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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, JULY 20, 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, July 20, 2009 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, July 16, 2009.

RECOMMENDATION: Receive and file.

- 2.B. **DEMAND REGISTER NO. 630, RESOLUTION NO. 09-3868:**

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

RECOMMENDATION: Approve Demand Register No. 630 and adopt Resolution No. 09-3868, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 630."

2.C. ORDINANCE NO. 09-818 (2ND READING), REGARDING THE SPECIAL EVENT PERMIT PROCESS AND PARKING REGULATIONS WITHIN THE AVENUES OF ART AND DESIGN [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-818, a proposed ordinance establishing temporary regulations superseding certain provisions of the West Hollywood Zoning Ordinance regarding the special event permit process and parking regulations within the Avenues of Art and Design.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 09-818, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD APPROVING ZONE TEXT AMENDMENT 2009-003 AND ESTABLISHING TEMPORARY REGULATIONS SUPERSEDING CERTAIN PROVISIONS OF CHAPTER 19.54 AND CHAPTER 19.28 OF THE WEST HOLLYWOOD ZONING ORDINANCE REGARDING THE SPECIAL EVENT PERMIT PROCESS AND PARKING REGULATIONS WITHIN THE AVENUES OF ART AND DESIGN."

2.D. ORDINANCE NO. 09-819 (2ND READING), RELATING TO EXTENDED HOUR BUSINESSES STANDARDS [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-819, a proposed ordinance relating to extended hour businesses standards.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 09-819, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 19 (ZONING ORDINANCE) [ZONE TEXT AMENDMENT 2008-007] RELATING TO EXTENDED HOUR BUSINESSES STANDARDS."

2.E. ORDINANCE NO. 09-820 (2ND READING), GOVERNING THE OPERATION OF OFF-SALE ALCOHOL ESTABLISHMENTS [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 09-820, a proposed ordinance governing the operation of off-sale alcohol establishments.

RECOMMENDATION: Waive further reading and adopt Ordinance No. 09-820, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 19 (ZONING ORDINANCE) [ZONE TEXT AMENDMENT 2008-008] GOVERNING THE OPERATION OF OFF-SALE ALCOHOL ESTABLISHMENTS."

2.F. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

RECOMMENDATION: Receive and file.

2.G. AGREEMENT FOR SERVICES WITH DEKRA-LITE [R. REYNOLDS, J. HUFFER, M. LOUIE]:

The City Council will consider entering into an agreement with Dekra-Lite for purchase, installation, repair and storage of the holiday lights for Santa Monica Boulevard associated with Santa Monica Boulevard Maintenance District, Zones 1, 2 and 3.

RECOMMENDATIONS: 1) Approve an agreement with Dekra-Lite in an amount not-to-exceed \$101,276.00 for the installation, repair and storage of the holiday lights including purchase of new LED string lights along Santa Monica Boulevard for the 2009 holiday season; and 2) Authorize the City Manager to sign the agreement.

2.H. AGREEMENT FOR SERVICES WITH THE WEST HOLLYWOOD MARKETING AND VISITORS BUREAU [R. REYNOLDS, J. HUFFER, M. LOUIE]:

The City Council will consider entering into an agreement with the West Hollywood Marketing and Visitors Bureau (MVB) for the development and maintenance of the WH Insiders program.

RECOMMENDATIONS: 1) Approve an agreement with the MVB in an amount not-to-exceed \$25,000.00 for the development and maintenance of the WH Insiders program; and 2) Authorize the City Manager to sign the agreement.

2.I. CONTRACT WITH ARCHITECTURAL RESOURCES GROUP [A. MCINTOSH, J. KEHO, J. CHASE]:

The City Council will consider approving a contract with Architectural Resources Group (ARG) to complete and present nomination forms for Cultural Resource Designation for properties identified as potential eligible for Cultural Resource status in the Historic Resources Inventory update.

RECOMMENDATIONS: 1) Approve the contract with ARG in the amount of \$61,020.00 for the Scope of Work; 2) Authorize the Director of Finance and Technology Services to draw down from already budgeted funds for completion of the survey nominations 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.

2.J. EXTENSION OF THE TERM OF A PROMISSORY NOTE WITH THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION FOR THE 8-UNIT AFFORDABLE HOUSING PROJECT LOCATED AT 1123 NORTH DETROIT STREET [A. WINDERMAN, J. SKORNECK, E. SAVAGE]:

The City Council will consider extending the term of a promissory note of \$80,000 to the West Hollywood Community Housing Corporation for an additional five year term to June 12, 2014 for the 8-unit affordable housing project at 1123 North Detroit Street.

RECOMMENDATION: 1) Approve an extension to the promissory note with the West Hollywood Community Housing Corporation in favor of the

City, which will extend the term of the promissory note for an additional, and final, five-year term, from June 12, 2009 to June 12, 2014, for the property located at 1123 North Detroit Street.; and 2) Authorize the City Manager to sign the extension and any related documents.

2.K. NATIONAL NIGHT OUT AGAINST CRIME IN WEST HOLLYWOOD [K. COOK, L. MANUKIAN]:

The City Council will consider designating Tuesday, August 4, 2009 as National Night Out in West Hollywood and approve various administrative requests to assist in the success of thirteen National Night Out events.

RECOMMENDATIONS: 1) Proclaim August 4, 2009 "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.

2.L. SUPPORT S. 909 "THE MATTHEW SHEPARD HATE CRIMES PREVENTION ACT" [J. DURAN, H. MOLINA, L. HORVATH, D.SAUR]:

The City Council will consider adopting a resolution supporting S. 909, which will increase resources for the prosecution of hate crimes by states, counties and other local districts.

RECOMMENDATIONS: 1) Adopt RESOLUTION 09-3869 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF S. 909 THE MATTHEW SHEPARD HATE CRIMES PREVENTION ACT"; and 2) Direct staff to send copied of the adopted resolution to Senators Edward Kennedy, Dianne Feinstein and Barbara Boxer, Rep. Henry Waxman and the Matthew Shepard Foundation.

2.M. SUPPORT OF AB 988 (BROWNLEY) HUMAN TRAFFICKING: TRAINING CONTENT [C. PLANCK, L. FOOKS, M. HORNER]:

The City Council will consider adopting a resolution in support of AB 988 (Brownley) Human Trafficking: Training Content.

RECOMMENDATIONS: 1) Adopt Resolution No. 09-3870, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 988 (BROWNLEY) HUMAN TRAFFICKING: TRAINING CONTENT"; and 2) Send copies of the signed resolutions to State Senator Fran Pavley, Assemblymember Mike Feuer, Assemblymember Julia Brownley, the Coalition to Abolish Slavery and Trafficking and Polaris Project.

2.N. SUPPORT OF AB 392 (FEUER & JONES), OMBUDSMAN PROGRAM AND THE SENIOR LEGAL HOTLINE FUNDING RESTORATION [L. HORVATH, D. SAUR, M. HORNER]:

The City Council will consider adopting a resolution in support of AB 392 (Feuer & Jones), Ombudsman Program and the Senior Legal Hotline.

RECOMMENDATIONS: 1) Adopt Resolution No. 09-3871, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 392 (FEUER & JONES). OMBUDSMAN PROGRAM AND THE SENIOR LEGAL HOTLINE FUNDING RESTORATION"; and 2) Send copies of the signed resolutions to State Senator Fran Pavley, Assemblymember Mike Feuer, Assemblymember Dave Jones, Governor Arnold Schwarzenegger, California Advocates for Nursing Home Reform, California Alliance for Retired Americans, AARP California, and to Jewish Family Services Los Angeles.

2.O. SUPPORT OF H.R. 2492 (LEVIN & TIBERI), REGARDING TAXATION OF FORGIVEN STUDENT LOANS [L. HORVATH, D. SAUR, J. HEILMAN, F. SOLOMON, T. LIN]:

The City Council will consider adopting a resolution in support of H.R. 2492 (Levin & Tiberi), regarding the taxation of forgiven student loans.

RECOMMENDATIONS: 1) Adopt Resolution No. 09-3872, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF H.R. 2492 (LEVIN & TIBERI), REGARDING TAXATION OF FORGIVEN STUDENT LOANS"; and 2) Send copies of the signed resolutions to Representative Sander Levin Representative Pat Tiberi, Representative Henry Waxman and the American Association of University Women.

2.P. SUPPORT OF THE MAYORS AGAINST ILLEGAL GUNS COALITION'S PLAN TO ENFORCE EXISTING GUN LAWS [A. ALND, C. PLANCK, L. HORVATH, D. SAUR, T. LIN]:

The City Council will consider adopting a resolution in support of enforcing existing gun laws.

RECOMMENDATIONS: 1) Adopt Resolution No. 09-3873, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF ENFORCING EXISTING GUN LAWS"; and 2) Direct staff to send copies of the resolution to Mayors Against Illegal Guns, Women Against Gun Violence, Brady Campaign to Prevent Gun Violence, President Barack Obama, Representative Henry Waxman, Senator Dianne Feinstein, and Senator Barbara Boxer.

3. PUBLIC HEARINGS:

3.A. REQUEST TO ERECT A TALL WALL BILLBOARD [A. MCINTOSH, J. KEHO, C. CORRAO]:

The City Council will hold a public hearing to consider an application by Jeffrey Seymour to erect a tall wall billboard on the east face of the high rise building located at 9000 Sunset Boulevard.

RECOMMENDATIONS: Staff recommends that the City Council hold the public hearing, consider all pertinent testimony, and recommend approval of the application request by adopting the following: 1) Adopt Resolution

No. 09-____: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING DEVELOPMENT AGREEMENT 2009-001, ASSOCIATED WITH A 6,500-SQUARE-FOOT TALL WALL BILLBOARD ON THE EAST FACE OF AN EXISTING HIGH RISE BUILDING, LOCATED AT 9000 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." (EXHIBIT A); 2) Adopt Resolution No. 09-____: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, ADOPTING ZONING MAP AMENDMENT 2009-002, IN CONJUNCTION WITH DEVELOPMENT AGREEMENT 2009-001, FOR THE PROPERTY LOCATED AT 9000 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." (EXHIBIT B); and 3) Adopt Resolution No. 09-____: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING CONDITIONAL USE [TALL WALL] PERMIT 2008-001, FOR THE ERECTION OF A 6,500-SQUARE-FOOT TALL WALL BILLBOARD ON THE EAST FACE OF AN EXISTING HIGH RISE BUILDING, LOCATED AT 9000 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." (EXHIBIT C)

3.B ZONE TEXT AMENDMENT 2008-005 UPDATING THE DEFINITIONS THAT APPLY TO THE CULTURAL HERITAGE PRESERVATION ORDINANCE [A. MCINTOSH, J. KEHO, F. CONTRERAS]:

The City Council will hold a public hearing to consider an amendment of the City of West Hollywood Zoning Ordinance to include in its definitions the 2008 R2, R3, R4 Multi-Family Survey Report (2008 Survey Update) and include the identified properties in the 2008 Survey Update as potential cultural resources.

RECOMMENDATIONS: Introduce on first reading Ordinance No. 09-____, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 19 (ZONING ORDINANCE) OF THE MUNICIPAL CODE RELATED TO DEFINITIONS THAT APPLY TO THE PROVISIONS OF CHAPTER 19.58 (CULTURAL HERITAGE PRESERVATION) INCLUDING PROTECTION FOR ALL PROPERTIES IDENTIFIED AS POTENTIAL CULTURAL RESOURCES IN THE 2008 SURVEY UPDATE." (ATTACHMENT A)

4. UNFINISHED BUSINESS:

4.A. POTENTIAL GARDEN COURT THEMATIC GROUPING [A. MCINTOSH, J. KEHO, F. CONTRERAS]:

Staff will present a report on the status of the Potential Garden Court Thematic Grouping and present the list of properties identified as contributors in the Potential Garden Court Thematic Grouping.

RECOMMENDATION: Receive and file.

4.B. MEDICAL MARIJUANA DISPENSARY REGULATION [J. ENGLISH, L. BELSANTI, A. MCINTOSH, J. KEHO, L. YELTON, O. DELGADO, J. AUBEL]:

The City Council will consider directing staff to create a new category of license under the West Hollywood Business License ordinance regarding the regulation of medical marijuana dispensaries.

RECOMMENDATIONS: 1) Direct staff to allow medical marijuana dispensaries as an automatically permitted use, rather than a conditionally permitted use, in the zoning code; 2) Direct staff to bring forward a business license ordinance with the same requirements as presently exists in the zoning ordinance relative to medical marijuana dispensaries, adding requirements such as criminal background checks and compliance with all State Attorney General Guidelines, and mandates sales tax remittance to the City of West Hollywood; 3) Give staff direction to waive the location requirement for all permitted medical marijuana dispensaries open and in continuous operation since January 16, 2007 and keep the numerical limit at four dispensaries; and 4) Give staff direction to add language that defines any facility used for the growth or cultivation of marijuana plants as a medical marijuana dispensary.

4.C. ENVIRONMENTAL TASK FORCE REPORT IMPLEMENTATION - COST AND FEASIBILITY ESTIMATES [J. ENGLISH, L. BELSANTI]:

The City Council will consider implementation plans and estimates from the approved West Hollywood Environmental Task Force (WHETF) recommendations.

RECOMMENDATIONS: 1) Approve implementation plans currently budgeted for in current 2009/2010 budget; and 2) Direct staff to present WHETF implementation plans as highest priority for consideration in the 2010/2012 budget.

4.D. APPOINTMENT OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES [T. WEST, C. SCHAFFER, G. VESPOINT]:

The City Council will consider appointing a Voting Delegate and Voting Delegate – Alternate(s) for the League of California Cities in preparation for their upcoming Annual Conference.

RECOMMENDATION: Appoint a Voting Delegate and Voting Delegate – Alternate(s) to the Annual Conference of the League of California Cities.

5. NEW BUSINESS:

5.A. WATER CONSERVATION AND DROUGHT RESPONSE [O. DELGADO, S. PERLSTEIN]:

The City Council will receive a report from the Beverly Hills Water Department regarding water conservation and drought response.

RECOMMENDATION: Receive and file.

5.B SET DATE FOR THE ANNUAL CONGRESS FOR COMMISSIONS AND ADVISORY BOARDS [T. WEST, C. SCHAFFER]:

The City Council will consider scheduling the Annual Congress for Commissions and Advisory Boards.

RECOMMENDATION: Direct the City Clerk to schedule the Annual Congress for Commissions and Advisory Boards on one of the following dates below: a) Saturday, September 26, 2009 - 8:30 AM to 1:30 PM; b) Saturday, October 17, 2008 - 8:30 AM to 1:30 PM; c) Saturday, November 14, 2009 - 8:30 AM to 1:30 PM; and d) Alternate date decided upon by Council.

5.C. COMMISSION, ADVISORY BOARD, AND PROJECT ADVISORY COMMITTEE 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.

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. PROPOSED ORDINANCE: BICYCLES AND OTHER WHEELED DEVICES ON SIDEWALKS [A. MCINTOSH, K. COOK, T. SLIMMER]:

The City Council will consider an ordinance amending the regulations governing the operation of bicycles and other wheeled devices on sidewalks and amending the West Hollywood Municipal Code

RECOMMENDATION: Introduce on first reading Ordinance No. 09-_____, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE TRAFFIC CODE TO REGULATE THE OPERATION OF BICYCLES, SKATEBOARDS AND OTHER WHEELED DEVICES ON SIDEWALKS AND TO PROHIBIT SKATEBOARDING IN CITY PARKING FACILITIES".

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, August 3, 2009 at 6:30 P.M. at West Hollywood City Hall, 8300 Santa Monica Blvd.

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
August 3	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
August 17	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.
September 8	Tuesday	6:30 PM	Regular Meeting	W.H. Park Aud.
September 21	Monday	6:30 PM	Regular Meeting	W.H. Park Aud.

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**CITY COUNCIL
 CITY OF WEST HOLLYWOOD
 CLOSED SESSION AGENDA
 MONDAY, JULY 20, 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. BS090402

Save Tara v. City of West Hollywood
 Los Angeles Superior Court, Case No. BS 105664

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

Two cases