

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, MAY 3, 2010  
WEST HOLLYWOOD PARK  
647 N. SAN VICENTE BOULEVARD**

**CALL TO ORDER:** Mayor Heilman called the meeting to order at 6:38 P.M.

**PLEDGE OF ALLEGIANCE:** Esther Baum led the pledge.

**ROLL CALL:**

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

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 6:35 P.M. with no reportable action taken.

**APPROVAL OF AGENDA:**

Mayor Pro Tempore Duran requested that Item 4.A. be moved to the Consent Calendar as Item 2.T.

Mayor Heilman requested that Item 4.B. be moved to the Consent Calendar as Item 2.U.

Mayor Heilman requested that Item 3.A. be heard out of order at the end of the meeting.

Mayor Pro Tempore Duran noted his ABSTENTION on Item 2.N.

**Motion by Councilmember Horvath, seconded by Councilmember Land to approve the May 3, 2010 agenda as amended, and unanimously approved.**

**ADJOURNMENT MOTIONS:**

Councilmember Horvath requested that the meeting be adjourned in memory of Thomas Haydn Sims, the father of Human Services Commissioner Hywel Sims. She requested that the meeting be adjourned in memory of Betty Kaligman, a long-time activist. She requested that the meeting be adjourned in memory of actress Lynn Redgrave.

Councilmember Land requested that the meeting be adjourned in memory of the husband of Joan Mithers, the Director of Nutrition Programs at Jewish Family Services. She requested that the meeting be adjourned in memory of Dr. Esther Hovey, the mother of West Hollywood resident Paul Hovey. She requested that the meeting be adjourned in memory of Russian Advisory Board Member Mikhail Moshkovich. She requested that the meeting be adjourned in memory of Councilmember Larry Nelson from the City of Artesia. She requested that the meeting be adjourned in memory of Wilma Mankiller, the first female chief of the Cherokee Nation and a long-time activist. She requested that the meeting be adjourned in memory of Dr. Dorothy Height, a long-time civil rights activist.

Mayor Pro Tempore Duran requested that the meeting be adjourned in memory of Stephanie Boggs, a long-time West Hollywood resident. He 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. Keith A. Coe, Lance Cpl. Thomas E. Rivers Jr., Sgt. Nathan P. Kennedy, Staff Sgt. Christopher D. Worrell.

Mayor Heilman requested that the meeting be adjourned in memory of Richard Lavoy, one of the first openly gay deputies to serve in Sacramento, a former West Hollywood resident and employee, and a long-time LGBT activist.

#### **PRESENTATIONS:**

Councilmember Land presented a proclamation in recognition of "Fill the Boot," a fundraiser organized by the Los Angeles County Fire Department to support the Muscular Dystrophy Association.

Mayor Pro Tempore Duran presented a proclamation to Richard Noble Day and Queer Nation in recognition of their long-time commitment to the LGBT community.

Mayor Heilman presented a commendation to the Andaz Hotel in recognition of their support of the SOVA Food Pantry.

Mayor Heilman presented a proclamation in recognition of Senior Month.

Mayor Heilman presented a proclamation to Positive Pedalars, an organization formed to support the HIV/AIDS community and to fight stigmas related to being HIV Positive.

#### **1. PUBLIC COMMENT:**

JOHN BRADY, LOS ANGELES, spoke in support of Item 2.Q.

DAN GUERRERO, WEST HOLLYWOOD, spoke in support of Item 2.S.

LUIS MARQUEZ, WEST HOLLYWOOD, spoke in support of Item 2.S.

ALEN BERSTEIN, WEST HOLLYWOOD, spoke in support of Item 2.S.

DANTE ATKINS, LOS ANGELES, spoke in support of Item 2.S.

JAKE FINNEY, WEST HOLLYWOOD, spoke in support of Item 2.S.

MORENA HERNANDEZ, NORTH HOLLYWOOD, spoke in support of Item 2.S.

DEREK SMITH, FULLERTON, spoke in support of Item 2.S.

HANS JOHNSON, WASHINGTON D.C., spoke in support of Item 2.S.

JOHN FISCHBACH, WEST HOLLYWOOD, spoke in opposition to Item 2.S.

ROWI FANGIDAE, WEST HOLLYWOOD, spoke in opposition to Item 2.S.

DOUGLAS HOUSTON, WEST HOLLYWOOD, spoke in opposition to Item 2.S.

DESIREE JADE SOL, WEST HOLLYWOOD, spoke regarding a recent public safety incident in the Target store in West Hollywood and thanked the West Hollywood Sheriff's Department and the paramedics for their quick response.

DAN BERKOWITZ, WEST HOLLYWOOD, spoke regarding his position as the Co-Chair of the Lesbian and Gay Advisory Board and negative comments posted about him on a local website.

NADIA SUTTON, WEST HOLLYWOOD, thanked Mayor Pro Tempore Duran for presenting a proclamation to Richard Noble Day. She thanked the City Council for supporting the Human Rights Speaker series events in the City.

ROB BERGSTEIN, WEST HOLLYWOOD, spoke regarding rent stabilization issues in the City.

DONALD ELMBLAD, WEST HOLLYWOOD, spoke regarding the red-bagging of parking meters in the City. He spoke regarding upcoming proposed solid waste and sewer rate adjustments in the City.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to Item 4.C.

#### **COUNCILMEMBER COMMENTS:**

Councilmember Prang spoke regarding the upcoming "Victory in Europe" event in the City. He stated that Laurel Elementary School will begin accepting applications for 7<sup>th</sup> grade students. He thanked the West Hollywood Sheriff's Department for their quick response to a recent public safety incident at the Target store in West Hollywood. He thanked Councilmember Horvath for bringing forward Item 2.S. and spoke in support of the Item.

Councilmember Horvath thanked everyone who came to speak regarding Item 2.S. She spoke in support of the Item and provided further clarification.

Councilmember Land thanked Councilmember Horvath for bringing Item 2.S. forward and spoke in support of the Item. She congratulated the West Hollywood Elementary School for being named a California Distinguished School. She spoke regarding Laurel Elementary School, which will begin accepting applications for 7<sup>th</sup> grade students. She spoke in support of the Los Angeles Public School System. She spoke regarding an increase in graffiti in the City and stated that the City is making efforts to address the issue. She congratulated reporter Amy Lyons on her recent marriage. She congratulated Women's Advisory Board Member Amy Fazio on the recent birth of her child. She spoke regarding public comment surrounding negative comments posted on a local website about one of the Co-Chairs of the Lesbian and Gay Advisory Board.

Mayor Pro Tempore Duran thanked Councilmember Horvath for bringing forward Item 2.S. and spoke in support of the Item. He spoke regarding his upcoming visit to Washington D.C. for a Cinco de Mayo celebration at the White House. He spoke regarding Item 2.K. and expressed concerns regarding the number of awards being presented. He provided clarification regarding his ABSTENTION on Item 2.N. He spoke regarding public comment surrounding the red-bagging of parking meters in the City and provided clarification regarding the issue.

Mayor Heilman spoke regarding a recent public safety incident at the Target store in the City and requested West Hollywood Sheriff's Captain Kelly Fraser to provide additional clarification of the incident. Captain Fraser congratulated and thanked an off-duty deputy for his response during the incident.

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

City Manager Arevalo spoke regarding public comments surrounding proposed solid waste and sewer rate adjustments in the City and provided clarification of the upcoming public hearings where the Council will consider the Items.

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

City Clerk West stated that the fiscal impact on the Consent Calendar is \$96,000.00 in expenditures and \$-7500.00 in potential revenue.

#### **2. CONSENT CALENDAR:**

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

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

*The agenda for the meeting of Monday May 3, 2010 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, April 29, 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 April 19, 2010. **Approved as part of the Consent Calendar.**

**2.C. DEMAND REGISTER NO. 649, RESOLUTION NO. 10-3989:**

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

**ACTION:** Approve Demand Register No. 649 and adopt Resolution No. 10-3989, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 649". **Approved as part of the Consent Calendar.**

**2.D. TREASURER'S REPORTS FOR OCTOBER AND NOVEMBER 2009 [A. GANDHY, G. SCHUCHARD]:**

*The City Council will receive the Treasurer's Report for the months ended October 2009 and November 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 Paul Flick and Neil Kohan and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

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

*The City Council will receive reports from the Human Services Commission, Lesbian and Gay Advisory Board, Public Facilities Commission, Public Safety Commission and the Senior Advisory Board on actions taken at their recent meetings.*

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

**2.G. ORGANIZATION OF CITY ADVISORY BOARDS [T. WEST, C. SCHAFFER]:**

*The City Council will consider adopting a resolution to replace City Council Resolution 09-3914, regarding the organization, function and Council expectations of the City's Advisory Boards.*

**ACTION:** 1) Rescind Resolution No. 09-3914 and adopt Resolution No. 10-3990, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REGARDING THE ORGANIZATION OF CITY ADVISORY BOARDS"; and 2) Adopt revised by-laws for the Disabilities Advisory Board, Lesbian and Gay Advisory Board, Russian Advisory Board, Senior Advisory Board, Transgender Advisory Board, and the Women's Advisory Board. **Approved as part of the Consent Calendar.**

**2.H. WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION SECOND AND THIRD QUARTER REPORT FOR 2009-2010 [A. WINDERMAN, J. SKORNECK, E. SAVAGE]:**

*The City Council will receive the Second and Third Quarter Report of the West Hollywood Community Housing Corporation (WHCHC) for Fiscal Year 2009-2010.*

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

**2.I. AMENDMENT TO AGREEMENT WITH KOA CORPORATION (FORMERLY CBM CONSULTING, INC.) TO PROVIDE DESIGN AND CONSTRUCTION MANAGEMENT SERVICES [O. DELGADO, J. ROCCO]:**

*The City Council will consider approving an amendment to the contract with KOA Corporation to provide the design and construction management for City parking project.*

**ACTION:** 1) Amend contract with KOA Corporation to provide design and construction management for ongoing City parking projects. Amend the current agreement to increase the "not-to-exceed" amount of \$134,860 by an additional \$50,000 for a total of \$184,860; 2) Authorize the Director of Finance to allocate \$50,000 from unallocated reserves in the Parking Improvement Fund; and 3) Authorize the City Manager to sign the Amendment. **Approved as part of the Consent Calendar.**

**2.J. SPONSORSHIP AND CITY SUPPORT OF THE GIBSON GUITARTOWN SUNSET STRIP PUBLIC ART PROJECT [J. HUFFER, A. CAMPBELL]:**

*The City Council will consider sponsorship of the Gibson GuitarTown Sunset Strip public art project to include the use of the City's logo and the waiving of permit fees associated with encroachment and extended hours permits.*

**ACTION:** 1) Approve sponsorship of the Gibson GuitarTown Sunset Strip Public Art project and authorize the use of the City name and logo in promotions and on invitations, programs and other collateral materials; 2) Authorize Economic Development and Public Information and Human Services Departments to work with the Sunset Strip Business Association and the public art consultant to organize and publicize the event; 3)

Approve a waiver of encroachment and extended hours permit fees and other City-related fees for the Gibson Guitar Town project; and 4) Authorize the City Manager to sign and execute any documents or forms with the Sunset Strip Business Association that may be necessary for the successful implementation of this project. **Approved as part of the Consent Calendar.**

**2.K. 2010 RAINBOW KEY HONOREES AND EVENT [S. BAXTER, J. BOOK]:**

*The Lesbian and Gay Advisory Board recommends that the City Council honor the following persons and organizations with Rainbow Key awards at a brunch to be held Sunday, June 20, 2010, as described below.*

**ACTION:** Approve Rainbow Key awards for Wendy Averill and Marilee France; Oscar De La O; Lillian Faderman; Dana Miller; Karen Ocamb; Lisa Powell; Midge Costanza (posthumous); C.I.T.Y. x1; Gay & Lesbian Elder Housing; and ONE National Gay & Lesbian Archives, to be presented at the Rainbow Key luncheon to be held on Sunday, June 20, 2010. **Approved as part of the Consent Calendar.**

**2.L. 2010 PRIDE MONTH: ONE CITY/ONE PRIDE [J. HUFFER, A. CAMPBELL, S. BAXTER, J. BOOK]:**

*City Council will consider proclaiming June 2010 as Pride Month: One City/One.*

**ACTION:** 1) Proclaim June 2010 as Pride Month: One City/One Pride; and 2) Approve associated programming as outlined in the staff report. **Approved as part of the Consent Calendar.**

**2.M. CO-SPONSORSHIP OF THE FIRST INTERNATIONAL COURT COUNCIL TRANSGENDER SUMMIT [J. PRANG, M. HAIBACH, J. HEILMAN, F. SOLOMON]:**

*The City Council will consider co-sponsoring the First Annual International Court Council Transgender Summit: "Building Bridges and Breaking Barriers," a one-day conference, June 12, 2010, to be held at Great Hall in West Hollywood's Plummer Park. The International Court Council is a 501(c).*

**ACTION:** 1) Approve co-sponsorship of the First International Court Council of Transgender Summit: "Building Bridges and Breaking Barriers," for their one-day conference; 2) Authorize conference organizers to utilize City's name and logo on printed materials advertising the event and ask Public Information Office to assist with outreach efforts in our community; and 3) Authorize and waive fees for use of Plummer Park meeting facility on June 12 from 10AM – 4:30PM. **Approved as part of the Consent Calendar.**

**2.N. SUPPORT OF AB 1934 (SALDANA) OPEN CARRY BAN [A. LAND, C. PLANCK, L. HORVATH, I. PINE, A. GIROUX, C. LU]:**

*The City Council will consider adopting a resolution in support of the open and carry ban.*

**ACTION:** 1) Adopt Resolution No. 10-3991, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 1934 (SALDANA) OPEN CARRY BAN"; and 2) Direct Staff to send copies of the signed resolution to: Assemblymember Lori Saldana, Assemblymember Mike Feuer and Governor Arnold Schwarzenegger.  
**Approved as part of the Consent Calendar with Mayor Pro Tempore Duran ABSTAINING.**

**2.O. OPPOSITION TO PROPOSITION 16, THE NEW TWO-THIRDS REQUIREMENT FOR LOCAL PUBLIC ELECTRICITY PROVIDERS ACT [L. HORVATH, I. PINE, J. DURAN, H. MOLINA, R. MARTINEZ]:**

*The City Council will consider opposing Proposition 16, the New Two-Thirds Requirement for Local Public Electricity Providers Act.*

**ACTION:** 1) Adopt Resolution No. 10-3992, "A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING PROPOSITION 16, THE NEW TWO-THIRDS REQUIREMENT FOR LOCAL PUBLIC ELECTRICITY PROVIDERS ACT"; and 2) Direct Staff to send copies of the adopted resolution to Senate President Pro Tempore Darrell Steinberg, Senators Mark Leno, Jenny Oropeza, Lois Wolk, Christine Kehoe, Alan Lowenthal, Gilbert Cedillo, Dean Florez, Fran Pavley, Assemblyman Mike Feuer and to The Utility Reform Network (TURN), League of Women Voters, San Francisco Bay Sierra Club, East Bay Local Clean Energy Alliance, Community Choice Energy Alliance and the Local Power and the Utility Reform Network. **Approved as part of the Consent Calendar.**

**2.P. SUPPORT (AB) 2743 (NAVA) [J. DURAN, H. MOLINA]:**

*The City Council will consider adopting a resolution supporting AB 2743, which, if enacted, will prohibit landlords from requiring dogs to be devocalized or cats declawed, as a condition of tenancy.*

**ACTION:** 1) Adopt Resolution No. 10-3993 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF (AB) 2743"; and 2) Direct staff to send copies of the adopted resolution to Assembly Members Pedro Nava and Mike Feuer, and Senator Fran Pavley. **Approved as part of the Consent Calendar.**

**2.Q. A RESOLUTION IN OPPOSITION TO THE PROPOSED RESUMPTION OF COMMERCIAL WHALING AND TEN-YEAR QUOTAS FOR GRAY WHALES AS PROPOSED BY THE INTERNATIONAL WHALING COMMISSION (IWC) [J. DURAN, H. MOLINA]:**

*The City Council will consider adopting a resolution opposing the resumption of commercial whaling*

**ACTION:** 1) Adopt Resolution 10-3994 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN OPPOSITION TO THE PROPOSED RESUMPTION OF COMMERCIAL WHALING AND



TEN-YEAR QUOTAS FOR GRAY WHALES AS PROPOSED BY THE INTERNATIONAL WHALING COMMISSION (IWC); and 2) Direct staff to send copies of the adopted resolution President Barack Obama, and United States Senators Barbara Boxer and Dianne Feinstein. **Approved as part of the Consent Calendar.**

**2.R. SUPPORT OF FIREFIGHTERS' "FILL THE BOOT" CAMPAIGN TO BENEFIT THE MUSCULAR DYSTROPHY ASSOCIATION [A. LAND, C. PLANCK]:**

*The City Council will consider supporting the "Fill the Boot" campaign conducted annually by firefighters throughout the country to benefit the Muscular Dystrophy Association, and in West Hollywood May 13-15, 2010.*

**ACTION:** 1) Approve the City of West Hollywood's support for the "Fill the Boot" campaign conducted annually by firefighters throughout the country to benefit the Muscular Dystrophy Association; 2) Approve the use of the intersection at Sunset Boulevard and Doheny on May 13-15, 2010 and waive special event permit fees; and 3) Direct staff to assist with the coordination and promotion of the event. **Approved as part of the Consent Calendar.**

**2.S. A RESOLUTION DENOUNCING ARIZONA'S ANTI-IMMIGRATION LAW AND CALLING UPON THE CITY MANAGER TO IMMEDIATELY SUSPEND OFFICIAL TRAVEL TO THE STATE OF ARIZONA AND DEVELOP ADDITIONAL FINANCIAL SANCTIONS UNTIL SUCH TIME AS THE NEW LAW IS REVOKED [L. HORVATH, I. PINE]:**

*The City Council will consider adopting a resolution denouncing Arizona's anti-immigration law which calls on the City Manager to immediately suspend official travel to the State of Arizona and directs the City Attorney and City Clerk to review current and likely future contracts with Arizona-based businesses in order to examine the feasibility of ascertaining such products and services elsewhere until such time as the new law is revoked.*

**ACTION:** 1) Adopt Resolution No. 10-3995, "A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENOUNCING ARIZONA'S ANTI-IMMIGRATION LAW WHICH CALLS UPON THE CITY MANAGER TO IMMEDIATELY SUSPEND OFFICIAL TRAVEL TO THE STATE OF ARIZONA AND DEVELOP ADDITIONAL FINANCIAL SANCTIONS UNTIL SUCH TIME AS THE NEW LAW IS REVOKED"; 2) Direct City Manager to immediately suspend official travel to the State of Arizona; 3) Direct City Attorney and City Clerk to review all current and likely future contracts with Arizona-based businesses in order to examine the feasibility of ascertaining such products and services elsewhere; 4) Direct Staff to send copies of the adopted resolution to President Barack Obama; Arizona Governor Jan Brewer; Arizona Representative Raul Grijalva; Arizona State Senator Russell Pearce; Phoenix Mayor Phil Gordon; Members of the California Latino Legislative Caucus; Members of

the National Governor's Association; Patricia Madrid, Chairman of the Board of MALDEF; Juan Marcos Gutierrez-Gonzalez, Mexican Consul General in Los Angeles and others as deemed appropriate by the City Manager; and 5) Continue to monitor anti-immigration efforts in Arizona with updates on status and impact of City efforts. **Approved as part of the Consent Calendar.**

**2.T. (4.A.) RFP PROCESS FOR SOCIAL SERVICES PROGRAMS [S. BAXTER, D. DENNIS]:**

*The City Council will approve release of an RFP for social services programming.*

**ACTION:** Approve the attached RFP for social services programming for the community; approve the recommended schedule for release and review of applications; and extend the funding cycle from two years to three years. **Approved as part of the Consent Calendar.**

**2.U. (4.B.) CONDUCT A FEASIBILITY STUDY OF THE ESTABLISHMENT OF A CHARTER SCHOOL DISTRICT [S. BAXTER, D. DENNIS]:**

*The City Council asked Social Services staff to return to the Council with a plan for a feasibility study of the establishment of a K-12 charter school district in the City of West Hollywood.*

**ACTION:** Approve a contract with Abby Arnold Consulting in an amount not to exceed \$6,000 for a feasibility study of the establishment of a K-12 charter school district in the City of West Hollywood and authorize the City Manager to sign. **Approved as part of the Consent Calendar.**

**4. UNFINISHED BUSINESS:**

**4.A. RFP PROCESS FOR SOCIAL SERVICES PROGRAMS [S. BAXTER, D. DENNIS]:**

*The City Council will approve release of an RFP for social services programming.*

**ACTION:** This Item was moved to the Consent Calendar as Item 2.T.

**4.B. CONDUCT A FEASIBILITY STUDY OF THE ESTABLISHMENT OF A CHARTER SCHOOL DISTRICT [S. BAXTER, D. DENNIS]:**

*The City Council asked Social Services staff to return to the Council with a plan for a feasibility study of the establishment of a K-12 charter school district in the City of West Hollywood.*

**ACTION:** This Item was moved to the Consent Calendar as Item 2.U.

**4.C ARTIST SELECTION PROCESS FOR THE CIVIC ART COMPONENT OF THE 25<sup>th</sup> ANNIVERSARY CAPITAL PROJECT - WEST HOLLYWOOD PARK AND NEW LIBRARY [J. HUFFER, A. CAMPBELL]:**

*The City Council will consider approving a process for selecting the public artist(s) for the civic art component of the 25<sup>th</sup> Anniversary Capital Project*

- *West Hollywood Park Phase 1 Implementation and New West Hollywood Library Project.*

Jeffrey Huffer, Economic Development Manager, and Andrew Campbell, Cultural Affairs Administrator, provided background information as outlined in the staff report dated May 3, 2010.

Councilmember Land requested clarification of the art selection process.

Mayor Pro Tempore Duran spoke in opposition to the Item.

**ACTION:** 1) Approve a process to implement and advance the civic art component of the 25<sup>th</sup> Anniversary Capital Project – West Hollywood Park Phase 1 Implementation and New West Hollywood Library; 2) Approve Merry Norris as Art Consultant working on behalf of the City per the established civic art guidelines; 3) Approve an Agreement for Services with Merry Norris in amount not to exceed \$30,000 including fees and reimbursables for public art consulting services in association with this Project including authorization of an additional \$2,850 for contingency and reimbursables; 4) Authorize the City Manager to sign and execute Contract Amendment #2 with MDA Johnson Favaro removing scope and remaining budget associated with sub-consultant, Public Art Consultant, Merry Norris from Contract #04279; 5) Authorize additional expenditure of \$6755 for add-services with MDA Johnson Favaro for architectural and design services associated with this project and approve as part of Amendment #2 to Contract #04279 to add budget and scope associated with new civic art process; and 6) Authorize City Manager to sign and execute all documents or forms necessary for the successful implementation of this process and approve any minor modifications.  
**Motion by Councilmember Land, seconded by Councilmember Prang and approved with Mayor Pro Tempore Duran and Councilmember Horvath voting NO.**

## 5. NEW BUSINESS:

### 5.A. APPOINTMENT OF CITY COUNCILMEMBERS AS DELEGATES AND ALTERNATES TO VARIOUS ORGANIZATIONS, COMMITTEES AND SUB-COMMITTEES [T. WEST, C. SCHAFFER]:

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

**ACTION:** 1) The City Council appointed Delegates and Alternates to the following committees: A) Sanitation District No. 4 – Alternate Director – Councilmember Prang; Adopt Resolution No. 10-3996, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING AN ALTERNATE DIRECTOR TO THE BOARD OF DIRECTORS OF LOS ANGELES COUNTY SANITATION DISTRICT NO. 4”; B) California Contract Cities Association – Voting Delegate –

Councilmember Prang / Alternate – Councilmember Horvath; C) California Joint Powers Insurance Authority (CJPIA) – Director – Mayor Heilman / Alternate – Anil Gandhi; D) League of California Cities – Delegate – Councilmember Horvath / Alternate Delegate – Attending Councilmember; E) Los Angeles County City Selection Committee – Delegate – Mayor Heilman / Alternate – Councilmember Horvath; F) Santa Monica Bay Watershed Council – Delegate – Councilmember Horvath / Alternate – Mayor Pro Tempore Duran; H) Westside Cities Council of Governments (WSCCOG) – Delegate – Mayor Heilman / Alternate – Councilmember Land; and I) Finance & Budget Sub-Committee – Mayor Heilman and Mayor Pro Tempore Duran. 2) Direct staff to return to Council with an Item to consider making an appointment to the West Los Angeles County Vector Control Board. **Carried by Consensus of the Council.**

**5.B. DISCUSSION OF CITY COUNCIL MEETING SCHEDULE FOR SUMMER 2010 [T. WEST, C. SCHAFFER]:**

*The City Council will consider revising the City Council Regular Meeting Schedule for the summer months of 2010.*

**ACTION:** 1) Cancel the July 6, 2010 Council meeting; 2) direct staff to return to Council at a later date with a Summer scheduling Item. **Carried by Consensus of the Council.**

**3. PUBLIC HEARINGS:**

**3.A. APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE A REQUEST TO DEMOLISH THREE BUILDINGS AND CONSTRUCT A FIVE-STORY, 14-UNIT BUILDING WITH NINE CONDOMINIUMS AND FIVE AFFORDABLE HOUSING UNITS [A. MCINTOSH, J. KEHO, J. ALKIRE]:**

*The City Council continued this item from the meeting of February 16, 2010 regarding an appeal of the Planning Commission's approval of a request to demolish three buildings consisting of four residential units and construct in its place a 20,536 square foot, 14-unit structure consisting of condominiums and affordable rental units at 1216 North Flores Street, West Hollywood, California.*

Councilmember Prang RECUSED himself from discussion of the Item due to the proximity of his residence to the proposed development.

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

Jennifer Alkire, Associate Planner, provided background information as outlined in the staff report dated May 3, 2010.

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

RON EMMONS, THE APPELLANT, spoke in opposition to the Item.

NICK HERTZ, STEPHAN KAHNER, AND JUDI HODAE, THE APPLICANTS, spoke in support of the Item.

ARNIE SMITH, WEST HOLLYWOOD, spoke in support of the Item.

PEGGY KENNEDY, WEST HOLLYWOOD, spoke in support of the Item.

KENT LISK, WEST HOLLYWOOD, spoke in support of the Item.

ROY OLDENKAMP, WEST HOLLYWOOD, spoke in support of the Item.

EDD HOLMAN, WEST HOLLYWOOD, spoke in support of the Item.

DENNIS BEVINS, WEST HOLLYWOOD, spoke in support of the Item, but expressed concerns regarding the size of the proposed project.

DAVID JEWETT, WEST HOLLYWOOD, spoke in support of the Item.

JAMES S. UNGER, WEST HOLLYWOOD, spoke in support of the Item.

CLAY TOOMBS, WEST HOLLYWOOD, spoke in support of the Item.

SALLY MARR, NORTH HOLLYWOOD, spoke in opposition to the Item.

DAVID KATZMAN, WEST HOLLYWOOD, spoke regarding his current tenancy at the location and health concerns in relation to being relocated when construction begins.

PETER DUDAR, WEST HOLLYWOOD, spoke in support of slowing down the process for approval of the design of the project.

MARY BETH DOLAN, WEST HOLLYWOOD, spoke in opposition to the Item.

DAVID GLOVER, WEST HOLLYWOOD, spoke in opposition to the Item.

LYNN RUSSELL, WEST HOLLYWOOD, spoke in support of the Item.

JEANNE DOBRIN, WEST HOLLYWOOD, expressed concerns regarding the required number of parking spaces in the project. She expressed concerns regarding the proposed height and setbacks in the proposed project. She spoke in opposition to the Item.

JETT THORSON, WEST HOLLYWOOD, spoke in opposition to the Item.

LISA BEECH, WEST HOLLYWOOD, spoke in opposition to the Item.

NANCY WALKER, WEST HOLLYWOOD, spoke in opposition to the Item.

NICK HERTZ, STEPHAN KAHNER, AND JUDI HODAE, THE APPLICANTS, provided rebuttal.

RON EMMONS, THE APPELLANT, provided rebuttal.

Mayor Heilman closed the public hearing.

Mayor Heilman requested clarification from staff regarding the number of parking spaces and the proposed height of the project. He requested clarification from staff regarding the affordable units in the proposed project, and the relocation of the current residents at the site.

Councilmember Horvath requested clarification from staff regarding design requirements in the proposed resolutions.

Mayor Heilman requested clarification from staff regarding the impacts on the neighboring buildings during construction. He spoke in support of the City working with the current residents to assist with relocation if the project is approved.

Councilmember Land thanked everyone who spoke regarding the project. She disclosed recent meetings with the developer. She spoke in support of the new design of the project. She spoke regarding the need to develop affordable housing in the City. She spoke in support of the building being a green building and stated that it meets the City's code requirements. She spoke in support of the City working with the current residents to assist with relocation if the project is approved.

Councilmember Horvath disclosed a recent meeting with the developer. She spoke in support of replacing the trees that will be lost during the construction of the project. She spoke in support of development at the site and spoke in support of the proposed project. She spoke in support of the addition of five affordable housing units in conjunction with the development. She spoke in support of working with the neighboring properties to ensure their protection during the construction of the project.

Mayor Pro Tempore Duran spoke regarding the City's previous moratorium on development. He spoke in support of the project.

Mayor Heilman spoke in support of the new design of the project. He spoke regarding the proposed height of the project and the inclusion of five affordable housing units in the project. He spoke in support of the

project. He spoke in support of working with the neighboring properties to ensure their protection during the construction of the project.

**ACTION:** Staff recommends that the Council hold a public hearing, consider all pertinent testimony, deny the appeal, and adopt the following two resolutions: 1) Adopt Resolution No. 10-3997, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD UPHOLDING THE PLANNING COMMISSION'S DECISION AND CONDITIONALLY APPROVING DEMOLITION PERMIT 2008-24 AND DEVELOPMENT PERMIT 2008-38 FOR THE DEMOLITION OF THREE EXISTING RESIDENTIAL STRUCTURES AND THE CONSTRUCTION OF A NEW 20,536 SQUARE FOOT 14-UNIT CONDOMINIUM STRUCTURE LOCATED AT 1216 N. FLORES STREET, WEST HOLLYWOOD, CALIFORNIA." (EXHIBIT A); and 2) Resolution 10-3998, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, UPHOLDING THE PLANNING COMMISSION'S DECISION AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2009-05 (MAJOR LAND DIVISION NO. 69443), FOR THE PROPERTY LOCATED AT 1216 N. FLORES STREET, WEST HOLLYWOOD, CALIFORNIA." (EXHIBIT B); and 3) provide additional direction to staff to a) revise the resolutions to reflect changes made to the building materials in the revised project design; b) develop a relocation plan for the current residents at the site to help ensure their safety and well-being; and c) direct Building and Safety Staff to review any submitted plans, prior to the issuing of permits, to determine the impacts of construction on neighboring properties. **Motion by Councilmember Land, seconded by Councilmember Horvath and approved with Councilmember Prang RECUSED.**

**EXCLUDED CONSENT CALENDAR: None.**

**PUBLIC COMMENT: None.**

**6. LEGISLATIVE: None.**

**COUNCILMEMBER COMMENTS:**

Councilmember Land requested staff to bring forward appointments to the Project Advisory Committee at the second meeting in June. She spoke regarding an upcoming free document and electronic waste recycling event at the City.

**ADJOURNMENT:** The City Council adjourned at 9:48 P.M. in memory of Thomas Haydn Sims, Betty Kaligman, Lynn Redgrave, the husband of Joan Mithers, Dr. Esther Hovey, Mikhail Moshkovich, Larry Nelson, Wilma Mankiller, Dr. Dorothy Height, Stephanie Boggs, Richard Lavoy, 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, May 17, 2010 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.