

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, MARCH 6, 2006
WEST HOLLYWOOD PARK AUDITORIUM**

CALL TO ORDER: The meeting was called to order at 6:41 P.M.

PLEDGE OF ALLEGIANCE: Julie Summers led the pledge.

ROLL CALL: **PRESENT:** Councilmember Guarriello, Prang, Mayor Pro
Tempore Heilman and Mayor Land.

ABSENT: Councilmember Duran.

ALSO PRESENT: City Manager Paul Arevalo, Assistant City
Attorney Hogin, 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 one (1) public speaker. He stated that the Closed Session adjourned at 6:35 P.M. with no reportable action taken.

APPROVAL OF AGENDA:

Mayor Land requested that Items 4.A. and 6.A. be moved to the Consent Calendar as Items 2.M. and 2.N.

Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Heilman to approve the March 6, 2006 agenda as amended and unanimously approved.

Mayor Land requested the meeting be adjourned in memory of Raymond Norton, a long-time West Hollywood resident, and in memory of Robert Sandoval, one of the first openly gay judges and ex-City Prosecutor.

Councilmember Prang also requested the meeting be adjourned in memory of Raymond Norton and Robert Sandoval; and requested the meeting be adjourned in memory of Joel Dorius, an openly gay educator, and in memory of Kyle Ballard, a Pasadena police officer who was killed in the line of duty.

PRESENTATIONS:

Mayor Land presented cake to Councilmember Guarriello in honor of his birthday.

Mayor Land presented a proclamation in honor of Women's History Month and unveiled the Women's History Month banners in honor of Betty Friedan, Coretta Scott King, and Susan Sarandon.

Mayor Land and members of the Women's Advisory Board presented commendations to the Women's History Month Champions for their contributions to Women's History Month.

Councilmember Prang and members of the Lesbian and Gay Advisory Board presented a Rainbow Key Award to Lovedy Brydon for her work in the LGBT community.

Mayor Pro Tempore Heilman presented a proclamation in honor of the Re-Use-A-Shoe program, an environmentally friendly program that recycles old athletic shoes and reuses the materials.

Mayor Land presented a proclamation to the Paul Zimmerman, the outgoing Executive Director of the West Hollywood Community Housing Corporation, for his efforts in developing housing in the City.

1. PUBLIC COMMENT:

RIC RICKLES, WEST HOLLYWOOD, spoke in support of Item 2.G.

JIMMY PALMIERI, WEST HOLLYWOOD, spoke in support of Item 2.K.

SCOTT EMLER, WEST HOLLYWOOD, spoke in opposition to Item 2.I.

JASON BECK, WEST HOLLYWOOD, spoke in support of Item 3.C.

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

ANDREW RAKOS, WEST HOLLYWOOD, spoke regarding concerns about medical marijuana dispensaries in the Eastside of the City, particularly near the Fountain Day School.

ANDY HARLAND, WEST HOLLYWOOD, thanked the City Council for adjourning a previous meeting in memory of his father, and thanked the Council for their recent proclamation to St. Thomas Church in the City.

RICHARD SMITH, WEST HOLLYWOOD, spoke regarding driver education in the City.

PAT DIXON, WEST HOLLYWOOD, spoke regarding safety concerns on Laurel Avenue near Carlton Manor.

BILL BENSON, WEST HOLLYWOOD, spoke regarding safety concerns on Laurel Avenue near Carlton Manor.

DAVID NASH, WEST HOLLYWOOD, spoke regarding concerns about the conditions at Fiesta Hall in Plummer Park, and spoke regarding medical marijuana issues in the City.

MICHAEL BRZOZNOWSKI, WEST HOLLYWOOD, spoke regarding an upcoming dedication event at Metropolitan Community Church in West Hollywood.

RICHARD EASTMAN, WEST HOLLYWOOD, spoke regarding medical marijuana issues in the City and the former Medical Marijuana Task Force.

COUNCILMEMBER COMMENTS:

Councilmember Prang spoke regarding Item 2.I. and stated that an organization in the City has indicated plans to bring forward a similar initiative in an upcoming West Hollywood election. He spoke regarding the City's intention to continue to ensure proper enforcement of marijuana laws to protect citizens. He spoke regarding a streetlight malfunction on the corner of Sweetzer and Norton. He spoke regarding recent complaints about the lack of towing enforcement near the DeLongpre area in the City. He spoke regarding Carlton Manor and the need for the City to investigate safety concerns raised during public comment. He spoke regarding a crosswalk lighting at Crescent Heights and Norton that is not working properly.

Councilmember Guarriello thanked everyone for wishing him a happy birthday. He spoke regarding the need to find more affordable housing for seniors and the implementation of mixed-use housing to accomplish this goal. He spoke regarding a streetlight malfunction on Gardner Avenue and asked the City Manager to investigate.

Mayor Pro Tempore Heilman thanked City staff for their efforts in organizing the Academy Awards events in the City. He spoke regarding a recent complaint from a resident concerning a telephone failure at the Sheriff's Station and asked Public Safety staff to return to Council with an update on the situation. He spoke regarding safety concerns near Carlton Manor and asked staff to investigate possible solutions.

Mayor Land thanked City Staff for their efforts in organizing the Academy Awards events in the City. She spoke regarding the importance of repairing broken streetlights in the City, urged residents to inform City staff when they see a streetlight malfunction, and requested the City Manager to return to Council with a report about the process of having streetlights repaired. She requested staff to return to Council with a schedule and route outlining the parking enforcement process in the City. She spoke regarding safety concerns raised during public comment near Carlton Manor. She spoke regarding the City's compliance with the American Disabilities Act. She announced that West Hollywood is one of three cities to receive an American Disabilities Award. She spoke regarding a recent ban on abortion that was passed by the State of South Dakota. She requested the City Manager to give a report on a recent crime on Hayworth Avenue.

CITY MANAGER'S REPORT:

City Manager Arevalo spoke regarding a recent abduction that occurred on Hayworth Avenue. He stated that the Los Angeles Sheriff's Special Crimes Unit is working with

the Los Angeles Police Department to investigate the crime. He stated that anyone with any information regarding the crime should contact the West Hollywood Sheriff's Department. He also stated that the Public Safety Department is currently working with the victim's family. He thanked City Staff and the community for hosting the Academy Awards events in the City. He stated that his office would work on having the streetlight malfunctions repaired in the City.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$64,500.00 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. **Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

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 February 21, 2006. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 549, RESOLUTION NO. 06-3357:

ACTION: Approve Demand Register No. 549 and adopt Resolution No. 06-3357, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 549." **Approved as part of the Consent Calendar.**

2.D. CLAIMS ADMINISTRATION:

ACTION: Deny the claims of Shie Alony and Cylvia Santillan 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. RESIGNATION OF DEBRA A. FARMER FROM THE WOMEN'S ADVISORY BOARD:

ACTION: Accept with regret the resignation of Debra A. Farmer from the Women's Advisory Board. **Approved as part of the Consent Calendar.**

2.G. UPDATE ON EXPANDED ROLE OF RENT STABLIZATION COMMISSION:

ACTION: That City Council 1) Receive and file this report on progress made since City Council's expansion of the role of the Rent Stabilization Commission (RSC) to discuss housing policy issues; and 2) Direct staff to report back on the progress of the expanded RSC role as part of the regular annual and mid-year work program updates to the City Council.
Approved as part of the Consent Calendar.

2.H. NORTH AND SOUTH BOUND LA BREA AVENUE PEAK HOUR PARKING RESTRICTION:

ACTION: Adopt Resolution No. 06-3358, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD EXTENDING PEAK HOUR (NO PARKING) RESTRICTIONS ALONG LA BREA AVENUE BETWEEN THE HOURS OF 4 P.M. TO 7 P.M." **Approved as part of the Consent Calendar.**

2.I. DIRECTION TO THE CITY ATTORNEY TO DRAFT AN ORDINANCE MAKING THE ENFORCEMENT OF MARIJUANA RELATED OFFENSES A LOW PRIORITY ACTIVITY:

ACTION: Direct the City Attorney to draft an ordinance making the enforcement of marijuana related offenses a low priority activity for the Sheriff Department within the City of West Hollywood. City Attorney to report back to Council within 30 days. **Approved as part of the Consent Calendar.**

2.J. AGREEMENT FOR PROFESSIONAL SERVICES: PREPARATION OF CITY'S ANNUAL SPECIAL ASSESSMENT DISTRICT REPORT:

ACTION: Authorize the City Manager to execute a professional services agreement with RR Brown and Associates for the preparation of the City's Annual Special Assessment District Report. **Approved as part of the Consent Calendar.**

2.K. LGBTQ YOUTH SERVICES ROUNDTABLE:

ACTION: 1) Direct the Lesbian and Gay Advisory Board to develop a sub-committee that will meet in order to discuss plans to bring together social service and outreach providers who serve the LGBTQ youth community in West Hollywood for a round-table discussion; and 2) Direct the Lesbian and Gay Advisory Board to report back to Council in 90 days with an update on the sub-committee's actions and recommendations.
Approved as part of the Consent Calendar.

2.L. A RESOLUTION IN SUPPORT OF THE FIRST ANNUAL NATIONAL WOMEN AND GIRLS HIV/AIDS AWARENESS DAY:

ACTION: 1) Adopt Resolution No. 06-3359, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE FIRST ANNUAL NATIONAL WOMEN AND GIRLS HIV/AIDS AWARENESS DAY"; 2) Send copies of the resolution to the Office on Women's Health, U.S. Department of Health and Human Services; and 3)

Direct staff to coordinate a press conference on Friday, March 10th, 2006 to commemorate the 1st Annual National Women and Girls HIV/AIDS Awareness Day. **Approved as part of the Consent Calendar.**

2.M. (4.A.) FY 2005-06 FIRST AND SECOND QUARTER REPORT AND FIRST AMENDMENT TO SERVICE AGREEMENT WITH THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION:

ACTION: 1) Receive and file the FY 2005-06 First and Second Quarter Report of the West Hollywood Community Housing Corporation; 2) Approve an amendment of the 2005-06 service agreement with the WHCHC in the amount not to exceed \$40,000 to cover services of a professional executive recruitment firm to fill the recently vacated Executive Director position; 3) Authorize the Director of Finance and Technology Services to increase the FY 2005-2006 budgeted expenditures in the Affordable Housing Trust Fund by \$40,000 (account 282-6050-8125, Community Housing Corporation contract); and 4) Authorize the City Manager to execute the amendment to the service agreement. **Approved as part of the Consent Calendar.**

2.N. (6.A.) PROPOSED CHANGE TO THE RENT STABILIZATION ORDINANCE, WHMC § 17.52.010(2)(g)(5), RELATING TO SECURITY DEPOSITS FOR EMOTIONAL SUPPORT ANIMALS; AND WHMC § 17.40.020(e) RELATING TO POST-OWNER-OCCUPANCY RENT LIMITATIONS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:

ACTION: Introduce for first reading Ordinance No. 06-731, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING RENT STABILIZATION ORDINANCE § 17.52.010(2)(g)(5) RELATING TO SECURITY DEPOSITS FOR MEDICALLY-NECESSARY EMOTIONAL SUPPORT ANIMALS AND § 17.40.020(2)(e) RELATING TO THE RENT THAT MAY BE CHARGED AFTER AN OWNER-OCCUPANCY EVICTION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A TALL WALL ADVERTISEMENT ON THE EAST FACING ELEVATION OF THE STRUCTURE LOCATED AT 8730 SUNSET BOULEVARD:

ACTION: Staff recommends that the City Council accept the withdrawal of Clear Channel Outdoor's appeal of the Planning Commission's denial of Conditional Use Permit – Tall Wall 2005-001. **Carried by consensus of the Council.**

3.B. APPEAL OF PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT 2005-007 AND PARKING USE PERMIT 2005-11 ALLOWING AN OUTDOOR BAR/SMOKING AREA AT GUY'S

BAR; 8713 BEVERLY BOULEVARD, WEST HOLLYWOOD, CALIFORNIA:

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

Debby Linn, Contract Planner, presented background information as outlined in the staff report dated March 6, 2006.

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

LAUREN MEISTER, WEST HOLLYWOOD, the appellant, spoke in opposition to the Item.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding parking concerns at the location, and spoke regarding congestion and noise problems in other areas of the City.

STEVEN GOLIGHTLY, WEST HOLLYWOOD, spoke in opposition to the Item.

LYNN HOOPINGARNER, WEST HOLLYWOOD, spoke in opposition to the Item.

RICHARD GIESBRET, WEST HOLLYWOOD, spoke in opposition to the Item.

JAY JASPER, WEST HOLLYWOOD, spoke in opposition to the Item.

DAN SIEGEL, WEST HOLLYWOOD, spoke in opposition to the Item.

KEITH MENOHER, WEST HOLLYWOOD, spoke in opposition to the Item.

BRIAN ROSKAM, LOS ANGELES, spoke in opposition to the Item.

GUY STARKMAN, ENCINO, the property owner, spoke in support of the Item.

LAUREN MEISTER, WEST HOLLYWOOD, the appellant, provided rebuttal.

Mayor Land closed the public hearing.

Councilmember Prang spoke regarding the owner's past efforts to work with the City to resolve issues at Guy's Bar and Jerri's Famous Deli. However, he spoke in support of the appeal due to noise concerns and the loss of on-site parking spaces.

Mayor Pro Tempore Heilman spoke regarding a recent visit to the site and a recent meeting with the appellant. He spoke regarding concerns about noise issues in the neighborhood and concerns regarding the loss of on-site parking. He thanked the owner for past efforts to address and resolve concerns at Guy's Bar and Jerri's Famous Deli, but spoke in support of the appeal.

Councilmember Guarriello spoke regarding noise concerns with an outdoor patio in the rear of the building. He also spoke regarding concerns about the loss of on-site parking spaces. He spoke in support of the appeal.

Mayor Land spoke regarding a recent site visit and spoke regarding concerns about noise and loss of on-site parking. She spoke in support of the appeal.

ACTION: Approve the Appeal and direct staff to return to Council with the appropriate documentation. **Motion by Councilmember Prang, seconded by Councilmember Guarriello and unanimously approved.**

3.C. EXTENSION OF INTERIM URGENCY ORDINANCE TO PROHIBIT THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES:

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

City Attorney Jenkins presented background information as outlined in the staff report dated March 6, 2006.

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

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

RICHARD EASTMAN, WEST HOLLYWOOD, spoke in support of the Item.

JASON BECK, WEST HOLLYWOOD, spoke in support of the Item.

Mayor Land closed the public hearing.

Mayor Pro Tempore Heilman and Mayor Land requested that the City Attorney look at the proximity of medical marijuana dispensaries near Fountain Day School. Mayor Land requested a timeline from the City Attorney for returning to Council with proposed regulations for medical marijuana dispensaries.

ACTION: Adopt the following urgency ordinance: Ordinance No. 06-732U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD

PURSUANT TO GOVERNMENT CODE SECTION 65858 EXTENDING ORDINANCE NO. 05-707U WHICH ESTABLISHED A MORATORIUM PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES AND DECLARING THE URGENCY THEREOF.” (ATTACHMENT A) **Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

4. UNFINISHED BUSINESS:

4.A. FY 2005-06 FIRST AND SECOND QUARTER REPORT AND FIRST AMENDMENT TO SERVICE AGREEMENT WITH THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION:

ACTION: Moved to the Consent Calendar at Item 2.M.

5. NEW BUSINESS:

5.A. None.

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT: None.

6. LEGISLATIVE:

6.A. PROPOSED CHANGE TO THE RENT STABILIZATION ORDINANCE, WHMC § 17.52.010(2)(g)(5), RELATING TO SECURITY DEPOSITS FOR EMOTIONAL SUPPORT ANIMALS; AND WHMC § 17.40.020(e) RELATING TO POST-OWNER-OCCUPANCY RENT LIMITATIONS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:

ACTION: Moved to the Consent Calendar as Item 2.N.

COUNCILMEMBER COMMENTS:

Mayor Land spoke regarding written correspondence to the City Council regarding agenda Items and encouraged residents to continue submitting them.

ADJOURNMENT: The City Council adjourned at 8:57 P.M. in memory of Raymond Norton, Robert Sandoval, Joel Dorius, and Kyle Ballard to their next regular meeting, which will be on Monday, March 20, 2006 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.