

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, MARCH 18, 2002
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Heilman called the meeting to order at 6:33 P.M.

PLEDGE OF ALLEGIANCE: Claire Vontrosky led the pledge.

ROLL CALL:

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

ABSENT: None.

ALSO PRESENT: City Attorney Mike Jenkins, City Manager Paul Arevalo, City Clerk Russell and Assistant City Clerk Taylor.

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins stated that the closed session convened at 6:00 P.M. and adjourned at 6:20 P.M. with no reportable action.

APPROVAL OF AGENDA:

Councilmember Prang requested that Item 2.T. be moved to Excluded Consent and he also noted his abstention on Item 2.J.

Councilmember Martin requested that Item 2.V. be moved to Excluded Consent.

Mayor Heilman requested that the meeting be adjourned in memory of John Perez's mother and Ira Handleman's father Robert H. Handleman.

Mayor Heilman requested to add an Item be added to the Agenda titled " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF TITLE IV THE FARM BILL REGARDING THE FOOD STAMP PROGRAM REAUTHORIZATION."

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 Guarriello and seconded by Councilmember Martin to add the Urgency item to the Consent Calendar as Item 2.X. Motion carried unanimously.**

ACTION: Approve the March 18, 2002 agenda as amended. **Moved by Councilmember Martin and seconded by Mayor Pro Tempore Guarriello to approve the agenda as amended. Motion carried unanimously,**

PRESENTATIONS:

Mayor Pro Tempore Guarriello presented a Senior Plaque to Ruth Bennett in recognition of her 88th birthday.

Mayor Heilman presented a proclamation to Mildred Ramos-Mojoros for her service with the City.

Mayor Heilman presented a proclamation to Jovino Nevarez, Manager of Koo Koo Roo Restaurant for their community service.

Mayor Heilman presented a proclamation to Paula Holt, Manager of the Tiffany Theater for her tireless service and dedication to the arts.

PUBLIC COMMENT:

JAMES FUHRMAN, WEST HOLLYWOOD, spoke regarding four letters that the Alcohol and Beverage Commission received from government officials in support of the Lobster Bay.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding housing and rent control issues and he also announced his candidacy for the March 2003 City Council elections.

CHRISTOPHER CALHOUN, WEST HOLLYWOOD, thanked the City for their continued support of the Speaker Rights Series and the City's continued support for civil liberties.

BRAD KEISTLER, WEST HOLLYWOOD, spoke regarding cycling in the City. He asked the City to encourage more cycling.

ERIC HUGHES, WEST HOLLYWOOD, thanked the City for the quick response to the Cory and Phyllis Avenue intersection problem.

MR. WIESMAN, WEST HOLLYWOOD spoke regarding Section 8 housing and how it effects the senior population of the City.

COUNCILMEMBER COMMENTS:

Mayor Pro Tempore Guarriello announced that the Council Reorganization Meeting will be held on Monday, April 8, 2002 at the Pacific Design Center in the Silver Theater.

Mayor Heilman announced that the next Human Rights Speakers series would be Tuesday, March 19, 2002 at the Pacific Design Center Silver Theater. He also announced that the West Hollywood Orchestra would be performing on Saturday, March 23, 2002 at Fiesta Hall.

CITY MANAGER'S REPORT: None.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk Russell stated that the fiscal impact on the Consent Calendar as amended for Monday, March 18, 2002 is \$244,195 in expenditures and a \$ 0.00 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the items as amended.

2.A.,B.,C.,D.,E.,F.,G.,H.,I.,J.,K.,L.,M.,N.,N.,O.,P.,Q.,R.,S.,U.,W.,X Moved by Mayor Pro Tempore Guarriello and seconded by Councilmember Prang to approve the Consent Calendar as amended. Motion carried noting Councilmember Prangs **ABSTENTION** on Item 2.J.

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, March 18, 2002 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, March 14, 2002.

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

2.B. APPROVAL OF MINUTES:

ACTION: Approve the minutes of March 4, 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. 458, RESOLUTION NO. 02-2655:

ACTION: Approve Demand Register No. 458 and adopt Resolution No. 02-2655, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 458" **Approved as part of the Consent Calendar.**

2.E. TREASURER'S REPORT:

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

2.F. CLAIMS ADMINISTRATION:

ACTION: Deny the claims of Rozita Nazarian, Barbara and Ray Bubar and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.G. ORDINANCE NO. 02-622 (2ND READING) AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AND THE BOARD OF ADMINISTRATION OF CALIFORNIA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM:

ACTION: Waive further reading and adopt Ordinance No. 02-622, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AND THE BOARD OF ADMINISTRATION OF CALIFORNIA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM." **Approved as part of the Consent Calendar.**

2.H. APPEAL OF THE CULTURAL HERITAGE COMMISSION'S RECOMMENDATION TO DESIGNATE THE BUILDING LOCATED AT 8806 BEVERLY BOULEVARD (FORMERLY KNOWN AS THE HERMAN MILLER FURNITURE SHOWROOM) AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD:

ACTION: Adopt Resolution No. 02-2648 R, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD GRANTING THE APPEAL OF JEFFREY SEYMOUR AND DENYING THE DESIGNATION OF THE BUILDING LOCATED AT 8806 BEVERLY BOULEVARD (FORMERLY KNOWN AS THE HERMAN MILLER FURNITURE SHOWROOM) AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD." **Approved as part of the Consent Calendar.**

2.I. AMENDMENT TO THE JANUARY 22, 2002 CITY COUNCIL MINUTES:

ACTION: Approve amending the January 22, 2002 City Council minutes by changing the Demand Register No. 454 Resolution Number from 02-2627 to 02-2633. **Approved as part of the Consent Calendar.**

2.J. CONTRACT FOR GRAPHIC DESIGN SERVICES:

ACTION: Approve a contract for professional services with Better World Advertising in an amount not to exceed \$35,000; and 2) Authorize the City Manager to sign. **Approved as part of the Consent Calendar. Noting Councilmember Prangs ABSTENTION.**

- 2.K. APPROVAL TO ISSUE REQUEST FOR PROPOSAL (RFP) FOR CITYWIDE COMPREHENSIVE TRANSIT NEEDS ANALYSIS:**
ACTION: Authorize staff to issue an RFP for development of a citywide transit needs study and strategic plan for transportation service improvement. **Approved as part of the Consent Calendar.**
- 2.L. APPROVAL TO ISSUE REQUEST FOR PROPOSAL (RFP) FOR DEVELOPMENT OF A BICYCLE AND PEDESTRIAN MASTER PLAN:**
ACTION: Authorize staff to issue an RFP for development of a bicycle and pedestrian master plan for the City of West Hollywood. **Approved as part of the Consent Calendar.**
- 2.M. ADJUSTMENT OF THE FINAL CONTRACT COST FOR THE SANTA MONICA BOULEVARD REHABILITATION PROJECT:**
ACTION: Authorize a payment in the amount of \$42,984.50 to Sialic Contractors (d.b.a. Shawnan) for an adjustment to the final cost for the construction of the Santa Monica Boulevard Rehabilitation Project. **Approved as part of the Consent Calendar.**
- 2.N. PROPOSED RESOLUTION OPPOSING PRESIDENT BUSH'S PROPOSED WELFARE REFORM AGENDA:**
ACTION: Adopt Resolution No. 02-2656, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING PRESIDENTS BUSH'S PROPOSED WELFARE REFORM AGENDA;" and 2) Direct staff to send signed copies to appropriate groups and legislators. **Approved as part of the Consent Calendar.**
- 2.O. PROPOSED RESOLUTION OF PRESIDENT CLINTON'S BAN ON SNOWMOBILES IN YELLOWSTONE AND GRAND TETON NATIONAL PARKS:**
ACTION: 1) Adopt Resolution No. 02-2657, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF PRESIDENT CLINTON'S BAN ON SNOWMOBILES IN YELLOWSTONE AND GRAND TETON NATIONAL PARKS;" and 2) Direct staff to send signed copies of the resolution to President George W. Bush and appropriate legislators. **Approved as part of the Consent Calendar.**
- 2.P. PROPOSED RESOLUTIONS IN SUPPORT OF SB 564 (SPEIR), A BILL REQUIRING VIOLENCE PREVENTION EDUCATION FOR COUNSELORS; SB 580 (FIGUEROA), A BILL CREATING A UNIFORM DOMESTIC VIOLENCE REPORTING FORM; AND A PROPOSED RESOLUTION IN OPPOSITION TO SB 1283 (HAYNES), A BILL PROVIDING THAT BEING A VICTIM OF DOMESTIC VIOLENCE IS THE**

“GOOD CAUSE” REQUIRED FOR THE ISSUANCE OF A CONCEALED WEAPON PERMIT:

ACTION: 1) Adopt Resolution No. 02-2658, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF SB 564 (SPEIER), A BILL REQUIRING VIOLENCE PREVENTION EDUCATION FOR COUNSELORS;" 2) Adopt Resolution No. 02-2659, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF SB 580 (FIGUEROA), A BILL CREATING A UNIFORM DOMESTIC VIOLENCE REPORTING FORM;" and 3) Adopt Resolution No. 02-2660, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN OPPOSITION TO SB 1283 (HAYNES), A BILL PROVIDING THAT BEING A VICTIM OF DOMESTIC VIOLENCE IS THE “GOOD CAUSE” REQUIRED FOR THE ISSUANCE OF A CONCEALED WEAPON PERMIT IN CALIFORNIA."

Approved as part of the Consent Calendar.

2.Q. AGREEMENT FOR SERVICES WITH CIVIC SOLUTIONS, INC. FOR PROFESSIONAL PLANNING SERVICES FOR THE PLANNING DIVISION:

ACTION: 1) Approve the agreement for Professional Planning Services with Civic Solutions, Inc. in an amount not to exceed thirty-two thousand dollars (\$32,000) for planning services in the Planning Division; and 2) Authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

2.R. RESIGNATION OF DENA SAUR FORM THE DISABILITIES ADVISORY BOARD:

ACTION: Accept with regret the resignation of Dena Saur from the Disabilities Advisory Board. **Approved as part of the Consent Calendar.**

2.S. RESIGNATION OF MARINA BERKMAN FROM THE RUSSIAN ADVISORY BOARD:

ACTION: Accept with regret the resignation of Marina Berkman from the Russian Advisory Board. **Approved as part of the Consent Calendar.**

2.T. PROPOSED RESOLUTION OPPOSING ASSEMBLY BILL 680 (STEINBERG), REALLOCATING SALES TAX:

ACTION: Moved to Excluded Consent.

2.U. REQUEST FOR APPROVAL OF CONTRACT FOR EIP ASSOCIATES FOR CONSULTING SERVICES ON PHASE I OF THE GENERAL PLAN REVISION PROJECT:

ACTION: Approve an agreement with EIP Associates in the amount of \$104,210 for consulting services; and 2) Authorize the City Manager to execute the contract. **Approved as part of the Consent Calendar.**

**2.V. CO-SPONSORSHIP OF AMNESTY INTERNATIONAL/CHILDREN UNITING NATIONS OSCAR PARTY:
ACTION: Moved to Excluded Consent.**

**2.W. CONTRACT FOR BILLBOARD SPACE:
ACTION:** Approve a contract for billboard space with Viacom Outdoor in an amount not to exceed \$30,000; and 2) Authorize the City Manager to sign it. **Approved as part of the Consent Calendar.**

**2.X. PROPOSED RESOLUTION IN SUPPORT OF TITLE IV OF THE FARM BILL REGARDING FOOD STAMP PROGRAM REAUTHORIZATION:
The City Council will consider adopting a resolution in support of the Farm Bill (Title IV) regarding the food stamp program reauthorization.
RECOMMENDATION:** 1) Adopt Resolution No. 02-2662, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF TITLE IV OF THE FARM BILL REGARDING THE FOOD STAMP PROGRAM REAUTHORIZATION;" and 2) Send copies to House and Senate Farm Bill Conferees. **Approved as part of the Consent Calendar.**

THE CITY COUNCIL WILL RECESS AND RECONVENE AS THE WEST HOLLYWOOD HOUSING AUTHORITY: 7:05 P.M.

THE WEST HOLLYWOOD HOUSING AUTHORITY WILL RECESS AND RECONVENE AS THE CITY COUNCIL: 7:10 P.M.

3. PUBLIC HEARINGS: None.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. ASSIGNMENT AGREEMENT BETWEEN THE CITY OF HAWTHORNE AND THE CITY OF WEST HOLLYWOOD FOR THE EXCHANGE OF PROPOSITION A LOCAL RETURN FUNDS:

Joan English, Director, Transportation and Public Works provided background information as outlined in the staff report dated March 18, 2002.

RECOMMENDATION: 1) Approve a Proposition A fund trade agreement with the City of Hawthorne for \$700,000 West Hollywood General Funds in exchange for \$1,000,000 City of Hawthorne Proposition A Funds; 2) Authorize the City Manager to execute the agreement; 3) Authorize the Director of Finance to allocate \$695,270 from the unallocated reserves in the general funds and to increase budgeted general fund expenditures,

Account No. 100-8030-7580, by \$695,270; and 4) Authorize the Director of Finance to increase budgeted revenues in the Proposition A Fund, Account No. 218-0000-4800 by \$613,650.

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

5.B. AUTHORIZE STAFF TO ISSUE A REQUEST FOR QUALIFICATIONS FOR DEVELOPERS FOR THE ADAPTIVE REUSE OF FIRE STATION #7:

David Wilson, Development Specialist II, provided background information as outlined in the staff report dated March 18, 2002.

In response to Mayor Heilman, Ms. Winderman, stated that it would be easier to manage the property as for sale units than as rental units. She also stated that the resale value would be restricted by a covenant deed.

In response to Mayor Pro Tempore Guarriello, Ms. Winderman, stated that all the EIR requirements will be completed before the property is sold.

In response to Councilmember Duran, Ms. Winderman, stated that the price of the units would be approximately 2 ½ times the income of the potential buyer.

LYNN HOOPINGARNER, WEST HOLLYWOOD, spoke in opposition to staff's recommendations.

ROD MCDONALD, WEST HOLLYWOOD, requested that the neighborhood association be involved in the development process of this property.

RECOMMENDATION: Authorize staff to issue a Request for Qualification for developers to renovate Fire Station #7 located at 954 North Hancock Avenue into three affordable housing units for home ownership.

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

5.C. PROPOSED MODIFICATION OF CLUB 7969 SUSPENSION:

Mike Jenkins, City Attorney provided background information as outlined in the staff report dated March 18, 2002.

KAM KAMRAN, WEST HOLLYWOOD, spoke in support of Club 7969 and staff's recommendation.

SAM FLORES, WEST HOLLYWOOD, spoke in support of Club 7969 and staff's recommendation.

GARY ZIMMERMAN, WEST HOLLYWOOD, spoke in support of Club 7969 and staff's recommendation.

MATT GILMORE, WEST HOLLYWOOD, spoke in support of Club 7969 and staff's recommendation.

Councilmember Martin stated that the City monitor should review the Business License tape and the administrative record and meet with the residents to gain an overview of the entire situation.

In response to Mayor Pro Tempore Guarriello, Mr. Jenkins stated that the agreement does provide for how many days the club will be open in the first 30 days.

Councilmember Duran stated that the business owner is willing to work with the City to make the necessary changes and that the settlement agreement would give the City more control to enforce code violations at the club.

Councilmember Prang stated that he was not happy with the compromise and he felt the City has failed to protect the neighborhood. He also stated that maintaining the neighborhood's confidence in City Hall should be the most important factor. He stated that if the court overruled the City's decision, the City would lose control in enforcing the current code violations at the club.

Councilmember Martin expressed his concern with the process that the Business License Commission and the City took concerning Club 7969. He agreed that it is the City's responsibility to protect neighborhoods, but it also stated that it's the City's responsibility to provide due process of the law. He stated that the agreement that is presented is fair and equitable to both parties.

Mayor Heilman stated that this is simple issue and this agreement settles a pending lawsuit against the City. He further stated that the settlement agreement provides for a new management team, sound mitigation plan, and a parking plan. He also stated that it's not the City's intention to close businesses but if they can not follow the regulations, the City must provide ways to close them. He stated that we have a club owner who wants to operate within the City and is willing to make the necessary changes to make sure the club complies with City codes.

RECOMMENDATION: The City Attorney recommends that the Council consider the agreement as presented.

ACTION: Moved by Mayor Heilman and seconded by Councilmember Martin to approve the Agreement to Stay Suspension of Business License for Club 7969. Motion carried unanimously.

EXCLUDED CONSENT CALENDAR:

2.T. PROPOSED RESOLUTION OPPOSING ASSEMBLY BILL 680 (STEINBERG), REALLOCATING SALES TAX:

Councilmember Prang stated that the state receives a considerable amount of money from sales tax and vehicle licensing fees. He also stated that he is not in favor of the bill in its entirety but at least the Assemblyman has the courage to address the issue in away that could start a discussion to possibly change the way the state reallocates its sales tax.

Mayor Heilman stated that this was a priority issue for the League of Cities. He recommended that the City not take a position on this bill.

Councilmember Martin stated that he felt the bill would penalize the City of West Hollywood and smaller cities and that it would adversely affect the way the City funds social services and law enforcement programs.

Councilmember Duran stated that the Council should oppose Assembly Bill 680. He also stated that if the City is going to be the playground for Southern California, the City should not have to share its revenue with neighboring cities.

ACTION: 1) Adopt Resolution No. 02-2661, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING ASSEMBLY BILL 680 (STEINBERG), REALLOCATING SALES TAX; and 2) Direct staff to forward copies of the resolution to the State Legislators and the Governor.

ACTION:

Motion #1

Moved by Councilmember Prang and seconded by Mayor Pro Tempore Guarriello to receive and file the item. Motion failed on a Roll Call vote:

AYES: Councilmember: Prang and Mayor Heilman
NOES: Councilmember: Duran, Martin and Mayor Pro Tempore Guarriello.
ABSENT: Councilmember: None.

Motion #2

Moved by Councilmember Duran and seconded by Councilmember Martin to approve staff's recommendation. Motion carried on a Roll Call vote:

AYES: Councilmember: Duran, Martin and Mayor Pro Tempore Guarriello.
NOES: Councilmember: Prang and Mayor Heilman.
ABSENT: Councilmember: None.

2.V. CO-SPONSORSHIP OF AMNESTY INTERNATIONAL/CHILDREN UNITING NATIONS OSCAR PARTY:

Councilmember Martin stated that he was delighted that the event was going to occur and the City was going to co-sponsor the event.

In response to Councilmember Martin question Mayor Heilman stated that the City Manager is responsible for facilitating all of the Oscar night parties that happen within the City.

ACTION: 1) Approve co-sponsorship of event; 2) Approve waiver of all associated fees and in-kind services (detail in fiscal analysis); and 3) Allocate funds from undesignated reserves in the amount of \$7,000 to Public Safety Division line item 100-4000-8408 for security and traffic control services for Amnesty International/Children Uniting Nations Oscar Party.

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

PUBLIC COMMENT: None.

6. LEGISLATIVE: None.

COUNCILMEMBER COMMENTS: None.

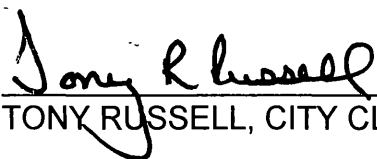
ADJOURNMENT: The City Council adjourned at 8:10 P.M. in memory of John Perez's mother and Ira Handleman's father, Robert H. Handleman. The next regular meeting will be on Monday, April 1, 2002 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 1st
DAY OF APRIL, 2002.



MAYOR

ATTEST:



TONY RUSSELL, CITY CLERK