

Los Angeles City Council, Journal/Council Proceedings  
Friday, October 29, 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, Parks, Reyes, Smith, Villaraigosa, Zine and President Padilla (11); Absent: Hahn, LaBonge, Perry and Weiss (4).**

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
OCTOBER 26, 2004

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 10

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

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

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## Items for Which Public Hearings Have Been Held - Items 1-9

### ITEM NO. (1) - ADOPTED

**Roll Call #1 - Motion (Miscikowski - Zine) Adopted, Ayes (13); Absent: Hahn and Perry (2)**

04-1691 - MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT  
CD 4 COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone  
change at 430-42 South Virgil 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. 04-1691 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV 2003-5387 MND] filed October 24, 2003.
2. ADOPT the FINDINGS of the City Planning Commission as the Findings of the Council.

3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the City Planning Commission, effecting the zone change, incident to Tentative Tract No.54352, from R1-1 to (T)(Q)CR-2, subject to conditions of approval for the proposed subdivision for a maximum 74-unit project on 0.78 net acre lot at 430-42 South Virgil Avenue.

Applicant: Iacobellis & Associates

CPC 2003-5386-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. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.

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

TIME LIMIT FILE - NOVEMBER 29, 2004

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 24, 2004)

**ITEM NO. (2) - CONTINUED TO NOVEMBER 12, 2004**

**Roll Call #3 - Motion (Miscikowski - Smith) Adopted to Continue, Unanimous Vote (12);  
Absent: Hahn, Perry and President Padilla (3)**

02-0710 - ORDINANCE SECOND CONSIDERATION ordering certain work to be done on the  
CD 11 proposed improvement for the project entitled, "LINNIE CANAL COURT (DELL AVENUE  
TO EASTERN CANAL) IMPROVEMENT DISTRICT" - A'13-E1904270 (a.k.a. A'13-  
E6000881).

(Public Hearing closed on October 8, 2004 - Communication from the City Clerk adopted on October 22, 2004)

**Roll Call #1 - Motion (Miscikowski - Zine) Adopted, Ayes (13); Absent: Hahn and Perry (2)  
(Item Nos. 3-9)**

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

03-0970 - ORDINANCE SECOND CONSIDERATION providing for the conveyance of a permanent  
CD 9 surface easement for light rail transportation purposes to Los Angeles County Metropolitan  
Transportation Authority for property at 208 North Alameda Street, APN 5173-008-903 and  
establishing the proposed sale price as \$649,668.

(Information Technology and General Services Committee report and Communication from the Environmental Quality and Waste Management Committee adopted on October 22, 2004)

**ITEM NO. (4) - ADOPTED**

02-1068 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT  
CDs 9 & 14 relative to the Fiscal Year (FY) 2003 Annual Report of the Fashion District Business Improvement District (BID).

Recommendations for Council action:

1. FIND that the FY 2003 Annual Report of the Fashion District BID complies with the requirements of Section 36650 of the California Streets and Highways Code.
2. APPROVE the expenditure of interest and late payment funds accumulated by the Fashion District BID.
3. ADOPT the FY 2003 Annual Report of the Fashion District BID (attached to the Council file), pursuant to California Streets and Highways Code 36600, et seq.

Fiscal Impact Statement: The City Clerk reports that this action will not impact the General Fund.

**ITEM NO. (5) - ADOPTED**

04-1932 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT  
CD 13 relative to the Community Redevelopment Agency (Agency) leasing retail space in the Metro Apartments project, to provide bicycle storage, rental, and repair services to the community and commuters.

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, Agency, to execute a pre-paid, 10-year lease in the amount of \$151,000 for approximately 800 square feet of ground-floor retail space in the Metro Apartments project, at the southeast corner of Hollywood Boulevard and Western Avenue in the Hollywood Redevelopment Project Area, to provide bicycle storage, rental, and repair services to the community and commuters.

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

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

04-1930 - PERSONNEL COMMITTEE REPORT relative to exempting 50 part-time, as-needed positions in the class of Background Investigator from Civil Service provisions of the City Charter.

Recommendations for Council action:

1. RESOLVE that 50 part-time, as needed positions in the class of Background Investigator, Code 1764, in the Personnel Department, BE EXEMPTED from the Civil Service provisions of the City Charter, pursuant to City Charter Section 1001(d)(3). These positions are not more than half time and pay a salary not to exceed three-fourths of the monthly rate for entering-level clerical positions. (On July 15, 2004, the Board of Civil Service Commissioners approved the exemption.)
2. INSTRUCT the Personnel Department to report back relative to the most appropriate balance between part-time and full-time Background Investigators, including the cost of using part-time versus full-time Background Investigator positions.
3. INSTRUCT the Personnel Department to report back quarterly on the number of positions, described in Recommendation No. 1, above, filled and work performed.

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

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

03-0852 - PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to Planning Department report on the progress of expedited case processing activities.

Recommendation for Council action:

NOTE and FILE the September 22, 2004 Planning Department report relative to the progress of expedited case processing, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

#### ITEM NO. (8) - ADOPTED

03-1308 - PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an S16 application for a hardship exemption from provisions of the City's Hancock Park Interim CD 4 Control Ordinance (ICO) for the property at 361 North June Street.

Recommendation for Council action:

RECEIVE and FILE hardship exemption from the City's Hancock Park ICO (Ordinance No. 175149) for the proposed demolition of an existing garage and construction of a new 1,085 square feet detached garage, 11 feet 4 inches high located at 361 North June Street, inasmuch as the hardship exemption request has been modified under Council file No. 03-1308-S22, and no Council action is necessary.

Applicant: Ho Kyung Lee/Ahea Lee (A.J. Lumsen & Associates, representative)

Fiscal Impact Statement: Not applicable.

**ITEM NO. (9) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATION - SEE FOLLOWING**

04-0002 - RESOLUTION (GARCETTI - PERRY) relative to the City's position on Proposition 59, the S144 Public Records, Open Meetings Act, appearing on the November 2, 2004 ballot, which would provide greater public access to government documents and meetings.

(Rules and Elections Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comments will be provided.)

(For background reports and materials related to this matter, please contact the Legislative Assistant for the Rules and Elections Committee at 213-978-1075.)

**ADOPTED**

**RULES AND ELECTIONS COMMITTEE REPORT and RESOLUTION relative to a position on Proposition 59, the Public Records, Open Meetings Act.**

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

**RESOLVE to SUPPORT Proposition 59, the Public Records, Open Meetings Act, which provides for strong protection of open government requirements.**

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

**Items for Which Public Hearings Have Not Been Held - Items 10-19**

(10 Votes Required for Consideration)

**Roll Call #2 - Motion (Garcetti - Smith) Adopted, Ayes (13); Absent: Hahn and Perry (2)  
(Item Nos. 10-16)**

**ITEM NO. (10) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION**

04-1501 - COMMUNICATION FROM THE DEPARTMENT OF RECREATION AND PARKS (DRP) CD 15 and ORDINANCE FIRST CONSIDERATION relative to authorizing a Reciprocal Easement Deed with the Los Angeles Community College District for a portion of property within the Ken Malloy Harbor Regional Park.

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

PRESENT and ADOPT the accompanying ORDINANCE relative to authorizing a Reciprocal Easement Deed with the Los Angeles Community College District for a portion of property within the Ken Malloy Harbor Regional Park for the purpose of constructing and maintaining a section of roadway to serve the Harbor College campus.

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

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

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

00-0652 - MOTION (PADILLA - ZINE) relative to declaring the Scholarship Fund-raising Dance on October 23, 2004 a Special Event (fees and costs absorbed by the City = \$500).  
CD 7

Recommendation for Council action:

DECLARE the Scholarship Fund-raising Dance, sponsored by the Laborer's International Union of North America 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. (12) - ADOPTED**

04-2198 - MOTION (PARKS - ZINE) relative to declaring Shakespeare's MacBeth at the Annenberg Amphitheater on the University of Southern California (USC) campus from October 28-30, 2004 a Special Event (fees and costs absorbed by the City = \$2,000).  
CD 8

Recommendation for Council action:

DECLARE Shakespeare's MacBeth at the Annenberg Amphitheater on the USC campus, sponsored by the USC from October 28-30, 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. (13) - ADOPTED**

04-2199 - MOTION (LUDLOW - GREUEL) relative to declaring the Central American Resource Center's (CARECEN) Sixth Annual Community Fair and Carnival on October 23, 2004 a Special Event (fees and costs absorbed by the City = \$5,571).  
CD 10

Recommendation for Council action:

DECLARE the CARECEN's Sixth Annual Community Fair and Carnival, sponsored by the CARECEN 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 AND application requirements. This action does not include a waiver of fees and costs that may be associated with the use of facilities under the jurisdiction of the Board of Recreation and Park Commissioners.

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

02-2324 - MOTION (PARKS - ZINE) relative to declaring the Church of the Redeemer and Redeemer Community Partnership's Annual Harvest Carnival on October 31, 2004 a Special Event (fees and costs absorbed by the City = \$1,073).  
CD 8

Recommendation for Council action:

DECLARE the Church of the Redeemer and Redeemer Community Partnership's Annual Harvest Carnival, sponsored by the Church of the Redeemer and Redeemer Community Partnership on October 31, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance.

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

04-2200 - MOTION (LUDLOW - GREUEL) relative to declaring the Seventh Avenue Homeowners CD 10 Block Party on October 23, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).

Recommendation for Council action:

DECLARE the Seventh Avenue Homeowners Block Party, sponsored by the Seventh Avenue Homeowners Association 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 AND application requirements.

**ITEM NO. (16) - ADOPTED**

04-2201 - MOTION (LUDLOW - GARCETTI) relative to declaring the Los Angeles Police Department CD 10 (LAPD) Youth Programs - Carnival on November 18-22, 2004 and November 25-29, 2004 a Special Event (fees and costs absorbed by the City = none submitted).

Recommendation for Council action:

DECLARE the LAPD Youth Programs - Carnival, sponsored by a carnival entity, in conjunction with the LAPD - Wilshire Division on November 18-22, 2004 and November 25-29, 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 - FORTHWITH**

**Roll Call #4 - Motion (Zine - Greuel) Adopted, Ayes (11); Absent: Hahn, Perry, Smith and Villaraigosa (4)**

04-2206 - MOTION (GREUEL - ZINE - PADILLA - ET AL.) relative to establishing a special fund for efficiency savings and developing a comprehensive plan to recruit, train and hire additional police officers as proposed by the Chief of Police.

Recommendations for Council action:

1. REQUEST the City Attorney to prepare and present an ordinance to the Council to establish a Special Fund into which savings from efficiency improvements shall be deposited and from which expenditures shall be authorized by the Council to help pay for the following: 50 percent for additional sworn personnel, or field operation support in the Police Department; and 50 percent for efficiency improvement projects in Council-controlled departments; and further, provide for the deposit into this Special Fund revenue from other sources identified by the Council for the initiation of efficiency initiatives and provide that available balances shall not revert to the Reserve Fund on June 30 of any fiscal year.
2. DIRECT the City Administrative Officer (CAO), Chief Legislative Analyst (CLA) and Personnel Department, in consultation with the Police Department, to develop a comprehensive plan to identify the resources needed to recruit, train and hire sufficient numbers of sworn personnel to achieve a force of 12,240 police officers, as soon as possible; and to report to the Public Safety, Personnel, and Budget and Finance Committees within 60 days.
3. DIRECT the CAO and the CLA to report to the Audits and Governmental Efficiency Committee within 45 days with recommendations on where the City can eliminate waste and inefficiency through eliminating unnecessary positions, consolidating departments with duplicative functions, and instituting policies that carefully consider how the City implements benefits and cost of living increases.
4. AUTHORIZE the CLA, or designee, to make technical corrections to facilitate the intent of this Motion.

**Roll Call #2 - Motion (Garcetti - Smith) Adopted, Ayes (13); Absent: Hahn and Perry (2)  
(Item Nos. 18-19)**

**ITEM NO. (18) - ADOPTED**

04-2202 - RESOLUTION (SMITH - PADILLA - ET AL.) relative to supporting the Valley Performing Arts Center at California State University, Northridge.

Recommendation for Council action:

RESOLVE to declare the Council's SUPPORT for the Valley Performing Arts Center at California State University, Northridge, and its goals to educate and enrich the community, to enhance the cultural and economic growth of the Valley, and to better define the area as an attractive cultural destination.



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

04-2205 - FINAL MAP OF TRACT NO. 53789 for property lying southerly of 259th Street on the east side of Frampton Avenue.  
CD 15 (Approve Subdivision Improvement Agreement and Contract with attached security documents)  
(ADOPT City Engineer Report)  
(ADOPT Bond No. C-107511)  
(Quimby Fee: \$216,125)  
Applicants: Greystone Homes, Inc.  
Hunsaker & Associates

**Closed Session - Item 20**

**ITEM NO. (20) - PUBLIC HEARING CLOSED - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING**

**Roll Call #5 - Motion (Garcetti - Reyes) Adopted in Open Session, Ayes (10); Absent: Hahn, LaBonge, Perry, Smith and Villaraigosa (5)**

04-2192 - The City Council shall recess to Closed Session, pursuant to California Government Code Section 54956.9(a) to confer with its legal counsel relative to the Apartment of Association of Los Angeles County, Inc., d.b.a. Apartment Association of Greater Los Angeles v. City of Los Angeles Los Angeles Superior Court Case No. BC 278874.

(Housing, Community and Economic Development Committee to consider the above matter on October 27, 2004)

**ADOPTED**

**MOTION (GARCETTI - REYES)**

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

**REQUEST that the City Attorney file an appeal of the decision of the trial court relative to the case entitled Apartment Association of Los Angeles County, Inc., dba Apartment Association of Greater Los Angeles v. City of Los Angeles, Los Angeles Superior Court Case No. BC 278874.**

**This matter was approved by the Housing, Community and Economic Development Committee (Garcetti - Reyes - Padilla) at its meeting of October 27, 2004, in Closed Session, as permitted by Government Code Section 54956.9(a).**

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

- 02-2290 - MOTION (MISCIKOWSKI - LABONGE) relative to declaring the Rialto Neighborhood Halloween Block Party on October 31, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).
- 02-2406 - MOTION (MISCIKOWSKI - LABONGE) relative to declaring the Venice High School Homecoming on October 29, 2004 a Special Event (fees and costs absorbed by the City = \$2,038).
- 02-2472 - MOTION (GARCETTI - GREUEL) relative to declaring the 18th Annual AFI Film Festival on November 4 - 14, 2004 a Special Event (fees and costs absorbed by the City = \$2,500).
- 03-2195 - MOTION (PARKS - PADILLA) relative to partial funding to support community programs and groups in Council District Eight.

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

- 04-2248 - RESOLUTION (GARCETTI - LABONGE) relative to declaring Nine O'Clock Players Theatre for Children Day in the City of Los Angeles.

## **COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS**

Upon her request, and without objections, Councilmember Hahn was excused to leave at 11:30 a.m. from Council session of Tuesday, November 16, 2004 due to City business.

Upon her request, and without objections, Councilmember Greuel was excused from Council sessions of Tuesday and Wednesday, November 23 and 24, 2004 due to personal business.

## **COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:**

- |                          |                              |
|--------------------------|------------------------------|
| 04-1977 - Bob Schoonover | (Greuel - Padilla)           |
| Bill Davis               | (Smith - All Councilmembers) |
| Captain James Cansler    | (Zine - All Councilmembers)  |

Captain Jeri Weinstein (Zine - All Councilmembers)  
Tommy Monje (Zine - All Councilmembers)  
Charlie Tuna (Zine - All Councilmembers)  
Isaac Hayes (Garcetti - LaBonge - All Councilmembers)

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

04-1978 - Lyman L. Yancy, Jr. (Ludlow)  
Ruth Ellyott Baily (Ludlow)  
David "Adolph" Tafoya (Ludlow)  
Genevieve "Pat" Trujillo (Ludlow)  
  
Lee Andrew Kirk, Jr. (Parks)  
Lawrence Tolliver, Sr. (Parks)  
Samuel Albert Bringler (Parks)  
Stase Besperaitis (Zine)

**Ayes, Cardenas, Garcetti, LaBonge, Ludlow, Miscikowski, Parks, Reyes, Zine and President Padilla (9); Absent: Greuel, Hahn, Perry, Smith, Villaraigosa and Weiss (6).**

**Whereupon the Council did adjourn.**

ATTEST: Frank T. Martinez, CITY CLERK

By  
Council Clerk PRESIDENT OF THE CITY COUNCIL