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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, DECEMBER 21, 2009
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 21, 2009 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, December 17, 2009.

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 December 7, 2009.

2.C. DEMAND REGISTER NO. 640, RESOLUTION NO. 09-3926:

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

RECOMMENDATION: Approve Demand Register No. 640 and adopt Resolution No. 09-3926, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 640."

2.D. TREASURER'S REPORT FOR AUGUST 2009:

The City Council will receive the Treasurer's Report for the month ended August 2009 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 claims of Hartford Casualty and refer to the City's claims adjuster.

2.F. ORDINANCE NO. 09-834 (2ND READING), ADDING TITLE 15, ARTICLE 3, CHAPTER 15.54 WATER CONSERVATION LANDSCAPING TO THE WEST HOLLYWOOD MUNICIPAL CODE [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-834, a proposed ordinance adding Title 15, Article 3, Chapter 15.54 Water Conservation Landscaping to the West Hollywood Municipal Code.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 09-834, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADDING TITLE 15, ARTICLE 3, CHAPTER 15.54 WATER CONSERVATION LANDSCAPING TO THE WEST HOLLYWOOD MUNICIPAL CODE."

2.G. ORDINANCE NO. 09-835 (2ND READING), AMENDING REGULATIONS GOVERNING CONTRIBUTIONS TO MUNICIPAL ELECTION CAMPAIGNS FOR CITY COUNCIL OFFICES [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-835, a proposed ordinance amending the regulations governing contributions to municipal election campaigns for City Council offices and amending the West Hollywood Municipal Code.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 09-835, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE REGULATIONS GOVERNING CONTRIBUTIONS TO MUNICIPAL ELECTION CAMPAIGNS FOR CITY COUNCIL OFFICES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

2.H. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

The City Council will receive reports from the Arts and Cultural Affairs Commission, Disabilities Advisory Board and the Senior Advisory Board on actions taken at their recent meetings.

RECOMMENDATION: Receive and file.

2.I. FEDERAL LEGISLATIVE UPDATE [J. ENGLISH, L. BELSANTI, K. KRIETZMAN]:

The City Council will receive a Legislative Report detailing federal legislative activities current as of December, 2009 from Holland + Knight.

RECOMMENDATION: Receive and file.

2.J. AMENDMENT TO CONTRACT WITH HOLLAND AND KNIGHT FOR FEDERAL LOBBYING AND LEGISLATIVE ADVOCATE SERVICES [P. AREVALO, K. KRIETZMAN, J. ENGLISH, L. BELSANTI]:

The Council will consider approval of an amendment to the Contract with the City's federal lobbyist, Holland and Knight.

RECOMMENDATIONS: 1) Approve an amendment to the Holland and Knight Contract in an amount not-to-exceed \$95,000 for services from December 31, 2009 to December 31, 2010; and 2) Authorize the City Manager to sign and execute all necessary documents.

2.K. CONTRACT AMENDMENT WITH NELSON NYGAARD ASSOC TO PROVIDE PROFESSIONAL SERVICES IN ASSOCIATION WITH THE DEVELOPMENT OF A COMPREHENSIVE UPDATE TO THE CITY'S GENERAL PLAN CIRCULATION ELEMENT [A. MCINTOSH, T. SLIMMER]:

The City Council will consider authorizing the City Manager to execute a contract amendment with Nelson Nygaard Associates to assist in the completion of the comprehensive update to the City's General Plan Circulation Element.

RECOMMENDATION: 1) Authorize the City Manager to execute a contract amendment with Nelson/Nygaard, Inc., in an amount not-to-exceed \$25,000 for a total contract amount of \$80,000 for professional services relating to traffic and transportation issues in the City's General Plan Circulation Element; and 2) Authorize the Director of Finance to allocate \$25,000 from the undesignated reserves in the General Fund and increase budgeted expenditures in account 100-3-07-83-533038 by \$25,000.

2.L. CONTRACT FOR FY 09-10 SEWER ROOT CONTROL SERVICES [O. DELGADO, S. PERLSTEIN]:

The City Council will consider approval of a professional service contract with Dukes Root Control, Inc. for sewer root control services.

RECOMMENDATION: Authorize the City Manager to enter into a professional service contract with Dukes Root Control, Inc. in an amount

not to exceed \$80,000 to provide sewer root control services for the City of West Hollywood for FY 09-10.

2.M. CONSTRUCTION CONTRACT FOR A PUBLIC PARKING LOT AT 8459 SUNSET BLVD, CIP 1005 [O. DELGADO, S. PERLSTEIN]:

The City Council will consider awarding a construction contract for the construction of a 35 space public parking lot at 8459 Sunset Boulevard, CIP 1005.

RECOMMENDATIONS: 1) Accept the bid dated December 1, 2009, submitted by ASAP General Engineering; 2) Authorize the City Manager to enter into a contract with ASAP General Engineering in the amount of \$160,793.00 for the construction of CIP 1005, Public Parking Lot at 8459 Sunset Blvd; 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.N. ADOPTION OF THE CURRENT EDITION OF THE STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION [O. DELGADO, S. PERLSTEIN]:

The 2009 edition of the Standard Plans for Public Works Construction has recently been published. The new edition updates construction designs to meet current practices for use on public works projects and any work done in the public right of way.

RECOMMENDATION: Adopt Resolution No. 3927, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REGULATING MATERIALS, METHODS, DIMENSIONS, AND DETAILS OF CONSTRUCTION IN THE ERECTION, INSTALLATION, ALTERATION, REPAIR, REMOVAL, CONVERSION, DEMOLITION, AND CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS IN THE CITY OF WEST HOLLYWOOD; AND REPEALING ALL RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT THEREWITH."

2.O. ADOPTION OF THE CURRENT EDITION AND SUPPLEMENT OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION [O. DELGADO, S. PERLSTEIN]:

The Council will consider adoption of the 2009 edition and 2010 supplement of the Standard Specifications for Public Works Construction, (commonly called the "Greenbook") for use on public works projects and any work done in the public right of way.

RECOMMENDATION: Adopt Resolution No. 3928, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REGULATING MATERIALS OF CONSTRUCTION AND THEIR USE IN THE ERECTION, INSTALLATION, ALTERATION, REPAIR, REMOVAL, CONVERSION, DEMOLITION, AND CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS IN THE CITY OF WEST HOLLYWOOD; PROVIDING FOR THE ADMINISTRATION OF CONTRACTS AS WELL AS PERMITS ISSUED IN CONNECTION WITH SUCH IMPROVEMENTS;

AND REPEALING ALL RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT THEREWITH.”

2.P. LETTER OF INTENT RE-ISSUE FOR NEW FUNDING SUPPORT FOR SOCIAL SERVICES [L. LONG, D. DENNIS]:

The City Council will consider the re-issue of a Letter of Intent for the allocation of \$100,000 in additional social services programming.

RECOMMENDATION: Recommend the re-issue of a Letter of Intent for the allocation of \$100,000 in new funding to mitigate the impact of the economic downturn and/or cuts to State and County programs on members of the West Hollywood community.

2.Q. GIFT OF TWO SCULPTURES BY ARTIST PETER SHIRE [J. HUFFER, A. CAMPBELL]:

The Council will consider accepting two sculptures by artist Peter Shire as a gift from Billy Shire.

RECOMMENDATIONS: 1) Accept the sculptures as gifts to the City; and 2) Appropriate \$10,000 from Art and Beautification Fund reserves to account 209-1-01-10-531005, Contract Services for art work installation costs.

2.R. COMPREHENSIVE ORDINANCE PROHIBITING SMOKING IN COMMON PUBLIC AREAS [A. LAND, C. PLANCK, J. HEILMAN, F. SOLOMON, T. MANDEL, R. MARTINEZ]:

The City Council will consider creating an ordinance to prohibit smoking in the outdoor patios and open air spaces at restaurants, bars and other establishments with common outdoor patios or open air spaces.

RECOMMENDATION: Direct the City Attorney to draft a comprehensive ordinance prohibiting smoking in outdoor patios and open air spaces at restaurants, bars and other establishments with common outdoor patios or open air spaces.

2.S. SUPPORT OF SENATOR BARBARA MIKULSKI’S AMENDMENT TO H.R. 3590—THE PATIENT PROTECTION AND AFFORDABLE CARE ACT [L. HORVATH, I. PINE]:

The City Council will consider adopting a resolution in support of Senator Barbara Mikulski’s amendment to H.R. 3590—The Patient Protection and Affordable Care Act.

RECOMMENDATIONS: 1) Adopt Resolution No. 09-3929, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF Senator Barbara Mikulski’s amendment to H.R. 3590—The Patient Protection and Affordable Care Act; and 2) Direct staff to send copies of the adopted resolution to Senators Barbara Mikulski, Barbara Boxer, Dianne Feinstein, Al Franken, Sherrod Brown, Benjamin Cardin, Chris Dodd, Tom Harkin, John Kerry, Frank Lautenberg, Patrick Leahy, Patty Murray, Chuck Schumer, Olympia Snowe and Debbie Stabenow.

2.T. COMMEMORATION OF THE ANNIVERSARY OF ROE V. WADE [A. LAND, C. PLANCK, L. HORVATH, I. PINE]:

The City Council will consider approval of recommended programming to commemorate the Anniversary of Roe v. Wade and the City's ongoing commitment to women's reproductive rights.

RECOMMENDATIONS: 1) Direct staff to work on programming to commemorate the Anniversary of Roe v. Wade; and 2) Approve the City of West Hollywood's co-sponsorship of The National Council of Jewish Women/LA's Panel Discussion on January 21, 2010 and the use of the City's name and logo on printed materials advertising the event.

3. PUBLIC HEARINGS: None

4. UNFINISHED BUSINESS: None

5. NEW BUSINESS:

5.A. COMMISSION AND ADVISORY BOARD APPOINTMENTS [T. WEST, C. SCHAFFER]:

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

RECOMMENDATIONS: Call for nominations for the at-large appointments for the following Advisory Boards: a) Disabilities Advisory Board: 2 at-large appointments; and b) Transgender Advisory Board: 7 at-large appointments.

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 25, 2010 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
January 25	Monday	6:30 PM	Joint Session with the Planning Commission	W.H. Park Aud.
February 1	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
February 16	Tuesday	6:30 PM	Regular Meeting	W.H. Park Aud.
March 1	Monday	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 21, 2009
 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.

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

Save Tara v. City of West Hollywood
 Los Angeles Superior Court Case No. BS 090402

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

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

One case

