

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, SEPTEMBER 15, 2008
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

CALL TO ORDER: Mayor Prang called the meeting to order at 6:50 P.M.

PLEDGE OF ALLEGIANCE: Bob Abrahams led the pledge.

ROLL CALL:

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

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 reported that the closed session was called to order at 6:00 P.M. He stated that there was one (1) public speaker. He stated that two (2) Items were added to the agenda: one (1) item of Personnel Review per Government Code Section 54957; and one (1) Item of Pending Litigation – Kemel v. the City of West Hollywood. He stated that the closed session adjourned at 6:40 P.M. with no reportable action taken.

APPROVAL OF AGENDA:

Mayor Pro Tempore Land made a Motion to add an Urgency Item to the agenda as Item 2.W. - support of AB 837 (Feuer) regarding gun control. **Motion by Mayor Pro Tempore Land, seconded by Councilmember Guarriello and Carried by Consensus of the Council.**

Mayor Pro Tempore Land requested that Items 5.A. and 6.A. be added to the Consent Calendar as Items 2.Z. and 2.AA.

City Manager Arevalo requested that Items 4.A. and 4.D. be moved to the Consent Calendar as Items 2.X. and 2.Y.

Mayor Pro Tempore Land noted her recusal on the approval of funding for the Saban Free Clinic in Item 2.X. (4.A.), due to a conflict of interest with her employment.

Motion by Councilmember Heilman, seconded by Councilmember Guarriello, to approve the September 15, 2008 agenda as amended and unanimously approved.

ADJOURNMENT MOTIONS:

Councilmember Heilman requested that the meeting be adjourned in memory of Mr. Martinez, the former Water Polo Coach for the West Hollywood Aquatics Program. He requested that the meeting be adjourned in memory of long-time resident Harry Prongue.

Mayor Pro Tempore Land requested that the meeting be adjourned in memory of pioneering lesbian rights activist Del Martin, who was recently married by San Francisco Mayor Gavin Newsom. She requested that the meeting be adjourned in memory of the victims of the recent Metrolink train crash in Chatsworth, California.

Mayor Prang requested that the meeting be adjourned in memory of John Sanford Todd, the former City Attorney of the City of Lakewood, and activist in the fight to allow cities to incorporate in the State of California.

Councilmember Duran requested that the meeting be adjourned in memory of pioneering lesbian rights activist Del Martin, who was recently married by San Francisco Mayor Gavin Newsom. He requested that the meeting be adjourned in memory of long-time resident John Burnside. He requested that the meeting be adjourned in memory of the following soldiers who died in Iraq and Afghanistan since the last City Council meeting: Sgt. 1st Class George Staniel, Spc. Steven J. Fitzmorris, Spc. Carlo E. Alfonso, Sgt. David K. Cooper, Spc. Jorge L. Feliz Nieve, Spc. Michael L. Gonzalez, Pfc. Patrick W. May, Pfc. Bryan R. Thomas, Sgt. Kenneth W. Mayne, Pvt. Jordan P. P. Thibeault.

PRESENTATIONS:

Mayor Prang presented commendations to the organizers of the National Night Out event in the City

Councilmember Heilman presented a plaque to outgoing Lesbian and Gay Advisory Board Member Chris Clarkin.

Mayor Prang presented a proclamation in recognition of Alcohol and Drug Addiction Recovery Month.

Mayor Pro Tempore Land presented a proclamation in recognition of National Preparedness Day.

Councilmember Heilman presented a plaque to retiring employee Bob Abrahams, in recognition of all his work for the City.

1. PUBLIC COMMENT:

HILARY SELVIN, LOS ANGELES, on behalf of the National Council of Jewish Women, spoke in support of Item 4.A. and thanked City Council for their continued support.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding Item 2.V., the Living Wage Ordinance for the City.

ART MCDERMOTT, LOS ANGELES, on behalf of AIDS Research Alliance, spoke regarding Item 4.D. and concerns surrounding the timing of the relocation of their agency when construction of the new West Hollywood Library begins.

CARY STEVENS, LOS ANGELES, on behalf of AIDS Research Alliance, spoke regarding Item 4.D. and concerns surrounding the timing of the relocation of their agency when construction of the new West Hollywood Library begins.

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

JOSEPH CLAPSADDLE, WEST HOLLYWOOD, on behalf of the West Hollywood Chamber of Commerce, spoke in opposition to Item 3.A.

SUSAN ANDERSON, LOS ANGELES, on behalf of the West Hollywood Library, spoke regarding upcoming events sponsored by the Library.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding concerns surrounding the construction of the project at the Pavilion's lot on Santa Monica Boulevard and concerns surrounding proper permitting for a recent sale event at the property.

SCOTT CUSHING, WEST HOLLYWOOD, spoke regarding concerns surrounding the recent pet adoption event at Petco in the City and the reduction in size from previous events.

KARI WHITMAN, WEST HOLLYWOOD, spoke regarding concerns surrounding the recent pet adoption event at Petco in the City and the reduction in size from previous events.

STEPHANIE FONDA, LOS ANGELES, spoke regarding concerns surrounding the recent pet adoption event at Petco in the City and the reduction in size from previous events.

WHITNEY WALTERS, PASADENA, spoke regarding concerns surrounding the recent pet adoption event at Petco in the City and the reduction in size from previous events.

DEBBIE KASTE, WEST HOLLYWOOD, spoke regarding concerns surrounding the recent pet adoption event at Petco in the City and the reduction in size from previous events.

PAULA TIPLER, WEST HOLLYWOOD, spoke regarding concerns surrounding the recent pet adoption event at Petco in the City and the reduction in size from previous events.

JOHN MICHAEL MONTGOMERY, WEST HOLLYWOOD, spoke regarding concerns surrounding the construction of the project at the Pavilion's lot on Santa Monica Boulevard and concerns surrounding proper permitting for a recent sale event at the property.

MARINA BERKMAN, WEST HOLLYWOOD, spoke in support of Item 4.A. and thanked City Council for their continued support.

COUNCILMEMBER COMMENTS:

Councilmember Guarriello spoke regarding concerns raised during public comment surrounding the recent sale event at the Pavilion's site on Santa Monica Boulevard and ongoing construction issues. He requested Public Safety and the Sheriff's Department to investigate the possibility of better methods of providing information to the public when a public safety incident occurs in their neighborhood.

Councilmember Heilman spoke regarding the upcoming Book Fair in the City. He spoke regarding an upcoming meeting with the Los Angeles Metro Board to discuss the extension of the Metro Red Line, and encouraged residents to sign letters to the Metro Board asking them to consider extending the line through West Hollywood. He spoke regarding concerns raised during public comment surrounding Item 4.D. and the timing of the relocation of the impacted social service agencies, and requested the City Manager to work with the agencies to find possible solutions. He spoke regarding concerns raised during public comment surrounding the recent sale event at the Pavilion's site on Santa Monica Boulevard and ongoing construction impacts, and requested the City Manager to investigate.

Councilmember Duran spoke regarding concerns raised during public comment surrounding Item 4.D. and the timing of the relocation of the impacted social service agencies, and requested the City Manager to work with the agencies to find possible solutions. He spoke regarding recent discoveries in HIV/AIDS research. He requested the City Manager investigate the possibility of the City providing renovations to the West Hollywood Recovery Center building. He requested the City Manager to provide an update on impacts to redevelopment funds provided to the City, based on the recent adoption of the California State Budget. He spoke regarding concerns raised during public comment surrounding issues with the ongoing pet adoption events at Petco in the City, and requested the City Manager to investigate possible alternative locations for the events. He spoke regarding the upcoming "Aging with HIV and its Impact on the Brain" event in the City. He spoke regarding the City's upcoming participation in the 2nd Annual Festival of California Poets.

Mayor Pro Tempore Land spoke regarding concerns raised during public comment surrounding Item 4.D. and the timing of the relocation of the impacted social service

agencies, and requested the City Manager to work with the agencies to find possible solutions. She spoke regarding concerns raised during public comment surrounding issues with the ongoing pet adoption events at Petco in the City, and requested the City Manager to investigate possible alternative locations for the events. She spoke regarding concerns raised during public comment surrounding the recent sale event at the Pavilion's site on Santa Monica Boulevard and ongoing construction impacts, and requested the City Manager to investigate. She spoke regarding the temporary sculptures located at Santa Monica Boulevard and Doheny Drive. She spoke regarding an upcoming event sponsored by the National Council of Jewish Women to discuss the upcoming State Proposition 4 on the November 4, 2008 ballot. She spoke regarding the upcoming "Love Your Body" event in the City, sponsored by the Women's Advisory Board and the National Organization of Women. She encouraged residents to donate blood to help victims of the recent Metrolink train crash in Chatsworth. She encouraged residents to get involved in the "No on Prop 8" movement, regarding California Proposition 8 on the November 4, 2008 ballot. She thanked the City Clerk's office and City Staff for organizing the recent Fifth Annual Congress of Commissions and Advisory Boards in the City. She provided further clarification of Item 2.U., the development of a Bicycle Sharing Program in the City.

Mayor Prang thanked the City Clerk's office and City Staff for organizing the recent Fifth Annual Congress of Commissions and Advisory Boards in the City. He spoke regarding an upcoming American Georgian Charitable Art Show in the City to benefit the victims of the recent military conflict in the Republic of Georgia. He spoke regarding his recent attendance at the 2008 Mayoral Housing Summit in California. He provided clarification of the former use of the West Hollywood Recovery Center building. He spoke regarding the recent approval of the California State Budget and the protection of local city funds. He spoke regarding concerns raised during public comment surrounding the recent sale event at the Pavilion's site on Santa Monica Boulevard and ongoing construction impacts, and requested the City Manager to investigate.

CITY MANAGER'S REPORT:

City Manager Arevalo spoke regarding Item 4.D. and provided additional clarification of the City's efforts to work with the impacted social service agencies to assist in relocation when construction of the new West Hollywood Library begins. He spoke regarding the recent sale event at the Pavilion's site on Santa Monica Boulevard and ongoing construction impacts, and stated that Community Development Staff will continue to work with the developers and will create a contact liaison at the City for resident complaints. He spoke regarding the recent adoption of the California State Budget and the impact on the City based on the reduction in local redevelopment funds.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$7,523,239.00 in expenditures and \$-2,400.00 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.,U.,V.,W.,X.,Y.,Z.,AA. **Motion by Councilmember Guarriello, seconded by Councilmember Heilman and unanimously approved with Mayor Pro Tempore Land ABSTAINING on the approval of funding for the Saban Free Clinic in Item 2.X.**

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, September 15, 2008 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, September 11, 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 August 18, 2008. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 609, RESOLUTION NO. 08-3730:

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

ACTION: Approve Demand Register No. 609 and adopt Resolution No. 08-3730, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 609." **Approved as part of the Consent Calendar.**

2.D. DEMAND REGISTER NO. 610, RESOLUTION NO. 08-3731:

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

ACTION: Approve Demand Register No. 610 and adopt Resolution No. 08-3731, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 610." **Approved as part of the Consent Calendar.**

2.E. TREASURER'S REPORT FOR JUNE 2008:

The City Council will receive the Treasurer's Reports for the month ended June 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.F. 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 Salvatore Zannino and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.G. ORDINANCE NO. 08-795 (2ND READING), AMENDING TITLE 10, CHAPTER 10.08.230 OF THE WEST HOLLYWOOD MUNICIPAL CODE IMPLEMENTING DISTRICT 8 PREFERENTIAL PARKING REGULATIONS ON THE 7600 BLOCK OF LEXINGTON AVENUE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 08-795, a proposed ordinance amending Title 10, Chapter 10.08.230 of the West Hollywood Municipal Code implementing District 8 preferential parking regulations on the 7600 block of Lexington Avenue and amending the West Hollywood Municipal Code.

ACTION: Waive further reading and adopt Ordinance No. 08-795, "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 THE 7600 BLOCK OF LEXINGTON AVENUE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.H. ORDINANCE NO. 08-796 (2ND READING), AMENDING TITLE 10, CHAPTER 10.08.250 OF THE WEST HOLLYWOOD MUNICIPAL CODE IMPLEMENTING DISTRICT 10 PREFERENTIAL PARKING REGULATIONS ON THE 1000 BLOCK OF ORANGE GROVE AVENUE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 08-796, a proposed ordinance amending Title 10, Chapter 10.08.250 of the West Hollywood Municipal Code implementing District 10 preferential parking regulations on the 1000 block of Orange Grove Avenue and amending the West Hollywood Municipal Code.

ACTION: Waive further reading and adopt Ordinance No. 08-796, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08.250 OF THE WEST HOLLYWOOD MUNICIPAL CODE IMPLEMENTING DISTRICT 10 PREFERENTIAL PARKING REGULATIONS ON THE 1000 BLOCK OF ORANGE GROVE AVENUE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.I. ORDINANCE NO. 08-797 (2ND READING), AMENDING WHMC § 17.56.010(h)(2) TO SPECIFY THAT AN OWNER OR RESIDENT MANAGER REQUIRED TO HOLD OFFICE HOURS MUST HOLD THOSE HOURS ON THE RENTAL PREMISES [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 08-797, a proposed ordinance amending West Hollywood Municipal Code § 17.56.010(h)(2) to specify that an owner or resident manager required to hold office hours must hold those hours on the rental premises.

ACTION: Waive further reading and adopt Ordinance No. 08-797, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING WHMC § 17.56.010(h)(2) TO SPECIFY THAT AN OWNER OR RESIDENT MANAGER REQUIRED TO HOLD OFFICE HOURS MUST HOLD THOSE HOURS ON THE RENTAL PREMISES." **Approved as part of the Consent Calendar.**

2.J. 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.K. RESIGNATIONS FROM CITY COMMISSIONS, ADVISORY BOARDS, AND COMMITTEES [T. WEST, C. SCHAFFER]:

The City Council will accept the resignation of Planning Commissioner John D'Amico, effective August 21, 2008; and the resignation of Project Advisory Committee Member Alexander Ponder, effective August 17, 2008.

ACTION: Accept with regret the resignation of John D'Amico from the Planning Commission and Alexander Ponder from the Project Advisory Committee. **Approved as part of the Consent Calendar.**

2.L. PLUMMER PARK DESIGN STEERING COMMITTEE [L. LONG, S. BAXTER]:

The City Council will consider authorizing a representative of the City's Historical Preservation Commission to be a member of the Plummer Park Design Steering Committee.

ACTION: Authorize an appointment from the Historical Preservation Commission to the Plummer Park Design Steering Committee. **Approved as part of the Consent Calendar.**

2.M. AUDIT AGREEMENT WITH CENTER FOR NONPROFIT MANAGEMENT [M. JENKINS]:

The City Council is requested to consider an agreement with the Center for Nonprofit Management for the purpose of conducting an audit of the Association of Soviet Jewish Emigrees ("ASJE," a.k.a. the Russian Community Center) pursuant to a settlement agreement in the case of Adlivankin v. City of West Hollywood.

ACTION: It is recommended that the City Council approve the attached audit agreement with the Center for Nonprofit Management. **Approved as part of the Consent Calendar.**

2.N. APPROVAL OF FINAL PARCEL MAP NO. 67808 FOR THE CONDOMINIUM PROJECT LOCATED AT 846 HUNTLEY DRIVE [O. DELGADO, S. PERLSTEIN]:

The City Council will consider the approval of Final Parcel Map No. 67808, a two unit condominium, located on Huntley Drive, between Santa Monica Boulevard and Sherwood Drive.

ACTION: 1) Make findings for the Final Parcel 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; and 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 Parcel Map No. 67808; and 3) Instruct the City Clerk to endorse on the face of the map of Final Parcel Map No. 67808 the certificate that embodies the approval of said map. **Approved as part of the Consent Calendar.**

2.O. NOTICE OF COMPLETION FOR CIP 0801 CONCRETE REPAIR PROGRAM [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approving the Notice of Completion for CIP 0801 Concrete Repair Program by Portsmouth Construction Co.

ACTION: Accept the work and authorize the following: a) Filing a Notice of Completion by the City Engineer; b) Final payment to the contractor at the end of the 35 day lien period; c) Release of the Performance Bond on the date of recordation of the Notice of Completion; and d) Release of the Payment Bond 35 days after the date of recordation of the Notice of Completion, pending no receipt of Stop Notices. **Approved as part of the Consent Calendar.**

2.P. NOTICE OF COMPLETION FOR CIP 0803 RESIDENTIAL STREET PAVING PROJECT [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approving the Notice of Completion for CIP 0803 Residential Street Paving Project by Hardy & Harper, Inc.

ACTION: Accept the work and authorize the following: a) Filing a Notice of Completion by the City Engineer; b) Final payment to the contractor at the end of the 35 day lien period; c) Release of the Performance Bond on the date of recordation of the Notice of Completion; and d) Release of the Payment Bond 35 days after the date of recordation of the Notice of Completion, pending no receipt of Stop Notices. **Approved as part of the Consent Calendar.**

2.Q. UPDATE ON EASTSIDE ARTS INITIATIVE AS AUTHORIZED BY COUNCIL IN JUNE 2007 [R. REYNOLDS, A. CAMPBELL]:

The Council will receive and file a report regarding the Eastside Arts Initiative.

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

Calendar.

2.R. AIDS WALK 2008 [L. LONG, N. BEARD, C. SMITH]:

The City Council will consider co-sponsorship of AIDS Walk 2008.

ACTION: Authorize co-sponsorship of the AIDS Walk 2008 which includes: a) Authorize the waiver of all City of West Hollywood special event fees for this event; b) Approve date, Sunday, October 19, 2008 and location, West Hollywood Park and surrounding residential streets; and c) Approve the lifting of permit parking from 7 am to 2 pm on October 19, 2008 in Districts 1 and 2. **Approved as part of the Consent Calendar.**

2.S. CO-SPONSORSHIP OF CHARITABLE ART SHOW ORGANIZED BY THE AMERICAN GEORGIAN CULTURAL FOUNDATION [J. PRANG, J. STEVENS, T. RODZINEK]:

The City Council will consider co-sponsorship of the charitable art show organized by the American Georgian Cultural Foundation to benefit the victims of the former Soviet Republic of Georgia.

ACTION: Adopt Resolution No. 08-3732, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS CO-SPONSORSHIP OF THE CHARITABLE ART SHOW ORGANIZED BY THE AMERICAN GEORGIAN CULTURAL FOUNDATION." The event proceeds will benefit the innocent victims of the military conflict in the former Soviet republic of Georgia. All proceeds from the event will go to the "Solidarity Georgia" state ministry on diaspora account, which was created to help victims of bombing. **Approved as part of the Consent Calendar.**

2.T. OPPOSING THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PROPOSED REGULATION REGARDING HEALTH CARE PROVIDER CONSCIENCE RIGHTS [C. PLANCK, L. FOOKS, T. LIN]:

The City Council will consider taking a position against a new U.S. Department of Health and Human Services proposed regulation that would expand existing protections of health care providers to practice according to their conscience.

ACTION: 1) Adopt Resolution No. 08-3733, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PROPOSED REGULATION REGARDING HEALTH CARE PROVIDER CONSCIENCE RIGHTS"; 2) Direct staff to send a letter of opposition to the proposed regulation" Ensuring That Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices In Violation of Federal Law" to Mike Levitt, Secretary, the U.S.

Department of Health and Human Services before the public comment period closes on September 20, 2008; and 3) Direct staff to send copies of the resolution to Senator Barbara Boxer, Senator Dianne Feinstein and Representative Henry Waxman, the ACLU Reproductive Freedom Project and the National Organization for Women. **Approved as part of the Consent Calendar.**

2.U. DEVELOPMENT OF BICYCLE SHARING PROGRAM [A. LAND, C. PLANCK]:

The City Council will consider directing Community Development Department staff to research and implement bicycle sharing program, with regional access.

ACTION: 1) Direct Community Development Department to research bicycle sharing programs, and collaborate with other interested municipalities, the Westside Council of Governments (COG), the Los Angeles County Bicycle Coalition and other interested parties in the region; and 2) Direct Community Development Department to return to City Council within 60 days with a progress report, including preliminary information on costs, insurance and liability issues, bicycle safety education program (for drivers, cyclists and pedestrians), regional partners, potential sites for program and development of an RFP for the program. **Approved as part of the Consent Calendar.**

2.V. ESTABLISHING A LIVING WAGE RATE FOR 2008-2009 [V. LOVE, T. BROWN]:

The City Council will consider adopting a resolution that establishes the living wage rate for 2008-2009 to be \$9.02 with health benefit contributions and \$10.32/hr without health benefit contributions.

ACTION: Adopt Resolution No. 08-3734 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A LIVING WAGE RATE FOR 2008-2009 OF \$9.02/HR WITH HEALTH BENEFIT CONTRIBUTIONS AND \$10.32/HR WITHOUT HEALTH BENEFIT CONTRIBUTIONS". **Approved as part of the Consent Calendar.**

2.W. SUPPORT OF AB 837 (FEUER) REGARDING GUN CONTROL [A. LAND, C. PLANCK]:

The City Council will consider adopting a resolution in support of AB 837 (Feuer) regarding gun control regulations.

ACTION: 1) Adopt Resolution No. 08-3735, "A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 837 (FEUER) REGARDING GUN CONTROL"; and 2) Direct staff to send copies of signed resolution to Governor Arnold Schwarzenegger, State Senator Sheila Kuehl, State Assemblymember Mike Feuer and State Assemblymember Paul Krekorian. **Approved as part of the Consent Calendar.**

2.X. (4.A.) SOCIAL SERVICES PROGRAMS RECOMMENDATIONS 2008-10 [L. LONG, D. DENNIS, D. GIUGNI]:

The City Council will consider Human Services Commission and staff recommendations for Social Services programs for the October 1, 2008-September 30, 2009 funding period.

ACTION: Approve social services program funding recommendations as indicated on the enclosed chart, authorize staff to negotiate scopes of work and budgets and authorize the City Manager to sign contract agreements. **Approved as part of the Consent Calendar with Mayor Pro Tempore Land ABSTAINING on the approval of funding for the Saban Free Clinic, due to a conflict of interest with her employment.**

2.Y. (4.D.) ACQUISITION OF REAL PROPERTY AT 621 NORTH SAN VICENTE BOULEVARD (RON STONE CLINIC), WEST HOLLYWOOD, CALIFORNIA [R. REYNOLDS, J. HUFFER]:

The City Council will consider approving the acquisition of an approximately 26,256 square foot parcel known as the Ron Stone Clinic located at 621 North San Vicente Boulevard located within West Hollywood Park for \$4 million from Los Angeles County.

ACTION: 1) Approve the property acquisition at 621 North San Vicente Boulevard for \$4 million; 2) Adopt Amendment No. 1 to Purchase and Sale of Real Property and Escrow Instructions/621 North San Vicente Boulevard, West Hollywood/Los Angeles County Contract No. 74408; 3) Authorize execution of Grant Deed between City of West Hollywood and County of Los Angeles for the real property described as Lots 13 to 16 inclusive and a portion of lot 17 of Tract No. 5939 as shown on the map recorded in Book 62, Pages 43 and 44 of Maps, in the Office of the County Recorder of Los Angeles County; and 4) Authorize City Manager to execute and sign all necessary documents on behalf of the City of West Hollywood. **Approved as part of the Consent Calendar.**

2.Z. (5.A.) ASSIGNMENT AGREEMENT BETWEEN THE CITY OF LA VERNE AND THE CITY OF WEST HOLLYWOOD FOR THE EXCHANGE OF PROPOSITION A LOCAL RETURN FUNDS [A. GANDHY, D. HATCHER, J. ROONEY]:

The City Council will consider a General Fund trade agreement for Prop A Local Return Funds with the City of La Verne.

ACTION: 1) Approve a Prop A fund trade agreement with the City of La Verne for \$266,000 West Hollywood General Funds in exchange for \$350,000 City of La Verne Prop A Funds; 2) Authorize the City Manager to execute the agreement; 3) Authorize the Director of Finance to appropriate \$266,000 from the unallocated reserves in the General Fund to Expenditure for Traded Funds (100-1-03-31-531016); and 4) Authorize the Director of Finance to increase budgeted revenues in the Prop A Fund, Account No. 203-42101 by \$350,000. **Approved as part of the Consent Calendar.**

2.AA. (6.A.) ORDINANCE TO MODIFY BID REQUIREMENTS FOR THE ACQUISITION OF SUPPLIES AND EQUIPMENT [A. GANDHY, D. HATCHER, C. DUNCAN]:

The City Council will consider an ordinance exempting participation in cooperative purchasing programs from bid requirements for acquisition of supplies and equipment.

ACTION: Introduce for first reading Ordinance No. 08-798, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD EXEMPTING PARTICIPATION IN COOPERATIVE PURCHASING PROGRAMS FROM BID REQUIREMENTS FOR ACQUISITION OF SUPPLIES AND EQUIPMENT AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

THE CITY COUNCIL RECESSED AND RECONVENED AS THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION: 8:17 P.M.

The Community Development Commission approved the minutes from the August 18, 2008 meeting, and adopted a Resolution authorizing the investment of monies in the Local Agency Investment Fund. 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 WEST HOLLYWOOD CITY COUNCIL: 8:18 P.M.

3. PUBLIC HEARINGS:

3.A. AMENDMENT OF FRANCHISE AGREEMENT AND CHANGE THE SCOPE OF SERVICES & RATES FOR COMMERCIAL SOLID WASTE AND RECYCLING [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approving an amendment to the franchise agreement with Arakelian Enterprises, Inc. dba Athens Services for an extraordinary rate increase for commercial customers spread out over 4 years to a) Compensate for rising costs to operate the food waste program, b) Implement 100% MRF processing of all commercial waste, and c) Extend the term of the franchise agreement by 4 years.

City Clerk West stated that the Item was noticed as required by law.

Sharon Perlstein, City Engineer, provided background information as outlined in the staff report dated September 15, 2008.

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

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

CHRIS CARLOS, WEST COVINA, on behalf of Athens Services, spoke in support of the Item.

MICHAEL LEWIS, WEST COVINA, on behalf of Athens Services, spoke in support of the Item.

SHARON SANDOW, LOS ANGELES, on behalf of the West Hollywood Chamber of Commerce, spoke in opposition to the Item.

JOAN HENEHAN, WEST HOLLYWOOD, on behalf of the West Hollywood Chamber of Commerce, spoke in opposition to the Item.

Mayor Prang closed the public hearing.

Councilmember Duran spoke in support of the staff recommendation and in support of the Item. He spoke in support of spreading the increases over a four year period. He spoke in support of the additional recycling efforts that will be included by increasing the commercial service rates.

Councilmember Guarriello spoke regarding the extension of the contract with Athens Services, and the need to ensure that during the next contract negotiation the rates are set at levels that take into consideration future costs.

Mayor Pro Tempore Land spoke regarding changes in the economy and increases in costs since the initiation of the original contract with Athens Services. She spoke in support of some increase based upon unforeseen costs of the Food Waste Program, but spoke regarding concerns surrounding the total amount of the rate increases, and the possibility of including the Annual CPI increases in the total increase amount.

Councilmember Heilman spoke in opposition to the Item and in opposition to the fee increases. He spoke regarding concerns surrounding ongoing requests from Athens Services for additional rate increases. He spoke in support of some increase based upon unforeseen costs of the Food Waste Program, but spoke regarding concerns surrounding the total amount of the rate increases. He spoke regarding concerns surrounding automatically extending the agreement with Athens Services, without soliciting any competitive proposals.

Mayor Prang spoke in support of the staff recommendation and in support of the Item. He spoke regarding changes in the economy and increases in costs since the initiation of the original contract with Athens Services. He spoke regarding the difficulty of increasing rates during the current economic climate, but spoke regarding the need to provide the additional recycling efforts that will be included by increasing the commercial service rates. He spoke regarding the excellent service provided by Athens.

ACTION: Approve Amendment No. 1 to the Exclusive Franchise Agreement with Arakelian Enterprises, Inc. d.b.a. Athens Services for Integrated Solid Waste Management Services and authorize the City Manager to sign the Amendment. **Motion by Councilmember Duran, seconded by Councilmember Guarriello and approved with Councilmember Heilman and Mayor Pro Tempore Land voting NO.**

3.B. REQUEST FOR CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (EIR) AND APPROVAL OF DEVELOPMENT PERMIT 003-016, ADMINISTRATIVE PERMIT 003-042 AND BILLBOARD PERMIT 003-041; AN APPROXIMATELY 11,691 SQUARE FOOT COMMERCIAL/RESTAURANT BUILDING WITH INTEGRATED PARKING AND BILLBOARD AT 8305 SUNSET BOULEVARD [S. KEENE, J. KEHO, A. GALLO]:

The City Council will hold a public hearing to consider the Final Environmental Impact Report (FEIR) for the construction of an approximately 11,691 square foot commercial/restaurant building, with outdoor dining fronting Sunset Boulevard, 177 parking stalls in an integrated four story parking structure, and a billboard incorporated into the south elevation. The project site is located at 8305 Sunset Boulevard, in Sunset Specific Plan Geographic Area 2-A.

City Clerk West stated that the Item was noticed as required by law.

Adrian Gallo, Associate Planner, and Terri Slimmer, Transportation and Transit Manager, provided background information as outlined in the staff report dated September 15, 2008.

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

TOM DEMILLE, WEST HOLLYWOOD, spoke in opposition to the Item.

CLARE BRONOWSKI, LOS ANGELES, spoke in opposition to the Item.

ALLYN RIFKIN, LOS ANGELES, spoke in opposition to the Item.

DAVID WEISSFELD, WEST HOLLYWOOD, spoke regarding traffic and parking concerns related to the development of the project.

ELYSE EISENBERG, WEST HOLLYWOOD, spoke regarding traffic and parking concerns related to the development of the project.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding traffic and parking concerns related to the development of the project.

WILLIAM STECKBOWER, ROLLING HILLS ESTATES, on behalf of the applicant, spoke in support of the Item.

City Attorney Jenkins requested additional clarification from staff regarding issues raised in a letter submitted to the City Council by Clare Bronowski.

Councilmember Heilman thanked staff for completing the new traffic study. He spoke in opposition to the issues raised in a letter submitted to the City Council by Clare Bronowski. He spoke regarding public comments surrounding traffic and parking concerns related to the development of the project. He spoke in support of the Item.

Councilmember Duran requested additional clarification from staff regarding the increased parking requirements in the project. He spoke in support of the economic benefits of the project to the City. He spoke in support of extending the outdoor dining hours beyond 12:00am. He spoke in support of the Item.

Mayor Pro Tempore Land spoke regarding the previous public hearing and in-depth discussion of the project. She spoke in support of the project and in support of the Final EIR.

Councilmember Guarriello spoke in support of the project and thanked the applicant for bringing the Item forward.

ACTION: Hold a public hearing, consider all pertinent testimony, approve the application request and adopt Resolution No. 08-3736, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CERTIFYING THE FINAL EIR, AND APPROVING THE FOLLOWING PERMITS: DEVELOPMENT PERMIT 03-016, ADMINISTRATIVE PERMIT 03-042, AND BILLBOARD PERMIT 03-041 FOR THE CONSTRUCTION OF AN APPROXIMATELY 11,691 SQ. FT. COMMERCIAL/ RESTAURANT BUILDING, WITH OUTDOOR DINING FRONTING SUNSET BOULEVARD, PARKING STALLS IN AN INTEGRATED FOUR STORY PARKING STRUCTURE, AND A BILLBOARD INCORPORATED INTO THE SOUTH ELEVATION AT 8305 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA."; with an amendment to Response 4-12 in the Final Environmental Impact Report to delete the following: "Although the project would provide additional spaces, those parking spaces would be designated for project use only."
Motion by Mayor Pro Tempore Land, seconded by Councilmember Guarriello and unanimously approved.

3.C. AMENDING THE CITY'S CONFLICT OF INTEREST CODE [T. WEST, C. SCHAFFER]:

The City Council will hold a public hearing to consider adopting a resolution amending the City's Conflict of Interest Code.

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

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding conflict of interest issues in local government.

Mayor Prang closed the public hearing.

ACTION: Adopt Resolution No. 08-3737,"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE STANDARD CONFLICT OF INTEREST CODE REGULATIONS PREPARED BY THE FAIR POLITICAL PRACTICES COMMISSION AND REPEALING RESOLUTION NO. 06-3455." **Motion by Mayor Pro Tempore Land, seconded by Councilmember Heilman and unanimously approved.**

4. UNFINISHED BUSINESS:

4.A. SOCIAL SERVICES PROGRAMS RECOMMENDATIONS 2008-10 [L. LONG, D. DENNIS, D. GIUGNI]:

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

4.B PUBLIC SAFETY DIVISION UPDATE JANUARY – JUNE 2008 [K. COOK, B. GOLDMAN, J. GRAHAM]:

The City Council will receive a six month update on public safety activities from January – June 2008 and give additional direction to staff.

Councilmember Heilman spoke regarding public safety volunteers and possible new methods of volunteer recruitments. He thanked staff for bringing the report forward. He spoke regarding concerns surrounding public safety issues on the East side of the City. He spoke regarding ongoing drug dealing issues in the City and requested staff to provide further clarification of the current efforts on behalf of the Sheriff's Department.

Mayor Pro Tempore Land requested staff to develop a tracking mechanism to report back to the Council and the City regarding the progress of ongoing criminal investigations. She requested Public Safety and the Sheriff's Department to investigate the possibility of better methods of providing information to the public when a public safety incident occurs in their neighborhood. She requested Public Safety to investigate improved street lighting in dangerous areas in the City.

Councilmember Duran requested the Sheriff's Department to provide further clarification of the hate crimes statistics in the City. He requested

staff and the Sheriff's Department to provide a more detailed breakdown and clarification of the narcotics arrests in future reports.

Councilmember Guarriello encouraged residents to protect valuable items in their vehicles by placing them in the trunk.

Mayor Prang thanked Public Safety, the Sheriff's Department, and the Fire Department for all their efforts in the City. He requested further clarification regarding motorcycle traffic patrols on residential streets, and the possibility of continuing them in the City.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding the need for residents to get involved in their community.

City Manager Arevalo provided clarification of ongoing efforts to provide information to the public regarding public safety incidents in the City. He provided clarification that the City is still providing strong traffic enforcement efforts in the City and will work to increase the visibility to the public.

ACTION: 1) Approve the following public safety priorities including: a) Continue to work with local businesses, residents, and neighboring jurisdictions to promote neighborhood livability and mitigate impacts from nighttime establishments; b) Continue to aggressively address criminal transient issues, and assist Social Services with overall homelessness issues; c) Continue to improve Sheriff's Department customer relations; and d) Continue to collaborate with residents and businesses through Neighborhood Watch and the West Hollywood Chamber of Commerce regarding emergency preparedness, crime prevention, customer service, and quality of life issues; 2) Identify other public safety priorities to include in the Public Safety Division's work plan; and 3) Give additional direction to staff as necessary. **Motion by Councilmember Heilman, seconded by Councilmember Guarriello and unanimously approved.**

4.C. SUNSET STRIP BEAUTIFICATION PROJECT [O. DELGADO, S. PERLSTEIN, D. UYENO]:

The City Council will consider the proposed improvements and enhancements for Sunset Boulevard and direct staff to proceed with the implementation of the Sunset Strip Beautification Project.

Sharon Perlstein, City Engineer, and Donn Uyeno, Assistant Civil Engineer, provided background information as outlined in the staff report dated September 15, 2008.

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

Mayor Pro Tempore Land thanked staff for bringing the Item forward. She spoke regarding the need to mitigate traffic and construction impacts. She spoke in support of the Item, and in support of the inclusion of art works in the project. She spoke regarding tree replacement and in support of using mature trees and similar trees to the ones being removed.

Councilmember Duran spoke regarding the magnolia trees on the Sunset Plaza dining area, and the possibility of replacing them with trees that provide additional shade. He requested clarification of shade trees versus flowering trees in the "Rock and Roll" area of the Strip. He spoke in support of a Sunset Strip marker. He spoke regarding the median at Sunset Plaza, and the possibility of being able to include public art on that site. He spoke regarding the material selection of the pavement on the street.

Councilmember Heilman thanked staff for bringing the Item forward. He spoke in support of shade trees along the entire Strip, and the minimization of flowering trees. He spoke in support of the inclusion of public art in the medians. He spoke regarding the need to include some type of signalization in the public crosswalks on the Strip.

Mayor Prang spoke regarding the need to include community input in the ongoing beautification project. He spoke regarding the possibility of exploring additional options for the pavement materials on the street.

City Manager Arevalo spoke regarding impacts from the development, particularly in conjunction with other ongoing projects in the area, and provided clarification of ongoing City efforts to mitigate impacts to the residents.

ACTION: 1) Consider the proposed improvements and enhancements for Sunset Boulevard and direct staff to proceed with implementation of the Sunset Strip Beautification Project; 2) Adopt Resolution No. 08-3738, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CERTIFYING A NEGATIVE DECLARATION FOR THE PROPOSED SUNSET STRIP BEAUTIFICATION PROJECT"; 3) Adopt Resolution No. 08-3739, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DETERMINING THAT THE STREETScape PLANS OF THE SUNSET STRIP BEAUTIFICATION PROJECT SHALL TAKE PRECEDENCE OVER THE URBAN DESIGN STREETScape MASTER PLAN"; and 4) Approve in concept the request from Montgomery Management Inc. to provide the landscape maintenance, as well as water and electrical service for the Sunset Blvd median islands in the vicinity of Sunset Plaza and authorize the City Manager to execute an Encroachment Agreement; 5) with additional direction to return to City Council with further clarification on species of trees, public art, and material selection for street pavement. **Motion by**

Mayor Pro Tempore Land, seconded by Councilmember Heilman and unanimously approved.

4.D. ACQUISITION OF REAL PROPERTY AT 621 NORTH SAN VICENTE BOULEVARD (RON STONE CLINIC), WEST HOLLYWOOD, CALIFORNIA [R. REYNOLDS, J. HUFFER]:

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

5. NEW BUSINESS:

5.A. ASSIGNMENT AGREEMENT BETWEEN THE CITY OF LA VERNE AND THE CITY OF WEST HOLLYWOOD FOR THE EXCHANGE OF PROPOSITION A LOCAL RETURN FUNDS [A. GANDHY, D. HATCHER, J. ROONEY]:

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

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT: None.

6. LEGISLATIVE:

6.A. ORDINANCE TO MODIFY BID REQUIREMENTS FOR THE ACQUISITION OF SUPPLIES AND EQUIPMENT [A. GANDHY, D. HATCHER, C. DUNCAN]:

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

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 11:11 P.M. in memory of the Water Polo Coach for the West Hollywood Aquatics Program, Harry Prongue, Del Martin, the victims of the recent Metrolink train crash, John Sanford Todd, John Burnside, and all the soldiers who died in Iraq and Afghanistan since the last City Council meeting. They adjourned to their next regular meeting, which will be on Monday, October 6, 2008 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.