

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, OCTOBER 20, 2003
WEST HOLLYWOOD PARK AUDITORIUM**

CALL TO ORDER: The meeting was called to order at 6:40 PM.

PLEDGE OF ALLEGIANCE: Oscar Delgado led the pledge.

ROLL CALL: PRESENT: Councilmember Guarriello, Heilman, Land, Mayor Pro Tempore Duran and Mayor Prang.

ABSENT: NONE.

ALSO PRESENT: City Manager Paul Arevalo, City Attorney Michael Jenkins, City Clerk Tom West and Acting Assistant City Clerk Gwen Peirce.

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins stated that the Closed Session convened at 6:00 PM and recessed at 6:40 PM with no reportable actions taken.

APPROVAL OF AGENDA:

Staff requested that Item 6.C. be moved to the Consent Calendar as Item 2.MM. Staff also requested that Item 2.CC. be Tabled.

Councilmember Guarriello requested that 4.D. be moved to the Consent Calendar as Item 2.NN.

Councilmember Guarriello requested that Item 2.GG. be Tabled.

Councilmember Heilman requested that Item 5.B. be moved to the Consent Calendar as Item 2.OO.

Mayor Pro Tempore Duran requested the meeting be adjourned in memory of Councilmember Guarriello's sister-in-law, Mary Guarriello.

Mayor Prang requested that the meeting be adjourned in the memory of Stanley Robert Svonkin, father of Scott Svonkin.

Councilmember Heilman noted his No vote on Item 2.DD. He requested the meeting be adjourned in the memory of David Reid's father.

ACTION: Motion by Councilmember Guarriello and seconded by Councilmember Land and unanimously carried to approve the October 20, 2003 agenda as amended.

PRESENTATIONS:

Mayor Pro Tempore Duran presented a proclamation to Louanne Greenwald for her service on the Fine Arts Commission.

Councilmember Heilman presented a proclamation to Patrick Prinster for his service on the Fine Arts Commission.

Councilmember Heilman presented a commendation to Casey Schick and other members of the West Hollywood Aquatics Women's Water Polo Team. He introduced Carolyn Kraft from Assemblymember Paul Koretz's office, who also presented a certificate to the team members and Coach Tom Martinez.

Mayor Prang presented a proclamation to Catherine Hahn for her service on the Public Facilities Commission.

Mayor Prang presented a proclamation to Michael Arrigo for his service on the Disabilities Advisory Board.

1. PUBLIC COMMENT:

RICHARD ACKERMAN, LOS ANGELES, spoke regarding upcoming changes in the Sunset Millennium project.

HARRIET SEGAL, WEST HOLLYWOOD, spoke regarding noise and other complaints regarding the construction site at 8950 Sunset Boulevard and spoke in opposition to granting any further extensions to their permit.

JAMES FUHRMAN, WEST HOLLYWOOD, spoke regarding noise and other complaints regarding the construction site at 8950 Sunset Boulevard. He also spoke regarding recent expenditures.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in support of Item 2.DD. and spoke regarding poor traffic circulation and street closures during the AIDS Walk event. She suggested alternatives for traffic circulation and street closures for the Halloween Carnavale event.

JEFF NORMAN, LOS ANGELES, spoke regarding a California Code Section pertaining to Parking Enforcement vehicles and how it relates to the West Hollywood vehicle code.

PAM COOKE, LOS ANGELES, spoke in support of the City Council adopting a resolution in opposition to President Bush's nomination of Janis Rogers Brown to the Supreme Court.

MYLENE DANE, BEVERLY HILLS, spoke regarding the Train gym that she recently opened on La Cienega and she also spoke regarding an upcoming Breast Cancer Awareness Month event and Senior Citizen fitness training.

COUNCILMEMBER COMMENTS:

Councilmember Guarriello commended the Department of Transportation and Public Works on their recent paving project. He also requested that a Sheriff's Deputy remains until the end of every Council meeting.

Councilmember Land spoke regarding the AIDS Walk and commended everyone involved in organizing it. She also requested that staff follow-up on the public comment on 8950 Sunset Boulevard.

Councilmember Heilman requested that staff investigate the 8950 Sunset lot (at Hammond), specifically how it's being used, the impact on the neighborhood and how long it will be used. He also requested that Human Services Department staff investigate the traffic circulation and street closure problems during the AIDS Walk and what the alternatives will be in the future.

Mayor Pro Tempore Duran requested that staff investigate the timeline on how long the County of Los Angeles will need the lot on Sunset at Hammond.

Mayor Prang commended staff and organizers of the AIDS Walk. He announced a forum on October 29, 2003 regarding Gay and Lesbian Foster Parenting. He spoke regarding the aftermath of the Recall Election and how it fiscally impacts the City of West Hollywood, specifically the potential roll-back of the vehicle license fee.

CITY MANAGER'S REPORT:

City Manager Arevalo introduced Richard Ackerman from Apollo who introduced his team on the Sunset Millennium project and spoke regarding upcoming changes to the project. City Manager Arevalo also spoke regarding an upcoming community meeting pertaining to the City's budget and the City's outreach to the community regarding the budget crisis.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact for the Consent Calendar is \$441,968 in expenditures and \$0 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar as amended, 2.A.,B.,C.,D.,E.,F.,G., H.,I.,J.,K.,L.,M.,N.,O.,P.,Q.,R.,S.,T.,U.,V.,W.,X.,Y.,Z.,AA.,BB.,DD.,EE.,FF.,GG.,H H.,II.,JJ.,KK.,LL.,MM.,NN.,OO. **Motion by Councilmember Guarriello, seconded by Councilmember Land and unanimously carried with Councilmember Heilman voting NO on Item 2.DD.**

2.A. POSTING OF AGENDA:

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

2.B. APPROVAL OF MINUTES:

ACTION: Approve the minutes of September 15, 2003. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 493, RESOLUTION NO. 03-2959 AND DEMAND REGISTER NO. 494, RESOLUTION NO. 03-2960:

ACTION: 1) Approve Demand Register No. 493 and adopt Resolution No. 03-2959, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 493" and 2) Approve Demand Register No. 494 and adopt Resolution No. 03-2960, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 494" **Approved as part of the Consent Calendar.**

2.D. TREASURER'S REPORTS FOR JULY 2003:

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

2.E. CLAIMS ADMINISTRATION:

ACTION: Deny the claims of Olga Kocherzhenko, Lee Fitzgerald, Marion & Irving Fein, Patricia Belarski, Derek Collins, Ralph Swanson, Tina Prande, Ronald Oates, Mallcraft, Inc., and Arline Miller and refer them to the City's Claims Adjuster for action. **Approved as part of the Consent Calendar.**

2.F. ORDINANCE NO. 03-664 (2ND READING) REGARDING THE EXEMPTION OF PARKING ENFORCEMENT VEHICLES TO PROVISIONS OF THE TRAFFIC CODE:

ACTION: Waive further reading and adopt Ordinance No 03-664, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE TRAFFIC CODE RELATIVE TO PARKING ENFORCEMENT VEHICLES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.G. ORDINANCE NO. 03-665 (2ND READING) REGARDING PROPOSED PREFERENTIAL PARKING DISTRICT #10:

ACTION: Waive further reading and adopt Ordinance No 03-665, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08.240 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO EXPAND THE BOUNDARY OF PREFERENTIAL PARKING DISTRICT 10, IMPLEMENTING DISTRICT 10 PREFERENTIAL PARKING REGULATIONS ON MARTEL AVENUE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE" **Approved as part of the Consent Calendar.**

- 2.H. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.I. COMMISSION AND ADVISORY BOARD ATTENDANCE REPORTS:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.J. RESIGNATION OF DAVID BEHR FROM THE PLANNING COMMISSION:**
ACTION: Accept with regret the resignation of David Behr from the Planning Commission. **Approved as part of the Consent Calendar.**
- 2.K. VACATED OFFICE OF A MEMBER OF THE LESBIAN AND GAY ADVISORY BOARD:**
ACTION: 1) Declare the office of Cassandra Ramirez of the Lesbian and Gay Advisory Board vacated due to unexcused absences from three (3) successive regular meetings; 2) Direct the City Clerk to notify Ms. Ramirez of her vacated office; 3) Direct the City Clerk to post a notice of vacancy for an appointment to the Lesbian and Gay Advisory Board for a term expiring May 31, 2005. **Approved as part of the Consent Calendar.**
- 2.L. ESTABLISHING ELECTION OF HUMAN SERVICES COMMISSION OFFICERS IN NOVEMBER:**
ACTION: Provide the Human Services Commission a waiver from rules governing the timing of election of officers of city commissions, and direct that the Human Services Commission hold such elections in November each year. **Approved as part of the Consent Calendar.**
- 2.M. REDEDICATION OF THE AIDS MEMORIAL WALK:**
ACTION: Approve placement of a plaque commemorating the Memorial Walk in one of the Crescent Heights triangles; and direct staff to work with Aid for AIDS on the rededication of the Memorial Walk. **Approved as part of the Consent Calendar.**
- 2.N. APPROVAL OF AGREEMENT WITH VIACOM FOR HIV PREVENTION BILLBOARD SPACE:**
ACTION: Approve an agreement with Viacom Outdoor in an amount not to exceed \$20,000 for billboard space and authorize the City Manager to sign. **Approved as part of the Consent Calendar.**
- 2.O. LEASES FOR SOCIAL SERVICES AGENCIES:**
ACTION: Approve leases for the Social Services agencies which occupy City property retroactive to October 1, 2003 until September 30, 2004 and authorize the City Manager to sign. **Approved as part of the Consent Calendar.**

2.P. AUTHORIZATION TO CO-SPONSOR THE 2003 AIDS WATCH:

ACTION: 1) Approve the City of West Hollywood as co-sponsor of the 2003 AIDS Watch presentations on Monday, December 1, 2003; and 2) Authorize the Public Information and Legal Services Department to provide support for this project, including use of Citychannel facilities, broadcast time on Channel 6, and public information and social services support. **Approved as part of the Consent Calendar.**

2.Q. APPROVAL FOR THE CITY'S CO-SPONSORSHIP OF TWO COMMUNITY DOMESTIC VIOLENCE AWARENESS EVENTS AND A RESOLUTION DECLARING OCTOBER AS "DOMESTIC VIOLENCE/PARTNER ABUSE AWARENESS MONTH" IN WEST HOLLYWOOD:

ACTION: 1) Adopt Resolution No. 03-2961, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING OCTOBER AS "DOMESTIC VIOLENCE/PARTNER ABUSE AWARENESS MONTH" IN WEST HOLLYWOOD;" 2) Authorize the City's co-sponsorship of the 3rd Annual Mid-Wilshire Community Domestic Violence Prevention Awards; 3) Authorize the City's co-sponsorship of the seminar on Domestic Violence in the Iranian Community, "Facing and Resolving Anger and Abuse in the Family." **Approved as part of the Consent Calendar.**

2.R. PURCHASE OF NEW BIKES FOR THE WEST HOLLYWOOD SHERIFF'S BIKE PATROL & COPPS TEAMS; AND APPROVAL FOR THE DISPOSAL OF OLD SURPLUS BIKES:

ACTION: 1) Authorize the Public Safety Division to purchase five (5) new bikes for the West Hollywood Sheriff's Bike and COPPS teams for an amount not to exceed \$7,500 from Account #100-4000-8717; 2) Declare the old bikes as surplus and authorize the Finance Division to donate the fifteen (15) old bikes to a non-profit organization of the City's choice. **Approved as part of the Consent Calendar.**

2.S. APPROVAL OF A TWO-YEAR CONTRACT RENEWAL WITH MAPLE COUNSELING CENTER FOR EMERGENCY CRISIS RESPONSE COUNSELING SERVICES FOR THE CITY OF WEST HOLLYWOOD:

ACTION: 1) Authorize the City Manager to negotiate a contract with Maple Counseling Center for emergency crisis response counseling services for the City of West Hollywood; 2) Approve the expenditure of up to \$16,000 for the remainder of FY 2003/04 and \$24,000 for FY 2004/05 from the Supplemental Law Enforcement Services Fund (SLESF) for a two-year contract with Maple Counseling Services for Emergency Crises Response Counseling Services for the City of West Hollywood. **Approved as part of the Consent Calendar.**

2.T. FLASHING MESSAGE BOARDS PROCUREMENT:

ACTION: Approve an Agreement with Traffic Control Service, Incorporated in an amount not to exceed \$46,000 to provide two flashing message boards and a maintenance agreement; and authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

2.U. CANCELLATION OF CONTRACT WITH S.H.E. CONSTRUCTION GROUP, INC FOR C.I.P. 6000-02-02, THE SANFAIR BUS STOP GARDEN & POCKET PARK PROJECT, AND RELATED ACTIONS PERTAINING TO COMPLETING REMAINING WORK AND ASSESSING LIQUIDATED DAMAGES:

ACTION: 1) Cancel C.I.P. Contract No. 6000-02-02 with S.H.E. Construction Group, Inc. for construction of the SanFair Bus Stop Garden & Pocket Park Project; 2) Authorize the issuance of a notice to The Explorer Insurance Company, Surety for S.H.E. Construction Group, Inc, to perform the remaining work at the SanFair Bus Stop Garden & Pocket Park Project; 3) Retain liquidated damages from monies that would have been due to S.H.E. Construction Group, Inc. were the contract to have been successfully completed on time. **Approved as part of the Consent Calendar.**

2.V. NOTICE OF COMPLETION, HOLLOWAY PARK AND VETERANS' MEMORIAL PROJECT, C.I.P # 5050-02-01-R:

ACTION: 1) Accept the work completed by Vido Samarzich, Inc.; 2) Authorize filing a Notice of Completion by the City; 3) Authorize a retention payment not to exceed \$45,174.62 to Vido Samarzich, Inc. at the end of the 35-day lien period. **Approved as part of the Consent Calendar.**

2.W. NOTICE OF COMPLETION, PLUMMER PARK COMMUNITY CENTER CONSTRUCTION PROJECT, C.I.P # 5050-99-04:

ACTION: 1) Accept the work completed by Mallcraft, Incorporated; 2) Authorize filing a Notice of Completion by the City; 3) Authorize withholding \$127,500.00 in retention payment to address outstanding project closeout items as identified in this report; 4) Authorize a retention payment of \$278,493.50 to Mallcraft Incorporated at the end of the 35-day lien period. **Approved as part of the Consent Calendar.**

2.X. APPROVAL FOR FINAL TRACT MAP NO. 53730 FOR THE CONDOMINIUM PROJECT LOCATED ON LAUREL AVE.:

ACTION: 1) Approve Final Tract Map No. 53730; 2) Make findings as follows: a) That this project will not violate any of the provisions of Sections 66427.1, 66474, 66474.1, and 55474.6 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, 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) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 53730 the certificate which embodies the approval of said map. **Approved as part of the Consent Calendar.**

2.Y. PROPOSED RESOLUTIONS UPDATING THE AUTHORIZATION TO INVEST MONIES IN THE LOCAL AGENCY INVESTMENT FUND:

ACTION: 1) Adopt Resolution No. 03-2962, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND, AND REPEALING RESOLUTION NO. 293; 2) Adopt Resolution No. 03-2963, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE INVESTMENT OF BOND PROCEEDS WITH BNY WESTERN TRUST CO. AND US BANK. **Approved as part of the Consent Calendar.**

2.Z. APPROVAL OF THE THIRD AMENDMENT TO THE CONTRACT WITH THE CITY'S LEGISLATIVE ADVOCATE, CHRISTINE MINNEHAN & ASSOCIATES:

ACTION: Approve Amendment No. 3 and authorize the City Manager to sign the Amendment with CM&A for an amount not to exceed \$28,200 to represent the City as a legislative advocate during and between sessions of the California State Legislature and for travel expenses to provide oral presentation to the Rent Stabilization Commission and attend various meetings at City Hall. **Approved as part of the Consent Calendar.**

2.AA. PROPOSED GIFT OF ART:

ACTION: To respectfully decline the gift of an artwork made by a local artist. **Approved as part of the Consent Calendar.**

2.BB. IMPLEMENTATION OF DISTRICT 8 PREFERENTIAL PARKING REGULATIONS ON THE 7400 BLOCK OF LEXINGTON AVENUE:

ACTION: Introduce for first reading Ordinance No. 03-666, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08.230 OF THE WEST HOLLYWOOD MUNICIPAL CODE IMPLEMENTING DISTRICT 8 PREFERENTIAL PARKING REGULATIONS ON LEXINGTON AVENUE BETWEEN GARDNER STREET AND VISTA STREET AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". **Approved as part of the Consent Calendar.**

2.CC. RESIDENTIAL PERMIT FEES FOR LOW AND FIXED INCOME RESIDENTS:

ACTION: This Item was Tabled.

2.DD. AFTER HOURS PARKING AT METERS ON SAN VICENTE BOULEVARD AND BONNER DRIVE:

ACTION: Adopt Resolution No. 03-2964, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD INSTITUTING NO PARKING TOW-AWAY REGULATIONS AT DESIGNATED METERED PARKING SPACES ON SAN VICENTE BOULEVARD AND BONNER DRIVE BETWEEN THE HOURS OF 2AM & 5 AM". **Approved as part of the Consent Calendar with Councilmember Heilman voting NO.**

2.EE. A RESOLUTION IN SUPPORT OF FUNDING FOR THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 VOUCHER PROGRAM:

ACTION: 1) Adopt Resolution 03-2965, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF FULL FUNDING FOR THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 PROGRAM;" 2) Transmit copies of this resolution to U.S. Senator Dianne Feinstein, U.S. Senator Barbara Boxer, Congressman Henry Waxman and Congresswoman Maxine Waters; 3) Encourage the California Congressional Delegation to support full funding for the U.S. Department of Housing and Urban Development Section 8 voucher program. **Approved as part of the Consent Calendar.**

2.FF. A RECOMMENDATION OF THE WOMEN'S ADVISORY BOARD URGING COUNCIL TO ADOPT A RESOLUTION URGING THE FEDERAL DRUG ADMINISTRATION TO DELAY APPROVAL OF SILICONE GEL-FILLED BREAST IMPLANTS UNTIL LONG-TERM STUDIES PROVE THAT THE IMPLANTS ARE SAFE:

ACTION: 1) Adopt Resolution 03-2966, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD URGING THE FEDERAL DRUG ADMINISTRATION TO DELAY APPROVAL OF SILICONE GEL-FILLED BREAST IMPLANTS UNTIL LONG-TERM STUDIES PROVE THAT THE IMPLANTS ARE SAFE;" 2) Send copies of signed resolution to the Federal Drug Administration, National Organization for Women, the Feminist Majority, National Center for Policy Research (CPR) for Women and Families, the National Women's Health Network Senator Barbara Boxer, Senator Dianne Feinstein, Representative Henry Waxman, Senator Olympia Snowe, and Senator Barbara Mikulski, Assemblymember Paul Koretz, and State Senator Sheila Kuehl. **Approved as part of the Consent Calendar.**

- 2.GG. A RESOLUTION IN SUPPORT OF AB 408 (STEINBERG) AMENDING THE WELFARE AND INSTITUTIONS CODE RELATING TO DEPENDENT CHILDREN AND AB 490 (STEINBERG) AMENDING THE EDUCATION CODE AND THE WELFARE AND INSTITUTIONS CODE RELATING TO MINORS:**
ACTION: This Item was Tabled.
- 2.HH. RESOLUTION PROCLAIMING OCTOBER 28, 2003 AS NATIONAL IMMIGRANTS DAY AND ENCOURAGING ALL CITIZENS TO OBSERVE THIS DAY WITH APPROPRIATE CEREMONIES AND ACTIVITIES:**
ACTION: 1) Adopt Resolution No. 03-2968 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD PROCLAIMING OCTOBER 28, 2003 AS NATIONAL IMMIGRANTS DAY AND ENCOURAGING ALL CITIZENS TO OBSERVE THIS DAY;" 2) Direct staff and the Public Information office to publicize the Council's decision.
Approved as part of the Consent Calendar.
- 2.II. PROPOSED RESOLUTION SUPPORTING THE FEDERAL DOMESTIC PARTNER HEALTH BENEFITS ACT AMENDING THE INTERNAL REVENUE CODE OF 1986 AND ENDING THE TAXATION OF HEALTH INSURANCE BENEFITS FOR DOMESTIC PARTNERS AND EXTENDING THE SAME HEALTH BENEFITS FOR LEGAL SPOUSES AND DEPENDENTS:**
ACTION: 1) Adopt Resolution 03-2969, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING THE FEDERAL DOMESTIC PARTNER HEALTH BENEFITS ACT AMENDING THE INTERNAL REVENUE CODE OF 1986 AND ENDING THE TAXATION OF HEALTH INSURANCE BENEFITS FOR DOMESTIC PARTNERS EXTENDING THEM THE SAME HEALTH BENEFITS FOR LEGAL SPOUSES AND DEPENDENTS;" 2) Send copies of this resolution to appropriate legislators. **Approved as part of the Consent Calendar.**
- 2.JJ. ARCTIC NATIONAL WILDLIFE REFUGE SELECTIVE PURCHASING:**
ACTION: 1) Adopt a policy that, should the U.S. Congress permit oil or gas drilling in the coastal plain of the Arctic Refuge, directs the City Manager and City staff to refrain from knowingly purchasing goods or services from corporations that purchase leases or develop oil fields in the coastal plain of the Arctic National Wildlife Refuge; 2) The City Manager and City staff will monitor Congressional action on this issue. **Approved as part of the Consent Calendar.**
- 2.KK. CITY OF WEST HOLLYWOOD CO-SPONSORSHIP OF ARTISTS FOR A NEW SOUTH AFRICA (ANSA) EVENT IN SUPPORT OF SOUTH AFRICAN HIV/AIDS TREATMENT ADVOCACY ORGANIZATION, TREATMENT ACTION CAMPAIGN, AND THE THEIR TREATMENT PROJECT:**

ACTION: 1) Approve co-sponsorship of ANSA's event in support of the Treatment Action Campaign and the Treatment Action Campaign's Treatment Project; 2) Direct staff to publicize the event through the City's marketing infrastructure. **Approved as part of the Consent Calendar.**

2.LL. RESOLUTION IN SUPPORT OF A COMMUNITY FORUM REGARDING FOSTER PARENTING IN THE LGBT COMMUNITY:

ACTION: 1) Adopt Resolution No. 03-2970, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF A COMMUNITY FORUM REGARDING FOSTER PARENTING IN THE LGBT COMMUNITY;" 2) Approve the City co-sponsorship of the community forum regarding foster parenting in the LGBT community; 3) Direct staff to publicize the City of West Hollywood's co-sponsorship of the event and assist with outreach and logistical support for the event. **Approved as part of the Consent Calendar.**

2.MM.(6.C.) PROPOSED CHANGE TO THE RENT STABILIZATION ORDINANCE TO REPEAL THE 5-YEAR BAR AGAINST CHARGING MARKET RENTS AFTER OWNER OCCUPANCY, AND A PROPOSED CHANGE TO THE RENT STABILIZATION REGULATIONS TO MAKE THE RULES GOVERNING ORAL ARGUMENTS THE SAME FOR ALL TYPES OF APPEALS:

ACTION: 1) Introduce for first reading Ordinance No. 03-668, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING RENT STABILIZATION ORDINANCE §17.52.010, SUBSECTIONS (12)(c) AND (12)(k), RELATING TO RE-OFFERING A RENTAL UNIT FOR RENT AFTER OWNER OR RELATIVE OCCUPANCY." **Approved as part of the Consent Calendar.**

2.NN. (4.D.) APPROVAL OF MEMBERSHIP INTO WESTSIDE COUNCIL OF GOVERNMENTS AND ADOPTION OF JOINT POWERS AGREEMENT AND BY-LAWS:

ACTION: 1) Approve City's membership into the Westside Council of Governments; 2) Adopt the Westside Council of Governments by-laws; 3) Approve Joint Powers Agreement and authorize Mayor to sign on behalf of City. **Approved as part of the Consent Calendar.**

2.OO. (5.B.) INVESTIGATE FEASIBILITY OF THE CREATION OF AN AFFINITY CREDIT CARD PROGRAM FOR THE CITY OF WEST HOLLYWOOD:

ACTION: 1) Approve concept of the affinity credit card program; 2) Direct staff of Economic Development and Finance to create a proposal for an affinity credit card program to provide revenue for funding city services such as park and recreation, libraries, cultural activities, and other community-based programs; 3) Direct staff to report back to City Council in 60 days. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. ON REMAND FROM THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, THE WEST HOLLYWOOD CITY COUNCIL WILL RECONSIDER THE APPLICATION FOR A VARIANCE FROM THE REQUIREMENT TO PROVIDE AN OFF-STREET LOADING SPACE FOR A NEW RETAIL STORE (LORD'S ON SUNSET), LOCATED AT 8746 SUNSET BOULEVARD; VARIANCE (VAR) 01-11:

Mayor Prang stated that the item was noticed as required by law.

Terry Blount, Associate Planner, provided background information as outlined in the staff report dated October 20, 2003.

ACTION: 1) Set aside the Council's decision of September 23, 2002 granting Variance No. 01-11, a variance regarding off-street loading in connection with the retail project at 8746 Sunset Boulevard. **Motion by Councilmember Heilman seconded by Councilmember Land and unanimously carried.**

Mayor Prang opened the public hearing and the following people came forward

WILLIAM DELVAC, LOS ANGELES, spoke in support of filing a return with the Superior Court.

CLARE BRONOWSKI, WEST HOLLYWOOD, spoke in opposition to staff's recommendation.

Mayor Prang closed the public hearing.

ACTION: 2) Open public hearing and receive testimony; 3) Close public hearing and direct the City Attorney to FILE A RETURN WITH THE SUPERIOR COURT OF THE STATE OF CALIFORNIA STATING THAT PURSUANT TO CHANGES TO SECTION 19.28.160 (A) OF THE ZONING ORDINANCE (OFF-STREET LOADING SPACE REQUIREMENTS-TABLE 3-10) APPROVAL OF A VARIANCE IS NO LONGER REQUIRED. **Motion by Mayor Pro Tempore Duran seconded by Councilmember Land and carried on a ROLL CALL VOTE with Councilmember Guarriello and Mayor Prang voting NO.**

4. UNFINISHED BUSINESS:

4.A. NON-EXCLUSIVE TAXICAB FRANCHISE AWARD FOR EXISTING TAXICAB COMPANIES – GROUP 1:

Joan English, Director of Department of Transportation and Terri Slimmer, Transportation Manager, provided background information as outlined in the staff report dated October 20, 2003.

KEN SPIKER, LOS ANGELES, spoke in support of the proposed process.

NETTABAI AHMED, SANTA MONICA, representing Independent Taxi, spoke regarding his delinquency in submitting portions of the proposal.

JERRY QONSUL, LOS ANGELES, representing Checker Cab, spoke regarding the merits of his company and spoke regarding a discrepancy in the staff report.

DARA AHMADI, LOS ANGELES, representing United Taxi, spoke in support of the process.

MICHAEL CALIN, BURBANK, representing Bell Cab, spoke in support of the proposed process.

CHUCK JELLOIAN, CHATSWORTH, spoke in support of the proposed process.

YOLA DORE, WEST HOLLYWOOD, spoke regarding the poor service of the current taxicab companies.

Councilmember Heilman directed staff to further analyze the data regarding Company D and what the number represents.

ACTION: 2) Award a franchise to the company that was deemed as qualified (Company B). **Motion by Councilmember Heilman seconded by Councilmember Land and unanimously carried.**

ACTION: 1) Direct staff to reveal the evaluated companies in the group ranking. (A – Independent Taxi; B – Beverly Hills Cab; C – United Taxi; D – Checker Cab). **Motion carried by concurrence of the Council.**

Mayor Pro Tempore Duran spoke regarding the poor attitude of the current cab companies and stated that the City takes complaints against the companies seriously.

ACTION: 3) Defer final decision on non-qualified Company A and C to the December 1, 2003 meeting on the appropriate penalty for their administrative non-compliance with the RFP requirement on DOJ fingerprinting, based upon the alternatives 1,2,3 in the staff report. **Motion carried by concurrence of the Council.**

ACTION: 4) Allow Company D to protest their non-qualified ranking at the December 1, 2003 meeting. The Council could consider granting Company D a specific period of time, as much as 10 minutes to address the Council, when this item returns to Council. **Motion carried by concurrence of the Council.**

Councilmember Heilman directed staff to bring back to Council more info on the percentage of complaints vs. number of licenses/trips.

Councilmember Land directed staff to also bring back information on the recent "sting" operations.

ACTION: 5) Direct staff to quantify the number of taxicab permits that Company's A, C and D stand to lose under each alternative scenario and provide results in the December 1, 2003 report. **Motion carried by concurrence of the Council.**

ACTION: Extend the current taxicab licenses by 3 months to January 2004 and continue to prohibit ex parte communications. **Motion by Councilmember Land seconded by Councilmember Heilman and unanimously carried.**

4.B. NON-EXCLUSIVE TAXICAB FRANCHISE AWARD FOR NEW TAXICAB COMPANIES – GROUP 2:

Joan English, Director of Department of Transportation and Terri Slimmer, Transportation Manager, provided background information as outlined in the staff report dated October 20, 2003.

MICHAEL CALIN, BURBANK, representing Bell Cab, spoke in support of the proposed process.

SCOTT SHAFFER, representing City Cab, spoke in support of the proposed process.

WILLIAM ROUSE, representing Yellow Cab, spoke in support of the proposed process.

CHUCK JELLOIAN, CHATSWORTH, spoke in support of the proposed process.

YOLA DORE, WEST HOLLYWOOD, spoke regarding the poor service of the current taxicab companies.

Mayor Pro Tempore Duran spoke in support of deferring any allocation to December 1, 2003 Council meeting.

Councilmember Land directed staff to bring back information on the recent "sting" operations to Council. She also suggested giving each company 5 minutes for public comment.

Councilmember Heilman directed that staff clarify the minimum number of taxis that the qualified company feels that they need to operate.

ACTION: 1) Direct staff to reveal the evaluated companies in the group ranking. (AA – City Cab; BB – Independent; CC – Yellow Cab; DD – Bell Cab); 2) Make all proposals public information, redacting financial or proprietary information, and available to interested parties by October 23, 2003, for a fee of \$25 per proposal requested to recoup copying costs; 3) Allow for the period of October 23 through November 4, 2003 at 4PM for companies to review their rankings and request in writing to the Director of Transportation a re-examination of scoring based only on material that was included in the applicant's RFP response but that applicant believes may have been misinterpreted or overlooked. Only written appeals based upon evidence will be accepted and applicants shall not contact staff in person or by telephone or email; 4) Have staff address the protests and include findings in the December 1, 2003 report to the City Council; 5) Allow taxicab companies to present testimony prior to Council's consideration of this item during the December 1, 2003 Council meeting; 6) Continue to prohibit ex parte communications. **Motion by concurrence of the Council.**

4.C. 2003 HALLOWEEN CARNAVAL STREET CLOSURES:

Nancy Beard, Recreation Administrator, provided background information as outlined in the staff report dated October 20, 2003.

Mayor Prang requested that staff address the issues from last year.

Councilmember Land requested that staff address the street closure issues that had arisen during the AIDS Walk.

ACTION: 1) Approve street closures and parking requests; 2) Approve the serving of alcoholic beverages in the VIP reception area; 3) Approve the serving of beer in designated beer garden; 4) Authorize the Director of Finance and Technology to increase the revenue and expenditure budget as needed to properly record sponsorships and donations; 5) Approve event fee waivers and fees established for this event. **Motion by Councilmember Guarriello seconded by Councilmember Heilman and unanimously carried.**

4.D. APPROVAL OF MEMBERSHIP INTO WESTSIDE COUNCIL OF GOVERNMENTS AND ADOPTION OF JOINT POWERS AGREEMENT AND BY-LAWS:

ACTION: Moved to the Consent Calendar as Item 2.NN.

4.E. INCLUSIONARY HOUSING AGREEMENT WITH SUNSET ON SUNSET, LLC FOR THE PROPERTY LOCATED AT 1426-1428 LAUREL AVENUE AND RELATED ACTIONS PERTAINING TO SALES PRICE AND PROCEDURES:

Allyne Winderman, Director of Rent Stabilization and Housing and Jeffrey Skorneck, Housing Manager, provided background information as outlined in the staff report dated October 20, 2003.

Councilmember Heilman expressed his concern with the project, specifically that the homeowners' units will not appreciate as other units do and that this project does not address the City's housing problems. He spoke in support of looking at the overall inclusionary housing policy.

Councilmember Land expressed her concern with the project, specifically that this project does not address the City's housing problems. She spoke regarding the issues surrounding the increase of homeowners association fees.

Mayor Prang spoke in support of experimenting with the 3 units at this point on a pilot basis.

ACTION: 1) Authorize the City Manager to execute an Inclusionary Housing Agreement with Sunset On Sunset, LLC for three condominium units at 1426-1428 Laurel Avenue; 2) Establish a sales price of 2.5 times 65 percent of the median income of the City adjusted by the bedroom factor for low-income units and 2.5 times the median income of the City adjusted by the bedroom factor for moderate-income units, based on the expectation that expected homeowners' association fees will be off-set by the mortgage income tax and other benefits accruing to home ownership. **Motion by Councilmember Heilman, seconded by Councilmember Guarriello and carried with further conditions that this is approved as a pilot project and to continue to work with the City Manager's Office to review the condominium inclusionary housing policy. Mayor Pro Tempore Duran voted NO.**

4.F. COMMISSION AND ADVISORY BOARD APPOINTMENTS AND REAPPOINTMENTS:

City Clerk West provided background information as outlined in the staff report dated October 20, 2003.

ACTION: Make new appointments or re-appointments to the following Commissions: **Carried by concurrence of the Council.**

Councilmember Guarriello:

Historic Preservation Commission: CONTINUED

Planning Commission: JOE GUARDARRAMA

Councilmember Heilman:

Business License Commission: CONTINUED

Councilmember Land:

Arts & Cultural Affairs Commission: BEVERLY DENENBERG

Mayor Pro Tempore Duran:

Historic Preservation Commission: JENNIFER MINASIAN

Mayor Prang:

Historic Preservation Commission: CONTINUED

At-Large Appointments:

Arts & Cultural Affairs Commission: ANDREW CAMPBELL

Historic Preservation Commission: CONTINUED

Disabilities Advisory Board (2): CONTINUED

Women's Advisory Board: CONTINUED

5. NEW BUSINESS:

5.A. REFUSE AND SOLID WASTE FRANCHISE PROCESS:

City Manager Arevalo provided background information as outlined in the staff report dated October 20, 2003.

Mayor Prang spoke in support of the process on a pilot basis, but expressed his concern on certain aspects.

ACTION: Continuation of the ban on ex-parte contacts are to remain throughout the franchise process up to the public hearing and awarding of contract. **Motion by Councilmember Land, seconded by Councilmember Heilman and unanimously carried.**

5.B. INVESTIGATE FEASIBILITY OF THE CREATION OF AN AFFINITY CREDIT CARD PROGRAM FOR THE CITY OF WEST HOLLYWOOD:

ACTION: Moved to the Consent Calendar as Item 2.00.

The following Item was heard out of order of the agenda, following Item 6.B.:

5.C. REGULATION OF PET GROOMING BUSINESSES IN THE CITY OF WEST HOLLYWOOD:

Jose Carrillo, Deputy to Mayor Prang, provided background information as outlined in the staff report dated October 20, 2003.

ACTION: Direct appropriate staff to develop a revocable "discretionary license" for pet grooming to be added to the Business License Code. Staff shall solicit input on standards from established pet grooming associations, such as the Southern California Professional Groomers Associations, Los Angeles County Animal Care and Control, and other legal and professional sources. **Motion by Councilmember Land, seconded by Councilmember Guarriello and unanimously carried.**

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT:

6. LEGISLATIVE:

6.A. AN ORDINANCE REGULATING MOBILE ADVERTISING AND A RESOLUTION DESIGNATING PENALTIES FOR VIOLATIONS:

City Clerk West provided background information as outlined in the staff report dated October 20, 2003.

ACTION: 1) Introduce for the first reading Ordinance No. 03-669, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING MOBILE ADVERTISING;" and 2) Adopt Resolution No. 03-2971, "A RESOLUTION OF THE CITY OF WEST HOLLYWOOD AMENDING ADMINISTRATIVE CITATION FEE SCHEDULE 'D' TO INCLUDE CHAPTER 11.44 MOBILE BILLBOARDS." **Motion by Councilmember Heilman, seconded by Councilmember Guarriello and unanimously carried.**

6.B. MORATORIUM ON USE OF ANIMAL DRYING MACHINES:

City Attorney Jenkins provided background information as outlined in the staff report dated October 20, 2003.

Councilmember Guarriello spoke in opposition to imposing a moratorium on businesses that have not had any problems.

Mayor Pro Tempore Duran spoke in opposition to imposing a moratorium without a further understanding on how these businesses operate and how many businesses it will affect.

Councilmember Heilman expressed his concern on imposing a moratorium on all businesses that use these dryers.

Mayor Prang spoke regarding testimony that was received at the Planning Commission hearing. He stated that the moratorium would allow the City to further research the use of dryers and the City's policies for pet grooming facilities.

Councilmember Land requested that the guidelines for pet grooming facilities be fast tracked.

ACTION: Adopt Urgency Ordinance No. 03-667U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING INTERIM REGULATIONS REGARDING COMMERCIAL PET GROOMING AND DECLARING THE URGENCY THEREOF" placing a temporary ban on the use of animal drying machines as recommended by the Planning Commission and Staff. **NO ACTION TAKEN.**

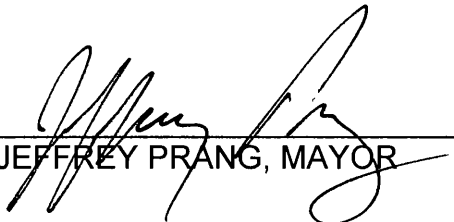
6.C. PROPOSED CHANGE TO THE RENT STABILIZATION ORDINANCE TO REPEAL THE 5-YEAR BAR AGAINST CHARGING MARKET RENTS AFTER OWNER OCCUPANCY, AND A PROPOSED CHANGE TO THE RENT STABILIZATION REGULATIONS TO MAKE THE RULES GOVERNING ORAL ARGUMENTS THE SAME FOR ALL TYPES OF APPEALS:

ACTION: Moved to the Consent Calendar as Item 2.MM.

COUNCILMEMBER COMMENTS:

ADJOURNMENT: The City Council adjourned at 10:00 PM in memory of Mary Guarriello, Stanley Robert Svonkin and David Reid's father to a Special Study Session, which will be on Monday, October 27, 2003 at 5:30 PM at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 3rd DAY OF NOVEMBER, 2003.


JEFFREY PRANG, MAYOR

ATTEST:


THOMAS R. WEST, CITY CLERK