

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
TUESDAY, JANUARY 21, 2003  
WEST HOLLYWOOD PARK**

**CALL TO ORDER:** Mayor Guarriello called the meeting to order at 6:40 PM.

**PLEDGE OF ALLEGIANCE:** Ivy Bottini 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.

**REPORT OF CLOSED SESSION:** None.

**APPROVAL OF AGENDA:**

Councilmember Duran requested that Item 2.T. and Item 2.U. be moved to Excluded Consent, to be heard prior to the Public Hearing, Item 3.A.

Mayor Pro Tempore Martin requested that an Urgency Item be added to the Agenda titled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD A) SUPPORTING ASSEMBLY SPEAKER HERB WESSON'S PROPOSAL TO RESTORE THE VEHICLE LICENSE FEE (VLF) TO ITS PREVIOUS LEVEL (FULL 2%), B) URGING THE CALIFORNIA LEGISLATURE TO REJECT THE GOVERNOR'S PROPOSED SHIFT OF LOCAL VEHICLE LICENSE FEE REVENUES AND C) TO HONOR THE 1998 COMMITMENT TO RESTORE THE VEHICLE LICENSE FEE."

**ACTION:** Make the finding that the Item came to the attention of staff after the posting of the Agenda and that there is an immediate need to hear the Item. **Moved by Councilmember Prang, seconded by Councilmember Duran and unanimously carried.**

Councilmember Prang requested that the Urgency Item be moved to the Consent Calendar.

Councilmember Prang requested that Items 5.A., 5.B., and 5.C. be moved to the Consent Calendar.

Mayor Pro Tempore Martin and Mayor Guarriello requested that the meeting be adjourned in the memory of Morris Kight, community activist, and Betty Straus, librarian in the City of West Hollywood.

Councilmember Heilman requested that the meeting be adjourned in the memory of Martha Brown, mother of Curtis Brown.

**ACTION:** Approve the January 21, 2003 agenda as amended. **Motion by Councilmember Prang, seconded Councilmember Duran and unanimously carried.**

**PRESENTATIONS:**

Mayor Guarriello and Councilmember Prang presented a proclamation to Bill Rosendahl and the Association of Russian Veterans.

Councilmember Duran presented a proclamation to Sasha Hanlon, the winner of the Dr. Martin Luther King, Jr. Day Poetry Contest winner.

Mayor Pro Tempore Martin presented a proclamation to members of the Women's Advisory Board and other women's organizations supporting the 30<sup>th</sup> Anniversary of Roe v. Wade and the 10<sup>th</sup> Anniversary of the City of West Hollywood's declaration as a "Pro-Choice" City.

**PUBLIC COMMENT:**

MARCUS BARRON, COVINA, spoke in support of Item 2.R.

JUDITH RESELL, WEST HOLLYWOOD, spoke in support of Item 2.V.

RAMONA RIPSTON, LOS ANGELES, spoke in support of Item 2.R.

CHRISTOPHER CALHOUN, WEST HOLLYWOOD, spoke in support of Item 2.R.

RUTH WILLIAMS, WEST HOLLYWOOD, spoke regarding women's issues, specifically the federal government upholding Roe v. Wade, as well as upcoming community events that focus on women's issues.

JAMES FUHRMAN, WEST HOLLYWOOD, spoke regarding the West Hollywood library, parking, greenspace, and finance issues.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding the diversity of West Hollywood and issues facing the City.

J.W. MOORE IV, WEST HOLLYWOOD, spoke in support of 2.S., 2.R. and 2.O.

JEROME CLEARY, WEST HOLLYWOOD, spoke regarding traffic problems on Sunset Boulevard.

IVY BOTTINI, WEST HOLLYWOOD, spoke in memory of Morris Kight.

JOE DELAPLAINE, SANTA MONICA, spoke in support of Item 2.U.

YOLA DORE, WEST HOLLYWOOD, spoke in support of Item 2.U.

**COUNCILMEMBER COMMENTS:**

Councilmember Heilman announced the upcoming public forums on the update of the City of West Hollywood's General Plan.

Mayor Pro Tempore Martin requested that staff return to Council to address how the City tracks tenant harassment complaints.

**CITY MANAGER'S REPORT:**

City Manager Arevalo reported that the Rent Stabilization Department is undergoing a transition of their database, which will assist in tracking tenant harassment complaints. He also stated that he would provide Council with further information regarding the database tracking. He announced an upcoming series of three meetings of the Sunset Strip Business Association to introduce the Association to the community.

**FISCAL IMPACT ON CONSENT CALENDAR:**

Assistant City Clerk Taylor stated that the fiscal impact for the Consent Calendar as amended is \$251,550 in expenditures and \$3,000 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.,V.,W.,X.,Y.,Z.,AA. **Motion by Councilmember Heilman, seconded by Councilmember Duran and unanimously carried noting Councilmember Duran's ABSTENTION on Item 2.W.**

**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 January 6, 2003. **Approved as part of the Consent Calendar.**

**2.C. DEMAND REGISTER NO. 476, RESOLUTION NO. 03-2823:**

**ACTION:** Approve Demand Register No. 476 and adopt Resolution No. 03-2823, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 476." **Approved as part of the Consent Calendar.**

**2.D. APPROVAL OF AN APPOINTMENT PROCESS FOR CITY COUNCILMEMBERS AS DELEGATES AND ALTERNATES TO VARIOUS ORGANIZATIONS, COMMITTEES AND SUB-COMMITTEES:**

**ACTION:** Direct that all appointments for delegates and alternates of various committees, sub-committees and organizations shall be made annually by a vote of the City Council at the second City Council meeting in April. **Approved as part of the Consent Calendar.**

**2.E. VACATED OFFICE OF A MEMBER OF THE LESBIAN AND GAY ADVISORY BOARD:**

**ACTION:** 1) Declare the office of Dean Bramlett of the Lesbian and Gay Advisory Board vacated due to unexcused absences from three (3)

successive regular meetings; 2) Direct the City Clerk to notify Ms. Bramlett of her vacated office and, 3) Direct the City Clerk to post a notice of vacancy for an appointment to the Lesbian and Gay Advisory Board for a term expiring May 31, 2003. **Approved as part of the Consent Calendar.**

**2.F. RESIGNATION OF DANIELLE NOBLE FROM THE WOMEN'S ADVISORY BOARD:**

**ACTION:** Accept with regret the resignation of Danielle Noble from the Women's Advisory Board. **Approved as part of the Consent Calendar.**

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

**ACTION:** Receive and file the attached attendance reports from the various appointed bodies covering meetings convened between November 2001 through November 2002. **Approved as part of the Consent Calendar.**

**2.H. FIRST QUARTER REPORT OF THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION:**

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

**2.I. CONTRACT RENEWAL WITH JEWISH FAMILY SERVICES:**

**ACTION:** Approve a two-year contract from November 1, 2002 to September 30, 2004 with Jewish Family Services in the amount of \$70,000 annually for reception area services at the Community Center at Plummer Park and authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

**2.J. CITYLINE AND DIAL-A-RIDE VEHICLE GRAPHICS DECAL CONTRACT:**

**ACTION:** 1) Approve a contract with Decals By Design for graphics decals for the CityLine and Dial-A-Ride vehicles and bus stop signage program in an amount not to exceed \$50,000.00 and authorize the City Manager to sign; and 2) City Council appropriate \$28,494 from the Proposition C Local Return Reserve Funds. **Approved as part of the Consent Calendar.**

**2.K. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH HARRELL AND COMPANY ADVISORS, LLC AND RR BROWN & COMPANY TO PROVIDE FINANCIAL ADVISORY SERVICES:**

**ACTION:** 1) Approve Professional Services Agreement with Harrell and Company Advisory, LLC and RR Brown and Company; and 2) Authorize City Manager to sign agreements. **Approved as part of the Consent Calendar.**

- 2.L. BID AWARD, CITY FIELD SERVICES MODULAR BUILDING PURCHASE, C.I.P. # 5050-02-02:**  
**ACTION:** 1) Accept the base bid in the amount of \$124,850.00, submitted by Brandall Modular Corporation of Huntington Beach, California for the City Field Services Modular Building Purchase; 2) Authorize the City Manager to sign the contract with Brandall Modular Corporation, in an amount of \$124,850.00; 3) Authorize the expenditure of an amount not-to-exceed \$5,000.00 for contingencies as approved by the Director of the Human Services Department; and 4) Reject all other bids. **Approved as part of the Consent Calendar.**
- 2.M. ACCEPT LIST OF PRE-APPROVED CONSULTANTS TO PREPARE ENVIRONMENTAL DOCUMENTATION AND CITY'S POLICY REGARDING APPLICANT REVIEW OF ADMINISTRATIVE DRAFTS OF ENVIRONMENTAL DOCUMENTS:**  
**ACTION:** 1) Receive and file the list of consultants for a one year period starting January 21, 2003, and ending January 21, 2004; and 2) Receive and file the City's policy regarding applicant review of administrative drafts of environmental documents. **Approved as part of the Consent Calendar.**
- 2.N. EXTENSION OF TIMEFRAME TO COMPLETE THE RENOVATION OF 7214 FOUNTAIN AVENUE AND CONVEYANCE OF THE PROPERTY TO THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION:**  
**ACTION:** Extend the timeframe to complete the renovation of 7214 Fountain Avenue and to convey the property to the West Hollywood Community Housing Corporation to February 15, 2003. **Approved as part of the Consent Calendar.**
- 2.O. IMPLEMENTATION OF DISTRICT 8 PREFERENTIAL PARKING REGULATIONS ON POINSETTIA PLACE:**  
**ACTION:** Introduce for first reading Ordinance No. 03-644, "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 POINSETTIA PLACE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**
- 2.P. PROPOSITION 46 HOUSING FUND CAMPAIGN:**  
**ACTION:** 1) Direct staff to apply for funds targeting the following areas: a) Multifamily housing programs; b) Supportive services in housing developments; c) Housing trust fund money; d) Emergency housing and assistance; e) Home ownership opportunity programs; and 2) Direct staff to report back to Council at a future meeting. **Approved as part of the Consent Calendar.**

- 2.Q. A RESOLUTION IN SUPPORT OF H.R. 3431, S. 1274, AND PROPOSED LEGISLATION IN SUPPORT OF ADDITIONAL STROKE PATIENT TRAUMA GUIDELINES:**  
**ACTION:** 1) Adopt Resolution No. 03-2824, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF HR 3431 AND S 1274, BOTH PERTAINING TO STROKE CARE;" and 2) Send copies to appropriate Congressional Representatives. **Approved as part of the Consent Calendar.**
- 2.R. A RESOLUTION RECOGNIZING PROVISIONS OF THE USA PATRIOT ACT AND REASSURING WEST HOLLYWOOD RESIDENTS THEIR CONSTITUTIONAL RIGHTS OF INDIVIDUAL CIVIL LIBERTIES:**  
**ACTION:** 1) Adopt Resolution No. 03-2825, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD RECOGNIZING PROVISIONS OF THE USA PATRIOT ACT AND REASSURING WEST HOLLYWOOD RESIDENTS THEIR CONSTITUTIONAL RIGHTS OF INDIVIDUAL CIVIL LIBERTIES;" 2) Direct Public Safety staff to refrain from participating in any laws that contradict the rights of individuals listed in the First Amendment; 3) Direct schools and libraries within the City of West Hollywood to provide notice to individuals that law enforcement agents may obtain records for security purposes; and 4) Direct City staff to submit copies of this resolution to President George W. Bush, Attorney General John Ashcroft, Governor Gray Davis and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies are implemented in a manner that does not infringe on civil liberties. **Approved as part of the Consent Calendar.**
- 2.S. A RESOLUTION IN SUPPORT OF JOHN QUIGLEY'S EFFORT TO SAVE THE OLD OAK TREE:**  
**ACTION:** 1) Adopt Resolution No. 03-2826, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF JOHN QUIGLEY'S EFFORT TO SAVE THE OLD OAK TREE;" and 2) Send signed copies of the resolution to Governor Gray Davis, the Los Angeles County Board of Supervisors, the Santa Clarita Organization for Planning and the Environment and to the developer, John Laing Homes. **Approved as part of the Consent Calendar.**
- 2.T. PROPOSED BAN ON ANIMAL DECLAWING:**  
**ACTION:** Moved to Excluded Consent.
- 2.U. A RESOLUTION IN OPPOSITION OF THE UNITED STATES' PROPOSED MILITARY ACTION AGAINST IRAQ:**  
**ACTION:** Moved to Excluded Consent.
- 2. V. A RESOLUTION REAFFIRMING ITS COMMITMENT TO THE ROE V. WADE DECISION AND TO RECOGNIZE ITS TENTH YEAR AS A "PRO-CHOICE CITY":**

**ACTION:** 1) Adopt Resolution No. 03-2829, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REAFFIRMING ITS COMMITMENT TO THE ROE V. WADE DECISION AND TO RECOGNIZE IT'S TENTH YEAR AS A "PRO-CHOICE CITY"; and 2) Send signed copies of the resolution to President Bush, Governor Gray Davis and other appropriate persons. **Approved as part of the Consent Calendar.**

**2.W. CO-SPONSORSHIP OF CALIFORNIA ALLIANCE FOR PRIDE AND EQUALITY (CAPE) 2003 STATE CONFERENCE**

**ACTION:** Approve request to co-sponsor the California Alliance for Pride and Equality (CAPE) 2003 State Conference. **Approved as part of the Consent Calendar noting Councilmember Duran's ABSTENTION.**

**2.X. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD A) SUPPORTING ASSEMBLY SPEAKER HERB WESSON'S PROPOSAL TO RESTORE THE VEHICLE LICENSE FEE (VLF) TO ITS PREVIOUS LEVEL (FULL 2%), B) URGING THE CALIFORNIA LEGISLATURE TO REJECT THE GOVERNOR'S PROPOSED SHIFT OF LOCAL VEHICLE LICENSE FEE REVENUES AND C) TO HONOR THE 1998 COMMITMENT TO RESTORE THE VEHICLE LICENSE FEE:**

**ACTION:** 1) Adopt Resolution No. 03-2830, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD A) SUPPORTING ASSEMBLY SPEAKER HERB WESSON PROPOSAL TO RESTORE THE VEHICLE LICENSE FEE (VLF) TO ITS PREVIOUS (FULL 2%) LEVEL, B) URGING THE CALIFORNIA LEGISLATURE TO REJECT THE GOVERNOR'S PROPOSED SHIFT OF LOCAL VEHICLE LICENSE FEE REVENUES, AND C) TO HONOR THE 1998 COMMITMENT TO RESTORE THE VEHICLE LICENSE FEE;" and 2) Send signed copies of the resolution to Governor Gray Davis, Speaker Herb Wesson, and local legislators. **Approved as part of the Consent Calendar.**

**2.Y. SUBMITTAL OF THE CITY OF WEST HOLLYWOOD'S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2002:**

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

**2.Z. DECLARING WEST HOLLYWOOD A "GUN-FREE" AND "HATE-FREE" CITY AND ENCOURAGE NIGHT CLUBS AND HIGH IMPACT ESTABLISHMENTS TO USE METAL WANDS AT THE DOOR:**

**ACTION:** Direct staff to develop a task force for promoting safety and security in the City of West Hollywood nightclubs and other high impact establishments. The task force would include representatives from the

Department of Public Safety, The Chamber of Commerce, the Sunset Boulevard Business Improvement District and Santa Monica businesses. The task force would develop a safety program and return to the Council at the March 3, 2003 Council meeting with program recommendations. **Approved as part of the Consent Calendar.**

- 2.AA. PROPOSED ORDINANCE TO BAN BOOM CARS WITHIN CITY LIMITS:**  
**ACTION:** Direct the City Attorney to investigate the legality of adopting a ban on boom cars during the hours of 10:00 P.M. and 7:00 A.M. within the boundaries of the City of West Hollywood. **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 December 16, 2002 and received and filed a report of the audited financial statements for the fiscal year ending June 30, 2002. 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: 7:45 PM**

Items 2.T. and 2.U. were taken out of order.

**EXCLUDED CONSENT CALENDAR:**

**2.T. PROPOSED BAN ON ANIMAL DECLAWING:**

Councilmember Duran provided background information as outlined in the staff report dated January 21, 2003.

DR. LARRY KIDWELL, CULVER CITY, spoke in opposition to staff's recommendation.

NADIA SUTTON, WEST HOLLYWOOD, spoke in support of the resolution.

NORMA SANDLER, WEST HOLLYWOOD, spoke in support of the resolution.

SONNDRA MAY, WEST HOLLYWOOD, spoke in support of the resolution.

JIM JENSVOLD, LOS ANGELES, spoke in support of the resolution.

BILL DYER, VENICE, spoke in support of the resolution.

JUNE AVERSENG, VENICE, spoke in support of the resolution.



JIMMY PALMIERI, WEST HOLLYWOOD, spoke in support of the resolution.

PATTY BARET, WEST HOLLYWOOD, spoke in support of the resolution.

JEAN MATHISON, WEST HOLLYWOOD, spoke in support of the resolution.

SIBYL ZADEN, WEST HOLLYWOOD, spoke in support of the resolution with the exception of adopting a animal declawing ban law without further research.

EVELYN GRAY, WEST HOLLYWOOD, spoke in support of the resolution.

CATHERINE DOYLE, LOS ANGELES, spoke in support of the resolution.

CHRIS LAIB, LOS ANGELES, spoke in support of the resolution.

MARIA SIERRA, LOS ANGELES, spoke in support of the resolution.

DIANA CORTEZ, LOS ANGELES, spoke in support of the resolution.

JENNIFER CONRAD, SANTA MONICA, spoke in support of the resolution.

ELECTRA WERTHMAN, SHERMAN OAKS, spoke in support of the resolution.

LIZ LOCKETT, SANTA MONICA, spoke in support of the resolution.

JIM KAZAKOS, WEST HOLLYWOOD, spoke regarding his positive experience with a declawed cat.

JON MERTEN, WEST HOLLYWOOD, spoke in opposition to the resolution.

Councilmember Heilman stated his support of including language to allow for certain exceptions to the ban.

Councilmember Duran encouraged further research on this issue in relation to health issues, specifically in regards to HIV/AIDS patients.

**ACTION:** Direct the City Attorney to research the legality of a local declawing ban, and if permissible draft an ordinance to be brought back to the Council for discussion and adoption; and 2) Adopt Resolution No. 03-2827, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONDEMNING THE PRACTICE OF ANIMAL DECLAWING WITHIN CITY BOUNDARIES AND URGING THE VETERINARIAN COMMUNITY TO ENCOURAGE ANIMAL GUARDIANS

TO USE OTHER AVAILABLE TECHNIQUES INTENDED TO AVOID DECLAWING.” **Motion by Councilmember Prang, seconded by Mayor Pro Tempore Martin and unanimously carried.**

**Council recessed at 8:40 PM and reconvened at 8:55 PM.**

**2.U. A RESOLUTION IN OPPOSITION OF THE UNITED STATES’ PROPOSED MILITARY ACTION AGAINST IRAQ:**

Councilmember Duran provided background information as outlined in the staff report dated January 21, 2003.

LEONE HANKEY, LOS ANGELES, spoke in support of the resolution.

PETER DUDAR, WEST HOLLYWOOD, spoke in support of the resolution.

FRANK DORRELL, CULVER CITY, spoke in support of the resolution.

KEVIN MICHAEL MCDANIEL, WEST HOLLYWOOD, spoke regarding the impact of nuclear weapons.

JW MOORE IV, WEST HOLLYWOOD, spoke in support of the resolution with suggestions for altering the resolution.

BRADY LANG, STUDIO CITY, spoke in support of the resolution.

JOHN PAUL DRAYER, WEST HOLLYWOOD, spoke in support of the resolution.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of America’s military and expressed his opposition to President Bush.

HOWARD MEYERS, LOS ANGELES, spoke in support of the resolution.

FARRIS WAHBANG, LOS ANGELES, spoke in support of the resolution.

JESSE WEINSTEIN, LOS ANGELES, spoke in support of the resolution.

JONATHAN BROPHY, WEST HOLLYWOOD, spoke in support of the resolution.

**ACTION:** 1) Adopt Resolution No. 03-2828, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN OPPOSITION TO THE UNITED STATES’ PROPOSED MILITARY ACTIONS AGAINST IRAQ;” and 2) Send copies of the resolution to President Bush as well as state and federal representatives. **Motion by Councilmember Prang, seconded by Mayor Guarriello and unanimously carried.**

**3. PUBLIC HEARINGS:**

**3.A CONTINUED PUBLIC HEARING - APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF AN EXISTING BAR'S (SPIKE) REQUEST TO ENCLOSE THE BACK PATIO, PROVIDE THE ADDITIONAL REQUIRED PARKING AT AN OFF-SITE LOCATION, AND OPERATE EXTENDED HOURS, AND APPEAL OF THE PLANNING COMMISSION'S DENIAL OF THE REQUESTED DANCE FLOOR, LOCATED AT 7746 SANTA MONICA BOULEVARD; CONDITIONAL USE PERMIT (CUP) 2001-22, DEVELOPMENT PERMIT (DVP) 2001-50, PARKING USE PERMIT (PUP) 2001-13, AND MINOR CONDITIONAL USE PERMIT (MCUP) 2001-11:**

Assistant City Clerk Taylor stated that the item was noticed as required by law.

Terry Blount, Associate Planner, provided background information as outlined in the staff report dated January 21, 2003.

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

GENE SMITH, WEST HOLLYWOOD, APPLICANT, spoke regarding the mediation between the neighborhood and Spike and requested that dancing be allowed during construction phase and the hours of operation be extended in the front section of the bar.

LYNDIA LOWIE, APPELLANT, spoke regarding the mediation between the neighborhood and Spike and spoke in support of staff's recommendation.

RUTH WILLIAMS, WEST HOLLYWOOD, spoke in support of the resolution.

CRAIG RITCHIE, WEST HOLLYWOOD, spoke in support of the resolution.

ARTHUR MILLER, WEST HOLLYWOOD, spoke in support of the resolution.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of the resolution.

CHRIS CHAPMAN, WEST HOLLYWOOD, spoke in support of the resolution.

RANDY SCHRIER, HOLLYWOOD, spoke in support of the resolution.

JANELL MCKANE, WEST HOLLYWOOD, spoke in support of the resolution with the exception of allowing dancing during construction.

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

JONATHAN FREYBERGER, WEST HOLLYWOOD, spoke in support of the resolution with the addition of exploring other after-hours clubs.

GENE SMITH, WEST HOLLYWOOD, APLICANT, requested that extended hours of operation be allowable for Halloween.

LYNDIA LOWIE, APPELLANT, spoke in support of requiring the sound-proofing and other upgrades be complete before dancing is permitted.

Mayor Guarriello closed the public hearing.

Councilmember Duran suggested that Spike should install double curtains during the construction phase until the soundproofing is complete.

Councilmember Heilman directed that Condition 10.2 in the Resolution be re-written to clarify the beginning day and ending day of the hours of operation. He spoke in opposition to extending the hours of operation on Friday mornings and Monday mornings, except for holidays. He spoke in support of prohibiting dancing until all of the upgrades are complete.

Mayor Pro Tempore spoke in support of requiring a 6-month "drop dead" date for construction to be complete from the date the permits are pulled.

Councilmember Prang spoke in support of prohibiting dancing until all of the upgrades are complete. He spoke in opposition to extended hours of operation on Friday mornings and Monday mornings.

**ACTION:** 1) Open public hearing and receive testimony; and 2) Close public hearing and adopt Resolution No. 02-2805, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, GRANTING IN PART THE APPEAL OF GENE SMITH AND JAMES LITZ, AND THE APPEAL OF LYNDIA LOWY, AND CONDITIONALLY APPROVING CONDITIONAL USE PERMIT 2001-22, DEVELOPMENT PERMIT 2001-50, PARKING USE PERMIT 2001-13, AND MINOR CONDITIONAL USE PERMIT 2001-11, ON AN APPLICATION OF GENE SMITH, TO PERMIT THE ENCLOSURE OF THE BACK PATIO, THE ADDITION OF A DANCE FLOOR, THE PROVISION OF THE ADDITIONAL REQUIRED PARKING AT AN OFF-SITE LOCATION, AND THE OPERATION OF EXTENDED HOURS, ALL FOR AN EXISTING BAR LOCATED AT 7746 SANTA MONICA BOULEVARD (SPIKE), WEST HOLLYWOOD, CALIFORNIA." **Motion by Councilmember Heilman, seconded by Councilmember Prang with the additional direction that Condition 10.2 be re-written to clarify the beginning day and ending day of the hours of operation and to limit the hours of operation on Friday and Monday mornings to be 2:00AM; and that dancing would not be granted until all renovations are complete. Motion carried unanimously.**

**3.B. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A NEGATIVE DECLARATION AND APPROVAL OF A REQUEST TO CHANGE THE USE OF 30,042 SQUARE FEET OF EXISTING RETAIL SPACE INTO A HEALTH/FITNESS FACILITY LOCATED AT 8590 SUNSET BOULEVARD (THE PLAZA AT SUNSET MILLENNIUM) CONDITIONAL USE PERMIT (CUP) 2002-04 AND DEVELOPMENT PERMIT (DVP) 2002-15:**

Councilmember Heilman recused himself from this Item due to a conflict of interest and left the dais.

Assistant City Clerk Taylor 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 January 21, 2003.

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

ANTONIO COCO, LOS ANGELES, APPELLANT, spoke regarding traffic studies and the traffic impact of the project.

JEFF SEYMOUR, WESTLAKE VILLAGE, APPLICANT, spoke in support of staff's recommendation and addressed traffic concerns.

PAUL BOARDMAN, NEW YORK CITY, spoke in support of the resolution.

HILLARY SELVIN, LOS ANGELES, spoke in support in the resolution.

Mayor Guarriello closed the public hearing.

**ACTION:** 1) Open public hearing and receive testimony; 2) Close public hearing and adopt Resolution No. 03-2831, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEAL OF CARLA RYHAL, AND APPROVING A NEGATIVE DECLARATION, AND CONDITIONALLY APPROVING CONDITIONAL USE PERMIT (CUP) 2002-04 AND DEVELOPMENT PERMIT (DVP) 2002-15, ON AN APPLICATION OF PAUL BOARDMAN, FOR EQUINOX WEST HOLLYWOOD, INC., TO CHANGE THE USE OF 30,042 SQUARE FEET OF EXISTING RETAIL SPACE INTO A HEALTH/FITNESS FACILITY LOCATED AT 8590 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." **Motion by Councilmember Prang, seconded by Councilmember Duran and carried noting Councilmember Heilman's ABSTENTION.**

Councilmember Heilman returned to the dais.

**4. UNFINISHED BUSINESS:**

**4.A. BID AWARD, HOLLOWAY PARK AND VETERANS' MEMORIAL CONSTRUCTION PROJECT, C.I.P. #5050-02-01-R:**

Sam Baxter, Facilities & Landscape Manager, provided background information as outlined in the staff report dated January 21, 2003.

JIM KAZAKOS, WEST HOLLYWOOD, spoke in support of the resolution.

RICHARD SETTLE, LOS ANGELES, spoke in support of the resolution.

ANDY HARLAND, WEST HOLLYWOOD, spoke in support of the resolution.

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

LAUREN MEISTER, WEST HOLLYWOOD, spoke in support of increasing parking in addition to the memorial.

Mayor Pro Tempore Martin expressed his concern over using money from the general fund and suggested moving forward with portions that are funded by the State grant.

**ACTION:** 1) Find the bid submitted by Pima Corporation as non-responsive; 2) Grant Procon Developers and Engineers, Inc. relief and allow withdrawal of their bid due to mistakes and irregularities; 3) Accept the base bid in the amount of \$313,470.00, submitted by Vido Samarzich, Inc. of Alta Loma, California for the Holloway Park and Veterans' Memorial Construction Project; 4) Accept add alternates identified in this report in the amount of \$110,000; 5) Authorize the City Manager to sign an Agreement with Vido Samarzich, Inc., in an amount of \$423,470 for the Holloway Park and Veteran's Memorial Construction Project; 6) Authorize the expenditure of an amount not to exceed \$40,000 for contingencies as approved by the Director of the Human Services Department; 7) Authorize the Finance Director to recognize donations from account 100-2575 in the amount of \$80,837 and increase the budgets for account 100-0000-5403 (revenue) and 100-5050-9275 (expenditure) accordingly; 8) Authorize the Finance Director to amend (reduce) expenditure budgets according to the fiscal impact, transferring \$229,437 from 345-1040-9275 to 345-1040-9443; and 9) Reject all other bids and return associated Bid Bonds.  
**Motion by Councilmember Heilman, seconded by Mayor Guarriello and carried on a ROLL CALL VOTE:**

**ROLL CALL:**

**AYES:** Councilmember Duran, Heilman, Prang and Mayor Guarriello.

**NOES:** Mayor Pro Tempore Martin.

**5. NEW BUSINESS:**

- 5.A. SUBMITTAL OF THE CITY OF WEST HOLLYWOOD'S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2002:**  
**ACTION: Moved to the Consent Calendar as Item 2.Y.**
- 5.B. DECLARING WEST HOLLYWOOD A "GUN-FREE" AND "HATE-FREE" CITY AND ENCOURAGING NIGHT CLUBS AND HIGH IMPACT ESTABLISHMENTS TO USE METAL WANDS AT THE DOOR:**  
**ACTION: Moved to the Consent Calendar as Item 2.Z.**
- 5.C. PROPOSED ORDINANCE TO BAN BOOM CARS WITHIN CITY LIMITS:**  
**ACTION: Moved to the Consent Calendar as Item 2.AA.**

- 5.D. APPLICATION TO THE U.S. POSTAL SERVICE TO CHANGE THE NAME OF THE COLE AND WEST BRANCH POSTAL FACILITIES TO "WEST HOLLYWOOD STATION POST OFFICE" AND FOR ALL OUTBOUND MAIL TO BE POSTMARKED FROM WEST HOLLYWOOD:**  
Councilmember Prang provided background information as outlined in the staff report dated January 21, 2003.

Mayor Pro Tempore Martin requested that the application include the 90046 zip code in addition to 90069. He stated that staff should encourage community support.

**ACTION:** 1) Direct staff to prepare and submit an application to the U.S. Postal Service requesting that the postal facility located in West Hollywood be re-designated as the "West Hollywood Station Post Office," with the principal zip code being "West Hollywood, 90069;" and 2) Direct staff to request letters of support for the application from West Hollywood's Assemblymembers, State Senator, Member of Congress, and US Senators. **Motion by Councilmember Heilman, seconded by Mayor Guarriello with the additional direction to include both 90046 and 90069 in the application and unanimously carried.**

- 5.E. APPOINTMENT OF A COUNCILMEMBER TO BE THE LEAD ADVOCATE FOR WEST HOLLYWOOD DURING STATE BUDGET DELIBERATIONS:**  
City Manager Arevalo provided background information as outlined in the staff report dated January 21, 2003.

**ACTION:** Appoint a Councilmember to be the lead advocate for West Hollywood during the State Budget deliberations in Sacramento. **Motion by Mayor Guarriello, seconded by Councilmember Heilman to appoint Councilmember Duran and Councilmember Prang and unanimously carried.**

- 5.F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD A) SUPPORTING ASSEMBLY SPEAKER HERB WESSON'S PROPOSAL TO RESTORE THE VEHICLE LICENSE FEE (VLF) TO ITS PREVIOUS LEVEL (FULL 2%); B) URGING THE CALIFORNIA LEGISLATURE TO REJECT THE GOVERNOR'S PROPOSED SHIFT OF LOCAL VEHICLE LICENSE FEE REVENUES AND C) TO HONOR THE 1998 COMMITMENT TO RESTORE THE VEHICLE LICENSE FEE:**

**ACTION: Moved to the Consent Calendar as Item 2.X.**

**PUBLIC COMMENT:**

DAVID NASH, WEST HOLLYWOOD, spoke regarding various issues affecting the City of West Hollywood, specifically housing issues.

**6. LEGISLATIVE:**

- 6.A. AMENDMENTS TO THE RENT STABILIZATION ORDINANCE AND RENT STABILIZATION REGULATIONS REMOVING THE EXEMPTION FOR GOVERNMENT SUBSIDIZED UNITS (SECTION 8):**

Allyne Winderman, Director of Rent Stabilization & Housing, provided background information as outlined in the staff report dated January 21, 2003.

Ms. Winderman requested that the Council not move the Item pending feedback from Los Angeles County.

**ACTION: 1) Introduce for first reading, Ordinance No. 03-645, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REMOVING THE EXEMPTION FOR GOVERNMENT SUBSIDIZED UNITS FROM THE RENT STABILIZATION ORDINANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE"; and 2) Adopt Resolution No. 03-2832, "A RESOLUTION OF THE CITY COUNCIL THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD RENT STABILIZATION REGULATIONS REGARDING RENT ADJUSTMENTS FOR SECTION 8 TENANTS." Motion by Councilmember Heilman, seconded by Mayor Pro Tempore Martin and unanimously carried.**

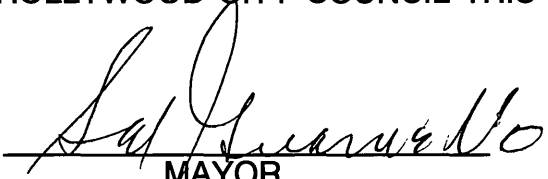
**COUNCILMEMBER COMMENTS:**

Councilmember Heilman directed the City Clerk's Office to place on the agenda for the February 3, 2003 meeting, an item to re-schedule or cancel the Study Session on February 10, 2003.

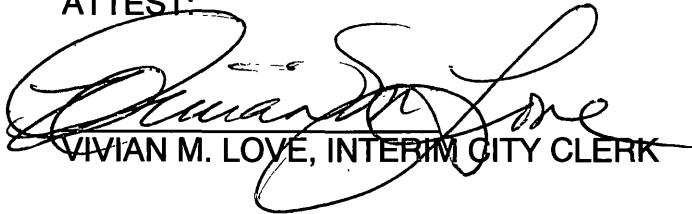
**ADJOURNMENT:** The City Council adjourned at 11:35 PM in the memory of Morris Kight, Betty Straus and Martha Brown to their next regular meeting, which will be on Monday, February 3, 2003 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.



APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 3<sup>rd</sup>  
DAY OF FEBRUARY, 2003.

  
MAYOR

ATTEST:

  
VIVIAN M. LOVE, INTERIM CITY CLERK