

**SMOKING IS NOT PERMITTED IN THE CITY COUNCIL CHAMBERS
(Article IV, Chapter 7, W.H.M.C.)**

**COMPLETE AGENDA PACKETS ARE AVAILABLE FOR PUBLIC
INSPECTION AT CITY HALL, 8300 SANTA MONICA BLVD.
AT THE LIBRARY, 715 N. SAN VICENTE BLVD.,
AND AT THE CITY'S WEBSITE,
www.weho.org**

Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at 8300 Santa Monica Boulevard, West Hollywood, California, during normal business hours. They will also be available for inspection during the City Council meeting at the City Clerk's table.

To comply with the Americans with Disabilities Act of 1990, Assistive Listening Devices (ALD) will be available for check out at the meeting. If you require special assistance to attend (e.g., transportation) or to participate in this meeting (e.g., a signer for the hearing impaired), you must call or submit your request in writing to the Office of the City Clerk at (323) 848-6409 at least 48 hours prior to the meeting. For information on public transportation, call 1-800-COMMUTE or go to www.mta.net. The City TDD line for the hearing impaired is (323) 848-6496.

If you would like additional information on any item appearing on this agenda, please contact the Office of the City Clerk at (323) 848-6409.

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, MAY 4, 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, May 4, 2009 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, April 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 April 20, 2009 and April 27, 2009.

2.C. DEMAND REGISTER NO. 625, RESOLUTION NO. 09-3805:

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

RECOMMENDATION: Approve Demand Register No. 625 and adopt Resolution No. 09-3805, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 625."

2.D. TREASURER'S REPORT FOR MARCH 2009:

The City Council will receive the Treasurer's Report for the month ended March 2009 pursuant to Section 53646 of the Government Code of the State of California.

RECOMMENDATION: Receive and file.

2.E. 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 Mercury Insurance (Fakhry, Wael) and refer to the City's claims adjuster.

2.F. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

RECOMMENDATION: Receive and file.

2.G. RESIGNATIONS FROM CITY COMMISSIONS, ADVISORY BOARDS, AND COMMITTEES [T. WEST, C. SCHAFFER]:

The City Council will accept the resignation of Project Advisory Committee Member Blumes Tracy, effective April 19, 2009; and the resignation of Women's Advisory Board Member Vicki Geis, effective April 15, 2009.

RECOMMENDATION: Accept with regret the resignation of Blumes Tracy from the Project Advisory Committee and Vicki Geis from the Women's Advisory Board.

2.H. TRANSPORTATION CONTRACTOR SELECTION TO PROVIDE TAXI COUPON PROGRAM ADMINISTRATION SERVICES [L. LONG, D. DENNIS, J. ROONEY]:

The City Council will consider the approval of an agreement with My Transit Plus to provide Taxi Coupon Program Administration Services.

RECOMMENDATION: Approve a six-year agreement, with three-one year extension options, with My Transit Plus, in an amount not to exceed \$3,000,000 to provide Taxi Coupon Program Administration and Reimbursements, and authorize the City Manager to sign.

2.I. PURCHASE SINGLE SPACE PARKING METERS [O. DELGADO, J. ROCCO, R. MARQUEZ, L. THU]:

The City Council will consider granting approval to purchase eighty (80) single space parking meters that accept credit card payments.

RECOMMENDATIONS: 1) Authorize staff to negotiate an agreement with the IPS Group to purchase eighty (80) single space, credit card parking meters in an amount not to exceed \$60,000; and 2) Approve the issuance of a purchase order by the Department of Finance.

2.J. AMEND AGREEMENT FOR SERVICES WITH MARIA RYCHLICKI FOR ONGOING PLANNING DIVISION SERVICES [S. KEENE, J. KEHO]:

The City Council will amend an existing Agreement for Services with Maria Rychlicki to provide continued planning services for the Planning Division.

RECOMMENDATION: Approve an amendment to the existing Agreement for Services with Maria Rychlicki for the General Plan Update serving as Project Manager to increase the not-to-exceed amount from twenty-five thousand (\$25,000.00) to eighty-five thousand dollars (\$85,000.00).

2.K. APPROVAL OF FINAL TRACT MAP NO. 64222 FOR THE CONDOMINIUM PROJECT LOCATED AT 8833 CYNTHIA STREET [O. DELGADO, S. PERLSTEIN]:

The City Council will consider the approval of Final Tract Map No. 64222, a five unit condominium, located on Cynthia Street, between Larrabee Street and Palm Avenue.

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. 64222; and 3) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 64222 the certificate that embodies the approval of said map.

2.L. REVISED CLASSIFICATION SPECIFICATIONS AND RECLASSIFICATION OF FOUR POSITIONS [V. LOVE, L. BOCK, Y. MAURIS, S. SCHUMACHER]:

The City Council will consider three revised classification specifications and the reclassification of four positions.

RECOMMENDATIONS: 1) Approve the revised classification specification

for the position of Parking Operations Officer. No change in salary grade is recommended; 2) Approve the title change of the position of Parking Services Officer classification specification; 3) Approve the revised classification specification for the position of Code Compliance Officer. No change in salary grade is recommended; 4) Authorize the reclassification of position of Management Analyst to Senior Management Analyst within the Assistant City Manager's Division and authorize the salary placement from Grade 4280E to Grade 4290E. The salary difference has been included in the current budget; 5) Authorize the reclassification of one Human Resources Analyst position to Human Resources Supervisor. Approve the new classification specification of Human Resources Supervisor and authorize salary placement from Grade 4280E to Grade 4290E. The salary difference has been included in the current budget; 6) Authorize the reclassification of one Senior Code Compliance Officer (Commercial) to Code Compliance Supervisor (Commercial) within the Code Compliance Division. Approve the new classification specification of Code Compliance Supervisor (Commercial) and authorize salary placement from Grade 5250N to Grade 5270E. The salary difference has been included in the current budget; and 7) Authorize the reclassification of Transportation Planner to Senior Transportation Planner within the Transportation Division. Approve the new classification specification of Senior Transportation Planner and authorize salary placement from Grade 5280E to Grade 5300E. The position is vacant and included in the FY 09 - 10 budget.

2.M. SPONSORSHIP AND CITY FINANCIAL SUPPORT OF THE AVENUES OF ART & DESIGN BUSINESS IMPROVEMENT DISTRICT ART & DESIGN WALK 2009 [R. REYNOLDS, J. HUFFER, M. LOUIE]:

The City Council will consider sponsorship of the 12th Annual Art & Design Walk, including a closure of a portion of Melrose Avenue, waiving city-related event permit fees and lifting parking restrictions in the Avenues of Art and Design Business Improvement District (BID) during the event on Saturday, May 30, 2009.

RECOMMENDATIONS: 1) Approve sponsorship of the Avenues of Art & Design Walk and authorize the use of the City name and logo on invitations, programs and other collateral materials; 2) Waive residential permit parking between the hours of 3:00 p.m. and 10:00 p.m. in Permit Parking Districts 1 and 2; waive enforcement at parking meters on Beverly Boulevard, Melrose Avenue, Robertson Boulevard and any side streets in the Avenues of Art & Design district from 3:00 p.m. to 6:00 p.m. on May 30, 2009; 3) Authorize the closure of Melrose Avenue between Doheny Drive and Robertson Boulevard from 12:00 p.m. until no later than 10:00 p.m. on May 30, 2009; 4) Direct the Avenues of Art & Design BID to conduct neighborhood and business outreach in advance of the event; 5) Approve in kind support in the form of fee waivers totaling \$2,590 as outlined; and 6) Authorize the City Manager to sign and execute any necessary documents or forms.

2.N. A RESOLUTION IN SUPPORT OF SB 572 (LENO), A BILL TO ANNUALLY PROCLAIM MAY 22 AS HARVEY MILK DAY IN CALIFORNIA [J. PRANG, J. STEVENS, J. HEILMAN, F. SOLOMON]:

The City Council will consider adopting a resolution supporting SB 572 (Leno), which would annually designate May 22 as Harvey Milk Day in California.

RECOMMENDATIONS: 1) Adopt Resolution No. 09-3806, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING AB 2567 (LENO), A BILL TO PROCLAIM MAY 22 AS HARVEY MILK DAY IN CALIFORNIA"; and 2) Direct staff to send copies of signed resolutions to State Senators Mark Leno and Fran Pavley, State Assemblymember Mike Feuer, Assembly Speaker Karen Bass, Senate President pro Tempore Darrell Steinberg and Governor Schwarzenegger. Additionally send signed copies to the LGBT Legislative Caucus and to legislative committees as appropriate.

3. PUBLIC HEARINGS:

3.A. THE DESIGNATION OF THE PROPERTY LOCATED AT 1228 FLORES AVENUE AS A LOCAL CULTURAL RESOURCE [S. KEENE, J. KEHO, J. ALKIRE]:

The City Council will consider designating the buildings located at 1228 Flores Street as a Local Cultural Resource.

RECOMMENDATION: Adopt Resolution No. 09-____: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DESIGNATING THE EXTERIOR OF THE STRUCTURES LOCATED AT 1228 FLORES STREET AS A LOCAL CULTURAL RESOURCE (CULTURAL RESOURCE DESIGNATION 2007-001)."

4. UNFINISHED BUSINESS:

4.A. GENERAL PLAN UPDATE – COMMUNITY TELEPHONE SURVEY FINDINGS AND COMMUNITY OUTREACH [S. KEENE, J. KEHO, B. SIGEL]:

The City Council will receive and file a report on the November 8, 2008 Community Workshop, the General Plan Community Telephone Survey final report, and an update on outreach efforts to the Russian-speaking community.

RECOMMENDATION: Receive and file report.

4.B 25th ANNIVERSARY CAPITAL PROJECT - AWARD OF CONTRACT FOR GENERAL CONTRACTOR FOR THE WEST HOLLYWOOD PARK PHASE 1 IMPLEMENTATION AND NEW LIBRARY PROJECT (ED 09-001) [J. ENGLISH, R. REYNOLDS, J. HUFFER]:

The City Council will consider awarding a contract to W. E. O'Neil Construction Company, the lowest responsive bidder, for the West Hollywood Park Phase 1 Implementation and New West Hollywood Library Project, the first component of the 25th Anniversary Capital Project.

RECOMMENDATIONS: 1) Accept the bid dated March 20, 2009, in the amount of \$35,115,473 for the original scope of work as outlined in Bid Package ED 09-001 as submitted by W. E. O'Neil Construction Company, El Segundo, California; 2) Authorize the City Manager and Mayor to sign and execute an Agreement with W. E. O'Neil Construction Company in an amount of \$35,115,473 and all other required documents for the Project; 3) Authorize the Director of Economic Development and Special Projects, or his designee, to negotiate and execute change orders to the contract with W. E. O'Neil Construction Company for related, additional but unforeseen work, which may develop during the project; the total value of which shall not exceed a 10% contingency of the original contract amount (\$3,512,000); and 4) Reject all other bids and return associated Bid Bonds.

4.C. 25th ANNIVERSARY CAPITAL PROJECT - AWARD OF CONTRACT FOR INSPECTION AND MATERIAL TESTING SERVICES FOR THE WEST HOLLYWOOD PARK PHASE 1 IMPLEMENTATION AND NEW LIBRARY PROJECT (ED 09-001) [J. ENGLISH, R. REYNOLDS, J. HUFFER]:

The City Council will consider awarding a contract to the best qualified proposer for Deputy Construction Inspection and Material Testing; and Roofing and Waterproofing Inspection in conjunction with the West Hollywood Park Master Plan Project.

RECOMMENDATIONS: 1) Accept the proposal dated April 15, 2009, in the amount of \$418,920 as submitted by Quality Assurance Inspections, Inc. of Long Beach, California for Deputy Construction Inspection and Material Testing; 2) Accept the proposal dated April 15, 2009, in the amount of \$69,240 as submitted by Twining Laboratories, Inc. of Long Beach, California for Roofing and Waterproofing Inspection and Material Testing; 3) Authorize the City Manager to sign an Agreement with Quality Assurance Inspections, Inc. in an amount of \$418,920 for the West Hollywood Park Master Plan Project Deputy Construction Inspection and Material Testing; 4) Authorize the City Manager to sign an Agreement with Twining Laboratories, Inc. in an amount of \$69,240 for the West Hollywood Park Master Plan Project Roofing and Waterproofing Inspection and Material Testing; 5) Authorize the Director of Economic Development and Special Projects, or his designee to negotiate and execute one or more change orders to the contracts outlined above for

related, additional but unforeseen work, which may develop during the project; the total value of which shall not exceed a 20% contingency of the original contract amounts; and 6) Reject all other proposals.

5. NEW BUSINESS:

5.A. ACQUISITION AND PREDEVELOPMENT LOAN AGREEMENT FOR AFFORDABLE HOUSING AT 1234 HAYWORTH AVENUE [A. WINDERMAN, J. SKORNECK, E. SAVAGE]:

The City Council will consider approving a Loan Agreement for Acquisition and Predevelopment Expenses with the West Hollywood Community Housing Corporation (WHCHC) in the amount of \$10.3 million to facilitate acquisition and rehabilitation of a 48-unit apartment house at 1234 Hayworth to serve as affordable housing.

RECOMMENDATIONS: 1) Approve a Loan Agreement for Acquisition and Predevelopment Expenses with WHCHC for acquisition and rehabilitation of 1234 Hayworth Avenue for an amount not to exceed \$10.3 million; 2) Authorize the Director of Finance & Technology to allocate \$9.3 million from unallocated reserves in the Affordable Housing Trust Fund (AHTF) for the purpose of funding this loan to WHCHC; 3) Authorize the Director of Finance & Technology to fund any deficit in the AHTF caused by the loan with a loan from the General Fund; 4) Authorize the City Manager to execute documents substantially in the form attached.

5.B. DISCUSSION OF CITY COUNCIL MEETING SCHEDULE FOR SUMMER 2009 [T. WEST, C. SCHAFFER, G. VESPOINT]:

The City Council will consider revising the City Council Regular Meeting Schedule for the summer months of 2009.

RECOMMENDATIONS: 1) Cancel the July 6, 2009 Council meeting and reschedule to July 13, 2009; 2) Relocate the June 15, 2009 meeting from West Hollywood Park Auditorium to Plummer Park; and 3) Consider August and September Council meeting schedule.

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. PROPOSED CHANGE TO THE RENT STABILIZATION ORDINANCE, WHMC § 17.08.010(11), TO CLARIFY THAT THE TERM “LANDLORD” INCLUDES SUCCESSORS IN INTEREST [A. WINDERMAN, M. HULL, J.S. LEWIS]:

City Council will consider an ordinance amending § 17.08.010(11) to make clear that, for purposes of the Rent Stabilization Ordinance, the term “landlord” includes a landlord’s successors in interest.

RECOMMENDATION: Introduce on first reading Ordinance 09-_____, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING WHMC § 17.08.010(11), TO CLARIFY THAT, FOR PURPOSES OF THE RENT STABILIZATION ORDINANCE, THE TERM “LANDLORD” INCLUDES SUCCESSORS IN INTEREST.”

6.B. AMEND THE BUSINESS LICENSE ORDINANCE PERTAINING TO THE MANAGER LICENSE REQUIREMENT [O. DELGADO, J. AUBEL]:

The City Council will consider adopting an ordinance to amend Title 5, Chapter 5.104 of the West Hollywood Municipal Code deleting the manager’s license requirement for hotels, grocery stores, drug stores and department stores.

RECOMMENDATIONS: Introduce for first reading ORDINANCE NO. 09_____ AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD PERTAINING TO THE MANAGER REQUIREMENT FOR PUBLIC EATING WITH ALCOHOL LICENSES

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, May 6, 2009 at 6:00 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
May 6	Wednesday	6:00 PM	Regular Meeting	W.H. Park Aud.
May 18	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
June 1	Monday	5:30 PM	Regular Meeting	W.H. Park Aud.
June 15	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.

City Council Agendas and Staff Reports
 are available on-line at
www.weho.org

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
CLOSED SESSION AGENDA
MONDAY, MAY 4, 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)

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