CITY COUNCIL CITY OF WEST HOLLYWOOD MINUTES MONDAY, MAY 19, 2008 WEST HOLLYWOOD PARK 647 N. SAN VICENTE BOULEVARD

CALL TO ORDER: Mayor Prang called the meeting to order at 6:40 P.M.

PLEDGE OF ALLEGIANCE: Jon Davidson led the pledge.

ROLL CALL:

 PRESENT: Councilmember Guarriello, Councilmember Heilman, Mayor Pro Tempore Land, and Mayor Prang.
ABSENT: Councilmember Duran.
ALSO PRESENT: City Manager Arevalo, City Attorney Jenkins, Assistant City Clerk Schaffer, and Administrative Specialist Vespoint.

REPORT OF CLOSED SESSION AGENDA:

The City Attorney reported that the closed session was called to order at 6:00 P.M. He stated that there were no public speakers. He stated that one (1) item of threatened litigation was added to the agenda. He stated that the closed session adjourned at 6:30 P.M. with no reportable action taken.

APPROVAL OF AGENDA:

Motion by Mayor Pro Tempore Land, seconded by Councilmember Guarriello to approve the May 19, 2008 agenda as amended and unanimously approved.

ADJOURNMENT MOTIONS:

Councilmember Land requested that the meeting be adjourned in memory of Jacqueline Fuhrman, the mother of James Fuhrman. She requested that the meeting be adjourned in memory of Margaret Alkana, the mother of Les Alkana. She requested that the meeting be adjourned in memory of West Hollywood resident Peter Knaeble.

Councilmember Guarriello requested that the meeting be adjourned in memory of Jacqueline Fuhrman, the mother of James Fuhrman.

Councilmember Heilman requested that the meeting be adjourned in memory of Rocky, the owner of Leo's Flowers in the City.

PRESENTATIONS:

Mayor Prang presented commendations for Victory in Europe Day to organizers Effim Kutz and Vladimir Barkon of the Association of WWII Veterans, Los Angeles.

Mayor Prang and the Council presented certificates to graduates of the Spring 2008 CTE Academy.

Councilmember Heilman thanked Mayor Prang and Councilmember Duran for their activism relative to LGBT rights and their work on marriage equality. He thanked J. Stephen Lewis in the City's Legal Services Division for his amicus brief relative to the California Supreme Court case regarding the ban on same-sex marriages, as well as City Attorney Michael Jenkins for his contributions. Councilmember Heilman thanked Jon Davidson and Pam Cooke for their activism and work toward marriage equality.

The Council joined Mr. Davidson, Ms. Cooke and J. Stephen Lewis for a presentation of a commemorative wedding cake celebrating the recent California Supreme Court decision declaring the ban on same-sex marriages unconstitutional. Jon Davidson publicly thanked the City for its amicus brief. Pam Cooke publicly thanked Jon Davidson and Lambda Legal for their contributions in the fight for marriage equality.

1. PUBLIC COMMENT:

RITA NORTON, WEST HOLLYWOOD, spoke as a member of the Senior Advisory Board relative to renewing the bus contract and in support of the City acquiring buses that provide easier access for seniors.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of Item 2.S and of same-sex marriage.

ADAM SIMMONS, WEST HOLLYWOOD, spoke relative to the Interim Zoning Ordinance that was adopted at the last Council meeting and thanked the Council for meeting with him regarding the issue.

DONALD ELMBLAD, WEST HOLLYWOOD, expressed his happiness of the lifting of the ban on same-sex marriage. He spoke regarding the Constitutional protection of land-owners and spoke in support of Proposition 98 on the ballot for the upcoming Statewide election.

MICHAEL POLES, WEST HOLLYWOOD, requested remembering the brave men and women who have fallen, and the soldiers who are currently serving the United States.

COUNCILMEMBER COMMENTS:

Councilmember Guarriello encouraged the constituency to vote in the upcoming Statewide election and to vote No on Proposition 98 and Yes on Proposition 99.

Councilmember Heilman spoke regarding public comment surrounding the purchasing of new bus equipment and asked the City Manager to investigate the issue. He spoke regarding the upcoming Human Rights Speakers Series event, The Globalization of LGBT Rights.

Mayor Pro Tempore Land spoke regarding the upcoming unveiling of a new West Hollywood Well Walk on June 28. She spoke regarding the upcoming Statewide election and the Election Town Hall Forum that was held the previous week and announced the rebroadcast times on the Citychannel. She spoke regarding the need for aid to come into Myanmar and recommended donations to Operation USA and Doctors Without Borders, for both Myanmar and the victims of the earthquake in China. She spoke regarding Item 2.S. and the City's hope to get the City designated as an agency to issue marriage licenses. She congratulated Councilmember Heilman for being the recipient of the Tom Bradley Equal Opportunity Award from the American Society of Public Administration. She spoke regarding the upcoming Memorial Day holiday and spoke in support of the troops. She also acknowledged that Councilmember Duran requested that the reading of the names of the servicemen who have fallen in Iraq and Afghanistan be postponed in his absence.

Mayor Prang thanked City staff for their contributions to the success of the celebration relative to the California Supreme Court case overturning the ban on same-sex marriage. He spoke regarding the amicus brief prepared by Staff Attorney Stephen Lewis and requested City Attorney Jenkins to provide further clarification regarding the brief.

CITY MANAGER'S REPORT: None.

FISCAL IMPACT ON CONSENT CALENDAR:

Assistant City Clerk Schaffer stated that the fiscal impact on the Consent Calendar is \$14,297,920.00 in expenditures and \$298,614.00 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.,P.,Q.,R.,S. **Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Land and approved with Councilmember Duran being ABSENT.**

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, May 19, 2008 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, May 15, 2008.

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 May 5, 2008. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO 602, RESOLUTION NO. 08-3672:

The City Council is requested to approve payment of bills due as presented by the Director of Finance.

ACTION: Approve Demand Register No. 602 and adopt Resolution No. 08-3672 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 602." **Approved as part of the Consent Calendar.**

2.D. ORDINANCE NO. 08-785 (2ND READING), APPROVING DEVELOPMENT AGREEMENT AMENDMENT 008-011 TO AMEND THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND PACIFIC DESIGN CENTER I FOR THE PACIFIC DESIGN CENTER RED BUILDING [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 08-785, a proposed ordinance approving Development Agreement Amendment 008-011 to amend the development agreement between the City and Pacific Design Center I for the Pacific Design Center Red Building.

ACTION: Waive further reading and adopt Ordinance No. 08-785, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD APPROVING DEVELOPMENT AGREEMENT AMENDMENT 008-011 TO AMEND THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND PACIFIC DESIGN CENTER I FOR THE PACIFIC DESIGN CENTER RED BUILDING." Approved as part of the Consent Calendar.

2.E. 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.F. RESIGNATION OF SABIN GRAY FROM THE PROJECT ADVISORY COMMITTEE [T. WEST, C. SCHAFFER]:

The City Council will accept the resignation of Project Advisory Committee Member Sabin Gray, effective May 2, 2008.

ACTION: Accept with regret the resignation of Sabin Gray from the Project Advisory Committee. Approved as part of the Consent Calendar.

2.G. TREASURER'S REPORTS FOR OCTOBER AND NOVEMBER 2007 [A. GANDHY, G. SCHUCHARD]:

The City Council will receive the Treasurer's Report for the months ended December 2007 and January 2008 pursuant to Section 53646 of the Government Code of the State of California.

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

2.H. APPROVAL OF AN AMENDMENT TO THE AGREEMENT WITH JENKINS & HOGIN, LLP, FOR CITY ATTORNEY SERVICES [H. GOSS, A. GANDHY]:

The City Council will consider approving an amendment to the City's agreement with Jenkins & Hogin, LLP, (Jenkins & Hogin) to increase the contract for City Attorney services.

ACTION: 1) Approve the amendment to the City's agreement with Jenkins & Hogin, increasing the annual contract rate from \$300,000 to \$330,00 for Fiscal Year 2008-2009 (\$27,500 per month); from \$330,00 to \$345,000 for Fiscal Year 2009-2010 (\$28,750 per month); from \$345,000 to \$360,000 for Fiscal Year 2010 – 2011 (\$30,000 per month) and allow an annual contract increase consistent with the Consumer Price Index (CPI) for the Los Angeles/Metro area in future fiscal years at the City's sole option; and 2) Authorize the City Manager to execute the Amendment. **Approved as part of the Consent Calendar.**

2.I. CONSTRUCTION MANAGEMENT MITIGATION AND TECHNICAL CONSULTANT SERVICES [J. ENGLISH, R. REYNOLDS, J. HUFFER]:

The City Council will consider approving an Agreement with Heery International, Inc. (HI), for construction management mitigation consultant services in relation to various private large-scale construction and development projects city-wide.

ACTION: 1) Approve an Agreement with Heery International, Inc. in the amount of \$90,000 for construction management mitigation consultant services and technical advisement services in relation to various large-scale construction and development projects city-wide; and 2) Authorize the City Manager to sign and execute the Agreement. **Approved as part of the Consent Calendar.**

2.J. APPROVAL OF FINAL TRACT MAP NO. 69791 FOR THE CONDOMINIUM PROJECT LOCATED AT 917 SIERRA BONITA AVENUE [O. DELGADO, S. PERLSTEIN]:

The City Council will consider the approval of Final Tract Map No. 69791, a five unit condominium, located on Sierra Bonita Avenue, between Romaine Street and Willoughby Avenue.

ACTION: 1) Make findings for the Final Tract Map as follows: a) That this project will not violate any of the provisions of Sections 66474, 66474.1, and 66474.6 of the Subdivision Map Act; b) That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code or any

specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code; c) That the development of the property in the manner set forth on the subject division of land will not unreasonably interfere with the free and complete exercise of any public entity and/or public utility rights of way and/or easements within the subject division of land, pursuant to Section 66436(a)3A(i-viii) of the Subdivision Map Act; 2) Approve Final Tract Map No. 69791; and 3) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 69791 the certificate that embodies the approval of said map. **Approved as part of the Consent Calendar.**

2.K. TRANSPORTATION CONTRACTOR SELECTION TO PROVIDE CITYLINE & DIAL A RIDE TRANSIT SERVICES [L. LONG, D. DENNIS, J. ROONEY]:

The City Council will consider the approval of an agreement with MV Transportation to provide CityLine & Dial A Ride Transit Services.

ACTION: Approve a seven-year agreement, with three-one year extension options, with MV Transportation, in an amount not to exceed \$12 million to provide CityLine & Dial A Ride Transit Services, and authorize the City Manager to sign. **Approved as part of the Consent Calendar.**

2.L. EXTENSION OF THE AGREEMENT FOR TAXI VOUCHER SUBSIDY PROGRAM WITH JEWISH FAMILY SERVICES (JFS) [L. LONG, D. DENNIS, J. ROONEY]:

The City Council will consider approval of a one-year extension agreement with Jewish Family Services (JFS) for administration of the Taxi Coupon/Lift Van Subsidy Program from July 1, 2008 to June 30, 2009.

ACTION: 1) Approve the one year extension agreement with Jewish Family Services (JFS) for an amount not to exceed \$450,000, effective July 1, 2008 through June 30, 2009, and 2) Authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

2.M. COMMUTER CENTER SERVICES AGREEMENT EXTENSION WITH THE CHAMBER OF COMMERCE [S. KEENE, T. SLIMMER, J. ROONEY]:

The City Council will consider the continuation of the Commuter Center program by extending the agreement with the Chamber of Commerce. **ACTION:** Authorize the City Manager to execute Amendment #5 for a two

year Agreement with the Chamber of Commerce for MTA general public fare media sales in an amount not to exceed \$36,710 for the two-year period. **Approved as part of the Consent Calendar.**

2.N. AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH AMPCO SYSTEM PARKING TO PROVIDE PARKING MANAGEMENT SERVICES FOR CITY OWNED PARKING FACILITIES [O. DELGADO, J. ROCCO, R. MARQUEZ]: The City Council will consider authorizing the City Manager and Parking Staff to negotiate and execute a three (3) year agreement with Ampco System Parking to provide Parking Management Services for City owned parking facilities.

ACTION: 1) Approve Contract to provide parking management services with Ampco System Parking through June 30, 2011; and 2) Authorize the City Manager to sign the Amendment. **Approved as part of the Consent Calendar.**

2.0. REQUEST OF PACIFIC DESIGN CENTER REGARDING SAN VICENTE MEDIAN [L. LONG, S, BAXTER]:

The Council will consider a request of the Pacific Design Center regarding re-landscaping, installation of way finding signage and maintenance of the median located on San Vicente Boulevard between Santa Monica Boulevard and Melrose Avenue.

ACTION: 1) Approve in concept the request of the Pacific Design Center regarding the San Vicente Boulevard Median as described in this report; and 2) Direct staff to return to Council with a recommended landscape improvement plan and related documentation regarding the Pacific Design Center's request to re-landscape, install way finding signage and maintain the San Vicente Boulevard Median. Approved as part of the Consent Calendar.

2.P STREET MAINTENANCE ASSESSMENT FOR FISCAL YEAR 2008-2009 [A. GANDHY]:

The City Council will consider adopting a resolution determining and imposing a street maintenance assessment within the 1996 Street Maintenance Assessment District for Fiscal Year 2008-2009. The assessment rate is unchanged from 2007-2008.

ACTION: Adopt Resolution No. 08-3673 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DETERMINING THE COST OF STREET MAINTENANCE FOR FISCAL YEAR 2008-2009 AND DETERMINING AND IMPOSING A STREET MAINTENANCE ASSESSMENT WITHIN 1996 STREET MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2008-2009 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.Q MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AND THE WEST HOLLYWOOD LIBRARY FUND [M. JENKINS, R. REYNOLDS, J. HUFFER]:

The City Council will consider approving a Memorandum of Understanding between the City and the West Hollywood Library Fund. This Memorandum establishes rules and procedures governing the relationship between the City and the Fund in pursuit of the new West Hollywood Library.

ACTION: Approve the Memorandum of Understanding. **Approved as part of the Consent Calendar.**

2.R A RESOLUTION IN SUPPORT OF EMERGENCY ASSISTANCE TO MYANMAR AND U.S. DIPLOMATIC EFFORTS TO ENSURE THAT CYCLONE VICTIMS RECEIVE HUMANITARIAN AID [A. LAND, C. PLANCK, J. HEILMAN, F. SOLOMON, C. ASHTARY]: The City Council will consider a recommendation to the government of

Myanmar to distribute humanitarian aid to victims of Cyclone Nargis. **ACTION:** 1) Adopt Resolution No. 08-3674, "A RESOLUTION IN SUPPORT OF EMERGENCY ASSISTANCE TO MYANMAR AND U.S. DIPLOMATIC EFFORTS TO ENSURE THAT CYCLONE VICTIMS RECEIVE HUMANITARIAN AID."; 2) Send copies of the resolution to President Bush, Senator Dianne Feinstein, Senator Barbara Boxer, Representative Henry Waxman, Amnesty International, Operation USA, Doctors without Border and Human Rights Watch; and 3) Direct the Office of Public Information to issue a press release regarding the City's position and provide information about where the public can make donations to help with relief efforts. **Approved as part of the Consent Calendar.**

2.S. L.A. COUNTY MARRIAGE LICENSE DESIGNATION [A. LAND, C. PLANCK, J. HEILMAN, F. SOLOMON]:

The City Council will consider directing the City Manager to assign appropriate staff to work with the County of Los Angeles to authorize the City of West Hollywood to be a designated location for the issuance of marriage licenses.

ACTION: Authorize staff to work with County Supervisor Zev Yaroslavsky's office to arrange for County marriage licenses to be issued in West Hollywood. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. REVIEW OF THE CITY SEWER SERVICE CHARGE FOR FISCAL YEAR 2008-09 [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approving the City Sewer Service Charge rates for the FY 08-09 program.

The Item was noticed as required by law.

Sharon Perlstein, City Engineer, provided background information as outlined in the staff report dated May 19, 2008.

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

TOM DEMILLE, WEST HOLLYWOOD, requested an explanation of the City sewer service charge costs.

ACTION: 1) Make a finding that there is no majority protest by property owners within the assessment area; and 2) Approve Resolution No. 08-3675, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE LEVYING OF AN ANNUAL ASSESSMENT FOR SEWER SERVICES FOR FISCAL YEAR 2007-2008 PURSUANT TO CHAPTER 15.12 OF ARTICLE 1 OF TITLE 15 OF THE CITY OF WEST HOLLYWOOD MUNICIPAL CODE." Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Land and approved with Councilmember Duran being ABSENT.

3.B REVIEW OF THE CITY SOLID WASTE AND RECYCLABLE COLLECTION AND DISPOSAL SERVICE CHARGE FOR FISCAL YEAR 2008-09 [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approving the Solid Waste and Recyclable Material Collection and Disposal Service Charge rates for FY 08-09.

The Item was noticed as required by law.

Sharon Perlstein, City Engineer, provided background information as outlined in the staff report dated May 19, 2008.

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

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding waste disposal fees and cleanliness issues in the City.

PAUL JOSEPH HEIMS, WEST HOLLYWOOD (HOMELESS), stated that the City and its alleys are sufficiently clean.

Councilmember Heilman encouraged Mr. Heims to contact Daphne Dennis, Social Services Manager, regarding homelessness assistance. He stated that Mr. Demille's comments regarding the cleanliness of alleyways in the City have merit, but that they are outside the scope of this Item.

ACTION: 1) Make a finding that there is no majority protest by property owners within the assessment area; 2) Approve Resolution No. 08-3676, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE LEVYING OF AN ANNUAL ASSESSMENT FOR SOLID WASTE AND RECYCLING SERVICES FOR FISCAL YEAR 2007-08 PURSUANT TO TITLE 15, CHAPTER 48 OF THE CITY OF WEST HOLLYWOOD MUNICIPAL CODE"; and 3) Approve Resolution No. 08-3677, "A RESOLUTION OF THE CITY COUNCIL OF

THE CITY OF WEST HOLLYWOOD ADOPTING THE CONSUMER PRICE INDEX FOR ALL URBAN CUSTOMERS (CPI-U) INCREASE TO RATES FOR SOLID WASTE SERVICES FOR COMMERCIAL AND MULTI UNIT (OVER FOUR UNITS) RESIDENTIAL PROPERTIES." Motion by Councilmember Heilman, seconded by Mayor Pro Tempore Land and approved with Councilmember Duran being ABSENT.

4. UNFINISHED BUSINESS:

4.A COMMISSION APPOINTMENTS AND RE-APPOINTMENTS [T. WEST, C. SCHAFFER]:

Councilmember Heilman will consider making a direct appointment to the Historic Preservation Commission.

ACTION: Councilmember Heilman made the following direct appointment: Historic Preservation Commission – Paul J. Rice.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the current Historic Preservation Commissioners.

5. NEW BUSINESS:

5.A SOCIAL SERVICES PROGRAM PRIORITIES 2008-10 AND RELEASE OF REQUEST FOR PROPOSAL DOCUMENT [L. LONG, D. DENNIS]: The City Council will consider Social Services program priorities for the 2008-10 contract process and release the Request for Proposal document on May 21, 2008.

Daphne Dennis, Social Services Manager, provided background information as outlined in the staff report dated May 19, 2008.

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

Councilmember Guarriello expressed his support of the Human Services Division.

Mayor Pro Tempore Land commended the Human Services Commission and City staff.

Councilmember Heilman commended the Human Services Commission and City staff. He hoped there may be a means by which the City may be able to assist those at or near the poverty level to help them gain firm financial footing.

Mayor Prang commented that Social Service programming in West Hollywood is a significant investment of the City's budget and spoke regarding the importance of funding social services programs. He commended the Human Services Commission and City staff

ACTION: 1) Indicate program priorities for the 2008-10 Social Services contract process to be released with the Request for Proposal document; and 2) Approve the release of the Request for Proposal document for 2008-10 on May 21, 2008. Motion by Mayor Pro Tempore Land, seconded by Councilmember Guarriello and approved with Councilmember Duran being ABSENT.

5.B DISCUSSION OF CITY COUNCIL MEETING SCHEDULE CHANGE FOR JUNE, JULY, AUGUST, AND SEPTEMBER 2008 [T. WEST, C. SCHAFFER]:

The City Council will consider revising the City Council Regular Meeting Schedule for June, July, August, and September.

ACTION: 1) Cancel the meeting of July 7, 2008; 2) Cancel the meeting of August 4, 2008; 3) Cancel the meeting of September 2, 2008 with the possibility of rescheduling the meeting to September 8, 2008 if necessary; and 4) Direct staff to arrange for teleconferencing for Councilmember Heilman for the meeting of July 21, 2008. **Carried by Consensus of the Council.**

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT:

YOLA DORE, WEST HOLLYWOOD, spoke in support of a Staff Appreciation Day. She also expressed regret that the Angels in the Midst Awards were discontinued and suggested that the City institute a Humanitarian Award.

6. LEGISLATIVE:

6.A. None

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 8:01 P.M. in memory of Jacqueline Fuhrman, Margaret Alkana, Peter Knaeble, and Rocky, the owner of Leo's Flowers, to their next regular meeting, which will be on Monday, June 2, 2008 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.