

Los Angeles City Council, Journal/Council Proceedings  
Friday, October 22, 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, LaBonge, Ludlow, Parks, Reyes, Smith, Weiss, Zine and President Padilla (11); Absent: Hahn, Miscikowski, Perry and Villaraigosa (4).**

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
OCTOBER 19, 2004

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 33

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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 1-29

**Roll Call #1 - Motion (Zine - LaBonge) Adopted, Ayes (11); Absent: Hahn, Miscikowski, Perry and Villaraigosa (4)  
(Item Nos. 1-29)**

### ITEM NO. (1) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT AND COMMUNICATION RECOMMENDATIONS - ORDINANCE OVER ONE WEEK TO OCTOBER 29, 2004

03-0970 - INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT and  
CD 9 COMMUNICATION FROM CHAIR, ENVIRONMENTAL QUALITY AND WASTE  
MANAGEMENT COMMITTEE and ORDINANCE FIRST CONSIDERATION relative to the  
proposed conveyance of an easement to the Los Angeles County Metropolitan  
Transportation Authority (LACMTA) for property at 208 North Alameda Street.

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

1. DETERMINE that the conveyance of a permanent surface easement for light rail transportation purposes to LACMTA, for property at 208 North Alameda Street, APN 5173-008-903, is of public interest or necessity.
2. CONSIDER the environmental effects of the Gold Line station to be developed on the proposed easement, as shown in the Los Angeles Eastside Corridor Final Supplemental Environmental Impact Report.

3. FIND that there is no substantial evidence that the development of the Gold Line Station on the proposed easement will have a significant effect on the environment.
4. PRESENT and ADOPT the accompanying ORDINANCE providing for the conveyance of a permanent surface easement for light rail transportation purposes to LACMTA for property at 208 North Alameda Street, APN 5173-008-903 and establishing the proposed sale price as \$649,668.
5. INSTRUCT the Asset Management Division, Department of General Services (GSD), to complete the transaction as outlined in the accompanying Ordinance and to deposit the net proceeds of the sale into the Proposition F Real Estate Acquisition Fund.

Fiscal Impact Statement: The GSD reports that conveyance of the easement will generate a one-time gross revenue to the City of \$649,668, less payment of associated costs of sale. The net proceeds will be returned to the Proposition F Real Estate Acquisition Fund.

#### ITEM NO. (2) - ADOPTED

04-1915 - ORDINANCE SECOND CONSIDERATION granting an easement to the County of Los Angeles for the construction, operation, and maintenance of a public bus shelter and appurtenances to be located at 1300 West Seventh Street, in front of the San Pedro Peninsula Hospital, real property which the City holds a financial interest.

(Motion [Weiss - Parks] adopted on October 15, 2004)

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

00-1472 - ADMINISTRATIVE EXEMPTION and COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT relative to a lease agreement with Mercury Air Group, Inc. (Mercury) at the Los Angeles International Airport (LAX).

Recommendations for Council action:

1. FIND that the Second Amendment to Lease No. LAA-7574 between the Los Angeles World Airports (LAWA) and Mercury covering the modification of the Avion Building into a 174,000 square foot air cargo facility for use by Mercury at 6060 Avion Drive at the LAX is administratively exempt from the requirements of the California Environmental Quality Act (CEQA), as provided by Article III, Class 1(18) (c) of the Los Angeles City CEQA Guidelines.
2. APPROVE the Second Amendment to Lease No. LAA-7574 between the LAWA and Mercury clarifying the square footage of the leasehold premises and defining the specific use of the ramp associated with the premises beyond the descriptions of both that are contained in the existing lease document; and CONCUR in the Board of Airport Commissioners' (Board) action on September 7, 2004, Board Order No. AO-4921, authorizing the Executive Director, LAWA, to execute said Second Amendment, which will expire on June 17, 2006.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed Second Amendment to Lease No. LAA-7574 between the LAWA and Mercury will have no impact on the General Fund. This action is administrative only and has no impact on the revenue available to the LAWA from this agreement.

TIME LIMIT FILE - OCTOBER 22, 2004

(LAST DAY FOR COUNCIL ACTION - OCTOBER 22, 2004)

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

04-1644 - COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT relative to CD 15 construction work by the Bureau of Street Services for Berth 93 Pavement Repair and the John Mendez Memorial Youth Center projects.

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

1. AUTHORIZE the Director of the Bureau of Street Services to perform the paving work at Berth 93 Pavement Repair, 1050 Ways Street Pavement Repair, and at the John Mendez Memorial Youth Center.
2. AUTHORIZE the Controller to TRANSFER and APPROPRIATE funds in the amount of \$60,000 from the Harbor Department No. 42, Revenue Fund No. 702, Center 0311, Account 57090, Miscellaneous City Services, and TRANSFER and APPROPRIATE therefrom to the Department of Public Works, Bureau of Street Services, Department 86, Fund 100 into the following accounts:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1090	Overtime-Salaries	\$30,000
3030	Construction Materials Expense	15,000
3040	Contractual Services	<u>15,000</u>
	Total	\$60,000

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

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

04-2023 - COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT relative to CD 15 a three-year contract with Computer Associates International, Inc. (CAI) for computer software maintenance.

Recommendation for Council action:

CONCUR with the Board of Harbor Commissioners' action on July 28, 2004, approving proposed Agreement No. 2335 with CAI, in an amount not to exceed \$304,093, for a three-year contract, from February 1, 2004 through July 31, 2007, for computer software maintenance.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed agreement between the Harbor Department and CAI, in an amount not to exceed \$304,093 will have no impact on the General Fund and will be paid from the Harbor Revenue Fund.

TIME LIMIT FILE - DECEMBER 4, 2004

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

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

01-0668 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT  
S2 relative to the Los Angeles Minority Business Opportunity Committee (LA MBOC) accepting donations for three outreach events.

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

1. ACCEPT the cash and in-kind donations being offered to the City of Los Angeles for LA MBOC Homeland Security Planning and Demonstration Contractor's Showcase, the International Trade Commissioners Showcase and the Health Insurance Fair.
2. AUTHORIZE the LA MBOC to disburse funds in a manner consistent with proposed uses and in compliance with Federal guidelines.
3. AUTHORIZE the Controller to APPROPRIATE funds in Fund No. 575, Department 46, Account V205 to be used to disburse funds on an as-needed basis supported by proper documentation upon demand of the Mayor, or designee.
4. REQUEST the LA MBOC to report to the Mayor and Council within 90 days after the Minority Economic Development Week event, to be held on November 18, 2004, relative to the final disposition of funds received for the events discussed in the City Administrative Officer's (CAO) report to Mayor and Council dated September 30, 2004.
5. THANK the companies through verbal or written recognition for their donations to the LA MBOC Homeland Security Planning and Demonstration Contractor's Showcase, the International Trade Commissioners Showcase and the Health Insurance Fair.

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

**ITEM NO. (7) - ADOPTED, \*AS AMENDED - SEE FOLLOWING**

01-1777 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and  
S3 RESOLUTION relative to executing a loan agreement and adopting related findings for  
CD 13 the restoration and adaptive re-use of the historic Palomar Apartments at 5473 Santa Monica Boulevard.

Recommendations for Council action:

1. AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (Agency), or designee, to execute the Construction and Permanent Loan Agreement (attached to the Council file) with Palomar Apartments L.P., in an amount not to exceed \$1,864,822, to support the restoration and adaptive re-use of the historic Palomar Apartments at 5473 Santa Monica Boulevard in the Hollywood Redevelopment Project Area.
2. ~~\*ADOPT the accompanying RESOLUTION (entitled "Attachment B" of the Agency's report to Council dated September 23, 2004, attached to the Council file),~~  
**CONCUR with the Agency Board's action of September 23, 2004**, making a finding that an economically feasible alternative method of financing construction on substantially comparable terms without subordination of the Agency's low and moderate income deed restrictions is not reasonably available, and authorizing the subordination of the Agency's Deed of Trust, covenants, and use restrictions to the conventional construction and permanent loans. **\*(Garcetti - Greuel)**

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund. Agency funds (Hollywood Redevelopment Project Area Housing Trust Funds) for the Palomar Apartments project were previously approved by Council on April 20, 2004.

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

02-2016 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT  
 CD 14 relative to accepting grant funding from the United States Department of Education for a Community Technology and Training Center in Boyle Heights, and related actions.

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

1. AUTHORIZE the General Manager, Community Development Department (CDD), or designee, to:
  - a. Accept a \$500,000 grant from the U.S. Department of Education Technology Centers Program to implement the Boyle Heights Community Technology Center Program to provide education, training, and job placement services to low-income families in Boyle Heights for the period effective July 1, 2004 to June 30, 2005, subject to approval of the City Attorney as to form and legality.
  - b. Negotiate and execute a professional services agreement with Girls Today Women Tomorrow, a 501 c (3) nonprofit corporation, for an amount not to exceed \$21,000, for the period September 1, 2004 through June 30, 2005, to provide technology-based educational services, subject to the approval of the City Attorney as to form and legality, and further subject to the review of the Department of Public Works, Bureau of Contract Administration as to compliance with City and federal contract requirements.



Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund. Approval of the recommendations above involves the acceptance of a \$500,000 grant from the U.S. Department of Education to implement the Boyle Heights Community Technology Center Program to provide education, training, and job placement services to low-income families in Boyle Heights for the period effective July 1, 2004 to June 30, 2005. Grant funds will be used to pay for CDD staff salaries, operating supplies, and furniture; and, two Professional Services Agreements for the provision of technical services.

**ITEM NO. (9) - ADOPTED**

02-2421 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and  
S2 RESOLUTION relative to a housing loan and loan increase to develop the Vista Monterey  
CD 14 Senior Apartments, a 48-unit senior complex at 4647-51 Huntington Drive North.

Recommendations for Council action:

1. AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (Agency), or designee, to execute an agreement to amend and convert the existing Vista Monterey Senior Apartments Acquisition and Predevelopment Loan into a Construction and Permanent Loan Agreement with New Economics for Women, Inc., and to increase the loan amount by \$497,836 to \$2,606,336.
2. ADOPT the accompanying RESOLUTION finding that the increase of the loan funds for the project is of benefit to the Monterey Hills Redevelopment Project Area.
3. AUTHORIZE the Chief Executive Officer, Agency, or designee, to subordinate the Agency's Trust Deed and Agreement containing low and moderate income covenants to a first mortgage lender.
4. AMEND the Fiscal Year 2004-05 Agency Budget to transfer \$497,836 in funds from MH1090 Affordable Housing to EA1030 Vista Monterey Senior Housing.
5. DIRECT the Agency to include in reports regarding affordable housing projects a breakdown of the Agency, Los Angeles Housing Department, and City subsidies per unit, said data to be expressed both in dollars and as percentage of total development costs, and compared with average figures for similar projects Agency-wide.

Fiscal Impact Statement : The City Administrative Officer reports that this action will not impact the General Fund. Funding for the increase in the Construction and Permanent Loan Agreement amount for the Vista Monterey Senior Apartments will be provided from the Monterey Hills Housing Trust Fund.

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

04-0002 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT  
S62 relative to modifying the Hoover Redevelopment Project Area Plan, and related actions.

Recommendation for Council action, as initiated by Motion (Parks - Garcetti):

REQUEST that the City Attorney, with the assistance and cooperation of the Community Redevelopment Agency and the Los Angeles Memorial Coliseum Commission, as provided with the enactment of AB 2805 (Ridley-Thomas):

a. Prepare and present, ~~\*within the earliest time permitted by the State legislation prior to February 1, 2005~~, an ordinance modifying the Hoover Redevelopment Project Area Plan to include, but not be limited to, the following amendments:

**\*(Parks - Garcetti)**

- 1) Rename the project area from the Hoover Redevelopment Project Area to the Exposition/University Park Redevelopment Project Area.
- 2) Extend the life span of the Redevelopment Project Area.
- 3) Increase the project area's bonding capacity and bond indebtedness limit.
- 4) Re-authorize the power of eminent domain.
- 5) Increase the amount of tax increment revenues that can be divided and allocated to projects within the plan.

b. Submit the proposed ordinance, and submit and prepare the following documentation to the California Infrastructure and Economic Development Bank for review and approval to permit Council consideration of said ordinance **\*prior to February 1, 2005:**

**\*(Parks - Garcetti)**

- 1) A report providing the evidence needed to garner the California Infrastructure and Economic Development Bank's approval.
- 2) A preliminary report for the ordinance on existing blight in the Redevelopment Project Area, and submit the report to each affected taxing agency, the State Department of Finance, and the State Department of Housing and Community Development.

c. Publish and mail a notice of public hearing three weeks prior to the adoption of the ordinance.

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

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

04-1494 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to a Community Redevelopment Agency (Agency) consulting services contract with Edward Saulet.

Recommendations for Council action:

1. DIRECT the Agency to develop a policy on the hiring as temporary employees, or the contracting as consultants, former Agency employees, and to report back to the Housing, Community and Economic Development Committee in 60 days.



2. RECEIVE and FILE Agency Board of Commissioners report dated July 15, 2004 (attached to the Council file) relative to amending the Agency's consulting services contract with Edward Saulet to increase the contract amount by \$71,001 from \$24,999 to \$96,000.

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

**ITEM NO. (12) - ADOPTED**

- 04-1735 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT  
CDs 8 & 15 relative to executing agreements between Community Redevelopment Agency (Agency) Grant AME Economic Development Corporation, and Peach Tree Village Partners I and Peach Tree Village Partners II; and, design review for the construction of 65 units of tax credit funded affordable housing at 10345, 10408, and 10424 South Central Avenue.

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, Agency, or designee, to execute two separate Subordination, Non-Disturbance and Attornment Agreements by, and among, the Agency, the Grant AME Housing and Economic Development Corporation, and Peach Tree Village Partners I, L.P. and Peach Tree Village Partners II, L.P. for the development of the Imani Fe affordable housing projects, consisting of a total of 65 units of tax credit funded affordable housing at 10345, 10408, and 10424 South Central Avenue in the Watts Corridors Recovery Redevelopment Project Area.

Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund. No funding is provided in this action.

**ITEM NO. (13) - ADOPTED**

- 04-1812 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT  
CD 9 relative to the Goodyear Industrial Tract Brownfields Projects located in Council District Nine Corridors South of the Santa Monica Freeway Recovery Redevelopment Project.

Recommendation for Council action:

RECEIVE and FILE Community Redevelopment Agency (Agency) Board of Commissioners report to Council dated September 23, 2004 relative to implementing the Goodyear Industrial Tract Brownfields Projects located in Council District Nine Corridors South of the Santa Monica Freeway Recovery Redevelopment Project, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

**ITEM NO. (14) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATION -  
SEE FOLLOWING**

04-2109 - COMMUNICATIONS FROM THE CITY ADMINISTRATIVE OFFICER AND COMMUNITY  
CDs 2,6, REDEVELOPMENT AGENCY relative to a community beautification and clean-up  
& 7 program within the Pacoima-Panorama City Earthquake Disaster Assistance Project Area.

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

(For copies of related, staff-generated reports for this matter, please contact the  
Legislative Assistant for the Housing, Community and Economic Development Committee  
at 213-978-1080.)

**ADOPTED**

**HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT  
relative to a community beautification and clean-up program within the Pacoima-  
Panorama City Earthquake Disaster Assistance Project Area.**

**Recommendation for Council action:**

**AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (Agency),  
or designee, to enter into a Cooperation Agreement with the Board of Public Works,  
Operation Clean Sweep and Pacoima Graffiti Busters in the amount of \$250,000 for a  
term of one year to administer and operate a community clean-up program within the  
Pacoima-Panorama City Earthquake Disaster Assistance Project Area, subject to the  
approval of the City Attorney as to form and legality.**

**Fiscal Impact Statement: The City Administrative Officer (CAO) reports that this action  
will not impact the General Fund. Funds in the amount of \$250,000 for the administration  
and operation of this program are provided from Pacoima-Panorama City Earthquake  
Disaster Assistance Project Area Assembly Bill 1290 funds.**

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

02-0774 - INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT  
S21 relative to Comcast Cable Communications' launch of Nick2, MTV Jams, Discovery High  
Definition Channel, Nick TOONS, Nick GAS, MTV2, VH1 Classic Rock, VH1 Country, and  
MTV Espanol channels.

**Recommendation for Council action:**

RECEIVE and FILE the Information Technology Agency (ITA) report, dated August 17, 2004, relative to a notification that Comcast Cable Communications' will be offering Nick2, MTV Jams, Discovery High Definition Channel, Nick TOONS, Nick GAS, MTV2, VH1 Classic Rock, VH1 Country, and MTV Espanol channels to its programming at no additional charge, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

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

02-0774 - INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT  
S22 relative to Cox Communications' request to change the annual filing date for Federal  
CD 15 Communications Commission (FCC) Forms 1240 and 1205.

Recommendation for Council action:

RECEIVE and FILE the Information Technology Agency report, dated August 27, 2004, relative to a notification that Cox Communications is planning to submit a request (to the FCC) to change its annual filing date for FCC Forms 1240 and 1205, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

**ITEM NO. (17) - ADOPTED**

03-2531 - INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT and  
RESOLUTION relative to the proposed destruction of certain obsolete records from the  
Department of Building and Safety (DBS), for the period of November 13, 1995 through  
March 29, 2002.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION authorizing the City Clerk to destroy certain obsolete records from the DBS, Building Bureau/Grading Division (BAS/35, 3 boxes); and, Conservation Bureau/Office Administration Division (BAS/41, 32 boxes) for the period of November 13, 1995 through March 29, 2002.

Fiscal Impact Statement: The City Clerk reports that the retention of 35 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$6.65 per month, or \$79.80 per year.

(These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 485-3510 or via e-mail at [tgaydowski@clerk.lacity.org](mailto:tgaydowski@clerk.lacity.org) to arrange for inspection of records.)

## ITEM NO. (18) - ADOPTED

03-2630 - INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT and RESOLUTION relative to the proposed destruction of certain obsolete records from the Department of Public Works, Bureau of Engineering (BOE), for the period of March 14, 1968 through December 31, 1995.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION authorizing the City Clerk to destroy certain obsolete records from the BOE, Construction Division (ENG/043, 8 boxes); Architectural Division (ENG/55, 7 boxes); and, Real Estate Division (ENG/77, 90 boxes) for the period of March 14, 1968 through December 31, 1995.

Fiscal Impact Statement: The City Clerk reports that the retention of 105 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$19.95 per month, or \$239.40 per year.

(These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 485-3510 or via e-mail at [tgaydowski@clerk.lacity.org](mailto:tgaydowski@clerk.lacity.org) to arrange for inspection of records.)

## ITEM NO. (19) - ADOPTED

03-2631 - INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT and RESOLUTION relative to the proposed destruction of certain obsolete records from the Department of Building and Safety (DBS) for the period of January 1, 1931 through September 30, 1997.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION authorizing the City Clerk to destroy certain obsolete records from the DBS, Safety Investigation Division (BAS/13, 6 boxes); Document Automated Filing/Word Processing (BAS/21, 19 boxes); Administration/Financial Services - Accounting (BAS/25, 12 boxes); Building Bureau/Zoning (BAS/34, 5 boxes); Building Bureau/Grading (BAS/35, 14 boxes); Conservation Bureau - Office Administration (BAS/41, 82 boxes); Mechanical Bureau - Mechanical Engineering (BAS/64, 20 boxes); and, Mechanical Bureau - Permits (BAS/67, 27 boxes) for the period of January 1, 1931 through September 30, 1997.

Fiscal Impact Statement: The City Clerk reports that the retention of 185 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$35.15 per month, or \$421.80 per year.

(These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 485-3510 or via e-mail at [tgaydowski@clerk.lacity.org](mailto:tgaydowski@clerk.lacity.org) to arrange for inspection of records.)

**ITEM NO. (20) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATION  
- SEE FOLLOWING**

04-1972 - COMMUNICATION FROM THE MAYOR relative to the Los Angeles World Airports' request to exempt one position of Deputy General Manager Airports from the Civil Service provisions of the City Charter, pursuant to City Charter Section 1001(c).

TIME LIMIT FILE - OCTOBER 22, 2004

(LAST DAY FOR COUNCIL ACTION - OCTOBER 22, 2004)

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

(For copies of the report for this matter, please contact the Legislative Assistant for the Personnel Committee at 213-978-1077)

**ADOPTED**

**PERSONNEL COMMITTEE REPORT** relative to exempting one position of Deputy General Manager Airports from the Civil Service provisions of the City Charter.

**Recommendation for Council action:**

**APPROVE** the exemption of one position of Deputy General Manager Airports, Code 0162, in the Los Angeles World Airports (LAWA), from the Civil Service provisions of the City Charter, pursuant to City Charter Section 1001(c).

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

TIME LIMIT FILE - OCTOBER 22, 2004

(LAST DAY FOR COUNCIL ACTION - OCTOBER 22, 2004)

**ITEM NO. (21) - ADOPTED**

03-1308 - PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an  
S11 application for a hardship exemption from provisions of the City's Hancock Park Interim  
CD 4 Control Ordinance (ICO) for the property at 134 North Highland Avenue.

**Recommendations for Council action:**

1. GRANT hardship exemption from the City's Hancock Park ICO (Ordinance No. 175149) for the proposed addition of a two-story single-family dwelling in the rear, and the demolition and replacement of a detached garage at 134 North Highland Avenue.
2. ADVISE the applicant that this hardship exemption, if granted by the City Council, is not a permit or license and that any other approvals, permits and licenses required by law must be obtained from the proper agencies.

Applicant: Norman Wisnicki, (Vic Beizai, representative)

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

**ITEM NO. (22) - MOTION ADOPTED TO APPROVE BUDGET AND FINANCE COMMITTEE REPORT RECOMMENDATIONS**

03-1250 - BUDGET AND FINANCE and PERSONNEL COMMITTEES' REPORTS relative to a S16 request for hiring freeze exemptions for the Department of Neighborhood Empowerment (DONE).

**ADOPTED**

**A. BUDGET AND FINANCE COMMITTEE REPORT**

Recommendations for Council action:

1. EXEMPT one time from the hiring freeze the following three positions in the DONE:

<u>No.</u>	<u>Code</u>	<u>Title</u>
1	9184-2	Management Analyst II
2	1550	Program Aide (half-time)

2. EXEMPT one time from the hiring freeze one position of Project Coordinator, Code 1537, subject to Mayor and Council approval to re-exempt the position from Civil Service status.

**RECEIVED AND FILED**

**B. PERSONNEL COMMITTEE REPORT**

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

1. EXEMPT one time from the hiring freeze three positions in the DONE:

<u>No.</u>	<u>Code</u>	<u>Title</u>
1	1537	Project Coordinator
2	1550	Program Aide (half-time)

2. RESOLVE that Employment Authority for one position of Management Analyst II, Code 9184-2, in the DONE, through June 30, 2004, is APPROVED; and AUTHORIZE a one-time exemption from the hiring freeze for this position.

Fiscal Impact Statement: The City Administrative Officer reports that there are sufficient funds in the DONE Fund No. 44B to cover the cost of the positions.

**ITEM NO. (23) - MOTION ADOPTED TO APPROVE COMMITTEES' REPORTS  
RECOMMENDATIONS**

03-0002 - PUBLIC SAFETY and COMMERCE, ENERGY AND NATURAL RESOURCES  
S124 COMMITTEES' REPORTS and RESOLUTION relative to allowing local law enforcement agencies to conduct a supplemental background investigation on U.S. Transportation Security Administration (TSA) employees who need to receive local airport authorization to access secured airport areas.

**ADOPTED**

A. PUBLIC SAFETY COMMITTEE REPORT

Recommendation for Council action, as initiated by Resolution (Weiss - Cardenas - Greuel), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying Revised RESOLUTION that the City establishes a position of SUPPORT in its 2003-04 as well as the 2005-06 Federal Legislative Program for any legislation that would require the U.S. TSA and other Federal agencies to allow local law enforcement agencies to conduct a supplemental background investigation on any Federal employee who needs to receive local airport authorization to access secured airport areas; and within such legislation, (1) specify that "supplemental background investigations" shall include, but not be limited to, a history background investigation and employee verifications; (2) authorize local agencies to run fingerprints through both Federal and State criminal history databases; and, (3) authorize local jurisdictions (cities and airport authorities) to adopt more stringent criminal exclusions than those provided by Federal regulations for all badge applicants.

**ADOPTED**

B. COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT

Recommendation for Council action, as initiated by Resolution (Weiss - Cardenas - Greuel), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION proposing to support Federal legislation that would require the U.S. TSA to allow local law enforcement agencies to conduct supplemental background investigations on TSA employees, as amended to SPONSOR and/or SUPPORT Federal legislation that would require the TSA and any other Federal agencies that operate at airports to allow local law enforcement agencies to conduct supplemental background investigations on any Federal employee who needs to receive local airport authorization to access secured airport areas; and, within such legislation, (1) specify that "supplemental background investigations" shall include, but not be limited to, criminal history background investigations and employment verifications; (2) authorize local agencies to run fingerprints through both Federal and State criminal history databases; and, (3) authorize local jurisdictions (cities and airport authorities) to adopt more stringent criminal exclusions for airport badge applicants than those provided by Federal regulations.

Fiscal Impact Statement: None submitted by the Chief Legislative Analyst (CLA). The City Administrative Officer has not completed a financial analysis of this report.

**ITEM NO. (24) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT AND COMMUNICATION RECOMMENDATION**

04-1250 - PERSONNEL COMMITTEE REPORT and COMMUNICATION FROM CHAIR AND VICE-S13 CHAIR, BUDGET AND FINANCE COMMITTEE relative to hiring freeze exemptions for one Real Estate Officer I position and one Real Estate Officer II position in the Bureau of Engineering.

Recommendation for Council action:

EXEMPT one time from the hiring freeze one position of Real Estate Officer I, Code 1960-1, and one position of Real Estate Officer II, Code 1960-2, in the Real Estate Group, Bureau of Engineering.

Fiscal Impact Statement: The City Administrative Officer reports that the annual cost to fill the two positions is \$171,470; \$147,615 in direct costs and \$23,855 in related costs. These costs would be funded by General Fund (10 percent) and the Gas Tax Fund (90 percent). The salary for these positions is fully funded in the 2004-05 Adopted Budget.

**ITEM NO. (25) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT AND COMMUNICATION RECOMMENDATION**

04-1250 - PERSONNEL COMMITTEE REPORT and COMMUNICATION FROM CHAIR AND VICE-S10 CHAIR, BUDGET AND FINANCE COMMITTEE relative to a hiring freeze exemption for one position of Payroll Supervisor in the Bureau of Engineering.

Recommendation for Council action:

EXEMPT one time from the hiring freeze one position of Payroll Supervisor, Code 1170, in the Bureau of Engineering; and AUTHORIZE the backfilling of a vacancy in the Bureau of Engineering if a vacancy results from filling this position.

Fiscal Impact Statement: The City Administrative Officer reports that the annual cost to fill the position is \$58,583; \$50,433 in direct costs and \$8,150 in related costs. These costs would be funded by Special Funds (58 percent) and the General Fund (42 percent). The salary for the position has been fully funded in the 2004-05 Adopted Budget.

**ITEM NO. (26) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT AND COMMUNICATION RECOMMENDATION**

04-1250 - PERSONNEL COMMITTEE REPORT and COMMUNICATION FROM CHAIR AND VICE-S11 CHAIR, BUDGET AND FINANCE COMMITTEE relative to a hiring freeze exemption for one position of Secretary in the Bureau of Engineering.

Recommendation for Council action:



EXEMPT one time from the hiring freeze one position of Secretary, Code 1116, in the Bureau of Engineering's Harbor District Office.

Fiscal Impact Statement: The City Administrative Officer reports that the annual cost to fill the position is \$59,638; \$51,341 in direct costs and \$8,297 in related costs. These costs would be funded by Special Funds (58 percent) and the General Fund (42 percent). The salary for the position has been fully funded in the 2004-05 Adopted Budget.

**ITEM NO. (27) - ADOPTED**

03-2419 - PLANNING AND LAND USE MANAGEMENT COMMITTEE and BUDGET AND FINANCE COMMITTEES' REPORT relative to proposed Campus Safety Inspection Program.

Recommendations for Council action, as initiated by Motion (Padilla- Parks - Cardenas):

1. REQUEST the Los Angeles Unified School District (LAUSD) to ensure that inspection and maintenance staff be provided with direct access to Los Angeles Department of Building and Safety (LADBS) technical resources as needed. These technical resources include training (classroom and field training with LADBS inspectors), code interpretations, inspection procedures, and engineering expertise.
2. REQUEST LAUSD inspection and maintenance staff to provide LAUSD Site Administrators (SA) with a complete and generic list of common deficiencies, generally found in most schools, in order to facilitate and improve the SA's ability to take a proactive approach in each schools' ongoing maintenance program and to expedite the inspection process.
3. REQUEST that the number of LAUSD staff who accompany the LAUSD inspector during each school inspection be limited to a single school representative who provides access to all areas of the school. The LADBS's experience has shown that inspectors are less focused and become distracted when several people accompany inspectors during inspection.
4. REQUEST the LAUSD to create a quality control team of LAUSD inspectors for the purpose of monitoring each schools ongoing compliance efforts and to evaluate inspector performance after a school has been inspected.
5. REQUEST LAUSD inspectors to randomly test equipment (e.g., fire alarms, disability lifts, etc.) to ensure continuous operation after testing and certification.
6. REQUEST that LAUSD, Office of Environmental Health and Safety submit to the Superintendent of Schools and the School Board a periodic report identifying outstanding deficiencies in order to achieve timely compliance and proper maintenance of schools.

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

**ITEM NO. (28) - ADOPTED**

04-1364 - PLANNING AND LAND USE MANAGEMENT COMMITTEE and BUDGET AND FINANCE COMMITTEES' REPORT relative to a proposed City Planning Department Development Surcharge increase from three percent to six percent.

Recommendations for Council action:

1. REQUEST the City Attorney to prepare and present an amendment to the Los Angeles Administrative Code Section 5.457 increasing the City Planning Department Development Surcharge from three percent to six percent.
2. INSTRUCT the City Planning Department to include budget packages for expending the total projected surcharge revenues in its budget proposal for Fiscal Year (FY) 2005-06 for review and consideration during the regular budget process. The budget proposal will assume that revenues accumulating during FY 2004-05 will carry over to the available balance for FY 2005-06.

Fiscal Impact Statement: None submitted: The City Administrative Office reports that additional revenue generated by the City Planning Systems Development Fund will benefit the General Fund to the extent that current and proposed eligible operating and expense costs can be shifted to the Fund from the General Fund. In FY 2004-05, the Fund will reimburse the General Fund an estimated \$1.2 million for full related costs. In future years, adjustments to the direct and indirect funding allocations will be necessary to maximize the use of the Fund and maintain the current level of General Fund reimbursement.

**ITEM NO. (29) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT AND COMMUNICATION RECOMMENDATION**

02-1480 - PUBLIC SAFETY COMMITTEE REPORT and COMMUNICATION FROM CHAIR AND S3 VICE-CHAIR, BUDGET AND FINANCE COMMITTEE relative to sworn overtime use at the Los Angeles International Airport (LAX).

Recommendation for Council action:

NOTE and FILE the Los Angeles Police Department report relative to sworn overtime use at LAX for the period May 2 through June 26, 2004, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

**Items for Which Public Hearings Have Not Been Held - Items 30-47**  
(10 Votes Required for Consideration)

**Roll Call #2 - Motion (Smith - Greuel) Adopted, Ayes (12); Absent: Hahn, Miscikowski and Villaraigosa (3)  
(Item Nos. 30-33)**

**ITEM NO. (30) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS - ORDINANCE OVER ONE WEEK TO OCTOBER 29, 2004**

02-0710 - COMMUNICATION FROM THE CITY CLERK and ORDINANCE FIRST CONSIDERATION CD 11 relative to the 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).

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

1. DENY the protests and confirm the assessments, in accordance with Sections 6.1-6.5 of the Los Angeles Administrative Code and Government Code Sections 50078.6 and 54954.6 (Proposition 218) for the above improvement.
2. PRESENT and ADOPT the accompanying ORDINANCE ordering certain work to be done on the above improvement.

(Public Hearing closed on October 8, 2004)

**ITEM NO. (31) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS**

02-0959 - COMMUNICATION FROM CHAIR, PUBLIC WORKS COMMITTEE relative to a request to vacate the alley southerly of Guthrie Avenue between La Cienega Boulevard and Crescent Heights Boulevard. CD 10

Recommendation for Council action:

INSTRUCT the City Clerk to schedule a public hearing for this matter on NOVEMBER 16, 2004, pursuant to Section 8324 of the California Streets and Highways Code in order to:

1. ADOPT the FINDINGS of the City Engineer dated February 14, 2003, as the Findings of the Council.
2. ADOPT the City Engineer report dated February 14, 2003, that the request for the vacation of the alley southerly of Guthrie Avenue between La Cienega Boulevard and Crescent Heights Boulevard (VAC-E1400802) BE DENIED, inasmuch as it is needed for public alley purposes.

Fiscal Impact Statement: The City Engineer reports that the petitioner has paid a fee of \$6,540.00 for the investigation of this request pursuant to Los Angeles Administrative Code, Section 7.42.

**ITEM NO. (32) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS**

03-2048 - COMMUNICATION FROM CHAIR, PUBLIC WORKS COMMITTEE relative to constructing a turnaround and street re-paving, as part of the settlement in the case of Tohl v. City of Los Angeles for property at 411-15 Westmount Avenue.

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

1. AUTHORIZE the Bureau of Street Services (BSS) to construct a turnaround at the terminus of Westmount Drive and re-pave Westmount Drive from La Cienega Boulevard to the terminus of the new Westmount Drive turnaround.
2. TRANSFER \$131,343 from the Reserve Fund to the Unappropriated Balance, Fund No. 100/58, and APPROPRIATE therefrom to the Department of Public Works, BSS, Fund No. 100, Department No. 86, for the turnaround construction and street re-paving, as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1090	Salaries Overtime	\$ 46,300
3030	Construction Materials	44,566
3040	Contractual Services	<u>40,477</u>
	Total	\$131,343

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

**ITEM NO. (33) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS**

04-1203 - COMMUNICATION FROM CHAIR, PUBLIC WORKS COMMITTEE relative to establishing a policy for the attachment of seasonal lighting equipment on street lighting poles.

Recommendations for Council action:

1. ADOPT the recommendations of the Bureau of Street Lighting (BSL) as contained in its report dated June 9, 2004, attached to the Council file.
2. APPROVE the accompanying Policy, Procedures and Specifications for Attachment of Seasonal Lighting Equipment on Street Lighting poles, attached to the Council file.

Fiscal Impact Statement: The BSL reports that this program is not anticipated to have significant costs nor will it generate revenue. Minimal charges for permit approval and inspection are anticipated. This is a public service rather than a business use of the public facilities, so no additional fees are included. All maintenance is to be provided by the permittee.

**ITEM NO. (34) - MOTION ADOPTED TO APPROVE RECOMMENDATIONS FROM THE MUNICIPAL FACILITIES COMMITTEE- SEE FOLLOWING**

**Roll Call #4 - Motion (Weiss - Reyes) Adopted, Ayes (12); Absent: Hahn, Miscikowski and Villaraigosa (3)**

04-1873 - COMMUNICATION FROM CHAIR, PUBLIC WORKS COMMITTEE relative to a contract amendment with Dugan and Associates for contractor services associated with the implementation of the Trans-America Broadway Building stack and tenant improvement.

SUBMITS WITHOUT RECOMMENDATION the recommendation of the Municipal Facilities Committee, Bureau of Engineering:

AUTHORIZE an amendment to the contract with Dugan and Associates for contractor services associated with the implementation of the Trans-America Broadway Building stack and tenant improvements.

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

**\*ADOPTED**

**MOTION (WEISS - REYES)**

Recommendation for Council action:

**AUTHORIZE an amendment to the contract with Dugan and Associates for contractor services associated with the implementation of the Trans-America Broadway Building stack and tenant improvements.**

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

**Roll Call #2 - Motion (Smith - Greuel) Adopted, Ayes (12); Absent: Hahn, Miscikowski and Villaraigosa (3)  
(Item Nos. 35-43)**

**ITEM NO. (35) - ADOPTED**

04-2124 - MOTION (PADILLA - PARKS) relative to declaring the First Annual San Fernando Valley CD 7 Veterans Day Parade and Street Fair on November 11, 2004 a Special Event (fees and costs absorbed by the City = \$6,682).

Recommendation for Council action:

DECLARE the First Annual San Fernando Valley Veterans Day Parade and Street Fair, sponsored by Council District Seven in conjunction with the San Fernando Valley Veterans Day Parade Committee on November 11, 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. (36) - ADOPTED**

04-2152 - MOTION (PARKS - REYES) relative to declaring the Irishfest on November 27, 2004 a  
CD 8 Special Event (fees and costs absorbed by the City = \$5,000).

Recommendation for Council action:

DECLARE the Irishfest, sponsored by the Notre Dame Club of Los Angeles on November 27, 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. (37) - ADOPTED**

01-1137 - MOTION (VILLARAIGOSA -REYES ) relative to declaring the Annual Resurrection Church  
CD 14 Community Fiesta on October 15-17, 2004 a Special Event (fees and costs absorbed by the City = \$10,759).

Recommendation for Council action:

DECLARE the Annual Resurrection Church Community Fiesta, sponsored by the Resurrection Church on October 15-17, 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. (38) - ADOPTED**

02-2346 - MOTION (LABONGE - WEISS) relative to declaring the Sunset Square Neighborhood  
CD 4 Watch Sixth Annual Block Party on October 17, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).

Recommendation for Council action:

DECLARE the Sunset Square Neighborhood Watch Sixth Annual Block Party, sponsored by the Sunset Square Neighborhood Watch (formerly Selma Neighborhood Watch) on October 17, 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. (39) - ADOPTED**

01-2220 - MOTION (WEISS - PARKS) relative to declaring the Annual Stoneybrook Drive Halloween Block Party on October 31, 2004 a Special Event (fees and costs absorbed by the City = \$1,188).  
CD 5

Recommendation for Council action:

DECLARE the Annual Stoneybrook Drive Halloween Block Party, sponsored by the Stoneybrook community 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. (40) - ADOPTED**

04-2127 - MOTION (WEISS - PARKS) relative to declaring the Weddington-Margate Neighborhood Block Party on October 24, 2004 a Special Event (fees and costs absorbed by the City = \$1,188).  
CD 5

Recommendation for Council action:

DECLARE the Weddington-Margate Neighborhood Block Party, on October 24, 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. (41) - ADOPTED**

02-2756 - MOTION (GREUEL - GARCETTI) relative to declaring the Third Annual Day of the Horse - Dia del Caballo on October 23, 2004 a Special Event (fees and costs absorbed by the City = \$2,222).  
CD 5

Recommendation for Council action:

DECLARE the Third Annual Day of the Horse - Dia del Caballo, sponsored by the Foothill Trails District Neighborhood Council, Council District Two, War Horse and Militaria Heritage Foundation, Vaquero Heritage Foundation, and the San Fernando Valley Rangers 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. (42) - ADOPTED**

04-2128 - MOTION (GREUEL - GARCETTI) relative to authorizing the City Administrative Officer (CAO) to use the Tom Bradley Room in the City Hall Tower for their annual CAO End of the Year Luncheon on December 16, 2004.  
CD 9

Recommendation for Council action:

AUTHORIZE the CAO to use the Tom Bradley Room in City Hall on December 16, 2004 from 10:30 a.m. to 2:30 p.m.

**ITEM NO. (43) - ADOPTED**

04-1643 - MOTION (PADILLA - MISCIKOWSKI) relative to amending Council action of October 13, CD 7 2004, in connection with the Council District Seven Community Clean-up.

Recommendation for Council action:

AMEND Council action of October 13, 2004, Special Event declaration for the Council District Seven Community Clean-up on October 16, 2004, to revise the instructions relative to Bureau of Sanitation to change the requested number of trucks from five to eight, and to include supervisory staff.

**ITEM NO. (44) - ADOPTED**

**Roll Call #3 - Motion (Garcetti - LaBonge) Adopted, Ayes (12); Absent: Hahn, Miscikowski and Villaraigosa (3)**

04-2126 - RESOLUTION (GARCETTI - LABONGE) relative to declaring October 24, 2004 as United Nations Day in Los Angeles.

Recommendation for Council action:

RESOLVE to DECLARE Sunday, October 24, 2004 as United Nations Day in the City of Los Angeles.

**Roll Call #2 - Motion (Smith - Greuel) Adopted, Ayes (12); Absent: Hahn, Miscikowski and Villaraigosa (3)  
(Item Nos. 45-47)**

**ITEM NO. (45) - ADOPTED**

04-2129 - RESOLUTION (GREUEL - LABONGE) relative to declaring October 17, 2004 Los Angeles/Valley Pride Day.

Recommendation for Council action:

RESOLVE to DECLARE October 17, 2004 Los Angeles/Valley Pride Day.

**ITEM NO. (46) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED**

04-2122 - FINAL MAP OF TRACT NO. 54140 for property lying southerly of Tupper Street and CD 7 westerly of Lemona Avenue.  
(Approve Subdivision Improvement Agreement and Contract with attached security documents)



(ADOPT City Engineer Report)  
(ADOPT Bond No. C-107180)  
(Quimby Fee: \$73,476)  
Applicants: Noble/Tupper 26, LLC  
GM Engineering

**ITEM NO. (47) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED**

04-2123 - FINAL MAP OF TRACT NO. 54252 and RESOLUTION for property lying southerly of CD 3 Strathern Street and westerly of Carpenter Avenue.  
(Approve Subdivision Improvement Agreement and Contract with attached security documents)  
(ADOPT City Engineer Report)  
(ADOPT Bond No. C-107504)  
(ADOPT Resolution of Acceptance of Future Street)  
(Quimby Fee: \$10,598)  
Applicants: Sienna Residential, LLC  
Crosby Mead Benton and Associates

**Item Noticed for Public Hearing- Item 48**

**ITEM NO. (48) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS, \*AS AMENDED - SEE FOLLOWING**

**Roll Call #5 - Motion (Parks - Ludlow) to Adopt as Amended, Ayes (11); Absent: Hahn, Miscikowski, Villaraigosa and Weiss (4)**

01-2069 - CONTINUED CONSIDERATION OF PUBLIC HEARING pursuant to Sections 33433 and CD 8 33431 of the California Health and Safety Code, relative to implementation agreements by and among the Community Redevelopment Agency (Agency), the City of Los Angeles, Marlton Square Associates, LLC, Santa Rosalia Homes, LLC, The Lee Group, Inc., and LNR Marlton Square Associates, LLC, in connection with the Agency's potential acquisition and resale of various parcels of land using property tax increment funds for the proposed Marlton Square Mix-Use project to be located in the land area bordered by Santa Rosalia Drive, Marlton Avenue, Martin Luther King Boulevard and Buckingham Road in the amended Crenshaw Redevelopment Project Area.

(Housing, Community and Economic Development Committee report to be submitted in Council.)

(For copies of related, staff-generated reports for this matter, please contact the Legislative Assistant for the Housing, Community and Economic Development Committee at 213-978-1080.)

**ADOPTED**

**HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to implementation and public financing agreements for the Marlton Square Mixed-Use development in the Santa Barbara Plaza, and related actions.**

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

- 1. APPROVE the revised configuration of the Marlton Square Mixed-Use Project, which is bordered by Martin Luther King Jr. Boulevard on the north, Marlton Avenue on the east, Santa Rosalia Drive on the south, and Buckingham Road on the west, and located in the Amended Crenshaw Recovery Redevelopment Project Area, for a total development cost of \$183.3 million, of which \$155.9 million represents total development costs for retail, single family and condominium elements as set forth in the joint report of the City Administrative Officer (CAO) and Chief Legislative Analyst (CLA) dated October 15, 2004 (attached to the Council file), as amended to include the amended document entitled "Attachment Seven" to said report, including the reduction of the retail component from 140,000 square feet to 119,000 square feet and the addition of 150 units of market rate condominiums.**
- 2. APPROVE the use of the aggregate amount of \$22,875,000 in public funds to assist in the financing of the proposed project, as follows:**

<u>Funds</u>	<u>Amount</u>
Section 108 Loan Guarantee	\$15,175,000
Economic Development Initiative (EDI)	2,000,000
Brownfields Economic Development Initiative (BEDI)	2,000,000
Community Development Block Grant (CDBG)	2,700,000
Mayor's Urban Development Action Grant (UDAG)	<u>1,000,000</u>
<b>Total:</b>	<b>\$22,875,000</b>

- 3. AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (Agency), and the General Manager, Community Development Department (CDD), or designees, subject to approval of the recommended modifications as set forth in the joint CAO-CLA report, approval of the City Attorney as to form and legality, and review by the Department of Public Works, Bureau of Contract Administration for contract compliance provisions, to negotiate and execute the following,**
  - a. Single Family Implementation Agreement between the Agency; the City; Marlton Square Associates (MSA), LLC; and, Santa Rosalia Homes, LLC (Single Family Developer), for the proposed single family development.**
  - b. Retail Implementation Agreement (RIA) between the Agency; the City; MSA, LLC; and, LNR Marlton Square Associates, LLC (Retail Developer), for the proposed retail development; subject to the modifications set forth in Recommendation No. 24 below.**
  - c. Residential Condominium Implementation Agreement (RCIA) between the Agency; the City; MSA, LLC; and, The Lee Group, Inc. (Condominium Developer), for the proposed residential condominium development.**

4. **AUTHORIZE the General Manager, CDD, and the Chief Executive Officer, Agency, or designees, to negotiate and execute grant agreements for the use of \$1,000,000 in UDAG funds as collateral and debt service on the Agency Fannie Mae Line of Credit (LOC), subject to the Agency providing to the City a guarantee on the use of such funds, and further subject to the approval of the City Attorney as to form and legality.**
5. **AUTHORIZE the General Manager, CDD, or designee, with the assistance and cooperation of the CAO and CLA, to negotiate and execute a Section 108 Loan Guarantee agreement with MSA, LLC, in the total amount of \$15,175,000 for land acquisition of the Marlton Square parcels, subject to the prior approval of U.S. Department of Housing and Urban Development (HUD), and subject to the approval of the City Attorney as to form and legality.**
6. **AUTHORIZE the General Manager, CDD, or designee, to negotiate and execute a grant agreement(s) with MSA LLC, in an amount not to exceed \$5,400,000 [BEDI-\$700,000, EDI-\$2,000,000 and Community Development Block Grant (CDBG) -\$2,700,000] for land acquisition of the Marlton Square parcels, subject to the approval of the City Attorney as to form and legality.**
7. **AUTHORIZE the General Manager, CDD, to use \$1,300,000 of the BEDI for interest payments relative the Section 108 Loan Guarantee repayments.**
8. **APPROVE, in principal, the use of future program year CDBG funds in an estimated amount of \$19,563,832 (approximately \$1.1 million annually over 17.5 years) to assist in debt service obligations relative to the \$15.2 million Section 108 Loan Guarantee with the Master Developer, subject to the disbursement and guarantee conditions set forth in the RIA and the Section 108 Loan Agreement between the City and MSA, LLC.**
9. **AUTHORIZE the use of not more than 49 percent of future site specific tax revenues (SSTR) (business license fees, sales tax and utility user fees) to be generated by the Marlton Square Mixed-Use Project over 17.5 years as additional Section 108 Loan Guarantee debt service assistance, estimated at \$5.2 million, subject to the disbursement and guarantee conditions set forth in the RIA and the Section 108 Loan Agreement between the City and MSA, LLC.**
10. **AUTHORIZE the City Controller to:**
  - a. **Change the name of Fund No. 47F from BEDI to CDD-EDI/BEDI Grants.**
  - b. **Establish new account W201 Marlton Square-EDI and appropriate \$2,000,000 within Fund No. 47F CDD-EDI/BEDI Grants.**
  - c. **Establish new account W202 Marlton Square-BEDI and appropriate \$2,000,000 with Fund No. 47F CDD-EDI/BEDI Grants.**
  - d. **Establish new account W201 Marlton Square Section 108 Loan and appropriate \$15,175,000 within Fund No. 43F Section 108 Loan Guarantee Program.**

- e. Establish new account W202 Marlton Square-Fees and appropriate \$10,000 within Fund No. 43F Section 108 Loan Guarantee Program.
  - f. Establish new account W203 Marlton Square-SSTR within Fund No. 43F Section 108 Loan and appropriate on an as needed basis as SSTR are received.
  - g. Transfer cash on an as needed basis from Fund #43F to Union Bank Accounts to allow CDD to reimburse HUD for principal and interest payments for the Section 108 Loan.
  - h. Establish new account W201 Marlton Square and appropriate \$1,000,000 within Fund No. 356 UDAG Miscellaneous Revenue.
  - i. Transfer cash on an as-needed basis, in an amount not to exceed \$1,000,000, from Fund #303 Industrial/Community Revolving Loan Account T340 Marlton Square to Fund No. 356 UDAG Miscellaneous Revenue.
  - j. Expend funds in amount not exceed \$2,700,000 from accounts V249 Marlton Square (\$1,750,000) and W249 Marlton Square (\$950,000) within the Community Development Trust Fund #424.
  - k. Reallocate funds totaling \$900,000 in the 30th Year Consolidated Plan from Marlton Square Project ID No. 29 to Handyworker Program Project ID No. 98, and instruct CDD to amend the 30th Year Consolidated Plan, as necessary, to implement this instruction, subject to the citizen participation process, as needed.
11. AUTHORIZE the General Manager, CDD, or designee, 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 (CAO), and REQUEST that the Controller implement these instructions.
12. ~~\*ADOPT the accompanying RESOLUTION, entitled "Attachment A" of the Agency report to Council~~ CONCUR with the Agency report dated August 19, 2004 (attached to the Council file) finding that the Addendum to Marlton Square Mixed-Use Development has been prepared in compliance with the California Environmental Quality Act (CEQA) and State and Agency CEQA Guidelines and certifying that the Addendum, which addresses a minor change in the project description of the Marlton Square Mixed Use Development, has been reviewed and considered along with the Marlton Square Mixed Use Development Initial Study/Mitigated Negative Declaration.
- \*(Garcetti - Ludlow)
13. CONCUR in the Agency Board action of August 19, 2004, to adopt the Relocation Plan for the Single Family, Condominium, and Retail Development phases of the Marlton Square Mixed-Use Development.

14. **AUTHORIZE** the Chief Executive Officer, Agency or designee, to negotiate and execute a loan agreement with the Fannie Mae Corporation establishing a LOC financing as a means of securing an estimated \$8 million bridge loan to be repaid through the use of property tax increment (TI) funds generated from the Marlton Square project site and project area Assembly Bill (AB) 1290 funds, as may be necessary, the use of said AB 1290 funds subject to the approval of the Council.
15. **AUTHORIZE** the Chief Executive Officer, Agency, or designee, in the event that the Agency is unable to establish or use a Fannie Mae LOC, to negotiate and execute a Promissory Note to the Master Developer pledging the TI Funds and, if necessary, the AB 1290 receipts generated by the proposed developments on the Marlton Square site as the source(s) of funds for the Developer to pay off any loan(s) secured by the Master Developer using such Promissory Note, the use of said AB 1290 funds subject to the approval of the Council.
16. **INSTRUCT** the Chief Executive Officer, Agency, or designee, to develop and implement an out-reach plan to the Crenshaw community relative to specific proposals for the proposed community facility to be built into the retail or condominium component and the identification of funds (TI Funds, Quimby fees, Arts Development fees or other sources) to fund its construction and to report back to the Agency Board and Council as appropriate.
17. **CONCUR** with Agency Board action of August 19, 2004, to approve residential uses on Regional Center (commercial) designated parcels for the construction of 150 condominium units and 140 single family homes pursuant to Section 5003.3 of the Redevelopment Plan for the Amended Crenshaw Redevelopment Project Area.
18. **CONCUR** with the Agency action of August 19, 2004, to approve the Marlton Square Master Plan, entitled "Attachment B" to the Agency report to Council dated August 19, 2004 for the Marlton Square mixed-use development, consisting of 140 single family detached housing units, 150 for-sale condominium residential units, and 119,000 square feet of retail space, as shown on the Marlton Square Master Plan.
19. **CONCUR** with the Agency action of August 19, 2004, to authorize the Chief Executive Officer, Agency, or designee, to:
  - a. Approve subsequent design drawings and construction documents, including Schematic Design Drawings, Design Development Drawings, and Final Construction Documents, in accordance with the Schedule of Performance and Scope of Development in the respective Implementation Agreements (IAs); subsequent submittals will be based on the Marlton Square Master Plan and will show a natural progression of the design process through the completed construction documents.
  - b. Recognize future receipt from the City of \$1.0 million in UDAG funds to serve as partial collateral requirements in the establishment of the Fannie Mae LOC financing utility and enter into a cooperation agreement with the City to effectuate the transfer of funds, if necessary.

20. **ADOPT** the accompanying **RESOLUTION**, attached to the Agency report to Council August 19, 2004, making the findings required by Health and Safety Code Section 33433 as described in the 33433 Summary Report for the IAs.
21. **REQUEST** that the President, Board of Public Works, or designee, facilitate the street vacation proceedings for the frontage road along Martin Luther King Boulevard, between Buckingham Road and Marlton Street, relative to the development of the Marlton Square Mixed-Use Development project.
22. **INSTRUCT** the Chief Executive Officer, Agency, or designee, to report on an annual basis the property TI funds generated by the Marlton Square Mixed-Use Project and/or any tax allocation bond proceeds in excess of the amount necessary to retire the Fannie Mae LOC, and appropriate such monies on an annual basis to assist the City in reducing its obligations to the project.
23. **INSTRUCT** the Chief Executive Office, Agency, or designee, to report on a proposed First-Time Home-Buyer Program for residential components of the project, such program to be financed from project specific 25 percent housing set-aside funds.
24. **APPROVE** the following modifications to the IAs as appropriate:
  - a. The Guarantor of City and Agency financial assistance shall be identified by the Master Developer and underwritten by CDD, subject to the unanimous approval of the CAO, the CLA, and the City Attorney prior to the execution of the IA's, the concurrence of all three entities is required, otherwise the matter is returned to Council.
  - b. Include in the RIA Guaranty Amount the following City resources: Section 108 Loan Guarantee - \$15.2 million; CDBG - \$2.7 million; EDI - \$2.0 million; and, BEDI - \$2.0 million; all as structured in the joint CAO-CLA report to the Mayor and Council dated October 15, 2004.
  - c. Modify Section 7.8 (j) with respect to the release of City resources (site control) to require the Agency to have received an Immediate Order of Possession from the court if Agency land acquisition assistance is needed by the Developer.
  - d. With respect to establishing the "stabilization date" for the retail component, the retail component will be deemed complete when the last Temporary Certificate of Occupancy is issued for the retail improvements shell components.
  - e. SSTR reporting requirements shall be in keeping with the requirements as set forth in the Findings section of the joint CAO-CLA report dated October 15, 2004.
  - f. Exhibit K of the RIA to be modified to reflect the projected SSTR as set forth in the Keyser Marston Associates, Inc., report to the Agency dated August 4, 2004.
25. **REQUIRE** the development entities, with respect to the creation of a Mello-Roos Community Facilities District, to provide the following:

- a. Deposit with the City, funds to cover the City cost of reviewing the Developer's request to establish a Mello-Roos Community Facilities District, estimated at \$300,000 prior to execution of IAs.
  - b. Complete the Mello-Roos application process and receive approval to issue bonds or demonstrate its capacity to complete the proposed project with alternate resources should the Mello-Roos district not be established prior to the release of public funds.
26. AUTHORIZE the Planning Department and the CAO to negotiate and execute a Deposit and Reimbursement Agreement between the City and MSA, LLC, to recover all City and consultant costs associated with the development of a Mello-Roos financing program for the Marlton Square Project.
  27. REQUEST that the City Attorney, with the assistance of the CAO, prepare an ordinance establishing a special fund for the purposes of receiving the fees pursuant to the Deposit and Reimbursement Agreement for the Marlton Square Project, paying consultants, and reimbursing the City for staff costs.
  28. INSTRUCT the CAO, as part of the annual budget and consolidated plan processes, to explore and make recommendations to encumber all funds from available sources to reimburse the \$3.6 million in CDBG funds; and, designate that sources of Section 108 debt repayment will come from the following sources in priority order: TI funds from the project if greater than anticipated, City share from any profit sharing, CDBG administrative funds, and CDBG funds.
  29. DIRECT CDD to extend the project's local hiring program to include residents of Council Districts 8 and 10.

**Fiscal Impact Statement:** The CAO and CLA report that this action will impact the General Fund. The proposed project has a total development cost estimated at \$183.3 million. The funding gap is estimated at \$43 million, which will be largely addressed through the use of up to \$38.1 million in public funds.

The CAO and CLA go on to report that the actions above would also require the City to form a Mello-Roos Community Facilities District in order to issue bonds in the amount of \$4.9 million (net proceeds) to further off-set the project funding gap. A default in Mello-Roos bond payments would have a detrimental effect on the City relationship with the investor community and the City would be required to disclose the default on financial statements for a five-year period. The Master Developer will need to demonstrate its capacity to complete the project with other resources in case the Mello-Roos Community Facilities District is not formed.

It is further reported by the CAO and CLA, CDBG, EDI, BEDI, and Mayor's UDAG fundings will be recoverable grants to the project. Project financing will include the repayment of the \$15.2 million Section 108 Loan. The Section 108 principal and interest debt service payments will be over 17.5 years for a total of \$24.8 million. As proposed, the City will pledge on an annual basis approximately \$0.3 million of projected SSTR (\$5.2 million in

future General Fund revenues) and an average of \$1.2 million in CDBG Funds (\$19.6 million). The remaining 51 percent of the SSTR generated would accrue to the City General Fund. Section 108 costs found to be ineligible could result in a General Fund liability. Section 108 Guarantee Loans are a direct liability against future CDBG entitlements from HUD. The recommendations above include certain Developer guarantees to reduce City risks. Also, the City/Agency will share in any Developer "excess profits" through participation agreements.

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

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

- 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).
- 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).
- 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).
- 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).
- 04-2200 - MOTION (LUDLOW - GREUEL) relative to declaring the Seventh Avenue Homeowners Block Party on October 23, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).
- 04-2201 - MOTION (LUDLOW - GARCETTI) relative to declaring the Los Angeles Police Department (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).
- 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.
- 04-1961 - MOTION (SMITH - ZINE) and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Administrative Code (LAAC) to provide changes to the use of the Sunshine Canyon Community Amenities Trust Fund.



