

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
TUESDAY, JANUARY 18, 2011
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: Steve Pargamanik 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 one (1) Item of Threatened Litigation was added to the agenda. He stated that the closed session adjourned at 6:25 P.M. with no reportable action taken.

APPROVAL OF AGENDA:

Councilmember Prang requested that Items 5.A., 5.C., and 5.E. be moved to the Consent Calendar as Items 2.Y., 2.Z., 2.AA. He requested that Item 6.A. be TABLED.

Councilmember Land requested that Item 5.D. be TABLED.

Motion by Councilmember Land, seconded by Councilmember Horvath, to approve the January 18, 2011 agenda as amended, and unanimously approved.

ADJOURNMENT MOTIONS:

Councilmember Land requested that the meeting be adjourned in memory of Sargent Shriver, the father of Maria Shriver. She requested that the meeting be adjourned in memory of long-time resident Dr. Richard Pokorny.

Councilmember Prang requested that the meeting be adjourned in memory of William Andreson, the father of Disabilities Advisory Board Member Lisa Andreson.

Councilmember Horvath requested that the meeting be adjourned in memory of Rene Moya, the uncle of Planning Commissioner Joseph Guardarramma. She requested that the meeting be adjourned in memory of two youths who recently committed suicide.

Mayor Pro Tempore Duran requested that the meeting be adjourned in memory of David Tucker, a long-time activist in the recovery community. 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: Private 1st Class Zachary S. Salmon, Major Evan J. Mooldyk, Sergeant Zainah C. Creamer, Specialist Jarrid L. King, Private 1st Class Benjamin G. Moore, Private 1st Class Robert J. Near, Private 1st Class Ira B. Laningham, Specialist Ethan C. Hardin, Lance Corporal Joseph R. Giese, Specialist Christian J. Romig, Sergeant 1st Class Robert W. Pharris, Sergeant Eric M. Nettleton, Corporal Jacob A. Tate, Lance Corporal Maung P. Htaik, Sergeant Michael J. Beckerman, Corporal Tevan L. Nguyen, Sergeant Garrett A. Misener, Lance Corporal Kenneth A. Corzine, Lance Corporal William H. Crouse IV, Specialist Jose A. Torre, Jr., Sergeant Michael P. Bartley, Specialist Martin J. Lamar, Sergeant Jose M. Cintron Rosado, Specialist Jose A. Delgado Arroyo, Private 1st Class David D. Finch.

Mayor Heilman requested that the meeting be adjourned in memory of Matthew Meza, a student at Santa Monica High School who recently committed suicide.

PRESENTATIONS:

Councilmember Land presented a proclamation in recognition of the 38th Anniversary of Roe V. Wade.

Councilmember Land presented a check from Wells Fargo Bank in support of the West Hollywood Food and Toy Drive.

Mayor Heilman presented commendation to the West Hollywood Book Fair Sponsors, Planning Committee and Lead Volunteers.

1. PUBLIC COMMENT:

PAULINDA BABBINI, LOS ANGELES, spoke in support of Item 2.U.

ALAN BERNSTEIN, WEST HOLLYWOOD, spoke in support of Item 2.V.

GREGORY HOWELL, WEST HOLLYWOOD, spoke regarding the West Hollywood Recovery Center and thanked the City Council for their ongoing support of the Center.

JOHN D'AMICO, WEST HOLLYWOOD, spoke regarding the current location of the West Hollywood Recovery Center and the possibility of its relocation in conjunction with the West Hollywood Park Master Plan.

JIMMY PALMIERI, WEST HOLLYWOOD, spoke regarding the current location of the West Hollywood Recovery Center and the possibility of its relocation in conjunction with the West Hollywood Park Master Plan.

STEVE MARTIN, WEST HOLLYWOOD, spoke regarding the current location of the West Hollywood Recovery Center and the possibility of its relocation in conjunction with the West Hollywood Park Master Plan.

SAMANTHA DABISH, SAN DIEGO, spoke regarding Item 6.A., which was TABLED, and expressed concerns regarding possible impacts on West Hollywood businesses if the Item comes forward again.

LAUREN MEISTER, WEST HOLLYWOOD, spoke regarding Item 2.O. and the possibility of including a signalized crosswalk in conjunction with the Item.

DANIEL PUDER, WEST HOLLYWOOD, spoke regarding an anti-bullying campaign that is being formed in the City of West Hollywood.

NAKHONE KEODORA, NORTH HOLLYWOOD, spoke regarding the current location of the West Hollywood Recovery Center and the possibility of its relocation in conjunction with the West Hollywood Park Master Plan.

RICK WATTS, WEST HOLLYWOOD, spoke regarding the current location of the West Hollywood Recovery Center and the possibility of its relocation in conjunction with the West Hollywood Park Master Plan.

COUNCILMEMBER COMMENTS:

Councilmember Horvath spoke regarding her recent trip to Sacramento with the California Contract Cities Association. She provided clarification regarding an Item on the last City Council agenda regarding children in Los Angeles County living with HIV/AIDS. She spoke regarding her attendance at a Martin Luther King event sponsored by the SOVA Food Pantry. She spoke regarding her recent attendance at a meeting for parents of prospective students at the West Hollywood Middle School. She spoke regarding the first meeting of the West Hollywood Bicycle Task Force. She spoke regarding a recent California law that prohibits discrimination of visitors to hospital patients. She provided additional clarification of Item 5.C., which was moved to the Consent Calendar as Item 2.Z.

Councilmember Land spoke regarding community meetings surrounding the West Hollywood Middle School. She spoke regarding Human Trafficking Awareness Month, which is in January. She encouraged residents to participate in the National League of Cities Prescription Discount Drug Program. She spoke regarding West Hollywood's participation in the Los Angeles County Homeless Count program. She requested the City Manager to provide clarification regarding public comment surrounding the West Hollywood Recovery Center and the possible relocation of the Center.

Mayor Pro Tempore Duran wished everyone a happy New Year, and spoke regarding the possibility of creating a New Year's Eve celebration in the City of West Hollywood. He spoke regarding an upcoming forum in the City on cyber-bullying. He spoke in support of Item 2.Q. and thanked Councilmember Horvath and Councilmember Prang

for bringing the Item forward. He provided clarification regarding an Item on the last City Council agenda regarding children in Los Angeles County living with HIV/AIDS. He thanked all the public speakers who spoke regarding the West Hollywood Recovery Center and spoke regarding the City's ongoing support of the Center.

Mayor Heilman spoke regarding the City's ongoing support of the West Hollywood Recovery Center, and provided clarification of the construction of Phase II of the West Hollywood Park, and the need to explore possibilities for relocating the Center when the construction begins.

Councilmember Prang spoke regarding his recent trip to Sacramento with the California Contract Cities Association.

CITY MANAGER'S REPORT:

City Manager Arevalo spoke regarding meetings between the City and the leadership of the West Hollywood Recovery Center. He stated that the City is exploring possibilities for relocation of the Center during construction of Phase II of the West Hollywood Park Master Plan.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$1,452,293.00 in expenditures and \$-5,751.00 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.,R.,S.,T.,U.,V.,W.,X.,Y.,Z.,AA.

Motion by Mayor Pro Tempore Duran, seconded by Councilmember Land and unanimously approved.

2.A. POSTING OF AGENDA:

The agenda for the meeting of Tuesday, January 18 , 2011 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, January 13, 2011.

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 December 20, 2010. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 665, RESOLUTION NO. 11-4113:

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

ACTION: Approve Demand Register No. 665 and adopt Resolution No. 11-4113, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 665." **Approved as part of the Consent Calendar.**

2.D. DEMAND REGISTER NO. 666, RESOLUTION NO. 11-4114:

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

ACTION: Approve Demand Register No. 666 and adopt Resolution No. 11-4114, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 666." **Approved as part of the Consent Calendar.**

2.E. 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 claims of George Schweinbeck III, Oh Myung Kwon and Liya Maslobodsky and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.F. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

The City Council will receive a report from the Public Safety Commission on actions taken at its recent meetings.

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

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

The City Council will accept the resignation of Project Advisory Committee Member Josh Rothstein, effective January 4, 2011.

ACTION: Accept with regret the resignation of Josh Rothstein from the Project Advisory Committee. **Approved as part of the Consent Calendar.**

2.H. 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 November 2009 - November 2010. The Council will also consider excusing absences of an advisory board member due to personal reasons.

ACTION: 1) Receive and file the attendance reports; and 2) Excuse absences, due to personal reasons, for: Suzanne Dietrich (Disabilities Advisory Board). **Approved as part of the Consent Calendar.**

- 2.I. 25TH ANNIVERSARY CAPITAL PROJECT - FURNITURE, FIXTURES AND EQUIPMENT BUDGET ESTIMATES OF WEST HOLLYWOOD PARK MASTER PLAN AND NEW WEST HOLLYWOOD LIBRARY [P. AREVALO, J. ENGLISH, J. HUFFER, A. GANDHY]:**
The City Council will review a rough order of magnitude budget associated with the furniture, fixtures and equipment needs directly related to the West Hollywood Park Phase 1 Implementation and New West Hollywood Library and consider authorizing staff to enter and expressly authorize the City Manager to execute agreements and contracts over \$25,000.
ACTION: 1) Receive and File FF&E budget estimates; and 2) Confirm approval of recommendations of Item 2.H. of the City Council Meeting, December 20, 2010. **Approved as part of the Consent Calendar.**
- 2.J. NOTICE OF COMPLETION FOR THE SUNSET STRIP BEAUTIFICATION PROJECT, CIP 1004 [O. DELGADO, S. PERLSTEIN, D. UYENO]:**
The City Council will consider approving the Notice of Completion for the Sunset Strip Beautification Project by Sequel Contractors, Inc.
ACTION: 1) Accept the work and authorize the following: a) Filing a Notice of Completion by the City Engineer; b) Final Payment to the contractor at the end of the 35 day lien period; c) Release of the Performance Bond on the date of recordation of the Notice of Completion; and d) Release of the Payment Bond 35 days after the date of recordation of the Notice of Completion, pending no receipt of Stop Notices. **Approved as part of the Consent Calendar.**
- 2.K. AWARD OF CONSTRUCTION CONTRACT FOR CIP 1105, SANTA MONICA BLVD. GUTTER DRAIN AND PAVEMENT IMPROVEMENTS BETWEEN PALM AVE. AND HANCOCK AVE. [O. DELGADO, S. PERLSTEIN]:**
The City Council will consider awarding a construction contract for the Santa Monica Blvd. Gutter Drain and Pavement Improvements between Palm Ave. and Hancock Ave., CIP 1105.
ACTION: 1) Accept the bid dated December 16, 2011 submitted by West Coast Structures dba Western Structures; 2) Authorize the City Manager to enter into a contract with West Coast Structures dba Western Structures in the amount of \$123,769 for the construction of CIP 1105, Santa Monica Blvd. Gutter Drain and Pavement Improvements between Palm Ave. and Hancock Ave.; and 3) Authorize the City Engineer to manage Change Orders for work on the construction contract in an amount not to exceed 15% of the contract amount. **Approved as part of the Consent Calendar.**
- 2.L. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH RBF CONSULTING FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES ON CIP 1105, SANTA MONICA BLVD.**

GUTTER DRAIN AND PAVEMENT IMPROVEMENTS [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approving a professional service agreement with RBF Consulting for construction management and inspection services on CIP 1105 Santa Monica Blvd. Gutter Drain and Pavement Improvements.

ACTION: Approve a professional services Agreement in an amount not to exceed \$54,109 with RBF Consulting for construction management and inspection services on CIP 1105 Santa Monica Blvd Gutter and Pavement Improvements, and authorize the City Manager to sign the Agreement.

Approved as part of the Consent Calendar.

2.M. AWARD OF CONSTRUCTION CONTRACT FOR CIP 1106, CONCRETE REPAIR PROGRAM [O. DELGADO, S. PERLSTEIN]:

The City Council will consider awarding a construction contract for the Concrete Repair Program, CIP 1106.

ACTION: 1) Accept the bid dated December 16, 2010, submitted by CJ Concrete Construction, Inc.; 2) Authorize the City Manager to enter into a contract with CJ Concrete Construction, Inc. in the amount of \$260,475 for the construction of CIP 1106, Concrete Repair Program.; and 3) Authorize the City Engineer to manage Change Orders for work on the construction contract in an amount not to exceed 15% of the contract amount.

Approved as part of the Consent Calendar.

2.N. APPROVAL OF AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WEST HOLLYWOOD AND THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR THE METRO RAPID TRANSIT PRIORITY SYSTEM PROJECT [O. DELGADO, S. PERLSTEIN]:

The City Council will consider the approval of an amendment to the Memorandum of Understanding for grant funding on the Metro Rapid Transit Priority System Project to extend the term of the project.

ACTION: Authorize the City Manager to sign Amendment No. 2 to the Memorandum of Understanding between the City of West Hollywood and the Los Angeles County Metropolitan Transportation Authority for the Metro Rapid Transit Priority System. **Approved as part of the Consent Calendar.**

2.O. INSTALLATION OF ADVISORY RADAR SPEED SIGNS ON SAN VICENTE BOULEVARD [A. MCINTOSH, F. CONTRERAS, B. CHEUNG]:

The City Council will consider authorizing the installation of two advisory radar speed signs along San Vicente Boulevard between Melrose Avenue and Beverly Boulevard.

ACTION: Authorize LRMP staff to issue request-for-proposal to install two advisory radar speed signs along San Vicente Boulevard. **Approved as part of the Consent Calendar.**

- 2.P. YEAR-END REPORT ON SOCIAL SERVICES PROGRAMS 2009-10 [S. BAXTER, D. DENNIS]:**
The City Council will receive the year-end report of Social Services contract programs for 2009-10.
ACTION: Receive and file the year-end report. **Approved as part of the Consent Calendar.**
- 2.Q. PROMOTE PAPERLESS AGENDAS IN NEW COUNCIL CHAMBERS [L. HORVATH, I. PINE, J. PRANG, M. HAIBACH]:**
The City Council will consider directing the City Clerk and the Departments of Economic Development and Information Technology to promote paperless agenda packets in City Council's new chambers.
ACTION: Direct the City Clerk, Department of Economic Development and Information Technology to promote paperless agenda packets and employ practices which would allow Council meetings in the new Council chambers to have an entirely paperless option for Councilmembers and others who receive printed agenda packets. **Approved as part of the Consent Calendar.**
- 2.R. SUPPORT SENATE BILL (SB) 48 (LENO) PROHIBITING DISCRIMINATORY CONTENT OF SOCIAL SCIENCE'S INSTRUCTION COURSES [J. DURAN, H. MOLINA]:**
The City Council will consider adopting a resolution in support of SB 48 (LENO), which prohibits discriminatory content of social science's curricula.
ACTION: 1) Adopt Resolution 11-4115 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF SB 48 (LENO) PROHIBITING DISCRIMINATORY CONTENT OF SOCIAL SCIENCE'S INSTRUCTION COURSES"; and 2) Direct staff to send copies of signed resolutions to Senator Mark Leno, Assemblymember Mike Feuer, Senator Fran Pavley, and other key legislators and advocates like Equality California (EQCA). **Approved as part of the Consent Calendar.**
- 2.S. WEST HOLLYWOOD WOMEN'S HEART HEALTH CAMPAIGN 2011 AND AMERICAN HEART MONTH [A. LAND, C. PLANCK, J. DURAN, H. MOLINA, A. GIROUX, P. KOEHLER]:**
The City Council will consider approving the annual participation in the West Hollywood Women's Heart Health Campaign 2011 and American Heart Month.
ACTION: 1) Approve programming for the City's expanded participation in American Heart Month featuring National Wear Red Day activities and West Hollywood Goes Red; and 2) Direct staff to promote the West Hollywood Women's Heart Health Campaign 2011, American Heart Month and heart health awareness education during February and throughout the year. **Approved as part of the Consent Calendar.**

- 2.T. CO-SPONSORSHIP OF NCJW/LA'S COMMUNITY FORUM ON DOMESTIC VIOLENCE [L. HORVATH, I. PINE, A. LAND, C. PLANCK]:**
The City Council will consider co-sponsoring the February 23, 2011, NCJW/LA Community Forum on Domestic Violence.
ACTION: Authorize NCJW/LA to utilize the City's name and logo on printed materials promoting the event and ask the Public Information Office to assist with outreach efforts in our community. **Approved as part of the Consent Calendar.**
- 2.U. CO-SPONSORSHIP OF THE OVARIAN CANCER CIRCLE EVENT [J. HEILMAN, F. SOLOMON, G. LANDE]:**
The City Council will consider co-sponsorship of "The Ovarian Cancer Circle" fundraiser event to be held on March 20, 2011 at the House of Blues.
ACTION: 1) Approve the City of West Hollywood's co-sponsorship of "The Ovarian Cancer Circle" fundraiser event; 2) Approve use of the City's name and logo on printed materials advertising and promoting the event; and 3) Direct staff to assist with promoting the event. **Approved as part of the Consent Calendar.**
- 2.V. SUPPORT FOR FAMILY EQUALITY COUNCIL [L. HORVATH, I. PINE, A. LAND, C. PLANCK]:**
The City Council will consider supporting the Family Equality Council by waiving the fees associated with conducting their national board meeting at Plummer Park.
ACTION: 1) Waive fees associated with the Family Equality Council's January 2011 national Board of Directors meeting, to be held at Plummer Park; and 2) Direct Social Services staff to begin exploring possible complementary opportunities for the City of West Hollywood to work with Family Equality Council. **Approved as part of the Consent Calendar.**
- 2.W. ANNUAL ACADEMY AWARDS VIEWING PARTY CO-SPONSORSHIP AND ASSOCIATED STREET/LANE CLOSURES REQUEST [S. BAXTER, O. WALKER, C. SMITH]:**
The City Council will consider co-sponsoring the Elton John AIDS Foundation Oscar Viewing Event, approving a road closure at San Vicente Blvd for the Elton John AIDS Foundation Event, and approving a partial street closure on Sunset Boulevard for the Vanity Fair Event.
ACTION: 1) Approve co-sponsorship of the Elton John AIDS Foundation Oscar Viewing Event; 2) Approve the waiver of Special Event Permit Fees for the Elton John AIDS Foundation Oscar Viewing Event including Special Event Permit Application Fees (\$2,400.00), encroachment fee (\$100.00), parking meter fees (\$1,940.00), and street closure fee (\$350.00), for a total of \$4,790.00; 3) Approve the waiver of Building and Safety Fees for the Elton John AIDS Foundation Oscar Viewing Event including estimated Building Permit Fee (\$177.71) and generator fees

(\$283.40) for an estimated total of \$461.11; 4) Approve waiver of ancillary Public Safety Fees approximating \$5,000.00; 5) Approve the closure of San Vicente Boulevard between Santa Monica Boulevard and Melrose Avenue; and 6) Approve a partial lane closure at 8358 Sunset Boulevard. **Approved as part of the Consent Calendar.**

2.X. URGENT RECOMMENDATIONS FOR GAS PIPELINE SAFETY [L. HORVATH, I. PINE]:

The City Council will consider directing the Public Works Department to work with representatives from the Gas Company to expediently review the NTSB's urgent recommendations for gas pipeline safety.

ACTION: Direct the Public Works Department to work with the Southern California Gas Company to expediently review the NTSB's urgent recommendations for gas pipeline safety. **Approved as part of the Consent Calendar.**

2.Y. (5.A.) APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PLANNING SUMMARY AND BUDGET FOR FISCAL YEAR 2011-12 [A. WINDERMAN, R. BURNLEY]:

The City Council will consider approving the Community Development Block Grant Program (CDBG) planning summary and budget for fiscal year 2011-12.

ACTION: 1) Approve the 2011-2012 CDBG program budget and instruct staff to submit the CDBG program planning summary for approval to the Community Development Commission of the County of Los Angeles; 2) Authorize staff to adjust the 2011-2012 program budget as necessary to take into account the final CDBG allocation from the U.S. Department of Housing and Urban Development (HUD) and any amounts remaining unspent at the close of the current fiscal year; and 3) Adopt Resolution No. 11-4116, " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, APPROVING THE PROGRAM PLANNING SUMMARY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 2011-2012." **Approved as part of the Consent Calendar.**

2.Z. (5.C.) EXPLORE ESTABLISHING COMMERCIAL DEVELOPMENT INCENTIVES TO CREATE OPPORTUNITIES FOR SOCIAL SERVICE AGENCIES TO BE LOCATED IN WEST HOLLYWOOD [L. HORVATH, I. PINE]:

The City Council will consider directing the City Attorney—working with the Community Development Department and the Human Services Department—to draft an ordinance creating a density bonus for commercial developers in exchange for reduced-rate rent to assist non-profit social service agencies serving West Hollywood residents to be located within the City.

ACTION: 1) Direct staff in the Community Development Department and the Human Services Department to review the 2007 report, 'Space Needs

of Non-Profit Organizations' (revised in 2011) assessing the space requirements for social service agencies contracted by the City of West Hollywood; 2) Conduct outreach to local developers, social service agencies serving West Hollywood and the West Hollywood Community Housing Corporation for their feedback and suggestions on what such an ordinance should include; 3) Conduct outreach to other cities through the League of California Cities and the California Contract Cities Association to determine if a similar ordinance exists elsewhere; and 4) Direct the City Attorney to draft an ordinance creating a density bonus for commercial developers in exchange for reduced-rate rent to encourage non-profit social service agencies serving West Hollywood residents to be located here. **Approved as part of the Consent Calendar.**

2.AA. (5.E.) COOPERATION AGREEMENT BETWEEN THE CITY OF WEST HOLLYWOOD AND THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION (CDC) FOR PAYMENT OF COSTS ASSOCIATED WITH CERTAIN CDC FUNDED CAPITAL IMPROVEMENT AND AFFORDABLE HOUSING PROJECTS [A. WINDERMAN, A. GANDHY]:

The City Council will consider entering into a Cooperation Agreement (the "Agreement") between the City of West Hollywood and the West Hollywood Community Development Commission (the "CDC") for payment of costs associated with certain CDC funded capital improvement and affordable housing projects.

ACTION: 1) Staff recommends that the City Council enter into the Cooperation Agreement; and 2) Approve Resolution No. 11-4117, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING A COOPERATION AGREEMENT AND MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATED THERETO"; and 3) Authorize the Mayor to sign the Cooperation Agreement. **Approved as part of the Consent Calendar.**

THE CITY COUNCIL RECESSED AND RECONVENED AS THE COMMUNITY DEVELOPMENT COMMISSION: 7:42 P.M.

The Community Development Commission approved the minutes from the December 20, 2010 meeting; approved a contract amendment with Kahlifeh & Associates for affordable housing mechanical engineering services; and approved a Cooperation Agreement with the City of West Hollywood for payment and costs for certain CDC projects. 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: 7:43 P.M.

3. PUBLIC HEARINGS:

3.A. APPEAL OF THE BUSINESS LICENSE COMMISSION'S DECISION TO DENY THE FORTUNETELLING BUSINESS LICENSE FOR THERESA KASLOV [O. DELGADO, J. AUBEL]:

The City Council will consider an appeal filed by Theresa Kaslov of the Business License Commission's denial of the appellant's application for a fortunetelling business license.

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

Jeffery Aubel, Code Compliance Manager, provided background information as outlined in the staff report dated January 18, 2011.

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

WILLIAM G. MOORE, ON BEHALF OF THE APPELLANT, spoke in opposition to the Item and in support of the appeal.

HARRY KASLOV, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

WILLIAM G. MOORE, ON BEHALF OF THE APPELLANT, provided rebuttal.

Mayor Heilman closed the public hearing.

Mayor Pro Tempore Duran requested clarification from staff regarding the previous convictions of the appellant.

Mayor Heilman requested clarification from staff regarding the licensing of fortune tellers and psychics in the City.

Councilmember Horvath requested clarification from staff regarding the daughter of the appellant and her involvement in the fortune telling business.

Councilmember Land spoke regarding the clarity of the Municipal Code in denying the business license. She spoke regarding the possibility of investigating changes to the Municipal Code to allow for remedies for applicants who have been convicted of a crime, but have been rehabilitated and paid their debt to society.

Mayor Pro Tempore Duran spoke regarding the possibility of investigating changes to the Municipal Code to allow for remedies for applicants who have been convicted of a crime, but have been rehabilitated and paid their debt to society.

Mayor Heilman provided clarification that the ordinance requires denial of a license if an applicant knowingly provided misinformation on their application.

ACTION: Adopt Resolution No. 11-4118, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL FILED BY THERESA KASLOV AND UPHOLDING THE BUSINESS LICENSE COMMISSION'S DENIAL OF FORTUNETELLING LICENSE REG003982." **Motion by Councilmember Land, seconded by Councilmember Horvath and approved with Mayor Pro Tempore Duran voting NO.**

3.B. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF THE 8497-8499 SUNSET BOULEVARD MIXED USE PROJECT [A. MCINTOSH, J. KEHO, F. CONTRERAS]:

The City Council will consider an appeal of the Planning Commission's approval of the 8497-8499 Sunset Boulevard Mixed Use Project.

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

Mayor Heilman and Councilmember Land disclosed a site visit.

Francisco Contreras, Senior Planner, provided background information as outlined in the staff report dated January 18, 2011.

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

GUY MAISNIK, ON BEHALF OF THE APPELLANT, spoke in opposition to the Item and in support of the appeal.

JEFF SEYMOUR, ANN GRAY, AND FRANK DAMAVANDI, ON BEHALF OF THE APPLICANT, spoke in support of the Item and in opposition to the appeal.

JOHN FERRARO, THE APPELLANT, spoke in opposition to the Item and in support of the appeal.

GENEVIEVE MORRILL, PRESIDENT OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of the Item and in opposition to the appeal.

JUDY GINGOLD, LOS ANGELES, spoke in opposition to the Item and in support of the appeal.

DAVID FREEMAN, LOS ANGELES, spoke in opposition to the Item and in support of the appeal.

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

KEITH BIELE, LOS ANGELES, expressed concerns regarding fire safety in association with the proposed project.

ALISON CLAIRE-GENIS, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

EVAN GRAYSON, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

BOE TRUMBULL, 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.

SOL YAMINI, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

WILLIAM CLAYBROOK, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

CRAIG HODGETTS, LOS ANGELES, spoke in support of the Item and in opposition to the appeal.

PHILLIP CARTER, LOS ANGELES, expressed concerns regarding the stability of the ground behind the proposed development site, impacts on the neighborhood during construction, and impacts on traffic due to the size of the proposed development.

STEVE MARTIN, WEST HOLLYWOOD, expressed concerns regarding the impacts on neighboring residents in association with the proposed project.

RON HIRSCH, LOS ANGELES, spoke in support of the Item and in opposition to the appeal.

GUY MAISNIK, ON BEHALF OF THE APPELLANT, provided rebuttal.

MARK STERES, ON BEHALF OF THE APPLICANT, provided rebuttal.

Councilmember Prang requested clarification from the applicant regarding whether the current dwelling has been occupied during the application process.

Mayor Heilman thanked everyone who spoke regarding the Item.

Mayor Pro Tempore Duran requested clarification from staff regarding traffic issues and the choice to move the location of a traffic entrance to Miller Drive.

Councilmember Land requested clarification from staff regarding measures included in the proposed project to mitigate impacts on access for emergency vehicles in the surrounding neighborhood.

Mayor Heilman requested clarification from staff regarding a letter received from the City of Los Angeles stating a rescission of their original authorization regarding the proposed project.

City Attorney Jenkins provided clarification regarding the impacts of a letter received from the City of Los Angeles stating a rescission of their original authorization regarding the proposed project, and spoke regarding the City's procedural responsibilities in considering the project.

Councilmember Horvath requested clarification from the City Attorney regarding alleged public safety and fire issues expressed in a letter received by the City from a Los Angeles County Fire Official.

Councilmember Horvath requested clarification from staff regarding the geological study that was completed in association with the proposed project.

Councilmember Prang requested clarification from staff regarding which agency responds to a fire in the Los Angeles portion of the surrounding neighborhood.

Councilmember Land requested clarification from staff regarding noticing and community outreach in association with the project.

Mayor Pro Tempore Duran spoke regarding public comment surrounding the stability of the ground surrounding the site, and spoke regarding the vulnerability of the current structure on the site. He spoke in support of the proposed project.

Mayor Heilman spoke in support of the proposed project. He spoke regarding the location of the entrance to the project and inevitable impacts on traffic no matter where it is located. Mayor Heilman spoke regarding ongoing access problems for emergency vehicles in the area.

Councilmember Prang spoke in support of the design of the proposed project. He expressed concerns regarding traffic impacts associated with

the proposed restaurant in the project. He expressed concerns regarding the location of the entrance on Miller Drive and the impacts on the area.

Councilmember Land spoke in support of the project. She spoke in support of the possible improvements to traffic in the area in association with the proposed project. She spoke in support of investigating solutions to mitigate merging traffic issues, including the inclusion of a left-hand turn signal at Miller Drive and Sunset Boulevard. She spoke regarding the possibility of working with the City of Los Angeles to ensure parking enforcement in the Los Angeles portion of the neighborhood.

Councilmember Horvath spoke in support of the project. She spoke in support of the EIR and the evaluation by the Los Angeles County Fire Department to investigate fire and safety concerns in the area.

Mayor Pro Tempore Duran spoke regarding the inclusion of a left-turn signal at Miller Drive and Sunset Boulevard, and spoke in support of limiting operation during peak hours.

Staff provided clarification regarding a requirement to provide an ongoing study of the intersection at Miller Drive and Sunset Boulevard to mitigate traffic issues once the project is constructed.

Councilmember Prang requested clarification regarding the inclusion of guest parking for the residents of the proposed project.

Mayor Heilman closed the public hearing.

ACTION: Staff recommends that the City Council hold a public hearing, consider all pertinent testimony, deny the appeal, and conditionally approve the project by adopting the following: 1) Resolution No. 11-4119, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEAL OF JOHN FERRARO AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT ("EIR") AND ADOPTING A MITIGATION MONITORING PROGRAM ("MMP") FOR THE 8497-8499 SUNSET BOULEVARD MIXED USE PROJECT LOCATED AT 8497-8499 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." (ATTACHMENT A); 2) Resolution No. 11-4120, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEAL OF JOHN FERRARO AND CONDITIONALLY APPROVING A DEMOLITION PERMIT, DEVELOPMENT PERMIT, BILLBOARD PERMIT, AND TENTATIVE TRACT MAP (MAJOR LAND DIVISION NO. 70168) TO DEMOLISH AN EXISTING 31-UNIT APARTMENT COMPLEX FOR THE CONSTRUCTION OF A 62,605-SQUARE-FOOT MIXED USE PROJECT CONSISTING OF 34 RESIDENTIAL DWELLING UNITS (INCLUDING 24 CONDOMINIUMS AND 10 ONSITE AFFORDABLE UNITS), 9,160

SQUARE FEET OF COMMERCIAL (RETAIL AND RESTAURANT) USE, AND AN INTEGRATED 20' BY 60' STANDARD BILLBOARD, FOR THE PROPERTY LOCATED AT 8497-8499 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." (ATTACHMENT B), with an amendment to Section 8 of the Resolution to include the following language: "The authorization was rescinded by letter received on January 13, 2011."

Motion by Mayor Pro Tempore Duran, seconded by Councilmember Land and approved with Councilmember Prang voting NO.

3.C. DISCUSSION OF LAND USE AND MOBILITY POLICIES CONTAINED IN THE COMPREHENSIVE GENERAL PLAN UPDATE, CLIMATE ACTION PLAN, AND ENVIRONMENTAL IMPACT REPORT [A. MCINTOSH, J. KEHO, B. SIEGL, C. CORRAO]:

The City Council will hold a continued public hearing regarding the Draft West Hollywood General Plan 2035; Draft Climate Action Plan; and Final Environmental Impact Report, Mitigation Monitoring and Reporting Program, and a Statement of Overriding Considerations.

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

Bianca Siegl, Senior Planner, provided background information as outlined in the staff report dated January 18, 2011.

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

JACK HOLLANDER, BEVERLY HILLS, spoke in support of the proposed land use and mobility policies presented in the staff report for the revised General Plan.

DAN WENTZEL, WEST HOLLYWOOD, spoke in support of the proposed mobility polices presented for the revised general plan, particularly in regards to enhancing the City's public transportation options.

DARREN GOLD, LOS ANGELES, spoke in support of the proposed land use and mobility policies presented in the staff report for the revised General Plan.

LEANA BARTLETT, WEST HOLLYWOOD, spoke in support of the proposed land use and mobility policies presented in the staff report for the revised General Plan.

ALI KARIMPOUR, WEST HOLLYWOOD, spoke in support of the proposed land use and mobility policies presented in the staff report for the revised General Plan.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in opposition to height bonuses for properties located on Melrose Avenue in the proposed revised General Plan.

STEVEN AFRIAT, LOS ANGELES, spoke in support of a broader range of height and density allowances for properties on Melrose Avenue to allow for the different needs of individual properties and areas.

RICHARD GIESBRET, WEST HOLLYWOOD, spoke in opposition to height bonuses for properties located on Melrose Avenue in the proposed revised General Plan.

JAY LUCHS spoke in support of the proposed land use and mobility policies presented in the staff report for the revised General Plan.

RIC ABRAMSON, WEST HOLLYWOOD, requested clarification from the City regarding the schedule of upcoming General Plan revision discussions. He spoke regarding the Transit Overlay Zone in the General Plan revision.

STEVE PARGAMANIK, WEST HOLLYWOOD, spoke regarding the need to address traffic and walk-ability issues on Melrose Avenue in association with the General Plan revision.

Councilmember Horvath requested clarification from staff regarding the height of two new development projects on Melrose Avenue.

Mayor Pro Tempore Duran requested clarification regarding the limitation of height bonuses of no more than 50% of the length of a given block along Melrose Avenue.

Councilmember Land requested clarification from staff regarding the differences between the General Plan revisions and revisions to the Zoning Code.

Councilmember Prang spoke regarding the need to allow for flexibility in height limits along Melrose Avenue.

Mayor Pro Tempore Duran requested clarification from staff regarding the Transit Overlay Zone in relation to a future heavy or light rail in the City.

Mayor Pro Tempore Duran spoke in support of including car-sharing on the list of qualifying features to receive additional incentives under the Transit Overlay Zone. He spoke in support of including a method to amend the list of qualifying features to eliminate amenities that are not being utilized.

Councilmember Land spoke in support of the proposed Transit Overlay Zone and in support of using them to encourage residents to further utilize public transportation and alternative transit methods.

Councilmember Horvath spoke in support of exploring the possibility of providing alternative transportation to connect the City with the proposed initial Metro Red Line. She spoke in support of including the West Hollywood Bicycle Task Force in further transportation discussions of the revised General Plan.

Mayor Heilman and Councilmember Land spoke in support of allowing flexibility for the list of qualifying features to receive additional incentives under the Transit Overlay Zone.

Councilmember Land spoke in support of the three areas mapped as part of the proposed Transit Overlay.

Councilmember Horvath spoke regarding public comment surrounding the possibility of bringing street cars to the City and spoke in support of including these types of alternative transportation options in future discussions of the General Plan revision.

ACTION: 1) Staff recommends that City Council hold a discussion of specific issues and information presented in the Land Use and Urban Form chapter of the Draft General Plan and provide direction to staff regarding these policies; and 2) Continue the public hearing to a date certain of February 7, 2011. **Carried by Consensus of the Council.**

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PLANNING SUMMARY AND BUDGET FOR FISCAL YEAR 2011-12 [A. WINDERMAN, R. BURNLEY]:

The City Council will consider approving the Community Development Block Grant Program (CDBG) planning summary and budget for fiscal year 2011-12.

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

5.B. PARKING RATES FOR WEST HOLLYWOOD PARK PARKING STRUCTURE LOCATED AT 619 N. SAN VICENTE BLVD. [O. DELGADO, J. ROCCO, R. MARQUEZ]:

The City Council will consider adopting a resolution establishing the hours of operation and public parking rates for the West Hollywood Park Parking Structure located at 619 North San Vicente Boulevard.

Jackie Rocco, Parking Operations Manager, provided background information as outlined in the staff report dated January 18, 2011.

RYAN FARBER, ON BEHALF OF THE AVENUES, spoke in support of the Item. He spoke in support of the possibility of valet parking in the area.

Councilmember Land requested clarification from staff regarding public comment surrounding the inclusion of valet parking in the area. She expressed concerns regarding the proposed parking rates and spoke in support of a two hour free parking time limit for library and park patrons.

Mayor Pro Tempore Duran spoke in support of exploring the possibility of allowing validation for patrons of the West Hollywood Recovery Center.

City Manager Arevalo provided clarification regarding the revenue bonds that were issued for the construction of the library and the need to generate revenue in association with the parking structure at the library. He stated that the City will continue to monitor the parking demands in the parking structure and the surrounding neighborhood and will return to Council with a future study.

Councilmember Prang requested clarification from staff regarding the parking validation process. He expressed concerns regarding the parking costs associated with the structure. He spoke regarding the possibility of including an introductory parking rate during the initial opening of the parking structure.

Councilmember Horvath spoke regarding an upcoming measure in Beverly Hills regarding their public parking structures, and spoke regarding the possibility of looking at their measure in regards to parking rates at the new structure.

Mayor Heilman spoke in support of two hour free parking time limit for library and park patrons.

ACTION: Adopt Resolution No. 11-4121, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE MASTER FEE RESOLUTION (RESOLUTION NO. 10-4076) BY ESTABLISHING MONTHLY AND DAILY PARKING RATES AND HOURS OF OPERATION FOR MUNICIPAL PARKING STRUCTURE #2 LOCATED AT 619 N. SAN VICENTE BOULEVARD". **Motion by Councilmember Land, seconded by Councilmember Prang and unanimously approved.**

5.C. EXPLORE ESTABLISHING COMMERCIAL DEVELOPMENT INCENTIVES TO CREATE OPPORTUNITIES FOR SOCIAL SERVICE

AGENCIES TO BE LOCATED IN WEST HOLLYWOOD [L. HORVATH, I. PINE]:

The City Council will consider directing the City Attorney—working with the Community Development Department and the Human Services Department—to draft an ordinance creating a density bonus for commercial developers in exchange for reduced-rate rent to assist non-profit social service agencies serving West Hollywood residents to be located within the City.

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

5.D. APPOINTMENTS FOR COMMISSIONS, ADVISORY BOARDS, AND THE LOS ANGELES COUNTY WEST VECTOR ABATEMENT CONTROL DISTRICT [T. WEST, C. SCHAFFER]:

The City Council will consider making at-large appointments to City Commissions and Advisory Boards, as well as an appointment of a representative to the Board of Trustees of the Los Angeles County West Vector Abatement Control District.

ACTION: This Item was TABLED.

5.E. COOPERATION AGREEMENT BETWEEN THE CITY OF WEST HOLLYWOOD AND THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION (CDC) FOR PAYMENT OF COSTS ASSOCIATED WITH CERTAIN CDC FUNDED CAPITAL IMPROVEMENT AND AFFORDABLE HOUSING PROJECTS [A. WINDERMAN, A. GANDHY]:

The City Council will consider entering into a Cooperation Agreement (the “Agreement”) between the City of West Hollywood and the West Hollywood Community Development Commission (the “CDC”) for payment of costs associated with certain CDC funded capital improvement and affordable housing projects.

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

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT: None.

6. LEGISLATIVE:

6.A. PROPOSED ORDINANCE PROHIBITING THE SALE OF TOBACCO NEAR SCHOOLS [J. PRANG, M. HAIBACH, L. HORVATH, I. PINE]:

The City Council will consider adopting an ordinance prohibiting the sale of tobacco near schools.

ACTION: This Item was TABLED.

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 11:04 P.M. in memory of Sargent Shriver, Dr. Richard Pokorny, William Andreson, Rene Moya, several youths who recently committed suicide in the U.S., David Tucker, Matthew Meza, 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, February 7, 2011 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 7th day of February, 2011 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