

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, FEBRUARY 7, 2011  
WEST HOLLYWOOD PARK  
647 N. SAN VICENTE BOULEVARD**

**CALL TO ORDER:** Mayor Heilman called the meeting to order at 6:39 P.M.

**PLEDGE OF ALLEGIANCE:** Jimmy Palmieri led the pledge.

**ROLL CALL:**

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

ABSENT: None.

ALSO PRESENT: City Manager Arevalo, City Attorney Jenkins, City Clerk West and Assistant City Clerk Schaffer.

**REPORT OF CLOSED SESSION AGENDA:**

City Attorney Jenkins reported that the closed session was called to order at 6:00 P.M. He stated that there was one (1) public speaker. He stated that the closed session adjourned at 6:35 P.M. with no reportable action taken.

**APPROVAL OF AGENDA:**

Councilmember Land requested that Item 5.B. be TABLED. Councilmember Prang requested that the Item be continued to the meeting following the General Municipal Election on March 8, 2011.

Councilmember Prang requested that Item 2.R. be moved to the Excluded Consent Calendar.

**Motion by Councilmember Land, seconded by Councilmember Prang, to approve the February 7, 2011 agenda as amended, and unanimously approved.**

**ADJOURNMENT MOTIONS:**

Councilmember Horvath requested that the meeting be adjourned in memory of Stuart Bergstein, father of Rent Stabilization Commissioner Rob Bergstein.

Councilmember Prang requested that the meeting be adjourned in memory of Louisa Rodriguez, a long-time civil rights champion.

Councilmember Land requested that the meeting be adjourned in memory of the mother of Human Services Commissioner Steven Davis. She requested that the meeting be adjourned in memory of Norma Boray, the mother of West Hollywood resident Daniel Levine. She requested that the meeting be adjourned in memory of Dora Rolla, the

mother of Dante Alacosta. She requested that the meeting be adjourned in memory of Millie Gilbert, a long-time West Hollywood activist. She requested that the meeting be adjourned in memory of Lee Harrington, Chief of the Los Angeles Economic Development Core and Chief of Southern California Leadership Council.

Mayor Pro Tempore Duran requested that the meeting be adjourned in memory of the people who died in the recent protests in Egypt and Tunisia. 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: Specialist Ryan A. Gartner, Specialist Omar Soltero, Specialist Shawn A. Muhr, Specialist Joshua R. Campbell, Sergeant 1st Class Anthony Venetz Jr., Technical Sergeant Leslie D. Williams, Sergeant Jason G. Amores, Private 1st Class Amy R. Sinkler, Petty Officer Dominique Cruz, Specialist Joshua T. Lancaster, Corporal Joseph C. Whitehead.

Mayor Heilman requested that the meeting be adjourned in memory of David Kato, a human rights activist in Uganda.

**PRESENTATIONS:**

Councilmember Prang presented a proclamation in recognition of Get Out the Vote Month.

Councilmember Prang presented a plaque to Dewan Huff for a recent act of heroism in the City.

Councilmember Land presented a proclamation in recognition of National Wear Red Month.

Mayor Pro Tempore Duran presented a proclamation to retiring City staff member Donna Saur.

Mayor Heilman presented commendations to the members of the LEV Foundation.

**1. PUBLIC COMMENT:**

Mayor Heilman and City Manager Arevalo provided further clarification of recent meetings with the community regarding Item 2.Q.

SHARP, LOS ANGELES, spoke in support of Item 2.Q.

LOUIE PACHECO, LOS ANGELES, spoke in support of Item 2.Q.

SISTER UNITY, AKA BENNETT SCHNEIDER, LOS ANGELES, spoke in support of Item 2.Q.

TOM TRAFELET, LOS ANGELES, spoke in support of Item 2.Q.

DADDY BO AND SLAVEGIRL DEBBIE, TOLUCA LAKE, spoke in support of Item 2.Q.

GEORGE SCILEPPI, LOS ANGELES, spoke in support of Item 2.Q.

WILL HILDRETH, LOS ANGELES, spoke in support of Item 2.Q.

JACOB PRIETO, POMONA, spoke in support of Item 2.Q.

DAN BERKOWITZ, WEST HOLLYWOOD, spoke in support of Item 2.Q.

IVY BOTTINI, WEST HOLLYWOOD, spoke in support of Item 2.Q.

KEN HURST, WEST HOLLYWOOD, spoke in support of Item 2.Q.

DAVID KEITH WEBSTER, WEST HOLLYWOOD, spoke in support of Item 2.Q.

PHILIP HOSKINS, WEST HOLLYWOOD, spoke in support of Item 2.Q.

STEVE GANZELL, LOS ANGELES, spoke in support of Item 2.Q.

DESIREE SOL, WEST HOLLYWOOD, spoke in support of Items 2.N., 2.Q, 2.S., 2.V., and 2.W.

STEVE PARGAMANIK, WEST HOLLYWOOD, spoke in support of Item 2.X.

DONALD ELMBLAD, WEST HOLLYWOOD, spoke in opposition to Item 2.X.

ART NASTA, NORTHRIDGE, spoke in opposition to Item 2.X.

#### **COUNCILMEMBER COMMENTS:**

Councilmember Horvath spoke regarding Item 2.J. and requested staff to ensure that Ampco is compliant with any of the City's non-discrimination policies. She provided additional clarification regarding Item 2.X. She introduced her new Council Intern. She encouraged residents to participate in the upcoming Women's Leadership Conference. She congratulated the new Board Members of the West Hollywood Chamber of Commerce.

Councilmember Prang spoke regarding the upcoming opening of a pocket park on Laurel Avenue. He requested staff to investigate the pavement materials currently being used at the parkway area at West Knoll Drive and Santa Monica Boulevard. He spoke regarding Item 2.Q. and provided further clarification of the City's ongoing support of the Tom of Finland Foundation and Erotic Art Fair.

Mayor Pro Tempore Duran thanked Councilmember Horvath for additional clarification of Item 2.X. He spoke regarding Item 2.Q. and spoke regarding changes in the LGBT

community in West Hollywood and the need to embrace the entire diversity of the community.

Councilmember Land spoke regarding Item 2.X. and provided further clarification. She spoke regarding Item 2.Q. and provided further clarification of the City's ongoing support of the Tom of Finland Foundation and Erotic Art Fair. She spoke regarding bandit taxi cabs in the City and requested staff to revisit the City's penalties for bandit cabs. She reminded residents that they need to clean up animal waste and requested staff to provide more information to residents regarding their legal responsibilities.

Mayor Heilman thanked all the members of the public who came out to speak and expressed his support of Item 2.Q.

### **CITY MANAGER'S REPORT:**

City Manager Arevalo spoke regarding his recent attendance at the League of California Cities Annual Conference. He spoke regarding the difficulties facing other California cities, and expressed his gratefulness for being in the City of West Hollywood.

### **FISCAL IMPACT ON CONSENT CALENDAR:**

City Clerk West stated that the fiscal impact on the Consent Calendar is \$1,864,895.00 in expenditures and \$80,090.00 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.,S.,T.,U.,V.,W.,X.,Y.,Z. **Motion by Councilmember Land, seconded by Mayor Pro Tempore Duran and unanimously approved.**

### **2.A. POSTING OF AGENDA:**

*The agenda for the meeting of Monday, February 7, 2011 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, February 3, 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 January 18, 2011. **Approved as part of the Consent Calendar.**

### **2.C. DEMAND REGISTER NO 667, RESOLUTION NO. 11-4122:**

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

**ACTION:** Approve Demand Register No. 667 and adopt Resolution No. 11-4122, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 667” **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 claims of Dustin Smith, Marcus Osborne and Peter Park 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 the Public Safety Commission, Senior Advisory Board and Transportation Commission on actions taken at their recent meetings.*

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

**2.F. NOTICE OF COMPLETION FOR CIP 1101 CONCRETE REPAIR PROGRAM [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider approving the Notice of Completion for CIP 1101 Concrete Repair Program by CJ Construction.*

**ACTION:** 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.G. AWARD OF A CONSTRUCTION CONTRACT FOR SEWER REPAIR AND REHABILITATION – EAST SIDE, CIP 1104 [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider approval of a construction contract for Sewer Repair and Rehabilitation – East Side, CIP 1104.*

**ACTION:** 1) Accept the bid dated January 20, 2011, submitted by Southwest Pipeline and Trenchless Corp.; 2) Authorize the City Manager to enter into a contract with Southwest Pipeline and Trenchless Corp. in the amount of \$1,564,387.60 for the construction of CIP 1104, Sewer Repair and Rehabilitation – East Side; 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; 4) Authorize the Director of Finance to allocate \$53,000 from the unallocated reserves in the Sewer District Fund; 5) Authorize the Director of Finance to allocate \$118,000 from the unallocated reserves in the Sewer Assessment Fund; and 6) Make a finding that pursuant to the provisions of the California Environmental Quality Act (CEQA-Public Resources Code, Section 21084

et. Seq.), Sewer Repair and Rehabilitation – East Side, CIP 1104 meets the requirements for a categorical exemption in compliance with Article 19, Section 15301, (Class 1- Existing Facilities). **Approved as part of the Consent Calendar.**

**2.H. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH RBF CONSULTING FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES ON CIP 1104, SEWER REPAIR AND REHABILITATION – EAST SIDE [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 1104 Sewer Repair and Rehabilitation – East Side.*

**ACTION:** Approve a professional services Agreement in an amount not to exceed \$147,623 with RBF Consulting for construction management and inspection services on CIP 1104 Sewer Repair and Rehabilitation –East Side, and authorize the City Manager to sign the Agreement. **Approved as part of the Consent Calendar.**

**2.I. AMENDMENT TO AGREEMENT FOR SERVICES WITH CIVITAS ADVISORS TO PROVIDE BUSINESS IMPROVEMENT DISTRICT (BID) CONSULTING SERVICES [P. AREVALO, J. HUFFER, M. LOUIE]:**

*The City Council will consider amending an agreement for services with Civitas Advisors increasing contract amount by an additional \$24,000 for a total not-to-exceed amount of \$49,000 to provide BID consulting services.*

**ACTION:** 1) Approve an amendment to an agreement for services increasing contract amount by \$24,000 for a total not-to-exceed amount of \$49,000; and 2) Authorize the City Manager to sign and execute any necessary documents or forms. **Approved as part of the Consent Calendar.**

**2.J. AMENDMENT TO AGREEMENT WITH AMPCO SYSTEM PARKING TO PROVIDE PARKING MANAGEMENT SERVICES AT NEW WEST HOLLYWOOD PARK PARKING STRUCTURE [O. DELGADO, J. ROCCO, R. MARQUEZ]:**

*The City Council will consider approval of an amendment to the agreement with Ampco System Parking to add the new parking structure located at 619 San Vicente Boulevard.*

**ACTION:** 1) Approve an amendment to the existing contract with Ampco System Parking to add the new parking structure located at 619 San Vicente Boulevard. Amend the current agreement to increase the “not-to-exceed” amount of \$405,169 by an additional \$78,000, for a total of \$483,169; 2) Authorize the Director of Finance to increase budgeted expenditures in account #213-3-08-82-531005 by \$78,000 and account 213-3-08-82-524040 by \$10,000 and budgeted revenues in account 213-442022 by \$88,000; 3) Authorize the City Manager to sign the contract amendment. **Approved as part of the Consent Calendar.**

**2.K. LEASE RIDER TO FACILITATE THE RELEASE OF \$3.79 MILLION IN STATE FUNDING FOR THE SIERRA BONITA APARTMENTS [A. WINDERMAN, J. SKORNECK, E. SAVAGE]:**

*The City Council will consider approving a lease rider to the City's and Commission's lease for the Sierra Bonita Apartments. This will facilitate the release of approximately \$3.79 million in State Housing and Community Development Department (HCD) Multi-family Housing Program (MHP) funds as permanent project financing.*

**ACTION:** 1) Approve a lease rider to the City's and Commission's lease of the Sierra Bonita Apartments property, including the recordation of the HCD regulatory agreement and deed of trust against the Master Lease in compliance with the requirements of HCD MHP for the Sierra Bonita Apartments; and 2) Authorize the City Manager to execute the documents in substantially the attached form and take necessary related actions to facilitate the HCD release of funds. **Approved as part of the Consent Calendar.**

**2.L. ADVANCEMENT OF THE ART AND ARTIST SELECTION PROCESS FOR THE CIVIC ART COMPONENT OF THE 25<sup>th</sup> ANNIVERSARY CAPITAL PROJECT – CITY HALL PARKING STRUCTURE: CASE STATEMENT APPROVAL [O. DELGADO, J. HUFFER, A. CAMPBELL]:**

*The City Council will review recommendations of the Art Process Team for the City Hall Parking Structure civic art project including the Civic Art Case Statement outlining the goals and parameters of the public art; recommended locations for the artwork(s); and the use of the "single artist" selection process.*

**ACTION:** 1) Approve Civic Art Case Statement outlining the goals, parameters, and potential locations of the civic art; and 2) Approve recommendation for the Art Process Team to select an artist or artists to begin design concept development in conjunction with project architect and design team, public art consultant, Urban Art Subcommittee and City staff. **Approved as part of the Consent Calendar.**

**2.M. ARTS AND CULTURAL PROGRAMMING UTILIZING EMPTY STOREFRONTS [J. HUFFER, A. CAMPBELL]:**

*The City Council will review recommendations of the Economic Development Division to waive temporary use permit fees for Arts Grant Recipients and City-sponsored arts and cultural programming utilizing empty storefronts for pop-up galleries and performance spaces.*

**ACTION:** Approve waiver of temporary use permit fees for Arts Grant Recipients and City-sponsored arts and cultural programming utilizing empty storefronts for pop-up galleries and performance spaces. **Approved as part of the Consent Calendar.**

**2.N. 2011 LA MARATHON STREET CLOSURES [S. BAXTER, O. WALKER, C. SMITH]:**

*The City Council will consider approving road closures on portions of Sunset Boulevard, San Vicente Boulevard, and Santa Monica Boulevard to accommodate the 2011 LA Marathon.*

**ACTION:** 1) Approve the closure of Sunset Boulevard between North Havenhurst Drive and Clark Street/North San Vicente Boulevard on Sunday, March 20, 2011 from 4:00 am to 12:00 pm.; 2) Approve the closure of North San Vicente Boulevard between Sunset Boulevard and Melrose Avenue on Sunday, March 20, 2011 from 4:00 am to 12:00 pm.; 3) Approve the closure of Santa Monica Boulevard between La Cienega Boulevard and North Doheny Drive on Sunday, March 20, 2011 from 4:00 am to 12:00 pm.; and 4) Approve the closure of North Doheny Drive between Santa Monica Boulevard and Beverly Boulevard on Sunday, March 20, 2011 from 4:00 am to 12:00 pm. **Approved as part of the Consent Calendar.**

**2.O. JOHN VARVATOS-STUART HOUSE EVENT CO-SPONSORSHIP AND ASSOCIATED STREET CLOSURE REQUEST [S. BAXTER, O. WALKER, C. SMITH]:**

*The City Council will consider co-sponsoring the John Varvatos Stuart House Benefit and consider approving a road closure on Melrose Avenue to accommodate the event.*

**ACTION:** 1) Approve the co-sponsorship of the March 13, 2011 John Varvatos Stuart House Benefit; 2) Approve the waiver of Special Event and Building Permit fees for the John Varvatos Stuart House Benefit including Special Event Permit Application fees (\$2,400.00), Encroachment fee (\$100.00), Street closure fee (\$350.00), Building Permit fee (\$177.71), and Electrical Permit fee (\$283.40) for a total of \$3,311.11; 3) Approve the closure of Melrose Avenue between Robertson Boulevard and La Peer Drive on Sunday, March 13, 2011 from 6:00 a.m. to 7:30 p.m.; and 4) Approve event set-up on Sunday, March 13, 2011 beginning at 6:00 a.m. **Approved as part of the Consent Calendar.**

**2.P. CO-SPONSORSHIP OF 2011 "RISE UP AND SHOUT!" PERFORMANCE BY GAY/LESBIAN YOUTH, TO BE HELD MAY 14, 2011 [S. BAXTER, J. BOOK]:**

*The City Council will consider co-sponsoring the 2011 edition of "Rise Up and Shout! – Voices of the Next Gay Generation" to be held May 14, 2011.*

**ACTION:** Approve City co-sponsorship for 2011 edition of "Rise Up and Shout! – Voices of the Next Gay Generation" to be held May 14, 2011. **Approved as part of the Consent Calendar.**

**2.Q. CO-SPONSORSHIP OF 16TH ANNUAL TOM OF FINLAND FOUNDATION EROTIC ART FAIR WEEKEND, MARCH 25-28, 2011 [S. BAXTER, J. BOOK]:**



*The City Council will consider co-sponsoring the 16th Annual Tom of Finland Foundation Erotic Art Fair Weekend, to be held March 25-28, 2011, in West Hollywood Park.*

**ACTION:** 1) Approve City co-sponsorship for 16th Annual Tom of Finland Foundation Erotic Art Fair Weekend, to be held March 25-28, 2011; and 2) Approve waiver of rental fees in the amount of \$1,849 and refundable deposit in the amount of \$350. **Approved as part of the Consent Calendar.**

**2.R. BROADCASTING PUBLIC SAFETY COMMISSION MEETINGS [L. HORVATH, I. PINE]:**

*The City Council will consider directing the PIO to work with the Public Safety Division and the Public Safety Commission to broadcast Public Safety Commission meetings.*

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

**2.S. SUPPORT OF CLASSIFYING FAMILY PLANNING AS A PREVENTIVE SERVICE [A. LAND, C. PLANCK, E. BARRATT]:**

*The City Council will consider adopting a resolution in support of classifying family planning as a preventive service as defined by The Institute of Medicine.*

**ACTION:** 1) Adopt Resolution No. 11-4123, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF CLASSIFYING FAMILY PLANNING AS A PREVENTIVE SERVICE"; and 2) Direct staff to send copies of the signed resolution to U.S. Senators Barbara Boxer and Dianne Feinstein, U.S. Representative Henry A. Waxman, Department of Health and Human Services Secretary Kathleen Sebelius, The Institute of Medicine (IOM), and the IOM Panel for Women's Health Amendment, National Organization for Women (NOW), Planned Parenthood Federation of America, and the Center for Reproductive Rights. **Approved as part of the Consent Calendar.**

**2.T. CO-SPONSORSHIP OF THE LOS ANGELES GAY & LESBIAN CENTER'S "24 HOUR HOLLYWOOD RUSH" EVENT [J. DURAN, H. MOLINA]:**

*The City Council will consider approving a co-sponsorship of the LA Gay & Lesbian Center's event "24 HOUR HOLLYWOOD RUSH" aimed at raising funds for its crystal meth prevention and treatment programs.*

**ACTION:** 1) Approve co-sponsorship of the "24 HOUR HOLLYWOOD RUSH" event produced and presented by the Los Angeles Gay & Lesbian Center; and 2) Direct staff to assist with distribution of information to local residents and media outlets as it relates to the event and the services for which the funds raised will be directed to (crystal meth prevention and treatment programs). **Approved as part of the Consent Calendar.**

**2.U. SPONSORSHIP OF FAT TUESDAY/MARDI GRAS CELEBRATION [J. DURAN, H. MOLINA]:**

*The City Council will consider approving a special event permit for the celebration of Fat Tuesday/Mardi Gras in West Hollywood.*

**ACTION:** 1) Approve, in concept, a special event permit for Fat Tuesday/Mardi Gras celebration on Tuesday, March 8, 2011; 2) Approve the closure of Larrabee Street between Santa Monica Blvd and the alley north of the Blvd, between San Vicente and Palm Avenue; 3) Approve waiver of the encroachment and special event fees; 4) Direct Special Events and Public Safety staff to meet with business owners to discuss logistics and mitigations; and 5) Authorize the Director of Finance to increase budgeted expenditures in account 100-2-04-04-534320 by \$3,900 from unallocated reserves in the General Fund. **Approved as part of the Consent Calendar.**

**2.V. SUPPORT OF U.S. TOUR BY RUSSIAN LGBT LEADER NIKOLAI ALEKSEEV [J. DURAN, H. MOLINA, J. HEILMAN, F. SOLOMON, P. KOEHLER]:**

*The City Council will consider supporting the US Tour of Nikolai Alekseev and co-sponsoring a tour event in West Hollywood on March 5, 2011.*

**ACTION:** 1) Authorize the Public Information Office/CATV to cover this event; 2) Authorize use of the City logo and direct staff to assist with the promotion of the event; and 3) Request that the City's Russian Advisory Board (RAB) and the Lesbian and Gay Advisory Board (LGAB) to support the event and assist with community outreach. **Approved as part of the Consent Calendar.**

**2.W. CONDEMNATION OF VIOLENCE AGAINST THE TRANSGENDER COMMUNITY IN HONDURAS [J. HEILMAN, F. SOLOMON, L. HORVATH, I. PINE, P. KOEHLER]:**

*The City Council will consider adopting a resolution condemning the epidemic of violence against the Transgender community in Honduras.*

**ACTION:** 1) Adopt Resolution No. 11-4124, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONDEMNING VIOLENCE AGAINST THE TRANSGENDER COMMUNITY IN HONDURAS; and 2) Send copies of the signed resolutions to U.S. Senator Barbara Boxer, U.S. Senator Dianne Feinstein, Representative Henry Waxman, U.S. Secretary of State Hillary Clinton, U.S. Ambassador to Honduras Hugo Llorens, Honduran Attorney General Luis Alberto Rubí, Honduran Minister of Justice and Human Rights Ana Pineda, Honduran Minister of Public Security Oscar Alvarez, Honduran Special Attorney of Human Rights Sandra Ponce, Human Rights Watch, Amnesty International, International Gay and Lesbian Human Rights Commission, General Assembly of the Organization of American States, Unidad Color Rosa (Honduran NGO) and Red Cattrachas. **Approved as part of the Consent Calendar.**

**2.X. RENT STABILIZATION OUTREACH PLAN [L. HORVATH, I. PINE]:**

*The City Council will consider directing the Rent Stabilization Department and PIO to work with the Rent Stabilization Commission to create a new outreach plan for Rent Stabilization.*

**ACTION:** 1) Direct Rent Stabilization Department, PIO and Rent Stabilization Commission to review current outreach efforts and then create a new plan which specifically aims to re-educate renters about their rights and landlords about their responsibilities; and 2) Beyond communications, consider other means by which the City could interface with tenants and landlords including, but not limited to, regular on-site inspections, a confidential hotline, Neighborhood Watch, etc **Approved as part of the Consent Calendar.**

**2.Y. CO-SPONSORSHIP OF THE GAY ADULT CONFERENCE [J. DURAN, H. MOLINA, E. BARRATT]:**

*The City Council will consider co-sponsoring “The Gay Adult: Calling Ourselves Into Being” Conference to be held on February 26, 2011 at The Center’s Village at Ed Gould Plaza in Los Angeles.*

**ACTION:** 1) Approve the City of West Hollywood’s co-sponsorship of “The Gay Adult: Calling Ourselves into Being” Conference with the non-profit 100 Gay Men and other organizational co-hosts. Authorizing the use of the City’s name and logo on printed materials advertising the event; and 2) Direct staff to assist with the promotion of the event. **Approved as part of the Consent Calendar.**

**2.Z. AUTHORIZATION TO TELEVISION ONE ADDITIONAL CITY COUNCIL CANDIDATE FORUM [H. GOSS, K. EGENBERGER]:**

*The City Council will consider authorizing West Hollywood Citychannel 10 to televise one additional Candidate Forum as part of the March 8, 2011 City Council election.*

**ACTION:** Authorize the CATV Division of the Public Information and Prosecution Services Department to provide live and replay coverage of a 90-minute Candidate Forum co-sponsored by a coalition of resident associations and neighborhood watch groups, if the forum meets the following requirements: 1) The co-sponsoring coalition of resident associations and neighborhood watch groups include a broad geographic cross-section of the entire West Hollywood community; 2) The format as well as the candidate questions are coordinated by an independent and non-partisan organization such as the League of Women Voters of Los Angeles; and 3) The forum is moderated by an independent and impartial moderator. **Approved as part of the Consent Calendar.**

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

The Community Development Commission approved the minutes from the January 18, 2011 meeting and approved a lease rider to facilitate the release of \$3.79 million in state funding for the Sierra Bonita Apartments. 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: P.M.**

**3. PUBLIC HEARINGS:**

**3.A. PUBLIC HEARING TO SOLICIT COMMENTS ON THE ISSUANCE OF TAX-EXEMPT BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO BE REPAID BY MONARCH LA BREA VENTURE LP [A. WINDERMAN, A. GANDHY, G. SCHUCHARD]:**

*The City Council will hold a public hearing to consider approval of a resolution granting the California Statewide Communities Development Authority (CSCDA) authorization and direction to issue tax exempt bonds on behalf of Monarch La Brea Venture LP for the development of a multifamily rental housing development that includes affordable apartments at 1216, 1222, and 1234 North La Brea Avenue known as Monarch Fountain & La Brea ("Project"). The adoption of the resolution will not require the City to be financially obligated nor liable, nor provide any financing to acquire, construct, finance or refinance the Project.*

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

Allyne Winderman, Director of Rent Stabilization and Housing, provided background information as outlined in the staff report dated February 7, 2011.

Mayor Heilman opened the public hearing and no speakers came forward.

Mayor Heilman closed the public hearing.

**ACTION:** 1) Conduct a public hearing under the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") in connection with the proposed issuance of tax-exempt bonds by the California Statewide Communities Development Authority in an amount not to exceed \$70,000,000 for the purpose of financing the acquisition, construction, and equipping of Monarch Fountain & La Brea, a 187 unit multifamily rental housing development located at 1216, 1222, and 1234 North La Brea Avenue, West Hollywood, California (the "Project"); and 2) Adopt Resolution No. 11-4125, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE ISSUANCE OF TAX-EXEMPT MULTIFAMILY HOUSING BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO BE REPAID BY MONARCH LA BREA VENTURE LP." **Motion by Councilmember**

**Prang, seconded by Councilmember Land and unanimously approved.**

**3.B. DISCUSSION OF DRAFT CLIMATE ACTION PLAN PREPARED AS PART OF THE COMPREHENSIVE GENERAL PLAN UPDATE [A. MCINTOSH, J. KEHO, B. SIEGL, C. CORRAO]:**

*The City Council will discuss the measures, implementation and greenhouse gas reduction targets contained in the Draft Climate Action Plan; and 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; the City's Climate Action Plan Consultant, Jeff Henderson of AECOM; and Chris Corrao, Assistant Planner, provided background information as outlined in the staff report dated February 7, 2011.

Mayor Heilman opened the public hearing and no speakers came forward.

Mayor Heilman closed the public hearing.

Councilmember Horvath spoke in support of the City remaining committed to the Climate Action Plan in the future. She spoke regarding the opportunities for creating 'green' jobs in the City. She spoke in support of inclusion of information to residents regarding point-of-sale requirements in the Climate Action Plan. She spoke regarding the need to work with Southern California Edison regarding where they are obtaining their energy. She spoke regarding the possibility of engaging with the private sector to create partnerships to increase environmental sustainability. She requested clarification from staff regarding changes to the Climate Action Plan and their potential impacts on meeting the City's goals laid out in the plan.

Mayor Pro Tempore Duran expressed concerns regarding the aggressive green house reduction goals in the Climate Action Plan. He spoke regarding the fiscal impacts of implementing the plan. He spoke in support of allowing for future amendments to the Climate Action Plan.

Councilmember Land thanked staff for bringing the Item forward. She spoke in support of setting aggressive goals for greenhouse gas reductions and greater environmental sustainability.

**ACTION:** 1) Staff recommends that City Council hold a discussion of specific issues and information presented in the Climate Action Plan and

provide direction to staff regarding these policies; and 2) Continue the public hearing to a date certain of February 22, 2011. **Carried by Consensus of the Council.**

**4. UNFINISHED BUSINESS:**

**4.A. 25TH ANNIVERSARY CAPITAL PROJECT: PHASE I - PLUMMER PARK MASTER PLAN IMPLEMENTATION PROJECT CONFIRMATION OF DESIGN DEVELOPMENT PHASE AND AUTHORIZATION TO PROCEED INTO THE CONSTRUCTION DOCUMENT PHASE [S. BAXTER, S. CAMPBELL, H. COLLINS]:**

*The City Council will consider the Design Development Phase of the Phase I Plummer Park Master Plan Implementation Project and provide direction to staff.*

Sam Baxter, Director of Human Services, provided background information as outlined in the staff report dated February 7, 2011.

GEOFFREY BUCK, WEST HOLLYWOOD, spoke in support of creating more green space at Plummer Park. He spoke in support of scaling back the scope of the project or postponing the approval of the plan during the current economy.

ANGEE BECKETT, WEST HOLLYWOOD, spoke regarding the impacts on parking during the construction of the proposed underground parking lot. She spoke in opposition to moving or removing trees in the proposed plan.

Councilmember Horvath requested clarification from staff regarding the elevators to the parking garage. She requested clarification from staff regarding the possibility of including a bicycle sharing program at Plummer Park in the proposed plan.

Councilmember Prang spoke regarding public comment surrounding the number of trees being removed in the proposed project and the size of the trees to be planted over the underground parking garage. He spoke in support of creating a photographic record and preservation of the original plaques placed on Great Hall and Long Hall when they are demolished.

Mayor Heilman requested clarification from staff regarding locating the underground parking structure and the increase in park space. He expressed concerns regarding the exercise equipment located in the proposed plan and requested staff to continue to explore a more functional design. He spoke regarding the roof deck of the pre-school and the need to provide shade to allow for use during the summer. He requested clarification from the City Manager regarding funding for the project.

City Manager Arevalo provided clarification regarding the proposed project's inclusion in the City's 25<sup>th</sup> Anniversary Capital Project and provided clarification regarding funding of the project.

**ACTION:** 1) Approve the Phase I Plummer Park Master Plan Implementation Project's Design Development Phase as presented to Council and described in this report; 2) Authorize staff to proceed with the Construction Drawing Phase of the Phase I Plummer Park Master Plan Implementation Project; 3) Direct staff to return to City Council at the completion of the Construction Drawing Phase for authorization to bid the Project; and 4) Reaffirm the Project's budget and associated cost estimate. **Motion by Councilmember Land, seconded by Councilmember Horvath and unanimously approved.**

**4.B. 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 February 7, 2011.

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

SCOTT SCHMIDT, WEST HOLLYWOOD, spoke in support of focusing the proposed ordinance only on restaurants with full service kitchens.

JENNIFER PAUL spoke in support of an ordinance to prohibit smoking in outdoor dining and other public areas, but spoke in opposition to creating designated smoking sections in outdoor dining patios.

DAVID CODELL, WEST HOLLYWOOD, spoke in support of an ordinance to prohibit smoking in outdoor dining and other public areas, but spoke in opposition to creating designated smoking sections in outdoor dining patios. He spoke in opposition to an exemption for private membership clubs.

GENIVIEVE MORRILL, EXECUTIVE DIRECTOR OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of the exemptions provided by the proposed ordinance and spoke in support of allowing exemptions for other restaurants and nightclubs in the City.

PHILIP HOSKINS, WEST HOLLYWOOD, spoke in support of the proposed ordinance to prohibit smoking in outdoor dining and other public areas.

STEVEN GALLEGOS, GLENDALE, thanked City staff for their work on the proposed ordinance. He spoke in support of the proposed ordinance to prohibit smoking in outdoor dining and other public areas.

JAMES SINCLAIR, WEST HOLLYWOOD, thanked City staff for their work on the proposed ordinance. He expressed concerns regarding the distinctions created between restaurants, bars and nightclubs in the proposed ordinance, and spoke in support of following state guidelines for defining businesses.

JOHN WOLFE, STUDIO CITY, spoke in opposition to the proposed ordinance to prohibit smoking in outdoor dining and other public areas.

SAM BORELLI, WEST HOLLYWOOD, spoke in opposition to the one-year waiting period for the ordinance to take effect, and in opposition to the exemptions included in the ordinance. He spoke in support of a completely smoke-free outdoor dining environment in the City of West Hollywood.

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

LOREN PAUL, LOS ANGELES, spoke in opposition to the proposed ordinance to prohibit smoking in outdoor dining and other public areas.

NABIL WALDEN, LOS FELIZ, spoke in support of the exemption for hookah bars in the proposed ordinance.

KELLY, FROM PI ON SUNSET, spoke in support of an exemption for Pi on Sunset in the proposed ordinance.

ARMAND ANDONIAN, LOS FELIZ, spoke in support of the exemption for hookah bars in the proposed ordinance.

TODD STEADMAN, EXECUTIVE DIRECTOR OF THE SUNSET STRIP BUSINESS ASSOCIATION, thanked City staff for their work on the proposed ordinance. He spoke in support of the exemptions in the proposed ordinance, but expressed concerns regarding financial impacts on businesses in the City associated with the ordinance.



JEFFREY SEYMOUR, WESTLAKE VILLAGE, thanked City staff for their work on the proposed ordinance. He spoke in support of the proposed ordinance to prohibit smoking in outdoor dining and other public areas.

Councilmember Land thanked all the members of the public who came out to speak. She thanked City staff and the Smoking Task Force for their work on the proposed ordinance. She spoke regarding the proposed ordinance and the need to address the public health issues associated with second-hand smoke. She expressed concerns regarding the compromises and exemptions included in the proposed ordinance. She requested clarification from staff regarding the proposed civil actions and penalties provided for by the proposed ordinance. She requested clarification from staff regarding the implementation and enforcement of the ordinance.

Mayor Pro Tempore Duran expressed concerns regarding due-process issues, particularly in regard to businesses that might be impacted by the ordinance, but where the impacts can not be determined at the present time. He also expressed concerns that these businesses will have no right to appeal the ordinance if they are impacted. He expressed concerns regarding the exemption of the current hookah bars, but the limitation of any new hookah bars in the City. He spoke in support of exempting private membership clubs. He expressed concerns regarding allowing smoking in public parks at the same time it is being restricted in outdoor dining areas. He expressed concerns regarding prohibiting smoking in valet areas. He spoke regarding the impacts of automobile exhaust on patrons in outdoor dining areas in the City. He expressed concerns regarding enforcement issues of the proposed ordinance and the impacts on businesses.

Councilmember Prang requested clarification from staff regarding the 11 businesses listed in the staff report as having varying operating characteristics. He expressed concerns regarding the compromises and exemptions included in the proposed ordinance. He expressed concerns regarding enforcement of the proposed ordinance. He spoke in support of the ordinance as a starting point.

Councilmember Horvath expressed concerns regarding the clarity of the proposed policy. She expressed concerns regarding the compromises and exemptions in the proposed ordinance. She spoke in support of a clear definition for types of businesses in the proposed ordinance and spoke in support of defining types of businesses by the way they are permitted. She spoke in support of more clarification and discussion regarding what constitutes public spaces in the proposed ordinance. She spoke in support of exemptions for the bars & nightclubs, hookah bars, and private membership clubs.

Mayor Heilman thanked all the members of the public who came out to speak. He thanked City staff and the Smoking Task Force for their work on the proposed ordinance. He spoke regarding the proposed ordinance and stated that smoking in outdoor dining areas is a public health issue. He spoke regarding the previous passage of a ban on indoor smoking in bars and restaurants. He spoke in support of civil actions in enforcing the proposed ordinance. He spoke regarding the due process followed by the City during the drafting of the proposed ordinance. He expressed concerns regarding the compromises and exemptions in the proposed ordinance. He spoke in support of the exemption for hookah bars and in support of the restriction on new hookah bars in the City. He spoke in opposition to the exemption of private membership clubs in the proposed ordinance. He spoke in support of extending the ordinance to public parks.

**Motion by Mayor Pro Tempore Duran, seconded by Councilmember Horvath to include an exemption for private membership clubs in the ordinance. Councilmember Land voted against the motion. Councilmember Prang proposed an amendment to the motion to limit the exemption to existing private membership clubs only. Motion approved.**

**Motion by Councilmember Land, seconded by Mayor Heilman to prohibit outdoor designated smoking areas for restaurants in the ordinance. Motion approved with Mayor Pro Tempore Duran voting NO.**

**Motion by Mayor Pro Tempore Duran to remove the Civil Cause of Action in the ordinance. Motion not seconded, motion failed.**

**Motion by Mayor Pro Tempore Duran, seconded by Councilmember Horvath to remove smoking restrictions in valet parking areas from the ordinance. Motion failed. Motion failed with Councilmember Land, Councilmember Prang, and Mayor Heilman voting NO.**

**ACTION:** 1) Adopt and introduce on first reading Ordinance No. 11-863, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE TO PROHIBIT SMOKING IN OUTDOOR DINING AND OTHER PUBLIC AREAS AND ELIMINATE EXISTING REGULATIONS THAT ARE DUPLICATIVE OF STATE LAW" and set second reading for February 22, 2011 - with the following amendments: a) Amend Section 7.08.020; Subsection 1; last sentence to read "This does not include a bar area that is an integrated part of a restaurant."; b) Delete Section 7.08.030, Subsection e., Paragraph 2; and 2) Per the adopted ordinance, authorize the Community Development Director to receive, review, and approve Smoking Operations Plans.  
**Motion by Councilmember Land, seconded by Councilmember Prang**

**and approved with Councilmember Horvath and Mayor Pro Tempore Duran voting NO.**

**5. NEW BUSINESS:**

**5.A. WEST HOLLYWOOD RECOVERY CENTER [J. HEILMAN, F. SOLOMON]:**

*The City Council will consider formally partnering with the West Hollywood Recovery Center to help determine their future space and parking needs..*

Mayor Heilman provided background information as outlined in the staff report dated February 7, 2011.

GREGORY HOWELL, WEST HOLLYWOOD, spoke in support of the Item.

JIMMY PALMIERI, WEST HOLLYWOOD, spoke in support of the Item.

KEN SEELEY, LOS ANGELES, spoke in support of the Item.

Mayor Pro Tempore Duran thanked Mayor Heilman for bringing the Item forward. He provided clarification regarding the original location of the Recovery Center in the Werle building as a temporary solution and the need to find a permanent solution for the Center.

Councilmember Horvath thanked the West Hollywood Recovery Center for their work in the community.

Councilmember Land thanked Mayor Heilman for bringing the Item forward.

**ACTION:** Direct the City Manager to work with the West Hollywood Recovery Center to help analyze their future space and parking needs with a goal of accommodating the Center either in Phase 2 of the West Hollywood Park Plan or in another suitable structure near its current location. **Motion by Councilmember Land, seconded by Councilmember Horvath and unanimously approved.**

**5.B. APPOINTMENTS FOR COMMISSIONS, ADVISORY BOARDS, COMMITTEES, 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, Advisory Boards, Committees, and 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.**

**EXCLUDED CONSENT CALENDAR:**

**2.R. BROADCASTING PUBLIC SAFETY COMMISSION MEETINGS [L. HORVATH, I. PINE]:**

*The City Council will consider directing the PIO to work with the Public Safety Division and the Public Safety Commission to broadcast Public Safety Commission meetings.*

Councilmember Prang expressed concerns regarding singling out the Public Safety Commission. He spoke in support of creating a program where all boards and commissions have the opportunity to have a certain number of televised meetings.

Mayor Heilman expressed concerns regarding the effectiveness of communicating public safety information to the public through the broadcast of the Commission meetings. He spoke in support of exploring other methods to provide public safety information to the public.

Councilmember Land spoke in support of targeting meetings that are being broadcast to specifically provide public safety information to the public.

Mayor Pro Tempore Duran expressed concerns regarding singling out the Public Safety Commission, and spoke in support of leaving the decision of broadcasting meetings to the Director of PIO.

**ACTION:** Direct the PIO staff to work with the Public Safety Division and the Public Safety Commission to broadcast Public Safety Commission meetings when possible; with an amendment to direct PIO to determine appropriate meetings to be televised and to provide public safety information through other venues such as the City's website. **Motion by Councilmember Prang, seconded by Councilmember Land and unanimously approved.**

**PUBLIC COMMENT:**

KEITH KAPLAN, WEST HOLLYWOOD, spoke in opposition to a ban on fur in the City of West Hollywood.

**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, exempting retailers in operation prior to January 1, 2011.*

Lisa Belsanti, Senior Management Analyst, provided background information as outlined in the staff report dated February 7, 2011.

Mayor Pro Tempore Duran requested clarification from staff regarding evidence of tobacco sales to people who are underage in the City.

JEANNIE JUNG, HAWTHORNE, spoke in support of the Item.

JENNIFER PAUL, LOS ANGELES, spoke in opposition to the grandfathering of current tobacco retailers in the proposed ordinance.

STEVEN GALLEGOS, GLENDALE, spoke in support of the Item.

Councilmember Horvath requested clarification from staff regarding the selection of the 600' radius size in the proposed ordinance.

Mayor Pro Tempore Duran spoke in opposition to the Item.

**ACTION:** Introduce for first reading Ordinance No.11-864, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD PROHIBITING THE SALE OF TOBACCO PRODUCTS WITHIN 600 FEET OF SCHOOLS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE"; with an amendment to Section 7.32.040, Paragraph a., to remove the clause "any change or transfer of ownership of the business or".  
**Motion by Councilmember Prang, seconded by Councilmember Horvath and approved with Mayor Pro Tempore Duran voting NO.**

**COUNCILMEMBER COMMENTS: None.**

**ADJOURNMENT:** The City Council adjourned at 11:27 P.M. in memory of Stuart Bergstein, Louisa Rodriguez, the mother of Steven Davis, Norma Boray, Dora Rolla, Millie Gilbert, Lee Harrington, the people who died recently in the protests in Egypt and Tunisia, David Kato, 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 Tuesday, February 22, 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 22<sup>nd</sup> 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.

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JOHN HEILMAN, MAYOR

ATTEST:

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THOMAS R. WEST, CITY CLERK