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***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, OCTOBER 6, 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, October 6, 2008 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, October 2, 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 September 15, 2008.

**2.C. DEMAND REGISTER NO. 611, RESOLUTION NO. 08-3740:**

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

RECOMMENDATION: Approve Demand Register No. 611 and adopt Resolution No. 08-3740, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 611."

**2.D. ORDINANCE NO. 08-798 (2<sup>ND</sup> READING), EXEMPTING PARTICIPATION IN COOPERATIVE PURCHASING PROGRAMS FROM BID REQUIREMENTS FOR ACQUISITION OF SUPPLIES AND EQUIPMENT AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE [T. WEST, C. SCHAFFER]:**

*The City Council will waive further reading and adopt Ordinance No. 08-798, a proposed ordinance exempting participation in cooperative purchasing programs from bid requirements for acquisition of supplies and equipment and amending the West Hollywood Municipal Code.*

RECOMMENDATION: Waive further reading and adopt Ordinance No. 08-798, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD EXEMPTING PARTICIPATION IN COOPERATIVE PURCHASING PROGRAMS FROM BID REQUIREMENTS FOR ACQUISITION OF SUPPLIES AND EQUIPMENT AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

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

*Receive and file reports from the Arts and Cultural Affairs Commission, Public Safety Commission, the Transportation Commission, the Disability Advisory Board and the East Side Project Area Committee on actions taken at their recent meetings.*

RECOMMENDATION: Receive and file.

**2.F. AWARD OF CONTRACTS FOR FORMOSA PARK CONSTRUCTION PROJECT, CIP #55-08/09-02 [L. LONG, S. BAXTER]:**

*The City Council will consider awarding contracts in relation to the Formosa Park Construction Project, CIP #55-08/09-02.*

RECOMMENDATIONS: 1) Accept the bid dated September 22, 2008, in the amount of \$826,000 submitted by MG Enterprises, Incorporated of Tarzana, California for the Formosa Park Construction Project, CIP #55-08/09-02; 2) Authorize the City Manager to sign an Agreement with MG Enterprises, Incorporated in an amount of \$826,000 for the Formosa Park Construction Project, CIP #55-08/09-02; 3) Reject all other bids and return associated Bid Bonds; 4) Authorize the City Manager to sign an Agreement with Katherine Spitz and Associates, in a not to exceed amount of \$35,000 for design / construction compliance services in relation to the Formosa Park Construction Project, CIP #55-08/09-02; 5) Authorize the City Manager to sign an Agreement with PRWC

Incorporated, in a not to exceed amount \$85,000 for services related to project waterproofing including specifications and quality assurance inspection services in relation to the Formosa Park Construction Project, CIP #55-08/09-02; 6) Authorize the City Manager to sign an Agreement with Heery International, in a not to exceed amount \$55,000 for construction management services in relation to the Formosa Park Construction Project, CIP #55-08/09-02; and 7) Authorize the contingency expenditure of an amount not to exceed 15% of the Agreement amounts as approved by the Director of the Human Services Department.

**2.G. AWARD OF CONTRACT FOR CIP # 55-08/09-04, KINGS ROAD PARK REPAIRS [L. LONG, S. BAXTER]:**

*The City Council will consider awarding a contract for general repairs and improvements to Kings Road Park.*

RECOMMENDATIONS: 1) Accept the bid dated September 22, 2008, in the amount of \$78,880 submitted by California Averland Construction Inc, Los Angeles, California; 2) Accept the add alternate identified in this report in the amount of \$17,490; 3) Authorize the City Manager to sign an Agreement with California Averland Construction, Inc., in an amount of \$96,370 for CIP # 55-08/09-04, Kings Road Park Repairs; 4) Reject all other bids and return associated Bid Bonds; and 5) Authorize the contingency expenditure of an amount not to exceed 15% of the Agreement amount as approved by the Director of the Human Services Department.

**2.H. AGREEMENT FOR SERVICES WITH VCA CODE GROUP [S. KEENE, S. BAILEY]:**

*The City Council will consider approving an Agreement for Services with VCA Code Group; to provide ongoing Plan Check services.*

RECOMMENDATIONS: 1) Approve Contract Agreement with VCA Code Group; for professional Plan Check services in the Building and Safety Division for temporary staffing vacancies and/or temporary staffing as needed for special projects or high volume case load in the amount not to exceed \$35,000.00 (thirty five thousand dollars and no/cents); and 2) Authorize the City Manager to sign the agreement.

**2.I. AMEND AGREEMENT FOR SERVICES WITH LILLEY PLANNING GROUP INC. [S. KEENE, S. BAILEY]:**

*The City Council will consider approving an Amendment of the Agreement for Services with Lilley Planning Group Inc.; to provide ongoing Permit Technician services for the Community Development Department, Building and Safety Division.*

RECOMMENDATIONS: 1) Approve the Amended Agreement for Permit Technician Services with Lilley Planning Group Inc., increasing the \$25,000 amount by an additional amount not-to-exceed one hundred fifty thousand dollars (\$150,000) for Building and Safety services in the

Building and Safety Division. Total Contract = \$175,000; and 2) Authorize the City Manager to sign the agreement.

**2.J. APPROVAL OF FINAL PARCEL MAP NO. 69804 FOR THE CONDOMINIUM PROJECT LOCATED AT 714 WESTBOURNE DRIVE [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider the approval of Final Parcel Map No. 69804, a two unit condominium, located on Westbourne Drive, between Melrose Avenue and Sherwood Drive.*

RECOMMENDATIONS: 1) Make findings for the Final Parcel Map as follows: a) That this project will not violate any of the provisions of Sections 66474, 66474.1, and 66474.6 of the Subdivision Map Act; b) That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code; and c) That the development of the property in the manner set forth on the subject division of land will not unreasonably interfere with the free and complete exercise of any public entity and/or public utility rights of way and/or easements within the subject division of land, pursuant to Section 66436(a)3A(i-viii) of the Subdivision Map Act; 2) Approve Final Parcel Map No. 69804; and 3) Instruct the City Clerk to endorse on the face of the map of Final Parcel Map No. 69804 the certificate that embodies the approval of said map.

**2.K. APPROVAL OF FINAL TRACT MAP NO. 62131 FOR THE CONDOMINIUM PROJECT LOCATED AT 1029 VISTA STREET [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider the approval of Final Tract Map No. 62131, a five unit condominium, located on Vista Street, between Santa Monica Boulevard and Romaine Street.*

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; 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. 62131; and 3) Instruct the City Clerk to

endorse on the face of the map of Final Tract Map No. 62131 the certificate that embodies the approval of said map.

**2.L. AUTOMATED LICENSE PLATE RECOGNITION (ALPR) SYSTEM [K. COOK, B. GOLDMAN]:**

*The City Council will consider the purchase of one Automated License Plate Recognition (ALPR) system.*

RECOMMENDATIONS: 1) Direct staff to purchase one Automated License Plate Recognition (ALPR) system; and 2) Direct staff to report back to City Council after at least six months of use of the Automated License Plate Recognition (ALPR) system during the regular Public Safety Division Six Month Report.

**2.M. SUPPORT OF WESTSIDE SUBWAY EXTENSION WILSHIRE/WEST HOLLYWOOD COMBINED ALTERNATIVE [J. HEILMAN, F. SOLOMON]:**

*The City Council will consider adopting a resolution in support of the Wilshire/West Hollywood combined subway alternative as part of the Westside Subway Extension*

RECOMMENDATIONS: 1) Adopt Resolution No. 08-3741 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE WESTSIDE SUBWAY EXTENSION WILSHIRE/WEST HOLLYWOOD COMBINED ALTERNATIVE."; 2) Direct staff to send copies of the signed resolution to Roger S. Noble, CEO, Los Angeles County Metropolitan Transit Authority, U.S. Senators Dianne Feinstein and Barbara Boxer, U.S. Representative Henry Waxman, California State Senator Sheila J. Kuehl and California State Assemblymember Mike Feuer; and 3) Direct staff to coordinate efforts to advocate in support of the Wilshire/West Hollywood combined alternative.

**2.N. CITY CO-SPONSORSHIP OF THE NATIONAL LEAGUE OF CITIES HOUSING AND LEADERSHIP SEMINAR: FINDING SOLUTIONS FOR CHALLENGES FACING CITIES TODAY [J. HEILMAN, F. SOLOMON]:**

*The City Council will consider co-sponsoring the National League of Cities Housing and Leadership Seminar: Finding Solutions for Challenges Facing Cities Today.*

RECOMMENDATIONS: 1) Approve the City of West Hollywood's co-sponsorship of the National League of Cities Housing and Leadership Seminar: Finding Solutions for Challenges Facing Cities Today and the use of the City's name and logo on printed materials advertising the event; and 2) Direct staff to coordinate a housing tour of affordable housing projects in West Hollywood for seminar participants.

**2.O. SUPPORT OF SENATE BILL 1738 (BIDEN), ESTABLISHING A SPECIAL COUNSEL TO PREVENT CHILD EXPLOITATION [S. GUARREILLO, D. SAUR, D. GEVORKYAN]:**

*The City Council will consider adopting a resolution in support of S.1738 by Senator Joe Biden (D-DE), also known as the Combating Child Exploitation Act of 2008.*

RECOMMENDATION: 1) Adopt Resolution No. 08-3742, "A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF S.1738, "COMBATING CHILD EXPLOITATION ACT", ESTABLISHING A SPECIAL COUNSEL TO PREVENT CHILD EXPLOITATION"; and 2) Direct staff to send copies of signed resolutions to Senator Joe Biden, Senator Barbara Boxer, Senator Dianne Feinstein, and Congressman Henry Waxman.

**2.P. ONE: NATIONAL GAY AND LESBIAN ARCHIVES GRAND OPENING CO-SPONSORSHIP [J .PRANG, J. STEVENS]:**

*The City Council will consider co-sponsorship of grand opening ceremonies for the ONE: National Gay and Lesbian Archives Gallery and Museum in West Hollywood on October 11, 2008.*

RECOMMENDATION: Authorize co-sponsorship of the ONE Gallery and Museum grand opening, which includes: a) Post no parking signs on meters (ET8700, 8703, 8705, 8707 and 8709) directly adjacent to the ONE gallery location at 626 North Robertson Boulevard, from 12 p.m., Saturday, October 11, 2008 – 12 a.m., Sunday, October 12, 2008, as not to impede the operation of valet service for Fat Fish Restaurant at 616 N Robertson Boulevard; b) Authorize the waiver of all applicable City of West Hollywood Special Event Fees; and c) Authorize the use of the City of West Hollywood logo in promotional and press materials.

**3. PUBLIC HEARINGS:**

**3.A. APPEAL OF THE BUSINESS LICENSE COMMISSION'S DECISION TO MODIFY RESTAURANT TENMASA SUSHI'S (9016 SUNSET BLVD.) PUBLIC EATING LICENSE TO NOT ALLOW THE SALE OF ALCOHOL [O. DELGADO, J. AUBEL, D. MICK]:**

*The City Council will hold a public hearing on an appeal by Masachika Takahashi regarding the Business License Commission's decision to revoke, then conditionally stay that revocation, and partially suspend regulatory public eating business license 000004 to prohibit the sales of alcohol for the business known as Tenmasa Sushi located at 9016 Sunset Boulevard, West Hollywood.*

RECOMMENDATION: Adopt Resolution No. \_\_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEAL BY MASACHIKA TAKAHASHI OF THE BUSINESS LICENSE COMMISSION'S DECISION TO REVOKE, CONDITIONALLY STAY THE REVOCATION AND PARTIALLY

SUSPEND REGULATORY PUBLIC EATING BUSINESS LICENSE 000004 TO PROHIBIT THE SALES OF ALCOHOL FOR ONE YEAR AT THE BUSINESS KNOWN AS TENMASA SUSHI LOCATED AT 9016 SUNSET BOULEVARD, WEST HOLLYWOOD

**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]:**

*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.*

RECOMMENDATION: Continue the item to a date uncertain.

**4. UNFINISHED BUSINESS:**

**4.A. COMMISSION APPOINTMENTS AND RE-APPOINTMENTS [T. WEST, C. SCHAFFER]:**

*The City Council will consider making direct and at-large appointments to City Commissions, Advisory Boards, and Committees.*

RECOMMENDATION: The Council will make appointments to Boards and Commissions as detailed in the Staff Report.

**5. NEW BUSINESS:**

**5.A. INITIATION OF PROCEEDINGS TO REVOKE OR SUSPEND THE HOUSE OF BLUES BUSINESS LICENSE [J. HEILMAN, F. SOLOMON]:**

*The City Council will consider initiating proceedings to revoke or suspend the House of Blues Business License.*

RECOMMENDATIONS: 1) Direct staff to review and investigate all appropriate permits, conditions, law enforcement and life/fire/safety records and neighborhood complaints to determine compliance of The House of Blues; and 2) Direct staff to initiate proceedings to revoke or suspend the business license of the House of Blues.

**5.B. RESCIND RESOLUTION PROHIBITING THE CITY OF WEST HOLLYWOOD FROM FUNDING ANY NON-PROFIT ORGANIZATION THAT HAS ANY SPECIFICALLY DESIGNATED CITY OFFICIAL ON ITS BOARD OF DIRECTORS [J. HEILMAN, F. SOLOMON]:**

*The City Council will consider rescinding Resolution No. 94-1347 (see attached Exhibit A) which prohibits Councilmembers from serving on boards, honorary boards, and advisory groups for local city-funded non-profit organizations.*

**RECOMMENDATION:** Direct the City Attorney to draft a Resolution rescinding Resolution No. 94-1347 and return to the City Council within 30-days.

**5.C. RESOLUTIONS REGARDING THE ADMINISTRATION OF THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009 [T. WEST, C. SCHAFFER]:**

*The City Council will consider approving the necessary resolutions for conducting the General Municipal Election to be held on Tuesday, March 3, 2009.*

**RECOMMENDATIONS:** 1) Adopt Resolution No. 08-\_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES"; 2) Adopt Resolution No 08-\_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009"; and 3) Adopt Resolution No. 08-\_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009."

**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:**

**6.A. CITY OF WEST HOLLYWOOD BUSINESS LICENSE CODE [O. DELGADO, J. AUBEL]:**

*The City Council will consider amending Title 5, Chapter 5.08 Section 5.08.220, 5.08.230 and 5.08.240 of the Municipal Code amending the appeals process of the Business License Commission.*

**RECOMMENDATION:** Introduce on first reading Ordinance No. 08-\_\_\_\_\_, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE BUSINESS LICENSE ORDINANCE PERTAINING TO

PROCESSING APPEALS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE”

**6.B. CITY OF WEST HOLLYWOOD BUSINESS LICENSE CODE [O. DELGADO, J. AUBEL]:**

*The City Council will consider amending Title 5, Section 5.04.040.6 of the Municipal Code by changing the definition of Director and, amend Title 5, Chapters 5.04 through 5.120 to replace all references to “Community Development Director” with “Director”.*

RECOMMENDATION: Introduce on first reading Ordinance No. 08-\_\_\_\_\_ “AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING MISCELLANEOUS PROVISIONS OF THE BUSINESS LICENSE ORDINANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE”

**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, October 20, 2008 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
October 20	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
November 3	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
November 17	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
December 1	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.

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**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
CLOSED SESSION AGENDA  
MONDAY, OCTOBER 6, 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.

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**2. PENDING LITIGATION.....G.C. 54956.9(a)**

Hoffman v. West Hollywood  
Leonte v. West Hollywood

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**THREATENED LITIGATION.....G.C. 54956.9(b)**

One case