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Note: Any agenda item which has not been initiated by 11:00 p.m. may be continued to a subsequent City Council meeting.

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
AGENDA
MONDAY, NOVEMBER 16, 2009
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

6:00 P.M. - CLOSED SESSION: See attached Closed Session Agenda

6:30 P.M. – REGULAR MEETING

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

REPORT OF CLOSED SESSION AGENDA:

APPROVAL OF AGENDA:

ADJOURNMENT MOTIONS:

PRESENTATIONS:

1. **PUBLIC COMMENT:** This time has been set aside for members of the public to address the City Council on Consent Calendar items, other agenda items if the member of the public cannot be present later in the meeting at the time the item is heard by the Council and items of general interest within the subject matter jurisdiction of the Council. Although the City Council values your comments, pursuant to the Brown Act it generally cannot take any action on items not listed on the posted agenda. This comment period shall be limited to 20 minutes, with two minutes assigned for each speaker. Another period has been reserved for general public comment, later in the meeting, for those who could not be heard at this time. Testimony for public hearings will only be taken at the time of the hearing.

- 1.A. **PUBLIC COMMENTS ON CONSENT CALENDAR ITEMS WHICH HAVE NOT BEEN REMOVED FROM THE CONSENT CALENDAR:**

- 1.B. **PUBLIC COMMENTS, GENERAL INTEREST:**

COUNCILMEMBER COMMENTS: This portion of the meeting is set aside for general comments, announcements, requests of staff, and/or other issues of concern from members of the City Council.

CITY MANAGER'S REPORT: This time is set aside for the City Manager to update the Council on important items initiated by staff or previously requested by the City Council.

FISCAL IMPACT ON CONSENT CALENDAR:

2. **CONSENT CALENDAR:**

The following routine matters can be acted upon by one motion. Individual items may be removed by the Council for separate discussion. Items removed for separate discussion will be heard following New Business Items. The title is deemed to be read and further reading waived of any ordinance listed on the consent calendar for introduction or adoption.

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

The agenda for the meeting of Monday, November 16, 2009 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, November 12,, 2009.

RECOMMENDATION: Receive and file.

- 2.B. **APPROVAL OF MINUTES:**

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

RECOMMENDATION: Approve the minutes of November 2, 2009.

2.C. DEMAND REGISTER NO. 638, RESOLUTION NO. 09-3918:

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

RECOMMENDATION: Approve Demand Register No. 638 and adopt Resolution No. 09-3918, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 638."

2.D. CLAIMS ADMINISTRATION:

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

RECOMMENDATION: Deny the claims of AAA (Hellena Miron), Hellena Miron, Adam Roach, USAA (Phillips, George), George Phillips and Jeffrey Patrick Morgan and refer to the City's claims adjuster.

2.E. ORDINANCE NO. 09-832 (2ND READING), ESTABLISHING TEMPORARY REGULATIONS SUPERSEDING CERTAIN PROVISIONS REGARDING SIGN STANDARDS AND AMENDING REGULATIONS ON REAL ESTATE OPEN HOUSE SIGNS [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-832, a proposed ordinance establishing temporary regulations superseding certain provisions of Chapter 19.34 (Sign Standards) of the West Hollywood Zoning Ordinance and adopting Zone Text Amendment 2009-007 amending regulations on real estate open house signs in Table 3-13 of West Hollywood Municipal Code Section 19.34.050.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 09-832, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING TEMPORARY REGULATIONS SUPERSEDING CERTAIN PROVISIONS OF CHAPTER 19.34 (SIGN STANDARDS) OF THE WEST HOLLYWOOD ZONING ORDINANCE AND ADOPTING ZONE TEXT AMENDMENT 2009-007 AMENDING REGULATIONS ON REAL ESTATE OPEN HOUSE SIGNS IN TABLE 3-13 OF WEST HOLLYWOOD MUNICIPAL CODE SECTION 19.34.050."

2.F. ORDINANCE NO. 09-833 (2ND READING), CHANGING MEDICAL MARIJUANA COLLECTIVES FROM A CONDITIONALLY PERMITTED USE TO A PERMITTED USE IN CERTAIN COMMERCIAL ZONES SUBJECT TO SPECIFIED RESTRICTIONS [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-833, a proposed ordinance changing medical marijuana collectives from a conditionally permitted use to a permitted use in certain commercial zones subject to specified restrictions, requiring such collectives to obtain a regulatory business license, maintaining the current maximum limit of four collectives in the city and locational restrictions for new collectives and amending the West Hollywood Municipal Code.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 09-833, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD CHANGING MEDICAL MARIJUANA COLLECTIVES FROM A CONDITIONALLY PERMITTED USE TO A PERMITTED USE IN CERTAIN COMMERCIAL ZONES SUBJECT TO SPECIFIED RESTRICTIONS, REQUIRING SUCH COLLECTIVES TO OBTAIN A REGULATORY BUSINESS LICENSE, MAINTAINING THE CURRENT MAXIMUM LIMIT OF FOUR COLLECTIVES IN THE CITY AND LOCATIONAL RESTRICTIONS FOR NEW COLLECTIVES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

2.G. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

RECOMMENDATION: Receive and file.

2.H. ATTENDANCE REPORTS FOR CITY COMMISSIONS, ADVISORY BOARDS, AND THE PROJECT ADVISORY COMMITTEE [T. WEST, C. SCHAFFER]:

The City Council will receive the attendance reports for City Commission and Advisory Board meetings convened between August 2008 and August 2009. The Council will also consider excusing the absences of several members due to personal reasons.

RECOMMENDATIONS: 1) Receive and file the attendance reports; and 2) Excuse absences, due to personal reasons, for: Hywel Sims (Human Services Commission); Pat Langlois (Lesbian and Gay Advisory Board); and Shirley Kaplan (Senior Advisory Board).

2.I. WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION FOURTH QUARTER REPORT FOR 2008-2009 AND FIRST QUARTER REPORT FOR 2009-2010 [A. WINDERMAN, J. SKORNECK, E. SAVAGE]:

The City Council will receive the Fourth Quarter Report of the West Hollywood Community Housing Corporation (WHCHC) for Fiscal Year 2008-2009 and the First Quarter Report for Fiscal Year 2009-2010.

RECOMMENDATION: Receive and file.

2.J. CONTRACT WITH GRAPHIC DESIGNER [A. WINDERMAN, M.A. HULL]:

The Department of Rent Stabilization and Housing seeks to contract for graphic design services of Joanne Shannahoff in an amount not to exceed \$15,000.

RECOMMENDATION: Approve a contract with Joanne Shannahoff for graphic design services in an amount not to exceed \$15,000.

2.K. AMENDED REGULATORY AGREEMENT FOR LAUREL-NORTON INTERGENERATIONAL APARTMENT COMMUNITY TO IMPLEMENT A COMMUNITY DEVELOPMENT BLOCK GRANT – RECOVERY (CDBG-R) PROJECT [A. WINDERMAN, R. BURNLEY]:

The City Council will consider approving a 2nd amendment to the regulatory agreement for the Laurel-Norton Intergenerational Apartment Community, providing \$95,380 in grant assistance for the implementation of a Community Development Block Grant–Recovery (CDBG-R) project.

RECOMMENDATIONS: 1) Authorize City Manager to execute 2nd Amendment to Regulatory Agreement by and between the Laurel-Norton Limited Liability Partnership and the City of West Hollywood, providing CDBG-Recovery grant assistance in the amount of \$95,380 for the Laurel-Norton Intergenerational Apartment Community; and 2) Authorize the Director of Finance to increase budgeted revenues in the Miscellaneous Grants fund account 202-424064 and budgeted expenditures in the Miscellaneous Grants Fund account 202-3-06-65-537125 by \$95,380.

2.L. GRANT APPLICATION TO THE CALIFORNIA ENERGY COMMISSION FOR ENERGY EFFICIENCY RETROFITS OF RESIDENTIAL BUILDINGS [A. WINDERMAN, R. BURNLEY, E. SAVAGE]:

The City Council will consider authorizing the Rent Stabilization and Housing staff to apply for California Energy Commission grants for energy efficient retrofits in existing residential buildings.

RECOMMENDATION: Authorize grant applications to the California Energy Commission under the U.S. Department of Energy ARRA program.

2.M. AUTHORIZE HUMAN SERVICES DEPARTMENT TO APPLY FOR GRANTS FROM THE CALIFORNIA ENERGY COMMISSION FOR ENERGY EFFICIENCY FOR THE MUNICIPAL AND COMMERCIAL BUILDING TARGETED MEASURE RETROFIT PROGRAM [L. LONG, S. BAXTER, H. COLLINS]:

The City Council will consider authorizing staff to apply for California Energy Commission Grants for the Energy Efficient Municipal and Commercial Building Targeted Measure Retrofit Program.

RECOMMENDATIONS: 1) Authorize staff to apply for the California Energy Commission Municipal and Commercial Building Targeted Measure Retrofit Program for energy efficiency; 2) Authorize staff to work directly with a local consortium (as recommended in the grant application) or independently if needed, to pursue grant funding with applicable City Departments; 3) Authorize the Finance and Technology Services Department to increase budgeted grant revenues and expenditures by an equal amount upon award of the grant; and 4) Authorize the City Manager to sign all required documents pertaining to this grant opportunity.

2.N. AGREEMENT WITH JOHNSON'S SUPER SERVICE TO PROVIDE VEHICLE TOWING AND STORAGE SERVICES [O. DELGADO, J. ROCCO, D. NORTE]:

The City Council will consider approving an agreement with Johnson's Super Service to provide vehicle towing and storage services.

RECOMMENDATION: 1) Approve a one year extension to the agreement with Johnson's Super Service to provide vehicle towing and storage services from January 1, 2010 through December 31, 2010; and 2) Authorize the City Manager to sign the agreement.

2.O. AWARD OF CONSTRUCTION CONTRACT FOR CIP 1007, LARRABEE STREET DRAINAGE IMPROVEMENTS [O. DELGADO, S. PERLSTEIN]:

The City Council will consider awarding a construction contract for the Larrabee Street Drainage Improvements, CIP 1007.

RECOMMENDATIONS: 1) Accept the bid dated November 5, 2009, submitted by FS Construction; 2) Authorize the City Manager to enter into a contract with FS Construction in the amount of \$97,490 for the construction of CIP 1007, Larrabee Street Drainage Improvements; 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.

2.P. AWARD OF CONSTRUCTION CONTRACT FOR SUNSET STRIP BEAUTIFICATION PROJECT, CIP 1004 [O. DELGADO, S. PERLSTEIN, D. UYENO]:

The City Council will consider awarding a construction contract for the Sunset Strip Beautification Project, CIP 1004.

RECOMMENDATIONS: 1) Accept the bid dated October 26, 2009, submitted by Sequel Contractors, Inc.; 2) Authorize the City Manager to enter into a contract with Sequel Contractors, Inc. in the amount of \$4,370,658.75 for the construction of CIP 1004, Sunset Strip Beautification Project; 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.

2.Q. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH BERG & ASSOCIATES, INC. FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES ON CIP 1004, SUNSET STRIP BEAUTIFICATION PROJECT [O. DELGADO, S. PERLSTEIN, D. UYENO]:

The City Council will consider approving a professional service agreement with Berg & Associates, Inc. for construction management and inspection services on CIP 1004 Sunset Strip Beautification Project.

RECOMMENDATION: Approve a professional services Agreement in an amount not to exceed \$587,710 with Berg & Associates, Inc. for construction management and inspection services on CIP 1004 Sunset Strip Beautification Project, and authorize the City Manager to sign the

Agreement.

2.R. APPROVAL OF FINAL TRACT MAP NO. 61071 FOR THE CONDOMINIUM PROJECT LOCATED AT 632-636 KINGS ROAD [O. DELGADO, S. PERLSTEIN]:

The City Council will consider the approval of Final Tract Map No. 61071, a six unit condominium, located on Kings Road, between Melrose Avenue and Clinton Street.

RECOMMENDATIONS: 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. 61071; 3) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 61071 the certificate that embodies the approval of said map; and 4) Authorize the Director of Finance to increase the budgeted revenues in the Park Development Fund by \$19,937.23 (account number 210-471001).

2.S. LOS ANGELES COUNTY METROPOLITAN TRANSIT AUTHORITY (LACMTA) MEASURE R LOCAL RETURN UNDERSTANDING AND ASSURANCES [L. LONG, D. DENNIS, J. ROONEY]:

The City Council will consider the approval of The Assurances and Understandings regarding receipt and use of Measure R Local Return Funds with the LACMTA.

RECOMMENDATIONS: 1) Authorize the City Manager to execute the Assurances And Understandings agreement with the Los Angeles County Metropolitan Transit Authority (LACMTA) to comply with the Measure R Local Return Guidelines; and 2) Authorize the Finance Director to establish a Measure R Fund (205).

2.T. PILOT PHYSICAL FITNESS PROGRAM WITH NINTENDO WII CONSOLE AT SENIOR COMMUNITY CENTER [L. HORVATH, I. PINE]:

The City Council will consider installing a Nintendo Wii game console in the Senior Community Center as a pilot Physical Fitness Program.

RECOMMENDATIONS: 1) Direct staff to obtain and install a Nintendo Wii console in the Senior Community Center; 2) Direct staff to work with Recreation Staff and Jewish Family Services Staff on program components and logistics; and 3) Review popularity of this program in 3-

months to determine if and how it could be expanded to more or all of the senior facilities throughout the City.

2.U. DENOUNCING THE BAHATI BILL, ALSO KNOWN AS THE “ANTI-HOMOSEXUALITY BILL” OF UGANDA [J. HEILMAN, R. HLEFAND]:

The City Council will consider adopting a resolution denouncing the Bahati Bill, also known as the “Anti-Homosexuality Bill” that is before the Parliament of Uganda.

RECOMMENDATIONS: 1) Adopt Resolution No. 09-3919, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENOUNCING THE BAHATI BILL, ALSO KNOWN AS THE ‘ANTI-HOMOSEXUALITY BILL’ BEFORE THE PARLIAMENT OF UGANDA”; and 2) Direct staff to send copies of the signed resolution to President Barack Obama, Senators Dianne Feinstein and Barbara Boxer and human rights organizations.

3. PUBLIC HEARINGS:

3.A. JOINT STUDY SESSION REGARDING LAND USE ISSUES TO BE ADDRESSED IN THE GENERAL PLAN UPDATE [A. MCINTOSH, J. KEHO, B. SIEGL]:

City Council and Planning Commission will hear a presentation and hold a discussion regarding land use and urban design issues in commercial districts to be addressed in the General Plan Update.

RECOMMENDATION: Staff recommends that City Council and Planning Commission hear a presentation, hold a discussion of the issues and information presented therein, and make comments regarding urban design issues and proposed changes to commercial land use designations to staff and consultants.

4. UNFINISHED BUSINESS: None

5. NEW BUSINESS: None

EXCLUDED CONSENT CALENDAR: Items removed from the Consent Calendar for separate discussion are considered at this time.

PUBLIC COMMENT: This time is set aside for the public to address the Council on any item of interest within the subject matter jurisdiction of the Council that could not be heard under Item 1 at the beginning of the meeting.

6. LEGISLATIVE: None

COUNCILMEMBER COMMENTS: Additional general comments, announcements, requests of staff and/or other issues of concern to Councilmembers are briefly presented at this time.

ADJOURNMENT: The City Council will adjourn to their next regular meeting, which will be on Monday, December 7, 2009 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
December 7	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
December 21	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
January 25	Monday	6:30 PM	Joint Session with the Planning Commission	W.H. Park Aud.
February 1	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.

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**CITY COUNCIL
 CITY OF WEST HOLLYWOOD
 CLOSED SESSION AGENDA
 MONDAY, NOVEMBER 16, 2009
 6:00 P.M.**

WEST HOLLYWOOD PARK AUDITORIUM, STUDIO ROOM

CONFERENCE WITH LEGAL COUNSEL

The City Council finds, based on advice from the City Attorney, that discussion in open session of the following described matters will prejudice the position of the City in existing and anticipated litigation.

1. PENDING LITIGATION.....G.C. 54956.9(a)

Hoffman Street et al v. City of West Hollywood
 Los Angeles Superior Court, Case No. BS 111413

Genest v. City of West Hollywood
 Los Angeles County Superior Court Case No. BC423410

2. THREATENED LITIGATION..... G.C. 54956.9(b)

One case

3. INITIATION OF LITIGATIONG.C. 54956.9(c)

Two cases