

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, MARCH 17, 2003
WEST HOLLYWOOD PARK**

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

PLEDGE OF ALLEGIANCE: Raymond Sylvester led the pledge.

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

ABSENT: NONE.

ALSO PRESENT: City Manager Paul Arevalo, City Attorney Mike Jenkins, Assistant City Clerk Todd Taylor and Administrative Assistant Gwen Peirce.

APPROVAL OF AGENDA:

Mayor Guarriello requested that the meeting be adjourned in the memory of Gene Smith's mother.

ACTION: Moved by Mayor Pro Tempore Martin and seconded by Mayor Guarriello to approve the March 17, 2003 agenda and unanimously carried.

PRESENTATIONS:

Deputy Chief Schuster, Los Angeles County Fire Department, presented a proclamation to Mayor Pro Tempore Martin for his support of the Los Angeles County Fire Department.

Councilmember Duran and Councilmember Heilman presented commendations and letters of recognition to Mayor Pro Tempore Martin from the City Council, Congressman Henry Waxman and State Senator Sheila Kuehl. Jay Greenstein, representative of Assemblyman Paul Koretz presented Mayor Pro Tempore Martin with a letter of recognition.

Mayor Pro Tempore Martin presented commendations to his Council Deputy, Sarah Bradshaw and his Commission appointees, Barbara Hewitt, Susan Pinkus, Ruth Cislowski, Martin Strudler, for their hard work while serving on the Commissions.

SPECIAL ITEM:

A. CERTIFICATION OF 2003 GENERAL MUNICIPAL ELECTION RESULTS:

ACTION: 1) Declare Abbe Land, John Heilman and Sal Guarriello as Members of the City Council to a full term of four (4) years; 2) Declare that ballot Measure B Ordinance No. 03-653 regarding the increasing the City's Transient Occupancy Tax and Measure C Ordinance No.03-654 regarding the City's Business License Tax ordinance was carried, and shall be deemed adopted and ratified; and, 3) Adopt Resolution No. 03-2852, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, RECITING THE FACT OF THE GENERAL ELECTION HELD ON MARCH 4, 2003, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW." **Motion by Mayor Pro Tempore Martin, seconded by Mayor Guarriello and unanimously carried.**

B. COUNCILMEMBER COMMENTS:

Councilmember Land expressed her well wishes to Mayor Pro Tempore Martin and thanked the community for their support during her campaign.

C. ADMINISTER THE OATH OF OFFICE TO THE NEWLY ELECTED COUNCILMEMBERS:

Vivian Love, Interim City Clerk administered the oath of office to the newly elected members of the City Council, Abbe Land, John Heilman and Sal Guarriello.

1. PUBLIC COMMENT:

CAROLINA CHARM, HOLLYWOOD, member of the Transgendered Task Force, spoke in support Item 2.U., which amends the fair employment and housing act to include gender as a protected category and spoke regarding the importance of legislation fighting discrimination of the transgendered community.

SHIRLEY BUSHNELL, WEST HOLLYWOOD, spoke regarding Mayor Pro Tempore Martin's support of the transgendered community and spoke in support of Items 2.S., which expands civil marriage laws to be inclusive regardless of sexual orientation and 2.U., which amends the fair employment and housing act to include gender as a protected category

RUTH WILLIAMS, WEST HOLLYWOOD, spoke in support of Items 2.H., which implements preferential parking regulations on the 7500 block of Lexington Avenue and 2.U., which amends the fair employment and housing act to include gender as a protected category and expressed her support of the transgendered community.

ALEXANDER YOO, LOS ANGELES, spoke in support of Item 2.U. which amends the fair employment and housing act to include gender as a protected category.

LORI NORMAN, PANORAMA CITY, spoke in support of Items 2.S., which expands civil marriage laws to be inclusive regardless of sexual orientation and 2.U., which amends the fair employment and housing act to include gender as a protected category.

ROBERTA ROSEN, TUSTIN, President of TurboData Systems, requested a continuance of Item 2.L., an agreement with ACS State and Local Solutions so that TurboData can further investigate the awarding of this contract.

JW MOORE IV, WEST HOLLYWOOD, spoke in support of Items 2.E., 2.H., 2.M., 2.N., 2.S. and spoke in opposition to Items 2.O., 2.P.

VICKY ORTEGA, LOS ANGELES, spoke in support of Item 2.U., which amends the fair employment and housing act to include gender as a protected category and spoke regarding crime and discrimination in the transgendered community.

RITA NORTON, WEST HOLLYWOOD, spoke regarding Mayor Pro Tempore Martin's support of the library and Kings Road Park.

HOWARD ARMISTEAD, WEST HOLLYWOOD, spoke regarding a new and expensive AIDS drugs and requested that the City Council form a committee to research AIDS drugs.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding voter turnout and the results of the election and expressed his appreciation to members of the community for their support.

JIM KAZAKOS, WEST HOLLYWOOD, congratulated the newly-elected Councilmembers.

COUNCILMEMBER COMMENTS:

Councilmember Duran thanked the members of the transgendered community for their support of Items 2.S. and 2.U. He also announced an upcoming fundraiser for the Puerto Rico Human Rights Commission and spoke regarding issues affecting the gay and lesbian community in Puerto Rico.

Councilmember Land encouraged interested parties to apply for openings on the City's Boards and Commissions.

Councilmember Prang expressed his condolences for the victims of the shooting at the Yukon Mining Company. He also congratulated the newly elected Councilmembers and stated that he looks forward to working together. He also spoke in opposition to the impending military action in Iraq and expressed his support of the troops.

Councilmember Prang presented a commendation to Ruth Williams for her support of the community and service on the Public Safety Commission.

Councilmember Heilman announced the joint Women's Advisory Board and Chamber of Commerce event, the 7th Annual Women in Leadership Award. He expressed his appreciation to members of the community for their support during his campaign. He also expressed his appreciation of Vivian Love, Interim City Clerk and the City Clerk's Office and thanked City Staff for their work on the election.

Mayor Guarriello expressed his appreciation to members of the community and the Council for their support during his campaign.

CITY MANAGER'S REPORT:

City Manager Arevalo announced that Captain Linda Castro is being promoted to Commander and will therefore be leaving the City in April.

FISCAL IMPACT ON CONSENT CALENDAR:

Assistant City Clerk Taylor stated that the fiscal impact for the Consent Calendar as amended is \$3,203,739 in expenditures and \$18,824 in potential revenue.

2. CONSENT CALENDAR:

ACTION: 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. **Motion by Councilmember Duran, seconded by Councilmember Land and unanimously carried with Councilmember Duran voting NO on Item 2.E.**

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 March 3, 2003. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 480, RESOLUTION NO. 03-2851:

ACTION: Approve Demand Register No. 480 and adopt Resolution No. 03-2851, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 480." **Approved as part of the Consent Calendar.**

2.D. CLAIMS ADMINISTRATION:

ACTION: Deny the claims of Alex de Cordoba, Bob Greene and Henry Cortez and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.E. ORDINANCE NO. 03-651 (2ND READING) REGULATING THE DISCLOSURE OF CONFIDENTIAL CONSUMER INFORMATION BY FINANCIAL INSTITUTIONS:

ACTION: Waive further reading and adopt Ordinance No. 03-651, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING THE DISCLOSURE OF CONFIDENTIAL CONSUMER INFORMATION BY FINANCIAL INSTITUTIONS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar noting Councilmember Duran voting NO.**

2.F. RESIGNATION OF RUTH WILLIAMS FROM THE PUBLIC SAFETY COMMISSION:

ACTION: Accept with regret the resignation of Ruth Williams from the Public Safety Commission. **Approved as part of the Consent Calendar.**

2.G. APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH THE WEST HOLLYWOOD MANAGEMENT ASSOCIATION FOR THE PERIOD JULY 1, 2003 THROUGH JUNE 30, 2006:

ACTION: Approve the Memorandum of Understanding with WHMA, which incorporates the agreements contained in Exhibit A and authorize the City Manager to sign. **Approved as part of the Consent Calendar.**

2.H. IMPLEMENTATION OF DISTRICT 8 PREFERENTIAL PARKING REGULATIONS ON THE 7500 BLOCK OF LEXINGTON AVENUE:

ACTION: Introduce for first reading Ordinance No. 03-652, "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 AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". **Approved as part of the Consent Calendar.**

2.I. CALIFORNIA ENERGY COMMISSION GRANT FOR TRAFFIC SIGNAL BATTERY BACK UP SYSTEMS:

ACTION: 1) Adopt Resolution No. 03-2853, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING SUBMITTAL OF A BATTERY BACK UP SYSTEM (BBS) GRANT APPLICATION; AND ACCEPTANCE OF A BBS GRANT AWARD RELATEING TO THE PURCHASE AND INSTALLATION OF UNIINTERRUPTIBLE POWER SUPPLY SYSTEMS FOR TRAFFIC SIGNALS;" and 2) Authorize the Director of Finance to increase budgeted revenues in Fund 204 and expenditures in 204-8040-8533 by \$18,824, upon execution of the grant agreement. **Approved as part of the Consent Calendar.**

2.J. AWARD OF CONSTRUCTION CONTRACT FOR CATCH BASIN RETROFIT PROJECT:

ACTION: Accept the bid dated February 20, 2003 submitted by US Enviro-Net Services; 2) Authorize the City Manager to enter into a contract with US Enviro-Net Services, in the amount of \$40,000.00 for the construction of the catch basin debris gates; 3) Authorize the City Engineer to manage the lump sum construction contract in an amount not to exceed the contract amount of \$40,000. **Approved as part of the Consent Calendar.**

2.K. AMENDMENT TO AGREEMENT WITH CBM CONSULTING:

ACTION: 1) Approve an amendment to the contract with CBM Consulting, Inc. increasing the term of the contract by one (1) year, and the not to exceed amount by \$125,000; 2) Revise the scope of services to include the preparation of final construction plans, the preparation and coordination of bid specifications; and on-site construction management of multiple surface parking lots; and 3) Authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

2.L. AGREEMENT WITH ACS STATE AND LOCAL SOLUTIONS TO PROVIDE PARKING CITATION PROCESSING AND PAYMENT SERVICES:

ACTION: 1) Authorize staff to draft and negotiate a contract with ACS State and Local Solutions to provide parking citation and payment processing; and delinquent account collections for parking citations. The contract term will cover an initial (5) five year period, beginning July 1, 2003 through June 30, 2008. The first year of the contract shall not exceed \$650,000; 2) Authorize staff to include an option in the contract that would provide for two extensions of two years each; 3) Authorize an increase in the not to exceed amount of the contract for the second through fifth year equal to the percentage increase in the U.S Department of Labor, Consumer Price Index, All Urban Consumer CPI (Los Angeles-Anaheim-Riverside) for the twelve (12) month period ending each contract year; and any cost increases to the U.S. postal rate for first-class mail; and 4) Authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

2.M. AWARD BID FOR C.I.P. 6000-02-02, CONSTRUCTION CONTRACT FOR SANFAIR BUS STOP GARDEN & POCKET PARK PROJECT:

ACTION: 1) Accept the bid amount of \$199,765 submitted by S.H.E. Construction Group, Inc. for construction of the SanFair Bus Stop Garden & Pocket Park Project; 2) Authorize the City Manager to execute a contract with S.H.E. Construction Group, Inc. in the amount of \$199,765; 3) Authorize the expenditure of an amount not to exceed \$20,000 for contingencies as approved by the Director of Rent stabilization & Housing; and 4) Reject all other bids and return associated Bid Bonds. **Approved as part of the Consent Calendar.**

- 2.N. APPROVAL OF AN AGREEMENT WITH McCARREN FINE TO PROVIDE THE ART COMPONENT OF THE SANFAIR BUS STOP GARDEN & POCKET PARK PROJECT, C.I.P. 6000-02-01A:**
ACTION: Authorize the City Manager to execute a contract with McCarren Fine in the amount of \$45,093 to provide the art component for the SanFair Bus Stop Garden & Pocket Park Project. **Approved as part of the Consent Calendar.**
- 2.O. AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND ESCROW INSTRUCTIONS AT 715 NORTH SAN VICENTE BOULEVARD (EXISTING LIBRARY SITE):**
ACTION: Approve the Agreement for Purchase and Sale of Real Property and Escrow Instructions. **Approved as part of the Consent Calendar.**
- 2.P. RESOLUTION IN OPPOSITION TO THE PROPOSED CHANGES BY THE CALIFORNIA AIR RESOURCES BOARD (CARB) TO THE CALIFORNIA ZERO EMISSIONS VEHICLE (ZEV) PROGRAM:**
ACTION: 1) Adopt Resolution No. 03-2854, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN OPPOSITION TO THE PROPOSED CHANGES BY THE AIR RESOURCES BOARD (ARB) TO THE CALIFORNIA EMISSIONS VEHICLE (ZEV) PROGRAM;" and 2) Send copies of the resolution to Winston Hickox, Secretary, California Environmental Protection Agency, and Chairman Alan Lloyd of the California Air Resources Board, Assembly Member Paul Koretz, and State Senator Sheila Kuehl. **Approved as part of the Consent Calendar.**
- 2.Q. A RESOLUTION DECLARING THE INTENTION TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF OBLIGATIONS TO BE ISSUED BY THE CITY OF WEST HOLLYWOOD:**
ACTION: 1) Adopt Resolution No. 03-2855, "A RESOLUTION DECLARING THE INTENTION TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF OBLIGATIONS TO BE ISSUED BY THE CITY OF WEST HOLLYWOOD;" and 2) Direct the Director of Finance to appropriate \$2,000,000 into account 340-8020-9826 for the purchase of the El Tovar Lot from LA County. **Approved as part of the Consent Calendar.**
- 2.R. STATE CODE ENFORCEMENT GRANT PROGRAM RESOLUTION:**
ACTION: 1) Adopt Resolution No. 03-2856, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION, THE INCURRING OF AN OBLIGATION, THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO, AND ANY OTHER DOCUMENTS NECESSARY TO SECURE A CODE ENFORCEMENT GRANT PROGRAM (CEGP) GRANT FROM THE STATE OF CALIFORNIA,

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;" 2) Appoint the City Manager as agent to conduct all negotiations, execute and submit all documents, applications and agreements necessary for completion of the grant funded project; and 3) Authorize the Director of Finance to increase budgeted revenues and expenditures as needed in the grants fund upon execution of the grant agreements. **Approved as part of the Consent Calendar.**

2.S. A RESOLUTION SUPPORTING ASSEMBLY BILL 205 AND URGE GOVERNOR GRAY DAVIS AND STATE LEGISLATURE TO EXPAND CIVIL MARRIAGE LAWS TO BE INCLUSIVE REGARDLESS OF SEXUAL ORIENTATION OR GENDER:

ACTION: 1) Adopt Resolution No. 03-2857, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORTING ASSEMBLY BILL 205 AND URGE GOVERNOR GRAY DAVIS AND STATE LEGISLATURE TO EXPAND CIVIL MARRIAGE LAWS TO BE INCLUSIVE REGARDLESS OF SEXUAL ORIENTATION OR GENDER;" and 2) Send copies of the resolution to Governor Gray Davis, and state representatives. **Approved as part of the Consent Calendar.**

2.T. RESOLUTION IN SUPPORT OF AB 879, DIRECTING THE STATE DEPARTMENT OF HEALTH SERVICES TO CREATE A TASK FORCE TO DEVELOP GUIDELINES FOR POST-EXPOSURE PROPHYLAXIS (PEP) FOR PEOPLE WHO MAY HAVE BEEN EXPOSED TO HIV FROM INADVERTANT SEXUAL CONTACT:

ACTION: 1) Adopt Resolution No. 03-2858, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE PASSAGE OF AB 879 TO CREATE AN HIV POST-EXPOSURE PROPHYLAXIS TASK FORCE;" and 2) Send copies to appropriate legislators. **Approved as part of the Consent Calendar.**

2.U. RESOLUTION IN SUPPORT OF AB 196 (LENO), WHICH AMENDS THE FAIR EMPLOYMENT AND HOUSING ACT TO INCLUDE GENDER AS A PROTECTED CATEGORY:

ACTION: 1) Adopt Resolution 03-2859, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 196 (LENO), WHICH AMENDS THE FAIR EMPLOYMENT AND HOUSING ACT TO INCLUDE GENDER AS A PROTECTED CATEGORY;" and 2) Send copies of resolution to Governor Davis, to State Senator John Burton and to Assembly Members Leland Yee and Mark Leno. **Approved as part of the Consent Calendar.**

2.V. A RESOLUTION SUPPORTING AB 395 (KORETZ) REGARDING CAT DECLAWING:

ACTION: 1) Adopt Resolution No. 03-2860, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORTING AB 395 (KORETZ);" and 2) Send copies of the resolution to Governor Gray Davis, and state representatives. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS: NONE.

4. UNFINISHED BUSINESS: NONE.

5. NEW BUSINESS:

5.A. ELECTION OF MAYOR AND MAYOR PRO TEMPORE:

Mayor Guarriello clarified for the public that the new Mayor and Mayor Pro Tempore will be installed at the Council Reorganization meeting, which will be held on Monday, April 21, 2003.

ACTION: The City Clerk will call for nominations and election of Mayor and Mayor Pro Tempore. **Motion by Councilmember Duran, seconded by Councilmember Land to elect Councilmember Prang as Mayor and unanimously carried. Motion by Mayor Guarriello, seconded by Councilmember Land to elect Councilmember Duran as Mayor Pro Tempore and unanimously carried.**

EXCLUDED CONSENT CALENDAR: NONE.

PUBLIC COMMENT:

PAM COOK, WEST HOLLYWOOD, expressed her well wishes to Mayor Pro Tempore Martin and congratulations to the newly elected Councilmembers.

ESTHER BAUM, WEST HOLLYWOOD, expressed her congratulations to Councilmember Land.

RIC RICKLES, WEST HOLLYWOOD, expressed his appreciation to Mayor Pro Tempore Martin and congratulated the newly elected Councilmembers and to all of the candidates who campaigned.

NINA SUBOVA, WEST HOLLYWOOD, spoke regarding her eviction trial and requested the assistance of the Council.

SAM BORELLI, WEST HOLLYWOOD, spoke in support of the February 18, 2003 report made by the City Manager and City staff on the City's budget and fiscal issues facing the City. He also spoke regarding candidates for the City Council and how they ran their campaigns.

CRYSTAL CARLISLE, spoke regarding her meeting with West Hollywood Community Housing Corporation and the Rent Stabilization Department and her application for inclusionary housing.

6. LEGISLATIVE: NONE.

COUNCILMEMBER COMMENTS:

Councilmember Duran spoke regarding the Code Orange status of the United States and requested that all members of the community be on alert.

Councilmember Heilman requested that Allyne Winderman provide an update to Council on the eviction trial of Nina Subova.

Councilmember Prang expressed his appreciation for the Council voting him Mayor.

RECESS TO CLOSED SESSION: 8:11 PM

REPORT OF CLOSED SESSION AGENDA:

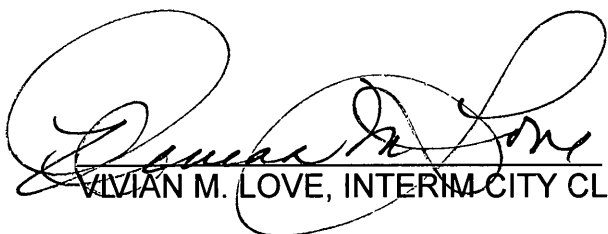
City Attorney Jenkins announced that the Closed Session convened and adjourned with no reportable action.

ADJOURNMENT: The City Council adjourned at 8:50 PM in memory of Gene Smith's mother. The next regular meeting will be on Monday, April 7, 2003 at 6:30 PM at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 7th DAY OF APRIL, 2003.


SAL GUARRIELLO, MAYOR

ATTEST:


VIVIAN M. LOVE, INTERIM CITY CLERK