

**CITY COUNCIL  
MINUTES  
MONDAY, MARCH 1, 2004  
WEST HOLLYWOOD PARK**

**CALL TO ORDER:** The meeting was called to order at 6:40 PM.

**PLEDGE OF ALLEGIANCE:** Lovedy Brydon led the pledge.

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

**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 of initiation of litigation were added and two reportable actions were taken. One action was a unanimous decision to direct the City Attorney to participate, as a friend of the court, in support of the City and County of San Francisco in litigation against the State of California regarding issuance of marriage licenses to gay and lesbian couples. He stated that the other Item of Initiation of litigation will be announced after the serving process. He stated that the Closed Session adjourned at 6:25 PM.

**APPROVAL OF AGENDA:**

Councilmember Heilman requested that Item 2.K. be moved to Excluded Consent.

Mayor Prang requested that Item 2.M. be moved to Excluded Consent.

Mayor Pro Tempore Duran requested that the meeting be adjourned in the memory of Michael Monteroso.

Councilmember Heilman requested that the meeting be adjourned in the memory of Sallie Fiske.

**ACTION: Moved by Councilmember Guarriello and seconded by Councilmember Heilman to approve the March 1, 2004 agenda as amended. Motion carried unanimously.**

**PRESENTATIONS:**

Councilmember Land presented a proclamation to the Women's Advisory Board proclaiming March as "Women's History Month." Members of the Women's Advisory Board announced upcoming events commemorating "Women's History Month."

Councilmember Land and Councilmember Heilman, Mary Newcombe, partner of Jodi Curlee, and Women's Advisory Board members unveiled the "Women's History Month" banners honoring Phoebe Hearst, Katharine McCormick and Jodi Curlee.

Councilmember Heilman and members of the Lesbian & Gay Advisory Board presented the Lifetime Rainbow Key Award to Suzann Gage.

Mayor Prang presented a proclamation announcing the "Re-Use-A-Shoe Recycling Campaign."

**1. PUBLIC COMMENT:**

MIKE McGRAIL, LOS ANGELES, spoke in opposition to the proposed renovation and development of affordable housing at 1343 Laurel Avenue.

LOVEDY BRYDON, WEST HOLLYWOOD, spoke in support of the proposed renovation and development of affordable housing at 1343 Laurel Avenue.

IVY BOTTINI, WEST HOLLYWOOD, spoke in support of the proposed renovation and development of affordable housing at 1343 Laurel Avenue.

GEOFFREY DEWAN, LOS ANGELES, spoke in opposition to the proposed renovation and development of affordable housing at 1343 Laurel Avenue.

TOM DEMILLE, WEST HOLLYWOOD, announced a show of his art at Buzz Coffee. He also spoke regarding the Democratic Primary Election being held on Tuesday, March 2<sup>nd</sup>.

NORMAN CHRAMOFF, WEST HOLLYWOOD, spoke regarding an Initiative in support of Sheriff Baca's Homeland Security Tax and spoke regarding the Democratic Primary Election being held on Tuesday, March 2<sup>nd</sup>.

RIC RICKLES, WEST HOLLYWOOD, encouraged voters to vote at the March 2<sup>nd</sup> Election. He spoke in support of the proposed renovation and development of affordable housing at 1343 Laurel Avenue.

JAMES FUHRMAN, WEST HOLLYWOOD, spoke in opposition to the proposed renovation and development of affordable housing at 1343 Laurel Avenue. He spoke regarding an Academy Award party that was co-sponsored by the City.

BARBARA ROBERTSON, WEST HOLLYWOOD, spoke in opposition to the proposed renovation and development of affordable housing at 1343 Laurel Avenue.

JOYCE HOFFEL, WEST HOLLYWOOD, spoke in opposition to the Sunset Millennium project. She spoke regarding impacts on new development in the City, especially traffic and public safety.

STAN LOTHDRIDGE, WEST HOLLYWOOD, spoke in opposition to the proposed renovation and development of affordable housing at 1343 Laurel Avenue.

DAVID NASH, WEST HOLLYWOOD, presented a card to Councilmember Guarriello for his birthday on March 2<sup>nd</sup>.

TANYA MAYEUX, WEST HOLLYWOOD, spoke in opposition to the proposed renovation and development of affordable housing at 1343 Laurel Avenue.

ROY OLDENKAMP, WEST HOLLYWOOD, spoke in opposition to the proposed renovation and development of affordable housing at 1343 Laurel Avenue.

SAM LUCAS, WEST HOLLYWOOD, spoke in support of Items 2.I., 2.J. and 2.K., three proposed resolutions recommended by the Lesbian & Gay Advisory Board, as well as Items 2.L., 2.M. and 2.N.

STEVE SMITH, WEST HOLLYWOOD, commended City staff on various community meetings that have been held recently on proposed projects. He spoke in support of staff including Development Agreements in public packets.

JIMMY PALMIERI, WEST HOLLYWOOD, spoke in support of 2.K., a proposed resolution opposing Cirque de Soleil. He also spoke in support of the proposed renovation and development of affordable housing at 1343 Laurel Avenue.

#### **COUNCILMEMBER COMMENTS:**

Councilmember Guarriello spoke regarding the Mixed Use Task Force meeting, and expressed his support for further mixed use development. He urged voters to vote in the March 2<sup>nd</sup> Election.

Councilmember Land reminded all voters to vote tomorrow, in the March 2<sup>nd</sup> Election.

Councilmember Heilman commended the Sheriff's Department and Fire Department for their work in ensuring the safety of participants and residents during the Academy Award activities over the previous weekend. He also commended City staff on their work coordinating the events.

Mayor Prang wished Councilmember Guarriello a Happy Birthday. He urged everyone to vote in the March 2<sup>nd</sup> Election. He announced the opening of the Target Store at the Gateway this week. He announced a public meeting at Kings Road Park regarding a new proposed park. He also commended City staff on their work coordinating the Academy Award events.

#### **CITY MANAGER'S REPORT:**

City Manager Arevalo spoke regarding the success of the various events held in the City during the month of February. He congratulated City Hall employees who will be participating in the Los Angeles Marathon.

**FISCAL IMPACT ON CONSENT CALENDAR:**

City Clerk West stated that the fiscal impact for the Consent Calendar is \$20,500 in expenditures and \$17,000 in potential revenue.

**2. CONSENT CALENDAR:**

**ACTION:** Approve the Consent Calendar as amended, 2.A.,B.,C.,D.,E.,F.,G.,H.,I.,J.,L.,N.,O. **Motion by Councilmember Land, seconded by Councilmember Guarriello and carried with Mayor Prang voting NO on Item 2.O. Mayor Pro Tempore Duran reported a potential conflict, which was deemed insubstantial, on Item 2.O.**

**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 February 17, 2004. **Approved as part of the Consent Calendar.**

**2.C. DEMAND REGISTER NO. 503, RESOLUTION NO. 04-3023:**

**ACTION:** Approve Demand Register No. 503 and adopt Resolution No. 04-3023, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 503." **Approved as part of the Consent Calendar.**

**2.D. TREASURER'S REPORTS FOR DECEMBER 2003 AND JANUARY 2004:**

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

**2.E. CLAIMS ADMINISTRATION:**

**ACTION:** Deny the claims of Damon Medlen, Robert Kalonian, and Mary and Grant Keller (2 claims) and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

**2.F. ORDINANCE NO. 04-677 (2<sup>ND</sup> READING), A PROPOSED AMENDMENT TO THE ZONING ORDINANCE TO ALLOW KIOSKS IN THE COMMERCIAL ZONING DISTRICTS:**

**ACTION:** Waive further reading and adopt Ordinance No. 04-677, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING ZONING ORDINANCE TEXT AMENDMENT 2003-06 TO ALLOW KIOSKS IN THE COMMERCIAL ZONING DISTRICTS." **Approved as part of the Consent Calendar.**

**2.G. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**

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

**2.H. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD GRANT FOR RUBBERIZED ASPHALT CONCRETE:**

**ACTION:** Adopt Resolution No. 04-3024, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD FOR PARTICIPATION IN THE SB 1346 RUBBERIZED ASPHALT CONCRETE GRANT PROGRAM." **Approved as part of the Consent Calendar.**

**2.I. RECOMMENDATIONS OF THE LESBIAN AND GAY ADVISORY BOARD TO ADOPT A RESOLUTION IN SUPPORT OF AB 1967 (LENO), THE CALIFORNIA MARRIAGE LICENSE NON-DISCRIMINATION ACT AND TO TAKE ACTIONS IN SUPPORT OF ADVOCACY EFFORTS FOR THE EQUAL RIGHTS OF SAME-GENDER COUPLES:**

**ACTION:** 1) Adopt Resolution 04-3025, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 1967 (LENO), THE CALIFORNIA MARRIAGE NONDISCRIMINATION ACT;" 2) Send a letter from the City Council to San Francisco Mayor Gavin Newsom in support of his action to issue marriage licenses to same-sex couples; 3) Send a letter from the City Council to the American Bar Association, supporting their stance on the proposed Federal Marriage Amendment; and 4) Send copies of the resolution and letters to the American Bar Association, Lambda Legal Defense and Education Fund, Equality California, the Human Rights Coalition, and appropriate elected officials. **Approved as part of the Consent Calendar.**

**2.J. RECOMMENDATION OF THE LESBIAN AND GAY ADVISORY BOARD TO ADOPT A RESOLUTION DENOUNCING THE PROPOSED WISCONSIN LEGISLATION AMENDING THE STATE'S CONSTITUTION TO DEFINE MARRIAGE AS ONLY BETWEEN ONE MAN AND ONE WOMAN:**

**ACTION:** 1) Adopt Resolution 04-3026, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENOUNCING THE PROPOSED WISCONSIN LEGISLATION AMENDING THE STATE'S CONSTITUTION TO DEFINE MARRIAGE AS ONLY BETWEEN ONE MAN AND ONE WOMAN;" and 2) Send copies of the resolution to appropriate legislators, Action Wisconsin, Human Rights Campaign, Lambda Legal Defense Fund, National Gay and Lesbian Task Force, Equality California, and appropriate elected officials. **Approved as part of the Consent Calendar.**

**2.K. RECOMMENDATION OF THE LESBIAN AND GAY ADVISORY BOARD TO ADOPT A RESOLUTION CONDEMNING CIRQUE DU SOLEIL FOR FIRING AN HIV POSITIVE EMPLOYEE:**

**ACTION:** Moved to Excluded Consent.

- 2.L. RESOLUTION DECLARING APRIL 2004 AS "SEXUAL ASSAULT AWARENESS MONTH" IN WEST HOLLYWOOD AND APPROVAL FOR THE CREATION OF A SEXUAL ASSAULT AWARENESS CAMPAIGN:**  
**ACTION:** 1) Adopt Resolution No. 04-3028, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING APRIL 2004 AS "SEXUAL ASSAULT AWARENESS MONTH IN WEST HOLLYWOOD;" 2) Approve the creation of the "West Hollywood Sexual Assault Awareness Campaign" for FY 03/04; and 3) Direct Public Safety Staff and Women's Advisory Board Liaison Staff to assist the Women's Advisory Board, Partner Abuse Education Task Force and the Lesbian/Gay Advisory Board in the development and distribution of the new Sexual Assault Awareness Campaign. **Approved as part of the Consent Calendar.**
- 2.M. DIRECTION TO THE CITY ATTORNEY TO INVESTIGATE IF ANY CURRENT CITY ORDINANCES, POLICIES AND PROCEDURES NEED TO BE MODIFIED SO THAT MARRIAGE LICENSES ISSUED TO SAME-SEX COUPLES BY SAN FRANCISCO AND OTHER JURISDICTIONS ARE RESPECTED BY THE CITY OF WEST HOLLYWOOD. ADOPTION OF A RESOLUTION IN SUPPORT OF SAN FRANCISCO'S MAYOR GAVIN NEWSOM FOR HIS ACTIONS ON BEHALF OF EQUAL RIGHTS FOR SAME-SEX COUPLES:**  
**ACTION:** Moved to Excluded Consent.
- 2.N. A RESOLUTION CONDEMNING PRESIDENT BUSH'S SUPPORT OF THE FEDERAL MARRIAGE AMENDMENT BANNING SAME-SEX MARRIAGE:**  
**ACTION:** 1) Adopt Resolution No. 04-3030, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONDEMNING PRESIDENT BUSH'S SUPPORT OF THE FEDERAL MARRIAGE AMENDMENT BANNING SAME-SEX MARRIAGE;" and 2) Send copies of the resolution to appropriate parties. **Approved as part of the Consent Calendar.**
- 2.O. A PROPOSED RESOLUTION DENYING A NOMINATION TO DESIGNATE THE BUILDING LOCATED AT 825 N. KINGS ROAD AS A LOCAL CULTURAL RESOURCE (CRD 2003-01):**  
**ACTION:** Adopt Resolution No. 04-3031, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE NOMINATION OF 825 N. KINGS ROAD AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA."  
**Approved as part of the Consent Calendar. Mayor Prang voted NO.**
- 3. PUBLIC HEARINGS:**
- 3.A. AMENDMENT TO THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT (ORDINANCE NO. 02-621):**

City Clerk West announced that this item was noticed as required by law.

Alison Maxwell, Development Specialist III, Economic Development Department, provided background information as outlined in the staff report dated March 1, 2004.

Mayor Prang opened to public hearing and following speakers came forward:

SAM LUCAS, WEST HOLLYWOOD, spoke in support of the amendments and provided additional background information regarding the amendments.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of the amendments and other possible changes to the BID and in support of increased education for the public on the BID.

ROD MCDONALD, WEST HOLLYWOOD, spoke in support of the amendments and requested that the clean-up be extended to Holloway.

Mayor Prang closed the public hearing.

Councilmember Heilman requested that the BID investigate the possibility of extending their clean-up down to Holloway. He also requested that the businesses in the BID communicate with the City when high-profile events occur at their businesses.

**ACTION:** Introduce for first reading Ordinance No. 04-679, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ORDINANCE NO. 02-621 IN CONNECTION WITH THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT." **Motion by Councilmember Guarriello, seconded by Councilmember Heilman and unanimously carried with further direction.**

#### 4. UNFINISHED BUSINESS:

##### 4.A. ART GALLERY TASK FORCE RECOMMENDATIONS:

Ray Reynolds, Director of Economic Development, provided background information as outlined in the staff report dated March 1, 2004.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of increased art galleries and support for artists in the City.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in support of the Task Force's recommendations.

ALEX STETTINSKI, WEST HOLLYWOOD, Executive Director of the Avenues of Art & Design, spoke in support of the Task Force's recommendations and thanked the Council for their support and participation in the meetings.

Councilmember Guarriello expressed his concern that other areas of the City may

Mayor Pro Tempore Duran spoke in support of funding performing arts in addition to visual arts in future budget cycles.

**ACTION:** 1) Receive and file report; and 2) Designate \$11,500 from the Economic Development and Special Projects Department's existing Business Attraction and Retention budget and direct it towards additional marketing and promotion of gallery walks and Avenues of Arts and Design events. **Motion by Councilmember Land, seconded by Councilmember Heilman and unanimously carried.**

**5. NEW BUSINESS: NONE.**

**EXCLUDED CONSENT CALENDAR:**

**2.K. RECOMMENDATION OF THE LESBIAN AND GAY ADVISORY BOARD TO ADOPT A RESOLUTION CONDEMNING CIRQUE DU SOLEIL FOR FIRING AN HIV POSITIVE EMPLOYEE:**

**ACTION:** 1) Adopt Resolution 04-3027, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONDEMNING CIRQUE DU SOLEIL FOR FIRING AN HIV POSITIVE EMPLOYEE;" and 2) Send copies of the resolution to the Lambda Legal Defense and Education Fund, Being Alive, National Gay and Lesbian Task Force, and the Human Rights Campaign. **Motion by Councilmember Heilman, seconded by Councilmember Land and unanimously carried with further direction to revise the Resolution to commend the Cirque du Soleil for resolving this issue.**

**2.M. DIRECTION TO THE CITY ATTORNEY TO INVESTIGATE IF ANY CURRENT CITY ORDINANCES, POLICIES AND PROCEDURES NEED TO BE MODIFIED SO THAT MARRIAGE LICENSES ISSUED TO SAME-SEX COUPLES BY SAN FRANCISCO AND OTHER JURISDICTIONS ARE RESPECTED BY THE CITY OF WEST HOLLYWOOD. ADOPTION OF A RESOLUTION IN SUPPORT OF SAN FRANCISCO'S MAYOR GAVIN NEWSOM FOR HIS ACTIONS ON BEHALF OF EQUAL RIGHTS FOR SAME-SEX COUPLES:**

TOM DEMILLE, WEST HOLLYWOOD, spoke in opposition to the gay and lesbian community using the word marriage as opposed to civil union.



**ACTION:** 1) Direct the City Attorney to examine our City's ordinances, policies and procedures, and recommend changes that will treat all marriage licenses issued by San Francisco and other jurisdictions, including those issued to same-sex couples, as valid under the equal protection clause of the California Constitution for the delivery of services, benefits and privileges based on marital status; 2) Adopt Resolution No. 04-3029, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING SAN FRANCISCO MAYOR GAVIN NEWSOM FOR HIS ACTIONS ON BEHALF OF EQUAL RIGHTS FOR SAME-SEX COUPLES;" and 3) Send copies of the resolution to appropriate parties. **Motion by Councilmember Land, seconded by Councilmember Guarriello and unanimously carried with further direction to include the following language:**

- **"Be it further resolved that the City Council urges the Los Angeles County Board of Supervisors to follow San Francisco County's lead and issue marriage license to gay and lesbian couples wishing to marry."**
- **Further Resolve clause to request that Los Angeles County deputize members of the City Council to issue marriage licenses to gay and lesbian couples.**

**PUBLIC COMMENT:**

MIRANDA WOLFE, WEST HOLLYWOOD, commended the Deputies at the West Hollywood Sheriff's Station for their work.

**6. LEGISLATIVE: NONE.**

**COUNCILMEMBER COMMENTS: NONE.**

**ADJOURNMENT:** The City Council adjourned at 8:35 PM in memory of Michael Montarosa and Sallie Fiske to their next regular meeting, which will be on Monday, March 15, 2004 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 15<sup>th</sup>  
DAY OF MARCH, 2004.

  
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JEFFREY PRANG, MAYOR

ATTEST:

  
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THOMAS R. WEST, CITY CLERK