

Inglewood, California
December 11, 2003

The City Council of the City of Inglewood, California held a special meeting on Thursday, December 11, 2003 in the Council Chambers in City Hall of said City.

Following the Pledge of Allegiance to the flag of our Country and invocation by Mayor Dorn, the meeting was called to order at the hour of 4:12 p.m. The City Clerk announced the presence of a quorum as follows:

Present: Mayor Dorn, Council Members Dunlap, Morales and Franklin;
Absent: Council Member Price.

City officials and personnel present were:

Yvonne Horton	City Clerk
Wanda Brown	City Treasurer
Mark F. Weinberg	City Administrator
Emmerline Foote	Interim City Attorney
Sue A. Simons	Administrative Analyst

134 **PUBLIC COMMENTS - AGENDA ITEMS.** Mayor Dorn inquired if there were any persons present who wished to address the City Council on any item on the agenda.

Rev. Harold Kidd, Pastor, First Presbyterian Church of Inglewood, spoke concerning agenda item no. CA-1, presentation of analysis completed pursuant to Section 9212, California Election Code of the "Home Stretch @ Hollywood Park" initiative.

Vanessa Branesburg, L. A. Alliance, spoke concerning agenda item no. CC-1, resolution calling and giving notice of the holding of a special municipal election relating to the proposed development of "The Home Stretch @ Hollywood Park" initiative.

Mary Bueno spoke concerning agenda item nos. CA-1, presentation of analysis regarding the "Home Stretch @ Hollywood Park" initiative; CC-1, resolution calling and giving notice of the holding of a special municipal election relating to the proposed development of "The Home Stretch @ Hollywood Park"; and CC-2, resolution requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of the Special Election.

Sylvia Hopper, spoke concerning agenda item no. CC-1 resolution calling and giving notice of the holding of a special municipal election relating to the proposed development of "The Home Stretch @ Hollywood Park".

Diane Sambrano spoke concerning agenda item no. CC-1, resolution calling and giving notice of the holding of a special municipal election relating to the proposed development of "The Home Stretch @ Hollywood Park".

Milton Brown spoke concerning agenda item no. CC-1, resolution calling and giving notice of the holding of a special municipal election relating to the proposed development of "The Home Stretch @ Hollywood Park".

101 **PRESENTATION OF ANALYSIS COMPLETED PURSUANT TO SECTION 9212, CALIFORNIA ELECTION CODE OF THE "HOME STRETCH @ HOLLYWOOD PARK" INITIATIVE – RECEIVED AND FILED.**

Larry Kirkley, Deputy City Administrator, presented the California Election Code, Section 9212 study results, as commissioned by the City Council. He introduced the staff members

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who had worked on the report with him as well as Dr. Barbara Lichman of Chevalier, Allen, and Lichman. He commented that on November 4, 2003 the Mayor and City Council requested a complete analysis of the "Home Stretch at Hollywood Park" Initiative. Once presented with a confirmation that the initiative had a sufficient number of signatures to be placed on the ballot, Council exercised their authority to request a report of the effects and impacts of the project. He further commented that Dr. Lichman would present the report information in two sections. The first would offer a discussion of the intentions of code section 9212, the applicability of EIR-type analysis, a presentation of salient points of section 9212 and the options available to Council. The final section would detail impacts to traffic and submit research on big-box retailers and superstores.

Dr. Lichman commented that according to California Election Code Section 9214, there were several constraints for the Council to abide by. She commented that once the initiative was certified, or found to qualify for the ballot (with at least 15% of voters signing the petition), Council was presented with three options. The first would have been to adopt the initiative within ten days of the certification, the second, to immediately order a special election. However, Council opted to order a report structured by California Election Code Section 9212. She further commented that the purpose of this code section is to analyze the planning and fiscal impacts of an initiative. Doing this determines whether the unit will create a situation where proposed development creates an inconsistency between the project and the City's General Plan. It also determines whether or not the project will create new or different fiscal or infrastructure funding impacts on the City. Finally, she noted that environmental impacts are not included in this report since the California Environmental Quality Act exempts initiatives passed by the people from review. Once the report was presented, Council was directed that they must either adopt the Ordinance within ten days or order a special election, at which time the ordinance would be submitted to a vote.

Larry Kirkley commented that the initiative creates a specific plan on 60-acres of Hollywood Park property, east of Prairie, south of 90th Street. The initiative amends the City's General Plan to include all aspects of the project and to ensure that it is in conformity of City laws and regulations. Section 12-200 of the Municipal Code would be subsequently created, which entirely describes, authorizes and entitles the project and its uses. He commented that this would make any existing or future, conflicting or contrary local procedures, rules or regulations null and void. All of these actions would be in effect throughout the life of the project, with the possibility of alteration or elimination only with a super-majority or 2/3 vote of the electorate. He further commented that the initiative itself does not specifically entitle a Wal-Mart facility but creates entitlement, allowing a Wal-Mart superstore among other big-box retailers. The project area would also be re-zoned to the equivalent of a C-3 zone, giving all similar entitlements. The initiative eliminates future staff, commission or public discretionary process for the life of the project. He went on to comment on the many fiscal impacts the Initiative would have on the City. One such impact is the cost of the special election, with estimates ranging from \$65-75,000. A second concern was development fees. Though the fees will bring in an excess of \$500,000 the initiative freezes all fees to the current rate, for the life of the project. He also commented that the City could not charge expedition fees despite the initiative requiring the City to expedite all actions to the extent allowed by the law. A third impact would be sales taxes. The project is expected to bring income from sales taxes generated through retail sales at an estimated \$2-3 million annually. However, since the initiative creates a C-3 zoning environment, it is possible for the center to become populated with commercial businesses, which would not result in substantial taxable sales for the City. He commented that on a positive note, the sale of the project area would increase income for the City by way of the property taxes charged and by providing Tax Increment income once the property had been developed. He further commented that the initiative would increase the cost of municipal services, including police, fire and refuse collection. The City would be required to pay for the additional costs of these services with project income funds. He also commented that the project would increase traffic related issues in the area. The initiative does suggest mitigations to such issues as traffic pattern changes, however, any alterations required

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(beyond those suggested in the initiative), would be done at the expense of the City. He commented that the initiative does require the City to amend any portions of the General Plan that are in conflict with the proposed project and that reviewing the General Plan would cost the City an estimated \$100,000. He also noted that the initiative eliminates code enforcement activities, creates its own sign plans and requires a 67% electorate vote to make minor changes to the plan. Finally, the initiative calls for permissive C-3 zoning which allows such businesses as massage parlors, tanning salons and liquor stores as well as eliminates the possibility for future expansion, including proposals at Arbor Vitae and Kareem Court.

Dr. Lichman presented the results of the traffic study, provided by Recon. She commented that though the results were only general conclusions because of limited time constraints, there were four major concerns addressed. First, the baseline used to compare the impact of the project was questioned. Of concern was whether the baseline used included all existing, ambient and related projects/conditions. She commented that the traffic study aggravated all conceivable traffic, which artificially diminished the difference between the baseline/existing conditions and project impact. Second, Recon questioned the threshold used to analyze when a significant transportation impact occurs. She commented that the threshold used says an impact occurs based on a change in the calculated ratio of 2%. This is an extremely high standard allowing an intersection to go from level of service A (the best) to E (second worse) and not be considered a significant adverse affect. The third concern was that the analysis only goes through 2005 and this project would most likely still be under construction. Finally, she commented that there was concern that the initial traffic study did not consider the impact of traffic during special events (such as those held at the Forum).

Larry Kirkley then presented the Rodeno Report, a study of the economic impact of superstores/big box retailers commissioned by the City of Los Angeles. He commented that this study noted that there is potential for avoiding problems associated with these superstores. He further commented that mitigation efforts can include: minimum wage and benefits standards, local hiring requirements, land use/design guidelines, re-leasing requirements that enclose big-box stores, promotion efforts among local retailing and regional cooperation among government to stop this from happening to neighbors.

Mark Weinberg, City Administrator, commented that it is difficult to anticipate what the impact of a superstore in the City would be since this would be the first of its kind in the area. He commented that there will be a trade off since it is clear that superstores do affect small businesses and that though the project would bring \$2-3 million in sales tax revenue, this gain would be offset by losses in businesses, though just what amount could not be determined.

Dr. Lichman commented that there is not much data regarding the impact of superstores in areas like Southern California. She noted that the affect of Wal-Mart was adverse on existing businesses in small towns because consumers had no choices before Wal-Mart came in, so they abandoned higher priced stores. This is not the case in Southern California, however, where there are already several malls and superstores.

Council Member Dunlap commented that she wanted to know the potential impact on Costco, Target, Home Depot and other area stores.

Council Member Morales commented that if there were any references to the impact of Wal-Mart on local businesses then he would like to hear a verbal report. However, if the report only speaks in general about big boxes or superstores, then he would like to know how the public could get more information.

Larry Kirkley commented that he had spoken with Costco, Target and other stores who advised him that they did not believe that Wal-Mart would be an issue. For the most part,

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each store felt that the project would not be an issue because many have other locations competing with Wal-Mart. He commented that Target believes there may be a decrease in their revenues over the short term but then things should even out.

Council Member Morales asked if staff had done further studies on traffic issues brought up by Dr. Lichman. Again he inquired as to how the public could become educated on this issue.

Larry Kirkley advised that he would need to have staff review this topic and provide a more complete analysis.

Council Member Franklin commented that there had been several studies on big box retailers and their affect on local small businesses and national grocery chains. He also inquired about the cost of having a special election, stating that it costs \$65,000 for a General Election and inquiring about how it could only cost \$75,000 for a Special Election.

Yvonne Horton, City Clerk, advised that the County had estimated a \$55,000 cost for the election and that she had added \$10,000 for compensation for workers. She further commented that she had averaged the cost of previous elections to get the \$75, 000 figure.

Council Member Franklin commented on the zoning for the project, noting that the City zones the area as C-2 but that the Initiative states the project is a C-3 zone.

Larry Kirley advised that traditionally the area would not be zoned as C-3 but the Initiative does call for it.

Council Member Franklin commented that he was concerned with development fees, stating that the City cannot demand additional fee costs.

Larry Kirkley commented that the fees would remain constant for the length of the project, whether or not the land is sold to other developers and regardless of its use.

Council Member Franklin commented on the additional need for City services, including the police, fire and public works departments.

Larry Kirkley commented that the project area would require additional services but whether it becomes an economic burden on the City would depend on the land uses and level of requirements.

Mayor Dorn commented that according to the election code, the Initiative could be amended with a majority vote. He commented that no matter how negative the report presented, Council must still put the measure on the ballot and allow residents to vote. He further commented that it is possible for the Council to pass an ordinance that would ultimately eliminate several of the items listed on the Initiative, that are objected to. For example, requiring that retailers with 100 plus employees must pay a prevailing wage.

Council Member Dunlap commented that the Initiative states that Council cannot pass anything altering it. She then inquired about how passing an ordinance to alter the Initiative would work.

Dr. Lichman commented that election code states that once an initiative qualifies for the ballot, Council cannot alter it before the initiative is placed on the ballot. In fact, if the Council makes a specific plan changing the attributes of the project area, the action would be null and void, as it would be inconsistent with provisions of the election. She further noted that the Initiative does not cover issues such as prevailing wages

Mayor Dorn commented on whether Council could put a question on the ballot allowing

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voters to change any part of the Initiative, with whichever question gaining the most votes, named the winner.

Dr. Lichman commented that a counter-initiative could be placed on the ballot; however, there were specifications as to the vote needed for the counter-initiative to prevail.

Council Member Franklin commented that on page eleven of the Initiative, it stated that during the initiative process, no modifications could be made.

Larry Kirkley commented that this means that voters must cast their vote as is, with no written modifications. The process of the City asking for mitigations based on reports and recommendations would not be available to the public. Instead, the Initiative only requires a yes or no vote.

Mayor Dorn then read election code 9221 which stated that if conflicting ordinances are adopted at the same election, the ordinance with the most votes wins. He further commented on section 9222 of the code, which also states that a legislative body may submit a proposed ordinance to voters and the winner will be the one with the most votes.

Dr. Lichman commented that section III of the Initiative specifically addressed conflicting measures, stating that if another ballot measure affecting the plan criteria of the Initiative goes to vote, there could be two outcomes. She commented that the first would be if both of the ordinances receive a majority of votes cast and the Initiative receives the most votes, the competing ordinance is null and void. However, if both receive a majority of votes and the competing initiative receives the most, it shall be complementary to the initiative and only those sections in conflict shall be void.

Mayor Dorn commented that their Initiative never dies.

140.71 **RESOLUTION CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, MARCH 16, 2004, FOR THE SUBMISSION OF A PROPOSED ORDINANCE RELATING TO THE PROPOSED DEVELOPMENT OF "THE HOME STRETCH @ HOLLYWOOD PARK"**

Council Member Dunlap inquired about whether setting the election date and ballot language could be done separately.

Dr. Lichman commented that the election code states that the Council had three options once the signatures had been certified. Council chose option three, which advises placing the Initiative on the ballot, unaltered. She further commented that because of the limited time available, there would be difficulty in setting the date and language separately.

Mayor Dorn commented that the City Attorney would be the one to set the date and language, not the Council.

Emmerline Foote, Interim City Attorney, advised that she would look up the election code, to clarify setting the date and ballot language separately.

Mayor Dorn declared the meeting recessed at the hour of 5:43 p.m.

Mayor Dorn again called the meeting to order at the hour of 6:30 p.m. with all members present except Council Member Morales.

Council Member Morales returned to the Council Chambers at the hour of 6:31 p.m.

Emmerline Foote commented that per section 12001 of the election code, for a special, local election, voters must be informed in the call and notice, what is being put before them for a

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vote. Therefore, the date and language cannot be set separately.

It was moved by Mayor Dorn that the resolution be adopted. There was no second.

It was moved by Council Member Franklin and seconded by Council Member Dunlap that the Council table the session and reconvene on Sunday, December 14, 2003.

Council Member Morales commented that Council had to vote on this resolution within ten days. He commented on whether it would be okay to wait until Sunday.

Dr. Lichman commented that Council must vote on this resolution within ten days and that she would not suggest any further delay.

Council member Dunlap commented that Council had been given a window in which to set the election and as far as she knew, Sunday was the deadline for a March 16, 2004 election.

Yvonne Horton commented that the March 16, 2004 date was within the 88-103 days from November, when the report was submitted to Council.

Council Member Dunlap commented on whether that was in the election code.

Dr. Lichman commented that according to section 9214 of the code, the election needed to be set within 180 days of the last special election.

Council Member Morales asked if setting the election Sunday would still be within the code.

Emmerline Foote commented that she would talk to the City Clerk and calculate the date on which the election needed to be set by.

Mayor Dorn declared the meeting recessed at the hour of 6:51 p.m.

Mayor Dorn again called the meeting to order at the hour of 6:58 p.m.

Emmerline Foote commented that because of the September election, the Council would not be constrained to hold this election within 180 days. She further commented that the election need not be set today and suggested bringing the item back on Tuesday, December 16, 2003.

Mark Weinberg commented that there would be an addendum to the agenda for the December 16 meeting, to include item CC-1 with closed session items. Any other items not addressed today would also be brought back on December 16, 2003.

Council Member Dunlap commented that she would like the report presented today to appear on the agenda so that discussion could be continued.

Emmerline Foote commented that according to section 9214 of the election code, once the report has been received and filed, Council had to either adopt the ordinance within ten days or order a special election.

Council Member Franklin inquired if the wording of the ordinance was set in stone. Emmerline Foote commented that there was a section of the election code giving the necessary form.

Dr. Lichman commented that the question placed on the ballot for vote must be neutral since it is only one question concerning a seventy-page document.

Emmerline Foote asked that the Council waive their right for a written notice calling a

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Special Meeting on Tuesday, December 16, 2003.

It was moved by Council Member Dunlap and seconded by Mayor Dorn, that written notice of the closed session meeting on December 16, 2003 be waived.

Council Member Morales left the Council Chambers at the hour of 7:21 p.m.

140.71 **RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF THE SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 16, 2004.**

This item was continued to December 16, 2003 at 7 p.m.

140.71 **RESOLUTION SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING THE PROPOSED COMMERCIAL DEVELOPMENT ADJACENT TO HOLLYWOOD PARK AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.**

This item was continued to December 16, 2003 at 7 p.m.

140.71 **RESOLUTION PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.**

This item was continued to December 16, 2003 at 7 p.m.

134 **PUBLIC COMMENTS REGARDING OTHER MATTERS.** Mayor Dorn inquired if there were any persons present who wished to address the City Council on any matter connected with City business not elsewhere considered on the agenda.

Dr. Thandiwe commented on who would write the ballot language and if there was a time constraint in determining whether there would be an alternative initiative placed on the ballot.

Diane Sambrano spoke concerning the Rodeno report, noting that a Wal-Mart superstore had been opened in Dallas, Texas and commented on staff reports for the 9212 study results presented.

Milton Brown spoke concerning the confusion in selecting an election date.

There being no further business to be presented, Mayor Dorn declared the meeting adjourned at 7:28 p.m. in memory of Louella Parker, a life long Inglewood resident.

City Clerk

Approved this _____ day of _____, 2004

Mayor