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(Article IV, Chapter 7, W.H.M.C.)**

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AND AT THE LIBRARY, 715 N. SAN VICENTE BLVD.**

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If you would like additional information on any item appearing on this agenda, please contact the Office of the City Clerk at (323) 848-6409.

Note: Any agenda item which has not been initiated by 11:00 p.m. may be continued to a subsequent City Council meeting.

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
AGENDA
TUESDAY, FEBRUARY 22, 2005
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

6:00 P.M. - CLOSED SESSION: See attached Closed Session Agenda

6:30 P.M. – REGULAR MEETING

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

REPORT OF CLOSED SESSION AGENDA:

APPROVAL OF AGENDA:

PRESENTATIONS:

- 1. PUBLIC COMMENT:** This time has been set aside for members of the public to address the City Council on Consent Calendar items, other agenda items if the member of the public cannot be present later in the meeting at the time the item is heard by the Council and items of general interest within the subject matter jurisdiction of the Council. Although the City Council values your comments, pursuant to the Brown Act it generally cannot take any action on items not listed

on the posted agenda. This comment period shall be limited to 20 minutes, with two minutes assigned for each speaker. Another period has been reserved for general public comment, later in the meeting, for those who could not be heard at this time. Testimony for public hearings will only be taken at the time of the hearing.

1.A. PUBLIC COMMENTS ON CONSENT CALENDAR ITEMS WHICH HAVE NOT BEEN REMOVED FROM THE CONSENT CALENDAR:

1.B. PUBLIC COMMENTS, GENERAL INTEREST:

COUNCILMEMBER COMMENTS: This portion of the meeting is set aside for general comments, announcements, requests of staff, and/or other issues of concern from members of the City Council.

CITY MANAGER'S REPORT: This time is set aside for the City Manager to update the Council on important items initiated by staff or previously requested by the City Council.

FISCAL IMPACT ON CONSENT CALENDAR:

2. CONSENT CALENDAR:

The following routine matters can be acted upon by one motion. Individual items may be removed by the Council for separate discussion. Items removed for separate discussion will be heard following New Business Items. The title is deemed to be read and further reading waived of any ordinance listed on the consent calendar for introduction or adoption.

2.A. POSTING OF AGENDA:

The agenda for the meeting of Tuesday, February 22, 2005 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, February 17, 2005.

RECOMMENDATION: Receive and file.

2.B. APPROVAL OF MINUTES:

The City Council is requested to approve the minutes of prior Council meetings.

RECOMMENDATION: Approve the minutes of February 7, 2005.

2.C. DEMAND REGISTER NO. 526, RESOLUTION NO. 05-3179:

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

RECOMMENDATION: Approve Demand Register No. 526 and adopt Resolution No. 05-3179, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 526."

2.D. CLAIMS ADMINISTRATION:

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

RECOMMENDATION: Deny the claims of Francesco Abbado and Silver Spoon Restaurant and refer to the City's claims adjuster.

2.E. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

RECOMMENDATION: Receive and file.

2.F. RESIGNATIONS OF SARAH DODGE FROM THE WOMEN'S ADVISORY BOARD AND KARIN QUIMBY FROM THE LESBIAN & GAY ADVISORY BOARD:

The City Council will receive the resignations of Women's Advisory Board member Sarah Dodge, effective March 8, 2005 and Lesbian and Gay Advisory Board member Karin Quimby, effective February 10, 2005.

RECOMMENDATION: Accept with regret the resignations of Sarah Dodge from the Women's Advisory Board and Karin Quimby from the Lesbian & Gay Advisory Board.

2.G. AWARD OF A CONSTRUCTION CONTRACT FOR SUNSET BLVD SEWER REHABILITATION, CIP 0405:

The City Council will consider approval of a construction contract for rehabilitation of sewers in Sunset Blvd.

RECOMMENDATIONS: 1) Accept the bid dated February 7, 2005, submitted by Sancon Technologies, Inc.; 2) Authorize the City Manager to enter into a contract with Sancon Technologies, Inc, in the amount of \$739,251.00 for the construction of CIP 0405, Sunset Boulevard Sewer Rehabilitation Project; 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; and 4) Authorize the Director of Finance to appropriate \$250,000 from the Sewer Fund Balance and increase the budgeted expenditures for Sewer District Maintenance (615-8040-9708) by \$250,000.

2.H. AGREEMENT FOR SERVICES WITH CIVIC SOLUTIONS, INC. FOR PROFESSIONAL PLANNING SERVICES FOR PLANNING DIVISION:

The City Council will consider approving an Agreement with Civic Solutions, Inc. to provide planning services for the Planning Division.

RECOMMENDATIONS: 1) Approve the Agreement for Professional Planning Services with Civic Solutions, Inc. in an amount not-to-exceed one hundred fifty thousand dollars (\$150,000) for planning services in the Planning Division as needed not-to- exceed three years of service; and 2) Authorize the City Manager to sign the agreement.

2.I. AUTHORIZATION TO USE FUNDS FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

LOCAL HOUSING TRUST FUND PROGRAM FOR THE HAVENHURST INDEPENDENT LIVING APARTMENTS PROJECT:

The City Council will consider various actions that would result in the use of up to \$1 million in State Local Housing Trust Fund Program (LHTFP) grant funds for the 24-unit Havenhurst Independent Living Apartments affordable housing development at 1433-35 Havenhurst Avenue, thereby freeing up to \$1 million of local developer-generated Affordable Housing Trust Fund (AHTF) money for other affordable housing projects.

RECOMMENDATIONS: 1) Authorize use of up to \$1 million of State Grant Funds from the Local Housing Trust Fund Program (LHTFP) funds for the Havenhurst Independent Living Apartments as a substitute for local developer-generated AHTF funds; 2) Authorize the director of Finance & Technology Services to adjust budgeted revenues and expenditures in the Miscellaneous Grant Fund and the Affordable Housing Trust Fund in Fiscal Years 2004-05 and 2005-06 to facilitate use of the Grant Funds for this purpose and free AHTF proceeds for future projects; 3) Reconfirm the loan of \$1,818,666 to the Havenhurst Limited Partnership, as previously approved by Council. This re-authorizes the same loan amount, but acknowledges different sources. There is no increase in funding; and 4) Authorize the City Manager to amend agreements to ensure continued compliance with grant requirements.

2.J. UPDATE OF THE 2004-2005 OPERATING BUDGET, CAPITAL WORKPLAN, AND VISION 2020:

The City Council will consider the mid-year update of the City's 2004-05 Operating Budget and Capital Workplan and Primary Strategic Goals. Proposed increases to revenue budgets will partially offset Council supplemental appropriations made during the course of this fiscal year.

RECOMMENDATIONS: 1) Receive and file the attached report on the Primary Strategic Goals; 2) Authorize the Director of Finance and Technology to increase budgeted General Fund revenues by \$1,360,000, Park Development Fund revenues by \$230,000; Public Beautification and Art revenues by \$78,000; and Affordable Housing Trust Fund revenues by \$1,300,000; and 3) Authorize the Director of Finance to use the General Fund revenue increase of \$1.3 million to offset \$1.9 million in previous Council appropriations, and the Affordable Housing revenue increase of \$1.3 million to offset \$475,000 in previous Council appropriations.

2.K. RESOLUTION PROCLAIMING THE CITY OF WEST HOLLYWOOD'S PARTICIPATION IN NONPRESCRIPTION NEEDLE SALES AND THE LOS ANGELES COUNTY DISEASE PREVENTION PILOT PROJECT:

The City Council will consider adopting a resolution affirming the City of West Hollywood's participation in nonprescription needle sales and the associated 5-year pilot project, the Disease Prevention Demonstration Project.

RECOMMENDATIONS: 1) Adopt Resolution 05-3180, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD PROCLAIMING ITS SUPPORT OF PARTICIPATION IN

NONPRESCRIPTION NEEDLE SALES AND APPROVING CITY PARTICIPATION IN THE DISEASE PREVENTION DEMONSTRATION PROJECT;" 2) Recommend that staff communicate with local pharmacies the City of West Hollywood's authorization of their participation in the Disease Prevention Demonstration Project; and 3) Recommend that City staff assist participating pharmacies in registering with the Los Angeles County Department of Health's Disease Prevention Demonstration Project.

2.L. RESOLUTION URGING THE RETENTION AND FULL FUNDING OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) FOR FY 2006:

The City Council will consider adopting a Resolution urging the retention and full funding of the Community Development Block Grant Program (CDBG) for FY 2006.

RECOMMENDATIONS: 1) Adopt Resolution No. 05-3181, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ENCOURAGING THE RETENTION AND FULL FUNDING OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) FOR "FY 2006"; and 2) Send the Resolution to President George W. Bush, U.S. Senator Barbara Boxer, U.S. Senator Diane Feinstein, U.S. Representative Henry Waxman, and other congressional representatives.

2.M. WOMEN'S HISTORY MONTH, MARCH 2005:

The City Council will consider approval of programming in celebration of Women's History Month, March 2005.

RECOMMENDATION: Approve programming for Women's History Month, March 2005 and direct the appropriate City staff to work with the Women's Advisory Board to assist with the production and promotion of Women's History Month.

2.N. INSTALLATION OF WOMEN'S HISTORY MONTH BANNERS ALONG SANTA MONICA BOULEVARD:

The City Council will consider a request from the West Hollywood Women's Advisory Board to authorize the installation of Women's History Month banners from March 1, 2005 to March 31, 2005, along Santa Monica Blvd between La Cienega and Kings Road.

RECOMMENDATION: Direct staff to approve the installation of 32 pole banners on the north and south sides of Santa Monica Boulevard between La Cienega and Kings Road from March 1, 2005 – March 31, 2005.

2.O. RESOLUTION IN OPPOSITION TO THE STATE BOARD OF EQUALIZATION'S PROPOSED CHANGES TO TAX EXEMPTIONS FOR AFFORDABLE HOUSING PROJECTS:

The City Council will consider adopting a Resolution opposing the State Board of Equalization's proposed changes to tax exemptions for affordable housing projects.

RECOMMENDATIONS: 1) Adopt Resolution No. 05-3182, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN OPPOSITION TO THE STATE BOARD OF EQUALIZATION'S PROPOSED CHANGES TO TAX EXEMPTIONS FOR AFFORDABLE HOUSING PROJECTS"; and 2) Send the Resolution to the State Board of Equalization.

2.P. A RESOLUTION OPPOSING PRESIDENT BUSH'S PLAN TO REPLACE EMPLOYER-PROVIDED HEALTH INSURANCE WITH HIGH-DEDUCTIBLE "CATASTROPHIC" INSURANCE COUPLED WITH PERSONAL HEALTH SAVINGS ACCOUNTS:

The City Council will consider adopting a resolution opposing Bush's plan to replace employer-provided health insurance with high-deductible "catastrophic" insurance coupled with personal Health Savings Accounts.

RECOMMENDATIONS: 1) Adopt Resolution 05-3183, "A RESOLUTION OPPOSING PRESIDENT BUSH'S PLAN TO REPLACE EMPLOYER-PROVIDED HEALTH INSURANCE WITH HIGH-DEDUCTIBLE "CATASTROPHIC" INSURANCE COUPLED WITH PERSONAL HEALTH SAVINGS ACCOUNTS"; 2) Send copies of resolution to President George W. Bush, U.S. Senators Dianne Feinstein and Barbara Boxer, U.S. House Representative Henry Waxman, California State Senator Sheila J. Kuehl and California State Assemblymember Paul Koretz; 3) Commit city resources to advocate, at both the federal and state level, for adoption of health insurance coverage for all Californians through a single insurance plan, a preferred method of health care rather than the President's proposed Health Savings Account; and 4) Advocate for the rejection, at the federal and state level, of any proposals that would institute Personal Health Savings Accounts and accompanying Catastrophic Insurance.

2.Q. REAFFIRMATION OF CURRENT CITY POLICY ON HIV NAMES-BASED REPORTING:

The City Council will consider current City policy opposing HIV names-based reporting.

RECOMMENDATIONS: 1) Continue to oppose HIV names-based reporting; and 2) Direct the City lobbyist to contact State legislators so that they become aware that the City of West Hollywood continues to oppose HIV names-based reporting.

3. PUBLIC HEARINGS:

3.A. REQUEST TO AMEND THE ZONING ORDINANCE REGARDING THE USE OF THE MIXED-USE BONUS AREA AND TO CONSTRUCT A 42,814 SQUARE-FOOT MIXED-USE PROJECT WITH 16 DWELLING UNITS, A 20-ROOM HOTEL AND A 3,997 SQUARE-FOOT RESTAURANT:

The City Council will hold a public hearing and consider a project that would develop the site with a 42,814 square-foot four-story mixed-use development consisting of a 3,997 square-foot ground floor restaurant

space, 20 hotel rooms and 16 condominium units. Also proposed is an amendment to the Zoning Ordinance to allow for hotel uses within the residential bonus area.

RECOMMENDATIONS: Approve the request and introduce for the first reading the following: 1) Ordinance No. 05-_____ "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING ZONE TEXT AMENDMENT 2004-01 ALLOWING HOTEL USES WITHIN THE MIXED-USE BONUS AREA." (ATTACHMENT A); 2) Adopt Resolution No. 05-_____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, ADOPTING A NEGATIVE DELCARATION AND CONDITIONALLY APPROVING DEMOLITION PERMIT 2004-08, DEVELOPMENT PERMIT 2004-07, CONDITIONAL USE PERMIT 2004-03 FOR HOTEL USE AND THE SALES, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND VARIANCE 2004-03 FOR A 42,814 SQUARE FOOT MIXED-USE DEVELOPMENT WITH A 3,997 SQUARE-FOOT RESTAURANT SPACE, 20 HOTEL ROOMS, AND 16 CONDOMINIUM UNITS AT 8465 HOLLOWAY DRIVE, WEST HOLLYWOOD, CALIFORNIA." (ATTACHMENT B); and 3) Adopt Resolution No. PC 05-_____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, GRANTING CONDITIONAL APPROVAL OF TENTATIVE TRACT MAP 61147 (TENTATIVE TRACT MAP 2004-05) FOR PROPERTY LOCATED AT 8465 HOLLOWAY DRIVE, WEST HOLLYWOOD, CALIFORNIA." (ATTACHMENT C)

3.B. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF CONVERSION OF AN EXISTING 8-UNIT MULTI-FAMILY BUILDING TO CONDOMINIUM UNITS AT 1112 OLIVE DRIVE:

The Council will hold a public hearing on the applicant's appeal of the Planning Commission's approval of Development Permit 2004-19 which allows the conversion of an existing 8-unit multi-family residential building to condominium. The appeal disputes the legality of conditions of approval in the Planning Commission resolution.

RECOMMENDATION: Adopt Resolution 05-_____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL OF STEVEN AFRIAT, REPRESENTATIVE OF THE PROPERTY OWNER, AND UPHOLDING THE PLANNING COMMISSION'S ACTION APPROVING DEVELOPMENT PERMIT 2004-19 FOR CONVERSION OF AN EXISTING 8-UNIT RESIDENTIAL BUILDING TO CONDOMINIUMS LOCATED AT 1112 OLIVE DRIVE, WEST HOLLYWOOD, CALIFORNIA." (ATTACHMENT A)

4. UNFINISHED BUSINESS:

4.A. TAXICAB FRANCHISE ANNUAL PERFORMANCE REVIEW:

The City Council will receive information on each taxicab franchisee for performance and consistencies with the City's operating and service requirements and determine whether to lift the probation and reinstate taxicab permits for Checker Cab Co., ITOA and UITD.

RECOMMENDATIONS: 1) That the City Council chooses from among the alternatives set forth on Page 9 of the report; and 2) Authorize the Director of Finance to adjust the General Fund budgeted revenues and expenditures based upon final City Council actions.

4.B. VARIOUS ADVISORY BOARD APPOINTMENTS:

The City Council will consider making at-large appointments to the Women's Advisory Board.

RECOMMENDATION: 1) Make 2 at-large appointments to the Women's Advisory Board.

5. NEW BUSINESS:

None.

EXCLUDED CONSENT CALENDAR: Items removed from the Consent Calendar for separate discussion are considered at this time.

PUBLIC COMMENT: This time is set aside for the public to address the Council on any item of interest within the subject matter jurisdiction of the Council that could not be heard under Item 1 at the beginning of the meeting.

6. LEGISLATIVE:

6.A. POSTING MAXIMUM RATES FOR VEHICLES TOWED FROM PRIVATE PROPERTY:

The City Council will consider an ordinance clarifying language in the California Vehicle Code related to towing of vehicles parked on private property.

RECOMMENDATION: Introduce for first reading Ordinance No. 05-_____, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE TRAFFIC CODE TO CLARIFY CALIFORNIA VEHICLE CODE SECTION 22658(i)(1) BY REQUIRING CHARGES FOR TOWING AND STORAGE TO BE POSTED ON PRIVATE PROPERTY AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE".

COUNCILMEMBER COMMENTS: Additional general comments, announcements, requests of staff and/or other issues of concern to Councilmembers are briefly presented at this time.

ADJOURNMENT: The City Council will adjourn to their next regular meeting, which will be on Monday, March 7, 2005 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
March 7	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
March 21	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
April 4	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
April 18	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.

**CITY COUNCIL
CITY OF WEST HOLLYWOOD**

CLOSED SESSION AGENDA

TUESDAY, FEBRUARY 22, 2005

WEST HOLLYWOOD PARK AUDITORIUM, STUDIO ROOM

CONFERENCE WITH LEGAL COUNSEL

The City Council finds, based on advice from the City Attorney, that discussion in open session of the following described matters will prejudice the position of the City in existing and anticipated litigation.

- 1. PUBLIC COMMENT:** This time has been set aside for members of the public to address the City Council on Closed Session items.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR.....G.C. 54956.8

Property: 621 San Vicente Boulevard
Agency Negotiator: Ray Reynolds
Negotiating Parties: County of Los Angeles
Under Negotiation: Price and terms of payment

PENDING LITIGATION.....G.C. 54956.9(a)

Leonte v. City of West Hollywood, LA Superior Court

Case No. BC256915

Save Tara v. City of West Hollywood, LA Superior Court

Case No. BS 090402

THREATENED LITIGATION.....G.C. 54956.9(b)

1 case.

INITIATION OF LITIGATION.....G.C. 54956.9(c)

1 case.
