

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, JUNE 17, 2002
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Guarriello called the meeting to order at 6:53 P.M.

PLEDGE OF ALLEGIANCE: Jerome Cleary 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 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. Council added two items to the Closed Session Agenda: one item of Pending Litigation; Tohl vs. City of West Hollywood and one item of Threatened Litigation. The meeting adjourned at 6:40 P.M. with no reportable action.

APPROVAL OF AGENDA:

Councilmember Prang requested that an Item be added to the Agenda titled " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD URGING WEST HOLLYWOOD FEDERAL REPRESENTATIVES TO INTERVENE ON BEHALF OF THE LOS ANGELES CANNABIS RESOURCE CENTER TO HALT PROSECUTION AND ASSET FORFEITURE EFFORTS BY THE DRUG ENFORCEMENT AGENCY AND U.S. DEPARTMENT OF JUSTICE."

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 Urgency item to the Consent Calendar as Item 2.BB. Motion carried noting Councilmember Duran ABSTENTION.**

Councilmember Heilman requested that Item 2.N. and 2.O. be moved to Excluded Consent and he also noted his NO vote on Item 2.S.

Mayor Pro Tempore Martin requested that Item 2.AA. be moved to Excluded Consent.

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

ACTION: Moved by Councilmember Prang and seconded by Mayor Guarriello to approve the June 17, 2002 agenda as amended. Motion carried unanimously.

PRESENTATIONS:

Joan Twiss and Heather Paulson from California Healthy Cities and Communities Program presented a plaque to the City in recognition of its work addressing California Healthy Cities initiatives.

Mayor Guarriello presented a commendation to the Tri-West Resident's Association for their participation in their neighborhood clean up project.

Mayor Guarriello proclaimed the month of June as Lesbian, Gay, Bisexual, Transgender Pride Month.

Peter Mackler presented a proclamation to the City from Governor Davis proclaiming the month of June 2002 as Gay and Lesbian Pride Month.

Councilmember Prang presented a plaque to Jerome Cleary for his service on the Lesbian and Gay Advisory Board.

PUBLIC COMMENT:

HILLARY SELVIN, WEST HOLLYWOOD, spoke regarding the recently held District 1 Permit Parking Community Hearing. She stated that the business community is willing to work with the neighborhood to resolve the problem.

BARBARA KRUPA, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 2.CC.

PAUL SCHOENING, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 2.CC.

LORIA KARNEY, LOS ANGELES, thanked Council for their continued support of the Women Helping Women Service program in West Hollywood.

RON FUDGE, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 2.CC.

JAMES FUHRMAN, WEST HOLLYWOOD, spoke regarding Council's use of Public Funds for out of town trips.

VIVIAN KESSEDJIAN, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 2.CC.

ALLYSON CHASE, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 2.CC.

AGATHA SZATUARY, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 2.CC.

TOM MITCHELL, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 2.CC.

GLORIA VASSY, WEST HOLLYWOOD, spoke regarding the increase of rapes against women in the City and presented Council with an informational piece.

ROSLYN KRAUSE, WEST HOLLYWOOD, spoke in opposition to the proposed Veterans Memorial.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding the recent ruling by the Supreme Court concerning door to door solicitation.

COUNCILMEMBER COMMENTS:

Councilmember Prang requested that the meeting be adjourned in memory of Ruby Cedillo.

Councilmember Duran announced a tree planting honoring Morris Kight, to be held on Tuesday, June 18, 2002 at 7:00 P.M. at Mathew Sheppard Park.

Councilmember Heilman requested that Transportation staff look into possible illegal commercial parking on Ogden Street.

CITY MANAGER'S REPORT:

City Manager Arevalo asked Captain Castro to provide an overview of the rapes reported within the City. He also addressed the noticing to property owners who have constructed improvements in the public right-of-way.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk Russell stated that the fiscal impact on the Consent Calendar as amended for Monday, June 17, 2002 is \$533,336 in expenditures and \$376,697 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.,P.,Q.,R.,S.,T.,U.,V.,W.,X.,Y.,Z.,BB., (Urgency Item),CC. (Item 6.A.). Moved by Councilmember Prang and seconded by Mayor Guarriello to approve the Consent Calendar as amended. Motion carried with Councilmember Heilman voting NO on Item 2.S. and noting Councilmember Duran ABSTENSION on Item 2.BB.

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, June 17, 2002 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, June 13, 2002.

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

2.B. APPROVAL OF MINUTES:

ACTION: Approve the minutes of May 13, 2002, May 20, 2002 and June 3, 2002. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 464, RESOLUTION NO. 02-2716:

ACTION: Approve Demand Register No. 464 and adopt Resolution No. 02-2716, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 464." **Approved as part of the Consent Calendar.**

2.D. TREASURER'S REPORT FOR APRIL 2002:

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

2.E. CLAIMS ADMINISTRATION:

ACTION: Deny the claims of Mike Mikaelian d/b/a Karlo's Auto Repair, Bella Portigul, Thomas McDustrell, Darcel Dubois and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.F. ORDINANCE NO. 02-627 (2ND READING):

ACTION: Waive further reading and adopt Ordinance No. 02-627, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING RULE OF CONDUCT FOR CITY COMMISSIONS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.G. GRANT APPLICATION AND EXPENDITURE PLAN FOR THE LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG):

ACTION: 1) Authorize staff to apply and accept, if applicable, the US Department of Justice's Bureau of Justice Assistance allocation to the City of West Hollywood of \$87,647 for the Local Law Enforcement Block Grant (LLEBG) program for Federal Fiscal Year 2002. (This grant dictates a \$9,739 match from

City funds); 2) Authorize the Director of Finance to adjust the budget to reflect the actual grant award \$87,647 including the required matching general fund contribution \$9,739 of the grant amount; 3) Authorize the expenditure of LLEBG funds and matching City funds for the continuation of the City Parks Security Officer Patrol Program; 4) Authorize the expenditure of remaining grant funds to be used for special patrols as necessary with the approval of the City Manager, the Public Safety Manager, and the Sheriff's Captain; and 5) Authorize the City Manager to reprogram all savings and interest earnings towards special patrols. **Approved as part of the Consent Calendar.**

2.H. MID-YEAR REPORT ON SOCIAL SERVICES PROGRAMS:

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

2.I. RELEASE REQUEST FOR PROPOSAL FOR SOCIAL SERVICES PROVISION:

ACTION: Authorize the release on June 25, 2002 the RFP for Social Services provisions. **Approved as part of the Consent Calendar.**

2.J. SOCIAL SERVICES CONTRACT EXTENSIONS:

ACTION: Approve the extension of contracts for Social Services provisions as itemized on the attachment for 30 days, from October 1, 2002 to November 1, 2002. **Approved as part of the Consent Calendar.**

2.K. SUPPLEMENTAL AGREEMENT WITH THE MOOTE GROUP FOR TECHNICAL SUPPORT SERVICES ON THE SANTA MONICA BOULEVARD REHABILITATION PROJECT:

ACTION: 1) Approve a Supplemental Agreement with the Moote Group for technical support services for the Santa Monica Boulevard Rehabilitation Project; and 2) Authorize the City Manager to execute the Agreement. **Approved as part of the Consent Calendar.**

2.L. DETERMINING THE COST OF STREET MAINTENANCE FOR FISCAL YEAR 2002-2003 AND DETERMINING AND IMPOSING A STREET MAINTENANCE ASSESSMENT WITH 1996 STREET MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2002-2003 PURSUANT TO THE PROVISIONS OF THE BENEFIT ASSESSMENT ACT OF 1982, CHAPTER 6.4 OF PART 1 OF DIVISION 2 OF TITLE 5 OF THE CALIFORNIA GOVERNMENT CODE:

ACTION: Adopt Resolution No. 02-2717, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DETERMINING THE COST OF STREET MAINTENANCE FOR FISCAL YEAR 2002-2003 AND DETERMINING AND IMPOSING A STREET MAINTENANCE ASSESSMENT WITHIN 1996 STREET MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2002-2003 PURSUANT TO THE PROVISIONS OF THE BENEFIT ASSESSMENT ACT OF 1982, CHAPTER 6.4 OF PART 1 OF DIVISION 2 OF TITLE 5 OF THE CALIFORNIA GOVERNMENT CODE." **Approved as part of the Consent Calendar.**

- 2.M. REPORT ON PALM VIEW APARTMENTS OWNED AND OPERATED BY THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.N. RUSSIAN CULTURAL FESTIVAL:**
ACTION: Moved to Excluded Consent.
- 2.O. AWARD OF CONTRACT FOR CITYWIDE STREET SWEEPING SERVICES FOR FISCAL YEAR 2002-2003 AND FISCAL YEAR 2003-2004:**
ACTION: Moved to Excluded Consent.
- 2.P. A RESOLUTION SUPPORTING JEWISH FAMILY SERVICES' OAA TITLE IV DEMONSTRATION PROJECT REQUEST TO FUND SENIOR PROGRAMS:**
ACTION: Adopt Resolution No. 02-2718, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING JEWISH FAMILY SERVICES' OAA TITLE IV DEMONSTRATION PROJECT REQUEST TO FUND SENIOR PROGRAMS." **Approved as part of the Consent Calendar.**
- 2.Q. AGREEMENT WITH KATZ, OKITSU & ASSOCIATES FOR TRAFFIC ENGINEERING SERVICES:**
ACTION: 1) Approve an agreement with Katz, Okitsu & Associates in an amount not-to-exceed \$85,000 for as-needed traffic engineering services for Fiscal Year 2002-2003; and 2) Authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**
- 2.R. CALENDAR YEAR 2001 SUMMARY REPORT ON THE ADMINISTRATIVE REMEDIES PROGRAM OF THE CITY OF WEST HOLLYWOOD:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.S. APPROVAL OF THE REDESIGN OF THE CITY'S OFFICIAL PROCLAMATION AND THE WEST HOLLYWOOD RAINBOW KEY AWARD:**
ACTION: Authorize the Public Information Adjudicative Services Department to implement the new proclamation design and Rainbow Key Award design. **Approved as part of the Consent Calendar with Councilmember Heilman voting NO.**
- 2.T. SUPPLEMENTAL PROFESSIONAL SERVICE AGREEMENT WITH HUNTER – KENNEDY AND ASSOCIATES:**
ACTION: Approve a supplemental agreement with Hunter-Kennedy Associates, Inc. in an amount not-to-exceed \$40,000 to ensure compliance with the requirements of the National Pollutant Discharge Elimination Systems (NYPDES) Permit for the City of West Hollywood; and 2) Authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

- 2.U. A RESOLUTION APPROVING AMENDMENTS TO THE 1998 VARIABLE RATE DEMAND REFUNDING CERTIFICATES OF PARTICIPATION WITH THE WEST HOLLYWOOD PUBLIC FACILITIES CORPORATION:**
ACTION: 1) Adopt Resolution No. 02-2719, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING AND DIRECTING EXECUTION OF AMENDMENTS TO CERTAIN LEASE FINANCING DOCUMENTS, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO;" and 2) Authorize the City Manager to execute the related documents for both the 1995 Certificates of Participation – Series C and 1998 Variable Rate Refunding Certificates of Participation. **Approved as part of the Consent Calendar.**
- 2.V. A RESOLUTION IN SUPPORT OF AB 1433 (HORTON) AND AB 2428 (CARREA):**
ACTION: 1) Adopt Resolution No. 02-2720, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 1433 (HORTON) AND AB 2428 (CORREA) WHICH INCREASE BENEFITS TO THOSE IN MILITARY RESERVES;" and 2) Send copies to Assemblymembers Horton and Correa and other appropriate legislators. **Approved as part of the Consent Calendar.**
- 2.W. HEALTH BENEFITS COMMITTEE REPORT:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.X. CHANGE IN THE METHOD FOR CALCULATING THE GANN LIMIT:**
ACTION: Adopt Resolution No. 02-2721, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING RESOLUTION NO. 02-2715 REGARDING THE METHOD OF CALCULATING THE GANN LIMIT." **Approved as part of the Consent Calendar.**
- 2.Y. APPROVAL OF AN AMENDMENT TO THE AGREEMENT WITH DAPEER, ROSENBLIT & LITVAK, LLP FOR PROSECUTIONS SERVICES:**
ACTION: Approve the amendment with Dapeer, Rosenblit & Litvak, LLP increasing the hourly rate for prosecution services to \$130; and authorize the City Manager to execute the Amendment. **Approved as part of the Consent Calendar.**
- 2.Z. DEDICATION OF A TREE IN HONOR OF MORRIS KIGHT:**
ACTION: 1) Direct staff to purchase a Chinese Magnolia tree in an amount not-to-exceed \$300; and 2) Direct staff to purchase a commemorative plaque in an amount not-to-exceed \$200. **Approved as part of the Consent Calendar.**
- 2.AA. PROPOSED SIDEWALK CAFÉ ENCROACHMENT FEES FOR FISCAL YEAR 2002-2003:**
ACTION: Moved to Excluded Consent.

2.BB. A RESOLUTION URGING WEST HOLLYWOOD'S FEDERAL REPRESENTATIVES TO INTERVENE ON BEHALF OF THE LOS ANGELES CANNABIS RESOURCE CENTER TO HALT PROSECUTION AND ASSET FORFEITURE EFFORTS BY THE DRUG ENFORCEMENT AGENCY AND U.S. DEPARTMENT OF JUSTICE:

ACTION: 1) Adopt Resolution No. 02-2728, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD URGING WEST HOLLYWOOD'S FEDERAL REPRESENTATIVES TO INTERVENE ON BEHALF OF THE LOS ANGELES CANNABIS RESOURCE CENTER TO HALT PROSECUTION AND ASSET FORFEITURE EFFORTS BY THE DRUG ENFORCEMENT AGENCY AND U.S. DEPARTMENT OF JUSTICE;" and 2) Send signed copies of the resolution to U.S. Senators Barbara Boxer and Dianne Feinstein and U.S. Congressman Henry Waxman. **Approved as part of the Consent Calendar noting Councilmember Duran ABSTENTION.**

2.CC. IMPLEMENTATION OF DISTRICT 8 PREFERENTIAL PARKING REGULATIONS ON OGDEN DRIVE:

ACTION: Introduce for first reading Ordinance No. 02-628, "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 OGDEN DRIVE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

THE CITY COUNCIL RECESSED AND RECONVENED AS THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION: 8:02 P.M.

THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION RECESSED AND RECONVENED AS THE WEST HOLLYWOOD PUBLIC FACILITIES CORPORATION: 8:36 P.M.

THE WEST HOLLYWOOD PUBLIC FACILITIES CORPORATION RECESSED AND RECONVENED AS THE CITY COUNCIL: 8:38 P.M.

3. PUBLIC HEARINGS:

3.A. ASSESSMENT OF DELINQUENT SOLID WASTE FEES OWED TO WEST HOLLYWOOD RECYCLING SERVICES ONTO THE PROPERTY TAX BILL OF FOUR DELINQUENT ACCOUNT HOLDERS:

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

Sharon Perlstein, City Engineer, provided background information as outlined in the staff report dated June 17, 2002.

Mayor Guarriello opened the Public Hearing and the following speaker came forward:

DAN LASHEN, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

Mayor Guarriello closed the public hearing.

RECOMMENDATION: Direct the Director of Finance to submit the required information to the County Tax Assessor for the purpose of assessing the delinquent solid waste amount, plus a \$120.00 administrative fee, onto the property tax bills of the delinquent account holders.

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

3.B. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 FOR THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT:

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

Alison Maxwell, Development Specialist, provided background information as outlined in the staff report dated June 17, 2002.

Mayor Guarriello opened the Public Hearing and no speakers came forward:

Mayor Guarriello closed the public hearing.

RECOMMENDATION: Adopt Resolution No. 02-2722, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD, AND LEVYING AN ASSESSMENT FOR FISCAL YEAR 2002-2003 IN CONNECTION WITH THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT."

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

3.C. A RESOLUTION CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2002-2003 IN CONNECTION WITH THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE:

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

Alison Maxwell, Development Specialist, provided background information as outlined in the staff report dated June 17, 2002.

Mayor Guarriello opened the Public Hearing and one speaker came forward:

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding ongoing street maintenance problems along Santa Monica Boulevard.

Mayor Guarriello closed the public hearing.

RECOMMENDATION: 1) Amend or adopt (as filed) Resolution No. 02-2723, " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2002-2003 IN CONNECTION WITH THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE;" and 2) Receive and file an update on the timeline for the implementation of Zone 2.

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

3.D. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 FOR THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT:

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

Alison Maxwell, Development Specialist, provided background information as outlined in the staff report dated June 17, 2002.

Mayor Guarriello opened the Public Hearing and one speaker came forward:

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding the City's need to increase the advertisement of the Avenue of Arts and Design.

Mayor Guarriello closed the public hearing.

RECOMMENDATION: 1) Adopt Resolution No. 02-2724, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD, AND LEVYING AN ASSESSMENT FOR FISCAL YEAR 2002-2003 IN CONNECTION WITH THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT; and 2) Approve an agreement between the City and the West Hollywood Convention and Visitors Bureau to administer the 2002-2003 Avenues of Art and Design work program; and authorize the City Manager to sign the agreement.

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

3.E. REVIEW OF THE CITY SEWER SERVICE CHARGE FOR FISCAL YEAR 2002-2003:

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

Sharon Perlstein, City Engineer, provided background information as outlined in the staff report dated June 17, 2002.

Mayor Guarriello opened the Public Hearing and no speakers came forward:

Mayor Guarriello closed the public hearing.

RECOMMENDATION: 1) Make a finding that there is no majority protest by property owners within the assessment area; and 2) Order the Director of Finance to place the City Sewer Service Charge on the property tax bill for Fiscal Year 2002-2003.

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

3.F. REVIEW OF THE CITY SOLID WASTE AND RECYCLABLE COLLECTION AND DISPOSAL SERVICE FEE FOR FISCAL YEAR 2002-2003:

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

Sharon Perlstein, City Engineer, provided background information as outlined in the staff report dated June 17, 2002.

Mayor Guarriello opened the Public Hearing and no speakers came forward:

Mayor Guarriello closed the public hearing.

RECOMMENDATION: 1) Make a finding that there is no majority protest by property owners within the assessment area; and 2) Order the Director of Finance to place the City Solid Waste and/ or Recyclable Collection and/or Disposal Service Fee on the property tax bill for Fiscal Year 2002-2003.

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

3.G. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF DEVELOPMENT PERMIT (DVP) 2000-56 AND VARIANCE (VAR) 2001-08 REQUEST TO CONSTRUCT A FOUR-STORY, 15 UNIT CONDOMINIUM BUILDING OVER A SUBTERRANEAN GARAGE LOCATED AT 8788 SHOREHAM DRIVE:

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

Terry Blount, Associate Planner, provided background information as outlined in the staff report dated June 17, 2002.

In response to Councilmember Heilman, Mr. Blount stated that the shape and size of the pull out lane hasn't been determined but it could possibly be the same size of a large delivery truck.

Mayor Guarriello opened the Public Hearing and the following speakers came forward:

ROB GUSHON, LOS ANGELES, applicant, provided an overview of the project. He also described the difference between a pull out lane and a carriage lane and how a pull out lane would be a better fit for the project. He also stated that the entire project conforms to the City's Zoning requirements.

SIBYL ZADEN, WEST HOLLYWOOD, appellant, spoke regarding the traffic congestion on Horn Avenue. She stated that a carriage lane is necessary and it would give finesse to the project design and reduce circulation problems, accommodate trucks, limousines and cars parked on the property.

JEROME CLEARLY, WEST HOLLYWOOD, appellant, stated that the re-design of the project did not fully meet the objectives stated by the Planning Commission. He also stated that the architect did not take into account the neighborhoods opinions regarding the overall projects re-design.

TOM DEMILLE, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

JOHN ALTSCHUL, WEST HOLLYWOOD, spoke regarding the traffic circulation of the project and in support of the Planning Commission decision concerning carriage lanes.

JAMES FUHRMAN, WEST HOLLYWOOD, spoke regarding the inconsistencies of noticing of the public hearing for this item.

BROOK BOISSE, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

RICHARD MAGGIO, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

MIKE PERRY, WEST HOLLYWOOD, spoke in support of staff's recommendation.

YVETTE GILPIN, WEST HOLLYWOOD, spoke in support of staff's recommendation.

SUSANNE MILLER, WEST HOLLYWOOD, spoke in support of staff's recommendation.

MARCY DILLINGER, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

DAVID WHEELER, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

SUE BUCKNER, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

JOHN PAUL DRAYER, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

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

DAVID WEISFELD, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

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

CHRIS CLARKIN, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

JEROME CLEARY, WEST HOLLYWOOD, appellant, stated that it would be virtually impossible for the City to legally enforce the developer from converting the third room into an additional bedroom after the project is completed. He also restated that the developer hasn't taken into consideration the neighborhood's concerns regarding traffic flow, the size of the project and the overall aesthetics of the neighborhood.

SIBLY ZADEN, WEST HOLLYWOOD, appellant, stated that the pull out lane is not long enough nor wide enough to accommodate large vehicles. She stated that a carriage lane would be wider and would be exclusive to the building. She also stated that a carriage lane would provide easier access to Horn Avenue and possibly ease traffic congestion along Horn Avenue.

ROB GLUSHON, WEST HOLLYWOOD, applicant spoke regarding the carriage lane proposal and the height and size of the entire project. He also re-stated that the project meets the City's Zoning requirements.

Mayor Guarriello closed the public hearing.

Councilmember Heilman stated that the only issue before Council is the decision to approve either the carriage lane or a pull out lane. He stated that the pull out lane with minor modifications would address the project's overall design and effectiveness.

Councilmember Duran stated that the City is building housing either affordable or at market rate. He stated that he would not have a problem with the pull out lane but would encourage all deliveries to the property to pull into the interior of the property and avoid the use of the pull out lane.

Mayor Pro Tempore Martin stated that he had concerns between a pull out lane and a carriage lane and which would have the least amount of impact on the neighborhood.

Councilmember Prang stated that he agreed in concept with what the residents have presented but he stated that the project meets all of the City's zoning requirements.

Mayor Guarriello stated that he had serious concerns with the third room and the possible lack of required parking for the project if the third room was ever converted to an additional bedroom. He stated that he would support a carriage lane for the project.

RECOMMENDATION: 1) Deny the appeals of Sibyl Zaden and Jerome Cleary, grant the appeal of Bruno Bondanelli; 2) Adopt Resolution No.02-2725, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEALS OF SIBYL ZADEN AND JEROME CLEARY, GRANTING THE APPEAL IN PART OF BRUNO BONDANELLI, AND

CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2000-56 AND VARIANCE 2001-08, ON AN APPLICATION OF BRUNO BONDANELLI, TO PERMIT THE CONSTRUCTION OF A FOUR-STORY, 15 UNIT CONDOMINIUM BUILDING OVER A SUBTERRANEAN GARAGE AT 8788 SHOREHAM DRIVE, WEST HOLLYWOOD;" and 3) Adopt Resolution No. 02-2726, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2001-06 (MINOR LAND DIVISION 53638) FOR THE PROPERTY LOCATED AT 8788 SHOREHAM DRIVE, WEST HOLLYWOOD CALIFORNIA."

ACTION: Moved by Councilmember Heilman and seconded by Councilmember Duran to approve staff's recommendation granting the appeal of Bruno Bondanelli in part and substituting a pull out lane in place of the carriage lane that was approved by the Planning Commission and extending the pull out lane to be sufficient to accommodate at least 3 cars and widen to 11 feet; Deny the appeal of Jerome Cleary and Sybil Zaden; Required disclosure in the CC&R's that the units be 2 bedrooms with no conversion of the den or third room to a bedroom; Require disclosure that the neighborhood and the project is located on the Sunset Strip, which is a highly active area with high impact for noise and traffic; Direct staff to provide adequate signage and markings for the pull out lane; and authorize staff to make minor waivers to the open space requirements to accommodate these changes. Motion carried on a ROLL CALL VOTE:

AYES: Councilmember Duran, Heilman and Prang.

NOES: Mayor Pro Tempore Martin and Mayor Guarriello.

4. UNFINISHED BUSINESS:

4.A. SECOND AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT FOR THE LA BREA GATEWAY PROJECT:

Allyne Winderman, Director of Rent Stabilization and Housing, provided background information as outlined in the staff report dated June 17, 2002.

RECOMMENDATION: Adopt Resolution No. 02-2727, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE SECOND AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH SL WEST HOLLYWOOD, LLC FOR THE SITE GENERALLY REFERRED TO AS 7100 SANTA MONICA BOULEVARD, THE WEST HOLLYWOOD GATEWAY PROJECT AND APPROVING AN ADDENDUM TO THE PREVIOUSLY APPROVED ENVIRONMENTAL IMPACT REPORT."

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

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

NOES: Mayor Guarriello.

5. NEW BUSINESS:

5.A. RUSSIAN VETERANS 25TH ANNIVERSARY RECOGNITION:

Nancy Beard, Recreation Services Administrator, provided background information as outlined in the staff report dated June 17, 2002.

JAMES FUHRMAN, WEST HOLLYWOOD, suggested that veterans groups be grouped together for budget reasons.

RECOMMENDATION: Authorize the Department of Finance and Technology to appropriate up to \$10,000 from the 2001/2002 Fiscal Year Budget, General Fund undesignated reserves, to 100-5010-8160 Special Events Programming – in support of the recognition event.

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

EXCLUDED CONSENT CALENDAR:

2.N. RUSSIAN CULTURAL FESTIVAL:

Councilmember Heilman stated that he had some concerns with the date of the event, which overlaps with a holiday and with the services provided by the promoter. He recommended requiring the promoter to provide a timeline for fundraising for this event.

RECOMMENDATION: 1) Support a cultural event co-sponsored by the Russian Advisory Board and the City of West Hollywood; 2) Authorize the Department of Finance to advance \$3,000 to be repaid by funds raised for the event; 3) Approve a waiver of all special event fees for this event; and 4) Authorize the City Manager to enter into an agreement permitting the event.

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

2.O. AWARD OF CONTRACT FOR CITYWIDE STREET SWEEPING SERVICES FOR FISCAL YEAR 2002-2003 AND FISCAL YEAR 2003-2004:

Councilmember Heilman stated that Santa Monica Boulevard should be swept seven days a week.

RECOMMENDATION: 1) Approve a contract with California Street Maintenance, in an amount not-to-exceed \$359,580 for citywide street sweeping services for fiscal year 2002-2003 and fiscal year 2003-2004; 2) Authorize the City Manager to execute the contract; and 3) Authorize the Director of Finance to appropriate \$14,317 from General Fund Unallocated Reserves to account 100-8040-8527; to reduce the budget in the Sunset Mitigation Fund account 213-8040-8527 by \$14,317 and to reduce the transfer from the General Fund to the Sunset Mitigation Fund by the same amount.

ACTION: Moved by Councilmember Heilman and seconded by Mayor Guarriello to approve staff's recommendation with additional direction that staff return to Council with an amendment to the contract extending street sweeping services on Santa Monica Boulevard to seven days a week. Motion carried unanimously.

2.AA. PROPOSED SIDEWALK CAFÉ ENCROACHMENT FEES FOR FISCAL YEAR 2002-2003:

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the need to increase the encroachment fee charge to \$2.00 a square foot.

HILLARY SELVIN, WEST HOLLYWOOD, spoke in support of staff's recommendation.

Mayor Pro Tempore Martin suggested that this fee should be higher because of the City's budget situation.

RECOMMENDATION: Set the fee for Sidewalk Café Encroachment at \$1 per square foot per month for all permitted locations in the City. Approved as part of the Consent Calendar.

ACTION: Moved by Councilmember Heilman and seconded by Mayor Guarriello to approve staff's recommendation. Motion carried with Mayor Pro Tempore Martin voting NO.

PUBLIC COMMENT:

JOHN PAUL DRAYER, WEST HOLLYWOOD, spoke regarding the wonderful experience with working with Mila Solougb from the Transportation Department.

MICHAEL SIDLER, WEST HOLLYWOOD, spoke regarding the posting of City Council Agendas at the Plummer Park Community Center.

DAVID NASH, WEST HOLLYWOOD, spoke regarding the report on the Palm View Apartments and thanked Council for their continued attention to those who live with AIDS.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the continued left hand turn problem at the corner of Santa Monica Boulevard and Robertson Boulevard.

6. LEGISLATIVE:

6.A. IMPLEMENTATION OF DISTRICT 8 PREFERENTIAL PARKING REGULATIONS ON OGDEN DRIVE:

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

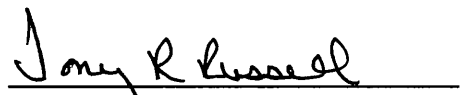
COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 11:25 P.M. in memory of Ruby Cedillo to its next regular meeting to be held on Monday, July 15, 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 15th DAY OF JULY, 2002.


MAYOR

ATTEST:


TONY RUSSELL, CITY CLERK