

**CITY COUNCIL
MINUTES
MONDAY, NOVEMBER 3, 2003
WEST HOLLYWOOD PARK AUDITORIUM**

CALL TO ORDER: The meeting was called to order at 6:35 PM.

PLEDGE OF ALLEGIANCE: Genevieve Morrill 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 Mike Jenkins, City Clerk Tom West and Acting Assistant City Clerk Gwen Peirce.

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins stated that Closed Session convened at 6:00 PM. He stated that two items of potential litigation were added. He stated that the Closed Session recessed at 6:25 PM with no reportable action taken.

APPROVAL OF THE AGENDA:

Councilmember Guarriello noted his NO vote on Item 2.N.

Mayor Prang noted his NO vote on Item 2.N.

Mayor Prang requested that the meeting be adjourned in the memory of Alvin Weiss, father of Sue Buckner.

ACTION: Motion by Councilmember Guarriello and seconded by Councilmember Land and unanimously carried to approve the November 3, 2003 agenda as amended.

PRESENTATIONS: NONE.

1. PUBLIC COMMENT:

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding health care and the ban of over the counter ephedrine from the State of New York. He also spoke in opposition to Donald Rumsfeld and in support of the dedication of the new Veteran's Memorial.

JAMES FUHRMAN, WEST HOLLYWOOD, spoke regarding recent expenditures by City Hall staff and the library.

JULIA GLINBERG, WEST HOLLYWOOD, spoke regarding activities by homeless individuals on the grassy yard of senior citizen housing adjacent to Plummer Park.

DONALD ELMBLAD, WEST HOLLYWOOD, spoke regarding a recent West Hollywood Independent article about potential City budget cuts and City Hall employee expenditures. He also spoke regarding a recent inclusionary housing Council item.

H. NIKYAR, WEST HOLLYWOOD, spoke regarding an experience with a City of West Hollywood Code Enforcement Officer.

ROCKY LAFLEUR, WEST HOLLYWOOD, spoke in support of proposed changes to the Pacific Design Center as outlined in Item 3.C.

COUNCILMEMBER COMMENTS:

Councilmember Guarriello spoke regarding homeless issues in West Hollywood, specifically at Plummer Park. He requested that staff look into the homeless issues and how the City can coordinate with the homeless outreach programs to address these issues. He also requested that staff investigate vehicles running the traffic light at the intersection of Vista and Santa Monica Boulevard, as well as the timing of the light at that intersection, specifically for the pedestrian crosswalk. He also announced the dedication of the Veteran's Memorial on November 11th at 11:00 AM.

Councilmember Land spoke regarding the Social Services Division, who is looking into the homeless issues around the City.

Councilmember Heilman congratulated City Hall staff on the Halloween Carnival. He also spoke regarding City Hall staff bringing the homeless issues to the forefront, rather than residents and requested that staff at Plummer Park become aware of and address the problems that arise.

Mayor Prang spoke regarding the Celebration of the National Council of Jewish Women. He also congratulated City staff on the Halloween Carnival. He also thanked City staff, Larissa Fooks and Jose Carrillo, on their assistance in the organization of the Gay & Lesbian Foster Parent Forum. He also spoke regarding his Blue Ribbon Committee, which he assembled to address issues in the City, and he announced that the Committee is developing a white paper, which he will be presenting to Council in the future. He also spoke regarding various forms of revenue to the City and how their loss effects the City. He also addressed the denial of the State library grant, and reaffirmed Council's commitment to building a new library and stated that the City will be re-submitting their proposal in January.

CITY MANAGER'S REPORT:

City Manager Arevalo spoke regarding the homeless issues and stated that he would report back to Council regarding an action plan on how to address these issues. He congratulated City Hall staff on the success of the Halloween Carnival. He also spoke regarding the City library grant application and stated that the proposal was in the "Very Good" category, and after some revision, will be re-submitted to the State in January.

He also provided an update on the LaJolla-Havenhurst parking lot and stated that a more formal update will be presented at the December 1, 2003 City Council meeting.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact for the Consent Calendar is \$110,500 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.,Q.,R. **Motion by Councilmember Guarriello, seconded by Councilmember Heilman and unanimously carried with Councilmember Guarriello and Mayor Prang voting NO 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 October 20, 2003. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF DEMAND REGISTER NO. 495:

ACTION: Approve Demand Register No. 495 and adopt Resolution No. 03-2972, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 495." **Approved as part of the Consent Calendar.**

2.D. TREASURER'S REPORTS FOR AUGUST AND SEPTEMBER 2003:

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

2.E. CLAIMS ADMINISTRATION:

ACTION: Deny the claims of Scott Winkler and Marios von Tangen-Jordan and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.F. ORDINANCE NO. 03-666 (2ND READING) REGARDING THE IMPLEMENTATION OF DISTRICT 8 PREFERENTIAL PARKING REGULATIONS ON THE 7400 BLOCK OF LEXINGTON AVENUE:

ACTION: Waive further reading and adopt Ordinance No 03-666, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08.230 OF THE WEST HOLLYWOOD MUNICIPAL CODE IMPLEMENTING DISTRICT 8 PREFERENTIAL PARKING REGULATIONS ON LEXINGTON AVENUE BETWEEN GARDNER STREET AND VISTA STREET AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". **Approved as part of the Consent Calendar.**

- 2.G. ORDINANCE NO. 03-668 (2ND READING) REGARDING A PROPOSED CHANGE TO THE RENT STABILIZATION ORDINANCE TO REPEAL THE 5-YEAR BAN AGAINST CHARGING MARKET RENTS AFTER OWNER OCCUPANCY, AND A PROPOSED CHANGE TO THE RENT STABILIZATION REGULATIONS TO MAKE THE RULES GOVERNING ORAL ARGUMENTS THE SAME FOR ALL TYPES OF APPEALS:**
ACTION: Waive further reading and adopt Ordinance No 03-668, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING RENT STABILIZATION ORDINANCE §17.52.010, SUBSECTIONS (12)(c) AND (12)(k), RELATING TO RE-OFFERING A RENTAL UNIT FOR RENT AFTER OWNER OR RELATIVE OCCUPANCY." **Approved as part of the Consent Calendar.**
- 2.H. ORDINANCE NO. 03-669 (2ND READING) REGULATING MOBILE ADVERTISING:**
ACTION: Waive further reading and adopt Ordinance No 03-669, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING MOBILE ADVERTISING." **Approved as part of the Consent Calendar.**
- 2.I. RESIGNATION OF JOHN CHASE FROM THE PLANNING COMMISSION, JOSEPH GUARDARRAMA FROM THE BUSINESS LICENSE COMMISSION AND JERRIE HESLOV FROM THE WOMEN'S ADVISORY BOARD:**
ACTION: Accept with regret the resignation of John Chase from the Planning Commission, Joseph Guardarrama from the Business License Commission and Jerrie Heslov from the Women's Advisory Board. **Approved as part of the Consent Calendar.**
- 2.J. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.K. CONTRACT FOR LEASE OF COPIERS WITH OCE PRINTING SYSTEMS, USA:**
ACTION: 1) Approve an agreement with OCE Printing Systems for \$102,000.00 per year for five years; 2) Authorize the City Manager to sign the agreement with OCE Printing Systems. **Approved as part of the Consent Calendar.**
- 2.L. AMENDMENT TO AGREEMENT FOR TENNIS CONCESSION:**
ACTION: Approve a contract extension with Michael Carrier for Tennis Concession services to July 15, 2006. Authorize the City Manager to execute the contract. **Approved as part of the Consent Calendar.**
- 2.M. PROPOSED RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE LOCAL HOUSING TRUST PROGRAM:**

ACTION: 1) Adopt Resolution No. 03-2973, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION, THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO, AND ANY OTHER DOCUMENTS NECESSARY TO SECURE THE FUNDING UNDER THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;" 2) Authorize the City Manager to execute all necessary applications, contracts, payment requests, agreements, and amendments for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application. **Approved as part of the Consent Calendar.**

2.N. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SETTING ASIDE APPROVAL OF VARIANCE NO. 01-11 AND RESCINDING PORTIONS OF RESOLUTION NO. 02-2740R SPECIFIC TO VARIANCE 01-11 FOR THE PROPERTY LOCATED AT 8746 SUNSET BOULEVARD (LORD'S ON SUNSET), WEST HOLLYWOOD:

ACTION: Adopt Resolution No. 03-2978, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SETTING ASIDE APPROVAL OF VARIANCE NO. 01-11 AND RESCINDING PORTIONS OF RESOLUTION NO. 02-2740R SPECIFIC TO VARIANCE 01-11 FOR THE PROPERTY LOCATED AT 8746 SUNSET BOULEVARD (LORD'S ON SUNSET), WEST HOLLYWOOD." **Approved as part of the Consent Calendar. Councilmember Guarriello and Mayor Prang voted NO.**

2.O. A RESOLUTION IN SUPPORT OF S. 1510 (LEAHY) AND H.R. 832, THE PERMANENT PARTNERS IMMIGRATION ACT OF 2003:

ACTION: 1) Adopt Resolution 03-2974, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF S 1510 (LEAHY) AND H.R 832, THE PERMANENT PARTNERS IMMIGRATION ACT OF 2003;" 2) Send copies of signed resolution to appropriate parties. **Approved as part of the Consent Calendar.**

2.P. A RESOLUTION IN SUPPORT OF H.R. 2527 (GREENWOOD) and SB 1564 (CORZINE), THE COMPASSIONATE ASSISTANCE FOR RAPE EMERGENICES (CARE) ACT:

ACTION: 1) Adopt Resolution 03-2975, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF H.R. 2527, (GREENWOOD) SB 1564 (CORZINE), THE COMPASSIONATE ASSISTANCE FOR RAPE EMERGENICES (CARE) ACT;" 2) Send copies of signed resolution to appropriate parties. **Approved as part of the Consent Calendar.**

2.Q. A RESOLUTION IN SUPPORT OF H.R. 1886 (DELAURO), THE BREAST CANCER PATIENT PROTECTION ACT OF 2003:

ACTION: 1) Adopt Resolution 03-2976, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF H.R. 1886 (DELAURO), THE BREAST CANCER PATIENT PROTECTION ACT OF 2003;" 2) Send copies of signed resolution to appropriate parties. **Approved as part of the Consent Calendar.**

2.R. RESOLUTION ACKNOWLEDGING THE 110TH ANNIVERSARY OF THE NATIONAL COUNCIL OF JEWISH WOMEN:

ACTION: Adopt Resolution No. 03-2977, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ACKNOWLEDGING AND CONGRATULATING THE NATIONAL COUNCIL OF JEWISH WOMEN ON ITS 110 YEARS OF SERVICE." **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. ACQUISITION OF PROPERTY AT 7424 & 7426 SANTA MONICA BOULEVARD:

Mayor Prang stated that this Item was noticed as required by law.

ACTION: Continue the hearing to consider the adoption of a Resolution of Necessity for 7424 & 7426 Santa Monica Boulevard pending completion of CEQA review. **Carried by consensus of the Council.**

3.B. ACQUISITION OF PROPERTY AT 7440 SANTA MONICA BOULEVARD:

Mayor Prang stated that this Item was noticed as required by law.

ACTION: Continue the hearing to consider the adoption of a Resolution of Necessity for 7440 Santa Monica Boulevard pending completion of CEQA review. **Carried by consensus of the Council.**

3.C. FINAL ENVIRONMENTAL IMPACT REPORT FOR AN AMENDMENT TO THE PACIFIC DESIGN CENTER SPECIFIC PLAN, RELATED ZONE TEXT AMENDMENT AND DEVELOPMENT, DEMOLITION PERMITS FOR THE CONSTRUCTION OF A 400,000 SQUARE-FOOT "RED" BUILDING AND CULTURAL RESOURCE DESIGNATION.

John Keho, Senior Planner, Eric Wilson, EIR Consultant, Brian Mayeda, Traffic Consultant, Ray Reynolds, Director of Economic Development, and Terri Slimmer, Transportation Manager, provided background information as outlined in the staff report dated November 3, 2003.

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

CHARLES COHEN, APPLICANT, spoke regarding the development of the Pacific Design Center project, specifically the design elements and the public areas. He also spoke regarding his request for a five-year permit,

with 5 one-year extensions, but stated that he does not anticipate needing that amount of time to begin construction and affirmed his commitment to seeing the project through completion.

JIM ARNONE, REPRESENTATIVE FOR APPLICANT, spoke regarding the development of the project. He addressed the City's traffic consultant's study and spoke regarding the difference in the analysis of the applicant's own traffic consultant from the City's, specifically traffic impacts in the surrounding area. He also spoke regarding the conservative nature of the EIR's analysis of events. He also addressed economic benefits of the project. He spoke in support of the changes in staff's recommendations.

FRED CLARKE, REPRESENTATIVE FOR APPLICANT, spoke regarding specific architectural and design elements of the "Red" Building project. He stated that they are at the beginning of the design phase and spoke regarding how the three buildings fit together. He stressed the importance it is to have the right time investment to complete a quality project.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in support of the "Red" Building project, but expressed concerns over negative impacts in the EIR. She spoke regarding certain aspects of the EIR and requested that the Council take the residents' concerns into consideration, specifically in regards to traffic and noise.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of the project, but expressed his concern over compatibility with the PDC and the proposed library and park. He made suggestions for possible traffic mitigation.

LARRY SORRENTINO, BEVERLY HILLS, spoke in support of the owner and management of the PDC and in support of the project.

BRUCE TRAUB, WEST HOLLYWOOD, expressed concern over certain sections of the Specific Plan, specifically striking "amplified music" from page 32, section 4C. He also spoke in support of further traffic mitigation and analysis, and expressed concern over the possibility of City staff putting together large events at the PDC.

BRAD BURLINGAME, LOS ANGELES, West Hollywood Convention & Visitors Bureau, spoke in support of the project.

SPERO PLAVOUKOS, LOS ANGELES, spoke in support of the project.

STEVEN AFRIAT, LOS ANGELES, spoke in support of the project and the development agreement. He spoke regarding community outreach to

the surrounding neighborhoods that the PDC has held to provide information.

HILLARY SELVIN, LOS ANGELES, West Hollywood Chamber of Commerce, spoke in support of the project, specifically the positive economic impact and increased parking.

KATHERINE LEE, LOS ANGELES, Museum of Contemporary Art (MOCA), spoke in support of the project and spoke regarding the exhibitions of MOCA at the PDC.

RICHARD KALEH, WEST HOLLYWOOD, spoke in support of the owner of the PDC and in support of the project.

DAN SIEGEL, WEST HOLLYWOOD, spoke in support of the applicant's outreach to the community. He spoke regarding City staff's oversight of certain negative impacts in the EIR, specifically traffic congestion and closures.

DONALD ELMBLAD, WEST HOLLYWOOD, spoke in support of the applicant's outreach to the community and in support of the project. He expressed concern over the noise impact of rooftop events and the reflection of street noise off of the glass building.

JIM ARNONE, REPRESENTATIVE OF APPLICANT, spoke in support of staff's recommendations. He addressed noise issues brought forward by public speakers. He spoke in support of considering the development agreement to the December 1, 2003 City Council meeting. He requested that the Council discuss the development agreement time limits.

Mayor Prang closed the public hearing.

Councilmember Heilman expressed concern over transportation impacts, especially in areas adjacent to the property. He expressed concern over traffic on the major streets, and stated that more work needs to be done to mitigate the traffic impacts. He spoke in support of developing further mitigation standards, such as the promotion of ride-sharing and public transportation and including language to require the developer to fund traffic mitigation. He also spoke in support of having enough ancillary space for the office workers to not have to leave the building during the day. He also spoke in support of the City retaining the ability to set parking rates for visitors who are not attending PDC functions. He also spoke in support of staff's recommendation regarding special events. He spoke in support of requiring a review of what is adopted after 24 months. He also directed requiring the promotion of the "Hire West Hollywood" program. He also requested that the San Vicente "tip" of the "Red"

Building be specifically addressed to provide for a smooth pathway for pedestrians to the parking structure and from the park across the street.

Councilmember Land spoke in support of additional recommendations for transportation mitigation. She also spoke in support of maintaining the ability to provide discount parking to individuals visiting City-sponsored activities. She also expressed concern over the amount of special events presented and the noise impact from those events. She also spoke in support of "phasing in" the larger events and allowing them contingent on the approval of the specific plan.

Mayor Pro Tempore Duran expressed concern over possible conflicts with parking. He spoke in support of requiring a special event permit for events with 2,500 people or more, as well as smaller events at night during the week. He spoke in support of approving the 55,000 square feet ancillary uses, and increasing the ancillary uses to 100,000 sq. ft. after the "Red" Building is near completion.

Mayor Prang spoke in support of continuing the development agreement and requested that the language concerning parking be brought back with the development agreement and specific plan. Mayor Prang spoke in support of increased mitigation for transportation impacts.

ACTION: 1) Adopt Resolution No. 03-2979, "A RESOLUTION OF THE CITY COUNCIL, CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING CEQA FINDINGS, ADOPTING MITIGATION MEASURES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATION ON THE PACIFIC DESIGN CENTER SPECIFIC PLAN AMENDMENT 2001-04, ZONE TEXT AMENDMENT 2003-03, DEVELOPMENT PERMIT 2001-27 AND DEMOLITION PERMIT 2001-12. LOCATED AT 8687 MELROSE AVENUE, WEST HOLLYWOOD;" **Motion by Mayor Pro Tempore Duran, seconded by Councilmember Heilman and unanimously carried with additional conditions.**

ACTION: 2) Adopt Resolution No. 03-2980, "A RESOLUTION OF THE CITY COUNCIL, APPROVING SPECIFIC PLAN AMENDMENT 2001-04 CONCERNING THE PACIFIC DESIGN CENTER SPECIFIC PLAN AMENDMENT LOCATED AT 8687 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA;" **Motion by Mayor Pro Tempore Duran, seconded by Councilmember Heilman and unanimously carried with additional revisions to Specific Plan as outlined below:**

- **Page 32, Section X. B. 4. (d), (e), and (f), strike the language "with amplified music."**
- **Page 27, Section X. A. 3. (b), change end of first sentence to "at all other times for tenants, visitors and attendees at special events sponsored by the PDC." Beginning of next sentence**

should insert “With the exception of parking for tenants, visitors, and attendees at special events sponsored by the PDC, parking rates and fees for parking...” and change the end of sentence to be “shall be established by the City Council.”

- **Page 31, Section X. B. add paragraph (f) 24 month review of event regulations (i) 24 months after effective date of specific plan, the City Council shall review at a Public Hearing the special event regulations and determine whether any modifications are necessary.”**

ACTION: 3) Introduce for first reading Ordinance No. 03-670, “AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD, APPROVING ZONING TEXT AMENDMENT 2003-03 CONCERNING THE IMPLEMENTATION OF THE PACIFIC DESIGN CENTER SPECIFIC PLAN AMENDMENT LOCATED AT 8687 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA;” **Motion by Mayor Pro Tempore Duran, seconded by Councilmember Heilman and unanimously carried.**

ACTION: 4) Adopt Resolution No. 03-2981, “A RESOLUTION OF THE CITY COUNCIL CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2001-27, DEMOLITION PERMIT 2001-12 AND DEVELOPMENT AGREEMENT 2002-01 FOR THE CONSTRUCTION OF A 400,000 SQUARE-FOOT OFFICE BUILDING (PDC RED) FOR THE PROPERTY LOCATED AT 8687 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA;” **Motion by Mayor Pro Tempore Duran, seconded by Councilmember Land and unanimously carried with revisions as outlined below:**

- **Page 3 of 15, Condition 1.4, change language to “Approval of this permit shall expire twenty-four (24) months from the date of approval by the City Council, unless significant construction or improvements or the use authorized hereby have commenced. One extension of time for use inauguration may be requested for a maximum of 24 months. No extension shall be considered unless requested at least 30 days prior to the expiration date. Notwithstanding the foregoing, if a development agreement is approved by the City Council, then the term of this permit shall be interpreted consistently with the Development Agreement 2002-01, provided it is not withdrawn or invalidated by a court of law, by referendum or otherwise, in which case the term of this permit shall be governed as stated above in this condition.**
- **Page 5 of 15, add Condition 3.13, “Upon 80% completion of the Red Building and as a condition of an issuance of the certificate of occupancy, the applicant shall make a cash deposit or irrevocable letter of credit from a reputable financial institution of \$125,000 to make traffic improvements.**

- **Page 15, Condition 11.4, add “The PDC and its tenants shall provide reasonable efforts to hire residents of the City of West Hollywood.”**

ACTION: 5) ~~Adopt Resolution No. 03 _____, “A RESOLUTION OF THE CITY COUNCIL, DENYING A DEVELOPMENT AGREEMENT WITH PACIFIC DESIGN CENTER I FOR THE PACIFIC DESIGN CENTER LOCATED AT 8687 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA.”~~ **CONTINUE TO DECEMBER 1, 2003 CITY COUNCIL MEETING. Carried by consensus of the Council.**

ACTION: 6) Adopt Resolution 03-2982, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DESIGNATING THE BLUE AND GREEN BUILDINGS, THE MOCA GALLERY AND CERTAIN OUTDOOR FEATURES AT THE PACIFIC DESIGN CENTER AS LOCAL CULTURAL RESOURCES.” **Motion by Mayor Pro Tempore Duran, seconded by Councilmember Land and unanimously carried.**

COUNCIL RECESSED AT 10:25 PM AND RECONVENED AT 10:35 PM.

4. UNFINISHED BUSINESS:

4.A. ACTION AND AWARD OF SOLID WASTE AND RECYCLING FRANCHISE:

Sharon Perlstein, City Engineer, provided background information as outlined in the staff report dated November 3, 2003.

SAM PERDOMO, ALHAMBRA, representing Consolidated Disposal Services (West Hollywood Recycling), spoke regarding the services the West Hollywood Recycling has provided to the City and spoke in opposition to the proposed company.

RUDY COLE, representing American Waste Industries, spoke regarding the inadequate timing of the release of the report. He also spoke regarding the involvement of American Waste Industries in the community.

RUSSELL DIX, representing Consolidated Disposal Services (West Hollywood Recycling), spoke regarding the services that his company has provided to the City for the past ten years and spoke regarding the benefits of his company, specifically the ownership of their own landfill and unionized employees.

ED RENDON, Director of Public Affairs for the Teamster Union, spoke in opposition to staff's recommendation and in support of the City contracting with Consolidated Waste Industries.

DENNIS CHIAPETTA, POMONA, representing Athens Services, spoke in support of staff's recommendation and outlined the benefits of their company, specifically the lowest cost, high franchise fee, community involvement and personalized customer service with Russian-speaking representatives.

STEVEN AFRIAT, LOS ANGELES, representing Phoenix Waste and Recycling Services, spoke in opposition to staff's recommendation and also spoke regarding the inadequacy and inaccuracies of the consultant's report. He also spoke regarding services proposed by Phoenix Waste and Recycling Services.

JOE SLOAN, representing Phoenix Waste and Recycling Services, spoke in opposition to staff's recommendation and spoke regarding enhancements proposed by Phoenix Waste and Recycling Services.

Mayor Pro Tempore Duran spoke in support of continuing the item to a future meeting to gather additional information. He requested that a response be made to the correspondence by California Bio-Mass.

Councilmember Heilman spoke in support of moving forward with the item. He expressed his appreciation to the respondents.

Mayor Prang spoke in support of staff's work on the RFP Process and in support of Athens' proposal.

Councilmember Guarriello spoke in support of continuing the item to gather further information.

Councilmember Land spoke in support of staff's recommendation to award the franchise to Athens.

ACTION: Award an exclusive franchise to Arakelian Enterprises, Inc. d.b.a. Athens Services for the collection, transportation, recycling, and disposal of residential and commercial solid waste, recyclables and green waste; and authorize the City Manager to sign the Agreement.
CONTINUE TO NOVEMBER 17, 2003 CITY COUNCIL MEETING.
Motion Councilmember Heilman, seconded by Councilmember Guarriello and unanimously carried with additional direction to continue ban on ex parte communications and to require that all comments be presented in writing, no more than 5 pages, to Sharon Perlstein by no later than 12:00 PM Thursday, November 6, 2003, and staff will provide a response for the staff report.

4.B. RESIDENTIAL PERMIT FEES FOR LOW AND FIXED INCOME RESIDENTS:

Oscar Delgado, Parking Manager, provided background information as outlined in the staff report dated November 3, 2003.

RECOMMEDATION: 1) Direct staff to implement a reduced rate permit fee for qualifying low and fixed-income residents using the criteria presented in the staff report; 2) Authorize the Director of Finance to reduce budgeted revenues in the Permit Parking Fund by \$5,000.00.

Motion by Councilmember Land, seconded by Councilmember Heilman and carried with Mayor Pro Tempore Duran voting NO.

4.C. MORATORIUM ON THE USE OF PET CAGE DRYER MACHINES:

Lisa Belsanti and Jose Carrillo, Deputies to Councilmember Land and Mayor Prang, provided background information as outlined in the staff report dated November 3, 2003.

JIMMY PALMIERI, WEST HOLLYWOOD, spoke in support of a permanent ban of the specific type of pet cage dryer machines.

Mayor Pro Tempore Duran spoke regarding conditions that the County of Los Angeles has imposed on U-Wash Doggie. He spoke regarding negligence versus the dryer machines. He spoke in opposition to the urgency ordinance.

Councilmember Heilman spoke in opposition to issuing an urgency ordinance when the County has already placed specific conditions.

Mayor Prang spoke in support of adopting a law that West Hollywood regulates rather than the County.

ACTION: Adopt Urgency Ordinance No. 03-667U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING INTERIM REGULATIONS REGARDING COMMERCIAL PET GROOMING AND DECLARING THE URGENCY THEREOF" placing a temporary ban on the use of specific styles of pet cage dryer machines as recommended by the Planning Commission and Staff. **This Item has been Tabled to Date Uncertain.**

4.D. COMMISSION AND ADVISORY BOARD APPOINTMENTS AND REAPPOINTMENTS:

ACTION: Make new appointments or re-appointments to the following Commissions: **Carried by concurrence of the Council.**

Councilmember Guarriello:

Historic Preservation Commission: **CONTINUED.**

Councilmember Heilman:

Business License Commission: **GARY REICHARD**

Mayor Prang:

Business License Commission: **ANN MARIE ISLEIB**

Historic Preservation Commission: **CATHERINE HAHN**

At-Large Appointments:

Historic Preservation Commission: **CONTINUED**

Planning Commission: **CONTINUED**

Disabilities Advisory Board (2): **CONTINUED**

Lesbian & Gay Advisory Board: **CONTINUED**

Women's Advisory Board: **CONTINUED**

5. NEW BUSINESS: NONE.

EXCLUDED CONSENT CALENDAR: NONE.


PUBLIC COMMENT: NONE.

6. LEGISLATIVE: NONE.

COUNCILMEMBER COMMENTS:

ADJOURNMENT: The City Council adjourned at 12:10 AM in memory of Alvin Weiss to their next regular meeting, which will be on Monday, November 17, 2003 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 17th DAY OF NOVEMBER, 2003.



JEFFREY PRANG, MAYOR

ATTEST:



THOMAS R. WEST, CITY CLERK