

**CITY COUNCIL
MINUTES
MONDAY, SEPTEMBER 20, 2004
WEST HOLLYWOOD PARK**

CALL TO ORDER: The meeting was called to order at 6:50 PM.

PLEDGE OF ALLEGIANCE: Ric Rickles led the pledge.

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

ABSENT: None.

ALSO PRESENT: City Manager Paul Arevalo, City Attorney Michael Jenkins, City Clerk Tom West and Assistant City Clerk Gwen Peirce.

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins stated that the Closed Session convened at 6:00 PM. He stated that two items were added – one item of pending litigation, Save Tara v City of West Hollywood, to discuss the outcome of a court appearance and one item of Initiation of Litigation. City Attorney Jenkins stated that there was one reportable action, which was to defend the action in SHE v. West Hollywood. He stated that the Closed Session adjourned at 6:30 PM.

APPROVAL OF AGENDA:

Councilmember Prang requested that the meeting be adjourned in the memory of Rose DeLuccio, mother of Donald Deluccio.

Mayor Duran requested that the meeting be adjourned in the memory of James Grant Ross, father of Catherine Ross.

Councilmember Guarriello requested that Item 6.B. be moved to the Consent Calendar as Item 2.P., and that Item 6.C. be moved to the Consent Calendar as Item 2.Q.

Councilmember Heilman requested that the City Clerk's office inform the City of Los Angeles on the ordinance being adopted in Item 6.C. and request that they adopt a similar ordinance.

Councilmember Heilman noted his ABSTENTION on 2.N.

ACTION: Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Land to approve the September 20, 2004 agenda as amended and carried unanimously.

PRESENTATIONS:

Councilmember Heilman presented a proclamation to Helyne Meshar, City Lobbyist for her work on behalf of the City in Sacramento.

Mayor Duran introduced Kim Gandy, the President of the National Organization of Women, who spoke regarding women voters and the polling flaws in the current election. Councilmember Heilman announced the Human Rights Speaker Series, featuring Kim Gandy, President of the National Organization of Women, which will be taking place at the Pacific Design Center.

Mayor Duran introduced Louise McCann, Los Angeles County of Public Health Services, spoke regarding facts about the threat of the West Nile Virus.

Mayor Pro Tempore Land presented a proclamation to commend the West Hollywood Health Fair, which will be taking place at Plummer Park on Sunday.

Councilmember Heilman presented a proclamation, in association with the National League of Cities, to commemorate the American Dream Campaign.

1. PUBLIC COMMENT:

J.W. MOORE IV, WEST HOLLYWOOD, spoke regarding Item 2.E., and requested that the City adopt a law to be stricter on illegally parked cars.

JAMES FUHRMAN, WEST HOLLYWOOD, spoke in opposition to specific charges on the demand register, as well as the City Manager's salary. He also spoke in support of a memorial to Morris Kight.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding the Presidential campaign and his service to the community.

RENEE DAKE WILSON, WEST HOLLYWOOD, spoke regarding the Election Connection, which will be four non-partisan events to increase voter awareness on State and County measures.

MADELEINE RACKLEY, WEST HOLLYWOOD, spoke in support of Item 2.M., a resolution in opposition to the Governor's proposal to eliminate the Commission on the Status of Women.

RICHARD LORING, LOS ANGELES, WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION BOARD, spoke regarding statistics on affordable housing and the work of the West Hollywood Community Housing Corporation and in support of the proposed project at 1343 N. Laurel.

HEAVENLY WILSON, WEST HOLLYWOOD, spoke in opposition to the proposed project at 1343 N. Laurel because it would not serve the entire community.

PAUL BROTZMAN, LOS ANGELES, WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION BOARD, spoke in support of the City increasing affordable housing and in support of the proposed project at 1343 N. Laurel.

RIC RICKLES, WEST HOLLYWOOD, spoke in support of the proposed project at 1343 N. Laurel and spoke regarding a Housing Forum with Los Angeles County Housing Department.

ED GARREN, WEST HOLLYWOOD, spoke regarding an upcoming Historic Preservation Commission meeting regarding the Ramona and a community meeting regarding the Sunset/Olive project. He spoke in support of a moratorium on development.

COUNCILMEMBER COMMENTS:

Councilmember Heilman spoke regarding the proposal submitted by Gold Mountain at Sunset/Olive.

Mayor Pro Tempore Land commended members of the Women's Advisory Board on their work in election education awareness. She requested that the City Manager work with the Sheriff's Department and Code Compliance to start immediately enforcing the urgency ordinance on animal peddling.

CITY MANAGER'S REPORT:

City Manager Arevalo commended staff for their work on the safety of the Emmy after parties. He stated that the Public Safety staff will translate the West Nile Virus information into Russian.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact for the Consent Calendar is \$430,141 in expenditures and \$0 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.(6.B.),Q.(6.C.) **Motion by Councilmember Prang, seconded by Councilmember Guarriello and carried unanimously with Councilmember Heilman noting his ABSTENTION on Item 2.N.**

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 September 7, 2004. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 516, RESOLUTION NO. 04-3129:

ACTION: Approve Demand Register No. 516 and adopt Resolution No. 04-3129, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 516." **Approved as part of the Consent Calendar.**

2.D. CLAIMS ADMINISTRATION:

ACTION: Deny the claims of Tim La Viano, Christina Morris, Chris Borden, Olga Krestyn, 21st Century Insurance, Lyuba Shmukler and Yulia Gordon and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.E. ORDINANCE NO. 04-686 (2ND READING), A PROPOSED ORDINANCE AMENDING THE VEHICLE AND TRAFFIC CODE REGARDING THE REMOVAL AND STORAGE OF ILLEGALLY PARKED VEHICLES:

ACTION: Waive further reading and adopt Ordinance No. 04-686, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REGARDING THE REMOVAL AND STORAGE OF ILLEGALLY PARKED VEHICLES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.F. APPROVE AN AGREEMENT WITH APPLIED POWER TECHNOLOGIES FOR AN UNINTERRUPTED POWER SUPPLY:

ACTION: 1) Approve the agreement with Applied Power Technologies in an amount not to exceed \$39,993.36; 2) Authorize the City Manager to execute the contract; and 3) Authorize the expenditure of an amount not to exceed \$3,699.00 for contingencies as approved by the Director of the Finance and Technology Services Department. **Approved as part of the Consent Calendar.**

2.G. APPROVE AN AGREEMENT WITH COMPUCOM SYSTEMS FOR MICROSOFT ENTERPRISE SOFTWARE LICENSING:

ACTION: 1) Approve a three year agreement with CompuCom Systems Inc. allowing the purchase of Microsoft software licenses based on the California County Information Services Director's Association and the County of Riverside Microsoft Enterprise Agreement; 2) Authorize the City Manager to execute the contract; and 3) Authorize the expenditure of an additional amount not to exceed \$12,000.00 per year to maintain software licensing compliance, as approved by the Director of the Finance and Technology Services Department. **Approved as part of the Consent Calendar.**

2.H. APPROVAL OF AGREEMENT WITH VIACOM FOR HIV PREVENTION BILLBOARD SPACE:

ACTION: Approve an agreement with Viacom Outdoor in an amount not to exceed \$64,700 for billboard and bus shelter space to provide visibility

for the final two HIV Prevention Campaigns of this grant period and authorize the City Manager to sign. **Approved as part of the Consent Calendar.**

2.I. AGREEMENT FOR SERVICES WITH TERRY A. HAYES ASSOCIATES LLC FOR THE PROPOSED MIXED-USE OVERLAY ZONE GIS AND ENVIRONMENTAL SERVICES:

ACTION: Direct staff to negotiate an Agreement for Services with Terry A. Hayes Associates LLC in an amount not-to-exceed ninety-seven thousand seven hundred four dollars (\$97,704) for the proposed mixed-use overlay zone GIS and environmental services; 2) Authorize the City Manager to sign the negotiated agreement after review and approval by the City Attorney; and 3) Authorize the Director of Finance to increase budgeted expenditures by \$97,704 in the Planning Division Professional Services account 1007010-8501 and to allocate \$97,704 from the undesignated reserves in the General Fund. **Approved as part of the Consent Calendar.**

2.J. LEASE EXTENSIONS FOR SOCIAL SERVICES AGENCIES OCCUPYING CITY PROPERTY:

ACTION: Approve lease extensions for the Social Services agencies which occupy City property according to the chart attached from September 30, 2004 to October 1, 2005 and authorize the City Manager to sign the extensions. **Approved as part of the Consent Calendar.**

2.K. BID REJECTION AND AUTHORIZATION TO RE-BID, ANNUAL PAVEMENT STRIPING, LEGENDS AND PAINTING PROJECT, C.I.P. # 5050-04-02:

ACTION: 1) Reject all bids received for the Annual Pavement Striping, Legends and Painting Project, C.I.P. #5050-04-02 and return all associated bid bonds; and 2) Authorize the re-bidding of Annual Pavement Striping, Legends and Painting Project, C.I.P. #5050-04-02-R. **Approved as part of the Consent Calendar.**

2.L. APPROVAL OF JOB SPECIFICATION FOR SUPPORT SERVICES SPECIALIST II (WEHOME):

ACTION: Adopt the job description for the new WEHOME position of Support Services Specialist II with a salary range at Grade 5050; GE-05, Non-Exempt (\$37,132 to \$44,947 annually). **Approved as part of the Consent Calendar.**

2.M. A RESOLUTION IN OPPOSITION TO THE GOVERNOR'S PROPOSAL TO ELIMINATE THE CALIFORNIA COMMISSION ON THE STATUS OF WOMEN:

ACTION: 1) Adopt Resolution No. 04-3130, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN OPPOSITION TO THE GOVERNOR'S PROPOSAL TO ELIMINATE THE

CALIFORNIA COMMISSION ON THE STATUS OF WOMEN"; and 2) Direct staff to send copies of the resolution to the California Commission on the Status of Women, US Senator Barbara Boxer, US Senator Dianne Feinstein, US Representative Henry Waxman, California State Senator Sheila Kuehl, California State Assemblymember Paul Koretz, and California Governor Arnold Schwarzenegger. **Approved as part of the Consent Calendar.**

2.N. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE LOS ANGELES COUNTY PUBLIC SAFETY AND HOMELAND SECURITY SALES TAX, "MEASURE A":

ACTION: 1) Adopt Resolution No. 04-3131 "A RESOLUTION IN SUPPORT OF THE LOS ANGELES COUNTY PUBLIC SAFETY AND HOMELAND SECURITY SALES TAX, MEASURE A"; and 2) Send copies of the adopted resolution to the Los Angeles County Board of Supervisors, the Los Angeles County Sheriffs Department and the California League of Cities. **Approved as part of the Consent Calendar with Councilmember Heilman noting his ABSTENTION.**

2.O. CO-SPONSORSHIP OF THE NATIONAL LEAGUE OF CITIES HUMAN DEVELOPMENT STEERING COMMITTEE MEETING:

ACTION: 1) Approve co-sponsorship of the National League of Cities Human Development Steering Committee meeting; 2) As part of the overall programming, direct staff to coordinate City of West Hollywood events with the Convention and Visitors Bureau and The Avenues of Art and Design; and 3) Direct Public Information staff publicize the visit and the work of the Committee. **Approved as part of the Consent Calendar.**

2.P. (6.B.) AMEND THE WEST HOLLYWOOD MUNICIPAL CODE TO STRENGTHEN EXISTING LANGUAGE PROHIBITING SLEEPING IN ENTRANCES OF BUILDINGS:

ACTION: Introduce the first reading of Ordinance No 04-687, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTION 9.04.040 OF CHAPTER 9.04 OF THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING OBSTRUCTING ENTRANCES". **Approved as part of the Consent Calendar.**

2.Q. (6.C.) URGENCY ORDINANCE AMENDING THE MUNICIPAL CODE TO MAKE THE PEDDLING OF LIVE ANIMALS A MISDEMEANOR CRIME:

ACTION: 1) Reintroduce on first reading Ordinance No. 04-688, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTION 5.92.050(1)(k) OF CHAPTER 5.92 OF THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING THE PEDDLING OF LIVE ANIMALS"; and 2) Adopt Ordinance No. 04-689U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING THE PEDDLING OF LIVE ANIMALS AND DECLARING THE URGENCY THEREOF."

Approved as part of the Consent Calendar.

3. PUBLIC HEARINGS:

3.A. CONTINUANCE OF A PUBLIC HEARING REGARDING A PROPOSED RESOLUTION APPROVING A LETTER OF AGREEMENT FOR EXCHANGE OF CDBG FUNDS BETWEEN THE CITY OF WEST HOLLYWOOD AND THE CITY OF SOUTH EI MONTE FOR FISCAL YEAR 2005-2006 CDBG FUNDS:

ACTION: Continue the public hearing on the proposed exchange of CDBG Funds between the City of West Hollywood and the City of South El Monte to a date uncertain. **Motion by Councilmember Prang, seconded by Councilmember Guarriello and unanimously carried.**

3.B. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A YOGA STUDIO FACILITY WITH ACCESSORY RETAIL SALES AREA LOCATED AT 8570 SUNSET BOULEVARD #205 (SUNSET MILLENNIUM), WEST HOLLYWOOD:

Francie Stefan, Associate Planner, and Terri Slimmer, Transportation Manager, provided background information as outlined in the staff report dated September 20, 2004.

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

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

MITCHELL DAWSON, LOS ANGELES, and DR. COCO, LOS ANGELES, APPELLANT, provided information to counter the project's trip generation reports and stated that the provided reports did not reflect the use of this facility and the impact would be significant.

GEORGE LICHTER, BEVERLY HILLS, APPLICANT, spoke in support of the City's process and City staff during the application process.

ED GARREN, WEST HOLLYWOOD, spoke in opposition to projects such as Sunset Millennium and spoke in support of a moratorium on development.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of the denial of the appeal.

MITCHELL DAWSON and DR. COCO, APPELLANT, spoke in support of appropriate conditions so that the overlapping of classes doesn't have a significant traffic and transportation impact.

GEORGE LICHTER, APPLICANT, provided an explanation of the schedule of classes.

Mayor Duran closed the public hearing.

Councilmember Heilman spoke regarding the need for adequate time spacing between the classes.

Mayor Pro Tempore Land spoke in support of the denial of the appeal.

Councilmember Heilman spoke regarding problems with the Sunset Millennium project. He spoke in support of the denial of the appeal, but requested to add a condition to stagger and buffer the classes to mitigate the traffic.

ACTION: Adopt Resolution 04-3132, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL OF EQUINOX WEST HOLLYWOOD INC. AND UPHOLDING THE PLANNING COMMISSION'S ACTION APPROVING A NEGATIVE DECLARATION, CONDITIONAL USE PERMIT 2004-01 AND DEVELOPMENT PERMIT 2004-04 FOR THE INTENSIFICATION OF USE OF 5,570 SQUARE FEET OF RETAIL SPACE INTO A YOGA STUDIO WITH ACCESSORY RETAIL SALES AREA LOCATED AT 8570 SUNSET BOULEVARD #205 (SUNSET MILLENNIUM), WEST HOLLYWOOD." **Motion by Mayor Pro Tempore Land, seconded by Councilmember Prang and unanimously carried with additional direction to add a condition that the applicant be required to provide a schedule of classes and that the Director has the discretion to approve it for the standards set forth by the City's traffic study on parking and trip generation.**

3.C. DEVELOPMENT PERMIT 03-106, ADMINISTRATIVE PERMIT 03-042, AND BILLBOARD PERMIT 03-041; AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A RETAIL/RESTAURANT BUILDING WITH OUTDOOR DINING AND A BILLBOARD AT 8305 SUNSET BOULEVARD:

Susan Healy Keene, Planning Manager, Anne Browning McIntosh, Interim Director of Community Development and Terri Slimmer, Transportation Manager, provided background information as outlined in the staff report dated September 20, 2004.

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

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

PAT. WALTERS, WEST HOLLYWOOD, Sunset Round Hill Homeowners Association, APPELLANT, expressed concern over the height of the proposed project. He also expressed concern over access to the proposed building and the possibility of increased traffic.

CLARE BRONOWSKI, APPELLANT, expressed concern over the design of the project, specifically that it's too tall and too close to the residences behind it. She stated that the project does not comply with the Sunset Specific Plan and expressed concern that the proper studies were not done.

STEVEN AFRIAT, APPELLANT, spoke regarding certain requirements that have been waived for this project. He expressed concern that the parking does not necessarily have to be made public and expressed concern over the traffic study.

IRA HANDELMAN, WOODLAND HILLS, APPLICANT, addressed concerns set forth by the appellants.

ED GARREN, WEST HOLLYWOOD, spoke in support of a moratorium on development.

JW MOORE IV, WEST HOLLYWOOD, spoke in support of the proposed project and in opposition to the appeal due to a need for increased parking on Sunset.

HILLARY SELVIN, LOS ANGELES, spoke in support of the proposed project due to the need for increased parking structures on Sunset and other economic benefits to the City.

GIGI VERONE, WEST HOLLYWOOD, spoke in opposition to the proposed project due to the height, setbacks and potential traffic impacts.

JEANNE DOBRIN, WEST HOLLYWOOD, expressed concern over the proposed project, specifically the setback and the impact of the traffic circulation of the parking. She spoke in support of the appeal.

TOM DEMILLE, WEST HOLLYWOOD, spoke in opposition to the appeal.

CLARE BRONOWSKI, APPELLANT, expressed concern that no seismic study was made available, that the setback is too small; and stated numerous items that can be reviewed to provide relief to the residents behind the project.

STEVEN AFRIAT, APPELLANT, spoke regarding the Council setting bad precedents if this project is approved.

IRA- HANDELMAN, APPLICANT and RICHARD SPINA, CSA ARCHITECTS, spoke regarding the inability to move the top floor of the building; regarding the setback and placing plants to buffer between the properties; and regarding the inability to have underground parking.

Mayor Duran closed the public hearing.

Councilmember Prang spoke in support of the proposed project due to the need for parking structures and in opposition to the appeal.

Councilmember Heilman spoke in support of the proposed project and in opposition to the appeal. He stressed the importance of including the landscaping requirements in the resolution and addressing the articulation of the back wall, especially in the upper areas.

Councilmember Guarriello spoke in support of the proposed project and in opposition to the appeal due to the need for parking.

Mayor Pro Tempore Land spoke in support of the proposed project and in support of including the language on landscaping in the resolution.

ACTION: 1) Adopt Resolution No. 04-3133, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING AN APPEAL OF ADJACENT PROPERTY OWNERS AND UPHOLDING THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF A MITIGATED NEGATIVE DECLARATION AND DEVELOPMENT PERMIT 03-016, ADMINISTRATIVE PERMIT 03-042, AND BILLBOARD PERMIT 03-041; TO CONSTRUCT AN APPROXIMATELY 13,000 SQUARE FOOT COMMERCIAL/RETAIL/RESTAURANT BUILDING, WITH OUTDOOR DINING FRONTING SUNSET BOULEVARD, PARKING STALLS IN AN INTEGRATED FOUR STORY PARKING STRUCTURE, AND A BILLBOARD INCORPORATED INTO THE SOUTH ELEVATION."
Motion by Councilmember Guarriello, seconded by Councilmember Prang and unanimously carried with the additional direction to address the landscaping and the articulation in the back, specifically in the upper levels.

COUNCIL RECESSED AT 9:20 PM AND RECONVENED AT 9:35 PM.

3.D. APPEAL OF CONDITIONS OF APPROVAL OF PLANNING COMMISSION DECISION APPROVING DANCING AND LIVE AMPLIFIED MUSIC AT THE CRYSTAL RESTAURANT AT 7901 SANTA MONICA BOULEVARD:

Elinor Aurthur, Assistant Planner, provided background information as outlined in the staff report dated September 20, 2004.

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

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

NATALIA TSOI, APPLICANT, spoke in support of the appeal due to the good business practices of the business and the need of the conditional uses to make the business better.

GEORGE FISHER, CALABASAS, spoke in support of approving the appeal.

JAN KATZ, LOS ANGELES, spoke in support of approving the extended hours.

HAROLD KATZ, LOS ANGELES, spoke in support of approving the extended hours.

SHELDON BRODER, LOS ANGELES, spoke in support of approving the extended hours.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of approving the appeal.

MIKHAIL SEGAL, LOS ANGELES, spoke in support of approving the appeal.

AGASSI TOPCHIAN, WEST HOLLYWOOD, spoke in support of approving the appeal.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the appeal and in support of the Planning Commission's decision.

JW MOORE IV, WEST HOLLYWOOD, spoke in support of the appeal.

ED GARREN, WEST HOLLYWOOD, spoke in support of the appeal.

NATALIA DAY, APPELLANT, stated that the customers on the weekend nights with extended hours are by reservation only. She spoke regarding the patio.

Mayor Duran closed the public hearing.

Councilmember Guarriello spoke in support of Crystal. He spoke regarding the difference between supper clubs and other nightclubs and restaurants. He spoke regarding the entertainment and clientele of supper clubs and in support of this type of business.

Councilmember Prang spoke in support of Crystal and upholding the appeal and stated that these conditional uses don't seem to be unreasonable.

Mayor Pro Tempore Land expressed concern that the City is able to monitor the uses of this location so that when the property changes ownership, the uses are closely monitored and able to be mitigated quickly in case of any problems.

Councilmember Heilman spoke in support of Crystal and in support of upholding the appeal except to require the business to close earlier than 2:00 AM on Sunday night. He spoke in support of including a restriction that in the event that the ownership changes, the conditions are reviewed for the new business.

Mayor Duran spoke in support of Crystal and in support of upholding the appeal.

ACTION: Adopt Resolution No. 04-3134, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING IN PART AND APPROVING IN PART THE APPEAL BY SERGEY TSOI OF THE PLANNING COMMISSION'S APPROVAL OF MCUP 2004-007, WHICH PERMITS DANCING AND LIVE AMPLIFIED MUSIC AT AN EXISTING RESTAURANT AT 7901 SANTA MONICA BOULEVARD, WEST HOLLYWOOD (CRYSTAL). **Motion by Mayor Pro Tempore Land, seconded by Councilmember Heilman and unanimously carried with the additional direction to incorporate language regarding a review if the nature of the business changes and specifying the use as a supper club.**

4. UNFINISHED BUSINESS:

4.A. LEGISLATIVE UPDATE BY HELYNE MESHAR, CITY LOBBYIST:

Helyne Meshar, City Lobbyist, provided background information as outlined in the staff report dated September 20, 2004.

ED GARREN, WEST HOLLYWOOD, spoke regarding any changes to the Costa-Hawkins and Ellis Acts.

RIC RICKLES, WEST HOLLYWOOD, spoke regarding the Department of Aging in Sacramento.

ACTION: Receive Legislative Update. **Carried by concurrence of the Council.**

4.B. POLICY RECOMMENDATION ON MEMORIALS, TRIBUTE TREES AND PLAQUES:

Sam Baxter, Facilities and Landscape Division Manager, provided background information as outlined in the staff report dated September 20, 2004.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding the need for a different plaque for River Phoenix and the need to keep monuments in good condition.

RACHEL WHITE, WEST HOLLYWOOD, spoke in support of the proposed process of placing memorials, tribute trees and plaques.

Councilmember Heilman spoke in support of the proposal, but expressed concern over a few points in the proposal. He spoke in support of ensuring that they relate to the neighborhood or location. He spoke in concern over the proposal at Kings Road Park. He spoke in opposition to any city funds being used for any memorial. He spoke in support of increasing the time between a recipient's death and the erection of a memorial to five years.

ACTION: 1) Approve the proposed Memorials, Tribute Trees and Plaques Policy Guideline dated September 7, 2004, as drafted by the Public Facilities Commission and staff relating to the placing of memorials, tribute trees and plaques on or within City owned or leased land, buildings or facilities; and 2) Adopt Resolution No. 04-3135, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING THE MEMORIAL, TRIBUTE TREE AND PLAQUE POLICY GUIDELINE DATED SEPTEMBER 7, 2004, RELATING TO THE PLACING OF MEMORIALS, TRIBUTE TREES AND PLAQUES ON OR WITHIN CITY OWNED OR LEASED LAND, BUILDINGS OR FACILITIES". **Motion by Councilmember Prang, seconded by Councilmember Guarriello and unanimously carried with the further direction that the time between a recipient's death and the erection of a memorial be increased to five years; no City funds should be used for any memorial; and any memorials in neighborhood parks be reflective of that particular neighborhood.**

4.C. TRANSPORTATION COMMISSION RECOMMENDATIONS RELATIVE TO TRAFFIC CALMING ON CYNTHIA STREET AND LEXINGTON AVENUE:

Terri Slimmer, Transportation Manager, provided background information as outlined in the staff report dated September 20, 2004.

ED GARREN, WEST HOLLYWOOD, spoke in support of installing the traffic circles on Lexington.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of traffic circles and in support of closing off Holloway at night to mitigate the traffic on Palm Avenue.

JW MOORE IV, WEST HOLLYWOOD, spoke in opposition to the taking away stop signs and parking on Detroit.

DANIEL CURRAN, WEST HOLLYWOOD, spoke in support of the Transportation Commission's recommendations.

SCOTT KEESLING, WEST HOLLYWOOD, spoke in support of returning to four-way stops on Cynthia, but in opposition to installing medians.

CARL LOTT, WEST HOLLYWOOD, spoke in support of the Transportation Commission's recommendation with the suggestion that the crosswalks be elevated.

TOM McCLUSKY, WEST HOLLYWOOD, spoke in support of the Transportation Commission's recommendation.

STEVE LEVIN, WEST HOLLYWOOD, spoke in support of the Transportation Commission's recommendation.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the Transportation Commission's recommendation. She expressed concern over angle parking and that the Fire Department is not able to negotiate the circles.

Mayor Pro Tempore Land spoke in support of the Transportation Commission's recommendation with the additional direction for staff to explore the possibility of raised crosswalks and install if feasible.

Councilmember Heilman spoke in support of removing the traffic circles on Cynthia. He spoke in support of the recommendations on the Eastside, except for replacing the stop signs with yield controls in Phase Two of the Gateway.

Councilmember Prang spoke in support of the Transportation Commission's recommendations except for replacing the stop signs with yield controls.

ACTION: Approve the Transportation Commission recommendations to:
1) Remove the traffic circles on Cynthia Street and re-install all-way stop controls with permanent medians and crosswalks abutting the said intersections; 2) Permanently install the traffic circles at the intersections of Formosa Avenue and Detroit Street on Lexington Avenue and angled parking on Lexington Avenue; 3) Implement the test installation of chokers

and angled parking north of Lexington Avenue on Detroit Avenue; and 4) Direct staff to implement Phase Two of the Gateway traffic calming project to include the following:

- three month test of traffic circles replacing the stop controls with yield controls consistent with state and federal guidelines, and
- the test installation of chokers and islands on Formosa Avenue to Santa Monica Blvd.

Motion by Councilmember Heilman, seconded by Councilmember Prang and unanimously carried with the modification that the stop controls on Lexington NOT be replaced with yield controls and that staff explore the feasibility of raised crosswalks on Cynthia and install if feasible.

4.D. UPDATE ON THE STATUS OF CABLE TELEVISION FRANCHISE RENEWAL NEGOTIATIONS WITH ADELPHIA COMMUNICATIONS AND AUTHORIZATION TO EXTEND THE CABLE TELEVISION AGREEMENT UNTIL NOVEMBER 30, 2004:

Helen Goss, Director of Public Information and Legal Services, provided background information as outlined in the staff report dated September 20, 2004.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding lack of Russian translation/communication in Adelphia Cable.

JW MOORE IV, WEST HOLLYWOOD, spoke in support of the extension with Adelphia but expressed concern over the lack of High Definition Television stations.

TOM CARLOCK, ADELPHIA CABLE, spoke regarding the negotiation process with the City.

Mayor Pro Tempore Land stressed the importance to maintain the coupon program. She stressed the importance for fines to be imposed if the franchise fees are not paid. She suggested that the listing of public buildings remain open to not exclude future buildings. She stressed the importance of ensuring the best deal for the residents of the City.

Councilmember Heilman expressed concern over continuing with this franchise, and spoke in support of exploring the possibility of getting a better operator in the City.

ACTION: 1) Authorize an extension to the Adelphia cable television franchise agreement from September 30, 2004 through November 30, 2004; and 2) Direct staff to return to the November 15, 2004 City Council meeting for final review of the proposed Adelphia cable television franchise agreement. **Motion by Councilmember Guarriello, seconded**

by Councilmember Prang and carried with Councilmember Heilman voting NO.

5. NEW BUSINESS: None

EXCLUDED CONSENT CALENDAR: None

PUBLIC COMMENT:

DANIEL WATSON, WEST HOLLYWOOD, spoke in opposition to the proposed project at 1343 N. Laurel Avenue.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the *Los Angeles Times* confusion between West Hollywood and Los Angeles.

STAN LOTHIDGE, WEST HOLLYWOOD, spoke in opposition to the proposed project at 1343 N. Laurel Avenue.

JW MOORE IV, WEST HOLLYWOOD, thanked the Council for not replacing the stop signs in Item 4.C.

ED BUCK, WEST HOLLYWOOD, spoke in opposition to the proposed ordinance in Item 6.A.

MARCY NORTON, WEST HOLLYWOOD, announced that the Annual Friends of the West Hollywood Library Book and Bake Sale will be a part of the West Hollywood Book Fair.

SHAWN BOONE, GLENDALE, spoke regarding historic landmarks in the City that are being over-shadowed by large new developments.

6. LEGISLATIVE:

6.A. AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTION 9.08.050(e) OF CHAPTER 9.08 OF THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING PROHIBITED NOISE:

City Attorney Jenkins provided background information as outlined in the staff report dated September 20, 2004.

ED GARREN, WEST HOLLYWOOD, spoke in support of trash collection beginning at 8:00 AM and in opposition to the proposed ordinance.

ED BUCK, WEST HOLLYWOOD, spoke in opposition to the proposed ordinance.

ACTION: Introduce the first reading of Ordinance No. 04-690, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING

SECTION 9.08.050(E) OF CHAPTER 9.08 OF THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING PROHIBITED NOISE". **Motion by Councilmember Heilman, seconded by Councilmember Guarriello and unanimously carried.**

6.B. AMEND THE WEST HOLLYWOOD MUNICIPAL CODE TO STRENGTHEN EXISTING LANGUAGE PROHIBITING SLEEPING IN ENTRANCES OF BUILDINGS:

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

6.C. URGENCY ORDINANCE AMENDING THE MUNICIPAL CODE TO MAKE THE PEDDLING OF LIVE ANIMALS A MISDEMEANOR CRIME:

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

COUNCILMEMBER COMMENTS:

Mayor Pro Tempore Land spoke in support of the new trash haulers and requested that staff review their schedule.

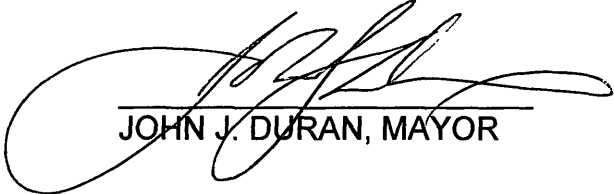
Councilmember Heilman spoke regarding the Book Fair scheduled for October 3rd.

Councilmember Guarriello spoke regarding a Library Commission meeting he recently attended.

ADJOURNMENT: The City Council adjourned at 12:00 AM in the memory of Rose Deluccio and James Grant Ross to a Joint Study Session with the Arts & Cultural Affairs Commission, which will be on Monday, September 27, 2004 at 4:00 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 4th DAY OF OCTOBER 2004.

ATTEST:



JOHN J. DURAN, MAYOR



THOMAS R. WEST, CITY CLERK