

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, OCTOBER 7, 2002
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Guarriello called the meeting to order at 6:46 P.M.

PLEDGE OF ALLEGIANCE: Yola Dore led the pledge.

ROLL CALL:

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

ABSENT: None.

ALSO PRESENT: City Attorney Mike Jenkins, City Manager Paul Arevalo, City Clerk Tony Russell and Administrative Staff Assistant Gwen Peirce.

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins stated that Closed Session convened at 6:00 PM. Council added one item to the Closed Session Agenda: one real estate acquisition regarding 9091 Santa Monica Blvd. He stated that the Closed Session recessed at 6:30 PM with no reportable action.

APPROVAL OF AGENDA:

The City Manager requested to add an Urgency Item to the Agenda titled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REQUESTING ASSISTANCE FROM THE STATE ATTORNEY GENERAL'S OFFICE TO INVESTIGATE THE ATTACK AGAINST TREV BROUDY AS A HATE CRIME."

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 Heilman and seconded by Councilmember Prang to add the Item to the Consent Calendar as Item 2.BB. Motion carried unanimously.**

Mayor Guarriello requested to add an Urgency Item to the Agenda titled, "A RESOLUTION CONCERNING DISTRICT ATTORNEY COOLEY'S FAILURE TO FILE THE HATE CRIME ENHANCEMENT IN THE CRIMINAL COMPLAINT AGAINST MESSRS. WALKER AND DOTSON."

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 and seconded by Mayor Pro Tempore Martin to add the Item to the Consent Calendar as Item 2.CC. Motion carried unanimously.

Councilmember Prang requested to add an Urgency Item to the Agenda titled, "REPRESENTATION OF WEST HOLLYWOOD INTERESTS CONCERNING 'THE GATE' NIGHTCLUB."

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 Mayor Pro Tempore Martin and seconded by Councilmember Heilman to add the Item to the Consent Calendar as Item 2.DD. Motion carried unanimously.

Staff requested that Item 6.A. be moved to the Consent Calendar.

Staff requested that Items 2.U. and 3.A. be tabled.

Councilmember Heilman requested that Items 2.Y. and 2.AA. be moved to Excluded Consent and noted his NO vote on Item 2.X.

Councilmember Duran requested that Items 2.L. and 2.O. be moved to Excluded Consent and noted his NO vote on Item 2.X.

ACTION: Moved by Mayor Guarriello and seconded by Councilmember Heilman to approve the October 7, 2002 Agenda as amended. Motion carried unanimously.

PRESENTATIONS:

Mayor Guarriello presented a Resolution to the Breast Cancer Awareness Month Committee members and volunteers for the upcoming Breast Cancer Awareness Door to Door campaign proclaiming October as Breast Cancer Awareness Month. Councilmember Heilman also thanked the many co-sponsors for their support of Breast Cancer Awareness Month.

Councilmember Prang presented a Resolution to members of the Disabilities Advisory Board proclaiming October as "Disability Awareness Month" and October 16th as Disability Mentoring Day.

Councilmember Heilman presented a proclamation and flag to the West Hollywood Team, who will be participating in Gay Games VI, which will be held in Sydney, Australia on November 2nd-6th.

PUBLIC COMMENT:

LEE BACA, SHERIFF OF LOS ANGELES COUNTY, thanked the City Council and members of the community who helped in the capture of the perpetrators who attacked Trev Broudy. Sheriff Baca stated that District Attorney Cooley not charging this as a hate crime is unacceptable. He stated that the Sheriff's Department will continue to fight the scourge of hate with all of its available resources.

SHEILA KUEHL, STATE SENATOR, stated that she wanted to show support for the City Council and for Sheriff Baca. She stated that she introduced two bills that would have made hate crime laws stronger. She expressed her disagreement with District Attorney Cooley and stated the importance for the community to continue to discuss the issue and to pressure the District Attorney's Office to add hate crime as one of the charges.

CAPTAIN LINDA CASTRO, LOS ANGELES SHERIFF'S DEPARTMENT, thanked the City and the community for their support. She also thanked the California Highway Patrol and Deputy Sheriffs from around the County, who helped in apprehending the suspects. She stated that over 1,000 hours have been spent on investigating this crime.

JAMES FUHRMAN, WEST HOLLYWOOD, spoke regarding Item 2.J., the attendance of Commission and Advisory Board members.

ED AHERN, WEST HOLLYWOOD, spoke regarding disabilities issues, specifically accessibility in the community gardens and announced the National Disability Mentoring project.

BOB DROLLINGER, WEST HOLLYWOOD, spoke regarding parking issues on Formosa and Detroit.

ALICIA DE SOTO FOLEY, WEST HOLLYWOOD, spoke in support of Item 2.AA. She also stated that she would like the Detroit Community Gardens to be replaced with properties that would not be dependent on the City of Los Angeles.

CASSANDRA RAMIREZ, LOS ANGELES, spoke in support of Item 2.L. She also stated that the community must continue discussing hate crimes.

HILARY SELVIN, LOS ANGELES, read a letter from the West Hollywood Chamber of Commerce to District Attorney Cooley which requested him to reconsider his decision.

DAVE WALSH, WEST HOLLYWOOD, thanked the City Council and Sheriff's Department on behalf of Trev Broudy and his family.

TOM DEMILLE, WEST HOLLYWOOD, thanked participants of the Stamp Out the Hate Rally. He presented Captain Castro with a piece of art that he created specifically for her.

MARK OLSON, SOUTHERN CALIFORNIA EDISON, announced that the City of West Hollywood had no rolling blackouts during the summer. He thanked the City of West Hollywood for its conservation efforts.

KATHERINE THULIN, WEST HOLLYWOOD, stated that the City's nightlife contributes to hate crimes.

JIMMY PALMIERI, WEST HOLLYWOOD, thanked the City Council and the Sheriff's Department for their diligent work in capturing the hate crime suspects.

JOHN PAUL DRAYER, WEST HOLLYWOOD, spoke regarding hate crimes and provided suggestions for reducing crime.

JOYCE ROONEY, LOS ANGELES, spoke regarding WEHOME mediation and announced that management rejected the Union's offer. She stated that WEHOME has requested strike sanctions from the American Federation of Labor.

JIM KAZAKOS, WEST HOLLYWOOD, spoke regarding the Halloween Carnival and requested that the City Council ask attendees to leave their pets at home.

ELODIE MCKEE, BURBANK, spoke regarding hate crimes and expressed her disagreement with District Attorney Cooley's decision.

ABBE LAND, WEST HOLLYWOOD, spoke in opposition to District Attorney Cooley's decision. She also spoke in support of Item 5.C.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to District Attorney Cooley's decision. She spoke in opposition to liquor licenses and also spoke in support of Item 5.C.

COUNCILMEMBER COMMENTS:

Mayor Guarriello stated that as Mayor he will not allow hate crimes in the City. He announced that there is a recall of District Attorney Cooley and outlined the reasons. He read an excerpt from a letter that he received from Congressman Henry Waxman stating opposition to District Attorney Steve Cooley's decision.

Councilmember Duran commended Councilmember Heilman and staff on the success of the West Hollywood Book Fair. He stated that there was a communication error to the Planning Commission regarding using the St. Ambrose Church parking lot for

evening parking. He stated that his intention was to only look into using this one lot rather than all church lots in the city. He requested that the Planning Commission look

into using only the St. Ambrose Church parking lot for evening parking. He also announced that the City Manager has arranged a meeting with Attorney General Bill Lockyer regarding the hate crime, and that he will be the Council representative at the meeting.

Councilmember Prang thanked the Sheriff's Department and community for their support. He announced that members of the Los Angeles City Council will have a resolution supporting the City of West Hollywood on their stand against District Attorney Cooley's decision. He congratulated Metropolitan Community Church on the celebration of their 35th anniversary. He also suggested that attendees of the upcoming Halloween Carnival leave their animals and young children at home.

Councilmember Heilman thanked Staff and the community for their support of the West Hollywood Book Fair. He announced a human rights speaker event on October 22nd titled, "Why I Oppose the Death Penalty" to be presented by Mike Farrell. He commended Sheriff Baca and the entire Sheriff's Department on their great work handling the recent hate crime.

Councilmember Martin thanked the Senior Advisory Board and Jackie Speier, for their help in kicking off the pharmacy sign program for seniors. He announced a press conference and rally on Wednesday at 10:00 AM in front of District Attorney Steve Cooley's office and a rally on Thursday starting in the City Hall parking lot and march to Matthew Shepherd Triangle. He requested that the meeting be adjourned in memory of Sheriff's Deputy Don Mueller's brother.

CITY MANAGER'S REPORT:

City Manager Arevalo introduced Assistant Fire Chief Paul Schuster from Division 7 and Maria Grycan, the Community Services Rep, who will help in improving the Fire Department's community involvement.

City Manager Arevalo also provided an update on the negotiations with WEHOME. He stated that while mediation was not successful in signing an agreement, it was helpful in narrowing issues. He stated that he is disappointed that they were not able to reach agreement, but he believes that the package on the table is fair. He stated that he is aware that the union is considering a strike. He stated that the City has a plan in place in case the union votes to strike.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk Russell stated that the fiscal impact on the Consent Calendar, as amended, for the Monday, October 7, 2002 Agenda is \$3,900 in expenditures and \$3,500 in potential revenues.

2. CONSENT CALENDAR:

ACTION: Approve the items as amended.

2.A.,B.,C.,D.,E.,F.,G.,H.,I.,J.,K.,M.,N.,P.,Q.,R.,S.,T.,V.,W.,X.,Z.,BB.,CC.,DD.,EE. (6.A). Moved by Councilmember Heilman and seconded by Councilmember Prang to approve the Consent Calendar as amended. Motion carried with Councilmember Heilman voting NO on Item 2.X. and Councilmember Duran voting NO on Item 2.X and noting his ABSTENTION on Item 2.V.

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, October 7, 2002 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, October 3, 2002.

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

2.B. APPROVAL OF MINUTES:

ACTION: Approve the minutes of September 23, 2002. **Approved as part of the Consent Calendar.**

2.C. WAIVER OF FURTHER READING:

ACTION: After the City Attorney has read the title of any ordinance on tonight's agenda, the further reading thereof shall be waived. **Approved as part of the Consent Calendar.**

2.D. DEMAND REGISTER NO. 469, RESOLUTION NO. 02-2771:

ACTION: Approve Demand Register No. 469 and adopt Resolution No. 02-2771, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 469." **Approved as part of the Consent Calendar.**

2.E. CLAIMS ADMINISTRATION:

ACTION: Deny the claim of Kenneth Gentry and refer it to the City's Claims Adjuster for action. **Approved as part of the Consent Calendar.**

- 2.F. ORDINANCE NO. 02-636 (2ND READING)**
ACTION: Waive further reading and adopt Ordinance No. 02-636, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTIONS OF CHAPTER 9.48 AND 17.52 OF THE WEST HOLLYWOOD MUNICIPAL CODE CHANGING ALL REFERENCES TO PET OWNER TO PET GUARDIAN." **Approved as part of the Consent Calendar.**
- 2.G. AMENDMENTS TO CHAPTER 17.28 OF THE RENT STABILIZATION ORDINANCE CLARIFYING REGISTRATION AND RE-REGISTRATION REQUIREMENTS FOR PURPOSES OF BEING IN SUBSTANTIAL COMPLIANCE:**
ACTION: Re-introduce for first reading Ordinance No. 02-638 (R), "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER 17.28 OF THE RENT STABILIZATION ORDINANCE CLARIFYING REGISTRATION AND RE-REGISTRATION REQUIREMENTS FOR PURPOSES OF BEING IN SUBSTANTIAL COMPLIANCE." **Approved as part of the Consent Calendar.**
- 2.H. SAFETY GUIDE BROCHURE:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.I. ADOPTION OF THE 2002 CONFLICT OF INTEREST CODE:**
ACTION: Adopt Resolution No. 02-2772, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE STANDARD CONFLICT OF INTEREST CODE REGULATIONS PREPARED BY THE FAIR POLITICAL PRACTICES COMMISSION AND REPEALING RESOLUTION 00-2430." **Approved as part of the Consent Calendar.**
- 2.J. COMMISSION AND ADVISORY BOARD ATTENDANCE REPORTS:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.K. PUBLIC PROCLAMATION AND STATEMENT IN SUPPORT OF OCTOBER 20th – 26th 2002 AS WORLD POPULATION AWARENESS WEEK IN WEST HOLLYWOOD:**
ACTION: 1) Adopt Resolution No. 02-2773, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF WORLD POPULATION AWARENESS WEEK IN WEST HOLLYWOOD ON OCTOBER 20th – 26th 2002." 2) Direct staff to promote World Population Awareness Week in West Hollywood. **Approved as part of the Consent Calendar.**

- 2.L. A RESOLUTION IN SUPPORT OF TRANSGENDER DAY OF REMEMBRANCE, NOVEMBER 20, 2002, AND APPROVAL OF THE CONCEPT OF A TRANS-GENDER REMEMBRANCE MEMORIAL AT THE MATTHEW SHEPARD HUMAN RIGHTS TRIANGLE:
ACTION: Moved to Excluded Consent.**
- 2.M. A RESOLUTION PROCLAIMING OCTOBER AS "DISABILITY AWARENESS MONTH" AND OCTOBER 16th AS DISABILITY MENTORING DAY IN WEST HOLLYWOOD:
ACTION: Adopt Resolution No. 02-2775, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD PROCLAIMING OCTOBER AS DISABILITY AWARENESS MONTH AND OCTOBER 16th AS DISABILITY MENTORING DAY IN WEST HOLLYWOOD." Approved as part of the Consent Calendar.**
- 2.N. A RESOLUTION PROCLAIMING OCTOBER AS "BREAST CANCER AWARENESS MONTH":
ACTION: Adopt Resolution 02-2776, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD PROCLAIMING OCTOBER AS BREAST CANCER AWARENESS MONTH." Approved as part of the Consent Calendar.**
- 2.O. MORATORIUM ON THE DEDICATION OF 'TRIBUTE' TREES AND PLAQUES:
ACTION: Moved to Excluded Consent.**
- 2.P. A PROPOSED RESOLUTION CONDEMNING THE AUGUSTA NATIONAL GOLF CLUB FOR DISCRIMINATING AGAINST WOMEN:
ACTION: 1) Adopt Resolution No. 02-2777, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONDEMNING THE AUGUSTA NATIONAL GOLF CLUB FOR DISCRIMINATING AGAINST WOMEN." 2) Direct staff to send signed copies of the resolution to appropriate persons. Approved as part of the Consent Calendar.**
- 2.Q. A RESOLUTION IN SUPPORT OF KEEPING WOMEN'S SOFTBALL IN THE OLYMPIC GAMES:
ACTION: 1) Adopt Resolution No. 02-2778, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF WOMEN'S SOFTBALL IN THE OLYMPIC GAMES." 2) Direct staff to send signed copies of the resolution to appropriate International Olympic Committee (IOC) officials and interest groups. Approved as part of the Consent Calendar.**

2.R. A RESOLUTION OPPOSING SOUTHWEST AIRLINES' 'PEOPLE OF SIZE' POLICY:

ACTION: 1) Adopt Resolution No. 02-2779, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING SOUTHWEST AIRLINES' 'PEOPLE OF SIZE' POLICY." 2) Direct staff to send signed copies of the resolution to appropriate Southwest Airlines officials and interest groups. **Approved as part of the Consent Calendar.**

2.S. APPROVAL OF FINAL PARCEL MAP NO. 25521 FOR THE LOT SPLIT LOCATED AT 818 DOHENY DRIVE/9049 ELEVADO AVENUE:

ACTION: 1) Make findings for the Final Parcel Map as follows: a) That this project will not violate any of the provisions of Sections 66427.1, 66474, 66474.1, and 66474.6 of the Subdivision Map Act. b) That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3, Division 1 of the Government Code or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code. 2) Approve Final Parcel Map No. 25521. 3) Instruct the City Clerk to endorse on the face of the map of Final Parcel Map No. 25521 the certificate, which embodies the approval of said map and acceptance of dedications shown thereon. **Approved as part of the Consent Calendar.**

2.T. SUPPLEMENTAL AGREEMENT WITH KATZ, OKITSU & ASSOCIATES FOR TRAFFIC ENGINEERING SERVICES:

ACTION: Authorize the City Manager to enter into a Supplemental Professional Services Agreement with Katz, Okitsu & Associates in an amount not to exceed \$40,000 for as-needed traffic engineering services for FY 02-03. **Approved as part of the Consent Calendar.**

2.U. ADOPTION OF JOB DESCRIPTION FOR NEW TEMPORARY POSITION OF LEGAL INTERN IN THE DEPARTMENT OF PUBLIC INFORMATION AND ADJUDICATION SERVICES:

ACTION: Moved to Excluded Consent.

2.V. A PROPOSED RESOLUTION COMDEMNING CARDINAL BERNARD LAW FOR CALLING UPON YOUNG CATHOLICS TO BOYCOTT GAY AND LESBIAN WEDDINGS:

ACTION: 1) Adopt Resolution No. 02-2780, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD COMDEMNING CARDINAL BERNARD LAW FOR CALLING UPON YOUNG CATHOLICS TO BOYCOTT GAY AND LESBIAN WEDDINGS." 2) Send signed copies

of the resolution to the Catholic Church. **Approved as part of the Consent Calendar noting Councilmember Duran's ABSTENTION.**

2.W. IMPLEMENTATION OF DISTRICT 8 PREFERENTIAL PARKING REGULATIONS ON DETROIT STREET:

ACTION: Introduce for first reading Ordinance No. 02-639, "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 DETROIT STREET AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.X. DEMOLITION PERMIT 2001-25 TO DEMOLISH TWO RESIDENTIAL STRUCTURES LOCATED AT 354-366 SHERBOURNE DRIVE, WEST HOLLYWOOD:

ACTION: Adopt Resolution No. 02-2739(R), "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING THE APPEAL OF ANN MARIE ISLEIB AND OVERTURNING THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF DEMOLITION PERMIT 2001-25 ON AN APPLICATION BY CEDARS-SINAI MEDICAL CENTER, LOCATED AT 354-366 SHERBOURNE DRIVE, WEST HOLLYWOOD." **Approved as part of the Consent Calendar with Councilmembers Duran and Heilman voting NO.**

2.Y. A RESOLUTION OPPOSING THE REDUCING AMERICAN'S VULNERABILITY TO ECSTASY (RAVE) ACT, UNITED STATES SENATE BILL 2633:

ACTION: Moved to Excluded Consent.

2.Z. A PROPOSED RESOLUTION CALLING ON THE GOVERNOR AND ATTORNEY GENERAL TO ACTIVELY DEFEND MEDICAL MARIJUANA AND TO INITIATE MEDICAL MARIJUANA STUDIES THROUGH THE UNIVERSITY OF CALIFORNIA SYSTEM:

ACTION: Adopt Resolution 02-2782, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CALLING ON THE STATE'S GOVERNOR AND ATTORNEY GENERAL TO ACTIVELY DEFEND MEDICAL MARIJUANA AND TO INITIATE MEDICAL MARIJUANA STUDIES THROUGH THE UNIVERSITY OF CALIFORNIA SYSTEM;" 2) Submit a resolution to the National League of Cities conference condemning the Federal government's action; and 3) Request that Senators Boxer and Feinstein call for Senate hearings on the seizure of the medical marijuana clubs and the forfeiture issue. **Approved as part of the Consent Calendar.**

- 2.AA. DIRECTION TO STAFF TO INVESTIGATE THE ABILITY OF THE CITY TO PURCHASE THE HAVENHURST COMMUNITY GARDENS LOT AND DEVELOP A NEIGHBORHOOD PARK ON THAT SITE:
ACTION: Moved to Excluded Consent.**
- 2.BB. A RESOLUTION REQUESTING ASSISTANCE FROM THE STATE ATTORNEY GENERAL'S OFFICE TO INVESTIGATE THE ATTACK AGAINST TREV BROUDY AS A HATE CRIME:
ACTION: 1) Adopt Resolution No. 02-2788, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REQUESTING ASSISTANCE FROM THE STATE ATTORNEY GENERAL'S OFFICE TO INVESTIGATE THE ATTACK AGAINST TREV BROUDY AS A HATE CRIME;" 2) Direct staff to forward copies of the Resolution to State Attorney General and Governor Gray Davis. **Approved as part of the Consent Calendar.****
- 2.CC. RESOLUTION CONCERNING DISTRICT ATTORNEY COOLEY'S FAILURE TO FILE THE HATE CRIME ENHANCEMENT IN THE CRIMINAL COMPLAINT AGAINST MESSRS. WALKER AND DOTSON:
ACTION: Adopt Resolution No. 02-2789, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CONCERNING DISTRICT ATTORNEY COOLEY'S FAILURE TO FILE THE HATE CRIME ENHANCEMENT IN THE CRIMINAL COMPLAINT AGAINST MESSRS. WALKER AND DOTSON." **Approved as part of the Consent Calendar.****
- 2.DD. REPRESENTATION OF WEST HOLLYWOOD INTERESTS CONCERNING "THE GATE" NIGHTCLUB":
ACTION: 1) Direct West Hollywood Community Development Department staff to work with the City of Los Angeles, the owners of The Gate, and West Hollywood and Los Angeles residents' associations concerning The Gate's application to the City of Los Angeles for dance permits, and other conditions. 2) Direct staff to coordinate a community meeting with residents to solicit input concerning quality of life impacts on West Hollywood residents for the consideration of the City of Los Angeles Office of Zoning Administration. 3) Direct staff to prepare official comments to the City of Los Angeles Office of Zoning Administration. **Approved as part of the Consent Calendar.****
- 2.EE. URGENCY ORDINANCE ADOPTING BY REFERENCE TITLES 26, 27, 28, 29 AND 32 OF THE LOS ANGELES COUNTY CODES INCORPORATING THE CALIFORNIA STATE BUILDING STANDARDS CODES:
ACTION: Waive further reading and adopt Urgency Ordinance No. 02-641U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING BY REFERENCE TITLE 26 OF THE LOS ANGELES**

COUNTY CODE, INCORPORATING THE CALIFORNIA BUILDING CODE, 2001 EDITION; TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA ELECTRICAL CODE, 2001 EDITION; TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA PLUMBING CODE, 2001 EDITION; TITLE 29 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA MECHANICAL CODE, 2001 EDITION; AND TITLE 32 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA FIRE CODE, 2001 EDITION; MAKING AMENDMENTS TO SAID CODES; AMENDING CHAPTERS 13.04, 13.08, 13.12 AND 13.16 OF TITLE 13 AND CHAPTERS 14.04 AND 14.08 OF TITLE 14 OF THE WEST HOLLYWOOD MUNICIPAL CODE; AND DECLARING THE URGENCY THEREOF." **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. PROPOSED CHANGES TO FEE RESOLUTION FOR FY 2002-2003:

ACTION: This Item was tabled to the October 21, 2002 City Council meeting.

3.B. PROPOSED EXPANSION OF PREFERENTIAL PARKING DISTRICT 9:

City Clerk Russell stated that this item was posted at City Hall, Plummer Park, Sheriff's Station, West Hollywood Park and published in the West Hollywood Independent.

Donald Korotsky, Associate Transportation Planner, provided background information as outlined in the staff report dated October 7, 2002.

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

KATHY LUBINSKY, WEST HOLLYWOOD, spoke in support of staff's recommendation.

ABBY PALANKER, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

HILLARY SELVIN, LOS ANGELES, spoke in opposition to staff's recommendation.

Mayor Guarriello closed the public hearing.

In response to Councilmember Heilman, Ms. Selvin stated that she has been meeting with the community regarding permit parking. She also

stated that she would like to meet with the City to look into further alternatives.

Councilmember Duran stated that the City has an increasing problem with parking and that it is the City's responsibility to explore alternatives to deal with parking issues, including working with the community on parking issues.

Councilmember Heilman stated that permit parking is what the neighborhood wants, which is evidenced by the signatures on the application.

RECOMMENDATIONS: 1) Introduce for first reading Ordinance No. 02-640, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08.240 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO EXPAND THE BOUNDARY OF PREFERENTIAL PARKING DISTRICT 9, IMPLEMENTING DISTRICT 9 PREFERENTIAL PARKING REGULATIONS ON LAUREL AND EDINBURGH AVENUES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." 2) Authorize the posting of parking restrictions on Edinburgh and Laurel Avenues at this time, as these are the only streets within the expanded district boundary that meet the City's petition requirement. 3) Approve an expedited procedure to process future petitions from other streets in District 9 as routine consent agenda items, provided verification that residents have met the City's petition requirement, and are received within 2 years of the effective date of the ordinance adopted by Council expanding Preferential Parking District 9. 4) Recommend that the City Council approve the hours permit parking regulations are in effect in the expanded District 9 as 7 p.m. to 7 a.m., everyday.

ACTION: Moved by Councilmember Prang and seconded by Mayor Pro Tempore Martin to approve staff's recommendation. Motion carried unanimously.

4. UNFINISHED BUSINESS:

4.A. COMMISSION AND ADVISORY BOARD APPOINTMENTS:

RECOMMENDATION: Make one "direct" appointment and four "at-large" appointments. 1) Fine Arts Commission (make one "at-large" appointment); 2) Public Facilities Commission (make one "direct" appointment by Councilmember Prang); 3) Russian Advisory Board (make one "at-large" appointment); 4) Women's Advisory Board (make two "at-large" appointments).

ACTION: Council made the following appointments:

FINE ARTS COMMISSION: Council appointed Jon Bailey for a term ending 05/31/03.

PUBLIC FACILITIES COMMISSION: Councilmember Prang appointed Steven Greene for a term ending 05/31/03.

RUSSIAN ADVISORY BOARD: Tabled.

WOMEN'S ADVISORY BOARD: Council appointed Laura Wolanski and Heidi Kim Schroeder for a term ending 05/31/03.

5. NEW BUSINESS:

5.A. RESOLUTIONS REGARDING THE ADMINISTRATION OF THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 4, 2003:

Tony Russell, City Clerk, provided background information as outlined in the staff report dated October 7, 2002. He announced that the City of Los Angeles requested consolidation with the City of West Hollywood's March 4, 2003 election for the Community College District and the Los Angeles Unified School District elections.

Councilmember Heilman suggested that Resolution No. 02-2786 be amended to automatically translate the Candidate Statements to Spanish and Russian and then placed into the voter's pamphlet at no cost to the candidates.

RECOMMENDATIONS: 1) Adopt Resolution No. 02-2784, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 4, 2003 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES." 2) Adopt Resolution No 02-2785, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER

SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 4, 2003." 3) Adopt Resolution No. 02-2786, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS

SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 4, 2003.”

ACTION: Moved by Councilmember Heilman and seconded by Mayor Pro Tempore Martin to approve staff’s recommendation with additional direction to amend Resolution No. 02-2786, Section 2 and Section 3, specifying that Candidate Statements be translated into Spanish and Russian and placed into voter’s pamphlet at no cost to the candidates. Motion carried unanimously.

5.B. AN ORDINANCE REGARDING CONSUMER FINANCIAL INFORMATION PRIVACY:

Councilmember Prang provided background information as outlined in the staff report dated October 7, 2002.

Councilmember Heilman suggested that sending a resolution rather than an ordinance would be a more appropriate action for the City.

Councilmember Prang stated that the City of West Hollywood sent a resolution in support of this legislation, however, it was overshadowed by the banking industry lobby in Sacramento. He stated that a resolution would not have enough clout.

Councilmember Duran expressed his opposition to this item. He stated that this type of legislation is more appropriate for State government and that it would add another level of bureaucracy to the City. He stated that it would be difficult to enforce and investigate. He also stated that he was not aware of any local abuse by the banking industry. He suggested sending a letter of support to Senator Speier.

Mayor Pro Tempore Martin suggested drafting an ordinance that would become effective in January 2004 in order to review the State legislation.

RECOMMENDATION: Direct the City Attorney to draft a City ordinance regarding consumer financial information privacy.

ACTION: Moved by Councilmember Prang and seconded by Mayor Guarriello to direct the City Attorney to draft an ordinance that would

become effective in January 2004, pending the outcome of State legislation. Motion carried on a ROLL CALL VOTE.

AYES: Councilmember Prang, Mayor Pro Tempore Martin, Mayor Guarriello.

NOES: Councilmember Duran, Heilman.

5.C. A RESOLUTION AMENDING THE RULES OF CONDUCT OF CITY COUNCIL MEETINGS WITH REGARD TO EX- PARTE COMMUNICATIONS:

Councilmember Prang provided background information as outlined in the staff report dated October 7, 2002.

Councilmember Duran stated that the intention behind the item was good, but not practical because he would not be able to write down every

person he spoke to about an item. He stated that it would hamper his ability to decide on controversial items.

Councilmember Heilman stated that the proposed rules of ex parte communications are too strict.

Mayor Pro Tempore Martin stated that meeting with constituents is very helpful in making decisions on various issues.

City Attorney Jenkins stated that it would be unrealistic and impractical to expect the Councilmembers to remember every person with whom they have discussed issues. He stated that this item has a very narrow definition of ex parte communications. He stated that a Councilmember would only have to report something that has been said outside of a public hearing that influences his decision.

Councilmember Heilman requested that the Resolution be revised to clarify the definition of ex parte communications.

RECOMMENDATION: Adopt Resolution No. 02-2787, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS."

ACTION: Moved by Councilmember Heilman and seconded by Councilmember Duran to table the Item with direction to revise the resolution to clarify the definition of ex parte communications. Motion carried on a ROLL CALL VOTE.

AYES: Councilmember Duran, Heilman, Mayor Guarriello.
NOES: Councilmember Prang, Mayor Pro Tempore Martin.

5.D. ISSUANCE OF SPECIAL PARKING PERMITS FOR HOME VISITS BY SOCIAL SERVICE PROVIDERS:

Councilmember Prang provided background information as outlined in the staff report dated October 7, 2002.

Mayor Pro Tempore Martin stated his opposition of the item because it conflicts with the separation of church and state.

RECOMMENDATION: Direct Transportation staff and, if necessary the Transportation Commission, to develop criteria for the purpose of issuing special parking permits or other appropriate accommodations for social service providers, including members of the clergy, who conduct home counseling/service visits to ailing members of the community.

ACTION: Moved by Councilmember Prang and seconded by Councilmember Heilman to approve staff's recommendation. Motion carried on a ROLL CALL VOTE.

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

NOES: Mayor Pro Tempore Martin.

EXCLUDED CONSENT CALENDAR:

2.L. A RESOLUTION IN SUPPORT OF TRANSGENDER DAY OF REMEMBRANCE, NOVEMBER 20, 2002, AND APPROVAL OF THE CONCEPT OF A TRANS-GENDER REMEMBRANCE MEMORIAL AT THE MATTHEW SHEPARD HUMAN RIGHTS TRIANGLE:

Councilmember Duran stated that he felt that the item was contradictory to Item 2.O.

Councilmember Prang suggested that this item could be passed with the added direction that the Public Facilities Commission review the project before Council approval.

CASSANDRA RAMIREZ, CITY OF LOS ANGELES, spoke in support of staff's recommendation for this item.

Councilmember Heilman stated his concern with the number of memorials in West Hollywood. He suggested that the Public Facilities Commission come up with alternatives to traditional memorials to honor all of the diverse communities in West Hollywood.

RECOMMENDATION: 1) Adopt Resolution No. 02-2774, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF NATIONAL TRANSGENDER DAY OF REMEMBRANCE, ON NOVEMBER 20, 2002." 2) Approve the concept of placing an appropriate transgender remembrance memorial in the Matthew Shepard Human Rights Triangle. 3) Direct staff to work with Lesbian and Gay Advisory Board, Transgender Task Force, Transgender Resource Center, Fine Arts Commission, and the community to develop an appropriate transgender remembrance memorial for future approval by City Council.

ACTION: Moved by Councilmember Prang and seconded by Councilmember Duran to approve staff's recommendation with direction that the Public Facilities Commission review this action for consistency with City policy.

2.O. MORATORIUM ON THE DEDICATION OF 'TRIBUTE' TREES AND PLAQUES:

Councilmember Duran stated that he pulled this item because he felt that it contradicted Item 2.L., and stated that after discussing Item 2.L., he is in support of staff's recommendation.

RECOMMENDATION: 1) Direct that a moratorium on the dedication of tribute trees and plaques be established, as well as other naming of public spaces, things, facilities, etc.; 2) Direct the Public Facilities Commission to draft and present to the City Council uniform criteria and policies regarding such dedications and tributes.

ACTION: Moved by Mayor Guarriello and seconded by Councilmember Duran to approve staff's recommendation. Motion carried unanimously.

2.U. ADOPTION OF JOB DESCRIPTION FOR NEW TEMPORARY POSITION OF LEGAL INTERN IN THE DEPARTMENT OF PUBLIC INFORMATION AND ADJUDICATION SERVICES:

ACTION: This item was tabled.

2.Y. A RESOLUTION OPPOSING THE REDUCING AMERICAN'S VULNERABILITY TO ECSTASY (RAVE) ACT, UNITED STATES SENATE BILL 2633:

Councilmember Heilman stated that he would like to review a copy of the bill before making any decisions. He expressed his concern about

comments in the resolution and staff report about legal terminology contained in the bill.

ACTION: Council concurred to table this Item.

2.AA. DIRECTION TO STAFF TO INVESTIGATE THE ABILITY OF THE CITY TO PURCHASE THE HAVENHURST COMMUNITY GARDENS LOT AND DEVELOP A NEIGHBORHOOD PARK ON THAT SITE:

Councilmember Heilman stated that this item should be discussed in closed session because it involves the acquisition of real property.

Councilmember Martin stated that it is not necessary to discuss this issue in closed session because many issues relating to acquiring property do not apply to this situation. He stated that the public has the right to hear it in open session.

Mayor Guarriello stated that he is concerned that this project is on the westside and that there are no greenspace projects on the eastside of West Hollywood.

Councilmember Prang stated that it is a policy issue and that land acquisition should be discussed in closed session. He stated that the funds designated for greenspace were originally set aside for acquisitions near Santa Monica Boulevard.

ACTION: Moved by Councilmember Heilman and seconded by Mayor Guarriello to table this item to the next Closed Session. Motion carried on a ROLL CALL VOTE.

**AYE: Councilmember Heilman, Prang , Mayor Guarriello.
NOES: Councilmember Duran, Mayor Pro Tempore Martin.**

PUBLIC COMMENT:

J.W. MOORE III, WEST HOLLYWOOD, spoke regarding Item 3.C. and requested that the City look into increased Permit Parking.

YOLA DORE, WEST HOLLYWOOD, spoke regarding prescriptions for the elderly. She thanked the City Council for their continued support.

REED POVERNY, WEST HOLLYWOOD, spoke in support of the City purchasing property on the Eastside for community gardens.

6. LEGISLATIVE:

6.A. URGENCY ORDINANCE ADOPTING BY REFERENCE TITLES 26, 27, 28, 29 AND 32 OF THE LOS ANGELES COUNTY CODES INCORPORATING THE CALIFORNIA STATE BUILDING STANDARDS CODES:

RECOMMENDATION: Waive further reading and adopt Urgency Ordinance No. 02-641U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING BY REFERENCE TITLE 26 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA BUILDING CODE, 2001 EDITION; TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA ELECTRICAL CODE, 2001 EDITION; TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA PLUMBING CODE, 2001 EDITION; TITLE 29 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA MECHANICAL CODE, 2001 EDITION; AND TITLE 32 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA FIRE CODE, 2001 EDITION;

MAKING AMENDMENTS TO SAID CODES; AMENDING CHAPTERS 13.04, 13.08, 13.12 AND 13.16 OF TITLE 13 AND CHAPTERS 14.04 AND 14.08 OF TITLE 14 OF THE WEST HOLLYWOOD MUNICIPAL CODE; AND DECLARING THE URGENCY THEREOF."

ACTION: Moved to the Consent Calendar as Item 2.EE.

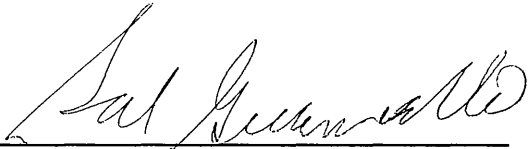
COUNCILMEMBER COMMENTS:

Councilmember Heilman requested that the meeting be adjourned in memory of Sam Lucas' grandmother.

The Council recessed back into Closed Session at 10:00 PM and reconvened at 10:03 PM with no reportable action.


ADJOURNMENT: The City Council adjourned at 10:03 PM to Monday, October 14, 2002 at 6:00 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard to discuss the West Hollywood Library and Park Master Plan. The next regular City Council meeting will be held on Monday, October 21, 2002 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 OCTOBER, 2002.



MAYOR

ATTEST:



TONY RUSSELL, CITY CLERK