

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, DECEMBER 2, 2002
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Guarriello called the meeting to order at 6:37 PM.

PLEDGE OF ALLEGIANCE: Rita Norton led the pledge.

ROLL CALL:

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

ABSENT: NONE.

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

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins stated that the Closed Session convened at 6:00 PM and adjourned at 6:25 PM with no reportable action.

APPROVAL OF AGENDA:

Councilmember Heilman requested that the meeting be adjourned in memory of Deputy David Powell.

Mayor Guarriello requested that the meeting be adjourned in memory of Grigory Burban.

ACTION: Moved by Councilmember Prang and seconded by Councilmember Duran to approve the December 2, 2002 Agenda. Motion carried unanimously.

PRESENTATIONS:

Councilmember Duran presented a proclamation declaring World AIDS Day in West Hollywood.

Mayor Guarriello presented the 2002 Paul Andrew Starke Warrior Awards plaques to Pierrie Chambers and John Copeland.

Councilmember Heilman presented the 2002 Paul Andrew Starke Warrior Awards plaque to Charles Karsters.

Councilmember Prang presented the 2002 Paul Andrew Starke Warrior Awards plaque to Dennis Goldson.

Councilmember Duran presented the 2002 Paul Andrew Starke Warrior Awards plaque to Rosslyn Haggerty.

Mayor Pro Tempore Martin presented the 2002 Paul Andrew Starke Warrior Awards plaque to Jeffrey Devore.

Milt Swimmer presented Gateway Project construction hard hats to Councilmembers.

Mayor Pro Tempore Martin presented a proclamation to the Burban Family in efforts to find out the circumstances surrounding the death of Grigory Burban.

PUBLIC COMMENT:

TOM DEMILLE, WEST HOLLYWOOD, spoke on various issues regarding his candidacy for the City Council of the City of West Hollywood.

ANNE KELLOGG, BEVERLY HILLS, spoke in support of staff's recommendation to Item 2.M.

JERRI HESLOV, WEST HOLLYWOOD, read a letter from Captain Lynda Castro in support of the Maple Counseling Center and spoke in support of staff's recommendation to Item 2.M.

MITCHELL DAWSON, BEVERLY HILLS, spoke in support of staff's recommendation to Item 2.M. and thanked Council for their continued support.

LAUREN MEISTER, WEST HOLLYWOOD, presented a \$300.00 check on behalf of West Hollywood West Neighborhood Association to Rita Norton, a member of the West Hollywood Friends of the Library.

PAMELA MORA, WEST HOLLYWOOD, spoke in support of the City purchasing property for a park on Havenhurst Drive.

TODD SHOEMAKER, WEST HOLLYWOOD, spoke regarding code restrictions that effect his restaurant.

DENNIS AYERS, WEST HOLLYWOOD, spoke in support of the City purchasing property for a park on Havenhurst Drive.

COUNCILMEMBER COMMENTS:

Mayor Guarriello provided an update on the recent Sanitation Districts recyclable program. He also announced the National Council of Jewish Women's 5th Annual Holiday Clothing Fair, which will be held December 8, 2002, and that Don Korostky, Associate Transportation Planner, received the 2002 California Parking Professional Award. He also provided an update on the recall of District Attorney Steve Cooley.

Councilmember Heilman announced that on Monday, December 9, 2002 from 7:00 PM to 9:00 PM the Gay and Lesbian Advisory Board will be having a Town Hall meeting to discuss safety issues within the City. He thanked the House of Blues on their tireless efforts to feed the homeless during the Thanksgiving Holiday. He also reported on an incident that occurred during a recent House of Blues performance. He stated that the City Manager and staff would be working on an item to address security issues at clubs within the City.

Councilmember Duran spoke in support of a park at the Havenhurst Community Gardens site. He cautioned the residents that a park might not reduce crime in the neighborhood. He also spoke in support of Item 2.F., the Children's Safety Task Force and asked staff to consider using Public Safety Commission members as a resource. He spoke regarding a need to create a small pox vaccination program within the City. He also provided an overview of the recent Gay & Lesbian Public Officials Conference in Puerto Rico and announced that he would be attending the National League of Cities Conference in Salt Lake City, Utah.

Mayor Pro Tempore Martin spoke regarding the upcoming review of the General Plan and provided an overview of the project. He also stated that there has been a lot of misinformation regarding the House of Blues incident.

CITY MANAGER'S REPORT:

City Manager Arevalo congratulated Councilmember Heilman and Mayor Pro Tempore Martin on their participation in the upcoming AIDS Marathon.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk Russell stated that the fiscal impact on the Consent Calendar, for the Monday, December 2, 2002 Agenda is \$219,000 in expenditures and a reduction of \$300,000 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the items.

2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., 2.N., 2.O. Moved by Mayor Guarriello and seconded by Councilmember Prang to approve the Consent Calendar. Motion carried unanimously.

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, December 2, 2002 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Wednesday, November 27, 2002.

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

2.B. APPROVAL OF MINUTES:

ACTION: Approve the minutes of November 18, 2002. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 473, RESOLUTION NO. 02-2806:

ACTION: Approve Demand Register No. 473 and adopt Resolution No. 02-2806, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 473." **Approved as part of the Consent Calendar.**

2.D. CLAIMS ADMINISTRATION:

ACTION: Deny the claim of King Valet Parking, Inc. and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.E. ORDINANCE NO. 02-642 (2ND READING):

ACTION: Waive further reading and adopt Ordinance No. 02-642, "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 FORMOSA AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.F. CHILDREN'S SAFETY TASKFORCE UPDATE:

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

2.G. PROGRESS REPORT ON THE GENERAL PLAN UPDATE PROCESS:

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

- 2.H. A RESOLUTION IN SUPPORT OF TITLE IX AND DENOUNCING PRESIDENT BUSH'S "OPPORTUNITY IN ATHLETICS" COMMISSION:**
ACTION: 1) Adopt Resolution No. 02-2807, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF TITLE IX AND DENOUNCING PRESIDENT BUSH'S 'OPPORTUNITY IN ATHLETICS' COMMISSION;" and 2) Direct staff to send signed copies of the resolution to appropriate persons. **Approved as part of the Consent Calendar.**
- 2.I. A RESOLUTION DENOUNCING THE UNITED STATES ARMY FOR ITS DISMISSAL OF NINE ARMY LINGUISTS BECAUSE OF THEIR SEXUAL ORIENTATION:**
ACTION: 1) Adopt Resolution No. 02-2808, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENOUNCING THE UNITED STATES ARMY FOR ITS DISMISSAL OF NINE ARMY LINGUISTS BECAUSE OF THEIR SEXUAL ORIENTATION;" and 2) Direct staff to send signed copies of the resolution to appropriate persons. **Approved as part of the Consent Calendar.**
- 2.J. PROPOSED RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY FOR A BROWNFIELDS REVOLVING LOAN CAPITALIZATION FUNDING GRANT - FY 2003 GRANT:**
ACTION: 1) Adopt Resolution No. 02-2809, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION, THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO, AND ANY OTHER DOCUMENTS NECESSARY TO SECURE A BROWNFIELDS REVOLVING LOAN FUND CAPITALIZATION FUNDING GRANT FROM THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY"; and 2) Authorize the City Manager to execute a grant application for a Brownfields Revolving Loan Fund. **Approved as part of the Consent Calendar.**
- 2.K. GENERAL FUND ALLOCATION FOR ASSIGNMENT AGREEMENT BETWEEN THE CITY OF MAYWOOD AND THE CITY OF WEST HOLLYWOOD FOR THE EXCHANGE OF PROPOSITION A LOCAL RETURN FUNDS:**
ACTION: 1) Authorize the Director of Finance to allocate \$195,000 from the unallocated reserves to general fund account 100-8030-7580; and 2) Authorize the Director of Finance to increase budgeted revenues in Prop. A Fund Account 218-000-4800 by \$300,000. **Approved as part of the Consent Calendar.**

2.L. AN AMENDMENT TO THE CITY'S SOLID WASTE FRANCHISE AGREEMENT THAT INCLUDES MIXED PAPER AND NEWSPAPER IN THE LIST OF COMMINGLED RECYCLABLES:

ACTION: Approve an amendment to the Solid Waste and Recyclable Franchise Agreement which adds mixed paper and newspaper to the "commingled recyclables" list; and authorize the City Manager to sign the amendment. **Approved as part of the Consent Calendar.**

2.M. APPROVAL OF A CONTRACT WITH THE MAPLE COUNSELING CENTER FOR CRISIS RESPONSE TEAM SERVICES FOR THE CITY OF WEST HOLLYWOOD:

ACTION: Authorize the City Manager to negotiate and enter into a one-year agreement with The Maple Counseling Center in an amount not-to-exceed \$24,000 for Crisis Response Team services for the City of West Hollywood. **Approved as part of the Consent Calendar.**

2.N. ADOPTION OF RESOLUTION TO REVOKE ALL BUSINESS LICENSES FOR GOODBAR, 9229 SUNSET BOULEVARD:

ACTION: 1) Adopt Resolution No. 02-2810, "A RESOLUTION OF THE CITY COUNCIL OF WEST HOLLYWOOD DENYING THE APPEAL OF LOVEY DASH FOR GOODBAR, AND REVOKING DANCE BUSINESS LICENSE REG000877, DANCE PROMOTER BUSINESS LICENSE REG000523, ENTERTAINMENT BUSINESS LICENSE REG000878, MANAGER BUSINESS LICENSE REG000803, MANAGER BUSINESS LICENSE REG000804, AND PUBLIC EATING LICENSE REG000804; and 2) the revocation is stayed until January 6, 2003 provided the appellant/operator submits, obtains city approval of and implements to the satisfaction of the Public Safety Manager a comprehensive security plan not later than November 20, 2002; otherwise it shall remain in full force and effect. **Approved as part of the Consent Calendar.**

2.O. RESIGNATION OF MINA KEDAR FROM THE WOMEN'S ADVISORY BOARD:

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

3. PUBLIC HEARINGS:

3.A. ZONING TEXT AMENDMENT 02-01 CLEAN-UP AMENDMENTS:

RECOMMENDATION: Continue the public hearing to the December 16, 2002 City Council Meeting.

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

4. UNFINISHED BUSINESS:

4.A. RUSSIAN ADVISORY BOARD APPOINTMENT:

Tony Russell, City Clerk, provided background information as outlined in the staff report dated December 2, 2002.

RECOMMENDATION: Make one "at-large" appointment to the Russian Advisory Board. Staff recommends appointing Ronya Faibisovich to the Russian Advisory Board to a term ending 5/31/03.

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

4.B RESOLUTIONS RELATIVE TO THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 4, 2003:

Mike Jenkins, City Attorney, provided background information as outlined in the staff report dated December 2, 2002.

RECOMMENDATION: 1) Adopt Resolution No. 02-2811, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 4, 2003 AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO AMENDING THE CITY'S BUSINESS LICENSE TAX ORDINANCE BY MOVING CERTAIN BUSINESSES INTO DIFFERENT TAX RATE CLASSIFICATIONS;" 2) Adopt Resolution No. 02-2812, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 4, 2003 AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA FOR THE SUBMISSION TO THE VOTERS A

QUESTION RELATING TO INCREASING THE CITY'S TRANSIENT OCCUPANCY (HOTEL BED) TAX RATE FROM ELEVEN AND ONE-HALF PERCENT TO TWELVE AND ONE-HALF PERCENT COMMENCING JANUARY 1, 2004;" and 3) Decide whether the Council would like to submit written arguments and/or rebuttal arguments in favor and/or against the proposed measures; if so, designate authors of written arguments; and (a) Adopt Resolution No. 02-2813. "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING CITY MEASURES AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS"; and (b) Adopt Resolution No. 02-2814, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS."

Councilmember Duran stated that he voted no the first time this issue was presented to Council but after further discussions with the business community he stated that he would be in support of the resolutions.

Mayor Pro Tempore Martin stated that the business license tax measure would not raise taxes but would only reclassify certain categories. He also stated that the TOT tax would provide the largest amount of revenue to the City.

ACTION: Moved by Councilmember Heilman and seconded by Mayor Guarriello to approve Resolution No. 02-2811. Motion carried unanimously.

ACTION: Moved by Mayor Guarriello and seconded by Councilmember Heilman to approve Resolution No. 02-2812. Motion carried unanimously.

ACTION: Moved by Councilmember Heilman and seconded by Mayor Guarriello to approve staff's recommendation #3 and designated Councilmember Heilman, Mayor Pro Tempore Martin and City Manager Arevalo to draft arguments for both measures. Motion carried unanimously.

5. NEW BUSINESS: NONE

EXCLUDED CONSENT CALENDAR: NONE.

PUBLIC COMMENT: NONE.

6. LEGISLATIVE: NONE.

COUNCILMEMBER COMMENTS: NONE.

ADJOURNMENT: The City Council adjourned at 8:00 PM, in memory of Grigory Burban and Deputy David Powell. The next regular meeting will be held on Monday, December 16, 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 16th DAY OF DECEMBER, 2002.


MAYOR

ATTEST:


CITY CLERK