

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, JANUARY 6, 2003
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Guarriello called the meeting to order at 6:42 PM.

PLEDGE OF ALLEGIANCE: Alan Weber 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 AGENDA:

City Attorney Jenkins stated that the Closed Session convened at 6:00 PM. and adjourned with no reportable action.

APPROVAL OF AGENDA:

Councilmember Duran requested that Item 2.I. be moved to Excluded Consent.

Staff requested that Items 3.B. and 4.B. be tabled to the January 21, 2003 City Council Meeting.

Mayor Guarriello requested that the meeting be adjourned in memory of Martin Lawson, uncle of Jesse Lawson.

Councilmember Heilman requested that the meeting be adjourned in memory of Herb Ritts.

ACTION: Approve the January 6, 2003 agenda as amended. Motion by Councilmember Heilman, seconded Mayor Guarriello and unanimously carried.

PRESENTATIONS: NONE.

PUBLIC COMMENT:

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding the impact of lesbian women on the gay community.

ABBE LAND, WEST HOLLYWOOD, spoke in support of Item 5.C.

HARRY DAVIS, WEST HOLLYWOOD, spoke in support of Item 3.A.

GEORGE CREDLE III, WEST HOLLYWOOD, spoke in support of Item 5.C.

COUNCILMEMBER COMMENTS:

Councilmember Prang spoke regarding the contract amount in Item 2.L. He also spoke regarding the recent changes in his office, specifically the resignation of Howard Jacobs, his Deputy, and the introduction of his Interim Deputy, Cory Schaeffer.

CITY MANAGER'S REPORT:

City Manager Arevalo provided an update on the acquisition of the Havenhurst Community Gardens and indicated that staff will be returning in February with an update of negotiations with the developer.

FISCAL IMPACT ON CONSENT CALENDAR:

Assistant City Clerk Taylor stated that the fiscal impact for the Consent Calendar as amended is \$577,563 in expenditures and \$ 0 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Consent Calendar as amended, 2.A.,B.,C.,D.,E.,F.,G.,H.,J.,K.,L.,M. Motion by Councilmember Prang, seconded by Mayor Guarriello and unanimously carried.

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, January 6, 2003 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, January 2, 2003.

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

2.B. APPROVAL OF MINUTES:

ACTION: Approve the minutes of December 16, 2002. Approved as part of the Consent Calendar.

2.C. DEMAND REGISTER NO. 475, RESOLUTION NO. 03-2820:

ACTION: Approve Demand Register No. 475 and adopt Resolution No. 03-2820, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 475." Approved as part of the Consent Calendar.

2.D. TREASURER'S REPORT FOR OCTOBER AND NOVEMBER 2002:

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

2.E. CLAIMS ADMINISTRATION:

ACTION: Deny the claim of Sergei Pokryshevsky and refer to the City's claims adjuster. Approved as part of the Consent Calendar.

2.F. ORDINANCE NO. 02-643 (2ND READING):

ACTION: Waive further reading and adopt Ordinance No. 02-643, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD ZONING ORDINANCE." Approved as part of the Consent Calendar.

- 2.G. APPROVAL OF A CONTRACT TO HIRE A CONSULTANT TO PREPARE BIDS FOR THE SOLID WASTE FRANCHISE AGREEMENT:**
ACTION: Approve an agreement with Hilton Farnkopf & Hobson, LLC in the amount of \$108,000 to assist the City in preparing and negotiating a new solid waste franchise agreement; and authorize the City Manager to execute the agreement. Approved as part of the Consent Calendar.
- 2.H. AUTHORIZATION TO TELEWISE CANDIDATE FORUMS:**
ACTION: Authorize the Public Information and Adjudication Services Department to provide live and replay coverage of Candidate Forums produced by local resident and business organizations, including use of Citychannel 10 personnel, facilities and broadcast time. Approved as part of the Consent Calendar.
- 2.I. 2003 ART GRANTS APPROVED BY THE FINE ARTS COMMISSION:**
ACTION: Moved to Excluded Consent.
- 2.J. REQUEST TO PURSUE GRANT FUNDING FOR REUSE/RECYCLING PROGRAMS:**
ACTION: Approve a request for the Engineering Division to pursue grant funding for reuse/recycling programs; and authorize the City Manager to sign the grant proposal. Approved as part of the Consent Calendar.
- 2.K. A RESOLUTION CALLING ON THE UNITED STATES SUPREME COURT TO OVERTURN BOWERS V. HARDWICK REGARDING WHETHER STATE LAWS CRIMINALIZING PRIVATE CONSENSUAL SEXUAL ACTIVITY ARE CONSTITUTIONAL:**
ACTION: 1) Adopt Resolution No. 03-2821, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CALLING ON THE UNITED STATES SUPREME COURT TO OVERTURN BOWERS V. HARDWICK REGARDING WHETHER STATE LAWS CRIMINALIZING PRIVATE CONSENSUAL SEXUAL ACTIVITY ARE CONSTITUTIONAL;" and 2) Direct staff to send copies of the resolution to the United States Supreme Court and appropriate press. Approved as part of the Consent Calendar.
- 2.L. AWARD OF CONSTRUCTION CONTRACT FOR CIP 0201, CONCRETE REPAIR CONSTRUCTION PROJECT:**
ACTION: 1) Accept the bid dated December 18, 2002 submitted by Civil Works Corp.; 2) Authorize the City Manager to enter into a contract with Civil Works Corp., in the amount of \$332,450.00 for the construction of CIP 0201, Concrete Repair 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.M. LOAN AGREEMENT WITH THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION FOR THE PROJECT LOCATED AT 1433 N. HAVENHURST DRIVE:**

ACTION: Approve a change to the terms of the Second Amendment to the loan agreement with the West Hollywood Community Housing Corporation for the 24-unit affordable housing project located at 1433 Havenhurst Drive. Approved as part of the Consent Calendar.

3. PUBLIC HEARINGS:

3.A. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF THE ON-SITE SALE OF ALCOHOLIC BEVERAGES, INCIDENTAL BACKGROUND MUSIC, THE ADDITION OF AN OUTDOOR DINING AREA AND OFF-SITE PARKING AT 8789 AND 9000 SUNSET BOULEVARD FOR A RESTAURANT LOCATED AT 1114 HORN. (LOBSTER BAY) (MINOR CONDITIONAL USE PERMIT 2001-17, DEVELOPMENT PERMIT 2001-34, ADMINISTRATIVE PERMIT 2002-07 AND PARKING USE PERMIT 2001-05):

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

John Keho, Senior Planner, provided background information as outlined in the staff report dated January 6, 2003.

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

LARRY POLLACK, LOS ANGELES, applicant provided an overview of the proposed conditions of staff's resolution, including, an outdoor dining area, hours of operation, hours of valet parking, and the limitation of having one liquor bar. He also provided an overview of the concept of the oyster bar in the restaurant.

Councilmember Prang expressed his concern with the parking plan, as well as portions of the traffic study provided by the applicant.

SIBYL ZADEN, WEST HOLLYWOOD, spoke in support of staff's recommendation, but expressed concerns about parking.

JOSH GREENLY, LOS ANGELES, spoke in support of staff's recommendation.

GRAHAM MACDONALD, WEST HOLLYWOOD, spoke in support of staff's recommendation.

JEROME CLEARY, WEST HOLLYWOOD, expressed his concerns with the parking plan and hours of operation.

CATHERINE HIGLEY, COSTA MESA, provided an overview of the applicant's traffic study.

JOSH SOBOTIK, WEST HOLLYWOOD, spoke in support of including an outdoor dining area and extending the hours of operation.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of staff's recommendation and proposed alternatives for the parking plan.

JAKE FILIPOVICH, LOS ANGELES, spoke in support of including an outdoor dining area and extending the hours of operation.

JUSTIN MILLER, LOS ANGELES, spoke in support of including an outdoor dining area and extending the hours of operation.

VICTORIA MONTALVO, LOS ANGELES, spoke in support of including an outdoor dining area and extending the hours of operation.

LEILA PIEDRAFITA, WEST HOLLYWOOD, spoke in support of including an outdoor dining area and extending the hours of operation.

MICHELLE MASERA, LOS ANGELES, spoke in support of including an outdoor dining area and extending the hours of operation.

MELISSA GOODMAN, BEVERLY HILLS, spoke in support of including an outdoor dining area and extending the hours of operation.

ARI SCHAFF, LOS ANGELES, spoke in support of including an outdoor dining area and extending the hours of operation.

NICOLE PEPLINSKI, LOS ANGELES, spoke in support of including an outdoor dining area and extending the hours of operation.

GILBERT BELL, WEST HOLLYWOOD, spoke in support of staff's recommendation.

GARY SHAFFER, WEST HOLLYWOOD, spoke in support of staff's recommendation.

LAUREN MEISTER, WEST HOLLYWOOD, stated concerns with the parking plan.

PAULO SOARES, WEST HOLLYWOOD, spoke in support of including smoking area and extending the hours of operation to staff's recommendation.

ABBE LAND, WEST HOLLYWOOD, spoke in support of staff's recommendation.

MATT PUGH, HOLLYWOOD, spoke in support of including an outdoor dining area and extending the hours of operation.

KIMBERLY ROPER, LOS ANGELES, spoke in support of including an outdoor dining area and extending the hours of operation.

AQUA YOST, LOS ANGELES, spoke in support of including an outdoor dining area and extending the hours of operation.

NANCY SAYER, LOS ANGELES, spoke in support of including an outdoor dining area and extending the hours of operation.

CHRIS HEMMETER, LOS ANGELES, spoke in support of extending the hours of operation.

PAUL BOOMHOWER, LOS ANGELES, spoke in support of including an outdoor dining area and extending the hours of operation.

NANCY BOWEN, LOS ANGELES, spoke in support of staff's recommendation.

FINN MOLLER, LOS ANGELES, spoke in support of including an outdoor dining area and extending the hours of operation.

KEVIN MOLLER, LOS ANGELES, spoke in support of extending the hours of operation.

JESSICA LINDEMOOD, LOS ANGELES, spoke in support of including an outdoor dining area and extending the hours of operation.

CATHERINE HAHN, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

BARRET RANDEL, LOS ANGELES, spoke in support of extending the hours of operation.

KEITH VIDAL, WEST HOLLYWOOD, spoke in support of including an outdoor dining area and extending the hours of operation.

ARRAN TREADWAY, COSTA MESA, spoke in support of including an outdoor dining area and extending the hours of operation.

JEREMY FINDEL, WEST HOLLYWOOD, spoke in support of staff's recommendation.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

LARRY POLLACK, LOS ANGELES, applicant provided further information regarding the conditions being imposed by the resolution.

CATHERINE HIGLEY, COSTA MESA, traffic consultant to the applicant, provided further information on the overall traffic study and parking plan for the restaurant.

Mayor Guarriello closed the public hearing.

Councilmember Duran spoke in support staff's recommendation, specifically approving the parking plan, enclosing the outdoor dining area, allowing two bars in the restaurant and extending the hours of operation to 2:00 AM, except in the outdoor area.

Councilmember Prang spoke in support of allowing smoking on the observation deck until 11:00 PM, limiting the restaurant to one bar, limiting the hours of operation and developing alternatives to the proposed parking plan. He also spoke in support of re-visiting the conditions in six-months and possibly granting further conditions if the neighborhood and the City agree that the business is being operated responsibly.

Mayor Pro Tempore Martin spoke in support of the parking plan and conducting a traffic study after the restaurant opens.

Councilmember Heilman stated that any conditions that are adopted should be passed on to future owners and would be acceptable to the surrounding neighborhood. He spoke in support of limiting the hours of the outdoor smoking area, limiting the hours of operation, and developing parking alternatives to the proposed plan.

Mayor Guarriello spoke in support of the parking plan and approving the project.

Motion by Councilmember Duran, seconded by Mayor Guarriello to approve staff's recommendation regarding the parking plan to allow 50 offsite and 27 onsite parking spaces.

Motion carried by a ROLL CALL VOTE:

AYES: Councilmember Duran, Mayor Pro Tempore Martin and Mayor Guarriello.

NOES: Councilmember Heilman and Prang.

Condition 11.9 regarding outdoor smoking was approved by consensus of the Council.

Councilmember Heilman recommended revising Condition 11.25 to reflect no karaoke, no third microphone or singers other than the piano players.

Condition 11.25 regarding live entertainment adding the condition that there be no Karaoke, no third microphone for singers other than the piano players, approved by consensus of the Council.

Motion by Councilmember Prang and seconded by Councilmember Heilman to approve staff's recommendation to condition 11.1, Hours of Operation. Motion failed on a ROLL CALL VOTE:

AYES: Councilmember Heilman and Prang.

NOES: Councilmember Duran, Mayor Pro Tempore Martin and Mayor Guarriello.

Motion by Mayor Pro Tempore Martin, seconded by Mayor Guarriello to amend Condition 11.1, Hours of Operation, to reflect, seven days a week, alcohol service ending at 1:00 AM and the restaurant hours of operation to end at 1:30 AM and security would extend to one hour after closure. Motion carried by a ROLL CALL VOTE:

AYES: Councilmember Duran, Mayor Pro Tempore Martin and Mayor Guarriello.

NOES: Councilmember Heilman and Prang.

Motion by Councilmember Duran, seconded by Mayor Guarriello to approve the oyster bar and conventional bar with the condition that the oyster bar is primarily a food service area and if the food service area closes, then the entire bar closes.

Motion carried on a ROLL CALL VOTE:

AYES: Councilmember Duran, Mayor Pro Tempore Martin and Mayor Guarriello.

NOES: Councilmember Heilman and Prang.

ACTION: Adopt Resolution No. 03-2822 as amended above, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD PARTIALLY APPROVING AND PARTIALLY DENYING THE APPEAL OF BIGL HOLDINGS REGARDING THE PLANNING COMMISSION'S ACTION DENYING MINOR CONDITIONAL USE PERMIT 2001-17, DEVELOPMENT PERMIT 2001-34, ADMINISTRATIVE PERMIT 2002- 07 AND PARKING USE PERMIT 2001-05 FOR THE ON-SITE SALE OF ALCOHOLIC BEVERAGES, THE ADDITION OF AN OUTDOOR DINING AREA AND OFF-SITE PARKING AT 8789 SUNSET BOULEVARD AND 9000 SUNSET BOULEVARD FOR A RESTAURANT LOCATED AT 1114 HORN, WEST HOLLYWOOD, CALIFORNIA (LOBSTER BAY)" Motion by Councilmember Duran, seconded by Mayor Pro Tempore Martin and carried on a ROLL CALL VOTE:

ROLL CALL:

AYES: Councilmember Duran, Mayor Pro Tempore Martin and Mayor Guarriello.

NOES: Councilmember Heilman and Prang.

- 3.B. 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 (2:00 AM – 5:00 AM FRIDAY MORNING THROUGH MONDAY MORNING), 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:**

ACTION: Tabled to the January 21, 2003 meeting.

Council recessed at 9:35 PM and reconvened at 9:48 PM.

4. UNFINISHED BUSINESS:

4.A. DISPOSITION AND DEVELOPMENT AGREEMENT WITH THE CIM GROUP FOR THE CITY-OWNED PROPERTY LOCATED AT 8759 SANTA MONICA BOULEVARD AND 901 HANCOCK AVENUE:

Allyne Winderman, Director of Rent Stabilization and Housing, provided background information as outlined in the staff report dated January 6, 2003.

ACTION: 1) Approve the Disposition and Development Agreement with the CIM Group for development of a mixed-use project at the City-owned property at the northwest corner of Santa Monica Boulevard and Hancock Avenue; and 2) Authorize the City Manager to sign the Agreement. Motion by Mayor Guarriello, seconded by Councilmember Prang and unanimously carried.

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

Sam Baxter, Facilities and Landscape Manager, provided background information as outlined in the staff report dated January 6, 2003.

ACTION: Tabled to the January 21, 2003 meeting.

5. NEW BUSINESS:

5.A. RUSSIAN ADVISORY BOARD APPOINTMENT:

Assistant City Clerk Taylor, provided background information as outlined in the staff report dated January 6, 2003.

ACTION: Appoint Andrey Pronin to the Russian Advisory Board to a term ending 05/31/03. Motion by Councilmember Prang, seconded by Mayor Pro Tempore Martin and unanimously carried.

5.B. ELIMINATION OF HOTEL OVERLAY IN CITY OF WEST HOLLYWOOD'S ZONING ORDINANCE AND GENERAL PLAN AS IT RELATES TO THE SAN VICENTE-BEVERLY SHERBOURNE TRIANGLE:

Mark Persico, Director of Community Development, provided background information as outlined in the staff report dated January 6, 2003.

MARTY STRUDLER, WEST HOLLYWOOD, spoke in support of staff's recommendation.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in support of staff's recommendation.

CHRIS ISLEIB, WEST HOLLYWOOD, spoke in support of staff's recommendation.

ANN MARIE ISLEIB, WEST HOLLYWOOD, spoke in support of staff's recommendation.

JEFF HABER, LOS ANGELES, spoke in opposition to staff's recommendation.

DAN SIEGEL, WEST HOLLYWOOD, spoke in support to staff's recommendation.

ACTION: Direct the Community Development Department and the Planning Division to expedite the amending of the City's Zoning Ordinance and General Plan by eliminating references to hotels and urban inns as specific sections relate to the Sherbourne Triangle. Motion by Councilmember Duran, seconded by Mayor Guarriello and unanimously carried.

5.C. PROTECTING RESIDENTIAL PARKING SPACES:

Mayor Pro Tempore Martin provided background information as outlined in the staff report dated January 6, 2003.

JOE PRAML, WEST HOLLYWOOD, spoke in support of staff's recommendation.

JASON WITTMAN, WEST HOLLYWOOD, spoke in support of staff's recommendation.

Councilmember Duran stated his opposition to applying retroactive payments. He recommended referring the valuation of the parking spaces to the Rent Stabilization Commission.

ACTION: Direct staff to explore options and policy measures that would protect tenants from losing their parking spaces including increasing parking valuation and potential introduction of a new ordinance. Motion by Mayor Guarriello, seconded by Councilmember Heilman with additional direction to refer the valuation of the parking spaces to the Rent Stabilization Commission and unanimously carried.

5.D. BACKGROUND ANALYSIS ON REQUIRING CITY OF WEST HOLLYWOOD CONTRACTORS AND FRANCHISES TO PROVIDE DOMESTIC PARTNERSHIP BENEFITS TO EMPLOYEES:

Councilmember Prang provided background information as outlined in the staff report dated January 6, 2003.

ACTION: 1) Direct appropriate staff to provide background on the legality of requiring contractors and City franchises who do business with the City of West Hollywood to provide Domestic Partner Benefits to their employees; and 2) Report back to City Council policy prerogatives and appropriate steps to create an ordinance. Motion by Mayor Pro Tempore Martin, seconded by Councilmember Duran and unanimously carried.

EXCLUDED CONSENT CALENDAR:

2.I. 2003 ART GRANTS APPROVED BY THE FINE ARTS COMMISSION:

Councilmember Duran indicated the need to increase the allocation for public art.

ACTION: 1) Approve the recommendations of the Fine Arts Commission to award 2002 Arts Grants to the following organizations: Outfest (\$5,000); Greenway Arts Alliance (\$3,000); Celebration Theatre (\$5,000); and the Sundance Institute (\$2,500); and 2) Approve the recommendation of the Fine Arts Commission to award a 2002-2003 Arts Awareness Grant to Rosewood Avenue Elementary (\$1,000). Motion by Councilmember Heilman, seconded by Councilmember Duran and unanimously carried.

PUBLIC COMMENT:

CATHERINE HAHN, WEST HOLLYWOOD, spoke regarding various issues concerning the Sunset BID.

6. LEGISLATIVE: None.

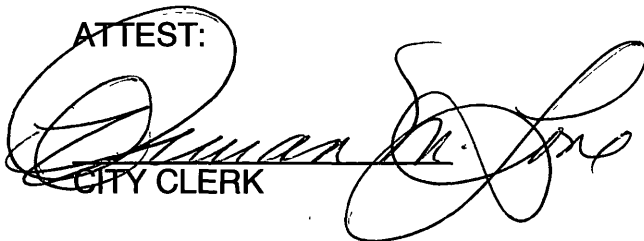
COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 10:20 PM in memory of Martin Lawson and Herb Ritts. The next regular meeting will be on Tuesday, January 21, 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 21st DAY OF JANUARY, 2003.


MAYOR

ATTEST:


CITY CLERK