

**CITY COUNCIL
MINUTES
MONDAY, JULY 18, 2005
WEST HOLLYWOOD PARK AUDITORIUM**

CALL TO ORDER: The meeting was called to order at 6:54 P.M.

PLEDGE OF ALLEGIANCE: Susan Sexton led the pledge.

ROLL CALL: PRESENT: Councilmember Duran, Guarriello, Prang, and Mayor Land.

ABSENT: Mayor Pro Tempore Heilman.

ALSO PRESENT: City Manager Paul Arevalo, City Attorney Michael Jenkins,
City Clerk Tom West and Assistant City Clerk Corey Schaffer.

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins stated that the Closed Session convened at 6:00 PM. He stated that there were no public speakers. He stated that the Closed Session adjourned at 6:45pm with no reportable action taken.

APPROVAL OF AGENDA:

Mayor Land requested that Item 4.B. be tabled to the August 15, 2005 meeting.

Councilmember Guarriello requested that Items 4.A. and 6.A. be moved to the Consent Calendar as Items 2.DD. and 2.EE. He also noted a concern about the Recommendation in Item 2.R.

Councilmember Prang requested that his NO vote on Item 2.H. be noted.

Motion by Mayor Land, seconded by Councilmember Guarriello to approve the July 18, 2005 agenda as amended and unanimously approved.

Mayor Land requested that the meeting be adjourned in memory of Bert Given, Leonard Goldman, and Robert Sobieszek.

Councilmember Prang requested that the meeting be adjourned in memory of Jacques Grainger.

PRESENTATIONS:

Councilmember Prang presented a plaque to outgoing Arts and Cultural Affairs Commissioner Richard Kaleh.

Councilmember Duran presented a Lifetime Rainbow Key to Kathy Watt for her years of service to the Gay and Lesbian community.

Mayor Land presented a proclamation to Ross Rayburn of Yoga Inside Out, a new West Hollywood business, for their efforts in promoting wellness in the City.

Councilmember Guarriello and Laura Manukian of the Public Safety Department presented a proclamation announcing the annual National Night Out.

Councilmember Prang presented commendations to the festival organizers of the Russian Cultural Festival.

Mayor Land presented commendations to the West Hollywood 4th of July Picnic sponsors and volunteers.

Mayor Land announced a plaque from the City for John Douponce from the Le Montrose Hotel for his continued work in the City of West Hollywood.

Councilmember Prang presented a proclamation announcing Historic Preservation Month.

1. PUBLIC COMMENT:

CHRISTINE CHAVEZ, United Farm Workers Political Director, spoke in support of Item 2.Y.

ALISON ARMGRIN, from AIDS Project Los Angeles, spoke in support of Item 2.CC.

J.W. MOORE, IV, WEST HOLLYWOOD, spoke in support of Items 2.F., 2.M., 2.N., 2.O., 2.P., 2.S., 2.V., 2.W., 2.Y., 2.Z., 2.AA., 2.BB., and 2.CC.

MARIO DUPUY, LOS ANGELES, thanked City Council for the City's support of hotel workers during last month's strike.

GEORGE CREDLE, WEST HOLLYWOOD, thanked City Council for their proclamation for Historic Preservation, spoke in support of Item 4.A., and spoke in support of providing Historic Resource designation for Carlton Manor.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding a recent FBI investigation in West Hollywood. She also wished Mayor Pro Tempore Heilman happy birthday. She also thanked Kathy Watt for all her service to the West Hollywood community.

COUNCILMEMBER COMMENTS:

Councilmember Prang announced his direct appointment vacancy on the Arts and Cultural Affairs Commission. He also asked staff to investigate conditions at the West Hollywood Athletic Club

Councilmember Guarriello spoke in support of a recent mixed-use project on Sunset Boulevard. He also spoke regarding the City's need to locate more government funding for housing projects.

Mayor Land spoke regarding a Conference of Mayor's award the City received for its efforts during Breast Cancer Awareness Month. She announced that the City had received an award for the re-use development of the former Fire Station. She announced the 2005 City Livability Award which was presented to West Hollywood because of the City's new Food Waste Recycling program. She acknowledged the Ramada and the Abbey for both receiving industry recognition. She announced an upcoming screening in West Hollywood of the movie Iron Jawed Angels.

CITY MANAGER'S REPORT:

City Manager Arevalo gave an update on the annual state budget. He announced that the City will not be losing any funding for the upcoming year. He also spoke regarding the first repayment from the State for the vehicle license fees. He also spoke regarding Prop 42, which will provide funding to the City for roadways.

He invited Captain David Long to give a presentation on a recent Police Officer shooting. Captain Long stated that the investigation is ongoing.

City Attorney Jenkins gave an update regarding the Tower Records sign. He stated that Tower Records met with City Staff to show proposed changes to the sign. City Staff determined that the changes would not be sufficient. He stated that following that meeting Tower Records filed a lawsuit against the City.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$208,033.00 in expenditures and \$0.00 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar as amended, 2.A.,B.,C.,D.,E.,F.,G.,H., I.,J.,K.,L.,M.,N.,O.,P.,Q.,R.,S.,T.,U.,V.,W.,X.,Y.,Z.,AA.,BB.,CC.,DD. **Motion by Councilmember Guarriello, seconded by Councilmember Prang and unanimously approved with Councilmember Prang voting NO on Item 2.H.**

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 20, 2005. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NOS. 535 & 536, RESOLUTION NO. 05-3267:

ACTION: Approve Demand Register Nos. 535 & 536 and adopt Resolution No. 05-3267, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NOS. 535 & 536."
Approved as part of the Consent Calendar.

2.D. TREASURER'S REPORT FOR MAY 2005:

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

2.E. CLAIMS ADMINISTRATION:

ACTION: Deny the claim of MTS, Incorporated and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.F. ORDINANCE NO. 05-713 (2ND READING), A PROPOSED ORDINANCE REGARDING 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:

ACTION: Waive further reading and adopt Ordinance No. 05-713, "AN ORDINANCE OF THE CITY OF 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 DISTRICT 7, AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.G. ORDINANCE NO. 05-714 (2ND READING), A PROPOSED ORDINANCE REGARDING A PROPOSED AMENDMENT TO RENT STABILIZATION ORDINANCE CHAPTER 17.28, RELATING TO REGISTRATION OF RENTAL UNITS:

ACTION: Waive further reading and 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." **Approved as part of the Consent Calendar.**

2.H. APPROVING THE APPEAL OF JONATHAN LEHRER-GRAIWER AND APPROVING A REQUEST TO DEMOLISH TWO SINGLE-FAMILY HOMES AND CONSTRUCT AN ELEVEN-UNIT CONDOMINIUM USING THE COURTYARD DESIGN STANDARDS AND INCENTIVES FRONT YARD SETBACK LOCATED AT 612-616 NORTH CROFT AVENUE:

ACTION: Adopt the following: 1) Resolution No. 05-3268, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING THE APPEAL OF JONATHAN LEHRER-GRAIWER AND APPROVING DEMOLITION PERMIT 2004-16 AND DEVELOPMENT PERMIT 2004-18 TO DEMOLISH TWO SINGLE-FAMILY HOMES AND TO CONSTRUCT AN 11-UNIT RESIDENTIAL BUILDING USING THE COURTYARD HOUSING STANDARDS

LOCATED AT 612-616 NORTH CROFT AVENUE, WEST HOLLYWOOD, CALIFORNIA"; and 2) Resolution No. 05-3269, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING THE APPEAL OF JONATHAN LEHRER-GRAIWER AND APPROVING TENTATIVE TRACT MAP 061984 (TENTATIVE TRACT MAP 2004-15) FOR THE PROPERTY LOCATED AT 612-616 NORTH CROFT AVENUE, WEST HOLLYWOOD, CALIFORNIA." **Approved as part of the Consent Calendar with Councilmember Prang voting NO.**

2.I. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

2.J. ADDENDUM TO AGREEMENT FOR PARKING METER MAINTENANCE SERVICES WITH THE CITY OF GLENDALE:

ACTION: 1) Approve an addendum to the agreement for parking meter maintenance services with the City of Glendale in an amount not to exceed \$50,000 for the 2005-06 budget year; \$52,500 for the 2006-07 budget year; and \$55,000 for the 2007-08 budget year; 2) Approve a three-year extension of the agreement term from July 1, 2005 to June 30, 2008; and 3) Authorize the City Manager to sign the addendum. **Approved as part of the Consent Calendar.**

2.K. AGREEMENT FOR SERVICES WITH DEKRA-LITE FOR INSTALLATION, STORAGE, AND REPAIR OF HOLIDAY LIGHTS ON SANTA MONICA BOULEVARD RELATED TO THE SANTA MONICA BOULEVARD MAINTENANCE DISTRICT:

ACTION: Approve an agreement with Dekra-Lite in an amount not-to-exceed \$97,847.74 for the installation, repair and storage of the holiday lights along Santa Monica Boulevard for the 2005 holiday season; and authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

2.L. 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.M. APPROVAL OF FINAL TRACT MAP NO. 61324 FOR THE CONDOMINIUM PROJECT LOCATED AT 1153 FORMOSA 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. 61324; and 3) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 61324 the certificate, which embodies the approval of said map.
Approved as part of the Consent Calendar.

2.N. PROPOSED RESOLUTION AMENDING THE AFFORDABLE HOUSING SCHEDULE FOR THE INCLUSIONARY HOUSING PROGRAM:

ACTION: Adopt Resolution No. 05-3270, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE AFFORDABLE HOUSING SCHEDULES FOR THE INCLUSIONARY HOUSING PROGRAM." **Approved as part of the Consent Calendar.**

2.O. APPROVAL OF JOB SPECIFICATION FOR RENT STABILIZATION SPECIALIST (WEHOME/AFSCME):

ACTION: Adopt the job description for the WEHOME/AFSCME position of Rent Stabilization Specialist in the Rent Stabilization and Housing Department at grade 5090 with a salary range of \$47,484 to \$57,485 annually. **Approved as part of the Consent Calendar.**

2.P. RESOLUTION ESTABLISHING A LIVING WAGE RATE FOR 2005-2006 OF \$8.50/HR WITH HEALTH BENEFIT CONTRIBUTIONS OF AT LEAST \$1.25/HR AND \$9.75/HR WITHOUT HEALTH BENEFIT CONTRIBUTIONS OF AT LEAST \$1.25/HR:

ACTION: Adopt Resolution No. 05-3271, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A LIVING WAGE RATE FOR 2005-2006 OF \$8.50/HR WITH HEALTH BENEFIT CONTRIBUTIONS OF AT LEAST \$1.25/HR AND \$9.75/HR

WITHOUT HEALTH BENEFIT CONTRIBUTIONS OF AT LEAST \$1.25/HR.” **Approved as part of the Consent Calendar.**

- 2.Q. LEGISLATIVE UPDATE FROM HELYNE MESHAR, CITY LOBBYIST:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.R. APPROVE ENFORCEMENT PROGRAM RELATED TO THE ENFORCEMENT OF A-FRAME SIGNS AND OUTDOOR DISPLAY OF MERCHANDISE:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.S. NATIONAL NIGHT OUT AGAINST CRIME IN WEST HOLLYWOOD:**
ACTION: 1) Proclaim August 2, 2005 “National Night Out” in West Hollywood; 2) Approve all street closures for National Night Out block parties; and 3) Approve the City’s official sponsorship of all West Hollywood National Night Out events and waive all City fees associated with this event. **Approved as part of the Consent Calendar.**
- 2.T. CO-SPONSORSHIP OF THE SECOND ANNUAL BEVERLY HILLS INTERNATIONAL CHAMBER MUSIC FESTIVAL:**
ACTION: Adopt Resolution No. 05-3272, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS CO-SPONSORSHIP OF THE SECOND ANNUAL BEVERLY HILLS INTERNATIONAL CHAMBER MUSIC FESTIVAL” that will celebrate a West Hollywood Night featuring an evening of Russian music on August 6, 2005. **Approved as part of the Consent Calendar.**
- 2.U. A RESOLUTION IN SUPPORT OF SENATE BILL (SB) 861 AIMED AT IMPOSING RESTRICTIONS ON THE BREEDING OF VICIOUS AND DANGEROUS DOGS:**
ACTION: 1) Adopt Resolution No. 05-3273, “A RESOLUTION IN SUPPORT OF SENATE BILL 861 (SPEIER) AIMED AT IMPOSING RESTRICTIONS ON THE BREEDING OF VICIOUS AND DANGEROUS DOGS”; 2) Direct staff to send letters to Assembly and Senate members asking them to support SB 861; and 2) Send copies of the letter to Senators Jackie Speier and Sheila Kuehl, Assemblymember Paul Koretz, and to the Assembly and Senate leaders. **Approved as part of the Consent Calendar.**
- 2.V. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING ASSEMBLY BILL 1121 (KORETZ) WHICH SEEKS TO IMPOSE A MORATORIUM ON CARRYING OUT ANY EXECUTIONS UNTIL THE CALIFORNIA STATE LEGISLATURE HAS CONSIDERED ALL RECOMMENDATIONS OF THE CALIFORNIA COMMISSION OF THE FAIR ADMINISTRATION OF JUSTICE:**
ACTION: 1) Adopt Resolution No. 05-3274, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING

ASSEMBLY BILL 1121 (KORETZ) WHICH SEEKS TO IMPOSE A MORATORIUM ON CARRYING OUT ANY EXECUTIONS UNTIL THE CALIFORNIA STATE LEGISLATURE HAS CONSIDERED ALL RECOMMENDATIONS OF THE CALIFORNIA COMMISSION OF THE FAIR ADMINISTRATION OF JUSTICE; and 2) Send copies of the resolution to Governor Arnold Schwarzenegger, State Senator Sheila Kuehl and Assemblymember Paul Koretz. **Approved as part of the Consent Calendar.**

2.W. A RESOLUTION IN SUPPORT OF CALIFORNIA'S LAWSUIT CHALLENGING THE ANTI-CHOICE WELDON AMENDMENT IN THIS YEAR'S FEDERAL APPROPRIATIONS BILL:

ACTION: 1) Adopt Resolution No. 05-3275, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF CALIFORNIA'S LEGAL CHALLENGE OF THE ANTI-CHOICE WELDON AMENDMENT IN THIS YEAR'S FEDERAL APPROPRIATIONS BILL"; and 2) Direct staff to send copies of signed resolution to President George W. Bush, U.S. Senators Barbara Boxer and Diane Feinstein, U.S. Representative Henry Waxman, California Governor Arnold Schwarzenegger, Attorney General Bill Lockyer, California State Senator Sheila J. Kuehl, California State Assemblymember Paul Koretz, Planned Parenthood, NARAL, NOW and the Feminist Majority Foundation. **Approved as part of the Consent Calendar.**

2.X. A RESOLUTION TO REQUIRE PHARMACIES TO DISPENSE CONTRACEPTIVES UPON RECEIPT OF A VALID, LAWFUL PRESCRIPTION:

ACTION: 1) Adopt Resolution No. 05-3276, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REQUIRING PHARMACIES TO DISPENSE CONTRACEPTIVES UPON THE RECEIPT OF A LAWFUL PRESCRIPTION"; and 2) Direct staff to send copies of signed resolution to President George W. Bush, US Senators Dianne Feinstein and Barbara Boxer, US House Representative Henry Waxman, California Governor Arnold Schwarzenegger, California State Senator Sheila J. Kuehl, California State Assemblymember Paul Koretz, Planned Parenthood, NARAL, the Feminist Majority and NOW. **Approved as part of the Consent Calendar.**

2.Y. A RESOLUTION IN SUPPORT OF THE GALLO OF SONOMA WINERY BOYCOTT:

ACTION: 1) Adopt Resolution No. 05-3277, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE UNITED FARM WORKERS' BOYCOTT OF E&J GALLO WINERY PRODUCTS"; and 2) Direct staff to send copies of signed resolution to President George W. Bush, US Senators Dianne Feinstein and Barbara Boxer, US House Representative Henry Waxman, California Governor Arnold Schwarzenegger, California State Senator Sheila J.

Kuehl, California State Assemblymember Paul Koretz, the Los Angeles County Federation of Labor and the United Farm Workers Union.
Approved as part of the Consent Calendar.

2.Z. A RESOLUTION IN SUPPORT OF S. 1062, THE FEDERAL “FAIR MINIMUM WAGE ACT OF 2005”:

ACTION: 1) Adopt Resolution No. 05-3278, “A RESOLUTION IN SUPPORT OF S. 1062, THE “FAIR MINIMUM WAGE ACT OF 2005”; and 2) Direct staff to send copies of signed resolutions to U.S. Senator Barbara Boxer, U.S. Senator Dianne Feinstein, U.S. Representative Henry Waxman, California State Sheila Kuehl and California State Assemblymembers Jenny Oropeza and Paul Koretz. **Approved as part of the Consent Calendar.**

2.AA. A RESOLUTION IN SUPPORT OF THE ECONOMIC DEVELOPMENT ACT OF 2005:

ACTION: 1) Adopt Resolution No. 05-3279, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE ECONOMIC DEVELOPMENT ACT OF 2005”; and 2) Send copies of resolution to U.S. Senators Barbara Boxer and Diane Feinstein, U.S. Representatives Bill Thomas and Henry Waxman, President George W. Bush, California Governor Arnold Schwarzenegger, California State Senator Sheila Kuehl and California State Assemblymember Paul Koretz.
Approved as part of the Consent Calendar.

2.BB. A RESOLUTION IN SUPPORT OF AB 88 AND 352 (KORETZ), AB 554 (KARNETTE), AB 754 (JONES), AB 944 AND 996 (RIDLEY-THOMAS), AB 1060 (LIU), SB 357 (DUNN), SB 388 (POOCHIGIAN) SEEKING TO STRENGTHEN GUN CONTROL LAWS:

ACTION: 1) Adopt Resolution No. 05-3280, “A RESOLUTION OF THE CITY COUNCIL IN SUPPORT OF AB 88 AND 352 (KORETZ), AB 554 (KARNETTE), AB 754 (JONES), AB 944 AND AB 996 (RIDLEY-THOMAS), AB 1060 (LIU), SB 357 (DUNN), AND SB 388 (POOCHIGIAN) SEEKING TO STRENGTHEN GUN CONTROL LAWS”; and 2) Direct staff to send copies of signed resolution to President George W. Bush, U.S. Senators Barbara Boxer and Diane Feinstein, U.S. Representatives Bill Thomas and Henry Waxman, California Governor Arnold Schwarzenegger, California State Senators Sheila Kuehl, Joe Dunn and Charles Poochigian and California State Assemblymembers Paul Koretz, Betty Karnette, Mark Ridley-Thomas, Carol Lui and Dave Jones, Women Against Gun Violence and the Brady Campaign. **Approved as part of the Consent Calendar.**

2.CC. A RESOLUTION IN SUPPORT OF THE CIRCLE OF TRUST BILL, SB 33 (BATTIN, ALQUIST):

ACTION: 1) Adopt Resolution No. 05-3281, “A RESOLUTION OF THE CITY COUNCIL IN SUPPORT OF THE CIRCLE OF TRUST BILL, SB 33

(BATTIN, ALQUIST)”; and 2) Direct staff to send copies of signed resolution to: US Senators Dianne Feinstein and Barbara Boxer, US House Representative Henry Waxman, California Governor Arnold Schwarzenegger, California State Senator Sheila J. Kuehl, California State Assemblymember Paul Koretz, the National Association to Protect Children, Senator Jim Battin, and Senator Elaine Alquist. **Approved as part of the Consent Calendar.**

2.DD. (4.A.) REQUEST FOR APPROVAL OF A CONTRACT TO CONDUCT THE HISTORIC RESOURCES INVENTORY UPDATE:

ACTION: 1) Approve a contract with ARG in the amount of \$245,000 for the Scope of Work; 2) Authorize the Director of Finance and Technology Services to draw down from General Fund Unallocated Reserves for completion of the Survey as authorized by Council in adopting this item; and 3) Authorize the City Manager to execute the contract in a format approved by the City Attorney. **Approved as part of the Consent Calendar.**

2.EE. (6.A.) PROPOSED ORDINANCE TO ADD THE VIOLATION OF THE WATER PROTECTION PLAN CHAPTER TO THE ADMINISTRATIVE REMEDIES PROGRAM AND RESOLUTION TO ADD THE WATER PROTECTION PLAN CHAPTER TO ADMINISTRATIVE CITATION FEE SCHEDULE B AND CHANGE THE DATES RELATIVE TO LATE PENALTIES:

ACTION: 1) Introduce on first reading Ordinance No. 05-715, “AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTION 1.08.010(e) BY ADDING CHAPTER 15.52 TO THE LIST OF CODE VIOLATIONS SUBJECT TO THE ADMINISTRATIVE PENALTY PROCEDURES”; 2) Adopt Resolution No. 05–3282, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, AMENDING RESOLUTION NO. 05-3254 TO ADD THE WATER PROTECTION PLAN CHAPTER TO ADMINISTRATIVE CITATION FEE SCHEDULE B AND CHANGE THE DATES RELATIVE TO LATE PENALTIES”; and 3) Receive and file the Administrative Remedies Program White Paper. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. 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:

Mayor Land stated that the item was noticed as required by law.

John Keho, Planning Manager, presented background information as outlined in the staff report dated July 18, 2005.

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

WILLIAM NEISH, THE APPELLANT, spoke in opposition to the denial of the appeal and in support of a cultural resource designation.

LESLIE HEUMANN AND BRAD TORGAN, REPRESENTING THE PROPERTY OWNERS, spoke in support of staff's recommendation to deny the appeal and in opposition to a cultural resource designation.

MARY JOANNA NEISH, BROOKDALE, CA, spoke in opposition to the denial of the appeal and in support of a cultural resource designation.

SCOTT SCHMIDT, WEST HOLLYWOOD, spoke in opposition to the denial of the appeal and in support of a cultural resource designation.

RICHARD JOHNSON, WEST HOLLYWOOD, spoke in opposition to the denial of the appeal and in support of a cultural resource designation.

KATHY BUKOVA, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and in opposition to a cultural resource designation.

ELENA GOLDENBERG, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and in opposition to a cultural resource designation.

JAIME LEMONE, LOS ANGELES, spoke in support of staff's recommendation to deny the appeal and in opposition to a cultural resource designation.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the denial of the appeal and in support of a cultural resource designation.

DOUG CARSTENS, SANTA MONICA, spoke in opposition to the denial of the appeal and in support of a cultural resource designation.

WILLIAM NEISH, THE APPELLANT, presented his rebuttal.

BRAD TORGAN, REPRESENTING THE BUILDING OWNERS, presented his rebuttal.

Mayor Land acknowledged the fact that all Councilmembers present have visited the site of 1248-1252 Laurel Avenue.

City Attorney Jenkins addressed the Appellant's remarks regarding procedural aspects of the Item. He stated that the Appellant was given the opportunity to present his case to the Historic Preservation Commission at a Public Hearing and that the Item was heard and all procedures were properly followed.

Mayor Land closed the public hearing.

Councilmember Prang spoke in support of historic preservation in the City, but also spoke regarding the objective standards in the Municipal Code regarding cultural designation. He stated that he does not believe this property meets these criteria.

Councilmember Guarriello spoke regarding what makes a property a cultural resource. He stated that he does not believe the property located at 1248-1252 N. Laurel Avenue meets the criteria to receive a cultural designation.

Councilmember Duran spoke regarding the due process issues in this case, and stated that he feels that the Appellant was allowed to have his case properly heard by both the Historic Preservation Commission, the Planning Commission and the City Council. He also stated that he does not believe that this property meets the criteria to receive a cultural designation.

Mayor Land spoke in opposition to the cultural resource designation and stated that the City made efforts to enable the Appellant to have a hearing.

ACTION: Deny the appeal and adopt the following: Resolution No. 05-3283, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL OF WILLIAM NEISH OF THE HISTORIC PRESERVATION COMMISSION RECOMMENDATION TO DENY THE PROPERTY LOCATED AT 1248-52 N. LAUREL AVENUE AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD." **Motion by Councilmember Duran, seconded by Councilmember Guarriello and unanimously approved on a Roll Call vote with the following amendment:**

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(c) There is no evidence that the buildings are associated with any persons ~~or events~~ significant in local, state or national history, nor is there evidence that the buildings are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of the state or nation...

(e) There is no evidence that the buildings have yielded, or have the potential to yield, information important to history of the City, California, or the nation.

3.B. 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: This item was TABLED by Consensus of the Council to the August 15, 2005 City Council Meeting.

3.C. URGENCY ORDINANCE TO ESTABLISH OPERATING STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES:

Mayor Land stated that the item was noticed as required by law.

Francie Stefan, Senior Planner, presented background information as outlined in the staff report dated July 18, 2005.

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

RICHARD EASTMAN, WEST HOLLYWOOD, spoke in support of the Ordinance but addressed concerns regarding the need for patients to visit more than one clinic to meet their needs.

AMANDA BRAZEL, LOS ANGELES, spoke in support of the Ordinance but addressed concerns regarding the need for patients to visit more than one clinic to meet their needs.

DON DUNCAN, LOS ANGELES, spoke in support of the Ordinance, but addressed concerns about the stipulation that dispensaries retain patients' medical records and the need for patients to visit more than one clinic to meet their needs.

ANDREW KRAMER, WEST HOLLYWOOD, spoke in support of the Ordinance, but asked Council to remove the restriction on hours of operation.

JASON BECK, WEST HOLLYWOOD, spoke in support of the Ordinance, but expressed concerns regarding the restriction on medicating on dispensary premises, the stipulation on retaining patients' medical records, and the stipulation regarding bank drops.

JOSHUA FISHER, WEST HOLLYWOOD, spoke in support of the Ordinance, but expressed concerns regarding the stipulation on retaining patients' medical records.

SARAH ARMSTRONG, THOUSAND OAKS, spoke in support of the Ordinance, but expressed concerns regarding the stipulation on retaining patients' medical records.

JOSEPH ALKANA, INGLEWOOD, spoke in support of the Ordinance.

DINA BROWNER, WEST HOLLYWOOD, spoke in support of the Ordinance, but expressed concern on the restriction on hours of operation.

JOHN MOREAUX, WEST HOLLYWOOD, spoke in support of the Ordinance.

ROB BERGSTEIN, WEST HOLLYWOOD, expressed concerns regarding the need to ensure that only people with legitimate medical needs receive marijuana.

DWAYNE WILLIAMS, LOS ANGELES, spoke in support of the Ordinance, but expressed concerns regarding the stipulation on retaining patients' medical records, security issues, and restriction on hours of operation.

J.W. MOORE, IV, WEST HOLLYWOOD, spoke in support of the Ordinance, and spoke regarding security issues surrounding the dispensaries.

DAVID STINNETT, WEST HOLLYWOOD, spoke in support of the Ordinance, but expressed concerns regarding the stipulation on retaining patients' medical records.

RICK ANDREWS, WEST HOLLYWOOD, spoke in support of the Ordinance, but expressed concerns regarding the stipulation on retaining patients' medical records.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the Ordinance.

Mayor Land closed the public hearing.

Councilmember Duran spoke regarding a previous medical marijuana club in the City that was closed down and the ongoing risk of federal prosecution. He spoke regarding the need to address both the land use issues and the issues regarding the regulation of dispensing medical marijuana. He asked City Attorney to clarify enforcement procedures. He expressed concerns regarding a uniform restriction on hours of operation and the procedure for establishing them. He spoke regarding concerns on the stipulation to retain patients' records and spoke regarding the possibility of requiring dispensaries to ensure that the doctor's note is no more than one year old. He asked staff to clarify the financial reporting requirement stipulation and spoke regarding concerns of maintaining these records.

Councilmember Guarriello spoke regarding the fact that the City of West Hollywood is unique in allowing the operation of medical marijuana dispensaries. He spoke regarding his support of the Ordinance. He also spoke regarding a restriction to prohibit operation within 500-feet of a school.

Councilmember Prang spoke regarding the ongoing threat of federal prosecution. He spoke regarding the City's continued commitment to allow medical marijuana dispensaries to operate. He spoke regarding his support of the Ordinance, with the exception of a prohibition on armed security guards at the dispensaries. He spoke regarding concerns about a prohibition on the sale of food products and health standards. He expressed concerns on the stipulation to retain patients' records.

Mayor Land spoke regarding the need to regulate the dispensaries, minimize the impact on the neighbors, and ensure the safety of residents as well as the clients of the dispensaries. She spoke regarding support of a prohibition on armed security guards at the dispensaries. She spoke in support of limiting the hours of use with the stipulation that the hours can be changed if approved by the Business License Commission. She spoke in support of removing Item J from the Ordinance. She spoke in support of requiring dispensaries to provide financial reporting, Item K of the Ordinance.

ACTION: Adopt the following urgency ordinance: ORDINANCE NO. 05-716U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD GOVERNING THE OPERATION OF MEDICAL MARIJUANA DISPENSARIES AND DECLARING THE URGENCY THEREOF."

Motion by Councilmember Prang, seconded by Mayor Land and unanimously approved on a Roll Call vote with the following amendments:

Section b – Delete second sentence and add – SECURITY GUARDS SHALL NOT POSSESS FIREARMS

Section d – Strike the first sentence. Move the 2nd sentence to Section i, Subsection 2

Section g – Hours of Operation shall be limited to Monday - Saturday to 10am to 8pm and Sunday noon-7pm.

Section h – This shall include possession of a valid doctor's recommendation for medical marijuana use by the patient OF NOT MORE THAN ONE YEAR OLD.

Section j – Strike the entire section.

Section k – Strike the entire section.

Add Section to require a background check for all dispensary operators.

4. UNFINISHED BUSINESS:

4.A. REQUEST FOR APPROVAL OF A CONTRACT TO CONDUCT THE HISTORIC RESOURCES INVENTORY UPDATE:

ACTION: Moved to the Consent Calendar as Item 2.DD.

4.B. ADVISORY BOARD APPOINTMENTS:

ACTION: This item was **TABLED** to the August 15, 2005 City Council Meeting.

5. NEW BUSINESS:

5.A. COMMISSION AND BOARD MEMBER ABSENCES:

Tom West, City Clerk, presented background information as outlined in the staff report dated July 18, 2005.

J.W. MOORE, IV, WEST HOLLYWOOD, spoke in support of the Item.

Mayor Land spoke in support of the Item and the need to provide flexibility for absences in extenuating circumstances.

City Attorney Jenkins spoke regarding concerns of discussing Commissioner and Board Member extenuating circumstances in a public forum.

Councilmember Prang spoke regarding a more clear definition of extenuating circumstances.

ACTION: Direct the City Clerk to revise the Commission Ordinance, Advisory Board Resolution and the accompanying By-Laws' absentee policy to reflect the following: 1) A member may miss no more than three, regularly scheduled meetings in a twelve-month period, 2) Exception may be granted by written request to the City Clerk of extenuating circumstances, and 3) Exceptions will be brought to Council. **Council directed staff to bring back a revised Item to the August 15, 2005 meeting.**

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT: None.

6. LEGISLATIVE:

6.A. PROPOSED ORDINANCE TO ADD THE VIOLATION OF THE WATER PROTECTION PLAN CHAPTER TO THE ADMINISTRATIVE REMEDIES PROGRAM AND RESOLUTION TO ADD THE WATER PROTECTION PLAN CHAPTER TO ADMINISTRATIVE CITATION FEE SCHEDULE B AND CHANGE THE DATES RELATIVE TO LATE PENALTIES:

ACTION: Moved to the Consent Calendar as Item 2.EE.

COUNCILMEMBER COMMENTS:

Mayor Land provided the weekly health tip regarding depression.

ADJOURNMENT: The City Council adjourned at 10:47 P.M. in memory of Bert Given, Leonard Goldman, Rob Sobieszek, and Jacques Grainger to their next regular meeting, which will be on Monday, August 15, 2005 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 15th day of August, 2005.

ABBE LAND, MAYOR

ATTEST:

THOMAS R. WEST, CITY CLERK