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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, AUGUST 3, 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, August 3, 2009 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, July 30, 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 July 13 and July 20, 2009.

2.C. DEMAND REGISTER NO. 631, RESOLUTION NO. 09-3875:

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

RECOMMENDATION: Approve Demand Register No. 631 and adopt Resolution No. 09-3875, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 631".

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 Martha and Shaheen Awe, Emely Cooper and Mark Cosham and refer to the City's claims adjuster.

2.E. ORDINANCE NO. 09-821 (2ND READING), ASSOCIATED WITH A 6,500-SQUARE-FOOT TALL WALL BILLBOARD ON THE EAST FACE OF AN EXISTING HIGH RISE BUILDING, LOCATED AT 9000 SUNSET BOULEVARD [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-821, a proposed ordinance approving Development Agreement 2009-001, associated with a 6,500-square-foot tall wall billboard on the East face of an existing high rise building, located at 9000 Sunset Boulevard.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 09-821, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD APPROVING DEVELOPMENT AGREEMENT 2009-001, ASSOCIATED WITH A 6,500-SQUARE-FOOT TALL WALL BILLBOARD ON THE EAST FACE OF AN EXISTING HIGH RISE BUILDING, LOCATED AT 9000 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA."

2.F. ORDINANCE NO. 09-822 (2ND READING), ADOPTING ZONING MAP AMENDMENT 2009-002, IN CONJUNCTION WITH DEVELOPMENT AGREEMENT 2009-001, FOR THE PROPERTY LOCATED AT 9000 SUNSET BOULEVARD [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-822, a proposed ordinance adopting Zoning Map Amendment 2009-002, in conjunction with Development Agreement 2009-001, for the property located at 9000 Sunset Boulevard.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 09-822, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING ZONING MAP AMENDMENT 2009-002, IN CONJUNCTION WITH DEVELOPMENT AGREEMENT 2009-001, FOR THE PROPERTY LOCATED AT 9000 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA."

2.G. ORDINANCE NO. 09-823 (2ND READING), TO REGULATE THE OPERATION OF BICYCLES, SKATEBOARDS AND OTHER WHEELED DEVICES ON SIDEWALKS AND TO PROHIBIT SKATEBOARDING IN CITY PARKING FACILITIES [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-823, a proposed ordinance amending the Traffic Code to regulate the operation of bicycles, skateboards and other wheeled devices on sidewalks and to prohibit skateboarding in City parking facilities.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 09-823, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE TRAFFIC CODE TO REGULATE THE OPERATION OF BICYCLES, SKATEBOARDS AND OTHER WHEELED DEVICES ON SIDEWALKS AND TO PROHIBIT SKATEBOARDING IN CITY PARKING FACILITIES."

2.H. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

The City Council will receive reports from the Disabilities Advisory Board, Public Safety Commission, the Russian Advisory Board and Transportation Commission on actions taken at their recent meetings.

RECOMMENDATION: Receive and file.

2.I. AGREEMENT FOR SERVICES WITH WEST HOLLYWOOD CHAMBER OF COMMERCE [R. REYNOLDS, J. HUFFER]:

The City Council will consider approving an agreement between the City and the West Hollywood Chamber of Commerce to provide a range of business services and programs in Fiscal Years 2009-2010.

RECOMMENDATIONS: 1) Approve an agreement with the West Hollywood Chamber of Commerce in an amount not to exceed \$36,000 for fiscal year 2009-10; and 2) Authorize the City Manager to sign the agreement.

2.J. AWARD OF CONTRACT FOR AIR BALANCING SERVICES [L. LONG, S. BAXTER, H. COLLINS]:

The City Council will consider awarding a contract for heating, ventilating and air conditioning balancing services.

RECOMMENDATION: 1) Accept the proposal dated July 8, 2009, in the amount of \$23,500 as submitted by American Air Balance Company, Inc., Anaheim, California; 2) Authorize the City Manager to sign an Agreement with American Air Balance Company, Inc., in an amount not to exceed \$23,500 for the Air balancing of City Hall; and 3) Authorize the Director of Human Services, or his designee, to negotiate and execute one or more change orders to the contract with American Air Balance Company, Inc., for related, additional but unforeseen work, which may develop during the project; the total value of which shall not exceed \$2,000.

2.K. AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 – ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FORMULA ALLOCATION (EECBG) AND COMPETITIVE GRANTS [L. LONG, S. BAXTER, H. COLLINS]:

The City Council will consider authorizing staff to develop and implement an Energy Efficiency and Conservation Strategy for the expenditure of the City's non-competitive EECBG Formula allocation of \$161,000 and pursue competitive energy grant funding in conjunction with Energy Innovation Group.

RECOMMENDATIONS: 1) Authorize staff to move forward with the development of an Energy Efficiency and Conservation Strategy for West Hollywood Park, in conjunction with Energy Innovation Group; 2) Authorize staff to work with Energy Innovation Group to apply for competitive grant funding for energy efficient projects as applicable; 3) Authorize the Finance and Technology Services Department to establish a grant revenue and expenditure account in the amount of \$161,000 in anticipation of the EECBG Formula allocation; and 4) Authorize the City Manager to sign all required documents pertaining to EECBG funding opportunities.

2.L. CONCLUSION OF PARKING MITIGATION FOR HANCOCK PROJECT CONSTRUCTION [O. DELGADO, J. ROCCO, D. NORTE]:

The City Council will consider concluding the temporary parking regulations for the Hancock Project Construction at the northwest corner of Hancock Avenue and Santa Monica Blvd.

RECOMMENDATION: Adopt Resolution No. 09-3876, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONCLUDING TEMPORARY PARKING REGULATIONS AT LOCATIONS AFFECTED BY PARKING MITIGATION FOR HANCOCK PROJECT CONSTRUCTION".

2.M. 25th ANNIVERSARY CAPITAL PROJECT - NOTICE OF COMPLETION, TEMPORARY POWER PROJECT WEST HOLLYWOOD PARK/NEW LIBRARY PROJECT C.I.P. NO. 55-09-01 [R. REYNOLDS, J. HUFFER, H. COLLINS]:

The City Council will consider approving a Notice of Completion for Temporary Power Project West Hollywood Park/New Library Project C.I.P. NO. 55-09-01.

RECOMMENDATION: Accept the work and authorize the following: 1) Filing a Notice of Completion by the City; 2) Final payment to the contractor at the end of the 35 day lien period; 3) Release of the Performance Bond on the date of recordation of the Notice of Completion; and 4) Release of the Payment Bond 35 days after the date of recordation of the Notice of Completion, pending no receipt of Stop Notices.

2.N. PURCHASE OF STREETScape FURNITURE [L. LONG, S. BAXTER, H. COLLINS]:

The City Council will consider approving the purchase of street furnishings.

RECOMMENDATION: Authorize the purchase of streetscape furniture from Landscape Forms in an amount not to exceed \$200,000.

2.O. ARTS AND CULTURAL AFFAIRS COMMISSION 25TH ANNIVERSARY ARTS AND CULTURE PROJECTS [R. REYNOLDS, J. HUFFER, A. CAMPBELL]:

The Council will consider approving 25th Anniversary arts and culture projects as recommended by the Arts and Cultural Affairs Commission.

RECOMMENDATIONS: 1) Approve the recommendations of the Arts and Cultural Affairs Commission for 25th Anniversary arts and culture projects; 2) Authorize the City Manager to execute a contract in the amount of \$41,000 for the Museum of Neon Art; and 3) Authorize the City Manager to execute a contract in the amount of \$50,000 for Cornerstone Theatre Company.

2.P. WEST HOLLYWOOD STRUCTURES & STYLE [R. REYNOLDS, J. HUFFER, M. LOUIE]:

The City Council will receive and file a report regarding the first West Hollywood Structures and Style tour and will consider approving an agreement for services with Persona Studios to produce the second year of the tour in 2010.

RECOMMENDATION: 1) Receive and file summary report of the first Structures & Style: *Hotels on the Cutting Edge of Design Tour*; 2) Approve the proposed concept of the 2010 Structures and Style Tour and budget as outlined; 3) Authorize the Finance Department to distribute revenue generated from ticket sales for the tour to the West Hollywood Housing Corporation; and 4) Authorize the City Manager to sign and execute all necessary documents and agreements.

2.Q. AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT STREET POLE BANNER POLICY [R. REYNOLDS, J. HUFFER, M. LOUIE]:

The City Council will consider approving revisions to the street pole banner policy adopted by the Avenues of Art and Design Business Improvement District (BID) regulating street pole banners within the boundaries of the BID.

RECOMMENDATION: Approve the proposed modification to the Avenues of Art & Design Street Pole Banner Policies, increasing the percentage of advertising ratio.

2.R. RE-DESIGNATION OF CITY TRANSGENDER TASK FORCE AS TRANSGENDER ADVISORY BOARD [J. PRANG, M. HAIBACH, J. DURAN, H. MOLINA]:

The City Council will consider re-designating the Transgender Task Force as the Transgender Advisory Board.

RECOMMENDATION: 1) Endorse the re-designation of the Task Force to an Advisory Board; and 2) Direct the City Manager to report back to City Council with recommendations for board structure, including number of members and criteria for membership, along with a proposal for implementation of this transition.

2.S. EDUCATION AND TRAINING FOR CITY STAFF ON DETECTION AND REPORTING OF HUMAN TRAFFICKING [A. LAND, C. PLANCK, J. HEILMAN, F. SOLOMON]:

The City Council will consider working with various organizations to provide training to applicable staff from the City of West Hollywood, and will invite appropriate staff from the Westside Coalition of Governments cities.

RECOMMENDATIONS: 1) City Council will work together with the Coalition Against Slavery and Trafficking (CAST), Los Angeles Police Department (LAPD) and the Los Angeles Sheriff's Department (LASD) to organize a training session for all West Hollywood staff who are in the field, both in residential and commercial work; 2) The City of West Hollywood would extend an invitation to this training to appropriate staff from the Westside Coalition of Governments cities, as the issues of trafficking far exceed city borders, and are regional, national and global challenges; and 3) Training will provide valuable information regarding the severity of the issue of human trafficking, as well as education for recognizing signs of potential human trafficking and abuse.

3. PUBLIC HEARINGS:

3.A. APPEAL OF THE PLANNING COMMISSION'S DECISION REGARDING 507-509 N. ORLANDO AVENUE. [A. MCINTOSH, J. KEHO, M. BARNEY]:

The City Council will hold a public hearing to consider an appeal by Sven Toorvald, regarding the Planning Commission's approval of a project to develop a four-story; nine-unit courtyard condominium building located 507-509 N. Orlando Avenue

RECOMMENDATION: 1) Adopt Resolution No. 09-____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEAL OF SVEN TOORVALD AND UPHOLDING THE PLANNING COMMISSION ACTION TO ADOPT A NEGATIVE DECLARATION AND CONDITIONALLY APPROVE DEMOLITION PERMIT 2007-032, AND DEVELOPMENT PERMIT 2007-051, ON AN APPLICATION BY DEMITRI SAMAHA TO PERMIT THE DEMOLITION OF TWO SINGLE-FAMILY DWELLINGS AND THE

CONSTRUCTION OF A FOUR-STORY, NINE-UNIT CONDOMINIUM BUILDING AT 507-509 N. ORLANDO AVENUE, WEST HOLLYWOOD, CALIFORNIA.” (ATTACHMENT 1); and 2) Adopt Resolution No. 09-____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEAL OF SVEN TOORVALD AND UPHOLDING THE PLANNING COMMISSION ACTION TO CONDITIONALLY APPROVE TENTATIVE TRACT MAP 2008-002 (MAJOR LAND DIVISION 70124) FOR THE PROPERTY LOCATED AT 507 N. ORLANDO AVENUE, WEST HOLLYWOOD, CALIFORNIA.” (ATTACHMENT 2

4. UNFINISHED BUSINESS: None

5. NEW BUSINESS:

5.A. ASSIGNMENT AGREEMENT BETWEEN THE CITY OF POMONA AND THE CITY OF WEST HOLLYWOOD FOR THE EXCHANGE OF PROPOSITION A LOCAL RETURN FUNDS [A. GANDHY, D. HATCHER, D. DENNIS, J. ROONEY]:

The City Council will consider a General Fund trade agreement for Prop A Local Return Funds with the City of Pomona.

RECOMMENDATIONS: 1) Approve a Prop A fund trade agreement with the City of Pomona for \$975,000 West Hollywood General Funds in exchange for \$1,500,000 City of Pomona Prop A Funds; 2) Authorize the City Manager to execute the agreement; 3) Authorize the Director of Finance to appropriate \$975,000 from the unallocated reserves in the General Fund to Expenditure for Traded Funds (100-1-03-31-531016); and 4) Authorize the Director of Finance to increase budgeted revenues in the Prop A Fund, Account No. 203-421001 by \$1,305,000.

5.B. AGENDA ITEM ADDITIONS [J. HEILMAN, F. SOLOMON, A. LAND, C. PLANCK]:

The City Council will consider adding two new categories to future agenda items.

RECOMMENDATION: 1) Add a section to future agenda items entitled “Evaluation”; and 2) Add a section to future agenda items entitled “Environmental Sustainability and Health Impact.”

5.C. ADVISORY BOARD MEMBER APPOINTMENT PROCESS [J. PRANG, M. HAIBACH, J. DURAN, H. MOLINA]:

The City Council will discuss the process of appointing members to various City Advisory Boards.

RECOMMENDATION: Discuss the current Advisory Board appointment process and provide direction to staff.

5.D. COMMISSION, ADVISORY BOARD, AND PROJECT ADVISORY COMMITTEE APPOINTMENTS AND RE-APPOINTMENTS [T. WEST, C. SCHAFFER]:

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

RECOMMENDATION: The Council will make appointments to Boards and Commissions as detailed in the Staff Report.

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:

6.A. AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER 5.72 (MASSAGE PARLORS AND TECHNICIANS) AS REQUIRED BY SENATE BILL 731 [O. DELGADO, J; AUBEL]:

The City Council will consider approving an amendment to the Business License Ordinance as required by SB 731, Oropeza, which provides for the statewide certification of massage therapists and massage practitioners commencing on September 1, 2009.

RECOMMENDATION: Introduce on first reading Ordinance No. 09-_____, an ordinance of the City of West Hollywood amending chapter 5.72 (Massage Parlors and Technicians) of the West Hollywood Municipal Code.

6.B. AMENDMENT TO TRANSIENT OCCUPANCY TAX ORDINANCE [M. JENKINS]:

The City Council will consider the adoption of an ordinance amending the transient occupancy tax ordinance requiring payment of disputed taxes as a precondition of a legal challenge.

RECOMMENDATION: Introduce for first reading Ordinance No. 09-_____ AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING REMEDIAL PROCEDURES IN THE TRANSIENT OCCUPANCY TAX ORDINANCE AND AMENDING CHAPTER 3.32 OF THE WEST HOLLYWOOD MUNICIPAL CODE

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, August 17, 2009 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
August 17	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
August 22	Saturday	6:30 PM	Closed Session	W.H. City Hall.
September 8	Tuesday	6:30 PM	Regular Meeting	W.H. Park Aud.
September 21	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.

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**CITY COUNCIL
CITY OF WEST HOLLYWOOD
CLOSED SESSION AGENDA
MONDAY, AUGUST 3, 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. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR G.C. 54956.8**
Property: 417 Norwich Avenue (aka: Norwich Community Garden)
Agency Negotiator: Paul Arevalo or designee
Party's negotiator: Michael Garrison for the Family of Nasim Fares, Jr.
Under Negotiation: Lease Status

2. **PENDING LITIGATION.....G.C. 54956.9(a)**

Blaich v. City of West Hollywood
Los Angeles Superior Court Case No.SS018333

Save Tara v. City of West Hollywood
Los Angeles Superior Court Case No. BS090402

Save Tara v. City of West Hollywood
Los Angeles Superior Court, Case No. BS 105664

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

One case

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

One case