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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, JANUARY 5, 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, January 5, 2009 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Wednesday, December 31 2008.

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 December 1, 2008.

2.C. DEMAND REGISTER NO. 616, RESOLUTION NO. 09-3760:

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

RECOMMENDATION: Approve Demand Register No. 616 and adopt Resolution No. 09-3760, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 616."

2.D. DEMAND REGISTER NO. 617, RESOLUTION NO. 09-3761:

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

RECOMMENDATION: Approve Demand Register No. 617 and adopt Resolution No. 09-3761, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 617."

2.E. TREASURER'S REPORT FOR OCTOBER 2008 AND NOVEMBER 2008:

The City Council will receive the Treasurer's Report for the months ended October 2008 and November 2008 pursuant to Section 53646 of the Government Code of the State of California.

RECOMMENDATION: Receive and file.

2.F. ORDINANCE NO. 08-802 (2ND READING), REPEALING GENERAL PLAN AMENDMENT 2006-004 AND ZONE TEXT AMENDMENT 2006-003 AND WHICH ALLOW ALTERED DEVELOPMENT STANDARDS WITH THE APPROVAL OF A DEVELOPMENT AGREEMENT FOR PROPERTIES IN THE COMMUNITY COMMERCIAL ZONING DISTRICT AND LOCATED ALONG SANTA MONICA BOULEVARD IN WEST HOLLYWOOD, CALIFORNIA [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 08-802, a proposed ordinance repealing General Plan Amendment 2006-004 and Zone Text Amendment 2006-003 and which allow altered development standards with the approval of a development agreement for properties in the community commercial zoning district and located along Santa Monica Boulevard in West Hollywood, California.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 08-802, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REPEALING GENERAL PLAN AMENDMENT 2006-004 AND ZONE TEXT AMENDMENT 2006-003 AND WHICH ALLOW ALTERED DEVELOPMENT STANDARDS WITH THE APPROVAL OF A DEVELOPMENT AGREEMENT FOR PROPERTIES IN THE COMMUNITY COMMERCIAL ZONING DISTRICT AND LOCATED ALONG SANTA MONICA BOULEVARD IN WEST HOLLYWOOD, CALIFORNIA."

2.G. APPEAL OF PLANNING COMMISSION APPROVAL OF REQUEST TO DEMOLISH A TOTAL OF THIRTEEN (13) MULTI-FAMILY APARTMENT UNITS AND CONSTRUCT A NEW SIXTEEN (16) UNIT RESIDENTIAL CONDOMINIUM STRUCTURE AT 8017-8023 NORTON AVENUE, WEST HOLLYWOOD, CALIFORNIA [S. KEENE, J. KEHO, J. ALKIRE]:

The City Council will adopt a resolution upholding an appeal and reversing the Planning Commission's approval of permits to demolish all buildings on two residential lots with a total of thirteen rental units and construct a new four-story, sixteen unit condominium building with one level of subterranean parking.

RECOMMENDATION: 1) Adopt Resolution 09-3762 : "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD UPHOLDING THE APPEAL OF LESLIE GERSICOFF AND JAMES WESTMORELAND AND REVERSING, WITHOUT PREJUDICE, THE PLANNING COMMISSION'S APPROVAL OF DEMOLITION PERMIT (DMP) 2006-042, DEVELOPMENT PERMIT (DVP) 2006-057, AND TENTATIVE TRACT MAP 2006-026 FOR THE DEMOLITION OF ALL EXSITING STRUCTURES ON SITE INCLUDING THIRTEEN (13) RESIDENTIAL UNITS AND THE CONSTRUCTION OF A NEW SIXTEEN (16) UNIT CONDOMINIUM BUILDING LOCATED AT 8017-8023 NORTON AVENUE, WEST HOLLYWOOD, CALIFORNIA."

2.H. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

RECOMMENDATION: Receive and file.

2.I. REPORT FROM LOS ANGELES COUNTY VECTOR CONTROL BOARD REPRESENTATIVE [J. PRANG, J. STEVENS]:

The City Council will receive and file a report on transmission of West Nile Virus from Los Angeles County West Vector & Vector-Borne Disease Control District Representative Guyon McCormack.

RECOMMENDATION: Receive and file.

2.J. ENVIRONMENTAL TASK FORCE REPORT AND RECOMMENDATIONS [P. AREVALO, K. KRIETZMAN, L. BELSANTI]:

The City Council will receive a report and consider recommendations from the Environmental Task Force.

RECOMMENDATIONS: 1) Receive and file report; 2) Approve the recommendations; and 3) Direct staff responsible for the recommended items to return to Council in 90 days with plans for implementation.

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

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

RECOMMENDATION: Receive and file the FY 2008-2009 First Quarter Report of the West Hollywood Community Housing Corporation.

2.L. CONTRACT WITH DON MARUSKA & COMPANY, INC, CONSULTANT [P. AREVALO, K. KRIETZMAN]:

The Council will consider approving a Contract Amendment to Contract 4135 with Don Maruska & Company, Inc. for the purpose of providing further guidance for the Executive Team in developing strategic directions on critical issues and providing other services to the City Manager, City Departments and Divisions and Leadership Program as needed.

RECOMMENDATION: Approve the amended Contract with Don Maruska & Company, Inc. in an amount not to exceed \$75,000 annually, revise the expiration date of the existing contract to be open-ended at the discretion of either party, and authorize the City Manager to sign.

2.M. APPROVAL OF AGREEMENT WITH MARIPOSA LEADERSHIP, INC. TO PROVIDE LEADERSHIP DEVELOPMENT SERVICES [P. AREVALO, V. LOVE, T. BROWN]:

The City Council will consider approving a contract with Mariposa Leadership, Inc. to provide consulting facilitation and training services for the West Hollywood Leadership Development Program.

RECOMMENDATION: 1) Approve a contract with Mariposa Leadership, Inc. in an amount not to exceed \$35,000 for professional services for Leadership Development Programs, and 2) Authorize the City Manager to execute the agreement.

2.N. APPROVAL OF A CONTRACT FOR FY 08-09 SEWER ROOT CONTROL SERVICES [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approval of a professional service contract with Dukes Root Control, Inc. for sewer root control services.

RECOMMENDATION: Authorize the City Manager to enter into a professional service contract with Dukes Root Control, Inc. in an amount not to exceed \$80,000 to provide sewer root control services for the City of West Hollywood for FY 08-09.

2.O. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH PROJECT PARTNERS INC. FOR PUBLIC WORKS INSPECTION SERVICES [O. DELGADO, S. PERLSTEIN]:

City Council will consider approval of a professional service agreement with Project Partners Inc. for as-needed Public Works Inspection Services.
RECOMMENDATION: Approve the professional services Agreement in an amount not to exceed \$75,000 with Project Partners and authorize the City Manager to sign the Agreement.

2.P. APPROVAL OF FINAL TRACT MAP NO. 64234 FOR THE CONDOMINIUM PROJECT LOCATED AT 8265 FOUNTAIN AVENUE [O. DELGADO, S. PERLSTEIN]:

The City Council will consider the approval of Final Tract Map No. 64234, a seven unit condominium, located on Fountain Avenue, between Sweetzer Avenue and Harper 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. 64234; and 3) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 64234 the certificate that embodies the approval of said map.

2.Q. NOTICE OF COMPLETION FOR CIP 0901 METRO RAPID BUS PAD AND STOP IMPROVEMENTS [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approving the Notice of Completion for CIP 0901 Metro Rapid Bus Pad and Stop Improvements by Vido Samarzich, Inc.

RECOMMENDATION: 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.

2.R. APPROVAL OF THE ADDITION OF A PROJECT TO THE CAPITAL IMPROVEMENT PROGRAM BUDGET – PROP 1B TRANSPORTATION BOND FUNDS [O. DELGADO, S. PERLSTEIN]:

City Council will consider approving the addition of a project to the Capital Improvement Program Budget to accommodate expenditure of FY 08-09 Proposition 1B Transportation Bond Funds.

RECOMMENDATIONS: 1) Approve inclusion of CIP 0906 Robertson Blvd. Street Paving Program in the FY 08-09 Capital Improvement Program; and 2) Authorize the Director of Finance to increase budgeted revenues and expenditures in the Gas Tax Fund, account numbers 206-423008 and 206-4-08-84-704030, by \$559,763.35.

2.S. PROCEDURE FOR CHALLENGING AWARD OF PUBLIC WORKS CONTRACT TO LOW BIDDER [R. REYNOLDS, J. HUFFER, M. JENKINS]:

The City Council will consider the adoption of an ordinance establishing a procedure for bid protests on City construction projects.

RECOMMENDATION: Adopt Ordinance No. 09-803 establishing a procedure for challenging award of public works contract to the apparent low bidder.

2.T. TEMPORARY WEST HOLLYWOOD PARK PARKING LOT MITIGATION PLAN [J. ENGLISH, O. DELGADO, J. ROCCO, R. REYNOLDS, J. HUFFER]:

The City Council will consider approving a contract amendment as part of the construction mitigation measures planned for West Hollywood Park in association with Phase 1 Implementation of the West Hollywood Park Master Plan and New Library designed to address the loss of parking during Phase I when the El Tovar lot, the adjacent alley meters and West Hollywood Park parking lot are offline.

RECOMMENDATION: Amend contract with CBM Consulting, Inc. to provide the design and construction management of Temporary West Hollywood Park Parking Lot. Amend the current agreement to increase the “not-to-exceed” of \$25,000 by and additional \$63,860, for a total of \$88,860 to provide the aforementioned services.

2.U. INSTALLATION OF MEMORIAL SIGNAGE HONORING ELMER VALENTINE ON THE SUNSET STRIP [A. LAND, C. PLANCK, J. HEILMAN, F. SOLOMON]:

The City Council will consider directing staff to install memorial signage at the corner of Sunset Boulevard and Clark Street to honor legendary Sunset Strip businessman and music mogul Elmer Valentine.

RECOMMENDATIONS: 1) Adopt Resolution No. 09-3763, “A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD TO INSTALL MEMORIAL SIGNAGE HONORING ELMER VALENTINE ON THE SUNSET STRIP”; and 2) Direct Department of Public Works staff to purchase and install memorial signage at the corner

of Sunset Boulevard and Clark Street honoring Elmer Valentine, at a location proximate to the Whisky A Go Go.

2.V. SUPPORT CALIFORNIA SR 7 AND HR 5 [A. LAND, C. PLANCK, J. DURAN, H. MOLINA]:

The City Council will consider supporting two California resolutions, SR 7 (Leno, D-San Francisco) and HR 5 (Ammiano, D-San Francisco) which reflect the California State Legislature's support of non-discrimination and equal protection under the state constitution, and its opinion that Proposition 8 constitutes an improper revision of the state constitution.

RECOMMENDATIONS: 1) Adopt Resolution 09-3764 "A RESOLUTION SUPPORTING SR 7 and HR 5, REGARDING NON-DISCRIMINATION, EQUAL PROTECTION AND PROPOSITION EIGHT'S (8) IMPROPER REVISION TO THE STATE CONSTITUTION"; and 2) Direct staff to send copies of signed resolutions to Senator Fran Pavley, Assemblymember Mike Feuer, resolution authors and co-authors, members of the Judiciary Committee and members of the LGBT Caucus.

2.W. HISTORICAL MARKER COMMEMORATING ISSUANCE OF SAME SEX MARRIAGE LICENSES IN WEST HOLLYWOOD PARK [J. PRANG, J. STEVENS]:

The City Council will consider approval of recommendations from the Public Facilities Commission for design and installation of a historical marker commemorating the first issuance of same-sex marriage licenses in West Hollywood Park on Tuesday, June 17, 2008.

RECOMMENDATIONS: 1) Approve the historical marker design and language as described in this report (Exhibit A); and 2) Authorize the fabrication and installation of the historical marker at West Hollywood Park.

2.X. DEVELOPMENT OF BEST PRACTICES GUIDE FOR NIGHTLIFE ESTABLISHMENTS [J. PRANG, J. STEVENS, S. GUARRIELLO, D. SAUR]:

The City Council will consider directing the Public Safety Manager to work in conjunction with the City Commercial Code Compliance Division, the Los Angeles County Sheriffs Department, the Sunset Strip Business Association and other stakeholders to develop a Best Practices Guide for Nightlife Establishments in West Hollywood.

RECOMMENDATIONS: 1) Direct the Public Safety Manager to convene an ad-hoc committee including representatives from the City Commercial Code Compliance Division, the West Hollywood Sheriff's Station and the Sunset Strip Business Association to review existing safety procedures and draft a Nightlife Establishment Best Practices Guide for businesses in the City of West Hollywood; 2) Direct the Public Safety Manager to solicit and incorporate commentary on the proposed guide from nightlife establishments through a direct mailing to nightlife businesses; and 3)

Direct the Public Safety Manager to report back to the City Council on progress regarding the proposed Best Practices guide within 90 days.

2.Y. SUPPORT TO JOIN THE CALIFORNIA PRODUCT STEWARDSHIP COUNCIL [A. LAND, C. PLANCK]:

The City Council will consider joining the California Product Stewardship Council.

RECOMMENDATION: Direct staff to complete California Product Stewardship Council (CPSC) pledge form and submit appropriate fees on behalf of the City of West Hollywood.

2.Z. ECONOMIC HARDSHIPS PACKAGE [J. DURAN, J. HEILMAN]

The City Council will consider directing the City Manager to develop mitigation measures to support small businesses in West Hollywood.

RECOMMENDATIONS: 1) Direct the City Manager to convene an ad-hoc committee to devise mitigating measures aimed at assisting small business owners during the economic slow down. Ad-Hoc committee members will be appointed at the sole discretion of the City Manager and shall include two small business owners who are also city residents; and 2) Report back to City Council in 60 days. The report shall include specific measures the City Council should consider to sustain retail activity, one of the main sources of City revenue.

3. PUBLIC HEARINGS: None

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 Tuesday, January 20, 2009 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
January 20	Tuesday	6:30 PM	Regular Meeting	W.H. Park Aud.
February 2	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
February 17	Tuesday	6:30 PM	Regular Meeting	W.H. Park Aud.
March 2	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.

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**CITY COUNCIL
CITY OF WEST HOLLYWOOD
CLOSED SESSION AGENDA
MONDAY, JANUARY 5, 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)

SHARK v. City of West Hollywood
Los Angeles Superior Court, Case No SC091086