

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, AUGUST 3, 2009
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

CALL TO ORDER: Mayor Land called the meeting to order at 6:30 P.M.

PLEDGE OF ALLEGIANCE: Rae Mitchell led the pledge.

ROLL CALL:

PRESENT: Councilmember Duran, Councilmember Horvath,
Councilmember Prang, Mayor Pro Tempore Heilman
(participating via telephone from Stockholm, Sweden), and
Mayor Land.

ABSENT: None.

ALSO PRESENT: City Manager Arevalo, City Attorney Jenkins, Assistant City
Clerk Schaffer and Administrative Specialist Vespoint.

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 two (2) public speakers. He stated that one (1) item added was to the agenda, an item of Labor Negotiation under Government Code Section 54957.6 with the negotiating parties being the West Hollywood Director of Administrative Services and the Association of City Council Deputies. He reported that Council is moving closer to reaching a lease agreement with the owner of the property located at 417 Norwich, the Norwich Community Garden, for a month-to-month lease. He stated that the Council will be receiving a report on alternative community garden sites in the City at the first Council meeting in September. He stated that the City Council approved an offer to the County of Los Angeles relative to resolving a dispute regarding the Law Enforcement Liability Trust Fund, which will be presented to the County of Los Angeles for consideration at the next Board of Supervisors Meeting. He stated that the closed session meeting of August 3, 2009 was adjourned at 6:30 P.M. with no other reportable action taken.

APPROVAL OF AGENDA:

Councilmember Duran requested that Items 5.A., 6.A. and 6.B. be moved to the Consent Calendar as Items 2.T., 2.U., and 2.V.

Motion by Councilmember Prang, seconded by Councilmember Duran to approve the August 3, 2009 agenda as amended, and unanimously approved.

ADJOURNMENT MOTIONS:

Councilmember Prang requested that the meeting be adjourned in memory of Inola Henry, a longtime teacher and UTLA leader and activist for the Democratic Party.

Councilmember Horvath requested that the meeting be adjourned in memory Dr. Joel Weissman, the first physician to detect the AIDS virus and the first Chairman of APLA.

Councilmember Duran joined Councilmember Horvath in requesting the meeting be adjourned in memory of Dr. Joel Weissman. He also requested that the meeting be adjourned in memory of Harvey Frand, producer of Battlestar Galactica and longtime partner of Gay Men's Chorus member, Philip Bauerstock. He also requested that the meeting be adjourned in memory of Barbara Dove, lead soprano of the St. Thomas the Apostle Church. He also 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. Brandon T. Lara, Spc. Herberth A. Berrios-Campos.

Mayor Land requested that the meeting be adjourned in memory of author E. Lynn Harris. She also requested the meeting be adjourned in memory of former Senior Advisory Board member Alan Weber. She also requested the meeting be adjourned in memory of the two young people who were killed in a Tel Aviv gay youth center.

Mayor Land congratulated Councilmember Duran on being presented a Lifetime Achievement Award by Equality California.

PRESENTATIONS:

Councilmember Prang presented a plaque to Paul Hamel, retiring principal of the Westside Community Adult School,

Councilmember Horvath presented Richard Maggio with two plaques: one to commemorate his service on the Business License Commission and the other for his service as Rent Stabilization Commissioner.

Mayor Land presented a plaque to Rae Mitchell in recognition of her many years of volunteerism for the City of West Hollywood and for her many years of service on the Women's Advisory Board.

1. PUBLIC COMMENT:

RIC RICKLES, WEST HOLLYWOOD, spoke about his experience at a recent Meet the Mayor event; he added that he appreciated the acknowledgment of the passing of Alan Weber. He also spoke regarding Prop A funding.

KARINA SAMALA, Co-Chair of the West Hollywood Transgender Task Force, spoke in support of Item 2.R.

JAKE FINNEY, WEST HOLLYWOOD, spoke in support of Item 2.R.

DESIREE JADE SOL, WEST HOLLYWOOD, spoke in support of Item 2.R.

COCO LACHINE, WEST HOLLYWOOD, spoke in support of Item 2.R.

SHARON SANDOW, EXECUTIVE DIRECTOR OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of Item 2.I.

JOAN HENEHAN, CHAIR OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of Items 2.I and 2.R.

JOSEPH CLAPSADDLE, WEST HOLLWYOOD, spoke in support of Item 2.I.

SHERIE STARK, WEST HOLLYWOOD, spoke in support a month-by-month lease relative to the Norwich Community Garden on the Closed Session agenda.

ROBERT BRUGEMAN, PALM SPRINGS, spoke in support of Item 2.Q.

DARREN GOLD, WEST HOLLYWOOD, spoke in support of Item 2.Q.

MICHELLE DENNIS, WEST LOS ANGELES, spoke in support of Item 2.R.

RUTH TITTLE, WEST HOLLYWOOD, of the Lesbian and Gay Advisory Board, spoke in support of Item 2.R. She also congratulated Councilmember Duran on winning the Lifetime Achievement Award from Equality California.

IVY BOTTINI, WEST HOLLYWOOD, congratulated Councilmember Duran on winning the Lifetime Achievement Award from Equality California. She spoke in support of Item 2.R.

BEN MCCORMICK, WEST HOLLYWOOD, spoke in support of Item 2.R.

BRAD BURLINGAME, EXECUTIVE DIRECTOR OF THE WEST HOLLYWOOD MARKETING AND VISITORS BUREAU, spoke in support of Item 2.Q.

ED BUCK, WEST HOLLYWOOD, spoke regarding the development project proposed for the property located at 1343 Laurel Avenue.

PHYLLIS COTO, WEST HOLLYWOOD, thanked the Council for their outstanding job and asked them to consider developing a mental health advisory task force. She mentioned her application for a seat on the Disabilities Advisory Board.

RUTH MURPHY, WEST HOLLYWOOD, spoke in support of the Norwich Community Garden on the Closed Session agenda.

JEANNE DOBRIN, WEST HOLLYWOOD, thanked the City for negotiating for a month-to-month lease relative to the Norwich Community Garden, yet expressed uncertainty for any long-term commitment. She spoke in support of the City acquiring the property.

COUNCILMEMBER COMMENTS:

Councilmember Duran thanked the Mayor, other Councilmembers and the public for their congratulatory remarks relative to receiving a Lifetime Achievement Award from Equality California. He also stated that he would be absent for the August 17 City Council meeting.

Councilmember Prang congratulated Councilmember Duran on receiving the Lifetime Achievement Award from Equality California. He thanked Richard Maggio and Rae Mitchell for their many years of service to West Hollywood. He directed staff to investigate possible alternative uses for the vacant property on Santa Monica Boulevard that was the former Athletic Club. He announced an upcoming meeting being held at Plummer Park to discuss the MTA Red Line Extension. He congratulated the Board of the Avenues of Art and Design and spoke regarding the possibility of the Board hiring a new Executive Director on a contract basis. He announced the birth of his niece McKenna Elizabeth Prang.

Mayor Pro Tempore Heilman also congratulated Councilmember Duran on his Lifetime Achievement Award from Equality California. He thanked Richard Maggio and Rae Mitchell for their years of service to West Hollywood. He spoke in support of Item 2.R. and in support creating a Transgender Advisory Board. He spoke regarding the need for the new advisory board to include gathering demographic information of transgender people in the area as part of its work plan.

Mayor Land announced an upcoming memorial in response to the killings of gay youth in Tel Aviv. She spoke regarding the upcoming National Night Out events in the City. She spoke regarding the National League of Cities Prescription Drug Discount program. She recognized Councilmember Horvath's selection by the National Women's Political Caucus as one of twelve remarkable women. She spoke regarding people receiving letters appearing to be from the City of West Hollywood inviting people to be included in a Who's-Who publication and clarified that this letter is not issued by the City. She responded to public comment concerning the mentally ill at the corner of Santa Monica Boulevard and Fairfax Avenue and requested Social Services to investigate the issue. She thanked staff for providing healthier snacks at the City Council meeting. Finally, she spoke regarding an upcoming event at Book Soup, in which author Barbara Benjamin Morris will host a book-signing of *Forty Drag Queens*.

CITY MANAGER'S REPORT:

City Manager Arevalo spoke regarding the recently adopted California budget. He stated that the City will lose \$3 million in revenue in the first year, including cuts to social services programs. He stated that the City will evaluate funding to current social service providers, will examine revenue models for the City, and will return to Council with a comprehensive update.

FISCAL IMPACT ON CONSENT CALENDAR:

Assistant City Clerk Schaffer stated that the fiscal impact on the Consent Calendar is \$541,535.00 in expenditures and \$161,000.00 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. **Motion by Councilmember Duran, seconded by Councilmember Prang and unanimously approved with Councilmember Horvath voting NO on Item 2.G. Following the meeting, a request was made by Mayor Land to amend the minutes to include her intention to vote NO on Items 2.E. and 2.F.**

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, August 3, 2009 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, July 30, 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 July 13, 2009 and July 20, 2009. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 631, RESOLUTION NO. 09-3875:

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

RECOMMENDATION: Approve Demand Register No. 631 and adopt Resolution No. 09-3875, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 631". **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.

RECOMMENDATION: Deny the claims of Martha and Shaheen Awe, Emely Cooper and Mark Cosham and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.E. ORDINANCE NO. 09-821 (2ND READING), 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 [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-821, a proposed ordinance 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.

RECOMMENDATION: Waive further reading and adopt 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."

Approved as part of the Consent Calendar.

2.F. ORDINANCE NO. 09-822 (2ND READING), ADOPTING ZONING MAP AMENDMENT 2009-002, IN CONJUNCTION WITH DEVELOPMENT AGREEMENT 2009-001, FOR THE PROPERTY LOCATED AT 9000 SUNSET BOULEVARD [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-822, a proposed ordinance adopting Zoning Map Amendment 2009-002, in conjunction with Development Agreement 2009-001, for the property located at 9000 Sunset Boulevard.

RECOMMENDATION: Waive further reading and adopt 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." **Approved as part of the Consent Calendar.**

2.G. ORDINANCE NO. 09-823 (2ND READING), TO REGULATE THE OPERATION OF BICYCLES, SKATEBOARDS AND OTHER WHEELED DEVICES ON SIDEWALKS AND TO PROHIBIT SKATEBOARDING IN CITY PARKING FACILITIES [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-823, a proposed ordinance 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.

RECOMMENDATION: Waive further reading and adopt 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." **Approved as part of the Consent Calendar, with Councilmember Horvath voting NO.**

2.H. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

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

2.I. AGREEMENT FOR SERVICES WITH WEST HOLLYWOOD CHAMBER OF COMMERCE [R. REYNOLDS, J. HUFFER]:

The City Council will consider approving an agreement between the City and the West Hollywood Chamber of Commerce to provide a range of business services and programs in Fiscal Years 2009-2010.

RECOMMENDATIONS: 1) Approve an agreement with the West Hollywood Chamber of Commerce in an amount not to exceed \$36,000 for fiscal year 2009-10; and 2) Authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

2.J. AWARD OF CONTRACT FOR AIR BALANCING SERVICES [L. LONG, S. BAXTER, H. COLLINS]:

The City Council will consider awarding a contract for heating, ventilating and air conditioning balancing services.

RECOMMENDATION: 1) Accept the proposal dated July 8, 2009, in the amount of \$23,500 as submitted by American Air Balance Company, Inc., Anaheim, California; 2) Authorize the City Manager to sign an Agreement with American Air Balance Company, Inc., in an amount not to exceed \$23,500 for the Air balancing of City Hall; and 3) Authorize the Director of Human Services, or his designee, to negotiate and execute one or more change orders to the contract with American Air Balance Company, Inc., for related, additional but unforeseen work, which may develop during the project; the total value of which shall not exceed \$2,000. **Approved as part of the Consent Calendar.**

2.K. AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 – ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FORMULA ALLOCATION (EECBG) AND COMPETITIVE GRANTS [L. LONG, S. BAXTER, H. COLLINS]:

The City Council will consider authorizing staff to develop and implement an Energy Efficiency and Conservation Strategy for the expenditure of the City's non-competitive EECBG Formula allocation of \$161,000 and pursue competitive energy grant funding in conjunction with Energy Innovation Group.

RECOMMENDATIONS: 1) Authorize staff to move forward with the development of an Energy Efficiency and Conservation Strategy for West Hollywood Park, in conjunction with Energy Innovation Group; 2) Authorize staff to work with Energy Innovation Group to apply for competitive grant funding for energy efficient projects as applicable; 3) Authorize the Finance and Technology Services Department to establish a grant revenue and expenditure account in the amount of \$161,000 in anticipation of the EECBG Formula allocation; and 4) Authorize the City Manager to sign all required documents pertaining to EECBG funding opportunities. **Approved as part of the Consent Calendar.**

2.L. CONCLUSION OF PARKING MITIGATION FOR HANCOCK PROJECT CONSTRUCTION [O. DELGADO, J. ROCCO, D. NORTE]:

The City Council will consider concluding the temporary parking regulations for the Hancock Project Construction at the northwest corner of Hancock Avenue and Santa Monica Blvd.

RECOMMENDATION: Adopt Resolution No. 09-3876, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONCLUDING TEMPORARY PARKING REGULATIONS AT LOCATIONS AFFECTED BY PARKING MITIGATION FOR HANCOCK PROJECT CONSTRUCTION". **Approved as part of the Consent Calendar.**

2.M. 25th ANNIVERSARY CAPITAL PROJECT - NOTICE OF COMPLETION, TEMPORARY POWER PROJECT WEST HOLLYWOOD PARK/NEW LIBRARY PROJECT C.I.P. NO. 55-09-01 [R. REYNOLDS, J. HUFFER, H. COLLINS]:

The City Council will consider approving a Notice of Completion for Temporary Power Project West Hollywood Park/New Library Project C.I.P. NO. 55-09-01.

RECOMMENDATION: Accept the work and authorize the following: 1) Filing a Notice of Completion by the City; 2) Final payment to the contractor at the end of the 35 day lien period; 3) Release of the Performance Bond on the date of recordation of the Notice of Completion; and 4) 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.N. PURCHASE OF STREETScape FURNITURE [L. LONG, S. BAXTER, H. COLLINS]:

The City Council will consider approving the purchase of street furnishings.

RECOMMENDATION: Authorize the purchase of streetscape furniture from Landscape Forms in an amount not to exceed \$200,000. **Approved as part of the Consent Calendar.**

2.O. ARTS AND CULTURAL AFFAIRS COMMISSION 25TH ANNIVERSARY ARTS AND CULTURE PROJECTS [R. REYNOLDS, J. HUFFER, A. CAMPBELL]:

The Council will consider approving 25th Anniversary arts and culture projects as recommended by the Arts and Cultural Affairs Commission.

RECOMMENDATIONS: 1) Approve the recommendations of the Arts and Cultural Affairs Commission for 25th Anniversary arts and culture projects; 2) Authorize the City Manager to execute a contract in the amount of \$41,000 for the Museum of Neon Art; and 3) Authorize the City Manager to execute a contract in the amount of \$50,000 for Cornerstone Theatre Company. **Approved as part of the Consent Calendar.**

2.P. WEST HOLLYWOOD STRUCTURES & STYLE [R. REYNOLDS, J. HUFFER, M. LOUIE]:

The City Council will receive and file a report regarding the first West Hollywood Structures and Style tour and will consider approving an agreement for services with Persona Studios to produce the second year of the tour in 2010.

RECOMMENDATION: 1) Receive and file summary report of the first Structures & Style: *Hotels on the Cutting Edge of Design Tour*; 2) Approve the proposed concept of the 2010 Structures and Style Tour and budget as outlined; 3) Authorize the Finance Department to distribute revenue generated from ticket sales for the tour to the West Hollywood Housing Corporation; and 4) Authorize the City Manager to sign and execute all necessary documents and agreements. **Approved as part of the Consent Calendar.**

2.Q. AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT STREET POLE BANNER POLICY [R. REYNOLDS, J. HUFFER, M. LOUIE]:

The City Council will consider approving revisions to the street pole banner policy adopted by the Avenues of Art and Design Business Improvement District (BID) regulating street pole banners within the boundaries of the BID.

RECOMMENDATION: Approve the proposed modification to the Avenues of Art & Design Street Pole Banner Policies, increasing the percentage of advertising ratio. **Approved as part of the Consent Calendar.**

2.R. RE-DESIGNATION OF CITY TRANSGENDER TASK FORCE AS TRANSGENDER ADVISORY BOARD [J. PRANG, M. HAIBACH, J. DURAN, H. MOLINA]:

The City Council will consider re-designating the Transgender Task Force as the Transgender Advisory Board.

RECOMMENDATION: 1) Endorse the re-designation of the Task Force to an Advisory Board; and 2) Direct the City Manager to report back to City Council with recommendations for board structure, including number of members and criteria for membership, along with a proposal for implementation of this transition. **Approved as part of the Consent Calendar.**

2.S. EDUCATION AND TRAINING FOR CITY STAFF ON DETECTION AND REPORTING OF HUMAN TRAFFICKING [A. LAND, C. PLANCK, J. HEILMAN, F. SOLOMON]:

The City Council will consider working with various organizations to provide training to applicable staff from the City of West Hollywood, and will invite appropriate staff from the Westside Coalition of Governments cities.

RECOMMENDATIONS: 1) City Council will work together with the Coalition Against Slavery and Trafficking (CAST), Los Angeles Police

Department (LAPD) and the Los Angeles Sheriff's Department (LASD) to organize a training session for all West Hollywood staff who are in the field, both in residential and commercial work; 2) The City of West Hollywood would extend an invitation to this training to appropriate staff from the Westside Coalition of Governments cities, as the issues of trafficking far exceed city borders, and are regional, national and global challenges; and 3) Training will provide valuable information regarding the severity of the issue of human trafficking, as well as education for recognizing signs of potential human trafficking and abuse. **Approved as part of the Consent Calendar.**

2.T. (5.A.) ASSIGNMENT AGREEMENT BETWEEN THE CITY OF POMONA AND THE CITY OF WEST HOLLYWOOD FOR THE EXCHANGE OF PROPOSITION A LOCAL RETURN FUNDS [A. GANDHY, D. HATCHER, D. DENNIS, J. ROONEY]:

The City Council will consider a General Fund trade agreement for Prop A Local Return Funds with the City of Pomona.

ACTION: 1) Approve a Prop A fund trade agreement with the City of Pomona for \$975,000 West Hollywood General Funds in exchange for \$1,500,000 City of Pomona Prop A Funds; 2) Authorize the City Manager to execute the agreement; 3) Authorize the Director of Finance to appropriate \$975,000 from the unallocated reserves in the General Fund to Expenditure for Traded Funds (100-1-03-31-531016); and 4) Authorize the Director of Finance to increase budgeted revenues in the Prop A Fund, Account No. 203-421001 by \$1,305,000. **Approved as part of the Consent Calendar.**

2.U. (6.A.) AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER 5.72 (MASSAGE PARLORS AND TECHNICIANS) AS REQUIRED BY SENATE BILL 731 [O. DELGADO, J. AUBEL]:

The City Council will consider approving an amendment to the Business License Ordinance as required by SB 731, Oropeza, which provides for the statewide certification of massage therapists and massage practitioners commencing on September 1, 2009.

ACTION: Introduce on first reading Ordinance No. 09-824, an ordinance of the City of West Hollywood amending chapter 5.72 (Massage Parlors and Technicians) of the West Hollywood Municipal Code). **Approved as part of the Consent Calendar.**

2.V. (6.B.) AMENDMENT TO TRANSIENT OCCUPANCY TAX ORDINANCE [M. JENKINS]:

The City Council will consider the adoption of an ordinance amending the transient occupancy tax ordinance requiring payment of disputed taxes as a precondition of a legal challenge.

ACTION: Introduce for first reading Ordinance No. 09-825 AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING

REMEDIAL PROCEDURES IN THE TRANSIENT OCCUPANCY TAX ORDINANCE AND AMENDING CHAPTER 3.32 OF THE WEST HOLLYWOOD MUNICIPAL CODE: **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. APPEAL OF THE PLANNING COMMISSION'S DECISION REGARDING 507-509 N. ORLANDO AVENUE. [A. MCINTOSH, J. KEHO, M. BARNEY]:

The City Council will hold a public hearing to consider an appeal by Sven Toorvald, regarding the Planning Commission's approval of a project to develop a four-story; nine-unit courtyard condominium building located 507-509 N. Orlando Avenue

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

Michael Barney, Assistant Planner, provided background information as outlined in the staff report dated August 3, 2009.

Councilmember Duran disclosed meetings with the applicant and the appellant, and a visit to the site.

Councilmember Horvath disclosed a visit to the site.

Mayor Land disclosed a meeting with the appellant and a visit to the site.

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

SVEN TOORVALD, THE APPELLANT, spoke in opposition to the Item and in support of the appeal

DMITRI SAMAHA AND DAVID KELLEN, THE APPLICANTS, spoke in support of the Item and in opposition to the appeal.

WENDY BRAITMAN, LOS ANGELES, spoke in opposition to the Item and in support of the appeal.

GABRIELLE TRACY, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

MARTINE HARLEY, MALIBU, read a letter from former Planning Commission John D'Amico regarding the Item.

TRINA DAILEY, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

CYNTHIA STULTS, LOS ANGELES, spoke in opposition to the Item and in support of the appeal.

LOIS MUNERA, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

CHRISTIAN PEREZ, WEST HOLLWYOOD, spoke in opposition to the Item and in support of the appeal.

STEVE MAHER, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

ZANE GERTZMAN, LOS ANGELES, spoke in opposition to the Item and in support of the appeal.

MARK HAMMER, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

DAN GREENBERGER, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

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

SVEN TOORVALD, THE APPELLANT, provided rebuttal.

DAVID KELLEN, THE APPLICANT, provided rebuttal.

Ann Browning McIntosh, Director of Community Development, provided clarification that the property is designated as an R3C Zone.

Councilmember Duran requested further clarification from staff regarding recent zoning changes in the area and the requirements for this project under the Zoning Code. He requested further clarification of the maximum number of units at this site, and the additional number of units allowed because the project meets the City's green building requirements. He requested further clarification from the City's Urban Designer regarding the design review process.

Mayor Land requested further clarification from staff regarding when the project plans were made available to the public prior to the Item being heard by the Planning Commission.

Mayor Pro Tempore Heilman thanked all the members of the public who showed up to speak. He expressed concerns regarding some of the assertions made in the appeal. He spoke regarding the significant changes made to the proposed project after the initial design review process. He stated that the application for the proposed project was submitted under the City's old zoning requirements and is in compliance with those requirements. He expressed concerns regarding the proposed set-back from the street, and spoke in support of the project if the set-back could be moved further from the street. He spoke in support of the design, and in support of the developer's compliance with the green building ordinance.

Councilmember Prang thanked all the members of the public who spoke, and commended them on their articulate and thoughtful input. He spoke in support of the project's compliance with the green building ordinance. He spoke in opposition to the design, and expressed concerns about the project's compatibility with the neighborhood. He spoke in opposition to the Item and in support of the appeal.

Councilmember Duran spoke regarding other large buildings in the neighborhood, in particular the buildings directly across the street. He spoke in support of the project's compatibility with the neighborhood. He spoke regarding the City's requirement to create more housing under State mandate, and the need for additional housing in the City. He expressed concerns regarding the size of the project in relation to the size of the lot, but stated that the proposed project meets the zoning requirements in place when the application process was initiated. He spoke in support of the Item and in opposition to the appeal.

Councilmember Horvath thanked all the members of the public who spoke regarding the Item. She spoke in support of the project's adherence to the City's green building program. She spoke in support of courtyard buildings in the City. She spoke regarding the ongoing changes and development in the neighborhood and the impacts of construction on the residents. She stated that the proposed project meets the zoning requirements in place when the application process was initiated. She spoke regarding Planning Commissioner Joseph Guardarrama's support of the project following the design changes that were made after the initial design review process.

Mayor Land thanked all the speakers for their thoughtful input and the constructive tone of their comments. She stated that the proposed project meets the zoning requirements in place when the application process was initiated. She spoke in support of the design changes that were made following the initial design review process. She spoke regarding the possibility of reducing the proposed projection into setback to make the project more compatible with the neighboring properties. She spoke

regarding the City's requirement to create more housing under State mandate. She spoke regarding other large buildings in the area.

ACTION: 1) Adopt Resolution No. 09-3877, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING IN PART AND GRANTING IN PART THE APPEAL OF SVEN TOORVALD AND UPHOLDING THE PLANNING COMMISSION ACTION TO ADOPT A NEGATIVE DECLARATION AND CONDITIONALLY APPROVE DEMOLITION PERMIT 2007-032, AND DEVELOPMENT PERMIT 2007-051, ON AN APPLICATION BY DEMITRI SAMAHA TO PERMIT THE DEMOLITION OF TWO SINGLE-FAMILY DWELLINGS AND THE CONSTRUCTION OF A FOUR-STORY, NINE-UNIT CONDOMINIUM BUILDING AT 507-509 N. ORLANDO AVENUE, WEST HOLLYWOOD, CALIFORNIA." (ATTACHMENT 1); with an amendment to Planning Commission Resolution 07-786 to modify Section 8, Subsection 2.3, paragraph 3 to reduce the size of the proposed projection into setback; and 2) Adopt Resolution No. 09-3878, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEAL OF SVEN TOORVALD AND UPHOLDING THE PLANNING COMMISSION ACTION TO CONDITIONALLY APPROVE TENTATIVE TRACT MAP 2008-002 (MAJOR LAND DIVISION 70124) FOR THE PROPERTY LOCATED AT 507 N. ORLANDO AVENUE, WEST HOLLYWOOD, CALIFORNIA." (ATTACHMENT 2). **Motion by Councilmember Duran, seconded by Mayor Pro Tempore Heilman and approved with Councilmember Prang voting NO.**

4. UNFINISHED BUSINESS: None

5. NEW BUSINESS:

5.A. ASSIGNMENT AGREEMENT BETWEEN THE CITY OF POMONA AND THE CITY OF WEST HOLLYWOOD FOR THE EXCHANGE OF PROPOSITION A LOCAL RETURN FUNDS [A. GANDHY, D. HATCHER, D. DENNIS, J. ROONEY]:

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

5.B. AGENDA ITEM ADDITIONS [J. HEILMAN, F. SOLOMON, A. LAND, C. PLANCK]:

The City Council will consider adding two new categories to future agenda items.

Mayor Pro Tempore Heilman and Mayor Land provided background information as outlined in the staff report dated August 3, 2009.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the need for City oversight and monitoring of the proposed agenda item additions.

Councilmember Duran requested further clarification regarding the Environmental Sustainability and Health Impact section and whether “not applicable” would be an acceptable determination. He spoke regarding the Evaluation section and the possibility of the cost of evaluation exceeding the cost to fund certain City initiatives, and spoke regarding the possibility of exempting certain items from this determination based on their allotted funding.

City Manager Arevalo provided further clarification and stated that the City will be flexible in the initial implementation of the agenda item additions.

Councilmember Prang spoke regarding the need to set bench marks and to revisit the effectiveness of the agenda item additions on an ongoing basis. He spoke in support of the Evaluation section and the need to monitor City programs after their completion.

Councilmember Horvath spoke regarding the need to think strategically about how the City evaluates the effectiveness of its programs, particular in the current economic climate. She spoke regarding the implementation of the additional agenda items as an ongoing process.

ACTION: 1) Add a section to future agenda items entitled “Evaluation”; and 2) Add a section to future agenda items entitled “Environmental Sustainability and Health Impact.” **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Horvath and unanimously approved.**

5.C. ADVISORY BOARD MEMBER APPOINTMENT PROCESS [J. PRANG, M. HAIBACH, J. DURAN, H. MOLINA]:

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

Councilmember Duran and Councilmember Prang provided background information as outlined in the staff report dated August 3, 2009.

BEN MCCORMICK, WEST HOLLYWOOD, spoke in support of direct appointments to Advisory Boards.

IVY BOTTINI, WEST HOLLYWOOD, spoke in support of more in-depth interviews to determine the commitments of prospective board members. She spoke in support of Council monitoring commission and board member absences more closely.

Mayor Land and Mayor Pro Tempore Heilman provided further clarification of the history of creating the advisory boards as at-large bodies, in particular the desire to keep the boards from becoming too politicized. They stated that advisory boards were created to advise the Council as a

whole, whereas directly appointed commissioners represent individual Councilmembers on their particular commission.

Councilmember Duran expressed concerns regarding potential absenteeism and accountability issues for at-large advisory board members, and the difficulties in removing board members or commissioners in a public forum. He spoke regarding the changing dynamics in the City over the years and the need to revisit the advisory board appointment process. He spoke in support of having a direct appointee or appointees on the advisory boards in order to have a personal interest on the boards.

Councilmember Horvath spoke regarding potential accountability issues for at-large appointments as opposed to direct appointees. She spoke regarding the advisory boards fundamental role to advise the Council as a whole, in opposition to directly appointment commissioners who represent their Councilmembers on their respective commissions. She spoke regarding the need to ensure strong commitments from all advisory board members. She spoke regarding the advisory board members who have already been reappointed as at-large appointees and the need for fairness to the advisory board members who are currently undergoing the reappointment process.

Mayor Land spoke regarding the need to ensure that all advisory boards have uniform by-laws, and the need to strongly enforce attendance requirements for members. She expressed concerns regarding whether accountability for board members would change based on being appointed directly or at-large. She spoke in support of the current appointment process and spoke regarding the need for fairness to the current advisory board members who are undergoing the reappointment process.

Councilmember Prang spoke in support of having a direct appointee or appointees on the advisory boards in order to have a personal interest on the boards. He spoke regarding the former policy of having Councilmembers act as direct liaisons to particular advisory boards, and the discontinuation of that policy to avoid the politicizing of advisory boards.

Mayor Pro Tempore Heilman spoke regarding the service that the advisory boards have provided to the City and expressed concerns regarding whether accountability for board members would change based on being appointed directly or at-large. He spoke in support of the current appointment process.

ACTION: By consensus of the City Council, no action was taken. **Motion by Councilmember Prang, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

5.D. 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) The City Council made the following at-large appointments to City Commissions: Public Facilities Commission – Norman Chramoff and Josh Kurpies 3) The City Council made the following at-large appointments to City Advisory Boards: Disabilities Advisory Board – Debra Chodash, Suzanne Dietrich, Tom Pavich, Anna Swett, John “Rick” Watts; Lesbian and Gay Advisory Board – Ivy Bottini, Rev. Pat Langlois, Elisabeth Sandberg, Susan Sexton, Nadia Sutton, Ruth Tittle; Senior Advisory Board – Shirley Kaplan; Women’s Advisory Board – Mara Brown, Sofya Davidovich, Dena Dietrich, Wendy Goldman, Amanda Hendon, Tami Kendra, Marcy Norton, MaryAnn Szyskowski, Betsy Johnson, Carla J. Browning, and Kelly Alexander.

PUBLIC COMMENT: None.

6. LEGISLATIVE:

6.A. AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER 5.72 (MASSAGE PARLORS AND TECHNICIANS) AS REQUIRED BY SENATE BILL 731 [O. DELGADO, J. AUBEL]:

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

6.B. AMENDMENT TO TRANSIENT OCCUPANCY TAX ORDINANCE [M. JENKINS]:

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

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 10:15 P.M. in memory of Inola Henry, Dr. Joel Weissman, Harvey Frand, Barbara Dove, E. Lynn Harris, Alan Weber, the two young people who were killed in a Tel Aviv gay youth center, 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 17, 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 17th 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.

ABBE LAND, MAYOR

ATTEST:

THOMAS R. WEST, CITY CLERK