

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
TUESDAY, OCTOBER 3, 2006
WEST HOLLYWOOD PARK AUDITORIUM**

CALL TO ORDER:

The meeting was called to order at 6:30 P.M.

PLEDGE OF ALLEGIANCE:

Lyndia Lowy led the pledge.

ROLL CALL:

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

ABSENT: City Attorney Mike Jenkins.

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:

Assistant City Attorney Hogin stated that the Closed Session convened at 6:00 P.M. She stated that before the City Council recessed to closed session, on advice of the City Attorney, the Council found that a matter had come to the attention of the City after the posting of the agenda and that there was an immediate need to decide whether to take action and, by unanimous vote, added to the closed session agenda one (1) item of anticipated litigation pursuant to Gov't Code Section 54956.9(b). She stated that there were no speakers during the Closed Session. She stated that the Closed Session meeting adjourned at 6:20 P.M. with one action taken, a unanimous decision to defend in the case of SHARK v. The City of West Hollywood.

APPROVAL OF AGENDA:

Councilmember Duran requested to TABLE Item 4.C.

ACTION: APPROVAL OF AGENDA: Motion by Mayor Pro Tempore Guarriello, Seconded by Councilmember Prang and approved unanimously.

Councilmember Land requested the meeting be adjourned in memory of the mother of City Hall employee Shirley Berry. She requested the meeting be adjourned in memory of long-time West Hollywood resident Dolores Sommers. She requested the meeting be adjourned in memory of Doris Meyer Morrell, mother of former Governor Gray Davis.

Councilmember Duran requested the meeting be adjourned in memory of Isaac Urquidez, the brother of Council Deputy Hernan Molina's partner. He requested the meeting be adjourned in memory of the following soldiers who have died in Iraq and Afghanistan since the last City Council meeting: Spec. Windell J. Simmons, Private First Class Christopher T. Riviere, Staff Sgt. Edward C. Reynolds, Jr., Spec. Jared J. Raymond, Private First Class Henry Paul, Corp. Casey L. Mellen, Lance Corp. Rene Martinez, Lance Corp. Howard S. March, Jr., First Lieut. James N. Lyons, Sgt. Velton Locklear, III, Staff Sgt. Jose A. Lanzarin, Private First Class Kenneth E. Kincaid, IV, Sgt. Adam L. Knox, Private Eric M. Kavanaugh, Sgt. First Class Charles Jones, First Lieut. Ashley L. Huff, Corp. Cesar A. Granados, Staff Sgt. Carlos Dominguez, Lance Corp. James Chamroeu, Corp. Bobby T. Callahan, Private First Class Christopher T. Blaney, Sgt. Allan R. Bevington, Corp. Marcus A. Cain, Sgt. David J. Davis, Sgt. First Class Bernard L. Deghand, Sgt. Jennifer M. Hartman, Spec. Russell M. Makowski, Master Sgt. Robb G. Needham, Petty Officer Second Class David S. Roddy, Corp. Yull Estrada Rodriguez, Prt. First Class Jeffrey P. Shaffer, Sgt. Aaron A. Smith, Sgt. Clint E. Williams, Sgt. James R. Worster, Sgt. Christopher M. Zimmerman.

PRESENTATIONS:

Councilmember Land presented a proclamation recognizing Domestic Violence Prevention Month.

Mayor Heilman presented a special thank you to the West Hollywood Sheriff's Department and Fire Department for their service in responding to the fire at 8530 Holloway on September 17, 2006.

Mayor Heilman presented a proclamation recognizing Disability Awareness Month and Disability Mentoring Day.

Mayor Heilman presented a proclamation recognizing Breast Cancer Awareness Month.

1. PUBLIC COMMENT:

ED BUCK, WEST HOLLYWOOD, spoke regarding the City Council minutes of September 18, 2006.

RITA NORTON, WEST HOLLYWOOD, spoke in support of Item 2.J.

ERIC FINE, BEVERLY HILLS, spoke regarding an upcoming event of the National Organization for the Reform of Marijuana Laws.

MARCY NORTON, WEST HOLLYWOOD, spoke regarding the recent Book and Bake Sale at the West Hollywood Book Fair.

SUZANNE DIETRICH, WEST HOLLYWOOD, spoke regarding her recent appointment as Chair of the Disabilities Advisory Board.

PHILIP HOSKINS, WEST HOLLYWOOD, spoke regarding the recent continuation of the public hearing regarding the business located 868 N. Huntley Drive, known as Pinkberry.

BOB GREEN, WEST HOLLYWOOD, spoke regarding crosswalks at Santa Monica Blvd. and Huntley Drive, and spoke regarding the West Hollywood Cable Channel bulletin board channels.

BRUCE TRAUB, WEST HOLLYWOOD, spoke regarding the continuation of Item 3.A.

DANIEL WATSON, WEST HOLLYWOOD, spoke regarding the upcoming public hearing regarding the property located at 1343 N. Laurel Avenue.

COUNCILMEMBER COMMENTS:

Mayor Pro Tempore Guarriello spoke regarding the recent Public Safety Fair at Plummer Park. He spoke regarding possible pavement improvements on Sunset Boulevard and asked the City Manager to provide a report.

Councilmember Land spoke regarding the upcoming Season of Wellness Program in the City. She spoke regarding Domestic Violence Month in the City. She spoke regarding voter registration and announced that October 23, 2006 is the last day to vote for the upcoming November election. She spoke regarding public comment concerning her campaign contributions and clarified that she has given no special considerations to any ambulance companies in the City. She spoke regarding public comments made concerning crosswalks in the City and requested the City Manager to provide an update. She spoke regarding public comments concerning the continuation of the public hearing for 868 N. Huntley Drive and comments made regarding campaign reform in the City.

Councilmember Prang spoke regarding public comments concerning crosswalks in the City and the suggestion regarding possible changes to the City's Cable Channel programming and requested the City Manager to provide an update. He spoke regarding his Deputy Josh Kurpies' leave of absence to work on the Democratic Campaign for the November election.

Councilmember Duran spoke regarding public comments concerning the continuance of the property located at 868 N. Huntley Drive. He spoke regarding public comments concerning campaign contributions in the City. He spoke regarding his recent trip to South America with the Gay Men's Chorus and suggested two cities as possible sister cities with West Hollywood.

CITY MANAGER'S REPORT:

City Manager Arevalo spoke regarding road work and the status of pavement concerns on Sunset Boulevard. He spoke regarding the replacements of plants and shrubs on Santa Monica Boulevard.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West reported that the fiscal impact on the Consent Calendar is \$357,445.00 in expenditures and \$0.00 in revenue.

2. CONSENT CALENDAR:

ACTION: 2. CONSENT CALENDAR: Motion by Councilmember Land, Seconded by Mayor Pro Tempore Guarriello and approved unanimously.

2.A. POSTING OF AGENDA:

The agenda for the meeting of Tuesday October 3, 2006 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, September 28, 2006.

ACTION: Receive and file.

Approved as part of the Consent Calendar.

2.B. APPROVAL OF MINUTES:

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

ACTION: Approve the minutes of September 18, 2006.

Approved as part of the Consent Calendar.

2.C. DEMAND REGISTER NO. 563, RESOLUTION NO. 06-3461:

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

ACTION: Approve Demand Register No. 563 and adopt Resolution No. 06-3461, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST

HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 563."

Approved as part of the Consent Calendar.

2.D. ORDINANCE NO. 06-738 (2ND READING), AMENDING TITLES 19 (ZONING ORDINANCE) AND 7 (HEALTH) OF THE MUNICIPAL CODE TO ADD ADDITIONAL REQUIREMENTS FOR THE MAINTENANCE AND SECURITY OF VACANT PROPERTIES AND BUILDINGS: [T. WEST / C. SCHAFFER]

The City Council will waive further reading and adopt Ordinance No. 06-738, a proposed ordinance amending Titles 19 (Zoning Ordinance) and 7 (Health) of the Municipal Code to add additional requirements for the maintenance and security of vacant properties and buildings. ACTION: Waive further reading and adopt Ordinance No. 06-738, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLES 19 (ZONING ORDINANCE) AND 7 (HEALTH) OF THE MUNICIPAL CODE TO ADD ADDITIONAL REQUIREMENTS FOR THE MAINTENANCE AND SECURITY OF VACANT PROPERTIES AND BUILDINGS."

Approved as part of the Consent Calendar.

2.E. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

The City Council will receive reports from various Commissions on actions taken at their recent meetings.
ACTION: Receive and file.

Approved as part of the Consent Calendar.

2.F. AGREEMENT WITH MICHAEL HERRLEIN AND ASSOCIATES TO PROVIDE LEADERSHIP DEVELOPMENT SERVICES: [P. AREVALO / V. LOVE / D. WILSON]

The City Council will consider approving an Agreement with Michael Herrlein and Associates to provide consulting services for the West Hollywood Leadership Program.

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.G. TREASURER'S REPORT FOR JUNE 2006: [A. GANDHY]

The City Council will receive the Treasurer's Report for the month of June, 2006 pursuant to Section 53646 of the Government Code of the State of California.

ACTION: Receive and file.

Approved as part of the Consent Calendar.

2.H. APPROVAL FOR THE CITY'S CO-SPONSORSHIP OF THE 5TH ANNUAL MID-WILSHIRE COMMUNITY DOMESTIC VIOLENCE PREVENTION AWARDS CEREMONY AND A RESOLUTION DECLARING OCTOBER AS "DOMESTIC VIOLENCE / PARTNER ABUSE AWARENESS MONTH" IN WEST HOLLYWOOD: [R. RYAN]

The City Council will consider declaring October as "Domestic Violence / Partner Abuse Awareness Month" in West Hollywood and approving co-sponsorship of the 5th Annual Mid-Wilshire Community Domestic Violence Prevention Awards Ceremony.

ACTION: 1) Adopt Resolution No. 06-3462, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING OCTOBER AS 'DOMESTIC VIOLENCE / PARTNER ABUSE AWARENESS MONTH' IN WEST HOLLYWOOD"; 2) Authorize the City's co-sponsorship of the 5th Annual Mid-Wilshire Community Domestic Violence Prevention Awards Ceremony; and 3) Receive and file schedule of Domestic Violence/Anti-Violence Education Outreach events taking place in West Hollywood during the month of October.

Approved as part of the Consent Calendar.

2.I. AWARD OF CONTRACT FOR CIP 55-06-01, ANNUAL PAVEMENT STRIPING, LEGENDS AND PAINTING: [L. LONG / S. BAXTER / K. TRUDEAU]

The City Council will consider awarding a two year contract for Annual Pavement Striping, Legends and Painting.

ACTION: 1) Accept the bid dated September 7, 2006, in the amount of \$274,545 submitted by California Traffic Maintenance, Incorporated of Burbank, California; 2) Authorize the City Manager to sign an Agreement with California Traffic Maintenance, Incorporated in an amount of \$274,545 for the Annual Pavement Striping, Legends and Painting, CIP 55-06-01; 3) Authorize the expenditure of an amount not to exceed 25% of the Agreement amount as approved by the Director of the Human Services Department; and 4) Reject all other bids and return associated Bid Bonds.

Approved as part of the Consent Calendar.

2.J. DISABILITY INITIATIVE: [L. ISENBERG / L. LONG]

The City Council will consider a recommendation from the Disabilities Advisory Board on the use of the \$20,000 prize money awarded to the City through the National Organization on Disability's Access America Award competition.

ACTION: 1) Consider the Disabilities Advisory Board's recommendation to allocate the \$20,000 prize money to the new West Hollywood Library upon its completion to: a) provide a resource library that includes educational and referral materials pertaining to disabilities; b) enhance the library's supply of books to include literature and periodicals relevant to the disabled community; c) purchase large print books; and d) purchase adaptive computer technology for on-site library users with disabilities; 2) Identify the disability resource area of the library with a plaque that acknowledges both the Disabilities Advisory Board and the National Organization on Disabilities; and 3) Staff recommends the Board review its proposal for dispensation for the award annually to take into consideration library project progress.

Approved as part of the Consent Calendar.

2.K. RESOLUTIONS REGARDING THE ADMINISTRATION OF THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 6, 2007: [T. WEST / C. SCHAFFER]

The City Council will consider approving the necessary resolutions for conducting the General Municipal Election to be held on Tuesday, March 6, 2007.

ACTION: 1) Adopt Resolution No. 06-3463, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 6, 2007 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES"; 2) Adopt Resolution No. 06-3464, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 6, 2007"; and 3) Adopt Resolution No. 06-3465, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 6, 2007."

Approved as part of the Consent Calendar.

2.L. WAIVE PET LICENSING FEES FOR SENIOR, DISABLED AND LOW INCOME RESIDENTS: [J. PRANG / J. KURPIES / S. GUARRIELLO / D. SAUR / M. MEZA]

The City Council will consider waiving animal licensing fees for cats and

dogs for senior citizens, physically or mentally disabled residents and low income households. ACTION: Direct City Attorney to draft an ordinance amending the West Hollywood Municipal Code section 9.48.050 to waive the fee of pet licensing for seniors over the age of 60, physically or mentally disabled residents which meet the criteria of disabled as established by Social Security Administration's Programmed for the Aged, Blind and Disabled, or low income households with an individual income of less than \$18,400 or a household income of less than \$21,500.

Approved as part of the Consent Calendar.

3. PUBLIC HEARINGS:

- 5.B. DISCUSSION OF CITY COUNCIL MEETING SCHEDULE CHANGE FOR NOVEMBER, DECEMBER AND JANUARY: [T. WEST / C. SCHAFFER]**
The City Council will consider canceling the meeting of November 20, 2006, canceling the meeting of January 2, 2007, and will discuss changing the meeting time for December 4, 2006. ACTION: 1) Cancel the meeting of January 2, 2007; and 2) Change the meeting time for December 4, 2006 to 5:00p.m.

THIS ITEM WAS HEARD OUT OF ORDER AT THE REQUEST OF CITY COUNCIL.

CARRIED BY CONSENSUS OF THE COUNCIL.

- 3.A. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A REQUEST FOR A CONDITIONAL USE PERMIT FOR A NEW CHILD DAY CARE CENTER TO ACCOMMODATE UP TO 24 CHILDREN LOCATED AT 723 NORTH HUNTLEY DRIVE: [S. HEALY KEENE / J. KEHO / P. CLARKE]** The applicant requested a continuance of this item, with the appellant in support. The purpose of the request is to allow sufficient time for the parties to prepare for the Council meeting and to avoid possible additional continuances due to conflicting schedules. The item was noticed in the papers but no mailings were sent out to the adjacent residents and property owners for the October 3, 2006 City Council meeting.

ACTION: Continue to the City Council meeting of Monday, November 20, 2006. **Motion by Councilmember Land, Seconded by Councilmember Prang and approved unanimously.**

4. UNFINISHED BUSINESS:

4.A. NEIGHBORHOOD WATCH "RE-BRANDING" UPDATE: [L. MANUKIAN / R. RYAN / K. COOK]

The City Council will receive an update on the efforts to re-brand Neighborhood Watch in order to increase community participation.

ACTION: 1) Receive the report and give additional direction to staff as necessary; and 2) Authorize the Director of Finance and Technology to increase budgeted expenditures in Public Safety Division account 100-1-01-18-522009 by \$9,000 for funding of the new Neighborhood Watch street sign project and to allocate funds from undesignated reserves in General Fund for \$9,000.

Kristin Cook, Public Safety Manager, presented background information as outlined in the staff report dated October 3, 2006.

Mayor Pro Tempore Guarriello spoke in support of the Item and thanked staff for bringing it forward.

Councilmember Land thanked staff for bringing the Item forward and spoke regarding the need for focus groups to increase participation.

Councilmember Prang thanked staff for bringing the Item forward and spoke regarding the need to include other City Departments in the Neighborhood Watch Program.

Mayor Heilman thanked staff for bringing the Item forward and spoke regarding the need to encourage all neighborhoods to participate. He also spoke regarding gathering email information during the meetings.

Councilmember Duran spoke regarding the need to address concerns about campaigning during Neighborhood Watch Programs.

CARRIED BY CONSENSUS OF THE COUNCIL.

4.B. GROWTH MANAGEMENT OPTIONS AND CONSIDERATIONS: [S. HEALY KEENE / J. KEHO / F. STEFAN / A. WINDERMAN / J SKORNECK]

The City Council will receive an update on interim growth management options, and review and comment on tools in connection with the General Plan Housing Element update. **ACTION:** 1) Receive information on growth management tools; and 2) Select tools and direct staff to work with the Commissions and to conduct public outreach on selected tools, and come back in 4 months.

John Keho, Planning Manager, presented background information as outlined in the staff report dated October 3, 2006.

Councilmember Land spoke regarding incorporation of affordable housing issues during the Housing Summit.

Mayor Heilman spoke regarding potential conflicts in the proposals and the need to find balance within competing housing priorities.

CARRIED BY CONSENSUS OF THE COUNCIL.

4.C. COMMISSION AND ADVISORY BOARD APPOINTMENTS: [T. WEST / C. SCHAFFER] The City Council will consider making at-large appointments to City Advisory Boards and Committees.

This Item was TABLED to the meeting of October 16, 2006.

4.D. APPOINTMENT OF A REPRESENTATIVE TO THE LOS ANGELES COUNTY WEST VECTOR CONTROL BOARD: [T. WEST / C. SCHAFFER] The City Council will consider making an appointment to the Los Angeles County West Vector Control Board.

The following appointment was made: ADAM PLANTE

5. NEW BUSINESS:

5.A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING THE CONDITION OF THE PROPERTY LOCATED AT APN 5554-012-020 (COMMONLY DESCRIBED AS 1234 HAYWORTH AVENUE, WEST HOLLYWOOD, CALIFORNIA) TO BE A PUBLIC NUISANCE AND ORDERING THE ABATEMENT OF SUCH NUISANCE: [J. BERNDT / A. WINDERMAN / H. GOSS / J. ENGLISH] The City Council will consider whether the condition of the property located at 1234 Hayworth Avenue should be declared a public nuisance due to the owner's failure to abate conditions on the property that are injurious to the health and safety of the neighboring residents, and the general community.

Helen Goss, Director of Public Information and Prosecution Services, presented background information as outlined in the staff report dated October 3, 2006.

EDDIE VALENTIN, ON BEHALF OF THE PROPERTY OWNERS, spoke regarding attempts to make the requested corrections at the property.

JAKE LEE, WEST HOLLYWOOD, spoke regarding impacts on the neighborhood due to abandoned properties.

ED BUCK, WEST HOLLYWOOD, spoke regarding delays in the abatement process.

STEVE MARTIN, WEST HOLLYWOOD, spoke regarding the need to maintain abandoned properties in the City.

ACTION: RECOMMENDATIONS: 1) Adopt Resolution No. 06-3466, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING THE CONDITION OF THE PROPERTY LOCATED AT 1234 HAYWORTH AVENUE IN WEST HOLLYWOOD TO BE A PUBLIC NUISANCE AND ORDERING THE ABATEMENT OF SUCH NUISANCE"; 2) Direct the City Clerk to file with the Office of County Recorder a declaration of substandard property declaring that the conditions constituting said nuisance must be abated; and 3) Direct the City Manager to abate the nuisance as prescribed in the resolution if the property owner fails to comply with the abatement order within the required time. **Motion by Councilmember Land, Seconded by Mayor Pro Tempore Guarriello and approved unanimously.**

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT:

STEVE MARTIN, WEST HOLLYWOOD, spoke regarding campaign reform and fundraising in the City.

6. LEGISLATIVE:

6.A. AMENDING PROCEDURAL PROVISIONS OF THE WEST HOLLYWOOD TRANSIENT OCCUPANCY TAX ORDINANCE: [M. JENKINS / T. WEST]
This ordinance will amend the Municipal Code to bring it into compliance with State Law regarding several changes to the Revenue and Taxation Code sections governing local transient occupancy taxes in general law cities.

ACTION: RECOMMENDATIONS: 1) Introduce on first reading Ordinance No. 06-739, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING PROCEDURAL PROVISIONS OF THE WEST HOLLYWOOD TRANSIENT OCCUPANCY TAX ORDINANCE AND AMENDING CHAPTER 3.32 OF THE WEST HOLLYWOOD MUNICIPAL CODE"; and 2) Adopt Resolution No. 06-3467, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE USE OF THE

'TRANSIENT OCCUPANCY TAX GOVERNMENT EMPLOYEE EXEMPTION FORM' IN CONJUNCTION WITH ITS TRANSIENT OCCUPANCY TAX ORDINANCE." Motion by Mayor Pro Tempore Guarriello, Seconded by Councilmember Land and approved unanimously.

COUNCILMEMBER COMMENTS:

Councilmember Duran spoke regarding public comment concerning campaign contributions.

ADJOURNMENT: The City Council adjourned at 8:21 P.M. in memory of Shirley Berry's Mother, Dolores Sommers, Doris Meyer Morrell, Isaac Urquidez, and all the soldiers who have died in Iraq and Afghanistan since the last Council meeting to the Annual Congress of Commissions and Advisory Boards, which will be on Saturday, October 14, 2006 at 8:00 A.M. at the Belage Hotel, 1020 N. San Vicente Blvd.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 16th day of October, 2006 by the following vote:

AYES:	Councilmember:	Duran, Land, Prang, Mayor Pro Tempore Guarriello, Mayor Heilman.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

JOHN HEILMAN, MAYOR

ATTEST:

THOMAS R. WEST, CITY CLERK