CITY COUNCIL MINUTES MONDAY, SEPTEMBER 19, 2005 WEST HOLLYWOOD PARK AUDITORIUM

CALL TO ORDER: The meeting was called to order at 6:45 P.M.

PLEDGE OF ALLEGIANCE: Nadia Sutton led the pledge.

ROLL CALL: PRESENT: Councilmember Duran, Guarriello, Prang, Mayor

Pro Tempore Heilman and Mayor Land.

ABSENT: None.

ALSO PRESENT: City Manager Paul Arevalo, City Attorney Michael

Jenkins, City Clerk Tom West and Assistant City

Clerk Corey Schaffer.

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins stated that the Closed Session convened at 6:00 P.M. He stated that there was no public comment and no items were added to the agenda. He stated that the Closed Session adjourned at 6:35pm with no reportable action taken.

APPROVAL OF AGENDA:

Councilmember Prang recused himself on Item 2.L., due to the proximity of his residence to the establishment in question.

Mayor Land noted her abstention on Item 2.F., specifically funding for the LA Free Clinic.

Motion by Councilmember Guarriello, seconded by Mayor Land to approve the September 19, 2005 agenda and unanimously approved.

PRESENTATIONS:

Councilmember Duran presented gift bags to the Crystal Meth Townhall speakers in recognition of their efforts to organize the most recent Townhall Forum.

Mayor Land and members of the Lesbian and Gay Advisory Board presented a Rainbow Key Award to Assemblymember Paul Koretz for his efforts in the Lesbian, Gay, Bisexual, Transgender Community.

Mayor Pro Tempore Heilman and members of the Disabilities Advisory Board presented a proclamation in honor of Disability Awareness Month.

Mayor Land presented a proclamation in honor of Breast Cancer Awareness Month and commended and thanked local businesses and organizations who have contributed to the programming for the month.

City Council Minutes Monday, September 19, 2005 Page 2

Councilmember Guarriello presented a plaque to Rita and Ray Norton, residents of West Hollywood, in appreciation for all their contributions to the City.

1. PUBLIC COMMENT:

MARK HEINEMANN, WEST HOLLYWOOD, spoke regarding rental issues at his apartment building.

SHIRLEY KAPLAN, WEST HOLLYWOOD, spoke regarding Item 2.U.

JAKE BERN, LOS ANGELES, spoke in support of Item 2.L. and thanked City Council for its passage.

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

MARIO TAFUR, WHITTIER, spoke regarding a collaboration between ITPS and the City of West Hollywood.

STAN LOTHRIDGE, WEST HOLLYWOOD, spoke regarding the property located at 1343 N. Laurel Avenue.

MARCY NORTON, WEST HOLLYWOOD, spoke regarding the work of the Friends of the West Hollywood Library and their upcoming fund raising event at the West Hollywood Book Fair.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding FEMA and thanked Assemblymember Paul Koretz for his support of Alcohol and Drug Recovery Month.

COUNCILMEMBER COMMENTS:

Councilmember Duran spoke regarding Mark Heinemann's public comments surrounding rent stabilization issues and encouraged residents to bring their issues to the Rent Stabilization Commission and the Rent Stabilization Department at the City. He also spoke regarding the Marriage Equality Bill and the upcoming presentation of the bill to the California Governor.

Councilmember Guarriello spoke regarding residents bringing rent stabilization issues to the appropriate City Department or Commission to have them handled properly.

Councilmember Prang spoke regarding the best method to contact the Governor's office to show support of the Marriage Equality Bill and other state legislation. He also spoke regarding an upcoming meeting at which he will be testifying on behalf of retaining medical facilities for veterans. He spoke regarding the opening of a new PATH facility and an upcoming event at Barney's Beanery to benefit AIDS services. He spoke regarding the recent Sheriff contract negotiations.

Mayor Pro Tempore Heilman spoke regarding the upcoming West Hollywood Book Fair. He spoke regarding the upcoming birthday of Mayor Land. He asked staff for an update on rent stabilization issues raised during Public Comment and clarified that residents should be respectful when they contact City Staff with their concerns.

Mayor Land spoke regarding the City's response to Hurricane Katrina and thanked the Key Club for a recent fund raising event to support the victims. She spoke abut the Conference Mavor's discussion municipalities of concerning "adoption" of Gulf Coast communities. She thanked the MCC Church and local hotels for their efforts to assist Katrina victims. She announced a City program to allow City Staff to donate leave to help in the recovery efforts. She thanked City staff for organizing the rally in support of the Marriage Equality Bill. She spoke regarding Item 2.R., the West Hollywood Library Bond application, and Item 2.V., support of Team Weho who are running in the upcoming AIDS Marathon. She announced her opening on the Historic Preservation Commission and thanked her outgoing Commissioner Natalie Shivers.

CITY MANAGER'S REPORT:

City Manager Arevalo spoke regarding the public comments from Mark Heinemann surrounding rent stabilization issues and informed Council that Marney Hull, Rent Stabilization Manager, will be contacting Mr. Heinemann to assist him. He congratulated City Attorney Jenkins on his recent appointment to the Board of the League of California Cities.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$3,232,110.00 in expenditures and \$0.00 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. Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Heilman and unanimously approved with Councilmember Prang ABSTAINING on Item 2.L. and Mayor Land ABSTAINING on Item 2.F. regarding funding for the L.A. Free Clinic.

2.A. POSTING OF AGENDA:

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

2.B. APPROVAL OF MINUTES:

ACTION: Approve the minutes of September 6, 2005. **Approved as part** of the Consent Calendar.

2.C. DEMAND REGISTER NO. 540, RESOLUTION NO. 05-3301:

ACTION: Approve Demand Register No. 540 and adopt Resolution No. 05-3301, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 540." **Approved as part of the Consent Calendar.**

2.D. CLAIMS ADMINISTRATION:

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

2.E. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

2.F. SOCIAL SERVICES CONTRACT RENEWALS:

ACTION: 1) Approve the 2005-06 Social Services contract renewals as noted on the attached chart; and 2) Authorize the City Manager to sign the contract amendments. **Approved as part of the Consent Calendar with Mayor Land ABSTAINING on funding for L.A. Free Clinic.**

2.G. LEASE EXTENSIONS FOR SOCIAL SERVICES AGENCIES OCCUPYING CITY PROPERTY:

ACTION: Approve lease extensions for the Social Services agencies which occupy City property according to the chart attached from October 1, 2005 to October 1, 2006 and authorize the City Manager to sign the extensions. **Approved as part of the Consent Calendar.**

2.H. APPROVE CONTRACT WITH RYDIN DECAL, INC. TO FABRICATE PARKING PERMITS:

ACTION: Approve a contract with Rydin Decal Inc. to fabricate parking permits in an amount not to exceed \$65,000 for FY 05/06. **Approved as part of the Consent Calendar.**

2.I. AGREEMENT WITH MICHAEL HERRLEIN AND ASSOCIATES TO PROVIDE LEADERSHIP DEVELOPMENT SERVICES:

ACTION: 1) Approve an agreement with Michael Herrlein and Associates for an amount not to exceed \$60,000; and 2) Authorize the City Manager to sign all necessary documents related to this agreement. **Approved as part of the Consent Calendar.**

2.J. EQUIPMENT RENTAL CONTRACT— ANNUAL WEST HOLLYWOOD FALL INTO READING BOOK FAIR:

ACTION: 1) Enter into a contracting agreement with Interactive Games and Creations, Inc. in an amount NTE \$39,000.00 for equipment rental and installation with a term ending December 31, 2005; and 2) Authorize

the City Manager to execute the agreement. Approved as part of the Consent Calendar.

2.K. MILLS ACT CONTRACT 2004-005 FOR PROPERTY LOCATED AT 1424 NORTH CRESCENT HEIGHTS BLVD, UNIT 19:

ACTION: Approve Historical Property Preservation Agreement (Mills Act Contract) between the City of West Hollywood and the owner of Unit 19, Victoria J. Horn, at 1424 Crescent Heights Boulevard and authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

2.L. CULTURAL RESOURCE DESIGNATION (CRD) 2005-01 LOCATED AT 8289 SANTA MONICA BOULEVARD (IRV'S BURGERS):

ACTION: Adopt Resolution No. 05-3302, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE NOMINATION OF THE STRUCTURE, KNOWN AS IRV'S BURGERS, LOCATED AT THE SOUTHEAST CORNER OF THE PROPERTY AT 8289 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA AS A LOCAL CULTURAL RESOURCE (CULTURAL RESOURCE DESIGNATION 2005-001)." **Approved as part of the Consent Calendar with Councilmember Prang RECUSED.**

2.M. EASTSIDE DEVELOPMENT TEAM UPDATE:

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

2.N. ARTS AND CULTURAL AFFAIRS WORK PLAN 2005-2006:

ACTION: Approve ACAC 2005-2006 Work Plan. **Approved as part of the Consent Calendar.**

2.O. RESIGNATION OF NATALIE SHIVERS FROM THE HISTORIC PRESERVATION COMMISSION:

ACTION: Accept with regret the resignation of Natalie Shivers from the Historic Preservation Commission. **Approved as part of the Consent Calendar.**

2.P. CELEBRATE AND MEMORIALIZE THE HISTORY OF ROCK & ROLL AND MUSIC INDUSTRY STARS ON THE SUNSET STRIP:

ACTION: 1) Approve in concept upcoming plans to celebrate and memorialize the history of Rock & Roll and music industry stars on the Sunset Strip; and 2) Receive and file. **Approved as part of the Consent Calendar.**

2.Q. RESOLUTION CALLING FOR EXAMINATION OF THE IMPACT OF DISCRIMINATION BASED ON RACE, GENDER, AND SEXUAL ORIENTATION IN THE HURRICANE KATRINA DISASTER:

ACTION: 1) Approve Resolution No. 05-3303, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CALLING FOR EXAMINATION OF THE ROLE OF DISCRIMINATION IN ESTABLISHING POPULATIONS ESPECIALLY VULNERABLE TO NATURAL DISASTERS, AND CALLING FOR EQUAL SAFETY AND PROTECTION IN FUTURE EMERGENCY RESPONSES"; and 2) Direct that copies of the resolution be provided to President George W. Bush, Senator Barbara Boxer, Senator Dianne Feinstein, and other appropriate elected officials, agencies, and media. **Approved as part of the Consent Calendar.**

2.R. RESOLUTION SUPPORTING THE CALIFORNIA READING AND LITERACY IMPROVEMENT AND PUBLIC LIBRARY CONSTRUCTION AND RENOVATION BOND ACT OF 2006:

ACTION: Adopt Resolution No. 05-3304, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE CALIFORNIA READING AND LITERACY IMPROVEMENT AND PUBLIC LIBRARY CONSTRUCTION AND RENOVATION BOND ACT OF 2006." **Approved as part of the Consent Calendar.**

2.S. A RESOLUTION IN SUPPORT OF AJR 30, A BILL TO PETITION THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO UPHOLD PROTECTIONS OF WOMEN'S EQUALITY:

ACTION: 1) Adopt Resolution No. 05-3305, "A RESOLUTION IN SUPPORT OF AJR 30, A BILL TO PETITION THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO UPHOLD PROTECTIONS OF WOMEN'S EQUALITY"; and 2) Send copies of the resolution to U.S. Senators Barbara Boxer and Diane Feinstein, U.S. representative Henry Waxman, and President George W. Bush. **Approved as part of the Consent Calendar.**

2.T. RESOLUTIONS IN SUPPORT OF THE NATIONAL BREAST CANCER COALITION'S 2005 LEGISLATIVE PRIORITIES:

ACTION: 1) Adopt Resolution No. 05-3306, "A RESOLUTION OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE NATIONAL BREAST CANCER COALTION'S 2005 LEGISLATIVE PRIORITY OF GUARANTEED ACCESS TO QUALITY HEALTH CARE FOR ALL"; 2) Adopt Resolution No. 05-3307, "A RESOLUTION OF THE CITY OF WEST HOLLYWOOD OF THE DEPARTMENT OF DEFENSE (DOD) PEER-REVIEWED BREAST CANCER RESEARCH PROGRAM": 3) Adopt Resolution No. 05-3308, "A RESOLUTION OF THE CITY OF WEST HOLLYWOOD IN SUPPORT SB 757 (CHAFEE) WHICH FUNDS RESEARCH INTO ENVIRONMENTAL FACTORS RELATED TO BREAST CANCER"; 4) Adopt Resolution No. 05-3309, "A RESOLUTION OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF PRESERVING THE MEDICAID BREAST AND CERVICAL CANCER TREATMENT PROGRAM, (BCCTP)"; 5) Adopt Resolution No. 05-3310, "A

RESOLUTION OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF SB 470 (GRASSLEY) KNOWN AS THE FACT ACT, FAIR ACCESS TO CLINICAL TRAILS"; and 6) Send copies of the resolutions to Assemblymember Paul Koretz, State Senator Sheila Kuehl, U.S. Senator Barbara Boxer, U.S. Senator Dianne Feinstein, Representative Henry Waxman and the National Breast Cancer Coalition. **Approved as part of the Consent Calendar.**

2.U. RESOLUTION IN SUPPORT OF DESIGNATION OF PROPERTY AT THE WEST LOS ANGLELES VETERANS' ADMINISTRATION CAMPUS FOR HOUSING FOR CHRONICALLY HOMELESS VETERANS:

ACTION: 1) Adopt Resolution No. 05-3311 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE DESIGNATION OF PROPERTY AT THE WEST LOS ANGELES VETERANS" ADMINISTRATION CAMPUS FOR HOUSING FOR CHRONICALLY HOMELESS VETERANS"; and 2) Direct staff to send copies of signed resolution to Senator Barbara Boxer, Senator Dianne Feinstein, Representative Henry Waxman, Assemblymember Paul Koretz, State Senator Sheila Kuehl, Supervisor Zev Yaroslavsky, Supervisor Gloria Molina, Supervisor Yvonne B. Burke, Supervisor Don Knabe, Supervisor Michael Antonovich, and the Department of Veterans' Affairs Capital Asset Realignment for Enhanced Services (CARES) Committee. Approved as part of the Consent Calendar.

2.V. RESOLUTION TO ENDORSE AND SUPPORT "TEAM WEHO" IN THE AIDS MARATHON BENEFITING AIDS PROJECT LOS ANGELES:

ACTION: 1) Adopt Resolution No. 05-3312, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD TO ENDORSE AND SUPPORT "TEAM WEHO" IN THE AIDS MARATHON BENEFITING AIDS PROJECT LOS ANGELES"; and 2) Send copies of the Resolution to "TEAM WEHO" participants. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. APPEAL OF CONDITIONS ADDED BY PLANNING COMMISSION TO CBB-004-004:

Mayor Land stated that the item was noticed as required by law.

John Chase, Senior Planner, presented background information as outlined in the staff report dated September 19, 2005.

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

DAVID SEYDL, CALABASAS, representing the Appellant spoke in opposition to the Item.

RICHARD MAUERHAN, WEST HOLLYWOOD, spoke regarding the possibility of turning the Billboard off at midnight.

MARK MONTGOMERY, LOS ANGELES, spoke in support of the Item.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding issues with the billboard companies in the City.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the Item.

DAVID SEYDLE, CALABASAS, representing the Appellant, provided his rebuttal.

Mayor Land closed the public hearing.

Councilmember Duran spoke in support of granting the appeal.

Councilmember Guarriello spoke in support of granting the appeal.

Mayor Pro Tempore Heilman spoke in support of granting the appeal, with the possibility of adding a restriction on the hours of operation.

Councilmember Prang spoke in support of granting the appeal as long as a compromise can be reached regarding the hours of operation.

Mayor Land spoke in support of granting the appeal as long as a compromise can be reached regarding the hours of operation.

ACTION: Grant the appeal in part, and deny in part - eliminating the Planning Commission's recommendation of substitute lighting, and placing a limitation on hours to shut the sign off between 1:30am to 6:00am (Sunday-Thursday) and 2:00am to 6:00am (Friday-Saturday); and adopt City Council Resolution No. 05-3313. Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Prang and approved on a Roll Call vote with Councilmember Duran and Councilmember Guarriello voting NO.

4. UNFINISHED BUSINESS:

4.A. CONDUCT FEASIBILITY ANALYSIS FOR A CULTURAL CENTER:

Mayor Pro Tempore Heilman presented background information as outlined in the staff report dated September 19, 2005.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of the Item.

Councilmember Duran spoke regarding the need to distinguish the different needs for visual and sound artists.

ACTION: 1) Direct the Economic Development Department to work with the Arts and Cultural Affairs Commission to identify a consultant to conduct a feasibility study to determine whether a market exists for a municipal cultural facility in West Hollywood; and 2) Direct the Economic Development Department to return to the City Council in 90 days with their recommendation. **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Guarriello and unanimously approved.**

4.B. EVALUATION OF POTENTIAL COMMUNITY-SERVING COMPONENTS FOR PROJECTS BEING DEVELOPED IN THE REDEVELOPMENT AREA:

Mayor Pro Tempore Heilman and Allyne Winderman, Director of Rent Stabilization and Housing, presented background information as outlined in the staff report dated September 19, 2005.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding animal concerns in the City.

Mayor Land spoke regarding the need to incorporate best practices from other City projects in the Redevelopment Area projects.

ACTION: 1) Direct the Rent Stabilization and Housing Department and the Human Services Department to work with the Project Advisory Committee to study and evaluate potential community-serving components for projects being developed in the Redevelopment Area; and 2) Direct staff to return to the City Council within 90 days with their evaluation. **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Prang and unanimously approved.**

4.C. COMMISSION AND ADVISORY BOARD APPOINTMENTS:

ACTION: Councilmember Prang made a direct, new appointment to the Arts and Cultural Affairs Commission.

ARI WISEMAN

5. NEW BUSINESS:

5.A. CONSUMER PROTECTION – TEMPORARY SIGNS:

Councilmember Guarriello and Council Deputy Donna Saur presented background information as outlined in the staff report dated September 19, 2005.

No Speakers.

ACTION: Direct staff to explore and potentially develop a Zoning Text Amendment which seeks to limit the number of days a business may advertise for a going-out-of-business sale and require a permit for this signage. **Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

5.B. AUTHORIZATION TO CONDITIONALLY AUTHORIZE THE TRANSFER OF CONTROL OF THE CABLE TELEVISION FRANCHISE FROM ADELPHIA COMMUNICATIONS CORPORATION TO COMCAST CABLE HOLDINGS, LLC; ASSIGN THE CABLE TELEVISION FRANCHISE BY COMCAST CABLE HOLDINGS, LLC, TO CAC EXCHANGE I, LLC, AND TRANSFER CONTROL OF CAC EXCHANGE I, LLC FROM COMCAST CORPORATION TO TIME WARNER CABLE INC.:

Helen Goss, Director of Public Information and Prosecution Services, presented background information as outlined in the staff report dated September 19, 2005.

PATRICIA COX, PALMDALE, representing Adelphia Cable, spoke in support of the Item.

DEAN LEVENWORTH, representing Adelphia Cable, spoke in support of the Item.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding concerns about rate increases.

ACTION: 1) Adopt Resolution No. 05-3314, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST **HOLLYWOOD** CONDITIONALLY AUTHORIZING (1) A TRANSFER OF CONTROL OF THE CABLE TELEVISION FRANCHISE FROM **ADELPHIA** COMMUNICATIONS CORPORATION TO COMCAST CABLE HOLDINGS, LLC; (2) AN ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE BY COMCAST CABLE HOLDINGS, LLC, TO CAC EXCHANGE I, LLC; AND (3) TRANSFER OF CONTROL OF CAC Exchange I, LLC, FROM COMCAST CORPORATION TO TIME WARNER CABLE INC;" 2) Authorize the City Manager to execute the "Transfer Agreement and Guarantee of Franchise Obligations Transaction);" 3) Authorize the City Manager to execute the "Assignment and Transfer Agreement and Guarantee of Franchise Obligations (Exchange Transaction)": and 4) Authorize the City Manager to execute the "Assignment and Transfer Agreement and Guarantee of Franchise Obligations Guarantee." Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Heilman and unanimously approved.

EXCLUDED CONSENT CALENDAR: None.

City Council Minutes Monday, September 19, 2005 Page 11

PUBLIC COMMENT: None.

6. LEGISLATIVE: None.

COUNCILMEMBER COMMENTS:

Councilmember Duran requested that Item 3.A. be brought back for further discussion at the next City Council meeting.

City Attorney Jenkins spoke regarding the legal restrictions of further discussion on a resolution after it has been adopted by the City Council.

ADJOURNMENT: The City Council adjourned at 8:58 P.M. to their next regular meeting, which will be on Monday, October 17, 2005 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 17th day of October, 2005 by the following vote:

AYES:	Councilmember:	Duran, Guarriello, Mayor Pro Tempore Heilman, Prang, and Mayor Land
NOES: ABSENT: ABSTAIN:	Councilmember: Councilmember: Councilmember:	None. None. None.
ATTEST:		ABBE LAND, MAYOR
THOMAS R. WEST, C	ITY CLERK	