

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, JUNE 7, 2010
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

CALL TO ORDER: Mayor Heilman called the meeting to order at 6:33 P.M.

PLEDGE OF ALLEGIANCE: Kim Schneider led the pledge.

ROLL CALL:

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

ABSENT: Councilmember Prang.

ALSO PRESENT: City Manager Arevalo, City Attorney Jenkins, City Clerk West and Assistant City Clerk Schaffer.

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins reported that the closed session was called to order at 6:00 P.M. He stated that there were no public speakers. He stated that one (1) Item of Pending Litigation was added to the agenda, regarding the case of Santa Ritts, LLC v. the City of West Hollywood; and stated that a demurrer was recently sustained by the Court and the case has been dismissed. He stated that the closed session adjourned at 6:30 P.M. with no reportable action taken.

APPROVAL OF AGENDA:

Motion by Councilmember Horvath, seconded by Councilmember Land to approve the June 7, 2010 agenda, and approved with Councilmember Prang being absent.

ADJOURNMENT MOTIONS:

Councilmember Land requested that the meeting be adjourned in memory of Albertina Delgado, the grandmother of Public Works Director Oscar Delgado. She requested that the meeting be adjourned in memory of Vera Handleman, the mother of Ira Handleman. She requested that the meeting be adjourned in memory of Masoumeh Seyhoun, the mother of Marian Seyhoun who owns an art gallery in the City. She requested that the meeting be adjourned in memory of Annie Thompson, the cousin of Councilmember Prang. She requested that the meeting be adjourned in memory of former UCLA Basketball Coach John Wooden.

Councilmember Horvath requested that the meeting be adjourned in memory of Sara Meltzer, the mother of Barbara Meltzer, who is the Chair of the Los Angeles Commission on Aging. She requested that the meeting be adjourned in memory of Jim Stivers, a long-time volunteer for the Tournament of Roses. She requested that the

meeting be adjourned in memory of Matthew Anderson, a close family friend. She requested that the meeting be adjourned in memory of actress Rue McClanahan.

Mayor Pro Tempore Duran requested that the meeting be adjourned in memory of the following soldiers who died in Iraq and Afghanistan since the last City Council meeting: Spc. Stanley J. Sokolowski III, Staff Sgt. Amilcar H. Gonzalez, Maj. Ronald W. Culver Jr., Pfc. Alvaro R. Regalado Sessarego, Pvt. Francisco J. Guardado-Ramirez, Sgt. Denis Deleon Kisseloff , Cpl. Nicholas Dimas Parada Rodriguez, Petty Officer 3rd Class Zarian Andre Wood, Staff Sgt. Adam Levi Perkins, Pfc. Billy Gene Anderson, Lance Cpl. Philip P. Clark, Sgt. Joshua Abram Tomlinson, Lt. Col. Paul Robert Bartz, Col. Thomas Patrick Belkofer, Lance Cpl. Patrick Xavier Jr., Staff Sgt. Richard James Tieman, Staff Sgt. Shane Stanley Barnard, Pfc. Jason D. Fingar, Pfc. Christopher R. Barton, Sgt. Edwin Rivera, Cpl. Jacob C. Leicht, Pfc. Jake W. Suter, Lance Cpl. Anthony A. Dilisio.

Mayor Heilman requested that the meeting be adjourned in memory of Ronald Goodman, founder of the Jeffrey Goodman Clinic at the Los Angeles Gay and Lesbian Center. He requested that the meeting be adjourned in memory of Ritalina Miraflores, the mother of Emelyn Gamboa, who is the branch manager at the Union Bank in the City.

PRESENTATIONS:

Councilmember Land presented a commendation to Kelly Conn for her work at the West Hollywood Library.

Councilmember Land presented a proclamation to the West Hollywood Elementary School in recognition of being named a California Distinguished School.

Councilmember Land presented a proclamation to outgoing Women's Advisory Board Member Amanda Hendon.

Councilmember Land presented a proclamation to outgoing Project Advisory Committee Member Steve Wayland.

Mayor Heilman presented a proclamation in recognition of the 40th anniversary of the Christopher Street West Pride celebrations in West Hollywood.

Mayor Heilman presented a proclamation in recognition of HIV Prevention Month.

Mayor Heilman presented certificates to the CityLine & Dial A Ride Drivers and Dispatchers in recognition of their work and dedication.

1. PUBLIC COMMENT:

DONALD ELMBLAD, WEST HOLLYWOOD, spoke regarding the red-bagging of parking meters in the City.

YOLA DORE, WEST HOLLYWOOD, spoke regarding emergency preparedness and public safety issues in the City.

ANNE-MARIE WILLIAMS, WEST HOLLYWOOD, thanked the City Council for their support of the Lesbian Visibility Subcommittee and the Lesbian Health Bill of Rights.

COUNCILMEMBER COMMENTS:

Councilmember Land spoke regarding her recent attendance at the play *Small Craft Warnings* at Plummer Park. She spoke regarding an award presented by the American Institute of Architects to a housing development on Formosa Avenue in the City and thanked the developers for their efforts. She thanked City staff for organizing the Teen Scholarship Program in the City. She thanked the organizers of the recent Trans-Unity events in the City. She spoke regarding a change in programming at the West Hollywood Library. She encouraged residents to vote in the Statewide Primary Election on June 8, 2010. She spoke regarding the City's involvement in helping produce a recent Health Indicators Report. She spoke regarding Item 2.V. and thanked Councilmember Horvath for bringing the Item forward, and spoke regarding an upcoming program to promote driver safety in the City.

Mayor Pro Tempore Duran spoke regarding Item 2.E., the City's proposed preliminary budget, and thanked the City's Finance staff and the City Manager for their hard work on the budget. He provided clarification regarding the current fiscal state of the City. He spoke regarding Item 2.S. and thanked his colleagues for supporting the Item. He spoke regarding his upcoming performance with the Los Angeles Gay Men's Chorus.

Councilmember Horvath wished everyone a happy Pride Month and thanked Christopher Street West and all the other organizers for their hard work. She congratulated all the participants in the ongoing AIDS Life Cycle. She thanked the National Council of Jewish Women for their work in the community and congratulated their new board members. She provided clarification regarding Item 2.V. She thanked the Women's Advisory Board for their work on Items 2.T. and 2.X. She spoke regarding a recent update from the City of Los Angeles regarding the Dash bus lines that run through West Hollywood, and spoke regarding the preservation of the Fairfax Dash Line. She spoke regarding a recent public safety incident in the City concerning a bicyclist and encouraged residents to be cautious when riding bicycles in the City. She thanked Senator Dianne Feinstein's office for helping to secure grant funds for renovations at Plummer Park. She announced the upcoming symposium called "Pathways to Positive Aging" in the City.

Mayor Heilman congratulated Councilmember Land for receiving the Excellence Award at the recent Trans-Unity event in the City. He wished City Manager Arevalo a happy birthday.

CITY MANAGER'S REPORT: None.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$8,445,050.00 in expenditures and \$35,363.00 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. **Motion by Councilmember Land, seconded by Councilmember Horvath and approved with Councilmember Prang being absent.**

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, June 7, 2010 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, June 3, 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 17, 2010. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 651, RESOLUTION NO. 10-4022:

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

ACTION: Approve Demand Register No. 651 and adopt Resolution No. 10-4022, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 651." **Approved as part of the Consent Calendar.**

2.D. TREASURER'S REPORT FOR JANUARY 2010 [A. GANDHY, G. SCHUCHARD]:

The City Council will receive the Treasurer's Report for the month ended January 2010 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. PRELIMINARY 2010-2012 OPERATING BUDGET AND 2010-2015 CAPITAL WORK PLAN [P. AREVALO, A. GANDHY, D. WILSON]:

The City Council will receive the preliminary City of West Hollywood Operating Budget for Fiscal Years 2010-2012 and Capital Work Plan for Fiscal Years 2010-2015, which will be brought back for public comment and council adoption at the June 21, 2010 meeting.

ACTION: Receive and file the preliminary City of West Hollywood Operating Budget for Fiscal Years 2010-2012 and Capital Work Plan for Fiscal Years 2010-2015. **Approved as part of the Consent Calendar.**

2.F. 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 USAA/Parise and Katie Adelsberger and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.G. ORDINANCE NO. 10-849 (2ND READING), PROHIBITING NON-EMERGENCY TRENCH CUTTING OF THE ROADWAY PAVEMENT ON SUNSET BOULEVARD FOR A PERIOD OF FIVE YEARS [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 10-849, a proposed ordinance prohibiting non-emergency trench cutting of the roadway pavement on Sunset Boulevard for a period of five years.

ACTION: Waive further reading and adopt 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.**

2.H. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

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

2.I. AGREEMENT WITH ACS STATE & LOCAL SOLUTIONS TO PROVIDE PARKING CITATION PROCESSING AND PAYMENT SERVICES [O. DELGADO, J. ROCCO, D. NORTE]:

The City Council will consider an agreement with ACS State & Local Solutions to provide parking citation processing and payment services.

ACTION: 1) Authorize staff to negotiate an agreement with ACS State & Local Solutions to provide parking citation and payment processing for a five (5) year term, beginning July 1, 2010 through June 30, 2015. The first and second year of the contract shall not exceed \$854,000 per year. The not to exceed amount for the third through fifth years shall be \$879,684 for FY 12/13; \$905,557 for FY 13/14; and \$931,805 for FY 14/15; and 2) Authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

2.J. AMENDMENT TO AGREEMENT WITH SERCO, INC TO EXERCISE 2-YEAR EXTENSION TO PROVIDE PARKING ENFORCEMENT SERVICES [O. DELGADO, J. ROCCO, R. MARQUEZ]:

The City Council will consider approval of an amendment to the agreement with Serco, Inc. to exercise the first of two 2-year extensions.

ACTION: 1) Approve a two year extension to the contract with Serco, Inc. to provide Parking Enforcement Services in an amount not to exceed \$1,909,423 for fiscal year 11/12 and \$1,957,158 for fiscal year 12/13; and 2) Authorize the City Manager to sign the amendment. **Approved as part of the Consent Calendar.**

2.K. APPROVAL OF THREE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND CITY OF WEST HOLLYWOOD FOR ADMINISTRATION AND COST SHARING OF COORDINATED PROJECTS ADDRESSING POLLUTED STORM WATER RUNOFF IMPACTING BALLONA CREEK, BALLONA ESTUARY, & SEPULVEDA CHANNEL [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approving three Memorandum of Agreement with the City of Los Angeles who is serving as lead agency for coordinated projects to address polluted storm water runoff impacting Ballona Creek, Ballona Estuary, and Sepulveda Channel.

ACTION: 1) Approve Memorandum of Agreement between the City of Los Angeles and City of West Hollywood regarding the administration and cost sharing of the development of implementation plans for Ballona Creek Metals TMDL, Ballona Creek Estuary Toxic Pollutants TMDL, and Ballona Creek, Ballona Estuary & Sepulveda Channel Bacterial TMDL, and authorize the City Manager to sign the Memorandum of Agreement; 2) Approve Memorandum of Agreement between the City of Los Angeles and City of West Hollywood regarding the administration and cost sharing of implementing the Coordinated Monitoring Plan and Toxicity Identification Evaluation Study for the Ballona Creek Metals and Ballona Creek Estuary Toxic Pollutants TMDLs, and authorize the City Manager to sign the Memorandum of Agreement; and 3) Approve Memorandum of Agreement between the City of Los Angeles and City of West Hollywood regarding the administration and cost sharing of implementing the Coordinated Monitoring Plan for the Total Maximum Daily Load for Bacterial Indicator Densities in Ballona Creek, Ballona Estuary, & Sepulveda Channel, and authorize the City Manager to sign the Memorandum of Agreement. **Approved as part of the Consent Calendar.**

2.L. NOTICE OF COMPLETION FOR CIP 1001 CONCRETE REPAIR PROGRAM [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approving the Notice of Completion for CIP 1001 Concrete Repair Program by CJ Construction.

ACTION: Accept the work and authorize the following: a) Filing a Notice of Completion by the City Engineer; b) Final payment to the contractor at

the end of the 35 day lien period; c) Release of the Performance Bond on the date of recordation of the Notice of Completion; and d) Release of the Payment Bond 35 days after the date of recordation of the Notice of Completion, pending no receipt of Stop Notices. **Approved as part of the Consent Calendar.**

2.M. NOTICE OF COMPLETION, DISABLED ACCESS UPGRADES FOR PUBLIC MEN'S AND WOMEN'S RESTROOM - PLUMMER PARK C.I.P. 55-09/10-11 [S. BAXTER, S. CAMPBELL, K. TRUDEAU]:

The City Council will consider approving a Notice of Completion for the Disabled Access Upgrades for: Public Men's and Women's Restrooms at Plummer Park, C.I.P. 55-09/10-11 and approval of an increase in the project's contingency.

ACTION: Accept the work and authorize the following: a) Approval of an increase in the previously approved contingency; in the amount of \$6,486.35; b) Filing of the Notices of Completion by the City; c) Final payment to the contractor at the end of the 35 day lien period; d) Release of the Performance Bonds on the date of recordation of the Notice of Completion; and e) Release of the Payment Bond 35 days after the date of recordation of the Notice of Completion. **Approved as part of the Consent Calendar.**

2.N. CONSENT TO THE INCLUSION OF PROPERTIES WITHIN WEST HOLLYWOOD IN THE LOS ANGELES COUNTY ENERGY PROGRAM TO FINANCE ENERGY AND WATER EFFICIENCY IMPROVEMENTS [J. ENGLISH, L. BELSANTI]:

The City Council will consider adopting a resolution consenting to inclusion of properties within the incorporated area of West Hollywood in the Los Angeles County Energy Program to finance distributed generation renewable energy sources and energy and water efficiency improvements.

ACTION: Adopt Resolution No. 10-4023 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE INCORPORATED AREA OF THE CITY IN THE LOS ANGELES COUNTY ENERGY PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES AND ENERGY AND WATER EFFICIENCY IMPROVEMENTS". **Approved as part of the Consent Calendar.**

2.O. GRANT APPLICATION AND EXPENDITURE PLAN FOR THE JUSTICE ASSISTANCE GRANT (JAG) [K. COOK, K. FRASER]:

The City Council will consider authorizing Public Safety staff to apply for and then accept, if applicable, the US Department of Justice's Bureau of Justice Assistance's annual allocation for the Justice Assistance Grant (JAG) Program.

ACTION: 1) Authorize staff to apply for and accept, if applicable, the US Department of Justice's Bureau of Justice Assistance's annual allocation to the City of West Hollywood of \$35,363 for the Justice Assistance Grant

(JAG) Program; 2) If the grant is awarded, authorize the Director of Finance to adjust the budget in fiscal year 2010-11 to reflect the projected grant award of \$35,363 for a total of \$35,363 in increased budgeted expenditures and revenues; 3) Authorize the expenditure of JAG funds for the continuation and expansion of the City Parks Patrol Program; 4) Authorize the expenditure of remaining grant funds to be used for special patrols as necessary with the approval of the City Manager, the Public Safety Manager, and the Sheriff's Captain; and 5) Authorize the City Manager to reprogram any savings and interest earnings towards the City Parks Patrol Program or special patrols. **Approved as part of the Consent Calendar.**

2.P. MONTENEGRO LAW ENFORCEMENT DELEGATION [J. HEILMAN, F. SOLOMON, K. COOK, B. SMITH, K. FRASER]:

The City Council will consider partnering with the Williams Institute to host and provide law community policing training for visiting law enforcement officers from Montenegro on July 6 – 10, 2010.

ACTION: 1) Authorize staff to host and provide community policing training for visiting law enforcement officers from Montenegro on July 6 – 10, 2010; and 2) Coordinate with the Sheriff's Department to arrange various facility tours and patrol ride-alongs. **Approved as part of the Consent Calendar.**

2.Q. SUPPORT OF JOINING THE LOS ANGELES UNIVERSAL PRESCHOOL LIST OF PRESCHOOL SUPPORTERS [S. BAXTER, D. DENNIS, L. ISENBERG]:

The City Council will consider adopting a resolution in support of joining the Los Angeles Universal Preschool (LAUP) list of preschool supporters.

ACTION: Adopt Resolution No. 10-4024 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF JOINING THE LOS ANGELES UNIVERSAL PRESCHOOL LIST OF PRESCHOOL SUPPORTERS. **Approved as part of the Consent Calendar.**

2.R. COLLABORATION WITH THE SCULPTURE FOUNDATION FOR A 2010-2011 ART ON THE OUTSIDE PROJECT [J. HUFFER, A. CAMPBELL]:

The Council will receive a report regarding collaboration with The Sculpture Foundation for a 2010-2011 Art on the Outside Project as approved by the Arts and Cultural Affairs Commission.

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

2.S. SUPPORT OF THE SANTA MONICA BAY RESTORATION COMMISSION'S POLICIES TO REDUCE AND ELIMINATE MARINE PLASTIC DEBRIS [J. DURAN, H. MOLINA]:

The City Council will consider adopting a resolution in support of the Santa Monica Bay Restoration Commission's policies to reduce and eliminate marine plastic debris.

ACTION: 1) Adopt Resolution No.10-4025 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE SANTA MONICA BAY RESTORATION'S COMMISSION POLICIES TO REDUCE AND ELIMINATE MARINE PLASTIC DEBRIS; and 2) Direct staff to send copies of the adopted resolutions to the Santa Monica Bay Restoration Commission and other key policy makers.
Approved as part of the Consent Calendar.

2.T. SUPPORT OF H.R. 4879/S. 311 GLOBAL DEMOCRACY PROMOTION ACT [C. PLANCK, L. FOOKS, A. GIROUX]:

The City Council will consider adopting a resolution in support of H.R. 4879/S. 311 Global Democracy Promotion Act.

ACTION: 1) Adopt Resolution No. 10-4026 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF H.R. 4879/S.311 GLOBAL DEMOCRACY PROMOTION ACT"; and 2) Direct staff to send copies of the resolution to Representative Nita Lowey, U.S. Senator Barbara Boxer, U.S. Senator Dianne Feinstein, U.S. Representative Henry A. Waxman, National Organization for Women (NOW), NARAL Pro-Choice America, and the Center for Reproductive Rights. **Approved as part of the Consent Calendar.**

2.U. SUPPORT OF HR 5092 (GALLEGLY) TO AMEND SECTION 48 AS IT RELATES TO ANIMAL CRUELTY [L. HORVATH, I. PINE, J. PRANG, M. HAIBACH, A. GIROUX]:

The City Council will consider adopting a resolution in support of H.R. 5092 (Gallegly) to amend Section 48 (relating to the depiction of animal cruelty) of Title 18, United States Code, and for other purposes.

ACTION: 1) Adopt Resolution No. 10-4027, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF HR 5092 (GALLEGLY) TO AMEND SECTION 48 (RELATING TO DEPICTION OF ANIMAL CRUELTY) OF TITLE 18, UNITED STATES CODE, AND FOR OTHER PURPOSES"; and 2) Direct staff to send copies of the adopted resolution to Representative Mike Gallegly, Representative James Moran, Representative Earl Blumenauer, State Senator Fran Pavley, Assemblymember Mike Feuer, Animal Protection and Rescue League, the American Society for the Prevention of Cruelty to Animals, the Humane Society of the United States and People for the Ethical Treatment of Animals. **Approved as part of the Consent Calendar.**

2.V. PILOT PROGRAM ABOUT THE DANGERS OF USING CELL PHONES WHILE DRIVING [L. HORVATH, I. PINE]:

The City Council will consider directing Human Resources to create a pilot program reminding members of the City family about the dangers of using

cell phones while driving which will then be the basis for a larger City-wide public information campaign.

ACTION: 1) Approve a pilot program to remind members of the City family about the dangers of using cell phones while driving; 2) Direct Human Resources to identify all employees with a City-issued cell phone and/or those whose service is paid by the City, plus all Commissioners, Advisory Board members and other employees and work with PIO to remind them about the danger of using cell phones while driving; 3) Direct Human Resources and PIO to identify other ways this information can be shared with members of the City family including but not limited to new employees and vendor contracts; and 4) Work with the West Hollywood Chamber of Commerce and other appropriate groups to disseminate this information to our business community and residents. **Approved as part of the Consent Calendar.**

2.W. SUPPORT OF THE LESBIAN HEALTH BILL OF RIGHTS, CREATED BY THE CITY OF WEST HOLLYWOOD'S LESBIAN VISIBILITY COMMITTEE [A. LAND, C. PLANCK, T. MANDEL]:

The City Council will consider adopting a resolution in support of the Lesbian Health Bill of Rights.

ACTION: Adopt Resolution No. 10-4028, "A RESOLUTION OF THE CITY COUNCIL OF THE OF WEST HOLLYWOOD IN SUPPORT OF THE LESBIAN HEALTH BILL OF RIGHTS". **Approved as part of the Consent Calendar.**

2.X. SUPPORT FOR THE CREATION OF AN OFFICE OF MATERNAL HEALTH WITHIN THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES [C. PLANCK, L. FOOKS, A. GIROUX]:

The City Council will consider adopting a resolution in support of the creation of an Office of Maternal Health within the U.S. Department of Health and Human Services.

ACTION: 1) Adopt Resolution No. 10-4029, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE CREATION OF AN OFFICE OF WOMEN'S HEALTH WITHIN THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES"; and 2) Direct staff to send copies of the signed resolution to President Barack Obama, U.S. Senators Barbara Boxer and Dianne Feinstein, U.S. Representative Henry A. Waxman, Department of Health and Human Services Secretary Kathleen Sebelius, Amnesty International, National Organization for Women (NOW), Planned Parenthood Federation of America, and the Center for Reproductive Rights. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. ASSESSMENT OF DELINQUENT SOLID WASTE FEES OWED TO ATHENS SERVICES ONTO THE PROPERTY TAX BILL OF FOUR DELINQUENT ACCOUNT HOLDERS [O. DELGADO, S. PERLSTEIN]:

The City Council will consider whether or not to request the County Auditor to assess the property tax bills of four delinquent solid waste account holders.

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 June 7, 2010.

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

Mayor Heilman closed the public hearing.

ACTION: Direct the Director of Finance to submit the required information to the County Auditor for the purpose of assessing the delinquent solid waste amount, plus a \$120.00 administrative fee, onto the property tax bills of the delinquent account holders. **Motion by Councilmember Land, seconded by Councilmember Horvath and approved with Councilmember Prang being absent.**

3.B. REVIEW OF THE CITY SEWER SERVICE CHARGE FOR FISCAL YEAR 2010-11 [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approving the City Sewer Service Charge rates for the FY 10-11 program.

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 June 7, 2010.

Mayor Heilman requested clarification regarding the proposed rates in comparison to other neighboring cities.

Mayor Pro Tempore Duran requested clarification regarding infrastructure and possible health issues in relation to the City's sewer system. He requested clarification regarding past incidents in relation to the City's sewer system. Mayor Pro Tempore Duran requested clarification of the specifics of Proposition 218.

Councilmember Land requested clarification regarding the phase-in of pipe maintenance and prevention efforts in relation to the City's sewer system.

Councilmember Horvath requested clarification regarding the timeline for the proposed sewer improvements and whether they will occur during the next fiscal year.

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

PARVIZ EZHARI, WEST HOLLYWOOD, spoke in opposition to the Item.

ROB BERGSTEIN, WEST HOLLYWOOD, expressed concerns regarding the proposed rate increases.

JOEL LEVIN, LOS ANGELES, expressed concerns regarding the proposed sewer rate increases and the lack of an annual rental rate increase for the next year.

DONALD ELMBALD, WEST HOLLYWOOD, expressed concerns regarding the proposed sewer rate increases and the lack of an annual rental rate increase for the next year.

DANIELLE EREM spoke in opposition to the Item.

RITA ISAKOVA, WEST HOLLYWOOD, spoke in opposition to the Item, and spoke regarding a major sewer repair at her property.

ROXANNE MCBRYDE, WEST HOLLYWOOD, expressed concerns regarding the proposed rate increases for single family homes in relation to multi-unit buildings.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in opposition to the Item.

ALAN BERNSTEIN, WEST HOLLYWOOD, spoke in opposition to the Item.

ART NASTA, NORTHRIDGE, spoke in opposition to the Item.

KIM SCHNEIDER, WEST HOLLYWOOD, spoke in opposition to the Item.

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

Mayor Heilman requested clarification regarding public comment surrounding placing sewer rate increases on the ballot during the City's General Municipal Election.

Councilmember Land requested clarification regarding public comment surrounding the possibility of placing a sunset clause on the rate increases.

Councilmember Horvath requested clarification regarding public comment surrounding a major sewer repair at a property in the City. She requested clarification regarding the rates for single family homes in relation to multi-unit buildings. She requested clarification regarding the proposed percentages of the rate increases.

Councilmember Land spoke in support of placing a sunset clause on the rate increases. She expressed concerns regarding the proposed percentages of the rate increases. She spoke in support of the need to continue to invest in the City's infrastructure, and the need for some rate increase. She spoke in support of the possibility of a gradual phased-in rate increase.

Mayor Pro Tempore Duran expressed concerns regarding an increase in rates at this time. He spoke regarding the need to continue to make improvements to the City's sewer system. He spoke in support of deferring the rate increase. He spoke in support of tabling the Item. He spoke regarding the possibility of creating a triage approach to sewer repairs in the City to extend the repairs over time.

Councilmember Horvath spoke in support of deferring the rate increase. She expressed concerns regarding the proposed percentage of the rate increases. She spoke in support of the possibility of a gradual phased-in rate increase.

Mayor Heilman spoke regarding the City's past efforts to maintain the infrastructure and the positive effects of that maintenance on property values in the City. He spoke in support of the need to maintain and repair the City's sewer system. He spoke regarding recent sewer repairs in his condominium building. He spoke regarding the possibility of higher costs in the future if the sewer system is not maintained. He spoke in support of the possibility of a gradual phased-in rate increase.

ACTION: 1) Continue the public hearing to the meeting of June 21, 2010; and 2) direct staff to return to Council with alternative proposals for possible sewer service charge increases and alternative funding for sewer repairs in the City. **Carried by Consensus of the Council.**

3.C. THE AVENUES – ART, FASHION & DESIGN DISTRICT - IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 [J. HUFFER, M. LOUIE]:

The City Council will conduct a public hearing and consider adopting a resolution to establish The Avenues – Art, Fashion & Design District assessment for fiscal year 2010-2011 and approving an agreement with the West Hollywood Marketing and Visitors Bureau to administer the program.

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

Maribel Rios Louie, Economic Development Analyst, provided background information as outlined in the staff report dated June 7, 2010.

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

RYAN FARBER, LOS ANGELES, spoke in support of the Item.

DARRAN GOLD, LOS ANGELES, spoke in support of the Item.

Mayor Heilman closed the public hearing.

ACTION: 1) Adopt Resolution No. 10-4030, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD, AND LEVYING AN ASSESSMENT FOR FISCAL YEAR 2010-2011 IN CONNECTION WITH THE AVENUES - ART, FASHION & DESIGN DISTRICT”; 2) Approve supplemental funding in the amount of \$15,000 from Economic Development budget, to be matched by the West Hollywood Marketing and Visitors Bureau toward supporting The Avenues FY 2010-2011 work program; and 3) Approve an Agreement for Services between the City and the West Hollywood Marketing and Visitors Bureau to administer the 2010-2011 Avenues of Art and Design BID work program and; authorize the City Manager to sign the agreement. **Motion by Mayor Pro Tempore Duran, seconded by Councilmember Land and approved with Councilmember Prang being absent.**

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

The City Council will conduct a public hearing and consider renewing the Hotel Marketing Benefit Zone of the West Hollywood Business Improvement Area for 2010-2011 and approve an Agreement for Services with the West Hollywood Marketing and Visitors Bureau to administer the program of work.

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

Jeffrey Huffer, Economic Development Manager, provided background information as outlined in the staff report dated June 7, 2010.

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

WILLIAM HYNES, LOS ANGELES, spoke in support of the Item.

Mayor Heilman closed the public hearing.

Councilmember Land thanked the Marketing and Visitors Bureau for all their work. She spoke regarding the need to maintain and update the W.H. Insiders website, and spoke regarding the need to work with other agencies to better brand the Shop West Hollywood program.

Councilmember Horvath spoke regarding the need to maintain focus on marketing for LGBT businesses in the City.

ACTION: 1) Adopt Resolution 10-4031, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD AND LEVYING A CHARGE (ASSESSMENT) IN CONNECTION WITH THE WEST HOLLYWOOD BUSINESS IMPROVEMENT DISTRICT (HOTEL MARKETING BENEFIT ZONE) FOR FISCAL YEAR 2010-2011"; 2) Approve an Amendment to the Agreement for Services between the City and the West Hollywood Marketing and Visitors Bureau for a one year term; and, authorize the City Manager to sign the Agreement; and 3) Authorize City to establish a line of credit for the Corporation in an amount not to exceed \$200,000 for fiscal year 2010-2011 as per Section 5.4 in Amendment #2 to the Agreement for Services. **Motion by Councilmember Land, seconded by Mayor Pro Tempore Duran and approved with Councilmember Prang being absent.**

- 3.E. SANTA MONICA BOULEVARD MAINTENANCE DISTRICT - CONFIRMATION OF AN ASSESSMENT AND DIAGRAM FOR FISCAL YEAR 2010-2011 PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 [J. HUFFER, M. LOUIE]:**
The City Council will conduct a public hearing and consider adopting a resolution confirming a diagram and the levy of assessments for the Santa Monica Boulevard Maintenance District for fiscal year 2010-2011.

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

Maribel Rios Louie, Economic Development Analyst, provided background information as outlined in the staff report dated June 7, 2010.

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

Mayor Heilman closed the public hearing.

ACTION: 1) Adopt Resolution No. 10-4032, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2010-2011 IN CONNECTION WITH THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT PURSUANT TO PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE"; and 2) Authorize the Finance Director to increase budgeted expenditures in the Landscape District Fund for FY 2010-2011 by \$10,000 and drawdown on unallocated reserves. **Motion by Councilmember Land, seconded by Councilmember Horvath and approved with Councilmember Prang being absent.**

3.F. SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT - IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 [J. HUFFER; M. LOUIE]:

The City Council will conduct a public hearing and consider adopting a resolution to establish the Sunset Strip Business Improvement District assessment for fiscal year 2010-2011 and approving an agreement with the Sunset Strip Business Association to administer the work program.

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

Jeffrey Huffer, Economic Development Manager, provided background information as outlined in the staff report dated June 7, 2010.

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

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

NIC ADLER, LOS ANGELES, spoke in support of the Item.

Mayor Heilman closed the public hearing.

ACTION: 1) Adopt Resolution No. 10-4033, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD, AND LEVYING AN ASSESSMENT FOR FISCAL YEAR 2010-2011 IN CONNECTION WITH THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT"; 2) Approve an agreement between the City and the Sunset Strip Business Association (SSBA) to administer the 2010-2011 Sunset Strip Business Improvement District work program and; authorize the City Manager to

sign the agreement; and 3) Receive and file SSBA's "Program of Work Amendment 2010/11". **Motion by Councilmember Horvath, seconded by Councilmember Land and approved with Councilmember Prang being absent.**

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS: None.

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT:

BISSER STOYANOV, WEST HOLLYWOOD, thanked the Council for their support of the Williams Institute at UCLA and their efforts to improve sexual orientation laws in the Balkans.

6. LEGISLATIVE: None.

COUNCILMEMBER COMMENTS:

Councilmember Horvath spoke regarding an upcoming screening of *8, the Mormon Proposition* being co-sponsored by the City.

Mayor Heilman spoke regarding public commenting surrounding parking and traffic issues near the DMV on the eastside of the City and requested the City Manager to investigate the issue.

ADJOURNMENT: The City Council adjourned at 9:06 P.M. in memory of Albertina Delgado, Vera Handleman, Masoumeh Seyhoun, Annie Thompson, John Wooden, Sarah Meltzer, Jim Stivers, Matthew Anderson, Rue McClanahan, Ronald Goodman, Ritalina Miraflores, 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 June 21, 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 21st day of June, 2010 by the following vote:

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

JOHN HEILMAN, MAYOR

ATTEST:

THOMAS R. WEST, CITY CLERK