

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

6:30 P.M. – REGULAR MEETING

CALL TO ORDER: Mayor Duran called the meeting to order at 7:10 p.m.

PLEDGE OF ALLEGIANCE: Richard Settle led the Pledge of Allegiance.

ROLL CALL:

PRESENT: Councilmember D’Amico, Councilmember Heilman, Councilmember Land, Mayor Pro Tempore Prang and Mayor Duran

ABSENT: None

ALSO PRESENT: City Manager Arevalo, City Attorney Jenkins, City Clerk Schaffer and Assistant City Clerk Quarker

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins reported that the closed session was called to order at 6:00 p.m. He stated that there was no public comment. He reported that one (1) item of threatened litigation was added to the agenda. He stated that the closed session adjourned at 7:05 p.m. with a decision to defend the lawsuit filed against the City in the case of Ptashkin v. City of West Hollywood.

APPROVAL OF AGENDA:

Councilmember Land requested that Item 6.A. be moved to the Consent Calendar as Item 2.V.

Councilmember D’Amico requested that Item 2.R. be moved to Excluded Consent and noted his NO vote in Item 2.U.

Councilmember Heilman requested that Item 3.A. be continued. City Attorney Jenkins asked Council to consider public testimony first and then make a decision as to whether there is a need for a continuance.

Motion by Councilmember Land, seconded by Mayor Pro Tempore Prang to approve the March 19, 2012 agenda as amended. The agenda was unanimously approved.

ADJOURNMENT MOTIONS:

Councilmember Land requested that the meeting be adjourned in memory of Olene Book, mother of City employee Jeff Book. Councilmember Land requested that the meeting be adjourned in memory of Giacinta Jones, mother of City employee Jeff Jones.

Councilmember D'Amico requested that the meeting be adjourned in memory of Frida Julia Amtmanis, mother of West Hollywood resident Allegra Allison.

Mayor Pro Tempore Prang requested that the meeting be adjourned in memory of Diane Christine Jansen, mother-in-law of City employee Rod Marquez. He also asked that the meeting be adjourned in the memory of the following soldiers who died in Afghanistan since the last City Council Meeting: 2nd Lieutenant Clovis T. Ray, 34, Specialist Daquane D. Rivers, 21, Staff Sergeant Jesse J. Grindey, 30, and Specialist Edward J. Acosta, 21.

PRESENTATIONS:

Councilmember Heilman presented a proclamation to the Chase Foundation in recognition of Child Life Month.

Councilmember Heilman presented a proclamation to the Nooroz Foundation Delegation.

1. PUBLIC COMMENT:

ROB BERGSTEIN, WEST HOLLYWOOD, spoke regarding Item 2.R. He also spoke regarding an upcoming Item regarding proposed development at the El Mirador.

DAVID AGHAEI, WEST HOLLYWOOD, spoke in support of Item 2.U.

MARK OLSON, REPRESENTING SOUTHERN CALIFORNIA EDISON, spoke regarding emergency planning and response.

LINDA DEMMERS, ON BEHALF OF THE FRIENDS OF THE LIBRARY, thanked the City for the new space at the Library for the Friends of the Library Book Store. She also spoke regarding an upcoming book sale event on March 31, 2012.

STEPHANIE HARKER, WEST HOLLYWOOD, expressed concerns regarding the Plummer Park Master Plan.

LAURA BOCCALETTI, WEST HOLLYWOOD, expressed concerns regarding the Plummer Park Master Plan.

CATHY BLAIVAS, WEST HOLLYWOOD, expressed concerns regarding the Plummer Park Master Plan.

STEVE MARTIN, WEST HOLLYWOOD, spoke regarding former City employee Allyne Winderman.

DOMINICK ROMEO, WEST HOLLYWOOD, spoke regarding recovery and substance abuse issues in the City.

FRANCES DIAZ, WEST HOLLYWOOD, spoke regarding Item 3.A. and public noticing for the Item.

COUNCILMEMBER COMMENTS:

Councilmember Land spoke regarding the Los Angeles Marathon and congratulated the City employees that participated. Spoke regarding a recent event held by the Sunset Strip BID to unveil new guitars at the Guitar Installation on Sunset to raise funds for charity. She also spoke regarding a recent meeting of the West Hollywood Domestic Violence Community Response Team, and spoke regarding continuous training in coalition with the West Hollywood Sheriff's Department. She spoke regarding a recent event sponsored by the National Council of Jewish Women which hosted LGBT community members from Israel.

Councilmember Heilman spoke regarding the Williams' Institute Lecture Series and the upcoming event on March 20, 2012 at 6:30 p.m. at the West Hollywood Park Community Conference Room entitled "Protecting Your Hard Earned Money – What the LGBT Community Needs to Know." He spoke regarding the Friends of the Library book sale scheduled for March 31, 2012; which will kick off the Big Read event in West Hollywood, and will feature the book *Fahrenheit 451*. He also spoke regarding the L.A. Marathon, and thanked everyone for their support. He spoke regarding his recent attendance at the National League of Cities Conference held in Washington D.C., where there was a discussion on employment and jobs. He also spoke regarding his attendance at an international AIDS seminar during the conference and meetings with Congressman Waxman and Congressman Schiff. He spoke in support of Item 2.S. and stated that requiring tenants to pay their rent online would be a burden to seniors and other members of the community. He also spoke regarding Item 2.U. and expressed concern about negative stereotypes being portrayed on television.

Councilmember D'Amico spoke regarding an upcoming Automated Parking Garage Steering Committee meeting scheduled for March 29, 2012 and encouraged residents to attend. He spoke regarding the closing reception for the Peace Tower on Sunset to be held on March 24, 2012 from 4 p.m. – 6 p.m. He spoke regarding an upcoming New Business Roundtable meeting scheduled for March 27, 2012 at 7:00 p.m. He spoke regarding the recent John Varvatos-Stuart House event and stated that he will be meeting with residents to discuss various issues surrounding this event. He spoke regarding the Urban Designer position that is currently open at the City. He also spoke regarding a meeting with a contractor to work with both the architect and the residents regarding the proposed changes to Plummer Park. He stated that the City is trying to handle the issues raised by the community in a very methodical way to ensure a more thorough public outreach process.

Councilmember Land spoke in support of the need to ensure that the public outreach process for Plummer Park includes everyone.

Mayor Pro Tempore Prang spoke regarding the upcoming low-cost pet vaccination clinic scheduled for March 24, 2012 from 9 a.m. – 1 p.m. in the City Hall parking lot. He also spoke regarding the upcoming Friends of the Library Bookstore event scheduled for March 31, 2012.

Mayor Duran requested that Jesus Javier, a News Anchor on Univision, be added to the adjournment motions. He also spoke regarding the upcoming Women's Leadership event to be held on March 28, 2012 at the Phyllis Morris Showroom. He spoke regarding an upcoming Gay Men's Chorus Concert to be held at the First Congregational Church on March 24, 2012 and March 25, 2012. He spoke regarding the public comment surrounding recovery and substance abuse issues in West Hollywood and the services provided by non-profits that are funded by the City of West Hollywood. He spoke about the required treatment time needed for recovery from Crystal Meth and the severe shortage of beds within the City. He also spoke regarding the public comment surrounding the Item 3.A. and stated that the Brown Act prohibits the Council from discussing Items outside of the meeting. He also spoke regarding confidentiality issues surrounding Items such as settlement agreements. He spoke regarding the public comment surrounding Plummer Park and stated that at this time Council is only considering public input and the process for moving forward. He spoke regarding the various and diverse concerns that residents have expressed regarding this project, and that the need to ensure that capital improvements are meant to serve current residents as well as future residents.

Councilmember Heilman stated that Item 2.R. was missing a page in the staff report, and stated that Staff has requested that the Item be tabled until April 2, 2012.

CITY MANAGER'S REPORT:

City Manager Arevalo spoke regarding the status on the Urban Designer position and reported that he has spoken with the Department Director and the position will be open for recruitment after the job description is revised and approved by Council. He reported that the City expects to fill the position in the next fiscal year. He spoke regarding Plummer Park and reported that the only decision that has been made so far is to hold off on the proposed plan. He stated that the sub-committee has met informally to discuss the process and community outreach ideas. He stated that an item will be brought to Council in May to discuss the public outreach process. He spoke regarding the two-year budget process and stated that the two key areas for funding enhancement will be public safety and social services. He stated that the City will be receiving input from the community and working with the City Council budget sub-committee. He also spoke regarding the L.A. Marathon and thanked everyone for their support.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk Schaffer stated that the fiscal impact on the Consent Calendar is \$1,651,313 in expenditures and \$1,250,000 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar, 2.A.,B.,C.,D.,E.,F.,G.,H.,I.,J.,K.,L.,M.,N.,O.,P.,Q.,S.,T.,U.,V.(6.A.) **Motion by Councilmember Land seconded by Councilmember Heilman and unanimously approved, noting Councilmember D'Amico's NO vote on Item 2.U. and noting that Item 2.R. was TABLED.**

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.

ACTION: Receive and file. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

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

ACTION: Approve the minutes of March 5, 2012. **Approved as part of the Consent Calendar.**

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.

ACTION: 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." **Approved as part of the Consent Calendar.**

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.

ACTION: Deny the claims of Michael Berman and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

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.

ACTION: 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".
Approved as part of the Consent Calendar.

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.

ACTION: Receive and file. **Approved as part of the Consent Calendar.**

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.

ACTION: Receive and file report. **Approved as part of the Consent Calendar.**

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.

ACTIONS: 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." **Approved as part of the Consent Calendar.**

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.

ACTIONS: 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. **Approved as part of the Consent Calendar.**

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.

ACTIONS: 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. **Approved as part of the Consent Calendar.**

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.

ACTIONS: 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". **Approved as part of the Consent Calendar.**

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

ACTION: 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. **Approved as part of the Consent Calendar.**

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.

ACTIONS: 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. **Approved as part of the Consent Calendar.**

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.

ACTION: 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. **Approved as part of the Consent Calendar.**

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.

ACTIONS: 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. **Approved as part of the Consent Calendar.**

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.

ACTION: 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. **Approved as part of the Consent Calendar.**

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.

ACTIONS: 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.
Approved as part of the Consent Calendar.

- 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.

ACTION: This Item was tabled until April 2, 2012.

- 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.

ACTIONS: 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. **Approved as part of the Consent Calendar.**

- 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.

ACTIONS: 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. **Approved as part of the Consent Calendar.**

- 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.*

ACTIONS: 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. **Approved as part of the Consent Calendar, noting Councilmember D'Amico's NO vote.**

2.V. (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.*

ACTION: Introduce on first reading Ordinance No. 12-886, "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." **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. APPROVAL OF A SETTLEMENT AGREEMENT BETWEEN THE CITY OF WEST HOLLYWOOD, KLEAN W. HOLLYWOOD AND 852 HILLDALE 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.*

City Clerk Schaffer stated that the Item was noticed as required by law.

Councilmember D'Amico disclosed that he received an email regarding this Item.

Alison Regan, Staff Attorney, and City Attorney Jenkins provided background information as outlined in the Staff Report dated March 19, 2012.

Councilmember Land requested clarification regarding the proposed revisions to the settlement agreement.

Staff Attorney Regan stated that the following revisions were made to the settlement agreement:

1. In Paragraph 1.C. there was request to add a contact number for the West Hollywood Sheriff's Department.
2. In Paragraph 1.E. the word "licensed" was added between "each" and "facility".
3. In Paragraph 2 the phrase "other entities" was added after the word "corporation".

Mayor Duran opened the public hearing and the following speakers came forward:

FRANCES DIAZ, WEST HOLLYWOOD, spoke in support of continuing the Item to April 2, 2012, specifically due to the amount of time that residents had to review the settlement agreement. She spoke regarding the proposed change to the agreement to require a public hearing to amend the agreement.

JUDSON F. GREENE, WEST HOLLYWOOD, spoke in support of continuing the Item to April 2, 2012, specifically due to the amount of time that residents had to review the settlement agreement.

CHRISTOPHER PAULSON, LOS ANGELES, spoke in support of the Item.

JOSIE FELDMAN, WEST HOLLYWOOD, spoke in support of the Item.

AMY STELLA, WEST HOLLYWOOD, spoke in support of the Item.

ALYSON STACK, WEST HOLLYWOOD, spoke in support of the Item.

STEVE MARTIN, WEST HOLLYWOOD, expressed concerns regarding the loss of affordable housing at the site.

KENNETH DIGREGORIO, WEST HOLLYWOOD, spoke in support of continuing the Item to April 2, 2012, specifically due to the amount of time that residents had to review the settlement agreement.

City Attorney Jenkins spoke regarding public comments surrounding noticing for the Item and stated that it was given the same noticing period given for development agreements for major projects in the City; which

included a notice mailed 10-days prior to the hearing. He spoke regarding suggested amendments to the settlement agreement from the residents and the incorporation of those amendments. He also spoke regarding Council having the ability to make further changes to the agreement prior to approval. He spoke regarding public comment surrounding the execution of the agreement and stated that although it had been signed by the other parties involved, it would not be signed and executed by the City until approved by the City Council.

Councilmember D'Amico requested clarification from the City Attorney as to whether there were any remaining issues raised by the public that still needed to be addressed. He requested clarification from a member of the public regarding the request for a two-week continuance.

City Attorney Jenkins stated that there were currently no outstanding Items from the public to be addressed.

Mayor Duran requested clarification from staff as to whether there have been citations, complaints or calls to the Sheriff's Department over the past two years regarding Klean W. Hollywood. He requested clarification from a member of the public regarding the request for a two-week continuance.

Staff Attorney stated that there have not been any issues at the site.

Frances Diaz spoke regarding the request for a continuance and stated that the continuance would allow time for the neighboring residents to review and discuss the settlement agreement.

Councilmember Heilman spoke regarding the process and the settlement agreement and stated that a number of neighbors expressed concerns when Klean W. Hollywood first came into the neighborhood. He spoke regarding Klean now operating in a reputable way and spoke in support of the Item. He also expressed some concerns regarding the loss of affordable housing at the site. He requested clarification from the City Attorney whether postponing the Item for two weeks would have any adverse effect.

City Attorney Jenkins spoke regarding a scheduled court hearing for April 2, 2012 and stated that the City intends to cancel this hearing if the settlement agreement is approved. He spoke regarding the City bearing the costs and risks of this litigation and spoke regarding the fact that the agreement has been negotiated over a period of eight months.

Councilmember Heilman spoke in support of conditionally approving the agreement and authorizing the City Attorney to work with the residents to incorporate any minor changes to the agreement.

Councilmember Land spoke in support of the Council's decision to settle this litigation. She also spoke regarding the meetings the City had with the residents to work toward making Klean a good neighbor. She expressed concerns over the loss of affordable housing at the site, but stated that there were many variables to consider. She spoke in support of the Item and in support of allowing more time for the neighbors to review the revisions to the agreement.

Mayor Pro Tempore Prang spoke regarding legal matters usually being handled in Closed Session and spoke regarding the fact that it is rare that an Item like this be held as a public hearing. He spoke regarding the issues surrounding the establishment of Klean at the site and the concerns regarding impacts on the neighborhood and the loss of affordable housing. He spoke in support of the settlement agreement as a reasonable solution. He spoke in support of giving the neighbors two weeks to review the revised agreement.

Mayor Duran spoke in support of Klean W. Hollywood and thanked them for the work that they do in the recovery community. He spoke regarding the fact that people at the Klean facility are those people who are seeking treatment, and that issues regarding people with substance abuse problems are caused by the people on the streets who are not seeking help. He spoke in support of continuing the Item for two weeks to allow the neighbors to review the revised agreement.

Councilmember Heilman and Mayor Duran spoke in support of allowing Klean W. Hollywood to give a tour of the facility, if feasible, to the neighboring residents.

Mayor Duran closed the public hearing.

ACTION: Conditionally approve the settlement agreement, which includes dismissal of all pending litigation, with the following additional direction to the City Attorney: 1) give the City Attorney the authority to meet with the neighbors and the parties involved in the matter and incorporate any minor changes to the settlement agreement that are consistent with the overall intent of the agreement; 2) direct the City Attorney to return to Council if any major changes to the agreement are to be considered. **Motion by Councilmember Heilman, seconded by Councilmember D'Amico and unanimously approved.**

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.

Sam Baxter, Director of Human Services; Lisa Belsanti, Senior Management Analyst; and David Wilson, Budget & Compensation Manager, provided background information as outlined in the Staff Report dated March 19, 2012.

Councilmember Land thanked Staff for their work on gathering the data and putting together the Item. She spoke regarding the number of events in the City and the significant number of people who attend these events. She spoke regarding the events reaching out to many segments of the community and spoke in support of continuing these efforts. She spoke regarding the need for a standard language to ensure that Council knows whether an event is sponsored, co-sponsored, or endorsed by the City, and the need for an educational process for Council and Staff. She spoke regarding events being evaluated appropriately in order to judge the success of an event, and spoke in support of including vital information such as expected attendance, actual attendance, and staff time involved. She spoke regarding looking at the economic impact of City events on businesses in the City. She also spoke regarding the City's ongoing fiscal responsibility, particularly in regards to special events.

Councilmember Heilman thanked Staff for their work on gathering the data and putting together the Item. He spoke regarding different tools in evaluating events and the need to include qualitative evaluation. He spoke regarding surveying attendees to determine where they live, how they heard of the event, and to receive feedback and suggestions regarding the event. He spoke regarding some of the events being part of the governance of the City, such as the Annual Congress of Boards and Commissions, and some of the events being more outreach to the community, including e-waste events, breast cancer awareness events, and recovery forum events. He spoke regarding the possibility of categorizing events to determine what each event is actually setting out to accomplish.

Mayor Duran spoke regarding the level of care provided by the City to groups such as transgender people and seniors. He spoke in support of using staff resources to evaluate events because of their hands on experience in organizing special events in the City. He spoke regarding National Night Out and the possibility of expanding this type of one day event into a series of events so that Council can really spend time with constituents and discuss issues in their area.

Councilmember D'Amico spoke regarding having a form that would accompany every event to explain the overall budget. He requested clarification on the budget spreadsheet provided by Staff.

David Wilson provided clarification regarding funds that are budgeted for events during the budget process and other costs associated with staff time and waiving of permits and fees.

City Manager Arevalo spoke regarding the process by which the Item was compiled. He spoke regarding the history of budgeting for special events in the City and the differences in how they have been budgeted. He spoke in support of creating more consistency in budgeting for events as the City moves forward and in support of more consistent standards to evaluate events both quantitatively and qualitatively.

Councilmember D'Amico congratulated Staff on their ability to continue to organize and produce all of the events in the City, particularly considering the significant increase in events over the years. He spoke regarding special events as a reflection of the City and its goals. He spoke in support of getting feedback from Staff regarding the success of events.

City Manager Arevalo spoke regarding the City doing a wonderful job hosting these events. He spoke regarding the City being fortunate in that it can still support a number of these creative activities; however he expressed concerns over a number of events being driven by the City and not community stakeholders and spoke regarding residents in the community becoming champions for some of the events currently sponsored by the City. He spoke regarding surveying those that don't participate in events to garner information on what the City should be providing. He also spoke regarding a community housing survey that will be done during the next budget cycle; and the possible inclusion of questions related to special events in that survey.

Councilmember Heilman spoke in support of examining the amount of money raised during events in the City. He spoke in support of looking for more volunteer opportunities for City events. He spoke regarding the need for a better strategy for reaching out to potential sponsors so that the City does not bear all the costs for events; particularly events such as Halloween.

Councilmember Land spoke regarding ensuring that sponsorship outreach is coordinated. She spoke in support of creating agreements with event producers and organizers to clarify the City's involvement in events, particularly for smaller events.

Mayor Pro Tempore Prang thanked Staff for their work on gathering the data and putting together the Item. He spoke regarding the City sponsoring many events that help the community. He spoke in support of qualitative evaluation of the events that the City sponsors and co-sponsors and feels that this information will help Council compare events and determine the continuing needs of the community. He spoke regarding determining how many West Hollywood residents are being served at various events. He also spoke in support of seeking additional sponsorships but expressed concerns regarding asking the same businesses in the City for sponsorships.

Mayor Duran spoke regarding the possibility of developing of a monthly report for the Council which lists evaluation information on the previous month's events.

ACTIONS: 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. **Approved by consensus of the City Council.**

5. NEW BUSINESS: None.

EXCLUDED CONSENT CALENDAR: None.

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.

ACTION: This Item was moved to the Consent Calendar as Item 2.V.

PUBLIC COMMENT:

MICHAEL SEIDLER, WEST HOLLYWOOD, spoke regarding her concerns with emergency procedures in the City.

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 9:53 p.m. in memory of Frida Julia Amtmanis, Olene Book, Giacenta Jones, Diane Christine Jansen, Jesus Javier, and all the soldiers who died in Afghanistan since the last City Council meeting. The City Council adjourned to their next regular meeting, which will be on Monday, April 2, 2012 at 6:30 P.M. in the West Hollywood Park Public Meeting Room - Council Chambers, 625 N. San Vicente Boulevard.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 2nd day of April 2012 by the following vote:

AYES:	Councilmember:	D'Amico, Heilman, Land, Mayor Pro Tempore Prang and Mayor Duran.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

JOHN J. DURAN, MAYOR

ATTEST:

COREY SCHAFFER, CITY CLERK