

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, DECEMBER 3, 2007  
WEST HOLLYWOOD PARK AUDITORIUM**

**CALL TO ORDER:**

The meeting was called to order at 6:43 P.M.

**PLEDGE OF ALLEGIANCE:**

Philip Hoskins led the pledge.

**ROLL CALL:**

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

ABSENT: None.

ALSO PRESENT: City Manager Arevalo, City Attorney Jenkins, City Clerk West, and  
Assistant City Clerk Schaffer.

**REPORT OF CLOSED SESSION AGENDA:**

City Attorney Jenkins stated that the Closed Session meeting convened at 6:00 P.M. He stated that there were no speakers. He stated that the Closed Session meeting adjourned at 6:30 P.M. with no reportable action taken.

**APPROVAL OF AGENDA:**

Councilmember Guarriello requested that Items 5.A. and 6.A. be moved to the Consent Calendar as Items 2.S. and 2.T.

**Motion by Councilmember Land, seconded by Councilmember Guarriello to approve the December 3, 2007 agenda as amended and unanimously approved.**

Councilmember Land requested the meeting be adjourned in memory of Nick Bowman, a former member of the California Center for Regional Leadership. She requested the meeting be adjourned in memory of Carol Baker Tharpe, an official with the Neighborhood Empowerment Program in the City of Los Angeles.

Councilmember Heilman requested the meeting be adjourned in memory of Netty Mislove, a long time West Hollywood resident.

Mayor Pro Tempore Prang requested the meeting be adjourned in memory of Dr. Scott Hitt, a long time West Hollywood resident and a leader and AIDS activist in the LGBT community.

Councilmember Duran requested the meeting be adjourned in memory of the following soldiers who have died in Iraq and Afghanistan since the last City Council meeting: Spc. Christine M. Ndururi, Sgt. Lui Tumanuvao, Capt. Benjamin Tiffner, Spc. Jermaine D. Franklin, Sgt. Joseph M. Vanek, Spc. Ashley Sietsema, Cpl. Peter W. Schmidt, Pfc. Casey P. Mason, Sgt. Christopher R. Kruse, 2nd Lt. Peter H. Burks, Sgt. Kenneth R. Booker, Spc. Derek R. Banks, Sgt. Steven C. Ganczewski, Staff Sgt. Alejandro Ayala, Cpl. Christopher J. Nelson, Cpl. Jason T. Lee, Pfc. Marius L. Ferrero, Sgt. Alfred G. Paredez Jr., Spc. Melvin L. Henley Jr., Staff Sgt. Jonathon L. Martin, Spc. Benjamin J. Garrison, Pvt. Isaac T. Cortes, Sgt. 1st Class John J. Tobiason, Cpl. Allen C. Roberts.

### **PRESENTATIONS:**

Councilmember Land presented a proclamation in honor of the "Day Without a Bag" public awareness campaign in the City.

Time Presses, the West Hollywood Russian Recreation Club, presented a framed photo to City Council showing the West Hollywood City flag planted on Mount Whitney.

Mayor Duran presented certificates to the graduates of the Community Through Engagement program.

### **1. PUBLIC COMMENT:**

ALAN BERNSTEIN, WEST HOLLYWOOD, spoke regarding Item 2.F. and educating landlords in the City regarding the Ordinance.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of Items 2.M. and 2.P. and spoke regarding various local, state and national issues.

RICHARD KEARNS, WEST HOLLYWOOD, spoke regarding HIV/AIDS issues in the City and World AIDS Day.

VICTORIA JOYCE, WEST HOLLYWOOD, spoke in support of Item 4.B.

DAVID NASH, WEST HOLLYWOOD, spoke regarding affordable housing issues in the City and the recent passing of Dr. Scott Hitt.

ESTHER BAUM, WEST HOLLYWOOD, spoke regarding traffic calming issues on Harper Avenue.

ROB BERGSTEIN, WEST HOLLYWOOD, spoke regarding environmental issues in the City and spoke regarding parking issues for future development projects in the City.

ED BUCK, WEST HOLLYWOOD, spoke regarding campaign finance reform issues in the City.

TODD STEADMAN, EXECUTIVE DIRECTOR OF THE SUNSET STRIP BUSINESS ASSOCIATION, spoke regarding the upcoming "Don't Drink and Drive" napkin campaign in the City, and introduced the new Security Director of the Business Association.

JOAN TAYLOR, LOS ANGELES, spoke regarding the use of electronic devices and cell phones on MTA buses.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding recycling and waste disposal issues in the City.

ANN BEATTS, WEST HOLLYWOOD, spoke regarding the West Hollywood Elementary School and their free pre-school program.

### **COUNCILMEMBER COMMENTS:**

Councilmember Guarriello spoke regarding the recent Veteran's Day event in the City and thanked staff and community for making the event a success.

Councilmember Land congratulated City staff member David Giugni on his recent Guardian Angel Award for his work with HIV/AIDS issues in the community. She spoke regarding the City holiday baskets being provided to members of the community in need. She spoke regarding public comment surrounding traffic calming issues on Harper Avenue and asked staff to further investigate the issue. She spoke regarding public comment surrounding Item 2.F. and efforts being made by the City to educate landlords. She spoke regarding public comment surrounding environmental issues and spoke regarding upcoming education efforts during the current water shortage, and the formation of the new West Hollywood Environmental Task Force. She spoke regarding public comment surrounding waste disposal issues in the City and requested Environmental Services staff to investigate options for residents regarding pet waste disposal. She congratulated Councilmember Heilman on his recent participation in the Las Vegas Marathon.

Councilmember Heilman spoke regarding public comment surrounding traffic calming issues on Harper Avenue and requested staff to further investigate the issue. He spoke regarding public comment surrounding electronic devices and cell phone use on MTA buses and requested Transportation staff to investigate the issue. He spoke regarding his recent participation at the National League of Cities Annual Conference in New Orleans. He spoke regarding his recent participation at the annual meeting of the International Network of Gay and Lesbian Officials.

Mayor Pro Tempore Prang spoke regarding his attendance at the recent annual meeting of the International Network of Gay and Lesbian Officials. He congratulated Councilmember Heilman on his recent participation in the Las Vegas Marathon. He spoke regarding public comment surrounding environmental issues and spoke regarding the City's current Grey Water Ordinance. He provided clarification of the recent passing of Dr. Scott Hitt. He spoke regarding public comment surrounding traffic calming issues on Harper Avenue and requested staff to further investigate the issue.

He congratulated Councilmember Guarriello's office on the recent Veteran's Day event in the City. He congratulated the Fairfax High School Band on taking 2nd Place at the recent California State Band Championships.

Mayor Duran thanked Ann Beatts for speaking regarding the West Hollywood Elementary School. He thanked staff for organizing the recent World AIDS Day event in the City. He spoke regarding Item 2.M. and provided clarification of alternative options the City is exploring to retain non-profit organizations located in the City. He spoke regarding a recent news report on NBC regarding taxicabs overcharging residents of West Hollywood and requested the City Manager to provide a report on the issue.

### **CITY MANAGER'S REPORT:**

City Manager Arevalo provided a report on the recent NBC news story regarding taxicabs in the City who were overcharging residents. He provided clarification of measures already taken by the City and future actions to help mitigate the issues. He congratulated City staff members who are participating with Team Weho in the upcoming AIDS Marathon in Hawaii.

### **FISCAL IMPACT ON CONSENT CALENDAR:**

City Clerk West stated that the fiscal impact on the Consent Calendar is \$1,151,058.00 expenditures and \$0.00 in potential revenue.

## **2. CONSENT CALENDAR:**

**ACTION:** Approve the Consent Calendar as amended, 2.A.,B.,C.,D.,E.,F.,G.,H., I.,J.,K.,L.,M.,N.,O.,P.,Q.,R.,S.,T. **Motion by Councilmember Guarriello, seconded by Councilmember Land and unanimously approved.**

**2.A. POSTING OF AGENDA:** The agenda for the meeting of Monday, December 3, 2007 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, November 29, 2007. **ACTION:** Receive and file.

Approved as part of the Consent Calendar.

**2.B. APPROVAL OF MINUTES:** The City Council is requested to approve the minutes of prior Council meetings. **ACTION:** Approve the minutes of November 5, 2007.

Approved as part of the Consent Calendar.

**2.C. DEMAND REGISTER NO. 590, RESOLUTION NO. 07-3617:** The City Council is requested to approve payment of bills due as presented by the Director of Finance. **ACTION:** Approve Demand Register No. 590 and adopt Resolution No. 07-3617, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 590."

Approved as part of the Consent Calendar.

- 2.D. DEMAND REGISTER NO. 591, RESOLUTION NO. 07-3618:** The City Council is requested to approve payment of bills due as presented by the Director of Finance. ACTION: Approve Demand Register No. 591 and adopt Resolution No. 07-3618, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 591."

Approved as part of the Consent Calendar.

- 2.E. CLAIMS ADMINISTRATION:** The City Council is asked to deny Claims filed against the City, as a routine administrative step in claims processing. ACTION: Deny the claims of Michael Scott and refer to the City's claims adjuster.

Approved as part of the Consent Calendar.

- 2.F. ORDINANCE NO. 07-777 (2ND READING), REQUIRING LANDLORDS TO INFORM PROSPECTIVE RENTERS WHEN A RENTAL UNIT IS EXEMPT FROM THE RENT STABILIZATION ORDINANCE AND ALLOWING VIOLATION TO BE ENFORCED THROUGH ADMINISTRATIVE REMEDIES PROCEDURE:** [T. WEST/ C. SCHAFFER] The City Council will waive further reading and adopt Ordinance No. 07-777, a proposed ordinance requiring landlords to inform prospective renters when a rental unit is exempt from the Rent Stabilization Ordinance and allowing violation to be enforced through Administrative Remedies procedure. ACTION: Waive further reading and adopt Ordinance No. 07-777, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING MUNICIPAL CODE SECTION 17.24.010 TO ADD A NEW SUBSECTION (d) REQUIRING LANDLORDS TO INFORM PROSPECTIVE RENTERS WHEN A RENTAL UNIT IS EXEMPT FROM THE RENT STABILIZATION ORDINANCE AND AMENDING WHMC § 1.08.010(e) TO ALLOW VIOLATION TO BE ENFORCED THROUGH ADMINISTRATIVE REMEDIES PROCEDURE."

Approved as part of the Consent Calendar.

- 2.G. ORDINANCE NO. 07-778 (2ND READING), TO ENSURE THAT THE TENANT ANTI-HARASSMENT ORDINANCE DOES NOT PURPORT TO CRIMINALIZE CONDUCT PROTECTED BY THE STATE LITIGATION PRIVILEGE:** [T. WEST/ C. SCHAFFER] The City Council will waive further reading and adopt Ordinance No. 07-778, a proposed ordinance to ensure that the Tenant Anti-harassment Ordinance does not purport to criminalize conduct protected by the State Litigation Privilege. ACTION: Waive further reading and adopt Ordinance No. 07-778, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING WEST HOLLYWOOD MUNICIPAL CODE SECTION 17.25.090(10) TO ENSURE THAT THE TENANT ANTI-HARASSMENT ORDINANCE DOES NOT PURPORT TO CRIMINALIZE CONDUCT PROTECTED BY THE STATE LITIGATION PRIVILEGE."

Approved as part of the Consent Calendar.

- 2.H. COMMISSION AND ADVISORY BOARD ACTION REPORTS:** The City Council will receive reports from various Commissions on actions taken at their recent meetings. ACTION: Receive and file.

Approved as part of the Consent Calendar.

- 2.I. APPROVAL OF A CONTRACT FOR FY 07-08 SEWER ROOT CONTROL SERVICES:** [J. ENGLISH/S. PEARLSTEIN] The City Council will consider approval of a professional service contract with Dukes Root Control, Inc. for sewer root control services. ACTION: Authorize the City Manager to enter into a professional service contract with Dukes Root Control, Inc. in an amount not to exceed \$80,000 to provide sewer root control services for the City of West Hollywood for FY 07-08.

Approved as part of the Consent Calendar.

- 2.J. REQUEST FOR AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR PUBLIC PARKING VALET SERVICES:** [O. DELGADO/D. NORTE] The City Council will consider authorizing a Request For Proposals (RFP), for public parking valet services. ACTION: Authorize staff to undertake the RFP process to select a valet company to operate city owned and/or leased parking lots for public parking.

Approved as part of the Consent Calendar.

- 2.K. PROPOSED RESOLUTION AUTHORIZING THE APPOINTMENT OF VANTAGETRUST COMPANY AS A SUCCESSOR TRUSTEE OF THE ICMA-RC 457(b) DEFERRED COMPENSATION PLAN:** [V. LOVE/ L. BOCK/ Y. MAURIS] The City Council will consider a proposed resolution which authorizes the appointment of VantageTrust Company to serve as successor trustee of the ICMA-RC 457(b) Deferred Compensation Plan effective as of January 1, 2008. ACTION: Adopt Resolution No. 07-3619, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE APPOINTMENT OF VANTAGETRUST COMPANY AS A SUCCESSOR TRUSTEE OF THE ICMA-RC 457(b) DEFERRED COMPENSATION PLAN."

Approved as part of the Consent Calendar.

- 2.L. GREEN ENERGY SOURCES INCENTIVE PROGRAM:** [J. DURAN/ H. MOLINA/ A. LAND/ L. BELSANTI] The City Council will consider directing staff to explore options regarding assistance to homeowners to buy and implement alternative energy systems. ACTION: 1) Direct the City Manager to hire a consultant to come up with a set of recommendations for the development of a program aimed at assisting homeowners to buy alternative energy systems; and 2) Staff to report back to City Council within 120 days.

Approved as part of the Consent Calendar.

**2.M. RETENTION OF NON-PROFIT ORGANIZATIONS:** [J. DURAN/ H. MOLINA] The City Council will consider directing staff to explore options to support non-profit organizations currently facing rent increases. ACTION: 1) Direct the City Manager to convene a task force for the study of retention methods for non-profit organizations located within the City of West Hollywood; 2) Staff to report back within 180 days.

Approved as part of the Consent Calendar.

**2.N. MILLS ACT CONTRACT 2007-001 FOR THE PROPERTY LOCATED AT 1355 NORTH LAUREL AVENUE:** [S. HEALY KEENE/ J. KEHO/ C. CORRAO] The City Council will consider approving a Mills Act Contract with the owner of 1355 N. Laurel Avenue, known as Villa D'Este Apartments. ACTION: Approve Historic Property Preservation Agreement (Mills Act Contract) between the City of West Hollywood and the owner, Fritz Hoelscher, at 1355 N. Laurel Avenue and authorize the City Manager to sign the agreement.

Approved as part of the Consent Calendar.

**2.O. MILLS ACT CONTRACT 2006-01 FOR THE PROPERTY LOCATED AT 902 NORTH KINGS ROAD:** [S. HEALY KEENE/ J. KEHO/ D. DEGRAZIA] The City Council will consider approving a Mills Act Contract with the owner of 902 North Kings Road. ACTION: Approve a Historical Property Preservation Agreement (Mills Act Contract) between the City of West Hollywood and the owner of 902 North Kings Road (Jacqueline Markham) and authorize the City Manager to sign the agreement.

Approved as part of the Consent Calendar.

**2.P. COMBINED QUARTERLY REPORT AND AMENDMENT OF 2007-08 SERVICE AGREEMENT WITH THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION:** [A. WINDERMAN/ J. SKORNECK/ E. SAVAGE] The City Council will receive the combined quarterly report from the West Hollywood Community Housing Corporation (WHCHC) for the Fourth Quarter of Fiscal Year 2006-07 and the First Quarter of Fiscal Year 2007-08 and will consider approving an amendment to the annual service agreement with the nonprofit corporation to allow it to continue to subsidize certain rent-burdened households at the Palm View Apartments. ACTION: 1) Receive and file the combined quarterly reports for FY 2006-07 Fourth Quarter and FY 2007-08 First Quarter, as submitted by the West Hollywood Community Housing Corporation; 2) Approve a First Amendment to the service agreement with the WHCHC to provide an additional \$6,000, for a total of \$231,000, which will allow the corporation to continue subsidies to certain rent-burdened households at the Palm View Apartments on a temporary basis; 3) Authorize the Director of Finance and Technology Services to increase the FY 2007-08 budgeted expenditures in the Affordable Housing Trust Fund by \$6,000 (account 216-06-65-537014, Community Housing Corporation contract).

Approved as part of the Consent Calendar.

**2.Q.** DIRECTION TO PUBLIC SAFETY STAFF TO INVESTIGATE OPTIONS FOR THE IMPLEMENTATION OF A COMMUNITY NOTIFICATION SYSTEM OR "REVERSE 911" ALERT SYSTEM IN WEST HOLLYWOOD: [J. DURAN/ H. MOLINA] The City Council will consider directing staff to obtain information on the various community notification systems or "reverse 911" alert systems. ACTION: Direct Public Safety staff to investigate options for the implementation of a community notification system or "reverse 911" system in West Hollywood. Staff to report back to Council in 90 days. Report shall include different options and cost estimates.

Approved as part of the Consent Calendar.

**2.R.** OPPOSING PRESIDENT PERVEZ MUSHARRAF'S DECLARATION OF EMERGENCY RULE AND SUPPRESSION OF DEMOCRACY IN PAKISTAN: [J. HEILMAN/ F. SOLOMON/ T. LIN] The City Council will consider adopting a resolution opposing President Pervez Musharraf's declaration of emergency rule and suppression of democracy in Pakistan. ACTION: 1) Adopt Resolution No. 07-3620, "A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING PRESIDENT PERVEZ MUSHARRAF'S DECLARATION OF EMERGENCY RULE AND SUPPRESSION OF DEMOCRACY IN PAKISTAN."; 2) Direct staff to send copies of the resolution to the Human Rights Commission of Pakistan, International Crisis Group, U.S. Secretary of State Condoleeza Rice, Amnesty International, and Human Rights Watch.

Approved as part of the Consent Calendar.

**2.S.** (5.A.) APPROVE THE PURCHASE OF 7530 SANTA MONICA BLVD. (LOT 70), LAND OWNED BY THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION: [A. WINDERMAN/J. SKORNECK/R. BURNLEY] The City Council will consider approving the purchase of 7530 Santa Monica Blvd (Lot 70), land owned by the West Hollywood Community Development Commission. ACTION: 1) Approve the purchase, acceptance of title, and subsequent lease of land located at 7530 Santa Monica Boulevard (Lot 70); 2) Adopt Resolution No. 07-3621, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, APPROVING THE PURCHASE OF LAND LOCATED AT 7530 SANTA MONICA BOULEVARD (LOT 70)."

Approved as part of the Consent Calendar.

**2.T.** (6.A.) URGENCY ORDINANCE ADOPTING BY REFERENCE TITLES 26, 27, 28, 29 AND 32 OF THE LOS ANGELES COUNTY CODES INCORPORATING THE CALIFORNIA STATE BUILDING STANDARDS CODES: [S. HEALY KEENE/S. BAILEY] The City Council will consider approving an Ordinance amending Chapters 13.04 (Building Code), 13.08 (Electrical Code), 13.12 (Plumbing Code), and 13.16 (Mechanical Code) of Title 13 and Chapters 14.04 (Fire Code Adoption) and 14.08 (High-Rise Building Requirements) of Title 14 of the West Hollywood



Municipal Code. ACTION: 1) Waive further reading and adopt Urgency Ordinance No. 07-779U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING BY REFERENCE TITLE 26 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA BUILDING CODE, 2007 EDITION; TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA ELECTRICAL CODE, 2007 EDITION; TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA PLUMBING CODE, 2007 EDITION; TITLE 29 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA MECHANICAL CODE, 2007 EDITION; AND TITLE 32 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA FIRE CODE, 2007 EDITION; MAKING AMENDMENTS TO SAID CODES; AMENDING CHAPTERS 13.04, 13.08, 13.12 AND 13.16 OF TITLE 13 AND CHAPTERS 14.04 AND 14.08 OF TITLE 14 OF THE WEST HOLLYWOOD MUNICIPAL CODE; AND DECLARING THE URGENCY THEREOF."

Approved as part of the Consent Calendar.

**THE CITY COUNCIL RECESSED AND RECONVENED AS THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION: 7:49 P.M.**

The Community Development Commission approved the minutes from the August 20, 2007 meeting and approved the sale of land located at 7530 Santa Monica Boulevard to the City of West Hollywood. The actions are more fully described in the West Hollywood Community Development Commission minutes.

**THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION RECESSED AND RECONVENED AS THE CITY COUNCIL: 7:50 P.M.**

**3. PUBLIC HEARINGS:**

**3.A. APPROVAL OF BUDGET AMENDMENT FOR FISCAL YEAR 2007-2008 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS: [A. WINDERMAN/R. BURNLEY]** The City Council will solicit comments on the City of West Hollywood's proposed CDBG budget amendment for fiscal year 2007-2008. Following the public hearing, the City Council will consider approving the proposed budget amendment and resolution.

Mayor Duran stated that the Item was noticed as required by law.

Roderick Burnley, Project Development Administrator, provided background information as outlined in the staff report dated December 3, 2007.

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

TOM DEMILLE, WEST HOLLYWOOD, requested additional clarification of the Item from City Council.

Councilmember Heilman provided additional clarification of the Item.

**ACTION:** 1) Approve the 2007-2008 CDBG program budget amendment, and instruct staff to submit the revised budget for approval to the Los Angeles County Community Development Commission (CDC); 2) Adopt Resolution No. 07-3622, " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, APPROVING A BUDGET AMENDMENT FOR FISCAL YEAR 2007-2008 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS." **Motion by Councilmember Guarriello, Seconded by Councilmember Land and approved.**

**3.B. APPROVAL OF FISCAL YEAR 2008-2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM PLANNING SUMMARY AND BUDGET:** [A. WINDERMAN/R. BURNLEY] The City Council will solicit comments on the City of West Hollywood's proposed CDBG planning summary and budget for fiscal year 2008-2009. Following the public hearing, the City Council will consider approving the proposed resolution, project plan and budget.

Mayor Duran stated that the Item was noticed as required by law.

Roderick Burnley, Project Development Administrator, provided background information as outlined in the staff report dated December 3, 2007.

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

TOM DEMILLE, WEST HOLLYWOOD, requested additional clarification of the Item from City Council.

Councilmember Heilman provided additional clarification of the Item.

**ACTION:** 1) Approve the 2008-2009 CDBG program budget, and instruct staff to submit the CDBG Program Planning Summary for approval to the Los Angeles County Community Development Commission (CDC); 2) Authorize staff to adjust the 2008-2009 program budget as necessary to take into account the final CDBG allocation from the U.S. Department of Housing and Urban Development (HUD) and any amounts remaining unspent at the close of the current fiscal year; 3) Adopt Resolution No. 07-3623, " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, APPROVING THE PROGRAM PLANNING SUMMARY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 2008-2009." **Motion by Councilmember Guarriello, Seconded by Mayor Pro Tempore Prang and approved.**

**3.C. RESOLUTION AUTHORIZING THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO ACQUIRE LAND LOCATED AT 7530 SANTA MONICA BOULEVARD:** [A. WINDERMAN/J. SKORNECK/R. BURNLEY] The City Council will solicit comments on a resolution authorizing the use of Community Development Block Grant (CDBG) funds to acquire land located at 7530 Santa Monica Boulevard in order to facilitate the development of an affordable housing

project. Following the public hearing, the City Council will consider adopting the proposed resolution.

Mayor Duran stated that the Item was noticed as required by law.

Roderick Burnley, Project Development Administrator, provided background information as outlined in the staff report dated December 3, 2007.

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

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of the Item.

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke regarding concerns surrounding use of CDBG funds and location of affordable housing projects in the City.

**ACTION:** Adopt Resolution No. 07-3624, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, AUTHORIZING THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO ACQUIRE LAND LOCATED AT 7530 SANTA MONICA BOULEVARD TO FACILITATE THE DEVELOPMENT OF AN AFFORDABLE HOUSING PROJECT."  
**Motion by Councilmember Guarriello, Seconded by Councilmember Land and approved.**

**3.D. REQUEST TO DEMOLISH ALL BUILDINGS ON SITE, AND CONSTRUCT A NEW 80,730 SQUARE FOOT FIVE-STORY MIXED-USE PROJECT OVER TWO LEVELS OF SUBTERRANEAN PARKING AT 9001 SANTA MONICA BOULEVARD: [S. HEALY KEENE/ J. KEHO/ J. NOEL]** The applicant is requesting to enter into a Development Agreement with the City of West Hollywood to allow for additional height and density on the site, and for altered private open space requirements. The applicant is requesting to demolish all buildings on the site and construct a new mixed use project. The proposed building consists of 9,800 square feet of ground floor restaurant, 9,850 square feet of ground floor retail use and four stories of residential above. The residential portion of the development is proposed to contain thirty-four (34) market rate condominium units and eight (8) affordable condominium units.

Mayor Duran stated that the Item was noticed as required by law.

Jennifer Noel, Associate Planner, provided background information as outlined in the staff report dated December 3, 2007.

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

RIC ABRAMSON, ON BEHALF OF THE APPLICANT, spoke in support of the Item.

LAUREN MEISTER, WEST HOLLYWOOD, spoke regarding concerns surrounding the effects of Senate Bill 1818 on development in the City.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the Item.

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke in opposition to the Item and spoke regarding the upcoming General Plan revision process.

ESTHER BAUM, WEST HOLLYWOOD, spoke in opposition to the Item.

HARRIET SEGAL, WEST HOLLYWOOD, spoke in opposition to the Item.

SHARON SANDOW, ON BEHALF OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of the Item.

WILLIAM NEISH, WEST HOLLYWOOD, spoke in opposition to the Item.

PAUL TAFFEL, WEST HOLLYWOOD, spoke in opposition to the Item.

MICHELE PROYECT, WEST HOLLYWOOD, spoke in opposition to the Item.

ED BUCK, WEST HOLLYWOOD, spoke in opposition to the Item.

ALLEGRA ALLISON, WEST HOLLYWOOD, spoke in opposition to the Item.

JIM BAUGHMAN, WEST HOLLYWOOD, spoke in opposition to the Item.

JAMES NOLL, WEST HOLLYWOOD, spoke in opposition to the Item.

KEN DIGREGORIO, WEST HOLLYWOOD, spoke in opposition to the Item.

GEORGE CREDLE, WEST HOLLYWOOD, spoke in opposition to the Item.

CHRISTIAN NAKATA, WEST HOLLYWOOD, spoke in opposition to the Item.

JULIE SUMMERS, WEST HOLLYWOOD, spoke in support of the Item.

SUZETTE ERVIN, WEST HOLLYWOOD, spoke in support of the Item.

DAVID WARREN, WEST HOLLYWOOD, spoke in opposition to the Item.

MAUREEN MUNCE, WEST HOLLYWOOD, spoke in opposition to the Item.

ANDONIA KATSAROS, WEST HOLLYWOOD, spoke in opposition to the Item.

JOSEPH CLAPSADDLE, WEST HOLLYWOOD, spoke in support of the Item.

RICHARD GIESBRET, WEST HOLLYWOOD, spoke in opposition to the Item.

PATRICK TIGHE, SANTA MONICA, spoke in support of the Item.

STEVE MARTIN, WEST HOLLYWOOD, spoke in opposition to the Item.

EUGENE LEVIN, WEST HOLLYWOOD, spoke in support of the Item.

ALEX TAVDI, WEST HOLLYWOOD, spoke in support of the Item.

BORIS SHPUNT, LOS ANGELES, spoke in support of the Item.

NAUM TURETSKIY, WEST HOLLYWOOD, spoke in support of the Item.

CHUCK HENRY, WEST HOLLYWOOD, spoke in support of the Item.

SCOTT SCHMIDT, WEST HOLLYWOOD, spoke in support of the Item.

MARK LEHMAN, ON BEHALF OF THE APPLICANT, provided rebuttal.

All Councilmembers disclosed site visits and meetings with the applicant.

Mayor Duran closed the public hearing.

Councilmember Heilman thanked staff and the consultants who brought the Item forward. He spoke in support of the design of the project. He spoke in support of the preservation of the Palm restaurant in the project. He spoke in support of the removal of the car repair business currently located at the site. He spoke in support of the Development Agreement. He expressed concerns regarding the traffic study in the project. He expressed concerns regarding the height of the project. He spoke in support of dedicating the City's income from the project to improvements in the surrounding area. He spoke regarding parking concerns surrounding the stacked parking. He spoke regarding public comment surrounding the previously proposed Mixed-use Ordinance in the City and the decision to allow mixed-use projects that were already in development.

Mayor Pro Tempore Prang thanked staff, the consultants, the residents and the applicants for their input on the project. He spoke in support of the design. He spoke in support of preserving the Palm restaurant in the project. He spoke in opposition to the height of the project. He spoke in opposition to the Development Agreement and the proposed General Plan Amendments and the potential impacts on surrounding properties in the area. He expressed concerns regarding the valet parking and the compact parking spaces in the project. He expressed concerns surrounding environmental impacts in the neighborhood, and concerns surrounding the Environmental Impact Report in the project.

Councilmember Guarriello spoke in support of the project. He spoke in support of the proposed height of the project. He spoke in support of creating new housing on Santa Monica Boulevard.

Councilmember Land thanked staff, residents, consultants, and the applicants for their input on the project. She spoke in support of the design. She spoke in support of preserving the Palm restaurant in the project. She spoke in support of creating new

housing on Santa Monica Boulevard. She spoke in support of lowering the height of the project. She spoke in support of using the City's income from the project for improvements in the surrounding area. She spoke regarding concerns surrounding repairs of the mechanical parking lifts and the need to ensure that they are repaired in a timely manner. She expressed concerns regarding ensuring the development of the second phase of the project and protecting the affordable housing units in the project. She spoke regarding the public process and public participation during the approval process.

Mayor Duran spoke regarding the recent West Hollywood Community Survey and the identification of affordable housing and traffic and parking as the primary concerns of residents. He spoke in support of the project creating new housing units on Santa Monica Boulevard, and clarified that the proposed project would not destroy any existing units. He spoke in support of Alternative 3 in the proposed General Plan Amendment, which impacts the least amount of other properties in the City. He spoke in support of the size of the project in this particular area of Santa Monica Boulevard. He spoke in support of the proposed height in the project. He spoke regarding errors in the traffic study and clarified that they are typographical and not substantive. He spoke in support of using only a portion of the City's income from the project for improvements in the surrounding area.

Mayor Duran re-opened the public hearing for discussion with the architect regarding impacts from lowering the height of the project.

Mayor Duran re-closed the public hearing.

**ACTION:** 1) Introduce for first reading Ordinance No. 07-780, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING A NEGATIVE DECLARATION, APPROVING GENERAL PLAN AMENDMENT 2006-004, ZONING TEXT AMENDMENT 2006-003, AND ZONING MAP AMENDMENT 2007-003"; with the following amendment (staff Alternative 2) to the General Plan Amendment which reads as follows: "Policy 1.19.23 - With the adoption of a Development Agreement, permit an increase in floor area ratio not to exceed a total building FAR of 3.0 and permit an increase in building height not to exceed total building height of 65 feet in the Community Commercial Zoning District for properties located on Santa Monica Boulevard and west of La Cienega Boulevard and which are separated from any adjacent residentially zoned property by an alley or other public right-of-way." And with the following amendment to the Zoning Text Amendment which reads as follows: "Section 19.10.050.E – CC District – Santa Monica Boulevard Development Agreements. With the adoption of a Development Agreement, on parcels that are separated from any adjacent residentially zoned property by an alley or other public right-of-way and which are located west of La Cienega Boulevard permit an increase in floor area not to exceed a total building FAR of 3.0 and permit an increase in building height not to exceed a total building height of 65 feet. 2) Adopt Resolution No. 07-3625, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING DEMOLITION PERMIT 2006-011, DEVELOPMENT PERMIT 2006-015, MINOR CONDITIONAL USE PERMIT 2006-004, AND ADMINISTRATIVE

PERMIT 2006-021; subject to the following changes and new conditions a.) reduction in height of the project to an average building height of 62 feet; b) provide disclosure to all prospective purchasers and tenants of the building that they would be living on a busy street; c) direct staff to add a condition requiring the mechanical parking lifts be routinely maintained; d) provide dedicated self-park parking spaces and free valet service to the occupants of all affordable housing units. 3) Adopt Resolution No. 07-3626, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING TENTATIVE TRACT MAP 2006-008 FOR THE DEVELOPMENT OF FORTY-TWO (42) CONDOMINIUM UNITS AT 9001 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." 4) Direct staff to place the \$700,000.00 extraordinary benefits fee funds received from the project into a West Side Improvement Fund to be later appropriated by City Council for neighborhood improvements.

**Motion by Councilmember Heilman, Seconded by Councilmember Guarriello and passed with Mayor Pro Tempore Prang voting no.**

#### **4. UNFINISHED BUSINESS:**

**4.A. COMMISSION, ADVISORY BOARD, AND PROJECT ADVISORY COMMITTEE APPOINTMENTS AND RE-APPOINTMENTS:** [T. WEST/ C. SCHAFFER] The City Council will consider making direct and at-large appointments to City Commissions, Advisory Boards, and Committees.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the duties of current Commissioners and Board Members.

Councilmember Heilman TABLED his Historic Preservation Appointment to the meeting of January 22, 2008. City Council TABLED the direct appointment to the Disabilities Advisory Board to the meeting of January 22, 2008.

City Council made the following at-large appointments to the Project Advisory Committee: MaryAnn Szyskowski, Richard Karat, Dmitriy Belyavskiy.

**4.B. MUSEUM TO MEMORIALIZE THE HISTORY OF MUSIC AND ENTERTAINMENT ON THE SUNSET STRIP:** [R. REYNOLDS/ A. CAMPBELL] The City Council will consider a recommendation to initiate a study to explore the feasibility of establishing a Museum to Memorialize the History of Music and Entertainment on the Sunset Strip.

Councilmember Heilman requested staff to work with other music organizations in the City as potential partners. He requested staff to contact the Rock and Roll Hall of Fame to inquire about the possibility of a satellite location in West Hollywood.

TODD STEADMAN, EXECUTIVE DIRECTOR OF THE SUNSET STRIP BUSINESS ASSOCIATION, spoke in support of the Item.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the Item.

**ACTION:** Direct the Economic Development Department to engage the services of a consultant through a request for proposals to conduct a study exploring the feasibility of establishing a Museum to Memorialize the History of Music and Entertainment on the Sunset Strip. **Motion by Mayor Pro Tempore Prang, Seconded by Councilmember Heilman and approved.**

**5. NEW BUSINESS:**

**5.A.** APPROVE THE PURCHASE OF 7530 SANTA MONICA BLVD. (LOT 70), LAND OWNED BY THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION: [A. WINDERMAN/J. SKORNECK/R. BURNLEY]

This Item was moved to the Consent Calendar as Item 2.S.

**EXCLUDED CONSENT CALENDAR:**

None.

**PUBLIC COMMENT:**

None.

**6. LEGISLATIVE:**

**6.A.** URGENCY ORDINANCE ADOPTING BY REFERENCE TITLES 26, 27, 28, 29 AND 32 OF THE LOS ANGELES COUNTY CODES INCORPORATING THE CALIFORNIA STATE BUILDING STANDARDS CODES: [S. HEALY KEENE/S. BAILEY]

This Item was moved to the Consent Calendar as Item 2.T.

**COUNCILMEMBER COMMENTS:**

None.

**ADJOURNMENT:** The City Council adjourned at 11:13 P.M. in memory of Nick Bowman, Carol Baker Tharpe, Netty Mislove, Dr. Scott Hitt, and all the soldiers who died in Iraq and Afghanistan since the last City Council meeting, to their next regular meeting, which will be on Monday, December 17, 2007 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

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JOHN J. DURAN, MAYOR

ATTEST:



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THOMAS R. WEST, CITY CLERK