

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
TUESDAY, SEPTEMBER 8, 2009  
WEST HOLLYWOOD PARK  
647 N. SAN VICENTE BOULEVARD**

**CALL TO ORDER:** Mayor Land called the meeting to order at 6:39 P.M.

**PLEDGE OF ALLEGIANCE:** Susan Anderson led the pledge.

**ROLL CALL:**

PRESENT: Councilmember Duran, Councilmember Horvath,  
Councilmember Prang, Mayor Pro Tempore Heilman, and  
Mayor Land.

ABSENT: None.

ALSO PRESENT: City Manager Arevalo, Acting City Attorney John Cotti, City  
Clerk West, and Assistant City Clerk Schaffer.

**APPROVAL OF AGENDA:**

Mayor Pro Tempore Heilman requested that Item 2.X. be moved to the Excluded Consent Calendar. He requested that staff correct a typographical error in Item 2.DD.

**Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Horvath to approve the September 8, 2009 agenda as amended, and unanimously approved.**

**ADJOURNMENT MOTIONS:**

Councilmember Duran requested that the meeting be adjourned in memory of Albert Gordon, an attorney who fought for LGBT rights.

Mayor Pro Tempore Heilman requested that the meeting be adjourned in memory of George Onyango, one of his students working toward obtaining his legal studies degree.

Councilmember Prang requested that the meeting be adjourned in memory of his mother's cousin, Ronald James Thompson. He requested that the meeting be adjourned in memory of reporter Army Archerd.

Mayor Land requested that the meeting be adjourned in memory of Senator Edward Kennedy. She requested that the meeting be adjourned in memory of two firefighters who were recently killed in a station fire. She requested that the meeting be adjourned in memory of Rose Dean, the mother of long-time Christopher Street West Board Member Raymond Rector.

Councilmember Duran requested that the meeting be adjourned in memory of the following soldiers who died in Iraq and Afghanistan since the last City Council meeting: Pvt. Keiffer P. Wilhelm, Spc. Richard A. Walters Jr., Spc. Matthew D. Hastings, Pfc. William Z. Vanosdol, 2nd Lt. Joseph D. Fortin, Sgt. Earl D. Werner, Pvt. Taylor D. Marks, Staff Sgt. Todd W. Selge, Spc. Jordan M. Shay.

## **PRESENTATIONS:**

Mayor Land and the City Council presented a plaque to commemorate the issuing of same sex marriages in the City of West Hollywood. Mayor Land thanked staff from the Los Angeles County Registrar/Recorder-County Clerk's office for their efforts to assist the City during the issuance of the licenses. She recognized representatives from the office of Senator Fran Pavley who were in attendance.

Stephanie Molen, a Senior Field Representative from the office of Senator Fran Pavley, presented a proclamation to the City Council in recognition of the 25<sup>th</sup> Anniversary of the Helen Albert West Hollywood Farmer's Market. She also presented a Certificate of Adjournment from the California State Senate in honor of former City Councilmember Sal Guarriello.

Councilmember Duran presented a plaque to outgoing Transportation Commissioner Aaron Kunz.

Mayor Pro Tempore Heilman presented a proclamation in recognition of the 30<sup>th</sup> Annual Book Mark Contest.

Mayor Pro Tempore Heilman presented a proclamation in recognition of National Preparedness Month.

Mayor Land presented a proclamation in recognition of the Trevor Project Day.

Mayor Land presented a proclamation in recognition of National Alcohol and Drug Addiction Recovery Month.

### **1. PUBLIC COMMENT:**

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding various local, state and national issues.

RICHARD EASTMAN, LOS ANGELES, spoke regarding the upcoming medical marijuana expo in the City.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding water conservation mandates for West Hollywood residents.

FRANCOISE BRUN-COTTAN, WEST HOLLYWOOD, spoke regarding traffic and pedestrian safety issues on Dorrington Avenue, and spoke regarding issues surrounding people rummaging through recycling bins in the City.

STEVE PARGAMANIK, WEST HOLLYWOOD, spoke regarding a recent automobile accident he was involved in and spoke regarding traffic safety issues in the area.

JOAN HENEHAN, CHAIR OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of Item 2.V.

ALAN KLEIN, WEST HOLLYWOOD, spoke regarding traffic and pedestrian safety issues at the intersection of Beverly Boulevard and Robertson.

DAN SIEGEL, WEST HOLLYWOOD, spoke regarding traffic and pedestrian safety issues in the City.

LAUREN MEISTER, WEST HOLLYWOOD, spoke regarding traffic and pedestrian safety issues in the City.

DIEM TRAN, WEST HOLLYWOOD, spoke in support of Item 2.FF.

PHYLLIS COTO, WEST HOLLYWOOD, spoke regarding her application for the Disabilities Advisory Board.

NADIA SUTTON, WEST HOLLYWOOD, thanked City Council for reappointing her to the Lesbian and Gay Advisory Board. She spoke in support of the current Lesbian and Gay Advisory Board Co-Chairs.

#### **COUNCILMEMBER COMMENTS:**

Councilmember Prang reminded residents to obtain proper parking permits for moving trucks in the City. He spoke regarding large item trash pickup in the City, and requested staff to investigate possibilities for picking up unreported items. He spoke regarding the upcoming retrospective of the paintings of Ivy Bottini, hosted by the Gay and Lesbian Center. He spoke regarding public comment surrounding traffic and pedestrian safety issues, and requested City staff and the Sheriff's department to ensure that regular traffic patrols are performed.

Mayor Pro Tempore Heilman spoke regarding public comment surrounding traffic and pedestrian safety issues, and requested City staff and the Sheriff's department to ensure that regular traffic patrols are performed. He also urged residents to stay within the speed limits and drive carefully. He spoke regarding the upcoming Sunset Strip Music Festival. He thanked Stephanie Molen, a representative from the office of Senator Fran Pavley, for presenting a proclamation to the City in recognition of the 25<sup>th</sup> Anniversary of the Helen Albert West Hollywood Farmer's Market. He spoke regarding the Community Garden Program in the City and provided further clarification of Item

2.W. He spoke regarding Item 2.M., and requested staff to investigate gutter drain issues at the intersection of Holloway and Santa Monica Boulevard.

Councilmember Duran thanked his fellow City Councilmembers for supporting Item 2.T. and provided further clarification of the Item, including an upcoming town hall forum. He spoke regarding ongoing efforts to urge the federal government to extend the Ryan White Care Act. He thanked Councilmember Prang for bringing Item 2.AA. forward. He spoke regarding the recent Women's Equality Day event in the City. He spoke regarding his recent attendance at the Lesbian, Gay, Bisexual, and Transgender Sheriff's Conference event in Palm Springs. He spoke regarding the upcoming Sunset Strip Music Festival.

Councilmember Horvath spoke regarding the upcoming Sunset Strip Music Festival. She spoke regarding the upcoming event sponsored by the Human Rights Campaign called Sparks Up the Night, with the Los Angeles Sparks. She provided further clarification of Item 2.BB. She spoke regarding the recent Women's Equality Day event in the City, and an announcement by Supervisor Zev Yaroslavsky to work with Sheriff Lee Baca to begin the processing of the backlog of untested rape kits. She thanked the Women's Advisory Board for their ongoing efforts on this issue. She thanked her Interim Council Deputy Donna Saur for her efforts and assistance, and announced Donna Saur's new position with the City. She introduced her new Council Deputy, Ivor Pine.

Mayor Land thanked Councilmember Horvath for her work with Supervisor Zev Yaroslavsky to begin the processing of the backlog of untested rape kits. She spoke regarding the upcoming AIDS Walk event in the City, and announced that it is both the 25<sup>th</sup> anniversary of the Walk and the City of West Hollywood. She congratulated Jewish Family Services for their new Connect program to provide transportation services to seniors, and a recent grant they received. She spoke regarding the new Sierra Bonita Housing Project and acknowledged the efforts of the West Hollywood Community Housing Corporation for providing additional affordable housing for seniors. She spoke regarding the ongoing Prescription Drug Discount Program in the City. She spoke regarding the beginning of the school year and the need for traffic and pedestrian safety, particularly in regards to using hands-free devices for cellular phones. She thanked Andrew Campbell and the Cultural Affairs Division for organizing the Summer Sounds events in the City. She thanked Council Deputy Michael Haibach for his efforts in organizing the plaque commemorating the issuance of same sex marriages in the City. She spoke regarding the need for residents to monitor their health care issues and seek proper medical attention when necessary.

#### **CITY MANAGER'S REPORT:**

City Manager Arevalo spoke regarding public comment surrounding traffic and pedestrian safety issues and provided further clarification of ongoing efforts on behalf of the City and the Sheriff's Department to address the issues. He urged residents to report issues to the Sheriff's Department and the City, and thanked residents for their feedback. He thanked the Sheriff's Department for their assistance to surrounding

communities during the ongoing wild fires. He spoke regarding Mayor Pro Tempore Heilman's comments surrounding gutter drain issues at Holloway and Santa Monica Boulevard and stated that the staff will return to Council with additional information.

**FISCAL IMPACT ON CONSENT CALENDAR:**

City Clerk West stated that the fiscal impact on the Consent Calendar is \$2,077,426.00 in expenditures and \$1,102,600.00 in potential revenue.

**2. CONSENT CALENDAR:**

**ACTION:** Approve the Consent Calendar as amended, 2.A.,B.,C.,D.,E.,F.,G.,H.,I.,J.,K.,L.,M.,N.,O.,P.,Q.,R.,S.,T.,U.,V.,W.,Y.,Z.,AA.,BB., CC.,DD.,EE.,FF.,GG. **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Duran and unanimously approved.**

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

*The agenda for the meeting of Tuesday, September 8, 2009 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, September 3, 2009.*

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

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

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

**ACTION:** Approve the minutes of August 17, 2009. **Approved as part of the Consent Calendar.**

**2.C. DEMAND REGISTER NO. 633, RESOLUTION NO. 09-3894:**

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

**ACTION:** Approve Demand Register No. 633 and adopt Resolution No. 09-3894, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 633." **Approved as part of the Consent Calendar.**

**2.D. CLAIMS ADMINISTRATION:**

*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 Daniel Banchik, Mercury Ins (Michael Collins), Ester Kashanian and Fira Bulkina and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

**2.E. ORDINANCE NO. 09-826 (2<sup>ND</sup> READING), TO ALLOW TENANTS TO SEEK A REFUND OF EXCESS FEES COLLECTED BY OWNERS [T. WEST, C. SCHAFFER]:**

*The City Council will waive further reading and adopt Ordinance No. 09-826, a proposed ordinance amending WHMC § 17.44.040 to allow tenants to seek a refund of excess fees collected by owners.*

**ACTION:** Waive further reading and adopt Ordinance No. 09-826, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING WHMC § 17.44.040 TO ALLOW TENANTS TO SEEK A REFUND OF EXCESS FEES COLLECTED BY OWNERS." **Approved as part of the Consent Calendar.**

**2.F. ORDINANCE NO. 09-827 (2<sup>ND</sup> READING), TO STAY HEARING EXAMINERS' DECISIONS PENDING APPEAL [T. WEST, C. SCHAFFER]:**

*The City Council will waive further reading and adopt Ordinance No. 09-827, a proposed ordinance amending WHMC §§ 17.44.010(8) and 17.44.020(4) to stay hearing examiners' decisions pending appeal.*

**ACTION:** Waive further reading and adopt Ordinance No. 09-827, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING WHMC §§ 17.44.010(8) AND 17.44.020(4) TO STAY HEARING EXAMINERS' DECISIONS PENDING APPEAL." **Approved as part of the Consent Calendar.**

**2.G. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**

*The City Council will receive reports the Public Facilities Commission, the Public Safety Commission, the Russian Advisory Board and the Transportation Commission on actions taken at their recent meetings.*

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

**2.H. RESIGNATIONS FROM CITY COMMISSIONS, ADVISORY BOARDS, AND COMMITTEES [T. WEST, C. SCHAFFER]:**

*The City Council will accept the resignation of Project Advisory Committee Member Barbara Hamaker, effective August 31, 2009.*

**ACTION:** Accept with regret the resignation of Barbara Hamaker from the Project Advisory Committee. **Approved as part of the Consent Calendar.**

**2.I. RENEWAL OF CITY-COUNTY MUNICIPAL LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF LOS ANGELES [K. COOK]:**

*The City Council will consider renewing the City-County Municipal Law Enforcement Services Agreement with the County of Los Angeles.*

**ACTION:** 1) Adopt Resolution No. 09-3895 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REQUESTING ADDITIONAL LAW ENFORCEMENT SERVICES WITHIN THE AREA OF THE CITY OF WEST HOLLYWOOD FROM THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT UNDER THE CITY-COUNTY MUNICIPAL LAW ENFORCEMENT SERVICES AGREEMENT; 2)

Approve the attached City-County Municipal Law Enforcement Services Agreement between the City of West Hollywood and the County of Los Angeles for a five year period (September 1, 2009 – June 30, 2014); 3) Authorize the Mayor to sign the attached City-County Municipal Law Enforcement Services Agreement between the City of West Hollywood and the County of Los Angeles for a five year period (September 1, 2009 – June 30, 2014); and 4) Authorize the City Manager to sign annual SH-AD 575 Deployment of Personnel forms in conjunction with the approval of the City's annual budget. **Approved as part of the Consent Calendar.**

**2.J. APPROVAL OF ADMINISTERING AGENCY – FEDERAL MASTER AGREEMENT NO. 07-5440R AND PROGRAM SUPPLEMENT AGREEMENT NO. 008-N TO RECEIVE FEDERAL AMERICAN REINVESTMENT AND RECOVERY ACT (ARRA) FUNDS FOR THE CONSTRUCTION OF THE SUNSET STRIP BEAUTIFICATION PROJECT [O. DELGADO, S. PERLSTEIN, D. UYENO]:**

*The City Council will consider the approval of the master agreement and program supplement to allow the City to receive Federal American Reinvestment and Recovery (ARRA) funds for the Sunset Strip Beautification Project.*

**ACTION:** 1) Adopt Resolution No. 09-3896, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING ADMINISTERING AGENCY – FEDERAL MASTER AGREEMENT NO. 07-5440R AND PROGRAM SUPPLEMENT AGREEMENT NO. 008-N FOR FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS ON PROJECT ESPL-5440(008) SUNSET BLVD FROM EAST CITY LIMITS TO WEST CITY LIMITS (CIP 1004); 2) Authorize the City Manager to sign the Administering Agency – Federal Master Agreement No. 07-5440R and Program Supplement Agreement No. 008-N; 3) Instruct the City Clerk to submit two copies of the signed Agreement and a copy of Resolution No. 09-3996, to Caltrans Office of Local Assistance; and 4) Authorize the Director of Finance to increase budgeted revenues by \$1,105,000 in account 308-424083. **Approved as part of the Consent Calendar.**

**2.K. AWARD OF CONSTRUCTION CONTRACT FOR SANTA MONICA BLVD. PAVEMENT REPAIR PROGRAM, CIP 1002 [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider awarding a construction contract for the Santa Monica Blvd. Pavement Repair Program, CIP 1002.*

**ACTION:** 1) Accept the bid dated July 30, 2009, submitted by All American Asphalt; 2) Authorize the City Manager to enter into a contract with All American Asphalt in the amount of \$236,395.00 for the construction of CIP 1002, Santa Monica Blvd Pavement Repair 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) Authorize the Director of Finance to allocate \$271,855.00

from the unallocated reserves in the Santa Monica Blvd Fund. **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 1002, SANTA MONICA BLVD. PAVEMENT REPAIR PROGRAM [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider approving a professional service agreement with RBF Consulting for construction management and inspection services on CIP 1002 Santa Monica Blvd. Pavement Repair Program.*

**ACTION:** 1) Approve a professional services Agreement in an amount not to exceed \$73,079 with RBF Consulting for construction management and inspection services on CIP 1002 Santa Monica Blvd. Pavement Repair Program, and authorize the City Manager to sign the Agreement; and 2) Authorize the Director of Finance to allocate \$73,079 from the unallocated reserves in the Santa Monica Blvd Fund. **Approved as part of the Consent Calendar.**

**2.M. AWARD OF CONSTRUCTION CONTRACT FOR CIP 1003, SANTA MONICA BLVD. GUTTER DRAIN IMPROVEMENTS [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider awarding a construction contract for the Santa Monica Blvd. Gutter Drain Improvements, CIP 1003.*

**ACTION:** 1) Accept the bid dated August 18, 2009 submitted by Padilla Paving; 2) Authorize the City Manager to enter into a contract with Padilla Paving in the amount of \$141,286.00 for the construction of CIP 1003, Santa Monica Blvd. Gutter Drain Improvements; 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) Authorize the Director of Finance to allocate \$162,479 from the unallocated reserves in the Santa Monica Blvd Fund. **Approved as part of the Consent Calendar.**

**2.N. AGREEMENT WITH BROWN & CALDWELL FOR ENGINEERING SERVICES FOR SEWER INSPECTION & DESIGN PROJECT – EAST SIDE [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider approval of an agreement with Brown & Caldwell to prepare conceptual reports for Sewer Inspection & Design Project – East Side.*

**ACTION:** Authorize the City Manager to execute an Agreement with Brown & Caldwell in an amount not to exceed \$159,613 for professional engineering services to prepare conceptual reports for Sewer Inspection & Design Project – East Side. **Approved as part of the Consent Calendar.**



**2.O. CONSULTING SERVICES IN PREPARATION FOR THE OPENING OF THE NEW WEST HOLLYWOOD LIBRARY [R. REYNOLDS, J. HUFFER]:**

*The City Council will consider a contract to provide consulting services for constituent relations; special collections; coordination with the Library Fund; The West Hollywood Room; and, fixtures, furniture & equipment.*

**ACTION:** Approve the contract with Linda Demmers, Library Consulting with an amount not to exceed \$85,000.00 for services provided pursuant to this Agreement. **Approved as part of the Consent Calendar.**

**2.P. TWO-YEAR CONTRACT FOR WEST HOLLYWOOD BOOK FAIR [L. LONG, N. BEARD, C. WORLAND]:**

*The City Council will consider approving a two-year contract to Interactive Games and Creations to provide a variety of services in the production of the City's annual Book Fair.*

**ACTION:** 1) Authorize the City Manager to enter into a two year contract between the City and Interactive Games and Creations in an amount not to exceed \$70,000.00 each year; and 2) Authorize additional expenses on this contract, up to a 10% (\$7,000), contingent upon any additional expenditure for this vendor being offset through revenue. **Approved as part of the Consent Calendar.**

**2.Q. AIDS WALK 2009 [L. LONG, N. BEARD, C. SMITH]:**

*The City Council will consider co-sponsorship of AIDS Walk 2009.*

**ACTION:** Authorize co-sponsorship of the AIDS Walk 2009 which includes: 1) Authorize the waiver of all City of West Hollywood special event fees for this event; and 2) Approve date, Sunday, October 18, 2009 and location, West Hollywood Park and surrounding residential streets. **Approved as part of the Consent Calendar.**

**2.R. HALLOWEEN CARNAVAL ROAD CLOSURES [L. LONG, N. BEARD, C. SMITH]:**

*The City Council will approve the road closures associated with Halloween Carnaval 2009.*

**ACTION:** Approve necessary street closures and parking requirements. **Approved as part of the Consent Calendar.**

**2.S. RESOLUTION REGARDING DISTRIBUTION OF TICKETS AND PASSES [M. JENKINS, T. WEST]:**

*The City Council will consider adopting a resolution regarding the distribution of complimentary tickets and passes provided to the City for use by City officials and employees.*

**ACTION:** Adopt Resolution 09-3897 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A POLICY FOR THE DISTRIBUTION OF TICKETS AND PASSES RECEIVED BY THE CITY OF WEST HOLLYWOOD". **Approved as part of the Consent Calendar.**

- 2.T. REFORMING CALIFORNIA [P. AREVALO, H. MOLINA]:**  
*The City Council will receive a Report on different proposals for government reform.*  
**ACTION:** Receive and file. **Approved as part of the Consent Calendar.**
- 2.U. NEW TECHNOLOGIES FOR PARKING DEVELOPMENT AND OPERATIONS [J. DURAN, H. MOLINA]:**  
*The City Council will consider directing staff to include new parking technologies into the General Plan discussions and considerations*  
**ACTION:** Direct staff to consider new technologies for parking development and operations as part of the General Plan discussions and considerations. **Approved as part of the Consent Calendar.**
- 2.V. ESTABLISH A WEST HOLLYWOOD CITY COUNCIL MENTORSHIP PROGRAM [L. HORVATH, D. SAUR, J. HEILMAN, F. SOLOMON, T. LIN]:**  
*The City Council will consider establishing a West Hollywood City Council Mentorship Program.*  
**ACTION:** Direct appropriate staff to establish a West Hollywood City Council Mentorship Program and outreach to high school students living in West Hollywood about this new program. **Approved as part of the Consent Calendar.**
- 2.W. INCREASE GARDENING OPPORTUNITIES IN WEST HOLLYWOOD [J. HEILMAN, F. SOLOMON, L. HORVATH, D. SAUR, T. LIN]:**  
*This item gives Council the opportunity to direct staff to research and develop additional programming to supplement our current Community Garden program.*  
**ACTION:** Direct staff to research the items set forth in this agenda item and return with recommendations. **Approved as part of the Consent Calendar.**
- 2.X. ARTIFICIAL LAWNS [J. DURAN, H. MOLINA]:**  
*The City Council will direct staff to research artificial lawn products and report back to Council with recommendations.*  
**ACTION:** This Item was moved to the Excluded Consent Calendar.
- 2.Y. REVIEW OF LANDSCAPE AND PARKWAY MAINTENANCE STANDARDS TO ADDRESS STATE WATER REDUCTION MANDATES [J. DURAN, H. MOLINA]:**  
*The City Council will direct staff to draft an amendment of the WHMC pertaining to landscape and parkway maintenance standards to address state water reduction mandates and report back to Council.*  
**ACTION:** 1) Direct staff to review West Hollywood Municipal Code WHMC) section 19.30.030 J "Non-Maintenance of Landscape and

Hardscape” to be consistent with current drought conditions; 2) Grant discretion to the managers of the Code Compliance and Housing Divisions to suspend enforcement of WHMC infractions in times of drought when correcting the infraction would result in greater water usage; and 3) Direct staff to report back with proposed revisions to the WHMC in 90 days.  
**Approved as part of the Consent Calendar.**

**2.Z. SUPPORT ASSEMBLY BILL (AB) 1122 – PROHIBITING THE SALE OF ANIMALS ON ROADSIDES AND PARKING LOTS [J. PRANG, M. HAIBACH, J. DURAN, H. MOLINA]:**

*The City Council will consider adopting a resolution supporting AB1122.*

**ACTION:** 1) Adopt Resolution No. 09-3898, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF PROPOSED CALIFORNIA ANIMAL WELFARE LEGISLATION: AB1122”; and 2) Direct staff to send copies of the adopted resolution to the Humane Society of the United States, State Senator Fran Pavley, Assemblymember Mike Feuer and Governor Arnold Schwarzenegger.  
**Approved as part of the Consent Calendar.**

**2.AA. FEASIBILITY STUDY FOR ENHANCING LOCAL ANIMAL RESOURCES [J. PRANG, M. HAIBACH, J. DURAN, H. MOLINA]:**

*The City Council will consider directing the City Manager to conduct a feasibility study surveying the availability of companion animal resources and determine the feasibility of enhancing companion animal resources in West Hollywood.*

**ACTION:** 1) Direct the City Manager and appropriate staff to conduct an assessment of current companion animal resource needs and availability in West Hollywood, and recommend various strategies to enhance local services; 2) Issue an RFP to select a consultant to assist with the study; and 3) Create a task force, either appointed by Council or by staff, of stakeholders to work with staff and consultant. **Approved as part of the Consent Calendar.**

**2.BB. SUPPORT OF SB 797 (PAVLEY), THE TOXIC- FREE INFANTS AND TODDLERS ACT [L. HORVATH, D. SAUR, A. LAND, C. PLANCK]:**

*The City Council will consider adopting a resolution in support of SB 797 (PAVLEY), The Toxic-Free Infants and Toddlers Act.*

**ACTION:** 1) Adopt Resolution No. 09-3899, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF SB 797 (PAVLEY) THE TOXIC- FREE INFANTS AND TODDLERS ACT”; and 2) Direct staff to send copies of the resolution to State Senator Fran Pavley and State Assemblymember Mike Feuer. **Approved as part of the Consent Calendar.**

**2.CC. SUPPORT OF H.R. 1211 (SANDLIN) THE WOMEN VETERAN HEALTHCARE IMPROVEMENT ACT [C. PLANCK, L. FOOKS, M. HORNER]:**

*The City Council will consider adopting resolutions in support H.R. 1211 (Sandlin) the Women Veteran's Healthcare Improvement Act.*

**ACTION:** 1) Adopt Resolution No. 09-3900 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF H.R. 1211 (SANDLIN) THE WOMEN VETERAN HEALTHCARE IMPROVEMENT ACT"; and 2) Send copies of the signed resolutions to Representative Stephanie Herseth Sandlin, U.S. Senator Dianne Feinstein, U.S. Senator Barbara Boxer, Representative Henry Waxman, Women in Military Service for America Memorial Foundation, Women Veterans of America, Women's Army Corps Veterans Association, Women's Overseas Service League, Feminist Majority and NOW.  
**Approved as part of the Consent Calendar.**

**2.DD. SUPPORT OF SECRETARY OF STATE HILLARY RODHAM CLINTON'S ANNOUNCED COMMITMENT TO ENDING VIOLENCE AGAINST WOMEN GLOBALLY [L. HORVATH, D. SAUR, A. LAND, C. PLANCK, S. SALGUERO, P. INDALL]:**

*The City Council will consider adopting a resolution supporting Secretary of State Hillary Clinton's commitment to ending violence against women globally.*

**ACTION:** 1) Adopt Resolution No. 09-3901, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF SECRETARY OF STATE HILLARY CLINTON'S COMMITMENT TO ENDING VIOLENCE AGAINST WOMEN GLOBALLY"; and 2) Send copies of the signed resolutions to U.S. Senator Barbara Boxer, U.S. Senator Dianne Feinstein, and Secretary of State Hillary Rodham Clinton.  
**Approved as part of the Consent Calendar.**

**2.EE. IPHONE APPLICATION TO REPORT NEIGHBORHOOD CONCERNS [L. HORVATH, D. SAUR, P. INDALL]:**

*The City Council will consider directing staff to evaluate the feasibility of introducing a City of West Hollywood iPhone Application to report complaints from residents.*

**ACTION:** Direct Staff to return to the City Council with a report and cost estimate within 45 days for introducing an official City of West Hollywood iPhone application to assist in processing complaints from residents.  
**Approved as part of the Consent Calendar.**

**2.FF. CO-SPONSORSHIP OF LAVENDER LOS ANGELES EXHIBIT & EVENTS [L. HORVATH, D. SAUR]:**

*The City Council will consider co-sponsoring Lavender Los Angeles: How LA Gave Rise to America's LGBT Movement*

**ACTION:** 1) Approve co-sponsorship of the Lavender Los Angeles exhibit and events; and 2) Authorize conference sponsors to utilize City's name and logo on printed materials advertising the event and assist sponsors with outreach efforts in the West Hollywood community. **Approved as part of the Consent Calendar.**

**2.GG. SPONSORSHIP OF THE TRANSCENDENCE FILM PROJECT [A. LAND, C. PLANCK]:**

*The City Council will consider co-sponsorship of the Transcendence film project.*

**ACTION:** 1) Approve the City of West Hollywood's sponsorship of the *Transcendence* film project; and 2) Direct staff to provide the appropriate documentation for the grant application to the California Documentary Project. **Approved as part of the Consent Calendar.**

**3. PUBLIC HEARINGS:**

**3.A. AMENDMENT TO THE ZONING ORDINANCE TO PERMIT THE SALES, SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER AND WINE ONLY) AS AN ACCESSORY USE TO LIVE THEATERS AND COMMUNITY CENTERS WITH A MINOR CONDITIONAL USE PERMIT [A. MCINTOSH, J. KEHO, L. YELTON]:**

*Continue this item from the City Council meeting of September 8, 2009 to the City Council meeting of September 21, 2009, so that staff can correct noticing to clarify that this is a city-wide code amendment.*

**ACTION:** Continue the Item to the meeting of September 21, 2009. **Carried by the Consensus of the Council.**

**3.B APPEAL OF THE PLANNING COMMISSION'S PARTIAL APPROVAL OF MINOR CONDITIONAL USE PERMIT 2008-007 FOR EXTENDED HOURS TO AN EXISTING RESTAURANT (BOSSA NOVA) LOCATED AT 685 N. ROBERTSON BLVD. [A. MCINTOSH, J. KEHO, L. YELTON]:**

*The City Council will hold a public hearing to consider an appeal by Aurelio Martins, regarding the Planning Commission's partial approval of Minor Conditional Use Permit 2008-007 for extended hours to an existing restaurant (Bossa Nova) located at 685 N. Robertson Blvd., West Hollywood, California.*

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

Laurie Yelton, Associate Planner, provided background information as outlined in the staff report dated September 8, 2009.

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

AURELIO MARTINS, THE APPELLANT, spoke in opposition to the Item and in support of the appeal.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the approval of extended hours at the location and spoke in opposition to the appeal.

AURELIO MARTINS, THE APPELLANT, provided rebuttal.

Mayor Land closed the public hearing.

Councilmember Duran spoke in support of the appeal and in support of the hours being extended until 4:00am for both indoor and outdoor dining. He spoke regarding the minimal impacts on residents, and spoke regarding the fact that there have been no public safety incidents at the location over the past 16 years. He spoke in support of reviewing the business, including the need for additional security, after one year.

Councilmember Prang spoke in support of the appeal. He expressed concerns regarding the issuance of extended hours permits City-wide and the need to address the issues with a more uniform approach. He spoke regarding the need to monitor the impacts of extended hours businesses on City services, particularly the Sheriff's and Fire Departments.

Councilmember Horvath spoke regarding the fact that there have been no public safety incidents at the location over the past 16 years. She spoke in support of the appeal.

Mayor Pro Tempore Heilman spoke in support of the current process of issuing extended hours permits. He spoke in support of the appeal, and spoke regarding the minimal impacts on the neighborhood. He spoke regarding the need to monitor the impacts of extended hours businesses on City services, particularly the Sheriff's and Fire Departments. He spoke in support of allowing the business to have partial seating for outdoor dining for a trial period of time, with the possibility of extending it to the full seating after a review of the impacts.

Mayor Land spoke in support of the appeal. She spoke regarding the fact that there have been no public safety incidents at the location over the past 16 years. She spoke regarding the minimal impacts on residents. She spoke in support of the owner hiring an additional security guard. She spoke in support of reviewing the extended hours permits after one year. She spoke in support of the possibility of a business improvement district being formed for this area.

**ACTION:** Direct staff to return to Council with a revised resolution granting the appeal of Aurelio Martins and conditionally approving Minor Conditional Use Permit 2008-007, on an application of Bossa Nova Restaurant to allow extended hours to an existing Restaurant located at 685 N. Robertson Blvd., West Hollywood, California with the following amendments: 1) allow extended business hours of operation until 4:00 a.m. for both indoor and outdoor dining; 2) require a 6 month and 12 month review of the extended hours permits by the Community

Development Director; 3) add an additional requirement for the owner to hire a security guard to monitor the outdoor dining area during extended hours; 4) direct staff to work with valet parking companies in the area to provide information to their patrons regarding their hours of operation.  
**Motion by Councilmember Duran, seconded by Councilmember Horvath and unanimously approved.**

**4. UNFINISHED BUSINESS:**

**4.A. COMMUNITY GARDEN PROGRAM [L. LONG, N. BEARD, S. BAXTER]:**  
*The City Council will consider recommendations relating to the City's Community Garden Program and receive a status update on potential community garden sites.*

Nancy Beard, Recreation Manager, and Sam Baxter, Facilities & Landscape Manager, provided background information as outlined in the staff report dated September 8, 2009.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the possibility of purchasing the property known as the Norwich Community Garden.

Councilmember Duran spoke regarding the possibility of creating various incentives to encourage owners to allow their properties to be used as community gardens, including the possibility of granting indemnity to property owners. He requested clarification from staff regarding the reluctance of property owners to use their properties for community gardens.

Councilmember Horvath spoke regarding the possibility of the City being more proactive about purchasing properties that become available.

Mayor Pro Tempore Heilman provided clarification of the reluctance of property owners to use their property as community gardens, particularly the fear of not being able to easily sell their property in the future because of existing community garden leases.

Mayor Land spoke in support of being more proactive about locating other properties for community gardens. She spoke regarding the need to look for more incentives to encourage property owners to use their properties as community gardens, including agreements with gardeners to allow the property owner to sell or develop their property at a future date. She spoke in support of continuing to look for opportunities to create roof gardens and vegetable roof gardens.

**ACTION:** 1) Provide direction to staff regarding the City's Community Garden Program as described in this report; and 2) Authorize staff to continue to pursue potential locations for future community gardens as

described in this report. **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Prang and unanimously approved.**

**5. NEW BUSINESS:**

**5.A. REQUEST FOR REVIEW OF THE PLANNING COMMISSION DECISION OF AUGUST 20, 2009 REGARDING THE EXTENSION OF HOURS AT 8811 SANTA MONICA BLVD. [T. WEST, C. SCHAFFER]:**

*The City Council will consider a request for review of the Planning Commission Decision of August 20, 2009, adopting Resolution No. PC 09-852 approving Conditional Use Permit 2008-005 to allow the extension of hours of operation for the property located at 8811 Santa Monica Boulevard (Eleven), West Hollywood, California.*

Tom West, City Clerk, and Mayor Pro Tempore Heilman provided background information as outlined in the staff report dated September 8, 2009.

KATHLEEN ENGELBERG, WEST HOLLYWOOD, spoke in support of the Item.

WARREN MERRIMAN, spoke in support of the Item.

LINDA ROSS, WEST HOLLYWOOD, spoke in support of the Item.

NICHOLAS SZUMSKIND, WEST HOLLYWOOD, spoke in support of the Item.

ED STERLING, WEST HOLLYWOOD, spoke in support of the Item.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the Item.

**ACTION:** 1) Consider a request for review of the Planning Commission Decision of August 20, 2009, regarding the property located at 8811 Santa Monica Boulevard; and 2) If a review is approved, direct Community Development Department staff to initiate a hearing for the Council meeting of either September 21, 2009 or October 5, 2009 in compliance with Sections 19.76.030(G) and 19.76.040 of the West Hollywood Municipal Code. **Motion by Councilmember Horvath, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

**5.B. COMMISSION, ADVISORY BOARD, AND PROJECT ADVISORY COMMITTEE APPOINTMENTS AND RE-APPOINTMENTS [T. WEST, C. SCHAFFER]:**

*The City Council will consider making direct and at-large appointments to City Commissions, Advisory Boards, and Committees.*



IVY BOTTINI, WEST HOLLYWOOD, spoke in support of reappointing Dan Berkowitz to the Lesbian and Gay Advisory Board.

**ACTION:** 1) Mayor Pro Tempore Heilman made the following direct appointments: Gary Reichard - Business License Commission; and Chris Clarkin - Public Safety Commission.

2) The City Council made the following at-large appointments to the Lesbian and Gay Advisory Board: Dan Berkowitz, Bryeon Earle, William Gordon, David "Tradd" Keaton, Ben McCormick, and Jimmy Palmieri.

3) The City Council made the following at-large appointments to the Russian Advisory Board: Polina Belitski, Nonna Danilkevich, Larisa Danilova, Alexander Faynerman, Sofiya Fikhman, Mikhail Moshkovich, Steve Pargamanik, Andrey Pronin, Yefim Stolyarsky, Lev Volovik, Farhad Yusupov.

#### **EXCLUDED CONSENT CALENDAR:**

##### **2.X. ARTIFICIAL LAWNS [J. DURAN, H. MOLINA]:**

*The City Council will direct staff to research artificial lawn products and report back to Council with recommendations.*

Councilmember Duran provided background information as outlined in the staff report dated September 8, 2009.

Mayor Pro Tempore Heilman spoke in opposition to the loss of natural grass and greenery in the City.

Councilmember Horvath requested further clarification regarding whether the Item included a permit process for owners to use artificial lawn products on private property.

Councilmember Prang spoke in support of investigating artificial lawn products.

Mayor Land spoke in support of investigating artificial lawn products.

**ACTION:** Direct staff to research the different artificial lawn products currently available and develop specific guidelines for installation on parkways and lawns both in public and private properties, and sports fields. **Motion by Councilmember Prang, seconded by Councilmember Duran and approved with Mayor Pro Tempore Heilman voting NO.**

**PUBLIC COMMENT: None.**

**6. LEGISLATIVE: None.**

**COUNCILMEMBER COMMENTS:**

Mayor Pro Tempore Heilman spoke regarding the reappointment process for the Lesbian and Gay Advisory Board and expressed concerns regarding some of the lobbying that was done to the City Council, particularly personal attacks on existing members and applicants.

Councilmember Duran expressed frustrations regarding the advisory board re-appointment process, and the difficulty in appointing new members.

**ADJOURNMENT:** The City Council adjourned at 9:36 P.M. in memory of Albert Gordon, George Onyango, Ronald James Thompson, Army Archerd, Senator Edward Kennedy, two firefighters who were killed in a recent station fire, Rose Dean, and all the soldiers who died in Iraq and Afghanistan since the last City Council meeting. They adjourned to their next regular meeting, which will be on Monday, September 21 2009 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 21<sup>st</sup> day of September, 2009 by the following vote:

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

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ABBE LAND, MAYOR

ATTEST:

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THOMAS R. WEST, CITY CLERK