Los Angeles City Council, Journal/Council Proceedings  
Wednesday, October 27, 2004  
John Ferraro Council Chamber, Room 340, City Hall - 10 am  

(For further details see Official Council Files)  
(For communications referred by the President see Referral Memorandum)  

ROLL CALL - Members present: Cardenas, Garcetti, Greuel, Ludlow, Miscikowski, Perry, Reyes, Smith, Villaraigosa, Weiss, Zine and President Padilla (12); Absent: Hahn, LaBonge and Parks (3).  

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF OCTOBER 22, 2004  

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 18  

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

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

Items for Which Public Hearings Have Been Held - Items 1-10  

ITEM NO. (1) - ADOPTED - FORTHWITH  

Roll Call #5 - Motion (Cardenas - Greuel) Adopted, Ayes (13); Absent: Hahn and Parks (2)  

04-1952 - INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT  
relative to the appointment of Ms. Sarah Magana-Withers to the Board of Information Technology Commissioners.  

Recommendation for Council action:  

RESOLVE that the Mayor’s appointment of Ms. Sarah Magana-Withers to the Board of Information Technology Commissioners for the term ending June 30, 2009, to fill the vacancy created by the resignation of Ms. Sharon Rubalcava, is APPROVED and CONFIRMED. Ms. Magana-Withers resides in Council District Two. (Current Commission gender composition: M=3; F= 1; vacancy=1)  

Ethics Commission Review: Pending  

TIME LIMIT FILE - NOVEMBER 12, 2004  
(LAST DAY FOR COUNCIL ACTION - NOVEMBER 12, 2004)
ITEM NO. (2) - CONTINUED TO NOVEMBER 5, 2004

Roll Call #1 - Motion (Perry - Reyes) Adopted to Continue, Unanimous Vote (13);
Absent: Hahn and Parks (2)

96-0657 - RULES AND ELECTIONS COMMITTEE REPORT and ORDINANCE FIRST
CONSIDERATION relative to prohibiting lobbying by City Commissioners.

Recommendation for Council action, as initiated by Motion (Ridley-Thomas - Feuer),
SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the accompanying ORDINANCE relative to prohibiting members
of certain City Boards and Commissions from communicating directly with any City official
for the purpose of attempting to influence municipal legislation on behalf of any other
person.

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

ITEM NO. (3) - ADOPTED

Roll Call #6 - Motion (LaBonge - Miscikowski) Adopted, Ayes (13); Absent: Hahn and Parks (2)

04-0002 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to establishing a
City position on House of Representatives Bill (HR) 4595 (Markey), the Ronald Reagan
Alzheimer’s Breakthrough Act.

Recommendation for Council action, pursuant to Resolution (LaBonge - Miscikowski),
SUBJECT TO THE CONCURRENCE OF THE MAYOR:

RESOLVE to establish a position of SUPPORT in the City’s 2003-04 Legislative Program
for HR 4595, the Ronald Reagan Alzheimer’s Breakthrough Act, which would increase
funding for the research of Alzheimer’s Disease while providing more help to caregivers
and increasing public education about prevention.

Fiscal Impact Statement: The Chief Legislative Analyst reports that there is no impact on
the General Fund.

ITEM NO. (4) - REFERRED BACK TO ARTS, PARKS, HEALTH AND AGING COMMITTEE

Roll Call #7 - Motion (Ludlow - LaBonge) Adopted to Refer, Unanimous Vote (13);
Absent: Hahn and Parks (2)

04-1184 - CONTINUED CONSIDERATION OF ARTS, PARKS, HEALTH AND AGING COMMITTEE
REPORT relative to persons spending the night on the premises of branch libraries.
Recommendations for Council action:

1. CONCUR with the findings of the City Librarian report dated June 3, 2004 (attached to the Council file), relative to after hours loitering on Library Department property.

2. REQUEST the City Attorney to prepare and present an ordinance revising Los Angeles Municipal Code Section 63.93 (h) to state: "Remain, stay or loiter within the limits of the any public library between the hours of 9 p.m. and 9 a.m.,” pursuant to the accompanying Library Resolution No. 2004-29.

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

(Continued from Council meeting of September 29, 2004)

Roll Call #2 - Motion (Miscikowski - Reyes) Adopted, Ayes (13); Absent: Hahn and Parks (2) (Item Nos. 5-9)

ITEM NO. (5) - BUDGET AND FINANCE COMMITTEE REPORT ADOPTED - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT RECEIVED AND FILED - SEE FOLLOWING

04-1587 - BUDGET AND FINANCE COMMITTEE REPORT relative to establishment of the Potrero CD 11 Canyon Trust Fund.

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

1. AUTHORIZE the Controller to:

   a. Establish a new and separate account within Council District 11 entitled the "Potrero Canyon Trust Fund," to capture 100 percent of the property resale proceeds for the 22 lots adjacent to Potrero Canyon.

   b. Fund use shall be restricted to use for completion of Phases II and III and attendant projects of the Potrero Canyon Park Restoration and their expenditure shall be allocated to the Bureau of Engineering via Council Motion and shall be subject to further input from the affected community regarding design and planning of Phase III.

2. AUTHORIZE the General Manager, Department of General Services, or designee, to obtain the necessary clearances from appropriate City departments to declare surplus the City-owned lots on Alma Real and to deposit 100 percent of the net proceeds of the sale in the aforementioned account.

3. REQUEST the City Attorney to draft and prepare an ordinance allowing for 100 percent of the net proceeds to be placed in aforementioned account and to limit the uses of the funds to Potrero Canyon Park Restoration and related improvements.
4. REQUEST the Controller to annually review and audit all expenditures from this fund.

5. AUTHORIZE the Councilmember of Council District 11, in conjunction with the Pacific Palisades Community Council to appoint a “Potrero Canyon Community Advisory Committee” to work with the City to ensure community participation in the future development of the Potrero Canyon Park.

6. INSTRUCT the Department of Recreation and Parks and the Department of Public Works - Bureau of Engineering (Geotechnical Engineering Group) to ensure that all the remaining hillside stabilization work required to eliminate the risk of further land slippage be done as expeditiously as possible for the properties under consideration for sale and others as were included in the most recent August amendment of the California Coastal Permit.

7. INSTRUCT the City Administrative Officer (CAO), working with the Departments of Recreation and Parks, Building and Safety and General Services, to report back to the Budget and Finance Committee on the projected proceeds from the sale of the 22 lots adjacent to Potrero Canyon, the projected cost of Phase II and the build-out of Phase III of the Potrero Canyon repair and restoration project.

Fiscal Impact Statement: The CAO reports that revenue that may be generated from the sale of surplus properties on Alma Real cannot be determined at this time. However, any revenue generated from the sale will help expedite the remaining hillside stabilization and park restoration work.

Received and Filed

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to various actions concerning the completion of the Potrero Canyon Park Restoration Project and related matters.

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

1. AUTHORIZE the Controller to:

   a. Establish a new and separate account within Council District 11 entitled the “Potrero Canyon Trust Fund,” to capture 100 percent of the property resale proceeds for the 22 lots adjacent to Potrero Canyon.

   b. Fund use shall be restricted to use for completion of Phases II and III and attendant projects of the Potrero Canyon Park Restoration and their expenditure shall be allocated to the Bureau of Engineering via Council Motion and shall be subject to further input from the affected community regarding design and planning of Phase III.

   c. Annually review and audit all expenditures from this fund.
2. AUTHORIZE the General Manager, Department of General Services, or designee, to obtain the necessary clearances from appropriate City departments to declare surplus the City-owned lots on Alma Real and to deposit 100 percent of the net proceeds of the sale in the aforementioned account.

3. REQUEST the City Attorney to draft and prepare an ordinance allowing for 100 percent of the net proceeds to be placed in aforementioned account and to limit the uses of the funds to Potrero Canyon Park Restoration and related improvements.

4. AUTHORIZE the Councilmember of Council District 11, in conjunction with the Pacific Palisades Community Council to appoint a “Potrero Canyon Community Advisory Committee” to work with the City to ensure community participation in the future development of the Potrero Canyon Park.

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

ITEM NO. (6) - ADOPTED

02-0605 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and S4 RESOLUTION relative to the Tax Equity and Fiscal Responsibility Act of 1986 (TEFRA) 03-0209 public hearing held September 28, 2004 regarding various apartment projects.
S2 & S4 04-0292 Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

ADOPT the accompanying RESOLUTION and minutes of the TEFRA public hearing held September 28, 2004 regarding the Saenara Apartments, Lexington Apartments, Leeward Apartments, James Wood Apartments, Hartford Avenue Apartments, Broadway Village II Apartments, and Vaughn Street Apartments.

Fiscal Impact Statement: The Los Angeles Housing Department reports that this action will not impact the General Fund.

ITEM NO. (7) - ADOPTED

04-2012 - MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT CD 4 COMMITTEE REPORT relative to appeal on Tentative Tract No. TR 60709 for the property at 11142 LaMaida Street.

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. 04-2012 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 2004-0492 MND] filed on March 12, 2004.
2. ADOPT the FINDINGS of the Advisory Agency as the Findings of the Council.

3. DENY APPEAL filed by Ramona Fleetwood from the entire decision of the South Valley Area Planning Commission (APC), THEREBY SUSTAIN the decision of the South Valley APC in approving Tentative Tract No. 60790, and modifying Condition No. 10 and C-4 to require 36-inch box redwood replacement trees on the project site, subject to the Conditions of Approval, for an eight-unit residential condominium at 11142 LaMaida Street.

Applicant: Mehran Vesdi, Harvey Goodman, representative

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

TIME LIMIT FILE - OCTOBER 27, 2004
(LAST DAY FOR COUNCIL ACTION - OCTOBER 27, 2004)

ITEM NO. (8) - ADOPTED

04-0600 - BUDGET AND FINANCE and PERSONNEL COMMITTEES’ REPORT relative to the First S32 Financial Status Report for Fiscal Year (FY) 2004-05.

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

1. APPROVE the City Administrative Officer (CAO) report recommendations relative to the First Financial Status Report for FY 2004-05, as amended (CAO report and amended recommendations attached to the report).

2. INSTRUCT the CAO and Chief Legislative Analyst to report back to the Budget and Finance Committee with options for allocation of General City Purpose funds.

3. TRANSFER $2,000 from Council Fund 100/28, Salaries General Account 1010, to the Contingency Reserve Fund, to repay a FY 2003-04 year-end loan from the Reserve Fund.

4. INSTRUCT the Department of General Services to report back to the Committee with recommendations relative to a City-wide fuel economy program.

5. INSTRUCT the CAO to report back to the Committee with recommendations to address the potential FY 2005-06 $330 million General Fund shortfall.

Fiscal Impact Statement: The CAO reports that transfers and appropriations totaling approximately $7.4 million within and between departments and funds are provided to meet current obligations. Potential budgetary needs of up to $20.7 million are not funded at this time. The CAO will continue to monitor these areas of concern and report back with
funding recommendations in future reports, if necessary. If all the projected shortfalls materialize, the projected Reserve Fund balance at June 30, 2005 would be approximately $124 million, or 3.4 percent of the 2004-05 Adopted Budget. This Reserve Fund balance would be above the City's adopted Reserve Fund policy of two percent.

ITEM NO. (9) - ADOPTED

00-1396 - PUBLIC SAFETY and PERSONNEL COMMITTEES' REPORT relative to Young Women at Risk Violence Intervention Program grant.

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

1. AUTHORIZE the Executive Director, Commission on the Status of Women, or designee to:
   a. Accept the Los Angeles County Juvenile Justice Coordinating Council grant award in the amount of $276,600 to support the Young Women at Risk Violence Intervention Program, for the period July 1, 2004 through June 30, 2005.
   b. Execute the Memorandum of Understanding between the Commission on the Status of Women and the Los Angeles County Juvenile Justice Coordinating Council relative to the receipt of the grant award and reporting requirements, subject to the review and approval of the City Attorney as to form and legality.

2. RESOLVE that Employment Authority for one position of Community Program Assistant II, Code 2501-2, in the Commission of the Status of Women, subject to allocation by the Personnel Department and paygrade determination by the City Administrative Officer (CAO), is APPROVED.

3. ESTABLISH the following accounts in the Schiff-Cardenas Act Fund No. 45D and appropriate the following amounts upon receipt of the grant funds:

<table>
<thead>
<tr>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>V120</td>
<td>Salaries</td>
<td>$213,100</td>
</tr>
<tr>
<td>V301</td>
<td>Professional Services</td>
<td>11,800</td>
</tr>
<tr>
<td>V302</td>
<td>Supplies and Mileage</td>
<td>2,490</td>
</tr>
<tr>
<td>V303</td>
<td>CBO Contracts</td>
<td>8,000</td>
</tr>
<tr>
<td>V304</td>
<td>Curriculum Materials</td>
<td>41,210</td>
</tr>
</tbody>
</table>

   Total $276,600

4. APPROPRIATE $213,100 from the Schiff-Cardenas Act Fund No. 45D to Fund No. 100/20, Commission on the Status of Women, Salaries General Account No. 1010.

5. AUTHORIZE the CAO to make technical corrections as necessary to the transactions included in this report to implement the Mayor and Council intentions.
Fiscal Impact Statement: The CAO reports that full funding for the Young Women at Risk Violence Intervention Program is available from the $276,600 Los Angeles County Juvenile Justice Coordinating Council grant. There is no impact on the General Fund.

ITEM NO. (10) - ADOPTED, AS AMENDED - SEE FOLLOWING

Roll Call #8 - Motion (LaBonge - Garcetti) to Adopt as Amended, Ayes (13);
Absent: Hahn and Parks (2)

04-1760 - TRANSPORTATION and PLANNING AND LAND USE MANAGEMENT COMMITTEES’ CD 3 REPORT relative to the widening of Canoga Avenue in conjunction with the development of a new Canoga Station and Park and Ride Lot as part of the Metro Orange Line project.

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

1. REQUEST that the Director of Planning and the Warner Center Local Development Corporation AUTHORIZE the expenditure of $1.6 million within the Warner Center Transportation Demand Management (TDM) and Traffic Mitigation Restitution Trust Fund for road widening and related improvements on Canoga Avenue associated with the construction of the new Metropolitan Transportation Authority (MTA) Orange Line Canoga Station; and that, upon such authorization, $1.6 million within the Warner Center TDM and Traffic Mitigation Restitution Trust Fund No. 573 be transferred into a new account entitled, “Canoga Station.”

2. TRANSFER $150,000 from the Canoga Station Account in the Warner Center TDM and Traffic Mitigation Restitution Trust Fund, No. 573, for City design and inspection associated with the Orange Line Canoga Station Road Widening project, as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering, 100-78</td>
<td>1010 - Salaries General</td>
<td>$85,000</td>
</tr>
<tr>
<td>Engineering, 100-78</td>
<td>1090 - Salaries Overtime</td>
<td>$15,000</td>
</tr>
<tr>
<td>Contract Admin. 100-76</td>
<td>1010 - Salaries General</td>
<td>$15,000</td>
</tr>
<tr>
<td>Contract Admin. 100-76</td>
<td>1090 - Salaries Overtime</td>
<td>$ 5,000</td>
</tr>
<tr>
<td>Street Lighting, 100-84</td>
<td>1010 - Salaries General</td>
<td>$10,000</td>
</tr>
<tr>
<td>Street Lighting, 100-84</td>
<td>1090 - Salaries Overtime</td>
<td>$ 5,000</td>
</tr>
<tr>
<td>Transportation, 100-94</td>
<td>1010 - Salaries General</td>
<td>$10,000</td>
</tr>
<tr>
<td>Transportation, 100-94</td>
<td>1090 - Salaries Overtime</td>
<td>$ 5,000</td>
</tr>
</tbody>
</table>

3. INSTRUCT and AUTHORIZE the Department of Transportation (DOT) to negotiate and execute an agreement with the MTA to construct the widening of Canoga Avenue, including signal, striping, and street lighting relocations, in conjunction with the development of the Orange Line Canoga Station and the Park and Ride Lot, in an amount not to exceed $1 million from the Canoga Station Account in the Warner Center TDM and Traffic Mitigation Restitution Trust Fund. No. 573, subject to the approval of the City Attorney as to form and legality.
4. INSTRUCT and AUTHORIZE the DOT to negotiate and execute an agreement with the Department of Water and Power for design and undergrounding of power lines on the east side of Canoga Avenue adjacent to the Park and Ride Lot, where the street is being widened, in an amount not to exceed $450,000, from the Canoga Station Account in the Warner Center TDM and Traffic Mitigation Restitution Trust Fund No. 573, subject to the approval of the City Attorney as to form and legality.

**Fiscal Impact Statement:** The DOT reports that there will be no impact on the General Fund. Funds in the amount of $1.6 million will be obtained from the Warner Center TDM and Traffic Mitigation Restitution Trust Fund No. 573 to cover the design and construction costs associated with the aforementioned work.

**ADOPTED**

**AMENDING MOTION (LABONGE - GARCETTI)**

Recommendations for Council action:

1. City Municipal Code 62.06/Ordinance No. 171922 requires a Street Damage Restoration Fee when excavations are performed within public streets. The Department of Water and Power must excavate on the east side of Canoga Avenue adjacent to the Park and Ride Lot in order to underground the existing power lines as required by the Warner Center Specific Plan. The estimated Street Damage Restoration Fee for this work is $14,709.42.

2. WAIVE the Street Damage Restoration Fee in the amount of $14,709.42 in conjunction with the Department of Water and Power undergrounding efforts for the development of a new Canoga Station and Park and Ride Lot be waived.

**Items for Which Public Hearings Have Not Been Held - Items 11-24**

(10 Votes Required for Consideration)

**ITEM NO. (11) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION AS AMENDED - SEE FOLLOWING**

Roll Call #9 - Motion (LaBonge - Miscikowski) to Adopt as Amended, Ayes (13); Absent: Parks and Reyes (2)

04-1568 - COMMUNICATION FROM CHAIR, ARTS, PARKS, HEALTH AND AGING COMMITTEE and ORDINANCE FIRST CONSIDERATION relative to amending Section 42.15 of the Los Angeles Municipal Code (LAMC) to require that public expression activities allowed by that Section be exercised in designated spaces on the Venice Beach Boardwalk (Boardwalk), and that the use of those designated spaces be regulated by a permit process.
SUBMITS WITHOUT RECOMMENDATION the following recommendation of the City Attorney, SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the accompanying ORDINANCE amending Section 42.15 of the LAMC to require that public expression activities allowed by that Section be exercised in designated spaces on the Boardwalk, and that the use of those designated spaces be regulated by a permit process.

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

ADOPTED

MOTION (LABONGE - MISCIKOWSKI)

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

PRESENT and ADOPT the accompanying ORDINANCE amending Section 42.15 of the LAMC to require that public expression activities allowed by that Section be exercised in designated spaces on the Boardwalk, and that the use of those designated spaces be regulated by a permit process.

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

ADOPTED

AMENDING MOTION (MISCIKOWSKI - LABONGE)

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

INCLUDE an exception for an umbrella or other shade in the limitation for any item exceeding four feet above ground in the permitted space.

ADOPTED

AMENDING MOTION (LABONGE - MISCIKOWSKI)

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

INCLUDE the following additional members in the appeals board to hear violations of the program rules, as set forth in the ordinance: A member of the Venice Neighborhood Council appointed by the Neighborhood Council; and the Senior Lead Officer for the Pacific Division of the Los Angeles Police Department.
ITEM NO. (12) - ADOPTED

99-0005 - RESOLUTION removing the property at 1133-35 West 62nd Street from the Rent Escrow Account Program [REAP], (Case No. 2798), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of October 20, 2004.

Assessor I.D. No. 6003-024-017
Registration No. 5105077

(Council action of November 9, 1999 placed property into REAP)

ITEM NO. (13) - ADOPTED

04-0005 - RESOLUTION removing the property at 1226-26 1/4 East 22nd Street from the Rent Escrow Account Program [REAP], (Case No. 5496), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of October 20, 2004.

Assessor I.D. No. 5131-015-015
Registration No. 9801861

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on July 18, 2002)

ITEM NO. (14) - ADOPTED

04-0005 - RESOLUTION removing the property at 1127-35 3/4 South New Hampshire Avenue from the Rent Escrow Account Program [REAP], (Case No. 5535), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of October 20, 2004.

Assessor I.D. No. 5078-026-008
Registration No. 0553834

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on July 2, 2002)
ITEM NO. (15) - ADOPTED
04-0005 - RESOLUTION removing the property at 619-19 1/2 West 101st Street from the Rent Escrow Account Program [REAP], (Case No. 7111), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of October 20, 2004.
Assessor I.D. No. 6054-019-023
Registration No. None

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

ITEM NO. (16) - ADOPTED
01-1885 - MOTION (PARKS - SMITH) relative to declaring the West 76th Street Block Club’s Annual Block Club Party on October 23, 2004 a Special Event (fees and costs absorbed by the City = $312).

Recommendation for Council action:
DECLARE the West 76th Street Block Club’s Annual Block Club Party, sponsored by the West 76th Street Block Club on October 23, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance.

ITEM NO. (17) - ADOPTED
04-2161 - MOTION (REYES - SMITH) relative to declaring the Arroyo Vista Ground Breaking Ceremony on October 28, 2004 a Special Event (fees and costs absorbed by the City = $1,426).

Recommendation for Council action:
DECLARE the Arroyo Vista Ground Breaking Ceremony, sponsored by the Arroyo Vista Family Health Center on October 28, 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. (18) - ADOPTED
03-2179 - RESOLUTION (SMITH - ZINE) relative to designating Friday, November 19, 2004 as “Police Appreciation Day” in the City of Los Angeles.

Recommendation for Council action:
DESIGNATE Friday, November 19, 2004 as “Police Appreciation Day” in the City of Los Angeles and encourage all City residents to show their support for the Police Department and its officers.

ITEM NO. (19) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-2179 - FINAL MAP OF TRACT NO. 54121 for property at 215 West Seventh Street, northwesterly CD 14 of Spring Street.
(ADOPT City Engineer Report)
(Quimby Fee: $535,011)
(Less Dwelling Unit Construction Tax: $27,800)
Applicants: Barry Shy
Brian Gentry

ITEM NO. (20) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-2180 - FINAL MAP OF TRACT NO. 54251 for property lying easterly of Armacost Avenue and CD 11 northerly of Texas Avenue.
(Approve Subdivision Improvement Agreement and Contract with attached security documents)
(ADOPT City Engineer Report)
(ADOPT Bond No. C-107507)
(Quimby Fee: $18,200)
Applicants: DHS and Associates
Jack Little Company

ITEM NO. (21) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-2181 - FINAL MAP OF TRACT NO. 53946 for property lying easterly of Armacost Avenue and CD 11 southerly of Texas Avenue.
(Approve Subdivision Improvement Agreement and Contract with attached security documents)
(ADOPT City Engineer Report)
(ADOPT Bond No. C-107509)
(Quimby Fee: $36,400)
(Less Dwelling Unit Construction Tax: $3,200)
Applicants: Armacost Villas, L.P.
Gary Safronoff
ITEM NO. (22) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-2182 - FINAL MAP OF TRACT NO. 53206 for property lying northerly of Sunset Boulevard and westerly of Vine Street.
(Approve Subdivision Improvement Agreement and Contract with attached security documents)
(ADOPT City Engineer Report)
(ADOPT Bond No. C-107508)
Applicants: HW Marketplace, LLC Mollenhauer Group

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

04-2193 - FINAL MAP OF TRACT NO. 54008 for property lying easterly of Cahuenga Boulevard and southerly of Valley Spring Lane.
(Approve Subdivision Improvement Agreement and Contract with attached security documents)
(ADOPT City Engineer Report)
(ADOPT Bond No. C-107510)
(Quimby Fee: $18,200)
(Less Dwelling Unit Construction Tax: $1,600)
Applicants: Conrad J. Baumgartner Safronoff and Associates

ITEM NO. (24) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-2194 - FINAL MAP OF TRACT NO. 49225 for property lying northerly of 207th Street and easterly of Harvard Boulevard.
(ADOPT City Engineer Report)
(Quimby Fee: $5,811)
Applicants: Jim Tseng Cal Land Engineer

Closed Sessions - Items 25-28

ITEM NO. (25) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING - TO THE MAYOR FORTHWITH

Roll Call #10 - Motion (Miscikowski - Smith) Adopted in Open Session, Ayes (10); Absent: Cardenas, Ludlow, Parks, Reyes and Weiss (5)

04-2057 - 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 Filippo Favazza v. City of Los Angeles, Los Angeles Superior Court Case No. NC 040222. (Plaintiff alleges he fell over a raised sidewalk in front of 656 West 17th Street, San Pedro, and sustained physical injuries.)
(Budget and Finance Committee considered the above matter in Closed Session on October 19, 2004)

ADOPTED

MOTION (MISCIKOWSKI - SMITH)

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

1. AUTHORIZE the City Attorney to expend $225,000 in settlement of the case entitled Filippo Favazza v. City of Los Angeles, Los Angeles Superior Court Case No. NC 040222, from the Liability Claims Account No. 9770, Fund 100, Department 59.

2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to the Law Offices of Paul R. Markley and Filippo Favazza.

This matter was approved by the Budget and Finance Committee (Parks - Miscikowski - Cardenas “yes”) at its meeting of October 19, 2004, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (26) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING - TO THE MAYOR FORTHWITH

Roll Call #11 - Motion (Miscikowski - Smith) Adopted in Open Session, Ayes (10); Absent: Cardenas, Ludlow, Parks, Reyes and Weiss (5)

04-2070 - 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 Martha Adams v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 307102. (This action arises from a trip and fall accident in the Kiosk area of El Pueblo de Los Angeles Historical Monument.)

(Budget and Finance Committee considered the above matter in Closed Session on October 19, 2004)

ADOPTED

MOTION (MISCIKOWSKI - SMITH)

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

1. AUTHORIZE the City Attorney to expend $315,000 in settlement of the case entitled Martha Adams v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 307102, from the Liability Claims Account No. 9770, Fund 100, Department 59.

2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to the Law Offices of Jeffrey I. Pheffer and Martha Adams.
This matter was approved by the Budget and Finance Committee (Parks - Miscikowski - Cardenas "yes") at its meeting of October 19, 2004, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (27) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING - TO THE MAYOR FORTHWITH

Roll Call #12 - Motion (LaBonge - Smith) Adopted in Open Session, Ayes (10); Absent: Cardenas, Ludlow, Parks, Reyes and Weiss (5)

02-2331 - 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 City v. Chen, Etc., et al., Los Angeles Superior Court Case No. BC 301998. (This is an acquisition by eminent domain to acquire real property at 3690 Motor Avenue and 10331 West Regent Street for construction of the Fire Station No. 43 Improvement Project.)

(Budget and Finance Committee considered the above matter in Closed Session on October 12, 2004)

ADOPTED

MOTION (LABONGE - SMITH)

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

1. AUTHORIZE the City Attorney to expend $700,000 (which is the total of the settlement of $4,300,000.00, less the funds on deposit with the Court of $3,600,000.00), in settlement of the case entitled City v. Chen, Etc., et al., Los Angeles Superior Court Case No. BC 301998, from Proposition F Fire Facilities Bond Funds, Fund 15H, Account S309, FY2002 Palms FS 43.

2. AUTHORIZE the Department of Public Works, Bureau of Engineering (BOE) to draw a demand thereon in said amount payable to the Clerk, Los Angeles County Superior Court.

3. INSTRUCT the BOE to transmit said demand to the Office of the City Attorney, Attention: Scott Weible, Deputy City Attorney, Real Property/Environment Division, 200 North Main Street, Room 700 City Hall East, Los Angeles, CA 90012, Mail Stop 140.

This matter was approved by the Budget and Finance Committee Chair and Vice Chair (Parks - Miscikowski “yes”), at its meeting of October 12, 2004, in Closed Session as permitted by Government Code Section 54956.9(a).
ITEM NO. (28) - CONTINUED TO NOVEMBER 3, 2004

Roll Call #4 - Motion (Miscikowski - Smith) Adopted to Continue, Unanimous Vote (13);
Absent: Hahn and Parks (2)

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

a. Proposed Charter Amendment to Include Harbor Police in Fire and Police Pension System

b. Proposed Pension Charter Changes

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

04-2237 - MOTION (PADILLA for PARKS - PERRY) relative to declaring the VH1 Big in ‘04 show on December 1, 2004 a Special Event (fees and costs absorbed by the City = $10,000).

04-2236 - MOTION (LUDLOW - CARDENAS) relative to declaring the Dorsey and Crenshaw High School Game on October 29, 2004 a Special Event (fees and costs absorbed by the City = $3,000).

04-2235 - MOTION (REYES - PERRY) relative to declaring the 10th Street Elementary and Bill Cruz Early Education Health Fair on October 30, 2004 a Special Event (fees and costs absorbed by the City = $578).

04-2238 - MOTION (LUDLOW - PADILLA) relative to declaring the Elegant Manor Cleanup on October 28, 2004 a Special Event (fees and costs absorbed by the City = $1,226).

04-2239 - MOTION (PERRY - REYES) relative to declaring the Hockey Day in L.A. on October 23, 2004 a Special Event (fees and costs absorbed by the City = $858).

04-1826 - MOTION (PERRY - SMITH) relative to partial funding to support community programs and groups in Council District Nine.

04-0973 - MOTION (GREUEL - HAHN) relative to the cost sharing sidewalk reconstruction 50/50 voluntary partnership pilot program.

04-2240 - MOTION (GARCETTI - LABONGE) relative to a donation of a digital wireless video surveillance system including a maintenance contract for use at various locations along Hollywood Boulevard.
COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, Councilmember Garcetti was excused to arrive at 10:45 a.m. to Council session of Wednesday, November 3, 2004 due to City business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

04-1977 - Eugene Daub (Hahn - LaBonge)

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

04-1978 - Helen Ackart (Greuel)

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

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk PRESIDENT OF THE CITY COUNCIL