

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, OCTOBER 17, 2011
COUNCIL CHAMBERS, WEST HOLLYWOOD LIBRARY
625 N. SAN VICENTE BOULEVARD**

CALL TO ORDER: Mayor Duran called the meeting to order at 6:41 p.m.

PLEDGE OF ALLEGIANCE: Rick Watts led the Pledge of Allegiance.

ROLL CALL:

PRESENT: Councilmember D'Amico, Councilmember Heilman, Mayor Pro Tempore Prang and Mayor Duran

ABSENT: Councilmember Land

ALSO PRESENT: City Manager Arevalo, City Attorney Jenkins, City Clerk Schaffer and Assistant City Clerk Quarker

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins reported that the closed session was called to order at 6:01 p.m. He stated that there was one item of potential litigation added to the Agenda. He stated that there was one (1) public speaker. He stated that the closed session adjourned at 6:32 p.m. with no reportable action.

APPROVAL OF AGENDA:

Councilmember D'Amico requested that Item 4.A. be moved to the Consent Calendar.

Motion by Mayor Pro Tempore Prang, seconded by Councilmember D'Amico to approve the October 17, 2011 agenda as amended. The agenda was approved with Councilmember Land being absent.

ADJOURNMENT MOTIONS:

Mayor Pro Tempore Prang requested the meeting be adjourned in memory of long-time resident Michael Stevenson. He requested that the meeting be adjourned in memory of family friend, Craig Parsons.

Councilmember Heilman requested the meeting be adjourned in memory of gay rights activist Frank Kameny. He asked that the meeting be adjourned in memory of LGBT activist Paula Ettlbrick. He asked that the meeting be adjourned in memory of Patricia Hall, the mother of outgoing Lesbian & Gay Advisory Board Member Ben McCormick.

Councilmember D'Amico requested the meeting be adjourned in memory of Elisa Navarette (Martinez), the mother of city employee Gary Martinez.

Mayor Duran requested the meeting be adjourned in memory of the following soldiers who died in Iraq and Afghanistan since the last City Council meeting: Chief Petty Officer Michael R. Tatham 33, Staff Sergeant Robert B. Cowdrey 39, Specialist Jeremiah T. Sancho 23, Lance Corporal Scott D. Harper 21, Sergeant Nathan L. Wyrick 34, Captain Drew E. Russell 25, Captain Joshua S. Lawrence 29, Specialist Ricardo Cerros, Jr. 24, Lance Corporal Benjamin W. Schmidt 24, Private Danny Chen 19, Chief Warrant Officer James B. Wilke 38, and Staff Sergeant Estevan Altamirano 30.

PRESENTATIONS:

Mayor Pro Tempore Prang presented a commendation to outgoing Senior Advisory Board Member Efim Kutz.

Councilmember Heilman presented a commendation to outgoing Lesbian and Gay Advisory Board members Nadia Sutton, Bill Gordon and Ben McCormick (*not in attendance*).

Mayor Duran presented a proclamation to Ryan Gierach, Founder of the Weho News in recognition of six years of publication.

PUBLIC COMMENT:

ANGELO BELLOMO, SIMI VALLEY, Director of Environmental Health for the County of Los Angeles, spoke regarding the new Plan Check Services that are now being offered at City Hall.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding quality of life issues in West Hollywood.

GLEN CHARYDCZAK, WEST HOLLYWOOD, spoke in support of the current "occupy movement" in various Cities.

YOLA DORE, WEST HOLLYWOOD, spoke regarding more community participation and volunteering.

TREVOR ORR, WEST HOLLYWOOD, spoke regarding the Plummer Park Master Plan, specifically in opposition to the proposed underground parking structure.

SOFIA GELMAN, WEST HOLLYWOOD, spoke in opposition to the proposed changes to Plummer Park.

SOFIYA TURIN, WEST HOLLYWOOD, spoke in opposition to the proposed changes to Plummer Park, specifically the proposed underground parking structure.

JULIA GOLDBERG, WEST HOLLYWOOD, spoke in opposition to the proposed changes to Plummer Park, specifically the proposed underground parking structure.

SHARON KNOLLE, WEST HOLLYWOOD, spoke in opposition to the proposed changes to Plummer Park.

COUNCILMEMBER COMMENTS

Councilmember Heilman spoke regarding the recent AIDS WALK LA event and thanked the City's Special Events staff for their work on the event. He also thanked the Sheriff's Department and the Fire Department, and reported that this year's event raised over three million dollars. He spoke regarding the upcoming "Love Your Body" event, which will be held this weekend. He spoke regarding the upcoming Halloween Celebration, and encouraged everyone to attend, but spoke regarding the need for pet owners and parents to leave small animals and children at home during the evening Carnival, due to the number of visitors who attend this event.

Councilmember D'Amico spoke regarding the recent CalArts Lecture Series event in the City. He spoke regarding an upcoming discussion in the City on Democracy in America. He spoke regarding Go-Go Dancer Appreciation Day to be held on October 29, 2011. He spoke regarding the upcoming event sponsored by the Arts and Cultural Affairs Commission to celebrate the art in the new Library. He spoke regarding the upcoming "Shake Out" earthquake preparedness event to be held on October 20, 2011 at 10:20 a.m.

Mayor Pro Tempore Prang spoke regarding the upcoming Document Shredding and E-Waste Event to be held in the City Hall parking lot on November 5, 2011 from 9 a.m. – 3 p.m. He spoke regarding the City's Halloween Event being an event for adults. He congratulated the Fairfax High School marching band on winning the State championship. He congratulated Lindsey Horvath on being appointed to the Los Angeles Unified School District Re-districting Committee. He spoke regarding the resignation of Steven Golightly from the Public Facilities Commission, and asked those that are interested to submit an application to the City Clerk's Office.

Councilmember Heilman spoke regarding an upcoming Children's Halloween Event in the City.

CITY MANAGER'S REPORT: None.

FISCAL IMPACT ON CONSENT CALENDAR

City Clerk Schaffer stated that the fiscal impact on the Consent Calendar is \$3,500 in expenditures and \$-1,560.00 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar, 2.A.,B.,C.,D.,E.,F.,G.,H.,I.(4.A.)
Motion by Councilmember Heilman, seconded by Mayor Pro Tempore Prang and approved with Councilmember Land being absent.

2.A. POSTING OF AGENDA:

SUBJECT: The agenda for the meeting of Monday, October 17, 2011 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, October 13, 2011.

ACTION: Receive and file. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

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

ACTION: Approve the minutes of October 3, 2011. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 684, RESOLUTION NO. 11-4236:

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

ACTION: Approve Demand Register No. 684 and adopt Resolution No. 11-4236, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 684". **Approved as part of the Consent Calendar.**

2.D. TREASURER'S REPORT FOR JUNE 2011 [A. GANDHY, G. SCHUCHARD]:

SUBJECT: The City Council will receive the Treasurer's Report for the month ended June 2011 pursuant to Section 53646 of the Government Code of the State of California.

ACTION: Receive and file. **Approved as part of the Consent Calendar.**

2.E. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

SUBJECT: The City Council will receive reports from the Disabilities Advisory Board and the Public Facilities Commission on actions taken at their recent meetings.

ACTION: Receive and file. **Approved as part of the Consent Calendar.**

2.F. ATTENDANCE REPORTS FOR CITY COMMISSIONS, ADVISORY BOARDS, AND THE PROJECT ADVISORY COMMITTEE [C. SCHAFFER, Y. QUARKER]:

SUBJECT: The City Council will receive the attendance reports for City Commission and Advisory Board meetings convened between August 2010 – August 2011.

ACTION: 1) Receive and file the attendance reports; and 2) Excuse absences, due to personal reasons, for: Muriel Schoichet (Senior Advisory Board). **Approved as part of the Consent Calendar.**

2.G. ARTS AND CULTURAL AFFAIRS COMMISSION REPORT: STATE OF THE ARTS IN WEST HOLLYWOOD [P. AREVALO, J. HUFFER, A. CAMPBELL]:

SUBJECT: The City Council will receive a report regarding the State of Arts and Culture in the City of West Hollywood.

ACTION: Receive and file. **Approved as part of the Consent Calendar.**

2.H. CITY CO-SPONSORSHIP OF LOVE YOUR BODY DAY 2011 [A. LAND, C. PLANCK, J. HEILMAN, F. SOLOMON]:

SUBJECT: The City Council will consider co-sponsoring Love Your Body Day to be held on October 22, 2011 at West Hollywood Park Auditorium.

ACTION: 1) Approve the City of West Hollywood's co-sponsorship of Love Your Body Day, including the use of the City's name and logo on printed materials advertising the event and waived parking fees; and 2) Direct staff to assist with the coordination and promotion of the event. **Approved as part of the Consent Calendar.**

2.I. (4.A.) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING RULES AND REGULATIONS GOVERNING THE OPERATIONS OF MEDICAL MARIJUANA COLLECTIVES, PURSUANT TO MUNICIPAL CODE SECTION 5.70.080 [O. DELGADO, J. AUBEL]:

SUBJECT: The City Council will consider adopting a resolution establishing rules and regulations for the operations of Medical Marijuana Collectives.

ACTION: Adopt Resolution No. 11-4237, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING RULES AND REGULATIONS GOVERNING THE OPERATIONS OF MEDICAL MARIJUANA COLLECTIVES, PURSUANT TO MUNICIPAL CODE SECTION 5.70.080". **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. UNDERGROUND UTILITY DISTRICT NO. 5 ALONG ROBERTSON BOULEVARD BETWEEN SANTA MONICA BOULEVARD AND MELROSE AVENUE; AND MELROSE AVENUE BETWEEN SAN VICENTE BOULEVARD AND DOHENY DRIVE [O. DELGADO, S. PERLSTEIN, D. UYENO]:

SUBJECT: The City Council will consider a resolution to designate Robertson Boulevard, between Santa Monica Boulevard and Melrose Avenue; and Melrose Avenue between San Vicente Boulevard and Doheny Drive as Utility Underground District No. 5.

City Clerk Schaffer stated that the Item was noticed as required by law.

Donn Uyeno, Senior Civil Engineer, provided background information as outlined in the staff report dated October 17, 2011.

Councilmember Heilman requested clarification as to whether this Item would remove the overhead telephone and power lines and place them underground. Senior Civil Engineer Uyeno stated that this was correct.

Mayor Duran opened the public hearing and there were no public speakers.

Mayor Duran closed the public hearing.

ACTION: Adopt Resolution No. 11-4238, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD FORMING AN UNDERGROUND UTILITY DISTRICT NO. 5 ALONG ROBERTSON BOULEVARD BETWEEN SANTA MONICA BOULEVARD AND MELROSE AVENUE AND MELROSE AVENUE BETWEEN SAN VICENTE BOULEVARD AND DOHENY DRIVE". **Motion by Councilmember D'Amico, Seconded by Mayor Pro Tempore Prang and approved with Councilmember Land being absent.**

3.B. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A 25-UNIT MULTI-FAMILY RENTAL PROJECT LOCATED AT 1232-1236 N. KINGS ROAD [A. MCINTOSH, J. KEHO, A. CASTILLO]:

SUBJECT: The City Council will hold a public hearing to consider an appeal filed by Jeffrey S. Greenbaum, regarding the Planning Commission's approval to allow the construction of a 25-unit apartment building at 1232-1236 North Kings Road.

City Clerk Schaffer stated that the Item was noticed as required by law.

Councilmember Heilman disclosed that he visited the site.

Councilmember D'Amico disclosed that he met with the Appellant and Applicant, and visited the site.

Mayor Pro Tempore Prang disclosed that he visited the site and that his office met with the Appellant and Applicant.

Mayor Duran disclosed that he previously visited the site.

Antonio Castillo, Associate Planner, provided background information as outlined in the staff report dated October 17, 2011.

Mayor Duran opened the public hearing and the following speakers came forward:

JEFFREY GREENBAUM, THE APPELLANT, spoke in support of the Appeal.

EDWARD LEVIN, REPRESENTING THE APPLICANT, spoke in support of the Item and in opposition to the Appeal.

GENEVIEVE MORRILL, WEST HOLLYWOOD, spoke in support of project and in opposition to the Appeal.

ALLEGRA ALLISON, WEST HOLLYWOOD, spoke in support of the project and in opposition to the Appeal.

KERRY HIRSCHBERG, WEST HOLLYWOOD, spoke in opposition to the project and in support of the Appeal.

ED BUCK, WEST HOLLYWOOD, spoke in support of the project and in opposition to the Appeal.

BEVERLY DENENBERG, WEST HOLLYWOOD, spoke in support of the project and in opposition to the Appeal.

MAYOR DURAN read the names of the following people who were in support of the project, but did not wish to speak: SCOTT MARTZ; JUDI KRISS; ANDREA SABESIN; CHAD SERRANO; WALF COUSINEAU; and WILLIAM LOJKOVIC.

JEFFREY GREENBAUM, THE APPELLANT, provided a rebuttal.

EDWARD LEVIN, REPRESENTING THE APPLICANT, provided a rebuttal.

Councilmember D'Amico requested clarification on a zoning code modification that was requested by the owner, specifically whether the modification was due to a hardship. Planning Manager John Keho provided clarification and stated that a modification was given due to the slope of the hillside.

Councilmember Heilman requested clarification regarding the height of the building to the North of the proposed project. Planning Manager John Keho stated that the building is 54' tall.

Mayor Pro Tempore Prang requested clarification regarding whether the tenants would be entitled to guest parking permits. Antonio Castillo, Associate Planner, stated that they are allowed to have up to fifty one-day parking permits.

Mayor Duran closed the public hearing.

Councilmember D'Amico spoke regarding the difficulty in finding a balance between maximizing the profitability of a project at this site and designing a project that minimizes impacts on the neighborhood. He spoke in support of the Appeal and in opposition to the project.

Councilmember Heilman spoke regarding the Appeal and stated that he understands that residents near the project have concerns; however he stated there are no grounds to uphold the Appeal. He stated that the design and density were both consistent with the Zoning Ordinance, and spoke regarding other three and four story buildings on the street. He stated that there are not currently significant traffic issues on the street. He expressed support of the project and opposition to the Appeal.

Mayor Pro Tempore Prang thanked everyone who came out to speak. He expressed concerns regarding losing single family structures in the City, be stated that the proposed project is consistent with other development on the street. He spoke in support of the proposed project not maximizing density on the property. He spoke in support of the project and in opposition to the Appeal. He further stated that the Appeal does not establish the appropriate grounds to justify denial of the project.

Mayor Duran stated that there were no grounds to uphold the Appeal and spoke in support of the project and in opposition to the Appeal.

ACTION: Staff recommends that the City Council hold the public hearing, consider all pertinent testimony, and deny the appeal by adopting the following: Resolution No. 11-4239, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING AN APPEAL FILED BY JEFFREY S. GREENBAUM AND AFFIRMING THE PLANNING COMMISSION'S APPROVAL TO DEMOLISH TWO SINGLE-FAMILY DWELLINGS TO CONSTRUCT A FOUR-STORY, 25-UNIT APARTMENT BUILDING LOCATED AT 1232-1236 NORTH KINGS ROAD, WEST HOLLYWOOD, CALIFORNIA." **Motion by Councilmember Heilman, seconded by Mayor Duran and approved, noting Councilmember D'Amico's NO vote, and with Councilmember Land being absent.**

4. UNFINISHED BUSINESS:

- 4.A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING RULES AND REGULATIONS GOVERNING THE OPERATIONS OF MEDICAL MARIJUANA COLLECTIVES, PURSUANT TO MUNICIPAL CODE SECTION 5.70.080 [O. DELGADO, J. AUBEL]:

SUBJECT: *The City Council will consider adopting a resolution establishing rules and regulations for the operations of Medical Marijuana Collectives. Approved as part of the Consent Calendar.*

4.B. APPOINTMENT OF VOTING DELEGATES FOR THE NATIONAL LEAGUE OF CITIES [C. SCHAFFER, Y. QUARKER]:

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

ACTION: The Council tentatively appointed Mayor Duran as the Voting Delegate and Councilmember Heilman as the Voting Delegate – Alternate to the Annual Business Meeting of the National League of Cities; contingent upon an Item to be brought back to Council to consider repealing the City's resolution suspending official City travel to Arizona. **Carried by Consensus of the Council.**

5. NEW BUSINESS:

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

SUBJECT: *The City Council will consider making direct appointments to City Commissions, and Advisory Boards.*

ACTION: Councilmember D'Amico made the following direct appointment to City Commissions/Boards: *Women's Advisory Board: Susan Pinkus*

Mayor Duran made the following direct appointment to City Commissions/Boards: *Human Services Commission: Jimmy Palmieri.*

Mayor Duran stated that this direct appointment to the Human Services Commission has now created an open seat on the Lesbian and Gay Advisory Board and asked that this vacancy be posted.

Mayor Duran asked the City Clerk to bring an Item forward for the November 7, 2011 Council meeting to complete the At-Large Commission/Board appointments as well as the appointments for the East Side PAC.

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT

SOFIA RITCOVICH, WEST HOLLYWOOD, spoke in opposition to the proposed changes to Plummer Park.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding technology issues in the new Council Chambers, specifically the availability of closed captioning.

STEVE MARTIN, WEST HOLLYWOOD, spoke regarding the recent meeting at Plummer Park regarding the Plummer Park Master Plan.

STEPHANIE HARKER, WEST HOLLYWOOD, spoke regarding a petition against the proposed plans for Plummer Park.

LAURA BOCCALETTI, WEST HOLLYWOOD, spoke in opposition to the proposed changes to Plummer Park.

GEOFFREY BUCK, WEST HOLLYWOOD, spoke in opposition to the proposed changes to Plummer Park.

LYNN RUSSELL, WEST HOLLYWOOD, spoke in opposition to the proposed changes to Plummer Park.

ANSON SNYDER, WEST HOLLYWOOD, spoke in opposition to the proposed changes to Plummer Park.

RICK WATTS, WEST HOLLYWOOD, thanked the City for support during this year's AIDS WALK LA Event. He also asked for support from the City for an organization that assists homeless youth. He spoke regarding the upcoming Disabilities Advisory Board Awards Event, to be held on Wednesday, October 26, 2011 at 6:00 p.m. in the Council Chambers. He also spoke in support of the "occupy" protests.

VIRGINIA GILLICK, WEST HOLLYWOOD, spoke in opposition to the proposed changes to Plummer Park.

LYNDIA LOWEY, WEST HOLLYWOOD, spoke in opposition to the proposed changes to Plummer Park.

CATHY BLAIVAS, WEST HOLLYWOOD, spoke in opposition to the proposed changes to Plummer Park.

ANTONIO SIMOS, WEST HOLLYWOOD, spoke regarding the proposed changes to Plummer Park. He also spoke regarding noticing to residents.

6. LEGISLATIVE: None.

COUNCILMEMBER COMMENTS:

Mayor Duran spoke regarding the need for additional lighting at the speaker podium.

Councilmember Heilman spoke regarding the lighting in Council Chambers, as well as the sound in the lobby area and potential mitigation efforts.

ADJOURNMENT: The City Council adjourned at 9:00 p.m. in memory of Michael Stevenson, Craig Parsons, Frank Kameny, Paula Ettlbrick, Patricia Hall, Elisa Navarette (Martinez), and all the soldiers who died in Iraq and Afghanistan since the last City Council meeting. It adjourned to a Closed Session Meeting, which will be on Saturday, October 22, 2011 at City of West Hollywood, City Hall, 8300 Santa Monica Blvd.