

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, MAY 15, 2006
WEST HOLLYWOOD PARK AUDITORIUM**

CALL TO ORDER: The meeting was called to order at 6:49 P.M.

PLEDGE OF ALLEGIANCE: Rodney Scott led the pledge.

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

ABSENT: None.

ALSO PRESENT: City Manager Paul Arevalo, City Attorney Michael Jenkins, City Clerk Tom West, Assistant City Clerk Corey Schaffer.

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins stated that the Closed Session Meeting convened at 6:00 P.M. He stated that there was one (1) speaker. He stated that there was one (1) item of pending litigation added to the agenda, the City of West Hollywood v. M.T.S. He stated that the Closed Session adjourned at 6:40 P.M. with one (1) reportable action taken, to seek an abstention in the case of United States v. City of West Hollywood.

APPROVAL OF AGENDA:

City Clerk West requested that Item 5.A. be TABLED to the meeting of June 5, 2006. He requested corrections to be made to the recommendations on Item 2.U.

Councilmember Duran noted his ABSTENTION on Item 2.U. due to a conflict regarding his law partner who represents Christopher Street West. He noted his NO vote on Item 2.Y.

Motion by Mayor Pro Tempore Guarriello, seconded by Councilmember Land to approve the May 15, 2006 agenda as amended and unanimously approved.

Councilmember Duran requested the meeting be adjourned in memory of the following soldiers who have died in the Iraq war since the last City Council meeting:

Corporal Stephen Bixler, Sgt. Edward Davis, Pfc Christopher Eckhardt, Sgt. Jose Gomez, Corporal Brandon Hardy, Sgt. Bryant Herlem, Reservist Brian Letendre, Corporal Robbie Light, Sgt. Bobby Mendez, Sgt. Lea Mills, Corporal Robert Moscillo, Sgt. Elisha Parker, Sgt. Joseph Proctor, Specialist Bryan Quinton, Sgt. Gavin Reinke, Sgt. Steve Sakoda, Sgt. Mark Wall, Sgt. Matthew Webber, Sgt. Alessandro Carbonaro, Lance Corporal Leon Depars, Sgt. Matthew Fenton, Private Alva Gaylord, Sgt. Dale Kelley, Staff Sgt. David Veverka, Specialist Aaron Latimer, PFC Brian Moquin, Specialist Justin Donahue, Specialist David Timmons, Chief Warrant Officer Eric Totten, Sgt. Jeffery Wiekamp, Chief Warrant Officer Second Class Christopher Donaldson, Lt. Colonel Joseph Fenty, Sgt.

John Griffith, Sgt. Christopher Howick, Corporal Cory Palmer, Sgt. Carols Saenz, Specialist Teodoro Torres, Sgt. Nathan Vacho, Sgt. Gregory Wagner.

Councilmember Land requested the meeting be adjourned in memory of Dario Desari, a resident who died in a recent motorcycle crash. She requested the meeting be adjourned in memory of the mother of Rabbi Denis Eggers. She requested the meeting be adjourned in memory of the father of City Attorney Mike Jenkins.

PRESENTATIONS:

Councilmember Land presented a commendation to the Pacific Hills Lady Bruins Basketball Team in honor of their successful season.

Councilmember Land presented a commendation to Janet Chapman in honor of her 10th anniversary as the Principal of Rosewood Elementary School.

Councilmember Prang presented a proclamation to Terry DeCrescenzo of GLASS in honor of Foster Care Awareness month. He thanked GLASS for their work with foster care for gay and lesbian youth, and presented commendations to Malick "Myles" Matthews and Joel Mendoza for their work with GLASS.

Mayor Heilman presented a proclamation to Caroline Carlberg, the C.E.O. and Executive Director of AIDS Research Alliance, in honor of HIV Vaccine Awareness Day.

Councilmember Land presented a proclamation in honor of Amyotrophic Lateral Sclerosis Awareness Month.

Mayor Heilman presented a proclamation in honor of Bike to Work Day.

1. PUBLIC COMMENT:

RODNEY SCOTT, LOS ANGELES, spoke in support of Item 2.U.

JOEL LEVIN, LOS ANGELES, spoke in support of Item 2.T.

FRED VANACORE, WEST HOLLYWOOD, spoke in support of Item 2.J. and in support of Item 5.A.

VICTOR OMECZENKO, WEST HOLLYWOOD, spoke regarding concerns about the recommendations in Item 2.Y.

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

ELIZABETH PETERSON, WEST HOLLYWOOD, spoke regarding campaign contributions to Councilmember Land for her State Assembly race.

WILLIAM NEISH, WEST HOLLYWOOD, spoke regarding campaign contributions to Councilmember Land for her State Assembly race.

ALLEGRA ALLISON, WEST HOLLYWOOD, spoke regarding campaign contributions to Councilmember Land for her State Assembly race.

KENT WOKER, WEST HOLLYWOOD, spoke regarding the Environmental Impact Report for the property located at 1343 N. Laurel Ave. and alternative locations for senior housing in the City.

MEGAN GONZALEZ, LOS ANGELES, spoke regarding the LIFE program in the City of West Hollywood, a program to assist seniors with transportation options and spoke regarding an upcoming transportation forum.

BRUCE TRAUB, WEST HOLLYWOOD, spoke regarding parking concerns for a business located at Huntley Drive and Santa Monica Boulevard.

DAVID NASH, WEST HOLLYWOOD, spoke regarding the possibility of placing an on-site social service worker at the Palm View Apartments.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of Item 2.V.

COUNCILMEMBER COMMENTS:

Mayor Pro Tempore Guarriello spoke regarding the upcoming Memorial Day celebration in the City of West Hollywood and emphasized that special tribute will be paid to California soldiers who have died in the Iraq War. He wished a happy birthday to Public Safety Commissioner Barry Greenfield.

Councilmember Land requested the City Manager's office to investigate concerns raised during public comment about the business located at Huntley Drive and Santa Monica Boulevard and requested an update. She requested staff to return to Council with clear direction on how the \$25,000 allocation in 2.Y. will be spent. She gave direction to staff on Item 2.L. and requested that a master plan be developed for the location of lighted crosswalks in the City. Councilmember Land spoke regarding a guilty conviction in the case of an animal peddler on Sunset Boulevard.

Councilmember Prang provided clarification regarding the \$25,000 allocation of funds in Item 2.Y. and requested the City Manager to return to Council with a more detailed account of how the funds will be spent. He spoke regarding parking concerns raised during public comment surrounding a business at Huntley Drive and Santa Monica Boulevard and requested the City Manager to investigate. He spoke regarding the recent Victory in Europe Day celebration in the City and thanked residents and staff for a successful event. He spoke regarding a recent robbery at a medical marijuana dispensary in the City and asked Public Safety staff to investigate.

Councilmember Duran spoke regarding parking concerns raised during public comment surrounding a business at Huntley Drive and Santa Monica Boulevard and requested the City Manager to investigate. He spoke regarding the recent defeat in the State Legislature of the last bill to attempt to repeal Domestic Partnership rights. He thanked his fellow City Councilmembers for supporting the resolutions in Item 2.X.

Mayor Heilman spoke regarding an upcoming condominium homeowners management workshop in the City. He spoke regarding upcoming events for the Russian Cultural Month, particularly the Russian Cultural Festival. He spoke about parking concerns raised during public comment surrounding a business at Huntley Drive and Santa Monica Boulevard and requested the City Manager to investigate. He provided clarifications to Item 2.Y. and spoke regarding the allocation of \$25,000 in funds. He spoke regarding a recent robbery at a medical marijuana dispensary and requested staff to investigate safety concerns at dispensaries throughout the City.

CITY MANAGER'S REPORT:

City Manager Arevalo spoke regarding various concerns raised during public comments and Councilmember comments and stated that he would return with a report on each concern.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$338,290.00 in expenditures and \$78,927.00 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar as amended, 2.A.,B.,C.,D.,E.,F.,G.,H., I.,J.,K.,L.,M.,N.,O.,P.,Q.,R.,S.,T.,U.,V.,W.,X.,Y. **Motion by Mayor Pro Tempore Guarriello, seconded by Councilmember Prang and unanimously approved with Councilmember Duran ABSTAINING on Item 2.U. and voting NO on Item 2.Y.**

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 May 1, 2006. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 554, RESOLUTION NO. 06-3387:

ACTION: Approve Demand Register No. 554 and adopt Resolution No. 06-3387, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 554." **Approved as part of the Consent Calendar.**

2.D. CLAIMS ADMINISTRATION:

ACTION: Deny the claims of Michael Combs 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. COMMUTER CENTER SERVICES AGREEMENT EXTENSION WITH THE CHAMBER OF COMMERCE:

ACTION: Authorize the City Manager to execute Amendment #4 for a two year Agreement with the Chamber of Commerce for MTA general public fare media sales in an amount not to exceed \$32,830 for the two-year period. **Approved as part of the Consent Calendar.**

2.G. AGREEMENT EXTENSION FOR TENNIS CONCESSION SERVICES:

ACTION: Authorize staff to negotiate a time extension not to exceed 3 years to the existing Agreement for Tennis Concession Services with Michael Carrier. **Approved as part of the Consent Calendar.**

2.H. LEVY OF ANNUAL ASSESSMENT FOR SANTA MONICA BOULEVARD MAINTENANCE DISTRICT:

ACTION: 1) Adopt Resolution Number 06-3388, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT FOR THE 2006-2007 FISCAL YEAR PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE"; 2) Adopt Resolution Number 06-3389, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ENGINEER FOR THE 2006-2007 FISCAL YEAR IN CONNECTION WITH THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT"; 3) Adopt Resolution Number 06-3390, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT FOR THE 2006-2007 FISCAL YEAR PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO"; and 4) Direct staff to notice a public hearing to be held on June 5, 2006 to hear protests or objections to the levy of the assessment

for the 2006-2007 fiscal year. **Approved as part of the Consent Calendar.**

2.I. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 FOR THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT:

ACTION: 1) Adopt Resolution No. 06-3391, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING AN ADVISORY BOARD AND DIRECTING THE PREPARATION OF A REPORT FOR FISCAL YEAR 2006-2007 IN CONNECTION WITH THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT"; 2) Adopt Resolution No. 06-3392, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 2006-2007 IN CONNECTION WITH THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT"; and 3) Adopt Resolution No. 06-3393, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO LEVY AN ASSESSMENT AGAINST BUSINESSES WITHIN THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2006-2007 AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO". **Approved as part of the Consent Calendar.**

2.J. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING & BUSINESS IMPROVEMENT AREA LAW OF 1989 (HOTEL MARKETING BENEFIT ZONE):

ACTION: 1) Adopt Resolution No. 06-3394, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING AN ADVISORY BOARD AND DIRECTING THE PREPARATION OF A REPORT FOR FISCAL YEAR 2006-2007 IN CONNECTION WITH THE WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA"; 2) Adopt Resolution No. 06-3395, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 2006-2007 IN CONNECTION WITH THE WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA"; and 3) Adopt Resolution No. 06-3396, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO LEVY A CHARGE (ASSESSMENT) AGAINST HOTELS IN THE WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA FOR FISCAL YEAR 2006-2007 AND SETTING A TIME AND PLACE OF A HEARING TO CONSIDER SUCH A CHARGE." **Approved as part of the Consent Calendar.**

2.K. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 FOR THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT:

ACTION: 1) Adopt Resolution No. 06-3397, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING AN ADVISORY BOARD AND DIRECTING THE PREPARATION OF A REPORT FOR FISCAL YEAR 2006-2007 IN CONNECTION WITH THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT"; 2) Adopt Resolution No. 06-3398, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 2006-2007 IN CONNECTION WITH THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT"; and 3) Adopt Resolution No. 06-3399, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO LEVY AN ASSESSMENT AGAINST BUSINESSES WITHIN THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2006-2007 AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO". **Approved as part of the Consent Calendar.**

2.L. CONSIDER REMOVAL OF IN-ROADWAY WARNING LIGHTS AT VARIOUS CROSSWALKS:

ACTION: Authorize the removal of the in-roadway warning lights at the intersection of Sunset Boulevard/Wetherly Drive and at the midblock location of Sunset Boulevard/West of Sunset Plaza Drive. **Approved as part of the Consent Calendar.**

2.M. NEIGHBORHOOD WATCH "RE-BRANDING" UPDATE:

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

2.N. PUBLIC SAFETY PUBLIC EDUCATION CAMPAIGN UPDATE:

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

2.O. VEHICLE REPLACEMENT PURCHASE:

ACTION: 1) Authorize the Finance Department to issue a Purchase Order to Executive Car Leasing, West Hollywood, California in an amount of \$29,282.80 for the purchase of one 2006 Ford Escape Hybrid; 2) Authorize the Director of Finance to appropriate \$5,000 from the undesignated fund balance into account 100-4-05-55-701003; and 3) Declare one 1994 Ford Escort L.S. as surplus and authorize staff to sell this vehicle at a future date with funds received being deposited into the General Fund. **Approved as part of the Consent Calendar.**

2.P. ART AND DESIGN WALK 2006 - PARKING AND FEES:

ACTION: 1) Waive all City fees associated with the Design Walk 2006; 2) Waive residential permit parking between the hours of 3 PM and 11PM on Saturday, June 3, 2006 in Permit Parking Districts 1 and 2; and 3) Waive enforcement at parking meters on Beverly Boulevard, Melrose Avenue, Robertson Blvd. and any side streets in the Avenues of Art and Design

from 2PM to 6PM on the same day. **Approved as part of the Consent Calendar.**

2.Q. SAN VICENTE ROAD CLOSURE REQUEST:

ACTION: Approve the closure of San Vicente Blvd. between Melrose and Santa Monica Blvd. on Sunday, August 27, 2006 from 3PM to 2AM on Monday, August 28, 2006. **Approved as part of the Consent Calendar.**

2.R. CO-SPONSORSHIP OF 12TH ANNUAL TOM OF FINLAND FOUNDATION EROTIC ART WEEKEND:

ACTION: Approve city co-sponsorship for 12th Annual Tom of Finland Foundation Erotic Art Weekend, to be held October 6th – 8th, 2006, in Plummer Park. **Approved as part of the Consent Calendar.**

2.S. A RESOLUTION IN SUPPORT OF TRANS UNITY AND DECLARING THE WEEK OF MAY 28 – JUNE 4, 2006 AS “TRANSGENDER AWARENESS AND APPRECIATION WEEK” IN WEST HOLLYWOOD:

ACTION: Adopt Resolution No. 06-3400, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF TRANS UNITY AND DECLARING THE WEEK OF MAY 29 - JUNE 4, 2006 AS “TRANSGENDER AWARENESS AND APPRECIATION WEEK” IN WEST HOLLYWOOD.” **Approved as part of the Consent Calendar.**

2.T. ENROLL THE CITY OF WEST HOLLYWOOD AS A MEMBER OF THE CALIFORNIA CLIMATE ACTION REGISTRY:

ACTION: Authorize the enrollment of the City of West Hollywood in the California Climate Action Registry. **Approved as part of the Consent Calendar.**

2.U. CHRISTOPHER STREET WEST 35TH ANNUAL LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PRIDE CELEBRATION AND PARADE IN WEST HOLLYWOOD:

ACTION: 1) Approve the use of West Hollywood Park and City property, as outlined in exhibit A, for the 2006 Lesbian, Gay, Bisexual, and Transgender Pride Celebration; 2) Authorize the City Manager to enter into an agreement/contract permitting the event; 3) Use of El Tovar Lot, cul-de-sac and street as outlined in exhibit A; and 4) Allow the Dyke March to march along Santa Monica Blvd in East bound lanes to West Knoll and return in West bound lanes on Santa Monica Blvd to San Vicente. Additional sheriff costs \$9,000. **Approved as part of the Consent Calendar with Councilmember Duran ABSTAINING.**

2.V. RESOLUTION IN OPPOSITION TO THE UNITED STATES ARMY’S PLAN TO DISPOSE OF A 10-ACRE PARCEL LOCATED ON THE WESTSIDE THROUGH A LAND EXCHANGE:

ACTION: 1) Adopt Resolution No. 06-3401, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA,

IN OPPOSITION TO THE UNITED STATES ARMY'S PLAN TO DISPOSE OF A 10-ACRE PARCEL LOCATED ON THE WESTSIDE THROUGH A LAND EXCHANGE"; and 2) Direct staff to send copies of signed resolution to Francis Harvey, Secretary of the Army; Major General Paul E. Mock, Commanding General; Lieutenant General James R. Helmly, Office of the Chief, Army Reserve; and Colonel Danny Nobles, Director, Army Reserves Division. **Approved as part of the Consent Calendar.**

2.W. A RESOLUTION IN OPPOSITION TO SB1778 (ALARCON) – RESTRICTING GREEN WASTE MATERIALS CREDIT:

ACTION: 1) Adopt Resolution No. 06-3402, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN OPPOSITION TO SB1778 (ALARCON) – RESTRICTING GREEN WASTE MATERIALS CREDIT." **Approved as part of the Consent Calendar.**

2.X. ADOPT RESOLUTIONS IN SUPPORT OF LEGISLATIVE PROPOSALS REGARDING ISSUES AFFECTING THE LGBT COMMUNITY AND OTHER PROGRESSIVE CONSTITUENCIES:

ACTION: 1) Adopt Resolution No. 06-3403, "A RESOLUTION IN SUPPORT OF AB 1207 (YEE) THE CODE OF FAIR CAMPAIGN PRACTICES ACT"; 2) Adopt Resolution No. 06-3404, "A RESOLUTION IN SUPPORT OF AB 2051 (COHN) THE EQUALITY IN PREVENTION AND SERVICES FOR DOMESTIC ABUSE ACT"; 3) Adopt Resolution No. 06-3405, "A RESOLUTION IN SUPPORT OF SB 1441 (KUEHL) THE NON-DISCRIMINATION IN STATE PROGRAMS AND ACTIVITIES ACT"; 4) Adopt Resolution No. 06-3406, "A RESOLUTION IN SUPPORT OF AB 2920 (LENO) THE OLDER CALIFORNIANS EQUALITY AND PROTECTION ACT"; 5) Adopt Resolution No. 06-3407, "A RESOLUTION IN SUPPORT OF AB 1160 (LIEBER) THE GWEN ARAUJO JUSTICE FOR VICTIMS ACT"; 6) Adopt Resolution No. 06-3408, "A RESOLUTION IN SUPPORT OF AB 2800 (LAIRD) THE CIVIL RIGHTS HOUSING ACT OF 2006"; 7) Adopt Resolution No. 06-3409, "A RESOLUTION IN SUPPORT OF SB 1827 (MIGDEN) THE STATEINCOME TAX EQUITY ACT OF 2006"; 8) Adopt Resolution No. 06-3410, "A RESOLUTION IN SUPPORT OF SB 1437 (KUEHL) BIAS FREE CURRICULUM ACT"; 9) Adopt Resolution 06-3411, "A RESOLUTION IN SUPPORT OF AB 606 (LEVINE) THE SAFE PLACE TO LEARN ACT"; 10) Adopt Resolution 06-3412, "A RESOLUTION IN SUPPORT OF AB 1056 (CHU) PUBLIC SCHOOL CURRICULUM: TOLERANCE AND INTERGROUP RELATIONS INSTRUCTION"; 11) Adopt Resolution No. 06-3413, "A RESOLUTION IN SUPPORT OF SB 1299 (SPEIER) CONTROLLED SUBSTANCES: PRECURSORS: PHENCYCLIDINE, METHAMPHETAMINE"; 12) Adopt Resolution No. 06-3414, "A RESOLUTION IN SUPPORT OF SB 1500 (SPEIER) DRUG PROGRAMS"; and 13) Direct City staff to mail copies to the bills' sponsors and Governor Arnold Schwarzenegger. **Approved as part of the Consent Calendar.**

2.Y. LOCAL STUDY OF PUBLIC SCHOOL OPTIONS FOR WEST HOLLYWOOD STUDENTS:

ACTION: 1) Direct Social Services staff and City Lobbyist to evaluate and monitor current efforts to change the governance of the Los Angeles Unified School District (LAUSD) and analyze the impact of any potential changes on the residents of West Hollywood; 2) Lobby local and state officials to ensure that the City of West Hollywood retains equitable representation in school governance; 3) Analyze whether our local students are receiving a high quality education in light of our city's property tax contributions to LAUSD; 4) Direct staff to investigate the procedures required to secede from LAUSD and evaluate the benefits and drawbacks to secession in the event LAUSD is dismantled or West Hollywood's elected representation on LAUSD is eliminated or diluted; 5) Direct staff to investigate the possibility and requirements of affiliating with the Beverly Hills Unified School District (BHUSD) and direct staff to meet and confer with BHUSD officials; and 6) Direct staff to meet and confer with the Los Angeles County School Reorganization Committee to determine the formal processes involved in seceding from the LAUSD and creating a new district or affiliating with another; 7) Authorize the Director of Finance and Technology Services to allocate \$25,000 from Unobligated Reserves in the General Fund to Special Council Programs in the Human Services Administration Division, line item 100-3-05-05-531001.
Approved as part of the Consent Calendar with Councilmember Duran voting NO.

3. PUBLIC HEARINGS:

3.A. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF ADMINISTRATIVE PERMIT 2005-46 AMENDING THE LANDSCAPE PLAN APPROVED BY ADMINISTRATIVE PERMIT 2003-45 AT MEDITERRANEAN VILLAGE APARTMENT COMPLEX LOCATED AT 840 N. LARRABEE STREET, WEST HOLLYWOOD, CA.:

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

Melodie Bounds-Frisby, Associate Planner, presented background information as outlined in the staff report dated May 15, 2006.

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

CONSTANTINA VELLIOS, THE APPELLANT, spoke in support of the appeal and in opposition to the Item.

CHRIS KARSAZ, ON BEHALF OF THE APPLICANT, spoke in opposition to the appeal and in support of the Item.

ANGIE BECKETT, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

WESTON HARRIS, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

CONSTANTINA VELLIOS, THE APPELLANT, provided rebuttal.

CHRIS KARSAZ, ON BEHALF OF THE APPLICANT, provided rebuttal.

Mayor Heilman closed the public hearing.

Councilmember Duran spoke regarding preserving the foliage at the site. He spoke in support of the appeal and in opposition to the Item.

Councilmember Land spoke regarding the need to maintain green space and spoke in support of the appeal and in opposition to the Item.

Councilmember Prang spoke in support of the appeal and in opposition to the Item.

Mayor Pro Tempore Guarriello spoke in support of the appeal and in opposition to the Item.

Mayor Heilman spoke regarding concerns about the process followed in the tree replacement and spoke in support of replacing the trees with species as comparable as possible. He spoke regarding concerns about using ficus trees as replacements.

Mayor Heilman re-opened the public hearing.

ANGIE BECKETT, WEST HOLLYWOOD, spoke regarding alternative recommendations to ficus trees as replacements.

Mike Jenkins clarified that the Council's action is to direct staff to return with a revised Resolution granting the appeal and reversing the Planning Commission's action.

Mayor Heilman re-closed the public hearing.

ACTION: 1) Conduct a public hearing; 2) grant the Appeal and reverse the Planning Commission's Action; and 3) direct staff to return with a revised Resolution. **Motion by Councilmember Duran, seconded by Councilmember Land and unanimously approved.**

4) Modify the resolution to direct the applicant to return to the original approved landscaping, with the exception of the replacement of the two ficus trees, which will be replaced by alternative trees selected from the list in Item 18, on page 7 of the staff report. **Motion by Mayor Heilman, seconded by Mayor Pro Tempore Guarriello and approved with Councilmember Duran voting NO.**

3.B. APPEAL OF PLANNING COMMISSION INTERPRETATION OF A CONDITION OF APPROVAL FOR CONDITIONAL USE PERMIT 2005-03 FOR THE CHARTER ELEMENTARY SCHOOL LOCATED AT 1261-1265 FAIRFAX AVENUE IN WEST HOLLYWOOD, CA:

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

Jennifer Noel, Contract Planner, presented background information as outlined in the staff report dated May 15, 2006.

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

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

CHAVA DANIELSON, ON BEHALF OF THE APPLICANT, spoke in opposition to the appeal and in support of the Item.

TOM DEMILLE, WEST HOLLYWOOD, spoke in opposition to the appeal and in support of the Item.

ANNA VRECHEK, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

IRENA PETROV, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

ALEX RATHER, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

ALICE HOREVITZ, LOS ANGELES, spoke in opposition to the appeal and in support of the Item.

STACY METLISS, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

HEATHER BOYLSTON, LOS ANGELES, spoke in opposition to the appeal and in support of the Item.

CARLOS MARTINEZ, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

ZION KALI, LOS ANGELES, spoke in support of the appeal and in opposition to the Item.

GARY FLOYD, PASADENA, spoke in opposition to the appeal and in support of the Item.

TONY GITTELSON, HOLLYWOOD, spoke in opposition to the appeal and in support of the Item.

SAVANNAH BOUCHER, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

LOREN SEMMENS, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

RON NEW, ON BEHALF OF THE APPELLANT, provided rebuttal.

CHAVA DANIELSON, ON BEHALF OF THE APPLICANT, provided rebuttal.

Mayor Heilman closed the public hearing.

Mayor Heilman spoke regarding the difficulty of balancing noise issues and allowing the school to continue to operate. He spoke regarding the need to investigate a sound barrier solution and the possibility of locating City funds, particularly redevelopment funds, to help defray the costs.

Councilmember Land spoke regarding the need to continue to explore alternative solutions the problem, including the possibility of erecting a sound wall.

Councilmember Duran spoke regarding concerns about erecting a sound wall and concerns regarding using City redevelopment funds to assist in the construction cost. He spoke in support of the previous restriction of the playground area to mitigate noise. He spoke in support of granting the appeal.

Mayor Pro Tempore Guarriello spoke regarding other schools located in residential areas. He spoke regarding the need to continue to explore alternative solutions to the problem.

Councilmember Prang spoke regarding the difficulty in finding a solution that will satisfy all parties. He spoke regarding the possibility of erecting a sound wall, and spoke regarding the need to continue investigating alternative solutions.

ACTION: 1) CONTINUE the Item; 2) direct staff to work with the neighbors and representatives from the school to find alternative solutions, including the possibility of erecting a sound wall; and 3) return to City Council within 90 days. **Motion by Councilmember Land, seconded by Councilmember Prang and unanimously approved.**

- 3.C. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A REQUEST TO DEMOLISH AN EXISTING MULTI-FAMILY RESIDENTIAL STRUCTURE AND CONSTRUCT A NEW EIGHT-UNIT CONDOMINIUM STRUCTURE LOCATED AT 8008 NORTON AVENUE:**
Mayor Heilman stated that the item was noticed as required by law.

David Degrazia, Senior Planner, presented background information as outlined in the staff report dated May 15, 2006.

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

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

GENE SMITH, ON BEHALF OF THE APPLICANT, spoke in opposition to the appeal and in support of the Item.

TONY KANTARJIAN, WEST HOLLYWOOD, spoke in opposition to the appeal and in support of the Item.

DANNY ROBINSON, SANTA MONICA, spoke in opposition to the appeal and in support of the Item.

KENNETH GOODWIN, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

GEORGE CREDLE, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

SCOTT CLENDENIN, GLENDALE, spoke in opposition to the appeal and in support of the Item.

TODD LATER, MAR VISTA, spoke in opposition to the appeal and in support of the Item.

JED KENSLER, WEST HOLLYWOOD, spoke in support of the appeal and in opposition to the Item.

CHRISTIE CRAIG, WEST HOLLYWOOD, spoke in opposition to the appeal and in support of the Item.

WALTER COUSINEAU, WEST HOLLYWOOD, spoke in opposition to the appeal and in support of the Item.

ERIC EPPINK, LOS ANGELES, spoke in opposition to the appeal and in support of the Item.

ERIC KAHN, LOS ANGELES, spoke in opposition to the appeal and in support of the Item.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the need to follow General Plan specifications to create new housing in the City.

GENE SMITH, ON BEHALF OF THE APPLICANT, provided rebuttal.

Mayor Heilman closed the public hearing.

Councilmember Duran provided clarification of property owners' rights under the Ellis Act. He spoke regarding the need to find alternative solutions to locate and preserve affordable housing.

Mayor Pro Tempore Guarriello spoke regarding the restrictions of the Ellis Act, and the need to provide reasonable relocation fees to the existing tenants.

Councilmember Land spoke regarding the loss of affordable housing, and the need to lobby to amend the Ellis Act to better protect renters. She spoke regarding the need to find alternative solutions to locate and preserve affordable housing. She requested staff to work with the neighboring school to mitigate noise and safety concerns during the construction phase.

Councilmember Prang spoke in support of the Item and spoke regarding the fact that the proposed development is within City guidelines.

Mayor Heilman requested staff to investigate the public hearing noticing procedures to ensure residents receive proper and timely notices. He spoke regarding the need to continue to support the development of affordable housing and the need to continue to pursue mixed-use development as part of the proposed solution.

ACTION: 1) Adopt Resolution No. 06-3415, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL OF CHUCK LENZEN AND ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING DEMOLITION PERMIT 2005-25 AND DEVELOPMENT PERMIT 2005-37, ON AN APPLICATION OF TONY KANTARJIAN FOR NORTON LOFTS, LLC, TO DEMOLISH AN EXISTING MULTI-FAMILY RESIDENTIAL STRUCTURE AND CONSTRUCT A NEW EIGHT-UNIT CONDOMINIUM STRUCTURE LOCATED AT 8008 NORTON AVENUE, WEST HOLLYWOOD, CALIFORNIA"; and 2) direct staff to work with representatives from the neighboring school to mitigate noise and safety concerns during the construction phase. **Motion by Councilmember Duran, seconded by Mayor Pro Tempore Guarriello and unanimously approved.**

3.D. CONSIDER THE REMOVAL OF THE UNCONTROLLED CROSSWALK AT SANTA MONICA BLVD/ORANGE GROVE AVENUE:

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

Eric Millsap, Transportation Engineering Technician, presented background information as outlined in the staff report dated May 15, 2006.

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

JASON BECK, WEST HOLLYWOOD, spoke in opposition to the Item.

JOSHUA FISHER, WEST HOLLYWOOD, spoke in opposition to the Item.

TAYLOR NICHOLS, LOS ANGELES, spoke in opposition to the Item.

TRACY ROSSI, WEST HOLLYWOOD, spoke in opposition to the Item.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the Item.

Mayor Heilman closed the public hearing.

Councilmember Duran spoke regarding concerns about maintaining pedestrian access to encourage more foot traffic in the City.

ACTION: Deny the removal of the controlled crosswalk and construction of the median at Santa Monica Boulevard and Orange Grove Avenue. **Motion by Councilmember Land, seconded by Councilmember Duran and approved with Mayor Pro Tempore Guarriello voting NO.**

4. UNFINISHED BUSINESS:

4.A. APPROVE CONTRACT WITH SERCO MANAGEMENT SERVICES, INC. TO PROVIDE PARKING ENFORCEMENT SERVICES:

Oscar Delgado, Parking Operations Manager, presented background information as outlined in the staff report dated May 15, 2006.

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

Councilmember Land spoke regarding the need to include a termination clause in the contract to provide flexibility for the City to bring parking enforcement services in-house.

Mayor Pro Tempore Guarriello spoke in support of the Item and emphasized that West Hollywood is a contract City.

Councilmember Prang spoke in support of adding a termination clause to the contract. He spoke in support of the service that Serco has provided in the past. He spoke regarding salary parities between Serco employees and City of West Hollywood employees and the need to investigate the possibility of bringing parking support services in-house.

Mayor Heilman spoke in opposition to the inclusion of a termination clause in the contract. He spoke in support of the service that Serco has provided in the past.

ACTION: 1) Approve a five year contract with Serco Management Services, Inc. to provide Parking Enforcement Services in an amount not to exceed \$1,664,414 for fiscal year 06/07, \$1,776,199 for fiscal year 07/08, \$1,831,574 for fiscal year 08/09, \$1,921,208 for fiscal year 09/10 and \$2,015,145 for fiscal year 10/11; and 2) Authorize the City Manager to sign the contract. **Motion by Councilmember Duran, seconded by Mayor Pro Tempore Guarriello and approved with Councilmember Prang and Councilmember Land voting NO.**

4.B. TRANSPORTATION PROGRAMS:

Joyce Rooney, Transportation & Transit Operations Supervisor, presented background information as outlined in the staff report dated May 15, 2006.

JEANNE DOBRIN, spoke regarding concerns about the Taxi Cab Subsidy Program coupon limit.

Councilmember Land spoke regarding the possibility of locating additional funding in the future to continue the subsidy program.

Mayor Heilman requested staff to return to Council with an update in one year.

ACTION: 1) Receive and file Proposition A Budget and Sunset Boulevard Night-time Trolley service; and 2) Increase the value of the Taxi Coupon Subsidy Program coupon per trip limit from \$8 to \$12 to reduce the user's out of pocket expenses for their local taxi trips, effective July 1, 2006.
Motion by Councilmember Duran, seconded by Mayor Pro Tempore Guarriello and unanimously approved.

4.C. COMMISSION AND ADVISORY BOARD APPOINTMENTS:

ACTION: Make at-large appointment for the following Advisory Boards.

- 1) Disabilities Advisory Board
TABLED to the meeting of June 19, 2006.
- 2) Women's Advisory Board
JESSIE RAEDER

5. NEW BUSINESS:

5.A. PREDEVELOPMENT LOAN AGREEMENT WITH WEST HOLLYWOOD COMMUNITY DEVELOPMENT CORPORATION FOR MIXED-USE AFFORDABLE HOUSING DEVELOPMENT AT SANTA MONICA BOULEVARD AND SIERRA BONITA AVENUE:

ACTION: 1) Adopt Resolution No. 06-____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE CITY MANAGER TO EXECUTE A PREDEVELOPMENT LOAN AGREEMENT IN THE AMOUNT OF \$650,000 TO ALLOW PREDEVELOPMENT ACTIVITIES FOR A MIXED-USE AFFORDABLE HOUSING PROJECT"; and 2) Designate that this project, as an affordable housing development, be exempt from all normal City-imposed developer fees, including the costs associated with environmental study. **TABLED to the meeting of June 5, 2006.**

5.B. DISCUSSION OF CITY COUNCIL MEETING SCHEDULE CHANGE FOR JUNE, JULY, AUGUST, AND SEPTEMBER 2006:

ACTION: 1) Change the regular meeting time of the June 5, 2006 meeting to 6:00pm, with no Closed Session; 2) Cancel the meeting of July 3, 2006, due to the Independence Day holiday; 3) Reschedule the meeting of July 17, 2006 to July 24, 2006; 4) Schedule the City Manager review for June 17, 2006 at 11:00am at West Hollywood City Hall; and 5) direct City Clerk staff to investigate the possibility of moving the City Council meetings to the 2nd and 4th Mondays of each month for the 2007 schedule.
Carried by Consensus of the Council.

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT:

GEORGE CREDLE, WEST HOLLYWOOD, spoke in support of Item 5.A., which was tabled to the June 6, 2006 meeting.

DAVID SMITH, WEST HOLLYWOOD, spoke regarding affordable housing issues for persons living with HIV and AIDS in the City.

MARCY NORTON, WEST HOLLYWOOD, spoke regarding an upcoming debate for the State-wide election, sponsored by the West Hollywood Democratic Club.

6. LEGISLATIVE:

6.A. None.

COUNCILMEMBER COMMENTS:

Mayor Heilman requested City Clerk staff to distribute a revised City Council agenda schedule to Councilmembers and City staff.

ADJOURNMENT: The City Council adjourned at 11:46 P.M. in memory of the soldiers who have died in the Iraq war since the last City Council meeting, Dario Desari, the mother of Rabbi Denis Eggers, and the father of City Attorney Mike Jenkins to their next regular meeting, which will be on Monday, June 5, 2006 at 6:00 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.