

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, SEPTEMBER 23, 2002
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Guarriello called the meeting to order at 6:37 P.M.

PLEDGE OF ALLEGIANCE: Tony Russell led the pledge.

ROLL CALL:

PRESENT: Councilmember Duran, Heilman, Prang, Mayor Pro Tempore Martin and Mayor Guarriello.

ABSENT: None.

ALSO PRESENT: City Attorney Mike Jenkins, City Manager Paul Arevalo, City Clerk Russell and Assistant City Clerk Taylor.

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins stated that the closed session convened at 6:00 P.M. The Closed Session recessed at 6:30 P.M. until after the regular City Council meeting. The Closed Session reconvened at 11:25 P.M. and adjourned at 11:50 with no reportable action.

APPROVAL OF AGENDA:

Mayor Guarriello requested that Item 6.A. be moved to the Consent Calendar. He also requested that Item 2.U. be moved to Excluded Consent.

Councilmember Prang requested that staff amend the staff report for Item 2.G. to include the City of Los Angeles as a member of the Westside Council of Governments.

Councilmember Heilman requested that Items 2.T., 2.V., and 2.II. be moved to the Excluded Consent.

ACTION: Moved by Councilmember Prang and seconded by Councilmember Duran to approve the September 23, 2002 agenda as amended. Motion carried unanimously.

UPDATE ON THE RECENT HATE CRIMES:

City Manager Arevalo provided an overview of the recent hate crimes, which have occurred within the City over the past month and asked Captain Castro to provide an update for the Council and the community. Captain Castro provided an overview of the recent hate crimes and stated that the Sheriff's Department is looking into the re-deployment of officers throughout the City. Rich Ryan, City Hate Crimes Specialist, provided an overview of the City's Hate Free City programs. Deputy Don Mueller spoke regarding the recent hate crimes and encouraged residents to report any hate crimes that occur. Assemblymember Paul Koretz stated that residents should be involved in his or her neighborhood watch programs. He also suggested that the City look into possible citizen's patrols, which could help alleviate potential crimes and he also suggested that the City organize a Community Hate Crimes Task Force.

PRESENTATIONS:

Mayor Guarriello presented a Senior Award to Rose and Max Weitman.

Councilmember Prang presented commendations to CERT/Disaster Volunteers.

Mayor Guarriello presented commendations to National Night Out Organizers.

Councilmember Heilman introduced Adarshes Kassakhian, Government Relations Director, Armenian National Committee of America, who presented a commendation to Laura Manukian for her service to the community.

Mayor Guarriello presented commendations to the Healthy West Hollywood/Senior Health Fair planning group.

Mayor Guarriello presented a proclamation to Michael Vallante, Executive Director, Citizens Against Lawsuit Abuse, proclaiming the week of September 30, 2002 through October 4, 2002 as Lawsuit Awareness Week.

Councilmember Duran presented a Rainbow Key Award to the West Coast Singers.

Councilmember Heilman proclaimed the month of October as Healthy West Hollywood Month.

Councilmember Prang introduced and thanked Stephanie Walsh, from the Government Affairs Department for Sprint, for recognizing the City of West Hollywood and removing the local utility tax from residents' phone bills that use Sprint as their long distance carrier.

Mayor Pro Tempore Martin presented a commendation to Angie Becket from the West Hollywood Tree Preservation Society for receiving an award as Educator of the Year from the California Urban Forest Council.

PUBLIC COMMENT:

RODNEY SCOTT, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 2.GG and thanked Council for their continued support.

KULANI JACKSON, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 2.HH.

NADIA SUTTON, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 2.HH.

EDWARD TABASH, HARBOR CITY, spoke in opposition to staff's recommendation to Item 2.II.

JEFF YARBOROUGH, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 2.HH.

CASSANDRA RAMIREZ, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 2.HH.

MORRIS KIGHT, LOS ANGELES, spoke regarding the recent hate crimes within the City and suggested that whistles could be used to deter possible attacks.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding the recent hate crimes within the City and asked the residents to start reporting hate crimes.

BARRY GREENFIELD, WEST HOLLYWOOD, spoke regarding the recent hate crimes within the City and suggested that the Sheriff's Department introduce a volunteers on patrol program.

JAMES FUHRMAN, WEST HOLLYWOOD, spoke regarding the recent hate crimes within the City and stated that the continued granting of liquor licenses contributes to the increase of violence in the City.

ESTER BAUM, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 4.D.

JOHN ANGELO, WEST HOLLYWOOD, spoke in support of staff's recommendation of Item 4.D.

ERIC FINE, BEVERLY HILLS, spoke in support of medical marijuana.

RIC RICKLES, WEST HOLLYWOOD, spoke in support of State Proposition 46, which will be on the November 5, 2002 Ballot. He also thanked Council for their continued support for senior housing.

JIMMY PALMERI, WEST HOLLYWOOD, spoke regarding the recent hate crimes within the City and asked the City to continue funding for hate crime education.

CHRIS CLARKIN, WEST HOLLYWOOD, spoke in support of staff's recommendation to Item 2.HH.

PETER DIAMOND, WEST HOLLYWOOD, spoke regarding the recent hate crimes within the City and stated that Sunset Boulevard is contributing to the increase in crime within the City.

JENNIFER HARDING, SANTA MONICA, spoke in support of staff's recommendation to Item 2.L.

COUNCILMEMBER COMMENTS:

Councilmember Duran suggested not only having a study session with the Lesbian and Gay Advisory Board but to include Public Safety, staff and businesses. He thanked the seniors who came out in support of State Proposition 46 and encouraged the City to find ways to build affordable housing.

Councilmember Prang expressed his frustration and anger regarding the recent hate crimes. He requested that the meeting be adjourned in memory of Ira Yellin. He also reported on Domestic Partnership legislation that was recently passed by the State Legislature.

Councilmember Heilman thanked the residents and the Sheriff's Department for their quick responses during these recent hate crimes. He also announced that the 1st Annual West Hollywood Book Fair will be held on Saturday, October 5, 2002 from 10:00 am to 6:00 p.m. at West Hollywood Park.

Mayor Pro Tempore Martin requested that the meeting be adjourned in memory of Marlene Marks and Malcolm Olson. He asked the City Manager to provide clarification regarding Council's direction to investigate commercial late night parking at the Saint Ambrose Church. He also requested that the City Attorney draft an item to Council outlining the options for placing a measure on the March 2003 Ballot to increase the City's business license tax. He suggested that Public Information replay the "Into the Streets" video on the City Channel.

Mayor Guarriello stated that the residents have to be the eyes and ears of the City and not be afraid to report crimes. He also announced that "Into the Streets," a documentary produced for the 10th anniversary of the 1991 AB 101 demonstrations, was awarded first place in the Social Issues Category of the Government Programming Awards presented by the National Association of Telecommunications Officer and Advisors. He also announced a new gay talk radio show on 106.3 FM, "Harrison on the Edge," from 10:00 am till 11:00 am on Sundays.

CITY MANAGER'S REPORT:

City Manager Arevalo provided an overview of the adoption of the state budget. He announced that staff is preparing a white paper regarding budgetary issues. He stated Captain Castro and staff is evaluating officer deployment within the city and how that deployment will effect the budget.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk stated that the fiscal impact on the Consent Calendar as amended for Monday, September 23, 2002 is \$ 528,972 in expenditures and \$77,785 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the items as amended.

2.A.,B.,C.,D.,E.,F.,G.,H.,I.,J.,K.,L.,M.,N.,O.,P.,Q.,R.,S.,W.,X.,Y.,Z.,AA.,BB.,CC., DD.,EE.,FF.,GG.,HH.,JJ. (Item 6.A.). Moved by Councilmember Heilman and seconded by Mayor Guarriello to approve the Consent Calendar as amended. Motion carried with Councilmember Prang voting NO on Item 2.J.

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, September 23, 2002 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, September 19, 2002.

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

2.B. APPROVAL OF MINUTES:

ACTION: Approve the minutes of August 19, 2002. Approved as part of the Consent Calendar.

2.C. DEMAND REGISTER NO. 468, RESOLUTION NO. 02-2762:

ACTION: Approve Demand Register No. 468 and adopt Resolution No. 02-2762, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 468." Approved as part of the Consent Calendar.

2.D. TREASURER'S REPORT FOR JUNE AND JULY 2002:

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

- 2.E. CLAIMS ADMINISTRATION:**
ACTION: Deny the claims of Elizabeth Toth, Joane Jamieson, John C. Carroll and Sophia Fridman and refer to the City's claims adjuster.
Approved as part of the Consent Calendar.
- 2.F. ORDINANCE NO. 02- 634 (2ND READING):**
ACTION: Waive further reading and adopt Ordinance No. 02-634, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REPEALING SECTION 5.60.040.7 (c) OF THE MUNICIPAL CODE REGARDING PROVISIONS REQUIRING TRIGGER LOCKS." **Approved as part of the Consent Calendar.**
- 2.G. A RESOLUTION APPROVING IN CONCEPT THE NOTION OF JOINING WITH BEVERLY HILLS, CULVER CITY AND SANTA MONICA IN FORMING A COUNCIL OF GOVERNMENTS:**
ACTION: Adopt Resolution No. 02-2763, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING IN CONCEPT THE NOTION OF JOINING WITH BEVERLY HILLS, CULVER CITY, AND SANTA MONICA IN FORMING A COUNCIL OF GOVERNMENTS (COG)." **Approved as part of the Consent Calendar.**
- 2.H. AGREEMENT TO PROVIDE ELECTION SERVICES FOR THE MARCH 4, 2003 GENERAL MUNICIPAL ELECTION:**
ACTION: 1) Approve an agreement with Martin and Chapman Company in an amount not-to-exceed \$43,000, for Election Services for the General Municipal Election to be held on March 4, 2003; and 2) Authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**
- 2.I. ANNUAL AGREEMENT FOR SERVICES WITH WEST HOLLYWOOD MARKETING CORPORATION DBA WEST HOLLYWOOD CONVENTION AND VISITORS BUREAU:**
ACTION: Approve a three-year agreement with annual amendments, with the West Hollywood Convention and Visitor's Bureau for service; and authorize the City Manager to sign. **Approved as part of the Consent Calendar.**
- 2.J. AGREEMENT FOR SERVICES WITH DEKRA-LITE FOR INSTALLATION, STORAGE AND REPAIR OF HOLIDAY LIGHTS ON SANTA MONICA BOULEVARD:**
ACTION: Approve an agreement with Dekra-Lite in an amount not-to-exceed \$34,772 for the installation, repair and storage of the holiday lights along Santa Monica Boulevard; and authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar with Councilmember Prang voting NO.**

- 2.K. RESIGNATION OF RONALD JAMES FROM THE TRANSPORTATION COMMISSION:**
ACTION: Accept with regret the resignation of Ronald James from the Transportation Commission. **Approved as part of the Consent Calendar.**
- 2.L. APPROVAL OF WEST HOLLYWOOD'S PARTICIPATION IN THE WEST DISTRICT DOMESTIC VIOLENCE LEGAL CLINIC PILOT PROJECT:**
ACTION: 1) Approve the City's participation in the West District Domestic Violence Legal Clinic at the Beverly Hills Court House; and 2) Approve the expenditure of up to \$35,000 by the City Manager of Fiscal Year 2002-2003 Supplemental Law Enforcement Services Fund (SLESF) grant funds for use as seed money for the West District Domestic Violence Legal Clinic at Los Angeles Superior Court in Beverly Hills. **Approved as part of the Consent Calendar.**
- 2.M. APPROVAL FOR THE CITY'S CO-SPONSORSHIP OF THE 2ND ANNUAL MID-WILSHIRE COMMUNITY DOMESTIC VIOLENCE PREVENTION AWARDS AND A RESOLUTION DECLARING OCTOBER "DOMESTIC VIOLENCE/PARTNER ABUSE AWARENESS MONTH" IN WEST HOLLYWOOD:**
ACTION: 1) Adopt Resolution No. 02-2764, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING OCTOBER "DOMESTIC VIOLENCE/PARTNER ABUSE AWARENESS MONTH" IN WEST HOLLYWOOD;" and 2) Approve the City's co-sponsorship of the 2nd Annual Mid-Wilshire Community Domestic Violence Prevention Awards. **Approved as part of the Consent Calendar.**
- 2.N. A RESOLUTION SETTING THE BAIL AMOUNT FOR PARKING IN MARKED BICYCLE LANES:**
ACTION: Adopt Resolution No. 02-2765, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SETTING THE BAIL AMOUNT FOR PARKING IN MARKED BICYCLE LANES AT \$39.00 AND \$80.00 FOR LATE PAYMENT PENALTY." **Approved as part of the Consent Calendar.**
- 2.O. AGREEMENT FOR STREET TREE MAINTENANCE SERVICES:**
ACTION: Approve a three-year agreement with Great Scott Tree Service, Inc. for providing street tree maintenance and planting services; and 2) Authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**
- 2.P. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**

2.Q. APPROVAL OF FINAL TRACT MAP NO. 53503 FOR THE CONDOMINIUM PROJECT LOCATED ON LAUREL AVENUE:

ACTION: 1) Make findings for the Final Tract Map as follows: a) That this project will not violate any of the provisions of Section 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 Subdivision Map Act; 2) Approve Final Tract Map No. 53503; 3) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 53503 the certificate, which embodies the approval of said map and acceptance of dedications shown thereon; 4) Authorize the Director of Finance to increase budgeted revenues for Quimby fees in account 2190000-5200 by \$63,134.57. **Approved as part of the Consent Calendar.**

2.R. APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH THE ASSOCIATION OF COUNCIL DEPUTIES (ACD) FOR THE PERIOD OF JULY 1, 2002, THROUGH JUNE 30, 2005:

ACTION: 1) Approve the Memorandum of Understanding with ACD, which incorporates the agreements contained in the attached tentative agreements; and 2) Authorize the City Manager to execute the Memorandum of Understanding on behalf of the City. **Approved as part of the Consent Calendar.**

2.S. NINETY-DAY REVIEW OF REGULAR OPERATIONS OF CLUB 7969, LOCATED AT 7969 SANTA MONICA BOULEVARD:

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

2.T. WESTSIDE MOBILITY STUDY CONSULTANT SELECTION:

ACTION: Moved to Excluded Consent.

2.U. FOURTH QUARTER REPORT OF THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION:

ACTION: Moved to Excluded Consent.

2.V. SPONSORING OF MONTHLY PET ADOPTION FAIRS:

ACTION: Moved to Excluded Consent.

- 2.W. APPROVE A REVISED SETTLEMENT AGREEMENT WITH GEOCON CONSULTANTS, INC. FOR ENVIRONMENTAL CONSULTING SERVICES FOR THE PROPERTIES LOCATED AT THE LA BREA GATEWAY:**
ACTION: Approve a revised Settlement Agreement with Geocon Consultants, Inc. in amount not-to-exceed \$91,434 for environmental assessment services and geotechnical investigation for the La Brea Gateway project; and authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**
- 2.X. RECOMMENDATION FROM THE LESBIAN AND GAY ADVISORY BOARD OPPOSING HOUSE JOINT RESOLUTION 93, "THE FEDERAL MARRIAGE AMENDMENT":**
ACTION: 1) Adopt Resolution No. 02-2766, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING HOUSE JOINT RESOLUTION 93, THE FEDERAL MARRIAGE AMENDMENT;" and Direct staff to send copies of the signed resolution to appropriate legislators. **Approved as part of the Consent Calendar.**
- 2.Y. AMENDMENT TO THE RENT STABILIZATION REGULATIONS RELATING TO SECURITY DEPOSIT INTEREST:**
ACTION: Approve the amendment to the Rent Stabilization Regulations regarding security deposit interest approved by the Commission at its September 12, 2002 meeting. **Approved as part of the Consent Calendar.**
- 2.Z. COMMERCIAL PERMIT PARKING ON SAN VICENTE BOULEVARD BETWEEN ROSEWOOD AVENUE AND BEVERLY BOULEVARD:**
ACTION: Adopt Resolution No. 02-2767, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING 1C PERMITTED VEHICLES TO USE THE PARKING METERS IN THE 300 BLOCK OF SAN VICENTE BOULEVARD ON THURSDAYS AND FRIDAYS ON THE SIDE OF THE STREET NOT BEING SWEEPED." **Approved as part of the Consent Calendar.**
- 2.AA. GRANT FOR THE GREATER WEST HOLLYWOOD FOOD COALITION:**
ACTION: Approve an agreement with the Greater West Hollywood Food Coalition to provide a grant of \$5,000 for building renovation; and authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

2.BB. A RESOLUTION CALLING ON RECREATION DIVISION TO MAKE AVAILABLE ON-GOING PERSONAL SAFETY TRAINING CLASSES AND TO ENCOURAGE NEIGHBORHOOD WATCH GROUPS TO FOCUS ONE MEETING PER YEAR ON THE TOPIC OF HATE CRIMES:

ACTION: 1) Adopt Resolution No. 02-2768, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CALLING ON THE RECREATION DIVISION TO MAKE AVAILABLE ON-GOING PERSONAL SAFETY TRAINING CLASSES AND TO ENCOURAGE NEIGHBORHOOD WATCH GROUPS TO FOCUS ONE MEETING PER YEAR ON THE TOPIC OF HATE CRIMES;" 2) Direct the Recreation Division to offer self-defense classes throughout the year; and 3) Direct the Public Safety Division to encourage Neighborhood Watch groups to focus one meeting per year on the topic of hate crimes. **Approved as part of the Consent Calendar.**

2.CC. A RESOLUTION TO CONDUCT AN APPROPRIATE MEMORIAL MARKING THE ANNIVERSARY OF MATTHEW SHEPARD'S DEATH:

ACTION: 1) Adopt Resolution No. 02-2769, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD TO CONDUCT AN APPROPRIATE MEMORIAL ON THE ANNIVERSARY OF MATTHEW SHEPARD'S DEATH;" and 2) Direct Council staff to initiate a planning process and report back to Council at the next meeting. **Approved as part of the Consent Calendar.**

2.DD. WOMEN IN THE WORKPLACE CONFERENCE- WOMEN'S LIVES: ACHIEVING WORKPLACE WELLNESS, OCTOBER 23-24, 2002:

ACTION: 1) Approve programming for Women in the Workplace Conference- Women's Lives: Achieving Workplace Wellness, October 23-24, 2002; and 2) Direct the appropriate City staff to work with the Women's Advisory Board to assist with the production and promotion of the conference activities. **Approved as part of the Consent Calendar.**

2.EE. OCTOBER 5, 2002 BOOK FAIR UPDATE:

ACTION: 1) Receive and file; and 2) Authorize the Director of Finance and Technology to increase the revenue and expenditure budget as needed to properly record sponsorships and donations. **Approved as part of the Consent Calendar.**

2.FF. RESIGNATION OF JULIA GANDELSMAN FROM THE WOMEN'S ADVISORY BOARD:

ACTION: Accept with regret the resignation of Julia Gandelsman from the Women's Advisory Board. **Approved as part of the Consent Calendar.**

2.GG. A PROPOSED ALLOCATION OF \$10,000 TO THE ESTABLISHED TREV BROUDY HATE CRIME REWARD FUND:

ACTION: 1) Adopt Resolution No.02- 2770 " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADDING \$10,000 TO THE ESTABLISHED TREV BROUDY HATE CRIME REWARD FUND;" 2) Authorize the allocation of \$10,000 from the General Fund's undesignated reserve to supplement the current established reward in the Trev Broudy Hate Crime Reward Fund; and 3) Direct the City Manager to inform the Sheriff's Relief fund of the pledge. **Approved as part of the Consent Calendar.**

2.HH. RECOMMENDATIONS FROM THE LESBIAN AND GAY ADVISORY BOARD IN RESPONSE TO RECENT HATE CRIME ACTIVITY:

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

2.II. ISSUANCE OF SPECIAL PARKING PERMITS FOR MEMBERS OF THE CLERGY:

ACTION: Moved to Excluded Consent.

2.JJ. AMEND THE WEST HOLLYWOOD MUNICIPAL CODE TO CHANGE THE TITLE OF A PET OWNER FROM 'OWNER' TO 'GUARDIAN':

ACTION: Introduce for first reading Ordinance No. 02-636, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTIONS OF CHAPTER 9.48 AND 17.52 OF THE WEST HOLLYWOOD MUNICIPAL CODE CHANGING ALL REFERENCES OF PET OWNERS TO PET GUARDIAN." **Approved as part of the Consent Calendar.**

Council recessed at 9:10 P.M. and reconvened at 9:20 P.M.

Council concurred to take out of order Item 4.D.

4.D. SECOND AMENDMENT TO LOAN AGREEMENT WITH THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION FOR THE PROJECT LOCATED AT 1433 NORTH HAVENHURST DRIVE:

RECOMMENDATION: 1) Approve a Second Amendment to the loan agreement with the West Hollywood Community Housing Corporation for 1433 North Havenhurst Drive in the amount of \$950,000; 2) Authorize the City Manager to sign the Second Amendment; 3) Authorize the Director of Finance to appropriate \$950,000 from the undesignated reserves in the Affordable Housing Trust Fund and increase the budget for account 282-7040-8126 (Housing Loan) by \$950,000.

ACTION: Council concurred to approve staff's recommendation.

3. PUBLIC HEARINGS:

3.A. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF DEVELOPMENT PERMIT 01-44 AND VARIANCE 01-11 AND DENIAL OF THE REQUESTED WAIVER TO EXCLUDE 326.5 SQUARE FEET ADDED TO THE GROUND FLOOR FRONT ELEVATION FROM THE PARKING REQUIREMENT PER SECTION 19.72.030 (B) (2) (C) OF THE WEST HOLLYWOOD MUNICIPAL CODE (NONCONFORMING STRUCTURES), ON A APPLICATION BY KLUGER KOLLIN ARCHITECTS AT THE PROPERTY LOCATED AT 8746 SUNSET BOULEVARD:

City Clerk Russell stated that this item was posted at City Hall, Plummer Park, Sheriff's Station, West Hollywood Park and published in the West Hollywood Independent.

ACTION: Moved by Councilmember Heilman and seconded by Mayor Guarriello to disregard the written information that was presented to Council by both the applicant and appellant at the September 23, 2002 City Council meeting. Motion carried unanimously.

Emmiline Harrigan, Associate Planner, provided background information as outlined in the staff report dated September 23, 2002.

RECOMMENDATION: Adopt Resolution No. 02-2740(R), "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEAL OF LYNN DAVIS AND UPHOLDING THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF DEVELOPMENT PERMIT 01-44 AND VARIANCE 01-11 AND DENYING THE WAIVER REQUEST TO EXCLUDE 326.5 SQUARE FEET ADDED TO THE GROUND FLOOR FRONT ELEVATION FROM THE PARKING REQUIREMENTS PER SECTION 19.72.030 (B) (2) (C) OF THE WEST HOLLYWOOD MUNICIPAL CODE (NONCONFORMING STRUCTURES), ON AN APPLICATION BY KRUGER KOLLIN ARCHITECTS FOR THE PROPERTY LOCATED AT 8746 SUNSET BOULEVARD, WEST HOLLYWOOD."

Councilmember Heilman stated that he would be in favor of staff's recommendation with a modification to Section 11.5 of the resolution directing that the remaining 4 parking spaces be located onsite or offsite and that if parking cannot be found, the lifts would be approved as a last resort.

Mayor Guarriello stated that this was bad public policy and not the correct area to provide such a mechanism for parking. He stated he would not be in favor of this item with the lifts.

Councilmember Prang stated that he would be against the project if the lifts were approved. He also stated that this is the wrong place to have lifts and with the City having limited knowledge of lift operations, it would be a mistake for the City to grant the lifts for this project.

Councilmember Duran stated that the Council is not setting a precedent with the approval of lifts but is creating another possible solution to provide parking to a business on a limited basis.

ACTION: Moved by Councilmember Heilman and seconded by Councilmember Duran to approve staff's recommendation with modifications to Section 11.5 of the resolution directing that the remaining 4 parking spaces be located onsite or offsite and that if parking cannot be found, the lifts would be approved as a last resort. Motion carried on a ROLL CALL VOTE.

AYES: Councilmember Duran, Heilman and Mayor Pro Tempore Martin.

NOES: Councilmember Prang and Mayor Guarriello.

4. UNFINISHED BUSINESS:

4.A. REPORT ON SECTION 8 HOUSING IN WEST HOLLYWOOD AND PROPOSED ORDINANCE:

Allyne Winderman, Director, Rent Stabilization and Housing, provided background information as outlined in the staff report dated September 23, 2002.

GENNEADIY DANILKEVICH, WEST HOLLYWOOD, thanked Council for their continued support of low income housing and asked Council act quickly on a Section 8 housing ordinance.

IRKIE GESLKOVICH, WEST HOLLYWOOD, spoke in support of a rent stabilization ordinance for Section 8 housing.

Councilmember Duran stated that there are parts of the ordinance that Council could act on quickly regarding exemptions to tenants but there are other issues that will need further study by staff and the City Attorney. He also stated that the Los Angeles model is not the best fit for the City of West Hollywood.

RECOMMENDATION: 1) Defer adopting the ordinance pending the outcome of legal actions related to a similar ordinance adopted by the City of Los Angeles; and 2) Review the report and direct staff to explore additional options for tenant protection for Section 8 tenants.

ACTION: Moved by Councilmember Heilman and seconded by Mayor Guarriello to direct staff to return with an ordinance removing the exemption of Section 8 Housing from the West Hollywood Rent Stabilization Ordinance, place Section 8 units under the Rent Control Ordinance protection and directed staff to come back with other recommendations on how to strengthen protection for Section 8 units. Motion carried unanimously.

4.B. DIRECTION ON HOUSING OPTION ON SANTA MONICA BOULEVARD HANCOCK MIXED USE DEVELOPMENT:

Joan English, Director, Transportation and Public Works, provided background information as outlined in the staff report dated September 23, 2002.

John Given, Architect, provided additional background information as outlined in the staff report dated September 23, 2002.

TOM DEMILLE, WEST HOLLYWOOD, stated that the bump up mentality does not occur with those who need affordable housing.

RIC RICKLES, WEST HOLLYWOOD, stated he was disappointed with the decrease of affordable housing units within the project.

RON MCELHANEY, WEST HOLLYWOOD, spoke in support of the proposed project.

ROD MCDONALD, WEST HOLLWYOOD, spoke in support of several ideas the architect presented and looked forward to continue community input.

LYNN HOOPINGARNER, WEST HOLLYWOOD, spoke regarding the insufficient notice of the item. She stated that parking is still a problem with this project.

VALERIE MOORE, WEST HOLLYWOOD, spoke regarding the insufficient notice of the item. She stated that the ingress and egress of the project still seems to be an issue with the project.

Councilmember Duran stated that Council has to find a balance between sustainable development. He expressed his concern with the entrance being on Hancock Avenue due to the narrowness of the street. He also expressed his concerns with the ingress and egress being on Santa Monica Boulevard.

Councilmember Heilman stated that he seems to be hearing the same comments that were made about the Kings Road Parking structure. He also stated that he would have some concerns with the exit and entrance on Santa Monica Boulevard.

Councilmember Prang stated that the proposed project is going in the right direction. He stated that he would have problems with the entrance being on a residential street.

Mayor Pro Tempore Martin stated that the project should provide adequate parking for the building residents. He stated that traffic counts could be used to provide decisions were the exit and entrance of the project should be.

RECOMMENDATION: Direct staff to draft an agreement with the CIM Group to develop a mixed-use project including approximately 12,000 square feet of retail/restaurant use, public parking, 33 market-rate condominium units and 7 affordable rental units at the City-owned property at the northwest corner of Santa Monica Boulevard and Hancock Avenue, return to City Council for its approval, and continue the public process for input into the design.

ACTION: Council concurred to approve staff's recommendation.

4.C. APPROVAL OF FINAL TRACT MAP NO. 52530 FOR THE CONDOMINIUM PROJECT LOCATED ON SAN VICENTE BOULEVARD:

Allyne Winderman, Director, Rent Stabilization and Housing, provided background information as outlined in the staff report dated September 23, 2002.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding the continued problems with the development.

RONALD COOPER, CALABASAS, spoke regarding the completion of both the San Vicente project and the Fountain project.

DAVID WEINSTEIN, LOS ANGELES, spoke in support of the approval of the tract map.

CRYSTAL CARLISLE, BLACKCREEK, spoke regarding the need for affordable housing.

Councilmember Heilman expressed his continued concerns with the delays of the Fountain project. He stated that with the protections outlined in the staff report he would be in favor of approving the tract map.

In response to Mayor Pro Tempore Martin, Mr. Jenkins stated that the City could delay the occupancy of the building by Code Enforcement if it was proven that the development caused offsite damage to adjacent property.

RECOMMENDATION: 1) Approve and authorize recordation concurrently with recordation of the Final Tract Map of a Covenant and Agreement against the title of thirteen designated units requiring that those units be set aside as inclusionary housing in accordance with the City's standard inclusionary housing agreement (which has been executed by the subdivider) unless the subdivider completes the renovation and conveys the property at 7214 Fountain to the West Hollywood Housing Corporation by December 31, 2002 in accordance with the timeframe outlined in the staff report below; 2) Make finding for the Final Tract Map as follows; a) That this project will not violate any of the provisions of Sections 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; 3) Approve Final Tract Map No. 52530; 4) Accept dedications as indicated on said map; and 5) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 52530 the certificate, which embodies the approval of said map and acceptance of dedications shown thereon.

ACTION: Moved by Councilmember Heilman and seconded by Councilmember Duran to approved staff's recommendation and directed that the Certificate of Occupancy not be issued until the damage to the adjacent property has been addressed. Motion carried on a ROLL CALL VOTE.

AYES: Councilmember Duran, Heilman and Mayor Pro Tempore Martin.

NOES: Councilmember Prang and Mayor Guarriello.

4.D. SECOND AMENDMENT TO LOAN AGREEMENT WITH THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION FOR THE PROJECT LOCATED AT 1433 NORTH HAVENHURST DRIVE:

ACTION: Was taken out of order.

4.E. 2001 HALLOWEEN CARNAVAL EVENT REVIEW; 2002 EVENT RECOMMENDATIONS:

Dan Laray, Festival and Event Specialist, provided background information as outlined in the staff report dated September 23, 2002.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding possible new ideas to increase revenue for the upcoming Halloween event.

Councilmember Prang stated that the Halloween event should be a smaller event and not an event for Southern California. He also stated he would not be in favor of a beer garden.

RECOMMENDATION: 1) Approve street closures, parking request and fee waivers; 2) Approve two new events, the Miller Beer Garden enclosed in parking lot between the Leash and Collar and the Ramada on Santa Monica Boulevard and permit the service of alcoholic beverages in the VIP reception area; 3) Authorize the Director of Finance to increase the revenue and expenditure budget as needed to properly record sponsorships and donations; 4) Approve event fees established for this event as outlined; and 5) Waive all applicable permit fees.

ACTION: Moved by Mayor Guarriello and seconded by Councilmember Heilman to approved staff's recommendation. Motion carried unanimously.

5. NEW BUSINESS:

5.A. DESIGNATION OF VOTING DELEGATE FOR NATIONAL LEAGUE OF CITIES' ANNUAL BUSINESS MEETING:

Tony Russell, City Clerk, provided background information as outlined in the staff report dated September 23, 2002.

RECOMMENDATION: 1) Appoint a voting delegate and a voting alternate for the 2002 National League of Cities' Annual Business meeting; and 2) Direct the City Clerk to submit the required forms to the National League of Cities.

ACTION: Moved by Councilmember Heilman and seconded by Mayor Guarriello to appoint Councilmember Duran as the delegate and Councilmember Heilman as the alternate. Motion carried unanimously.

5.B. COMMISSION AND ADVISORY BOARD APPOINTMENTS:

Tony Russell, City Clerk, provided background information as outlined in the staff report dated September 23, 2002.

RECOMMENDATION: Make two "direct" appointment's and four "at-large" appointments; 1) Fine Arts Commission (make one "at-large" appointment); 2) Public Facilities Commission (make one "direct" appointment Councilmember Prang); 3) Transportation Commission (make one "direct" appointment Councilmember Duran) 4) Russian Advisory Board (make one "at-large" appointment); and 5) Women's Advisory Board (make two "at-large" appointments).

ACTION: City Council made the following appointments.

Fine Arts Commission: Tabled.

Public Facilities Commission: Tabled.

Transportation Commission: Councilmember Duran appointed Kate Bartolow to a term ending 03/31/05.

Russian Advisory Board: Tabled.

Women's Advisory Board: Tabled.

Council requested that the item be re-agendized for the October 7, 2002 meeting

5.C. SCHEDULE A DATE FOR A STUDY SESSION FOR AN UPDATE ON THE LIBRARY AND PARK MASTER PLAN:

Tony Russell, City Clerk, provided background information as outlined in the staff report dated September 23, 2002.

RECOMMENDATION: Direct the City Clerk to schedule a study session on one of the two dates below to receive direction on a specific location of a future library at West Hollywood Park and to receive an update on the West Hollywood Park Master Plan: 1) Monday, October 7, 2002 from 5:00 p.m. to 6:00 p.m.; or 2) Monday, October 14, 2002 from 5:00 p.m. to 6:00 p.m.

ACTION: Council concurred to set the meeting on Monday, October 14, 2002 from 6:00 P.M. to 7:00 P.M.

EXCLUDED CONSENT CALENDAR:

2.T. WESTSIDE MOBILITY STUDY CONSULTANT SELECTION:

Councilmember Heilman expressed his concerns with the selection of the Westside Mobility consultant. After a brief discussion with Joan English, Director, Transportation and Public Works, he stated he was prepared to move the item.

RECOMMENDATION: 1) Authorize the City to participate with the Westside Cities of Beverly Hills, Culver City, and Santa Monica in preparation of a Westside Mobility Study and pay ¼ of the total cost, in an amount not-to-exceed \$50,000.00; 2) Authorize the Finance Director to allocate \$50,000 from the undesignated reserves in the AQMD fund and increase budgeted expenditures by \$50,000.00 in account 222-8030; and Authorize the City Manager to enter into the necessary agreement with the Westside Cities.

ACTION: Moved by Councilmember Heilman and seconded by Councilmember Duran to approve staff's recommendation. Motion carried unanimously.

2.U. FOURTH QUARTER REPORT OF THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION:

Mayor Guarriello stated that the reason for pulling this item was he wanted to know why potential renters were refusing to rent units from the West Hollywood Community Housing Corporation.

In response to Mayor Guarriello, Mr. Zimmerman, Director, West Hollywood Community Housing, stated that sometimes potential renters refuse to select one of the rehabilitated units being offered on the chance they may be selected for one of the new housing project units.

Councilmember Heilman recommended that the Housing Corporation start tracking the reasons why potential renters are refusing units. He stated that the information received could help the City in the future when offering affordable housing.

RECOMMENDATION: Receive and file.

ACTION: Moved by Councilmember Heilman seconded by Mayor Pro Tempore Martin to approve staff's recommendation with additional recommendation that the Housing Corporation track the reasons potential renters refuse apartments. Motion carried unanimously.

2.V. SPONSORING OF MONTHLY PET ADOPTION FAIRS:

Councilmember Heilman expressed his concern with the use of West Hollywood Park for adoption fairs. He stated that he doesn't want to see the park turn into an animal park. He also stated that he wanted to make sure that staff contains the adoption fairs in a limited space.

RECOMMENDATION: 1) Waive the special event fee related to the use of West Hollywood Park; and 2) Direct Recreational Services staff to set up a schedule of adoption fairs for the next twelve months to include at least one community based organization dealing with rescued animals.

ACTION: Moved by Councilmember Prang and seconded by Councilmember Duran to approve staff's recommendation. Motion carried unanimously.

2.II. ISSUANCE OF SPECIAL PARKING PERMITS FOR MEMBERS OF THE CLERGY:

ACTION: The item was tabled until the October 7, 2002 City Council meeting.

PUBLIC COMMENT: None.

6. LEGISLATIVE:

6.A. AMEND THE WEST HOLLYWOOD MUNICIPAL CODE TO CHANGE THE TITLE OF A PET OWNER FROM 'OWNER' TO 'GUARDIAN':

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

6.B. AN ORDINANCE AMENDING CHAPTER 17.28 OF THE RENT STABILIZATION ORDINANCE CLARIFYING REGISTRATION AND RE-REGISTRATION REQUIREMENTS FOR PURPOSES OF BEING IN SUBSTANTIAL COMPLIANCE AND DECLARING THE URGENCY THEREOF:

Allyne Winderman, Director, Rent Stabilization and Housing, provided background information as outlined in the staff report dated September 23, 2002.

RECOMMENDATION: Adopt Urgency Ordinance No. 02-637U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER 17.28 OF THE RENT STABILIZATION ORDINANCE CLARIFYING REGISTRATION AND RE-REGISTRATION REQUIREMENTS FOR PURPOSES OF BEING IN SUBSTANTIAL COMPLIANCE AND DECLARING THE URGENCY THEREOF."

ACTION: Moved by Councilmember Prang and seconded by Councilmember Heilman to approved staff's recommendation. Motion carried unanimously.

6.C. AN ORDINANCE AMENDING CHAPTER 17.28 OF THE RENT STABILIZATION ORDINANCE CLARIFYING REGISTRATION AND RE-REGISTRATION REQUIREMENTS FOR PURPOSES OF BEING IN SUBSTANTIAL COMPLIANCE:

Allyne Winderman, Director, Rent Stabilization and Housing, provided background information as outlined in the staff report dated September 23, 2002.


RECOMMENDATION: Introduce for first reading Ordinance No. 02-638, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER 17.28 OF THE RENT STABILIZATION ORDINANCE CLARIFYING REGISTRATION AND RE-REGISTRATION REQUIREMENTS FOR PURPOSES OF BEING IN SUBSTANTIAL COMPLIANCE."

ACTION: Moved by Councilmember Prang and seconded by Councilmember Heilman to approved staff's recommendation. Motion carried unanimously.


COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council recessed back into Closed Session at 11:20 P.M. and adjourned at 11:50 P.M. in memory of Ira Yellin, Marlene Marks and Malcolm Olson. The next regular meeting will be on Monday, October 7, 2002 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 7th DAY OF OCTOBER, 2002.


MAYOR

ATTEST:


TONY RUSSELL, CITY CLERK