

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

CALL TO ORDER: The meeting was called to order at 6:34 P.M.

PLEDGE OF ALLEGIANCE: John Altschul 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 the Closed Session meeting adjourned at 6:20 P.M. with no reportable action taken.

APPROVAL OF AGENDA:

Mayor Pro Tempore Guarriello requested Item 5.A. be moved to the Consent Calendar.

Councilmember Duran requested that the Russian Advisory Board appointments in Item 4.D. be TABLED. He requested a spelling correction in the minutes of 10/16/06.

City Clerk West requested that Item 2.S. be TABLED.

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

Councilmember Land requested the meeting be adjourned in memory of Anthony Alarcon, the father of Senator Alarcon. She requested the meeting be adjourned in memory of Gordon Smith, husband of Diane Sherman Smith. She requested the meeting be adjourned in memory of Slim Sakayama, the father of Sharon O'Rourke. She requested the meeting be adjourned in memory of Arthur Lindsay, the former director of the West Hollywood Daycare Program. She requested the meeting be adjourned in memory of Emilia and Michael Wright, daughter and son-in-law of Assemblymember Karen Bass.

Councilmember Prang requested the meeting be adjourned in memory of Charles Edwards, a long-time GLBT activist.

Councilmember Duran requested that the meeting be adjourned in memory of Edward Thompson, the father of Planning Commissioner Eric Thompson. He requested the meeting be adjourned in memory of the following soldiers who died in Iraq and Afghanistan since the last City Council meeting:

Pfc. Jason Franco, Sgt Michael R. Weidemann, Sgt. Kenneth E. Bostic, Sgt, Kraig D. Foyteck, Sgt. T. Seeley, Lance Cpl. Troy D. Nealey, Lt. Tom Tanswell, Sgt. Luke J. Zimmerman, 1st Sgt. Ricky L. McGinnis, Pfc. Donald S. Brown, Sgt. Thomas M. Gilbert, Petty Officer 2nd Class Charles V. Komppa, Lance Cpl. Jonathan B. Thornsberry, 1st Lt. Amos C. R. Bock, Lance Cpl. Richard A. Buerstetta, Spc. Carl A. Eason, Lance Cpl. Tyler R. Overstreet, Seaman Charles O. Sare, Spc. Nathaniel A. Aguirre, Spc. Matthew W. Creed, Sgt. Willsun W. Creed, Sgt. Nicholas K. Rogers, Maj. David G. Taylor, Lance Cpl. Clifford R. Collinsworth, Lance Cpl. Nathan R. Elrod, Lance Cpl. Eric W. Herzberg, Sgt. 1st Class Tony L. Knier, Lance Cpl. Nicholas J. Manoukian, Cpl. Joshua C. Watkins, Capt. Jose Argelio Soto Ochoa, Staff Sgt. Kevin M. Witte, Pvt. Edwardo J. Lopez, Staff Sgt. Patrick O. Barlow, Sgt. 1st Class Daniel A. Brozovich, Cpl. Russell G. Culbertson III, Spc. Joseph C. Dumas Jr., 2nd Lt. Christopher E. Loudon, Staff Sgt. Jesus M. Montalvo, Spc. Jose R. Perez, Cpl. David M. Unger, 2nd Lt. Joshua L. Booth, Pfc. Nathan J. Frigo, Staff Sgt. Ryan E. Haupt, Staff Sgt. Ronals L. Paulsen, Staff Sgt. Garth D. Sizemore, Sgt. Norman R. Taylor III, Spc. Daniel W. Winnegart, Sgt. Brock A. Babb, Sgt. Lester D. Baroncini, Jr., Pfc. Stephen D. Bicknell, 1st Lt. Joshua Deese, Lance Cpl. Joshua M. Hines, Sgt. Jonathan E. Lootens, Capt. Mark C. Paine, Airman 1st Class Leebernard E. Chavis, Staff Sgt. Joseph M. Kane, 1st Sgt. Charles M. King, Spc. Timothy J. Lauer, Pfc. Keith J. Moore, Sgt. Jonathan J. Simpson, 2nd Lt. Johnny K. Craver, Private 1st Class Thomas J. Hewett, Lance Cpl. Minhee Kim, Cpl. Gary A. Koehler

PRESENTATIONS:

Mayor Pro Tempore Guarriello presented a proclamation in honor of National Veterans Week.

Mayor Heilman presented commendations to the sponsors, volunteers, and planning committee members of the recent West Hollywood Book Fair.

1. PUBLIC COMMENT:

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

WILLIAM NEISH, WEST HOLLYWOOD, spoke regarding campaign donations to Mayor Heilman and regarding Item 2.H.

SHARON O'ROURKE, WEST HOLLYWOOD, spoke regarding possible natural gas price reductions.

WARREN MILLER, WEST HOLLYWOOD, spoke regarding an allowable rent increase in the West Hollywood Municipal Code.

ED BUCK, WEST HOLLYWOOD, spoke regarding senior housing in the City.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the recent acquisition of Adelphia Cable by the Time-Warner Company.

JOHN ANGELO, WEST HOLLYWOOD, spoke regarding the recent acquisition of Adelphia Cable by the Time-Warner Company.

YOLA DORE, WEST HOLLYWOOD, spoke regarding the recent Wellness Walk in the City.

STEVE MARTIN, WEST HOLLYWOOD, spoke regarding the November 7th General Statewide Election and spoke in support of Paul Koretz for the Water Board.

RITA NORTON, WEST HOLLYWOOD, spoke regarding the November 7th General Statewide Election.

HEAVENLY WILSON, WEST HOLLYWOOD, spoke regarding the November 7th General Statewide Election and regarding the removal of George Credle from the Historic Preservation Commission.

RIC RICKLES, WEST HOLLYWOOD, spoke regarding the recent passage of the Older American's Act and regarding the upcoming Housing Summit in the City.

MARCY NORTON, WEST HOLLYWOOD, spoke regarding the recent Book Fair and Book and Bake Sale events in the City.

JOSEPH CLAPPSADDLE, WEST HOLLYWOOD, spoke regarding civil discussions and debates in public forums.

COUNCILMEMBER COMMENTS:

Councilmember Land spoke regarding public comments concerning the Rent Stabilization Ordinance and rental increases and requested the City Manager to investigate the issues. She spoke regarding public comments concerning the upcoming City Housing Summit. She spoke regarding the recent Well West Hollywood Walk event in the City. She spoke regarding flu shots at Plummer Park in the City. She spoke regarding Item 2.M. and requested staff to encourage the use of recycled materials in sidewalk and alley repairs. She spoke regarding the November 7th General Statewide Election and encouraged voting for Democratic candidate Mike Feuer.

Councilmember Prang spoke regarding the November 7th General Statewide Election and encouraged residents to vote. He spoke regarding public comments concerning the Time-Warner Cable Company and requested Public Information Staff to investigate

the issue. He spoke regarding the recent Halloween Carnival event in the City, a possible ban on bringing animals and small children to the event, and the need to find ways to reduce crowd size.

Mayor Pro Tempore Guarriello spoke regarding the presentation of a proclamation to resident Mary Cole in honor of her 100th Birthday.

Councilmember Duran requested the City Manager to direct staff to provide an additional trash container in front of the Log Cabin property in the City. He spoke regarding public comment concerning the Rent Stabilization Ordinance and rent increases in the City. He spoke regarding the recent Halloween Carnival event in the City, and requested a public safety report from the City Manager and also requested the City Manager to investigate the incidents in San Francisco on Halloween.

Mayor Heilman spoke regarding the recent Halloween Carnival event in the City and thanked everyone involved in organizing the event. He spoke regarding the November 7th General Statewide Election. He spoke regarding public comment concerning the upcoming Housing Summit in the City. He spoke regarding a new program in the City to address food insecurity and hunger in the community.

CITY MANAGER'S REPORT:

City Manager Arevalo spoke regarding public comments concerning the Rent Stabilization Ordinance and rent increases and clarified that the Rent Stabilization Commission is investigating the issue. He spoke regarding the upcoming Housing Summit in the City and clarified that this is the first meeting and will be followed by community meetings and community outreach. He spoke regarding the recent Halloween Carnival event in the City and clarified that staff will be returning to Council with a full report, addressing both logistics of the event and public safety issues.

Oscar Delgado, Parking Manager, presented background information on Item 5.A. as outlined in the staff report dated November 6, 2006.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$976,316.00 in expenditures and \$86,957.00 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.,T. **Motion by Mayor Pro Tempore Guarriello, seconded by Councilmember Land and unanimously approved with Item 2.S. being TABLED.**

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 October 16, 2006. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 565, RESOLUTION NO. 06-3472:

ACTION: Approve Demand Register No. 565 and adopt Resolution No. 06-3472, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 565." **Approved as part of the Consent Calendar.**

2.D. CLAIMS ADMINISTRATION:

ACTION: Deny the claims of Kenny Morse Schaffel 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. APPROVAL OF AN AGREEMENT WITH SOCIAL VOCATIONAL SERVICES FOR LITTER PICK-UP SERVICES WITHIN THE PUBLIC RIGHT-OF-WAY AND PUBLIC PROPERTY: [L. LONG / S. BAXTER]

ACTION: 1) Approve a two year Agreement with Social Vocational Services for litter pickup services in the not to exceed annual amount of \$79,285.00, for year one and \$84,041.00, for year two; and 2) Authorize the City Manager to sign the Agreement. **Approved as part of the Consent Calendar.**

2.G. APPROVAL OF AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WEST HOLLYWOOD AND THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR THE WESTSIDE NORTH-SOUTH ARTERIAL CORRIDOR PROJECT: [S. PERLSTEIN / J ENGLISH]

ACTION: Authorize the City Manager to sign Amendment No. 2 to Memorandum of Understanding between the City of West Hollywood and the Los Angeles County Metropolitan Transportation Authority for the Westside North-South Arterial Corridor Project to extend the timeline for completion of the project to June 2007. **Approved as part of the Consent Calendar.**

2.H. APPROVAL OF CONCESSIONS AGREEMENT WITH QUALITY PARKING SERVICE TO OPERATE A SHARED PARKING VALET: [O. DELGADO / D. KOROTSKY NORTE / J. ENGLISH]

ACTION: 1) Approve an agreement with Quality Parking Service, Inc. to provide valet parking services for the City of West Hollywood; 2) Approve

an agreement term of one (1) year, beginning December 1, 2006 through November 30, 2007 with Quality Parking for the use of three City parking lots for \$10,450 per month; 3) Authorize the City Manager to sign the agreement; and 4) Authorize the Director of Finance to increase budgeted revenues by \$1,750 in parking improvement fund account 213-442003 and by \$8,750 in the General Fund account 100-442003. **Approved as part of the Consent Calendar.**

2.I. APPROVAL OF FINAL TRACT MAP NO. 53962 FOR THE CONDOMINIUM PROJECT LOCATED AT 1414 HARPER AVENUE: [J. ENGLISH / S. PERLSTEIN]

ACTION: 1) Make findings for the Final Tract Map as follows: a) That this project will not violate any of the provisions of Sections 66474, 66474.1, and 66474.6 of the Subdivision Map Act; b) That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code; c) That the development of the property in the manner set forth on the subject division of land will not unreasonably interfere with the free and complete exercise of any public entity and/or public utility rights of way and/or easements within the subject division of land, pursuant to Section 66436(a)3A(i-viii) of the Subdivision Map Act; 2) Approve Final Tract Map No. 53962; 3) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 53962 the certificate, which embodies the approval of said map; and 4) Authorize the Director of Finance to increase the budgeted revenues in the Park Development Fund by \$66,457.44 (account number 210-471001). **Approved as part of the Consent Calendar.**

2.J. APPROVAL OF JOB SPECIFICATION FOR CULTURAL AFFAIRS ADMINISTRATOR (WEHOME/AFSCME): [V. LOVE / L. BOCK / S. SCHUMACHER]

ACTION: Adopt the job description for the new WEHOME/AFSCME position of Cultural Arts Administrator in the Economic Development Department with a salary range at grade 5290E (Exempt) with a salary range of \$74,880 to \$95,680 annually. **Approved as part of the Consent Calendar.**

2.K. APPROVAL TO EXTEND AN AGREEMENT WITH SBC PACIFIC BELL AND MCI WORLDCOM TO PROVIDE TELECOMMUNICATIONS SERVICES TO THE CITY VIA THE CALNET PROGRAM: [J. DUNCAN / B. GANLEY / A. GANDHY]

ACTION: 1) Extend the agreement with SBC Pacific Bell for telecommunications services; 2) Extend the agreement with MCI WorldCom for long distance service on a month to month basis; 3) Authorize the City Manager to execute the contracts; and 4) Authorize the

City Manager to execute Authorizations to Order, amending the contracts to provide additional telecommunications services if needed. **Approved as part of the Consent Calendar.**

2.L. AWARD OF AGREEMENT FOR MILLWORK AND GENERAL CONTRACTING SERVICES: [L. LONG / S. BAXTER / K. TRUDEAU]

ACTION: 1) Authorize the City Manager to sign an Agreement with Saturn Systems, Incorporated for millwork and general contracting work in an amount of \$70,000; and 2) Authorize the expenditure of an amount not to exceed 25% of the Agreement amount as approved by the Director of the Human Services Department. **Approved as part of the Consent Calendar.**

2.M. AWARD OF CONSTRUCTION CONTRACT FOR CIP 55-06-03 ANNUAL MAINTENANCE AND REPAIR OF STREETS AND ALLEYS: [L. LONG / S. BAXTER / K. TRUDEAU]

ACTION: 1) Accept the bid dated September 25, 2006 in the amount of \$421,990 submitted by Hardy and Harper, Inc. of Santa Ana, California; 2) Authorize the City Manager to sign an Agreement with Hardy and Harper, Inc. in an amount not to exceed \$421,990 for the Annual Maintenance and Repair of Streets and Alleys, CIP 5050-04-01; and 3) Reject all other bids and return associated Bid Bonds. **Approved as part of the Consent Calendar.**

2.N. FY 2006-07 SERVICE AGREEMENT WITH THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION: [A. WINDERMAN / J. SKORNECK]

ACTION: 1) Approve a FY 2005-06 service agreement with WHCHC with a total contract amount of \$225,000; and 2) Authorize the City Manager to execute the service agreement. **Approved as part of the Consent Calendar.**

2.O. GRANT FOR THE GREATER WEST HOLLYWOOD FOOD COALITION: [L. LONG / D. DENNIS]

ACTION: Approve an agreement with the Greater West Hollywood Food Coalition to provide a grant of \$5,000 for fuel costs and supplies, and authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

2.P. NORTON / HARPER / HAVENHURST ANGLED PARKING PROPOSAL: [W. DAVIS / T. SLIMMER / J. ENGLISH]

ACTION: That the City Council approve angled parking to deter vehicle short-cutting and reduce speeding potential, and create ten additional parking spaces in the Norton Avenue / Harper Avenue / Havenhurst Drive area. **Approved as part of the Consent Calendar.**

2.Q. SPECIFIED VETERANS PARKING EXEMPTIONS: [A. LAND / L. BELSANTI / S. GUARRIELLO / D. SAUR / M. BACA]

ACTION: 1) Direct Parking Division Staff of the Department of Transportation and Public Works and the City Attorney to draft an ordinance that will exempt veterans that possess specific special interest license plates such as ex-Prisoners of War, Pearl Harbor survivors, and veterans who have received the Congressional Medal of Honor, Legion of Valor, or the Purple Heart for parking at metered spaces and City-owned parking structures; and 2) Report back to the City Council within ninety (90) days. **Approved as part of the Consent Calendar.**

2.R. UPDATE ON COMMUNITY CHOICE AGGREGATION: [O. DELGADO / J. ENGLISH]

ACTION: Receive and file a progress report on Community Choice Aggregation. **Approved as part of the Consent Calendar.**

2.S. CONSIDERATION AND SCHEDULING FOR WESTSIDE PLAN COMMUNITY MEETING: [S. HEALY KEENE / J. KEHO / F. STEFAN / M. BOUNDS-FRISBY]

ACTION: Provide direction to staff on setting the date for the meeting. **This Item was TABLED.**

2.T. (5.A.) PARKING MITIGATION PLAN FOR IMPACTED BUSINESSES DURING HANCOCK PROJECT CONSTRUCTION: [O. DELGADO / J. ENGLISH]

ACTION: 1) Adopt Resolution No. 06-3474, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE HOURS OF ENFORCEMENT FOR PARKING METERS ON SANTA MONICA BOULEVARD AND ADJACENT STREETS BETWEEN PALM AVENUE AND WESTBOURNE DRIVE"; and 2) Authorize the Director of Finance to increase budgeted revenues for Parking Meter Collections by \$9,000 for the balance of the fiscal year 06-07. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. AMENDMENT TO PREFERENTIAL PARKING DISTRICT 1 PARKING REGULATIONS (EASTERN PORTION) BETWEEN LA CIENEGA AND SAN VICENTE BLVDS: [D. NORTE / O. DELGADO / J. ENGLISH]

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

Don Norte, Parking Services Officer, presented background information as outlined in the staff report dated November 6, 2006.

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

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

MINDY BRADISH, WEST HOLLYWOOD, spoke in support of the Item.

TERRY LEFTGOFF, WEST HOLLYWOOD, spoke in support of the Item.

MARTIN STRUDLER, WEST HOLLYWOOD, spoke in support of the Item.

Mayor Heilman closed the public hearing.

ACTION: Introduce for first reading Ordinance No. 06-740, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08.160 OF THE WEST HOLLYWOOD MUNICIPAL CODE IMPLEMENTING DISTRICT 1 PREFERENTIAL PARKING REGULATIONS (EASTERN PORTION) BETWEEN LA CIENEGA AND SAN VICENTE BLVDS. AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Motion by Councilmember Land, seconded by Councilmember Prang and unanimously approved.**

3.B. CREATE LAND USE CATEGORY FOR "SUPPER CLUBS" WITH ASSOCIATED OPERATING AND DEVELOPMENT STANDARDS: [S. HEALY KEENE / J. KEHO / M. BOUNDS-FRISBY / F. STEFAN]

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 November 6, 2006.

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

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

MINDY BRADISH, WEST HOLLYWOOD, spoke in support of the Item.

ED BUCK, WEST HOLLYWOOD, spoke regarding concerns about capacity limits in supper clubs/night clubs within the City.

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke regarding parking concerns for supper clubs in the City.

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

Mayor Heilman closed the public hearing.

Councilmember Land spoke in support of the Item and regarding the parking concerns raised during public comment. She spoke regarding the

need to closely monitor the establishment of supper club businesses in the City.

Mayor Pro Tempore Guarriello spoke in support of the Item and the distinction of supper clubs from night clubs.

Councilmember Duran spoke in support of the Item and regarding the parking concerns raised during public comment.

Councilmember Prang spoke in support of the Item and the distinction of supper clubs from night clubs.

Mayor Heilman spoke in opposition to the Item, spoke regarding the lack of demand for supper clubs in the City, and spoke regarding the possibility of businesses using this land use designation to open night clubs.

ACTION: Introduce on first reading Ordinance No. 06-741, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD APPROVING ZONE TEXT AMENDMENT 2006-005 RELATING TO DEVELOPMENT OF A NEW LAND USE CATEGORY AND REGULATIONS FOR SUPPERCLUBS." (ATTACHMENT A) **Motion by Councilmember Prang, seconded by Councilmember Land and approved with Mayor Heilman voting NO.**

3.C. AMENDMENT OF THE ZONING ORDINANCE REQUIREMENTS PERTAINING TO DEMOLITIONS: [T. BLOUNT / J. KEHO / S. HEALY KEENE]

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

Terry Blount, Associate Planner, presented background information as outlined in the staff report dated November 6, 2006.

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

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

MINDY BRADISH, WEST HOLLYWOOD, spoke in support of the Item.

Mayor Heilman closed the public hearing.

Councilmember Land spoke regarding the need to enforce the new standards following a building demolition.

ACTION: Introduce on first reading Ordinance No. 06-742, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD TO AMEND TITLE 19 (ZONING ORDINANCE) OF THE MUNICIPAL CODE AMENDING THE

REQUIREMENTS PERTAINING TO DEMOLITIONS.” (Attachment A)
Motion by Mayor Pro Tempore Guarriello, seconded by Councilmember Prang and unanimously approved.

3.D. APPEAL OF BUSINESS LICENSE COMMISSION RESOLUTION BL06-01 THAT PLACED CONDITIONS ON REGULATORY PUBLIC EATING LICENSE 002587 FOR THE BUSINESS KNOWN AS PINKBERRY – 868 N. HUNTLEY DRIVE: [S. HEALY KEENE / T. BENEDETTI]

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

Councilmember Duran stated that he visited the site, and stated that his Deputy Hernan Molina also visited the site. He stated that he made attempts to meet with the Applicant.

Mayor Pro Tempore Guarriello stated that he visited the site.

Councilmember Land stated that she visited the site. She stated that she spoke with the Applicant and has spoken with the owners of neighboring businesses.

Councilmember Prang stated that he visited the site.

Mayor Heilman stated that he visited the site.

Susan Healy-Keene, Director of Community Development, presented background information as outlined in the staff report dated November 6, 2006.

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

PHILLIP HOSKINS, THE APPELLANT, spoke in opposition to the Item and in support of the appeal.

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

SUNITHA ANJILVEL, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

DONNA FEINSTEIN, LOS ANGELES, spoke in support of the Item and in opposition to the appeal.

JOSHUA BRINDLE, WESTCHESTER, spoke in support of the Item and in opposition to the appeal.

KAYLEY KIM, BURBANK, spoke in support of the Item and in opposition to the appeal.

MIGUEL CASIANO, WINNETKA, spoke in support of the Item and in opposition to the appeal.

SPENCER SIM, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

CASEY CHASE, HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

JOSEPH NA, LOS ANGELES, spoke in support of the Item and in opposition to the appeal.

RICHARD LEWINTER, SHERMAN OAKS, spoke in opposition to the Item and in support of the appeal.

SANDY HUTCHINS, LOS ANGELES, spoke in support of the Item and in opposition to the appeal.

JOEL MARK, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

STEVE PARK, LA CANADA, spoke in support of the Item and in opposition to the appeal.

BRIAN BLEAK, PACIFIC PALISADES, spoke in support of the Item and in opposition to the appeal.

DUKE PARK, NORTHRIDGE, spoke in support of the Item and in opposition to the appeal.

LYN DESHIELDS, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

JOAN HENEHAN, LOS ANGELES, spoke in support of the Item and in opposition to the appeal.

BRUCE TRAUB, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

DONALD ELMBLAD, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

MINDY BRADISH, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

STEVE MARTIN, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

JIM KAZAKOS, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

MARY BETH DOLAN, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

ROSLYN KRAUSE, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

ED BUCK, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

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

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

POLLY BUSINGER, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

GARY NEUMAN, ON BEHALF OF THE APPLICANT, provided rebuttal.

PHILLIP HOSKINS, THE APPELLANT, provided rebuttal.

Mayor Heilman closed the public hearing.

Councilmember Land spoke regarding concerns about the impact on residents and neighboring businesses. She spoke regarding the change of temperature and the impact on the volume of business and the possibility of seasonal regulations. She spoke regarding concerns about adequate parking.

Councilmember Prang spoke regarding parking and traffic concerns created on Huntley drive by the business. He spoke regarding concerns about the impact on residents and neighboring businesses. He spoke in support of the conditions recommended by the Business License Commission.

Councilmember Duran spoke regarding the history of the zoning of the property. He spoke regarding the size of the property and the success of the business. He spoke regarding the loss of parking from the Hancock construction project. He spoke regarding concerns about the appeal. He

spoke regarding concerns about the security guard. He spoke regarding concerns about shutting down the business.

Mayor Pro Tempore Guarriello spoke regarding the history of the zoning of the property. He spoke regarding concerns about impacts on the residents in the neighborhood. He spoke regarding the possibility of re-zoning the property or limiting the hours.

Mayor Heilman spoke regarding concerns about shutting down the business. He spoke regarding concerns about traffic impacts in the neighborhood and the need to investigate alternative parking solutions. He spoke regarding public comment concerning closing the street. He spoke regarding the need to meet with neighborhood businesses to help mitigate impacts. He spoke regarding concerns about the \$20,000 in-lieu fee.

ACTION: Adopt Resolution No. 06-3473, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD GRANTING THE APPEAL IN PART, DENYING THE APPEAL IN PART AND UPHOLDING BUSINESS LICENSE COMMISSION RESOLUTION BL06-01 WITH MODIFIED CONDITIONS TO REGULATORY BUSINESS LICENSE 002587 FOR THE BUSINESS KNOWN AS PINKBERRY LOCATED AT 868 N. HUNTLEY DRIVE, WEST HOLLYWOOD." (EXHIBIT A) **Motion by Mayor Pro Tempore Guarriello, seconded by Councilmember Land and unanimously approved with the following amendments:**

1. Delete Condition No. 9 – creating an in-lieu fee and adding two additional metered parking spaces.
2. Schedule a meeting between Pinkberry and the adjacent businesses.
3. Direct Transportation and Community Development staff to create a working group with the residents and neighboring businesses to look for creative solutions to traffic and parking issues.

4. UNFINISHED BUSINESS:

4.A. SPECIAL EVENTS: [L. LONG / N. BEARD / B. SMITH]

Nancy Beard, Recreation Services Manager, presented background information as outlined in the staff report dated November 6, 2006.

Councilmember Land spoke regarding the possibility of investigating more sponsorship opportunities for events, more partnering with other organizations to increase attendance, and the development of a survey for event attendees to gather information.

Mayor Heilman spoke regarding the need to look at better management options for the different special events in the City.

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke in favor of the report and spoke regarding concerns about the Halloween Carnival event in the City.

ACTION: Receive & File **Carried by Consensus of the Council.**

4.B. CULTURAL CENTER NEEDS ASSESSMENT: [R. REYNOLDS]

Ray Reynolds, Director of Economic Development and Special Projects, presented background information as outlined in the staff report dated November 6, 2006.

ANDREW CAMPBELL, WEST HOLLYWOOD, spoke in support of the Item.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding concerns about creating arts facilities for any one specific group in the City.

Councilmember Duran spoke regarding the inclusion of an organ pavilion in the study.

Mayor Heilman spoke regarding concerns about the need for the data from phase two to better understand the City's cultural and arts needs.

Councilmember Land spoke regarding the need to gather more information about attendance and the demographics of arts patrons in the City. She spoke regarding the need to facilitate discussions with arts organizations and non-profit groups.

Councilmember Prang spoke regarding concerns about locating and funding adequate facilities within the City. He spoke regarding the possibility of renovating Fiesta Hall at Plummer Park. He spoke regarding working with other arts organizations in the City. He spoke in opposition to moving forward with Phase Two.

ACTION: 1) Receive and file the Cultural Center Needs Assessment; **Motion by Councilmember Duran, seconded by Mayor Pro Tempore Guarriello and unanimously approved.**

2) Authorize the City Manager to execute an agreement with Pfeiffer Partners for The Cultural Center Feasibility Study, Phase Two – Concept Development and Business Planning. **Motion by Councilmember Duran, seconded by Mayor Pro Tempore Guarriello and approved with Councilmember Prang voting NO.**

4.C. APPROVAL OF A REQUEST FOR QUALIFICATIONS FOR A LANDMARK HISTORICAL PROGRAM COMMEMORATING THE HISTORY OF THE SUNSET STRIP: [R. REYNOLDS / J. HUFFER]

Ray Reynolds, Director of Economic Development and Special Projects, presented background information as outlined in the staff report dated November 6, 2006.

Councilmember Prang spoke regarding concerns about the project.

Councilmember Duran spoke regarding the need to preserve the history of the Sunset Strip in our City.

Councilmember Land spoke regarding inclusion of the appropriate Advisory Boards and Commissions in the process.

Mayor Pro Tempore Guarriello spoke regarding the need to preserve the history of the Sunset Strip.

Mayor Heilman spoke regarding the need to respect the unique history of the Sunset Strip.

ACTION: 1) Approve the Request For Qualifications (RFQ), Sunset Strip Landmark Historic Devices (Creation, Production, Installation, Maintenance and Funding); and 2) Authorize staff to release the RFQ to the public. **Motion by Mayor Pro Tempore Guarriello, seconded by Councilmember Land and unanimously approved.**

4.D. COMMISSION AND ADVISORY BOARD APPOINTMENTS: [T. WEST / C. SCHAFFER]

ACTION: Make the following at-large appointments:

1) Disabilities Advisory Board:

STEVEN EARL SAWYER

JOHN RICK WATTS

LON BUISCH

2) Project Advisory Committee:

BLUMES TRACY

DAVID PACHECO

JIM HELMINK

NEAL S. ZASLAVSKY

3) Russian Advisory Board:

TABLED

5. NEW BUSINESS:

5.A. PARKING MITIGATION PLAN FOR IMPACTED BUSINESSES DURING HANCOCK PROJECT CONSTRUCTION: [O. DELGADO / J. ENGLISH]

ACTION: This Item was moved to the Consent Calendar as Item 2.T.

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT: None.

6. LEGISLATIVE:

6.A. None.

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 11:09 P.M. in memory of Anthony Alarcon, Gordon Smith, Slim Sakayama, Arthur Lindsay, Emilia and Michael Wright, Charles Edwards, Edward Thompson, and all the soldiers who died in Iraq and Afghanistan since the last Council meeting to their next regular meeting, which will be on Monday, November 20, 2006 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.