

**SMOKING IS NOT PERMITTED IN THE CITY COUNCIL CHAMBERS
(Article IV, Chapter 7, W.H.M.C.)**

**COMPLETE AGENDA PACKETS ARE AVAILABLE FOR PUBLIC
INSPECTION AT CITY HALL, 8300 SANTA MONICA BLVD.
AT THE LIBRARY, 715 N. SAN VICENTE BLVD.,
AND AT THE CITY'S WEBSITE,
www.weho.org**

Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at 8300 Santa Monica Boulevard, West Hollywood, California, during normal business hours. They will also be available for inspection during the City Council meeting at the City Clerk's table.

To comply with the Americans with Disabilities Act of 1990, Assistive Listening Devices (ALD) will be available for check out at the meeting. If you require special assistance to attend (e.g., transportation) or to participate in this meeting (e.g., a signer for the hearing impaired), you must call or submit your request in writing to the Office of the City Clerk at (323) 848-6409 at least 48 hours prior to the meeting. For information on public transportation, call 1-800-COMMUTE or go to www.mta.net. The City TDD line for the hearing impaired is (323) 848-6496.

If you would like additional information on any item appearing on this agenda, please contact the Office of the City Clerk at (323) 848-6409.

Note: Any agenda item which has not been initiated by 11:00 p.m. may be continued to a subsequent City Council meeting.

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
AGENDA
MONDAY, DECEMBER 1, 2008
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

6:00 P.M. - CLOSED SESSION: See attached Closed Session Agenda

6:30 P.M. – REGULAR MEETING

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

REPORT OF CLOSED SESSION AGENDA:

APPROVAL OF AGENDA:

ADJOURNMENT MOTIONS:

PRESENTATIONS:

1. **PUBLIC COMMENT:** This time has been set aside for members of the public to address the City Council on Consent Calendar items, other agenda items if the member of the public cannot be present later in the meeting at the time the item is heard by the Council and items of general interest within the subject matter jurisdiction of the Council. Although the City Council values your comments, pursuant to the Brown Act it generally cannot take any action on items not listed on the posted agenda. This comment period shall be limited to 20 minutes, with two minutes assigned for each speaker. Another period has been reserved for general public comment, later in the meeting, for those who could not be heard at this time. Testimony for public hearings will only be taken at the time of the hearing.

- 1.A. **PUBLIC COMMENTS ON CONSENT CALENDAR ITEMS WHICH HAVE NOT BEEN REMOVED FROM THE CONSENT CALENDAR:**

- 1.B. **PUBLIC COMMENTS, GENERAL INTEREST:**

COUNCILMEMBER COMMENTS: This portion of the meeting is set aside for general comments, announcements, requests of staff, and/or other issues of concern from members of the City Council.

CITY MANAGER'S REPORT: This time is set aside for the City Manager to update the Council on important items initiated by staff or previously requested by the City Council.

FISCAL IMPACT ON CONSENT CALENDAR:

2. **CONSENT CALENDAR:**

The following routine matters can be acted upon by one motion. Individual items may be removed by the Council for separate discussion. Items removed for separate discussion will be heard following New Business Items. The title is deemed to be read and further reading waived of any ordinance listed on the consent calendar for introduction or adoption.

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

The agenda for the meeting of Monday, December 1, 2008 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Wednesday, November 26, 2008.

RECOMMENDATION: Receive and file.

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

The City Council is requested to approve the minutes of prior Council meetings.

RECOMMENDATION: Approve the minutes of November 17, 2008.

2.C. DEMAND REGISTER NO. 615, RESOLUTION NO. 08-3757:

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

RECOMMENDATION: Approve Demand Register No. 615 and adopt Resolution No. 08-3757, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 615."

2.D. TREASURER'S REPORT FOR SEPTEMBER 2008:

The City Council will receive the Treasurer's Report for the month ended September 2008 pursuant to Section 53646 of the Government Code of the State of California.

RECOMMENDATION: Receive and file.

2.E CLAIMS ADMINISTRATION:

The City Council is asked to deny Claims filed against the City, as a routine administrative step in claims processing.

RECOMMENDATION: Deny the claim of Lisa Neumayer and Marc Wuertemburg and refer to the City's claims adjuster.

2.F. ORDINANCE NO. 08-801 (2ND READING), AMENDING TITLE 19 (ZONING ORDINANCE) OF THE MUNICIPAL CODE ALLOWING DISCRETION OVER PROJECTS APPROVED BY A DEVELOPMENT AGREEMENT RELATED TO AFFORDABLE HOUSING UNITS REQUIRED. [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 08-801, a proposed ordinance amending title 19 (Zoning Ordinance) of the municipal code allowing discretion over projects approved by a development agreement related to affordable housing units required.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 08-801, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 19 (ZONING ORDINANCE) OF THE MUNICIPAL CODE ALLOWING DISCRETION OVER PROJECTS APPROVED BY A DEVELOPMENT AGREEMENT RELATED TO AFFORDABLE HOUSING UNITS REQUIRED."

2.G. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

The City Council will receive reports from various Commissions on actions taken at their recent meetings.

RECOMMENDATION: Receive and file.

2.H. AMENDMENT TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT [J. PRANG, J. DURAN]:

The City Council will consider an amendment to the City Manager's employment agreement.

RECOMMENDATION: Approve an amendment to the City Manager's Employment Agreement relative to car allowance, housing loan, and salary adjustment and authorize the Mayor to sign.

2.I. AGREEMENT FOR SERVICES WITH MARC ASSOCIATES FOR FEDERAL LOBBYING AND LEGISLATIVE ADVOCATE SERVICES [J. ENGLISH, L. BELSANTI]:

The City Council will consider authorizing an Agreement for Services with MARC Associates to provide federal lobbying and legislative advocate services.

RECOMMENDATIONS: 1) Approve an agreement with MARC Associates in an amount not-to-exceed \$95,000 for services from December 31, 2008 to December 31, 2009; and 2) Authorize the City Manager to sign and execute all necessary documents.

2.J. CONTRACT WITH DON MARUSKA & COMPANY, INC, CONSULTANT [P. AREVALO, K. KRIETZMAN]:

The Council will consider approving a Contract Amendment to Contract 004135 with Don Maruska & Company, Inc. for the purposes of providing further guidance for the Executive Team in developing strategic directions on critical issues and providing other services to the City Manager and City Departments as needed and as outlined in the revised Scope of Services.

RECOMMENDATIONS: Approve the amended Contract with Don Maruska & Company, Inc. in an amount not to exceed \$100,000, revise the expiration date of the existing contract to be open-ended at the discretion of either party, and authorize the City Manager to sign.

2.K. AWARD OF A CONSTRUCTION CONTRACT FOR SEWER REPAIR AND REHABILITATION – PHASE 1, CIP 0902 [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approval of a construction contract for rehabilitation of sewers in the northwest area of the City.

RECOMMENDATIONS: 1) Accept the bid dated November 18, 2008, submitted by Insituform Technologies, Inc.; 2) Authorize the City Manager to enter into a contract with Insituform Technologies, Inc., in the amount of \$418,298.25 for the construction of CIP 0902, Sewer Repair and Rehabilitation – Phase 1; 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.

2.L. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH RBF CONSULTING FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES [O. DELGADO, S. PERLSTEIN]:

This item requests that the City Council approve a professional service agreement with RBF Consulting for construction management and inspection and services on upcoming Sewer Repair and Rehabilitation - Phase 1, CIP 0902.

RECOMMENDATION: Approve a professional services Agreement in an amount not to exceed \$76,451 with RBF Consulting and authorize the City Manager to sign the Agreement.

2.M. AWARD OF CONSTRUCTION CONTRACT FOR CIP 0905, CONCRETE REPAIR PROGRAM [O. DELGADO, S. PERLSTEIN]:

The City Council will consider awarding a construction contract for the Concrete Repair Program, CIP 0905.

RECOMMENDATIONS: 1) Accept the bid dated November 18, 2008, submitted by Kacey Construction; 2) Authorize the City Manager to enter into a contract with Kacey Construction in the amount of \$249,615.00 for the construction of CIP 0905, Concrete Repair Program; and 3) Authorize the City Engineer to manage Change Orders for work on the construction contract in an amount not to exceed 10% of the contract amount.

2.N. APPROVAL OF FINAL TRACT MAP NO. 62040 FOR THE CONDOMINIUM PROJECT LOCATED AT 1137 HACIENDA AVENUE [O. DELGADO, S. PERLSTEIN]:

The City Council will consider the approval of Final Tract Map No. 62040, an eight unit condominium, located on Hacienda Place, between Fountain Avenue and Holloway Drive.

RECOMMENDATIONS: 1) Make findings for the Final Tract Map as follows: a) That this project will not violate any of the provisions of Sections 66474, 66474.1, and 66474.6 of the Subdivision Map Act; b) That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code; c) That the development of the property in the manner set forth on the subject division of land will not unreasonably interfere with the free and complete exercise of any public entity and/or public utility rights of way and/or easements within the subject division of land, pursuant to Section 66436(a)3A(i-viii) of the Subdivision Map Act; 2) Approve Final Tract Map No. 62040; and 3) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 62040 the certificate that embodies the approval of said map.

2.O. SELECTION OF VEHICLES FOR THE DIAL A RIDE SERVICE [L. LONG, D. DENNIS, J. ROONEY]:

The City Council will consider acquiring five Amerivan vehicles under the California State Contract.

RECOMMENDATION: Authorize the City Manager to execute an agreement with Creative Bus Sales in an amount not to exceed \$202,000 for acquisition of five 6 passenger vehicles to be used on the dial a ride service.

2.P. DESIGNATE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH (DPH), ENVIRONMENTAL HEALTH DIVISION, SOLID WASTE MANAGEMENT PROGRAM, AS THE LOCAL ENFORCEMENT AGENCY (LEA) RESPONSIBLE FOR THE CITY OF WEST HOLLYWOOD'S SOLID WASTE MANAGEMENT PROGRAM [O. DELGADO, S. PERLSTEIN, J. HARMON]:

The City Council will consider designating Los Angeles County Department of Health, Environmental Health Division, Solid Waste Management Program, as the local enforcement agency responsible for the City of West Hollywood's solid waste management program.

RECOMMENDATIONS: Adopt Resolution 08-3758 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD TO DESIGNATE THE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL HEALTH DIVISION, SOLID WASTE MANAGEMENT PROGRAM, AS THE LOCAL ENFORCEMENT AGENCY RESPONSIBLE FOR THE CITY'S SOLID WASTE MANAGEMENT.

2.Q. AMENDING THE HOURS OF ENFORCEMENT AND TOW AWAY NO PARKING ZONES FOR PARKING METERS ON SUNSET BOULEVARD EAST OF LA CIENEGA BOULEVARD TO CITY LIMIT [J. ENGLISH, K. COOK, B. GOLDMAN, O. DELGADO, J. ROCCO]:

The City Council will consider amending the hours of enforcement and designated tow away no parking zones for parking meters on Sunset Boulevard east of La Cienega Boulevard to City limit.

RECOMMENDATION: Adopt Resolution No. 08-3759 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE HOURS OF ENFORCEMENT AND TOW AWAY NO PARKING ZONES FOR PARKING METERS ON SUNSET BOULEVARD EAST OF LA CIENEGA BOULEVARD TO CITY LIMIT

2.R. FEDERAL LEGISLATIVE PRIORITIES 2009-2010 [P. AREVALO, K. KRIETZMAN, J. ENGLISH, L. BELSANTI]:

The Council will consider approving the City of West Hollywood's draft Federal Priority Issues for legislative activity in the 2009-2010 Federal legislative session.

RECOMMENDATIONS: 1) Review and approve the draft Federal Legislative Priorities; and 2) Direct staff to submit the Federal Legislative Priorities to U.S. Congressional Representatives; Senators Dianne

Feinstein and Barbara Boxer and Representative Henry Waxman, President-Elect Barack Obama, the City's federal lobbyist, MARC Associates and the City's state Lobbyist Helyne Meshar.

2.S. SCHEDULE DATES FOR ELECTION AND INSTALLATION OF NEW MAYOR AND MAYOR PRO TEMPORE FOR CALENDAR YEAR 2009 [T. WEST, C. SCHAFFER]:

The City Council will consider confirming the date for the election of the new Mayor and Mayor Pro Tempore and scheduling the Installation of the new Mayor and Mayor Pro Tempore for 2009.

RECOMMENDATIONS: 1) Confirm the date of March 16, 2009 for the Election of the new Mayor and Mayor Pro Tempore; and 2) Schedule the Installation Activities for the Mayor and Mayor Pro Tempore for April 20, 2009

2.T. WAIVE PERMIT FEES FOR THE FIRST AVENUES OF ART & DESIGN HOLIDAY SHOPPING NIGHT EVENT 2008 [R. REYNOLDS, J. HUFFER, M. LOUIE]:

The City Council will consider a recommendation waiving city-related event permit fees in the Avenues of Art and Design Business Improvement District during the evening of Thursday, December 11, 2008 for a Holiday Walk on the Avenues event.

RECOMMENDATIONS: Waive all City fees associated with the Avenues of Art & Design Holiday Walk 2008.

2.U. TOY BOX HOLIDAY CHARITY FUNDRAISER SPONSORSHIP [J. PRANG, J. STEVENS, A. LAND, C. PLANCK]:

The City Council will consider co-sponsorship of the 13th Annual Toy Box Party, hosted by IN Magazine and Frontiers Magazine in support of the Children's Hospital Los Angeles Annual Holiday Toy Drive, on December 14, 2008.

RECOMMENDATION: Authorize co-sponsorship of the Toy Box Party, which includes: a) Authorize the use and closure of Larrabee Street between Santa Monica Boulevard and the property line of the north parking lot adjacent to 8811 Santa Monica Blvd (Eleven Nightclub) between 12 p.m – 9 p.m. Sunday, December 14th as outlined in Exhibit A for the 2008 Toy Box Party; and b) Authorize the waiver of all applicable City of West Hollywood Special Event Fees and additionally direct City Recreation Services Staff to coordinate street closure, event set up and tear down with event organizers.

3. PUBLIC HEARINGS:

3.A. REPEAL GENERAL PLAN AMENDMENT 2006-004 AND ZONE TEXT AMENDMENT 2006-003 [S. KEENE, J. KEHO, J. ALKIRE]:

The City Council of the City of West Hollywood will consider whether to repeal General Plan Amendment 2006-004 and Zone Text Amendment 2006-003.

RECOMMENDATION: Adopt Ordinance No. 08- _____ "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REPEALING GENERAL PLAN AMENDMENT 2006-004 AND ZONE TEXT AMENDMENT 2006-003 WHICH ALLOW ALTERED DEVELOPMENT STANDARDS WITH THE APPROVAL OF A DEVELOPMENT AGREEMENT FOR PROPERTIES IN THE COMMUNITY COMMERCIAL ZONING DISTRICT AND LOCATED ALONG SANTA MONICA BOULEVARD IN WEST HOLLYWOOD, CALIFORNIA." (Exhibit A)

3.B APPEAL OF PLANNING COMMISSION APPROVAL OF REQUEST TO DEMOLISH A TOTAL OF THIRTEEN (13) MULTI- FAMILY APARTMENT UNITS AND CONSTRUCT A NEW SIXTEEN (16) UNIT RESIDENTIAL CONDOMINIUM STRUCTURE AT 8017-8023 NORTON AVENUE, WEST HOLLYWOOD, CALIFORNIA [S. KEENE, J. KEHO, J. ALKIRE]:

The City Council will consider an appeal of the Planning Commission's approval of permits to demolish all buildings on two residential lots with a total of thirteen rental units and construct a new four-story, sixteen unit condominium building with one level of subterranean parking.

RECOMMENDATIONS: 1) Adopt Resolution 08-_____ : "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL OF LESLIE GERSICOFF AND JAMES WESTMORELAND AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF DEMOLITION PERMIT (DMP) 2006-042, AND DEVELOPMENT PERMIT (DVP) 2006-057, FOR THE DEMOLITION OF ALL EXISTING STRUCTURES ON SITE INCLUDING THIRTEEN (13) RESIDENTIAL UNITS AND THE CONSTRUCTION OF A NEW SIXTEEN (16) UNIT CONDOMINIUM BUILDING LOCATED AT 8017-8023 NORTON AVENUE, WEST HOLLYWOOD, CALIFORNIA"; and 2) Adopt Resolution 08-_____ : "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEAL OF LESLIE GERSICOFF AND JAMES WESTMORELAND AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF TENTATIVE TRACT 69825 (TENTATIVE TRACT MAP 2006-026) FOR THE PROPERTY LOCATED AT 8017-8023 NORTON AVENUE, WEST HOLLYWOOD, CALIFORNIA."

4. UNFINISHED BUSINESS: None

5. NEW BUSINESS: None

EXCLUDED CONSENT CALENDAR: Items removed from the Consent Calendar for separate discussion are considered at this time.

PUBLIC COMMENT: This time is set aside for the public to address the Council on any item of interest within the subject matter jurisdiction of the Council that could not be heard under Item 1 at the beginning of the meeting.

6. LEGISLATIVE: None

COUNCILMEMBER COMMENTS: Additional general comments, announcements, requests of staff and/or other issues of concern to Councilmembers are briefly presented at this time.

ADJOURNMENT: The City Council will adjourn to their next regular meeting, which will be on Monday, January 5, 2009 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
January 5	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
January 20	Tuesday	6:30 PM	Regular Meeting	W.H. Park Aud.
February 2	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
February 17	Tuesday	6:30 PM	Regular Meeting	W.H. Park Aud.

City Council Agendas and Staff Reports
are available on-line at

www.weho.org

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
CLOSED SESSION AGENDA
MONDAY, DECEMBER 1, 2008
6:00 P.M.**

WEST HOLLYWOOD PARK AUDITORIUM, STUDIO ROOM

CONFERENCE WITH LEGAL COUNSEL

The City Council finds, based on advice from the City Attorney, that discussion in open session of the following described matters will prejudice the position of the City in existing and anticipated litigation.

PUBLIC COMMENT: This time has been set aside for members of the public to address the City Council on Closed Session items.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.....G.C. 54956.8

Property Address: 8950 Sunset Blvd.
Name of Owner: James Hotel LA LLC
Agency Negotiator: Paul Arevalo
Negotiating Parties: Steve Afriat
Under Negotiation: Price of encroachment

3. PENDING LITIGATION.....G.C. 54956.9(a)

Hoffman v. City of West Hollywood
Los Angeles Superior Court, Case No. BS 111413

Save Tara v. City of West Hollywood
California Supreme Court Case No. S151402

4. CONFERENCE WITH LABOR NEGOTIATORS: G.C. 54957.6

City representatives: Mayor Jeffrey Prang and Councilman John Duran
Unrepresented employee: City Manager