

Los Angeles City Council, Journal/Council Proceedings
Wednesday, September 7, 2005
John Ferraro Council Chamber, Room 340, City Hall - 10 am

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

ROLL CALL - Members present: Cardenas, Garcetti, Greuel, Hahn, Parks, Perry, Reyes, Rosendahl, Smith, Weiss, Zine and President Padilla (12); Absent: LaBonge (1). Council Districts 10 and 14 Vacant.

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
AUGUST 17, 2005

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 35

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

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

Items Noticed for Public Hearing - Items 1-20

Roll Call #1 - Motion (Zine - Rosendahl) Adopted, Ayes (12); Absent: LaBonge (1)
(Item Nos. 1-3)

ITEM NO. (1) - PUBLIC HEARING CLOSED - ADOPTED

[04-2504](#)

CD 7 CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST
CONSIDERATION relative to the improvement and maintenance of FOOTHILL
BOULEVARD AND POLK STREET LIGHTING DISTRICT.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessment and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held August 9, 2005)

ITEM NO. (2) - PUBLIC HEARING CLOSED - ADOPTED

04-2505

CD 12 CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of HALSTED STREET AND WHITE OAK AVENUE LIGHTING DISTRICT.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessment and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held August 9, 2005)

ITEM NO. (3) - PUBLIC HEARING CLOSED - ADOPTED

04-2525

CD 2 CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of WHITSETT AVENUE AND KLING STREET LIGHTING DISTRICT.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessment and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held August 9, 2005)

ITEM NO. (4) - PUBLIC HEARING CLOSED - ADOPTED

Roll Call #6 - Motion (Rosendahl - Smith) Adopted, Ayes (12); Absent: LaBonge (1)

04-2526

CD 11 CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of GOSHEN AND GRANVILLE AVENUES LIGHTING DISTRICT.

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

1. FIND that a majority protest exists in the Street Lighting Maintenance Assessment District and therefore the proposed assessment cannot be enacted.

2. PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings related to the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the street lights are not installed or are removed from service if previously installed.

(Public Hearing held August 9, 2005)

Roll Call #1 - Motion (Zine - Rosendahl) Adopted, Ayes (12); Absent: LaBonge (1)
(Item Nos. 5-11)

ITEM NO. (5) - PUBLIC HEARING CLOSED - ADOPTED

[04-2527](#)

CD 1 CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of AVENUE 26 AND IDELL STREET LIGHTING DISTRICT.

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

1. FIND that a majority protest exists in the Street Lighting Maintenance Assessment District and therefore the proposed assessment cannot be enacted.
2. PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings related to the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the street lights are not installed or are removed from service if previously installed.

(Public Hearing held August 9, 2005)

ITEM NO. (6) - PUBLIC HEARING CLOSED - ADOPTED

[04-2529](#)

CD 3 CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of BELMAR AVENUE AND COHASSET STREET LIGHTING DISTRICT.

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

1. FIND that a majority protest exists in the Street Lighting Maintenance Assessment District and therefore the proposed assessment cannot be enacted.
2. PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings related to the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the street lights are not installed or are removed from service if previously installed.

(Public Hearing held August 9, 2005)

ITEM NO. (7) - PUBLIC HEARING CLOSED - ADOPTED

04-2665

CD 6 CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of VAN NUYS AND ROSCOE BOULEVARDS NO. 1 LIGHTING DISTRICT.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held August 17, 2005)

ITEM NO. (8) - PUBLIC HEARING CLOSED - ADOPTED

05-0061

CD 6 CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of VAN NUYS BOULEVARD AND LANARK STREET LIGHTING DISTRICT.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held August 17, 2005)

ITEM NO. (9) - PUBLIC HEARING CLOSED - ADOPTED

05-0062

CD 7 CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of OSBORNE STREET AND FOOTHILL BOULEVARD NO. 1 LIGHTING DISTRICT.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held August 17, 2005)

ITEM NO. (10) - PUBLIC HEARING CLOSED - ADOPTED

05-0063

CD 11 CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of BUCCANEER STREET AND PACIFIC AVENUE LIGHTING DISTRICT.

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

1. FIND that a majority protest exists in the Street Lighting Maintenance Assessment District and therefore the proposed assessment cannot be enacted.
2. PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings relating to the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the street lights are not installed or are removed from service if previously installed.

(Public Hearing held August 17, 2005)

ITEM NO. (11) - PUBLIC HEARING CLOSED - ADOPTED

05-0064

CD 7 CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of JOUETT STREET AND SUTTER AVENUE LIGHTING DISTRICT.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held August 17, 2005)

Roll Call #2 - Motion (Garcetti - Weiss) Adopted, Unanimous Vote (12); Absent: LaBonge (1)
(Item Nos. 12-18)

ITEM NO. (12) - PUBLIC HEARING HELD - HEARING CONTINUED AND ORDINANCE TO BE
PRESENTED ON SEPTEMBER 28, 2005

05-0321

CD 2 HEARING PROTESTS against the proposed improvement and maintenance of the
GROVE STREET AND WESCOTT AVENUE LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Grove Street
and Wescott Avenue Lighting District, in accordance with Sections 6.95-6.127 of the
Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 28, 2005 - Continue hearing and present
Ordinance on SEPTEMBER 28, 2005 to consider report of protests to be submitted as a
result of balloting, pursuant to Proposition 218)

ITEM NO. (13) - PUBLIC HEARING HELD - HEARING CONTINUED AND ORDINANCE TO BE
PRESENTED ON SEPTEMBER 28, 2005

05-0322

CD 5 HEARING PROTESTS against the proposed improvement and maintenance of the
GLORIA AVENUE AND MAGNOLIA BOULEVARD LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Gloria Avenue
and Magnolia Boulevard Lighting District, in accordance with Sections 6.95-6.127 of the
Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 28, 2005 - Continue hearing and present
Ordinance on SEPTEMBER 28, 2005 to consider report of protests to be submitted as a
result of balloting, pursuant to Proposition 218)

ITEM NO. (14) - PUBLIC HEARING HELD - HEARING CONTINUED AND ORDINANCE TO BE
PRESENTED ON SEPTEMBER 28, 2005

05-0324

CD 6 HEARING PROTESTS against the proposed improvement and maintenance of the
BRANFORD STREET AND GLENOAKS BOULEVARD LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Branford
Street and Glenoaks Boulevard Lighting District, in accordance with Sections 6.95-6.127
of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 28, 2005 - Continue hearing and present Ordinance on SEPTEMBER 28, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (15) - PUBLIC HEARING HELD - HEARING CONTINUED AND ORDINANCE TO BE PRESENTED ON SEPTEMBER 28, 2005

05-0325

CD 7 HEARING PROTESTS against the proposed improvement and maintenance of the STRANWOOD AVENUE AND SAN FERNANDO MISSION BOULEVARD LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Stranwood Avenue and San Fernando Mission Boulevard Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 28, 2005 - Continue hearing and present Ordinance on SEPTEMBER 28, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (16) - PUBLIC HEARING HELD - HEARING CONTINUED AND ORDINANCE TO BE PRESENTED ON SEPTEMBER 28, 2005

05-0341

CD 9 HEARING PROTESTS against the proposed improvement and maintenance of the VIGNES AND FIRST STREETS LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Vignes and First Streets Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 28, 2005 - Continue hearing and present Ordinance on SEPTEMBER 28, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (17) - PUBLIC HEARING HELD - HEARING CONTINUED AND ORDINANCE TO BE PRESENTED ON SEPTEMBER 28, 2005

05-0342

CD 14 HEARING PROTESTS against the proposed improvement and maintenance of the MYERS AND FIRST STREETS LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Myers and First Streets Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 28, 2005 - Continue hearing and present Ordinance on SEPTEMBER 28, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (18) - PUBLIC HEARING HELD - HEARING CONTINUED AND ORDINANCE TO BE PRESENTED ON SEPTEMBER 28, 2005

05-0344

CD 9

HEARING PROTESTS against the proposed improvement and maintenance of the SEVENTH AND FIGUEROA STREETS LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Seventh and Figueroa Streets Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 28, 2005 - Continue hearing and present Ordinance on SEPTEMBER 28, 2005 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (19) - PUBLIC HEARING CLOSED - RECOMMENDATION NOS. 1 AND 2 ADOPTED - RECOMMENDATION NO. 3 CONTINUED TO OCTOBER 11, 2005 - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #3 - Motion (Cardenas - Reyes) to Adopt Recommendation No. 1 and No. 2 and to Continue Recommendation No. 3, Ayes (12); Absent: LaBonge (1)

05-0266

CD 7

CONTINUED CONSIDERATION OF HEARING and ORDINANCES FIRST CONSIDERATION relative to actions necessary to establish Community Facilities District (CFD) No. 7, Legends at Cascades.

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

1. PRESENT and ADOPT the accompanying ORDINANCE of Formation for the Proposed CFD No. 7, City Administrative Officer (CAO) report Attachment C, attached to the Council file.
2. PRESENT and ADOPT the accompanying ORDINANCE Deeming it Necessary to Incur Bonded Indebtedness within CFD No. 7, CAO report Attachment D, attached to the Council file.

3. PRESENT and ADOPT the accompanying ORDINANCE Calling for a Special Election for CFD No. 7, Attachment E of the CAO report, attached to the Council file.

(Pursuant to Council action of July 13, 2005)

ADOPTED

MOTION (CARDENAS - REYES)

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

1. PRESENT and ADOPT the accompanying ORDINANCE of Formation for the Proposed Community Facilities District (CFD) No. 7, City Administrative Officer (CAO) report Attachment C, attached to the Council file.
2. PRESENT and ADOPT the accompanying ORDINANCE Deeming it Necessary to Incur Bonded Indebtedness within CFD No. 7, CAO report Attachment D, attached to the Council file.
3. CONTINUE consideration of the Ordinance calling for a Special Election for CFD No. 7, Attachment E of the CAO report, to OCTOBER 11, 2005.

ITEM NO. (20) - PUBLIC HEARING CLOSED - NO PROTESTS - CITY ENGINEER INSTRUCTED TO PROCEED

Roll Call #7 - Motion (Weiss - Smith) Adopted, Ayes (12); Absent: LaBonge (1)

04-1996

CD 5 HEARING PROTESTS against the proposed vacation of the walk northerly of the Santa Monica Freeway from Selby Avenue to the alley easterly thereof. VAC-E1400929

(Public Works Committee Report adopted on August 10, 2005)

Items for Which Public Hearings Have Been Held - Items 21-33

Roll Call #4 - Motion (Reyes - Garcetti) Adopted, Ayes (12); Absent: LaBonge (1)
(Item Nos. 21-24)

ITEM NO. (21) - ADOPTED

04-2603

COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to proposed Asset Sale and Settlement Agreement for railroad property located in the Counties of White Pine and Elko in the State of Nevada.

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

1. CONCUR with Resolution No. 006-028 as adopted by the Board of Water and Power Commissioners (Board) on August 2, 2005, APPROVE the Asset Sale and Settlement Agreement for railroad property, the Nevada Northern Railway, located in the Counties of White Pine and Elko in the State of Nevada and under the management and control of the Department of Water and Power (DWP) to the City of Ely, Nevada and the White Pine Historical Railroad Foundation for the sum of \$1,500,000 and AUTHORIZE the General Manager of the DWP and the Board Secretary to execute said Asset Sale and Settlement Agreement and any and all instruments necessary to effect said sale with the City of Ely, Nevada and the White Pine Historical Railroad Foundation.
2. AUTHORIZE the City Attorney to execute all necessary documents to dismiss the pending litigation relating to the property as described above in Item No. 1 pursuant to the terms of the Asset Sale and Settlement Agreement.
3. DISAPPROVE Resolution No. 005-130 as adopted by the Board on December 7, 2004.
4. PRESENT and ADOPT the accompanying ORDINANCE approving execution of written instruments settling a lawsuit for condemnation by the City of Ely, Nevada and transferring interests in real property in connection with the sale of the Nevada Northern Railway, pursuant to the provisions of Charter Sections 385 and 675 (d) (2).

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed Asset Sale and Settlement Agreement for the Nevada Northern Railway with the City of Ely and the White Pine Historical Railroad Foundation will result in \$1.5 million in revenue to the Power Revenue Fund. There is no impact to the City General Fund. Since DWP is only bound by the City Debt Management Policies, and the proposed Agreement will not impact the City General Fund, the City Financial Policies are not applicable.

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

ITEM NO. (22) - ADOPTED

05-0720

COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a proposed sale of a Utility Easement to the Southern California Edison Company (SCE) for utility purposes located in the County of Inyo.

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

1. CONCUR with Resolution No. 005-193 as adopted by the Board of Water and Power Commissioners (Board) on March 22, 2005, APPROVE the sale of a permanent Utility Easement to SCE and AUTHORIZE the Board President or General Manager of the Department of Water and Power (DWP) and the Board Secretary to execute the sale of a 60 foot by 70 foot permanent Utility Easement for utility purposes to SCE located east of Five Bridges Road and north of US Highway 6, north of the City of Bishop, County of Inyo, California for the sum of \$5,000.

2. PRESENT and ADOPT the accompanying ORDINANCE approving the execution of written instruments granting to SCE a permanent Utility Easement for utility purposes over real property, owned by the City under the management and control of the DWP located east of Five Bridges Road and north of US Highway 6, north of the City of Bishop, County of Inyo, California.

Fiscal Impact Statement: The City Administrative Officer reports that the sale of the proposed permanent Utility Easement to Edison will provide revenue totaling \$5,000 to the DWP Water Revenue Fund and will have minimal impact to the City General Fund.

ITEM NO. (23) - ADOPTED

05-0722

COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a proposed Grant of Permanent Easement to the County of Inyo, California for public roadway purposes over real property located in the town of Independence, California.

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

1. CONCUR with Resolution No. 005-194 as adopted by the Board of Water and Power Commissioners (Board) on March 22, 2005, APPROVE the sale of a Grant of Permanent Easement to the County of Inyo, California and AUTHORIZE the Board President or General Manager of the Department of Water and Power (DWP) and the Board Secretary to execute the Grant of Permanent Easement for public roadway purposes of a 20 foot by 570 foot road easement for an existing roadway, known as Foreman's Row Alley, located north of East Market Street and east of North Clay Street in the town of Independence in the County of Inyo, California for the consideration of \$19,000.
2. PRESENT and ADOPT the accompanying ORDINANCE approving the execution of written instruments granting to the County of Inyo a permanent easement for public roadway purposes over real property, owned by the City under the management and control of the DWP located north of Market Street and east of North Clay Street, in the town of Independence, County of Inyo, California.

Fiscal Impact Statement: The City Administrative Officer reports that the sale of the proposed Grant of Permanent Easement to the County of Inyo, California will provide revenue totaling \$19,000 to the DWP Water Revenue Fund and have minimal impact to the City General Fund.

ITEM NO. (24) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS

05-0301

CD 3

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone change for property at 6917-23 Owensmouth Avenue.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 05-0301 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 2004-1240 MND] filed on May 28, 2004.
2. ADOPT the August 16, 2005 FINDINGS of the Director of Planning as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning, effecting the zone change from [Q]C1-1VL and R1-1VL to (T)(Q)C2-1VL, for the proposed demolition of existing buildings and construction of a 14,500 square foot office building, 45 feet high and three stories, with 29 surface parking spaces on a 16,000 square foot lot at 6917-6923 Owensmouth Avenue, subject to the modified "Q" conditions of approval, Nos. A2 and A3 as attached.

Applicant: Peter Baer

APCSV 2004-1239 ZC

Said rezoning shall be subject to the "Q" Qualified classification zone limitations substantially as shown on the sheet(s) attached to the Committee report.

4. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Committee report.
5. NOT PRESENT and ORDER FILED the ordinance approved by South Valley Area Planning Commission on October 28, 2004.
6. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.
7. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

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

ITEM NO. (25) - CONTINUE ENTIRE MATTER TO SEPTEMBER 13, 2005 - SEE FOLLOWING

Roll Call #8 - Motion (Reyes - Rosendahl) Adopted to Continue Entire Matter, Unanimous Vote (15)

96-1177

CDs 6 &
12

FINAL ENVIRONMENTAL IMPACT REPORT, MITIGATION MONITORING PROGRAM, PLANNING AND LAND USE MANAGEMENT and COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEES' REPORT, RESOLUTIONS relative to proposed Plan Text and Map for the Van Nuys Airport Master Plan - Alternative J, Community Plan Amendments to the Reseda-West Van Nuys, Mission Hills-Panorama City-North Hills and Northridge Community Plans; and ORDINANCE FIRST CONSIDERATION amending the zone classification to all properties shown on a portion of the zoning map.

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

1. CERTIFY that the Final Environmental Impact Report (EIR No. 026-95 (Exhibit E); State Clearing House No. 96031011, has been completed in compliance with the California Environmental Quality Act, the State Guidelines and the City Guidelines and that the City Council has reviewed the information contained therein and considered it along with other factors related to this project; that this determination reflects the independent judgment of the lead agency City of Los Angeles; and that the documents constituting the record of proceedings in this matter are located in Council file No. 96-1177 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 Environmental Impact Report.
2. ADOPT pursuant to Section 21081.6 of the California State Resources Code, the Mitigation Monitoring Program, (Exhibit F).
3. ADOPT the California Environmental Quality Act Findings (Exhibit G), as well as findings for City Charter Sections 556 and 558(b)(2), findings for Alternative J, findings for alternatives not recommended for the Van Nuys Airport Master Plan, Community Plan Amendment findings, findings for zone changes to change/add Q conditions, and Fish and Game findings.
4. ADOPT the accompanying RESOLUTIONS for approval of Alternative J for the Van Nuys Airport Master Plan, and Community Plan Amendments to the Reseda-West Van Nuys, Mission Hills Panorama City-North Hills and Northridge Community Plans.
5. INSTRUCT the Planning Department to amend the Van Nuys Airport Master Plan - Alternative J, as follows:
 - a. Add language to Plan Text Policy Section Pg. 6 Item 2 last bullet point to include Part 161 to study the following:
 - 1) Phasing out Stage 2 jet aircraft operations, itinerant and local, in the shortest possible time.

- 2) Establishing a cap on Stage 3 jet aircraft.
 - 3) Establishing maximum daytime noise levels for both locally based aircraft, as well as itinerant aircraft to 77dba. This measure would effectively eliminate all Stage 2 jets and some Stage 3 jets. Analyze separately the application of a maximum daytime noise limit to Stage 2 and Stage 3 jets to properly assess the costs and benefits of these measures. In addition, evaluate impact on historic planes.
 - 4) Establishing fines for violations of Van Nuys Airport Noise Abatement Policies for daytime violations.
 - 5) Evaluating the incentives/disincentives in Landing Fees.
- b. Add the previous five amendments, as noted in the above 4A, Nos. 1 through 5, to the Plan Text Implementation Program Section, Pg. 11, Item 2.
6. PRESENT and ADOPT the accompanying ORDINANCE amending Section 12.04 of the Los Angeles Municipal Code by changing the zone classification of properties to add the Q qualified classification to all properties shown on a portion of the Zoning Map incorporated in that section and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that a portion of the Map shall conform to the zoning on the map as shown in the attachment to the Ordinance contained in Council file No. 96-1177.
 7. INSTRUCT the Planning Department to shift on the Plan Map, the Aviation-Propeller Aircraft designation from the Air Center leasehold to a narrow, triangular strip on the west side of the main runway north of Saticoy Street with the Air Center property redesignated to Aviation Boulevard.
 8. REQUEST that the Board of Airport Commissioners (BOAC) direct the consultant for the Part 161 study to evaluate an aggressive phase out of Stage 2 jets and to evaluate limiting maximum daytime noise limits to 77dba, analyzing the application for both Stage 2 and Stage 3 jets and evaluate impact on historic planes.
 9. REQUEST that the City Attorney determine whether or not a phase out of Stage 2 jets is legally considered grandfathered prior to the passage of Airport Noise Control and Capacity Act and study the legal feasibility of inclusion of a phase-out of Stage 2 jets in the Part 161 noise control program.
 10. REQUEST the Los Angeles World Airports (LAWA), to conduct a feasibility study to expand noise monitoring up to five miles following the flight paths.
 11. INSTRUCT the Planning Department to prepare and process an amendment to the proposed Plan Amendment and Resolution to redesignate the section of Saticoy Street east of Hayvenhurst Avenue from a Secondary Highway to either a Collector Street or a Local Street, to be determined by the Department of Transportation.
 12. REQUEST the LAWA and Planning Department to conduct a feasibility study to evaluate economic impacts at the airport and evaluate the positive or negative economic impacts on residential property values.

13. REQUEST that the BOAC establish a timeable, not to exceed one year, for the development of the design guidelines specified in Part 1 of the implementation Programs in the Master Plan text (Exhibit B).
14. INSTRUCT the Planning Department to prepare the necessary ordinances changing the zones as shown on the map for the proposed Q condition changes/additions (Exhibit D).
15. INSTRUCT the Planning Department to modify the existing T condition for the Van Nuys property so that the improvements required by the T condition be either constructed prior to the issuance of building permits or that the construction be suitably guaranteed by the LAWA to the satisfaction of the City Engineer.
16. AUTHORIZE the Director of Planning to return the General Plan Amendment, as modified in this Committee report, simultaneously to the Planning Commission and the Mayor for recommendation to Council, pursuant to Los Angeles Municipal Code Section 11.5.6 F which specifies that the City Planning Commission shall act within 60 days of receipt of the Council proposed change, and the Mayor shall act within 30 days of the receipt of the Planning Commission's recommendation on the proposed change (or the recommendation of the Director of Planning on behalf of the Commission as authorized by City Charter Section 559).

Applicant: LAWA

CPC 1996-0222 PLN

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 - SEPTEMBER 21, 2005

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 21, 2005)

CONTINUED

AMENDING MOTION (WEISS - GREUEL)

Recommendations for Council action:

1. AMEND the Planning and Land Use Management and Commerce, Energy and Natural Resources Committees' Report as follows:
 - a. Recommendation No. 5 - Add language to Plan Text Policy Section Pg. 6, Item 2 last bullet point to include:

City to Study the following aircraft operating restrictions pursuant to 14 CFR Part 161 and, upon conclusion of the study, submit the results to the Federal Aviation Administration:

- 1) Phase out stage 2 airplane operations in the shortest possible time.

- 2) Establish a cap on the number of stage 3 jet aircraft that may be based at VNY.
 - 3) Establish a maximum daytime noise level for all aircraft operating at VNY of 77dba, based on takeoff noise levels for each aircraft reported in the most current FAA Advisory Circular 36-3. Analyze separately the application of this maximum daytime noise limit to Stage 2 and Stage 3 jets to properly assess the costs and benefits of these measures. In addition, evaluate impact on historic planes.
 - 4) Establish a system of monetary penalties (fines) to be imposed on aircraft operators who violate the VNY Fly Friendly program.
 - 5) Establish a system of differential landing fees for aircraft using VNY with higher landing fees for noisier aircraft and lower landing fees for quieter aircraft.
- b. Add the previous five amendments to the Plan Text Implementation Program Section Pg. 11, Item 2.
 - c. Recommendation No. 8 - Recommend that the Board of Airport Commissioners (BOAC) direct the consultant for the Part 161 study to evaluate an aggressive phase out of stage 2 jets and to evaluate limiting maximum daytime noise limits to 77dba, analyzing the application for both stage 2 and stage 3 jets and evaluate impact on historic planes.
 - d. Recommendation No. 9 - Recommend that the City Attorney determine whether or not a phase out of stage 2 jets is legally considered grandfathered prior to the passage of ANCA.
 - e. Recommendation No. 10 - Recommend that Los Angeles World Airport (LAWA) conduct a feasibility study to expand noise monitoring up to five miles following the flight paths.
 - f. Recommendation No. 12 - Request LAWA to conduct a study to evaluate economic impacts at the airport and to evaluate the feasibility of determining the economic impact on residential property from Mulholland Drive in the south to the 118 freeway in the north and from Van Nuys Boulevard in the east to Tampa Boulevard in the west. After completing the feasibility study request that LAWA report to the BOAC within 90 days with a plan to study the impact on residential property values within the designated boundary.
2. Add the following recommendations to the committee report:
 - a. Understanding that the Part 161 Study is required by the FAA and that the FAA has the regulatory authority to review such studies and approve noise restrictions studied therein, it is the intent of the City to implement the noise

control measures studied in the Part 161 and the City shall Encourage the FAA to review and, as necessary, approve the City's Part 161 study, including a determination of acceptability or reasonableness of all noise control measures, consistent with 49 USC 47524(c).

- b. Request that LAWA report to the BOAC within 90 days of receiving the FAA's response to the Part 161 study with recommendations for an aggressive implementation schedule for those noise control measures deemed acceptable or reasonable by the FAA.

Roll Call #4 - Motion (Reyes - Garcetti) Adopted, Ayes (12); Absent: LaBonge (1)
(Item Nos. 26-33)

ITEM NO. (26) - ADOPTED

04-1483

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the re-issuance and release of a Request for Proposals (RFP) for urgent repair construction services for the Urgent Repair Program (URP).

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

INSTRUCT the General Manager, Los Angeles Housing Department (LAHD), or designee to:

- a. Re-release an RFP for construction services provided through the LAHD URP, with advertisement and outreach efforts conforming to the provisions outlined in Attachment A of the City Administrative Officer report dated to the Mayor dated August 11, 2005 (attached to the Council file), and substantially in the form of the draft included in the LAHD report to the Mayor dated July 19, 2005 (attached to the Council file); and, subject to the approval of the City Attorney as to form and legality.
- b. Report to the Mayor and Council with an assessment of RFP proposals and recommendation(s) for selection that is consistent with the eligibility and evaluation criteria outlined in Attachment B of the CAO report.
- c. Authorize LAHD to use Community Development Block Grant (CDBG) funds for the contract(s) that will be executed with individual(s) or organization(s) ultimately selected through the RFP process, with the total amount available for the period December 1, 2005 through June 30, 2006, not to exceed \$200,000, and further, that the annual funding level for subsequent years be established by the respective Consolidated Plan Budget adopted in future years.
- d. Prepare Controller instructions and any necessary technical adjustments that are consistent with the Mayor and Council actions, subject to the approval of the CAO; and authorize the Controller to implement those instructions.

Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund. Funding is provided from the CDBG in the total amount of \$300,000, which is comprised of a direct allocation made to URP through the 2005-06 (31st Year) Consolidation Plan budget. The recommendations adhere to the City financial policies, inasmuch as the appropriated CDBG funds will fully support URP Construction Services contracts for the period reflected within this report, from June 1, 2005 through June 30, 2006. Future funding will be dependent on future Consolidated Plan Budgets.

ITEM NO. (27) - ADOPTED

05-1444

CD 15 HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the Chief Executive Officer, Community Redevelopment Agency (CRA) permitting variations from the limits, restrictions, and control established by the Pacific Corridor Redevelopment Plan.

Recommendations for Council action:

1. APPROVE the CRA Board of Commissioners action taken July 7, 2005 to delegate to the Chief Executive Officer, CRA, or designee, authority to permit variations from the limits, restrictions, and control established by the Pacific Corridor Redevelopment Plan.
2. DIRECT the Chief Executive Officer, CRA, to report back on a periodic basis as to the variations granted by project and impacts (both positive and negative) resulting from the granting of the variation.

Fiscal Impact Statement: The Chief Legislative Analyst reports that this action will not impact the General Fund. No CRA funds are required.

ITEM NO. (28) - ADOPTED

05-1623

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the issuance of a Request for Qualifications (RFQ) for various financial service firms, and extending the term of the existing list of Los Angeles Housing Department (LAHD) Bond Finance Team participants.

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

1. FIND that, pursuant to Charter Section 371 (e)(2), the competitive bidding process would not be practicable or advantageous for the performance of the specialized, professional services conducted by the Bond Finance Team for the period October 1, 2004 to March 31, 2006, inasmuch as the work is of a temporary or occasional nature, with consideration given to the need for an interim period during which LAHD will conduct a new RFQ process, as needed to mitigate interruption of services operating in conjunction with the Single-Family Bond program and the Multi-Family Bond program.

2. INSTRUCT the General Manager, LAHD, or designee to:

- a. Extend the term of the expired Bond Finance Team list established under the prior RFQ process, for the period October 1, 2004 through March 31, 2006; and, authorize LAHD to use the firms listed below, as appropriate, subject to a Charter Section 1022 determination, and the condition that all related project costs be fully supported by bond revenue, program fee-income, and private funds provided by project supporters:

CSG Advisors, Inc. (financial advisor)
Newman and Associates (underwriter)
Stone & Youngberg, LLC (underwriter)
Goldman Sachs (underwriter)
Merrill Lynch (underwriter)
E.J. De La Rosa (underwriter)
Countrywide (master servicer)
Affordable Housing Applications, Inc. (MCC administrator)
Urban Futures, Inc. (MCC administrator)
Simpson & Simpson (auditor)
US Bank (trustees)
BNY Trust (trustees)
J.P. Morgan Chase (trustees)

- b. Release six separate RFQs for the selection of two firms for each of the six classifications identified in Attachment A of the City Administrative Officer (CAO) report to the Mayor and Council dated August 12, 2005 (attached to the Council file), and substantially in the form of the drafts included in the July 11, 2005, LAHD report to the Mayor (attached to the Council file), following a Charter Section 1022 determination, and subject to the approval of both the City Attorney as to form and legality and the Department of Public Works, Bureau of Contract Administration, as to compliance with City contracting requirements.
- c. Report to the Mayor and Council with an assessment of the RFQ proposals, a description of all outreach efforts undertaken to solicit a broad range of respondents and recommendations for selection that is consistent with the criteria outlined in Attachment B of the City Administrative Officer report.
- d. Prepare Controller instructions and any necessary technical adjustments consistent with this action, subject to the approval of the CAO; and, authorize the Controller to implement those instructions.
- e. Report to the Council Office for the Eighth District relative the outreach efforts used by the Department to solicit responses to the RFQ, and actions taken to recruit local bond firms.

Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund. Funding of all project expenses related to the Bond Finance Team, for the extension period October 1, 2004 to March 31, 2006, and the period covered under the new RFQ authority up to a maximum of three years, are to be fully supported by bond proceeds, program fee-income and private funds provided by project sponsors. While Community Development Block Grant funds were previously used to support projects costs associated with the Bond Finance Team, LAHD has clarified that no grant funds are to be used subsequent to October 1, 2004. The LAHD has further clarified that the reference to grant funding made in the Financial Impact Statement contained within the transmittal dated July 11, 2005, is misleading, and intended to refer to the fee-income deposited in the Municipal Housing Finance fund. The above recommendations adhere to the City's financial policies, in that ongoing revenue and private funds will be used to support all project costs.

ITEM NO. (29) - ADOPTED

03-2271

CD 9

MITIGATED NEGATIVE DECLARATION, HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to the construction of the Job Corps Residential facility at the Young Women's Christian Association of Greater Los Angeles (YWCA), and related actions.

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION finding this project will not have a significant effect on the environment; and, ADOPT the Mitigated Negative Declaration for the proposed construction of a residential facility by the YWCA at 1016 - 38 South Olive Street in the City Center Redevelopment Project Area.
2. AUTHORIZE the Community Redevelopment Agency (CRA) to:
 - a. Extend the loan date on the \$2.0 million promissory note with YWCA until September 30, 2005 to allow the YWCA additional time to complete various items required prior to entering into an Owner Participation Agreement with the CRA.
 - b. Execute an Owner Participation Agreement with the YWCA to allow for the development of the proposed Job Corps Residential Facility at the location above.
 - c. Convert the \$2.0 million deferred loan to a conditional grant, subject to the terms and conditions in the Owner Participation Agreement.
3. INSTRUCT the CRA to report in 30-45 days relative to a revised or updated policy on conditional grants and service operating contracts, and report back on the status of all of its loans that been converted into service repayment agreements/conditional grants, and on whether the affected organizations are in compliance with their service repayment obligations.

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

ITEM NO. (30) - ADOPTED

04-1531

CD 9

TRANSPORTATION COMMITTEE REPORT relative to authorizing the Department of Transportation (LADOT) to establish "Passenger Loading Zones" in the City Hall area.

Recommendations for Council action, pursuant to Motion (Perry - Villaraigosa):

1. AUTHORIZE the LADOT to install a 120-foot passenger loading zone on the west side of Main Street, north of First Street and located 100 feet south of the City Hall Building.
2. AUTHORIZE the LADOT to install signs in the area specified above in Recommendation No. 1 that indicate "Tow Away No Stopping Any Time Except Passenger Loading Zone, 6 AM to 6 PM, Monday through Friday."

Fiscal Impact Statement: The LADOT reports that the cost of fabricating and installing the signs for the new passenger loading zone is approximately \$500.

ITEM NO. (31) - ADOPTED

05-1404

CD 9

TRANSPORTATION COMMITTEE REPORT relative to posting "No Dumping" signs at ten specific locations in Council District Nine.

Recommendations for Council action, as initiated by Motion (Perry - Smith):

1. DIRECT the Department of Transportation (LADOT) to post "No Dumping" signs at the following ten locations to eliminate the illegal dumping of trash in Council District Nine:
 - a. Along East 29th Street and Naomi Avenue
 - b. At the freeway underpass at East 59th Street and Grand Avenue
 - c. Along Crocker Street from 88th Place from San Pedro Street to Avalon Boulevard
 - d. Along Mettler Street from 88th Place to Manchester Avenue
 - e. At 50th Street from Long Beach Avenue to Alameda Street
 - f. Along 48th Place from Long Beach Avenue to Alameda Street
 - g. Along East Martin Luther King Jr. Boulevard from Long Beach Avenue to Alameda Street
 - h. Along Grand Avenue from Vernon Street to 51st Street
 - i. Along Flower Street from Vernon Avenue to 51st Street

2. DIRECT the LADOT, Bureau of Street Services and the General Services Department to develop a general City policy relative to the fabrication and installation of “No Dumping” signs and report back to Council.

Fiscal Impact Statement: The LADOT reports that there is no impact to the General Fund.

ITEM NO. (32) - ADOPTED

04-0529

ARTS, PARKS, HEALTH AND AGING and BUDGET AND FINANCE COMMITTEES' REPORTS relative to Amendment No. 2 to the contract with Jones and Stokes Associates for environmental consulting services.

A. ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT

Recommendations for Council action:

1. APPROVE Amendment No. 2 to the contract with Jones and Stokes Associates for environmental consulting services, extending the term of the contract for three years to July 20, 2008, and increasing the contract amount by \$300,000, subject to the review of the City Attorney as to form and legality.
2. AUTHORIZE the President and Secretary, Board of Recreation and Park Commissioners, to execute Amendment No. 2 (above).

B. BUDGET AND FINANCE COMMITTEE REPORT

Recommendations for Council action:

1. APPROVE Amendment No. 2 to the contract with Jones and Stokes Associates for environmental consulting services, extending the term of the contract for three years to July 20, 2008 and increasing the contract amount by \$300,000.
2. AUTHORIZE the Board of Recreation and Park Commissioners (Board) to execute a Supplemental Agreement to the contract with Jones and Stokes Associates, if necessary, subject to City Attorney approval as to form and legality, inasmuch as the contract expired on July 20, 2005, subsequent to the Board's action in this matter and prior to the matter coming before the Council.

Fiscal Impact Statement: The City Administrative Officer reports that funding for the fees paid under the terms of the contract is provided within the individual project budgets. There is no additional impact on the General Fund. This recommendation is in compliance with the City Financial Policies in that one-time revenues will be used to fund one-time expenditures.

TIME LIMIT FILE - SEPTEMBER 12, 2005

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 9, 2005)

ITEM NO. (33) - MOTION ADOPTED TO APPROVE COMMUNICATION AND COMMITTEES' REPORT RECOMMENDATION

04-0183-S1

PERSONNEL and BUDGET AND FINANCE COMMITTEES' REPORT and COMMUNICATION FROM CHAIR AUDITS AND GOVERNMENTAL EFFICIENCY COMMITTEE relative to the City workers' compensation liability and expected impact of recent legislation on this liability.

Recommendation for Council action:

NOTE and FILE the Personnel Department's September 21, 2004 report relative to the City workers' compensation liability and expected impact of recent legislation on this liability, inasmuch as it is submitted for information only in response to issues raised in the Fiscal Year 2002-2003 Comprehensive Annual Financial Report, Council file No. 04-0183, and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

Items for Which Public Hearings Have Not Been Held - Items 34-50
(10 Votes Required for Consideration)

Roll Call #5 - Motion (Zine - Greuel) Adopted, Ayes (12); Absent: LaBonge (1)
(Item Nos. 34-45)

ITEM NO. (34) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

02-2139

CD 2

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE FIRST CONSIDERATION relative to the installation, improvement and maintenance of MORELLA AVENUE AND ERWIN STREET LIGHTING DISTRICT - A'13-LD389227.

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

1. ADOPT the Bureau of Street Lighting's report dated August 11, 2005, to abandon Morella Avenue and Erwin Street Lighting District - A'13-LD389227.

2. PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings relating to the installation, improvement and maintenance of Morella Avenue and Erwin Street Lighting District, in accordance with Sections 6.1-6.15 and 6.95-6.127 of the Los Angeles Administrative Code, Municipal Improvement Act of 1913 and Government Code Section 53753 (Proposition 218).

(Public Hearing held June 8, 2005)

ITEM NO. (35) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION - TO THE MAYOR FORTHWITH

05-1019

05-1164

COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to calling and ordering Special Runoff Elections to be held, if necessary, on January 31, 2006, for the purpose of filling vacancies in the Tenth and 14th Council Districts.

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

PRESENT and ADOPT the accompanying ORDINANCE calling, ordering, providing for and giving notice of Special Runoff Elections to be held, if necessary, in the City of Los Angeles on Tuesday, January 31, 2006, for the purpose of filling vacancies in the Tenth and 14th Council Districts in the City of Los Angeles for the portion of the un-expired terms remaining through June 30, 2007.

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.

ITEM NO. (36) - ADOPTED

05-0005-S280

CD 8 RESOLUTION removing the property at 237-37 1/2 East 103rd Street from the Rent Escrow Account Program [REAP], (Case No. 4799), 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 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of August 31, 2005.

Assessor I.D. No. 6063-010-028
Registration No. 0537423

(Notice of Acceptance into the REAP/Rent Reduction Program was released on December 26, 2001)

ITEM NO. (37) - ADOPTED

[05-0005-S281](#)

CD 13 RESOLUTION removing the property at 2107-07 1/2 West India Street from the Rent Escrow Account Program [REAP], (Case No. 6118), 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 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of August 31, 2005.

Assessor I.D. No. 5438-003-009
Registration No. 9112244

(Notice of Acceptance into the REAP/Rent Reduction Program was released on January 9, 2003)

ITEM NO. (38) - ADOPTED

[05-0005-S282](#)

CD 14 RESOLUTION removing the property at 2714-16 3/4 East Malabar Street from the Rent Escrow Account Program [REAP], (Case No. 6503), 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 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of August 31, 2005.

Assessor I.D. No. 5177-025-029
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on April 16, 2003)

ITEM NO. (39) - ADOPTED

[05-0005-S283](#)

CD 1 RESOLUTION removing the property at 327-29 Laveta Terrace a.k.a. 328-34 1/2 Glendale Boulevard from the Rent Escrow Account Program [REAP], (Case No. 6870), 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 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of August 31, 2005.

Assessor I.D. No. 5160-002-039
Registration No. 6125447

(Notice of Acceptance into the REAP/Rent Reduction Program was released on August 19, 2003)

ITEM NO. (40) - ADOPTED

05-0005-S284

CD 8 RESOLUTION removing the property at 1551-53 West 51st Place from the Rent Escrow Account Program [REAP], (Case No. 7025), 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 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of August 31, 2005.

Assessor I.D. No. 5003-002-016
Registration No. 0543470

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

ITEM NO. (41) - ADOPTED

05-0005-S285

CD 15 RESOLUTION removing the property at 322-24 1/2 West 14th Street from the Rent Escrow Account Program [REAP], (Case No. 7296), 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 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of August 31, 2005.

Assessor I.D. No. 7456-014-016
Registration No. 5028469

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

ITEM NO. (42) - ADOPTED

05-0005-S286

CD 1 RESOLUTION removing the property at 2524-28 Alta Street from the Rent Escrow Account Program [REAP], (Case No. 7350), 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 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of August 31, 2005.

Assessor I.D. No. 5208-026-020
Registration No. 0018861

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

ITEM NO. (43) - ADOPTED

[05-0005-S287](#)

CD 8 RESOLUTION removing the property at 5150-52 South Manhattan Place from the Rent Escrow Account Program [REAP], (Case No.7718), 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 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of August 31, 2005.

Assessor I.D. No. 5005-029-015
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on November 3, 2004)

ITEM NO. (44) - ADOPTED

[05-0005-S288](#)

CD 5 RESOLUTION removing the property at 758 North Citrus Avenue a.k.a. 6816 West Waring Avenue from the Rent Escrow Account Program [REAP], (Case No.7796), 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 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of August 31, 2005.

Assessor I.D. No. 5524-012-001
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on December 7, 2004)

ITEM NO. (45) - ADOPTED

[05-0005-S289](#)

CD 10 RESOLUTION removing the property at 1422 Carmona Avenue from the Rent Escrow Account Program [REAP], (Case No.7848), 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 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of August 31, 2005.

Assessor I.D. No. 5069-029-007
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on December 21, 2004)

ITEM NO. (46) - MEETING HELD IN CLOSED SESSION - ACTION TAKEN IN CLOSED SESSION

05-0409

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE GENERAL MANAGER, PERSONNEL DEPARTMENT relative to the selection process of the Chief Legislative Analyst.

(Ad Hoc Committee on the Selection of a Chief Legislative Analyst waived consideration of the above matter)

(Council may recess to Closed Session, pursuant to Government Code Section 54957, to consider this matter)

(Continued from Council meeting of August 17, 2005)

ITEM NO. (47) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

Roll Call #9 - Motion (Reyes - Rosendahl) Adopted, Ayes (13)

05-1103

COMMUNICATION FROM CHIEF LEGISLATIVE ANALYST (CLA) relative to public hearing comments concerning the future of the Los Angeles City Planning Department and the selection, role, and qualifications of the next Director of Planning.

Recommendations for Council action:

1. REVIEW and TRANSMIT to the Mayor the public hearing comments delineated in the CLA report dated August 19, 2005, concerning the future of the Los Angeles City Planning Department and the selection, role, and qualifications of the next Director of Planning.
2. NOTE and FILE the CLA report dated August 19, 2005, inasmuch as the public comments are being provided for review purposes only to the Council and the Mayor.

Fiscal Impact Statement: The CLA reports that there is no General Fund impact.

(Planning and Land Use Management Committee waived consideration of the above matter)

Roll Call #5 - Motion (Zine - Greuel) Adopted, Ayes (12); Absent: LaBonge (1)
(Item Nos. 48-49)

ITEM NO. (48) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

05-1307

CD 6 CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION relative to dedicating land for public street purposes for 7350 Woodley Avenue.

Recommendations for Council action:

1. FIND that this project is categorically exempt from the California Environmental Quality Act of 1970 pursuant to Article VII, Class 5(5) of the City's Environmental Guidelines.
2. FIND that this acceptance of the irrevocable offer of dedication of land is in substantial conformance with the General Plan pursuant to Sections 556, 558, and 559 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated June 17, 2005, and the accompanying RESOLUTION OF ACCEPTANCE of Irrevocable Offer of Dedication of land located along 7350 Woodley Avenue.
4. AUTHORIZE the Real Estate Section, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that the applicant has paid a Dedication Fee in the amount of \$1,807.23 for processing this Irrevocable Offer of Dedication. This includes a fee to provide for the cost of processing the real estate transfer documents in the amount of \$1,689 and a seven percent surcharge in the amount of \$118.23 in accordance with Sections 12.37 and 61.03 of the Los Angeles Municipal Code respectively. No additional funds will be required from the General Fund for the processing of this request.

ITEM NO. (49) - ADOPTED

05-1597

CD 9

CONSIDERATION OF MOTION (PERRY - REYES) relative to the transfer of funds for the South Park Band Shell Rehabilitation Project.

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

1. TRANSFER \$756,000 from Proposition K Program Year 8 Fund 43K, Account W461, entitled South Park, to the following accounts in General Services Fund 100/40:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1014	Construction Salary	\$113,000
1101	Hiring Hall	\$255,000
1121	Hiring Hall Fringe Benefits	\$ 86,000
3180	Construction Materials and Supplies	\$302,000

2. AUTHORIZE the City Administrative Officer to make technical corrections as necessary to implement the Mayor and Council intentions.

(Arts, Parks, Health and Aging Committee waived consideration of the above matter)

ITEM NO. (50) - ADOPTED, AS AMENDED - SEE FOLLOWING

Roll Call #10 - Motion (Zine - Garcetti) to Adopt as Amended, Ayes (12); Absent: Hahn (1)

05-0002-S160

CONSIDERATION OF RESOLUTION (GARCETTI - PERRY - WEISS) relative to the City's position in connection with S.1197 (Biden) authorizing funds to support the Violence Against Women Act (VAWA) and H.R. 3171 (Roybal-Allard) addressing workplace protection issues.

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

1. RESOLVE to include in the City's 2005-06 Legislative Program SUPPORT for S. 1197 (Biden) which would provide funds to support programs authorized by the VAWA and URGE the House of Representatives to pass similar legislation which would also provide funding for civil legal assistance, transitional housing, economic security and health care services.
2. RESOLVE to strongly encourage both the Senate and the House of Representatives to adopt measures that will specifically address workplace protection issues as detailed in H.R. 3171 (Roybal-Allard).

(Intergovernmental Relations Committee waived consideration of the above matter)

ADOPTED

AMENDING MOTION (GARCETTI - ROSENDAHL)

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

AMEND Recommendation No. 2 to read as follows:

RESOLVE to strongly encourage both the Senate and the House of Representatives to adopt measures that will specifically address workplace protection issues as detailed in H.R. 3185 (Roybal-Allard).

Closed Sessions - Items 51-53

ITEM NO. (51) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #13 - Motion (Parks - Cardenas) Adopted in Open Session, Ayes (10);
Absent: Hahn, Perry and Smith (3)

05-1022

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 Jonathon Goode and Linda Thompson v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 313473. (Plaintiffs allege race harassment, race discrimination, sex discrimination, disability discrimination, retaliation, whistleblower retaliation and failure to take corrective action.)

(Budget and Finance Committee considered the above matter in Closed Session on August 16, 2005)

ADOPTED IN OPEN SESSION

MOTION (PARKS - CARDENAS)

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

1. AUTHORIZE the City Attorney to expend \$155,000 in settlement of the case entitled Jonathon Goode and Linda Thompson v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 313473, from the City Attorney Liability Claims Account No. 9770, Fund 100, Department 59.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to Goldberg and Gage, and Jonathon Goode and Linda Thompson.

This matter was approved by the Budget and Finance Committee (Parks - Cardenas - Greuel -Smith - Rosendahl "yes") at its meeting of August 16, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (52) - MEETING HELD - ACTION TAKEN IN CLOSED SESSION

05-1528

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Megan Byrnes v. City of Los Angeles, et al., United States District Court Case No. CV 05-3229 RSWL (JTLx). (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 August 9, 2005)

ITEM NO. (53) - MEETING HELD - ACTION TAKEN IN CLOSED SESSION

05-1625

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Diana Beltz, et al., v. City of Los Angeles, et al., Los Angeles Superior Court Case No. LC 071613. (This matter arises out of a trip and fall accident that occurred on June 30, 2004.)

(Budget and Finance Committee considered the above matter in Closed Session on August 16, 2005)

MOTIONS ADOPTED UPON FINDINGS BY COUNCIL THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THE COUNCIL AGENDA FOR WEDNESDAY, SEPTEMBER 7, 2005, PURSUANT TO GOVERNMENT CODE SECTION 54954.2(b)(2) AND COUNCIL RULE 23

ADOPTED - FORTHWITH

Roll Call #11 - Motion (Zine - Smith) Findings on Need to Act - Adopted, Ayes (12);
Absent: Hahn (1)

Roll Call #12 - Motion (Zine - Smith) Adopted, Ayes (12);
Absent: Hahn(1)

05-1870

MOTION (ZINE - SMITH) relative to paid leave of absence for City employees who volunteer for Red Cross or other authorized non-governmental relief involved in the rescue and recovery from Hurricane Katrina.

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

PRESENT and ADOPT the accompanying ORDINANCE to provide paid leave of absence to City employees who volunteer for the Red Cross or other authorized non-governmental relief involved in the rescue and recovery from Hurricane Katrina.

ADOPTED - FORTHWITH

Roll Call #14 - Motion (Greuel - Padilla - et al.) Findings on Need to Act - Adopted, Ayes (11);
Absent: Hahn and Perry (2)

Roll Call #15 - Resolution (Greuel - Padilla - et al.) Adopted, Ayes (10);
Absent: Hahn, Perry and Reyes (3)

05-0002-S173

RESOLUTION (GREUEL - PADILLA - ET AL.) relative to the City's position on any legislation regarding the I-405 carpool lane project.

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

RESOLVE that the City of Los Angeles hereby includes in its 2005-06 State Legislative Program SUPPORT for any legislation that would authorize the State Department of Transportation to use the design-build contracting process specifically on the I-405 carpool lane or would provide authority to allow MTA to act as project lead for the I-405 carpool lane only.

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

05-1858

MOTION (WEISS - GREUEL) relative to declaring the Six Degrees Festival on September 17, 2005 a Special Event (fees and costs absorbed by the City = \$6,063).

05-1859

MOTION (GREUEL - GARCETTI) relative to declaring the Sunland-Tujunga Neighborhood Council Farmers' Market on August 20, 2005 a Special Event (fees and costs absorbed by the City = \$3,110).

05-1860

MOTION (ZINE - GREUEL) relative to declaring the Jewish Home for the Aging Walk of Ages 5K Walk/Run on December 4, 2005 a Special Event (fees and costs absorbed by the City = \$5,612).

01-1758

MOTION (CARDENAS - PADILLA) relative to declaring the Southland Regional Association of Realtors' Annual Multi-Cultural Mixer on September 29, 2005 a Special Event (fees and costs absorbed by the City = none submitted).

05-1862

MOTION (CARDENAS - PARKS, ET AL.) relative to declaring the Second Annual Deafestival on September 24, 2005 a Special Event (fees and costs absorbed by the City = \$1,000).

05-1863

MOTION (PERRY - PARKS) relative to declaring the Hurricane Katrina Car Wash Drive on September 10, 2005 a Special Event (fees and costs absorbed by the City = \$1,035).

05-1864

MOTION (PERRY - PARKS) relative to declaring the Annual Back to School Block Party on September 10, 2005 a Special Event (fees and costs absorbed by the City = \$1,035).

01-1857

MOTION (PERRY - PARKS) relative to declaring the Autumnfest Dinner and Celebration on September 16, 2005 a Special Event (fees and costs absorbed by the City = \$335).

05-1866

MOTION (PARKS - PERRY) relative to declaring the Brotherhood Crusade's Block Party and Fundraiser for the Victims of the Hurricane Disaster on September 10, 2005 a Special Event (fees and costs absorbed by the City = \$500).

05-1867

MOTION (GREUEL - GARCETTI) relative to declaring the Keyes Motors Hurricane Katrina Relief Drive on September 9, 2005 a Special Event (fees and costs absorbed by the City = \$1,126).

05-1868

MOTION (PERRY - PARKS) relative to declaring the Community Carnival on September 16-18, 2005 a Special Event (fees and costs absorbed by the City = \$335).

05-1869

MOTION (HAHN - LABONGE) relative to declaring the Grand Opening and Dedication Celebration of the Imperial Courts Music and Arts Development Center on September 16, 2005 a Special Event (fees and costs absorbed by the City = \$1,250).

04-1659

MOTION (HAHN - LABONGE) relative to declaring the Eighth Annual Chocolate Lobster Drive on September 24, 2005 a Special Event (fees and costs absorbed by the City = \$960).

05-1857

MOTION (WEISS - GREUEL) relative to declaring the Los Angeles Fashion Awards on October 21, 2005 a Special Event (event sponsor to reimburse the City for all fees and costs incurred).

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

05-1856

RESOLUTION (HAHN - ROSENDAHL) relative to declaring September 4, 2005 as Harry Bridges Day in the City of Los Angeles.

05-1861

RESOLUTION (SMITH - CARDENAS) relative to declaring September 2005 as "Back to School Safely Month" in Council District 12.

05-1865

RESOLUTION (PARKS - LABONGE - PERRY) relative to bidding to host the 2016 Olympic Summer Games in the City of Los Angeles.

COUNCILMEMBER'S REQUEST FOR EXCUSE FROM COUNCIL MEETINGS

Motion (Smith - LaBonge) unanimously adopted to excuse Councilmember Reyes from Council session of Wednesday, September 21, 2005 due to City business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

05-1402 - Marianne Miglin	(Greuel - Zine)
Dorothy M. Sharp	(Perry - Parks)
Robert E. Williams	(Perry - Parks)
Sergeant II Clyde Conly	(Perry - Parks)

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

05-1403 - Frank Greenfield	(Greuel)
Sandy Lockwood	(Parks)
Steve Ramsey	(Parks)
James Dougherty	(Parks)

Ayes, Cardenas, Garcetti, Greuel, LaBonge, Parks, Rosendahl, Smith, Weiss, Zine and President Padilla (10); Absent: Hahn, Perry and Reyes (3). Council Districts 10 and 14 Vacant.

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL