

**CITY COUNCIL  
MINUTES  
MONDAY, JUNE 20, 2005  
WEST HOLLYWOOD PARK AUDITORIUM**

**CALL TO ORDER:** The meeting was called to order at 6:55 P.M.

**PLEDGE OF ALLEGIANCE:** 5<sup>th</sup> Graders from Laurel Elementary School led the pledge.

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

ABSENT: None.

ALSO PRESENT: Acting City Manager Joan English, City Attorney Michael Jenkins, City Clerk Tom West and Assistant City Clerk Gwen Peirce.

**REPORT OF CLOSED SESSION AGENDA:**

City Attorney Jenkins stated that the Closed Session convened at 6:00 PM. He stated that two items were added to the agenda: one item of pending litigation, Mallcraft v. City of West Hollywood and one item of real property negotiation, regarding 1209 N. LaBrea Avenue with Jeffrey Lustre as the negotiator on the property owner's side. He stated that the Closed Session adjourned at 6:45 PM with no reportable action taken.

**APPROVAL OF AGENDA:**

Councilmember Duran requested that Item 3.I. be TABLED to the second meeting of August.

Mayor Pro Tempore Heilman noted his NO vote on Item 2.V.

Mayor Land noted her NO vote on Item 2.V.

Mayor Pro Tempore Heilman requested that the meeting be adjourned in the memory of Frances Reid, mother of David Reid.

Councilmember Prang requested that the meeting be adjourned in the memory of Tracey Neubauer, daughter-in-law of Ruth Williams.

**Motion by Councilmember Guarriello, seconded to Mayor Pro Tempore Heilman to approve the June 20, 2005 agenda as amended and unanimously approved.**

**PRESENTATIONS:**

Fifth Graders from Laurel Elementary School presented a mural to the City Council created by the students regarding their field trip to the Museum of Tolerance, which was made possible by the City Council.

Councilmember Prang presented a commendation to Rev. John Griffin for his work in the City of West Hollywood.

**1. PUBLIC COMMENT:**

MINDY BRADISH, WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support the assessment districts.

DAVID HOUSTON, PACIFIC PALISADES, spoke in support of Item 2.X.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding his proposed Democratic party platform.

RICHARD EASTMAN, LOS ANGELES, spoke regarding the benefits of medicinal marijuana and other new HIV medications.

HEAVENLY WILSON, WEST HOLLYWOOD, spoke in support of historic preservation and green space in the City.

SANDY HUTCHENS, WEST HOLLYWOOD, spoke in support of the Avenues of Art & Design.

JOSEPH ALKANA, INGLEWOOD, spoke in support of the legalization of medical marijuana.

JEREMY LONGORIA, WEST HOLLYWOOD, spoke regarding his youth group and thanked the City Council for the proclamation they presented to them at the Pride Festival.

SUE SEXTON, WEST HOLLYWOOD, thanked the City Council and City staff for their work on the organization of the Dyke March.

BOB NOTECK, LOS ANGELES, spoke in support of the Sunset Strip BID.

DAN BERKOWITZ, WEST HOLLYWOOD, spoke in support of the Tom of Finland Erotic Art Fair.

DAVID NASH, WEST HOLLYWOOD, spoke in support of the commendation for Rev. John Griffin.

JOHN HAYES, WEST HOLLYWOOD, spoke regarding the Film and Television Action Committee and requested that the issue of runaway production be put on the City Council agenda in the future.

J.W. MOORE IV, WEST HOLLYWOOD, thanked Mayor Land and City Staff for their work in the resolution of the hotel workers' strike.

**COUNCILMEMBER COMMENTS:**

Councilmember Prang announced an upcoming Household Hazardous Waste/Electronic Waste round-up. He acknowledged Barney's Beanery for their support of the City.

Councilmember Duran announced an upcoming Town Hall Forum on Crystal Methamphetamine, Mental Health and Spirituality.

Councilmember Guarriello announced that City employee, Jeff Book, has been named the Democrat of the Year by the Los Angeles County Democratic Party.

Mayor Pro Tempore Heilman thanked all of the individuals involved with the Christopher Street West event. He gave direction to staff on Item 2.M. to investigate including a requirement in future development agreements for an easement for wireless technology.

Mayor Land thanked all of the individuals involved with the Christopher Street West event. She announced that there will not be a meeting until July 18<sup>th</sup>. She announced the "Know Before You Go" walk on July 15<sup>th</sup> on Sunset Boulevard. She thanked City staff for their work on the recent resolution of the hotel workers' strike. She provided the weekly health tip regarding diabetes.

**CITY MANAGER'S REPORT:** None.

**FISCAL IMPACT ON CONSENT CALENDAR:**

City Clerk West stated that the fiscal impact on the Consent Calendar is \$2,295,508 in expenditures and \$339,824 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. **Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Heilman and unanimously approved with Mayor Pro Tempore Heilman and Mayor Land voting NO on Item 2.V.**

**2.A. POSTING OF AGENDA:**

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

**2.B. APPROVAL OF MINUTES:**

**ACTION:** Approve the minutes of June 6, 2005. **Approved as part of the Consent Calendar.**

**2.C. DEMAND REGISTER NO. 534, RESOLUTION NO. 05-3258:**

**ACTION:** Approve Demand Register No. 534 and adopt Resolution No. 05-3258, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 534.” **Approved as part of the Consent Calendar.**

**2.D. CLAIMS ADMINISTRATION:**

**ACTION:** Deny the claim of Harmeet Ahluwalia and refer to the City’s claims adjuster. **Approved as part of the Consent Calendar.**

**2.E. ORDINANCE NO. 05-712 (2<sup>ND</sup> READING), A PROPOSED ORDINANCE REGARDING SERVICE OF ADMINISTRATIVE CITATIONS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:**

**ACTION:** Waive further reading and adopt Ordinance No. 05-712, “AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING SERVICE PROCEDURES AND THE LENGTH OF TIME FOR APPEAL OF ADMINISTRATIVE CITATIONS AND AMENDING THE MUNICIPAL CODE.” **Approved as part of the Consent Calendar.**

**2.F. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**

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

**2.G. COMMISSION AND ADVISORY BOARD ATTENDANCE REPORTS:**

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

**2.H. AMENDMENT TO THE AGREEMENT WITH AFFILIATED COMPUTER SERVICES FOR EXTENSION OF THE PHOTO ENFORCEMENT PROGRAM:**

**ACTION:** 1) Receive and file a report on the Photo Enforcement Program; and 2) Amend the agreement with ACS to revise the fee structure and extend the agreement to June 30, 2008 and authorize the City Manager to sign. **Approved as part of the Consent Calendar.**

**2.I. APPROVAL OF AN MOU AGREEMENT WITH LOS ANGELES COUNTY METROPOLITAN TRANSIT AUTHORITY (LACMTA) RELATED TO PROPOSITION A FUNDS AND THE CITYLINE TRANSIT SERVICES PROGRAM:**

**ACTION:** 1) Authorize the City Manager to execute an MOU agreement with the Los Angeles County Metropolitan Transit Authority (LACMTA) for a Proposition A Incentive Grant for the NTD reporting; and 2) Authorize the Director of Finance to increase budgeted revenues in the Prop A Fund, Account No. 218-0000-5011 by \$37,394. **Approved as part of the Consent Calendar.**

**2.J. PROPOSITION A DISCRETIONARY INCENTIVE GRANT PROGRAM MEMORANDUM OF UNDERSTANDING WITH THE METROPOLITAN TRANSIT AUTHORITY (LACMTA) FOR THE COORDINATED DIAL A RIDE SERVICES PROGRAM:**

**ACTION:** 1) Authorize the City Manager to execute an MOU agreement with the Los Angeles County Metropolitan Transit Authority (LACMTA) for a Proposition A Incentive Grant to coordinate services for the period of July 1, 2004 through June 30, 2006; and 2) Authorize the Director of Finance to increase budgeted revenues for 2005-06 in the Proposition A Fund Account 218-0000-5037 Incentive Funds Dial A Ride by \$302,130 and a negative amount of \$154,087 in revenue account 218-0000-5037 for the City of Beverly Hills share of funds for fiscal years 2004-2005 and 2005-2006 operations. **Approved as part of the Consent Calendar.**

**2.K. AGREEMENT WITH SPENCER CONSULTING TO PROVIDE PROFESSIONAL SERVICES FOR PREFERENTIAL PARKING:**

**ACTION:** 1) Approve a two (2) year contract with Spencer Consulting Services for an amount not to exceed \$25,000 through FY 06/07 to provide professional services on an as needed basis for the new Kings Road petition parking study area; and 2) Authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

**2.L. AMENDMENT TO AGREEMENT FOR STREET TREE MAINTENANCE SERVICES:**

**ACTION:** 1) Approve the Second Amendment to Agreement with Great Scott Tree Service, Incorporated which extends the term of the original Contract Agreement to June 30, 2008 at the lump sum and unit costs identified in the Second Amendment to Agreement; and 2) Authorize the City Manager to sign the Second Amendment to Agreement dated June 20, 2005. **Approved as part of the Consent Calendar.**

**2.M. APPROVE AN AGREEMENT WITH PCC NETWORK SOLUTIONS FOR AN OUTDOOR PUBLIC WIRELESS (WI-FI) NETWORK PILOT PROJECT:**

**ACTION:** 1) Approve the agreement with PCC Network Solutions in an amount not to exceed \$44,931.83; 2) Authorize the City Manager to execute the contract; 3) Authorize the expenditure of an amount not to exceed \$4,493.00 for contingencies as approved by the Director of the Finance and Technology Services Department; and 4) Authorize staff to issue an RFP for expansion of the outdoor public wi-fi network. **Approved as part of the Consent Calendar.**

**2.N. AWARD OF A CONSTRUCTION CONTRACT FOR CIP 0502 TRAFFIC SIGNAL IMPROVEMENTS AT VARIOUS LOCATIONS, WESTSIDE NORTH-SOUTH CORRIDOR PROJECT:**

**ACTION:** 1) Accept the bid dated June 7, 2005, submitted by KDC Inc., dba Dynalectric; 2) Authorize the City Manager to enter into a contract with KDC Inc., dba Dynalectric, in the amount of \$476,339 for the construction of CIP 0502, for Traffic Signal Improvements at Various Locations, Westside North-South Corridor Project; and 3) Authorize the City Engineer to manage Change Orders for work on the construction

contract in an amount not to exceed 15% of the contract amount.  
**Approved as part of the Consent Calendar.**

**2.O. AGREEMENT FOR SERVICES WITH WEST HOLLYWOOD CHAMBER OF COMMERCE FOR FISCAL YEAR 2004-2005:**

**ACTION:** 1) Approve an agreement with the West Hollywood Chamber of Commerce in the amount not to exceed \$36,000 to provide a range of business development programs and sponsorships; and 2) Authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

**2.P. APPROVAL OF A ONE-YEAR CONTRACT RENEWAL WITH THE MAPLE COUNSELING CENTER FOR CRISIS COUNSELING SERVICES FOR THE CITY OF WEST HOLLYWOOD:**

**ACTION:** 1) Authorize the City Manager to negotiate a contract with The Maple Counseling Center for emergency crisis response counseling services for the City of West Hollywood; and 2) Approve the expenditure of \$24,000 for July 1, 2005 to June 30, 2006 for a one-year contract with The Maple Counseling Center for Emergency Crises Response Counseling Services for the City of West Hollywood. **Approved as part of the Consent Calendar.**

**2.Q. AMEND AGREEMENT FOR SERVICES WITH LINN AND ASSOCIATES FOR ONGOING PLANNING DIVISION SERVICES:**

**ACTION:** 1) Approve an amendment to the Agreement for Professional Planning Services with Linn and Associates in an amount- not-to-exceed twenty-five thousand dollars (\$25,000) for planning project review; and 2) Authorize the City Manager to sign the amended agreement. **Approved as part of the Consent Calendar.**

**2.R. AMENDMENT TO AGREEMENT FOR SERVICES WITH VCA CODE GROUP FOR PROFESSIONAL BUILDING INSPECTION SERVICES IN THE BUILDING AND SAFETY DIVISION:**

**ACTION:** 1) Approve Contract Amendment Agreement with VCA Code Group; for professional building inspection services in the Building and Safety Division for temporary staffing vacancies and/or temporary staffing as needed for special projects in the amount not to exceed \$150,000.00 (one hundred fifty thousand dollars and no/cents); and 2) Authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

**2.S. APPROVAL OF A CONTRACT FOR CITY HALL SECURITY GUARD SERVICES WITH SHIELD SECURITY, INCORPORATED:**

**ACTION:** 1) Authorize the City Manager to negotiate a contract with Shield Security, Incorporated for security guard services; and 2) Approve the expenditure of up to \$80,000 for July 1, 2005 to June 30, 2006 for a

one-year contract with Shield Security, Incorporated for security guard services. **Approved as part of the Consent Calendar.**

**2.T. APPROVAL OF FINAL PARCEL MAP NO. 061534 FOR THE CONDOMINIUM PROJECT LOCATED AT 924 PALM AVENUE:**

**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 55474.6 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, 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 Parcel Map No. 061534; and 3) Instruct the City Clerk to endorse on the face of the map of Final Parcel Map No. 061534 the certificate, which embodies the approval of said map. **Approved as part of the Consent Calendar.**

**2.U. APPROVAL OF FINAL TRACT MAP NO. 53388 FOR THE CONDOMINIUM PROJECT LOCATED AT 1010 CURSON 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 55474.6 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, 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. 53388; and 3) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 53388 the certificate, which embodies the approval of said map. **Approved as part of the Consent Calendar.**

**2.V. AMENDMENT OF THE UNIFORM COMMISSION BY-LAWS:**

**ACTION:** Adopt Resolution No. 05-3259, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE UNIFORM BY-LAWS GOVERNING THE CITY'S APPOINTED COMMISSIONS AND RESCINDING RESOLUTION NO. 02-2747."

**Approved as part of the Consent Calendar. Mayor Pro Tempore Heilman and Mayor Land voted NO.**

**2.W. CO-SPONSORSHIP OF 10TH ANNUAL TOM OF FINLAND FOUNDATION EROTIC ART WEEKEND, OCT. , 2005:**

**ACTION:** Approve city co-sponsorship for 11th Annual Tom of Finland Foundation Erotic Art Weekend, to be held October 8 and 9, 2005, in Plummer Park. **Approved as part of the Consent Calendar.**

**2.X. CITY OF WEST HOLLYWOOD/BARNEY'S BEANERY ANNUAL CAR SHOW:**

**ACTION:** 1) Approve the street closure requested in this report; and 2) Approve waiver of the special event fee. **Approved as part of the Consent Calendar.**

**2.Y. USE OF HART PARK FOR OFF-LEASH DOG USE:**

**ACTION:** 1) Continue off-leash dog use at Hart Park as described in this report and in conformance with Exhibit D; 2) Establish an Off-Leash Dog Committee as described in this report consisting of 3 members of the Public Facilities Commission, 4 off-leash dog users as appointed by the Public Facilities Commission and 2 staff members from the Human Services Department; 3) Authorize the Director of Finance to appropriate in fiscal year 2005/2006, \$25,000 from the Park Development Undesignated Fund balance into account 219-5050-9208; and 4) Direct staff to provide an update to Council of off-leash dog use at Hart Park within 18 months of the date of this report. **Approved as part of the Consent Calendar.**

**2.Z. TWO RESOLUTIONS IN SUPPORT OF AB 888 (DE LA TORRE) AND SB 459 (ROMERO) SEEKING TO LESSEN THE IMPACT OF AIR POLLUTION FROM RAIL YARDS IN SOUTHERN CALIFORNIA:**

**ACTION:** 1) Adopt Resolution No. 05-3260, "A RESOLUTION OF THE CITY COUNCIL IN SUPPORT OF AB 888 (DE LA TORRE) SEEKING TO LESSEN THE IMPACT OF AIR POLLUTION FROM RAIL YARDS IN SOUTHERN CALIFORNIA"; 2) Adopt Resolution No. 05-3261, "A RESOLUTION OF THE CITY COUNCIL IN SUPPORT OF SB 459 (ROMERO) SEEKING TO LESSEN THE IMPACT OF AIR POLLUTION FROM RAIL YARDS IN SOUTHERN CALIFORNIA"; and 3) Direct staff to send copies of signed resolutions to US Senators Dianne Feinstein and Barbara Boxer, Governor Arnold Schwarzenegger, Senators Sheila Kuehl and Gloria Romero, Assemblymembers Paul Koretz and Hector De La Torres and the League of California Conservation Voters. **Approved as part of the Consent Calendar.**

**3. PUBLIC HEARINGS:**



**3.A. A RESOLUTION CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2005-06 IN CONNECTION WITH THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE:**

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

Ray Reynolds, Economic Development Director and Jeffrey Huffer, Project Administrator, presented background information as outlined in the staff report dated June 20, 2005.

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

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

Mayor Land closed the public hearing.

**ACTION:** 1) Open the Public Hearing and accept testimony. Close hearing and after considering the received testimony; and 2) Adopt Resolution No. 05-3262, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2005-06 IN CONNECTION WITH THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE." **Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

**3.B. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 FOR THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT:**

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

Ray Reynolds, Economic Development Director and Jeffrey Huffer, Project Administrator, presented background information as outlined in the staff report dated June 20, 2005.

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

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of further promotion of the Avenues of Art & Design.

BRAD BURLINGAME, LOS ANGELES, spoke in support of the Avenues of Art & Design.

ALEX STETTINSKI, WEST HOLLYWOOD, spoke in support of the Avenues of Art & Design and provided an update of their events.

TODD CARSON, LOS ANGELES, spoke in support of the Avenues of Art & Design.

ROBERTA MORENO, LOS ANGELES, spoke in support of the Avenues of Art & Design.

Mayor Land closed the public hearing.

Mayor Pro Tempore Heilman expressed concern that the budget for the Avenues is not sufficient to support the expansion that is desired and directed staff to look at possibilities for future funding.

**ACTION:** 1) Conduct the Public Hearing; 2) Adopt Resolution No. 05-3263, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD, AND LEVYING AN ASSESSMENT FOR FISCAL YEAR 2005-2006 IN CONNECTION WITH THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT"; and 3) Approve an Agreement for Services between the City and the West Hollywood Convention and Visitors Bureau to administer the 2005-2006 Avenues of Art and Design BID work program; and, authorize the City Manager to sign the agreement. **Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

**3.C. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING & BUSINESS IMPROVEMENT AREA LAW OF 1989 (HOTEL MARKETING BENEFIT ZONE):**

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

Ray Reynolds, Economic Development Director and Jeffrey Huffer, Project Administrator, presented background information as outlined in the staff report dated June 20, 2005.

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

BRAD BURLINGAME, LOS ANGELES, WEST HOLLYWOOD CONVENTION & VISITORS BUREAU, provided information regarding the operations of the CVB.

Mayor Land closed the public hearing.

**ACTION:** 1) Conduct a public hearing; 2) Adopt Resolution No. 05-3264, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD AND LEVYING A CHARGE (ASSESSMENT) IN CONNECTION WITH THE WEST HOLLYWOOD BUSINESS IMPROVEMENT DISTRICT (HOTEL MARKETING BENEFIT ZONE) FOR FISCAL YEAR 2005-2006"; and 3) Approve a 3-year Agreement for Services between the City and the West Hollywood Convention and Visitors Bureau; and, authorize the City Manager to sign the Amendment. **Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Heilman and unanimously approved.**

**3.D. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 FOR THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT:**

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

Ray Reynolds, Economic Development Director and Jeffrey Huffer, Project Administrator, presented background information as outlined in the staff report dated June 20, 2005.

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

TODD STEADMAN, SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT, provided an update on the Sunset Strip BID.

ERIC BERGHAMER, HOLLYWOOD, spoke in support of the Sunset Strip BID.

MICHAEL SPENCER, BURBANK, spoke in support of the Sunset Strip BID.

TERI GUSTAFSON, WEST HOLLYWOOD, spoke in support of the Sunset Strip BID.

BRAD BURLINGAME, LOS ANGELES, spoke in support of the Sunset Strip BID.

Mayor Land closed the public hearing.

Councilmember Guarriello requested that the BID hire more security personnel on bicycles.

Councilmember Duran spoke in support of the Sunset Strip BID being extended into Los Angeles to include the businesses at the end of the strip, such as the Chateau Marmont and The Shelter.

**ACTION:** 1) Conduct the Public Hearing; 2) Adopt Resolution No. 05-3265, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD, AND LEVYING AN ASSESSMENT FOR FISCAL YEAR 2005-2006 IN CONNECTION WITH THE SUNSET STRIP BUSINESS IMPROVEMENT DISTRICT"; and 3) Approve an agreement between the City and the Sunset Strip Business Association to administer the 2005-2006 Sunset Strip Business Improvement District work program; and, authorize the City Manager to sign the agreement. **Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Heilman and unanimously approved with the additional direction to investigate working with the City of Los Angeles to include the businesses at the east end of the Strip in the City of Los Angeles.**

**3.E. PREFERENTIAL PARKING DISTRICT 7 REGULATIONS 2 TWO (2) HOUR TIME LIMIT ON HACIENDA PLACE, OLIVE DRIVE AND WEST SIDE OF FAIRFAX AVENUE BETWEEN 7AM AND 7PM:**

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

Don Norte, Parking Services Officer, presented background information as outlined in the staff report dated June 20, 2005.

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

RANDALL DERRICK, WEST HOLLYWOOD, spoke in support of the Orange Grove parking lot and the proposed regulations.

BOB GREEN, WEST HOLLYWOOD, spoke in support of the proposed regulations.

J.W. MOORE IV, WEST HOLLYWOOD, spoke in support of the proposed regulations be implemented city-wide.

Mayor Land closed the public hearing.

**ACTION:** Introduce for first reading Ordinance No. 05-713, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08.220 OF THE WEST HOLLYWOOD MUNICIPAL CODE BY AMENDING THE HOURS OF ENFORCEMENT IN PREFERENTIAL PARKING DISTRICT 7 AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Motion by**

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

**3.F. APPEAL OF PLANNING COMMISSION'S RESOLUTION REVOKING CREATIVE SIGN PERMIT CSP 2003-003, RELATING TO A CREATIVE SIGN AT 8801 SUNSET BOULEVARD (TOWER RECORDS):**

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

Susan Healy Keene, Director of Community Development, presented background information as outlined in the staff report dated June 20, 2005.

MATT OSTER, WEST HOLLYWOOD, REPRESENTING TOWER RECORDS, spoke regarding the possibility for further negotiations and requested a continuance of the public hearing.

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

MATT OSTER, WEST HOLLYWOOD, REPRESENTING THE APPELLANT, spoke regarding the history of Tower Records in the City. He spoke regarding Tower Records' process for their sign approval and construction.

BOB BURKE, REPRESENTING TOWER RECORDS, spoke in opposition to the denial of the appeal.

JEFF HABER, LATHAM & WATKINS, representing IAC Interactive Corp., spoke in support of the denial of the appeal due to the nuisance of the sign to the employees of the building at 8800 Sunset Boulevard.

DARREN OSTI, SANTA BARBARA, representing IAC Interactive Corp., spoke in support of the denial of the appeal.

HAROLD ANDERSON, HOLLYWOOD, spoke in support of the denial of the appeal.

CHARLES HIBBITS, SIMI VALLEY, spoke in support of the denial of the appeal due to increased traffic accidents.

BORIS ELIAS, LOS ANGELES, spoke in support of the denial of the appeal.

DAN DUNNING, BURBANK, spoke in support of the denial of the appeal.

KARLA PENA, ALHAMBRA, spoke in support of the denial of the appeal.

ANDREW BARRETT-WEISS, STUDIO CITY, spoke in support of the denial of the appeal.

WILL COKER, HANSEN HILLS, spoke in support of the denial of the appeal.

CHRISTIAN HORNER, LOS ANGELES, spoke in support of the denial of the appeal.

BO JAMES, WEST HOLLYWOOD, spoke in support of the denial of the appeal.

VICTORIA JOYCE, WEST HOLLYWOOD, spoke in support of the denial of the appeal.

ROD MCDONALD, WEST HOLLYWOOD, spoke in support of the denial of the appeal.

CATHERINE HAHN, WEST HOLLYWOOD, spoke in support of the denial of the appeal.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the denial of the appeal.

J.W. MOORE IV, WEST HOLLYWOOD, spoke regarding the technicality of LED signs. He spoke in support of the denial of the appeal.

MATT OSTER, WEST HOLLYWOOD, REPRESENTING THE APPELLANT, provided a rebuttal to the arguments presented during the public hearing.

Mayor Land closed the public hearing.

Mayor Pro Tempore Heilman expressed concern over the staff report. He spoke in support of upholding the Planning Commission's revocation due to the nuisance of the sign and public safety concerns. He spoke in support of revising the resolution to focus on the issue of nuisance. He spoke in opposition to the complaint of fraudulent behavior of Tower. He spoke regarding the violations by Tower and that they are not sufficient grounds for revoking a permit. He spoke regarding the angle of the sign and the signage exceeding the square feet. He spoke in support of the revocation due to the nuisance.

Councilmember Guarriello spoke in support of the revocation due to the nuisance of the sign. He expressed concern that Tower Records refused to turn the sign off for any time period.

Councilmember Duran spoke regarding the Appellant's letter and responded to concerns expressed in the letter. He spoke regarding staff's grounds for revocations, specifically fraudulent behavior by Tower. He stated that he did not believe that Tower attempted to commit fraud. He expressed concern over the renderings that were submitted although the sign face is the size that they submitted. He spoke regarding the argument of on-site/off-site advertising and stated that it is a weak argument. He spoke regarding staff's recommendation to the Planning Commission regarding the fact that the sign was not in conformance with the Planning Commission's decision. He stated that the Planning Commission should have had the discretion to make the decision regarding the "super stands." He spoke in support of the revocation due to the nuisance issues. He spoke in opposition to the estoppels argument.

Councilmember Prang expressed concern over the City's handling of the entire process of this project. He expressed concern that Tower's renderings were not representative of what was actually installed. He spoke in support of the revocation due to the nuisance issues. He stated that this sign is a video-tron that that this sign was not applied for or approved as a video-tron.

Mayor Land expressed concern over the City's handling of the project. She spoke in support of the revocation due to the nuisance issues.

**ACTION:** Deny the appeal and adopt the following: Resolution No. 05-3266, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD UPHOLDING THE PLANNING COMMISSION'S REVOCATION OF (CSP) 2003-003, FOR THE PROPERTY LOCATED AT 8801 SUNSET BOULEVARD, WEST HOLLYWOOD, CA." (TOWER RECORDS) **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Duran and unanimously approved with the following revisions:**

**DELETE Sect. 4.A. Replaced with 4.C.**

**DELETED the following from Section B**

**Paragraphs related to on-site advertising**

**Paragraph regarding violations related to the construction process**

**DELETE Reference to Reason 2; and state that Reason 3 and 5 apply here.**

Councilmember Prang requested that the applicant be responsible for accuracy and consistency of all data submitted and is also responsible for changes and amendments. He stated that discrepancies in material, as determined by the CDD Director, may void the application and/or approvals that rely on them. Mayor Pro Tempore Heilman requested that staff initiate conversations with Tower Records and consider an outside mediator to avoid litigation to help Tower comply.

**3.G. APPEAL OF THE HISTORIC PRESERVATION COMMISSION'S RECOMMENDATION TO DENY THE PROPERTY LOCATED AT 1248-52 LAUREL AVENUE AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD:**

John Keho, Planning Manager, presented background information as outlined in the staff report dated June 20, 2005.

TODD ELLIOTT, LOS ANGELES, Representing the Applicant, spoke in opposition to continuing the public hearing.

Mayor Land spoke in support of continuing the public hearing.

Councilmember Guarriello spoke in opposition to continuing the public hearing.

Councilmember Prang spoke in support of continuing the public hearing.

Mayor Pro Tempore Heilman expressed concern and stated that he would like to accommodate Mr. Neish, but is concerned that the applicant is being stalled due to the delay.

Councilmember Duran spoke in support of continuing the public hearing due to the fact that this is the first request for continuance. He requested that in the next staff report that staff respond to the documents received regarding CEQA and Categorical Exemptions.

**ACTION:** Continue the item to the July 18, 2005 City Council meeting. **Motion by Councilmember Duran, seconded by Councilmember Prang and approved with Councilmember Guarriello and Mayor Pro Tempore Heilman voting NO.**

**3.H. APPEAL OF PLANNING COMMISSION APPROVAL FOR DEMOLITION OF A TEN UNIT APARTMENT BUILDING AND CONSTRUCTION OF A SIXTEEN UNIT APARTMENT BUILDING AT 1248-1252 N. LAUREL AVENUE:**

**ACTION:** Continue the item to the July 18, 2005 City Council meeting. **Motion by Councilmember Duran, seconded by Councilmember Prang and approved with Councilmember Guarriello and Mayor Pro Tempore Heilman voting NO.**

**3.I. SUNSET OLIVE MIXED USE PROJECT AND ENVIRONMENTAL IMPACT REPORT, (DEVELOPMENT PERMIT 01-01, DEMOLITION PERMIT 01-01, CONDITIONAL USE PERMIT 01-01, GENERAL PLAN AMENDMENT 01-03 AND ZONING MAP AMENDMENT 01-01):**



**ACTION: THIS ITEM WAS CONTINUED TO THE AUGUST 15, 2005  
CITY COUNCIL MEETING.  
THE CITY COUNCIL RECESSED AT 10:15 P.M. AND RECONVENED AT 10:21 P.M.**

**4. UNFINISHED BUSINESS:**

**4.A. PUBLIC SAFETY DIVISION UPDATE – JUNE 2005:**

Kristin Cook, Public Safety Manager, presented background information as outlined in the staff report dated June 20, 2005.

Mayor Land expressed her appreciation for all the work of Public Safety staff, the Sheriff's Department and Fire Station.

Mayor Land spoke in support of using these reports as educational information for the community. She announced National Night Out on August 2<sup>nd</sup>.

Mayor Pro Tempore Heilman spoke in support of including Public Safety Commission priorities in future reports.

Councilmember Prang spoke in support of placing this type of information on the City's website.

Councilmember Duran spoke in support of holding a simulation for a large-scale earthquake.

**ACTION:** Receive and file the report. **Carried by consensus of the Council.**

**4.B. COMMISSION AND ADVISORY BOARD APPOINTMENTS AND RE-APPOINTMENTS:**

1) The Council re-appointed the following direct appointees to City Commissions:

a. Mayor Pro Tempore Heilman:  
Public Facilities: Gregory Woodell

2) The Council made the following at-large appointees to City Commissions:

a. Historic Preservation: Marc Yeber and **Danny Castro**  
b. Public Facilities: Norman Chramoff and Bud Siegel

3) The Council made the at-large appointments to City Advisory Boards:

a. Disabilities Advisory Board: Norman Cherner, Jordan Chinich, Debra Chodash, Bryan Dahlgren, Suzanne Dietrich, Harrison

Kline-Aguado, Joel Ring, **Tom Pavich** and **Pamela Keevil-Grey**.

- b. Lesbian & Gay Advisory Board: Dan Berkowitz, Chris Clarkin, William Gordon, Scott Mann, Jimmy Palmieri, Jeff Yarbrough, Ivy Bottini, Elisabeth Sandberg, Susan Sexton, Nadia Sutton, Ruth Tittle and **ONE VACANCY**.
- c. Russian Advisory Board: Polina Belitski, Nonna Danilkevich, Elina Dvorskaya, Ronya Faybisovich, Alexander Faynerman, Mikhail Moshkovich, Steve Pargamanik, Andrey Pronin, Olga Uraltzeva, Lev Volovik and **Melissa Prager**.
- d. Senior Advisory Board: Esther Baum, Sofia Gelman, Werner Haas, Shirley Kaplan, Barbara Krupa, Efim Kutz, Bernice Levin, Mike Mansdorf, Rita Norton, Ric Rickles, Muriel Schoichet, Mark Skibinsky and Emilie Wexler.
- e. Women's Advisory Board: Kelly Alexander, Nicole Curran, Debra Farmer, Lyndia Lowy, Rae Mitchell, Marcy Norton, Madeleine Rackley, Judith Resell, Heidi Schroeder, Renee Dake Wilson and **ONE VACANCY**.

**5. NEW BUSINESS:**

**5.A. REQUEST TO SET DATE FOR THE ANNUAL CONGRESS FOR COMMISSIONS AND ADVISORY BOARDS:**

**ACTION:** Schedule the Annual Congress for Commissions and Advisory Boards on Saturday, October 22, 2005, 9:00 AM to 3:00 PM with additional direction to have this schedule placed on the agendas of every Commission and Advisory Board. Carried by concurrence of the Council.

**EXCLUDED CONSENT CALENDAR:** None.

**PUBLIC COMMENT:**

ED BUCK, WEST HOLLYWOOD, spoke in support of Councilmember Duran's previous comment on increasing funding for fine arts events.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of Council's decision in the Tower Records item.

**6. LEGISLATIVE:**

**6.A. PROPOSED AMENDMENT TO RENT STABILIZATION ORDINANCE CHAPTER 17.28, RELATING TO REGISTRATION OF RENTAL UNITS:**

Stephen Lewis, Staff Attorney, presented background information as outlined in the staff report dated June 20, 2005.

**ACTION:** Adopt Ordinance No. 05-714, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING RENT STABILIZATION ORDINANCE CHAPTER 17.28, RELATING TO THE REGISTRATION OF RENTAL UNITS." **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Guarriello and unanimously approved with clarification that Sections 050 and 060 remain intact.**

**COUNCILMEMBER COMMENTS:** None.

**ADJOURNMENT:** The City Council adjourned at 10:50 P.M. in the memory of Frances Reid and Tracey Neubauer to their next regular meeting, which will be on Monday, July 18, 2005 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 18<sup>th</sup> DAY OF JULY, 2005.

\_\_\_\_\_  
ABBE LAND, MAYOR

ATTEST:

\_\_\_\_\_  
THOMAS R. WEST, CITY CLERK