.

6. INSTRUCT the Chief Executive Officer, Agency, or designee, to:

- a. Amend the 2004-05 Proposed Budget, as adopted, for additional carryover, including legally obligated encumbrances and previous Council approved work program objectives, pending approval of the carryover amendment.
- b. Submit to the CAO and CLA, on a monthly basis, all amendments to the 2004-05 Adopted Budget pending the submission of the actual 2003-04 carryover amount.
- c. Report back in 30 days to the Council and Mayor relative to:
 - 1) The actual number of employees that took the retirement enhancement and the equivalent dollar amount of the salary of those employees.
 - 2) Which authorized position classifications the Agency recommends for deletion (equivalent to the dollar amount stated above) for the Agency's 2004-05 operating budget.
 - 3) The identification and justification for any positions the Agency may plan to retain for operational reasons, including any changes in the Agency's financial situation which warrant the retention of the positions.

Fiscal Impact Statement: The CAO and CLA report that this action will not impact the General Fund. The Agency's 2004-05 Proposed Budget and Work Program allocates \$358.8 million in funds primarily from tax increment resources.

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

Roll Call #7 - Motion (Garcetti - Ludlow) Adopted, Ayes (13); Absent: Villaraigosa and President Padilla (2)

04-1124 - COMMUNICATION FROM CHAIR, HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE and RESOLUTION relative to providing regulatory relief to projects applying for a soft second funding allocation from the State of California, Building Equity and Growth in Neighborhoods (BEGIN) Program.

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

1. ADOPT the accompanying RESOLUTION relative to the BEGIN Program.
2. AUTHORIZE the General Manager, Los Angeles Housing Department (LAHD), or designee, upon an award of BEGIN Program funds, to:
 - a. Execute all BEGIN Program grant documents with the State of California Housing and Community Development Department (HCD) and the financing documents necessary to implement this program.
 - b. Use BEGIN funds pursuant to guidelines set forth by HCD for the BEGIN Program and in conjunction with and supplemental to LAHD's existing home ownership programs, in order to provide mortgage assistance to home buyers of BEGIN Program assisted units, and allow the subordination of LAHD funds to BEGIN Program funds.
3. AUTHORIZE the General Manager, LAHD, or designee, for BEGIN Program assisted projects, with participation of City departments, including but not limited to Building and Safety, City Planning, Recreation and Parks, and Public Works, and contingent on the financial feasibility and compliance with City policies and regulations of such actions at the discretion of these departments, and pursuant to any approvals required from respective Boards and Commissions, to:
 - a. Provide regulatory relief in the form of modifications of density, zoning and/or parking standards.
 - b. Provide expedited staff level project design review.
 - c. Request reductions in permit processing, regulatory costs and other project fees, including any deferrals wherein such costs would be repaid from the sales proceeds of projects as listed in the attachment to this report, including additional eligible developments for which LAHD will apply to the State for BEGIN Program grant funds on an ongoing basis, contingent on funding availability.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund. The recommendations above concern the use of BEGIN grant funds only. These funds are made available to California cities and counties for home ownership programs, pursuant to the Housing and Emergency Shelter Trust Fund Bond Act of 2002, or Proposition 46.

**Roll Call #6 - Motion (Reyes - Hahn) Adopted, Ayes (11); Absent: Greuel, Villaraigosa, Zine and President Padilla (4)
(Item Nos. 19-21)**

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

04-1126 - COMMUNICATION FROM CHAIR, HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE relative to accepting \$625,000 from the United States Department of Labor, Office of Disability Employment Policy to provide employment services to chronically homeless individuals with mental illness.

Recommendation for Council action:

RECEIVE and FILE Los Angeles Housing Department report to the Mayor dated April 27, 2004 (attached to the Council file) relative to accepting \$625,000 from the United States Department of Labor, Office of Disability Employment Policy to provide employment services to chronically homeless individuals with mental illness inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

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

01-0322 - CATEGORICAL EXEMPTION and COMMUNICATION FROM CHAIR, PUBLIC WORKS
CD 7 COMMITTEE relative to vacating Carl Street northeasterly of Foothill Boulevard to its northeasterly terminus.

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 February 20, 2004, as the Findings of Council.
3. ADOPT the City Engineer report dated February 20, 2004, that street vacation proceedings (VAC-E1400731) BE INSTITUTED for Carl Street northeasterly of Foothill Boulevard to its northeasterly terminus, subject to conditions enumerated therein.

Fiscal Impact Statement: The City Engineer reports that the petitioner has paid a fee of \$1,534.17 for the investigation of this request. Any deficit fee to recover the cost pursuant to Section 7.44 of the Los Angeles Administrative Code may be required of the petitioner. Maintenance of the public easement by City forces will be eliminated.

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

03-2142 - CATEGORICAL EXEMPTION and COMMUNICATION FROM CHAIR, PUBLIC WORKS
CD 11 COMMITTEE relative to vacating Reseda Boulevard from approximately 886 feet northeasterly of Sunset Boulevard to approximately 160 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 5, 2004, as the Findings of Council.

3. ADOPT the City Engineer report dated March 5, 2004, that street vacation proceedings (VAC-E1400879) BE INSTITUTED for Reseda Boulevard from approximately 886 feet northeasterly of Sunset Boulevard to approximately 160 feet northeasterly thereof, subject to conditions enumerated therein.

Fiscal Impact Statement: The City Engineer reports that the petitioner has paid a fee of \$2,000 for the investigation of this request. Any deficit fee to recover the cost pursuant to Section 7.44 of the Los Angeles Administrative Code may be required of the petitioner. Maintenance of the public easement by City forces will be eliminated.

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

Roll Call #8 - Motion (Greuel - Cardenas) Adopted, Ayes (14); Absent: President Padilla (1)

01-1965 - COMMUNICATION FROM CHAIR, PUBLIC WORKS COMMITTEE relative to the sale of CD 2 tax-defaulted property pertaining to the Big Tujunga Wash Mitigation Project.

Recommendations for Council action:

1. APPROVE the sale of privately owned, tax-defaulted property (a vacant easement located near the 210 Freeway and Wheatland Avenue), Assessor's Parcel No. 2549-002-008, to the Los Angeles County Flood Control District, pursuant to California Revenue and Taxation Code Section 3775, for the agreed upon price of \$1,522.
2. REQUEST the Mayor to execute the required approval documents and forward them to the City Clerk for processing.

Fiscal Impact Statement: The City Administrative Officer reports that there will be minimal fiscal impact on the City. The proceeds from the sale of this privately owned, tax-defaulted property would be distributed in the same manner as other property tax receipts.

ITEM NO. (23) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

Roll Call #9 - Motion (Smith - Greuel) Adopted, Ayes (14); Absent: President Padilla (1)

04-0840 - COMMUNICATION FROM CHAIR, PUBLIC WORKS COMMITTEE relative to illegally removed and abandoned shopping carts, and related matters.

Recommendations for Council action, pursuant to Motion (Smith - Zine):

1. REQUEST the City Attorney to prepare and present, in 60 days, an ordinance requiring all businesses operating in the City that provide more than 10 shopping carts, as defined in the California Business and Professions Code (CBPC) Section 22435, to their customers, to do the following as requirement for obtaining their annual business license:

- a. Submit, with their annual business license application/renewal form, a copy of a certified, valid contract with a cart retrieval company that is licensed to do business in the City of Los Angeles. The cart retrieval company must guarantee pickup within 24 hours of notice. If a business does not send a copy of a certified, valid contract, the City will fine the business \$1,000 per month, per location, until the violation is corrected; business license renewals will be denied to locations with unpaid violations.
 - b. Within six months of the effective date of the new ordinance, clearly identify all carts, pursuant to CBPC Section 22435.1, with the name of the store (including store number if applicable), and a telephone number to call for retrieval.
 - c. Within six months of the effective date of the new ordinance, post signage near customer exits and near parking area exits of the store and on the carts stating to their customers, that unauthorized removal, use, or possession, of shopping carts is a misdemeanor, under - Section 41.45 of the Los Angeles Municipal Code.
2. INSTRUCT the Office of Finance, the City Administrative Officer (CAO), and the Chief Legislative Analyst (CLA) to report in 60 days on the feasibility of this ordinance, and any costs to the City that might be associated with its implementation.
 3. INSTRUCT the Bureau of Street Services (BSS), with the assistance of the City Attorney and any other appropriate department, to report back on the amount of a citation necessary for the City to receive a full cost recovery for enforcement of the ordinance by any and all agencies, including but not limited to the BSS, the Department of Building and Safety, and the Department of Transportation. The citation would be issued to the owners of the abandoned shopping carts that are left on City streets, sidewalks, public parking lots, parkways or other properties, 48 hours after being reported to the cart retrieval company or the City.
 4. INSTRUCT the CLA, after one year of the effective date of the ordinance, to survey each Council Office and certified Neighborhood Council on the effectiveness of the new ordinance and to report back to Council. If the abandoned shopping cart problem still exists, instruct the CLA to prepare a Request for Proposals for a contract for citywide cart retrieval service to supplement the existing businesses' individual contracts. The cost of this contract will be offset by a fee paid for by all businesses that provide more than 10 shopping carts, as defined in the CBPC (Section 22435); such fee to be recommended to Council by the CLA. This contract shall also include a provision that any carts retrieved and found to be from businesses outside the City limits, require that those businesses pay a fine and a fee for retrieval of the abandoned cart.

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

ITEM NO. (24) - CONTINUED TO SEPTEMBER 8, 2004

**Roll Call #10 - Motion (Ludlow - Smith) Adopted to Continue, Unanimous Vote (11);
Absent: Greuel, Villaraigosa, Zine and President Padilla (4)**

03-0523 - CONSIDERATION OF MOTION (LUDLOW - SMITH) relative to status of the East Central
S2 Interceptor Sewer (ECIS) project.

CD 10

Recommendation for Council action:

INSTRUCT the Bureau of Engineering, in conjunction with the Bureau of Sanitation, to provide Council with an ECIS project status report at its July 14, 2004 meeting.

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

**Roll Call #6 - Motion (Reyes - Hahn) Adopted, Ayes (11); Absent: Greuel, Villaraigosa, Zine
and President Padilla (4)
(Item Nos. 25-28)**

ITEM NO. (25) - ADOPTED

04-1333 - MOTION (MISCIKOWSKI - LABONGE) relative to declaring the Grayson Avenue Block
CD 11 Party on July 31, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).

Recommendation for Council action:

DECLARE the Grayson Avenue Block Party, sponsored by the residents of Grayson Avenue on July 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 AND application requirements.

ITEM NO. (26) - ADOPTED

02-2297 - MOTION (PERRY - PARKS) relative to declaring the Third Annual Old Bank District Art
CD 9 Walk on September 26, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).

Recommendation for Council action:

DECLARE the Third Annual Old Bank District Art Walk, sponsored by the Old Bank District on September 26, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.

ITEM NO. (27) - ADOPTED

04-1334 - MOTION (PERRY - PARKS) relative to declaring the Community Street Fair on August 15-17, 2004 a Special Event (fees and costs absorbed by the City = \$5,819).
CD 9

Recommendation for Council action:

DECLARE the Community Street Fair, sponsored by the Grace Pough's Grand College on August 15-17, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.

ITEM NO. (28) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-1342 - PARCEL MAP L.A. NO. 2002-4505 lying southerly of Wyandotte Street and westerly
CD 6 of Van Nuys Boulevard.

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

(ADOPT City Engineer Report)

(ADOPT Bond No. C-106749)

(Quimby Fee: \$ 4,542)

Applicants: VCMC Development, LLC
Eric Lieberman

Closed Sessions - Items 29-30

ITEM NO. (29) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #11 - Motion (Reyes - Perry) Adopted in Open Session, Ayes (15)

04-1108 - The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9 (a) to confer with its legal counsel relative to case entitled Kohanoff d.b.a. Kohanoff Arco v. City of Los Angeles, and the City Council of the City of Los Angeles, Los Angeles Superior Court Case No. BS086714.

(Planning and Land Use Management Committee considered this matter on June 23, 2004)

ADOPTED IN OPEN SESSION

MOTION (REYES - PERRY)

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

1. **RESCIND the August 8, 2003, Council action, denying the appeal filed by Saeed Kohanoff d.b.a. Kohanoff Arco relative to a Conditional Use Permit to allow sales of beer and wine for off-site consumption for property located at 11243 San Fernando Road.**

2. REFER the matter to the Planning and Land Use Management Committee for further public hearing on the appeal.

This matter was head by the Planning and Land Use Management Committee in Closed Session at its meeting held on Jun 23, 2004, as permitted by Government Code Section 54956.9(a). (Reyes - Cardenas - Weiss voted "yes")

ITEM NO. (30) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #12 - Motion (Reyes - Weiss) Adopted in Open Session, Ayes (15)

03-0926 - The City Council shall recess to Closed Session, pursuant to Government Code Section S1 54956.9(a) to confer with its legal counsel relative to cases entitled Geoffrey Palmer, an individual; and Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City of Los Angeles Department of Building and Safety; Community Redevelopment Agency of the City of Los Angeles; Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City Council of Los Angeles; City of Los Angeles Department of Building and Safety; Board of Building and Safety Commissioners; and Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City of Los Angeles Department of Building and Safety. Case Nos. USDC CV-03-6402-SVW Cx); Los Angeles Superior Court (LASC) BS088281; and LASC BC297138.

(Planning and Land Use Management and Housing, Community and Economic Development Committees waived consideration of the above matter)

ADOPTED IN OPEN SESSION

MOTION (REYES - WEISS)

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

AUTHORIZE the City Attorney to accept settlement in the above entitled cases, as proposed:

- a. Palmer will dismiss all the pending litigation with prejudice in exchange for the City adhering to its deadlines in the permit process, and removal of the application of the scorched earth ordinance to the Property.
- b. Palmer will pay \$200,000 to the City to be used in consultation with Council District One to mitigate the impacts of the project and for projects benefitting the community.
- c. Palmer will provide 100 spaces to the Los Angeles Unified School District for use by the Evans Learning Center. During the construction of Orsini IIA, Palmer will provide 60 spaces of interim off site parking within the immediate vicinity.
- d. Palmer will provide an open plaza area at the southeast corner of Figueroa Street and Cesar Chavez Avenue with a fountain. This fountain area will include a dedication designed in consultation with a local artist to commemorate the early settlers of Chinatown.
- e. Palmer will include a gateway concept in the bridge from Orsini I to Orsini IIA.

- f. Palmer agrees not to remove any affordable housing units in the development of Orsini II or Orsini III. In the event affordable housing units are removed, Palmer will replace them one for one in a location acceptable to Council District One.
- g. Palmer agrees to work with the Council Office, the Community Redevelopment Agency (CRA), the community and with the Chinatown Community Advisory Committee in the design of the streetscape for Orsini II and III.
- h. Palmer will implement and pay for a uniform streetscape along Cesar Chavez Avenue for Orsini II and III which will include street lighting, street trees, enhanced cross walks, the addition of street furniture (such as bus benches and trash cans) and other design elements.
- i. Palmer will defend and indemnify the City and the CRA for any and all actions of any kind related to the project.

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

- 04-1396 - MOTION (REYES - PERRY) relative to declaring the Festival en Honor al Salvador del Mundo on August 6, 2004 a Special Event (fees and costs absorbed by the City = \$2,547).
- 04-1397 - MOTION (REYES - PERRY) relative to declaring the Harlem Renaissance...L.A. Style on July 31, 2004 a Special Event (fees and costs absorbed by the City = \$8,594).
- 02-2080 - MOTION (PERRY - REYES) relative to declaring the Heart of the City Run/Walk on October 17, 2004 a Special Event (fees and costs absorbed by the City = \$22,388).
- 04-1398 - MOTION (PERRY - REYES) relative to declaring the Teen Screen 2004 on October 16, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).
- 03-1552 - MOTION (PERRY - REYES) relative to declaring the National Night Out on August 3, 2004 a Special Event (fees and costs absorbed by the City = \$3,856).
- 04-1399 - MOTION (REYES - PERRY) relative to declaring the Kermes Festival on August 21, 2004 a Special Event (fees and costs absorbed by the City = \$3,711).
- 00-1407 - MOTION (GARCETTI - REYES) relative to declaring the 12th Annual Rampart National Night Out on August 3, 2004 a Special Event (fees and costs absorbed by the City = \$3,856).
- 03-1399 - MOTION (REYES - LUDLOW) relative to declaring the Fiesta Cultural on July 17-18, 2004 a Special Event (fees and costs absorbed by the City = \$3,267).
- 04-1400 - MOTION (GREUEL - HAHN) relative to declaring the North Village Neighborhood Association Block Party on September 23, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).
- 04-1401 - MOTION (GREUEL - HAHN) relative to declaring the Laurel Plaza Neighborhood Association Block Party on August 21, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).

- 04-1402 - MOTION (GREUEL - HAHN) relative to declaring the Hinds Avenue Block Party on July 24, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).
- 04-1403 - MOTION (HAHN - GREUEL) relative to declaring the Wilmington Chamber of Commerce Centennial Celebration on July 17, 2004 a Special Event (fees and costs absorbed by the City = \$1,800).
- 02-1616 - MOTION (LUDLOW - GARCETTI) relative to transferring funds for Council District 10 community services efforts.
- 04-0010 - MOTION (PARKS - ZINE) relative to an offer of reward for information leading to the
S34 identification, apprehension, and conviction of the person(s) responsible for the May 9, 2004 death of Jason James.
- 02-0043 - MOTION (SMITH - ZINE) relative to terms and conditions for the Council District 12 field office space at 10044 Old Depot Plaza Road in Chatsworth.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, Councilmember Zine was excused from Council session of Friday, September 24, 2004 due to personal business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

- 04-1297 - Adeena Naomi Bleich (Weiss - All Councilmembers)
American Red Cross (Weiss - All Councilmembers)

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

- 04-1298 - Julian Hernandez (Hahn)
Elma Corning (Garcetti)
Hattie Mae Davis (Parks)
Barry Allen Kritzberg (Smith - Zine)
Sgt. Josue Molina Bonilla (Cardenas)

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

Whereupon the Council did adjourn.

ATTEST: J. Michael Carey, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL