

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, JULY 13, 2009  
WEST HOLLYWOOD PARK  
647 N. SAN VICENTE BOULEVARD**

**CALL TO ORDER:** Mayor Land called the meeting to order at 6:58 P.M.

**PLEDGE OF ALLEGIANCE:** Jimmy Palmieri 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 were three (3) public speakers. He stated that the closed session adjourned at 6:45 P.M. with no reportable action taken.

**APPROVAL OF AGENDA:**

Councilmember Duran requested that Item 4.A. be moved to the Consent Calendar as Item 2.Z.

**Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Horvath to approve the July 13, 2009 agenda as amended, and unanimously approved.**

**ADJOURNMENT MOTIONS:**

Councilmember Horvath requested that the meeting be adjourned in memory of Marcella M. Meyer, a long-time advocate for the deaf community.

Councilmember Prang requested that the meeting be adjourned in memory of Sylvia Levin, a long-time advocate for California voters.

Mayor Pro Tempore Heilman requested that the meeting be adjourned in memory of John and Ann Curtis, the parents of West Hollywood resident Jim Curtis.

Mayor Land requested that the meeting be adjourned in memory of former State Legislator Herschel Rosenthal. She requested that the meeting be adjourned in memory of Christopher Agasta, who recently committed suicide. She requested that the meeting be adjourned in memory of Samuel Jenefsky, a mathematician who invented math tools for the visually impaired. She requested that the meeting be adjourned in

memory of Michael Jackson, Farrah Fawcett, Ed McMahon, Karl Malden, and Gale Storm.

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 Ordnance man Airman Darren Ethan Tate, Capt. Mark A. Garner, 2nd Lt. Derwin I. Williams, Sgt. Brock H. Chavers, Spc. Chester W. Hosford, Spc. Issac 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, 1st 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 Pro Tempore Heilman presented a proclamation to the Jeff Griffith Youth Center in recognition of their GED Preparation Program. He also presented certificates to the GED Program Graduates.

Mayor Land presented a proclamation in recognition of the 80<sup>th</sup> Anniversary of Hollywood Post 43, American Legion.

Mayor Land presented a plaque to outgoing Public Facilities Commissioner Yola Dore for her continued work and dedication to the City.

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

RIC RICKLES, WEST HOLLYWOOD, spoke in support of Items 2.T., 2.U., and 2.V., and thanked Councilmember Horvath for bringing the Items forward.

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

ESTHER BAUM, WEST HOLLYWOOD, spoke in support of affordable senior housing in the City.

BRAD KEISTLER, WEST HOLLYWOOD, spoke in support of bicyclists and bicycling in the City.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the hiring of consultants by local government agencies and the need for agencies to also consider community input in development decisions.

JAY LUCHS, BEVERLY HILLS, spoke in support of zoning and parking requirements that encourage retail businesses, particularly art galleries, to select West Hollywood as their location.

**COUNCILMEMBER COMMENTS:**

Councilmember Prang requested City staff to inspect crosswalks throughout the City and re-paint crosswalks where needed.

Councilmember Horvath spoke regarding the recent Great Composers event held by the Russian Advisory Board and Lesbian and Gay Advisory Board. She congratulated the London Hotel for being selected as the Number One Large City Hotel in a recent survey.

Councilmember Duran requested the City Manager to explore the possibility of increasing access to City databases to the public. He spoke regarding a recent Los Angeles Times article on tourism which highlighted the City of West Hollywood.

Mayor Land congratulated resident Barbara Meltzer, who was recently honored by the Los Angeles County Committee on Aging for her work in the community. She thanked City staff, Christopher Street West, the Lesbian and Gay Advisory Board, and everyone else involved in organizing the LGBT Pride events in the City. She spoke regarding an upcoming Meet the Mayor program in the City. She spoke regarding a recent event held in the City by SGI USA, an American Buddhist organization promoting peace and charity.

The City Council wished Councilmember Horvath a happy birthday.

**CITY MANAGER'S REPORT: None.**

**FISCAL IMPACT ON CONSENT CALENDAR:**

City Clerk West stated that the fiscal impact on the Consent Calendar is \$343,800.00 in expenditures and \$-3,386.00 in potential revenue.

**2. CONSENT CALENDAR:**

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.,X.,Y.,Z.

**Motion by Councilmember Duran, seconded by Councilmember Prang and unanimously approved.**

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

*The agenda for the meeting of Monday, July 13, 2009 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, July 9, 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 June 15, 2009. **Approved as part of the Consent Calendar.**

**2.C. DEMAND REGISTER NO. 629, RESOLUTION NO. 09-3856:**

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

**ACTION:** Approve Demand Register No. 629 and adopt Resolution No. 09-3856, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 629." **Approved as part of the Consent Calendar.**

**2.D. TREASURER'S REPORT FOR MAY 2009:**

*The City Council will receive the Treasurer's Report for the month ended May 2009 pursuant to Section 53646 of the Government Code of the State of California.*

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

**2.E. 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 Melissa Small and Marcella Mitchelson and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

**2.F. ORDINANCE NO. 09-815 (2<sup>ND</sup> READING), APPROVING AND ADOPTING THE SECOND AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE EAST SIDE PROJECT AREA [T. WEST, C. SCHAFFER]:**

*The City Council will waive further reading and adopt Ordinance No. 09-815, a proposed ordinance approving and adopting the Second Amendment to the Redevelopment Plan for the East Side Project Area.*

**ACTION:** Waive further reading and adopt Ordinance No. 09-815, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD APPROVING AND ADOPTING THE SECOND AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE EAST SIDE PROJECT AREA." **Approved as part of the Consent Calendar.**

**2.G. ORDINANCE NO. 09-816 (2<sup>ND</sup> READING), DAYTIME PARKING REGULATIONS ON NORMA PLACE [T. WEST, C. SCHAFFER]:**

*The City Council will waive further reading and adopt Ordinance No. 09-816, a proposed ordinance implementing daytime parking regulations on Norma Place and amending the West Hollywood Municipal Code.*

**ACTION:** Waive further reading and adopt Ordinance No. 09-816, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08.200 OF THE WEST HOLLYWOOD MUNICIPAL CODE IMPLEMENTING DAYTIME PARKING REGULATIONS ON NORMA PLACE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

**2.H ORDINANCE NO. 09-817 (2<sup>ND</sup> READING), REGARDING HISTORIC RESOURCE NOMINATION PROCEDURES THAT APPLY TO PROVISIONS OF CHAPTER 19.58 (CULTURAL HERITAGE PRESERVATION ORDINANCE) [T. WEST, C. SCHAFFER]:**

*The City Council will waive further reading and adopt Ordinance No. 09-817, a proposed ordinance amending Title 19 (Zoning Ordinance) of the Municipal Code regarding Historic Resource Nomination Procedures that apply to provisions of Chapter 19.58 (Cultural Heritage Preservation Ordinance).*

**ACTION:** Waive further reading and adopt Ordinance No. 09-817, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 19 (ZONING ORDINANCE) OF THE MUNICIPAL CODE REGARDING HISTORIC RESOURCE NOMINATION PROCEDURES THAT APPLY TO PROVISIONS OF CHAPTER 19.58 (CULTURAL HERITAGE PRESERVATION ORDINANCE)." **Approved as part of the Consent Calendar.**

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

*The City Council will receive reports from the Disabilities Advisory Board, Project Advisory Committee, Public Facilities Commission, Public Safety Commission and Senior Advisory Board on actions taken at their recent meetings.*

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

**2.J. AUTHORIZATION TO APPROVE AN AGREEMENT FOR CONSULTANT SERVICES WITH JOAN SATT [O. DELGADO, S. PERLSTEIN]**

*The City Council will consider approving a contract with Joan Satt, a consultant, to provide public education for the City's solid waste and recycling programs.*

**ACTION:** Approve a contract with Joan Satt for professional consulting services for a total amount not to exceed \$40,000 for solid waste and recycling public education, and authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

**2.K. NOTICE OF COMPLETION FOR CIP 0902 SEWER REPAIR AND REHABILITATION PHASE 1 [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider approving the Notice of Completion for CIP 0902 Sewer Repair and Rehabilitation Phase 1 by Insituform Technologies, 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.L. NOTICE OF COMPLETION FOR CIP 0906 WEST HOLLYWOOD PARK PARKING LOT ON BALL FIELD [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider approving the Notice of Completion for CIP 0906 West Hollywood Park Parking Lot on Ball Field by Century Paving, 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.M. AWARD OF CONSTRUCTION CONTRACT FOR CIP 1001, CONCRETE REPAIR PROGRAM [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider awarding a construction contract for the Concrete Repair Program, CIP 1001.*

**ACTION:** 1) Accept the bid dated June 16, 2009, submitted by CJ Concrete Construction, Inc.; 2) Authorize the City Manager to enter into a contract with CJ Concrete Construction, Inc. in the amount of \$303,800.00 for the construction of CIP 1001, Concrete Repair Program; and 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. **Approved as part of the Consent Calendar.**

**2.N. APPROVAL OF FINAL TRACT MAP NO. 60860 FOR THE CONDOMINIUM PROJECT LOCATED AT 912 SAN VICENTE BOULEVARD [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider the approval of Final Tract Map No. 60860, a five unit condominium, located on San Vicente Boulevard, between Cynthia Street and Sunset Boulevard.*

**ACTION:** 1) Make findings for the Final Tract 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; and 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 Tract Map No. 60860; and 3) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 60860 the certificate that embodies the approval of said map. **Approved as part of the Consent Calendar.**

**2.O. ESTABLISHING A LIVING WAGE RATE FOR 2009-2010 [V. LOVE, T. BROWN]:**

*The City Council will consider adopting a resolution that establishes the living wage rate for 2009-2010 to be \$9.20/hr with health benefit contributions and \$10.53/hr without health benefit contributions.*

**ACTION:** Adopt Resolution No. 09-3857 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A LIVING WAGE RATE FOR 2009-2010 OF \$9.20HR WITH HEALTH BENEFIT CONTRIBUTIONS AND \$10.53/HR WITHOUT HEALTH BENEFIT CONTRIBUTIONS". **Approved as part of the Consent Calendar.**

**2.P. PROPOSED RESOLUTION AMENDING THE AFFORDABLE HOUSING SCHEDULE FOR THE INCLUSIONARY HOUSING PROGRAM [A. WINDERMAN, J. SKORNECK, E. SAVAGE]**

*The City Council will consider the adoption of a resolution that amends the Affordable Housing Schedules for the Inclusionary Housing Program by establishing the 2009-2010 rent levels, income requirements and unit sales price for inclusionary units.*

**ACTION:** Adopt Resolution No. 09-3858 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE AFFORDABLE HOUSING SCHEDULES." **Approved as part of the Consent Calendar.**

**2.Q. CO-SPONSORSHIP OF THE "GREAT COMPOSERS" CONCERT SERIES [K. COOK, T. RODZINEK]:**

*The City Council will consider approval of the "Great Composers" concert series in Fiesta Hall at Plummer Park organized by Unity in Diversity Arts Foundation, a non-profit organization created to promote cultural heritage of the Russian-Speaking Community through partnership and contact with other cultural organizations. The concert series is co-sponsored by the City's Russian Advisory Board and the Lesbian and Gay Advisory Board.*

**ACTION:** 1) Approve the co-sponsorship of the “Great Composers” concert series; and 2) Direct the City of West Hollywood Public Information Office to help promote the concert series. **Approved as part of the Consent Calendar.**

**2.R. SUPPORT SENATE BILL (SB) 54 (LENO) [J. DURAN, H. MOLINA]:**

*The City Council will consider adopting a resolution supporting SB 54, which clarifies the rights of same-sex couples married outside of California.*

**ACTION:** 1) ADOPT RESOLUTION 09-3859 “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF SENATE BILL (SB) 54 (LENO)”;

and 2) Direct staff to send copied of the adopted resolution to Senators Mark Leno and Fran Pavley and Assemblymember Mike Feuer. **Approved as part of the Consent Calendar.**

**2.S. SUPPORT OF THE UNITING AMERICAN FAMILIES ACT (UAFA), H.R. 1024 (NADLER) & S. 424 (LEAHY) [J. DURAN, H. MOLINA, P. INDALL]:**

*The City Council will consider adopting a resolution in support of the Uniting American Families Act (UAFA), H.R. 1024 (Nadler) & S. 424 (Leahy).*

**ACTION:** 1) Adopt Resolution 09-3860 “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE UNITING AMERICAN FAMILIES ACT (UAFA), H.R. 1024 (NADLER) AND S. 424 (LEAHY)”;

and 2) Direct staff to send copies of the signed resolutions to Representative Jerrold Nadler, Senator Patrick Leahy, Representative Henry Waxman, Senator Barbara Boxer, Senator Dianne Feinstein, Lesbian and Gay Immigration Rights Task Force, Human Rights Coalition, International Network of Lesbian and Gay Officials, International Gay and Lesbian Human Rights Commission, and Pride At Work, AFL-CIO. **Approved as part of the Consent Calendar.**

**2.T. SUPPORT OF SB 38 (ALQUIST) THE SILVER ALERT PROGRAM [L. HORVATH, D. SAUR, R. MARTINEZ]:**

*The City Council will consider adopting a resolution in support of SB 38 (Alquist) The Silver Alert Program.*

**ACTION:** 1) Adopt Resolution 09-3861 “A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF SB 38 (ALQUIST) THE SILVER ALERT PROGRAM”;

and 2) Direct staff to send copies of signed resolution to California State Senators Elaine K. Alquist and Fran Pavley, Assemblymember Mike Feuer, U.S. Congressman Henry Waxman, CA Alliance for Retired Americans (CARA), Older Women’s League of CA, AARP, Alzheimer’s Association, Congress of CA Seniors, Aging Services of CA, National Association of Social Workers - CA Chapter, CA State Emergency Communications Committee, Family Caregiver Alliance, Pathways Home & Health



Hospice, Jewish Family Services, Alternative Living for the Aging, and the National Council of Jewish Women/ LA. **Approved as part of the Consent Calendar.**

**2.U. SUPPORT OF AB 324 (BEALL), REGARDING THE ELDER ECONOMIC DIGNITY ACT [L. HORVATH, D. SAUR, E. VALENCIA]:**

*The City Council will consider adopting a resolution in support of AB 324 (BEALL), regarding the Elder Economic Dignity Act.*

**ACTION:** 1) Adopt Resolution No. 09-3862, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 324 (BEALL), REGARDING THE ELDER ECONOMIC DIGNITY ACT"; and 2) Send copies of the signed resolutions to State Senator Fran Pavley, State Senator Carol Liu, Assemblymember Mike Feuer, Assemblymember Jim Beall, Governor Arnold Schwarzenegger, Insight Center for Community Economic Development, Women's Foundation of California, and to California Alliance for Retired Americans. **Approved as part of the Consent Calendar.**

**2.V. SUPPORT OF AB 329 (FEUER), CONCERNING THE REVERSE MORTGAGE ELDER PROTECTION ACT [L. HORVATH, D. SAUR, E. VALENCIA]:**

*The City Council will consider adopting a resolution in support of AB 329 (FEUER), regarding the Reverse Mortgage Elder Protection Act.*

**ACTION:** 1) Adopt Resolution No. 09-3863, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 329 (FEUER), CONCERNING THE REVERSE MORTGAGE ELDER PROTECTION ACT"; and 2) Send copies of the signed resolutions to State Senator Fran Pavley, Assemblymember Mike Feuer, Assemblymember Anthony Portantino, Governor Arnold Schwarzenegger, California Advocates for Nursing Home Reform, California Alliance for Retired Americans, AARP California, and to Jewish Family Service, Los Angeles. **Approved as part of the Consent Calendar.**

**2.W. SUPPORT OF AB 793 (JONES), CONCERNING EMPLOYMENT DISCRIMINATION [C. PLANCK, L. FOOKS, P. INDALL]:**

The City Council will consider adopting a resolution in support of AB 793 (Jones) concerning employment discrimination.

**ACTION:** 1) Adopt Resolution No. 09-3864, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 793 (JONES), CONCERNING EMPLOYMENT DISCRIMINATION"; and 2) Send copies of the signed resolution to Assembly member Dave Jones, State Senator Fran Pavley, Assembly member Mike Feuer and California NOW. **Approved as part of the Consent Calendar.**

**2.X. SUPPORT OF AB 1003 (PEREZ) CONCERNING DOMESTIC VIOLENCE GRANTS [C. PLANCK, L. FOOKS, P. INDALL]:**

*The City Council will consider adopting a resolution in support of AB 1003 (Perez), concerning domestic violence grants.*

**ACTION:** 1) Adopt Resolution No. 09-3865, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 1003 (PEREZ) CONCERNING DOMESTIC VIOLENCE GRANTS"; and 2) Send copies of the signed resolutions to State Senator Fran Pavley, State Assemblymembers Mike Feuer and John Perez and Equality California. **Approved as part of the Consent Calendar.**

**2.Y. SOLAR PERMIT FEE WAIVER [A. LAND, C. PLANCK]:**

*The City Council City will consider adopting a policy to waive permit fees on solar installations as a local incentive to encourage clean energy and green house gas reduction.*

**ACTION:** Direct staff to waive all City related permit fees on solar installation. **Approved as part of the Consent Calendar.**

**2.Z. (4.A.) MID-YEAR REPORT ON SOCIAL SERVICES PROGRAMS [L. LONG, D. DENNIS]:**

*The City Council will receive the mid-year report of Social Services contract programs.*

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

**3. PUBLIC HEARINGS:**

**3.A. ZONE TEXT AMENDMENT 009-003 (ECONOMIC HARDSHIP PACKAGE) [M. RYCHLICKI, J. KEHO, G. LEHOTSKY]:**

*The Council will consider amendments to the Zoning Ordinance that will provide clarification and enact an ordinance establishing temporary regulations superseding existing provisions of Chapter 19.54 (Temporary Use and Special Event Permits) regarding special events and Chapter 19.28 (Off Street Parking and Loading Standards) regarding off-street parking requirements in the Avenues of Art and Design.*

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

Genevieve Lehotsky, Contract Planner, provided background information as outlined in the staff report dated July 13, 2009.

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

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

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.

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

Councilmember Duran spoke in support of making the proposed revisions to the issuance of Class C permits permanent. He spoke in support of exploring changes in the permit process for restaurant entertainers to promote business in the City. He spoke in support of exploring the possibility of relaxing the regulations for real estate signage in the City.

Mayor Land requested further clarification from staff regarding the proposed restriction on special event permits for swap meets. She spoke in support of approving the proposed ordinance and monitoring the effects prior to making any changes permanent. She spoke in support of exploring changes in the permit process for restaurant entertainers to promote business in the City. She spoke in support of exploring the possibility of relaxing the regulations for real estate signage in the City.

Mayor Pro Tempore Heilman spoke in support of approving the proposed ordinance and monitoring the effects prior to making any changes permanent. He spoke in support of revisiting the number of Class B permits in the future.

Councilmember Prang spoke in support of the Item. He spoke in support of approving the proposed ordinance and monitoring the effects prior to making any changes permanent. He spoke in support of exploring changes in the permit process for restaurant entertainers to promote business in the City. He spoke in support of exploring the possibility of relaxing the regulations for real estate signage in the City.

Mayor Land closed the public hearing.

**ACTION:** 1) Introduce on the first reading 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". (EXHIBIT A); and 2) direct to staff to continue working with the Planning Commission to explore the possibility of changing real estate signage regulations and the definition of "Restaurant" in the Zoning Ordinance. **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Duran and unanimously approved.**

- 3.B. AMENDMENT TO THE ZONING ORDINANCE TO MODIFY THE STANDARDS FOR EXTENDED HOUR BUSINESSES AND OFF-SITE SALES OF ALCOHOL. (ZONE TEXT AMENDMENT 2008-007, 2008-008) [M. RYCHLICKI, J. KEHO, A. GALLO, J. ENGLISH, L. BELSANTI]:**  
*The City Council will hold a public hearing to consider amendments of the City of West Hollywood Zoning Ordinance regarding standards for extended hour businesses and off-site sales of alcohol.*

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

Adrian Gallo, Associate Planner, provided background information as outlined in the staff report dated July 13, 2009.

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

SAM BORELLI, WEST HOLLYWOOD, expressed concerns regarding the proposed ordinance and potential public safety issues.

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

Councilmember Duran and Councilmember Horvath requested further clarification of the proposed ordinances from staff.

Mayor Pro Tempore Heilman spoke in support of continuing to review the City's business license requirements to accommodate different types of businesses.

Councilmember Prang requested further clarification of the issuance of extended hours permits. He spoke regarding potential fiscal impacts arising from an increase in extended hours permits in the City.

Mayor Land thanked City staff and the Planning Commission for bringing the Item forward. She provided further clarification of the proposed ordinances.

Mayor Land closed the public hearing.

**ACTION:** 1) Introduce on first reading 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." (ATTACHMENT A) and 2) Introduce on first reading 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.” (ATTACHMENT B) **Motion by Councilmember Duran, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

**3.C. APPEAL OF THE PLANNING COMMISSION’S DECISION REGARDING BILLBOARD PERMIT 2008-002 FOR THE SIGN LOCATED AT 9015 SUNSET BOULEVARD [M. RYCHLICKI, J. KEHO, F. CONTRERAS]:**

*The City Council will consider an appeal, filed by Ace Outdoor Advertising, of the Planning Commission’s decision reinstating, with revisions, Billboard Permit 008-002, for the sign located at 9015 Sunset Boulevard, West Hollywood, CA.*

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

Francisco, Contreras, Senior Planner, provided background information as outlined in the staff report dated July 13, 2009.

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

ANDREW BILANZICH, ON BEHALF OF THE APPELLANT, spoke in support of the appeal and in opposition to the Item.

JOAN HENEHAN, CHAIR OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of the appeal and in opposition to the Item.

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

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the appeal and in support of the Item.

JOSEPH CLAPSADDLE, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

Councilmember Duran requested further clarification from staff regarding double-sided billboards.

Mayor Land closed the public hearing.

Councilmember Duran spoke regarding the balance between encouraging the creativity of billboards on the Sunset Strip and the need to protect residents from visual blight. He spoke in support of moving the issue into the development agreement process to allow the appellant to make

improvements to the current sign, while continuing to adhere to the City's zoning requirements.

Councilmember Prang requested further clarification from staff regarding the development agreement application process. He spoke in support of the City providing some flexibility to allow the appellant to make improvements to the current sign, while continuing to adhere to the City's zoning requirements. He spoke in support of the proposed resolution to deny the appeal.

Councilmember Horvath spoke in support of the proposed resolution to deny the appeal.

Mayor Pro Tempore Heilman spoke regarding the income generated from billboards in the City. He spoke in support of moving the issue into the development agreement process to allow the appellant to make improvements to the current sign, while continuing to adhere to the City's zoning requirements. He spoke regarding the unique aspects of this particular sign. He spoke in support of the proposed resolution to deny the appeal. He spoke in support of directing staff to waive additional fees for the development agreement application process for the sign at this location.

Mayor Land spoke in support of the proposed resolution to deny the appeal. She spoke in support of expediting the process. She spoke in support of moving the issue into the development agreement process to allow the appellant to make improvements to the current sign, while continuing to adhere to the City's zoning requirements.

**ACTION:** Adopt Resolution No. 09-3866, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEAL OF ACE OUTDOOR ADVERTISING AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO REINSTATE, WITH REVISIONS, BILLBOARD PERMIT 2008-002 FOR THE SIGN LOCATION AT 9015 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA" (EXHIBIT A); 2) with additional direction to staff to waive a portion of the applicant's fees for the submittal of a development agreement, limited to the amount they have already paid to the City for the initial application; and 3) direct staff to investigate the standards for future development agreements regarding billboards. **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Horvath and unanimously approved.**

**3.D. 1343 LAUREL AVENUE – COMPLIANCE WITH WRIT OF MANDATE [M. JENKINS, M. RYCHLIKCI, J. KEHO, N. GAPPER]:**

*The City Council is requested to adopt a resolution: 1) rescinding and declaring void the May 3 and August 9, 2004 versions of the Conditional*

*Agreement for the Conveyance and Development of Property (“conditional agreement”) pertaining to the senior affordable housing project proposed to be constructed at 1343 Laurel Avenue in the City, and 2) concluding that the Environmental Impact Report (“EIR”) certified in October 2006 need not be supplemented or amended under the provisions of Public Resources Code section 21166 based on the analysis contained in the report prepared by EDAW, Inc. dated July 6, 2009 both actions as prescribed by the judgment entered on April 23, 2009 in the case entitled Save Tara v. City of West Hollywood, Los Angeles Superior Court Case No. BS 090402. The City Council is further requested to approve the Second Amendment to Lease memorializing the rescission of the conditional agreement and assigning the interests of Laurel Place West Hollywood to 1343 Laurel LLC.*

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

Michael Jenkins, City Attorney; John Keho, Planning Manager; and the EDAW Consultant provided background information as outlined in the staff report dated July 13, 2009.

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

ARTHUR PUGSLEY, LOS ANGELES, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

ROY OLDENKAMP, WEST HOLLYWOOD, spoke in opposition to the Item and in support of using the property to perform marriage ceremonies.

ESTHER BAUM, WEST HOLLYWOOD, spoke in support of the proposed senior housing development at the site.

LAUREN MEISTER, WEST HOLLYWOOD, spoke regarding concerns surrounding the water use analysis in the report prepared by EDAW.

ALLEGRA ALLISON, WEST HOLLYWOOD, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

RIC RICKLES, WEST HOLLYWOOD, spoke in support of the proposed senior housing development at the site.

DANIEL WATSON, LOS ANGELES, spoke in opposition to the Item.

ALBERT HUGHES, WEST HOLLYWOOD, spoke in support of preparing a supplemental Environmental Impact Report and exploring alternative uses for the site.

GEOFFREY DEWAN, LOS ANGELES, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

ED BUCK, WEST HOLLYWOOD, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

JACK MERRILL, LOS ANGELES, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

GEORGE CREDLE, WEST HOLLYWOOD, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

LYNN RUSSELL, WEST HOLLYWOOD, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

GRACIELA IPARRAGUIRRE, WEST HOLLYWOOD, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

BARBARA ROBERTSON, WEST HOLLYWOOD, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

PEGGY KENNEDY, WEST HOLLYWOOD, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

JAMES NOLL, WEST HOLLYWOOD, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

ELYSE EISENBERG, WEST HOLLYWOOD, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

WILLIAM NEISH, WEST HOLLYWOOD, spoke in support of preparing a supplemental Environmental Impact Report and in opposition to the Item.

JIMMY PALMIERI, WEST HOLLYWOOD, spoke in support of the proposed senior housing development at the site.



JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the loss of trees in the proposed development, and spoke in opposition to the development of affordable housing at the site.

JOHN D'AMICO, WEST HOLLYWOOD, spoke regarding his previous decision as the Chair of the Planning Commission regarding the proposed development at the site, and felt that he gave all sides a fair opportunity to participate. He spoke in opposition to the development of affordable housing at the site.

City Attorney Jenkins requested staff to respond to public comments surrounding economic feasibility, subterranean parking feasibility, the effects of the proposed project on open space and green space, and the amount of green space increases that will be provided by the City's Capital Campaign.

Mayor Pro Tempore Heilman requested clarification from staff regarding public comment concerning the water use analysis in the report prepared by EDAW. He spoke in opposition to preparing a completely new Environmental Impact Report. He spoke regarding the City's efforts to designate the property as historic. He spoke regarding the preservation of the main property under the proposed development project. He spoke regarding the need for the City to create affordable housing. He spoke regarding the amount of increased open space that will be available to the public under the proposed development project. He spoke in support of the proposed resolution and recommendations from staff.

Mayor Land thanked everyone who spoke regarding the Item. She disclosed a recent visit to the potential alternative sites for the proposed development, and a recent visit to 1343 N. Laurel Avenue. She spoke in opposition to preparing a completely new Environmental Impact Report, and spoke in support of the proposed resolution and recommendations from staff. She spoke regarding the need for the City to create affordable housing.

Councilmember Prang spoke in support of the recommendation to rescind and declare void the May 3 draft and final August 9, 2004 conditional agreement. He spoke in opposition to the recommendation that the Environmental Impact Report need not be supplemented or amended and in opposition to the recommendation to approve the Second Amendment to the Lease with Laurel Place West Hollywood. He spoke regarding the need to preserve green space in the City, and spoke regarding the City's ongoing efforts to create affordable housing, maintain fiscal sustainability, and create public parking. He spoke regarding the loss of HUD funds for the project, and spoke in support of soliciting community opinion regarding any future development of the property.

Councilmember Duran spoke regarding previous Councilmember Comments made by Sal Guarriello concerning a conversation he had with the former property owner. He spoke regarding the need to remove trees to preserve the chauffeur's cottage, and the foundation of the main house, regardless of whether the proposed development goes forward. He spoke in support of the proposed development project. He spoke regarding the difficulties of using the property as public park space, particularly parking issues, but spoke in support of the Council receiving additional analysis to determine how the property could be used as open space. He spoke in opposition to preparing a supplemental Environmental Impact Report, but spoke in support of the Council considering alternative uses for the site.

Councilmember Horvath requested additional clarification from staff regarding the impacts of funding sources on the EIR and clarification of the process for the proposed development if the Council approves the recommended resolution. She spoke regarding the members of the public who might have concerns surrounding the amount of money spent to date on the proposed project. She expressed concerns regarding members of the public who oppose any development at the site, and spoke in support of the need to utilize the property for the good of the community.

City Attorney Jenkins noted that several Council members had misspoken, and provided further clarification that the Council is only being asked to consider whether the EIR needs to be supplemented or amended, as opposed to completing a new EIR.

Councilmember Duran spoke regarding the possibility of continuing the Item and directing staff to return with possible alternative uses and analysis for the site.

**ACTION:** 1) Adopt the attached resolution 1) rescinding and declaring void the May 3 draft and final August 9, 2004 conditional agreement pertaining to the senior affordable housing project at 1343 Laurel Avenue, and 2) concluding that the Environmental Impact Report certified in October 2006 need not be supplemented or amended under the provisions of Public Resources Code section 21166 based on the analysis contained in the report prepared by EDAW, Inc. dated July 6, 2009 and approving minor design modifications to the approved project (Attachment A); and 2) Approve the attached Second Amendment to the Lease with Laurel Place West Hollywood (Attachment B); and direct staff to return to Council with recommendations on the look and programming of the park space. **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Horvath and approved with Councilmember Duran and Councilmember Prang voting NO.**

#### 4. UNFINISHED BUSINESS:

**4.A. MID-YEAR REPORT ON SOCIAL SERVICES PROGRAMS [L. LONG, D. DENNIS]:**

*The City Council will receive the mid-year report of Social Services contract programs.*

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

**4.B 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.*

**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. **This Item was CONTINUED to the meeting of July 20, 2009.**

**5. NEW BUSINESS:**

**5.A ADVISORY BOARD MEMBER APPOINTMENT PROCESS [V. LOVE, T. WEST]:**

*The City Council will discuss the process of appointing members to various City Advisory Boards.*

**ACTION:** Discuss the current Advisory Board appointment process and provide direction to staff. **This Item was TABLED.**

**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.*

**ACTION:**

- 1) Councilmember Duran made the following direct appointments: Arts and Cultural Affairs Commission – J. Dallas Dishman; Human Services Commission – Debra Farmer; Planning Commission – Barbara Hamaker; Public Facilities Commission – Roy Huebner; Public Safety Commission – Ruth Williams; Rent Stabilization Commission – H. Gail Sanes.
- 2) Mayor Pro Tempore Heilman made the following direct appointments: Historic Preservation Commission – Paul Rice; Human Services Commission – Steven Davis; Planning Commission – John Altschul; Public Facilities Commission – Gregory Woodell; Transportation Commission – David Eichman.
- 3) Mayor Land made the following direct appointments: Public Facilities Commission – Elena Goldenberg.

**EXCLUDED CONSENT CALENDAR: None.**

**PUBLIC COMMENT: None.**

**6. LEGISLATIVE: None.**

**COUNCILMEMBER COMMENTS: None.**

**ADJOURNMENT:** The City Council adjourned at 11:30 P.M. in memory of Marcella M. Meyer, Sylvia Levin, John and Ann Curtis, Herschel Rosenthal, Christopher Agasta, Samuel Jenefsky, Michael Jackson, Farrah Fawcett, Ed McMahon, Karl Malden, Gale Storm, and all the soldiers who died in Iraq and Afghanistan since the last City Council meeting. They adjourned to a Closed Session Meeting, which will be on Wednesday, July 15, 2009 at 7:00 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 17<sup>th</sup> day of August, 2009 by the following vote:

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

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ABBE LAND, MAYOR

ATTEST:

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THOMAS R. WEST, CITY CLERK