

Los Angeles City Council, Journal/Council Proceedings
Friday, May 21, 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, Greuel, Hahn, LaBonge, Miscikowski, Parks, Perry, Smith, Weiss, Zine and President Padilla (11); Absent: Garcetti, Ludlow, Reyes and Villaraigosa (4).

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
MAY 18, 2004

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 28

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 1-8

**ITEM NO. (1) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE
PRESENTED ON JUNE 11, 2004**

**Roll Call #1 - Motion (Smith - LaBonge) Adopted to Continue, Unanimous Vote (11);
Absent: Garcetti, Ludlow, Reyes and Villaraigosa (4)**

92-1346 - HEARING PROTESTS relative to the proposed sewer improvement for the project
CD 7 entitled, VALERIO STREET (NEAR RADFORD AVENUE) - A'11-E2000468 (Assessment
Sewer Improvement).

Recommendation for Council action:

HEARING PROTESTS against the proposed sewer improvement under 1911 Act and the
Los Angeles Administrative Code Sections 6.1-6.5 for the project entitled, Valerio Street
(near Radford Avenue) Improvement, in accordance with Proposition 218, Articles XIIC
and XIID of the California Code and Government Code Sections 50078.6, 54954.6 and
54960.1.

(Ordinance of Intention adopted on March 24, 2004 - Continue to JUNE 11, 2004 to
consider report of protests to be submitted as a result of balloting, pursuant to
Proposition 218)

**Roll Call #5 - Motion (Cardenas - Weiss) Adopted, Ayes (12); Absent: Garcetti, Ludlow and Villaraigosa (3)
(Item Nos. 2-7)**

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

03-2500 - CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST
CD 6 CONSIDERATION relative to the improvement and maintenance of ROSCOE BOULEVARD
AND BALBOA PLACE NO. 1 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 for the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Sections 50078.6 and 54954.6 (Proposition 218).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the streetlights are not installed or are removed from service if previously installed.

(Public Hearing held April 30, 2004)

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

03-2474 - CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST
CD 7 CONSIDERATION relative to the improvement and maintenance of OSBORNE PLACE
AND GLENOAKS BOULEVARD NO. 4 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 for the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Sections 50078.6 and 54954.6 (Proposition 218).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the streetlights are not installed or are removed from service if previously installed.

(Public Hearing held April 30, 2004)

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

03-2501 - CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST
CD 11 CONSIDERATION relative to the improvement and maintenance of ALLIN STREET AND
INGLEWOOD BOULEVARD 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 for the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Sections 50078.6 and 54954.6 (Proposition 218).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the streetlights are not installed or are removed from service if previously installed.

(Public Hearing held April 30, 2004)

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

03-2480 - CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST
CD 7 CONSIDERATION relative to the improvement and maintenance of SAYRE STREET AND
FRANK MODUGNO DRIVE 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 for the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Sections 50078.6 and 54954.6 (Proposition 218).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the streetlights are not installed or are removed from service if previously installed.

(Public Hearing held April 30, 2004)

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

03-2477 - CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST
CD 7 CONSIDERATION relative to the improvement and maintenance of BURNET AVENUE
AND CHASE 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 system, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Sections 50078.6 and 54954.6 (Proposition 218).

(Public Hearing held April 30, 2004)

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

03-2482 - CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST
CD 5 CONSIDERATION relative to the improvement and maintenance of LAUREN WAY AND
PETIT 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 system, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Sections 50078.6 and 54954.6 (Proposition 218).

(Public Hearing held April 30, 2004)

ITEM NO. (8) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION

**Roll Call #2 - Motion (Perry - Cardenas) Adopted, Ayes (11); Absent: Garcetti, Ludlow, Reyes
and Villaraigosa (4)**

04-0620 - CONTINUED CONSIDERATION OF HEARING COMMENTS relative to application for
CD 9 determination of "Public Convenience or Necessity" for alcohol sales for off and on-site
consumption at 626 Wilshire Boulevard (Gourmet Wines and Spirits).

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at 626 Wilshire Boulevard, (Gourmet Wines and Spirits) will serve the "Public Convenience or Necessity" and will not tend to create a law enforcement problem.

2. GRANT the Application for Determination of "Public Convenience or Necessity" for the sale of alcoholic beverages for off and on-site consumption at 626 Wilshire Boulevard.
3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control as the required findings under Business and Professions Code Section 23958.4.

Applicant: Mohammad Taghdis

TIME LIMIT FILE - MAY 21, 2004

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

(Continued from Council meeting May 14, 2004)

Items for Which Public Hearings Have Been Held - Items 9-23

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

Roll Call #6 - Motion (Ludlow - Parks) Adopted, Ayes (13); Absent: Garcetti and Villaraigosa (2)

01-0951 - COMMUNICATION FROM THE CHIEF EXECUTIVE OFFICER, COMMUNITY
CD 10 REDEVELOPMENT AGENCY relative to an Owner Participation Agreement with CIM/Pico, L.P., tax allocation bonds, schematic design drawings, approval of an environmental action for a proposed retail/commercial development on an 11.9 acre-site bounded by Pico Boulevard on the north, West Boulevard on the east, Venice Boulevard on the south, and San Vicente Boulevard on the west in the Mid-City Recovery Redevelopment Project Area.

(Housing, Community and Economic Development Committee report to be submitted in Council. If a public hearing is not held in Committee, an opportunity for public comment will be provided.)

ADOPTED

MITIGATED NEGATIVE DECLARATION ADDENDUM, HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to negotiating and executing a United State Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Contract in the amount of \$8.8 million and an Owner Participation Agreement (OPA), with CIM/Pico, L.P; and, approving tax allocation bonds and schematic design drawings for a proposed retail/commercial development on an 11.9 acre-site at 4550 West Pico Boulevard.

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

1. **AUTHORIZE the General Manager, Community Development Department (CDD), or designee, to negotiate and submit an \$8.8 million Section 108 Loan Application to HUD for Midtown Plaza, LLC.**
2. **AUTHORIZE the General Manager, CDD, or designee, with the cooperation and assistance of the City Attorney, Chief Legislative Analyst (CLA), and the City Administrative Officer (CAO), to negotiate and execute with CIM/Pico, L.P. a Loan Agreement for an amount not to exceed \$8.8 million in Section 108 Loan Guarantee Funds for Midtown Plaza (\$7 million previously allocated on December 3, 2002 and \$1.8 million of a \$5.3 million allocation approved on July 16, 2002), subject to the following conditions:**
 - a. **CIM/Pico, L.P. to provide CDD a letter certifying that the CIM Group, Inc. has agreed to fully self-fund project construction.**
 - b. **A loan provision requiring CIM/Pico, L.P. to obtain from project tenants a waiver of the Los Angeles Municipal Code Section 21.17, the California Revenue & Taxation Code Section 7056(a)(1) and any and all other laws protecting the private nature of the tax information, in the form acceptable to the Office of Finance (OOF), to be executed by an authorized agent of the tenant and delivered as often as needed to the Director of Finance, who will provide CDD with all available information regarding the business license, sales and utility users' taxes paid by the tenant related to the lease space and the gross sales made from the space.**
 - c. **Should any project tenant fail to disclose as required in Recommendation 2(d) and using the waiver(s) provided, the City will obtain such information itself and charge the Developer the cost of obtaining such information.**
 - d. **In the event that the City cannot disaggregate the required information, the City will apply a formula to calculate sales tax based on gross receipts of retail sales information provided in connection with the City's business taxes.**
 - e. **With respect to utility users' tax for telephone and natural gas usage, the City must receive full disclosure from all project tenants given the inability to obtain such information.**
 - f. **A third-party guarantee or other security by CIM/Pico, L.P. to the satisfaction of the City to back-stop any short-fall in the projected site-specific tax revenue (SSTR) dedicated to the repayment of the Section 108 Loan Guarantee Funds.**
 - g. **Further underwriting by CDD, as necessary.**
 - h. **Review by the CAO, Contractor Enforcement Section, as to any applicable contract provisions (i.e. Living wage, Contractor Responsibility, Equal Benefits, etc.).**
 - i. **HUD approval of the Section 108 Loan Guarantee Application.**
 - j. **Approval of the City Attorney, as to form and legality.**

3. AUTHORIZE the use of not more than 49 percent on an aggregate basis of project generated site-specific tax revenue over a 20-year period to debt service the \$8.8 million Section 108 Loan (estimated to begin in 2006).
4. AUTHORIZE the expenditure of up to \$10,000 for outside legal counsel to assist the City Attorney, as needed, in negotiating, documenting and closing the Section 108 Loan for Midtown Plaza (legal services to be paid from Section 108 Loan or Developer Funds);
5. CONCUR with the Community Redevelopment Agency Board recommendations from its March 4, 2004 meeting for Midtown Plaza, as follows:
 - a. Authorize the Chief Executive Officer, Community Redevelopment Agency (Agency), or designee, to negotiate and execute an OPA with CIM/Pico, L.P. as successor Developer to Midtown Plaza LLC.
 - b. Approve the RESOLUTION adopted by the Agency Board authorizing Agency financing participation in the form of a \$4.3 million subordinated Mid-City Tax Allocation Bonds to be issued to the developer upon successful project completion.
 - c. Approve the revised schematic design drawings for the proposed Midtown Plaza.
6. AUTHORIZE the Controller to:
 - a. Establish new accounts within Fund No. 43F Section 108 Loan Guarantee Program and appropriate up to \$8,810,000, as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
T205	Midtown Plaza	\$8,800,000
TXXX	Midtown Plaza-Legal Fees	10,000
 - b. Expend funds upon proper demand of the General Manager, CDD, or designee.
7. FIND that the Council has reviewed the Addendum to the environmental records in this matter as prepared by the Agency, and further find that Midtown Plaza will have no significant impact on the environment as indicated by Mitigated Negative Declaration 2000-2497-CUZ(CCR) (CUB) (ZV) (SUB) (HV) adopted by the Los Angeles Planning Commission on April 12, 2001.
8. FIND that Midtown Plaza meets the National Objective of the Housing and Community Development Act and is necessary and appropriate to accomplish the City's economic development objectives;
9. AUTHORIZE the General Manager, CDD, or designee, to propose the necessary amendments to the appropriate year Consolidated Plan as required by HUD; and, INSTRUCT the City Clerk to calendar this amendment to the Housing and Community Development Consolidated Plan for Council consideration and for a public hearing, which is required for the proposed Section 108 Loan Guarantee Project.

10. REAFFIRM previous instructions that the CAO, with the assistance of OOF, Controller, CLA and CDD, establish a uniform procedure to identify, track, and audit all revenues attributable to Midtown Plaza, in particular, and all City projects, in general, that use SSTR as a funding source.
11. INSTRUCT the City Clerk to place on the agenda for the first Council meeting date in 2004-05 or shortly thereafter, the following item:

“Authorize to expend upon proper demand of the General Manager, CDD, or designee, to transfer funds to United Bank of California or any other banking institution to effect repayment of the Section 108 Loans from HUD.”
12. AUTHORIZE the General Manager, CDD, or designee, to prepare Controller instructions and make any technical adjustments to the above recommendations in order to accomplish the intent of this report, subject to the review of the CAO, and instruct the Controller to implement these instructions and to expend funds upon proper demand of the General Manager, CDD, or designee.

Fiscal Impact Statement: The CAO and CLA report that this action will impact the General Fund. Midtown Plaza is projected to increase the City’s General Fund by \$1.1 million in net new revenue (sales, utility users’ and business license taxes, net of the existing sales and transfers) in 2005 (project stabilization), increasing to \$1.9 million in the project’s 20th year. However, up to \$841,618 per year in General Fund revenues will be used to repay the debt service obligations for a \$8.8 million Section 108 Loan for the project. The difference between the net new revenue generated by the project and the amount needed to repay the Section 108 debt service will accrue to the General Fund.

The CAO and CLA further report that CDD and the Agency propose to use \$13.1 million (\$8.8 million in Section 108 Loan Funds and \$4.3 million in subordinated Mid-City Tax Allocation Bonds) in gap financing for Midtown Plaza. In addition, an amount not to exceed \$10,000 of Section 108 Loan or Developer Funds is proposed for outside legal counsel to assist the City Attorney with the Section 108 Loan documentation.

It is further reported by the CAO that the City’s allocation of future Community Development Block Grant funds serves as the security for the Section 108 Loan should the City fail to make the debt service payments. If HUD finds that the use of the funds was for an ineligible expenditure, such funds could be charged against the City’s General Fund.

(The Budget and Finance Committee waived consideration of the above matter.)

**Roll Call #3 - Motion (Parks - Cardenas) Adopted, Ayes (11); Absent: Garcetti, Ludlow, Reyes and Villaraigosa (4)
(Item Nos. 10-11)**

**ITEM NO. (10) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS
- TO THE MAYOR FORTHWITH - SEE FOLLOWING**

**02-0658 - COMMUNICATION FROM THE GENERAL MANAGER, COMMUNITY DEVELOPMENT
S2 DEPARTMENT relative to authorization for negotiating and executing a Block Grant
CD 14 Investment Fund Loan Agreement, in an amount not to exceed \$903,500, with L.A.
Colorado Terrace, LP / DDCM Inc., for the L.A. Colorado Terrace Project, a 70-unit senior
citizen apartment complex at 2455 Colorado Boulevard.**

(Housing, Community and Economic Development Committee report to be submitted in Council. If a public hearing is not held in Committee, an opportunity for public comment will be provided.)

ADOPTED

**HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and
RESOLUTIONS relative to a Block Grant Investment Fund (BGIF) loan agreement in the
amount of \$903,500, and to convert an existing Acquisition Loan to a Construction and
Permanent Loan, increasing the amount by \$837,500, to L.A. Colorado Terrace, L.P., for
a 70-unit senior citizen apartment complex at 2455 Colorado Boulevard.**

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

- 1. APPROVE \$903,500 in BGIF loan funds for L.A. Colorado Terrace, L.P./DDCM Incorporated, subject to the Citizen Unit Participation process.**
- 2. AUTHORIZE the General Manager, Community Development Department (CDD), or designee, to negotiate and execute an agreement with L.A. Colorado Terrace, L.P./DDCM Incorporated in an amount not to exceed \$903,500, subject to the approval of the City Attorney as to form and legality.**
- 3. AUTHORIZE the use of Citywide Urban Development Action Grant (UDAG) Miscellaneous Revenues in an amount not to exceed \$903,500 for the L. A. Colorado Terrace project, pending completion of the Citizens Unit for Participation process.**
- 4. AUTHORIZE CDD to prepare Controller instructions and/or make any technical adjustments that may be required and are consistent with this action, subject to the review of the City Administrative Officer, and request that the Controller implement these instructions.**
- 5. AUTHORIZE the Controller to:**
 - a. Establish new account V318 Colorado Terrace Bridge Loan and appropriate \$903,500 within Fund No. 356 UDAG Miscellaneous Revenue and expend funds upon proper demand of the General Manager, CDD.**

- b. Upon completion of the Citizen Unit Participation approval process, and proper demand of the General Manager, CDD, transfer expenditures in an amount not to exceed \$903,500 from Fund No. 356 Miscellaneous Revenue account V318 Colorado Terrace Bridge Loan to Fund No. 424 Community Development Trust Fund, Account BGIF.
6. FIND that the L.A. Colorado Terrace Project meets a National Objective of the Housing and Community Development Act and is necessary and appropriate to accomplish the City's economic development objectives.
7. AUTHORIZE the CDD to continue to work with the City Attorney in determining that no conflict of interest exists in the developer's Implementation Plan; and, DETERMINE that the approval of this action is subject to the U.S. Department of Housing and Urban Development (HUD) concurring with a finding that no conflict of interest exists.
8. AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (Agency), or designee to execute an agreement to increase, amend, and convert an existing Acquisition Loan to a Construction and Permanent Loan in an amount of \$2,490,609 with L.A. Colorado Terrace, L.P., for a 70-unit apartment development for senior citizens at 2455 Colorado Boulevard.
9. ADOPT the accompanying RESOLUTION making the finding that economically feasible alternative financing on substantially comparable terms without subordination of the Agency deed of trust and housing use restrictions to those of HUD is not reasonably available without the subordination of said deed of trust and use covenant, and authorize the Chief Executive Officer, or designee, to execute and Intercreditor, Modification and Subordination Agreement and make technical changes as required by HUD or the City of Los Angeles, subject to the approval of the City Attorney as to form and legality.
10. ADOPT the accompanying RESOLUTION making the finding that the increase of the loan funds for the development is of benefit to the Monterey Hills and Bunker Hills Redevelopment Projects.
11. AMEND the Fiscal Year 2004 Agency Budget to transfer \$580,000 in funds from MH1090 First Time Homebuyers Program, and \$257,500 in funds from the BH 1050 Bunker Hill Mixed Request for Proposals to CW1310 Colorado Terrace Senior Apartments for the loan increase.

Fiscal Impact Statement: The Agency reports that the proposed conversion of an existing Acquisition Loan to a Construction and Permanent Loan, increasing the amount by \$837,500, will not impact the General Fund.

CDD reports that this action will not impact the General Fund. In order to meet the above referenced Deadline for Action, UDAG funds will be extended to the Borrower to cover soft costs associated with the L.A. Colorado Terrace Project. The UDAG funds will be replaced by BGIF within thirty (30) days.

**ITEM NO. (11) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS
- TO THE MAYOR FORTHWITH - SEE FOLLOWING**

02-0658 - COMMUNICATION FROM THE CHIEF EXECUTIVE OFFICER, COMMUNITY
S2 REDEVELOPMENT AGENCY relative to a loan increase in the amount of \$837,500 to L.A.
CD 14 Colorado Terrace, LP, for a 70-unit senior citizen apartment complex at 2455 Colorado
Boulevard in Eagle Rock.

(Housing, Community and Economic Development Committee report to be submitted in Council. If a public hearing is not held in Committee, an opportunity for public comment will be provided.)

ADOPTED

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTIONS relative to a Block Grant Investment Fund (BGIF) loan agreement in the amount of \$903,500, and to convert an existing Acquisition Loan to a Construction and Permanent Loan, increasing the amount by \$837,500, to L.A. Colorado Terrace, L.P., for a 70-unit senior citizen apartment complex at 2455 Colorado Boulevard.

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

- 1. APPROVE \$903,500 in BGIF loan funds for L.A. Colorado Terrace, L.P./DDCM Incorporated, subject to the Citizen Unit Participation process.**
- 2. AUTHORIZE the General Manager, Community Development Department (CDD), or designee, to negotiate and execute an agreement with L.A. Colorado Terrace, L.P./DDCM Incorporated in an amount not to exceed \$903,500, subject to the approval of the City Attorney as to form and legality.**
- 3. AUTHORIZE the use of Citywide Urban Development Action Grant (UDAG) Miscellaneous Revenues in an amount not to exceed \$903,500 for the L. A. Colorado Terrace project, pending completion of the Citizens Unit for Participation process.**
- 4. AUTHORIZE CDD to prepare Controller instructions and/or make any technical adjustments that may be required and are consistent with this action, subject to the review of the City Administrative Officer, and request that the Controller implement these instructions.**
- 5. AUTHORIZE the Controller to:**
 - a. Establish new account V318 Colorado Terrace Bridge Loan and appropriate \$903,500 within Fund No. 356 UDAG Miscellaneous Revenue and expend funds upon proper demand of the General Manager, CDD.**
 - b. Upon completion of the Citizen Unit Participation approval process, and proper demand of the General Manager, CDD, transfer expenditures in an amount not to exceed \$903,500 from Fund No. 356 Miscellaneous Revenue account V318 Colorado Terrace Bridge Loan to Fund No. 424 Community Development Trust Fund, Account BGIF.**

6. **FIND** that the L.A. Colorado Terrace Project meets a National Objective of the Housing and Community Development Act and is necessary and appropriate to accomplish the City's economic development objectives.
7. **AUTHORIZE** the CDD to continue to work with the City Attorney in determining that no conflict of interest exists in the developer's Implementation Plan; and, **DETERMINE** that the approval of this action is subject to the U.S. Department of Housing and Urban Development (HUD) concurring with a finding that no conflict of interest exists.
8. **AUTHORIZE** the Chief Executive Officer, Community Redevelopment Agency (Agency), or designee to execute an agreement to increase, amend, and convert an existing Acquisition Loan to a Construction and Permanent Loan in an amount of \$2,490,609 with L.A. Colorado Terrace, L.P., for a 70-unit apartment development for senior citizens at 2455 Colorado Boulevard.
9. **ADOPT** the accompanying **RESOLUTION** making the finding that economically feasible alternative financing on substantially comparable terms without subordination of the Agency deed of trust and housing use restrictions to those of HUD is not reasonably available without the subordination of said deed of trust and use covenant, and authorize the Chief Executive Officer, or designee, to execute and Intercreditor, Modification and Subordination Agreement and make technical changes as required by HUD or the City of Los Angeles, subject to the approval of the City Attorney as to form and legality.
10. **ADOPT** the accompanying **RESOLUTION** making the finding that the increase of the loan funds for the development is of benefit to the Monterey Hills and Bunker Hills Redevelopment Projects.
11. **AMEND** the Fiscal Year 2004 Agency Budget to transfer \$580,000 in funds from MH1090 First Time Homebuyers Program, and \$257,500 in funds from the BH 1050 Bunker Hill Mixed Request for Proposals to CW1310 Colorado Terrace Senior Apartments for the loan increase.

Fiscal Impact Statement: The Agency reports that the proposed conversion of an existing Acquisition Loan to a Construction and Permanent Loan, increasing the amount by \$837,500, will not impact the General Fund.

CDD reports that this action will not impact the General Fund. In order to meet the above referenced Deadline for Action, UDAG funds will be extended to the Borrower to cover soft costs associated with the L.A. Colorado Terrace Project. The UDAG funds will be replaced by BGIF within thirty (30) days.

**ITEM NO. (12) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS
- SEE FOLLOWING**

Roll Call #6 - Motion (Ludlow - Parks) Adopted, Ayes (13); Absent: Garcetti and Villaraigosa (2)

**02-2741 - COMMUNICATION FROM THE GENERAL MANAGER, COMMUNITY DEVELOPMENT
CD 10 DEPARTMENT** relative to authorization for negotiating and executing a HUD Section 108 Loan Guarantee Contract with CIM/Pico, L.P. in the amount of \$8.8 million to develop the Midtown Plaza Project at 4550 West Pico Boulevard.

(Housing, Community and Economic Development Committee report to be submitted in Council. If a public hearing is not held in Committee, an opportunity for public comment will be provided.)

ADOPTED

MITIGATED NEGATIVE DECLARATION ADDENDUM, HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to negotiating and executing a United State Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Contract in the amount of \$8.8 million and an Owner Participation Agreement (OPA), with CIM/Pico, L.P; and, approving tax allocation bonds and schematic design drawings for a proposed retail/commercial development on an 11.9 acre-site at 4550 West Pico Boulevard.

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

- 1. AUTHORIZE the General Manager, Community Development Department (CDD), or designee, to negotiate and submit an \$8.8 million Section 108 Loan Application to HUD for Midtown Plaza, LLC.**
- 2. AUTHORIZE the General Manager, CDD, or designee, with the cooperation and assistance of the City Attorney, Chief Legislative Analyst (CLA), and the City Administrative Officer (CAO), to negotiate and execute with CIM/Pico, L.P. a Loan Agreement for an amount not to exceed \$8.8 million in Section 108 Loan Guarantee Funds for Midtown Plaza (\$7 million previously allocated on December 3, 2002 and \$1.8 million of a \$5.3 million allocation approved on July 16, 2002), subject to the following conditions:**
 - a. CIM/Pico, L.P. to provide CDD a letter certifying that the CIM Group, Inc. has agreed to fully self-fund project construction.**
 - b. A loan provision requiring CIM/Pico, L.P. to obtain from project tenants a waiver of the Los Angeles Municipal Code Section 21.17, the California Revenue & Taxation Code Section 7056(a)(1) and any and all other laws protecting the private nature of the tax information, in the form acceptable to the Office of Finance (OOF), to be executed by an authorized agent of the tenant and delivered as often as needed to the Director of Finance, who will provide CDD with all available information regarding the business license, sales and utility users' taxes paid by the tenant related to the lease space and the gross sales made from the space.**

- c. Should any project tenant fail to disclose as required in Recommendation 2(d) and using the waiver(s) provided, the City will obtain such information itself and charge the Developer the cost of obtaining such information.
 - d. In the event that the City cannot disaggregate the required information, the City will apply a formula to calculate sales tax based on gross receipts of retail sales information provided in connection with the City's business taxes.
 - e. With respect to utility users' tax for telephone and natural gas usage, the City must receive full disclosure from all project tenants given the inability to obtain such information.
 - f. A third-party guarantee or other security by CIM/Pico, L.P. to the satisfaction of the City to back-stop any short-fall in the projected site-specific tax revenue (SSTR) dedicated to the repayment of the Section 108 Loan Guarantee Funds.
 - g. Further underwriting by CDD, as necessary.
 - h. Review by the CAO, Contractor Enforcement Section, as to any applicable contract provisions (i.e. Living wage, Contractor Responsibility, Equal Benefits, etc.).
 - i. HUD approval of the Section 108 Loan Guarantee Application.
 - j. Approval of the City Attorney, as to form and legality.
3. AUTHORIZE the use of not more than 49 percent on an aggregate basis of project generated site-specific tax revenue over a 20-year period to debt service the \$8.8 million Section 108 Loan (estimated to begin in 2006).
 4. AUTHORIZE the expenditure of up to \$10,000 for outside legal counsel to assist the City Attorney, as needed, in negotiating, documenting and closing the Section 108 Loan for Midtown Plaza (legal services to be paid from Section 108 Loan or Developer Funds);
 5. CONCUR with the Community Redevelopment Agency Board recommendations from its March 4, 2004 meeting for Midtown Plaza, as follows:
 - a. Authorize the Chief Executive Officer, Community Redevelopment Agency (Agency), or designee, to negotiate and execute an OPA with CIM/Pico, L.P. as successor Developer to Midtown Plaza LLC.
 - b. Approve the RESOLUTION adopted by the Agency Board authorizing Agency financing participation in the form of a \$4.3 million subordinated Mid-City Tax Allocation Bonds to be issued to the developer upon successful project completion.
 - c. Approve the revised schematic design drawings for the proposed Midtown Plaza.

6. AUTHORIZE the Controller to:

- a. Establish new accounts within Fund No. 43F Section 108 Loan Guarantee Program and appropriate up to \$8,810,000, as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
T205	Midtown Plaza	\$8,800,000
TXXX	Midtown Plaza-Legal Fees	10,000

- b. Expend funds upon proper demand of the General Manager, CDD, or designee.

7. FIND that the Council has reviewed the Addendum to the environmental records in this matter as prepared by the Agency, and further find that Midtown Plaza will have no significant impact on the environment as indicated by Mitigated Negative Declaration 2000-2497-CUZ(CCR) (CUB) (ZV) (SUB) (HV) adopted by the Los Angeles Planning Commission on April 12, 2001.
8. FIND that Midtown Plaza meets the National Objective of the Housing and Community Development Act and is necessary and appropriate to accomplish the City's economic development objectives;
9. AUTHORIZE the General Manager, CDD, or designee, to propose the necessary amendments to the appropriate year Consolidated Plan as required by HUD; and, INSTRUCT the City Clerk to calendar this amendment to the Housing and Community Development Consolidated Plan for Council consideration and for a public hearing, which is required for the proposed Section 108 Loan Guarantee Project.
10. REAFFIRM previous instructions that the CAO, with the assistance of OOF, Controller, CLA and CDD, establish a uniform procedure to identify, track, and audit all revenues attributable to Midtown Plaza, in particular, and all City projects, in general, that use SSTR as a funding source.
11. INSTRUCT the City Clerk to place on the agenda for the first Council meeting date in 2004-05 or shortly thereafter, the following item:
- “Authorize to expend upon proper demand of the General Manager, CDD, or designee, to transfer funds to United Bank of California or any other banking institution to effect repayment of the Section 108 Loans from HUD.”
12. AUTHORIZE the General Manager, CDD, or designee, to prepare Controller instructions and make any technical adjustments to the above recommendations in order to accomplish the intent of this report, subject to the review of the CAO, and instruct the Controller to implement these instructions and to expend funds upon proper demand of the General Manager, CDD, or designee.

Fiscal Impact Statement: The CAO and CLA report that this action will impact the General Fund. Midtown Plaza is projected to increase the City's General Fund by \$1.1 million in net new revenue (sales, utility users' and business license taxes, net of the existing sales and transfers) in 2005 (project stabilization), increasing to \$1.9 million in the project's 20th year. However, up to \$841,618 per year in General Fund revenues will be used to repay the debt service obligations for a \$8.8 million Section 108 Loan for the project. The difference between the net new revenue generated by the project and the amount needed to repay the Section 108 debt service will accrue to the General Fund.

The CAO and CLA further report that CDD and the Agency propose to use \$13.1 million (\$8.8 million in Section 108 Loan Funds and \$4.3 million in subordinated Mid-City Tax Allocation Bonds) in gap financing for Midtown Plaza. In addition, an amount not to exceed \$10,000 of Section 108 Loan or Developer Funds is proposed for outside legal counsel to assist the City Attorney with the Section 108 Loan documentation.

It is further reported by the CAO that the City's allocation of future Community Development Block Grant funds serves as the security for the Section 108 Loan should the City fail to make the debt service payments. If HUD finds that the use of the funds was for an ineligible expenditure, such funds could be charged against the City's General Fund.

(The Budget and Finance Committee waived consideration of the above matter.)

**Roll Call #3 - Motion (Parks - Cardenas) Adopted, Ayes (11); Absent: Garcetti, Ludlow, Reyes and Villaraigosa (4)
(Item Nos. 13-22)**

**ITEM NO. (13) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS
- FORTHWITH - SEE FOLLOWING**

04-0925 - COMMUNICATION FROM THE CHIEF EXECUTIVE OFFICER, COMMUNITY CDs 8&9 REDEVELOPMENT AGENCY relative to the First Amendment to the Agreement for Reimbursement of Tax Increment Funds for the Fourth Amendment to the Hoover Redevelopment Project between the County of Los Angeles and the Agency, and the expanded area of the Hoover Redevelopment Project Area.

(Housing, Community and Economic Development Committee report to be submitted in Council. If a public hearing is not held in Committee, an opportunity for public comment will be provided.)

ADOPTED

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the First Amendment to the Agreement for Reimbursement of Tax Increment Funds for the Fourth Amendment to the Hoover Redevelopment Project between the County of Los Angeles and the Agency, and the expanded area of the Hoover Redevelopment Project Area.

Recommendation for Council action:

AUTHORIZE Chief Executive Officer, Community Redevelopment Agency (Agency), or designee, to execute the First Amendment to the Agreement for the Reimbursement of Tax Increment Funds for the Fourth Amendment to the Redevelopment Plan for the Hoover Redevelopment Project between the County of Los Angeles and the Agency, and to take any other actions necessary to implement the proposed amendment.

Fiscal Impact Statement: The Chief Legislative Analyst reports that this action will impact the General Fund.

ITEM NO. (14) - ADOPTED

01-0002 - PUBLIC SAFETY COMMITTEE REPORT relative to legislative proposals for inclusion in S184 the City's 2001-02 Legislative Program.

Recommendation for Council action:

RECEIVE and FILE the report from the Los Angeles Board of Police Commissioners relative to legislative proposals for inclusion in the City's 2001-02 Legislative Program, inasmuch as this legislative session is more than two years old and all of the recommended legislation has either passed or died in committee, therefore no Council action is required.

Fiscal Impact Statement: Not applicable.

ITEM NO. (15) - ADOPTED

03-1156 - PUBLIC SAFETY COMMITTEE REPORT relative to Supplemental Police Account Expenditure Plan No. XVIII.

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

APPROVE the Supplemental Police Account Expenditure Plan No. XVIII.

Fiscal Impact Statement: The City Administrative Officer reports that there is no General Fund impact associated with the proposed action. The funds have been budgeted within the Forfeited Asset Trust Fund.

ITEM NO. (16) - ADOPTED

03-2201 - PUBLIC SAFETY COMMITTEE REPORT relative to the Los Angeles Police Department's S1 (LAPD) Revolving Training Fund.

Recommendation for Council action:

NOTE and FILE the LAPD report dated February 17, 2004 relative to the status on the activities of the LAPD Revolving Training Fund for the period of January through June 30, 2002, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

ITEM NO. (17) - ADOPTED

03-2201 - PUBLIC SAFETY COMMITTEE REPORT relative to the Los Angeles Police Department's S2 (LAPD) Revolving Training Fund.

Recommendation for Council action:

NOTE and FILE the LAPD report dated February 17, 2004 relative to the status on the activities of the LAPD Revolving Training Fund for the period of July through December 31, 2002, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

ITEM NO. (18) - ADOPTED

03-2201 - PUBLIC SAFETY COMMITTEE REPORT relative to the Los Angeles Police Department's S3 (LAPD) Revolving Training Fund.

Recommendation for Council action:

NOTE and FILE the LAPD report dated March 12, 2004 relative to the status on the activities of the LAPD Revolving Training Fund for the period of January through June 30, 2003, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

ITEM NO. (19) - ADOPTED

03-2201 - PUBLIC SAFETY COMMITTEE REPORT relative to the Los Angeles Police Department's S4 (LAPD) Revolving Training Fund.

Recommendation for Council action:

NOTE and FILE the LAPD report dated March 12, 2004 relative to the status on the activities of the LAPD Revolving Training Fund for the period of July through December 31, 2003, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

ITEM NO. (20) - ADOPTED

03-2201 - PUBLIC SAFETY COMMITTEE REPORT relative to the Los Angeles Police Department's S5 (LAPD) Revolving Training Fund.

Recommendation for Council action:

NOTE and FILE the LAPD report dated April 2, 2004 relative to an updated report on the activities of the LAPD Revolving Training Fund for the period of July through December 31, 2003, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

ITEM NO. (21) - ADOPTED

04-0006 - PUBLIC SAFETY COMMITTEE REPORT relative to Graffiti Apprehension Reward S3 payment.
CD 6

Recommendation for Council action:

APPROVE Graffiti Apprehension Reward payment in the amount of \$1,000 to the applicant for an incident that occurred at Van Nuys Boulevard and Valerio Street.

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

ITEM NO. (22) - ADOPTED

04-0705 - PUBLIC SAFETY COMMITTEE REPORT relative to Emergency Operations Board After Action Report for the Simi Valley Wildland Fire Action on October 26, 2003.

Recommendation for Council action:

NOTE and FILE the After Action Report for the Simi Valley Wildland Fire Action on October 26, 2003, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

**ITEM NO. (23) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATION
- TO THE MAYOR FORTHWITH - SEE FOLLOWING**

Roll Call #7 - Motion (Hahn - LaBonge) Adopted, Ayes (14); Absent: Garcetti (1)

**04-0002 - CONSIDERATION OF RESOLUTION (HAHN - LABONGE) relative to providing benefits
S52 to World War II Merchant Marine veterans.**

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

ADOPTED

**RULES AND ELECTIONS COMMITTEE REPORT and RESOLUTION relative to providing
benefits to World War II Merchant Marine veterans.**

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

**ADOPT the accompanying RESOLUTION (Hahn - LaBonge) to include support in the
City's 2003-04 Federal Legislative Program for House Resolution 3729 to provide
benefits to World War II Merchant Marine veterans.**

Fiscal Impact Statement: Not applicable.

Items for Which Public Hearings Have Not Been Held - Items 24-38

(10 Votes Required for Consideration)

**ITEM NO. (24) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS -
FORTHWITH**

Roll Call #8 - Motion (Zine - Miscikowski) Adopted, Ayes (13); Absent: Garcetti and Ludlow (2)

**02-1048 - COMMUNICATION FROM THE BOARD OF DEFERRED COMPENSATION
ADMINISTRATION relative to the Deferred Compensation Plan - Investment Provider
Contracts.**

Recommendations for Council action:

1. AUTHORIZE the Board of Deferred Compensation Administration to execute a five-year contract with Hartford Life Insurance Company to continue providing investment management services through June 30, 2009.
2. AUTHORIZE the Board of Deferred Compensation Administration to extend the City's current contract with Galliard Capital Management (previously approved by Council for a five-year contract term through December 31, 2008) for an additional six months, through June 30, 2009, to coincide with the term of the Hartford contract.

3. AUTHORIZE the Board of Deferred Compensation Administration to extend the City's current contract with Great-West Retirement Services (previously approved by Council for a five-year contract term through June 30, 2004) for an additional six months, through January 1, 2005 if necessary.
4. AUTHORIZE the Board of Deferred Compensation Administration to release an Request for Proposal in 2004 for a five-year third-party-administrator contract for the Deferred Compensation Plan, negotiate and execute a five-year contract for the selected provider.
5. REQUEST the City Attorney to draft an ordinance amending Los Angeles Administrative Code Division 10, Section 10.5, "Contracts General," to authorize the Board of Deferred Compensation Administration to execute contract terms of up to five years in length for the administration of, or investment management services related to, the City of Los Angeles Deferred Compensation Plan.

Fiscal Impact Statement: The Board of Deferred Compensation Administration reports that all expenses for the Deferred Compensation Plan are paid for by Plan participants.

TIME LIMIT FILE - MAY 25, 2004

(LAST DAY FOR COUNCIL ACTION - MAY 25, 2004)

(Personnel Committee waived consideration of the above matter)

**Roll Call #4 - Motion (Perry - Miscikowski) Adopted, Ayes (11); Absent: Garcetti, Ludlow, Reyes and Villaraigosa (4)
(Item Nos. 25-38)**

ITEM NO. (25) - ADOPTED

04-0974 - CONSIDERATION OF MOTION (REYES - SMITH) relative to waiving certain requirements CD 1 pertaining to a lot merger and resubdivision which will facilitate the consolidation of properties owned by Loyola High School of Los Angeles.

Recommendation for Council action:

INSTRUCT the Bureau of Engineering, in connection with the recordation of Tentative Tract No. 060368, to waive all requirements for:

- a. The street dedication along the north side of Venice Boulevard, north of the existing fence line or east of Berendo Street (including no land that contains existing fencing and/or Loyola facilities to be dedicated and no future street dedications of any kind to be required).
- b. The construction of or bonding for any roadway widening or improvements along the north side of Venice Boulevard.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (26) - ADOPTED

04-0982 - MOTION (PERRY - VILLARAIGOSA) relative to declaring the Gallery Row Grand Opening
CD 9 on May 15, 2004 a Special Event (fees and costs absorbed by the City = \$1,222).

Recommendation for Council action:

DECLARE the Gallery Row Grand Opening, sponsored by the Downtown Los Angeles Neighborhood Council and Council District Nine on May 15, 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, INCLUDING insurance, except application fees.

ITEM NO. (27) - ADOPTED

04-0981 - MOTION (VILLARAIGOSA - REYES) relative to declaring the Annual Cinco de Mayo
CD 14 Festival on May 14, 2004 a Special Event (fees and costs absorbed by the City = \$1,017).

Recommendation for Council action:

DECLARE the Annual Cinco de Mayo Festival, sponsored by the County USC-Medical Center on May 14, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance AND application requirements.

ITEM NO. (28) - ADOPTED

04-0980 - MOTION (MISCIKOWSKI - CARDENAS) relative to declaring the Alexis de Tocqueville
CD 11 Event on May 22, 2004 a Special Event (fees and costs absorbed by the City = \$902).

Recommendation for Council action:

DECLARE the Alexis de Tocqueville Event, sponsored by the United Way of Greater Los Angeles on May 22, 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. (29) - ADOPTED

02-2552 - MOTION (MISCIKOWSKI - CARDENAS) relative to declaring the Embury and Albright
CD 11 Block Club Party on May 22, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).

Recommendation for Council action:

DECLARE the Embury and Albright Block Club Party, sponsored by the residents of Embury and Albright streets on May 22, 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. (30) - ADOPTED

04-0979 - MOTION (HAHN - CARDENAS) relative to declaring the 17th Annual ILWU Propeller Club CD 15 Seafood Feast on June 9, 2004 a Special Event (fees and costs absorbed by the City = \$380).

Recommendation for Council action:

DECLARE the 17th Annual ILWU Propeller Club Seafood Feast on June 9, 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. (31) - ADOPTED

04-0976 - MOTION (WEISS - ZINE) relative to declaring the Westwood Village Certified Farmers CD 5 Market on every Thursday from May 13, 2004 through December 31, 2004 a Special Event (fees and costs absorbed by the City = none submitted).

Recommendation for Council action:

DECLARE the Westwood Village Certified Farmers Market, sponsored by the Farmers Market Education Fund on every Thursday from May 13, 2004 through December 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. (32) - ADOPTED

03-1102 - MOTION (WEISS - ZINE) relative to declaring the L.A. Film Festival on June 17-26, 2004 CD 5 a Special Event (fees and costs absorbed by the City = \$11, 501).

Recommendation for Council action:

DECLARE the L.A. Film Festival, sponsored by the Independent Film Project on June 17-26, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance.

ITEM NO. (33) - ADOPTED

02-0830 - MOTION (WEISS - ZINE) relative to declaring the Castle Heights Place Block Party on May 29, 2004 a Special Event (fees and costs absorbed by the City = \$1,188).
CD 5

Recommendation for Council action:

DECLARE the Castle Heights Place Block Party, sponsored by the Castle Heights Neighborhood Association on May 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. (34) - ADOPTED

04-0978 - MOTION (SMITH - PERRY) relative to initiating street vacation proceedings for a portion of the northwesterly side of Grand Avenue from Temple Street to approximately 300 feet southwesterly of 2nd Street, located in Council District 9.
CD 9

Recommendations for Council action:

1. INITIATE street vacation proceedings, pursuant to California Streets and Highways Code, Division 9, Part 3, Public Streets, Highways and Service Easements Vacation Law for a portion of the northwesterly side of Grand Avenue from Temple Street to approximately 300 feet southwesterly of 2nd Street, located in Council District Nine.
2. DIRECT the Bureau of Engineering to investigate the feasibility of this vacation request.
3. DIRECT the Bureau of Engineering to present its report regarding the feasibility of vacating the requested areas to the Public Works Committee.

ITEM NO. (35) - ADOPTED

04-0977 - MOTION (SMITH - PERRY) relative to initiating street vacation proceedings for a portion of the airspace above First Street and North Main Street, in Council District Nine.
CD 9

Recommendations for Council action:

1. INITIATE street vacation proceedings, pursuant to California Streets and Highways Code, Division 9, Part 3, Public Streets, Highways and Service Easements Vacation Law for a portion of the airspace above First Street and North Main Street, in Council District Nine.
2. DIRECT the Bureau of Engineering to investigate the feasibility of this vacation request.
3. DIRECT the Bureau of Engineering to present its report regarding the feasibility of vacating the requested areas to the Public Works Committee.

ITEM NO. (36) - ADOPTED

04-0975 - MOTION (PERRY - MISCIKOWSKI) relative to authorizing the Environmental Affairs Department (EAD) to submit a grant application to the California Integrated Waste Management Board (CIWMB) for the Clean Up Grant program.

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

1. AUTHORIZE the General Manager, EAD, to submit an application for the Clean Up Grant to the CIWMB on behalf of the City and notify the Council if and when the City is awarded the grant.
2. AUTHORIZE the General Manager, EAD, if the City is awarded this grant, to:
 - a. Receive and disburse funds execute new agreements, contracts, Memoranda of Understanding, issue Requests for Proposals, select providers, negotiate and execute contracts for services with implementing departments or contractors, subject to the approval of the City Attorney as to form, for the purpose of implementing programs or project utilizing these CIWMB grant funds.
 - b. Request the City Controller to take various actions, such as implement Controller instructions, as prepared by the EAD, related to the grant awards.
 - c. Provide periodic reports to Council on the status of projects related to the grant.

ITEM NO. (37) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-0971 - FINAL MAP OF TRACT NO. 54050 for property lying northerly of Industrial Street and CD 14 westerly of Mateo Street.

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

(ADOPT City Engineer Report)

(ADOPT Bond No. C-106542)

(Quimby Fee: \$117,760.50)

Applicants: Toy Factory Lofts, LLC
Hall and Foreman, Inc.

ITEM NO. (38) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-0986 - FINAL MAP OF TRACT NO. 54006 for property lying easterly of Vista Del Monte Avenue CD 2 and northerly of Hortense Street.

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

(ADOPT City Engineer Report)

(ADOPT Bond No. C-106543)

(Quimby Fee: \$22,750.00)

Applicants: Vopco Revocable Living Trust
Robert Kameoka

MOTION ADOPTED UPON FINDINGS BY COUNCIL THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THE COUNCIL AGENDA FOR FRIDAY, MAY 21, 2004, PURSUANT TO GOVERNMENT CODE SECTION 54954.2(b)(2) AND COUNCIL RULE 23

ADOPTED - FORTHWITH

**Roll Call #09 - Motion (Parks - Zine) Findings on Need to Act - Adopted, Ayes (13);
Absent: Garcetti and Ludlow (2)**

Roll Call #10 - Motion (Parks - Zine) Adopted, Ayes (13); Absent: Garcetti and Ludlow (2)

04-1018 - MOTION (PARKS - LUDLOW) relative to the Convention Center Department shortage in its Salaries, As-Needed Account.

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

AUTHORIZE the Controller to transfer funds within Fund No. 100/48 (Convention Center), as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
From: 1010	Salaries, General	\$150,000
3040	Contractual Services	50,000
3340	Water and Electricity	<u>100,000</u>
	Total	\$300,000
<u>Account</u>	<u>Title</u>	<u>Amount</u>
To: 1070	Salaries, As-Needed	\$300,000

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

01-0764 - MOTION (PARKS - REYES) relative to declaring the Eighth Annual Run For Christ on June 26, 2004 a Special Event (fees and costs absorbed by the City = \$1,000).

04-1014 - MOTION (PARKS - REYES) relative to declaring the Challengers Boys and Girls Club Annual Community Club Carnival on May 21-23, 2004 a Special Event (fees and costs absorbed by the City = \$1,000).

00-0070 - MOTION (REYES - PARKS) relative to declaring the Sidewalk Sale in Lincoln Heights on June 4-6, 2004 a Special Event (fees and costs absorbed by the City = \$4,334).

02-0639 - MOTION (HAHN - GREUEL) relative to declaring the First Thursday on the first Thursday of each month from July 1, 2004 to June 1, 2005 a Special Event (fees and costs absorbed by the City = \$7,548).

00-0819 - MOTION (HAHN - GREUEL) relative to declaring the Certified Farmers' Market on every Friday from July 2, 2004 through July 1, 2005 a Special Event (fees and costs absorbed by the City = \$14,810).

02-0065 - MOTION (ZINE - SMITH) relative to amending the January 30, 2004 special event declaration of the 16th Annual Canoga Park Memorial Day Parade on May 31, 2004 to extend the period of time for the temporary street closure along the parade route (there are no additional fees or costs to be absorbed by the City).

04-1017 - MOTION (MISCIKOWSKI - LABONGE) relative to accepting and the placement of a sculpture in the center of Winward Circle near the Venice Boardwalk.

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

04-1013 - RESOLUTION (PADILLA - PARKS) relative to extending the timeframe for the Active Employee Member Seat of the Board of Administration of the Los Angeles City Employees Retirement System (LACERS) 2004 Election.

00-1566 - RESOLUTION (REYES - PADILLA) relative to extending provisions on the temporary S2 interim regulations on the issuance of building and demolition permits within a portion of the Westlake Community Plan.

COMMUNICATION PRESENTED PURSUANT TO RULE NO. 70 - TO BE PLACED ON THE NEXT AVAILABLE AGENDA

03-1250 - COMMUNICATION FROM CHAIR and VICE CHAIR, BUDGET AND FINANCE S66 COMMITTEE relative to a request for exemption from the hiring freeze for one position of Improvement Assessor in the Bureau of Street Lighting.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, Councilmember Cardenas was excused from Council sessions of Wednesday, July 28, 2004 and Friday, July 30, 2004 due to City business.

Motion (LaBonge - Smith) unanimously adopted to excuse Councilmember Garcetti from Council sessions of Friday, June 4, 2004 and Friday, July 2, 2004 due to Personal business.

