

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, MAY 17, 2010
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

CALL TO ORDER: Mayor Heilman called the meeting to order at 6:45 P.M.

PLEDGE OF ALLEGIANCE: Stephanie Molen 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 one (1) reportable action was taken regarding the Pending Litigation of Hoffman Street et al v. The City of West Hollywood: the Council approved a final settlement agreement and authorized the Mayor to execute said agreement. He stated that the closed session adjourned at 6:40 P.M.

APPROVAL OF AGENDA:

Mayor Heilman requested that Item 3.C. be REMOVED from the agenda due to a request to withdraw the appeal of the decision of the Business License Commission. He stated that Item 5.A. will be CONTINUED to a date uncertain to allow for the reevaluation of petition signatures by the Los Angeles County Registrar-Recorder/County Clerk. He requested that Item 6.A. be moved to the Consent Calendar as Item 2.CC.

Motion by Councilmember Land to approve the May 17, 2010 agenda as amended, and Carried by Consensus of the Council.

ADJOURNMENT MOTIONS:

Councilmember Land requested that the meeting be adjourned in memory of Max Klefsky, a long-time political activist. She requested that the meeting be adjourned in memory of Jerry Myers, the uncle of Hillary Selvin, who is the Executive Director of the National Council of Jewish Women. She requested that the meeting be adjourned in memory of Jeannie Goldman, the mother of Women's Advisory Board Member Wendy Goldman. She requested that the meeting be adjourned in memory of the father of Sherin Buckman, a long-time activist and member of the Stonewall Democratic club.

Mayor Pro Tempore Duran requested that the meeting be adjourned in memory of singer and actress Lena Horne. 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: Staff Sgt. Esau S.A. Gonzales, Airman 1st Class Austin H. Gates-Benson, Sgt. Ralph Mena, 1st Lt. Brandon A. Barrett, Spc. Wade A. Slack, Lance Cpl. Christopher Rangel, Lance Cpl. Richard R. Penny, Lance Cpl. Joshua M. Davis, Capt. Kyle A. Comfort, Spc. Jeremy L. Brown, Cpl. Kurt S. Shea, Sgt. Kenneth B. May, Cpl. Jeffery W. Johnson, Sgt. Donald J. Lamar II, Sgt. Joshua D. Desforages.

PRESENTATIONS:

Councilmember Land presented a proclamation in recognition of Bike to Work Day.

Mayor Heilman presented a proclamation in recognition of National Historic Preservation Month.

Mayor Heilman presented a commendation to City Consultant Joan Satt for her continued work on environmental efforts and programs for the City. He thanked City staff for organizing the recent document and E-waste recycling event at the City.

1. PUBLIC COMMENT:

CARLETON CRONIN, WEST HOLLYWOOD, spoke regarding concerns surrounding enforcement of the proposed ordinance in Item 2.S.

MICHAEL SIDLER, WEST HOLLYWOOD, spoke regarding issues concerning the distribution of voter information materials during elections.

KAREN EYRES, WEST HOLLYWOOD, spoke in support of Item 3.B.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding her recent attendance at the Senior Fair in the City. She spoke in support of the withdrawal of the appeal in Item 3.C.

STEVE LEVIN, WEST HOLLYWOOD, spoke in support of Item 2.BB. and in support of Item 2.S.

COUNCILMEMBER COMMENTS:

Councilmember Land spoke regarding the recent California Youth Connection fundraiser event in the City to support foster children. She spoke regarding the National League of Cities Discount Prescription Drug Program in the City and encouraged residents to participate. She spoke regarding the recent "Show Stoppers" performance staged by West Hollywood teenagers. She congratulated Steven Valentine for a recent award for ballroom dancing. She congratulated Herb Schultz on being named the Director of Health and Human Services for Sector 9 in Northern California. She

congratulated West Hollywood resident Raphael Cocio for being appointed to the California Commission on Aging. She congratulated Richard Makoff on his retirement as headmaster of the Pacific Hills School. She announced that Laurel School is accepting applications for 7th grade students.

Councilmember Prang spoke regarding his recent attendance at the California Contract Cities Association Conference. He spoke regarding Item 2.S. and provided further clarification. He spoke regarding Item 2.BB. and requested further clarification from the sponsoring offices. He spoke regarding a request from Assemblymember Mike Feuer to rebroadcast a recent Town Hall Forum on the restructuring of California government.

Councilmember Horvath spoke regarding Item 2.S. and expressed concerns regarding enforcement and impacts on the homeless community. She spoke regarding her recent attendance at the California Contract Cities Association Conference. She spoke regarding recent meetings with the California Public Utilities Commission and the Westside Cities Council of Governments to work with Southern California Edison to maintain underground utility equipment in the City. She spoke regarding the upcoming Pathways to Positive Aging Symposium in the City. She spoke regarding the upcoming first annual Harvey Milk Day celebration in the City and an upcoming performance of the Gay Men's Chorus featuring Mayor Pro Tempore Duran in the role of Harvey Milk.

Mayor Pro Tempore Duran spoke regarding his upcoming performance with the Gay Men's Chorus to celebrate Harvey Milk. He spoke regarding his recent attendance at a Cinco de Mayo event at the Whitehouse and his lobbying efforts to federal representatives to assist in the City's efforts to convert a building on Hayworth to senior housing. He expressed concerns regarding the enforcement of the proposed ordinance in Item 2.S.

Mayor Heilman spoke regarding the recent Sova Pantry food drive event in the City. He spoke regarding the recent upgrade of the City's financial rating and thanked City Manager Arevalo and Finance Director Anil Gandhi for their efforts to safeguard the City's funds. He spoke regarding an upcoming public hearing on June 7, 2010 regarding a proposed increase in the City's Sewer Services Charges, and stated that the City will be sending additional information to the public regarding the proposed increase. He spoke regarding the upcoming Structures and Styles Tour in the City.

CITY MANAGER'S REPORT: None.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$3,357,308.00 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.,G.,H.,I.,J.,K.,L.,M.,N.,O.,P.,Q.,R.,S.,T.,U.,V.,W.,X.,Y.,Z.,AA.,B B.,CC. **Motion by Councilmember Land, seconded by Councilmember Prang and unanimously approved.**

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, May 17, 2010 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, May 13, 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 May 3, 2010. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 650, RESOLUTION NO. 10-3999:

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

ACTION: Approve Demand Register No. 650 and adopt Resolution No. 10-3999, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 650." **Approved as part of the Consent Calendar.**

2.D. TREASURER'S REPORT FOR DECEMBER 2009 [A. GANDHY, G. SCHUCHARD]:

The City Council will receive the Treasurer's Report for the month ended December 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 Cathy Barouch and Zenith Insurance and refer them to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.F. STREET MAINTENANCE ASSESSMENT FOR FISCAL YEAR 2010-2011 [A. GANDHY, B. ROSEN]:

The City Council will consider adopting a resolution determining and imposing a street maintenance assessment within the 1996 Street Maintenance Assessment District for Fiscal Year 2010-2011. The assessment rate is unchanged from 2009-2010.

ACTION: Adopt Resolution No. 10-4000, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DETERMINING THE COST OF STREET MAINTENANCE FOR FISCAL YEAR 2010-2011 AND

DETERMINING AND IMPOSING A STREET MAINTENANCE ASSESSMENT WITHIN 1996 STREET MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2010-2011 PURSUANT TO THE PROVISIONS OF THE BENEFIT ASSESSMENT ACT OF 1982, CHAPTER 6.4 OF PART 1 OF DIVISION 2 OF TITLE 5 OF THE CALIFORNIA GOVERNMENT CODE.” **Approved as part of the Consent Calendar.**

2.G. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

The City Council will receive reports from various Commissions on actions taken at their recent meetings.

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

2.H. CONTRACT WITH THE CITY’S LEGISLATIVE ADVOCATE, CHRISTINE MINNEHAN & ASSOCIATES [A. WINDERMAN, E. ROBINSON]:

The City Council will consider the approval of a Contract for housing legislative advocate Christine Minnehan & Associates (CM&A).

ACTION: Approve a Contract with CM&A for an amount not to exceed \$44,200 from July 1, 2010 to June 30, 2011 to represent the City as a legislative advocate. **Approved as part of the Consent Calendar.**

2.I. AGREEMENT EXTENSION – GROUNDS MAINTENANCE SERVICES [S. BAXTER, S. CAMPBELL, H. COLLINS]:

The City Council will consider approving a one-year extension to the existing Agreement for Grounds Maintenance Services with added provisions for negotiating contract costs and service levels in response to budgetary constraints.

ACTION: 1) Approve the First Amendment to Agreement with TruGreen LandCare, for providing Grounds Maintenance Services, Related Grounds Maintenance Services and Urgency / Emergency Grounds Maintenance Services in the amount of \$519,034.68 for fiscal year 2010/2011 with an option for the City to re-open and negotiate service levels and associated costs as warranted by budgetary constraints; 2) Approve the First Amendment to the Agreement with TruGreen LandCare to extend the term of the agreement for a period of 12 months effective July 1, 2010; 3) Authorize the City Manager to negotiate all changes to compensation and scope of work; and 4) Authorize the City Manager to execute the First Amendment to the Agreement. **Approved as part of the Consent Calendar.**

2.J. AGREEMENT EXTENSION - JANITORIAL SERVICES [S. BAXTER, S. CAMPBELL, H. COLLINS]:

The City Council will consider approving a two-year extension to the existing Agreement for Janitorial Services with added provisions for negotiating contract costs and service levels in response to budgetary constraints.

ACTION: 1) Approve the Fourth Amendment to Agreement with Diversified Maintenance Services, Incorporated, for providing base janitorial services including day porter services and recycling services in the amount of \$545,789.88 for fiscal year 2010/2011 and \$569,628.24 for fiscal year 2011/2012, with an option for the City to re-open and negotiate service levels and associated costs as warranted by budgetary constraints; 2) Approve the Fourth Amendment to Agreement with Diversified Maintenance Services, Incorporated for providing other related janitorial services and urgency / emergency janitorial services at those unit costs established in the Amendment as said services; 3) Authorize the City Manager to negotiate all changes to compensation and scope of work; and 4) Authorize the City Manager to execute the Fourth Amendment to Agreement. **Approved as part of the Consent Calendar.**

2.K. AMENDMENT OF AGREEMENT WITH ACS STATE AND LOCAL SOLUTIONS, INC. FOR EXTENSION OF THE RED LIGHT PHOTO ENFORCEMENT PROGRAM [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approving a 5 year contract extension with ACS State and Local Solutions, Inc., to provide the red light photo enforcement program.

ACTION: Approve Amendment No. 5 to the Agreement with ACS State and Local Solutions, Inc., for the red light photo enforcement program and authorize the City Manager to sign the Amendment. **Approved as part of the Consent Calendar.**

2.L. APPROVAL OF FINAL TRACT MAP NO. 60454 FOR THE CONDOMINIUM PROJECT LOCATED AT 1014 LARRABEE STREET [O. DELGADO, S. PERLSTEIN]:

The City Council will consider the approval of Final Tract Map No. 60454, a six unit condominium, located on Larrabee Street, between Harratt Street and Nellis Street.

ACTION: 1) Make findings for the Final Tract Map as follows: a) That this project will not violate any of the provisions of Sections 66474, 66474.1, and 66474.6 of the Subdivision Map Act; b) That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code; and c) That the development of the property in the manner set forth on the subject division of land will not unreasonably interfere with the free and complete exercise of any public entity and/or public utility rights of way and/or easements within the subject division of land, pursuant to Section 66436(a)3A(i-viii) of the Subdivision Map Act; 2) Approve Final Tract Map No. 60454; and 3) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 60454 the certificate that embodies the approval of said map. **Approved as part of the Consent Calendar.**

2.M. DESIGNATION OF THE PROPERTY LOCATED AT 8867 CYNTHIA STREET AS A LOCAL CULTURAL RESOURCE [A. MCINTOSH, J. KEHO, A. CASTILLO]:

The City Council will consider designating the building located at 8867 Cynthia Street as a Local Cultural Resource.

ACTION: Adopt Resolution No. 10-4001, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DESIGNATING THE EXTERIOR OF THE STRUCTURE LOCATED AT 8867 CYNTHIA STREET AS A LOCAL CULTURAL RESOURCE AS PART OF THE OLD SHERMAN THEMATIC GROUPING (CULTURAL RESOURCE DESIGNATION 2009-002)." (EXHIBIT A) **Approved as part of the Consent Calendar.**

2.N. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 FOR THE AVENUES – ART, FASHION & DESIGN DISTRICT (FORMERLY THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT) [J. HUFFER, M. LOUIE]:

The City Council will consider adopting three resolutions as the first steps in the implementation process of establishing The Avenues – Art, Fashion & Design District West Hollywood for fiscal year 2010-2011; and set a public hearing on June 7, 2010.

ACTION: 1) Adopt Resolution No. 10-4002, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING AN ADVISORY BOARD AND DIRECTING THE PREPARATION OF A REPORT FOR FISCAL YEAR 2010-2011 IN CONNECTION WITH THE AVENUES ART, FASHION & DESIGN DISTRICT"; 2) Adopt Resolution No. 10-4003, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 2010-2011 IN CONNECTION WITH AVENUES ART, FASHION & DESIGN DISTRICT"; 3) Adopt Resolution No. 10-4004, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO LEVY AN ASSESSMENT AGAINST BUSINESSES WITHIN THE AVENUES ART, FASHION & DESIGN DISTRICT FOR FISCAL YEAR 2010-2011 AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO"; and 4) Direct staff to notice a public hearing to be held on June 7, 2010 to hear protests or objections to the levy of the assessment for fiscal year 2010-2011. **Approved as part of the Consent Calendar.**

2.O. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING & BUSINESS IMPROVEMENT AREA LAW OF 1989 (HOTEL MARKETING BENEFIT ZONE) [J. HUFFER, M. LOUIE]:

The City Council will consider renewing the Hotel Marketing Benefit Zone of the West Hollywood Business Improvement Area for fiscal year 2010-

2011 that funds the visitor marketing activities of the West Hollywood Marketing and Visitors Business Bureau (MVB) by adopting three resolutions; and set a public hearing for June 7, 2010.

ACTION: 1) Adopt Resolution No. 10-4005, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING AN ADVISORY BOARD AND DIRECTING THE PREPARATION OF A REPORT FOR FISCAL YEAR 2010-2011 IN CONNECTION WITH THE WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA"; 2) Adopt Resolution No. 10-4006, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 2010-2011 IN CONNECTION WITH THE WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA"; 3) Adopt Resolution No. 10-4007, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO LEVY A CHARGE (ASSESSMENT) AGAINST HOTELS IN THE WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA FOR FISCAL YEAR 2010-2011 AND SETTING A TIME AND PLACE OF A HEARING TO CONSIDER SUCH A CHARGE"; and 4) Direct staff to notice a public hearing to be held on June 7, 2010 to hear protests or objections to the levy of assessment for fiscal year 2010-2011. **Approved as part of the Consent Calendar.**

2.P. LEVY OF ANNUAL ASSESSMENT FOR SANTA MONICA BOULEVARD MAINTENANCE DISTRICT [J. HUFFER, M. LOUIE]:

The City Council will consider adopting resolutions for the proposed levy of assessments for the Santa Monica Boulevard Maintenance District for fiscal year 2010-2011 which provides for holiday decorations, sidewalk steam cleaning and trash can and bus bench cleaning and repair; and set a public hearing for June 7, 2010.

ACTION: 1) Adopt Resolution Number 10-4008, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT FOR THE 2010-2011 FISCAL YEAR PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE"; 2) Adopt Resolution Number 10-4009, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ENGINEER FOR THE 2010-2011 FISCAL YEAR IN CONNECTION WITH THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT"; 3) Adopt Resolution Number 10-4010, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT FOR THE 2010-2011 FISCAL YEAR PURSUANT TO THE PROVISIONS OF THE

LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO”; and 4) Direct staff to notice a public hearing to be held on June 7, 2010 to hear protests or objections to the levy of the assessment for fiscal year 2010-2011. **Approved as part of the Consent Calendar.**

2.Q. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 FOR THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT [J. HUFFER, M. LOUIE]:

The City Council will consider adopting three resolutions as the first steps in the implementation process of the Sunset Strip Business Improvement District for fiscal year 2010-2011; and set a public hearing for June 7, 2010.

ACTION: 1) Adopt Resolution No. 10-4011, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING AN ADVISORY BOARD AND DIRECTING THE PREPARATION OF A REPORT FOR FISCAL YEAR 2010-2011 IN CONNECTION WITH THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT”; 2) Adopt Resolution No. 10-4012, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 2010-2011 IN CONNECTION WITH THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT”; 3) Adopt Resolution No. 10-4013, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO LEVY AN ASSESSMENT AGAINST BUSINESSES WITHIN THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2010-2011 AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO”; and 4) Direct staff to notice a public hearing to be held on June 7, 2010 to hear protests or objections to the levy of the assessment for fiscal year 2010-2011. **Approved as part of the Consent Calendar.**

2.R. SUPPORT OF THE CALIFORNIA AIR RESOURCES BOARD'S LEADERSHIP IN PROMOTING CLEAN AND ENERGY EFFICIENT MOTOR VEHICLES [J. ENGLISH, L. BELSANTI]:

The City Council will consider adopting a resolution in support of the California Air Resources Board's (CARB) leadership in promoting clean and energy efficient motor vehicles.

ACTION: Adopt Resolution No. 10-4014, "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE CALIFORNIA AIR RESOURCES BOARD'S LEADERSHIP IN PROMOTING CLEAN AND ENERGY EFFICIENT MOTOR VEHICLES, ENERGY INDEPENDENCE, ZERO EMISSION TECHNOLOGIES AND IMPROVED QUALITY OF LIFE IN CALIFORNIA." **Approved as part of the Consent Calendar.**

2.S. PROHIBITING PERSONS FROM SCAVENGING FROM SOLID WASTE RECEPTACLES [J. PRANG, M. HAIBACH]:

The City Council will consider creating an ordinance to prohibit persons from scavenging from all solid waste receptacles.

ACTION: 1) Direct the City Attorney to draft an ordinance prohibiting persons from scavenging from all solid waste receptacles; and 2) Amend 15.24.010 and 15.36.030 of the municipal code to reflect the new ordinance. **Approved as part of the Consent Calendar.**

2.T. MARCH FOR TRANS-UNITY PRIDE [K. COOK, B. SMITH]:

The City Council will consider a request for a rolling closure on Santa Monica Boulevard between La Brea Boulevard and Gardener Street on Sunday, June 6, 2010 from 10:00 AM to 11 AM to accommodate a march in celebration of Trans-Unity Pride co-sponsored by the Transgender Advisory Board.

ACTION: 1) Approve a rolling closure on Santa Monica Boulevard between La Brea Boulevard and Gardener Street on Sunday June 6, 2010 from 10 AM to 11 AM to accommodate a march in celebration of Trans-Unity Pride; and 2) Waive special event permit fees of \$800.00. **Approved as part of the Consent Calendar.**

2.U. SUPPORT AIDS WATCH 2010 LEGISLATIVE PRIORITIES [J. DURAN, H. MOLINA]:

The City Council will consider adopting a resolution in support of AIDS WATCH 2010 legislative priorities for increased funding of HIV/AIDS prevention and treatment services in United States.

ACTION: 1) Adopt Resolution No.10-4015, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AIDS WATCH 2010 LEGISLATIVE PRIORITIES"; and 2) Direct staff to send copies of the adopted resolution to state and federal legislators, the National Association of People Living with AIDS (NAPWA) and other municipalities. **Approved as part of the Consent Calendar.**

2.V. IDENTIFY AND OFFER A BABYSITTER CERTIFICATION PROGRAM FOR WEST HOLLYWOOD TEENS [A. LAND, C. PLANCK, T. MANDEL]:

The City Council will consider directing staff to identify and offer a babysitter certification program to educate and train West Hollywood teenagers in the proper care and supervision of young children and allow them to achieve certified babysitter status.

ACTION: Direct the Human Services Department's Recreation Division to identify and offer a babysitter certification program to educate and train teens in the proper care and supervision of young children and offer the teens an opportunity to achieve certified babysitter status. **Approved as part of the Consent Calendar.**

2.W. CO-SPONSORSHIP OF “BUTCH VOICES – CALIFORNIA AND SOUTHWEST REGIONAL CONFERENCE, OCTOBER 8-10, 2010 [A. LAND, C. PLANCK, J. PRANG, M. HAIBACH]:

The City Council will consider co-sponsoring “Butch Voices – California and Southwest Regional Conference,” to be held October 8-10, 2010, in Plummer Park and other venues.

ACTION: 1) Approve city co-sponsorship for “Butch Voices – California and Southwest Regional Conference”; 2) Authorize staff to negotiate a contract with Butch Voices Los Angeles, Lesbian Exploratorium (LEX) and their fiscal sponsor, Los Angeles Women’s Theatre Project Inc., for presentation of this conference, in an amount not to exceed \$4,000; and 3) Authorize staff to waive fees for permits and use of facilities in connection with this conference. **Approved as part of the Consent Calendar.**

2.X. SUPPORT OF H.R. 5121 (CLARKE), THE GLOBAL SEXUAL AND REPRODUCTIVE HEALTH ACT OF 2010 [A. LAND, C. PLANCK, L. HORVATH, I. PINE, T. MANDEL]:

The City Council will consider adopting a resolution in support of H.R. 5121, (Clarke) the Global Sexual and Reproductive Health Act of 2010.

ACTION: 1) Adopt Resolution No. 10-4016, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF H.R. 5121 (CLARKE), THE GLOBAL SEXUAL AND REPRODUCTIVE HEALTH ACT OF 2010”; and 2) Direct staff to send copies of the signed resolution to U.S. Congressman Yvette Clarke, as well as Congressman Henry Waxman and U.S. Senators Dianne Feinstein and Barbara Boxer. **Approved as part of the Consent Calendar.**

2.Y. OPPOSING THE ELIMINATION OF THE CALIFORNIA COMMISSION ON THE STATUS OF WOMEN [C. PLANCK, L. FOOKS, A. GIROUX]:

The City Council will consider adopting a resolution opposing the elimination of the California Commission on the Status of Women.

ACTION: 1) Adopt Resolution No. 10-4017, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING THE ELIMINATION OF THE CALIFORNIA COMMISSION ON THE STATUS OF WOMEN”; and 2) Direct staff to send copies of the signed resolution Assemblymember Warren T. Furutani, State Senator Fran Pavley, Assemblymember Mike Feuer, the California State Assembly Budget Subcommittee Number 4, the Commission on the Status of Women, California Women Lead, National Women’s Political Caucus California Chapter and California NOW. **Approved as part of the Consent Calendar.**

2.Z. SPECIAL EVENT ROAD CLOSURE [S. BAXTER, N. BEARD, C. SMITH]:

City Council is being requested to approve a short term temporary closure of Sunset Boulevard.

ACTION: Authorize the short term temporary street closure of Sunset Boulevard on May 26, 2010 as deemed necessary by the Sheriff.
Approved as part of the Consent Calendar.

2.AA. SUPPORT OF S.3078 (FEINSTEIN) HEALTH INSURANCE RATE AUTHORITY ACT OF 2010 [C. PLANCK, E. BARRATT]:

The City Council will consider adopting a resolution in support of S.3078 (Feinstein) Health Insurance Rate Authority Act of 2010.

ACTION: 1) Adopt Resolution No. 10-4018, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF S.3078 (FEINSTEIN) HEALTH INSURANCE RATE AUTHORITY ACT OF 2010"; and 2) Direct staff to send copies of the resolution to U.S. Senator Dianne Feinstein, U.S. Senator Barbara Boxer, and U.S. Congressman Henry Waxman. **Approved as part of the Consent Calendar.**

2.BB. 25TH ANNIVERSARY CAPITAL PROJECT - EXPLORATION OF AGREEMENT WITH THE CITY OF LOS ANGELES FOR THE CO-MANAGEMENT OF POINSETTIA PARK [L. HORVATH, I. PINE, J. HEILMAN, F. SOLOMON]:

The City Council will consider formally directing staff to explore utilization of the City of Los Angeles' Poinsettia Park during the construction phase of Plummer Park.

ACTION: 1) Direct Department of Human Services to provide a status update on discussions with the City of Los Angeles about Poinsettia Park to date, and to report back to Council on a regular basis. **Approved as part of the Consent Calendar.**

2.CC. (6.A.) ADOPTION OF A MORATORIUM FOR NON-EMERGENCY TRENCH CUTTING OF THE ROADWAY SURFACE ON SUNSET BOULEVARD FOR FIVE YEARS [O. DELGADO, S. PERLSTEIN]:

The City Council will consider adopting an ordinance regarding a construction moratorium for non-emergency trenching of the roadway pavement on Sunset Boulevard for a period of five years.

ACTION: Introduce on first reading Ordinance No. 10-849, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD, PROHIBITING NON-EMERGENCY TRENCH CUTTING OF THE ROADWAY PAVEMENT ON SUNSET BOULEVARD FOR A PERIOD OF FIVE YEARS." **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. REVIEW OF THE CITY SOLID WASTE AND RECYCLABLE COLLECTION AND DISPOSAL SERVICE CHARGE FOR FISCAL YEAR 2010-11 [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approving the Solid Waste and Recyclable Material Collection and Disposal Service Charge rates for FY 10-11.

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

Sharon Perlstein, City Engineer, provided background information as outlined in the staff report dated May 17, 2010.

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

Mayor Heilman closed the public hearing.

ACTION: 1) Make a finding that there is no majority protest by property owners within the assessment area; 2) Approve Resolution No. 10-4019, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE LEVYING OF AN ANNUAL ASSESSMENT FOR SOLID WASTE AND RECYCLING SERVICES FOR FISCAL YEAR 2010-11 PURSUANT TO TITLE 15, CHAPTER 15.48 OF THE CITY OF WEST HOLLYWOOD MUNICIPAL CODE"; and 3) Approve Resolution No. 10-4020, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING THE CONSUMER PRICE INDEX FOR ALL URBAN CUSTOMERS (CPI-U) INCREASE TO RATES FOR SOLID WASTE SERVICES FOR COMMERCIAL AND MULTI UNIT (OVER FOUR UNITS) RESIDENTIAL PROPERTIES."
Motion by Mayor Pro Tempore Duran, seconded by Councilmember Land and unanimously approved.

3.B. PLUMMER PARK CAPITAL IMPROVEMENT PROJECT - FINAL ENVIRONMENTAL IMPACT REPORT AND GENERAL PLAN CONSISTENCY [S. BAXTER, S. CAMPBELL, F. CONTRERAS, H. COLLINS]:

The City Council will consider approving the Plummer Park Project by certifying the Final Environmental Impact Report ("EIR") along with the adoption of a Mitigation Monitoring and Reporting Program ("MMRP") and a Statement of Overriding Considerations for the proposed Plummer Park Capital Improvement Project. The requested action also includes determining General Plan Consistency for the proposed project. Plummer Park is located at 7377 Santa Monica Boulevard, West Hollywood, CA.

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

Sam Baxter, Director of Human Services; Francisco Contreras, Senior Planner; and the project consultants provided background information as outlined in the staff report dated May 17, 2010.

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

YOLA DORE, WEST HOLLYWOOD, spoke in support of the Item.

NORMAN CHRAMOFF, WEST HOLLYWOOD, spoke in support of the Item.

ESTHER BAUM, WEST HOLLYWOOD, spoke in support of the Item

ELENA GOLDENBERG, WEST HOLLYWOOD, spoke in support of the Item.

ANSON SNYDER, WEST HOLLYWOOD, spoke in support of the Item and expressed concerns regarding the parking in the proposed project.

STEVE LEVIN, WEST HOLLYWOOD, spoke in support of the project.

CATHY BLAIVIS, WEST HOLLYWOOD, spoke in opposition to the project.

JEANNE DOBRIN, WEST HOLLYWOOD, expressed concerns regarding safety issues associated with the underground parking in the project. She spoke in support of the project. She spoke in support of including a plaque designating Plummer Park as a WPA project.

Mayor Heilman closed the public hearing.

Councilmember Land thanked City staff and the consultants for their work on the project. She requested clarification regarding the design process for the project.

Mayor Heilman requested clarification regarding noise impacts associated with placing Tiny Tots activities on the rooftop. He expressed concerns regarding the inclusion of an off-leash dog area in the park, and requested clarification from staff. He requested clarification regarding the location of the underground parking in the project.

Mayor Pro Tempore Duran provided clarification regarding the location of the underground parking and the efforts to create more green space in the design. He thanked City staff and the consultants for their work on the project.

Councilmember Land spoke in support of the Item.

Councilmember Prang requested clarification regarding the location of the basketball courts in the proposed project. He spoke regarding the inclusion of a Russian Language Library in the project. He expressed concerns regarding the location of the underground parking entrance in the proposed project, and spoke in support of being sensitive to the residents during the design process. He spoke regarding the need to

ensure public safety as a high priority in the design of the project. He spoke regarding the difficulty of destroying Great Hall and Long Hall, but spoke regarding the overwhelming need for park space in the City. He spoke in support of preserving the memory of Great Hall and Long Hall in photos and spoke in support of maintaining the historic integrity of Fiesta Hall during the renovation.

Councilmember Horvath spoke regarding the need to address the location of the basketball courts in the proposed project. She spoke in support of the addition of green space in the project. She spoke in support of the water feature in the project design. She spoke in support of the Comprehensive Services Center remaining open during the project construction.

Mayor Heilman requested clarification regarding the number of current parking spaces and the proposed number of parking spaces in the project design. He requested clarification regarding future design possibilities for the northern area of the park. He spoke in support of the project. He spoke in support of the removal of Long Hall and Great Hall.

ACTION: Staff recommends that the City Council hold a public hearing, consider all pertinent testimony, and approve the project as described in the Plummer Park Capital Improvement Project EIR by certifying the Final EIR, adopting the MMRP and the Statement of Overriding Considerations, and making a determination that the Plummer Park Capital Improvement Project is consistent with the General Plan, subject to the findings in Draft Resolution CC 10-4021: Resolution No. 10-4021, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR), ADOPTING A MITIGATION MONITORING PROGRAM, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND FINDING GENERAL PLAN CONSISTENCY PURSUANT TO WHMC SECTION 19.01.040.K.1, FOR THE PROPOSED PLUMMER PARK CAPITAL IMPROVEMENT PROJECT LOCATED AT 7377 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." (EXHIBIT A)
Motion by Councilmember Land, seconded by Councilmember Prang and unanimously approved.

3.C. APPEAL OF THE BUSINESS LICENSE COMMISSION'S DECISION TO SUSPEND FOR A PERIOD OF TWO WEEKS THE PUBLIC EATING WITH ALCOHOL LICENSE AND THE ENTERTAINMENT LICENSE AND TO IMPOSE A PROBATIONARY PERIOD OF SIX MONTHS FOR THE NIGHTCLUB KNOWN AS GUYS AND DOLLS [O. DELGADO, J. AUBEL]:

The City Council will hold a public hearing on an appeal by Michael Sutton and Jason Rimokh regarding the Business License Commission's decision to suspend for two weeks and place on probation for six months the public

eating with alcohol business license 003622 and the entertainment business license 003623 for the business known as Guys and Dolls located at 8713 Beverly Boulevard, West Hollywood.

ACTION: This item was removed from the agenda due to a request from the Appellant to withdraw the appeal of the decision of the Business License Commission. **Carried by Consensus of the Council.**

4. UNFINISHED BUSINESS: None

5. NEW BUSINESS:

5.A. REFERENDUMS OPPOSING WEST HOLLYWOOD ORDINANCE NO. 10-838 AND ORDINANCE NO. 10-839 REGARDING A ZONE CHANGE AND A DEVELOPMENT AGREEMENT FOR 9015 SUNSET BOULEVARD [T. WEST, C. SCHAFFER]:

The City Council will consider referendum petitions challenging two West Hollywood Ordinances pertaining to a development agreement and a zoning map amendment associated with a double-sided 14 ft. wide x 48 ft. high billboard atop a pole, located at 9015 Sunset Boulevard.

ACTION: CONTINUE the Item to a date uncertain. **Carried by Consensus of the Council.**

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT: None.

6. LEGISLATIVE:

6.A. ADOPTION OF A MORATORIUM FOR NON-EMERGENCY TRENCH CUTTING OF THE ROADWAY SURFACE ON SUNSET BOULEVARD FOR FIVE YEARS [O. DELGADO, S. PERLSTEIN]:

The City Council will consider adopting an ordinance regarding a construction moratorium for non-emergency trenching of the roadway pavement on Sunset Boulevard for a period of five years.

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

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 8:39 P.M. in memory of Max Klefsky, Jerry Myers, Jeannie Goldman, the father of Sherin Buckman, Lena Horne, 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, June 7, 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 7th day of June, 2010 by the following vote:

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

JOHN HEILMAN, MAYOR

ATTEST:

THOMAS R. WEST, CITY CLERK