

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, MAY 21, 2012  
WEST HOLLYWOOD PARK PUBLIC MEETING ROOM - COUNCIL CHAMBERS  
625 N. SAN VICENTE BOULEVARD**

**6:30 P.M. – REGULAR MEETING**

**CALL TO ORDER:** Mayor Prang called the meeting to order at 6:41 p.m.

**PLEDGE OF ALLEGIANCE:** Max Geschwind led the Pledge of Allegiance.

**ROLL CALL:**

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

**ABSENT:** None

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

**REPORT OF CLOSED SESSION AGENDA:**

City Attorney Jenkins reported that the closed session was called to order at 6:00 p.m. He stated that there was no public comment. He stated that one Item of potential litigation was added to the Agenda.

City Attorney Jenkins stated that two reportable actions were taken by the Council. Regarding Item #2 on the Closed Session Agenda, the City Council authorized the City to submit an amicus brief in the matter of Pack v. City of Long Beach; which has gone to the California Supreme Court pertaining to the legality of dispensing medical marijuana. Regarding Item #1 on the Closed Session Agenda; City Attorney Jenkins reported that City Council voted to authorize a legal defense for Councilmember Duran, as it relates to a complaint filed by the Public Integrity Unit of the District Attorney's Office. He also stated Councilmember Duran and the City have cooperated with the District Attorney and the City has adopted an expense reimbursement policy that is comparable to those adopted in other cities. City Attorney Jenkins further stated that in response to suggestions from the District Attorney the City is updating its policy to ensure that it is protective of tax payer dollars. He further reported that the District Attorney has completed its investigation with respect to the City and its employees; however the District Attorney will continue its investigation into the reimbursed expenses of Councilmember Duran. City Attorney Jenkins reported that Councilmember Duran has incurred legal expenses and asked the city to provide him with a defense of any criminal pursuit, and the City Council agreed during its Closed Session.

Councilmember Duran provided clarification of the City's meal reimbursement policy and his adherence to the policy. He provided clarification that all meals for which he was reimbursed under the City's policy occurred at City restaurants. He provided

clarification of the location and cost of meals. He provided clarification that all City meals submitted for reimbursement were to discuss City business. He thanked his colleagues for agreeing to defend him during this difficult time. He thanked the community for their support.

#### **APPROVAL OF AGENDA:**

Councilmember D'Amico requested that Item 4.A. be tabled to a future meeting, and requested that it be the only item on the agenda for that meeting.

Councilmember D'Amico requested that Item 4.C. be moved to the Consent Calendar as Item 2.II.

**Motion by Councilmember Heilman, seconded by Mayor Pro Tempore Land to approve the May 21, 2012 agenda as amended. The agenda was unanimously approved, noting Mayor Prang's NO vote on Item 2.CC.**

#### **ADJOURNMENT MOTIONS:**

Councilmember Duran requested that the meeting be adjourned in memory of singer Donna Summer.

Councilmember Heilman requested that the meeting be adjourned in memory of Maurice Sendak.

Mayor Pro Tempore Land requested that the meeting be adjourned in memory of Michael De St. Jean, husband of former Intern Rachel Stallman.

Mayor Prang requested that the meeting be adjourned in memory of Alan Thomas, the MTA Bus Driver that was fatally shot in West Hollywood. He asked that the meeting be adjourned in memory of Bruce Dubois, husband of the Mayor of the City of Lakewood. He asked that the meeting be adjourned in memory of Sally Libow. He asked that the meeting be adjourned in memory of the following soldiers who died in Afghanistan since the last City Council meeting: Sergeant Jabraun S. Knox, Age unreported, Sergeant Michael J. Knapp, Age unreported, Private 1st Class Richard L. McNulty III, 22, Sergeant Brian L. Walker, 25, Petty Officer 2nd Class Jorge Luis Velasquez, 35, Specialist Alex Hernandez III, 21, Staff Sergeant Israel P. Nuanes, 38, Sergeant Wade D. Wilson, 22, 1st Lieutenant Alejo R. Thompson, 30, Private 1st Class Dustin D. Gross, 19, Specialist Chase S. Marta, 24, Sergeant Jacob M. Schwallie, 22, Staff Sergeant Thomas K. Fogarty, 30, Sergeant John P. Huling, 25, Master Sergeant Gregory L. Childs, 38, Specialist Junot M. L. Cochilus, 34, and 2nd Lieutenant David E. Rylander, 23.

#### **PRESENTATIONS:**

Mayor Pro Tempore Land and the City Council presented a proclamation to the Harvey Milk Foundation in recognition of Harvey Milk Day and presented a banner unveiling.

Mayor Prang and the City Council presented a commendation to Stuart Milk in honor of Harvey Milk Day.

Councilmember Heilman and the City Council presented a book gift of "The Harvey Milk Story" to local schools and the West Hollywood Library. Councilmember Heilman also spoke regarding an event that will be held on May 22, 2012 to celebrate the life of Harvey Milk.

Mayor Prang recognized a leader on LGBT Advocacy, Nicole Murray-Ramirez, who was in attendance.

**1. PUBLIC COMMENT:**

MATT BAUME, WEST HOLLYWOOD, spoke in support of Item 2.Y.

TESS LOTTA, LOS ANGELES, spoke in support of Item 2.Y.

KEVIN BURTON, WEST HOLLYWOOD, spoke in support of Item 2.Y. and expressed condolences to the family of the MTA Driver that was shot over the weekend.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the recent NAACP statement in support of President Obama's stand on Gay Marriage. She also spoke in opposition to Item 2.E.

ESTHER BAUM, WEST HOLLYWOOD, spoke in opposition to Item 2.X.

SYLVA BLACKSTONE, LOS ANGELES, spoke in opposition to Item 4.A.

PATRICIA RUSSELL, WEST HOLLYWOOD, spoke regarding Item 4.A. and thanked the City Council for tabling the Item.

JANE HALLAREN, WEST HOLLYWOOD, spoke regarding Item 4.A. and thanked the City Council for tabling the Item. She also thanked Council for the Harvey Milk presentation.

RICHARD MEYERS, a member of the Pop Luck Club, and his son NOAH MEYERS, spoke regarding an event scheduled for August 10, 2012 which will include a Blood Drive specifically for Gay Men who have been denied the opportunity to donate blood.

RUDOLF MARTIN, WEST HOLLYWOOD, spoke regarding Item 4.A. and thanked the City Council for tabling the Item. He expressed concerns regarding the company hired to assist with public outreach.

ANGIE BECKETT, WEST HOLLYWOOD, spoke regarding Item 4.A.

LAURA BOCCALETTI, WEST HOLLYWOOD, spoke regarding Item 4.A. and expressed concerns over some of the items listed in the Staff Report. She also spoke in opposition to Item 5.D.

DAVID TIKTIN, WEST HOLLYWOOD, spoke regarding Item 4.A. and thanked the City Council for tabling the Item.

#### **COUNCILMEMBER COMMENTS AND MEETING ATTENDANCE REPORTS:**

Councilmember Duran spoke regarding his upcoming participation in the AIDS Life Cycle event and stated that he will not be present at the June 4, 2012 Council Meeting. He also spoke regarding being asked to speak at Cal Tech about Harvey Milk Day and stated that he will not be able to attend the City's Harvey Milk Day event. He spoke regarding public comments surrounding the discontinuance of food and beverages at City Meetings. He spoke regarding his attendance at an upcoming NALEO (National Association of Latino Elected and Appointed Officials) Conference in June in Orlando, Florida.

Councilmember Heilman spoke regarding the recent Block Party at the Hudson and stated that he received a number of complaints from residents stating that they were not notified of the event. He requested the City Manager to look into this issue. He spoke regarding the recent Russian Style Festival event held at Plummer Park and thanked City employee Tatiana Rodzinek for her work on the event. He also spoke regarding a West Hollywood Food Drive that garnered over 1,700 pounds of food, books and toiletries for the SOVA Food Pantry. He thanked City Hall Staff and West Hollywood schools for their donations. He wished Mayor Pro Tempore Land a happy anniversary.

Councilmember D'Amico spoke regarding his recent attendance at the California Contract Cities Association Conference where he completed his required Ethics Training. He spoke about the upcoming Shop Humane Event in West Hollywood, to commemorate the anniversary of the City's Fur Free Ordinance and encouraged residents to participate. He spoke regarding Item 2.N. and asked Staff to bring back an item to address the following at the June 4, 2012 meeting: 1) a list of the Marketing & Visitors Business Bureau Advisory Board Members that Council is being asked to approve; 2) the possible inclusion of a Councilmember to the Advisory Board; 3) information on how the additional revenues will be spent by the Marketing and Visitors Business Bureau; 4) information on how the Board will increase hotel occupancy in the City, and 5) a review of possible ways to increase diversity on the Board of Directors. He also spoke regarding the format of the City Council meetings; and suggested that Presentations and Councilmember Comments be moved to a different time, so that agenda items are brought forward earlier in the evening. He spoke regarding the recent Lesbian Discussion Group and stated that the next meeting is scheduled for June 13, 2012, followed by the Gay Men's Discussion group meeting on June 14, 2012. He also spoke regarding the recent Victory in Europe event.

Mayor Pro Tempore Land spoke regarding the upcoming Harvey Milk Day events and thanked Staff for all of their hard work. She spoke regarding the recent Russian Style Festival and thanked everyone who participated. She spoke regarding the issues surrounding the Hudson Block Party Event and requested the City Manager to investigate the issue. She spoke in support of the Assembly Budget Sub-Committee on Health and Human Services rejecting the Governor's proposal to close various centers that help seniors.

Mayor Prang spoke regarding Councilmember D'Amico's comments surrounding the order of the City Council agendas and asked the City Manager to work with his office to look into this issue. He spoke regarding public comments surrounding Item 2.X. and outlined the overall budget; and provided clarification that the event will now be produced by a single vendor. He spoke regarding Item 2.DD and provided clarification. He spoke regarding his recent attendance at a meeting of the Board of Directors of the Los Angeles West Vector Control District. He spoke regarding his recent attendance at the California Contract Cities Association Conference and his completion of his required ethics training. He also spoke regarding "National Public Works Week" and thanked the Public Works Division for their hard work. He spoke regarding the Hudson Block Party event and stated that there were notification issues, and issues surrounding the number of participants which created traffic and parking impacts.

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

City Manager Arevalo spoke regarding complaints surrounding the lighting and acoustics in the Council Chambers, and asked Dan Adams from Heery International to speak regarding this issue. Dan Adams reported that assessments have been done during recent months to look into the issues, and stated that changes will be made to the lighting and sound in the room as well as the lobby. Some of the changes will include lighter paint, wall sconces and the creation of a vestibule to address sound issues.

Councilmember D'Amico requested clarification on whether the new lights will project less heat. Mr. Adams stated that the new lights will be LED; which do not put out the same level of heat as the current lights.

Councilmember Heilman thanked staff for their ongoing work on the Council Chambers and requested clarification on whether the City has approached the architects to determine why these issues weren't addressed when the building was initially constructed. Mr. Adams stated that this issue is being discussed by the architects, design team and Staff.

City Manager Arevalo reported on the second meeting of the Oversight Board to the Successor Agency of the West Hollywood Community Development Commission. He stated that the Board approved the Recognized Obligation Payment Schedule (ROPS); which will be forwarded to the State Department of Finance. Once approved by the State, these funds will allow the City to complete various projects in the City. He also reported on the development of the City's two-year budget and the impacts the loss of

the redevelopment agency will have on the City. He spoke regarding looking into additional funding for Public Safety and Social Services. He spoke regarding public comments made regarding Item 2.X. and stated that the Consultant will not only be programming the event, but will also handle the entire execution of the event as well.

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

City Clerk Schaffer stated that the fiscal impact on the Consent Calendar is \$3,326,951 in expenditures and \$1,666,725 in potential revenue.

## **2. CONSENT CALENDAR:**

**ACTION:** Approve the Consent Calendar, 2.A.,B.,C.,D.,E.,F.,G.,H.,I.,J.,K.,L.,M.,N.,O.,P.,Q.,R.,S.,T.,U.,V.,W.,X.,Y.,Z.,AA., BB.,CC.,DD.,EE.,FF.,GG.,HH.,II. **Motion by Councilmember Duran, seconded by Mayor Pro Tempore Land and unanimously approved with Mayor Prang voting NO on Item 2.CC.**

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

*SUBJECT: The agenda for the meeting of Monday, May 21, 2012 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, May 17, 2012.*

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

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

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

**ACTION:** Approve the minutes of May 7, 2012. **Approved as part of the Consent Calendar.**

### **2.C. DEMAND REGISTER NO. 698, RESOLUTION NO. 12-4302:**

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

**ACTION:** Approve Demand Register No. 698 and adopt Resolution No. 12-4302, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 698". **Approved as part of the Consent Calendar.**

### **2.D. ORDINANCE NO. 12-887 (2ND READING), AMENDING THE PROVISIONS OF THE BUSINESS LICENSE CODE REGULATING VALETS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE [C. SCHAFFER, Y. QUARKER]:**

*SUBJECT: The City Council will waive further reading and adopt Ordinance No. 12-887, amending the provisions of the Business License*

*Code regulating valets and amending the West Hollywood Municipal Code.*

**ACTION:** Waive further reading and adopt Ordinance No. 12-887, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER 5.120.030 (OPERATING REQUIREMENTS) OF THE WEST HOLLYWOOD MUNICIPAL CODE PERTAINING TO THE REGULATION OF VALET OPERATORS." **Approved as part of the Consent Calendar.**

**2.E. ORDINANCE NO. 12-888 (2ND READING) AMENDING WEST HOLLYWOOD MUNICIPAL CODE SECTION 1.32.060 REGARDING AWARD OF ATTORNEY'S FEES AND COSTS IN NUISANCE ABATEMENT ACTIONS [C. SCHAFFER, Y. QUARKER]:**

*SUBJECT: The City Council will waive further reading and adopt Ordinance No. 12-888, amending West Hollywood Municipal Code ("WHMC") Section 1.32.060 to permit award of attorney's fees and costs to the prevailing party in an action for nuisance abatement.*

**ACTION:** Waive further reading and adopt Ordinance No. 12-888, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING MUNICIPAL CODE SECTION 1.32.060 TO PERMIT AWARD OF ATTORNEY'S FEES AND COSTS TO THE PREVAILING PARTY IN AN ACTION FOR NUISANCE ABATEMENT." **Approved as part of the Consent Calendar.**

**2.F. ORDINANCE NO. 12-889 (2ND READING) AMENDING THE BUSINESS LICENSE ORDINANCE PERTAINING TO DANCE AND ENTERTAINMENT PROMOTERS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE [C. SCHAFFER, Y. QUARKER]:**

*SUBJECT: The City Council will waive further reading and adopt Ordinance No. 12-889, amending the Business License Ordinance pertaining to dance and entertainment promoters and amending the West Hollywood Municipal Code.*

**ACTION:** Waive further reading and adopt Ordinance No. 12-889, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER 5.08.010 (BUSINESSES REQUIRED TO BE LICENSED), CHAPTER 5.40 (DANCES AND DANCEHALLS), AND CHAPTER 5.44 (ENTERTAINMENT) AND ADDING CHAPTER 5.102 (PROMOTERS) TO TITLE V OF THE WEST HOLLYWOOD MUNICIPAL CODE PERTAINING TO REGULATION OF PROMOTERS." **Approved as part of the Consent Calendar.**

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

*SUBJECT: The City Council will receive reports from the Disabilities Advisory Board on actions taken at their recent meetings.*

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

**2.H. TREASURER'S REPORT FOR DECEMBER 2011 [D. WILSON, G. SCHUCHARD, N. CORONADO]:**

*SUBJECT: The City Council will receive the Treasurer's Report for the month ended December 2011 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.I. WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION SECOND AND THIRD QUARTER REPORT FOR 2011-2012 [E. SAVAGE, R. BURNLEY]:**

*SUBJECT: The City Council will receive the Second and Third Quarter Report or Fiscal Year 2011-2012 of the West Hollywood Community Housing Corporation (WHCHC).*

**ACTION:** Receive and file the Second and Third Quarter Report for 2011-2012. **Approved as part of the Consent Calendar.**

**2.J. RESIGNATIONS FROM CITY COMMISSIONS, ADVISORY BOARDS, AND COMMITTEES [C. SCHAFFER, Y. QUARKER]:**

*SUBJECT: The City Council will accept the resignations of Public Facilities Commissioner Richard Maggio, effective May 10, 2012 and Rent Stabilization Commissioner Eric Thompson effective May 11, 2012.*

**ACTION:** Accept with regret the resignation of Eric Thompson from the Rent Stabilization Commission. **Approved as part of the Consent Calendar.**

**2.K. A RESOLUTION ESTABLISHING A LIVING WAGE RATE FOR 2012-2013 OF \$11.66/HR WITH HEALTH BENEFIT CONTRIBUTIONS AND \$12.94/HR WITHOUT HEALTH BENEFIT CONTRIBUTIONS [V. LOVE, T. BROWN]:**

*SUBJECT: The City Council will consider adopting a resolution that establishes the living wage rate for 2012-2013 to be \$11.66/HR with health benefit contributions and \$12.94/HR without health benefit contributions effective July 1, 2012.*

**ACTION:** Adopt Resolution No. 12-4303, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING PURSUANT TO MUNICIPAL CODE SECTION 3.20.040 A LIVING WAGE RATE FOR 2012-2013 OF \$11.66/HR WITH HEALTH BENEFIT CONTRIBUTIONS OF AT LEAST \$1.25/HR AND \$12.94/HR WITHOUT HEALTH BENEFIT CONTRIBUTIONS OF AT LEAST \$1.25/HR". **Approved as part of the Consent Calendar.**

**2.L. STREET MAINTENANCE ASSESSMENT FOR FISCAL YEAR 2012-2013 [D. WILSON, B. ROSEN]:**

*SUBJECT: The City Council will consider adopting a resolution determining and imposing a street maintenance assessment within the 1996 Street Maintenance Assessment District for Fiscal Year 2012-2013. The assessment rate is unchanged from 2011-2012.*



**ACTION:** Adopt Resolution No. 12-4304, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DETERMINING THE COST OF STREET MAINTENANCE FOR FISCAL YEAR 2012-2013 AND DETERMINING AND IMPOSING A STREET MAINTENANCE ASSESSMENT WITHIN 1996 STREET MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2012-2013 PURSUANT TO THE PROVISIONS OF THE BENEFIT ASSESSMENT ACT OF 1982, CHAPTER 6.4 OF PART 1 OF DIVISION 2 OF TITLE 5 OF THE CALIFORNIA GOVERNMENT CODE." **Approved as part of the Consent Calendar.**

**2.M. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 FOR THE AVENUES – ART, FASHION & DESIGN DISTRICT [P. AREVALO, J. HUFFER, M. LOUIE]:**

*SUBJECT: The City Council will consider adopting three resolutions as the first steps in the implementation process of establishing The Avenues – Art, Fashion & Design District West Hollywood for fiscal year 2012-2013; and set a public hearing on June 18, 2012.*

**ACTIONS:** 1) Adopt Resolution No. 12-4305, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING AN ADVISORY BOARD AND DIRECTING THE PREPARATION OF A REPORT FOR FISCAL YEAR 2012-2013 IN CONNECTION WITH THE AVENUES ART, FASHION & DESIGN DISTRICT"; 2) Adopt Resolution No. 12-4306, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 2012-2013 IN CONNECTION WITH AVENUES ART, FASHION & DESIGN DISTRICT"; 3) Adopt Resolution No. 12-4307, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO LEVY AN ASSESSMENT AGAINST BUSINESSES WITHIN THE AVENUES ART, FASHION & DESIGN DISTRICT FOR FISCAL YEAR 2012-2013 AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO"; and 4) Direct staff to notice a public hearing to be held on June 18, 2012 to hear protests or objections to the levy of the assessment for fiscal year 2012-2013. **Approved as part of the Consent Calendar.**

**2.N. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING & BUSINESS IMPROVEMENT AREA LAW OF 1989 (HOTEL MARKETING BENEFIT ZONE) [P. AREVALO, J. HUFFER, M. LOUIE]:**

*SUBJECT: The City Council will consider renewing the Hotel Marketing Benefit Zone of the West Hollywood Business Improvement Area for fiscal year 2012-2013 that funds the visitor marketing activities of the West Hollywood Marketing and Visitors Business Bureau (MVB) by adopting three resolutions; and set a public hearing for June 18, 2012.*

**ACTIONS:** 1) Adopt Resolution No. 12-4308, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING AN ADVISORY BOARD AND DIRECTING THE PREPARATION OF A REPORT FOR FISCAL YEAR 2012-2013 IN CONNECTION WITH THE WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA"; 2) Adopt Resolution No. 12-4309, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 2012-2013 IN CONNECTION WITH THE WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA;" 3) Adopt Resolution No. 12-4310, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO LEVY A CHARGE (ASSESSMENT) AGAINST HOTELS IN THE WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA FOR FISCAL YEAR 2012-2013 AND SETTING A TIME AND PLACE OF A HEARING TO CONSIDER SUCH A CHARGE"; and 4) Direct staff to notice a public hearing to be held on June 18, 2012 to hear protests or objections to the levy of assessment for fiscal year 2012-2013. **Approved as part of the Consent Calendar.**

**2.O. LEVY OF ANNUAL ASSESSMENT FOR SANTA MONICA BOULEVARD MAINTENANCE DISTRICT [P. AREVALO, J. HUFFER, M. LOUIE]:**

*SUBJECT: The City Council will consider adopting resolutions for the proposed levy of assessments for the Santa Monica Boulevard Maintenance District for fiscal year 2012-2013 which provides for holiday decorations, sidewalk steam cleaning and trash can and bus bench cleaning and repair; and set a public hearing for June 18, 2012.*

**ACTIONS:** 1) Adopt Resolution No. 12-4311, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT FOR THE 2012-2013 FISCAL YEAR PURSUANT TO PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE"; 2) Adopt Resolution No. 12-4312, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ENGINEER FOR THE 2012-2013 FISCAL YEAR IN CONNECTION WITH THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT"; 3) Adopt Resolution No. 12-4313, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT FOR THE 2012-2013 FISCAL YEAR PURSUANT TO PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO"; and 4) Direct staff to notice a public hearing to be held on June 18, 2012 to hear protests or

objections to the levy of the assessment for fiscal year 2012-2013.  
**Approved as part of the Consent Calendar.**

**2.P. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 FOR THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT [P. AREVALO, J. HUFFER, M. LOUIE]:**

*SUBJECT: The City Council will consider adopting three resolutions as the first steps in the annual implementation process of the Sunset Strip Business Improvement District for fiscal year 2012-2013; and set a public hearing for June 18, 2012.*

**ACTIONS:** 1) Adopt Resolution No. 12-4314, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING AN ADVISORY BOARD AND DIRECTING THE PREPARATION OF A REPORT FOR FISCAL YEAR 2012-2013 IN CONNECTION WITH THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT"; 2) Adopt Resolution No. 12-4315, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 2012-2013 IN CONNECTION WITH THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT"; 3) Adopt Resolution No. 12-4316, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO LEVY AN ASSESSMENT AGAINST BUSINESSES WITHIN THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2012-2013 AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO"; and 4) Direct staff to notice a public hearing to be held on June 18, 2012 to hear protests or objections to the levy of the assessment for fiscal year 2012-2013. **Approved as part of the Consent Calendar.**

**2.Q. SUPPORT FOR SB 1172 (LIEU) INFORMED CONSENT OF SEXUAL ORIENTATION CHANGE EFFORTS [A. LAND, C. PLANCK, J. PRANG, M. HAIBACH, J. HARRIS]:**

*SUBJECT: The City Council will consider adopting a resolution in support of SB 1172 (LIEU), which requires psychotherapists to obtain informed consent prior to conducting sexual orientation change efforts.*

**ACTIONS:** 1) Adopt Resolution 12-4317, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING SB 1172 (LIEU) INFORMED CONSENT OF SEXUAL ORIENTATION CHANGE EFFORTS"; and 2) Direct staff to send copies of signed resolutions to state State Senators Ted Lieu and Fran Pavley, State Assemblymember Mike Feuer and other key legislators. **Approved as part of the Consent Calendar.**

**2.R. HYBRID VEHICLE PURCHASES [S. BAXTER, S. CAMPBELL, H. COLLINS]:**

**SUBJECT:** *The City Council will consider authorizing the purchase of three hybrid vehicles.*

**ACTIONS:** 1) Authorize the Finance Department to issue a Purchase Order to Winner Chevrolet formerly Coalinga Motors of Elk Grove, California in an amount of \$37,438.33 for the purchase of one base model white 2013 Chevrolet Silverado 1500 hybrid pick-up truck, to include dealer sprayed in bed liner, taxes, fees and delivery; 2) Authorize the Finance Department to issue a Purchase Order to Wondries Fleet Group of Alhambra, California in an amount of \$53,694.22 for the purchase of two 2012 Toyota Prius hybrid, base model 5-door hatchbacks to include tax, delivery, fees and additional keys; and 3) Authorize the Finance Department to issue a Purchase Order for an administrative fee equal to 1.98% (\$1,804.42) of the total vehicle purchase amount to the State of California, Department of General Services. **Approved as part of the Consent Calendar.**

**2.S. AGREEMENT FOR SERVICES WITH SUNSETEMPS, LLC. FOR TEMPORARY STAFFING SERVICES [V. LOVE, L. BOCK, Y. MAURIS]:**

**SUBJECT:** *The City Council will consider approving an agreement with Sunsetemps, LLC, to provide temporary staffing services citywide.*

**ACTIONS:** 1) Approve a two-year Contract Agreement with Sunsetemps, LLC, in an amount not to exceed \$300,000 (three hundred thousand dollars and no/cents) for temporary staffing services to provide temporary staffing as needed citywide; and 2) Authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

**2.T. AGREEMENT FOR SERVICES TO PREPARE AN UPDATE TO THE HOUSING ELEMENT IMPLEMENTATION STRATEGIES FOR THE PLANNING PERIOD 2014-2021 [E. SAVAGE, R. BURNLEY, J. LEONARD]:**

**SUBJECT:** *The City Council will consider the approval of an Agreement for Services with Veronica Tam and Associates to prepare an update to the Housing Element implementation strategies for the planning period 2014-2021.*

**ACTION:** Authorize the City Manager to execute an Agreement for Services with Veronica Tam and Associates for \$39,970. **Approved as part of the Consent Calendar.**

**2.U. AWARD OF CONSTRUCTION CONTRACT FOR CIP 1206, CONCRETE REPAIR PROGRAM [O. DELGADO, S. PERLSTEIN]:**

**SUBJECT:** *The City Council will consider awarding a construction contract for the Concrete Repair Program, CIP 1206.*

**ACTIONS:** 1) Accept the bid dated May 8, 2012, submitted by Civil Works Corp.; 2) Authorize the City Manager to enter into a contract with Civil Works Corp. in the amount of \$76,938.50 for the construction of CIP 1206, Concrete Repair Program; 3) Authorize the City Engineer to manage Change Orders for work on the construction contract in an

amount not to exceed 10% of the contract amount; and 4) Approve Resolution 12-4318, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE DESIGN AND PLANS FOR THE CONSTRUCTION OF CONCRETE REPAIR PROGRAM, CIP 1206, PURSUANT TO GOVERNMENT CODE SECTION 830.6 AND ESTABLISHING A PROJECT PAYMENT ACCOUNT. " **Approved as part of the Consent Calendar.**

**2.V. AMENDMENT TO CONTRACT WITH XEROX STATE & LOCAL SOLUTIONS, INC. [O. DELGADO, J. ROCCO, D. NORTE]:**

*SUBJECT: The City Council will consider increasing the budgeted expenditures for FY 11/12 for the agreement with Xerox State & Local Solutions, Inc. and an amendment to allow for unanticipated increases.*

**ACTIONS:** 1) Approve the second amendment to the agreement to allow for unanticipated increases in volume for items to which the contractor is compensated by the established unit contract price, without an annual not to exceed amount, as such increases in volume generate corresponding increases in revenue; 2) Authorize the Director of Finance to increase budgeted expenditures in account 100-3-08-82-531004 by \$30,000 and to increase budgeted revenues in parking fines account 100-451001 by 30,000 for FY 11/12; and 3) Authorize the City Manager to sign the amendment. **Approved as part of the Consent Calendar.**

**2.W. CHRISTOPHER STREET WEST'S 42nd ANNUAL LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PRIDE CELEBRATION AND PARADE IN WEST HOLLYWOOD [S. BAXTER, O. WALKER, C. SMITH]:**

*SUBJECT: The City Council will consider waiving permit parking beginning at 4:00 pm on Friday, June 8, 2012, in relation to the 2012 Lesbian, Gay, Bisexual, and Transgender Pride Event. By previous action, Council waived permit parking in the City from 7:00 am on Saturday, June 9, 2012, through 7:00 am on Monday, June 11, 2012, for the Pride Event.*

**ACTION:** Authorize the waiver of permit parking, beginning at 4:00 pm on Friday, June 8, 2012, in relation to the 2012 Lesbian, Gay, Bisexual, and Transgender Pride Event. **Approved as part of the Consent Calendar.**

**2.X. 2012 BOOK FAIR CONSULTING SERVICES CONTRACT AWARD [S. BAXTER, O. WALKER]**

*SUBJECT: The City Council will consider awarding a contract for 2012 Book Fair Consulting Services.*

**ACTIONS:** 1) Approve an Agreement for 2012 Book Fair coordination services to Authentic Agency, Incorporated of West Hollywood in the not to exceed amount of \$150,000.00; 2) Authorize the City Manager to execute the Agreement; and 3) Authorize a contingency amount equal to the actual cash sponsorships received by the City for the use towards

enhanced Book Fair programming/production as approved by the City Manager. **Approved as part of the Consent Calendar.**

**2.Y. AMEND BICYCLE RACK DESIGN STANDARDS IN THE CITYWIDE STREET FURNITURE PROGRAM [A. MCINTOSH, M. ANTOL, B. CHEUNG, R. DUARTE]:**

*SUBJECT: City Council will consider approval to include the Inverted-U bicycle rack (square-tubed design) as the preferred bicycle rack design as part of the adopted Citywide Street Furniture Program.*

**ACTION:** Approve amendment to include the Inverted-U bicycle rack in the Citywide Street Furniture Program. **Approved as part of the Consent Calendar.**

**2.Z. SECOND AMENDMENT TO THE AGREEMENT WITH OMEGA CONSTRUCTION COMPANY, INC. [S. BAXTER, S. CAMPBELL, H. COLLINS]:**

*SUBJECT: The City Council will consider approving the Second Amendment to the Agreement with Omega Construction Company, for On-Call Services as Needed for Facility Repair, Remodeling and Renovation.*

**ACTIONS:** 1) Approve the Second Amendment to the Agreement with Omega Construction Company, Inc. for On-Call Services as Needed for Facility Repair, Remodeling and Renovation to increase the not to exceed amount of the agreement by \$175,000; 2) Approve the Second Amendment to the Agreement with Omega Construction Company, Inc. for On-Call Services as Needed for Facility Repair, Remodeling and Renovation to extend the term of the agreement to October 31, 2012; and 3) Authorize the City Manager to execute the Second Amendment to the Agreement. **Approved as part of the Consent Calendar.**

**2.AA. AGREEMENT EXTENSION – GRAFFITI CONTROL SYSTEMS [S. BAXTER, S. CAMPBELL, H. COLLINS]:**

*SUBJECT: The City Council will consider approving a two-year extension to the Agreement with Graffiti Control Systems for graffiti abatement services.*

**ACTIONS:** 1) Approve the First Amendment to the Agreement with Graffiti Control Systems to extend the term for a period of two years including fiscal years 2012/2013 and 2013/2014; 2) Approve the First Amendment to the Agreement with Graffiti Control Systems, for the provision of graffiti abatement in the not to exceed amount of \$160,000 for fiscal years 2012/2013 and 2013/2014; and 3) Authorize the City Manager to execute the First Amendment to the Agreement. **Approved as part of the Consent Calendar.**

**2.BB. APPROVAL OF REVISED CLASSIFICATION SPECIFICATIONS FOR URBAN DESIGNER AND COMMERCIAL CODE COMPLIANCE OFFICER [S. SCHUMACHER, L. BOCK, V. LOVE ]:**

*SUBJECT: The City Council will consider the recommendation from the Human Resources Division for the revision of the classification specifications for Urban Designer (including compensation adjustment) and Code Compliance Officer (including the addition of one [1] Code Compliance Officer position and the elimination of the Business License Officer position).*

**ACTIONS:** 1) Approve the revised classification specification of Urban Designer; 2) Authorize salary placement for the Urban Designer classification from Grade 5290 to Grade 5300; 3) Approve the elimination of the Business License Officer (Grade 5220) and the addition of one (1) Code Compliance Officer (Grade 5230) in the Code Compliance Division of the Public Works Department; and 4) Approve the revised classification specification of Code Compliance Officer. **Approved as part of the Consent Calendar.**

**2.CC. DENIAL OF CULTURAL RESOURCE DESIGNATION OF PROPERTY LOCATED AT 1243 NORTH FULLER AVENUE [A. MCINTOSH, J. KEHO, A. CASTILLO]:**

*SUBJECT: The City Council will consider denying the designation of a Craftsman-style, single-family dwelling located at 1243 N. Fuller Avenue as a local cultural resource.*

**ACTION:** Adopt Resolution No. 12-4319, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING DESIGNATION OF THE PROPERTY LOCATED AT 1243 NORTH FULLER AVENUE, WEST HOLLYWOOD, CALIFORNIA, AS A LOCAL CULTURAL RESOURCE." (EXHIBIT A) **Approved as part of the Consent Calendar, noting Mayor Prang's NO vote.**

**2.DD. EDUCATION WORKSHOP: HOW TO SECURE GOVERNMENT CONTRACTS [P. AREVALO, J. HUFFER, M. LOUIE]:**

*SUBJECT: The City Council will receive an update on the development of an effort to educate local businesses on how to do business and seek contracts with the City.*

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

**2.EE. SPONSORSHIP AND CITY SUPPORT FOR PRODUCTION OF WEST HOLLYWOOD FASHION'S NIGHT OUT EVENT [P. AREVALO, J. HUFFER, M. LOUIE]:**

*SUBJECT: The City Council will consider sponsorship of The Avenues of Art, Fashion & Design (The Avenues) "Fashion's Night Out" West Hollywood event on Thursday, September 6, 2012.*

**ACTIONS:** 1) Approve sponsorship of the Avenues of Art, Fashion & Design District "Fashion's Night Out" West Hollywood event in a not-to-exceed amount of \$8,000; 2) Approve in-kind support in the form of fee waivers for the event totaling a not-to-exceed amount of \$2,800; 3) Authorize the use of the City name and logo on invitations, programs, and other collateral materials; 4) Authorize the Department of Public Works to

reserve encroachment of parking meters throughout the City for official Fashion's Night Out events on Thursday, September 6, 2012 from 3 p.m. to midnight; 5) Authorize the Public Information Office to utilize all appropriate communications tools to promote the event, including, but not limited to the City's website, and social media tools; and 6) Authorize the City Manager to sign and execute any necessary documents or forms.  
**Approved as part of the Consent Calendar.**

**2.FF. SUPPORT OF H.R. 4609 (SANCHEZ) THE "SOCIAL SECURITY EQUALITY ACT OF 2012" TO END DISCRIMINATION IN SOCIAL SECURITY AGAINST SAME-SEX COUPLES [A. LAND, C. PLANCK, J. HEILMAN, F. SOLOMON, D. MEGERDICHIAN]:**

*SUBJECT: The City Council will consider supporting H.R. 4609, the "Social Security Equality Act of 2012," introduced by U.S. Congresswoman Linda Sanchez, to end discrimination in Social Security against same-sex couples.*

**ACTIONS:** 1) Adopt Resolution No. 12-4320, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE SOCIAL SECURITY EQUALITY ACT OF 2012"; and 2) Direct staff to send copies of the signed resolution to U.S. Senators Barbara Boxer and Dianne Feinstein, U.S. Congressmembers Henry Waxman, Adam Schiff and Linda Sanchez, Services and Advocacy for Gay, Lesbian, Bisexual and Transgender Elders (SAGE), the L.A. Gay & Lesbian Center, and the National Gay and Lesbian Task Force.  
**Approved as part of the Consent Calendar.**

**2.GG. SUPPORT FOR 'JUST ONE DAY' EVENT [J. D'AMICO, M. REX]:**

*SUBJECT: The City Council will consider supporting the 'Just One Day' event on June 11, 2012 in asking animal shelters across the USA to take a pledge not to kill any savable animals on just that one day.*

**ACTIONS:** 1) Approve the City of West Hollywood's participation as a community collaborator of the 'Just One Day' event and authorize the use of the City's name and logo on printed materials advertising the event; and 2) Direct the Public Information Office to utilize all appropriate communication tools to promote the event including, but not limited to, the City's website and social media tools. **Approved as part of the Consent Calendar.**

**2.HH. APPROVE AN AMENDMENT TO THE AFFORDABLE HOUSING LOAN AGREEMENT BETWEEN THE CITY OF WEST HOLLYWOOD, ACTING AS THE HOUSING SUCCESSOR AGENCY TO THE FORMER COMMUNITY DEVELOPMENT COMMISSION, AND JANET L. WITKIN CENTER, LLC [E. SAVAGE, R. BURNLEY, J. LEONARD]:**

*SUBJECT: The City Council, acting as the Housing Successor Agency to the former West Hollywood Community Development Commission, will consider an amendment to the Affordable Housing Loan Agreement previously entered into with Janet L. Witkin Center, LLC.*



**ACTIONS:** 1) Approve the Amendment to the Affordable Housing Loan Agreement with the Janet L. Witkin Center, LLC; and 2) Authorize the City Manager to take any additional actions as needed to implement the Amendment. **Approved as part of the Consent Calendar.**

**2.II (4.C.) EXPANSION OF CREDIT CARD METERS CITYWIDE [O. DELGADO, J. ROCCO, D. NORTE]:**

*SUBJECT: The City Council will consider authorizing the purchase of approximately 1,783 parking meters that accept credit cards as an additional payment option to coins.*

**ACTIONS:** 1) Authorize staff to negotiate an agreement with the IPS Group to purchase one thousand seven hundred eighty three (1783) single-space credit card parking meters for an amount not to exceed \$1,099,280; and 2) Approve issuance of a purchase order by the Department of Finance. **Approved as part of the Consent Calendar.**

**3. PUBLIC HEARINGS:**

**3.A. APPEAL OF THE HISTORIC PRESERVATION COMMISSION'S RECOMMENDATION TO DESIGNATE THE PROPERTY AT 1422 NORTH SWEETZER AVENUE AS A LOCAL CULTURAL RESOURCE [A. MCINTOSH, J. KEHO, A. CASTILLO]:**

*SUBJECT: The City Council will consider an appeal by Edwin Silver regarding the Historic Preservation Commission's recommendation to designate the property at 1422 North Sweetzer Avenue as a local cultural resource.*

**ACTION:** Continue the public hearing to a date uncertain to allow staff to further evaluate the appeal request. The appellant has agreed to continue the public hearing. **Carried by Consensus of the Council.**

**3.B. REVIEW OF THE CITY SEWER SERVICE CHARGE FOR FISCAL YEAR 2012-13 [O. DELGADO, S. PERLSTEIN]:**

*SUBJECT: The City Council will consider approving the City Sewer Service Charge rates for the FY 2012-13 program.*

The Item was noticed as required by law.

Sharon Perlstein, City Engineer, provided background information as outlined in the Staff Report dated May 21, 2012.

Mayor Prang opened the public hearing and there were no speakers.

Mayor Prang closed the public hearing.

**ACTIONS:** 1) Make a finding that there is no majority protest by property owners within the assessment area; and 2) Approve Resolution No. 12-4321, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

WEST HOLLYWOOD CONFIRMING THE LEVYING OF AN ANNUAL ASSESSMENT FOR SEWER SERVICES FOR FISCAL YEAR 2012-2013 PURSUANT TO CHAPTER 15.12 OF ARTICLE 1 OF TITLE 15 OF THE CITY OF WEST HOLLYWOOD MUNICIPAL CODE". **Motion by Mayor Pro Tempore Land, seconded by Councilmember Duran and unanimously approved.**

**3.C. REVIEW OF THE CITY SOLID WASTE AND RECYCLABLE COLLECTION AND DISPOSAL SERVICE CHARGE FOR FISCAL YEAR 2012-13 [O. DELGADO, S. PERLSTEIN]:**

*SUBJECT: The City Council will consider approving the Solid Waste and Recyclable Material Collection and Disposal Service Charge rates for FY 12-13.*

The Item was noticed as required by law.

Sharon Perlstein, City Engineer, provided background information as outlined in the Staff Report dated May 21, 2012.

Mayor Pro Tempore Land disclosed that she met with representatives from Athens.

Mayor Prang opened the public hearing and there were no speakers.

Mayor Prang closed the public hearing.

**ACTIONS:** 1) Make a finding that there is no majority protest by property owners within the assessment area; 2) Approve Resolution No. 12-4322, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE LEVYING OF AN ANNUAL ASSESSMENT FOR SOLID WASTE AND RECYCLING SERVICES FOR FISCAL YEAR 2012-13 PURSUANT TO TITLE 15, CHAPTER 15.48 OF THE CITY OF WEST HOLLYWOOD MUNICIPAL CODE"; and 3) Approve Resolution No. 12-4323, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING THE CONSUMER PRICE INDEX FOR ALL URBAN CUSTOMERS (CPI-U) INCREASE TO RATES FOR SOLID WASTE SERVICES FOR COMMERCIAL AND MULTI UNIT (OVER FOUR UNITS) RESIDENTIAL PROPERTIES." **Motion by Councilmember Heilman, seconded by Councilmember D'Amico and unanimously approved.**

**3.D. COMMERCIAL PROJECT AT 8564-8590 MELROSE AVE [A, MCINTOSH, J. KEHO, A. GALLO]:**

*SUBJECT: The Council will consider a commercial development known as Melrose & Westmount. The proposed project is the construction of an approximately 30,163-square-foot commercial structure (wholesale and*

*furnishing showrooms) with two levels of underground parking. The project involves a Zone Text Amendment and Zone Map Amendment to establish The Avenues Bonus Overlay Zoning District and include the property within the Overlay. The project also codifies The Avenues height and density bonus as established by the General Plan 2035.*

The Item was noticed as required by law.

Councilmember D'Amico disclosed that he met with Mr. Soleimani and his attorney as well as members of the community. He also visited the site.

Councilmember Duran disclosed that he received emails, spoke with Mr. Soleimani and visited the site

Councilmember Heilman disclosed that he visited the site, received emails both in support and in opposition to the project. He also disclosed that he spoke with Mr. Soleimani.

Mayor Pro Tempore Land disclosed that she visited the site and received emails from residents both in support of and opposition to the project.

Mayor Prang disclosed that he received emails and phone calls regarding the project.

Anne McIntosh, Director of Community Development, and Adrian Gallo, Associate Planner, provided background information as outlined in the Staff Report dated May 21, 2012.

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

CLARE BRONOWSKI, REPRESENTING THE APPLICANT, spoke regarding the project and stated that it has been a five-year process. She spoke regarding the background of the design, and some of the key issues that arose and were addressed during the process.

Mayor Prang read the names of the following residents who wanted to express their opposition to the project but did not wish to speak: Michael Gunthorp, Emily O'Rourke, Janet Smith, Richard Blone, Michelle Ianella, Mirella Forlani, Gianluigi Taccmi, James Bellavance, Debbie Meister, Richard Teeter, M. Givens, Melanie Levitt, and Jay Jacobson.

BEN SOLEIMANI, THE APPLICANT, spoke regarding the project and its revisions over the last five years. He spoke in support of the Item.

RUTH CISLOWSKI, WEST HOLLYWOOD, spoke in opposition to the project.

STEVEN GOLIGHTLY, WEST HOLLYWOOD, spoke in opposition to the project, specifically the lack of an Environmental Impact Report.

JUSTIN KLENTNER, LOS ANGELES, spoke in support of the project.

MATTEO DE PAOLIS, WEST HOLLYWOOD, spoke in support of the project.

CHARLES WALLACE, WEST HOLLYWOOD, spoke in support of the project.

ERIN CASTELLINO, LOS ANGELES, spoke in support of the project.

TOM FLEMING, WEST HOLLYWOOD, spoke in opposition to the project, specifically expressing concerns regarding designating the property as retail instead of wholesale.

SOPHIE CAZANX, WEST HOLLYWOOD, spoke in support of the project.

RAY HAMAGUCHI, LOS ANGELES, spoke in support of the project.

KENYA BONITA, BEVERLY HILLS, spoke in support of the project.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in opposition to the project.

MARTIN STRUDLER, WEST HOLLYWOOD, spoke in opposition to the project, specifically expressing concerns regarding designating the property as retail instead of wholesale.

GENEVIEVE MORRILL, REPRESENTING THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of the project.

ARMEN OVSEPIAN, WEST HOLLYWOOD, spoke in support of the project.

GARY FRIEDMAN, REPRESENTING RESTORATION HARDWARE, spoke in support of the project.

OSCAR ANZURES, LOS ANGELES, spoke in support of the project.

LEANA BARTLETT, BEVERLY HILLS, spoke in support of the project.

DARREN GOLD, WEST HOLLYWOOD, spoke in support of the project.

STACEY HARRINGTON, BEVERLY HILLS, spoke in support of the project.

GARRY GUERRIER, WEST HOLLYWOOD, spoke in support of the project.

KIMBERLY WINICK, WEST HOLLYWOOD, spoke in opposition to the project.

LARRY CHAMBLEE, WEST HOLLYWOOD, spoke in opposition to the project.

CHRISTINA WHITTLE, MANHATTAN BEACH, spoke in support of the project.

ALEXANDER FERUCCI, WEST HOLLYWOOD, spoke in support of the project.

MICHAEL LEE, WEST HOLLYWOOD, spoke in opposition to the project.

PADI MOSCHETTA, WEST HOLLYWOOD, spoke in opposition to the project.

RICHARD GIESBRET, WEST HOLLYWOOD, spoke in opposition to the project.

CATHY BLAIVAS, WEST HOLLYWOOD, spoke in opposition to the project.

STEVE MARTIN, WEST HOLLYWOOD, spoke in opposition to the project.

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

CLARE BRONOWSKI, REPRESENTING THE APPLICANT, provided rebuttal.

JAY JACOBSON, WEST HOLLYWOOD, spoke in opposition to the project.

JUDI MARTINO, WEST HOLLYWOOD, spoke in opposition to the project.

IRENE BENAVENTE, WEST HOLLYWOOD, spoke in opposition to the project, specifically the possible increase in traffic.

Councilmember Duran requested clarification from Staff regarding the public comments surrounding wholesale versus retail and used the PDC as an example of a wholesale designation where individuals still purchase items similar to a retail environment. He also asked if there was any enforcement of this issue. He also inquired as to the tax benefits of wholesale and retail.

Staff stated that this is correct that the City does not enforce a distinction between wholesale and retail uses for these types of businesses. City Manager Arevalo spoke regarding the difference in benefits as it relates to taxes. He stated that Restoration Hardware's sales receipts would act more as a wholesale benefit as most of the items are delivered from out-of-state, as opposed to pure retail where the City would get more tax revenue.

Councilmember Duran requested clarification from the representative of Restoration Hardware on how the store is changing its business model.

GARY FRIEDMAN, REPRESENTING RESTORATION HARDWARE, provided clarification on the changes in the Restoration Hardware business model. He stated that they have closed multiple mall stores, and are now transforming to more wholesale and design services and that currently only 2% of their business is cash and carry. He stated that this store would be modeled after the Beverly Boulevard store, which has minimal foot traffic. He spoke regarding the average store transaction amount going from \$70 to approximately \$3,000.

Mayor Pro Tempore Land requested clarification about the size of the building on Beverly Boulevard.

Mr. Friedman stated that the interior of the building is 15,000 sq. ft. and the outside garden area is 35,000 sq. ft.

Councilmember Heilman asked if the business model for this store would be the same as the Restoration Hardware in Houston. Mr. Friedman stated that it would be.

Councilmember Duran requested clarification of parking and traffic impacts for the proposed project.

Bob Cheung, Senior Transportation Planner, spoke regarding the showroom replacing office and retail uses and stated that there would be less trips than what currently exists.

Councilmember D'Amico requested clarification from the applicant on the height bonuses, and the additional 3,000 sq. ft. bonus. He also requested clarification on the proposed parking, and the possibility of allowing cars to

enter and exit on both Westbourne and Westmount Drive. He requested clarification regarding the scale of the building.

CLARE BRONOWSKI, REPRESENTING THE APPLICANT, provided clarification on the proposed height of the building and the Avenues bonus. She stated that there would be 112 parking spaces underground and 18 at street level, and spoke regarding limitations on extending the parking to both Westbourne and Westmount Drive and concessions that needed to be made to accommodate the needs of the neighboring businesses during construction. Ms. Bronowski stated that the applicant does not agree that the scale is massive, and there have been additional design measures to the exterior walls that would allow for viewing from the street.

Mayor Pro Tempore Land requested clarification on public comment surrounding issues with the water table. She also requested clarification on the parking regulations including whether there will be a fee for parking. She requested clarification regarding deliveries at the site and measures that would be taken to ensure that cars must turn left out of the parking lot toward Melrose Avenue. She also requested clarification on the proposed bonuses.

Staff stated that the Building & Safety Division reviews all construction projects in the City as it relates to underground parking and monitors and addresses issues with the water table on an ongoing basis. Staff also stated that the study of the site indicated that no permanent de-watering would be required. Staff stated that the project design will require left turns out of the parking lot toward Melrose Avenue. Staff stated that the issue of whether patrons will have to pay for parking at the site has not been discussed. Staff spoke regarding deliveries at the site and stated that the developer would be required to submit a Loading Operations Plan and the City could make adjustments.

John Keho, Planning Manager, spoke regarding the General Plan calling for variations in height in this area, and varied types of uses; and both of these criteria apply to this property.

Councilmember Heilman requested clarification on whether there have been complaints relating to traffic, noise, or parking at the existing Restoration Hardware site on Beverly Boulevard.

Staff reported that there have been concerns regarding how the parking functions at the store.

Mayor Prang closed the public hearing.

Councilmember Duran thanked all the public speakers. He spoke regarding the increase in residents who own businesses in the City that they live. He spoke regarding tax revenue needed to provide the types of services that the City provides. He spoke regarding the General Plan and how it is supposed to encourage economic development while attempting to balance this development with the impacts upon residential neighborhoods. He spoke regarding wholesale versus retail designations and spoke in support of allowing a portion of this property to be designated as retail. He spoke regarding the General Plan calling for variations in height and types of businesses in this area and stated that the proposed project is in line with this aspect of the General Plan. He spoke in support of removing the Planning Commission restriction designating the site as strictly wholesale. He spoke in support of the project.

Councilmember Heilman thanked all of the public speakers. He spoke regarding the residents having some residual frustration based on what was originally proposed at the site. He spoke regarding Restoration Hardware being a desirable tenant and spoke regarding the successful business they are currently operating on Beverly Boulevard. He spoke regarding his visit to the Restoration Hardware in Houston, and stated that he believes this type of business would be a welcome addition to the community. He spoke regarding the Avenues height bonuses on Melrose in the General Plan and the opportunity for a bonus to allow for 35 feet in certain areas on Melrose to attract high quality businesses along Melrose. He spoke in support of the mix of tenants and businesses at the site. He spoke in support of combining the two lots and the benefits of protecting the neighboring business, as well as the addition of parking for the area. He spoke in support of allowing a mix of wholesale and retail at the site. He expressed concerns over the additional modification to go beyond the 35 ft. height that is allowed under the bonus.

Councilmember D'Amico spoke in support of a development project at the site, but spoke in opposition to the proposed project due to the size and massing. He expressed concerns regarding allowing maximum heights and density on all projects along Melrose. He spoke in support of the design, but not at this location. He spoke in support of the architect revising the entrance to the Courtyard. He thanked the community for coming and voicing their concerns.

Mayor Pro Tempore Land thanked everyone for their participation in this process. She spoke regarding the need to find balance between the vibrancy of the City's commercial districts and the impacts on the City's residents. She spoke regarding the General Plan being put in place to ensure that Melrose continues to attract pedestrians and new businesses. She spoke regarding the City being an urban city trying to ensure the vitality of the commercial and residential areas as well. She spoke in



support of the project being in line with the intent of the Avenues bonus in the General Plan to attract a variety of businesses. She expressed concerns regarding parking and spoke regarding the need to ensure that those that park at the site can patronize other businesses on Melrose as well. She spoke in support of flexibility as it relates to wholesale versus retail, as long as there is some provision that is less restrictive than the provision proposed by the Planning Commission. She expressed concern regarding Melrose becoming home to chain stores, and spoke regarding the need to continue to look at ways to try to keep the unique, smaller businesses in the City.

Mayor Prang requested clarification from staff regarding the additional modification to increase the floor to ceiling height. Staff provided clarification regarding the provision in the code to allow a 10% additional height.

Mayor Prang spoke regarding public comment surrounding requiring an Environmental Impact Study and spoke regarding the possibility of requiring an EIR for the project. He spoke in support of the design, but expressed concerns regarding the size in regards to the surrounding area. He spoke regarding objectives that were laid out in the General Plan and spoke regarding this project attempting to meet those objectives. He spoke regarding the possibility of having more time to consider the project.

Mayor Duran spoke regarding the possibility of creating a restriction that allows for both wholesale and retail associated with the site.

**ACTIONS:** Hold a public hearing, consider all pertinent testimony, approve the application request and adopt: 1) Introduce on first reading Ordinance No. 12-890, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, ADOPTING A ZONE TEXT AMENDMENT THAT ESTABLISHES THE AVENUES BONUS OVERLAY DISTRICT, ADDING A NEW CHAPTER [19.14.100] TO TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE, AND AMENDING CHAPTERS 19.04.020 AND 19.10.050" (ATTACHMENT A); 2) Introduce on first reading Draft Ordinance No. 12-891, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, ADOPTING A ZONING MAP AMENDMENT IN CONJUNCTION WITH A PROPOSED ZONE TEXT AMENDMENT, FOR THE PROPERTIES LOCATED AT 8564 – 8590 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA." (ATTACHMENT B); and 3) Direct Staff to return with a revised resolution to adopt a negative declaration, and approve a demolition permit, development permit, modification permit, and a lot line adjustment with the following amendments: a) increase regulations for delivery and construction vehicles; b) amend condition 11.4 in the resolution to include a percentage of the building that can be designated as retail space; c)

require modifications to the courtyard entry to make it more inviting to pedestrians along Melrose Avenue; d) consider the possible elimination of the modification for additional floor to ceiling height in the project; e) consider the possible extension of the driveway from the parking lot to include entrances on both the East and West side of the building. **Motion by Councilmember Heilman, seconded by Mayor Pro Tempore Land and approved, noting the NO votes of Councilmember D'Amico and Mayor Prang.**

**3.E. APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY THE SALE OF FULL ALCOHOL FOR OFF-SITE CONSUMPTION AT TARGET (7100 SANTA MONICA BOULEVARD) [A. MCINTOSH, J. KEHO, A. CASTILLO]:**

*SUBJECT: The City Council will hold a public hearing to consider an appeal by Target Corporation regarding the Planning Commission's denial of a request to amend Conditional Use Permit 004-013 to allow the sale of full alcohol in addition to the existing sale of beer and wine for off-site consumption at Target located at 7100 Santa Monica Boulevard within the West Hollywood Gateway.*

The Item was noticed as required by law.

Antonio Castillo, Associate Planner, provided background information as outlined in the Staff Report dated May 21, 2012.

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

BETH ABOULATIA, REPRESENTING THE APPELLANT, spoke regarding beer and wine being currently sold at the store since 2005 without incident. She spoke regarding the recent expansion of the grocery section of Target and the store's desire to provide customers with the convenience of purchasing distilled spirits. She further stated that the characteristics of the store will not change with the addition of distilled spirits, and there will be no significant impact.

DAVID EICHMAN, LOS ANGELES, spoke in opposition to the Appeal.

STEVE MARTIN, WEST HOLLYWOOD, spoke in support of the Appeal.

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

City Clerk Schaffer read the names of the following residents who wanted to express their opposition to the Appeal but did not wish to speak: LAURA BOCALLETTI, STEPHANIE HARKER, and CATHY BLAIVAS.

Mayor Prang closed the public hearing.

Councilmember Heilman spoke regarding Target being one of the largest employers in the City, as well as one of the largest tax generators in the City. He spoke in support of allowing Target to expand the sale of alcohol beyond beer and wine and spoke in support of the Appeal.

Mayor Duran spoke in support of the Appeal.

Mayor Pro Tempore Land spoke regarding the request being reasonable and spoke in support of allowing Target to expand the sale of alcohol beyond beer and wine. She spoke in support of the Appeal.

**ACTION:** Adopt Resolution No. 12-4324, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, GRANTING AN APPEAL FILED BY TARGET CORPORATION AND CONDITIONALLY APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF FULL ALCOHOL IN ADDITION TO THE EXISTING SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT TARGET, A RETAIL STORE LOCATED AT 7100 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." (EXHIBIT A)  
**Motion by Councilmember Duran, seconded by Mayor Pro Tempore Land and unanimously approved.**

#### **4. UNFINISHED BUSINESS:**

##### **4.A. 25TH ANNIVERSARY CAPITAL PROJECT: PHASE I - PLUMMER PARK MASTER PLAN IMPLEMENTATION PROJECT CONFIRMATION OF CITY COUNCIL SUBCOMMITTEE RECOMMENDATIONS [J. ENGLISH, J HUFFER, L. BELSANTI, S. BAXTER, D. WILSON]:**

*SUBJECT: The City Council will consider recommendations of the City Council Subcommittee (John D'Amico and Abbe Land) regarding the Phase I Plummer Park Master Plan Implementation Project and provide direction to staff.*

**ACTIONS: This Item was TABLED.**

##### **4.B. APPOINTMENT OF CITY COUNCILMEMBERS AS DELEGATES AND ALTERNATES TO VARIOUS ORGANIZATIONS, COMMITTEES AND SUB-COMMITTEES [C. SCHAFFER, Y. QUARKER]:**

*SUBJECT: The City Council will consider appointments as delegates and alternates to various organizations, committees and sub-committees.*

**ACTIONS:** The City Council made the following appointments:

California Contract Cities Association – Voting Delegate – Mayor Prang;  
Alternate – Councilmember D’Amico.

League of California Cities – Delegate – Attending Member; Alternate  
Delegate – Attending Member.

Los Angeles County City Selection Committee – Delegate – Mayor Prang;  
Alternate – Attending Councilmember.

National League of Cities – Delegate – Attending Councilmember;  
Alternate Delegate – Attending Councilmember.

Santa Monica Bay Watershed Council – Delegate - Councilmember  
D’Amico; Alternate – Lisa Belsanti.

Westside Cities Council of Governments (WSCCOG) – Delegate – Mayor  
Pro Tempore Land; Alternate – Councilmember Heilman

Finance & Budget Sub-Committee – Mayor Prang and Mayor Pro  
Tempore Land.

**4.C. EXPANSION OF CREDIT CARD METERS CITYWIDE [O. DELGADO, J. ROCCO, D. NORTE]:**

*SUBJECT: The City Council will consider authorizing the purchase of approximately 1,783 parking meters that accept credit cards as an additional payment option to coins.*

**ACTIONS: This Item was moved to the Consent Calendar.**

**5. NEW BUSINESS:**

**5.A. DISCUSSION ITEM ON PARKING REQUIREMENTS AS IT PERTAINS TO THE GRANDFATHERING OF PARKING FOR GALLERY, RETAIL, AND OTHER USES CITYWIDE [A. MCINTOSH, M. ANTOL, C. CORRAO]:**

*SUBJECT: The City Council will discuss the potential solutions laid out in this staff report and provide direction to staff to proceed with a Zone Text Amendment from one of the solutions, give staff alternate direction, or take no action.*

Chris Corrao, Assistant Planner, provided background information as outlined in the Staff Report dated May 21, 2012.

Councilmember Duran spoke in support of Option #1 in the Staff Report to lock in parking grandfathering for all uses.

Mayor Pro Tempore Land spoke in support of Option #1 in the Staff Report to lock in parking grandfathering for all uses.

Councilmember Heilman expressed concerns regarding Option #1 in the Staff Report, particularly regarding businesses that currently do not have any allotted parking. He spoke regarding the possibility of those businesses returning at a future date for approval of an undesirable business at the same location which would be grandfathered without additional parking requirements. He spoke regarding the possibility of including a provision to prevent this type of scenario.

Councilmember D'Amico spoke in support of Option #1 in the Staff Report to lock in parking grandfathering for all uses.

Mayor Prang spoke in support of Option #1 in the Staff Report with a provision for Staff to review parking requirements for new businesses.

**ACTION:** Staff recommends that the City Council discuss the proposed solutions contained within this staff report and provide staff direction on which solution to move forward with. **Carried by Consensus of the Council.**

**5.B. EXTENSION TO CURRENT TAXICAB FRANCHISE AGREEMENT [R. WINRADER, J. ROCCO, O. DELGADO]:**

*SUBJECT: The City Council shall consider a five year extension to the current Taxicab Franchise Agreement and additional allocation of 25 vehicles to Yellow Cab, 7 additional vehicles to Bell Cab, and 7 additional vehicles to ITOA.*

Jackie Rocco, Parking Operations Manager, provided background information as outlined in the Staff Report dated May 21, 2012.

MICHAEL CALIN, REDONDO BEACH, spoke in support of the Item.

DAVID EICHMAN, LOS ANGELES, expressed concerns regarding a five-year extension, instead the two-year extension recommended by the Transportation Commission.

MARK EGERMAN, BEVERLY HILLS, spoke in support of the Item.

NETTABAI AHMED, SANTA MONICA, spoke in support of the Item.

EUGENE SMOLYAR, PORTER RANCH, spoke in support of the Item.

SCOTT SCHMIDT, WEST HOLLYWOOD, expressed concerns with a five-year extension without asking for more from the Taxi Cab Companies.

WILLIAM ROUSE, WEST HOLLYWOOD, spoke in support of the Item and stated that it has been a pleasure working with City Staff and the Transportation Commission.

LINDSEY HORVATH, WEST HOLLYWOOD, expressed concerns regarding a five-year extension, instead the two-year extension recommended by the Transportation Commission.

Mayor Pro Tempore Land thanked everyone for their comments. She expressed concerns over a five-year extension and spoke in support of a three or four year extension, in order to have the flexibility to make changes if certain companies are not performing to City standards.

Councilmember Heilman spoke in support of the Item and thanked the public for their comments and Staff for their hard work. He spoke in support of the Transportation Commission recommendations regarding Green vehicles.

Councilmember Duran spoke in support of the Item and stated that he understands the concerns of the Transportation Commission, but understands that it will take time to develop the RFP and discuss items for the next level of service.

Mayor Pro Tempore Land asked Staff to track concerns made about Cab Companies that have not been in compliance and use this information as criteria for the next agreement.

Mayor Prang spoke in support of having the study complete by the end of the five-year period.

**ACTIONS:** 1) Approve a five year extension to the current Taxicab Franchise Agreement with an additional allocation of 25 vehicles to Yellow Cab, 7 additional vehicles to Bell Cab, and 7 additional vehicles to ITOA; and 2) Introduce on first reading Ordinance No. 12-892, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 5, CHAPTER 5.108. OF THE WEST HOLLYWOOD MUNICIPAL CODE COVERING TERM EXTENSIONS OF TAXICAB FRANCHISE AGREEMENTS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Motion by Councilmember Heilman, seconded by Councilmember Duran and unanimously approved.**

**5.C. COMMISSION APPOINTMENTS [C. SCHAFFER]:**

*SUBJECT: The City Council will consider making appointments to the Public Facilities Commission and Rent Stabilization Commission.*

**ACTIONS:** Councilmember D'Amico made the following direct appointment:

A. Rent Stabilization Commission: Richard Maggio.

**5.D. DISCUSSION OF CITY COUNCIL MEETING SCHEDULE FOR SUMMER 2012 [C. SCHAFFER]:**

*SUBJECT: The City Council will consider revising the City Council Regular Meeting Schedule for the summer months of 2012.*

Councilmember Heilman stated that he would not be available for the August 6, 2012 meeting.

Mayor Prang and Councilmember Duran stated they will not be available for the July 2, 2012 meeting.

City Manager Arevalo directed the City Clerk to return with an Item in June to discuss summer meetings.

**ACTION:** City Council cancelled the July 2, 2012 Meeting.

**EXCLUDED CONSENT CALENDAR: None.**

**6. LEGISLATIVE: None.**

**PUBLIC COMMENT: None.**

**COUNCILMEMBER COMMENTS: None.**

**ADJOURNMENT:** The City Council adjourned at 11:58 p.m. in memory of Alan Thomas, Sally Libow, Bruce Dubois, Donna Summer, Maurice Sendak, Michael De St. Jean, and all the soldiers who died in Afghanistan since the last City Council meeting. The City Council adjourned to their next regular meeting, which will be on Monday, June 4, 2012 at 6:30 P.M. in the West Hollywood Park Public Meeting Room - Council Chambers, 625 N. San Vicente Boulevard.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 4<sup>th</sup> day June, 2012 by the following vote:

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

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JEFFREY PRANG, MAYOR

ATTEST:

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COREY SCHAFFER, CITY CLERK