

Los Angeles City Council, Journal/Council Proceedings  
Friday, May 28, 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, Ludlow, Miscikowski, Perry, Reyes, Smith, Zine and President Padilla (10); Absent: Garcetti, LaBonge, Parks, Villaraigosa and Weiss (5).**

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
MAY 25, 2004

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 16

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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 Noticed for Public Hearing - Items 1-7

ITEM NO. (1) - CONTINUED TO JUNE 4, 2004

**Roll Call #2 - Motion (Perry - Smith) Adopted to Continue, Unanimous Vote (11);  
Absent: Garcetti, LaBonge, Parks and Villaraigosa (4)**

04-0388 - STATUTORY EXEMPTION and ORDINANCE FIRST CONSIDERATION relative to  
CD 14 authorizing the acquisition of certain real property by eminent domain for the Valley  
Boulevard Grade Separation Project.

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

1. FIND that this action is statutorily exempt from the California Environmental Quality Act pursuant to the Public Resources Code, Section 21080.13.
2. PRESENT and ADOPT the accompanying ORDINANCE authorizing the acquisition by eminent domain of the subject property.

3. DIRECT staff to take all actions necessary to authorize payment for these acquisitions from the account(s) identified in the City Attorney report dated March 2, 2004.
4. AUTHORIZE the City Attorney to acquire the subject property via eminent domain; to make a deposit of probable just compensation for the subject property; and, to obtain an order for immediate possession prior to trial.

(Pursuant to Council action of May 7, 2004)

**Roll Call #3 - Motion (Smith - Reyes) Adopted to Continue, Unanimous Vote (11);  
Absent: Garcetti, LaBonge, Parks and Villaraigosa (4)  
(Item Nos. 2-7)**

**ITEM NO. (2) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE  
PRESENTED ON JUNE 18, 2004**

04-0319 - HEARING PROTESTS against the proposed improvement and maintenance of the  
CD 12 WHITE OAK AVENUE AND RAYEN STREET LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of White Oak Avenue and Rayen Street Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on March 26, 2004 - Continue hearing and present Ordinance on JUNE 18, 2004 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (3) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE  
PRESENTED ON JUNE 18, 2004**

04-0121 - HEARING PROTESTS against the proposed improvement and maintenance of the  
CD 4 MOORPARK STREET AND CAHUENGA BOULEVARD LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Moorpark Street and Cahuenga Boulevard Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on March 26, 2004 - Continue hearing and present Ordinance on JUNE 18, 2004 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (4) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON JUNE 18, 2004**

04-0087 - HEARING PROTESTS against the proposed improvement and maintenance of the ART STREET AND SAN FERNANDO ROAD (REBALLOT) LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Art Street and San Fernando Road (reballot) Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on March 26, 2004 - Continue hearing and present Ordinance on JUNE 18, 2004 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (5) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON JUNE 18, 2004**

04-0088 - HEARING PROTESTS against the proposed improvement and maintenance of the GRAND AVENUE AND CESAR E. CHAVEZ AVENUE LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Grand Avenue and Cesar E. Chavez Avenue Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on March 26, 2004 - Continue hearing and present Ordinance on JUNE 18, 2004 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (6) - CONTINUED TO JUNE 29, 2004**

01-0051 - HEARING PROTESTS against the proposed improvement and maintenance of the WESTMONT DRIVE AND GAFFEY STREET (REBALLOT) LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Westmont Drive and Gaffey Street (reballot) Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on March 26, 2004 - Continue hearing and present Ordinance on JUNE 18, 2004 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (7) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON JUNE 18, 2004**

04-0066 - HEARING PROTESTS against the proposed improvement and maintenance of the CD 6 REMICK AVENUE AND KAMLOOPS STREET LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Remick Avenue and Kamloops Street Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on March 26, 2004 - Continue hearing and present Ordinance on JUNE 18, 2004 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**Items for Which Public Hearings Have Been Held - Items 8-13**

**Roll Call #5 - Motion (Ludlow - Cardenas) Adopted, Ayes (11); Absent: Garcetti, LaBonge, Parks and Villaraigosa (4)  
(Item Nos. 8-11)**

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

03-0002 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the inclusion of S173 the Promenade of Prominence in the list of Historic-Cultural Monuments and the list of City of Los Angeles Cultural Heritage Commission (CHC) Recognized Historic Resources.  
Recommendations for Council action:

1. RECEIVE and FILE the Cultural Affairs Department (CAD) application (attached to the Council file) relative to the inclusion of the Promenade of Prominence in the list of Historic-Cultural Monuments inasmuch as the City is prohibited from designating the site a Historic-Cultural Monument since it is located on County of Los Angeles property and no further Council action is required.
2. INSTRUCT the CAD to prepare and submit an application to the CHC relative to the inclusion of the Promenade of Prominence in the list of City of Los Angeles CHC Recognized Historic Resources.

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

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

04-0710 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to proposed Amendment No. 1 to Supplemental Agreement No. 2 for Contract No. 2723 with J. Byer Group, Inc. for as-needed geo-technical services.

Recommendation for Council action:

AUTHORIZE the President and Secretary, Board of Recreation and Park Commissioners, to execute accompanying proposed Amendment No. 1 to Supplemental Agreement No. 2 for Contract No. 2723 with J. Byer Group, Inc. for as-needed geo-technical services, subject to the review of the City Attorney as to form and legality.

Fiscal Impact Statement: The City Administrative Officer reports that funding for the fees paid under the terms of the contract is provided within the individual project budgets , and that there is no additional impact on the General Fund.

**ITEM NO. (10) - ADOPTED**

04-0711 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to proposed Amendment No. 1 to Contract No. 2925 with Koning Eizenberg Architecture, Inc., for as-needed architectural design services.

Recommendation for Council action:

AUTHORIZE the President and Secretary, Board of Recreation and Park Commissioners, to execute accompanying proposed Amendment No. 1 to Contract No. 2925 with Koning Eizenberg Architecture, Inc., for as-needed architectural design services, subject to the review of the City Attorney as to form and legality.

Fiscal Impact Statement: The City Administrative Officer reports that funding for the fees paid under the terms of the contract is provided within the individual project budgets, and that there is no additional impact on the General Fund.

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

03-2496 - PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and RESOLUTION CD 9 relative to plans for a rooftop helistop or helicopter landing pad for the new California Department of Transportation (Caltrans) District Seven Headquarters building located at 100 South Main Street.

Recommendation for Council action, pursuant to Motion (Perry - Parks) SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION approving the plans for a rooftop helistop or helicopter landing pad for the new Caltrans District Seven Headquarters building located at 100 South Main Street.

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

**ITEM NO. (12) - CONTINUED TO JUNE 4, 2004**

**Roll Call #4 - Motion (Perry - Zine) Adopted to Continue, Unanimous Vote (11);  
Absent: Garcetti, LaBonge, Parks and Villaraigosa (4)**

03-0307 - CONTINUED CONSIDERATION OF PORTION OF ENVIRONMENTAL QUALITY AND  
S3 WASTE MANAGEMENT and PERSONNEL COMMITTEES' REPORT and  
COMMUNICATION FROM THE BUREAU OF SANITATION AND PERSONNEL  
DEPARTMENT relative to implementing the transition plan for operation of the Central Los  
Angeles Recycling and Transfer Station (CLARTS).

**A. CONTINUED CONSIDERATION OF PORTION OF ENVIRONMENTAL QUALITY  
AND WASTE MANAGEMENT and PERSONNEL COMMITTEES' REPORT**

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

2. RESOLVE that Employment Authority for the following 19 positions, in the  
Bureau of Sanitation, from April 5, 2004 through June 30, 2004, to operate the  
CLARTS at 2,800 tons per day (tpd), is APPROVED:

<u>No.</u>	<u>Code</u>	<u>Title</u>
1	4108-2	Solid Waste Disposal Superintendent II
2	3527	Equipment Supervisor
5	3525	Equipment Operator
8	3112	Maintenance Laborer
1	9184-1	Management Analyst I
2	1358	Clerk Typist

3. RESOLVE that Employment Authority for the Bureau of Sanitation for three  
additional positions of Maintenance Laborer, Code 3112, from April 5, 2004  
through June 30, 2004, to allow operation of the CLARTS at up to 3,500 tpd, is  
APPROVED.
4. RESOLVE that Employment Authority for the General Services Department for  
two positions of Heavy Duty Equipment Mechanic, Code 3743, from April 5,  
2004 through June 30, 2004, is APPROVED.
5. EXEMPT from the hiring freeze the positions listed in Recommendation Nos. 2  
through 4, above.

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

(Balance of report adopted by Council on April 23, 2004)

(Continued from Council meeting of April 28, 2004)

B. COMMUNICATION FROM THE BUREAU OF SANITATION AND THE PERSONNEL DEPARTMENT

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

1. APPROVE Recommendations Nos. 2, 3, 4, and 5 contained in the Environmental Quality and Waste Management and Personnel Committees' report, dated April 19, 2004, attached to the Council file, relative to the CLARTS staffing proposal.
2. RESOLVE that 11 positions of Maintenance Laborer, Code 3112, in the Bureau of Sanitation, to operate the CLARTS, BE EXEMPTED from the Civil Service provisions of the City Charter, pursuant to City Charter Section 1001(d)(1), based on the positions primarily involving unskilled labor. (On May 13, 2004, the Board of Civil Service Commissioners approved the exemption.)
3. RESOLVE that two positions of Clerk Typist, Code 1358, in the Bureau of Sanitation, to operate the CLARTS, BE EXEMPTED from the Civil Service provisions of the City Charter, pursuant to City Charter Section 1001(d)(3). These positions are not more than half time and the compensation does not exceed three-fourths of the monthly rate for entering-level clerical positions. (On May 13, 2004, the Board of Civil Service Commissioners approved the exemption.)

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

(Personnel Committee waived consideration of the above matter)

**ITEM NO. (13) - MOTION ADOPTED TO APPROVE COMMITTEES' REPORT AND COMMUNICATION RECOMMENDATIONS**

**Roll Call #5 - Motion (Ludlow - Cardenas) Adopted, Ayes (11); Absent: Garcetti, LaBonge, Parks and Villaraigosa (4)**

04-0444 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT and COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEES' REPORT, and COMMUNICATION FROM THE VICE-CHAIR, BUDGET AND FINANCE COMMITTEE relative to implementing the Office of Small Business Services (OSBS).

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

1. AUTHORIZE the Director, Mayor's Office of Small Business Services, or designee, to:

- a. Negotiate and execute three Memoranda of Understanding between the City and the Los Angeles World Airports, the Harbor Department and the Department of Water and Power for services related to the implementation of the OSBS (formerly the Los Angeles Opportunities for Procurement Services - [LA OPS]) for a term of one year beginning July 1, 2003, subject to the review and approval of the City Attorney as to form and legality.
  - b. Prepare Controller's instructions for any necessary technical adjustments, subject to the review of the City Administrative Officer (CAO); and, authorize the Controller to implement the instructions.
2. TRANSFER funds in the amount of \$290,000 from General City Purposes, Fund 100, Department 56, Account 05AA (LA OPS) for services related to the implementation of the OSBS to the following accounts within the Mayor's Office, Fund 100, Department 46:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1010	Salaries General	\$268,736
2120	Printing and Binding	4,264
6010	Office and Administrative	8,500
7300	Furniture, Office and Technical Equipment	<u>8,500</u>
	Total	\$290,000

Fiscal Impact Statement: The CAO reports that General Funds, in the amount of \$290,000, are included in the 2003-04 Budget for General City Purposes. These funds will be transferred to the Office of the Mayor for the implementation and operation of the Office of Small Business Services, effective July 1, 2003 through June 30, 2004. There will be no additional General Fund impact.

## Items for Which Public Hearings Have Not Been Held - Items 14-22

(10 Votes Required for Consideration)

**Roll Call #8 - Motion (Cardenas - Parks) Adopted, Ayes (14); Absent: Reyes (1)**  
(Item Nos. 14-15)

### ITEM NO. (14) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

96-0639 - CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and CD 3 ORDINANCE FIRST CONSIDERATION relative to the requested quitclaim of easement of Ingomar Drain to Los Angeles County Flood Control District.

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

1. FIND that this project is categorically exempt from the California Environmental Quality Act of 1970 pursuant to Article VII, Class 5(22) of the City's Environmental Guidelines.



2. FIND that this project is in substantial conformance with the General Plan pursuant to Section 556 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated May 12, 2004, to approve the petitioner's request for the quitclaim of easement of Ingomar Drain to Los Angeles County Flood Control District.
4. PRESENT and ADOPT the accompanying ORDINANCE authorizing this quitclaim of easement of Ingomar Drain to Los Angeles County Flood Control District.
5. INSTRUCT the Real Estate Division, Bureau of Engineering, to complete the transaction as outlined in the Ordinance and prepare the necessary documents and deliver the quitclaim to the Los Angeles County Flood Control District.

Fiscal Impact Statement: The City Engineer reports that the granting of the storm drain easement for Ingomar Drain will not result in actual cash generated to the City but will benefit the City of Los Angeles in that present and future maintenance will be the responsibility of the Los Angeles County Flood Control District.

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

01-0764 - MOTION (PARKS - REYES) relative to declaring the Eighth Annual Run For Christ on CD 8 June 26, 2004 a Special Event (fees and costs absorbed by the City = \$1,000).

Recommendation for Council action:

DECLARE the Eighth Annual Run For Christ, sponsored by the youth and young adults of Jerusalem Missionary Baptist Church on June 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. (16) - ADOPTED**

**Roll Call #6 - Motion (Reyes - Hahn) Adopted, Ayes (12); Absent: LaBonge, Parks and Villaraigosa (3)**

04-1014 - MOTION (PARKS - REYES) relative to declaring the Challengers Boys and Girls Club CD 8 Annual Community Club Carnival on May 21-23, 2004 a Special Event (fees and costs absorbed by the City = \$1,000).

Recommendation for Council action:

DECLARE the Challengers Boys and Girls Club Annual Community Club Carnival on May 21-23, 2004 a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance.

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

**Roll Call #8 - Motion (Cardenas - Parks) Adopted, Ayes (14); Absent: Reyes (1)**

00-0070 - MOTION (REYES - PARKS) relative to declaring the Sidewalk Sale in Lincoln Heights on CD 1 June 4-6, 2004 a Special Event (fees and costs absorbed by the City = \$4,334).

Recommendation for Council action:

DECLARE the Sidewalk Sale in Lincoln Heights, sponsored by the Lincoln Heights Chamber of Commerce and Council District One on June 4-6, 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.

**Roll Call #6 - Motion (Reyes - Hahn) Adopted, Ayes (12); Absent: LaBonge, Parks and Villaraigosa (3)  
(Item Nos. 18-19)**

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

02-0639 - MOTION (HAHN - GREUEL) relative to declaring the First Thursday on the first Thursday CD 15 of each month from July 1, 2004 to June 1, 2005 a Special Event (fees and costs absorbed by the City = \$7,548).

Recommendation for Council action:

DECLARE the First Thursday, sponsored by the San Pedro Peninsula chamber of Commerce, along with Council District 15 on the first Thursday of each month from July 1, 2004 to June 1, 2005, 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. (19) - ADOPTED**

00-0819 - MOTION (HAHN - GREUEL) relative to declaring the Certified Farmers' Market on every CD 15 Friday from July 2, 2004 through July 1, 2005 a Special Event (fees and costs absorbed by the City = \$14,810).

Recommendation for Council action:

DECLARE the Certified Farmers' Market, sponsored by the San Pedro Peninsula Chamber of Commerce on the first Friday of every month from July 2, 2004 through July 1, 2005, 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. (20) - SUBSTITUTE MOTION ADOPTED IN LIEU OF ORIGINAL MOTION -  
SEE FOLLOWING**

**Roll Call #9 - Motion (Zine - Smith) To Adopt Substitute Motion, Ayes (14); Absent: Reyes (1)**

02-0065 - MOTION (ZINE - SMITH) relative to amending the January 30, 2004 special event  
CD 3 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).

Recommendation for Council action:

AMEND the declaration of the 16th Annual Canoga Park Memorial Day Parade, sponsored  
by the Canoga Park Community Center and the Canoga Park/West Hills Chamber of  
Commerce on May 31, 2004 to INSTRUCT the involved City departments to perform such  
services as detailed in the Motion.

**ADOPTED**

**SUBSTITUTE MOTION (ZINE - SMITH)**

Recommendations for Council action:

1. **APPROVE the temporary street closure as follows, on May 31, 2004 from 6:00 a.m. to  
4:00 p.m., subject to the supervision of the Director of the Bureau of Street Services:**

**Sherman Way between Owensmouth Avenue and De Soto Avenue  
De Soto Avenue between Sherman Way and Vanowen Avenue  
Vanowen Avenue between De Soto Avenue and Owensmouth Avenue  
Owensmouth Avenue between Vanowen Avenue and Sherman Way**

2. **DIRECT the Bureau of Street Services to remove any debris following this event.**

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

**Roll Call #6 - Motion (Reyes - Hahn) Adopted, Ayes (12); Absent: LaBonge, Parks and  
Villaraigosa (3)**

04-1017 - MOTION (MISCIKOWSKI - LABONGE) relative to accepting and the placement of a  
CD 11 sculpture in the center of Winward Circle near the Venice Boardwalk.

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

1. **ACCEPT the donation by Roy Doumani of a 72 inch high sculpture entitled "Torso" with  
a base 48 inch high, made of aluminum, which was accepted by the Cultural Heritage  
Commission into the City Art Collection on May 6, 2004.**

2. AUTHORIZE and INSTRUCT the Department of Public Works to permit the placement of this sculpture in the center of Winward Circle near the Venice Boardwalk, and to issue any "no fee" permits as may be needed for this purpose.
3. THANK the donor on behalf of the City.

**ITEM NO. (22) - ADOPTED, \*AS AMENDED - SEE FOLLOWING**

**Roll Call #10 - Motion (Smith - Padilla) to Adopt as Amended, Ayes (14); Absent: Reyes (1)**

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 CD 1 the Westlake Community Plan.

Recommendation for Council action:

EXTEND the provisions of Ordinance No. 175692 imposing temporary interim regulations on the issuance of building and demolition permits within a portion of the Westlake Community Plan as detailed in the Motion, for an additional 90-day period ending on September 15, 2004 **\*or until the proposed Pico Union Historical Preservation Overlay Zone is adopted by the Council, whichever occurs first**, inasmuch as the City Planning Department is actively working towards the creation of the Pico-Union Historic Preservation Overlay Zone, which is expected to take an additional 90 days before adoption. **\*(Reyes - Smith)**

**Closed Sessions - Items 23-26**

**Roll Call #1 - Motion (Miscikowski - Cardenas) Adopted to Continue, Unanimous Vote (11); Absent: Garcetti, LaBonge, Parks and Villaraigosa (4) (Item Nos. 23-24)**

**ITEM NO. (23) - CONTINUED TO JUNE 1, 2004**

01-0786 - The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Johnny Baltazar v. City of Los Angeles, Los Angeles Superior Court Case No. BC 209476. (Plaintiff alleges he was subjected to racial discrimination, racial harassment and retaliation during his employment with the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on May 20, 2004)

**ITEM NO. (24) - CONTINUED TO JUNE 1, 2004**

04-0936 - The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Judy Matthews, et al., v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 290416. (This case arises out of a Los Angeles Police Department officer involved shooting during a traffic stop, on June 11, 2002.)

(Budget and Finance Committee considered the above matter in Closed Session on May 20, 2004)

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

**Roll Call #7 - Motion (Parks - Hahn) Adopted in Open Session, Ayes (14); Absent: Reyes (1)**

03-0392 - The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to a proposed amended settlement agreement in the case entitled Natural Resources Defense Council, Inc., et al., v. City of Los Angeles, et al., Los Angeles Superior Court No. BS 070017. (This case arises out of claims regarding the legal adequacy of environmental reports prepared for the China Shipping Container Terminal at the Port of Los Angeles, pursuant to the California Environmental Quality Act.)

(Commerce, Energy and Natural Resources and Budget and Finance Committees will consider the above matter in Closed Session on May 25, 2004)

**ADOPTED IN OPEN SESSION**

**MOTION (PARKS - HAHN)**

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

**APPROVE the proposed Amended Stipulated Judgment, Modification of Stay, and Order Thereon to revise the settlement agreement in the matter entitled Natural Resources Defense Council, Inc., et al., v. City of Los Angeles, et al., Case No. BS 070017.**

**This matter was approved by the Commerce, Energy and Natural Resources Committee (Cardenas - Hahn - Miscikowski "yes") at its meeting of May 25, 2004 and by the Budget and Finance Committee (Parks - Miscikowski - Smith - Cardenas - Garcetti "yes") at its Special meeting of May 25, 2004, in Closed Session as permitted by Government Code Section 54956.9(a).**

**ITEM NO. (26) - MEETING HELD - ACTION TAKEN IN CLOSED SESSION**

03-0153 - The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a) and (b), to confer with its legal counsel relative to status and settlement discussions in the case entitled Santa Monica Baykeeper et al., v. City of Los Angeles, Case No. 01-191 RSWL.

(Budget and Finance Committee will consider above matter on May 25, 2004.  
Environmental Quality and Waste Management Committee waived consideration of the above matter)

**MOTION ADOPTED UPON FINDINGS BY COUNCIL THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THE COUNCIL AGENDA FOR FRIDAY, MAY 28, 2004, PURSUANT TO GOVERNMENT CODE SECTION 54954.2(b)(2) AND COUNCIL RULE 23**

**ADOPTED - FORTHWITH**

Roll Call #11 - Motion (Parks - LaBonge) To Adopt Findings on Need to Act - Ayes (10);  
Absent: Cardenas, Hahn, Miscikowski, Reyes and President Padilla (5)

Roll Call #12 - Motion (Parks - LaBonge) Adopted, Ayes (10); Absent: Cardenas, Hahn, Miscikowski, Reyes and President Padilla (5)

04-0010 - MOTION (PARKS - LABONGE) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the May 24, 2004 deaths of Brian Butler and Melvin Knowles.

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

1. PROVIDE an offer of reward in the amount of \$75,000 for information leading to the identification, apprehension, and conviction of the person(s) responsible for the deaths of Brian Butler and Melvin Knowles.
2. FIND that the subject reward complies with the provisions of Chapter 12, Article 1, Division 19, of the Los Angeles Administrative Code.
3. DIRECT the City Clerk to publish the required notices and/or advertisements to effectuate this reward.

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

- 00-1511 - MOTION (REYES - SMITH) relative to declaring the La Feria de Los Ninos on June 5, 2004 a Special Event (fees and costs absorbed by the City = \$3,328).
- 04-1055 - MOTION (REYES - SMITH) relative to declaring the Memorial Day Remembrance Event on May 31, 2004 a Special Event (fees and costs absorbed by the City = \$1,898).
- 03-1239 - MOTION (GREUEL - ZINE) relative to declaring the Dubnoff Center Graduation and Award Ceremony on June 22, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).
- 04-1058 - MOTION (PERRY - ZINE) relative to declaring the Family Day Celebration on May 30, 2004 a Special Event (fees and costs absorbed by the City = \$1,222).
- 03-0255 - MOTION (PERRY - ZINE) relative to declaring the Central Avenue Farmers' Market every Saturday beginning June 1, 2004 to June 1, 2007 a Special Event (fees and costs absorbed by the City = \$8,110).
- 02-0738 - MOTION (PERRY - ZINE) relative to declaring the No Place Like Home - Homecoming on June 19-20, 2004 a Special Event (fees and costs absorbed by the City = \$2,300).
- 01-1083 - MOTION (PERRY - ZINE) relative to declaring the Seventh Annual Hope for Firefighters on June 3, 2004 a Special Event (fees and costs absorbed by the City = \$4,315).
- 04-1059 - MOTION (LUDLOW - LABONGE) relative to declaring the Carmona Avenue Block Party on June 26, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).
- 04-1060 - MOTION (PARKS - LABONGE) relative to declaring the In The Flow Concert Series on June 9, 2004 a Special Event (fees and costs absorbed by the City = \$312).
- 04-1062 - MOTION (LABONGE - HAHN) relative to declaring the Beastly Ball on June 19, 2004 a Special Event (fees and costs absorbed by the City = \$500).
- 02-1166 - MOTION (WEISS - MISCIKOWSKI) relative to declaring the Woodruff Avenue Block Party on July 4, 2004 a Special Event (fees and costs absorbed by the City = \$1,188).
- 03-0795 - MOTION (HAHN - LUDLOW) relative to declaring the All Star Neighborhood Bike Ride on June 12, 2004 a Special Event (fees and costs absorbed by the City = \$1,840).
- 00-1098 - MOTION (HAHN - LUDLOW) relative to declaring the Ninth Annual Wilmington Family Picnic on June 12, 2004 a Special Event (fees and costs absorbed by the City = \$560).
- 04-1065 - MOTION (GARCETTI - GREUEL) relative to declaring the Street Outreach to the Homeless on June 15, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).

- 04-1066 - MOTION (GARCETTI - GREUEL) relative to declaring the Pastors' School on June 14-16, 2004 a Special Event (fees and costs absorbed by the City = \$1,958).
- 01-1031 - MOTION (GARCETTI - GREUEL) relative to declaring the Atwater Village Street Festival on June 13, 2004 a Special Event (fees and costs absorbed by the City =\$1,188).
- 03-1226 - MOTION (GARCETTI - GREUEL) relative to declaring the X Games Kick Off on June 17, 2004 a Special Event (fees and costs paid by the sponsor).
- 04-1067 - MOTION (GARCETTI - GREUEL) relative to declaring the May Flower Festival on May 29, 2004 a Special Event (fees and costs absorbed by the City = \$1,188).
- 04-1068 - MOTION (GARCETTI - GREUEL) relative to declaring the May Santacruzian on May 30, 2004 a Special Event (fees and costs absorbed by the City = \$2,000).
- 02-1015 - MOTION (LABONGE - GARCETTI) relative to declaring the Larchmont Village Farmers' Market every Sunday beginning May 30, 2004 a Special Event (fees and costs absorbed by the City = None Submitted).
- 04-1070 - MOTION (HAHN - LABONGE) relative to declaring the Commemoration to the Veterans of the 60th Anniversary of D-Day on June 6, 2004 a Special Event (fees and costs absorbed by the City = \$680).
- 03-1102 - MOTION (LABONGE - GREUEL) relative to amending the May 21, 2004 special event declaration for the Los Angeles Film Festival on June 17-26, 2004.
- 02-2785 - MOTION (PERRY - ZINE) relative to a request for an exemption from the Convention Center fee waiver policy for the Los Angeles Job Corps Graduation Ceremony.
- 04-1064 - MOTION (SMITH - PARKS) relative to initiating street vacation proceedings for the alley easterly of Main Street between 87th Place and 88th Street.
- 04-1061 - MOTION (PARKS - SMITH) relative to appropriating funds to allow the Bureau of Sanitation to meet its Pay Period 24 payroll.
- 04-1063 - MOTION (MISCIKOWSKI - GARCETTI) relative to transferring funds to the Department of Recreation and Parks to provide funding for Penmar Park.
- 04-1069 - MOTION (VILLARAIGOSA - SMITH) relative to instructing the Bureau of Engineering to defer the requirement for roadway widening on Center Street between Ducommun and Commercial Streets.

**COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:**

04-0606 - Jim Fleck (Garcetti - Greuel)



The Clerk announced that a quorum was not present.

Councilmember Padilla moved, seconded by Councilmember LaBonge, that the Council meeting adjourn, due to the lack of a quorum.

**Whereupon the Council did adjourn for lack of quorum.**

ATTEST: J. Michael Carey, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL