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Note: Any agenda item which has not been initiated by 11:00 p.m. may be continued to a subsequent City Council meeting.

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
AGENDA
MONDAY, MARCH 19, 2012
WEST HOLLYWOOD PARK PUBLIC MEETING ROOM - COUNCIL CHAMBERS
625 N. SAN VICENTE BOULEVARD**

6:00 P.M. - CLOSED SESSION: See attached Closed Session Agenda

6:30 P.M. – REGULAR MEETING

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

REPORT OF CLOSED SESSION AGENDA:

APPROVAL OF AGENDA:

ADJOURNMENT MOTIONS:

PRESENTATIONS:

1. **PUBLIC COMMENT:** The City Council values your comments; however, pursuant to the Brown Act, Council cannot take action on items not listed on the posted agenda. The public comment period is limited to 20 minutes, with 2 minutes allotted for each speaker. This public comment period is to address the City Council on Consent Calendar items, other agenda items (if the member of the public cannot be present at the time the item is considered) or items of general interest within the jurisdiction of the City Council. Another period is also reserved for general comment later in the meeting for those that could not be heard at this time. Public Hearing testimony will only be taken at the time of the hearing.

- 1.A. **PUBLIC COMMENTS ON CONSENT CALENDAR ITEMS WHICH HAVE NOT BEEN REMOVED FROM THE CONSENT CALENDAR:**

- 1.B. **PUBLIC COMMENTS, GENERAL INTEREST:**

COUNCILMEMBER COMMENTS: This portion of the meeting is set aside for general comments, announcements, requests of staff, and/or other issues of concern from members of the City Council.

CITY MANAGER'S REPORT: This time is set aside for the City Manager to update the Council on important items initiated by staff or previously requested by the City Council.

FISCAL IMPACT ON CONSENT CALENDAR:

2. **CONSENT CALENDAR:** The following routine matters can be acted upon by one motion. Individual items may be removed by the Council for separate discussion. Items removed for separate discussion will be heard following New Business Items. The title is deemed to be read and further reading waived of any ordinance listed on the consent calendar for introduction or adoption.

- 2.A. **POSTING OF AGENDA:**

SUBJECT: The agenda for the meeting of Monday, March 19, 2012 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, March 15, 2012.

RECOMMENDATION: Receive and file.

- 2.B. **APPROVAL OF MINUTES:**

SUBJECT: The City Council is requested to approve the minutes of prior Council meetings.

RECOMMENDATION: Approve the minutes of March 5, 2012.

- 2.C. **DEMAND REGISTER NO. 694, RESOLUTION NO. 12-4278:**

SUBJECT: The City Council is requested to approve payment of bills due as presented by the Director of Finance.

RECOMMENDATION: Approve Demand Register No. 694 and adopt Resolution No. 12-4278, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 694".

2.D. CLAIMS ADMINISTRATION:

SUBJECT: The City Council is asked to deny Claims filed against the City, as a routine administrative step in claims processing.

RECOMMENDATION: Deny the claims of Michael Berman and refer to the City's claims adjuster.

2.E. ORDINANCE NO. 12-885 (2ND READING), AMENDING TITLE 10 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO CREATE A PARKING CREDITS PROGRAM AND DESIGNATE A PARKING CREDITS DISTRICT AND AMENDING TITLE 19 RELATING TO PARKING CREDITS AND THE ELIMINATION OF THE IN-LIEU PARKING FEE CITY WIDE [C. SCHAFFER, Y. QUARKER]:

SUBJECT: The City Council will waive further reading and adopt Ordinance No. 12-885, amending the West Hollywood Municipal Code to create a Parking Credits Program and designate a Parking Credits District and amending the Zoning Ordinance relating to Parking Credits and the elimination of the In-Lieu Parking Fee City Wide.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 12-885, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE WEST HOLLYWOOD MUNICIPAL CODE TO CREATE A PARKING CREDITS PROGRAM AND DESIGNATE A PARKING CREDITS DISTRICT AND AMENDING TITLE 19 (ZONING ORDINANCE) RELATING TO PARKING CREDITS AND THE ELIMINATION OF THE IN-LIEU PARKING FEE CITY WIDE".

2.F. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

SUBJECT: The City Council will receive reports from various Commissions on actions taken at their recent meetings.

RECOMMENDATION: Receive and file.

2.G. WEST HOLLYWOOD LIBRARY FUND STATUS REPORT [P. AREVALO, J. HUFFER]:

SUBJECT: The City Council will receive and file a status report by the West Hollywood Library Fund Board (WHLF) on the fundraising campaign for the new West Hollywood Library and its organizational status.

RECOMMENDATION: Receive and file report.

2.H. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION [A. MCINTOSH, M. ANTOL, A. REGAN]:

SUBJECT: The City Council will consider adopting a resolution approving an application for the California Department of Transportation Community-based Transportation Planning Grant and authorizing the City Manager to execute Fund Transfer Agreements with the California Department of Transportation.

RECOMMENDATIONS: 1) Authorize staff to apply for the California Department of Transportation Community Based Transportation Planning Grant to aid in implementation of the General Plan and Bicycle Task Force Recommendations Report; 2) If the Grant is awarded authorize the Director of Finance to increase budgeted revenues and expenditures by the grant award amount; and 3) Adopt Resolution 12-4279, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION."

2.I. APPLICATIONS TO LA METRO FOR NEW FREEDOM AND JOB ACCESS/REVERSE COMMUTE (JARC) FUNDS [S. BAXTER, D. DENNIS, P. SLOANE GOODMAN]:

SUBJECT: The City Council will consider authorizing staff to submit two funding applications to LA Metro and will pass a resolution authorizing the City Manager to sign applicable certifications and assurances.

RECOMMENDATIONS: 1) Approve in concept and authorize staff to submit two grant applications to LA Metro for funding under the Job Access/Reverse Commute (JARC) and New Freedom transit programs, in an amount not to exceed \$1,000,000 for both programs for three years; 2) Adopt Resolution No. 12-4280, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING AN APPLICATION FOR GRANT FUNDS FOR THE NEW FREEDOM AND JOB ACCESS/REVERSE COMMUTE (JARC) PROGRAMS OF THE FEDERAL TRANSIT ADMINISTRATION/LA METRO AND AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY ALL RELATED CERTIFICATIONS AND ASSURANCES"; and 3) Authorize the Director of Finance & Technology to increase budgeted revenues and expenditures by an equal amount upon award of the grant

2.J. AGREEMENT FOR AUDIOVISUAL TECHNOLOGY SUPPORT SERVICES [S. BAXTER, S. CAMPBELL, H. COLLINS]:

SUBJECT: The City Council will consider awarding an Agreement with Waveguide Consulting, Incorporated, for Audiovisual Technology Support Services.

RECOMMENDATIONS: 1) Approve an Agreement for Services through June 30, 2013 in the not to exceed amount of \$50,000 with Waveguide Consulting, Incorporated, for providing Audiovisual Technology Support

Services; and 2) Authorize the City Manager to execute the Agreement in the not to exceed amount of \$50,000.

2.K. AWARD OF CONSTRUCTION CONTRACT FOR CIP 1203, SAN VICENTE BLVD. STREET PAVING PROGRAM [O. DELGADO, S. PERLSTEIN]:

SUBJECT: The City Council will consider awarding a construction contract for the San Vicente Blvd. Street Paving Program, CIP 1203.

RECOMMENDATIONS: 1) Accept the Base Bid dated March 6, 2012, submitted by Hardy & Harper, Inc.; 2) Authorize the City Manager to enter into a contract with Hardy & Harper, Inc. in the amount of \$180,000 for the construction of CIP 1203, San Vicente Blvd. Street Paving Program; 3) Authorize the City Engineer to manage Change Orders for work on the construction contract in an amount not to exceed 15% of the contract amount; and 4) Approve Resolution 12-4281, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE DESIGN AND PLANS FOR THE CONSTRUCTION OF SAN VICENTE BLVD. STREET PAVING PROGRAM, CIP 1203, PURSUANT TO GOVERNMENT CODE SECTION 830.6 AND ESTABLISHING A PROJECT PAYMENT ACCOUNT".

2.L. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH RBF CONSULTING FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES ON CIP 1203, SAN VICENTE BLVD. STREET PAVING PROGRAM [O. DELGADO, S. PERLSTEIN]:

SUBJECT: The City Council will consider approving a professional service agreement with RBF Consulting for construction management and inspection services on CIP 1203 San Vicente Blvd Street Paving Program

RECOMMENDATION: Approve a professional services Agreement in an amount not to exceed \$45,000 with RBF Consulting for construction management and inspection services on CIP 1203 San Vicente Blvd. Street Paving Program, and authorize the City Manager to sign the Agreement.

2.M. AMENDMENT TO AN AGREEMENT FOR LONG RANGE & MOBILITY PLANNING CONSULTING SERVICES [A. MCINTOSH, M. ANTOL, B. ROME]:

SUBJECT: The City Council will consider approving an amended agreement for ongoing Long Range & Mobility Planning consulting services with Deborah Murphy for the Community Development Department.

RECOMMENDATIONS: 1) Approve the amended agreement for Long Range & Mobility Planning consulting services with Deborah Murphy to increase the not-to-exceed amount of \$20,000 by an additional \$40,000 for a total of \$60,000 to cover the costs of providing continued services; and 2) Authorize the City Manager to sign the agreement.

2.N. AUTHORIZATION TO AMEND A PROFESSIONAL SERVICES AGREEMENT WITH PROJECT PARTNERS, INC. FOR AS-NEEDED ENVIRONMENTAL COORDINATOR SERVICES [O. DELGADO, S. PERLSTEIN]:

SUBJECT: This item requests that the City Council authorize an amendment to the professional service agreement with Project Partners Inc. to increase the budget for as-needed Environmental Coordinator Services.

RECOMMENDATION: Approve Amendment No. 4 to the professional services Agreement in an amount not to exceed \$25,000 with Project Partners for as-needed Environmental Coordinator Services, and authorize the City Manager to sign the Agreement.

2.O. APPROVAL OF FINAL PARCEL MAP NO. 71528 FOR THE SUBDIVISION PROJECT LOCATED AT 8969 SANTA MONICA BLVD. [O. DELGADO, S. PERLSTEIN]:

SUBJECT: The City Council will consider the approval of Final Parcel Map No. 71528, a subdivision of property to create two commercial parcels, located at the Pavilions Market site at 8969 Santa Monica Blvd.

RECOMMENDATIONS: 1) Make findings for the Final Parcel Map as follows: a) That this project will not violate any of the provisions of Sections 66474, 66474.1, and 66474.6 of the Subdivision Map Act; b) That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code; c) That the development of the property in the manner set forth on the subject division of land will not unreasonably interfere with the free and complete exercise of any public entity and/or public utility rights of way and/or easements within the subject division of land, pursuant to Section 66436(a)3A(i-viii) of the Subdivision Map Act; 2) Approve Final Parcel Map No. 71258; and 3) Instruct the City Clerk to endorse on the face of the map of Final Parcel Map No. 71258 the certificate that embodies the approval of said map.

2.P. NOTICE OF COMPLETION FOR CIP 1202, CONCRETE REPAIR PROGRAM EAST SIDE [O.DELGADO, S. PERLSTEIN]:

SUBJECT: The City Council will consider approving the Notice of Completion for CIP 1202 Concrete Repair Program East Side by CJ Concrete Construction, Inc.

RECOMMENDATION: Accept the work and authorize the following: a) Filing a Notice of Completion by the City Engineer; b) Final payment to the contractor at the end of the 35 day lien period; c) Release of the Performance Bond on the date of recordation of the Notice of Completion; and d) Release of the Payment Bond 35 days after the date of recordation of the Notice of Completion, pending no receipt of Stop Notices.

2.Q. APPROVAL OF THE RECLASSIFICATION AND REVISED CLASSIFICATION SPECIFICATION FOR SPECIAL EVENTS TECHNICIAN [V. LOVE, L. BOCK, S. SCHUMACHER]:

SUBJECT: The City Council will consider the recommendation from the Human Resources Division for approval of the reclassification and revised classification specification for Special Events Technician.

RECOMMENDATIONS: 1) Approve the reclassification of the Special Events Technician position within the Human Services Department; 2) Approve the revised classification specification of Special Events Technician; and 3) Authorize salary placement from Grade 5210 to Grade 5220. The salary difference has been included in the FY 2012-2013 budget.

2.R. THE CITY COUNCIL WILL CONSIDER REQUESTING THAT THE STATE SENATOR AND STATE ASSEMBLY MEMBER REPRESENTING THE CITY INTRODUCE LEGISLATION TO REPEAL THE COSTA-HAWKINS RENTAL HOUSING ACT AND THE ELLIS ACT [J. HEILMAN, F. SOLOMON, A. LAND, C. PLANCK, D. MEGERDICHIAN]:

SUBJECT: The City Council will consider a request of the State Senator and State Assembly Member representing the City to introduce legislation to repeal the Costa-Hawkins Rental Housing Act and the Ellis Act.

RECOMMENDATION: Direct the Department of Rent Stabilization and Housing and the city lobbyist to request that the State Senator and State Assembly Member representing the City introduce legislation to repeal the Costa-Hawkins Rental Housing Act and the Ellis Act.

2.S. SUPPORT FOR SENATE BILL 1055 (LIEU) REQUIRING LANDLORDS TO ACCEPT RENT PAYMENT BY CHECK OR MONEY ORDER [J. HEILMAN, F. SOLOMON, A. LAND, C. PLANCK, J. HARRIS]:

SUBJECT: The City Council will consider adopting a resolution in support of SB 1055 (LIEU), which requires landlords to accept rent payment by check or money order.

RECOMMENDATIONS: 1) Adopt Resolution 12-4282 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF SB 1055 (LIEU) REQUIRING LANDLORDS TO ACCEPT RENT PAYMENT BY CHECK OR MONEY ORDER"; 2) Direct staff to send copies of signed resolutions to Senator Fran Pavley, Assemblymember Mike Feuer, Senator Ted Lieu, and other key legislators; and 3) Direct our lobbyist to support the bill with the proposed amendment to make the bill applicable to all tenants.

2.T. SUPPORT FOR S.137 (FEINSTEIN) & H.R. 4757 (SCHAKOWSKY): THE HEALTH INSURANCE RATE REVIEW ACT OF 2011 [J. HEILMAN, F. SOLOMON, A LAND, C. PLANCK, J. ERICKSON]:

SUBJECT: The City Council will consider supporting the Health Insurance Rate Review Act of 2011 which would protect consumers from excessive, unjustified, or discriminatory rates.

RECOMMENDATIONS: 1) Adopt Resolution No. 12-4283, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF S. 137 (FEINSTEIN) AND H.R. 4757 (SCHAKOWSKY): THE HEALTH INSURANCE RATE REVIEW ACT OF 2011"; and 2) Direct Staff to send copies of the signed resolution to U.S. Senators Dianne Feinstein, Barbara Boxer and, Daniel Inouye; U.S. Secretary of Health and Human Services Kathleen Sebelius; Representative Jan Schakowsky from Illinois; and, Representatives Henry Waxman and Adam Schiff from California.

2.U. CONDEMNATION OF THE REALITY TELEVISION PROGRAM, "SHAHS OF SUNSET" [J. HEILMAN, F. SOLOMON, J. HARRIS]:

SUBJECT: The City Council will consider adopting a resolution condemning the new reality TV show the Shahs of Sunset.

RECOMMENDATIONS: 1) Adopt Resolution No. 12-4284, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD COMDEMNING THE SHAHS of SUNSET TV SHOW FOR PERPETUATING NEGATIVE STEREOTYPES ABOUT IRANIAN-AMERICANS"; and 2) Send copies of the signed resolutions to Bravo Television, NBC Universal, Ryan Seacrest Productions, and major advertisers for the show.

3. PUBLIC HEARINGS:

3.A. APPROVAL OF A SETTLEMENT AGREEMENT BETWEEN THE CITY OF WEST HOLLYWOOD, KLEAN W. HOLLYWOOD AND 852 HILDALE LLC [M. JENKINS, C. SCHROEDER, A. REGAN]:

SUBJECT: The City Council will consider approving a settlement agreement between the City of West Hollywood, Klean W. Hollywood LLC, and 852 Hilldale LLC, among others, to settle the litigation between the parties and place certain conditions on the operation of the Klean Treatment Center at 840 – 854½ Hilldale Avenue in West Hollywood.

RECOMMENDATION: Approve the attached settlement agreement, which includes dismissal of all pending litigation.

4. UNFINISHED BUSINESS:

4.A. EVENTS OVERVIEW REPORT [J. ENGLISH, J. HUFFER, L. BELSANTI, S. BAXTER, O. WALKER, C. SMITH, A. GANDHY, D. WILSON, A. JORGENSEN]:

SUBJECT: The City Council will receive information and is requested to provide direction on events produced by, supported by or permitted by the City.

RECOMMENDATIONS: 1) Provide additional direction to staff regarding events; 2) Direct staff to investigate the cost of conducting an economic analysis regarding residual spending for large events occurring in the City for consideration as part of the upcoming 2012/2014 Budget preparation and review process; 3) Provide staff with direction on the type of information and data to collect on events in the future; and 4) Direct staff to return to Council with a uniform policy on the approval and evaluation of events including but not limited to recovery models from other cities.

5. NEW BUSINESS: None

EXCLUDED CONSENT CALENDAR: Items removed from the Consent Calendar for separate discussion are considered at this time.

6. LEGISLATIVE:

6.A. PROPOSED AMENDMENT TO RENT STABILIZATION ORDINANCE TO LIMIT TIME PERIOD FOR WHICH A TENANT MAY RECOVER RENT OVERCHARGES DUE TO LANDLORD'S FAILURE TO FILE A RE-REGISTRATION FORM [M. JENKINS, E. SAVAGE, A. REGAN]:

SUBJECT: The City Council will consider proposed amendments to the Rent Stabilization Ordinance to limit the time period for which a tenant may seek a refund of rent overcharges due to the landlord's failure to file a re-registration form following vacancy and re-rental.

RECOMMENDATION: Introduce on first reading Ordinance No. 12-___: "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING WHMC §§ 17.28.040(b) AND 17.44.040(1)(c) TO LIMIT THE TIME PERIOD FOR WHICH A TENANT MAY SEEK A REFUND OF OVERCHARGES DUE TO THE FAILURE OF THE LANDLORD TO FILE A RE-REGISTRATION FORM."

PUBLIC COMMENT: This time is set aside for the public to address the Council on any item of interest within the subject matter jurisdiction of the Council that could not be heard under Item 1 at the beginning of the meeting.

COUNCILMEMBER COMMENTS: Additional general comments, announcements, requests of staff and/or other issues of concern to Councilmembers are briefly presented at this time.

ADJOURNMENT: The City Council will adjourn to their next regular meeting, which will be on Monday, April 2, 2012 at 6:30 P.M. at West Hollywood Park Public Meeting Room - Council Chambers.

UPCOMING MEETING SCHEDULE:

Date: April 2 – Monday – 6:30 PM – Regular Meeting – West Hollywood Park Public Meeting Room - Council Chambers.

Date: April 16 – Monday – 6:00 PM – Mayoral Installation – West Hollywood Park Public Meeting Room - Council Chambers.

Date: May 7 – Monday – 6:30 PM – Regular Meeting – West Hollywood Park Public Meeting Room - Council Chambers.

Date: May 21 – Monday – 6:30 PM – Regular Meeting – West Hollywood Park Public Meeting Room - Council Chambers.

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