

**CITY COUNCIL
MINUTES
MONDAY, DECEMBER 20, 2004
WEST HOLLYWOOD PARK**

CALL TO ORDER: The meeting was called to order at 6:45 PM.

PLEDGE OF ALLEGIANCE: Richard Settle led the pledge.

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

ABSENT: None.

ALSO PRESENT: City Manager Paul Arevalo, 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 and recessed at 6:30 PM with no reportable action taken.

APPROVAL OF AGENDA:

Councilmember Heilman requested that Item 2.W. be moved to Excluded Consent.

City Clerk West stated that the Recommendation for Item 2.X., RUSSIAN COMMUNITY HISTORICAL RECORD PROJECT has changed to read: "Direct the Cable TV Division to work with the Russian Advisory Board and return to Council a plan, including a request for funding, to create an historical record, using recorded "oral histories," of the City's Russian-speaking immigrant population."

Councilmember Prang requested that the meeting be adjourned in the memory of Jacob Stonich and Susan Boisvert.

ACTION: Motion by Councilmember Prang, seconded by Mayor Pro Tempore Land to approve the December 20, 2004 agenda as amended and carried unanimously.

PRESENTATIONS:

Councilmember Prang presented a proclamation to Lance Corporal Dimitri Bartlett for his service in the military in the Iraq war.

Councilmember Prang presented a proclamation to Tom Demille for saving a woman who was choking by performing the Heimlich Maneuver.

1. PUBLIC COMMENT:

TOM DEMILLE, WEST HOLLYWOOD, announced his candidacy for City Council for the March 8, 2005 Election.

STAN LOTHBRIDGE, WEST HOLLYWOOD, spoke in opposition to the proposed project located at 1343 N. Laurel Avenue.

DAVID NASH, WEST HOLLYWOOD, spoke regarding recent break-ins and thefts at Palmview Apartments. He spoke in opposition to the green building proposals for Havenhurst senior housing.

HEAVENLY WILSON, WEST HOLLYWOOD, spoke in opposition to proposed demolition and development of older buildings in the City. She spoke in support of a moratorium on new development.

DANIEL WATSON, WEST HOLLYWOOD, spoke in support of a subcommittee to maintain affordable housing. He spoke regarding a lawsuit in opposition to the proposed project located at 1343 N. Laurel Avenue.

ED GARREN, WEST HOLLYWOOD, spoke regarding Walgreen's not allowing a tenant of its building to distribute Frontiers Magazine.

ED BUCK, WEST HOLLYWOOD, spoke in opposition to development of older buildings and rental units taken off the market.

GEORGE CREDLE, WEST HOLLYWOOD, spoke regarding changes in the Ellis Act and changes to the relocation fees. He spoke in support of a building and demolition moratorium in the City.

ANN MARIE NELSON, WEST HOLLYWOOD, read a letter from Marie Mangine, which spoke in opposition to staff's recommendation in Item 6.A. and spoke regarding alternative recommendations.

SHANNON GROSS, WEST HOLLYWOOD, spoke in support of a citywide training on emergency responses.

COUNCILMEMBER COMMENTS:

Councilmember Guarriello requested that the City Manager investigate the crimes and security at Palmview Apartments. He also requested that the City Manager investigate the problems raised about Waset. He spoke regarding the problems with the Ellis Act and the impact on the seniors in the City who are being evicted under the Ellis Act. He spoke regarding the distribution of "Don't Drink and Drive" napkins at the bars in the City.

Councilmember Prang expressed concern over the green building proposal at the Havenhurst project. He spoke regarding being sensitive to individuals who are disabled and elderly when installing green building components.

Councilmember Heilman requested that the City Manager work with Public Safety and Community Development staff to investigate a citywide training for emergency services, such as choking. He spoke regarding his attendance at a recent League of California Cities meeting and the League's support of increased funding for HIV services and in opposition of a constitutional amendment to ban Gay and Lesbian marriage. He requested that the Sheriff's Department and/or the City Manager to investigate the crime and security problems at Palmview Apartments. He spoke regarding the City's opposition to the Ellis Act and what has occurred at a rental building on Havenhurst. He stated that Walgreen's has not approached the City with any permit applications.

Mayor Pro Tempore Land requested that the Sheriff's Department work with the Palmview Apartments and other areas in the City to research crime and security problems. She spoke in support of training restaurant and bar staff in the Heimlich and emergency services and requested that the cable channel publicize any Red Cross trainings. She announced a recent award that was granted to the La Brea Gateway. She announced a new recycling brochure distributed by City. She provided an update on the City's library grant funding and stated that the City did not receive library funding during this session but are looking forward to the possibility of the passage of a 2006 library bond.

Mayor Duran expressed concern over 990 Palm Avenue due to the transitory population and nuisance that are occurring there. He spoke regarding Marie Mangine's letter and stated that some of the points should be considered. He stated that he was unaware of Frontiers Magazine being barred from the Walgreen's property. He spoke regarding the importance of certain court decisions that affect the Ellis Act and how the City can deal with Ellis Act evictions.

CITY MANAGER'S REPORT:

City Manager Arevalo spoke regarding the City's transcribers working remotely at all upcoming meetings. He spoke regarding Item 2.L. and the fact that the City will be developing a fully wireless network citywide.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the consent calendar is \$527,420 in expenditures and \$64,963 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar as amended, 2.A.,B.,C.,D.,E.,G.,H.,I., J.,K.,L.,M.,N.,O.,P.,Q.,R.,S.,T.,U.,W.,X.,Y.,Z. **Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Land and carried unanimously.**

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 November 15, 2004. **Approved as part of the Consent Calendar.**
- 2.C. APPROVAL OF THE MINUTES FROM THE CITY COUNCIL MEETING OF OCTOBER 23, 2000:**
ACTION: Approve the minutes of the October 23, 2000 City Council meeting. **Approved as part of the Consent Calendar.**
- 2.D. DEMAND REGISTER NO. 521 AND 522; RESOLUTION NO. 04-3158:**
ACTION: Approve Demand Register No. 521 and No. 522 and adopt Resolution No. 04-3158, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 521 and 522." **Approved as part of the Consent Calendar.**
- 2.E. TREASURER'S REPORTS FOR SEPTEMBER AND OCTOBER 2004:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.F. CLAIMS ADMINISTRATION:**
ACTION: Deny the claims of Anja Klein, Edward T. Dudwicz and Ram Gill and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**
- 2.G. ORDINANCE NO. 04-693 (2ND READING), AMENDING VARIOUS SECTIONS OF THE WEST HOLLYWOOD MUNICIPAL CODE AS IT RELATES TO THE LIVING WAGE PROVISIONS AND SETTING THE LIVING WAGE RATE FOR 2004-05:**
ACTION: Waive further reading and adopt Ordinance No. 04-693, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD MODIFYING CERTAIN PROVISIONS OF THE LIVING WAGE ORDINANCE AND ESTABLISHING A LIVING WAGE RATE FOR 2004-05." **Approved as part of the Consent Calendar.**
- 2.H. ORDINANCE NO. 04-694 (2ND READING), A PROPOSED ORDINANCE ESTABLISHING PLACEMENT AND DISTRIBUTION OF NEWS RACKS:**
ACTION: Waive further reading and adopt Ordinance No. 04-694, "AN ORDINANCE TO ESTABLISH REGULATIONS GOVERNING THE PLACEMENT AND DISTRIBUTION OF NEWS RACKS LOCATED ON PUBLIC RIGHTS-OF-WAY AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**
- 2.I. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**

- 2.J. RESIGNATIONS OF MARY O’GORMAN FROM THE WOMEN’S ADVISORY BOARD, JENNIFER TROTOUX FROM THE HISTORIC PRESERVATION COMMISSION, AND ROBERT PARKENS FROM THE RUSSIAN ADVISORY BOARD:**
ACTION: Accept with regret the resignations of Mary O’Gorman from the Women’s Advisory Board, Jennifer Trotoux from the Historic Preservation Commission, and Robert Parkens from the Russian Advisory Board. **Approved as part of the Consent Calendar.**
- 2.K. STUDENT POLL WORKER PROGRAM:**
ACTION: Authorize the City Clerk to implement the Student Poll Worker Program in the City of West Hollywood. **Approved as part of the Consent Calendar.**
- 2.L. REQUEST FOR AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSALS FOR A PUBLIC WIRELESS (WI-FI) OUTDOOR NETWORK:**
ACTION: Authorize staff to issue an RFP for a public wi-fi outdoor network. **Approved as part of the Consent Calendar.**
- 2.M. ADDENDUM TO AGREEMENT WITH CBM CONSULTING:**
ACTION: 1) Approve an addendum to the contract with CBM Consulting, Inc. increasing the term of the contract by one (1) year through June 30, 2006 and the not to exceed amount by \$125,000; and 2) Authorize the City Manager to sign the Addendum. **Approved as part of the Consent Calendar.**
- 2.N. AUTHORIZE THE ACCEPTANCE OF THE CITY’S PORTION OF A GRANT FROM THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES TO THE LA GAY & LESBIAN CENTER FOR DOMESTIC VIOLENCE EDUCATION AND OUTREACH IN THE LGBT COMMUNITY:**
ACTION: 1) Authorize the City’s continued participation in the LA Gay & Lesbian Center’s DHS Domestic Violence Prevention Grant and the acceptance of \$5,000 in grant funding for domestic violence education and outreach programming in the Lesbian/Gay/Bisexual/Transgender Community; and 2) Authorize the Director of Finance to increase budgeted revenues (account #20440000-5032) and expenditures (account #2044012-8237) in the amount of \$5,000 for FY 04/05. **Approved as part of the Consent Calendar.**
- 2.O. CONSTRUCTION MANAGEMENT SERVICES FOR SCHEMATIC DESIGN AND DESIGN DEVELOPMENT PHASES OF THE WEST HOLLYWOOD LIBRARY:**
ACTION: 1) Authorize the City Manager to sign an Agreement with 3D/International, Inc. in the amount of \$63,000 for construction management services in relation to the schematic design and design development phases of the West Hollywood Library; 2) Authorize the

expenditure of an amount not to exceed \$6,300 for related technical design components and contingencies as authorized and approved by the Director of Economic Development and Special Projects; and 3) Reject all other proposals received for this project. **Approved as part of the Consent Calendar.**

2.P. MILLS ACT CONTRACT 2004-006 FOR PROPERTY LOCATED AT 1424 N CRESCENT HEIGHTS BLVD, UNIT 28:

ACTION: Approve Historical Property Preservation Agreement (Mills Act Contract) between the City of West Hollywood and the owner of Unit 28 (Claude Brickell) at 1424 N Crescent Heights Boulevard and authorize the City Manager to sign the agreements. **Approved as part of the Consent Calendar.**

2.Q. YEARS 2005-2006 LEGISLATIVE PRIORITIES:

ACTION: 1) Review and approve the proposed Legislative Priority Issues; and 2) Direct staff to submit the Priority List to Assembly and Senate representatives, the Governor, and to the City's Lobbyist. **Approved as part of the Consent Calendar.**

2.R. APPROVAL OF FINAL TRACT MAP NO. 53638 FOR THE CONDOMINIUM PROJECT LOCATED AT 8788 SHOREHAM DRIVE:

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; 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 Tract Map No. 53638; 3) Accept dedications as indicated on Tract No. 53638; and 4) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 53638 the certificate, which embodies the approval of said map. **Approved as part of the Consent Calendar.**

2.S. APPROVAL OF A CONTRACT TO HIRE A CONSULTANT TO PROVIDE CONSTRUCTION INSPECTION AND PROJECT MANAGEMENT FOR REHABILITATION OF SEWERS IN SUNSET BOULEVARD:

ACTION: Approve an agreement with D.M.R. Team in a not to exceed amount of \$165,000 to provide professional services for construction inspection and project management for rehabilitation of sewers in Sunset Boulevard. **Approved as part of the Consent Calendar.**

- 2.T. APPROVAL OF A CONTRACT FOR FY 04-05 SEWER ROOT CONTROL SERVICES:**
ACTION: Authorize the City Manager to enter into a professional service contract with Dukes Root Control, Inc. in an amount not to exceed \$60,000 to provide sewer root control services for the City of West Hollywood for FY 04-05. **Approved as part of the Consent Calendar.**
- 2.U. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD GRANT FOR RUBBERIZED ASPHALT CONCRETE:**
ACTION: 1) Adopt Resolution No. 04-3159, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD FOR PARTICIPATION IN THE FY 2004/2005 SB 1346 RUBBERIZED ASPHALT CONCRETE GRANT PROGRAM"; and 2) Authorize the Director of Finance to increase revenue and expenditure accounts in the Miscellaneous Grants Fund for the grant amount, if received. **Approved as part of the Consent Calendar.**
- 2.V. A RESOLUTION IN SUPPORT OF THE CALIFORNIA MARRIAGE LICENSE NONDISCRIMINATION ACT:**
ACTION: 1) Adopt Resolution 04-3160, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE CALIFORNIA MARRIAGE NONDISCRIMINATION ACT"; and 2) Send copies of the resolution to the author of the bill, Assemblymember Mark Leno (D-San Francisco), to the Speaker of the Assembly, Assemblymember Fabian Nunez and to the LGBT caucus of the State Legislature. In addition, send copies to the American Bar Association, Lambda Legal Defense and Education Fund, Equality California, the Human Rights Coalition, and appropriate elected officials. **Approved as part of the Consent Calendar.**
- 2.W. U-TURN RESTRICTIONS AT SPECIFIED INTERSECTIONS:**
ACTION: Moved to Excluded Consent.
- 2.X. RUSSIAN COMMUNITY HISTORICAL RECORD PROJECT:**
ACTION: Direct the Cable TV Division to work with the Russian Advisory Board and return to Council a plan, including a request for funding, to create an historical record, using recorded "oral histories," of the City's Russian-speaking immigrant population. **Approved as part of the Consent Calendar.**
- 2.Y. CONSIDERATION OF INCREASED SPONSORSHIP OF THE 60TH ANNIVERSARY OF THE RUSSIANS' "VICTORY IN EUROPE" EVENT:**
ACTION: Authorize the Director of Finance to appropriate \$5,000 from General Fund Unallocated Reserves to line item 100-5010-8160, Special Events Programming. **Approved as part of the Consent Calendar.**

2.Z. DENOUNCING THE MURDER OF FANNYANN EDDY AND CALLING FOR A COMPLETE INVESTIGATION OF HER DEATH:

ACTION: Direct that a letter denouncing the murder of FannyAnn Eddy and calling for a complete investigation of her death be sent to the government of Sierra Leone, the Sierra Leone Lesbian and Gay Association, and any other identified gay and lesbian groups in Sierra Leone, with copies to be provided to Interpride, Human Rights Watch, Amnesty International, the United Nations Commission on Human Rights, and President George W. Bush. **Approved as part of the Consent Calendar.**

THE CITY COUNCIL RECESSED AND RECONVENED AS THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION: 7:33 PM

The Community Development Commission adopted a resolution approving a fourth amendment to the disposition and development agreement for the La Brea Gateway. The actions are more fully described in the West Hollywood Community Development Commission minutes.

THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION RECESSED AND RECONVENED AS THE CITY COUNCIL: 7:38 PM

3. **PUBLIC HEARINGS: None**
4. **UNFINISHED BUSINESS: None**
5. **NEW BUSINESS: None**

EXCLUDED CONSENT CALENDAR:

2.W. U-TURN RESTRICTIONS AT SPECIFIED INTERSECTIONS:

Councilmember Heilman spoke support of an objective study and in opposition to making rules because there are a few reckless drivers.

ACTION: 1) Direct the Transportation Department staff to work with the Transportation Commission to evaluate signalized intersections along the following roadways: La Brea, La Cienega, Doheny, San Vicente, Fairfax, Crescent Heights, Santa Monica, Fountain, Sunset, Melrose, Beverly; and exclusively dedicated pedestrian cross walks, to determine which intersections that U-turns should be prohibited; and 2) Include the Transportation Department's Work Program a plan to evaluate said intersections every two years; and 3) Return to Council with a report on the staff and Commission recommendations. **Motion by Councilmember Heilman, seconded by Councilmember Guarriello and unanimously carried.**

PUBLIC COMMENT: None.

6. LEGISLATIVE:

6.A. TENANT RELOCATION FEES – ELLIS EVICTIONS:

Allyne Winderman Director of Rent Stabilization & Housing, provided background information as outlined in the staff report dated December 20, 2004.

TOM DEMILLE, WEST HOLLYWOOD, spoke in opposition to proposed fees and spoke in support of increasing the fees.

HEAVENLY WILSON, WEST HOLLYWOOD, spoke in opposition to proposed fees and spoke in support of increasing the fees.

ED GARREN, WEST HOLLYWOOD, spoke regarding the amount of time that has passed since the amendment to the Ellis Act and the City's proposed urgency ordinance.

ANN MARIE NELSON, WEST HOLLYWOOD, reading from a letter by Marie Mangine, spoke in support of a retroactive amendment to relocation fees.

Mayor Duran expressed concern over retroactivity due to constitutional issues. He stressed the importance in making a prudent and deliberate decision and spoke in support of staff's recommendation. He spoke regarding Ms. Mangine's issues and spoke in support of raising those issues in the future. He spoke in support of considering the issue of increasing moving expenses.

Mayor Pro Tempore Land spoke in support of staff's recommendation and also expressed interest in looking at moving expenses and other issues raised, such as having social services assisting the elderly and disabled who are displaced.

Councilmember Prang spoke regarding the lack of support at the state level for local governments who want to protect rights of residents and tenants. He spoke in support of staff's recommendation.

Councilmember Guarriello spoke in support of staff's recommendations, specifically in reference to the senior, disabled and low income tenants.

Councilmember Heilman spoke in support of staff's recommendation. He spoke regarding the need to deal with Ellis due to it being a state law and that it undermines the city's rent control. He spoke in support of adding moving expenses to the fees that are proposed. He stated that it could be structured so that it could be paid to the moving company directly. He

spoke in support of applying new relocation fees to tenants who have not yet moved out of their units. He spoke regarding setting up a program that would provide legal assistance to those who are displaced but do not qualify for low income assistance through Bet Tzedek. He also spoke regarding providing referrals for City's social service programs for mental health counseling. He spoke in support of adding \$1000 to the individuals who do not fit into the senior, disabled or low income category.

Mayor Pro Tempore Land spoke in support of the moving expenses going directly to the tenant; not to the moving company.


ACTION: 1) Adopt Ordinance No. 04-695U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE RENT STABILIZATION PROVISIONS OF THE MUNICIPAL CODE RELATING TO RELOCATION FEES REQUIRED IN THE CASE OF A PROPERTY'S WITHDRAWAL FROM THE RENTAL MARKET AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF"; and 2) Introduce for first reading Ordinance No. 04-696, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE RENT STABILIZATION PROVISIONS OF THE MUNICIPAL CODE RELATING TO RELOCATION FEES REQUIRED IN THE CASE OF A PROPERTY'S WITHDRAWAL FROM THE RENTAL MARKET AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". **Motion by Councilmember Heilman, seconded by Mayor Pro Tempore Land and carried unanimously with the following amendments:**

- **Section (a) Paragraph 4: "In addition, the landlord shall pay moving expenses in the amount of \$1,000 to tenants who are not lower income, seniors or disabled."**
- **New Section 4: "This ordinance shall apply to relocation fees and moving expenses by virtue of the withdrawal of units from the rental market commenced after the effective date of this ordinance and to tenants in possession of their units as of the effective date of this ordinance regardless of whether they have received notice of termination."**

COUNCILMEMBER COMMENTS: None.

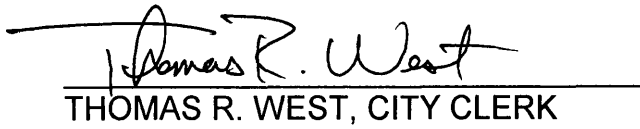
ADJOURNMENT: The City Council adjourned at 8:46 PM in memory of Jacob Stonich and Susan Boisvert to their next regular meeting, which will be on Monday, January 3, 2005 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 3rd
DAY OF JANUARY 2005.



JOHN J. DURAN, MAYOR

ATTEST:



THOMAS R. WEST, CITY CLERK