



**BUSINESS LICENSE COMMISSION
CITY OF WEST HOLLYWOOD
MINUTES
Tuesday, February 7, 2012**

CALL TO ORDER : Chair Barker called the meeting to order at 7:02 P.M.

PLEDGE OF ALLEGIANCE: Commissioner Cooper led the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chair Barker
Vice Chair Reichard
Commissioner Kazakos
Commissioner Rogers
Commissioner Zaden
Commissioner Clapsaddle
Commissioner Cooper

ABSENT: NONE

ALSO PRESENT: City Attorney Lauren Langer, Code Compliance Manager Jeffery Aubel, Code Compliance Supervisor Daniel Mick, and Interim Business License Officer Janet Jimenez.

APPROVAL OF THE AGENDA:

Motion by Commissioner Zaden, seconded by Commissioner Rogers to approve the February 7, 2012 agenda. The agenda was unanimously approved.

APPROVAL OF MINUTES:

Request by Commissioner Zaden to amend names in the minutes to reflect proper spelling. Motion by Commissioner Kazakos, seconded by Commissioner Zaden to approve the amended minutes for September 7, 2012. The minutes were unanimously approved.

SPECIAL ITEMS:

Oath of Office was administered to newly appointed Commissioner Cooper By Interim Business License Officer Janet Jimenez

1. **PUBLIC COMMENT**
None
2. **CONSENT CALENDAR**
None.

3. PUBLIC HEARINGS

None.

4. NEW BUSINESS:

7.A. THE BUSINESS LICENSE COMMISSION SHALL REVIEW ITS ACTIONS FOR THE PREVIOUS THREE YEARS.

SUBJECT: The Business License Commission shall review its actions related to Public Hearings where staff brought a licensee before the Commission for consideration.

Jeffery Aubel, Code Compliance Manager, provided background information as outlined in the Staff Report dated February 7, 2012.

Chair Barker opened the discussion to public comment, but no speakers came forward.

Commissioner Rogers spoke in regards to the item, stating it was a good review of the Commission's actions & beneficial for new members. He spoke regarding how the decisions in past years appear to be more consistent, and questions have diminished due to Staff addressing possible questions before hand.

Jeffery Aubel stated that the consistency of the Commission's actions was due in part to having more meeting in years past & better continued communication with Commissioners.

Commissioner Clapsaddle echoed Commissioner Rogers's comments and thanked staff for the report.

Commissioner Kazakos inquired from Staff why the Iranian American Jewish Center (IAJC) was not listed in the report.

City Attorney Lauren Langer provided clarification regarding the matter. She stated that the IAJC does not require a Business License, and that the issue falls under a Conditional Use Permit.

Jeffery Aubel provided an update in regards to the IAJC. He stated that at the February 6, 2011 Council Meeting, City Council had approved the Development Permit to allow the IAJC to construct a parking structure on the property. As well as conditioning the operating hours of the facility.

Vice-Chair Reichard spoke in regards to the item. He thanked staff for the report, since he was very interested to see what actions the Commission had taken in recent years. He stated that consistency has been met throughout the meetings, and overall it was good to revisit and be reminded of each of them.

Commissioner Zaden thanked staff for the report, and agreed with the previous Commissioners' comments.

Commissioner Cooper thanked staff for the report.

Chair Barker spoke and stated that the report was a good compilation.

Motion by Vice-Chair Reichard, seconded by Commissioner Kazakos to receive and file the report. Unanimously approved.

8. LEGISLATIVE:

8.A. AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PROVISIONS OF THE BUSINESS LICENSE CODE REGULATING DANCE AND ENTERTAINMENT PROMOTERS:

SUBJECT: The West Hollywood Business License Commission will review and give advice on an amendment to the Business License Ordinance creating a new category of business license, Promoter's Venue License, and amending the existing codes that regulate the activities of dance and entertainment promoters.

Daniel Mick, Code Compliance Supervisor, provided background information as outlined in the Staff Report dated February 7, 2012.

Chair Barker opened the discussion to public comment, but no speakers came forward.

Commissioner Rogers spoke, he stated that he supports the idea behind the proposed legislation but has concerns with it. He stated smaller venues may be at a disadvantage since they don't have the luxury that larger venues do to know 30 days in advance what the line-up for entertainment will be. In addition smaller venues tend to have sudden changes in their line-up, and may be difficult to adhere to the new code.

Daniel Mick provided clarification that the City is not concerned with who is performing at a particular venue, but rather who the actual promoter is.

Commissioner Rogers stated that knowing the actual entertainment of a venue would benefit the City and the Officers. He stated that the stabbing that had occurred at House of Blues in past years was a perfect example.

Jeffery Aubel spoke and stated that the new code would allow for sudden changes in a promoter line-up. He stated that the preference of the City is to have a 30 day calendar on file for each venue, however a simply fax notification to the City upon any changes is permissible.

Commissioner Rogers spoke and stated that in the end he feels that the proposed ordinance may be asking for trouble.

Vice-Chair Reichard spoke in support of the item and the approach that is being presented. He stated that past history has shown that this approach is merited. He requested clarification from Staff as to what enforcement leverage the City has on a promoter who does not hold a personal promoter's license, but rather is operating under the venue's promoter license.

Jeffery Aubel provided clarification; he stated that any promoter operating under a venue's promoter license would need to provide a copy of their Driver's License to the Business License Officer prior to operating in the City.

Commissioner Reichard spoke and stated that he feels that a promoter working under a venue promoter license should also be cited in the event that issues arise regarding the execution of the any event.

Commissioner Rogers spoke and asked Staff if currently any venues/locations submit a monthly calendar of events to the City.

Jeffery Aubel spoke and stated that currently House of Blues and Key Club submit a monthly calendar of events, both to Commercial Code Compliance & Public Safety.

Commissioner Clappsaddle spoke and asked Commissioner Rogers what his reservations about the proposed ordinance were. He asked whether it was because he felt it was redundant or not effective.

Commissioner Rogers spoke and responded to Commissioner Clappsaddle's questions. He stated that venues on Santa Monica Blvd operate very differently than high powered businesses on Sunset Blvd. In addition he stated that he does not feel that the smaller businesses will take the proposed ordinance very well, and there may be some minor backlash at the start.

Jeffery Aubel spoke and stated that the intent of the code is to have more "teeth" regarding enforcement; and allow the City to issue citations to a venue (especially if they are utilizing unlicensed promoters).

Commissioner Rogers spoke and expressed his concern regarding the City's desire that a venue must notify the City of its events for a month's time.

Commissioner Cooper spoke and stated that she is in support of the item, and allowing a venue to fax any last minute changes in a line-up resolves the issue of notification.

City Attorney spoke and clarified that advance notification to the City of scheduled events applies to unlicensed promoters.

Commissioner Rogers spoke and stated that he understands all points that are being brought forward, but he wants to make sure the City is being practical in its requests.

Daniel Mick spoke and stated that the City would accept notification via email if that would be easier for venues.

Vice-Chair Reichard spoke and stated he is in favor of the proposed approach and it's a very effective answer to past issues that have arisen.

Commissioner Rogers spoke and stated that not all business owners are concerned with the entertainment they bring into the City, therefore the proposed change will not apply unilateral to all venues.

Jeffery Aibel spoke and stated that the intent of the City is to keep up with the new promoter trend, while being flexible and encouraging to the business community as it pertains to hiring promoters.

Commissioner Clapsaddle spoke and asked Staff if the proposed changes would be a deterrent for future business.

Jeffery Aibel spoke and stated that the proposed changes would not be a deterrent, but rather make it easier for new business to come to the City.

Daniel Mick spoke and stated that recent history has shown promoters leaving West Hollywood to conduct business in neighboring Cities.

Commissioner Zaden spoke in support of the item.

Chair Barker spoke in support of the item, and stated that it's a great idea to know who is operating in the City and be able to hold a business/venue responsible for any negative outcomes.

Commissioner Rogers spoke and asked clarification from Staff that in the event that a venue does not have a venue's promoter license and the promoter does not have a license, who is cited.

Jeffery Aibel spoke and provided clarification that in the event of such, the venue would be cited accordingly.

Commissioner Cooper spoke in support of the item, especially since her business was negatively impacted in the past due to an undesirable crowd that a promoter brought into the City.

Daniel Mick spoke and stated that the proposed changes would be introduced to the business community, so they may vet ideas.

Jeffery Aibel spoke and stated that Staff would like Commissioner Rogers to be involved with the committee that meets with the businesses.

Motion by Vice-Chair Reichard, seconded by Commissioner Roger to have a committee meet with the business community to discuss the proposed changes. Unanimously approved.

- 8.B. AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PROVISIONS OF THE BUSINESS LICENSE CODE REGULATING VALETS:**
SUBJECT: The West Hollywood Business License Commission will review and make recommendations regarding an amendment to the Business License Ordinance which specifies the operating conditions that all licensed valet operators must abide by.

Daniel Mick, Code Compliance Supervisor, provided background information as outlined in the Staff Report dated February 7, 2012.

Chair Barker opened the discussion to public comment and the following speaker came forward:

TODD STEADMAN, EXECUTIVE DIRECTOR OF THE SUNSET STRIP BID, spoke in support of the Item.

Chair Barker closed the public comment.

Commissioner Clapsaddle spoke in support of the item, but requested clarification from Staff regarding how recent route plans need to be and if the proposed changes would eliminate any lighting on valet signs. He also stated he was surprised to learn that the City has 143 valet locations, and that route plans are not to include residential streets.

Jeffery Aubel spoke and stated that many people are not aware of all the locations available for parking throughout the City therefore there are a large number of valets throughout. In addition historically valets are not allowed to drive on residential streets, other than the major ones like Fountain Ave and Crescent Heights Blvd.

Daniel Mick spoke and stated that regular lighting on signs to illuminate the wording is permissible, rather than flashing, bright, or strobe lighting that has been observed recently.

Commissioner Kazakos requested clarification from Staff as to why the proposed changes include a condition that the drivers must have a driver's license on their person.

Daniel Mick spoke and stated that recently Code Compliance Officers have encountered difficulties when approaching valet attendants and requesting to see their driver's license.

Commissioner Kazakos asked staff if language can be added to the proposed changes that stipulates how much a valet can charge.

Jeffery Aubel spoke and stated that the City can't stipulate how much a valet operator can charge patrons.

Commissioner Copper spoke and stated that she recently has run into an issue of a valet operator increasing the cost for securing parking spaces.

Jeffery Aubel spoke and stated that the City can't stipulate those amounts for such agreements either.

Commissioner Rogers spoke and asked about the status of the City's Parking Credits Program.

City Attorney Langer spoke and stated that the Parking Credits Program may go into effect in the next 4-5 months.

Commissioner Zaden asked Staff if all drivers are not already required to have a driver's license on them.

Daniel Mick spoke and stated that although it is State Law for all drivers to carry a driver's license, Code Compliance Officers have found that not to be the case. In addition Sheriff Resources are required for issuing a citation for operating a vehicle without a proper driver's license.

Commissioner Zaden spoke and stated that deceptive signage is a problem throughout the City, and is in support of changing the current code.

Motion by Commissioner Zaden, seconded by Commissioner Clapsaddle to recommend proposed legislation to City Council. Unanimously approved.

9. UNFINISHED BUSINESS

None.

10. EXCLUDED CONSENT CALENDAR

None.

11. ITEMS FROM STAFF

None.

12. PUBLIC COMMENT

None.

13. ITEMS FROM COMMISSIONERS/SUBCOMMITTEE REPORTS

None.

14. ADJOURNMENT

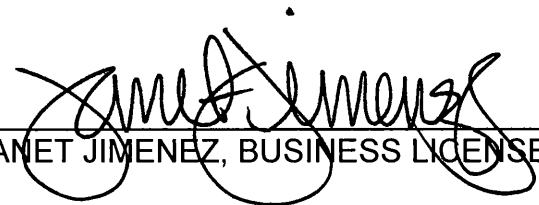
Meeting adjourned at 8:12 P.M.

APPROVED BY A MOTION OF THE BUSINESS LICENSE COMMISSION ON THIS 3rd
DAY OF July, 2012.



ERIK BARKER, CHAIRPERSON

ATTEST:



JANET JIMENEZ, BUSINESS LICENSE OFFICER