

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, AUGUST 20, 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 6:32 p.m.

PLEDGE OF ALLEGIANCE: James Chud 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 reported that there was one Item of threatened litigation added to the Agenda. He stated that the closed session adjourned at 6:25 p.m. with no reportable action.

APPROVAL OF AGENDA:

City Clerk Schaffer stated that staff is requesting that Item 2.P. be tabled.

Mayor Pro Tempore Land requested that Item 5.A. be moved to the Consent Calendar as Item 2.Q.

Councilmember Heilman stated that Staff received a request from the developer to Continue Item 3.B. Mayor Prang stated that this request would be discussed during the Public Hearing portion of the agenda.

Mayor Prang asked that Item 2.H. be placed on the Excluded Consent Calendar.

Motion by Councilmember D’Amico, seconded by Councilmember Heilman to approve the August 20, 2012 agenda as amended. The agenda was unanimously approved.

ADJOURNMENT MOTIONS:

Mayor Pro Tempore Land requested that the meeting be adjourned in memory of her uncle Matt Shaw.

Councilmember Duran requested that the meeting be adjourned in memory of actress Phyllis Diller.

Councilmember Heilman requested that the meeting be adjourned in memory of director Tony Scott.

Mayor Prang requested that the meeting be adjourned in memory of West Hollywood resident Irving Fein. He asked that the meeting be adjourned in memory of Grace Friedman, the mother of Jonathan Friedman. He asked that the meeting be adjourned in memory of Sherwin Bosse, the father-in-law of Beverly Hills City Councilmember Lilly Bosse. He also asked that the meeting be adjourned in memory of the following soldiers who died in Afghanistan since the last City Council meeting: Corporal Daniel L. Linnabary II, 23, Petty Officer 3rd Class, Clayton R. Beauchamp, age not reported, Specialist, Ethan J. Martin, 22, Master Sergeant, Gregory R. Trent, 38, Major, Walter D. Gray, 38, Command Sergeant Major, Kevin J. Griffin, 45, Major, Thomas E. Kennedy, 35, Captain, Matthew P. Manoukian, 29, Staff Sergeant, Sky R. Mote, 27, Gunnery Sergeant, Ryan Jeschke, 31, Lance Corporal, Gregory T. Buckley, 21, Corporal, Richard A. Rivera Jr., 20, Staff Sergeant, Scott E. Dickinson, 29, Staff Sergeant, Eric S. Holman, 39, Private 1st Class, Michael R. Demarsico II, age not reported, and Specialist, James A. Justice, 21.

PRESENTATIONS: None.

1. PUBLIC COMMENT:

S. EISMAN, WEST HOLLYWOOD, spoke in opposition to Item 2.H. He stated that he did not sign a petition and was not notified of this request.

MARK LEHMAN, WEST HOLLYWOOD, spoke in support of Item 2.J.

JIM CHUD, WEST HOLLYWOOD, spoke regarding Item 2.O. and asked Staff to request that the Elton John Foundation donate a ticket to the event to a disabled resident who is living with HIV.

BO TOBIN, PASADENA, spoke in support of Item 2.L.

NADIA SUTTON, WEST HOLLYWOOD, spoke in support of Item 2.J.

DURK DEHNER, LOS ANGELES, spoke regarding Item 2.L.

S.R. SHARP, LOS ANGELES, spoke in support of Item 2.L.

FUSUN UNSAL, WEST HOLLYWOOD, spoke in support of Item 2.H.

JOAN HENEHAN, TOLUCA LAKE, spoke in support to Item 2.J.

LAURA BOCCALETTI, WEST HOLLYWOOD, expressed concerns regarding Item 2.L. and having the event in Fiesta Hall due to the subject matter and the sale and consumption of alcohol.

STEPHANIE HARKER, WEST HOLLYWOOD, spoke regarding Item 2.G. She spoke in opposition to Item 2.I. She also expressed concerns regarding Item 2.L. and having the event in Fiesta Hall due to the subject matter and the sale and consumption of alcohol.

PHILIP DAILEY, WEST HOLLYWOOD, spoke in support of Item 2.J.

GENEVIEVE MORRILL, REPRESENTING THE WEST HOLLYWOOD CHAMBER OF COMMERCE, congratulated all those involved in the recent Sunset Strip Music Festival. She also spoke in support of Item 2.E.

MISTI COOPER, LOS ANGELES, spoke in support of Item 2.J.

CATHY BLAIVAS, WEST HOLLYWOOD, spoke regarding Item 2.G. She also expressed concern with the City's co-sponsorship of Item 2.L. as well as the choice of location.

AZAR ELIHU, WEST HOLLYWOOD, spoke in opposition to Item 2.H.

LAYNE LAWSON, LOS ANGELES, spoke in support of Item 2.J.

COUNCILMEMBER COMMENTS AND MEETING ATTENDANCE REPORTS:

Councilmember Duran spoke regarding the Sunset Street Music Festival and congratulated Todd Steadman and those that put the event together. He spoke regarding public comments surrounding the rainbow crosswalks and flags, and spoke regarding their significant positive impact on the LGBT community. He stated that this display shows visitors that they are in a safe place in America where the LGBT Community is celebrated. He spoke in support of the Tom of Finland Art Fair and spoke regarding its significance to the West Hollywood community. He stated that the exhibit is in line with the values of the City.

Councilmember D'Amico spoke regarding the "Making Strides Against Breast Cancer" event to be held this Saturday. He thanked everyone who helped organize National Night Out and thanked Laura Manukian for her hard work. He spoke regarding the rainbow crosswalk and asked if a *hashtag* could be placed on the crosswalks to help spread their reputation on the internet. He spoke regarding the Sunset Strip Farmers' Market and the upcoming Lesbian and Gay discussion groups.

Councilmember Heilman spoke regarding the Sunset Strip Music Festival and congratulated those involved. He thanked the neighboring residents for their patience during the event. He spoke regarding the additional hotel revenue generated during the event. He spoke regarding the Tom of Finland Art Fair being in Plummer Park in past years with no incidents and spoke in support of the event and its location. He also spoke regarding missing the last Council meeting while traveling and thanked Council for allowing him to be away.

Mayor Pro Tempore Land congratulated Staff, Neighborhood Watch Captains, and the Sheriff's Department for their hard work during National Night Out. She also congratulated those who worked on the Sunset Strip Music Festival Event. She spoke regarding the West Hollywood Housing Corporation's opening of the Hayworth Avenue Affordable Housing Project. She spoke regarding the upcoming "Making Strides Against Breast Cancer" event to begin at Interior Illusions on Santa Monica and Fuller. She also spoke regarding the Tom of Finland Art Fair being held at Plummer Park for many years with no incidents and spoke in support of the event and its location.

Mayor Prang spoke regarding the recent Sunset Strip Music Festival and National Night Out events and thanked everyone who participated. He spoke regarding his upcoming Town Hall meeting to be held at West Hollywood Park on August 25, 2012 from 2 p.m. - 4 p.m. He invited residents to come ask questions or share their thoughts with him. He spoke regarding the rainbow crosswalks and stated that this Item proposes an inexpensive way to adorn the street to help with the marketing and branding of West Hollywood and the LGBT Community. He spoke regarding the upcoming Tom of Finland Art Fair and spoke in support of the event and its location.

CITY MANAGER'S REPORT: None.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk Schaffer stated that the following individual expressed support for Item 2.J. but did not wish to speak: KAREN KUO, LOS ANGELES.

City Clerk Schaffer stated that the fiscal impact on the Consent Calendar is \$307,884.00 in expenditures and \$ -5,635.00 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar, 2.A.,B.,C.,D.,E.,F.,G.,I.,J.,K.,L.,M.,N.,O.,Q. **Motion by Councilmember Duran, seconded by Mayor Pro Tempore Land, and approved, noting Mayor Prang's No vote on Item 2.F.**

2.A. POSTING OF AGENDA:

SUBJECT: The agenda for the meeting of Monday, August 20, 2012 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, August 16, 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 the prior Council meeting.

ACTION: Approve the minutes of August 6, 2012. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 704, RESOLUTION NO. 12-4349:

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

ACTION: Approve Demand Register No. 704 and adopt Resolution No. 12-4349, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 704". **Approved as part of the Consent Calendar.**

2.D. CLAIMS ADMINISTRATION:

SUBJECT: The City Council is asked to deny Claims filed against the City, as a routine administrative step in claims processing.

ACTION: Deny the claim of Marisa Ritts and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.E. ORDINANCE NO. 12-898 (2ND READING) AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 15 OF THE WEST HOLLYWOOD MUNICIPAL CODE BANNING SINGLE-USE PLASTIC CARRYOUT SHOPPING BAGS AND IMPOSING A FEE ON RECYCLABLE PAPER BAGS [C. SCHAFFER, Y. QUARKER]:

SUBJECT: The City Council will waive further reading and adopt Ordinance No. 12-898, amending Title 15 of the West Hollywood Municipal Code banning single-use plastic carryout shopping bags and imposing a fee on recyclable paper bags.

ACTION: Waive further reading and adopt Ordinance No. 12-898, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD, AMENDING TITLE 15 OF THE WEST HOLLYWOOD MUNICIPAL CODE BANNING SINGLE-USE PLASTIC CARRYOUT SHOPPING BAGS AND IMPOSING A FEE ON RECYCLABLE PAPER BAGS." **Approved as part of the Consent Calendar.**

2.F. ORDINANCE NO. 12-899 (2ND READING) AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A DEVELOPMENT AGREEMENT AND ZONE MAP AMENDMENT, CREATING A DEVELOPMENT AGREEMENT OVERLAY DISTRICT ON THE PROPERTY LOCATED AT 1350 N. HAYWORTH AVENUE [C. SCHAFFER, Y. QUARKER]:

SUBJECT: *The City Council will waive further reading and adopt ordinance No. 12-899, conditionally approving a Development Agreement and Zone Map amendment, creating a Development Agreement Overlay District on the property located at 1350 N. Hayworth Avenue.*

ACTION: Waive further reading and adopt Ordinance No. 12-899, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A DEVELOPMENT AGREEMENT AND ZONE MAP AMENDMENT, CREATING A DEVELOPMENT AGREEMENT OVERLAY DISTRICT ON THE PROPERTY LOCATED AT 1350 N. HAYWORTH AVENUE, WEST HOLLYWOOD, CALIFORNIA." **Approved as part of the Consent Calendar, noting the NO vote of Mayor Prang.**

2.G. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

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

2.H. IMPLEMENTATION OF DISTRICT 11 PREFERENTIAL PARKING REGULATIONS ON THE 8300 AND 8400 BLOCKS OF CLINTON AVENUE [O. DELGADO, J. ROCCO, D. NORTE]:

SUBJECT: *The City Council will consider a petition for preferential parking filed by residents representing a majority of the residential dwelling units on the 8300 and 8400 blocks of Clinton Avenue.*

ACTION: This Item was moved to the Excluded Consent.

2.I. RAINBOW CROSSWALKS ON SAN VICENTE BOULEVARD AT SANTA MONICA BOULEVARD [O. DELGADO, S. CAMPBELL, H. COLLINS]:

SUBJECT: *The City Council will consider the installation of permanent rainbow colors in the crosswalks located on San Vicente Boulevard at Santa Monica Boulevard.*

ACTION: Direct staff to proceed with the installation of permanent rainbow colors in the crosswalks located on San Vicente Boulevard at Santa Monica Boulevard. **Approved as part of the Consent Calendar.**

2.J. AGREEMENT FOR SERVICES WITH WEST HOLLYWOOD CHAMBER OF COMMERCE FOR FISCAL YEAR 2012 – 2013 [P. AREVALO, J. HUFFER]:

SUBJECT: *The City Council will consider approving an agreement between the City and the West Hollywood Chamber of Commerce to provide a range of business development services and programs for the City in Fiscal Year 2012-2013.*

ACTIONS: 1) Approve an agreement with the West Hollywood Chamber of Commerce in an amount not to exceed \$30,000 for fiscal year 2012-13 to provide a range of business development programs and services; 2) Authorize the Manager of Economic Development to approve on a case by case basis the sponsorship of Chamber activities in an amount not to

exceed \$3,500; and 3) Authorize the City Manager to sign and execute the agreement and approve any minor modifications to scope throughout the fiscal year. **Approved as part of the Consent Calendar.**

2.K. AMENDMENT TO AGREEMENT FOR RECRUITMENT SERVICES WITH BOB MURRAY AND ASSOCIATES [V. LOVE, L. BOCK]:

SUBJECT: The City Council will consider approval of an amendment to the agreement for services with Bob Murray and Associates to provide recruitment services for the recruitments of Assistant City Manager and Accounting Services Manager.

ACTIONS: 1) Approve an Amendment to Agreement for Services through June 30, 2013 in an additional amount of \$22,500 and a total not-to-exceed amount of forty six thousand and eight hundred dollars (\$46,800) with Bob Murray and Associates for recruitment services; and 2) Authorize the City Manager to sign and execute all necessary documents. **Approved as part of the Consent Calendar.**

2.L. CO-SPONSORSHIP OF 17TH ANNUAL TOM OF FINLAND FOUNDATION EROTIC ART FAIR WEEKEND, SEPTEMBER 28-30, 2012 [S. BAXTER, J. BOOK]:

SUBJECT: The City Council will consider co-sponsoring the 17th Annual Tom of Finland Foundation Erotic Art Fair, to be held September 28-30, 2012, in Fiesta Hall, Plummer Park.

ACTIONS: 1) Approve City co-sponsorship for 17th Annual Tom of Finland Foundation Erotic Art Fair Weekend, to be held September 28-30, 2012 in Fiesta Hall; 2) Approve waiver of rental fees in the amount of \$1,623, and refundable deposit in the amount of \$350; and 3) Permit the Tom of Finland Foundation to serve beer and wine in Fiesta Hall during the open hours of the Erotic Art Fair, in compliance with Alcoholic Beverage Control standards, and consistent with the regular permitting process. **Approved as part of the Consent Calendar.**

2.M. APPROVAL OF ONE REVISED CLASSIFICATION SPECIFICATION OF AQUATICS COORDINATOR [V. LOVE, L. BOCK, S. SCHUMACHER]:

SUBJECT: The City Council will consider approval of the revised classification specification of Aquatics Coordinator.

ACTION: Approve the revised classification specification of Aquatics Coordinator. **Approved as part of the Consent Calendar.**

2.N. HOME BOX OFFICE (HBO) 2012 EMMY EVENT SAN VICENTE BOULEVARD ROAD CLOSURE REQUEST [S. BAXTER, C. SMITH]:

SUBJECT: The City Council will consider a street closure request from Home Box Office, Incorporated for the 2012 Home Box Office Emmy Event held at the Pacific Design Center's Plaza on Sunday, September 23, 2012.

ACTION: Approve the closure of San Vicente Boulevard between Melrose Avenue and Santa Monica Boulevard from 2:00 pm on Sunday,

September 23, 2012 to 3:00 am on Monday, September 24, 2012.
Approved as part of the Consent Calendar.

2.O. CO-SPONSORSHIP OF THE 2013 ELTON JOHN AIDS FOUNDATION OSCAR EVENT AND ASSOCIATED OSCAR EVENT STREET/LANE CLOSURES [S. BAXTER, C. SMITH]:

SUBJECT: The City Council will consider co-sponsoring the 2013 Elton John AIDS Foundation Oscar Viewing Event, approving an associated road closure on San Vicente Boulevard and approving a partial lane closure on Sunset Boulevard for the Vanity Fair Oscar Event.

ACTIONS: 1) Approve co-sponsorship of the 2013 Elton John AIDS Foundation Oscar Viewing Event to be held in West Hollywood Park on Sunday, February 24, 2013; 2) Authorize the City Manager to negotiate a use agreement and associated facility use fees with Elton John AIDS Foundation, for use of a portion of West Hollywood Park as identified in Attachment A and use of the 5 Story Parking Garage, Plinth Parking Garage, Melrose Parking Lot and the El Tovar Parking Lot; 3) In relation to the Elton John AIDS Foundation Oscar Viewing Event, approve the closure of San Vicente Boulevard between Santa Monica Boulevard and Melrose Avenue between the approximate hours of 2:00 pm, Sunday, February 24th, and 5:00 am, Monday, February 25th, with the specific hours being adjusted dependent on public safety requirements; 4) In relation to the Elton John AIDS Foundation Oscar Viewing Event approve the waiver of related fees totally \$4,012, comprised of the Special Event Permit Fee \$2,400.00, Encroachment Permit Fee \$100.00, Parking Meter Fees \$700.00, Street Closure Fee \$350.00, Building Permit Fee \$178.00 and Generator Fees \$284.00; and 5) In relation to the Vanity Fair Oscar Event, approve a partial lane closure at 8358 Sunset Boulevard.
Approved as part of the Consent Calendar.

2.P. AMENDMENT TO PREVIOUSLY APPROVED 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 amending the previously approved sponsorship of The Avenues of Art, Fashion & Design (The Avenues) "Fashion's Night Out" (FNO) West Hollywood event on Thursday, September 6, 2012.

ACTIONS: This Item was tabled.

2.Q. (5.A.) AGREEMENT FOR SERVICES WITH CODE FOR AMERICA [P. AREVALO, J. HUFFER, M. LOUIE]:

SUBJECT: The City Council will consider approving an agreement for services with Code for America to host its technology fellowship program at the city of West Hollywood and authorize \$180,000 from general fund reserve to participate in the program.

ACTIONS: 1) Authorize the City Manager to negotiate terms of the Agreement with Code for America; 2) Authorize the City Manager to sign

and execute any necessary documents or forms; and 3) Authorize the Finance Director to allocate \$180,000 from unallocated General Fund Reserves to account 100-1-01-01-531005 to be used as the City's participation fee to host up to three Code for America fellows. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. PROPOSED RESOLUTION FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) [J. KEHO, M. ANTOL, B. CHEUNG]:

SUBJECT: The City Council will hold a public hearing to consider adopting a resolution finding the City to be in conformance with the Los Angeles County Congestion Management Program (CMP).

The Item was noticed as required by law.

Bob Cheung, Senior Transportation Planner, provided background information as outlined in the Staff Report dated August 20, 2012.

Mayor Prang opened the public hearing and no speakers came forward.

Mayor Prang closed the public hearing.

ACTION: Adopt Resolution No. 12-4350, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD FINDING THE CITY TO BE IN CONFORMANCE WITH THE LOS ANGELES COUNTY CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089." **Motion by Councilmember Heilman, seconded by Councilmember Duran, and unanimously approved.**

3.B. CONSTRUCTION OF A COMMERCIAL DEVELOPMENT AT 8801 SUNSET BOULEVARD [J. KEHO, D. DEGRAZIA, A. GALLO]:

SUBJECT: The City Council continued this item and directed staff to re-notice and reopen the public hearing to consider demolishing a commercial structure to construct a 47,690 sq. ft. commercial development containing retail, and office space. The project also integrates large screen video sign into the building facades and includes a development agreement and zoning map amendment.

The Item was noticed as required by law.

Mayor Prang stated that there was a request by the Developer to continue the Item to a future date.

Councilmember Duran requested clarification from the Developer regarding their desire to continue the Item.

NICKI CARLSEN, REPRESENTING THE APPLICANT, requested that the Item be continued to allow the developer time to confirm proposed tenants to be located at the project.

Councilmember Duran stated that he was in support of continuing the Item to allow the public and Council to make a more informed decision.

Mayor Pro Tempore Land spoke in opposition to a continuance. She spoke regarding a previous continuance and spoke in support of going forward and making a decision.

Councilmember Heilman spoke regarding the proposal being brought before Council multiple times. He gave a brief summary regarding the original public hearing and the decision by the Council as well as the continuances that have been given. He spoke regarding the application before the City Council and spoke in support of reaching a resolution on the project. He spoke regarding denying the application without prejudice and allowing the applicant to bring a revised Item back to Staff.

Mayor Prang spoke in opposition to continuing the Item.

Councilmember Duran withdrew his motion.

Mayor Prang stated that the public hearing would be heard at as scheduled.

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

NICKI CARLSEN, REPRESENTING THE APPLICANT, spoke regarding the changes made to the project including a reduction in the size of the sign. She spoke in support of the proposed project.

JEROME CLEARY, WEST HOLLYWOOD, spoke in opposition to the project.

DAVID WHEELER, WEST HOLLYWOOD, spoke in opposition to the project.

JEFFREY HABER, LOS ANGELES, spoke in opposition to the project.

ELYSE EISENBERG, WEST HOLLYWOOD, spoke in opposition to the project

GENEVIEVE MORRILL, REPRESENTING THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of allowing the developer to present another project to City Council.

DOMENIC PRIORE, LOS ANGELES, spoke in support of something at the site to promote the history of West Hollywood.

MARK ZELLER, WEST HOLLYWOOD, spoke in opposition to the project.

MICHELLE BLACK, SANTA MONICA, spoke in opposition to the project.

PRISCILLA LONDON, WEST HOLLYWOOD, spoke in opposition to the project.

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

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

CHRIS PANAGAKIS, WEST HOLLYWOOD, spoke in opposition to the project.

BRENDAN HOOLEY, WEST HOLLYWOOD, spoke in opposition to the project.

SIBYL ZADEN, WEST HOLLYWOOD, spoke in opposition to the project.

DAVE WEISSFELD, WEST HOLLYWOOD, spoke in support of the project.

JAY LUCHS, WEST HOLLYWOOD, spoke in support of the project.

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

BILL MCNEELEY, WEST HOLLYWOOD, spoke in support of the project.

NICKI CARLSEN, REPRESENTING THE APPLICANT, provided a brief rebuttal. She stated that there were major changes made to the project including reducing the height and square footage, changes to the set-back and the removal of the proposed gym as a tenant.

City Clerk Schaffer stated that the following individuals expressed opposition to the Item, but did not wish to speak: CATHY BLAIVAS, STEPHANIE HARKER, and VICTOR OMELCZENKO.

Mayor Prang closed the public hearing.

Mayor Prang spoke regarding requests for continuances and stated that they are not automatically granted. He stated that individuals who wish to speak on an item should plan on attending the meeting until a continuance is granted by City Council.

Councilmember D'Amico thanked everyone for coming out to speak. He expressed concerns regarding the site if no project is approved. He spoke regarding his hopes that a compromise could be found for the site. He spoke regarding working with the current property owner and businesses at the site if the project is not approved.

Councilmember Duran spoke in support of the comments made by Councilmember D'Amico. He spoke regarding the history of the Sunset Strip, particularly the history of the intersection of the proposed project. He expressed concerns with preserving the current building at the site. He expressed desire for renovations at this intersection and spoke in support of the project.

Councilmember Heilman thanked everyone who came out and participated in the process. He spoke regarding the current business at the site. He spoke regarding the changes made to the project since it was first brought before Council. He expressed concerns regarding the currently proposed project, particularly in regards to the impacts on the neighborhood. He spoke in support of the design and architecture, but expressed concerns regarding the size of the project and the signage associated with the project. He spoke regarding the lack of a current tenant associated with the project and the possibility of the property being sold after approvals are obtained. He spoke regarding the possibility of another development project being brought before Council at a later date that meets the concerns of Council. He spoke in support of waiting for a project with benefits that outweigh the impacts on the neighborhood. He spoke in opposition to the project as presented.

Mayor Pro Tempore Land spoke regarding this project not being right for the location. She thanked the developer for their work on the project and the changes they have made since it first came before Council. She spoke regarding the request for continuance and the time at which Council received the request. She spoke regarding her support of Sunset Boulevard and the need to look at how to preserve and expand the vibrancy of the Strip. She spoke regarding the possibility of another development project being brought before Council at a later date that meets the concerns of Council and the neighborhood. She spoke in opposition to the project.

Mayor Prang spoke regarding the changes made to the project and thanked the developer and City Staff on their efforts to work together. He spoke regarding some of the benefits of the current project including the

removal of the originally proposed signage and the Gym. He expressed concerns over buildings being developed to house signage, and spoke regarding the impacts on the neighborhood and the businesses. He spoke in support of denying the application.

ACTIONS: 1) Receive the staff report and consider the material presented; 2) Reopen the public hearing, receive input from the project representative; take additional public comments; close the public hearing; and 3) direct staff to return with a resolution denying the project. **Motion by Councilmember Heilman, seconded by Mayor Pro Tempore Land and approved, noting Councilmember Duran's No vote.**

4. UNFINISHED BUSINESS:

4.A. AMENDMENT TO THE ZONING ORDINANCE ESTABLISHING THE AVENUES BONUS OVERLAY DISTRICT AND COMMERCIAL PROJECTS AT 8564-8590, AND 8711 MELROSE AVE [J. KEHO, D. DE GRAZIA, F. CONTRERAS, A. GALLO]:

SUBJECT: At its July 16, 2012 meeting, the City Council continued these matters to August 20, 2012. The Council will consider the creation of the Avenues Overlay Zone and application of the overlay to the specific parcel and development projects located at 8564-8590 Melrose Avenue and 8711 Melrose Avenue through the proposed zone map amendments and permits. These items were originally brought forward as three separate items; however, to simplify the final proceedings, they will be considered together.

Adrian Gallo, Associate Planner, provided background information as outlined in the Staff Report dated August 20, 2012.

Councilmember D'Amico requested clarification from staff as to whether Council previously made changes to the Avenues Bonus Overlay District Ordinance to amend the language regarding the findings required for approval of bonuses, particularly regarding adding a requirement that each project must have a separate and distinct public benefit.

John Keho, Acting Community Development Director stated that he remembered the discussion, but did not remember if the language was amended. Staff indicated that they would review the minutes from the meeting of July 2, 2012.

City Clerk Schaffer spoke regarding the speaker slips being carried over from the last time the Item was heard as instructed by Council and also stated that those individuals who submitted speak slips in support or opposition to the Item will be included in the minutes.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in support of sending the Avenues Bonus Overlay District back to Staff for further study.

PADI MOSCHETTA, WEST HOLLYWOOD, spoke in support of sending the Avenues Bonus Overlay District back to Staff for further study.

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

JEFF SEYMOUR, WESTLAKE VILLAGE, spoke in support of the Item.

CLARE BRONOWSKI, LOS ANGELES, spoke in support of the Item.

SHEILA HIGGINS, WEST HOLLYWOOD, spoke in opposition to the Item.

The following individuals submitted Citizen Position Slips expressing their opposition to the Item, but did not wish to speak: DEBBIE MEISTER, VICTOR OMELCZENKO, and KAREN KUO.

The following individuals submitted Citizen Position Slips for Item 2.F. at the July 16, 2012 meeting, expressing their opposition to the Item, but did not wish to speak: ALEX VANCE, SHERRY MONSEF, DEBBIE MEISTER, ERIC D'ARBELOFF, VICTOR OMELCZENKO.

The following individual submitted a Citizen Position Slips for Item 2.G. at the July 16, 2012 meeting, expressing his opposition to the Item, but did not wish to speak: VICTOR OMELCZENKO.

The following individuals submitted Citizen Position Slips for Item 6.B. at the July 16, 2012 meeting, expressing their opposition to the Item, but did not wish to speak: SHERRY MONSEF, ALEX VANCE, PADI MOSCHETTA, MICHAEL KEVIN LEE, DEBBIE MEISTER, MANNY RODRIGUEZ, JIM ROSSIGNOL, RICHARD TEETER, ERIC D'ARBELOFF.

Councilmember Heilman thanked everyone who spoke regarding this Item. He spoke regarding the previous issues surrounding the Item and the steps taken by the City Attorney to correct these issues. He spoke regarding how the Bonus Overlay District was created and spoke in support of the ordinance as presented. He expressed concern with the additional language proposed by Councilmember D'Amico. He spoke in support of both projects.

Councilmember D'Amico spoke regarding the additional language he proposed for the Avenues Bonus Overlay District and requested clarification as to whether it was voted on at a previous Council meeting. He spoke in support of ensuring that a public benefit is clearly defined as

it relates to these projects being approved under the Bonus Overlay District. He spoke regarding the property at 8711 Melrose and stated that it provides a public benefit; but stated that the project at 8564-8590 Melrose does not.

City Manager Arevalo requested clarification from Staff whether Council previously made amendments to Section 7, paragraph 2(f) of the Bonus Overlay District Ordinance, which addresses the findings required for approval of bonuses.

John Keho, Acting Community Development Director, provided clarification from the Minutes of July 2, 2012, which indicate that this section was not amended during the approval on that date.

Motion by Councilmember D'Amico to separate the two projects and vote on the Bonus Overlay District block by block and include in the Bonus Overlay District Ordinance a provision that each project must have a separate and distinct public benefit. Motion seconded by Mayor Prang. The motion failed with Councilmember Duran, Councilmember Heilman, and Mayor Pro Tempore Land voting NO.

Mayor Pro Tempore Land spoke regarding this Item coming to Council in various ways and stated that what is currently before the Council reflects previous deliberations. She spoke in support of moving forward with the Item.

Motion by Mayor Pro Tempore Land to adopt the Item as recommended. Motion seconded by Councilmember Duran.

Substitute Motion made by Mayor Prang to vote on each of the recommended actions separately. Motion seconded by Councilmember D'Amico, and approved with Councilmember Duran and Mayor Pro Tempore Land voting NO.

ACTIONS: Consider all pertinent testimony received at the separate public hearings on all three items, deliberate, approve the application requests and: 1) Introduce on first reading Draft 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); **Approved with Councilmember D'Amico voting NO.** 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 TO INCLUDE THE SUBJECT PROPERTY WITHIN THE

AVENUES BONUS OVERLAY ZONING DISTRICT, IN CONJUNCTION WITH THE PROPOSED COMMERCIAL PROJECT AT 8564 – 8590 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA.” (ATTACHMENT B); **Approved with Councilmember D’Amico and Mayor Prang voting NO.** 3) Draft Resolution No. 12-4341: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING A DEMOLITION PERMIT, DEVELOPMENT PERMIT, AND A LOT LINE ADJUSTMENT FOR THE DEMOLITION OF SIX COMMERCIAL STRUCTURES TO CONSTRUCT A TWO-STORY, 29,445-SQUARE-FOOT COMMERCIAL STRUCTURE, FOR THE PROPERTIES LOCATED AT 8564-8590 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA.” (ATTACHMENT C); **Approved with Councilmember D’Amico and Mayor Prang voting NO.** 4) Introduce on first reading Draft Ordinance No. 12-895: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING A ZONING MAP AMENDMENT TO INCLUDE THE SUBJECT PROPERTY WITHIN THE AVENUES BONUS OVERLAY ZONING DISTRICT, IN CONJUNCTION WITH THE PROPOSED COMMERCIAL PROJECT AT 8711 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA.” (ATTACHMENT D); **Approved unanimously.** 5) Draft Resolution No. 12-4342: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING A DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF AN APPROXIMATELY 23,045-SQUARE-FOOT THREE-STORY COMMERCIAL STRUCTURE (RETAIL AND WHOLESALE DESIGN SHOWROOM), FOR THE PROPERTY LOCATED AT 8711 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA.” (ATTACHMENT E) **Approved unanimously.**

4.B. DISCUSSION OF CITY COUNCIL MEETING SCHEDULE [C. SCHAFFER, Y. QUARKER]:

SUBJECT: The City Council will discuss the City Council meeting schedule and consider scheduling an additional meeting in September.

City Manager Arevalo provided background information as outlined in the Staff Report dated August 20, 2012.

Mayor Pro Tempore Land stated that she is unavailable September 24, 2012.

Councilmember Duran stated that he is not available on September 10, 2012.

Councilmember Heilman stated that the date of September 10, 2012 would be a challenge for him.

City Manager Arevalo spoke in support of tentatively scheduling a meeting for September 24, 2012 if all the Items at the September 4, 2012 meeting are not able to be heard.

ACTION: The City Council directed the City Clerk to hold the date of September 24, 2012 for a tentative meeting, if all of the Items on the September 4, 2012 agenda are not able to be heard. **Carried by Consensus of the Council.**

5. NEW BUSINESS:

5.A. AGREEMENT FOR SERVICES WITH CODE FOR AMERICA [P. AREVALO, J. HUFFER, M. LOUIE]:

SUBJECT: The City Council will consider approving an agreement for services with Code for America to host its technology fellowship program at the city of West Hollywood and authorize \$180,000 from general fund reserve to participate in the program.

ACTIONS: This Item was moved to the Consent Calendar.

5.B. COMMISSION APPOINTMENT [C. SCHAFFER, Y. QUARKER]:

SUBJECT: The City Council will consider making a direct appointment to the Lesbian and Gay Advisory Board.

ACTION:

Councilmember D'Amico made the following direct appointment:

- a. Lesbian and Gay Advisory Board: Robert Gamboa

EXCLUDED CONSENT CALENDAR:

2.H. IMPLEMENTATION OF DISTRICT 11 PREFERENTIAL PARKING REGULATIONS ON THE 8300 AND 8400 BLOCKS OF CLINTON AVENUE [O. DELGADO, J. ROCCO, D. NORTE]:

SUBJECT: The City Council will consider a petition for preferential parking filed by residents representing a majority of the residential dwelling units on the 8300 and 8400 blocks of Clinton Avenue.

Mayor Prang stated that he requested the Item be pulled due to the public comments made regarding noticing.

Don Norte, Parking Services & Projects Officer, provided background information as outlined in the Staff Report dated August 20, 2012 and spoke regarding the petition process.

Mayor Pro Tempore Land spoke regarding comments made by neighbors regarding the impacts of parking in the area and stated that if the other residents submit petitions for additional permit parking that the petitions be processed as quickly as possible.

ACTION: Introduce for first reading Ordinance No. 12-900, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08.260 OF THE WEST HOLLYWOOD MUNICIPAL CODE IMPLEMENTING DISTRICT 11 PREFERENTIAL PARKING REGULATIONS ON THE 8300 AND 8400 BLOCKS OF CLINTON AVENUE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". **Motion by Mayor Pro Tempore Land, seconded by Councilmember Duran, and unanimously approved.**

6. LEGISLATIVE: None.

PUBLIC COMMENT:

A LEE WALKUP, WEST HOLLYWOOD, spoke regarding his recent participation at the International AIDS Conference in Washington, D.C.

SCOTT SCHMIDT, WEST HOLLYWOOD, spoke regarding the activism of the late Phyllis Diller. He spoke regarding a recent Transportation Commission Meeting where the issue of a bike sharing pilot project was discussed and approved to be recommended to the City Council.

COUNCILMEMBER COMMENTS:

Mayor Pro Tempore Land spoke regarding recent complaints regarding the Ralphs on Fountain and La Brea. She asked that this issue be a priority with Code Enforcement Staff. She requested that the City Manager bring forward an Item to discuss the recommendation from the Transportation Commission regarding a proposed bike sharing pilot program.

ADJOURNMENT: The City Council adjourned at 9:22 p.m. in memory of Matt Shaw, Phyllis Diller, Tony Scott, Irving Fein, Grace Friedman, Sherwin Bosse, 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 Tuesday, September 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 4th day of September, 2012 by the following vote:

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

JEFFREY PRANG, MAYOR

ATTEST:

COREY SCHAFFER, CITY CLERK