

**CITY COUNCIL
MINUTES
MONDAY, JUNE 21, 2004
PLUMMER PARK**

CALL TO ORDER: The meeting was called to order at 6:45 PM.

PLEDGE OF ALLEGIANCE: David Nash 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 reported that the Closed Session convened at 6:00 PM. He stated that two items were added to the agenda: One item of pending litigation entitled Bell Cab v. City of West Hollywood; and one item of threatened litigation regarding the Sanfair pocket park. He stated that the Closed Session adjourned at 6:25 PM with one reportable action, which was to approve that the City defend against the litigation of Save Tara v. West Hollywood.

APPROVAL OF AGENDA:

Councilmember Prang noted his No Vote on Item 2.F.

Councilmember Prang requested that the meeting be adjourned in the memory of Los Angeles Deputy Michael Arruda, Dr. Ronald Gelb and Dr. Stanley Toy.

Councilmember Guarriello requested that the meeting be adjourned in the memory of Ray Charles.

ACTION: Motion by Mayor Pro Tempore Land and seconded by Councilmember Guarriello to approve the June 21, 2004 agenda as amended and carried unanimously.

PRESENTATIONS:

Mayor Duran presented a commendation in honor of "Transgender Awareness Month."

Councilmember Prang presented a commendation to members of the Historic Preservation Commission proclaiming June as "Historic Preservation Month."

Mayor Pro Tempore Land presented a commendation to Book Soup.

Councilmember Guarriello presented proclamations to organizers of the Russian Cultural Festival.

Councilmember Guarriello presented a commendation to Bill Griffin for his work on the Human Services Commission.

1. PUBLIC COMMENT:

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding outsourcing of corporations throughout the country. He spoke regarding the Christopher Street West festival.

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

DAVID NASH, WEST HOLLYWOOD, commended for Captain David Long for his work at the West Hollywood Sheriff's Station.

ROSLYN KRAUSE, WEST HOLLYWOOD, spoke in support of the American flag being flown at proposed flag poles throughout the City.

AMY HABERLAND, WEST HOLLYWOOD, spoke regarding issues at the Iranian temple, specifically destructive teenagers in the parking lot, loud parties being held at the temple and homeless people living in the parking lot of the temple.

RICHARD LORING, LOS ANGELES, spoke in support of the City creating a commission for re-gentrification in the City.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding businesses that are located in West Hollywood but advertise that they are in Los Angeles.

CHARLES ANTEBY, WEST HOLLYWOOD, spoke in support of historic preservation within the City.

ED BUCK, WEST HOLLYWOOD, spoke in opposition to City trash collection being performed before 7:00 AM.

RODNEY SCOTT, WEST HOLLYWOOD, spoke regarding the success of the Christopher Street West Festival during the previous weekend.

SOFIA GELMAN, WEST HOLLYWOOD, spoke in support of the installation of a World War II Russian veteran's memorial.

BOB KNOTEK, LOS ANGELES, representative of the Bel Air/Beverly Neighborhood Council, spoke in support of the closure of Dublin's and spoke in support of the Sunset Strip Business Improvement District.

COUNCILMEMBER COMMENTS:

Councilmember Guarriello spoke regarding an email sent to City Hall staff commending City staff for their work.

Councilmember Heilman requested that the City Manager respond to the public speaker in regards to the problems at the Iranian Temple at Crescent Heights and Fountain and requested that the City Manager address the issue of weekly rentals at 990 Palm.

Councilmember Prang announced a free tax seminar for non-profit organizations hosted by John Chiang. He expressed concern over the process of code enforcement complaints and quality of life issues and asked how and when the Sheriff's Department is involved.

Mayor Pro Tempore Land expressed concern over noise complaints and proper tracking of these types of complaints and requested that the City Manager follow-up regarding the early morning trash collection complaints. She spoke in support of Item 2.O., the installation of a document management system and requested that staff look at privacy issues when these documents are posted to the internet. She also acknowledged CSW, City staff and the Sheriff's Department for the successful weekend.

Mayor Duran spoke regarding the public discussion process on the proposed project at 1343 N. Laurel. He spoke regarding the American flags being flown at all of the flag poles being installed at the City. He spoke regarding the U.S. Senate debate being discussed regarding the Constitutional Amendment against gay marriage.

CITY MANAGER'S REPORT:

City Manager Arevalo commended Bonnie Smith from Recreation Services and other City Hall staff regarding the success of Christopher Street West Festival. He spoke regarding the recruitment of an off-hour Code Enforcement Officer and explained the process of nighttime Code Enforcement, including the use of the Sheriff's Department.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact for the Consent Calendar is \$447,221 in expenditures and \$549,517 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.,S.,T.,U.,V.,W. **Motion by Councilmember Guarriello, seconded by Councilmember Heilman and carried with Councilmember Prang voting NO on Item 2.F.**

- 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 June 7, 2004. **Approved as part of the Consent Calendar.**
- 2.C. DEMAND REGISTER NO. 510, RESOLUTION NO. 04-3091:**
ACTION: Approve Demand Register No. 510 and adopt Resolution No. 04-3091, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 510." **Approved as part of the Consent Calendar.**
- 2.D. TREASURER'S REPORTS FOR MAY 2004:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.E. CLAIMS ADMINISTRATION:**
ACTION: Deny the claim of Nechama Cunin and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**
- 2.F. ORDINANCE NO. 04-683 (2ND READING), A PROPOSED ORDINANCE AMENDING PROVISIONS OF THE WEST HOLLYWOOD ZONING ORDINANCE PERTAINING TO NOTICE FOR PUBLIC HEARINGS, APPEALS, AND OPEN HOUSE REAL ESTATE SIGNS:**
ACTION: Waive further reading and adopt Ordinance No. 04-683, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING ZONING ORDINANCE TEXT AMENDMENT 2004-01 CONCERNING NOTICE FOR PUBLIC HEARINGS, APPEALS, AND OPEN HOUSE REAL ESTATE SIGNS." **Approved as part of the Consent Calendar with Councilmember Prang voting NO.**
- 2.G. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.H. RESIGNATION OF DR. WILLIAM GRIFFIN, JR. FROM THE HUMAN SERVICES COMMISSION:**
ACTION: Accept with regret the resignation of Dr. William Griffin, Jr. from the Human Services Commission. **Approved as part of the Consent Calendar.**
- 2.I. AWARD OF CONSTRUCTION CONTRACT FOR CIP 5050-04-01 ANNUAL MAINTENANCE AND REPAIR OF STREETS AND ALLEYS:**
ACTION: 1) Accept the bid dated May 27, 2004 in the amount of \$272,500 submitted by PALP, Incorporated dba Excell Paving Company of Long Beach California; 2) Authorize the City Manager to sign an

Agreement with PALP, Incorporated dba Excell Paving Company in an amount of \$272,500 for the Annual Maintenance and Repair of Streets and Alleys, CIP 5050-04-01; 3) Authorize the expenditure of an amount not to exceed 25% of the Agreement amount as approved by the Director of the Human Services Department; and 4) Reject all other bids and return associated Bid Bonds. **Approved as part of the Consent Calendar.**

2.J. APPROVAL OF AN AMENDMENT TO THE AGREEMENT WITH DAPEER, ROSENBLIT & LITVAK, LLP FOR SPECIALIZED LEGAL SERVICES:

ACTION: 1) Approve an amendment to the contract with Dapeer, Rosenblit & Litvak to establish hourly rates for specialized legal services at the Partner rate of \$175 per hour and the Associate rate of \$150 per hour; and 2) Authorize the City Manager to execute the amendment to the contract. **Approved as part of the Consent Calendar.**

2.K. APPROVAL OF AN AGREEMENT WITH BERGMAN & DACY FOR SPECIALIZED LEGAL SERVICES:

ACTION: 1) Approve the agreement with Bergman & Dacy for specialized legal services in the amount not to exceed \$50,000; and 2) authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

2.L. PROPOSED RESOLUTION APPROVING A LOAN AGREEMENT WITH THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION FOR THE EASTSIDE PROJECT AREA:

ACTION: 1) Adopt Resolution No. 04-3092, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING A LOAN AGREEMENT WITH THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION FOR THE EASTSIDE PROJECT AREA;" and 2) Authorize the City Manager to execute the Loan Documents. **Approved as part of the Consent Calendar.**

2.M. AWARD OF CONSTRUCTION CONTRACT FOR CIP 0407, LA PEER DRIVE PARKING LOT IMPROVEMENT PROJECT:

ACTION: 1) Accept the bid dated June 8, 2004 submitted by International Pavement Solutions, Inc.; 2) Authorize the City Manager to enter into a contract with International Pavement Solutions, Inc. in the amount of \$44,361 for the construction of CIP 0407, La Peer Drive Parking Lot Improvement Project; and 3) Authorize the City Engineer to manage Change Orders for work on the construction contract in an amount not to exceed 25% of the contract amount. **Approved as part of the Consent Calendar.**

2.N. NOTICE OF COMPLETION FOR CIP 0307 SPAULDING AVENUE PARKING LOT:

ACTION: Accept the work and authorize the following: a) Filing a Notice of Completion by the City Engineer; b) Final payment to the contractor at the end of the 35 day lien period; c) Release of the Performance Bond and Payment Bond on the date of recordation of the Notice of Completion; and d) Release of the Payment Bond 35 days after the date of recordation of the Notice of Completion, pending no receipt of Stop Notices. **Approved as part of the Consent Calendar.**

2.O. APPROVE AN AGREEMENT WITH COOK/ARTHUR, INC. FOR THE PURCHASE AND IMPLEMENTATION OF A DOCUMENT MANAGEMENT SYSTEM:

ACTION: 1) Approve the agreement with Cook/Arthur Inc. in an amount not to exceed \$53,604.00, plus a base annual maintenance fee of \$8,756.00, renewable for five years; and 2) Authorize the City Manager to execute the contract. **Approved as part of the Consent Calendar.**

2.P. CITY OF WEST HOLLYWOOD INVESTMENT POLICY:

ACTION: Adopt Resolution No. 04-3093, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING A STATEMENT OF INVESTMENT POLICY AND RESCINDING RESOLUTION NO. 03-2899." **Approved as part of the Consent Calendar.**

2.Q. APPROVAL OF PROGRAM SUPPLEMENT M-006 OF THE LOCAL AGENCY MASTER AGREEMENT NO.07- LA-0-WHWD FOR FEDERAL GRANT FUNDS FOR RED LIGHT PHOTO ENFORCMENT:

ACTION: 1) Adopt Resolution No. 04-3094, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING PROGRAM SUPPLEMENT NO. M-006 OF THE LOCAL AGENCY STATE MASTER AGREEMENT NO. 07-LA-0-WHWD FOR FEDERAL GRANT FUNDS ON PROJECT STPL-5440(005) RED LIGHT PHOTO ENFORCEMENT PROGRAM; and 2) Authorize the City Manager to sign Program Supplement No. M-006 of the Local Agency-State Master Agreement No. 07-LA-0-WHWD. **Approved as part of the Consent Calendar.**

2.R. INSTALLATION OF FLAG POLES ON SANTA MONICA BOULEVARD:

ACTION: 1) Approve installation of three flag poles with illumination near each of the following four locations along Santa Monica Boulevard: La Cienega Boulevard, Westbourne/Westmount Drive, San Vicente Boulevard and Robertson Boulevard; 2) Authorize the flying of the United States Flag and Lesbian, Gay, Bisexual and Transgender Flag and other flags as described in this report at the four designated locations; and 3) Authorize the Finance Director to recognize the donation from Universal Studios in the amount of \$13,500 and increase the budgets for account

100-0000-5403 (revenue) and 100-5000-8198 (expenditure) accordingly in the fiscal year 2004/2005 budget. **Approved as part of the Consent Calendar.**

2.S. RESTATED PLAN DOCUMENTS FOR SECTION 125, HEALTH CARE SPENDING ACCOUNT AND DEPENDENT CARE SPENDING ACCOUNT:

ACTION: 1) Adopt the restated plan documents for the City of West Hollywood's Section 125 Plan, Health Care Spending Account (HCSA) and Dependent Care Spending Account (DCSA); 2) Authorize the City Manager to sign the restated plan documents on behalf of the City; and 3) Authorize the City Manager to sign any future restated plan documents for the City's Section 125 Plan, as recommended by the Human Resources Manager. **Approved as part of the Consent Calendar.**

2.T. MID-YEAR REPORT ON SOCIAL SERVICES PROGRAMS:

ACTION: Receive and file the mid-year report. **Approved as part of the Consent Calendar.**

2.U. COUNTY HIV PREVENTION FUNDING:

ACTION: Approve the preparation of the Request for Proposal #2004-004 – HIV Health Education/ Risk Reduction Prevention Services to the County of Los Angeles' Department of Health Services – Office of AIDS Programs and Policy and authorize the City Manager to sign the application. **Approved as part of the Consent Calendar.**

2.V. A RESOLUTION IN SUPPORT OF ASSEMBLY BILL (AB) 1957 (FROMMER) AFFORDABLE PRESCRIPTION DRUGS FROM CANADA:

ACTION: 1) Adopt Resolution No. 04-3095, "A RESOLUTION IN SUPPORT OF AB1957 (FROMMER) AFFORDABLE PRESCRIPTION DRUGS FROM CANADA;" and 2) Send copies of the adopted resolution to Assemblymember Dario Frommer, the California State Assembly and Senate and Governor Arnold Schwarzenegger. **Approved as part of the Consent Calendar.**

2.W. A RESOLUTION IN SUPPORT OF SB 1525 (SPIER) CONCERNING BREAST AND CERVICAL CANCER SCREENING SERVICES:

ACTION: 1) Adopt Resolution 04-3096, "A RESOLUTION OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF SB 1525 (SPIER) CONCERNING BREAST AND CERVICAL CANCER SCREENING SERVICES;" and 2) Direct staff to send copies of signed resolution to State Senator Jackie Spier, Assemblymember Paul Koretz, State Senator Sheila Kuehl and the L.A. Free Clinic. **Approved as part of the Consent Calendar.**

THE CITY COUNCIL RECESSED AND RECONVENED AS THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION: 7:40 PM.

The West Hollywood Community Development Commission adopted the minutes of February 2, 2004 and June 7, 2004 and accepted the loan with the City of West Hollywood for the Eastside Project Area. The actions are more fully described in the West Hollywood Community Development Commission records.

THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION RECESSED AND RECONVENED AS THE CITY COUNCIL: 7:41 PM.

3. PUBLIC HEARINGS:

3.A. A RESOLUTION CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2004-05 IN CONNECTION WITH THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE:

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

Jeffrey Huffer, Senior Management Analyst, Economic Development Department and Ray Reynolds, Director of Economic Development, provided background information as outlined in the staff report dated June 21, 2004.

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

TOM DEMILLE, WEST HOLLYWOOD, spoke in opposition to spending more funds on holiday lights than street cleaning.

Mayor Duran closed the public hearing.

ACTION: 1) Open the Public Hearing and accept testimony. Close hearing and after considering the received testimony; 2) Adopt Resolution No. 04-3097, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2004-05 IN CONNECTION WITH THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE." **Motion by Councilmember Heilman, seconded by Mayor Pro Tempore Land and unanimously carried.**

3.B. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 FOR THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT:

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

Alison Maxwell, Development Specialist, Economic Development Department and Ray Reynolds, Director of Economic Development, provided background information as outlined in the staff report dated June 21, 2004.

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

ALEX STETTINSKI, Executive Director of Avenues of Arts & Design, provided information from the Annual Report.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of the Avenues of Arts & Design and suggested televising the Design Walk and bringing arts to the Eastside.

Mayor Duran closed the public hearing.

ACTION: 1) Conduct the Public Hearing; 2) Adopt Resolution No. 04-3098, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD, AND LEVYING AN ASSESSMENT FOR FISCAL YEAR 2004-2005 IN CONNECTION WITH THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT;" and 3) Approve an agreement between the City and the West Hollywood Convention and Visitors Bureau to administer the 2004-2005 Avenues of Art and Design work program; and, authorize the City Manager to sign the agreement. **Motion by Mayor Pro Tempore Land, seconded by Councilmember Guarriello and unanimously carried.**

3.C. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING & BUSINESS IMPROVEMENT AREA LAW OF 1989 (HOTEL MARKETING BENEFIT ZONE):

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

Alison Maxwell, Development Specialist, Economic Development Department and Ray Reynolds, Director of Economic Development, provided background information as outlined in the staff report dated June 21, 2004.

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

BRAD BURLINGAME, Executive Director of the West Hollywood Convention and Visitors Bureau, provided information from the Annual Report.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of raising the transient occupancy tax.

FRED VANACORE, WEST HOLLYWOOD, spoke in support of the Convention and Visitors Bureau.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the Convention and Visitors Bureau, but expressed concern over The Montrose at 900 Hammond.

Mayor Duran closed the public hearing.

ACTION: 1) Conduct a public hearing; 2) Adopt Resolution 04-3099, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD AND LEVYING A CHARGE (ASSESSMENT) IN CONNECTION WITH THE WEST HOLLYWOOD BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2004-2005; and 3) Approve an amendment to the Agreement for Services between the City and the West Hollywood Convention and Visitors Bureau; and, authorize the City Manager to sign the Amendment. **Motion by Mayor Pro Tempore Land, seconded by Councilmember Guarriello and unanimously carried.**

3.D. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 FOR THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT:

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

Alison Maxwell, Development Specialist, Economic Development Department and Ray Reynolds, Director of Economic Development, provided background information as outlined in the staff report dated June 21, 2004.

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

SAM LUCAS, Executive Director of the Sunset Strip Business Improvement District, provided information from the Annual Report.

TERI GUSTAFSON, WEST HOLLYWOOD, spoke in support of the Sunset BID and stated that it has improved the quality of life issues in the surrounding neighborhood.

Mayor Duran closed the public hearing.

Mayor Pro Tempore Land requested that next year all of the BID Directors should make their presentations along with staff.

ACTION: 1) Conduct the Public Hearing; 2) Adopt Resolution No. 04-3100," A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD, AND LEVYING AN ASSESSMENT FOR FISCAL YEAR 2003-2004 IN CONNECTION WITH THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT;" and 3) Approve an agreement between the City and the Sunset Strip Business Association to administer the 2004-2005 Sunset Strip Business Improvement District work program; and, authorize the City Manager to sign the agreement. **Motion by Mayor Pro Tempore Land, seconded by Councilmember Guarriello and unanimously carried.**

3.E. A NOMINATION TO DESIGNATE THE BUILDING LOCATED AT 826 N. KINGS ROAD AS A LOCAL CULTURAL RESOURCE (CRD 2003-02):

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

John Keho, Senior Planner, and John Chase, Urban Designer, provided background information as outlined in the staff report dated June 21, 2004.

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

BRUCE KAY, APPELLANT, spoke in support of increased historic preservation efforts by the City in accordance with the City's cultural heritage ordinance. He spoke regarding 826 N. Kings Road being one of the last structures of its type in the City and the importance of its preservation.

MARK LEHMAN, WEST HOLLYWOOD, representing the property owner of 826 N. Kings Road, spoke in support of the denial and in opposition to the historic preservation of this property. He stated that this structure is not architecturally or historically significant and has not been recommended by any professionals or City staff for historic designation.

RIC ABRAMSON, WEST HOLLYWOOD, spoke in support of the denial of the nomination because the house is not historically or architecturally significant.

GLADYS MONASTER, WEST HOLLYWOOD, spoke in support of the denial of the nomination of 826 N. Kings Road as a cultural resource.

WENDY WERRIS, LOS ANGELES, spoke in support of the denial of the nomination of 826 N. Kings Road as a cultural resource.

JERRY DAVID, WEST HOLLYWOOD, spoke in support of the denial of the nomination of 826 N. Kings Road as a cultural resource.

RICHARD LORING, LOS ANGELES, spoke in support of the denial of the nomination of 826 N. Kings Road as a cultural resource.

JANE COLLETTI, WEST HOLLYWOOD, spoke in support of the denial of the nomination of 826 N. Kings Road as a cultural resource.

ANTHONY FERNANDEZ, LOS ANGELES, spoke in opposition to the denial of the nomination of 826 N. Kings Road as a cultural resource.

ELIZABETH BAKULSKI, WEST HOLLYWOOD, spoke in opposition to the denial of the nomination of 826 N. Kings Road as a cultural resource.

SUSAN MONASTER, LOS ANGELES, spoke in support of the denial of the nomination of 826 N Kings Road as a cultural resource.

STEPHANIE GRUENBERG, LOS ANGELES, spoke in support of the denial of the nomination of 826 N Kings Road as a cultural resource.

RICHARD KORNGUTE, SANTA MONICA, spoke in support of the denial of the nomination of 826 N Kings Road as a cultural resource.

PETER GERSHWIN, NEW HAVEN, CT., spoke in support of the denial of the nomination of 826 N Kings Road as a cultural resource.

PETER GRUENBERG, LOS ANGELES, spoke in support of the denial of the nomination of 826 N Kings Road as a cultural resource.

PAMELA KARPf, LOS ANGELES, spoke in support of the denial of the nomination of 826 N Kings Road as a cultural resource.

MATT MONASTER, SAN FERNANDO VALLEY, spoke in support of the denial of the nomination of 826 N Kings Road as a cultural resource.

JOHN LOCASCIO, GLENDALE, spoke in opposition to the denial of the nomination of 826 N. Kings Road as a cultural resource.

JEFF CRONIN, PASADENA, spoke in opposition to the denial of the nomination of 826 N. Kings Road as a cultural resource.

MARK NEWMAN-KUZEL, WEST HOLLYWOOD, spoke in opposition to the denial of the nomination of 826 N. Kings Road as a cultural resource.

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke in opposition to the denial of the nomination of 826 N. Kings Road as a cultural resource.

ELEANOR SCHRADER SCHOICET, BEVERLY HILLS, spoke in opposition to the denial of the nomination of 826 N. Kings Road as a cultural resource.

PETER VAN DER KAR, LOS ANGELES, spoke in opposition to the denial of the nomination of 826 N. Kings Road as a cultural resource.

JACQUELINE MARKHAM, spoke in opposition to the denial of the nomination of 826 N. Kings Road as a cultural resource.

MARY RICKS, LOS ANGELES, spoke in opposition to the denial of the nomination of 826 N. Kings Road as a cultural resource.

STEPHEN BOGGS, WEST HOLLYWOOD, spoke in opposition to the denial of the nomination of 826 N. Kings Road as a cultural resource.

BRUCE KAY, APPELLANT, spoke in opposition to the denial of the nomination of 826 N. Kings Road as a cultural resource.

MARK LEHMAN, spoke in support of the denial of the nomination of 826 N Kings Road as a cultural resource.

Mayor Duran closed the public hearing.

Councilmember Guarriello spoke in support of the denial of the nomination of the property as a cultural resource because the property is not historically or architecturally significant.

Councilmember Prang spoke in support of historic preservation and spoke in opposition to the denial of the designation. He stated that this house is the last of its type in the City of West Hollywood. He also spoke in support of property rights and its importance in this type of decision. He spoke in support of sending this item back to the Historic Preservation Commission for their decision.

Mayor Pro Tempore Land stated that by saving this house doesn't necessarily mean that it will recapture the history of Kings Road. She spoke in support of the denial of the nomination of the property as a cultural resource.

Councilmember Heilman spoke regarding the importance of historic designation. He spoke in support of the denial of the designation because it is not historically or architecturally significant. He stated that although it could potentially be designated, he spoke regarding the importance of

taking the property owner's desires into considerations. He also spoke regarding the importance of looking towards the future of the City.

Mayor Duran spoke in support of the denial of the designation because there is no clear support from the Historic Preservation Commission or City staff. He spoke in support of property rights in this situation.

ACTION: Adopt Resolution No. 04-3101, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE NOMINATION OF 826. N. KINGS ROAD AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA."
Motion by Councilmember Heilman, seconded by Councilmember Guarriello and carried on a ROLL CALL VOTE with Councilmember Prang voting NO.

THE CITY COUNCIL RECESSED AT 9:55 PM AND RECONVENED AT 10:05 PM.

3.F. REOPENING OF TAXICAB FRANCHISE PROCESS:

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

Toya Ann Brown, Transit and Transportation Manager, provided background information as outlined in the staff report dated June 21, 2004.

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

WILLIAM ROUSE, representing the taxicab co-op, outlined a proposal sent to the City endorsed by all of the cab companies except for Beverly Hills Cab. He stated that the proposal would subtract 15 taxicab franchises from Yellow Cab and 15 from United Taxi and add 25 taxicab franchises to Bell Cab and 5 to ITOA; and the suspension of permits held by Checker Cab would be lifted. Also, the remaining allotment to Yellow Cab would be extended to October 31st. He stated that the franchise fees were much higher than they had been before, which is contributing to the diminishment of Yellow Cab's fleet.

NETTABAI AHMED, representing ITOA, spoke in support of the Co-op's proposal to the City.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of staff but in opposition to Bell Cab being allowed any franchises and spoke in support of taxicab stands.

Mayor Duran closed the public hearing.

Mayor Pro Tempore Land spoke in support of the proposal by the Co-op.

Councilmember Heilman spoke in support of the proposal, but expressed concern that Bell Cab had not met the same standard as the other companies. He stressed the importance that Bell Cab is required to comply with the City's regulations and Staff looking closely at their management. He spoke in opposition to terminating the probation of Checker Cab at this time.

Councilmember Guarriello spoke in opposition to extending Yellow's franchises only to October 31st and spoke in support to extending it to November 15th.

Councilmember Prang expressed concern over granting Bell franchises and lifting Checker's suspension, but spoke in support of working toward this proposal.

Mayor Duran spoke in support of waiting until January 2005 to look more closely at the market to determine the need of more taxicabs in the City.

ACTION: Approve the proposal to add 5 taxicab franchises to ITOA to 54, subtract 15 from Yellow and 15 from United and grant 25 franchises to Bell Cab as long as they meet the qualification as deemed by staff. Allow the applications of Yellow, ITOA and United to be extended to October 15th; and evaluate the cabs on probation and bring back to Council in October for consideration. Motion by Mayor Pro Tempore Land, seconded by Councilmember Prang and unanimously carried.

3.G. ZONING TEXT AMENDMENT 2004-02 (TALL WALLS):

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

Susan Healy Keene, Planning Manager, provided background information as outlined in the staff report dated June 21, 2004.

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

ROBERTA SPONSLER, GLENDALE, spoke in support of the proposed ordinance.

CINDY ASMUNSEN, WEST HOLLYWOOD, spoke in support of the proposed ordinance.

TOM DEMILLE, WEST HOLLYWOOD, spoke in opposition to tall walls.

TIM FOX, LOS ANGELES, spoke in opposition to the proposed ordinance.

LANE LAWSON, SANTA ANA, spoke in opposition to the proposed ordinance.

RYAN BROOKS, spoke in opposition to the proposed ordinance.

BRIAN KENNEDY, spoke in opposition to the proposed ordinance.

DAVID SEYDE, spoke in opposition to the proposed ordinance.

Mayor Duran closed the public hearing.

Councilmember Prang stated that at the time that this wall was approved, he didn't feel that it fit into the tall wall ordinance. He spoke in opposition to the proposed amendment.

Councilmember Heilman expressed concern over the companies who came out in opposition to the ordinance. He spoke in support of the proposed ordinance, but expressed concern over the purpose of all of the tall walls in the City. He spoke in support of repealing the entire tall wall ordinance unless the City or community benefits from tall walls.

Mayor Duran spoke in support of tall walls but expressed concern over the costs of having these signs. He spoke in support of the City receiving a portion of the revenues of tall walls. He stated that there could be connection between revenue generated from tall wall signs and fine arts funding. He spoke in support of the proposed ordinance.

Mayor Pro Tempore Land spoke in opposition to tall walls because there is no public benefit from them. She spoke in support of the outdoor advertising companies working together to find a way for these signs to benefit the building owners, the community and the billboard companies.

ACTION: 1) Introduce for first reading Ordinance No. 04-684, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING ZONING ORDINANCE TEXT AMENDMENT 2004-02 CONCERNING TALL WALL SIGNS," Motion by Councilmember Heilman, seconded by Mayor Duran and carried on a ROLL CALL VOTE with Councilmember Prang and Mayor Pro Tempore Land voting NO.

ACTION: 2) Direct staff to come back to Council with an ordinance to either repeal the tall wall ordinance or develop an ordinance with the billboard companies and building owners to derive a public benefit from tall walls. Carried by concurrence of the Council.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. REQUEST TO SET DATE FOR THE ANNUAL CONGRESS FOR COMMISSIONS AND ADVISORY BOARDS:

City Clerk West provided background information as outlined in the staff report dated June 21, 2004.

ACTION: Direct the City Clerk to schedule the Annual Congress for Commissions and Advisory Boards on **Saturday, October 16, 2004, 8:00 AM to 5:00 PM. Carried by concurrence of the Council.**

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT: None.

6. LEGISLATIVE: None.

COUNCILMEMBER COMMENTS:

Councilmember Prang congratulated Councilmember Heilman on his participation in a marathon in Alaska.

ADJOURNMENT: The City Council adjourned at 11:20 PM in the memory of Deputy Michael Arrudo, Dr. Ron Gelb, Dr. Stanley Toy and Ray Charles to their next regular meeting, which will be on Tuesday, July 6, 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 6th DAY OF JULY, 2004.



JOHN J. DURAN, MAYOR

ATTEST:



THOMAS R. WEST, CITY CLERK