

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, OCTOBER 6, 2008  
WEST HOLLYWOOD PARK  
647 N. SAN VICENTE BOULEVARD**

**CALL TO ORDER:** Mayor Prang called the meeting to order at 6:39 P.M.

**PLEDGE OF ALLEGIANCE:** Debra Chodash led the pledge.

**ROLL CALL:**

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

ABSENT: None.

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

**REPORT OF CLOSED SESSION AGENDA:**

City Attorney Jenkins reported that the closed session was called to order at 6:00 P.M. He stated that there was one (1) public speaker. He stated that the closed session adjourned at 6:25 P.M. with no reportable action taken.

**APPROVAL OF AGENDA:**

Councilmember Guarriello requested that Items 6.A. and 6.B. be moved to the Consent Calendar as Items 2.Q. and 2.R.

Mayor Pro Tempore Land requested that Item 4.A. be TABLED.

Staff requested that Item 2.F. be TABLED.

**Motion by Councilmember Heilman, seconded by Mayor Pro Tempore Land, to approve the October 6, 2008 agenda as amended and unanimously approved.**

**ADJOURNMENT MOTIONS:**

Councilmember Heilman requested that the meeting be adjourned in memory of Charlie Whitebread, a professor of law at University of Southern California.

Mayor Prang requested that the meeting be adjourned in memory of Katie Reich, a high school biology teacher from Los Gatos. He requested that the meeting be adjourned in memory of Vassey Nunley, the mother of City staff member Carmen Nunley. He

requested that the meeting be adjourned in memory of former Los Angeles Sheriff's Department Chief Michael Nagaoka.

Councilmember Duran requested that the meeting be adjourned in memory of Ed McKie, a crystal meth prevention activist. He requested that the meeting be adjourned in memory of Alan Parker, who worked as one of the founders of the California AIDS Ride. He requested that the meeting be adjourned in memory of the following soldiers who died in Iraq and Afghanistan since the last City Council meeting: Capt. Darrick D. Wright, Pfc. Leonard J. Gulczynski I, 1st Lt. Robert Vallejo II, Cpl. Michael E. Thompson, Chief Warrant Officer Brady J. Rudolf, 1st Sgt. Julio C. Ordonez, Sgt. Anthony L. Mason, Sgt. Daniel M. Eshbaugh, Chief Warrant Officer Corry A. Edwards, Staff Sgt. Matthew J. Taylor, 1st Lt. Thomas J. Brown, Capt. Michael J. Medders, Staff Sgt. Ronald Phillips Jr., Pfc. Jamel A. Bryant, Pfc. Christopher T. Fox.

### **PRESENTATIONS:**

Councilmember Duran presented a proclamation in recognition of Disabilities Awareness Month.

Mayor Prang presented a plaque to outgoing Planning Commissioner John D'Amico.

Mayor Pro Tempore Land presented a proclamation in recognition of Love Your Body Day.

Mayor Pro Tempore Land presented a proclamation in recognition of Breast Cancer Awareness Month.

Councilmember Heilman presented a proclamation in recognition of Domestic Violence Prevention Month.

Mayor Prang presented a proclamation to Dr. Joseph Hawkins, President of the ONE National Gallery Gay and Lesbian Archives Board of Directors, in recognition of the opening of a satellite location in the City.

### **1. PUBLIC COMMENT:**

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding various local, state, and national issues.

RICHARD KEARNS, WEST HOLLYWOOD, spoke regarding medical marijuana issues in Los Angeles.

### **COUNCILMEMBER COMMENTS:**

Councilmember Guarriello spoke regarding the improved sound system in the auditorium and thanked the City's Cable staff.

Councilmember Heilman provided further clarification regarding Item 2.M. He spoke regarding the recent West Hollywood Book Fair and thanked City staff, The Friends of the West Hollywood Library, community volunteers, and businesses responsible for organizing the event. He spoke regarding the possibility of improving the lighting at the Pavilion's construction site and requested the City Manager to investigate the issue.

Mayor Pro Tempore Land encouraged residents to register to vote for the November 4, 2008 election. She requested the City Manager to provide a report on ongoing crosswalk safety issues in the City. She spoke regarding code compliance issues concerning residents hosing sidewalks off, and requested the City Manager to work with staff to better inform residents of the restrictions and regulations. She wished a happy birthday to Councilmember Duran.

Mayor Prang spoke regarding a fire on Hammond Street and thanked residents, the Sheriff and Fire Departments, and the Red Cross, for acting so quickly to aid impacted residents. He congratulated Charles Cohen, from the Pacific Design Center, on the birth of his new baby. He thanked retiring staff member Sue Wilcox for all her years of service to the City. He spoke regarding the recent American Georgian Cultural Art Sale event in the City to benefits victims in the country of Georgia. He spoke regarding the upcoming Halloween Carnival event in the City, and warned residents about bringing pets or small children to the event. He spoke regarding the recent League of California Cities annual conference and a meeting of the Gay and Lesbian Caucus during the event. He spoke regarding the upcoming American Institute of Architects Design Conference in the City.

#### **CITY MANAGER'S REPORT:**

City Manager Arevalo spoke regarding the current economic climate and provided clarification of the status of the City's budget.

Councilmember Duran requested the City Manager to return to the City Council with an update on the financing of the City's Capital Campaign projects.

#### **FISCAL IMPACT ON CONSENT CALENDAR:**

City Clerk West stated that the fiscal impact on the Consent Calendar is \$314,370.00 in expenditures and \$10,760.00 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. **Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Land and unanimously approved with Item 2.F. being TABLED.**

#### **2.A. POSTING OF AGENDA:**

*The agenda for the meeting of Monday, October 6, 2008 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, October 2, 2008.*

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

**2.B. APPROVAL OF MINUTES:**

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

**ACTION:** Approve the minutes of September 15, 2008. **Approved as part of the Consent Calendar.**

**2.C. DEMAND REGISTER NO. 611, RESOLUTION NO. 08-3740:**

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

**ACTION:** Approve Demand Register No. 611 and adopt Resolution No. 08-3740, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 611." **Approved as part of the Consent Calendar.**

**2.D. ORDINANCE NO. 08-798 (2<sup>ND</sup> READING), EXEMPTING PARTICIPATION IN COOPERATIVE PURCHASING PROGRAMS FROM BID REQUIREMENTS FOR ACQUISITION OF SUPPLIES AND EQUIPMENT AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE [T. WEST, C. SCHAFFER]:**

*The City Council will waive further reading and adopt Ordinance No. 08-798, a proposed ordinance exempting participation in cooperative purchasing programs from bid requirements for acquisition of supplies and equipment and amending the West Hollywood Municipal Code.*

**ACTION:** Waive further reading and adopt Ordinance No. 08-798, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD EXEMPTING PARTICIPATION IN COOPERATIVE PURCHASING PROGRAMS FROM BID REQUIREMENTS FOR ACQUISITION OF SUPPLIES AND EQUIPMENT AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

**2.E. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**

*Receive and file reports from the Arts and Cultural Affairs Commission, Public Safety Commission, the Transportation Commission, the Disability Advisory Board and the East Side Project Area Committee on actions taken at their recent meetings.*

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

**2.F. AWARD OF CONTRACTS FOR FORMOSA PARK CONSTRUCTION PROJECT, CIP #55-08/09-02 [L. LONG, S. BAXTER]:**

*The City Council will consider awarding contracts in relation to the Formosa Park Construction Project, CIP #55-08/09-02.*

**ACTION:** This Item was TABLED.

**2.G. AWARD OF CONTRACT FOR CIP # 55-08/09-04, KINGS ROAD PARK REPAIRS [L. LONG, S. BAXTER]:**

*The City Council will consider awarding a contract for general repairs and improvements to Kings Road Park.*

**ACTION:** 1) Accept the bid dated September 22, 2008, in the amount of \$78,880 submitted by California Averland Construction Inc, Los Angeles, California; 2) Accept the add alternate identified in this report in the amount of \$17,490; 3) Authorize the City Manager to sign an Agreement with California Averland Construction, Inc., in an amount of \$96,370 for CIP # 55-08/09-04, Kings Road Park Repairs; 4) Reject all other bids and return associated Bid Bonds; and 5) Authorize the contingency expenditure of an amount not to exceed 15% of the Agreement amount as approved by the Director of the Human Services Department. **Approved as part of the Consent Calendar.**

**2.H. AGREEMENT FOR SERVICES WITH VCA CODE GROUP [S. KEENE, S. BAILEY]:**

*The City Council will consider approving an Agreement for Services with VCA Code Group; to provide ongoing Plan Check services.*

**ACTION:** 1) Approve Contract Agreement with VCA Code Group; for professional Plan Check services in the Building and Safety Division for temporary staffing vacancies and/or temporary staffing as needed for special projects or high volume case load in the amount not to exceed \$35,000.00 (thirty five thousand dollars and no/cents); and 2) Authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

**2.I. AMEND AGREEMENT FOR SERVICES WITH LILLEY PLANNING GROUP INC. [S. KEENE, S. BAILEY]:**

*The City Council will consider approving an Amendment of the Agreement for Services with Lilley Planning Group Inc.; to provide ongoing Permit Technician services for the Community Development Department, Building and Safety Division.*

**ACTION:** 1) Approve the Amended Agreement for Permit Technician Services with Lilley Planning Group Inc., increasing the \$25,000 amount by an additional amount not-to-exceed one hundred fifty thousand dollars (\$150,000) for Building and Safety services in the Building and Safety Division. Total Contract = \$175,000; and 2) Authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

**2.J. APPROVAL OF FINAL PARCEL MAP NO. 69804 FOR THE CONDOMINIUM PROJECT LOCATED AT 714 WESTBOURNE DRIVE [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider the approval of Final Parcel Map No. 69804, a two unit condominium, located on Westbourne Drive, between Melrose Avenue and Sherwood Drive.*

**ACTION:** 1) Make findings for the Final Parcel Map as follows: a) That this project will not violate any of the provisions of Sections 66474, 66474.1, and 66474.6 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 of 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; and 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) Approve Final Parcel Map No. 69804; and 3) Instruct the City Clerk to endorse on the face of the map of Final Parcel Map No. 69804 the certificate that embodies the approval of said map. **Approved as part of the Consent Calendar.**

**2.K. APPROVAL OF FINAL TRACT MAP NO. 62131 FOR THE CONDOMINIUM PROJECT LOCATED AT 1029 VISTA STREET [O. DELGADO, S. PERLSTEIN]:**

*The City Council will consider the approval of Final Tract Map No. 62131, a five unit condominium, located on Vista Street, between Santa Monica Boulevard and Romaine Street.*

**ACTION:** 1) Make findings for the Final Tract Map as follows: a) That this project will not violate any of the provisions of Sections 66474, 66474.1, and 66474.6 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 of 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; and 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) Approve Final Tract Map No. 62131; and 3) Instruct the City Clerk to endorse on the face of the map of Final Tract Map No. 62131 the certificate that embodies the approval of said map. **Approved as part of the Consent Calendar.**

**2.L. AUTOMATED LICENSE PLATE RECOGNITION (ALPR) SYSTEM [K. COOK, B. GOLDMAN]:**

*The City Council will consider the purchase of one Automated License Plate Recognition (ALPR) system.*

**ACTION:** 1) Direct staff to purchase one Automated License Plate Recognition (ALPR) system; and 2) Direct staff to report back to City Council after at least six months of use of the Automated License Plate

Recognition (ALPR) system during the regular Public Safety Division Six Month Report. **Approved as part of the Consent Calendar.**

**2.M. SUPPORT OF WESTSIDE SUBWAY EXTENSION WILSHIRE/WEST HOLLYWOOD COMBINED ALTERNATIVE [J. HEILMAN, F. SOLOMON]:**

*The City Council will consider adopting a resolution in support of the Wilshire/West Hollywood combined subway alternative as part of the Westside Subway Extension*

**ACTION:** 1) Adopt Resolution No. 08-3741 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE WESTSIDE SUBWAY EXTENSION WILSHIRE/WEST HOLLYWOOD COMBINED ALTERNATIVE."; 2) Direct staff to send copies of the signed resolution to Roger S. Noble, CEO, Los Angeles County Metropolitan Transit Authority, U.S. Senators Dianne Feinstein and Barbara Boxer, U.S. Representative Henry Waxman, California State Senator Sheila J. Kuehl and California State Assemblymember Mike Feuer; and 3) Direct staff to coordinate efforts to advocate in support of the Wilshire/West Hollywood combined alternative. **Approved as part of the Consent Calendar.**

**2.N. CITY CO-SPONSORSHIP OF THE NATIONAL LEAGUE OF CITIES HOUSING AND LEADERSHIP SEMINAR: FINDING SOLUTIONS FOR CHALLENGES FACING CITIES TODAY [J. HEILMAN, F. SOLOMON]:**

*The City Council will consider co-sponsoring the National League of Cities Housing and Leadership Seminar: Finding Solutions for Challenges Facing Cities Today.*

**ACTION:** 1) Approve the City of West Hollywood's co-sponsorship of the National League of Cities Housing and Leadership Seminar: Finding Solutions for Challenges Facing Cities Today and the use of the City's name and logo on printed materials advertising the event; and 2) Direct staff to coordinate a housing tour of affordable housing projects in West Hollywood for seminar participants. **Approved as part of the Consent Calendar.**

**2.O. SUPPORT OF SENATE BILL 1738 (BIDEN), ESTABLISHING A SPECIAL COUNSEL TO PREVENT CHILD EXPLOITATION [S. GUARREILLO, D. SAUR, D. GEVORKYAN]:**

*The City Council will consider adopting a resolution in support of S.1738 by Senator Joe Biden (D-DE), also known as the Combating Child Exploitation Act of 2008.*

**ACTION:** 1) Adopt Resolution No. 08-3742, "A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF S.1738, "COMBATING CHILD EXPLOITATION ACT", ESTABLISHING A SPECIAL COUNSEL TO PREVENT CHILD EXPLOITATION"; and 2) Direct staff to send copies of signed resolutions to Senator Joe Biden, Senator Barbara Boxer, Senator Dianne Feinstein,

and Congressman Henry Waxman. **Approved as part of the Consent Calendar.**

**2.P. ONE: NATIONAL GAY AND LESBIAN ARCHIVES GRAND OPENING CO-SPONSORSHIP [J .PRANG, J. STEVENS]:**

*The City Council will consider co-sponsorship of grand opening ceremonies for the ONE: National Gay and Lesbian Archives Gallery and Museum in West Hollywood on October 11, 2008.*

**ACTION:** Authorize co-sponsorship of the ONE Gallery and Museum grand opening, which includes: a) Post no parking signs on meters (ET8700, 8703, 8705, 8707 and 8709) directly adjacent to the ONE gallery location at 626 North Robertson Boulevard, from 12 p.m., Saturday, October 11, 2008 – 12 a.m., Sunday, October 12, 2008, as not to impede the operation of valet service for Fat Fish Restaurant at 616 N Robertson Boulevard; b) Authorize the waiver of all applicable City of West Hollywood Special Event Fees; and c) Authorize the use of the City of West Hollywood logo in promotional and press materials. **Approved as part of the Consent Calendar.**

**2.Q. (6.A.) CITY OF WEST HOLLYWOOD BUSINESS LICENSE CODE [O. DELGADO, J. AUBEL]:**

*The City Council will consider amending Title 5, Chapter 5.08 Section 5.08.220, 5.08.230 and 5.08.240 of the Municipal Code amending the appeals process of the Business License Commission.*

**ACTION:** Introduce on first reading Ordinance No. 08-799, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE BUSINESS LICENSE ORDINANCE PERTAINING TO PROCESSING APPEALS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE" **Approved as part of the Consent Calendar.**

**2.R. (6.B.) CITY OF WEST HOLLYWOOD BUSINESS LICENSE CODE [O. DELGADO, J. AUBEL]:**

*The City Council will consider amending Title 5, Section 5.04.040.6 of the Municipal Code by changing the definition of Director and, amend Title 5, Chapters 5.04 through 5.120 to replace all references to "Community Development Director" with "Director".*

**ACTION:** Introduce on first reading Ordinance No. 08-800, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING MISCELLANEOUS PROVISIONS OF THE BUSINESS LICENSE ORDINANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE" **Approved as part of the Consent Calendar.**

**3. PUBLIC HEARINGS:**

**3.A. APPEAL OF THE BUSINESS LICENSE COMMISSION'S DECISION TO MODIFY RESTAURANT TENMASA SUSHI'S (9016 SUNSET BLVD.)**



**PUBLIC EATING LICENSE TO NOT ALLOW THE SALE OF ALCOHOL  
[O. DELGADO, J. AUBEL, D. MICK]:**

*The City Council will hold a public hearing on an appeal by Masachika Takahashi regarding the Business License Commission's decision to revoke, then conditionally stay that revocation, and partially suspend regulatory public eating business license 000004 to prohibit the sales of alcohol for the business known as Tenmasa Sushi located at 9016 Sunset Boulevard, West Hollywood.*

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

Jeffrey Aubel, Code Compliance Manager, provided background information as outlined in the staff report dated October 6, 2008.

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

ATTORNEY ROBERT RUSSO, WEST HOLLYWOOD, ON BEHALF OF THE APPELLANT, spoke in opposition to the Item and in support of the appeal.

ANTHONY PAPILLO, LOS ANGELES, spoke in opposition to the Item and in support of the appeal.

JASON ARENA, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

EVE GOGOLA, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

SEIICHI TAKAHASHI, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

PETER KNECHT, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

MICHAEL GEORGE, LOS ANGELES, spoke in opposition to the Item and in support of the appeal.

BRUCE THABIT, HONOLULU, spoke in opposition to the Item and in support of the appeal.

JOE CLAPSADDLE, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

JOAN HENEHAN, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

CHRIS DEROSE, spoke in opposition to the Item and in support of the appeal.

ATTORNEY ROBERT RUSSO, WEST HOLLYWOOD, ON BEHALF OF THE APPELLANT, provided rebuttal.

Mayor Prang closed the public hearing.

Councilmember Duran disclosed that he is a former business tenant of 9000 Sunset Boulevard and frequented the restaurant during that time. He thanked the Business License Commission for their hard work on the matter. He spoke regarding concerns surrounding shutting businesses down in the City, particularly long-standing businesses. He spoke regarding concerns surrounding the restaurant's citations for serving alcohol to minors, and spoke regarding the numerous citations that were issued. He spoke in opposition to revoking the alcohol license and suspending the business license, and spoke in support of granting the appeal.

Councilmember Guarriello spoke regarding concerns surrounding serving alcohol to minors, and the need for the restaurant staff to be better educated about asking for identification.

Councilmember Heilman spoke in support of less punitive actions than the recommendations of the Business License Commission. He expressed concerns surrounding the validity of public comments regarding language barriers of the restaurant owners and staff. He spoke regarding the need for the restaurant management to take more responsibility in finding remedies to the issues, and the need to respond better to citations. He spoke in support of alternative, less punitive, sanctions being issued to the restaurant.

Mayor Pro Tempore Land thanked City staff and the Business License Commission for bringing the Item forward. She expressed concerns regarding the previous lack of responsibility taken by the owners of the restaurant, after being issued numerous citations. She expressed concerns surrounding suspending the alcohol license, and in support of alternative, less punitive, sanctions being issued to the restaurant.

Mayor Prang spoke regarding concerns surrounding the numerous citations that were issued, and the failure of the restaurant owners to comply for such a long period of time. He thanked City staff and the Business License Commission for bringing the Item forward. He

expressed concerns surrounding suspending the alcohol license, and in support of alternative, less punitive, sanctions being issued to the restaurant.

**ACTION:** Direct staff to return with a revised resolution granting the appeal by Masachika Takahashi of the Business License Commission's decision to revoke, conditionally stay the revocation and partially suspend Regulatory Public Eating Business License 000004 to prohibit the sales of alcohol for one year at the business known as Tenmasa Sushi located at 9016 Sunset Boulevard, West Hollywood; with the inclusion of the following: 1) prohibit the sales of alcohol for 15 days; 2) place the restaurant on probation for one (1) year, with a stipulation that any further citations will result in consideration before the City Council to revoke the business license; and 3) require that all restaurant staff be provided better education to prevent future citations. **Motion by Councilmember Heilman, seconded by Mayor Pro Tempore Land and unanimously approved.**

**3.B APPEAL OF PLANNING COMMISSION APPROVAL OF REQUEST TO DEMOLISH A TOTAL OF THIRTEEN (13) MULTI- FAMILY APARTMENT UNITS AND CONSTRUCT A NEW SIXTEEN (16) UNIT RESIDENTIAL CONDOMINIUM STRUCTURE AT 8017-8023 NORTON AVENUE, WEST HOLLYWOOD, CALIFORNIA [S. KEENE, J. KEHO, J. ALKIRE]:**

*An appeal of the Planning Commission's approval of permits to demolish all buildings on two residential lots with a total of thirteen rental units and construct a new four-story, sixteen unit condominium building with one level of subterranean parking.*

**ACTION:** Continue the item to a date uncertain. **Carried by Consensus of the Council.**

**4. UNFINISHED BUSINESS:**

**4.A. COMMISSION APPOINTMENTS AND RE-APPOINTMENTS [T. WEST, C. SCHAFFER]:**

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

**ACTION:** This Item was TABLED.

**5. NEW BUSINESS:**

**5.A. INITIATION OF PROCEEDINGS TO REVOKE OR SUSPEND THE HOUSE OF BLUES BUSINESS LICENSE [J. HEILMAN, F. SOLOMON]:**

*The City Council will consider initiating proceedings to revoke or suspend the House of Blues Business License.*

Councilmember Heilman provided background information as outlined in the staff report dated October 6, 2008.

SHARON SANDOW, LOS ANGELES, asked the City Council to consider alternative remedies to revoking the business license.

JOE CLAPSADDLE, WEST HOLLYWOOD, spoke regarding the need to discuss ongoing problems at the House of Blues, but in support of the business' contributions to the community.

JOAN HENEHAN, WEST HOLLYWOOD, spoke regarding concerns surrounding revoking the business license, and spoke regarding past contributions provided to the community by the House of Blues.

JIM UHL, SANTA MONICA, THE GENERAL MANAGER OF THE HOUSE OF BLUES, spoke regarding past contributions provided to the community by the House of Blues.

JAN HENNINSEN, LOS ANGELES, spoke in support of the contributions of the House of Blues to the Sunset Strip and the City.

TODD STEADMAN, LOS ANGELES, EXECUTIVE DIRECTOR OF THE SUNSET STRIP BUSINESS ASSOCIATION, spoke regarding concerns surrounding revoking the business license, and spoke in support of the contributions of the House of Blues to the Sunset Strip and the City.

MICHEL MORAIN, WEST HOLLYWOOD, spoke in support of the contributions of the House of Blues to the Sunset Strip and the City.

BRAD BURLINGAME, WEST HOLLYWOOD, PRESIDENT OF THE WEST HOLLYWOOD VISITORS AND MARKETING BUREAU, spoke in support of the contributions of the House of Blues to the Sunset Strip and the City, and spoke regarding concerns surrounding revoking the business license.

STEVE MARTIN, WEST HOLLYWOOD, spoke in support of the Item, and spoke regarding the ongoing safety issues at the House of Blues.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the Item, and spoke regarding the ongoing safety issues at the House of Blues.

TIM MCCracken, spoke regarding the ongoing safety issues at the House of Blues.

Mayor Pro Tempore Land spoke regarding the ongoing contributions provided to the City by the House of Blues, but expressed concerns surrounding the recent increase of safety issues at the business. She

spoke in support of directing staff to review and investigate the business and to return with alternatives to keep the business in compliance.

Councilmember Guarriello spoke regarding the increase of safety issues, and overbooking of events at the House of Blues.

Councilmember Duran spoke regarding the fact that the safety issues are primarily taking place in the parking lot, following the events at the House of Blues. He spoke regarding the additional safety measures needed by the House of Blues based on the type of acts that are being booked at the venue, and requested that this issue be included in any investigation of the business.

Mayor Prang thanked Councilmember Heilman for bringing the Item forward. He spoke in support of directing staff to review and investigate the business and to return with alternatives to keep the business in compliance, rather than initiate a revocation of the business license.

Councilmember Heilman thanked the public speakers. He spoke regarding the important role the House of Blues plays in the community and on the Sunset Strip. He spoke regarding a recent incident, and clarified that it was initiated inside the club, and continued to the parking lot. He spoke regarding the need for parity of the actions taken against the House of Blues with other businesses in the City.

**ACTION:** 1) Direct staff to review and investigate all appropriate permits, conditions, law enforcement and life/fire/safety records and neighborhood complaints to determine compliance of The House of Blues; and 2) Direct staff to work with the House of Blues to come into compliance. **Motion by Councilmember Heilman, seconded by Mayor Pro Tempore Land and unanimously approved.**

**5.B. RESCIND RESOLUTION PROHIBITING THE CITY OF WEST HOLLYWOOD FROM FUNDING ANY NON-PROFIT ORGANIZATION THAT HAS ANY SPECIFICALLY DESIGNATED CITY OFFICIAL ON ITS BOARD OF DIRECTORS [J. HEILMAN, F. SOLOMON]:**

*The City Council will consider rescinding Resolution No. 94-1347 (see attached Exhibit A) which prohibits Councilmembers from serving on boards, honorary boards, and advisory groups for local city-funded non-profit organizations.*

Councilmember Heilman provided background information as outlined in the staff report dated October 6, 2008.

STEVE MARTIN, WEST HOLLYWOOD, spoke regarding conflict of interest issues in the City, and the need to carefully revise the resolution, rather than simple rescind it.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the need to carefully revise the resolution, rather than simply rescind it.

Councilmember Guarriello spoke in opposition to the Item, and spoke regarding conflict of interest issues if the resolution is rescinded.

Mayor Pro Tempore Land provided clarification that this Item does not impact her position as Executive Director of the Saban Free Clinic. She spoke in support of revising the resolution, rather than simply rescinding it.

Councilmember Heilman spoke regarding the recent invitation for Councilmember Duran to sit on the Board of Directors of AIDS Project Los Angeles, and the loss of potential City funds to APLA if the resolution is not rescinded or revised.

Councilmember Duran spoke in support of the Item and his recent invitation to sit on the Board of Directors of AIDS Project Los Angeles. He spoke regarding positions that City Councilmembers have held in the past that are similar in nature.

Mayor Prang spoke in support of the existing resolution, and expressed concerns regarding City Council members being allowed to sit on the Board of Directors of non-profit organizations funded by the City.

**ACTION:** 1) Direct the City Attorney to draft a Resolution rescinding Resolution No. 94-1347, 2) draft a revised Resolution regarding Councilmembers serving on boards, honorary boards, and advisory groups for local city-funded non-profit organizations; and 3) return to the City Council within 30-days. **Motion by Councilmember Heilman, seconded by Mayor Pro Tempore Land, with Mayor Prang and Councilmember Guarriello voting NO.**

**5.C. RESOLUTIONS REGARDING THE ADMINISTRATION OF THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009 [T. WEST, C. SCHAFFER]:**

*The City Council will consider approving the necessary resolutions for conducting the General Municipal Election to be held on Tuesday, March 3, 2009.*

Tom West, City Clerk, provided background information as outlined in the staff report dated October 6, 2008.

Councilmember Heilman spoke in support of an increase in the number of words allowed in each candidate's ballot statement.

Councilmember Duran spoke in opposition to an increase in the number of words allowed in each candidate's ballot statement.

**ACTION:** 1) Adopt Resolution No. 08-3743, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES"; 2) Adopt Resolution No 08-3744, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009"; and 3) Adopt Resolution No. 08-3745, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009," with an amendment to the resolution to increase the limit of the number of words in each candidate's statement to 400 words. **Motion by Mayor Pro Tempore Land, seconded by Councilmember Heilman and approved with Councilmember Duran and Councilmember Guarriello voting NO.**

**EXCLUDED CONSENT CALENDAR:** None.

**PUBLIC COMMENT:**

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding alcohol license issues, and public safety issues in the City.

City Attorney Jenkins provided clarification that the public is not required to state their name and City of residence during public comment.

**6. LEGISLATIVE:**

**6.A. CITY OF WEST HOLLYWOOD BUSINESS LICENSE CODE [O. DELGADO, J. AUBEL]:**

*The City Council will consider amending Title 5, Chapter 5.08 Section 5.08.220, 5.08.230 and 5.08.240 of the Municipal Code amending the appeals process of the Business License Commission.*

**ACTION: This Item was moved to the Consent Calendar as Item 2.Q.**

**6.B. CITY OF WEST HOLLYWOOD BUSINESS LICENSE CODE [O. DELGADO, J. AUBEL]:**

*The City Council will consider amending Title 5, Section 5.04.040.6 of the Municipal Code by changing the definition of Director and, amend Title 5, Chapters 5.04 through 5.120 to replace all references to "Community Development Director" with "Director".*

**ACTION: This Item was moved to the Consent Calendar as Item 2.R.**

**COUNCILMEMBER COMMENTS:** None.

**ADJOURNMENT:** The City Council adjourned at 9:39 P.M. in memory of Charlie Whitebread, Katie Reich, Vassey Nunley, Michael Nagaoka, Ed McKie, Alan Parker and all the soldiers who died in Iraq and Afghanistan since the last City Council meeting. They adjourned to their next regular meeting, which will be on Monday, October 20, 2008 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 20<sup>th</sup> day of October, 2008 by the following vote:

AYES:	Councilmember:	Duran, Guarriello, Heilman, Mayor Pro Tempore Land, and Mayor Prang.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

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JEFFREY PRANG, MAYOR

ATTEST:

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THOMAS R. WEST, CITY CLERK