

CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, NOVEMBER 20, 2006  
WEST HOLLYWOOD PARK AUDITORIUM

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE:

Neal Zaslovsky led the pledge.

ROLL CALL:

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

ABSENT: Councilmember Land.

ALSO PRESENT: City Manager Arevalo, Acting City Attorney Gregg Kovacevich, City Clerk West, and Asst. City Clerk Schaffer.

REPORT OF CLOSED SESSION AGENDA:

Acting City Attorney Kovacevich stated that the Closed Session meeting convened at 6:00 P.M. He stated that there were no speakers. He stated that the Item regarding Conference with Real Property Negotiator was TABLED. He stated that the Closed Session meeting adjourned at 6:10 P.M. with no reportable action taken.

APPROVAL OF AGENDA:

Mayor Heilman noted that Item 2.M. will not be a Public Hearing and will be heard on the Consent Calendar. He stated his NO vote on Item 2.F.

City Manager Arevalo requested that Item 5.A. be TABLED.

**Motion by Mayor Pro Tempore Guarriello, seconded by Councilmember Prang to approve the November 20, 2006 agenda as amended and unanimously approved.**

PRESENTATIONS:

Mayor Heilman presented proclamations to local social services agencies in honor of World AIDS Day.

Mayor Heilman presented a commendation to the Courtyard Restaurant.

1. PUBLIC COMMENT:

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to Item 2.F.

HEAVENLY WILSON, WEST HOLLYWOOD, spoke in opposition to Item 2.M.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding the nomination period for the upcoming West Hollywood General Municipal Election.

ED BUCK, WEST HOLLYWOOD, spoke regarding concerns about development in the City.

WILLIAM NEISH, WEST HOLLYWOOD, spoke regarding concerns about valet parking services recently provided to a fundraising event for Mayor Heilman.

WESTON HARRIS, WEST HOLLYWOOD, spoke regarding the donation of an organ pavillion to the City.

CARLOS SOSA, LOS ANGELES, spoke regarding the recent MCC Los Angeles Youth Social event and thanked City Council for their support.

PHILIP HOSKINS, WEST HOLLYWOOD, spoke regarding the business Pinkberry and spoke regarding the possibility of lighting at the crosswalks on Santa Monica Boulevard.

RIC RICKLES, WEST HOLLYWOOD, spoke regarding the upcoming West Hollywood General Municipal Election.

COUNCILMEMBER COMMENTS:

Councilmember Duran requested that the meeting be adjourned in memory of following soldiers who died in Iraq and Afghanistan since the last City Council meeting: Capt. Rhett W. Schiller, Cpt. John R. Dennison, Sgt. 1st Class Schulyer B. Haynes, Spc. Mitchell T. Mutz, Lance Cpl. Timothy W. Brown, Col. Thomas H. Felts Sr., Spc. Justin R. Garcia, Lance Cpl. Mario D. Gonzalez, Sgt. 1st Class Tung Nguyen, Spc. Eric G. Palacios Rivera, Lance Cpl. Michael D. Scholl, Pfc. Daniel J. Allman II, Pfc. Jang H. Kim, 1st Lt. Michael A. Cerrone, Staff Sgt. Sharron Elliott, Warrant Officer Class 2 Lee Hopkins, Marine Jason Hylton, Cpl.

Ben Nowak, Pfc. Harry A Winkler III, Staff Sgt. William S. Jackson II, Staff Sgt. Misael Martinez, Sgt. Tomasz Murkowski, Sgt. Ratislav Neplech, Sgt. Angel De Jesus Lucio Ramirez, Sgt. Bryan K Burgess, Sgt. Courtland A. Kennard, Staff Sgt. Gregory W.G. McCoy, Lance Cpl. Kristopher C. Warren, Staff Sgt. Richwell A. Doria, Lance Cpl. Ryan T. McCaughn, Chief Warrant Officer Miles P. Henderson, Chief Warrant Officer John R. Priestner, Sgt. Lucas T. White, Spc. Douglas C. Desjardins, Cpl. Jose A. Galvan, Spc. James L. Bridges, 2nd Lt. Mark C. Gelina, Kingsman Jamie Hancock, Cpl. Kyle W. Powell, Pvt. Michael P. Bridges, Lance Cpl. James E. Brown, Lance Cpl. Luke B. Holler, Cpl. Michael H. Lasky, Staff Sgt. Jason D. Whitehouse, Lt. Col. Paul J. Finken, Staff Sgt. Joseph A. Gage, Lt. Col. Eric J. Kruger.

Councilmember Prang requested that the meeting be adjourned in memory of Lois Karesh, mother of long-time resident Steve Karesh.

Mayor Heilman requested that the meeting be adjourned in memory of Edna Precious, grandmother of Public Safety Commissioner Sam Borelli.

Councilmember Duran spoke regarding public comments concerning Item 2.M. He spoke regarding a recent State Proposition regarding public campaign financing. He spoke regarding public comment concerning crosswalk lighting on Santa Monica Boulevard and requested staff to re-investigate the issue.

Councilmember Prang spoke regarding an upcoming concert of the California Junior Philharmonic Orchestra in the City. He spoke regarding public comment concerning crosswalk lighting on Santa Monica Boulevard. He spoke regarding the recent National election and the possible impact on the war in Iraq.

Mayor Pro Tempore Guarriello spoke regarding public comments concerning Item 2.M. He wished everyone a happy Thanksgiving holiday. He spoke regarding the upcoming Housing Summit in the City.

Mayor Heilman wished everyone a Happy Thanksgiving holiday. He spoke regarding public comments concerning the neighborhood task force for Pinkberry. He spoke regarding public comments concerning crosswalk lighting on Santa Monica Boulevard and asked staff to re-investigate the issue. He spoke regarding World AIDS Day. He spoke regarding Item 2.I. and requested staff to investigate complaints about Dial-A-Ride services. He spoke regarding public comments regarding public financing of campaigns and the legal restrictions for General Law Cities.

#### CITY MANAGER'S REPORT:

City Manager Arevalo spoke regarding public comment concerning the neighborhood task force for Pinkberry. He congratulated Mayor Pro Tempore Guarriello for the recent successful Veterans' Day Event in the City. He spoke

regarding public comments concerning crosswalk lighting on Santa Monica Boulevard and stated that staff will return to Council with a full report on the issue. He wished everyone a happy Thanksgiving holiday.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$1,270,000.00 in expenditures and \$10,000.00 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. Motion by Mayor Pro Tempore Guarriello, seconded by Councilmember Duran and approved with Councilmember Land ABSENT and Mayor Heilman voting NO on Item 2.F.**

2.A. POSTING OF AGENDA: The agenda for the meeting of Monday, November 20, 2006 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, November 16, 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 November 6, 2006.

Approved as part of the Consent Calendar.

2.C. DEMAND REGISTER NO. 566, RESOLUTION NO. 06-3475: The City Council is requested to approve payment of bills due as presented by the Director of Finance. ACTION: Approve Demand Register No. 566 and adopt Resolution No. 06-3475, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 566."

Approved as part of the Consent Calendar.

2.D. CLAIMS ADMINISTRATION: The City Council is asked to deny Claims filed against the City, as a routine administrative step in claims processing. ACTION: Deny the claims of Mercury Insurance Company (Thomas Shaw) and refer to the City's claims adjuster.

Approved as part of the Consent Calendar.

2.E. ORDINANCE NO. 06-740 (2ND READING), AMENDING TITLE 10, CHAPTER 10.08, SECTION 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: [T. WEST / C. SCHAFFER] The City Council will waive further reading and adopt Ordinance No. 06-740, a proposed ordinance amending Title 10, Chapter 10.08, Section 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. ACTION: Waive further reading and adopt Ordinance No. 06-740, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08, SECTION 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."

Approved as part of the Consent Calendar.

2.F. ORDINANCE NO. 06-741 (2ND READING), AMENDING TITLE 19 (ZONING ORDINANCE) REGARDING SUPPERCLUBS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE: [T. WEST / C. SCHAFFER] The City Council will waive further reading and adopt Ordinance No. 06-741, a proposed ordinance amending Title 19 (Zoning Ordinance) regarding supperclubs and amending the West Hollywood Municipal Code. ACTION: Waive further reading and adopt Ordinance No. 06-741, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 19 (ZONING ORDINANCE) REGARDING SUPPERCLUBS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

Approved as part of the Consent Calendar with Mayor Heilman voting NO.

2.G. ORDINANCE NO. 06-742 (2ND READING), TO AMEND TITLE 19 (ZONING ORDINANCE) OF THE MUNICIPAL CODE AMENDING THE REQUIREMENTS PERTAINING TO DEMOLITIONS: [T. WEST / C. SCHAFFER] The City Council will waive further reading and adopt Ordinance No. 06-742, a proposed ordinance to amend Title 19 (Zoning Ordinance) of the Municipal Code amending the requirements pertaining to demolitions. ACTION: Waive further reading and adopt 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."

Approved as part of the Consent Calendar.

- 2.H. AUTHORIZATION TO INCREASE LEGAL SERVICES BUDGET FOR HEYMAN DENSMORE: [M. JENKINS] This item requests that the City Council authorize an amendment to the professional service agreement with the law firm Heyman Densmore to provide litigation services in connection with the appeal in the lawsuit entitled City of West Hollywood v. Willdan. ACTION: 1) Approve the amendment to the professional services agreement with the law firm of Heyman Densmore for legal services; and 2) Authorize the City Manager to sign the agreement.

Approved as part of the Consent Calendar.

- 2.I. EXTENSION AGREEMENT OF TRANSIT SERVICE AGREEMENT WITH MV TRANSPORTATION: [J. ROONEY / T. SLIMMER / J. ENGLISH] The City Council will consider the approval of a one-year extension of the Transit Service Agreement with MV Transportation (MV) for the operation of the CityLine Fixed route and Dial-A-Ride Services. ACTION: 1) Authorize an amendment to the agreement with MV Transportation in an amount not to exceed \$1,185,000 for the City's transportation services from July 1, 2007 through June 30, 2008; and 2) Authorize the City Manager to execute extension agreement.

Approved as part of the Consent Calendar.

- 2.J. GRANT FUNDING FOR URBAN RUNOFF GRANT: [J. HARMON / S. PERLSTEIN / J. ENGLISH] The City Council will consider a request from the Engineering Division to submit a proposal to the California Coastal Commission for funding of bus shelter ads designed to prevent urban runoff. ACTION: 1) Approve Resolution No. 06-3476 to pursue grant funding from the California Coastal Commission for bus shelter ads; and 2) Authorize the City Manager to execute the agreement and the Director of Finance to increase budget revenue and expense by the amount of the grant.

Approved as part of the Consent Calendar.

- 2.K. LEGISLATIVE REPORT FROM HELYNE MESHAR, CITY LOBBYIST: [P. AREVALO / K. KRIETZMAN] The City Council will receive a Legislative Report detailing legislative activities during the second year of the Federal and State legislature's 2005/06 legislative session and current as of October 31, 2006, from Helyne Meshar & Associates. ACTION: Receive and file.

Approved as part of the Consent Calendar.

- 2.L. MILLS ACT CONTRACT 2006-001 FOR PROPERTY LOCATED AT 1013 NORTH HANCOCK AVENUE: [J. KEHO / J. JACKSON] The City Council will consider approving a Mills Act Contract with the owner of the property located at 1013 N. Hancock Avenue. ACTION: Approve Historic Property Preservation Agreement (Mills Act Contract) between the City of West Hollywood and the owner of the property located at 1013 N. Hancock Avenue, Ben Kunde, and authorize the City Manager to sign the agreement.

Approved as part of the Consent Calendar.

- 2.M. REQUEST TO DETERMINE THAT THE PROPERTY LOCATED AT 1150 CLARK STREET IS NOT A LOCAL CULTURAL RESOURCE: [T. BLOUNT] The City Council will consider a request by Mark Lehman, on behalf of the property owner, that the City determine that the property located at 1150 Clark Street is not a local cultural resource. ACTION: Adopt Resolution No. 06-3477, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE DESIGNATION OF THE STRUCTURE LOCATED AT 1150 CLARK STREET, WEST HOLLYWOOD, CALIFORNIA, AS A LOCAL CULTURAL RESOURCE (CULTURAL RESOURCE DESIGNATION 2006-002)." (EXHIBIT A)

Approved as part of the Consent Calendar.

3. PUBLIC HEARINGS:

- 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: [P. CLARKE] The Council will consider the appeal of the Planning Commission's approval of a proposal filed by Gene Smith on behalf of Sandra Juanita Ellis (property owner) to convert an existing Large Family Daycare Home which currently accommodates 12 children during the daytime and up to 14 children after school, into a Child Day Care Center with the ability to accommodate up to 24 children at all times.

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

Patrick Clarke, Contract Planner, presented background information as outlined in the staff report dated November 20, 2006.

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

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

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

PHILLIP SANCHEZ, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

BETTSY FERNANDEZ, 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.

LINDSAY OTIS, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

JANET CHAPMAN, LOS ANGELES, 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.

ALISON SIMARD, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

RACHELL TRACY, LOS ANGELES, spoke in support of the Item and in opposition to the appeal.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

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

CANDACE WELLS, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

DAWNA ZEEMAN, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

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



CHRISTOPHER MALEKI, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

CHRISOPHER LILLIAN, REDONDO BEACH, spoke in support of the Item and in opposition to the appeal.

MISCHKE BUTLER, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

RICHARD DANIELSON, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

DON FREY, 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.

ANN CROWELL, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

RICHARD GIESBRET, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

RIC RICKLES, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

ROCHELLE ABRAMSON, ENCINO, spoke in opposition to the Item and in support of the appeal.

PHILIP HOSKINS, 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.

TROY UNDERWOOD, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

BARBARA SCHULMAN, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

LAURA CAYOUE, LOS ANGELES, spoke in support of the Item and in opposition to the appeal.

MICHELLE NELSON, 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.

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

ALBERT NEJAD, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

TAMARA HAMILTON, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

LILLY NING, LOS ANGELES, spoke in support of the Item and in opposition to the appeal.

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

CYNDI DALTON, 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.

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

JORDAN MANTNER, LOS ANGELES, spoke in support of the Item and in opposition to the appeal.

ANGELA ELLIS, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

GAIL SANES, ON BEHALF OF THE APPELLANT, provided rebuttal.

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

Mayor Heilman stated that all Councilmembers have visited the site.

Mayor Heilman closed the public hearing.

Councilmember Duran spoke regarding the complexity of the issue. He spoke regarding the inability to regulate the day care if the appeal is upheld because of

State laws. He spoke regarding the need to consider any future day care facilities in the City on an individual basis. He spoke regarding the inevitable proximity of commercial projects to residential areas in the City. He spoke regarding traffic and parking concerns if the CUP is approved.

Councilmember Prang spoke regarding the need for day care, but expressed concerns about land use issues in residential neighborhoods. He spoke regarding the impacts on traffic and noise in the neighborhood if the CUP is approved. He spoke in opposition to the Item and in support of the appeal.

Mayor Pro Tempore Guarriello spoke regarding concerns about approving commercial projects in residential areas. He spoke regarding parking and traffic concerns. He spoke in opposition to the Item and in support of the appeal.

Mayor Heilman spoke regarding the need to represent the entire community. He spoke regarding the need for child care in the City. He spoke regarding concerns about the intensification of noise and traffic concerns if the CUP is approved. He spoke in opposition to the Item and in support of the appeal.

**ACTION:** Uphold the appeal of Bettina Terramani and direct staff to return with a revised resolution with the following changes to the Findings of Fact: 1) that the site is not physically adequate for the intensity of the proposed use, 2) that the proposed use of the site would create loading and unloading issues, 3) that the proposed use of the site would create inadequate parking issues, 4) that the establishment, maintenance and operation would inconvenience the public and cause safety concerns, 5) that the proposed use is incompatible with the neighborhood and that these issues cannot be mitigated. **Motion by Councilmember Duran, Seconded by Councilmember Prang and approved with Councilmember Land being ABSENT.**

4. UNFINISHED BUSINESS:

4.A. COMMISSION AND ADVISORY BOARD APPOINTMENTS: [T. WEST / C. SCHAFFER] ACTION: Make the following at-large appointment. **ACTION: This Item was TABLED.**

5. NEW BUSINESS:

5.A. CONSIDERATION AND SCHEDULING FOR SECOND HOUSING SUMMIT COMMUNITY MEETING: [F. STEFAN] The City Council will consider scheduling a second Community Meeting to be held on Saturday January 27, 2007 for further community discussion related to the Housing Summit to be held on December 4, 2006. **ACTION: This Item was TABLED.**

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT:

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke regarding a recent accident at a crosswalk located at Hancock and Santa Monica.

STEVE MARTIN, WEST HOLLYWOOD, spoke regarding the recent State Assembly campaign for Mike Feuer.

HEAVENLY WILSON, WEST HOLLYWOOD, spoke regarding Item 2.M.

6. LEGISLATIVE:

6.A. None.

COUNCILMEMBER COMMENTS:

Mayor Heilman and City Manager Arevalo wished good luck to City Staff participating in the upcoming AIDS Marathon.

ADJOURNMENT: The City Council adjourned at 9:48 P.M. in memory of Lois Karesh, Edna Precious, 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, December 4, 2006 at 5:00 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

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JOHN HEILMAN, MAYOR

ATTEST:

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THOMAS R. WEST, CITY CLERK