CITY COUNCIL CITY OF WEST HOLLYWOOD MINUTES MONDAY, DECEMBER 21, 2009 WEST HOLLYWOOD PARK 647 N. SAN VICENTE BOULEVARD

CALL TO ORDER: Mayor Land called the meeting to order at 6:35 P.M.

PLEDGE OF ALLEGIANCE: David Cooley 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 one (1) Item was added to the agenda, an Item pertaining to personnel. He stated that the closed session adjourned at 6:30 P.M with no reportable action taken.

APPROVAL OF AGENDA:

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

Councilmember Duran requested that Item 2.R. be moved to the Excluded Consent Calendar.

Mayor Land noted her RECUSAL on Item 2.P. due to her position at the Saban Free Clinic.

Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Horvath to approve the December 21, 2009 agenda as amended, and unanimously approved with Mayor Land ABSTAINING on Item 2.P.

ADJOURNMENT MOTIONS:

Mayor Pro Tempore Heilman requested that the meeting be adjourned in memory of Felix Boyle, a long-time volunteer for the West Hollywood Book Fair.

Mayor Land requested that the meeting be adjourned in memory of Constance Engelman, the mother of Rent Stabilization and Housing Director Allyne Winderman.

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: Navy PO3 David M. Mudge, Marine LCpl Jonathan A. Taylor, Army SGT Kenneth R Nichols Jr., Army SGT Elijah J Rao, Marine Cpl Xhacob Latorre, Army SSG Dennis J Hansen, Marine Sgt Ralph Anthony Webb Frietas, Army PFC Jaiciae L Pauley, Army PVT Jhanner A Tello, Air Force TSgt Anthony C Campbell Jr, Army Staff Sgt. Ryan L. Zorn, Marine Staff Sgt. Stephen L. Murphy, Army Staff Sgt. Amy C. Tirador, Army Spc. Jonathon M. Sylvestre, Army Pfc. Jaiciae L. Pauley, Pvt. Jhanner A. Tello, Sgt. Ralph Anthony Webb Frietas.

PRESENTATIONS:

Mayor Land and the City Council presented a plaque to Lloyd Long, Director of Human Services, in recognition of his retirement and his years of dedication and service to West Hollywood.

Zeidi Martinez and Jennifer Langan, from Wells Fargo Bank, presented a check to the City of West Hollywood for the annual Food and Toy Drive.

1. PUBLIC COMMENT: None.

COUNCILMEMBER COMMENTS:

Councilmember Horvath congratulated the most recent recipient of the West Hollywood Scholarship program. She congratulated a West Hollywood Sheriff's Station Volunteer who recently reached 30,000 hours of volunteer service.

Councilmember Duran requested the City Manager to provide an update on a possible contract with artist Shepard Fairey to provide artwork for the new West Hollywood Library.

Councilmember Prang spoke regarding the recent appointment of State Assemblymember John Perez, an openly gay Latino, to Speaker of the Assembly. He spoke regarding Denise Parker, an openly gay woman who was recently elected the Mayor of Houston. He spoke regarding the Mayor of Washington, D.C., who recently signed a bill legalizing gay marriage. He spoke regarding new deposit boxes for unwanted medications located at the West Hollywood Sheriff's Station. He thanked Public Works staff for their recent expansion of the large item trash pickup program in the City. He gave direction to the City Manager and staff to explore the possibility of working with the Los Angeles County Fire Department to create a West Hollywood Fire Fighter Cadet program for young people.

Mayor Pro Tempore Heilman wished everyone a happy holiday.

Mayor Land congratulated City staff member Lisa Belsanti and her wife Becky on the recent birth of their baby. She spoke regarding discount programs to help residents pay

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their utility bills. She spoke regarding a recent workshop to assist people in recognizing human trafficking. She spoke regarding the upcoming Teen Summit event in the City. She provided a report regarding Maria De Silva, who opened a school in Malawi for children whose parents have died from HIV/AIDS.

CITY MANAGER'S REPORT: City Manager Arevalo provided clarification on the ongoing process for the selection of artwork for the new West Hollywood Library, and the possible inclusion of artist Shepard Fairey. He stated that staff is working on a comprehensive report for the City Council regarding crosswalk safety in the City.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$496,412.00 in expenditures and \$0.00 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar as amended, 2.A.,B.,C.,D.,E.,F.,H.,I.,J.,K.,L.,M.,N.,O.,P.,Q.,S.,T. **Motion by Councilmember Duran, seconded by Councilmember Horvath and unanimously approved with Mayor Land ABSTAINING on Item 2.P.**

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, December 21, 2009 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, December 17, 2009.

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

2.B. APPROVAL OF MINUTES:

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

ACTION: Approve the minutes of December 7, 2009. **Approved as part** of the Consent Calendar.

2.C. DEMAND REGISTER NO. 640, RESOLUTION NO. 09-3926:

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

ACTION: Approve Demand Register No. 640 and adopt Resolution No. 09-3926, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 640." **Approved as part of the Consent Calendar.**

2.D. TREASURER'S REPORT FOR AUGUST 2009:

The City Council will receive the Treasurer's Report for the month ended August 2009 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.E. 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 Hartford Casualty and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.F. ORDINANCE NO. 09-834 (2ND READING), ADDING TITLE 15, ARTICLE 3, CHAPTER 15.54 WATER CONSERVATION LANDSCAPING TO THE WEST HOLLYWOOD MUNICIPAL CODE [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-834, a proposed ordinance adding Title 15, Article 3, Chapter 15.54 Water Conservation Landscaping to the West Hollywood Municipal Code.

ACTION: Waive further reading and adopt Ordinance No. 09-834, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADDING TITLE 15, ARTICLE 3, CHAPTER 15.54 WATER CONSERVATION LANDSCAPING TO THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.G. ORDINANCE NO. 09-835 (2ND READING), AMENDING REGULATIONS GOVERNING CONTRIBUTIONS TO MUNICIPAL ELECTION CAMPAIGNS FOR CITY COUNCIL OFFICES [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-835, a proposed ordinance amending the regulations governing contributions to municipal election campaigns for City Council offices and amending the West Hollywood Municipal Code.

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

2.H. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

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

2.I. FEDERAL LEGISLATIVE UPDATE [J. ENGLISH, L. BELSANTI, K. KRIETZMANI:

The City Council will receive a Legislative Report detailing federal legislative activities current as of December, 2009 from Holland + Knight. **ACTION:** Receive and file. **Approved as part of the Consent Calendar.**

2.J. AMENDMENT TO CONTRACT WITH HOLLAND AND KNIGHT FOR FEDERAL LOBBYING AND LEGISLATIVE ADVOCATE SERVICES [P. AREVALO, K. KRIETZMAN, J. ENGLISH, L. BELSANTI]:

The Council will consider approval of an amendment to the Contract with the City's federal lobbyist, Holland and Knight.

ACTION: 1) Approve an amendment to the Holland and Knight Contract in an amount not-to-exceed \$95,000 for services from December 31, 2009 to December 31, 2010; and 2) Authorize the City Manager to sign and execute all necessary documents. **Approved as part of the Consent Calendar.**

2.K. CONTRACT AMENDMENT WITH NELSON NYGAARD ASSOC TO PROVIDE PROFESSIONAL SERVICES IN ASSOCIATION WITH THE DEVELOPMENT OF A COMPREHENSIVE UPDATE TO THE CITY'S GENERAL PLAN CIRCULATION ELEMENT [A. MCINTOSH, T. SLIMMER]:

The City Council will consider authorizing the City Manager to execute a contract amendment with Nelson Nygaard Associates to assist in the completion of the comprehensive update to the City's General Plan Circulation Element.

ACTION: 1) Authorize the City Manager to execute a contract amendment with Nelson/Nygaard, Inc., in an amount not-to-exceed \$25,000 for a total contract amount of \$80,000 for professional services relating to traffic and transportation issues in the City's General Plan Circulation Element; and 2) Authorize the Director of Finance to allocate \$25,000 from the undesignated reserves in the General Fund and increase budgeted expenditures in account 100-3-07-83-533038 by \$25,000. **Approved as part of the Consent Calendar.**

2.L. CONTRACT FOR FY 09-10 SEWER ROOT CONTROL SERVICES [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approval of a professional service contract with Dukes Root Control, Inc. for sewer root control services.

ACTION: Authorize the City Manager to enter into a professional service contract with Dukes Root Control, Inc. in an amount not to exceed \$80,000 to provide sewer root control services for the City of West Hollywood for FY 09-10. **Approved as part of the Consent Calendar.**

2.M. CONSTRUCTION CONTRACT FOR A PUBLIC PARKING LOT AT 8459 SUNSET BLVD, CIP 1005 [O. DELGADO, S. PERLSTEIN]:

The City Council will consider awarding a construction contract for the construction of a 35 space public parking lot at 8459 Sunset Boulevard, CIP 1005.

ACTION: 1) Accept the bid dated December 1, 2009, submitted by ASAP General Engineering; 2) Authorize the City Manager to enter into a contract with ASAP General Engineering in the amount of \$160,793.00 for the construction of CIP 1005, Public Parking Lot at 8459 Sunset Blvd; and 3) Authorize the City Engineer to manage Change Orders for work on the construction contract in an amount not to exceed 15% of the contract amount. **Approved as part of the Consent Calendar.**

2.N. ADOPTION OF THE CURRENT EDITION OF THE <u>STANDARD PLANS</u> FOR PUBLIC WORKS CONSTRUCTION [O. DELGADO, S. PERLSTEIN]:

The 2009 edition of the <u>Standard Plans for Public Works Construction</u> has recently been published. The new edition updates construction designs to meet current practices for use on public works projects and any work done in the public right of way.

ACTION: Adopt Resolution No. 3927, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REGULATING DIMENSIONS, MATERIALS. METHODS, AND DETAILS CONSTRUCTION IN THE ERECTION, INSTALLATION, ALTERATION, REPAIR, REMOVAL, CONVERSION. DEMOLITION. CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS IN THE CITY OF WEST HOLLYWOOD: AND REPEALING ALL RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT THEREWITH." Approved as part of the Consent Calendar.

2.O. ADOPTION OF THE CURRENT EDITION AND SUPPLEMENT OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION [O. DELGADO, S. PERLSTEIN]:

The Council will consider adoption of the 2009 edition and 2010 supplement of the <u>Standard Specifications for Public Works Construction</u>, (commonly called the "Greenbook") for use on public works projects and any work done in the public right of way.

ACTION: Adopt Resolution No. 3928, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REGULATING MATERIALS OF CONSTRUCTION AND THEIR USE IN THE ERECTION, INSTALLATION, ALTERATION, REPAIR, REMOVAL, CONVERSION, DEMOLITION, AND CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS IN THE CITY OF WEST HOLLYWOOD; PROVIDING FOR THE ADMINISTRATION OF CONTRACTS AS WELL AS PERMITS ISSUED IN CONNECTION WITH SUCH IMPROVEMENTS; AND REPEALING ALL RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT THEREWITH." Approved as part of the Consent Calendar.

2.P. LETTER OF INTENT RE-ISSUE FOR NEW FUNDING SUPPORT FOR SOCIAL SERVICES [L. LONG, D. DENNIS]:

The City Council will consider the re-issue of a Letter of Intent for the allocation of \$100,000 in additional social services programming.

ACTION: Recommend the re-issue of a Letter of Intent for the allocation of \$100,000 in new funding to mitigate the impact of the economic downturn and/or cuts to State and County programs on members of the West Hollywood community. **Approved as part of the Consent Calendar with Mayor Land ABSTAINING.**

2.Q. GIFT OF TWO SCULPTURES BY ARTIST PETER SHIRE [J. HUFFER, A. CAMPBELL]:

The Council will consider accepting two sculptures by artist Peter Shire as a gift from Billy Shire.

ACTION: 1) Accept the sculptures as gifts to the City; and 2) Appropriate \$10,000 from Art and Beautification Fund reserves to account 209-1-01-10-531005, Contract Services for art work installation costs. **Approved as part of the Consent Calendar.**

2.R. COMPREHENSIVE ORDINANCE PROHIBITING SMOKING IN COMMON PUBLIC AREAS [A. LAND, C. PLANCK, J. HEILMAN, F. SOLOMON, T. MANDEL, R. MARTINEZ]:

The City Council will consider creating an ordinance to prohibit smoking in the outdoor patios and open air spaces at restaurants, bars and other establishments with common outdoor patios or open air spaces.

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

2.S. SUPPORT OF SENATOR BARBARA MIKULSKI'S AMENDMENT TO H.R. 3590—THE PATIENT PROTECTION AND AFFORDABLE CARE ACT [L. HORVATH, I. PINE]:

The City Council will consider adopting a resolution in support of Senator Barbara Mikulski's amendment to H.R 3590—The Patient Protection and Affordable Care Act.

ACTION: 1) Adopt Resolution No. 09-3929, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF Senator Barbara Mikulski's amendment to H.R. 3590—The Patient Protection and Affordable Care Act; and 2) Direct staff to send copies of the adopted resolution to Senators Barbara Mikulski, Barbara Boxer, Dianne Feinstein, Al Franken, Sherrod Brown, Benjamin Cardin, Chris Dodd, Tom Harkin, John Kerry, Frank Lautenberg, Patrick Leahy, Patty Murray, Chuck Schumer, Olympia Snowe and Debbie Stabenow. **Approved as part of the Consent Calendar.**

2.T. COMMEMORATION OF THE ANNIVERSARY OF ROE V. WADE [A. LAND, C. PLANCK, L. HORVATH, I. PINE]:

The City Council will consider approval of recommended programming to commemorate the Anniversary of Roe v. Wade and the City's ongoing commitment to women's' reproductive rights.

ACTION: 1) Direct staff to work on programming to commemorate the Anniversary of Roe v. Wade; and 2) Approve the City of West Hollywood's co-sponsorship of The National Council of Jewish Women/LA's Panel Discussion on January 21, 2010 and the use of the City's name and logo on printed materials advertising the event. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS: None

4. UNFINISHED BUSINESS: None

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.

JAKE FINNEY, WEST HOLLYWOOD, thanked the City Council for creating the Transgender Advisory Board and thanked everyone who supported the recent Transgender Day of Remembrance event in the City.

ACTION: The Council made the following at-large appointments:

- a) Disabilities Advisory Board: Lisa Andreson.
- b) Transgender Advisory Board: Charles Ching, Karla Ferreira, Jake Finney, Drian Juarez, Karina Samala, Desiree Jade Sol, and Rachel White.

EXCLUDED CONSENT CALENDAR:

2.G. ORDINANCE NO. 09-835 (2ND READING), AMENDING REGULATIONS GOVERNING CONTRIBUTIONS TO MUNICIPAL ELECTION CAMPAIGNS FOR CITY COUNCIL OFFICES [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-835, a proposed ordinance amending the regulations governing contributions to municipal election campaigns for City Council offices and amending the West Hollywood Municipal Code.

Mayor Pro Tempore Heilman requested clarification regarding the amended ordinance and the creation of officeholder accounts for City Councilmembers.

City Attorney Jenkins provided further clarification regarding the amended ordinance.

ACTION: Waive further reading and adopt Ordinance No. 09-835, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE REGULATIONS GOVERNING CONTRIBUTIONS TO MUNICIPAL ELECTION CAMPAIGNS FOR CITY COUNCIL OFFICES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE;" with further direction to the City Attorney to explore additional options regarding officeholder accounts for City Councilmembers. Motion by Councilmember Prang, seconded by Mayor Pro Tempore Heilman and unanimously approved.

2.R. COMPREHENSIVE ORDINANCE PROHIBITING SMOKING IN COMMON PUBLIC AREAS [A. LAND, C. PLANCK, J. HEILMAN, F. SOLOMON, T. MANDEL, R. MARTINEZ]:

The City Council will consider creating an ordinance to prohibit smoking in the outdoor patios and open air spaces at restaurants, bars and other establishments with common outdoor patios or open air spaces.

JOSEPH CLAPSADDLE, WEST HOLLYWOOD, spoke in opposition to the Item.

BOE TRUMBULL, WEST HOLLYWOOD, spoke in opposition to the Item.

DAVID COOLEY, LOS ANGELES, spoke in opposition to the Item.

SHARON SANDOW, EXECUTIVE DIRECTOR OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in opposition to the Item.

MARCUS NICOHIDIS, LOS ANGELES, spoke in opposition to the Item.

RUTH CISLOWSKI, WEST HOLLYWOOD, spoke in support of the Item.

TODD STEADMAN, EXECUTIVE DIRECTOR OF THE SUNSET STRIP BUSINESS ASSOCIATION, spoke in opposition to the Item.

GRACIELA IPARRAGUIRE, WEST HOLLYWOOD, spoke in support of the Item.

NIC ADLER, LOS ANGELES, spoke in opposition to the Item.

RICHARD GROSSI, WEST HOLLYWOOD, spoke in opposition to the Item.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the Item.

DANIEL PUTER, WEST HOLLYWOOD, spoke in opposition to the Item.

PAUL NICHOLLS, WEST HOLLYWOOD, spoke in opposition to the Item.

JUDE TATE, LOS ANGELES, spoke in opposition to the Item.

IGOR NICHOLAS, LOS ANGELES, spoke in opposition to the Item.

GEORGE GERMANIDES, WEST HOLLYWOOD, spoke in opposition to the Item.

Councilmember Duran spoke in opposition to the Item.

Councilmember Prang thanked Mayor Land and Mayor Pro Tempore Heilman for bringing the Item forward. He spoke in support of the intent of the Item, but in support of additional conditions to mitigate impacts on the business community. He spoke in support of moving forward with an ordinance, but spoke regarding the need to work with the businesses and the community and the need to phase-in the ordinance slowly. He also spoke in support of working with the City of Los Angeles to coordinate the possible adoption of similar ordinances in both cities.

Councilmember Horvath spoke in support of moving forward with an ordinance, but spoke regarding the need to work with the businesses and the community and the need to phase-in the ordinance slowly. She spoke regarding enforcement issues that might result from the ordinance. She spoke in support of working with the City of Los Angeles and surrounding communities to coordinate the possible adoption of similar ordinances.

Mayor Pro Tempore Heilman spoke regarding the adverse effects of smoking on residents. He spoke regarding the City's ordinance banning smoking inside restaurants and nightclubs, and the lack of enforcement issues following the adoption of that ordinance. He spoke regarding concerns raised surrounding impacts on businesses, and concerns surrounding additional security issues associated with the proposed ordinance. He spoke in support of phasing-in any adopted ordinance, and spoke in support of working with the City of Los Angeles to coordinate the possible adoption of similar ordinances. He spoke regarding the possibility of a future ban on smoking on sidewalks to reduce litter from used cigarette butts.

Mayor Land spoke regarding the need to make West Hollywood as healthy and safe as possible. She spoke regarding the need to work with businesses and the community during the drafting of the ordinance. She spoke in support of creating a task force to explore the issues surrounding the proposed ordinance, including: enforcement issues, timing and phasing-in of the proposed ordinance, working with the City of Los Angeles and neighboring communities, and smoking on sidewalks.

Councilmember Duran expressed concerns regarding the impacts of the proposed ordinance on businesses and nightlife in the City.

Mayor Pro Tempore Heilman spoke in support of directing the City Attorney to draft the ordinance, and in support of the creation of a task force to address issues regarding enforcement, implementation and phasing-in of the ordinance, and smoking on sidewalks.

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ACTION: Direct the City Attorney to draft a comprehensive ordinance prohibiting smoking in outdoor patios and open air spaces at restaurants, bars and other establishments with common outdoor patios or open air spaces; with additional direction to the City Manager to create a task force to address issues regarding enforcement, implementation and phasing-in of the ordinance, working with the City of Los Angeles and neighboring communities, and smoking on sidewalks. **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Prang and approved with Councilmember Duran voting NO.**

PUBLIC COMMENT:

JUDSON GREENE, WEST HOLLYWOOD, spoke regarding the opening of a drug and alcohol rehabilitation facility in the Norma Triangle area of the City.

JEANNE DOBRIN, WEST HOLLYWOOD, wished everyone a happy holiday. She spoke regarding an outdoor smoking ordinance in the City of Calabasas.

6. LEGISLATIVE: None

COUNCILMEMBER COMMENTS:

Councilmember Horvath spoke regarding an upcoming program being sponsored by the National Council of Jewish Women featuring Congressman Henry Waxman.

ADJOURNMENT: The City Council adjourned at 8:19 P.M. in memory of Felix Boyle, Constance Engelman, 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, January 25, 2010 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.