

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

CALL TO ORDER: Mayor Heilman called the meeting to order at 6:49 P.M.

PLEDGE OF ALLEGIANCE: Joseph Clapsaddle 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 was one (1) public speaker. He stated that two (2) items were added to the agenda; one (1) item of Initiation of Litigation, and one (1) item of Real Property Negotiations regarding the property located at 8745 Santa Monica Boulevard. 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 Item 4.A. be moved to the Consent Calendar as Item 2.Q. He noted his ABSTENTION on funding for AIDS Project Los Angeles in Item 2.Q., due to his position on the Board of Directors. Councilmember Land noted her ABSTENTION on funding for the Saban Free Clinic in Item 2.Q., due to her position as Executive Director of the Free Clinic.

City Attorney Jenkins provided clarification regarding Item 3.B., and a request from the Iranian American Jewish Federation to withdraw their appeal of the Business License Commission's decision to place conditions of approval on Public Eating License 002806. He provided clarification regarding the impacts on the business if the appeal is withdrawn. He made a recommendation to the City Council to accept the request to withdraw the appeal, and to close the public hearing and take no further action.

Councilmember Land requested clarification regarding when the Business License Commission conditions would take effect if the appeal is withdrawn.

Mayor Pro Tempore Duran spoke in opposition to accepting the request to withdraw the appeal.

Carried by Consensus of the Council to approve the September 7, 2010 agenda as amended, and unanimously approved.

ADJOURNMENT MOTIONS:

Councilmember Horvath requested that the meeting be adjourned in memory of Eugene Shiff, a volunteer with the West Hollywood sheriffs. She requested that the meeting be adjourned in memory of Bruce Ackerman, a business and community leader.

Councilmember Prang requested that the meeting be adjourned in memory of Eva R. Long, the mother of former Human Services Director Lloyd Long. He requested that the meeting be adjourned in memory of Robert Roudebush, the father of LA County Sheriff's Department Chief Roberta Abner. He requested that the meeting be adjourned in memory of Edna Garren, the mother of Ed Garren, a long-time West Hollywood resident. He requested that the meeting be adjourned in memory of Rae Scott, a long-time West Hollywood resident.

Councilmember Land requested that the meeting be adjourned in memory of Eva Long, the mother of former Human Services Director Lloyd Long. She requested that the meeting be adjourned in memory of Edna Garren, the mother of Ed Garren, a long-time West Hollywood resident. She requested that the meeting be adjourned in memory of Eugene Shiff, a volunteer with the West Hollywood sheriffs.

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: Sgt. Jamal Maurice Rhett, Sgt. Brandon E. Maggart, Lance Cpl. Joshua T. Twigg, Lance Cpl. Christopher B. Rodgers, Lance Cpl. Cody A. Roberts, Staff Sgt. Vinson B. Adkinson III, Sgt. Raymond C. Alcaraz, Pfc. James A. Page, Sgt. Joseph A. Bovia, Pfc. Matthew E. George, Staff Sgt. Kevin J. Kessler, Staff Sgt. Matthew J. West, Capt. Dale A. Goetz, 1st Lt. Mark A. Noziska, Pfc. Chad D. Clements, Staff Sgt. Jesse Infante, Staff Sgt. Casey J. Grochowiak, Staff Sgt. James R. Ide, Gunnery Sgt. Floyd E. C. Holley, Pfc. Bryn T. Raver, Capt. Ellery R. Wallace, Spc. Andrew J. Castro, Sgt. Patrick K. Durham, Spc. James Christopher Robinson, Petty Officer 3rd Class James M. Swink, Pvt. Adam Jacob Novak, Spc. Chad Derek Coleman, Master Sgt. Daniel Louis Fedder, Spc. Justin Blue Shoecraft, Lance Cpl. Robert John Newton, Sgt. Ronald Ariel Rodriguez, Spc. Pedro Antonio Millet Meletiche IV, Sgt. Jason Dean Calo, Sgt. Steven Joseph Deluzio, Spc. Tristan Howard Southworth, Lance Cpl. Nathaniel Joseph Augustus Schultz, Pfc. Alexis Vicente Maldonado, Lance Cpl. Cody Steven Childers, Cpl. Christopher John Boyd, Sgt. Martin Anthony Lugo, Spc. Christopher Shane Wright, Chief Petty Officer Collin Trent Thomas, Lance Cpl. Kevin Edward Oratowski, Sgt. 1st Class Edgar Nathaniel Roberts, Pfc. Benjamin Glen Chisholm, Staff Sgt. Derek John Farley, Pvt. Enlisted Grade 2 Charles Milton High IV, Sgt. Christopher Neal Karch, Lt. John Charles Sanderson, Staff Sgt. Michael Andrew Bock.

PRESENTATIONS:

Councilmember Land presented a proclamation in recognition of World Alzheimer's Day.

Mayor Heilman presented a proclamation in recognition of Drug and Alcohol Addiction Recovery Month.

Mayor Pro Tempore Duran and Councilmember Horvath presented a commendation to the Tweakers Project.

Mayor Heilman presented a proclamation in recognition of Trevor Project Day.

Mayor Heilman made an announcement regarding National Preparedness Month.

1. PUBLIC COMMENT:

MITRA SAMANI, WEST HILLS spoke in support of Item 2.P.

BOLEN HIGH, WEST HOLLYWOOD, spoke regarding Item 3.B. and spoke in support of accepting the request from the Iran American Jewish Federation to withdraw their appeal, and in support of imposing the conditions of the Business License Commission.

MARLA MILLER, WEST HOLLYWOOD, spoke regarding Item 3.B. and spoke in support of accepting the request from the Iran American Jewish Federation to withdraw their appeal, and in support of imposing the conditions of the Business License Commission.

EBON ALABASTUR, WEST HOLLYWOOD, spoke regarding Item 3.B. and spoke in support of accepting the request from the Iran American Jewish Federation to withdraw their appeal, and in support of imposing the conditions of the Business License Commission.

HARRY REBHUHN, LOS ANGELES, spoke regarding Item 3.B. and spoke in support of accepting the request from the Iran American Jewish Federation to withdraw their appeal, and in support of imposing the conditions of the Business License Commission.

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

ESTHER BAUM, WEST HOLLYWOOD, spoke regarding a scheduling conflict between a Public Facilities Commission meeting and the upcoming Jewish holiday.

RIC RICKLES, WEST HOLLYWOOD, spoke regarding the upcoming 90th birthday of Senior Advisory Board Member Rita Norton.

LARRY BLOCK, WEST HOLLYWOOD, spoke regarding a rate increase for sidewalk sale permits in the City. He spoke regarding sidewalk cleanliness issues on Santa

Monica Boulevard. He spoke regarding the possibility of an extension of the closing hours of his business located in the City.

JEANNE DOBRIN, WEST HOLLYWOOD, thanked the City Council for their recent celebration of her 90th birthday. She spoke regarding the time limit for public speakers at the Planning Commission meetings.

MARK ZANGRANDO, WEST HOLLYWOOD, spoke regarding Item 4.A. and spoke in support of prioritizing reserve funds for the West Hollywood Community Housing Corporation.

TODD STEADMAN, EXECUTIVE DIRECTOR OF THE SUNSET STRIP BUSINESS ASSOCIATION, thanked the City Council for their support of the recent Sunset Strip Music Festival.

BOE TRUMBULL, WEST HOLLYWOOD, spoke in support of Item 2.H.

COUNCILMEMBER COMMENTS:

Councilmember Land congratulated Todd Steadman of the Sunset Strip Business Association and everyone involved in the planning of the Sunset Strip Musical Festival. She spoke regarding public comment surrounding the cleanliness of City sidewalks and requested a report from staff regarding the frequency of sidewalk cleaning. She spoke regarding public comment surrounding time limits for speakers at the Planning Commission meetings. She thanked everyone who helped organize the recent Women's Leadership events in the City. She provided additional clarification for Item 2.G. She spoke regarding the posting of City staff salaries on the City's website. She spoke regarding the beginning of the first 7th grade class at the Laurel School in the City. She spoke regarding recent state legislation to prohibit the use of plastic bags in California and provided clarification of the ban that was previously adopted by the City, and suggested that the City revisit the resolution. She spoke regarding the recent name change of the Dvorsky Preparatory School to the West Hollywood Preparatory School. She spoke regarding the National League of Cities Discount Prescription Drug Program in the City and encouraged residents to participate. She spoke regarding public comment surrounding a conflict between a Public Facilities Commission meeting and the upcoming Jewish holiday and requested staff to investigate the issue. She spoke regarding an upcoming "Fashion Night" event in the City.

Councilmember Prang wished a happy birthday to Henry Ravelos, a long-time resident and former Lesbian and Gay Advisory Board Member. He spoke regarding an initiative petition being circulated in the City, and provided clarification of the law changes that the initiative is proposing, and discouraged residents from signing the petitions. He spoke regarding his tenure as a co-chair of the Gay and Lesbian Elected Officials Caucus of the California League of Cities.

Councilmember Horvath congratulated everyone who was involved in the planning of the Sunset Strip Musical Festival. She spoke regarding a recent press conference

regarding the 90th anniversary of the National Organization of Women with Attorney Gloria Allred. She spoke in support of public comment surrounding the possible use of reserve social services funds to support the West Hollywood Community Housing Corporation. She encouraged residents to only use franchised taxi cabs in the City. She spoke regarding the upcoming AIDS Walk in the City. She spoke regarding the upcoming cabaret event sponsored by Break the Cycle to raise money for LGBT youth programs.

Mayor Pro Tempore Duran congratulated Todd Steadman of the Sunset Strip Business Association and everyone involved in the planning of the Sunset Strip Musical Festival. He thanked City staff for their ongoing efforts to support alcohol and drug addiction recovery services in the City.

Mayor Heilman spoke regarding public comment surrounding a conflict between a Public Facilities Commission meeting and the upcoming Jewish holiday and requested staff to investigate the issue. He thanked Councilmember Prang for his work as co-chair of the Gay and Lesbian Elected Officials Caucus of the California League of Cities. He thanked everyone who planned and participated in the Sunset Strip Music Festival. He spoke in support of public comment surrounding the possible use of reserve social services funds to support the West Hollywood Community Housing Corporation, and he spoke in support of the possibility of using reserve funds for other agencies that provide low-income housing. He spoke regarding the upcoming AIDS Walk in the City.

CITY MANAGER'S REPORT: None.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$3,588,620.00 in expenditures and \$30,000.00 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. **Motion by Councilmember Prang, seconded by Councilmember Horvath and unanimously approved with Mayor Pro Tempore Duran ABSTAINING on funding for AIDS Project Los Angeles in Item 2.Q. and Councilmember Land ABSTAINING on funding for the Saban Free Clinic in Item 2.Q.**

2.A. POSTING OF AGENDA:

The agenda for the meeting of Tuesday, September 7, 2010 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, September 2, 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 August 16, 2010. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 657, RESOLUTION NO. 10-4075:

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

ACTION: Approve Demand Register No. 657 and adopt Resolution No. 10-4075, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 657." **Approved as part of the Consent Calendar.**

2.D. TREASURER'S REPORT FOR MAY & JUNE 2010:

The City Council will receive the Treasurer's Report for the months ended May and June 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. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

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

2.F. CLAIMS ADMINISTRATION [T. THOMPSON]:

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

ACTION: Deny the Claim of Florence Dimino and refer her to the City's Claims Adjuster for action. **Approved as part of the Consent Calendar.**

2.G. ACCEPT SHELTER PLUS CARE HOUSING VOUCHER AWARD [D. DENNIS, S. BAXTER]:

The City Council will consider accepting 20 Shelter + Care supportive housing vouchers which have been awarded to the City by the Federal Department of Housing and Urban Development through the County of Los Angeles Office of Supportive Housing and the Los Angeles Homeless Services Authority.

ACTION: Accept 20 Shelter + Care supportive housing vouchers to be used over five years to provide permanent, supportive housing for vulnerable people who are homeless in West Hollywood and authorize the City Manager to sign the contract with the County of Los Angeles Housing Authority and the federal Department of Housing and Urban Development. **Approved as part of the Consent Calendar.**

2.H. AMENDMENT TO AGREEMENT WITH LPA, INC. FOR DESIGN AND ENGINEERING SERVICES FOR AUTOMATED PARKING GARAGE BEHIND CITY HALL [O. DELGADO, J. ROCCO]:

The City Council will consider approving an amendment to the contract with LPA, Inc. to provide a basis of design on the approach for fire protection / fire suppression controls for the automated parking garage behind City Hall.

ACTION: 1) Amend contract with LPA, Inc. to provide a basis of design on the approach for fire protection / fire suppression controls for the automated parking garage behind City Hall. Amend the current agreement to increase the "not-to-exceed" amount of \$298,000 by an additional \$29,692 or a total of \$327,692; and 2) Authorize the City Manager to sign the Amendment. **Approved as part of the Consent Calendar.**

2.I. CIVIC ART, 25TH ANNIVERSARY CAPITAL PROJECT - CITY HALL PARKING STRUCTURE [O. DELGADO, J. HUFFER, A. CAMPBELL]:

The City Council will consider approving the art selection process for civic (public) art in relation to the City Hall Parking Structure 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.J. CO-SPONSORSHIP OF THE LESBIAN, GAY, BI-SEXUAL AND TRANSGENDER ARCHIVES, LIBRARIES, MUSEUMS, AND SPECIAL COLLECTIONS (ALMS) INTERNATIONAL CONFERENCE, MAY 12-15, 2011 IN WEST HOLLYWOOD [J. HEILMAN, F. SOLOMON]:

The City Council will consider co-sponsoring the International Conference of the LGBT Archives, Libraries, Museums, and Special Collections (ALMS) May 12-15, 2011 in West Hollywood.

ACTION: 1) Approve City co-sponsorship of the ALMS Conference and the use of the City's name and logo on printed materials for the event; and 2) Approve waiver of rental fees at Plummer Park. **Approved as part of the Consent Calendar.**

2.K. CO-SPONSORSHIP OF THE CALIFORNIA WOMEN'S STATE APPOINTMENT PROJECT [A. LAND, C. PLANCK, L. HORVATH, I. PINE, R. MARTINEZ]:

The City Council will consider co-sponsoring the California Women's State Appointment Project.

ACTION: 1) Approve the City's co-sponsorship of the California Women's State Appointment Project; 2) Direct the City's Public Information and other appropriate staff to promote and disseminate this information throughout the community; and 3) Direct staff to send signed copies of the adopted resolution to California Women Lead, National Women's Political Caucus of California, California Commission on the Status of Women,

Hispanas Organized for Political Equality (HOPE), Leadership California, and Black Women Organized for Political Action. **Approved as part of the Consent Calendar.**

2.L. LEAVE OF ABSENCE FROM THE WOMEN'S ADVISORY BOARD [T. WEST, C. SCHAFFER]:

The City Council will consider granting a leave of absence for Women's Advisory Board Member Wendy Goldman.

ACTION: Grant a leave of absence for Wendy Goldman from the Women's Advisory Board until November 2010. **Approved as part of the Consent Calendar.**

2.M. MONTHLY PARKING RATES FOR PROPERTY LOCATED AT 8459 SUNSET BOULEVARD [D. NORTE, J. ROCCO, O. DELGADO]:

The City Council will consider adopting a resolution instituting monthly parking rates for the City surface lot known as Municipal Parking Lot #7 located at 8459 Sunset Boulevard.

ACTION: Adopt Resolution No. 10-4076, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE MASTER FEE RESOLUTION (RESOLUTION 10-4046) BY ADDING MONTHLY PARKING RATES FOR MUNICIPAL PARKING LOT #7-QUEENS LOT LOCATED AT 8459 SUNSET BOULEVARD". **Approved as part of the Consent Calendar.**

2.N. SITE APPROVAL FOR INSTALLATION OF TWO SCULPTURES BY ARTIST PETER SHIRE [J. HUFFER, A. CAMPBELL]:

The Council will consider approving the site proposed for installation of two sculptures by artist Peter Shire.

ACTION: Approve the location, on the Santa Monica Boulevard median, between Knoll and Westmount Drives, proposed for installation of two sculptures by artist Peter Shire. **Approved as part of the Consent Calendar.**

2.O. SUPPORT OF THE EQUAL RIGHTS AMENDMENT [L. HORVATH, I. PINE, A. LAND, C. PLANCK]:

The City Council will consider adopting a resolution in support of the Equal Rights Amendment.

ACTION: 1) Adopt Resolution No. 10-4077, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE EQUAL RIGHTS AMENDMENT"; and 2) Direct staff to send copies of the adopted resolutions to U.S. Congresswoman Carolyn Maloney, Congresswoman Judy Biggert, Congressman Henry Waxman, Congresswoman Judy Chu, Congresswoman Tammy Baldwin, Congresswoman Sheila Jackson, U.S. Senator Barbara Boxer, U.S. Senator Dianne Feinstein, U.S. Senator Amy Klobuchar, Attorney Gloria Allred, Terry O'Neill, President of the National Organization for Women, Lulu Flores, President of the National Women's Political Caucus, Zoe

Nicholson, Founder – ERA Once and For All, Kamela Lopez, Founder – Las Lopezistas, Valerie Buickerood, Acting Director of the Alice Paul Institute. **Approved as part of the Consent Calendar.**

2.P. SUPPORT OF H. RES. 1431 – CALLING FOR AN END TO THE VIOLENCE, UNLAWFUL ARRESTS, TORTURE AND ILL TREATMENT PERPETRATED AGAINST IRANIAN CITIZENS, AS WELL AS THE UNCONDITIONAL RELEASE OF ALL POLITICAL PRISONERS IN IRAN [L. HORVATH, I. PINE]:

The City Council will consider adopting a resolution in support of H. Res. 1431 - calling for an end to the violence, unlawful arrests, torture and ill treatment perpetrated against Iranian citizens, as well as the unconditional release of all political prisoners in Iran.

ACTION: 1) Adopt Resolution No. 10-4078, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF H. RES. 1431 - CALLING FOR AN END TO THE VIOLENCE, UNLAWFUL ARRESTS, TORTURE AND ILL TREATMENT PERPETRATED AGAINST IRANIAN CITIZENS, AS WELL AS THE UNCONDITIONAL RELEASE OF ALL POLITICAL PRISONERS IN IRAN”, and 2) Direct staff to send copies of the adopted resolution to Secretary of State Hillary Rodham Clinton, Congressman Bob Filner, Congresswoman Sheila Jackson Lee, Congressman Dana Rohrabacher, Congressman Howard Berman, Congressman Henry Waxman, Nassir Sharif, President of the California Society for Democracy in Iran and the office of the City’s federal lobbyist. **Approved as part of the Consent Calendar.**

2.Q. (4.A.) SOCIAL SERVICES PROGRAM RECOMMENDATIONS 2010-2013 [S. BAXTER, D. DENNIS, D. GIUGNI]:

The City Council will consider staff and Human Services Commission recommendations for Social Services programs for the October 1, 2010-September 30, 2013 funding period.

ACTION: Approve funding for social services programs as indicated on the attached chart, approve the social services contract attached, and authorize the City Manager to sign. **Approved as part of the Consent Calendar with Mayor Pro Tempore Duran ABSTAINING on funding for AIDS Project Los Angeles and Councilmember Land ABSTAINING on funding for the Saban Free Clinic.**

3. PUBLIC HEARINGS:

3.A. A REQUEST TO CONSTRUCT A MIXED-USE HOTEL PROJECT INCLUDING A HEIGHT VARIANCE AND AMENDMENTS TO THE GENERAL PLAN AND ZONING MAP (8418-8432 SUNSET BOULEVARD) [A. MCINTOSH, J. KEHO, D. 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, 5 affordable housing units and 35,456 square feet of

commercial and entertainment space. On June 21, 2010 the City Council continued the item to the meeting of July 19, 2010. At the July 19, 2010 meeting the Council continued the public hearing to the August 16, 2010 meeting. At the August 16, 2010 meeting the Council continued the public hearing to the September 7, 2010 meeting.

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

John Keho, Planning Manager; David DeGrazia, Senior Planner; and Lisa Belsanti, Senior Management Analyst, provided background information as outlined in the staff report dated September 7, 2010.

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

MARIANNE LOWENTHAL AND JEFFREY HABER, ON BEHALF OF THE APPLICANTS, spoke in support of the project and provided clarification of the points of disagreement in the Development Agreement between the City and the applicant.

Mayor Heilman requested clarification regarding the possibility of a future state of federal tax on the Digital Media Display.

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

JOAN HENEHAN, PRESIDENT OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of the project.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding affordable housing and traffic issues associated with the project.

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

SANDI MARGOLIS, WEST HOLLYWOOD, spoke in opposition to the project and spoke regarding traffic issues associated with the project.

DONALD ELMBLAD, WEST HOLLYWOOD, expressed concerns regarding traffic safety issues associated with the Digital Media Display in the project. He spoke in support of including plans for large vehicle parking in the project.

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

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

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

BOE TRUMBULL, WEST HOLLYWOOD, spoke in support of the project.

FAITH CHELTENHAM, WEST HOLLYWOOD, spoke in support of the project.

EUGENE LEVIN, WEST HOLLYWOOD, spoke in support of the project.

NAUM TURETSKIY, LOS ANGELES, spoke in support of the project.

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

JEFFREY HOBGOOD, WEST HOLLYWOOD, spoke in support of the project.

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

MARGOT SIEGEL, WEST HOLLYWOOD, spoke in support of the project.

JEANNE DOBRIN, WEST HOLLYWOOD, expressed concerns regarding the lease for the current House of Blues location. She expressed concerns regarding the Digital Media Display in the project.

STEVE MARTIN, WEST HOLLYWOOD, expressed concerns regarding the increase of the amount of billboards in proposed projects on Sunset Boulevard.

MARIANNE LOWENTHAL AND JEFFREY HABER, ON BEHALF OF THE APPLICANTS, provided rebuttal.

Mayor Pro Tempore Duran requested clarification from the applicant regarding the financing issues for the project, particularly in regards to the points of disagreement in the Development Agreement between the City and the applicant.

Councilmember Horvath requested clarification from the applicant regarding the projected timeline for completion of the project.

Councilmember Land requested clarification from the applicant regarding the lease for the current vendor, LiveNation, for the current House of Blues site.

Mayor Heilman requested clarification from staff regarding construction mitigation requirements in the proposed project.

The Council spoke in support of the project design, structure and masses, and type of uses in the project. They spoke in support of the E.I.R.

Councilmember Horvath requested clarification regarding the number of apartments currently located on the project site, and requested clarification regarding whether the units currently located on the site are eligible for listing on the state historic property registry. She requested clarification regarding the borders of the Parking Overlay Zone in the project.

Councilmember Land expressed concerns regarding the Digital Media Display signage in the project, particularly in respect to long-term impact and public and traffic safety. She spoke regarding the difficulty in obtaining financing for projects, even projects that have tall wall and billboard approvals in their design. She expressed concerns regarding the time-frame of the City Manager's decision to make changes to the Digital Media Display if there are negative impacts on the community, and the time-frame for appealing the City Manager's decision to the City Council.

Councilmember Prang expressed concerns regarding the Digital Media Display signing in the project, particularly in terms of the scale and size. He spoke in support of the innovation and creativity of the proposed signage, but spoke in support of monitoring the impacts of the signage in this project after it is built.

Mayor Pro Tempore Duran spoke in support of the potential financial benefits to the City for signage on the Sunset Strip. He spoke in support of the Digital Media Display signage in the project.

Mayor Heilman spoke in support of the architectural design of the project, and the integration of the Digital Media Display in the design.

Councilmember Horvath spoke in support of the architectural design of the project, and the integration of the Digital Media Display in the design.

Councilmember Land spoke in support of including additional language to protect the community if the current owner of the House of Blues leaves and a new vendor leases the space prior to the building of the project.

Councilmember Horvath expressed concerns regarding the loss of the 25 currently existing affordable housing units at the site. She expressed concerns regarding the cultural impacts of the possible loss of the House of Blues at the project site.

City Attorney Jenkins provided clarification regarding the time-frame of the City Manager's decision to make changes to the Digital Media Display if

there are negative impacts on the community, and the time-frame for appealing the City Manager's decision to the City Council. He recommended adding language to limit the time-frame for filing an appeal to 10 days.

City Manager Arevalo and the Consultants provided clarification regarding the points of disagreement in the Development Agreement between the City and the applicant.

City Manager Arevalo provided clarification regarding the applicant's request to eliminate both the minimum payment and revenue sharing breakpoint payments if ever a tax on tall walls and billboards were to be imposed in the City. He spoke regarding the improbability of the City enforcing a tax on billboards or tall walls in the City.

The Consultants provided clarification regarding the elimination of language that would allow for the transfer of ownership of the Digital Media Display to any third party.

Mayor Pro Tempore Duran requested clarification regarding other methods to control the conditions of the sign if the ownership is transferred to a third party. He spoke regarding the need to protect the branding of the building and the Digital Media Display as a whole.

Councilmember Land expressed concerns regarding the ability to allow the transfer of ownership of the Digital Media Display to a third party. She spoke regarding the need to protect the branding of the building and the Digital Media Display as a whole.

Councilmember Prang expressed concerns regarding the ability to allow the transfer of ownership of the Digital Media Display to a third party.

Councilmember Horvath expressed concerns regarding imposing additional restrictions on the content of the sign to allow the owner to transfer ownership of the Digital Media Display to a third party. She spoke in support of eliminating the language that would allow for the transfer of ownership to any third party.

City Manager Arevalo provided clarification of the applicant's request for Digital Media Display Sign Payments that would provide for annual inflation ("CPI") adjustments to the breakpoints against which the City's share of gross revenue is calculated.

Mayor Heilman spoke in opposition to adjusting the breakpoints to provide for CPI adjustments.

Councilmember Prang spoke in support of adjusting the breakpoints to provide for CPI adjustments.

Mayor Pro Tempore Duran spoke in support of adjusting the breakpoints to provide for CPI adjustments.

Councilmember Land spoke in opposition to adjusting the breakpoints to provide for CPI adjustments.

Councilmember Horvath spoke in opposition to adjusting the breakpoints to provide for CPI adjustments.

Councilmember Land spoke in support of the project, but stated her opposition to the approval of the Digital Media Display.

Mayor Heilman closed the public hearing.

ACTION: Hold a public hearing, consider all pertinent testimony, approve the application request and adopt: 1) Resolution No. 10-4079, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CERTIFYING THE FINAL EIR, ADOPTING A MITIGATION MONITORING PROGRAM, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONJUNCTION WITH THE PROPOSED MIXED-USE DEVELOPMENT LOCATED AT 8418-8432 SUNSET BOULEVARD, 8477-8481 DE LONGPRE AVENUE, 1326 OLIVE DRIVE, AND 1310 OLIVE DRIVE, WEST HOLLYWOOD, CALIFORNIA" (ATTACHMENT A); 2) Resolution No. 10-4080, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING GENERAL PLAN AMENDMENT 2010-001 IN CONJUNCTION WITH THE PROPOSED MIXED USE HOTEL DEVELOPMENT LOCATED AT 8418-8432 SUNSET BOULEVARD, 8477-8481 DE LONGPRE AVENUE, 1326 OLIVE DRIVE, AND 1310 OLIVE DRIVE, WEST HOLLYWOOD, CALIFORNIA" (ATTACHMENT B); 3) Introduce on first reading Ordinance No. 10-854, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING ZONING MAP AMENDMENT 2010-001 IN CONJUNCTION WITH THE PROPOSED MIXED USE HOTEL DEVELOPMENT LOCATED AT 8418-8432 SUNSET BOULEVARD, 8477-8481 DE LONGPRE AVENUE, 1326 NORTH OLIVE DRIVE, AND 1310 NORTH OLIVE DRIVE, WEST HOLLYWOOD, CALIFORNIA" (ATTACHMENT C); 4) Introduce on first reading Ordinance No. 10-855, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING ZONING MAP AMENDMENT 2010-002, IN CONJUNCTION WITH PROPOSED DEVELOPMENT AGREEMENT 2007-001 FOR THE PROPERTY LOCATED AT 8418-8432 SUNSET BOULEVARD, 8477-8481 DE LONGPRE AVENUE, 1326 OLIVE DRIVE, AND 1310 OLIVE DRIVE, WEST HOLLYWOOD, CALIFORNIA" (ATTACHMENT D); 5) Introduce

on first reading Ordinance No. 10-856, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING DEVELOPMENT AGREEMENT 2007-001 IN CONJUNCTION WITH THE PROPOSED MIXED-USE HOTEL DEVELOPMENT LOCATED AT 8418-8432 SUNSET BOULEVARD, 8477-8481 DE LONGPRE AVENUE, 1326 OLIVE DRIVE, AND 1310 OLIVE DRIVE, WEST HOLLYWOOD, CALIFORNIA" (ATTACHMENT E); 6) Resolution No. 10-4081, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING DEMOLITION PERMIT 2007-029, DEVELOPMENT PERMIT 2007-039, CONDITIONAL USE PERMIT 2007-004, VARIANCE 2007-005, SIGN PERMIT 2010-001 AND VESTING TENTATIVE TRACT MAP 2007-018 (MAJOR LAND DIVISION NO. 68727) FOR THE PROPOSED MIXED-USE HOTEL PROJECT AT 8418-8432 SUNSET BOULEVARD, 8477-8481 DE LONGPRE AVENUE, 1326 NORTH OLIVE DRIVE, AND 1310 NORTH OLIVE DRIVE, WEST HOLLYWOOD, CALIFORNIA." (ATTACHMENT F); with the following amendments: 1) Amend Section 4, Paragraph (d) of the Covenant and Agreement Regarding Sign Payments and Sign Operating Plan to read "A decision by the City Manager will be final unless appealed to the City Council within 10 days, that the City Manager's decision will not be stayed during the pendency of the appeal, and the City Council will consider the appeal in a noticed public hearing."; 2) Amend Section A.2. (second paragraph) to read, "...provided, however, that: (a) if the City imposes any tax and/or fees on the advertising on the DMD, such tax payments shall be credited against any revenue sharing payments hereunder, but in no event less than the minimum sign payment; and (b) because of the Minimum Sign Payments and the Revenue-Sharing Payments hereunder, the requirements of Municipal Code Section 19.34.080(H)5 shall not be applicable to the DMD"; 3) add additional language to Section 3.7.4.2 of the Development Agreement that reads, "Any new operator of live music/entertainment at the HOB venue shall be subject to the conditions of the existing Conditional Use Permit No. 92-10 or to such conditions as they may be modified by the City."; and 4) amend a portion of Section 3.7.4.2 of the Development Agreement to read, "This will include information pertaining to potential tenants or operators, potential improvements to the venue, and the nature of the operation ("Reactivation Plan")." **Motion by Councilmember Prang, seconded by Mayor Heilman and approved with Councilmember Horvath voting NO.**

3.B. 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: Close the public hearing and take no further action. **Carried by Consensus of the Council.**

4. UNFINISHED BUSINESS:

4.A. SOCIAL SERVICES PROGRAM RECOMMENDATIONS 2010-2013 [S. BAXTER, D. DENNIS, D. GIUGNI]:

The City Council will consider staff and Human Services Commission recommendations for Social Services programs for the October 1, 2010-September 30, 2013 funding period.

ACTION: This Item was moved to the Consent Calendar as Item 2.Q.

4.B. REPORT OF OUTDOOR SMOKING ORDINANCE TASK FORCE DELIBERATIONS [P. AREVALO, J. HUFFER, M. LOUIE]:

The City Council will receive a report on the deliberations of the Outdoor Smoking Ordinance Task Force and will provide direction to staff regarding the formation of an ordinance.

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

JOAN HENEHAN, PRESIDENT OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, expressed concerns regarding the size of the buffer zone in the proposed ordinance. She spoke in support of special exemptions for private clubs and businesses who have invested in smoking patio areas, as well as for hookah lounges.

KELLY HAMADI, PASADENA, spoke in support of a special exemption for hookah lounges.

BOE TRUMBULL, WEST HOLLYWOOD, spoke in support of the proposed ordinance and thanked the City for the process in deliberating the issues.

JANICE CHOW-NG, HACIENDA HEIGHTS, spoke in support of the proposed ordinance.

STEVEN GALLEGOS, CHAIR OF THE COALITION FOR A TOBACCO FREE LOS ANGELES COUNTY, spoke in support of the proposed ordinance.

DAVID CODELL, WEST HOLLYWOOD, spoke in support of the proposed ordinance.

DERRICK SHORE, WEST HOLLYWOOD, spoke in support of the proposed ordinance.

JIM KEY, LOS ANGELES, spoke in support of the proposed ordinance.

JOSEPH CLAPSADDLE, WEST HOLLYWOOD, spoke in opposition to the proposed ordinance.

BRAD TORGAN, WEST HOLLYWOOD, spoke in opposition to the proposed ordinance.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the proposed ordinance.

Mayor Pro Tempore Duran spoke regarding the difference between smoking in restaurants and bars. He spoke in opposition to including private clubs in the ordinance. He spoke in support of working with restaurants to create physically separated outdoor areas for smokers and non-smokers.

Councilmember Land, Councilmember Prang, and Mayor Heilman spoke in support of including restaurants in private clubs and restaurants in hotels in the ordinance.

Mayor Heilman spoke in support of a buffer zone applied to outdoor areas. Mayor Pro Tempore Duran expressed concerns regarding moving smokers onto the public sidewalks. Councilmember Horvath spoke in support of a 5 foot buffer zone. Councilmember Land and Mayor Heilman spoke in support of a buffer zone, but requested more information from staff regarding the appropriate distance.

Councilmember Prang and Councilmember Land spoke in support of receiving additional information and statistics regarding an exemption for businesses that have invested in their properties in order to meet existing designated smoking area requirements. Mayor Pro Tempore Duran spoke regarding nightclubs that specifically created outdoor spaces to provide for places for patrons to smoke. Mayor Heilman spoke in opposition to this exemption.

Councilmember Land spoke in support of exempting bars and nightclubs in the ordinance in an attempt to mirror the Los Angeles ordinance to avoid confusion for patrons who frequent clubs and bars in both cities. She spoke in support of creating incentives for bars and nightclubs to create smoke-free outdoor spaces. Mayor Pro Tempore Duran spoke in support of exempting bars and nightclubs, but expressed concerns about where smokers will be re-located. Councilmember Prang and Councilmember Horvath spoke in support of exempting bars and nightclubs to move the ordinance forward. Mayor Heilman spoke in opposition to exempting bars and nightclubs.

Mayor Pro Tempore Duran spoke in support of exempting hookah cafes/bars in the ordinance. Councilmember Land, Councilmember Horvath, and Mayor Heilman spoke in support of exempting the existing hookah/bars in the City, but restricting the number of these types of businesses to the ones that are currently in operation.

Councilmember Land spoke in opposition to an exemption for outdoor patio areas/common open spaces at hotels. Councilmember Horvath spoke regarding the service of food in most outdoor pool areas at hotels and the need to treat them the same as restaurants. Councilmember Prang spoke in support of the possibility of creating a separate area for smokers in these areas. The Council requested staff to return back with more information about how other cities have addressed this issue.

Councilmember Prang spoke in support of adopting the ordinance to coincide with the Los Angeles ordinance if it is ready. Councilmember Land spoke regarding the importance of the public education regarding the ordinance. Councilmember Land spoke in support of attempting to introduce the first phase to coincide with the Los Angeles ordinance to collaborate with their education efforts. Mayor Pro Tempore Duran spoke regarding enforcement issues and the differences in enforcement for different cities.

Mayor Pro Tempore Duran spoke in support of including a harm reduction model to education the public regarding smoking cessation.

ACTION: 1) Receive and file summary of Task Force deliberations; and 2) Discuss and provide staff with direction toward the formation of a draft ordinance and next steps. **Carried by Consensus of the Council.**

5. NEW BUSINESS:

5.A. COMMISSION AND ADVISORY BOARD APPOINTMENTS [T. WEST, C. SCHAFFER]:

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

ACTION: The City Council made the following at-large appointments: 1) Women's Advisory Board – Arlene Krantz and Kristin Slawosky.

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT: None.

6. LEGISLATIVE:

6.A. None.

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 12:04 A.M. in memory of Eugene Shiff, Bruce Ackerman, Eva R. Long, Robert Roudebush, Edna Garren, Rae Scott, 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, September 20, 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 20th day of September, 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