

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, NOVEMBER 5, 2001
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Heilman called the meeting to order at 7:20 P.M.

PLEDGE OF ALLEGIANCE: Ina Bliss 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. One item was added to the agenda: personnel matter, appointment of a Finance Director. No reportable actions were taken.

APPROVAL OF AGENDA:

Councilmember Duran requested the meeting be adjourned in memory of Joe Garcia.

Staff requested that item 5.B. be tabled until the November 19, 2001 City Council Agenda.

ACTION: Approve the November 5, 2001 Agenda as amended. **Moved by Mayor Pro Tempore, seconded by Councilmember Martin to approve the agenda as amended. Unanimously carried.**

PRESENTATIONS:

Mayor Pro Tempore Guarriello presented Edna Vernon Garren a Seniors are Special Award on her 89th birthday.

Mayor Pro Tempore Guarriello presented Dina Sinyavsky a Seniors are Special Award.

Councilmember Martin presented a plaque to Rodney Scott for his service on the Business License Commission.

Councilmember Martin presented a commendation to Ruth Vesler.

Councilmember Prang presented a proclamation to Tamar Springer for her service to the City.

Mayor Heilman presented CERT commendations to Battalion Chief Tony Marrone, Susie Thompson, Chris Clarkin, Cindy Bankler, Debbie Bankler, Nitya Beaulieu, Mayo Brainerd, Jim Brunner, Carol Campbell, Robin Frates, Jill Gardner, Barry Greenfield, Fred Hekmat, Gail Imler, Mark James, Mariangela Malespin, Cynthia Matzger, Kevin McDaniel, Sean McNally, James Mills, Terry Snyman.

Mayor Heilman requested that the meeting be adjourned in memory of Lillifrances Fooks.

Mayor Heilman presented commendations to Captain Ray Ribar, Engineer Berwyn Coffin, Firefighter Paramedic Derrick Chapman, Firefighter Michael Chapman, Captain Dave Norman, Battalion Chief Tony Marrone, Deputy Glen Williams, Deputy Joe Abercromby, Deputy William Cody, Sergeant Josh Mankini, Deputy Bill Lynch, Deputy Sean Ruiz, Captain Lynda Castro, Deputy Don Mueller and Alex Taylor.

PUBLIC COMMENT:

ROD MCDONALD, WEST HOLLYWOOD, spoke regarding automobiles driving through the Hancock Avenue slurry maintenance project.

ALAN WEBER, WEST HOLLYWOOD, requested that Council reconsider item 2.H. and refer it back to the Senior Advisory Board and the Public Safety Commission for further discussion.

KEVIN PLATT, WEST HOLLYWOOD, spoke regarding the lack of handicap parking on Hacienda Place and requested a handicap crosswalk on Holloway Drive.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding the City Council's lack of funding for displaying the American flag. He also spoke regarding the Sunset Specific Plan.

CHARLES FITZER, WEST HOLLYWOOD, spoke regarding pedestrian safety and traffic flow on Hacienda Place.

FRED WOLF, FRANKLIN HILLS, spoke regarding the Gay and Lesbian Center action plan for an integrated substance abuse and HIV treatment program.

DAVID NASH, WEST HOLLYWOOD, complimented the City on a wonderful Halloween Carnival.

KATHERINE THULIN, WEST HOLLYWOOD, expressed her opposition to Item 3.A. on October 1, 2001 City Council agenda.

CAROL RODRIGUEZ, WEST HOLLYWOOD, stated that the West Hollywood Veteran Memorial sign has been removed and replaced with an Ali advertisement.

COUNCILMEMBER COMMENTS:

Mayor Pro Tempore Guarriello commented on the slurry maintenance projects that were occurring across the City. He announced a Veterans Day event on Saturday November 10, 2001 at West Hollywood Park.

Councilmember Prang wished Jeanne Dobrin a speedy recovery from her recent illness. He gave a brief overview of the meeting held with Congressman Waxman on public housing issues. He announced a Russian Veterans Day event at Plummer Park on Sunday, November 11, 2001. He also directed staff to look into handicap and crosswalk issues on Hacienda Place and Holloway Drive to provide relief to the residents. He also requested that staff investigate the use of a Tall Wall on Beverly Boulevard.

Councilmember Duran requested that item 2.H. be removed from the Consent Calendar. He thanked those members from the Gay and Lesbian Center who took time out to discuss the HIV treatment goals. He thanked the City Manager, staff and Captain Castro for their hard work on the Halloween Carnival.

Councilmember Martin thanked those people who are protecting their streets from auto disturbances while the slurry seal maintenance project is on going. He also directed staff to look into how future street improvements are conducted in regards to notifying businesses and residents of street work and closures. He thanked staff for a wonderful Halloween Carnival.

Mayor Heilman thanked City staff and all of those who made the Halloween Carnival event a success.

CITY MANAGER'S REPORT:

City Manager gave a brief overview of the recent AIDS Walk and Halloween Carnival that were held within the City.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk Russell stated that the fiscal impact on the Consent Calendar for Monday, November 5, 2001 is \$18,185 in expenditures and \$33,005 in potential revenues.

2. CONSENT CALENDAR:

ACTION: Approve Items as amended

2.A.,B.,C.,D.,E.,F.,G.,I.,J.,K.,L.,M.,N.,O.,P.,Q. Moved by Mayor Pro Tempore Guarriello and seconded by Councilmember Martin to approve the Consent Calendar as amended. Unanimously carried.

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, November 5, 2001 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, November 1, 2001.

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

2.B. APPROVAL OF MINUTES:

ACTION: Approve the minutes of October 15, 2001. **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. 449, RESOLUTION NO. 01-2609:

ACTION: Approve Demand Register No. 449 and adopt Resolution No. 01-2609, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 449." **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 Michael Cullen and Matt Chalowsky and refer them to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.G. ORDINANCE NO. 01-613 (2ND READING) AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT NO. 92-01, FOR THE RELOCATION OF AN APPROVED PARKING STRUCTURE WITHIN THE BA STUDIOS COMPREHENSIVE DEVELOPMENT PLAN AREA, AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE CONSTRUCTION OF A 7-STORY, 733-SPACE PARKING STRUCTURE ON PROPERTY LOCATED AT 1041 NORTH FORMOSA AVENUE, AS PER THE

SETTLEMENT AGREEMENT BETWEEN BA STUDIOS, LLC (APPLICANT: GREG HARLESS, REPRESENTING BA STUDIOS, LLC):
ACTION: Waive further reading and adopt Ordinance No. 01-613, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT NO. 92-01, FOR THE RELOCATION OF AN APPROVED PARKING STRUCTURE WITHIN THE BA STUDIOS COMPREHENSIVE DEVELOPMENT PLAN AREA FOR THE CONSTRUCTION OF A 7-STORY, 733-SPACE PARKING STRUCTURE ON PROPERTY LOCATED AT 1041 NORTH FORMOSA AVENUE, AS PER THE SETTLEMENT AGREEMENT BETWEEN BA STUDIOS, LLC (APPLICANT: GREG HARLESS, REPRESENTING BA STUDIOS, LLC)." **Approved as part of the Consent Calendar.**

2.H. RECOMMENDATION FROM THE PUBLIC SAFETY COMMISSION REGARDING THE POSSIBLE RESTRICTION OF USE OF CELL PHONES WHILE OPERATING A MOTOR VEHICLE:
ACTION: Moved to Excluded Consent.

2.I. RECEIPT OF TRANSPORTATION DEVELOPMENT ACT FUNDS:
ACTION: 1) Accept the TDA funds in the amount of \$18,185 and authorize staff to submit claim form documents to the LACMTA; and 2) Authorize the Interim Director of Finance to increase total budget expenditures and revenues in the amount of \$18,185. **Approved as part of the Consent Calendar.**

2.J. EXTENSION OF VIACOM/OUTDOOR BUS SHELTER CONTRACT FROM JANUARY 1, 2002 THROUGH JUNE 30, 2002:
ACTION: 1) Approve the amendment extending the License Agreement with Outdoor/Viacom, for period of six (6) months from January 1, 2002 through June 30, 2002, for transit shelters; and 2) Authorize the City Manager to execute the amendment. **Approved as part of the Consent Calendar.**

2.K. 457 PLAN OPTIONAL LEGISLATIVE CHANGES:
ACTION: Adopt Resolution No. 01-2605, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE CITY'S 457 DEFERRED COMPENSATION PLAN." **Approved as part of the Consent Calendar.**

2.L. REPORT ON PAINTING RESIDENTIAL ADDRESSES ON STREET CURBS:
ACTION: Receive and file the report from the City Engineer on CIP 2004, the recent project to paint residential addresses on street curbs. **Approved as part of the Consent Calendar.**

- 2.M. DESIGN OF THE PERMANENT WESTMOUNT TRAFFIC CIRCLE:**
ACTION: 1) Approve the design of the permanent Westmount Traffic Circle; and 2) Authorize staff to advertise and bid for the Westmount Traffic Circle fixture construction. **Approved as part of the Consent Calendar.**
- 2.N. AUTHORIZATION TO CO-SPONSOR THE 2001 AIDS WATCH:**
ACTION: 1) Approve the City as co-sponsor of the 2001 AIDS WATCH presentations on December 1, 2001; and 2) Authorize the Public Information and Adjudication Services Department to provide support for this project, including use of Channel 10 facilities and broadcast time and Public Information support. **Approved as part of the Consent Calendar.**
- 2.O. COMMISSION AND ADVISORY BOARD ATTENDANCE REPORTS:**
ACTION: Receive and file attached attendance reports from the various appointed bodies for the period August 2000 to August 2001. **Approved as part of the Consent Calendar.**
- 2.P. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.Q. RESIGNATION OF RODNEY SCOTT FROM THE BUSINESS LICENSE COMMISSION:**
ACTION: Accept with regret the resignation of Rodney Scott from the Business License Commission. **Approved as part of the Consent Calendar.**
- 3. PUBLIC HEARINGS:**
- 3.A. APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY THE REQUEST TO CONSTRUCT A NEW BILLBOARD ON AN EXISTING BUILDING AT 8539 SUNSET BOULEVARD (VARIANCE 2000-10, BILLBOARD 2000-53, AND DEVELOPMENT PERMIT 2000-54):**
City Clerk Russell stated that the item was published in the West Hollywood Independent on September 19, 2001.
- Jennifer Davis, Senior Planner, provided background information as outlined in the staff report dated November 5, 2001.
- Mayor Heilman opened the Public Hearing and the following speakers came forward:

GENE SMITH, WEST HOLLYWOOD, representing the applicant provided background information and presented three re-designed billboard options for possible Council approval.

TRAVIS CULLIN, MALIBU, provided view design diagrams of the three proposed sign options and gave a brief overview of view obstructions that would occur from these billboards.

BEAU PALLEY, WEST HOLLYWOOD, spoke in support of the item.

G.G. VERONE, LOS ANGELES, spoke in opposition of the billboard and in support of staff's recommendations.

TOM DEMILLE, WEST HOLLYWOOD, spoke in opposition of the billboard.

GENE SMITH, WEST HOLLYWOOD, addressed inconsistencies in the planning departments staff report and he commented on the low negative impact of these billboards concerning property values adjacent to this billboard.

SCOTT DELAHOOK, SAN MARINO, stated, as a real estate appraiser, the billboards would not have a negative impact on the properties that are adjacent to them.

Mayor Heilman closed the public hearing.

City Attorney Jenkins stated that the billboards presented are not the billboards that the City Planning Commission denied. He stated that the action taken tonight is regarding the applicant's original application.

Councilmember Duran stated that it is unclear what area this site is located in. He also stated that regardless of which area the project is located, the Council has the discretion to approve or deny future billboards.

Councilmember Martin stated that he felt the billboard is in the La Cienga Gateway. He stated that a variance would have to be granted to allow this billboard.

Mayor Heilman stated this billboard was in Area 5B of the Sunset Specific plan and not in Area 4F. He further stated that even if the billboard was in Area 4F it still would not qualify because this billboard is not part of a new development.

RECOMMENDATION: Adopt Resolution No. 01-2594, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD UPHOLDING A PLANNING COMMISSION DECISION TO DENY VARIANCE 2000-10, BILLBOARD 2000-53, AND DEVELOPMENT PERMIT 2000-54 ON AN APPLICATION OF TODD ELLIOT, REPRESENTING PALLCO OUTDOOR TO PERMIT A 120 SQUARE FOOT ADDITION TO AN EXISTING COMMERCIAL BUILDING AND NEW TWO-SIDED BILLBOARD EXCEEDING THE HEIGHT LIMIT LOCATED AT 8539 SUNSET BOULEVARD, CITY OF WEST HOLLYWOOD."

ACTION: Moved by Mayor Heilman and seconded by Councilmember Duran to approve staff's recommendations and directed staff to come back to Council with an item clarifying the location of this parcel to be in Area 5.B. within the Sunset Specific Plan. Motion carried on a Roll Call Vote:

AYES: Councilmember Duran, Prang and Mayor Heilman.

NOES: Councilmember Martin, Mayor Pro Tempore Guarriello.

ABSENT: None.

Council recessed at 9:20 P.M. and reconvened at 9:33 P.M.

4. UNFINISHED BUSINESS:

4.A. COMMISSION AND ADVISORY BOARD APPOINTMENTS:

Tony Russell, City Clerk, provided background information as outlined in the staff report dated November 5, 2001.

SHIRLEY KAPLAN, WEST HOLLYWOOD, stated she would like the opportunity to serve on the Senior Advisory Board.

RECOMMENDATION: Make "at-large" and direct appointments for: Business License Commission (1 – direct (Martin) and 2 – "at-large") Cultural Heritage Commission (1- "at-large"); Public Safety Commission (1- "direct" (Heilman); Disability Advisory Board (1-"at-large"); Lesbian and Gay Advisory Board (2-women "at-large" and 1-man "at-large"); Senior Advisory Board (1-"at-large").

ACTION: The following applicants were appointed:

Business License Commission: Terry Morgan (Councilmember Martins direct appointment. Alex Ponder and Sybil Zaden are at-large appointments.

Cultural Heritage Commission: Tim Fletchlin

Public Safety Commission: Melissa Decker (Mayor Heilmans direct appointment).

Disability Advisory Board: None
Lesbian and Gay Advisory Board: Jeff Yarbrough (man), Dean Bramlett (woman) and Cassandra Ramirez (woman).
Senior Advisory Board: Shirley Kaplan

4.B. CITY COUNCIL APPOINTMENTS TO A TASK FORCE FOR THE SELECTION OF CITY ENTRY FEATURES:

Mildred Ramos-Mejoros, Development Specialist, provided background information as outlined in the staff report dated November 5, 2001.

RECOMMENDATION: Appoint up to five members to the Task Force to assist in the selection of the design for the City's entry features.

ACTION: The following appointments were made: Dr. William Griffin (Mayor Pro Tempore Guarriello), Helen Levin (Councilmember Martin), Mary Sweeney (Councilmember Duran-pending confirmation), Steve Reeves (Councilmember Prang). Mayor Heilman requested that this item be placed on the November 19, 2001 City Council Agenda for his appointment.

4.C. CULTURAL RESOURCE DESIGNATION 2001-02 OF THE BUILDING LOCATED AT 9231-9245 ½ DOHENY ROAD (CRD 01-02):

Jennifer Davis, Senior Planner, provided background information as outlined in the staff report dated November 5, 2001.

GARY SPATZ, WEST HOLLYWOOD, spoke in support of the designation of this building.

KEN KAHAN, WEST HOLLYWOOD, stated he was one of the owners of the building and requested Council to support the designation of this building.

FORREST KERR, WEST HOLLYWOOD, spoke in support of the designation of the building.

JEROME NASH, WEST HOLLYWOOD, spoke in support of the designation.

RECOMMENDATION: Adopt Resolution No. 01-2585, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DESIGNATING 9231-9245 ½ DOHENY DRIVE AS A LOCAL CULTURAL RESOURCE IN THE CITY OF WEST HOLLYWOOD, CALIFORNIA."

Mayor Heilman stated that with the alterations already completed, the building does not meet the Historical Preservation requirements.

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

5. NEW BUSINESS:

5.A. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 TO INCREASE ASSESSMENTS FOR THE AVENUES OF THE ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT:

Alison Maxwell, Development Specialist, provided background information as outlined in the staff report dated November 5, 2001.

KAREN KUO, BEVERLY HILLS, spoke in support of the assessment increase.

PATRICK MAXWELL, WEST HOLLYWOOD, spoke in support of the item.

DOUGLAS MARCEILL, LOS ANGELES spoke in support of assessment increase.

JERRY THOMAS, WOODLAND HILLS, spoke in support of assessment increase.

ALEXANDRO STEHINSKI, BEVERLY HILLS, spoke in support of the assessment.

SHALLOM BERKMAN, WEST HOLLYWOOD, spoke in opposition of the item and he outlined several reasons why the Avenues of Arts are not successful.

MARK ALAN HARMAN, LOS ANGELES, spoke in support of the assessment increase.

STACIE HUNT, LOS ANGELES, spoke in support of the item.

GRANT SELTZER, LOS ANGELES, spoke in support of the assessment increase.

RECOMMENDATION: Adopt Resolution No. 01-2607, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD IN CONNECTION WITH THE BASIS AND METHOD OF LEVYING ASSESSMENTS AGAINST BUSINESSES IN THE AVENUE OF ART

AND DESIGN BUSINESS IMPROVEMENT DISTRICT, AND DECLARING ITS INTENTION TO INCREASE THE RATE FOR ASSESSMENTS AGAINST CERTAIN BUSINESSES.”

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

5.B. TOW AWAY ENFORCEMENT ON SUNSET BOULEVARD:

Donald Korotsky, Associate Transportation Planner, provided background information as outlined in the staff report dated November 5, 2001.

RECOMMENDATION: 1) Adopt Resolution No. 01-2608, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING TOW AWAY ENFORCEMENT ON SUNSET BOULEVARD BETWEEN THE HOURS OF 2:30 A.M. AND 7:00 A.M. EVERYDAY”; 2) Authorize the Interim Director of Finance to increase the budgeted General Fund Expenditures in the Parking Division by \$23,600 for Fiscal Year 2001/2002; and 3) Authorize the Interim Director of Finance to increase the budgeted revenues in the General Fund by \$33,391, and \$932 for the Parking Improvement Fund for Fiscal year 2001/2002.

ACTION: Tabled until the November 19, 2001 City Council meeting.

EXCLUDED CONSENT CALENDAR:

2.H. RECOMMENDATION FROM THE PUBLIC SAFETY COMMISSION REGARDING THE POSSIBLE RESTRICTION OF USE OF CELL PHONES WHILE OPERATING A MOTOR VEHICLE:

RECOMMENDATION: 1) Accept the Public Safety Commission, the Transportation Commission and Public Safety staff's recommendation that no legislative action be taken by the City Council; 2) Support State legislation regarding this issue; and 3) Implement safety-awareness outreach programs to heighten the public's understanding of possible risks involved in using cell phones while driving an automobile.

ACTION: Motion by Mayor Heilman and seconded by Councilmember Prang to approve staff's recommendation one (1) and three (3) of the staff report. Motion carried with Councilmember Martin voting NO.

PUBLIC COMMENT:

RICHARD NOBLE, WEST HOLLYWOOD, spoke to a misconduct charge against the Sheriff's department.

6. **LEGISLATIVE:** None.

COUNCILMEMBER COMMENTS:

Mayor Pro Tempore Guarriello stated that he will be out of town for the November 19, 2001 City Council Meeting and wanted to state his support of the Hedge Limits item recommending no hedge height limits, which is scheduled to be heard at this meeting.

Council concurred that the December 17, 2001 City Council Meeting be cancelled due to a lack of quorum.

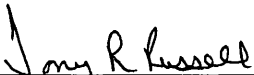
ADJOURNMENT: The City Council adjourned at 10:40 P.M. in the memory of Joe Garcia and Lillifrances Fooks. The next regular meeting will be on Monday, November 19, 2001 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 19TH DAY OF NOVEMBER, 2001.



MAYOR

ATTEST:



TONY RUSSELL, CITY CLERK