

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, JULY 19, 2010
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

CALL TO ORDER: Mayor Heilman called the meeting to order at 6:44 P.M.

PLEDGE OF ALLEGIANCE: Jimmy Palmieri led the pledge.

ROLL CALL:

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

ABSENT: None.

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 two (2) public speakers. He stated that the closed session adjourned at 6:40 P.M. with no reportable action taken.

APPROVAL OF AGENDA:

Mayor Pro Tempore Duran requested that Items 2.K. and 2.P. be moved to the Excluded Consent Calendar.

Mayor Heilman requested that Item 2.Q. be moved to the Excluded Consent Calendar.

Mayor Heilman requested clarification from the Appellant in Item 3.A., as well as one of the residents neighboring the Iranian American Jewish Center, regarding a request on behalf of the Appellant to continue the Item for 30 days.

Councilmember Prang, Councilmember Land, Mayor Pro Tempore Duran, and Councilmember Horvath spoke in support of continuing the Item.

Motion by Councilmember Land, seconded by Councilmember Prang to approve the June 21, 2010 agenda, and unanimously approved with Item 3.A. being CONTINUED to the meeting of August 16, 2010.

ADJOURNMENT MOTIONS:

Mayor Heilman requested that the meeting be adjourned in memory of Harlan Godes, a long-time West Hollywood resident. He requested that the meeting be adjourned in memory of Mike Segal, a long-time West Hollywood resident. He requested that the

meeting be adjourned in memory of Sue Burgess, a City Councilmember from North Carolina. He requested that the meeting be adjourned in memory of a valet who was recently killed in the City.

Councilmember Land requested that the meeting be adjourned in memory of Jeff Bader, a former West Hollywood resident. She requested that the meeting be adjourned in memory of Bill Griffin, a long-time community activist and former resident. She requested that the meeting be adjourned in memory of Steven Kanner, a long-time West Hollywood resident. She requested that the meeting be adjourned in memory of Brian Patrick Dunn, a West Hollywood resident. She requested that the meeting be adjourned in memory of Maya McReynolds, a long-time community activist.

Councilmember Prang requested that the meeting be adjourned in memory of Harlan Godes, a long-time West Hollywood resident. He requested that the meeting be adjourned in memory of Bill Griffin, a long-time community activist and former resident. He requested that the meeting be adjourned in memory of Maxwell Hilliary "Sonny" Salter, the former Mayor of the City of Beverly Hills. He requested that the meeting be adjourned in memory of Grace Louise Richards-Clark, a resident of the City of Arcadia. He requested that the meeting be adjourned in memory of Matthew Butcher, son of SCIU Labor Leader Julie Butcher.

Mayor Pro Tempore Duran requested that the meeting be adjourned in memory of Derek Gardner, who was recently killed in a traffic accident in the City. He 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. Jacob Parke Dohrenwend, Pfc. Bryant Jamal Haynes, Spc. Morganne Marie McBeth, Sgt. Johnny Wayne Lumpkin, Sgt. Jordan Elias Tuttle, Spc. Matthew J. Johnson, Spc. Jesse D. Reed, Sgt. Zachary M. Fisher, Pvt. Brandon M. King, Spc. Chase Stanley, Staff Sgt. Sheldon L. Tate, Staff Sgt. Christopher T. Stout, Spc. Christopher J. Moon, Spc. Nathaniel D. Garvin, Staff Sgt. Christopher J. Antonik, Sgt. Robert W. Crow, Lance Cpl. Tyler A. Roads, Staff Sgt. Shaun M. Mittler, Spc. Carlos J. Negron, Sgt. Donald R. Edgerton, Spc. Joseph W. Dimock, Staff Sgt. Jesse W. Ainsworth, Lance Cpl. Daniel G. Raney, Pfc. Anthony Warren Simmons, Pfc. Michael S. Pridham, Staff Sgt. Marc A. Arizmendez, Spc. Roger Lee, Pfc. Edwin Cobellee Wood, Staff Sgt. Christopher Francis Cabacoy, Sgt. Louis Robert Fastuca, Spc. Keenan A. Cooper, Spc. Jerod H. Osborne, Sgt. Andrew James Creighton, Spc. Clayton Dwayne McGarrah, Pfc. Jacob Anthony Dennis, Pfc. David A. Jefferson, Capt. David Anthony Wisniewski, Cpl. Larry Donell Harris Jr., Pfc. Ryan John Grady, Sgt. 1st Class Kristopher David Chapleau, Sgt. Matthew Robert Hennigan, Sgt. David William Thomas, Sgt. John Michael Rogers, Staff Sgt. Eric Byron Shaw, Sgt. Joseph Davis Caskey, Sgt. David Alexander Holmes, Lance Cpl. William Taylor Richards, Cpl. Daane Adam Deboer, Spc. Jared Clifton Plunk, Spc. Blair Daniel Thompson, Pfc. Robert Kelsey Repkie, Staff Sgt. Edwardo Loreda, Pfc. Russell Edward Madden, Pfc. Anthony T. Justesen, 1st Sgt. Eddie Turner, Cpl. Joshua Robert Dumaw, Cpl. Kevin Alexander Cueto, Cpl. Claudio Patino IV, Spc. Scott A. Andrews, Lance Cpl. Timothy Giles Serwinowski, Pfc. David Taylor Miller, Staff Sgt. Brandon M. Silk, Spc. Andrew Richard Looney, Staff Sgt. James P. Hunter, Pfc. Benjamin J. Park.

PRESENTATIONS:

Councilmember Land presented commendations to the graduates of the Jeff Griffin Youth GED Program.

Mayor Heilman presented a City Flag to members of the West Hollywood Aquatics Club.

Mayor Heilman presented a proclamation in recognition of National Night Out.

1. PUBLIC COMMENT:

GENEVIEVE MORRILL, CEO OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of Item 2.K.

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke in support of a community garden at 1201 N. Detroit Avenue.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding various local, state and national issues.

YOLA DORE, WEST HOLLYWOOD, spoke regarding the City's 25th Anniversary celebrations and encouraged residents to shop at West Hollywood businesses.

EBON ALABASTUR, WEST HOLLYWOOD, spoke regarding the continuation of Item 3.A.

VANESSA PETERSEN, LOS ANGELES, spoke regarding an upcoming Relay for Life in the City to benefit the American Cancer Society.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding public safety issues at the business Guys and Dolls in the City.

COUNCILMEMBER COMMENTS:

Councilmember Land congratulated Ken Yanecko, from the West Hollywood Sheriff's Department, for receiving a 2010 Achievement Award from the National Association of Counties for his work with the Bicycle Registration Program. She spoke regarding the upcoming Summer Sounds Series and Shakespeare in the Park programs in the City. She thanked staff for organizing the recent CPR training program in the City.

Councilmember Prang spoke regarding photo attachments in the City Council agenda packets and requested staff to provide more clear photos in the future.

Councilmember Horvath thanked Vanessa Peterson for speaking regarding the upcoming Relay for Life event in the City. She wished Los Angeles Mayor Antonio Villaraigosa a speedy recovery from a recent bicycle accident. She congratulated the

West Hollywood Sheriff's Department on a reduction in crime statistics. She congratulated all the recipients of the West Hollywood Democratic Awards.

Mayor Pro Tempore Duran wished Mayor Heilman a happy birthday.

CITY MANAGER'S REPORT:

City Manager Arevalo requested West Hollywood Sheriff's Captain Kelly Frasier to provide an update on several recent public safety incidents in the City.

He requested Donn Uyeno, Senior Civil Engineer, to provide an update on the Sunset Strip Beautification project. Mayor Heilman presented a gift to Donn Uyeno for his work on the project.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$331,584.00 in expenditures and \$2,503,500.00 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar as amended, 2.A.,B.,C.,D.,E.,F.,G.,H.,I.,J.,L.,M.,N.,O.,S.,T.,U.,V.,W.,X.,Y.,Z.,AA.,BB. **Motion by Councilmember Land, seconded by Councilmember Horvath and unanimously approved.**

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, July 19, 2010 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, July 15, 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 June 21, 2010. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 653, RESOLUTION NO. 10-4049:

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

ACTION: Approve Demand Register No. 653 and adopt Resolution No. 10-4049, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 653." **Approved as part of the Consent Calendar.**

2.D. DEMAND REGISTER NO. 654, RESOLUTION NO. 10-4050:

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

ACTION: Approve Demand Register No. 654 and adopt Resolution No. 10-4050, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 654." **Approved as part of the Consent Calendar.**

2.E. CLAIMS ADMINISTRATION [T. THOMSON]:

The City Council is asked to deny claims filed against the City as an administrative step in claims processing.

ACTION: Deny the Claims of Nationwide Insurance (Brett Shaad), Stephanie Davy, Morgan Massachi, and Robin Morrison and refer them to the City's Claims Adjuster for action. **Approved as part of the Consent Calendar.**

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

The City Council will receive the Treasurer's Report for the month ended March 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.G. COMMISSION AND ADVISORY BOARD ACTION REPORTS [T. WEST, C. SCHAFFER]:

The City Council will receive reports from the Arts and Cultural Affairs Commission, Disabilities Advisory Board, Human Services Commission, Lesbian and Gay Advisory Board, Public Safety Commission, Transportation Commission, Senior Advisory Board, and Public Facilities Commission on actions taken at their recent meetings.

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

2.H. ORDINANCE NO. 10-850 (2ND READING), AMENDING THE PENALTIES PROVISIONS REGARDING BUSINESS LICENSES [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 10-850, a proposed ordinance amending the penalties provisions of the West Hollywood Municipal Code regarding business licenses.

ACTION: Waive further reading and adopt Ordinance No. 10-850, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PENALTIES PROVISIONS OF THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING BUSINESS LICENSES." **Approved as part of the Consent Calendar.**

2.I. ORDINANCE NO. 10-852 (2ND READING), REGARDING A SEWER SERVICE CHARGE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 10-852, a proposed ordinance regarding a sewer service charge and amending the West Hollywood Municipal Code.

ACTION: Waive further reading and adopt Ordinance No. 10-852, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING A SEWER SERVICE CHARGE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.J. ORDINANCE NO. 10-853 (2ND READING), REPEALING ORDINANCE NOS. 10-838 AND 10-839 IN THEIR ENTIRETY [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 10-853, a proposed ordinance repealing Ordinance Nos. 10-838 and 10-839 in their entirety.

ACTION: Waive further reading and adopt Ordinance No. 10-853, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REPEALING ORDINANCE NOS. 10-838 AND 10-839 IN THEIR ENTIRETY." **Approved as part of the Consent Calendar.**

2.K. AGREEMENT FOR SERVICES WITH WEST HOLLYWOOD CHAMBER OF COMMERCE FOR FISCAL YEAR 2010-2011 [P. AREVALO, J. HUFFER]:

The City Council will consider approving a proposed Work Program Amendment to a multi-year agreement between the City and the West Hollywood Chamber of Commerce to provide a range of business development services and programs for the City in Fiscal Year 2010-2011.

ACTION: This Item was moved to the Excluded Consent Calendar.

2.L. AGREEMENT WITH BROWN & CALDWELL FOR ENGINEERING SERVICES FOR SEWER INSPECTION & DESIGN PROJECT – EAST SIDE [S. PERLSTEIN, O. DELGADO]:

The City Council will consider approval of an agreement with Brown & Caldwell to prepare construction plans, special provisions, and cost estimates for the Sewer Inspection & Design Project – East Side.

ACTION: Authorize the City Manager to execute an Agreement with Brown & Caldwell in an amount not to exceed \$142,392 for professional engineering services to prepare construction plans, special provisions, and cost estimates for the Sewer Inspection & Design Project – East Side. **Approved as part of the Consent Calendar.**

2.M. APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH THE ASSOCIATION OF COUNCIL DEPUTIES (ACD), FOR THE PERIOD OF JULY 1, 2010, THROUGH JUNE 30, 2015 [V. LOVE, L. BOCK]:

The City Council will consider approving the Memorandum of Understanding (MOU) with the Association of Council Deputies (ACD) for the period of July 1, 2010, through June 30, 2015.

ACTION: 1) Approve the Memorandum of Understanding with ACD, which incorporates the agreements contained in the attached tentative agreements; and 2) Authorize the City Manager to execute the Memorandum of Understanding on behalf of the City. **Approved as part of the Consent Calendar.**

2.N. CIVIC ART, 25TH ANNIVERSARY CAPITAL PROJECT - PLUMMER PARK MASTER PLAN IMPLEMENTATION [S. BAXTER, J. HUFFER, A. CAMPBELL]:

The City Council will consider approving the art selection process for civic (public) art in relation to the Plummer Park Master Plan Implementation Project.

ACTION: 1) Approve the civic art selection process as outlined in this report; 2) Approve the Art Process Team as identified in this report; and 3) Authorize the issuance of a Request for Qualifications (RFQ) to select an Art Consultant. **Approved as part of the Consent Calendar.**

2.O. COMMUNITY GARDEN AT 1201 DETROIT STREET AND INCREASING GARDENING OPPORTUNITIES IN WEST HOLLYWOOD [S. BAXTER, N. BEARD, S. CAMPBELL, H. COLLINS]:

The City Council will consider a recommendation to open a Community Garden at 1201 Detroit Street and review staff recommendations on increasing gardening opportunities in the City.

ACTION: 1) Authorize the City Manager to negotiate a lease agreement and execute documents with the property owner for use of the property at 1201 Detroit Street as a Community Garden; 2) Approve the proposed conditions and policies for the operation of the 1201 Detroit Street Community Garden as outlined below; 3) Approve staff recommendations for increasing gardening opportunities in the City; and 4) Authorize fees from participants of the 1201 Detroit community garden, to be deposited into the Redevelopment Agency Fund account 304-432003, estimated at \$3,500 annually. **Approved as part of the Consent Calendar.**

2.P. ESTABLISHMENT OF A TASK FORCE TO EXAMINE BICYCLE-RELATED ISSUES [A. LAND, C. PLANCK, L. HORVATH, I. PINE]:

The City Council will consider the establishment of a task force to examine bicycle-related issues in the City of West Hollywood and surrounding region.

ACTION: This Item was moved to the Excluded Consent Calendar.

2.Q. ESTABLISH A GARDEN COURT THEMATIC GROUPING AND DESIGNATION OF THE PROPERTY LOCATED AT 7911-7921 NORTON AVENUE AS A LOCAL CULTURAL RESOURCE AS PART

OF THE GARDEN COURT THEMATIC GROUPING [A. MCINTOSH, J. KEHO, A. CASTILLO]:

The City Council will consider establishing a Garden Court Thematic Grouping and designate the property located at 7911-7921 Norton Avenue as a Local Cultural Resource as part of the Garden Court Thematic Grouping.

ACTION: This Item was moved to the Excluded Consent Calendar.

2.R. THIS ITEM HAS BEEN MOVED TO UNFINISHED BUSINESS AS ITEM 4.A.

2.S. LETTER OF AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR THE TRANSFER OF \$2.5 MILLION FOR THE NEW WEST HOLLYWOOD LIBRARY [P. AREVALO, J. HUFFER]:

The City Council will consider approving a letter of agreement with the County of Los Angeles for the transfer of \$2.5 million to be used for the capital construction and completion of the New West Hollywood Library.

ACTION: 1) Approve terms of the *Letter of Agreement for the Transfer of \$2.5 million for the New West Hollywood Library* from the County of Los Angeles to the City of West Hollywood; 2) Authorize the Director of Finance and Technology to increase budgeted revenues by \$2.5 million in account number 301-422014; and 2) Authorize the Mayor and City Attorney to sign and execute the letter of agreement. **Approved as part of the Consent Calendar.**

2.T. AMENDING THE BY-LAWS FOR THE DISABILITIES ADVISORY BOARD [T. WEST, C. SCHAFFER]:

The City Council will consider adopting revised by-laws for the Disabilities Advisory Board; amending their requirement to make audio recordings of meetings.

ACTION: Adopt revised by-laws for the Disabilities Advisory Board; amending Section 6.3 regarding the recording of meetings. **Approved as part of the Consent Calendar.**

2.U. NATIONAL NIGHT OUT AGAINST CRIME IN WEST HOLLYWOOD [L. MANUKIAN, K. COOK]:

The City Council will consider designating Tuesday, August 3, 2010 as National Night Out in West Hollywood and approve various administrative requests to assist in the success of National Night Out events.

ACTION: 1) Proclaim August 3, 2010 "National Night Out" in West Hollywood; 2) Approve all street closures for National Night Out block parties; and 3) Approve the City's official sponsorship of all West Hollywood National Night Out events and waive all City fees associated with this event. **Approved as part of the Consent Calendar.**

2.V. NOTICE OF COMPLETION FOR CIP 1008, PAVEMENT REPAIRS (FAIRFAX AVE., HAYWORTH AVE., & LAUREL AVE.) [S. PERLSTEIN, O. DELGADO]:

The City Council will consider approving the Notice of Completion for Pavement Repairs: Fairfax Ave., Hayworth Ave., & Laurel Ave. (between Santa Monica Blvd and south city limit), CIP 1008 by All American Asphalt.

ACTION: Accept the work and authorize the following: 1) Filing a Notice of Completion by the City Engineer; 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. **Approved as part of the Consent Calendar.**

2.W. RESOLUTION AMENDING THE AFFORDABLE HOUSING SCHEDULE FOR THE INCLUSIONARY HOUSING PROGRAM [A. WINDERMAN, J. SKORNECK, E. SAVAGE]:

The City Council will consider adopting a resolution amending the Affordable Housing Schedules for the Inclusionary Housing Program by establishing the 2010-2011 rent levels, income requirements and unit sales price for inclusionary units

ACTION: Adopt Resolution No. 10-4052, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE AFFORDABLE HOUSING SCHEDULES." **Approved as part of the Consent Calendar.**

2.X. SAN VICENTE BOULEVARD ROAD CLOSURE REQUEST – 2010 EMMY EVENT [S. BAXTER, N. BEARD, C. SMITH]:

The City Council will consider a street closure request from Home Box Office, Inc. for the 2010 HBO Emmy Event held at the Pacific Design Center on Sunday, August 29, 2010.

ACTION: 1) Approve the closure of San Vicente Boulevard between Melrose Avenue and Santa Monica Boulevard from 2pm on Sunday, August 29, 2010 to 2am on Monday, August 30, 2010; 2) Approve the closure of the westbound lane of Melrose Avenue between San Vicente Boulevard and Huntley Drive from 2pm on Sunday, August 29, 2010 to 2am on Monday, August 30, 2010; and 3) Approve the closure of Robertson Boulevard between Melrose Avenue and Santa Monica Boulevard from 2pm on Sunday, August 29, 2010 to 2am on Monday, August 30, 2010. **Approved as part of the Consent Calendar.**

2.Y. STATE LEGISLATIVE UPDATE [P. AREVALO, V. LOVE, K. KRIETZMAN]:

The City Council will receive a Legislative Report detailing state legislative activities current as of July, 2010 from Helyne Meshar & Associates.

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

2.Z. PROPOSED RESOLUTION AMENDING THE FEE RESOLUTION FOR FY 2010-2011 [A. GANDHY, D. HATCHER]:

The City Council will consider adopting a resolution establishing fees and charges for the Public Works Department; and amending Resolution No. 10-4046

ACTION: Adopt Resolution No. 10-4053, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING FEES AND CHARGES FOR THE PUBLIC WORKS DEPARTMENT AND AMENDING RESOLUTION NO. 10-4046." **Approved as part of the Consent Calendar.**

2.AA. OPPOSITION TO PROPOSITION 23 [J. DURAN, H. MOLINA, A. LAND, C. PLANCK]:

The City Council will consider adopting a resolution in opposition to Prop 23, which aims at "temporarily" suspending air pollution control laws.

ACTION: 1) Adopt Resolution 10-4054, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN OPPOSITION TO PROPOSITION 23 TO TEMPORARILY SUSPEND AIR POLLUTION CONTROL LAWS"; and 2) Direct staff to send copies of signed resolutions to Assemblymember Mike Feuer, Senator Fran Pavley and other key legislators and advocates for a greener California. **Approved as part of the Consent Calendar.**

2.BB. OPPOSING GOVERNOR LINDA LINGLE'S VETO OF HB 444, CIVIL UNIONS [L. HORVATH, I. PINE, J. DURAN, H. MOLINA, A. GIROUX]:

The City Council will consider adopting a resolution opposing Governor Linda Lingle's veto of HB 444, which would have extended the same rights, benefits, protections and responsibilities of spouses in a marriage to partners in a civil union.

ACTION: 1) Adopt Resolution No. 10-4055, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING GOVERNOR LINDA LINGLE'S VETO OF HB 444, ON CIVIL UNIONS"; and 2) Direct Staff to send copies of the signed resolution to Hawaii Governor Linda Lingle, Senator Dianne Feinstein, Senator Barbara Boxer, Hawaii Senator Daniel Akaka, Hawaii Senator Daniel Inoué and Alan Spector of Equality Hawaii. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. APPEAL OF THE BUSINESS LICENSE COMMISSION'S DECISION TO PLACE CONDITIONS OF APPROVAL ON THE IRANIAN AMERICAN JEWISH CENTER'S PUBLIC EATING LICENSE #002806 [O. DELGADO, J. AUBEL]:

The City Council shall conduct a public hearing to consider an appeal by the Iranian American Jewish Center of the Business License Commission's decision to place conditions of approval on Public eating License 002806.

ACTION: Continue this Item to the meeting of August 16, 2010. **Carried by Consensus of the Council.**

3.B. APPEAL OF THE PLANNING COMMISSION'S DECISION REGARDING 1217 N. HORN AVENUE [M. BARNEY]:

The City Council will hold a public hearing to consider an appeal by Elyse Eisenberg, regarding the Planning Commission's approval of a project to develop a four-story, seven-unit condominium building including two affordable units, located at 1217 N. Horn Avenue.

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

Mayor Heilman, Councilmember Land, and Mayor Pro Tempore Duran disclosed site visits and recent meetings with the applicant.

Councilmember Horvath disclosed recent meetings with the applicant and the appellant.

Councilmember Prang disclosed recent meetings with the applicant.

Michael Barney, Assistant Planner, provided background information as outlined in the staff report dated July 19, 2010.

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

ELYSE EISENBERG, THE APPELLANT, spoke in opposition to the Item and in support of the appeal.

TODD ELLIOT, ON BEHALF OF THE APPLICANT, spoke in support of the Item and in opposition to the appeal.

ESTHER BAUM, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

NORMAN CHRAMOFF, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

EBON ALABASTUR, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

YOLA DORE, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

RICHARD MAGGIO, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

JOE CLAPSADDLE, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

ARLEEN WEINSTOCK, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

DAVID GRAUBERT, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

RIC RICKLES, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

DAVID WEISSFELD, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

ELENA GOLDENBERG, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

ANSON SNYDER, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

TODD ELLIOT, ON BEHALF OF THE APPLICANT, provided rebuttal.

ELYSE EISENBERG, THE APPELLANT, provided rebuttal.

Mayor Pro Tempore Duran requested clarification from staff regarding the current parking entitlements for the property.

Mayor Heilman closed the public hearing.

Councilmember Land requested clarification from staff regarding accessibility issues in the proposed project. She requested clarification regarding the time limits associated with the current entitlements.

Mayor Pro Tempore Duran thanked everyone who came to speak regarding the Item. He spoke regarding the reduction of units in the proposed project versus what is currently entitled for the property. He spoke regarding the developer's rights regarding an additional story in exchange for providing affordable housing units. He spoke regarding the need for the City to continue to develop affordable housing to meet state

requirements. He spoke in support of the Item and in opposition to the appeal.

Councilmember Prang spoke in support of the project design, the proposed size, the green building standards, and the inclusion of affordable housing. He spoke regarding parking issues in the area and spoke in support of the need to include guest parking spaces in the project.

Councilmember Horvath thanked everyone who came to speak regarding the Item. She spoke regarding parking issues in the area and the need for the City to look at the issues on a larger scale. She spoke in support of the Item and in opposition to the appeal.

Councilmember Land thanked everyone who came to speak regarding the Item. She spoke in support of the reduction of units versus the current entitlements for the property, and spoke in support of the inclusion of affordable units in the proposed project. She spoke in support of the Item and in opposition to the appeal. She spoke regarding the need to ensure the construction mitigation plan protects the residents during the project construction. She spoke regarding parking issues in the area and the need for the City to look at the issues on a larger scale.

Mayor Heilman spoke in support of the proposed project. He spoke regarding parking issues in the area. He spoke in support of the addition of affordable housing units in the proposed project. He spoke in support of the design, and spoke in support of the Item and in opposition to the appeal.

ACTION: 1) Adopt Resolution No. 10-4056, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL OF ELYSE EISENBERG AND UPHOLDING THE PLANNING COMMISSION ACTION TO ADOPT A NEGATIVE DECLARATION AND CONDITIONALLY APPROVE DEVELOPMENT PERMIT 2009-014 ON AN APPLICATION BY TRUMAN & ELLIOTT, LLP TO PERMIT THE CONSTRUCTION OF A FOUR-STORY, SEVEN-UNIT CONDOMINIUM BUILDING INCLUDING TWO AFFORDABLE UNITS, LOCATED AT 1217 N. HORN AVENUE, WEST HOLLYWOOD, CALIFORNIA." (ATTACHMENT 1); and 2) Adopt Resolution No. 10-4057, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL OF ELYSE EISENBERG AND UPHOLDING THE PLANNING COMMISSION ACTION TO CONDITIONALLY APPROVE TENTATIVE TRACT MAP 2010-002 (MAJOR LAND DIVISION 71231) FOR THE PROPERTY LOCATED AT 1217 N. HORN AVENUE, WEST HOLLYWOOD, CALIFORNIA." (ATTACHMENT 2) **Motion by Councilmember Land, seconded by**

Mayor Pro Tempore Duran and approved with Councilmember Prang voting NO.

3.C. A REQUEST TO CONSTRUCT A MIXED-USE HOTEL PROJECT INCLUDING A HEIGHT VARIANCE AND AMENDMENTS TO THE GENERAL PLAN AND ZONING MAP [A. MCINTOSH, J. KEHO, D. J. DEGRAZIA]:

The Council will consider a mixed-use hotel project known as Sunset Time. The project will include 149 hotel rooms, 40 residential condominium units, 27 affordable housing units and 35,456 square feet of commercial and entertainment space.

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

Councilmember Land, Mayor Pro Tempore Duran, Councilmember Horvath, Councilmember Prang, and Mayor Heilman disclosed meetings with the developers and site visits. Mayor Heilman stated the proximity of his residence to the proposed project.

David DeGrazia, Senior Planner, provided background information as outlined in the staff report dated July 19, 2010.

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

JEFF HABER AND MARIANNE LOWENTHAL, ON BEHALF OF THE APPLICANT, spoke in support of the proposed project.

NORMAN CHRAMOFF, WEST HOLLYWOOD, spoke in support of the proposed project.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the proposed project. She spoke regarding water issues associated with development projects in the City.

PATRICK KIBBY, WEST HOLLYWOOD, spoke in support of the proposed project.

RICHARD MAGGIO, WEST HOLLYWOOD, spoke in support of the proposed project.

JOSEPH CLAPSADDLE, WEST HOLLYWOOD, spoke in support of the proposed project.

GUADALUPE ALCOCER, WEST HOLLYWOOD, expressed concerns regarding noise issues associated with the proposed project.

GENEVIEVE MORRILL, CEO OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of the proposed project.

ROB BERGSTEIN, WEST HOLLYWOOD, spoke in support of the proposed project.

STEPHEN ANDERSON, SANTA MONICA, spoke in support of the proposed project.

RIC RICKLES, WEST HOLLYWOOD, spoke in support of the proposed project.

WILLIAM CALDER, WEST HOLLYWOOD, spoke in support of the proposed project.

EHUD MOUCHLY, WEST HOLLYWOOD, spoke in support of the proposed project.

ANTHONY POON, LOS ANGELES, spoke in support of the proposed project.

EDWARD BROWN, BEVERLY HILLS, expressed concerns regarding the parking impacts and noise issues associated with the proposed project.

BETSEY JOHNSON, WEST HOLLYWOOD, spoke in support of the proposed project.

ANDREW MELISSINOS, WEST HOLLYWOOD, spoke in support of the proposed project.

DAVID BECKWITH, LOS ANGELES, spoke in support of the proposed project.

SPENCER VILLASENOR, WEST HOLLYWOOD, spoke in support of the proposed project.

JOE GUARDARRAMA, WEST HOLLYWOOD, provided clarification of the Planning Commission's review of the proposed project.

JOSEPH CILIC, LOS ANGELES, spoke in support of the proposed project.

ALEX RHODES, LOS ANGELES, spoke in support of the proposed project.

ALBERT HUGHES, WEST HOLLYWOOD, spoke in support of the proposed project.

DAVID NEWMAN, LOS ANGELES, spoke in support of the proposed project.

KALE NESS, LOS ANGELES, spoke in support of the proposed project.

RON SALGADO, WEST HOLLYWOOD, spoke in support of the proposed project.

ANDREW RHODA, WEST HOLLYWOOD, spoke in support of the proposed project.

JEFF HOBGOOD, WEST HOLLYWOOD, spoke in support of the proposed project.

EUGENE LEVIN, SHERMAN OAKS, spoke in support of the proposed project.

JOEL DESSAULES, LOS ANGELES, spoke in support of the proposed project.

NAUM TURETSKIY, WEST HOLLYWOOD, spoke in support of the proposed project.

FRED SHAPIRO, WEST HOLLYWOOD, spoke in support of the proposed project.

Councilmember Comments regarding the Departure of the House of Blues and the proposed entertainment venue in the new project.

Councilmember Prang expressed concerns with the loss of a historic landmark like the House of Blues, but spoke in support of the proposed new venue. Councilmember Horvath expressed concerns with the loss of a historic landmark like the House of Blues, and spoke in support of gathering input from the Sunset Strip Business Association during the development of the entertainment venue. Councilmember Land expressed concerns with the loss of a historic landmark like the House of Blues, but spoke in support of ensuring that there is a live music venue in the new project. She expressed concerns regarding the possible departure of the House of Blues prior to the construction of the proposed project and the potential loss of jobs and requested additional information from staff. Mayor Pro Tempore Duran spoke regarding ongoing public safety issues at the House of Blues, and spoke in support of the new entertainment venue in the proposed project. Mayor Heilman spoke regarding ongoing public safety issues at the House of Blues, but spoke regarding possible economic impacts if the House of Blues closes prior to the construction of the proposed project. He spoke in support of the entertainment venue in the proposed project.

Councilmember Comments regarding Affordable Housing in the proposed project.

Councilmember Land spoke in support of the fee being provided by the developer in lieu of seven additional affordable units on site. She spoke in support of the clustering of the five additional affordable units in the project. Mayor Pro Tempore Duran requested clarification regarding the decision to accept a fee in lieu of seven additional affordable units on site, instead of utilizing the current building on Palm Avenue associated with the project for the affordable units. Councilmember Horvath expressed concerns regarding the loss of affordable rental units and the impacts on younger renters in the City. Councilmember Land, Councilmember Horvath, Councilmember Prang, and Mayor Heilman spoke in support of the clustering of the five affordable units in the project.

Councilmember Comments regarding the Large Screen Video Sign in the proposed project.

Councilmember Land expressed concerns regarding the inclusion of the video signs and their impacts on neighboring businesses. She spoke in support of ensuring that conditions can be reviewed on an ongoing basis to address changing technologies in video signage. Mayor Pro Tempore Duran spoke in support of the Large Screen Video Sign, and spoke regarding the excitement on the Sunset Strip that is created by lights and sound. He spoke regarding the need to ensure that the City receive a portion of the revenue from the Large Screen Video Sign. Councilmember Prang spoke in support of the Large Screen Video Sign, but expressed concerns regarding the potential impacts on neighboring residents and businesses. Councilmember Horvath spoke in support of the Large Screen Video Sign, but spoke regarding the need to address concerns regarding the project design if the video sign had to be removed in the future. She expressed concerns regarding the use of energy resources for a video sign. Mayor Heilman spoke in support of the Large Screen Video Sign, but expressed concerns regarding the impacts on the neighboring businesses and the need for the City to have the ability to make modifications as needed in the future.

Councilmember Comments regarding the Hotel Branded Condominiums in the proposed project.

Councilmember Land spoke regarding hotel branded condominiums in New York City, and spoke regarding the need to ensure that the development agreement requires that they are condominiums as opposed to hotel rooms. Mayor Pro Tempore Duran and Councilmember Horvath spoke in support of the Hotel Branded Condominiums in the proposed project. Mayor Heilman expressed concerns regarding the Hotel Branded Condominiums in the proposed project.

Councilmember Comments regarding Project Phasing in the proposed project.

Councilmember Land spoke in support of other development projects by the applicant, but spoke regarding the need to ensure that the development agreement protects the community if the property changes hands. Mayor Pro Tempore Duran spoke in opposition to Project Phasing in the proposed project, and spoke regarding the importance of the hotel element of the project going forward.

Mayor Heilman requested clarification from staff regarding the inclusion of additional taxi stands in the proposed project. He requested clarification regarding the construction mitigation plans and noise mitigation plans associated with the proposed project.

Mayor Pro Tempore Duran spoke regarding noise mitigation plans associated with the proposed project and the need to look at the issues in a realistic manner.

Councilmember Prang requested clarification regarding the creation of an economic viability study for the proposed project.

Mayor Heilman spoke regarding the passing of the project architect Steven Kanner.

ACTION: Hold a public hearing, consider all pertinent testimony, provide direction to staff and continue the hearing to a date certain of August 16, 2010. **Carried by Consensus of the Council.**

4. UNFINISHED BUSINESS:

4.A. PROPOSED PLAN TO OPEN THE DESIGNATED PARK PORTION OF THE PROPERTY LOCATED AT 1343 N. LAUREL AVE. ON AN INTERIM BASIS FOR PUBLIC USE [S. BAXTER, S. CAMPBELL, H. COLLINS]:

The City Council will consider recommendations of the Public Facilities Commission and staff related to the interim use by the public of the designated park portion of the property located at 1343 N. Laurel Avenue.

ACTION: 1) Approve the proposed plan for interim use of the designated park portion of the property at 1343 N. Laurel Avenue as recommended by the Public Facilities Commission and staff as described in this report; and 2) Authorize the Director of Finance and Information Technology to allocate \$85,000 from the undesignated reserves in the Park Development Fund and increase budgeted expenditures in account 210-4-05-55-703052 Laurel Ave Development by \$85,000. **Motion by Councilmember Land, seconded by Mayor Pro Tempore Duran and unanimously approved.**

5. NEW BUSINESS:

5.A. DISCUSSION OF CITY COUNCIL MEETING SCHEDULE FOR 2010 [T. WEST, C. SCHAFFER, A. MCINTOSH, J. KEHO, B. SIEGL]:

The City Council will consider revising the City Council Regular Meeting Schedule for the summer months of 2010; and will consider scheduling an additional meeting on October 25, 2010, as part of the adoption hearings for the General Plan, Climate Action Plan, and Environmental Impact Report.

ACTION: 1) Cancel the meeting of August 2, 2010; 2) Change the location of the City Council meeting of August 16, 2010 from West Hollywood Park Auditorium to Plummer Park - Fiesta Hall, 7377 Santa Monica Boulevard; and 3) Schedule a special meeting for October 25, 2010. **Carried by Consensus of the Council.**

EXCLUDED CONSENT CALENDAR:

2.K. AGREEMENT FOR SERVICES WITH WEST HOLLYWOOD CHAMBER OF COMMERCE FOR FISCAL YEAR 2010-2011 [P. AREVALO, J. HUFFER]:

The City Council will consider approving a proposed Work Program Amendment to a multi-year agreement between the City and the West Hollywood Chamber of Commerce to provide a range of business development services and programs for the City in Fiscal Year 2010-2011.

Mayor Pro Tempore Duran requested clarification regarding previous funding for the Chamber of Commerce, and spoke in support of the Chamber becoming financially independent from the City in the future. He spoke regarding the need to distinguish the responsibilities of the Chamber of Commerce and the established business improvements districts in the City.

City Manager Arevalo provided additional clarification of the Item.

Mayor Heilman spoke in support of holding a study session for the Council to explore different economic development goals and issues in the City.

ACTION: 1) Approve a Work Program Amendment with the West Hollywood Chamber of Commerce in an amount not to exceed \$36,000 for fiscal year 2010-11 to provide a range of business development programs and services; 2) Authorize the Manager of Economic Development to approve on a case by case basis the sponsorship of Chamber activities in an amount not to exceed \$5,000; and 3) Authorize the City Manager to sign and execute the agreement and approve any minor modifications. **Motion by Councilmember Prang, seconded by Councilmember Land and unanimously approved.**

2.P. ESTABLISHMENT OF A TASK FORCE TO EXAMINE BICYCLE-RELATED ISSUES [A. LAND, C. PLANCK, L. HORVATH, I. PINE]:

The City Council will consider the establishment of a task force to examine bicycle-related issues in the City of West Hollywood and surrounding region.

Councilmember Land provided background information as outlined in the staff report dated July 19, 2010.

Mayor Pro Tempore Duran spoke regarding the difficulty of balancing bicycle and pedestrian issues in the City. He spoke in support of utilizing the Transportation Commission to explore the issues, as opposed to creating a task force.

KEVIN BURTON, WEST HOLLYWOOD, spoke in support of the Item.

Councilmember Horvath spoke in support of utilizing the task force to explore alternative options for bicycle transit improvement in the City.

Councilmember Prang spoke in support of utilizing the Transportation Commission to explore the issues, as opposed to creating a task force. He expressed concerns regarding funding of the task force during the current economy.

Mayor Heilman spoke in support of including members of the Transportation Commission as well as City staff members in the task force. He spoke in support of working with the Los Angeles County Metropolitan Authority as the task force moves forward. He spoke regarding work load issues during the recruitment of the Transportation and Transit Manager.

ACTION: 1) Direct the City Manager's Department to establish a bicycle task force to help coordinate and facilitate the city's efforts in improving the opportunities for bicycle transit in the city and region; 2) Direct the City Clerk to post openings for the West Hollywood Bicycle Task Force; 3) Direct the City Manager's Department to return to Council in October 2010 with a report on the participants and a preliminary work schedule for the West Hollywood Bicycle Task Force; 4) Authorize the Director of Community Development to identify existing budgeted funds for the Bicycle Task Force; and 5) provide additional direction to include members of the Transportation Commission and City staff on the task force and direct the task force work with the Los Angeles County Metropolitan Authority. **Carried by Consensus of the Council.**

2.Q. ESTABLISH A GARDEN COURT THEMATIC GROUPING AND DESIGNATION OF THE PROPERTY LOCATED AT 7911-7921 NORTON AVENUE AS A LOCAL CULTURAL RESOURCE AS PART

OF THE GARDEN COURT THEMATIC GROUPING [A. MCINTOSH, J. KEHO, A. CASTILLO]:

The City Council will consider establishing a Garden Court Thematic Grouping and designate the property located at 7911-7921 Norton Avenue as a Local Cultural Resource as part of the Garden Court Thematic Grouping.

Mayor Heilman spoke in opposition to creating a Garden Court Thematic Grouping, but spoke in support of designating the particular property located at 7911-7921 Norton Avenue.

Councilmember Prang and Mayor Pro Tempore Duran spoke in support of the Garden Court Thematic Grouping.

Motion by Councilmember Prang, seconded by Mayor Pro Tempore Duran to: Adopt Resolution No. 10-4051, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, ESTABLISHING A GARDEN COURT THEMATIC GROUPING AND DESIGNATING THE EXTERIOR OF THE TWO RESIDENTIAL STRUCTURES AND COURTYARDS OF THESE STRUCTURES LOCATED AT 7911-7921 NORTON AVENUE, WEST HOLLYWOOD, CALIFORNIA, AS A LOCAL CULTURAL RESOURCE (CULTURAL RESOURCE DESIGNATION 2009-001) AS PART OF THE GARDEN COURT THEMATIC GROUPING." (EXHIBIT A) **Motion failed with Councilmember Horvath, Councilmember Land, and Mayor Heilman voting NO.**

ACTION: Direct staff to return to Council with a resolution designating the exterior of the two residential structures and courtyards of these structures located at 7911-7921 Norton Avenue, West Hollywood, California, as a local cultural resource (Cultural Resource Designation 2009-001). **Motion by Councilmember Land, seconded by Councilmember Horvath and approved.**

PUBLIC COMMENT: None.

6. LEGISLATIVE:

6.A. None.

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 11:35 P.M. in memory of Harlan Godes, Mike Segal, Sue Burgess, Jeff Bader, Bill Griffin, Steven Kanner, Brian Patrick Dunn, Maya McReynolds, Maxwell Hilliary "Sonny" Salter, Grace Louise Richards-Clark, Matthew Butcher, Derek Gardner, the valet who was recently killed in the City, 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 Monday, August 16, 2010 at 6:30 P.M. at Plummer Park - Fiesta Hall, 7377 Santa Monica Boulevard.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 16th day of August, 2010 by the following vote:

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

JOHN HEILMAN, MAYOR

ATTEST:

THOMAS R. WEST, CITY CLERK