

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, NOVEMBER 15, 2010
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

CALL TO ORDER: Mayor Heilman called the meeting to order at 6:34 P.M.

PLEDGE OF ALLEGIANCE: Fred Vanacore 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 no public speakers. He stated that the closed session adjourned at 6:30 P.M. with no reportable action taken.

APPROVAL OF AGENDA:

Councilmember Prang requested that Items 2.J. and 2.T. be moved to the Excluded Consent Calendar.

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

Carried by Consensus of the Council to approve the November 15, 2010 agenda as amended, and unanimously approved.

ADJOURNMENT MOTIONS:

Councilmember Land requested that the meeting be adjourned in memory of Noel Taylor, a long-time resident and costume designer. She requested that the meeting be adjourned in memory of Brandon Bitner, an LGBT teen who recently committed suicide.

Councilmember Horvath requested that the meeting be adjourned in memory of Lauren Ann Freedman, who was recently killed in the City. She requested that the meeting be adjourned in memory of Clyde Summers, a long-time union leader and activist.

Mayor Pro Tempore Duran requested that the meeting be adjourned in memory of Noel Taylor, long-time resident and costume designer. 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: Senior Airman Andrew S. Bubacz, Cpl. Shawn D. Fannin,

Lance Cpl. James B. Stack, Lance Cpl. Dakota R. Huse, 2nd Lt. Robert Michael Kelly, Spc. Anthony Vargas, Spc. Andrew Lewis Hutchins, Spc. Dale Justin Kridlo, Sgt. Aaron Brett Cruttenden, Lance Cpl. Randy Rashad Braggs, Pfc. Shane Michael Reifert, Spc. Blake Daniel Whipple, Sgt. Michael Francis Paranzino, Staff Sgt. Jordan Blake Emrick, Sgt. Jason James McCluskey, Lance Cpl. Matthew J. Broehm, Lance Cpl. Brandon William Pearson, Sgt. 1st Class Todd Monroe Harris, Cpl. James Chad Young, 1st Lt. James Russell Zimmerman, Spc. Jonathan Michael Curtis, Pfc. Andrew Nimr Mahmoud Meari.

PRESENTATIONS:

Councilmember Land announced an upcoming presentation of a proclamation in recognition of California Homeless Youth Month.

Councilmember Land presented a proclamation to the youth theatre group SHINE.

Councilmember Horvath presented a commendation to Michael Dean Shelton in recognition of his philanthropic efforts.

Mayor Heilman presented a proclamation in recognition of National Family Caregivers Month.

Mayor Heilman presented a proclamation in recognition of the 30th anniversary of Asian Pacific Gays and Friends.

1. PUBLIC COMMENT:

BARRY GROVEMAN, THE MAYOR OF CALABASAS, spoke regarding Item 4.A. and provided clarification of the smoking ordinance in effect in Calabasas.

RJ MOLLIGAN, MARINA DEL REY, spoke in support of Item 2.Q.

SHELLEY ARMISTAD, SANTA MONICA, spoke regarding Item 4.A. and spoke in support of a designated smoking area at the Soho House in West Hollywood.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the costs associated with Item 2.K.

COUNCILMEMBER COMMENTS:

Councilmember Land spoke regarding her recent attendance at the Memory Walk to raise funds for Alzheimer's research and in support of National Caregiver Month. She thanked everyone who organized and participated in the recent Veterans Day event in the City. She thanked the West Hollywood Chamber of Commerce for organizing their recent awards event. She spoke regarding the upcoming clothing giveaway event sponsored by the National Council of Jewish Women Los Angeles. She spoke regarding her recent attendance at a fundraising event sponsored by Project Angel

Food at the Pavilion's grocery store in the City. She spoke regarding the ongoing "Weho@25" art exhibit. She thanked everyone who organized and participated in the recent E-waste and document shredding event in the City.

Councilmember Prang requested clarification from the City Manager regarding the funding for Item 2.K. He congratulated the Public Works Division for receiving two 2010 B.E.S.T. Project of the Year Awards from the American Public Works Association, for the Robot Sewer Inspection Project and the Sunset Strip Beautification Project.

Councilmember Horvath congratulated the Public Works Division for receiving two 2010 B.E.S.T. Project of the Year Awards from the American Public Works Association, for the Robot Sewer Inspection Project and the Sunset Strip Beautification Project. She spoke regarding her recent attendance at the screening of, "March On," a documentary of the National Equality March in D.C. She thanked everyone who organized and participated in the recent E-waste and document shredding event in the City. She thanked the West Hollywood Recovery Center for organizing their recent forum on crystal meth and AIDS. She spoke regarding the upcoming annual Pre-Thanksgiving dinner event at Plummer Park for LGBT youth.

Mayor Heilman spoke regarding the upcoming Transgender Day of Remembrance in the City. He spoke regarding the upcoming World AIDS Day events in the City. He spoke regarding the upcoming Martin Luther King events in the City and encouraged residents to submit nominations for the "Keeper of the Dream" Award.

CITY MANAGER'S REPORT:

City Manager Arevalo provided clarification of the funding sources for Item 2.K.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$233,801.00 in expenditures and \$-5,900.00 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar as amended, 2.A.,B.,C.,D.,E.,F.,H.,I.,K.,L.,M.,N.,O.,P.,Q.,R.,S.,U. **Motion by Mayor Pro Tempore Duran, seconded by Councilmember Land and unanimously approved with Items 2.G., 2.J. and 2.T. being moved to the Excluded Consent Calendar.**

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, November 15, 2010 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Wednesday, November 10, 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 October 25 and November 1, 2010.
Approved as part of the Consent Calendar.

2.C. DEMAND REGISTER NO. 662, RESOLUTION NO. 10-4101:

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

ACTION: Approve Demand Register No. 662 and adopt Resolution No. 10-4101 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 662." **Approved as part of the Consent Calendar.**

2.D. CLAIMS ADMINISTRATION:

The City Council is asked to deny Claims filed against the City, as a routine administrative step in claims processing.

ACTION: Deny the claim of Andre Gergelyi and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.E. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

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

2.F. ATTENDANCE REPORTS FOR CITY COMMISSIONS, ADVISORY BOARDS, AND THE PROJECT ADVISORY COMMITTEE [T. WEST, C. SCHAFFER]:

The City Council will receive the attendance reports for City Commission and Advisory Board meetings convened between August 2009 - August 2010. The Council will also consider excusing absences of a commissioner due to professional reasons.

ACTION: 1) Receive and file the attendance reports; and 2) Excuse absences, due to professional reasons, for: Brian Pendleton (Transportation Commission). **Approved as part of the Consent Calendar.**

2.G. LEGISLATIVE PRIORITIES 2011-2012 [V. LOVE, K. KRIETZMAN]:

The Council will consider approving the City of West Hollywood's draft Priority Issues for legislative focus in the 2011-2012 State legislative session.

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

2.H. DEPARTMENT OF PUBLIC WORKS PARKING VIOLATION FEE SCHEDULE [O. DELGADO, J. ROCCO, D. NORTE]:

The City Council will consider amending the fine amounts for parking violations as mandated by SB 857.

ACTION: Adopt Resolution No. 10-4102, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING SECTION 8 OF RESOLUTION NO. 10-4046 ESTABLISHING FEES AND CHARGES FOR CERTAIN SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS PARKING VIOLATIONS SCHEDULE TO COMPLY WITH THE PROVISIONS OF SB 857". **Approved as part of the Consent Calendar.**

2.I. AGREEMENT WITH KOA CORPORATION TO PROVIDE DESIGN AND CONSTRUCTION MANAGEMENT SERVICES [O. DELGADO, J. ROCCO]:

The City Council will consider approving an agreement with KOA Corporation to provide the design and construction management for the City operated parking lot located at 9056 Sunset Boulevard.

ACTION: 1) Approve an agreement with KOA Corporation to provide the design and construction management for the City operated parking lot located at 9056 Sunset Boulevard in an amount "not-to-exceed" \$50,000; 2) Authorize the City Manager to sign the agreement; and 3) Authorize the Director of Finance and Technology to allocate \$50,000 from unobligated reserves in the Parking Improvement Fund to account 213-3-08-82-531005. **Approved as part of the Consent Calendar.**

2.J. AGREEMENT WITH HOLLYWOOD TOW SERVICE, INC. TO PROVIDE VEHICLE TOWING AND STORAGE SERVICES [O. DELGADO, J. ROCCO, D. NORTE]:

The City Council will consider an agreement with Hollywood Tow Service, Inc. to provide vehicle towing and storage services.

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

2.K. AWARD OF CONTRACT, THE SAL GUARRIELLO VETERANS' MEMORIAL FOUNTAIN PROJECT, C.I.P. 55-10/11-01 [S. BAXTER, S. CAMPBELL, H. COLLINS]:

The City Council will consider awarding a contract for the construction of the Sal Guarriello Veterans' Memorial Fountain Project, C.I.P. 55-10/11-01.

ACTION: 1) Accept the bid dated October 26, 2010, in the amount of \$246, 650 as submitted by Vido Samarzich, Inc. of Alta Loma, California for the Sal Guarriello Veterans' Memorial Fountain Project, C.I.P. 55-10/11-01; 2) Authorize the City Manager to sign an Agreement with Vido Samarzich, Inc., in the amount of \$246,650 for the construction of the Sal Guarriello Veterans' Memorial Fountain Project, C.I.P. 55-10/11-01; 3) Authorize the Director of Human Services, or his designee, to negotiate and execute one or more change orders to the contract with Vido Samarzich, Inc., for additional unforeseen work which may develop during the project, the total value of which shall not exceed a project contingency

of 15%; and 4) Reject all other bids and return associated Bid Bonds.
Approved as part of the Consent Calendar.

2.L. FIRST CONTRACT AMENDMENT FOR SOCIAL VOCATIONAL SERVICES [S. BAXTER, S. CAMPBELL, H. COLLINS]:

The City Council will consider awarding an amendment to the Agreement with Social Vocational Services, for personnel leasing services.

ACTION: 1) Approve the First Amendment to Agreement with Social Vocational Services for personnel leasing services to extend the contract expiration date to June 30, 2011; 2) Approve the First Amendment to Agreement with Social Vocational Services for personnel leasing services and increase the contract, by a not to exceed amount of \$80,801; 3) Approve the First Amendment to the Agreement with Social Vocational Services for personnel leasing services to amend the Exhibit A1 to include two additional crews; and 4) Authorize the City Manager to execute the First Amendment to Agreement. **Approved as part of the Consent Calendar.**

2.M. 25th ANNIVERSARY CAPITAL PROJECT – SECOND AMENDMENT TO AGREEMENT FOR SERVICES WITH TWINING LABORATORIES FOR INSPECTION SERVICES RELATED TO THE WEST HOLLYWOOD PARK PHASE 1 IMPLEMENTATION AND NEW LIBRARY PROJECT [J. ENGLISH, J. HUFFER, S. BAXTER]:

The City Council will consider approving an amendment to an agreement for services related to on-site inspections related to the West Hollywood Park Phase 1 Implementation and new Library Project increasing the contract amount by \$35,000 for Twining Laboratories.

ACTION: 1) Approve an amendment to an agreement for services with Twining Laboratories Inc. in an amount not to exceed \$35,000 for a new contract total of \$124,240 for roofing and waterproofing inspection services for the new West Hollywood Library project; and 2) Authorize the City Manager to execute the amendment and approve any minor modifications that may be required. **Approved as part of the Consent Calendar.**

2.N. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) FOUR BUSINESS-FRIENDLY PRINCIPLES [J. DURAN, H. MOLINA]:

The City Council will consider adopting a resolution in support of SCAG's four business-friendly principles.

ACTION: 1) Adopt Resolution 10-4103, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) FOUR BUSINESS-FRIENDLY PRINCIPLES; and 2) Direct staff to send copies of adopted resolutions to SCAG. **Approved as part of the Consent Calendar.**

2.O. WAIVE PERMIT FEES FOR THE THIRD ANNUAL AVENUES HOLIDAY WALK 2010 [P. AREVALO, J. HUFFER, M. LOUIE]:

The City Council will consider a recommendation to waive city-related event permit fees in The Avenues: Art, Fashion & Design District (The Avenues), the evening of Friday, December 10, and afternoon of Saturday, December 11, 2010 for the third annual Holiday Walk.

ACTION: 1) Waive all City fees associated with the Avenues Holiday Walk 2010; and 2) Direct the Public Information Office to promote the event utilizing city communication tools including but not limited to the City's website and social media tools. **Approved as part of the Consent Calendar.**

2.P. ARTS AND CULTURAL AFFAIRS COMMISSION 2011 ARTS GRANT PROGRAM ANNUAL AWARDS [J. HUFFER, A. CAMPBELL]:

The Council will consider the Arts and Cultural Affairs Commission recommendations to award annual Arts Grant Program grants to 13 arts organizations in accordance with guidelines previously adopted by City Council.

ACTION: Approve recommendations of the Arts and Cultural Affairs Commission to award 2011 annual Arts Grant Program grants and technical assistance totaling \$53,000 as outlined in Exhibit A. **Approved as part of the Consent Calendar.**

2.Q. CITY CO-SPONSORSHIP OF TAX AND ESTATE PLANNING FOR SAME-SEX COUPLES PROGRAM [J. HEILMAN, F. SOLOMON, E. BARRATT]:

The City Council will consider co-sponsoring the Tax and Estate Planning for Same-Sex Couples Program to be held on November 18, 2010 at Plummer Park.

ACTION: 1) Approve the City of West Hollywood's co-sponsorship of the "Tax and Estate Planning for Same-Sex Couples" Program with the Williams Institute and other organizational co-hosts. Approve use of the City's name and logo on printed materials advertising the event; 2) Approve the use of Plummer Park by the Williams Institute and the UCLA School of Law on Thursday, November 18, 2010 from 6:00 pm-8:00 pm and waive all fees associated with the event; and 3) Direct staff to assist with the coordination and promotion of the event. **Approved as part of the Consent Calendar.**

2.R. TOY BOX HOLIDAY CHARITY FUNDRAISER SPONSORSHIP [J. PRANG, M. HAIBACH, A. LAND, C. PLANCK]:

The City Council will consider co-sponsorship of the 15th Annual Toy Box Party, hosted by Frontiers IN LA, Micky's, East West Lounge, District Grill & Eleven Nightclub, and Trunks. Toys will be distributed for free to families affected by HIV/AIDS. This is the 15th annual event and the fourth in a row held in the heart of West Hollywood, on Sunday, December 12, 2010.

ACTION: Authorize co-sponsorship of the Toy Box Party, which includes: 1) Authorize the use and closure of Larrabee Street between Santa Monica Boulevard and Cynthia Street between 12 p.m. – 9 p.m. Sunday, December 12th as outlined in Exhibit A for the 2010 Toy Box Party; and 2) Authorize the waiver of all applicable City of West Hollywood Special Event Permit and Encroachment Fees, and additionally direct City Recreation Services Staff to coordinate street closure, event set up and tear down with event organizers. **Approved as part of the Consent Calendar.**

2.S. SUPPORT OF S. RES 664 AND H. RES 1670: CONGRESSIONAL RESOLUTIONS IN OPPOSITION TO SOCIAL SECURITY CUTS [C. PLANCK, L. FOOKS, P. KOEHLER]:

The City Council will consider adopting a resolution in support of S. RES 664 and H. RES 1670, regarding the Social Security Act.”

ACTION: 1) Adopt Resolution No. 10-4104, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF S. RES 664 AND H. RES 1670: CONGRESSIONAL RESOLUTIONS IN OPPOSITION TO SOCIAL SECURITY CUTS”; and 2) Direct staff to send copies of the signed resolution to US Senator Bernie Sanders, US Senator Barbara Boxer, US Senator Diane Feinstein, Rep. Gabrielle Giffords, Rep. Henry Waxman, and the National Organization for Women. **Approved as part of the Consent Calendar.**

2.T. APPROVE CONTRACT WITH GOVPARTNER TO PROVIDE CODE COMPLIANCE, WORK ORDER AND CUSTOMER RELATIONSHIP MANAGEMENT SERVICES AND IMPLEMENTATION [V. LOVE, O. DELGADO]:

The City Council will consider approving a contract with GovPartner to provide Code Compliance, Work Order and Customer Relationship Management Services and implementation.

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

2.U. BICYCLE TASK FORCE UPDATE [P. AREVALO, A. McINTOSH]:

The City Council will receive and file an update on the Bicycle Task Force. As directed by the City Council on July 19, 2010, the staff report includes a list of recommended appointees to the Bicycle Task Force and a preliminary scope of work and schedule.

ACTION: 1) Approve the City Manager’s list of recommended appointees to the Bicycle Task Force; and 2) Approve the preliminary scope of work and timeline. **Approved as part of the Consent Calendar.**

THE CITY COUNCIL RECESSED AND RECONVENED AS THE COMMUNITY DEVELOPMENT COMMISSION: 7:26 P.M.

The Community Development Commission approved the minutes from the October 18, 2010 meeting, and approved a financing commitment letter to

support Alternative Living for the Aging to develop an affordable housing project at 937 N. Fairfax Avenue. The actions are more fully described in the West Hollywood Community Development Commission minutes.

THE COMMUNITY DEVELOPMENT COMMISSION RECESSED AND RECONVENED AS THE CITY COUNCIL: 7:29 P.M.

3. PUBLIC HEARINGS:

3.A. PROPOSED HEARING SCHEDULE FOR COMPREHENSIVE GENERAL PLAN UPDATE, CLIMATE ACTION PLAN, AND FINAL ENVIRONMENTAL IMPACT REPORT [A. MCINTOSH, J. KEHO, B. SIEGL, C. CORRAO]:

The City Council will review a proposed hearing schedule regarding the Draft West Hollywood General Plan 2035, Draft Climate Action Plan, and Final Environmental Impact Report (FEIR).

Anne McIntosh, Community Development Director, provided background information as outlined in the staff report dated November 15, 2010.

Councilmember Horvath spoke in support of hearing the more controversial issues of the General Plan revision after the discussion of the issues that already have more general consensus.

Councilmember Prang spoke in support of breaking up the discussion of the more controversial issues of the General Plan revision and hearing the issues at separate meetings.

Mayor Heilman and Mayor Pro Tempore Duran spoke in support of resolving the controversial issues of the General Plan revision as soon as possible.

Councilmember Land spoke in support of staff presenting modeling to demonstrate the proposed changes, particularly regarding the proposed changes on Melrose Avenue.

ACTION: 1) Consider the proposed hearing schedule for Council review of the Draft General Plan, Draft Climate Action Plan, and Final Environmental Impact Report, with direction to staff to limit the meeting of December 6, 2010 to discussion of the Melrose Triangle and signage issues, and move the discussion of the Transit Overlay Zone to a meeting in January, 2011; 2) Continue the public hearing. **Carried by Consensus of the Council.**

4. UNFINISHED BUSINESS:

4.A. ORDINANCE AMENDING THE CITY OF WEST HOLLYWOOD MUNICIPAL CODE TO PROHIBIT SMOKING IN OUTDOOR DINING AND OTHER PUBLIC AREAS [P. AREVALO, J. HUFFER, M. LOUIE]:

The City Council will provide additional direction to staff regarding the formation of an ordinance.

Maribel Louie, Economic Development Analyst, provided background information as outlined in the staff report dated November 15, 2010.

SHEILA LIGHTFOOT, WEST HOLLYWOOD, spoke in opposition to an ordinance to prohibit smoking in outdoor dining and other public areas.

SCOTT SCHMIDT, WEST HOLLYWOOD, expressed concerns regarding the proposed ordinance to prohibit smoking in outdoor dining and other public areas.

JAMES FUHRMAN spoke in support of an ordinance to prohibit smoking in outdoor dining and other public areas.

JENNA ZABLOCKI, WEST HOLLYWOOD, spoke in opposition to an ordinance to prohibit smoking in outdoor dining and other public areas.

STEVEN GALLEGOS, GLENDALE, spoke in support of an ordinance to prohibit smoking in outdoor dining and other public areas.

LUCAS JOHN, WEST HOLLYWOOD, spoke in support of reaching a compromise regarding the proposed ordinance to prohibit smoking in outdoor dining and other public areas.

JEFF SEYMOUR, WESTLAKE VILLAGE, spoke in support of a designated smoking area at the Soho House in West Hollywood.

JIMMY CHEN, WEST HOLLYWOOD, spoke in opposition to an ordinance to prohibit smoking in outdoor dining and other public areas.

BOE TRUMBULL, WEST HOLLYWOOD, spoke in support of soliciting more citizen input regarding the proposed ordinance to prohibit smoking in outdoor dining and other public areas.

IRIS GONZALEZ, SANTA CLARITA, spoke in opposition to the exemptions for restaurants in the proposed ordinance to prohibit smoking in outdoor dining and other public areas.

MARK MORRIS, WEST HOLLYWOOD, spoke in opposition to an ordinance to prohibit smoking in outdoor dining and other public areas.

FREDERICK MINTCHELL, WEST HOLLYWOOD, spoke in opposition to an ordinance to prohibit smoking in outdoor dining and other public areas.

GENEVIEVE MORRILL, C.E.O. OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, expressed concerns regarding the impacts on businesses associated with the proposed ordinance to prohibit smoking in outdoor dining and other public areas.

DAVID CODELL, WEST HOLLYWOOD, spoke in opposition to designated smoking areas for restaurants.

RICHARD CHANG, TORRANCE, spoke in support of an ordinance to prohibit smoking in outdoor dining and other public areas.

TODD STEADMAN, EXECUTIVE DIRECTOR OF THE SUNSET STRIP BUSINESS ASSOCIATION, stated that the Sunset Strip Business Association is currently reviewing the proposed ordinance to prohibit smoking in outdoor dining and other public areas.

WENDY GOLDMAN, WEST HOLLYWOOD, spoke in support of an ordinance to prohibit smoking in outdoor dining and other public areas.

STATICE WILMORE, PASADENA, spoke regarding the outdoor smoking ordinance that is currently in effect in Pasadena.

JOSH KURPIES, WEST HOLLYWOOD, spoke in opposition to the proposed ordinance to prohibit smoking in outdoor dining and other public areas.

STEVE MARTIN, WEST HOLLYWOOD, spoke in opposition to an ordinance to prohibit smoking in outdoor dining and other public areas.

JASON BEERS, WEST HOLLYWOOD, spoke in opposition to an ordinance to prohibit smoking in outdoor dining and other public areas.

MICHAEL NIEMEYER, SEAL BEACH, spoke in opposition to an ordinance to prohibit smoking in outdoor dining and other public areas.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the exemptions for restaurants in the proposed ordinance to prohibit smoking in outdoor dining and other public areas.

JOSHUA FINE, WEST HOLLYWOOD, spoke in opposition to an ordinance to prohibit smoking in outdoor dining and other public areas.

JOE GRANISH, WEST HOLLYWOOD, spoke in opposition to an ordinance to prohibit smoking in outdoor dining and other public areas.

Mayor Heilman and Mayor Pro Tempore Duran requested clarification from staff regarding the exclusion of outdoor areas for bars and nightclubs in the proposed ordinance.

Councilmember Land requested clarification from staff regarding public comments surrounding Barney's Beanery, which is designated as a restaurant which contains a patio that does not serve food.

Councilmember Horvath requested clarification from staff regarding the efforts to develop incentives for businesses to choose to become smoke-free. She requested clarification regarding required signage for patrons to inform them whether an outdoor space is smoke-free under the proposed ordinance.

Mayor Heilman requested clarification regarding the enforcement of the City's previous ban on smoking inside bars and nightclubs.

Councilmember Land requested clarification regarding the timeframe for implementation of the proposed ordinance.

Mayor Pro Tempore Duran spoke in opposition to an ordinance to prohibit smoking in outdoor dining and other public areas. He spoke regarding the relocation of smokers associated with the proposed ordinance. He presented information regarding the implementation of the proposed ordinance, particularly buffer zones and restaurant exemptions, and their impacts on businesses and residents.

BUFFER ZONES DISCUSSION

Mayor Heilman spoke in support of creating language in the draft ordinance to allow for flexibility for the proposed five foot buffer zone around outdoor dining and service areas.

Mayor Heilman, Councilmember Land, Councilmember Prang, and Councilmember Horvath spoke in support of the staff recommendation of a five foot buffer zone around outdoor dining and service areas.

OUTDOOR PATIO AREAS AT HOTELS DISCUSSION

Mayor Pro Tempore Duran expressed concerns regarding a potential loss of business for West Hollywood hotels to the City of Los Angeles, which does not address smoking on outdoor patio and pool areas at hotels in their ordinance.

Councilmember Land spoke in support of allowing hotels to determine what works best for smoking areas at hotel swimming pools. Mayor

Heilman and Councilmember Horvath spoke in support of including hotels in outreach efforts to encourage smoke-free swimming pool areas.

DESIGNATED SMOKING AREAS IN OUTDOOR AREAS AT RESTAURANTS DISCUSSION

Mayor Pro Tempore Duran spoke regarding the need to address restaurants differently based on their needs regarding a designated separate smoking area for restaurants.

Councilmember Land and Mayor Heilman spoke in opposition to a separate designated smoking area for restaurants and spoke in support of a strict no-smoking policy for outdoor areas at restaurants.

Mayor Heilman and Councilmember Prang spoke in support of considering specific restrictions or exemptions for businesses which have separate, but adjacent areas that function separately as a restaurant and a bar.

Mayor Pro Tempore Duran spoke in support of exempting private clubs from the ordinance. Councilmember Land and Councilmember Prang expressed concerns regarding businesses applying to be private clubs to be exempt from the proposed ordinance.

Mayor Heilman and Councilmember Land spoke in opposition to exemptions for private clubs from the ordinance.

Mayor Pro Tempore Duran expressed concerns regarding enforcement issues of the proposed ordinance.

RESTAURANTS THAT MORPH INTO BAR OR NIGHTCLUB ACTIVITIES DISCUSSION

Mayor Heilman spoke in support of requiring businesses that morph from a restaurant into bar or nightclub activities to submit a smoking operations plan regarding smoking in outdoor areas.

Councilmember Horvath requested staff to return with a list of restaurants that morph from a restaurant into a bar or nightclub when staff returns with the proposed ordinance.

IMPLEMENTATION DISCUSSION

Councilmember Land spoke in support of implementing the education campaign regarding the effects of smoking along with the proposed ordinance. She spoke in support of the staff recommendation regarding the implementation timeline.

Mayor Heilman spoke in support of allowing businesses time to submit smoking operations plans prior to posting signs regarding smoking restrictions in outdoor areas. He spoke in support of the staff recommendation regarding the implementation timeline.

The City Council spoke in support of the staff recommendation regarding the enforcement of the proposed ordinance.

ACTION: 1) Provide staff with direction on remaining items for incorporation into the draft ordinance; 2) Schedule first reading of the ordinance for a future Council meeting; 3) Direct Public Information Office to work with Social Services and health service providers to develop an education campaign to inform the public of the dangers of smoking and resources in the community available to help them quit, including harm reduction models and return to the Council within 90 days with a plan and proposed budget; and 4) Direct Economic Development to work with the City's business partners to explore an incentive plan that would encourage businesses that are exempt from the ordinance to prohibit smoking in their establishments and report back to the City Council in 90 days after ordinance becomes effective. **Carried by Consensus of the Council.**

4.B. INITIATIVE MEASURE REGARDING A TAX ON OFF-SITE ADVERTISING AND ALLOWING TALL WALL ADVERTISING SIGNS TO BE PLACED ON BUILDINGS ON SANTA MONICA AND BEVERLY BOULEVARDS [T. WEST, C. SCHAFFER]:

The City Council will receive a report from the City Attorney regarding a proposed tax on off-site advertising and allowing tall wall advertising signs on Santa Monica and Beverly Boulevards, and will take one of the recommended actions provided in the report.

City Attorney Jenkins provided background information as outlined in the staff report dated November 15, 2010.

Councilmember Land requested clarification from the City Attorney regarding the determination of whether the ordinance would require either a majority or a two-thirds vote if the ordinance is placed on the ballot for the voters.

GENEVIEVE MORRILL, C.E.O. OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in opposition to the proposed initiative measure.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the proposed initiative measure.

STEVE MARTIN, WEST HOLLYWOOD, spoke in opposition to the proposed initiative measure.

RYAN BROOKS, SAN FRANCISCO, spoke in opposition to the proposed initiative measure.

Mayor Pro Tempore Duran spoke regarding the options provided by the California Elections Code regarding the placement of the initiative on the ballot.

Councilmember Land expressed concerns regarding the information provided to the public during the circulation of the initiative measure. She spoke regarding the legal issues surrounding the taxation of billboards. She expressed concerns regarding the allowance of tall walls on Beverly Boulevard and Santa Monica Boulevard. She spoke regarding the possible violation of the single subject law in association with the proposed initiative measure.

Councilmember Prang expressed concerns regarding the information provided to the public during the circulation of the initiative measure. He spoke regarding the possible violation of the single subject law in association with the proposed initiative measure. He expressed concerns regarding the allowance of tall walls on Beverly Boulevard and Santa Monica Boulevard. He spoke in opposition to placing the initiative on the ballot.

Councilmember Horvath spoke in support of placing the initiative on the ballot.

Mayor Heilman spoke in opposition to placing the initiative on the ballot. He spoke regarding the possible violation of the single subject law in association with the proposed initiative measure. He spoke regarding the proposed zoning changes in the initiative measure and their conflict with the General Plan.

ACTION: Receive the attached report from the City Attorney regarding a proposed tax on off-site advertising and allowing tall wall advertising signs on Santa Monica and Beverly Boulevards, and select the following recommended legal action provided in the report: 1) Refuse to place the initiative on the ballot. **Motion by Councilmember Prang, seconded by Councilmember Land and approved with Councilmember Horvath voting NO and Mayor Pro Tempore Duran ABSTAINING.**

5. NEW BUSINESS: None.

EXCLUDED CONSENT CALENDAR:

2.G. LEGISLATIVE PRIORITIES 2011-2012 [V. LOVE, K. KRIETZMAN]:

The Council will consider approving the City of West Hollywood's draft Priority Issues for legislative focus in the 2011-2012 State legislative session.

ACTION: This Item was TABLED.

2.J. AGREEMENT WITH HOLLYWOOD TOW SERVICE, INC. TO PROVIDE VEHICLE TOWING AND STORAGE SERVICES [O. DELGADO, J. ROCCO, D. NORTE]:

The City Council will consider an agreement with Hollywood Tow Service, Inc. to provide vehicle towing and storage services.

Jackie Rocco, Parking Operations Manager, provided background information as outlined in the staff report dated November 15, 2010.

STEVE MARTIN, WEST HOLLYWOOD, expressed concerns regarding switching from the City's current towing and storage services provider.

Councilmember Prang requested clarification from staff regarding the length of service of the City's current towing and storage services provider. He expressed concerns regarding switching from the City's current towing and storage services provider, particularly because they are a West Hollywood business.

Councilmember Horvath expressed concerns regarding the level of service provided by the City's current towing and storage services provider.

Councilmember Land spoke in support of the staff recommendation in the Item.

Mayor Heilman spoke in support of the staff recommendation in the Item.

ACTION: 1) Authorize staff to negotiate an agreement with Hollywood Tow Service to provide vehicle towing and storage services for a four and a half (4 ½) year term, beginning January 1, 2011 through June 30, 2015; and 2) Authorize the City Manager to sign the agreement. **Motion by Mayor Pro Tempore Duran, seconded by Councilmember Land and approved with Councilmember Prang voting NO.**

2.T. APPROVE CONTRACT WITH GOVPARTNER TO PROVIDE CODE COMPLIANCE, WORK ORDER AND CUSTOMER RELATIONSHIP MANAGEMENT SERVICES AND IMPLEMENTATION [V. LOVE, O. DELGADO]:

The City Council will consider approving a contract with GovPartner to provide Code Compliance, Work Order and Customer Relationship Management Services and implementation.

Oscar Delgado, Public Works Director, provided background information as outlined in the staff report dated November 15, 2010.

Councilmember Prang requested clarification regarding the specific services that will be provided by the proposed vendor.

ACTION: 1) Approve an agreement with GovPartner in an amount not to exceed \$95,000 for services and implementation; and 2) Authorize the City Manager to sign and execute all necessary documents. **Motion by Councilmember Land, seconded by Mayor Pro Tempore Duran and unanimously approved.**

PUBLIC COMMENT: None.

6. LEGISLATIVE: None.

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 10:42 P.M. in memory of Noel Taylor, Brandon Bitner, Laurie Ann Freedman, Clyde Summers, and all the soldiers who died in Iraq and Afghanistan since the last City Council meeting. They adjourned to the annual Congress of Commissions and Boards, which will be on Monday, November 29, 2010 at 6:30 P.M. at Fiesta Hall in Plummer Park, 7377 Santa Monica Boulevard.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 6th day of December, 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