

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, JULY 20, 2009  
WEST HOLLYWOOD PARK  
647 N. SAN VICENTE BOULEVARD**

**CALL TO ORDER:** Mayor Land called the meeting to order at 6:37 P.M.

**PLEDGE OF ALLEGIANCE:** Brad Burlingame 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, City Attorney Jenkins, City Clerk West,  
and Assistant City Clerk Schaffer.

**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 one (1) public speaker. He stated that one (1) item added was added to the agenda, an item of Pending Litigation regarding Hoffman Street et. al. v the City of West Hollywood. He stated that an additional closed session meeting was conducted on July 15, 2009 to discuss the personnel review for the City Manager and was adjourned with no reportable action taken. He stated that the closed session meeting of July 20, 2009 was adjourned at 6:30 P.M. with no reportable action taken.

**APPROVAL OF AGENDA:**

Mayor Land requested that Item 2.I. be moved to the Excluded Consent Calendar.

**Motion by Councilmember Prang, seconded by Councilmember Horvath to approve the July 20, 2009 agenda as amended, and unanimously approved.**

**ADJOURNMENT MOTIONS:**

Councilmember Horvath requested that the meeting be adjourned in memory of Bob Mitchell, a long-time Los Angeles resident and LGBT activist.

Councilmember Prang requested that the meeting be adjourned in memory of Mark Etzel, a long-time HIV/AIDS activist.

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: Lance Cpl. Roger G. Hager, Spc. Joshua R. Farris, Master Sgt. John E. Hayes, Spc. Gregory J. Missman, Pfc. Lucas M. Bregg, Aviation Ordinance man Airman Darren Ethan Tate, Capt. Mark A. Garner, 2<sup>nd</sup> Lt. Derwin I. Williams, Sgt. Brock H. Chavers,

Spc. Chester W. Hosford, Spc. Isaac L. Johnson, Pfc. Nicolas H. J. Gideon, Spc. Christopher M. Talbert, Petty Officer Second Class Tony Michael Randolph, Lance Cpl. Charles S. Sharp, Pfc. Justin A. Casillas, Pfc. Aaron E. Fairbairn, Sgt 1<sup>st</sup> Class Edward C. Kramer, Sgt. Roger L. Adams, Jr., Sgt. Juan C. Baldeosingh, Spc. Robert L. Bittiker, Sgt. Terry J. Lynch, Staff Sgt. Timothy A. David, Pfc. Peter K. Cross, Spc. Joshua L. Hazlewood, 1<sup>st</sup> Lt. Brian N. Bradshaw, Spc. Casey L. Hills, Sgt. Ricky D. Jones, Sgt. Rodrigo A. Munguia Rivas, 1<sup>st</sup> Sgt. John D. Blair, Command Master Chief Petty Officer Jeffrey J. Garber, Sgt. Joshua W. Soto, Capt. Kafele H. Sims, Spc. Jonathan C. O'Neill, Staff Sgt. Edmond L. Lo.

## **PRESENTATIONS:**

Mayor Land presented a proclamation in recognition of the National Night Out events in the City.

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

JAMES SINCLAIR, WEST HOLLYWOOD, spoke in support of Item 2.H.

BRAD BURLINGAME, PRESIDENT OF THE WEST HOLLYWOOD MARKETING AND VISITORS BUREAU, spoke in support of Item 2.H.

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

ED BUCK, WEST HOLLYWOOD, spoke regarding the property located at 1343 N. Laurel Avenue.

EBON ALABASTUR, WEST HOLLYWOOD, spoke regarding the annual allowable rent increase in the City.

RICHARD EASTMAN, LOS ANGELES, spoke regarding medical marijuana issues.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the property located at 1343 N. Laurel Avenue.

LYNN DESHIELDS, WEST HOLLYWOOD, spoke regarding the passing of Councilmember Sal Guarriello and congratulated Councilmember Horvath on her appointment to the Council.

MARCY NORTON, WEST HOLLYWOOD, requested that the Council adjourn their meeting in memory of news anchor Walter Cronkite.

### **COUNCILMEMBER COMMENTS:**

Councilmember Horvath spoke regarding an upcoming event supporting the American Cancer Society at Los Angeles City Hall. She spoke regarding the upcoming Equality

Awards, sponsored by Equality California, and announced that they will be honoring Councilmember Duran. She spoke regarding the upcoming 15<sup>th</sup> Annual Summer Games at Plummer Park. She spoke regarding an upcoming sing along concert for children at the West Hollywood Library.

Councilmember Prang spoke regarding the disposal of large trash items in the City and thanked City staff for proactively monitoring the issue. He spoke regarding the illegal parking of moving vans in the City and warned residents to obtain proper permits and no-parking signs.

Mayor Pro Tempore Heilman spoke regarding Item 2.H. and requested staff to ensure that the City has a mechanism in place to monitor the results of the program. He stated that he will be participating at the next City Council meeting via telephone and that he will be out of town for the National Night Out events.

Mayor Land spoke regarding public comment surrounding the condition of City streets and requested the City Manager to provide an update. She spoke regarding the upcoming grand opening of Pavilion's grocery store in the City. She spoke regarding her opposition to the Thune Amendment, which is currently being considered by the U.S. Legislature, regarding concealed weapons and requested residents to contact their federal representatives.

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

City Manager Arevalo spoke regarding possible state budget cuts and the impacts on local governments and stated that he will return to the Council with a detailed report. He spoke regarding public comment surrounding street maintenance and provided clarification of the City's ongoing efforts to maintain and improve the City streets. City Manager Arevalo and the City Council wished Mayor Pro Tempore Heilman a happy birthday.

#### **FISCAL IMPACT ON CONSENT CALENDAR:**

City Clerk West stated that the fiscal impact on the Consent Calendar is \$126,276.00 in expenditures and \$0.00 in potential revenue.

#### **2. CONSENT CALENDAR:**

**ACTION:** Approve the Consent Calendar as amended, 2.A.,B.,C.,D.,E.,F.,G.,H.,J.,K.,L.,M.,N.,O.,P. **Motion by Councilmember Duran, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

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

*The agenda for the meeting of Monday, July 20, 2009 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, July 16, 2009.*

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

**2.B. DEMAND REGISTER NO. 630, RESOLUTION NO. 09-3868:**

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

**ACTION:** Approve Demand Register No. 630 and adopt Resolution No. 09-3868, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 630." **Approved as part of the Consent Calendar.**

**2.C. ORDINANCE NO. 09-818 (2<sup>ND</sup> READING), REGARDING THE SPECIAL EVENT PERMIT PROCESS AND PARKING REGULATIONS WITHIN THE AVENUES OF ART AND DESIGN [T. WEST, C. SCHAFFER]:**

*The City Council will waive further reading and adopt Ordinance No. 09-818, a proposed ordinance establishing temporary regulations superseding certain provisions of the West Hollywood Zoning Ordinance regarding the special event permit process and parking regulations within the Avenues of Art and Design.*

**ACTION:** Waive further reading and adopt Ordinance No. 09-818, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD APPROVING ZONE TEXT AMENDMENT 2009-003 AND ESTABLISHING TEMPORARY REGULATIONS SUPERSEDING CERTAIN PROVISIONS OF CHAPTER 19.54 AND CHAPTER 19.28 OF THE WEST HOLLYWOOD ZONING ORDINANCE REGARDING THE SPECIAL EVENT PERMIT PROCESS AND PARKING REGULATIONS WITHIN THE AVENUES OF ART AND DESIGN." **Approved as part of the Consent Calendar.**

**2.D. ORDINANCE NO. 09-819 (2<sup>ND</sup> READING), RELATING TO EXTENDED HOUR BUSINESSES STANDARDS [T. WEST, C. SCHAFFER]:**

*The City Council will waive further reading and adopt Ordinance No. 09-819, a proposed ordinance relating to extended hour businesses standards.*

**ACTION:** Waive further reading and adopt Ordinance No. 09-819, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 19 (ZONING ORDINANCE) [ZONE TEXT AMENDMENT 2008-007] RELATING TO EXTENDED HOUR BUSINESSES STANDARDS." **Approved as part of the Consent Calendar.**

**2.E. ORDINANCE NO. 09-820 (2<sup>ND</sup> READING), GOVERNING THE OPERATION OF OFF-SALE ALCOHOL ESTABLISHMENTS [T. WEST, C. SCHAFFER]:**

*The City Council will waive further reading and adopt Ordinance No. 09-820, a proposed ordinance governing the operation of off-sale alcohol establishments.*

**ACTION:** Waive further reading and adopt Ordinance No. 09-820, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 19 (ZONING ORDINANCE) [ZONE TEXT AMENDMENT 2008-008]"

GOVERNING THE OPERATION OF OFF-SALE ALCOHOL ESTABLISHMENTS.” **Approved as part of the Consent Calendar.**

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

*The City Council will receive reports from the Arts and Cultural Affairs Commission on actions taken at their recent meetings.*

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

**2.G. AGREEMENT FOR SERVICES WITH DEKRA-LITE [R. REYNOLDS, J. HUFFER, M. LOUIE]:**

*The City Council will consider entering into an agreement with Dekra-Lite for purchase, installation, repair and storage of the holiday lights for Santa Monica Boulevard associated with Santa Monica Boulevard Maintenance District, Zones 1, 2 and 3.*

**ACTION:** 1) Approve an agreement with Dekra-Lite in an amount not-to-exceed \$101,276.00 for the installation, repair and storage of the holiday lights including purchase of new LED string lights along Santa Monica Boulevard for the 2009 holiday season; and 2) Authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

**2.H. AGREEMENT FOR SERVICES WITH THE WEST HOLLYWOOD MARKETING AND VISITORS BUREAU [R. REYNOLDS, J. HUFFER, M. LOUIE]:**

*The City Council will consider entering into an agreement with the West Hollywood Marketing and Visitors Bureau (MVB) for the development and maintenance of the WH Insiders program.*

**ACTION:** 1) Approve an agreement with the MVB in an amount not-to-exceed \$25,000.00 for the development and maintenance of the WH Insiders program; and 2) Authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

**2.I. CONTRACT WITH ARCHITECTURAL RESOURCES GROUP [A. MCINTOSH, J. KEHO, J. CHASE]:**

*The City Council will consider approving a contract with Architectural Resources Group (ARG) to complete and present nomination forms for Cultural Resource Designation for properties identified as potential eligible for Cultural Resource status in the Historic Resources Inventory update.*

**ACTION:** This Item was moved to the Excluded Consent Calendar.

**2.J. EXTENSION OF THE TERM OF A PROMISSORY NOTE WITH THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION FOR THE 8-UNIT AFFORDABLE HOUSING PROJECT LOCATED AT 1123 NORTH DETROIT STREET [A. WINDERMAN, J. SKORNECK, E. SAVAGE]:**

*The City Council will consider extending the term of a promissory note of \$80,000 to the West Hollywood Community Housing Corporation for an additional five year term to June 12, 2014 for the 8-unit affordable housing project at 1123 North Detroit Street.*

**ACTION:** 1) Approve an extension to the promissory note with the West Hollywood Community Housing Corporation in favor of the City, which will extend the term of the promissory note for an additional, and final, five-year term, from June 12, 2009 to June 12, 2014, for the property located at 1123 North Detroit Street.; and 2) Authorize the City Manager to sign the extension and any related documents. **Approved as part of the Consent Calendar.**

**2.K. NATIONAL NIGHT OUT AGAINST CRIME IN WEST HOLLYWOOD [K. COOK, L. MANUKIAN]:**

*The City Council will consider designating Tuesday, August 4, 2009 as National Night Out in West Hollywood and approve various administrative requests to assist in the success of thirteen National Night Out events.*

**ACTION:** 1) Proclaim August 4, 2009 "National Night Out" in West Hollywood; 2) Approve all street closures for National Night Out block parties; and 3) Approve the City's official sponsorship of all West Hollywood National Night Out events and waive all City fees associated with this event. **Approved as part of the Consent Calendar.**

**2.L. SUPPORT S. 909 "THE MATTHEW SHEPARD HATE CRIMES PREVENTION ACT" [J. DURAN, H. MOLINA, L. HORVATH, D.SAUR]:**

*The City Council will consider adopting a resolution supporting S. 909, which will increase resources for the prosecution of hate crimes by states, counties and other local districts.*

**ACTION:** 1) Adopt RESOLUTION 09-3869 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF S. 909 THE MATTHEW SHEPARD HATE CRIMES PREVENTION ACT"; and 2) Direct staff to send copied of the adopted resolution to Senators Edward Kennedy, Dianne Feinstein and Barbara Boxer, Rep. Henry Waxman and the Matthew Shepard Foundation. **Approved as part of the Consent Calendar.**

**2.M. SUPPORT OF AB 988 (BROWNLEY) HUMAN TRAFFICKING: TRAINING CONTENT [C. PLANCK, L. FOOKS, M. HORNER]:**

*The City Council will consider adopting a resolution in support of AB 988 (Brownley) Human Trafficking: Training Content.*

**ACTION:** 1) Adopt Resolution No. 09-3870, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 988 (BROWNLEY) HUMAN TRAFFICKING: TRAINING CONTENT"; and 2) Send copies of the signed resolutions to State Senator Fran Pavley, Assemblymember Mike Feuer, Assemblymember Julia Brownley, the Coalition to Abolish Slavery and Trafficking and Polaris Project. **Approved as part of the Consent Calendar.**

**2.N. SUPPORT OF AB 392 (FEUER & JONES), OMBUDSMAN PROGRAM AND THE SENIOR LEGAL HOTLINE FUNDING RESTORATION [L. HORVATH, D. SAUR, M. HORNER]:**

*The City Council will consider adopting a resolution in support of AB 392 (Feuer & Jones), Ombudsman Program and the Senior Legal Hotline.*

**ACTION:** 1) Adopt Resolution No. 09-3871, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 392 (FEUER & JONES). OMBUDSMAN PROGRAM AND THE SENIOR LEGAL HOTLINE FUNDING RESTORATION"; and 2) Send copies of the signed resolutions to State Senator Fran Pavley, Assemblymember Mike Feuer, Assemblymember Dave Jones, Governor Arnold Schwarzenegger, California Advocates for Nursing Home Reform, California Alliance for Retired Americans, AARP California, and to Jewish Family Services Los Angeles. **Approved as part of the Consent Calendar.**

**2.O. SUPPORT OF H.R. 2492 (LEVIN & TIBERI), REGARDING TAXATION OF FORGIVEN STUDENT LOANS [L. HORVATH, D. SAUR, J. HEILMAN, F. SOLOMON, T. LIN]:**

*The City Council will consider adopting a resolution in support of H.R. 2492 (Levin & Tiberi), regarding the taxation of forgiven student loans.*

**ACTION:** 1) Adopt Resolution No. 09-3872, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF H.R. 2492 (LEVIN & TIBERI), REGARDING TAXATION OF FORGIVEN STUDENT LOANS"; and 2) Send copies of the signed resolutions to Representative Sander Levin Representative Pat Tiberi, Representative Henry Waxman and the American Association of University Women. **Approved as part of the Consent Calendar.**

**2.P. SUPPORT OF THE MAYORS AGAINST ILLEGAL GUNS COALITION'S PLAN TO ENFORCE EXISTING GUN LAWS [A. ALND, C. PLANCK, L. HORVATH, D. SAUR, T. LIN]:**

*The City Council will consider adopting a resolution in support of enforcing existing gun laws.*

**ACTION:** 1) Adopt Resolution No. 09-3873, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF ENFORCING EXISTING GUN LAWS"; and 2) Direct staff to send copies of the resolution to Mayors Against Illegal Guns, Women Against Gun Violence, Brady Campaign to Prevent Gun Violence, President Barack Obama, Representative Henry Waxman, Senator Dianne Feinstein, and Senator Barbara Boxer. **Approved as part of the Consent Calendar.**

**3. PUBLIC HEARINGS:**

**3.A. REQUEST TO ERECT A TALL WALL BILLBOARD [A. MCINTOSH, J. KEHO, C. CORRAO]:**

*The City Council will hold a public hearing to consider an application by Jeffrey Seymour to erect a tall wall billboard on the east face of the high rise building located at 9000 Sunset Boulevard.*

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

Councilmember Duran spoke regarding a potential conflict of interest due to the location of his business within 500 feet of the property, and provided clarification to rebut the presumption of materiality.

Chris Corrao, Assistant Planner, provided background information as outlined in the staff report dated July 20, 2009.

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

JEFF SEYMOUR, THE APPLICANT, spoke in support of the Item.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of the Item and spoke regarding the possibility of the City receiving funds from billboards and tall walls located in the City.

SHARON SANDOW, EXECUTIVE DIRECTOR OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of the Item.

JOSEPH CLAPSADDLE, WEST HOLLYWOOD, spoke in support of the Item.

TONY CANZONERI, MALIBU, spoke in support of the Item.

HARRIET SEGAL, WEST HOLLYWOOD, spoke in opposition to the Item.

JACQUELINE SAINT ANNE, WEST HOLLYWOOD, spoke in opposition to the Item.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the Item.

JEFF SEYMOUR, THE APPLICANT, provided rebuttal.

Mayor Pro Tempore Heilman requested clarification from City staff regarding City efforts to investigate the trees and greenery at the property site.

Mayor Land closed the public hearing.



Mayor Pro Tempore Heilman spoke in support of the design and in support of the Item. He spoke regarding the owners past record of maintaining their buildings in the City. He spoke regarding the monetary benefits to the City for approving the project.

Councilmember Horvath spoke in support of the design and in support of the Item.

Councilmember Duran spoke regarding the limitations of the City to tax tall walls and billboards and in support of the use of a development agreement to provide monetary benefits to the City.

Councilmember Prang spoke regarding the use of the name super graphics in place of tall walls. He spoke regarding an inconsistency in the past approvals of billboards and tall walls on Sunset, and the City's improved regulations over the past few years. He spoke in support of the design and in support of the Item. He spoke regarding the need to monitor the impacts on the neighborhood.

Mayor Land commended the owners of the property for the maintenance of their buildings and their contributions to the City. She spoke in support of the City having flexibility to approve a future project at the James Hotel location. She spoke in opposition to covering the building with a tall wall. She spoke in support of using development agreements to provide monetary benefits to the City for tall walls and billboards.

City Attorney Jenkins requested that the City Council amend their motion to replace the first two recommended resolutions in the staff report with ordinances to be introduced on first reading.

**ACTION:** Staff recommends that the City Council hold the public hearing, consider all pertinent testimony, and recommend approval of the application request by adopting the following: 1) Introduce on first reading Ordinance No. 09-821, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD, APPROVING DEVELOPMENT AGREEMENT 2009-001, ASSOCIATED WITH A 6,500-SQUARE-FOOT TALL WALL BILLBOARD ON THE EAST FACE OF AN EXISTING HIGH RISE BUILDING, LOCATED AT 9000 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." (EXHIBIT A); 2) Introduce on first reading Ordinance No. 09-822, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD, ADOPTING ZONING MAP AMENDMENT 2009-002, IN CONJUNCTION WITH DEVELOPMENT AGREEMENT 2009-001, FOR THE PROPERTY LOCATED AT 9000 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." (EXHIBIT B); and 3) Adopt Resolution No. 09-3874, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING CONDITIONAL USE [TALL WALL] PERMIT 2008-001, FOR THE ERECTION OF A 6,500-SQUARE-FOOT TALL

WALL BILLBOARD ON THE EAST FACE OF AN EXISTING HIGH RISE BUILDING, LOCATED AT 9000 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA.” (EXHIBIT C) **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Horvath and approved with Mayor Land voting NO. An amended motion by Mayor Pro Tempore Heilman, seconded by Councilmember Horvath to rescind two of the resolutions proposed in the staff report and replace those resolutions with ordinances to be introduced on first reading. Approved with Mayor Land voting NO.**

**3.B ZONE TEXT AMENDMENT 2008-005 UPDATING THE DEFINITIONS THAT APPLY TO THE CULTURAL HERITAGE PRESERVATION ORDINANCE [A. MCINTOSH, J. KEHO, F. CONTRERAS]:**

*The City Council will hold a public hearing to consider an amendment of the City of West Hollywood Zoning Ordinance to include in its definitions the 2008 R2, R3, R4 Multi-Family Survey Report (2008 Survey Update) and include the identified properties in the 2008 Survey Update as potential cultural resources.*

**ACTION:** CONTINUE the Item to a date uncertain. **Motion by Councilmember Prang, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

**4. UNFINISHED BUSINESS:**

**4.A. POTENTIAL GARDEN COURT THEMATIC GROUPING [A. MCINTOSH, J. KEHO, F. CONTRERAS]:**

*Staff will present a report on the status of the Potential Garden Court Thematic Grouping and present the list of properties identified as contributors in the Potential Garden Court Thematic Grouping.*

Francisco Contreras, Senior Planner, provided background information as outlined in the staff report dated July 20, 2009.

Councilmember Horvath requested clarification of the actions being taken by Council and their effect on the proposed properties.

Mayor Pro Tempore Heilman provided further clarification of the history of the Garden Court Thematic Grouping process. He spoke in support of including the property owners in the discussion of the creation of a Garden Court Thematic Grouping.

Mayor Land expressed concerns regarding creating a thematic district. She requested clarification of the actions being taken by Council and their effect on the proposed properties.

Councilmember Duran spoke in support of a Garden Court Thematic Grouping. He spoke in support of notifying the impacted property owners if the Item is continued.

Councilmember Prang spoke in support of a Garden Court Thematic Grouping. He spoke in support of TABLING the Item, with direction to staff to return in 60 days.

**ACTION:** TABLE the Item, with additional direction to staff to 1) return to City Council in 60 days, and 2) notify the owners of the identified properties. **Motion by Councilmember Prang, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

**4.B. MEDICAL MARIJUANA DISPENSARY REGULATION [J. ENGLISH, L. BELSANTI, A. MCINTOSH, J. KEHO, L. YELTON, O. DELGADO, J. AUBEL]:**

*The City Council will consider directing staff to create a new category of license under the West Hollywood Business License ordinance regarding the regulation of medical marijuana dispensaries.*

Lisa Belsanti, Management Analyst, provided background information as outlined in the staff report dated July 20, 2009.

JAIME GREEN, WEST HOLLYWOOD, spoke in support of the Item.

ED BUCK, WEST HOLLWYOOD, spoke in support of the Item.

GEORGE LANNING, WEST HOLLYWOOD, spoke in support of the Item.

DON DUNCAN, LOS ANGELES, spoke in support of the Item.

TERESA RANDOLPH, WEST HOLLYWOOD, spoke in support of the Item.

RICHARD EASTMAN, LOS ANGELES, spoke in support of the Item.

GARY LEE HULL, SAN PEDRO, spoke in support of the Item.

MARK LEHMAN, WEST HOLLYWOOD, spoke in support of the Item.

JASON BECK, WEST HOLLYWOOD, spoke in support of the Item.

TOM DEMILLE, WEST HOLLYWOOD, spoke in opposition to the Item.

TERRY LEFTGOFF, WEST HOLLYWOOD, spoke in support of the Item.

JOANNE LAFORCE, SANTA BARBARA, spoke in support of the Item.

PATRICK WIZMAN, LOS ANGELES, spoke in support of the Item.

WILLIAM LEAHY, LOS ANGELES, spoke in support of the Item.

PHILIP BARBOUR, WEST HOLLYWOOD, spoke in support of the Item.

HEATHER REM, WEST HOLLYWOOD, spoke in support of the Item.

JASON MACLEOD, WEST HOLLYWOOD, spoke in support of the Item.

SUSAN LEAHY, LOS ANGELES, spoke in support of the Item.

STEPHEN JOHNSON, WEST HOLLYWOOD, spoke in support of the Item.

SCOTT IMLER, WEST HOLLYWOOD, spoke regarding the dispensaries currently located in the City and their potential non-compliance with state law.

Councilmember Horvath requested further clarification of the process of obtaining a business license under the proposed recommendations.

Councilmember Duran spoke regarding the history of the establishment of the first medical marijuana dispensary in the City and the passage of California Proposition 215. He spoke regarding the difficulties of regulating dispensaries under the current state and federal laws. He spoke regarding the possibility of putting a measure on an upcoming City ballot for voters to consider taxing the dispensaries. He spoke in support of converting to a business license process for approval and regulation of dispensaries in the City. He spoke regarding the need to protect medical marijuana users who have criminal records due to patronizing former medical marijuana dispensaries. He spoke regarding the need to monitor cultivation and growth issues in the City, particularly in regards to environmental impacts. He spoke in support of the Item. He spoke in support of grandfathering the current dispensaries.

Councilmember Prang thanked City staff for bringing the Item forward. He spoke in support of the Item, and in support of converting to a business license process for approval and regulation of dispensaries. He spoke regarding public comment surrounding non-compliance with current state law, and the difficulties of regulating dispensaries under the current state and federal laws. He spoke in support of grandfathering the current dispensaries.

Mayor Pro Tempore Heilman thanked the residents who spoke regarding the Item and City staff for bringing the Item forward. He requested

clarification from City staff regarding the conversion to a business license process for approval and regulation of dispensaries. He expressed concerns regarding cultivation regulations in the City. He spoke in support of grandfathering the current dispensaries. He spoke regarding the need for the current dispensaries to continue to make efforts to monitor their operations, the impacts on the neighborhood, and safety issues.

Mayor Land spoke in support of grandfathering the current dispensaries. She spoke in support of converting to a business license process for approval and regulation of dispensaries. She spoke regarding the possibility of directing staff to explore the possibility of mandating a compassionate care program to require dispensaries to provide medical marijuana to low-income residents in need. She spoke regarding the possibility of creating a special tax for medical marijuana dispensaries.

Councilmember Horvath thanked the residents who spoke regarding the Item. She spoke regarding public safety concerns surrounding dispensaries, both in the surrounding neighborhoods and safety issues at the dispensaries themselves. She spoke regarding the need for new dispensaries to be mindful of the regulations and to be proactive in the community.

Councilmember Duran expressed concerns regarding mandating a compassionate care program to require dispensaries to provide medical marijuana to low-income residents in need, and the possible legal ramifications. He expressed concerns regarding the limitations on cultivation in the City and impacts on how dispensaries will continue to acquire medical marijuana.

Mayor Pro Tempore Heilman spoke regarding mandating a compassionate care program to require dispensaries to provide medical marijuana to low-income residents in need, and the possibility of including the issue in the zoning and business license requirements for dispensaries.

**ACTION:** 1) Direct staff to allow medical marijuana dispensaries as an automatically permitted use, rather than a conditionally permitted use, in the zoning code; 2) Direct staff to bring forward a business license ordinance with the same requirements as presently exists in the zoning ordinance relative to medical marijuana dispensaries, adding requirements such as criminal background checks and compliance with all State Attorney General Guidelines, and mandates sales tax remittance to the City of West Hollywood; 3) Give staff direction to waive the location requirement for all permitted medical marijuana dispensaries open and in continuous operation since January 16, 2007 and keep the numerical limit at four dispensaries; 4) Give staff direction to add language that defines

any facility used for the growth or cultivation of marijuana plants as a medical marijuana dispensary; and 5) give additional direction to staff to create a compassionate care program as part of the business license agreement for medical marijuana dispensaries. **Carried by Consensus of the Council.**

**4.C. ENVIRONMENTAL TASK FORCE REPORT IMPLEMENTATION - COST AND FEASIBILITY ESTIMATES [J. ENGLISH, L. BELSANTI]:**

*The City Council will consider implementation plans and estimates from the approved West Hollywood Environmental Task Force (WHETF) recommendations.*

Lisa Belsanti, Management Analyst, provided background information as outlined in the staff report dated July 20, 2009.

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

Mayor Pro Tempore Heilman spoke regarding the need to continue to monitor implemented regulations to determine their effectiveness. He spoke regarding the need to create a strategic plan for the City to identify additional green space in the City.

Mayor Land thanked City staff and the Environmental Task Force for all their efforts to bring the Item forward.

**ACTION:** 1) Approve implementation plans currently budgeted for in current 2009/2010 budget; and 2) Direct staff to present WHETF implementation plans as highest priority for consideration in the 2010/2012 budget. **Motion by Councilmember Duran, seconded by Councilmember Prang and unanimously approved.**

**4.D. APPOINTMENT OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES [T. WEST, C. SCHAFFER, G. VESPOINT]:**

*The City Council will consider appointing a Voting Delegate and Voting Delegate – Alternate(s) for the League of California Cities in preparation for their upcoming Annual Conference.*

**ACTION:** The City Council appointed Councilmember Horvath as the Voting Delegate and Mayor Land as the Voting Delegate – Alternate to the Annual Conference of the League of California Cities.

**5. NEW BUSINESS:**

**5.A. WATER CONSERVATION AND DROUGHT RESPONSE [O. DELGADO, S. PERLSTEIN]:**

*The City Council will receive a report from the Beverly Hills Water Department regarding water conservation and drought response.*

Sharon Perlstein, City Engineer, and Shawna Epstein, from the City of Beverly Hills, provided background information as outlined in the staff report dated July 20, 2009.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the increased use of water in conjunction with large development projects in the City.

LAUREN MEISTER, WEST HOLLYWOOD, spoke regarding the increased use of water in conjunction with large development projects in the City. She also spoke regarding the confusion in the current Municipal Code regarding automatic watering systems for residents.

Councilmember Prang requested clarification from Beverly Hills staff regarding additional charges to West Hollywood residents.

Councilmember Duran requested clarification from staff regarding the percentage of required water conservation for West Hollywood residents as compared to Los Angeles residents.

Mayor Land requested clarification from staff regarding the notification of residents of conservation requirements. She requested clarification from staff regarding enforcement efforts of conservation requirements. She spoke regarding public comment surrounding the current Municipal Code and the possibility of amending the code to simplify it for residents.

Mayor Pro Tempore Heilman spoke regarding public comment surrounding the current Municipal Code and the possibility of amending the code to simplify it for residents. He expressed concerns regarding the watering of City medians in the early morning hours when night clubs are letting out, and requested staff to investigate the issue.

Councilmember Horvath requested further clarification from staff regarding enforcement efforts of conservation requirements, and the possibility of increasing enforcement efforts in the future. She requested clarification from Beverly Hills staff regarding the impacts on water usage with the approval of large development projects in Beverly Hills.

Councilmember Duran spoke regarding the possibility of receiving more data from the City of Beverly Hills regarding the impacts on water usage in conjunction with the approval of large development projects.

**ACTION:** Receive and file. **Carried by Consensus of the Council.**

- 5.B SET DATE FOR THE ANNUAL CONGRESS FOR COMMISSIONS AND ADVISORY BOARDS [T. WEST, C. SCHAFFER]:**  
*The City Council will consider scheduling the Annual Congress for Commissions and Advisory Boards.*

**ACTION:** The City Council scheduled the Annual Congress for Commissions and Advisory Boards on the following date: Saturday, November 14, 2009 - 8:30 AM to 1:30 PM.

**5.C. 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.*

JASON BECK, WEST HOLLYWOOD, spoke regarding his application to the Project Advisory Committee.

**ACTION:** 1) Councilmember Duran made the following direct appointments to City Commissions: Business License Commission – Neill Murchison; Historic Preservation Commission – Keith Anthony; Transportation Commission – Brian Pendleton.

2) Councilmember Horvath made the following direct appointments to City Commissions: Arts & Cultural Affairs Commission – Peter Mays; Business License Commission – Mike Oh; Historic Preservation Commission – Gail Ostergren; Human Services Commission – Hywel Sims; Planning Commission – Joseph Guardarrama; Public Facilities Commission – Robert Kalonian; Public Safety Commission – Stacey Elizabeth Jones; Rent Stabilization Commission – Rob Bergstein; Transportation Commission – Luis Marquez.

3) Mayor Pro Tempore Heilman made the following direct appointments to City Commissions: Arts & Cultural Affairs Commission – Ken Sherman; Rent Stabilization Commission – David Gregoire.

4) The City Council made the following at-large appointments to City Commissions: Arts & Cultural Affairs Commission – Jon Bailey and Madeleine Rackley; Business License Commission – Erik Barker and Sibyl Zaden; Historic Preservation Commission – Danny Castro and Bruce Kaye; Human Services Commission – Shirley Roberts and Mark Zangrando; Planning Commission – Alan Bernstein and Sue Buckner; Public Safety Commission – Sam Borelli and Barry Greenfield; Transportation Commission – Kathryn Page and Scott Schmidt.

5) The City Council made the following at-large appointments to the Senior Advisory Board – Esther Baum; Sofia Gelman; Werner Haas; Barbara Krupa; Efim Kutz; Bernice Levin; Rita Norton; Ric Rickles; Muriel Schoichet; Mark Skibinsky.

**EXCLUDED CONSENT CALENDAR:**

**2.I. CONTRACT WITH ARCHITECTURAL RESOURCES GROUP [A. MCINTOSH, J. KEHO, J. CHASE]:**

*The City Council will consider approving a contract with Architectural Resources Group (ARG) to complete and present nomination forms for*



*Cultural Resource Designation for properties identified as potential eligible for Cultural Resource status in the Historic Resources Inventory update.*

**ACTION:** 1) Approve the contract with ARG for the Scope of Work; with additional direction to staff to bifurcate the proposed contract and Scope of Work to only include the 34 properties in the Historic Resources Inventory that were already approved by Council for consideration of possible Cultural Resource Status, and to eliminate the Potential Garden Court Thematic Grouping from the contract; 2) Authorize the Director of Finance and Technology Services to draw down from already budgeted funds for completion of the survey nominations as authorized by Council in adopting this item; and 3) Authorize the City Manager to execute the contract in a format approved by the City Attorney. **Motion by Councilmember Prang, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

**PUBLIC COMMENT: None.**

**6. LEGISLATIVE:**

**6.A. PROPOSED ORDINANCE: BICYCLES AND OTHER WHEELED DEVICES ON SIDEWALKS [A. MCINTOSH, K. COOK, T. SLIMMER]:**

*The City Council will consider an ordinance amending the regulations governing the operation of bicycles and other wheeled devices on sidewalks and amending the West Hollywood Municipal Code.*

Terri Slimmer, Transportation and Transit Manager, provided background information as outlined in the staff report dated July 20, 2009.

Councilmember Horvath requested further clarification from staff regarding a possible speed limit for bicycles on sidewalks.

Councilmember Prang spoke in support of the proposed ordinance. He encouraged bicyclists who ride on sidewalks to be respectful of pedestrians. He spoke regarding the need for enforcement of the ordinance. He thanked City staff for bringing the Item forward.

Councilmember Horvath expressed concerns with allowing bicyclists on sidewalks and the need for stricter regulations to protect pedestrians.

Mayor Land spoke in support of additional outreach and education to the public to encourage bicyclists to be respectful of pedestrian safety.

**ACTION:** Introduce on first reading Ordinance No. 09-823, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE TRAFFIC CODE TO REGULATE THE OPERATION OF BICYCLES, SKATEBOARDS AND OTHER WHEELED DEVICES ON SIDEWALKS AND TO PROHIBIT SKATEBOARDING IN CITY PARKING FACILITIES".

**Motion by Councilmember Duran, seconded by Councilmember Prang and approved with Councilmember Horvath voting NO.**

**COUNCILMEMBER COMMENTS:**

Councilmember Duran requested the City Manager to return to Council with an update on the California State Budget when it is approved.

City Manager Arevalo introduced the new Deputy City Manager and Director of Community Development, Anne Browning McIntosh.

**ADJOURNMENT:** The City Council adjourned at 10:31 P.M. in memory of Bob Mitchell, Mark Edsel, Walter Cronkite, 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, August 3, 2009 at 6:30 P.M. at West Hollywood City Hall, 8300 Santa Monica Blvd.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 3<sup>rd</sup> day of August, 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