

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, MARCH 15, 2010
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

CALL TO ORDER: Mayor Land called the meeting to order at 6:57 P.M.

PLEDGE OF ALLEGIANCE: John Altschul led the pledge.

ROLL CALL:

PRESENT: Councilmember Duran, Councilmember Horvath,
Councilmember Prang, Mayor Pro Tempore Heilman, and
Mayor Land.

ABSENT: None.

ALSO PRESENT: City Manager Arevalo, City Attorney Jenkins, City Clerk West,
and Assistant City Clerk Schaffer.

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins reported that the closed session was called to order at 6:00 P.M. He stated that there were no public speakers. He stated that the closed session adjourned at 6:40 P.M. with no reportable action taken.

APPROVAL OF AGENDA:

Councilmember Duran requested that Item 5.A. be TABLED.

Staff requested that Item 2.K. be TABLED.

Mayor Pro Tempore Heilman requested that Item 2.I. be moved to the Excluded Consent Calendar.

Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Horvath to approve the March 15, 2010 agenda as amended, and unanimously approved.

ADJOURNMENT MOTIONS:

Councilmember Prang requested that the meeting be adjourned in memory of Paul Diener, a long-time West Hollywood resident. He requested that the meeting be adjourned in memory of Rose Marie Thompson, his mother's sister-in-law.

Mayor Land requested that the meeting be adjourned in memory of Ed Carson, the father of West Hollywood business owner Todd Carson. She requested that the meeting be adjourned in memory of Ann Finn, the wife of Los Angeles City Councilmember Howard Finn, and a long-time political activist.

Councilmember Duran requested that the meeting be adjourned in memory of the following soldiers who died in Iraq and Afghanistan since the last City Council meeting: Sgt. Aaron Arthur and Spc. Lakeshia Bailey.

PRESENTATIONS:

Mayor Land wished a happy birthday to Senior Advisory Board Members Ric Rickles and Barbara Krupa, and City Attorney Mike Jenkins.

Mayor Pro Tempore Heilman presented a proclamation in recognition of Census Day.

Mayor Land and Councilmember Horvath presented a proclamation in recognition of Daisaku and Kaneko Ikeda Day.

Mayor Land presented a plaque to Tom Johnson of Vision Internet for their work on the new West Hollywood website.

1. PUBLIC COMMENT:

JULIA BERGAL, GRANADA HILLS, spoke regarding the upcoming U.S. Census.

ED BUCK, WEST HOLLYWOOD, spoke in support of Item 2.J. He spoke regarding crime issues in the City.

DONALD ELMBLAD, WEST HOLLYWOOD, spoke regarding the red-bagging of parking meters in the City.

CATHERINE SCHUSTER, LOS ANGELES, thanked the City Council for supporting the Metropolitan Master Chorale, and spoke regarding the Chorale's upcoming concert.

DEREK SMITH, LOS ANGELES, spoke in support of the proposed living wage provision in Item 4.B.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding Women's History Month.

ANN BLUM, LOS ANGELES, spoke in opposition to Item 3.A. and in support of the appeal.

ETHEL MCCLATCHEY, LOS ANGELES, spoke regarding the upcoming concert of the Los Angeles Doctors' Symphony.

COUNCILMEMBER COMMENTS:

Councilmember Prang announced the upcoming retirement of Los Angeles County Assessor Rick Auerbach and thanked him for his years of service.

Mayor Pro Tempore Heilman spoke regarding public comment surrounding the bagging of parking meters and requested a report from City staff. He spoke regarding public comment surrounding safety issues in the City and requested Public Safety staff to provide clarification to the speaker.

Councilmember Horvath congratulated Public Facilities Commissioner Elyse Eisenberg on winning a recent cooking award. She spoke regarding the recent murder of Paulina Ibarra, a transgender woman who was killed in her apartment, and thanked the Transgender Advisory Board for their outreach efforts. She spoke regarding the CERT Emergency Preparedness Program in the City and thanked participants. She spoke regarding her attendance at the recent Russian Women's Heritage event in the City.

Councilmember Duran spoke regarding his recent press conference to endorse a State-wide initiative to make marijuana a taxable and legal substance in California.

Mayor Land congratulated Sgt. Jimmy Farrell for receiving the American Legion Medal of Valor. She spoke regarding the Women's History Month events in the City, including a performance called "Male Call" and the upcoming Women's Leadership Program. She spoke regarding the ongoing "The Good Read" events in the City. She spoke regarding the recent "Dr. Seuss Read America Day". She spoke regarding her attendance at the recent "Eclectic Tea Room" event sponsored by the Russian Advisory Board. She congratulated several West Hollywood businesses on receiving favorable press reviews.

CITY MANAGER'S REPORT:

City Manager Arevalo provided clarification regarding public comment surrounding safety issues in the City and stated that his office will return with a full report.

He requested Jackie Rocco, Parking Operations Manager, to provide clarification regarding the City's policy for red-bagging parking meters.

He spoke regarding the upcoming Los Angeles Marathon event in the City and provided clarification regarding street closures.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$1,067,900.00 in expenditures and \$-2400.00 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar as amended, 2.A.,B.,C.,D.,E.,F.,G.,H.,J.,L.,M.,N. **Motion by Councilmember Prang, seconded by Councilmember Horvath and unanimously approved.**

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, March 15, 2010 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, March 11, 2010.

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

2.B. APPROVAL OF MINUTES:

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

ACTION: Approve the minutes of March 1, 2010. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 646, RESOLUTION NO. 10-3952:

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

ACTION: Approve Demand Register No. 646 and adopt Resolution No. 10-3952, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 646." **Approved as part of the Consent Calendar.**

2.D. CLAIMS ADMINISTRATION:

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

ACTION: Deny the claims of Ida Plotkin and Brandon Wishengrad and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.E. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

The City Council will receive reports from the Arts and Cultural Affairs Commission, Disabilities Advisory Board, Project Advisory Committee and Transportation Commission on actions taken at their recent meetings.

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

2.F. RESIGNATIONS FROM CITY COMMISSIONS, ADVISORY BOARDS, AND COMMITTEES [T. WEST, C. SCHAFFER]:

The City Council will accept the resignation of Project Advisory Committee Member Richard Karat, Jr., effective February 18, 2010.

ACTION: Accept with regret the resignation of Richard Karat, Jr. from the Project Advisory Committee. **Approved as part of the Consent Calendar.**

2.G. 25th ANNIVERSARY CAPITAL CAMPAIGN PROJECT - REQUEST FOR AUTHORIZATION TO ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) FOR AN AUTOMATED PARKING FACILITY BEHIND CITY HALL [O. DELGADO, J. ROCCO, S. BAILEY, A. GALLO]:

The City Council will consider granting approval for staff to issue a Request For Qualifications (RFQ), for an automated parking facility behind City Hall.

ACTION: 1) Authorize staff to issue an RFQ for an automated parking facility behind City Hall; 2) Amend the LPA contract and increase the not to exceed amount for the contract by \$238,000 to \$293,000 to provide pre-design, schematic design and off-site civil engineering services for the automated parking facility; 3) Amend the Walker Parking Consultants contract and increase the not to exceed amount for the contract by \$85,000 to \$110,000 to provide building code interpretations, fire protection requirements and analysis of entry and exit movements as part of the request for qualifications; and 4) Authorize the City Manager to sign both Amendments. **Approved as part of the Consent Calendar.**

2.H. 25TH ANNIVERSARY CAPITAL CAMPAIGN, WEST HOLLYWOOD PARK MASTER PLAN – PHASE 1B- DEMOLITION OF EXISTING LIBRARY AND NORTH PARK EXPANSION [P. AREVALO, J. ENGLISH, J. HUFFER]:

The City Council will review and consider an expanded alternative for development of Phase 1B of the West Hollywood Park Implementation Project including the demolition of the existing library building and north parking lot; the restoration and greening of the temporary parking lot; removal, replacement and relocation of the basketball courts; façade and other improvements to the existing auditorium; and relocation of the sidewalk to allow for additional green space.

ACTION: 1) Confirm study elements related to Phase 1B of the West Hollywood Park Master Plan Implementation Project; 2) Approve an Agreement for Services with MDA Johnson Favaro for design-related architectural, engineering and other professional services in an amount not exceed \$744,900 (includes a not-to-exceed base amount of \$647,390, reimbursable expenditures of \$62,000 plus a 5% contingency to be used only upon the advanced written approval of the Manager of Economic Development and Special Projects; 3) Authorize expenditure for the design within the existing West Hollywood Park Phase 1 Implementation and New West Hollywood Library Project Budget (April 6, 2009); 4) Authorize the City Manager to sign and execute the Agreement and approve any minor modifications; 5) Authorize the City Manager to sign and execute a Contract Amendment with MDA Johnson Favaro to remove Phase 1B scope and budget from Contract #04279; and 6) Direct staff to return to City Council with final recommendations for implementation elements and project budget impacts prior to proceeding into the Schematic Design Phase. **Approved as part of the Consent Calendar.**

2.I. CONSIDERATION OF A FEASIBILITY STUDY TO EVALUATE THE ESTABLISHMENT OF A CHARTER SCHOOL DISTRICT [J. PRANG, M. HAIBACH, J. DURAN, H. MOLINA]:

The City Council will consider directing staff to evaluate the feasibility of establishing a Charter School District (K-12) in the City of West Hollywood.

ACTION: This Item was moved to the Excluded Consent Calendar.

2.J. SUPPORTING AB 1650 TO ASSERT FINANCIAL PRESSURE TO STOP IRAN'S NUCLEAR AMBITION [J. PRANG, M. HAIBACH, A. LAND, C. PLANCK]:

The City Council will consider adopting a resolution supporting AB 1650 (Feuer, Blumenfield), which would prohibit companies with specified operations in Iran's energy sector from contracting with the State of California or its subdivisions.

ACTION: 1) Adopt Resolution No. 10-3953, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING AB 1650 (FEUER, BLUMENFIELD) TO ASSERT FINANCIAL PRESSURE TO STOP IRAN'S NUCLEAR AMBITION BY PROHIBITING COMPANIES WITH SPECIFIED OPERATIONS IN IRAN'S ENERGY SECTOR FROM CONTRACTING WITH THE STATE OF CALIFORNIA OR ITS SUBDIVISIONS"; and 2) Direct staff to send copies of signed resolutions to appropriate legislators. **Approved as part of the Consent Calendar.**

2.K. SUPPORT OF SB. 1029 (YEE), THE CLEAN NEEDLE BILL [J. DURAN, H. MOLINA, C. LU]:

The City Council will consider adopting a resolution in support of SB. 1029 (YEE), The Clean Needle Bill but will raise the concern of adding options for safe needle disposal to the bill.

ACTION: This Item was TABLED.

2.L. CO-SPONSORSHIP OF V-DAY EVENT [A. LAND, C. PLANCK, L. HORVATH, I. PINE, E. BARRETT]:

The City Council will consider co-sponsoring a production of the Vagina Monologues with Hollywood NOW.

ACTION: 1) Approve the City co-sponsorship of the Vagina Monologues with Hollywood's Chapter of the National Organization for Women (NOW) and the use of the City's name and logo on printed materials advertising the event; and 2) Direct appropriate staff to assist with the promotion of the event. **Approved as part of the Consent Calendar.**

2.M. SUPPORT OF HR 947, RECOMMITTING THE U.S. TO THE PRINCIPLES OF THE "CAIRO CONSENSUS" OF 1994 [A. LAND, C. PLANCK, R. MARTINEZ]:

The City Council will consider adopting a resolution in support of HR 947 which illustrates an effort to recommit the U.S. to promises stipulated in the "Program of Action" at the Cairo conference.

ACTION: 1) Adopt Resolution No. 10-3955, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF HR 947 THAT "RECOMMITTS THE U.S. TO THE PRINCIPLES OF

THE 'CAIRO CONSENSUS' OF 1994"; and 2) Direct Staff to send copies of the signed resolution to Rep. Barbara Lee (D-CA), Rep. Raul M. Grijalva (D-AZ), Rep. Sheila Jackson-Lee (D-TX), Rep. Louise Slaughter (NY-28), Rep. Bobby L. Rush, Rep. Hank Johnson (D-GA), and Rep. Diana Degette (D-CO). **Approved as part of the Consent Calendar.**

2.N. SIERRA BONITA APARTMENTS GRAND OPENING CO-SPONSORSHIP AND ASSOCIATED STREET CLOSURE REQUEST FOR APRIL 3, 2010 [A. WINDERMAN, J. SKORNECK, E. SAVAGE]:

The City Council will consider co-sponsoring the Sierra Bonita Apartments Grand Opening to be held on April 3, 2010.

ACTION: 1) Approve city co-sponsorship for the Sierra Bonita Apartments Grand Opening to be held on Saturday, April 3, 2010; 2) Approve the closure of Sierra Bonita Avenue between Santa Monica Boulevard and the alley south of the apartment building; and 3) Approve waiver of special event permit fees including encroachment in the amount of \$2,400. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. APPEAL OF THE PLANNING COMMISSION'S DECISION TO AMEND A CONDITION OF APPROVAL TO ALLOW THE REMOVAL OF THE TWO LARGE FIGUS TREES ON LA PEER DRIVE [A. MCINTOSH, J. KEHO, A. GALLO]:

The City Council will hold a public hearing to consider an appeal by Carol Paulus regarding the Planning Commission's approval to amend one of the conditions placed on the construction of a mixed-use development (originally approved in 2006), to allow the removal of two mature ficus trees at the southeast corner of Beverly Boulevard and La Peer Drive in the public right-of-way. The mixed-use project, referred to as Beverly Place, is currently under construction and is located at 8900 Beverly Boulevard.

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

Mayor Pro Tempore Heilman, Councilmember Horvath, Mayor Land, and Councilmember Duran disclosed recent visits to the site.

Councilmember Duran requested clarification regarding the age of the ficus trees.

Adrian Gallo, Associate Planner, provided background information as outlined in the staff report dated March 15, 2010.

Councilmember Duran and Councilmember Prang disclosed recent meetings with hotel union representatives and a meeting with the developer.

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

CAROL PAULUS, THE APPELLANT, spoke in opposition to the Item and in support of the appeal.

PATRICK MCLEAN AND JASON ILLOULIAN, THE APPLICANTS, spoke in support of the Item and in opposition to the appeal.

NELSON CYR, LOS ANGELES, spoke in opposition to the Item and in support of the appeal.

ANDREA MILLER, LOS ANGELES, spoke in opposition to the Item and in support of the appeal.

SYDNEY POITIER, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

LEON BORODITSKY, LOS ANGELES, spoke in opposition to the Item and in support of the appeal.

IRINA FILIPPOVA spoke in opposition to the Item and in support of the appeal.

JANAN WINEGARDEN (ON BEHALF OF SUSAN ROGERS), LOS ANGELES, spoke in opposition to the Item and in support of the appeal.

RICK TIGNER, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

CARY BRAZEMAN, LOS ANGELES, spoke in opposition to the Item and in support of the appeal.

LILLIAN MILLER spoke in opposition to the Item and in support of the appeal.

ROSIE PICCIONE, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

HERB GODEL, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding public noticing for the proposed removal of the trees.

CHRIS CHAPMAN, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

CAROL PAULUS, THE APPELLANT, spoke in opposition to the Item and in support of the appeal.

PATRICK MCLEAN AND JASON ILLOULIAN, THE APPLICANTS, spoke in support of the Item and in opposition to the appeal.

Councilmember Duran requested clarification regarding the lifespan and other characteristics of ficus trees.

Councilmember Horvath requested clarification regarding the stability of the ficus trees at the development site.

Councilmember Prang requested clarification regarding a tree inspection included in the staff report.

Mayor Land closed the public hearing.

Mayor Land requested clarification regarding noticing of the proposed tree removal. She requested clarification regarding the tree trimming procedures for the trees at the site.

Councilmember Duran thanked everyone who came to speak. He spoke in support of the appeal. He spoke in support of periodic reports from staff regarding the stability of the trees.

Councilmember Horvath spoke in support of the appeal, and spoke in support of monitoring the stability of the trees at the site.

Councilmember Prang spoke in support of the appeal.

Mayor Pro Tempore Heilman thanked everyone who came to speak. He spoke regarding the difficulty of building underground parking in the project without damaging the roots of the trees. He spoke regarding the difficulties that ficus tree roots present to sidewalks. He spoke in support of the appeal, and spoke in support of attempting mitigation efforts to save the trees at the site.

Mayor Land spoke in support of the appeal. She spoke in support of monitoring the stability of the trees. She spoke in support of investigating mitigation efforts to protect the trees at the site.

ACTION: Direction to staff to return to the City Council with a resolution upholding the appeal and incorporating additional direction from the City

Council. **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Horvath and unanimously approved.**

4. UNFINISHED BUSINESS:

4.A. DRAFT RECOMMENDATIONS FOR ACCESSORY DWELLING UNITS (GRANNY FLATS) [A. WINDERMAN, A. MCINTOSH]:

The City Council will review the Draft Recommendations for Accessory Dwelling Units and consider sending them to the Planning Commission for further study and community outreach.

Allyne Winderman, Director of Rent Stabilization and Housing, provided background information as outlined in the staff report dated March 15, 2010.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in support of the Item.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the need for adequate side-yard set-backs in accessory dwelling units. She spoke in support of requiring a minimum lot size to allow accessory dwelling units (ADUs).

Mayor Pro Tempore Heilman spoke in support of the Item. He spoke in opposition to a requirement of additional parking for an ADU. He spoke in support of allowing ADU's to participate in parking permit programs. He spoke in opposition to requiring the developer of an ADU to meet the City's affordable Housing requirements. He spoke in opposition to the primary structure becoming rent stabilized if it is not owner-occupied. He spoke in support of a review of the approval process in 4-5 years or after 50 applications have been received.

Mayor Land spoke regarding the need to assure that parking will not be removed in the building of accessory dwelling units.

ACTION: 1) Review the Draft Recommendations for Accessory Dwelling Units; 2) Comment on the discussion items outlined in the report, and 3) Send the Draft Recommendations to the Planning Commission for further study and community outreach. **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Horvath and unanimously approved.**

4.B. A REQUEST TO CONSTRUCT A 268,805 SQUARE FOOT MIXED-USE HOTEL PROJECT INCLUDING AMENDMENTS TO THE GENERAL PLAN, SUNSET SPECIFIC PLAN, AND ZONING MAP TO PERMIT INCREASED HEIGHT AND DENSITY IN A NEW EXPANDED TARGET SITE [A. MCINTOSH, J. KEHO, D. DEGRAZIA]:

The Council will consider a mixed use hotel project including amendments to the General Plan, Sunset Specific Plan and Zoning Map to permit increased height and density at 9040-9056 Sunset Boulevard, 1018-1022 N. Doheny Drive, and 9031-9041 Harratt Street. On February 1, 2010 the City Council continued the public hearing to the meeting of March 1, 2010. At the March 1, 2010 meeting the Council tabled the item to the March 15, 2010 meeting.

VICTOR OLMELCZENKO, WEST HOLLYWOOD, spoke in opposition to the loss of rent stabilized units in association with the proposed project.

David DeGrazia, Senior Planner, and City Attorney Mike Jenkins provided background information as outlined in the staff report dated March 15, 2010.

City Attorney Jenkins provided clarification regarding an investigation into issues raised by the bankruptcy filing by one of the partners of WN Sunset, LLC. He provided clarification regarding proposed changes to the Development Agreement.

Mayor Pro Tempore Heilman thanked City Attorney Jenkins for all his work on the staff report. He requested clarification regarding the relocation of the hotel units farther from Harratt Street, and expressed concerns regarding the mixture of condominium and hotel units in the same project. He spoke in support of including requirements to physically separate the hotel and residential units. He spoke in opposition to including a requirement for all hotels in the City to be subject to the Living Wage Ordinance.

Councilmember Duran spoke in support of the location of condominium and hotel units in the same project. He expressed concerns regarding additional fees to the developer for the delay of approval of the project. He spoke in opposition to including living wage requirements for this project and not other hotels in the City. He spoke in support of waiving the fees provided by the developer to the City for the first four years.

Councilmember Horvath provided clarification regarding the City's Living Wage Ordinance, and the differentiation between the City's ordinance and a requirement for unionization of employees. She requested clarification from the City Attorney regarding other municipalities that have imposed a living wage on businesses in their communities. She spoke in support of the project and spoke regarding other successful projects that the developer has brought to the City.

Councilmember Prang spoke in support of the project. He expressed concerns regarding additional fees to the developer for the delay of approval of the project. He spoke in support of including requirements to

physically separate the hotel and residential units. He spoke in support of imposing a living wage ordinance on all hotels in the City and exploring potential benefits the City could provide to hotels in exchange for providing living wage benefits to their employees.

Mayor Land spoke in support of additional fees to the developer in association with the delay of approval of the project. She expressed concerns regarding the mixture of condominium and hotel units in the same project, and the possible creation of a condominium/hotel, and spoke in support of additional requirements to prevent this. She spoke in support of requiring a living wage provision for the proposed project, but expressed concerns regarding requiring the living wage provisions for all hotels in the City.

Richard Weintraub, the applicant, provided clarification regarding questions from the City Council surrounding the proposed living wage requirements in the Development Agreement. He expressed concerns regarding development fees associated with the project in conjunction with the additional restrictions of the living wage requirements.

Mayor Land spoke in support of removing the first two payments required by the developer to the City.

City Attorney Jenkins provided clarification regarding the advance fee payments required by the developer to the City.

ACTION: Approve the application request and adopt: 1) Resolution No. 10-3956, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, ADOPTING A MITIGATION MONITORING PROGRAM AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE PROPOSED 148-ROOM MIXED USE HOTEL PROJECT WITH RETAIL, RESTAURANT AND 20 CONDOMINIUM UNITS LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA." (ATTACHMENT A); 2) Resolution No. 10-3957, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING GENERAL PLAN AMENDMENT 2006-001 IN CONJUNCTION WITH THE PROPOSED 148-ROOM MIXED USE HOTEL PROJECT WITH RETAIL, RESTAURANT AND 20 CONDOMINIUM UNITS LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA." (ATTACHMENT B); 3) Introduce on first reading Ordinance No. 10-845, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING ZONING MAP AMENDMENT 2009-008 IN CONJUNCTION WITH THE PROPOSED 148-ROOM MIXED USE HOTEL PROJECT WITH RETAIL, RESTAURANT AND 20

CONDOMINIUM UNITS LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA.” (ATTACHMENT C); 4) Resolution No. 10-3958, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING SUNSET SPECIFIC PLAN AMENDMENT 2006-001 IN CONJUNCTION WITH THE PROPOSED 148-ROOM MIXED USE HOTEL PROJECT WITH RETAIL, RESTAURANT AND 20 CONDOMINIUM UNITS LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA.” (ATTACHMENT D); 5) Introduce on first reading Ordinance No. 10-846, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING ZONING MAP AMENDMENT 2009-005, IN CONJUNCTION WITH THE PROPOSED DEVELOPMENT AGREEMENT 2006-001, FOR THE PROPERTY LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA.” (ATTACHMENT E); 6) Introduce on first reading Ordinance No. 10-847, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING DEVELOPMENT AGREEMENT 2006-001 IN CONJUNCTION WITH THE PROPOSED 148-ROOM MIXED USE HOTEL PROJECT WITH RETAIL, RESTAURANT AND 20 CONDOMINIUM UNITS LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA.” (ATTACHMENT F); and 7) Resolution No. 10-3959, “A RESOLUTION OF CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING DEMOLITION PERMIT 2006-008, DEVELOPMENT PERMIT 2006-010, CONDITIONAL USE PERMIT 2006-007, MINOR CONDITIONAL USE PERMIT 2009-005, ADMINISTRATIVE PERMIT 2006-006 AND VESTING TENTATIVE TRACT MAP NO. 064782 (AKA TENTATIVE TRACT MAP 2006-004) FOR THE PROPOSED 148-ROOM MIXED USE HOTEL PROJECT WITH RETAIL, RESTAURANT AND 20 CONDOMINIUM UNITS LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA.” (ATTACHMENT G) **Motion by Councilmember Duran, seconded by Councilmember Prang to approve the staff recommendations.**

Motion by Councilmember Horvath, seconded by Mayor Pro Tempore Heilman to amend the motion to: Delete Sections 3.6.2.6. and 3.6.2.7 of the Development Agreement and add a new Section 3.6.2.6. to read as follows: “3.6.2.6. Living Wage. The hotel portion of the project (including all restaurant, retail, spa, and personal services controlled by the hotel operator) shall abide by the provisions of the West Hollywood Living Wage Ordinance. The hotel operator and all service operators controlled by the hotel operator shall keep on file sufficient evidence of its employee

compensation to enable verification of compliance with the Living Wage Ordinance. These records shall be made available at the request of the City, with reasonable notice, during regular business hours, and shall be retained by the operators for a period of not less than three years. A covenant memorializing this obligation shall be recorded concurrently with the recordation of this Agreement, and shall provide that the obligations of this section are enforceable in an action for specific performance, among other remedies, and for reimbursement of the City's legal expenses. This obligation is a material term of this Agreement in consideration of the vested rights accorded herein, and shall survive the expiration of the Term hereof." **Unanimously approved.**

Motion by Councilmember Horvath, seconded by Councilmember Duran to amend the motion to: Delete Paragraphs (i) and (ii) of Section 3.6.2.3 (a) of the Development Agreement. Amend Paragraphs (v) and (vi) of Section 3.6.2.3 (a) of the Development Agreement to read: "(v) on or before the fourth anniversary of the Commencement Date, unless physical construction of the Project has commenced and provided that this Agreement remains in full force and effect, the Owner shall pay the City \$1,100,000.00, which sum shall not be credited to future fees or charges; (vi) on or before the fifth anniversary of the Commencement Date, unless physical construction of the Project has commenced and provided that this Agreement remains in full force and effect, the Owner shall pay the City \$1,300,000.00, which sum shall not be credited to future fees or charges; and" **Unanimously approved.**

Motion by Mayor Land, seconded by Mayor Pro Tempore Heilman to amend the motion to: Add a new condition within Paragraph 13 of the conditions of the approval of the Development Agreement to state that the condominium units in the project are non-transitory units to be occupied by the condominium owners and not rented for short-term hotel stays and long-term transitory stays. **Approved with Councilmember Horvath and Councilmember Duran voting NO.**

Motion by Councilmember Prang, seconded by Councilmember Horvath to approve the proposed resolutions and ordinances with the approved amendments to the original motion. Unanimously approved.

5. NEW BUSINESS:

5.A. COMMISSION AND ADVISORY BOARD APPOINTMENTS [T. WEST, C. SCHAFFER]:

The City Council will consider making at-large appointments to City Commissions and Advisory Boards.

ACTION: This Item was TABLED.

EXCLUDED CONSENT CALENDAR:

2.I. CONSIDERATION OF A FEASIBILITY STUDY TO EVALUATE THE ESTABLISHMENT OF A CHARTER SCHOOL DISTRICT [J. PRANG, M. HAIBACH, J. DURAN, H. MOLINA]:

The City Council will consider directing staff to evaluate the feasibility of establishing a Charter School District (K-12) in the City of West Hollywood.

Mayor Pro Tempore Heilman requested clarification regarding the City's role in the operation of charter schools in the City, and spoke in support of addressing these issues in the feasibility study.

Councilmember Prang provided clarification of the proposed item.

Mayor Land spoke regarding the need to consider impacts on the elementary schools in the City.

ACTION: 1) Direct staff to investigate doing a feasibility study, including costs involved and the retention of appropriate resources and consultants, to evaluate the feasibility of establishing a Charter School District within the City of West Hollywood; 2) Request staff to include the allocation of funds needed for this project in 2010-2011 work program and budgeting process; and 3) Staff to report back to City Council in 90 days; report should include cost estimate for needed consultancy services. **Motion by Councilmember Prang, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

PUBLIC COMMENT: None.

6. LEGISLATIVE: None

COUNCILMEMBER COMMENTS:

Mayor Land thanked her fellow Councilmembers and staff on all their hard work on finding solutions for the approval of Item 4.B.

Councilmember Prang encouraged residents to return their U.S. Census information.

ADJOURNMENT: The City Council adjourned at 10:52 P.M. in memory of Paul Diener, Rose Marie Thompson, Ed Carson, Ann Finn, and all the soldiers who died in Iraq and Afghanistan since the last City Council meeting. They adjourned to their next regular meeting, which will be on Monday, April 5, 2010 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 5th day of April, 2010 by the following vote:

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

ABBE LAND, MAYOR

ATTEST:

THOMAS R. WEST, CITY CLERK