

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, OCTOBER 4, 1999
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Heilman called the meeting to order at 8:00 P.M

PLEDGE OF ALLEGIANCE: Ron Wright led the Pledge.

ROLL CALL:

PRESENT: Councilmembers Guarriello, Koretz, Martin, Prang and Mayor Heilman.

ABSENT: None.

ALSO PRESENT: City Attorney Jenkins, Interim City Manager Arevalo, City Clerk Thompson and Assistant City Clerk Bell.

REPORT OF CLOSED SESSION AGENDA: Mayor Heilman stated that the City Attorney conducted an investigation and distributed a confidential and complete report regarding the allegations of inappropriate physical contact between a Councilmember and a city employee at the Gay and Lesbian Parade in Portland, Oregon. The City will be implementing a sexual harassment training for all City employees and Councilmembers. Mayor Pro Tem Prang has been directed to seek additional counseling and has been restricted from participating in traveling on behalf of the City for one (1) year.

Mayor Pro Tem Prang gave a statement on his behalf regarding his alleged inappropriate behavior. He acknowledged his misconduct in Portland and has taken the necessary steps in correcting his personal issues. He apologized to the community for misrepresenting them and the City and thanked the residents of West Hollywood for their support over the past two years and weeks.

REPORT ON SANTA MONICA BOULEVARD REHABILITATION PROJECT:

Sharon Pearlstein, City Engineer, gave an update on the current construction of Santa Monica Boulevard and what to expect over the next few weeks and during the Halloween Festival. She also presented an informational handout with a brief schedule of the construction for the next two years and she gave a brief report on parking and traffic issues.

APPROVAL OF AGENDA:

Mayor Heilman requested that Item 2.T., Social Services Grant with Los Angeles Gay and Lesbian Center Youth Program, be tabled to October 18, 1999.

Mayor Heilman requested that Item 2.D.D., Professional Services Agreement for Feasibility Study of Administration of an Independent Municipal Library, be pulled for discussion.

Mayor Pro Tem Prang requested that the recommendation on Item 2.U., Proposal to Create a Fixed Asset/Surplus Equipment Donation Program, be changed from 90 days to 120 days.

Councilmember Guarriello requested that item 2.L., Financial Reporting Act of 1999, be pulled for discussion.

Councilmember Guarriello requested that item 2.M., Direct the City Attorney to Research the Feasibility of Drafting an Ordinance Reinstating the Ban on the Possession of Assault Weapons in the City of West Hollywood, be pulled for discussion.

Councilmember Martin requested that Item 2.N., Direct the City Attorney to Prepare an Ordinance to Ban the Sale of Firearm Ammunition within the Boundaries of the City of West Hollywood to the Extent Permitted by Law, be pulled for discussion.

Councilmember Martin requested that Item 2.J., Disability Service Awards, be pulled for discussion.

Staff requested that Item 4.B., Adoption of New Classification Specification for Permit Clerks, be tabled to October 18, 1999.

Staff requested that Item 4.C., Creation Of Street Maintenance Supervisor – Classification And Budgeting Of The Position, be tabled to October 18, 1999.

ACTION: Approve the October 4, 1999 Agenda as amended. **Motion Mayor Heilman, seconded by Councilmember Martin and unanimously carried.**

PRESENTATIONS:

Proclamations were presented for: Disabilities Awareness Month, Breast Cancer Awareness Month, Crime Prevention Month and Population Awareness Week.

Commendations were presented to: Deputy Bruce Thomas for his nine year tenure as Community Service Officer in West Hollywood; David Miller, John Keitel and Jack Cole for producing Defying Gravity; Joann Block for her assistance with the West Hollywood Partner Abuse Campaign; Deputy Scott McKenzie for his assistance with CPAT Grants.

Plaques were presented to: Donny Cacy for his service on the Business License Commission; Helen Levin, for her service on several Commissions and assistance with the Russian Community; Ron Wright for his service on the Senior Advisory Board; Colleen Johnson, Manager of AIDS Project Los Angeles.

The Gay and Lesbian Advisory Board presented the Rainbow Key to Captain Odenthal.

The Sheriffs Department presented a check for \$500 and a running jacket to Mayor Heilman for his participation in the AIDS Project Marathon.

PUBLIC COMMENT:

PAM RICHTER, WEST HOLLYWOOD, representing 8400 DeLongpre Ave., spoke about the Argyle Hotel's violation of their conditional use permit.

KATHERINE THULIN, WEST HOLLYWOOD, spoke about the Argyle Hotel's violation of their conditional use permit.

JOHN D. STOUT, WEST HOLLYWOOD, spoke about the incident in Portland.

NORMAN CHRAMOFF, WEST HOLLYWOOD, commented on Councilmember Martin's conduct.

ROSLYN KRAUSE, WEST HOLLYWOOD, reported her cat was attacked by an unleashed dog. She complained that the pooper scooper signs have been removed on Rugby and Westbourne.

BRUCE TRAUB, WEST HOLLYWOOD, spoke about the Portland incident.

LUIS MARQUEZ, WEST HOLLYWOOD, spoke about the Portland incident.

JOHN T. CALLARZ, WEST HOLLYWOOD, spoke about residential properties becoming businesses, more specifically the business of Rock, Paper, Scissors.

PAUL DE ANGELIS, WEST HOLLYWOOD, spoke about residential properties becoming businesses, referring to Rock, Paper, Scissors on 903 Rangely.

EMIILIA LOMBARDI, WEST HOLLYWOOD, thanked the City for their support of Foundation House.

ALAN WEBER, WEST HOLLYWOOD, commented on the Portland incident.

RICHARD W. EASTMAN, WEST HOLLYWOOD, thanked the City Council for their support of the Millennium Medical Marijuana March and the Cannabis Club.

SHIRLEY BUSHHELL, WEST HOLLYWOOD, thanked the City Council for their support of the transgender community and crime prevention activities.

MORRIS KIGHT, WEST HOLLYWOOD, spoke about the Portland incident.

COUNCILMEMBER COMMENTS:

Councilmember Guarriello commented on recent event and complaints at the Argyle Hotel.

Mayor Heilman requested that the Interim City Manager Arevalo give a report at the October 18, 1999 City Council meeting on the Argyle Hotel, the dog attack and the business of Rock, Paper, Scissors.

Councilmember Koretz stated that his wife is home sick and that he would like to table his consent items.

Councilmember Martin commented on the sexual harassment in the workplace.

Mayor Pro Tem Prang congratulated the Human Services Department for receiving a Federal Grant of \$40,000.00 to assist in the Healthy West Hollywood program. He also announced the Job Fair at Plummer Park on October 6, 1999.

Mayor Pro Tem Prang stated that Gold's Gym will be taking over the Athletic Club and that the District Attorney is investigating fraud by the former owner of the Athletic Club.

Ray Reynolds, Director of Community Development, introduced Michael Talbot, Real Estate owner, who has applied for a conditional use permit and will be heard by the Planning Commission on October 21, 1999.

Mr. Talbot spoke about the closing of the Athletic Club and the temporary operation of the existing facility by Gold's Gym. In addition Gold's Gym will honor prior memberships sold to Athletic Club Members.

Mayor Heilman commented on the AIDS Marathon.

CITY MANAGER'S REPORT: Interim City Manager Arevalo commended the Social Service Staff on the \$40,000 grant and he stated that the City has once again received an award for outstanding achievement in Annual Financial Reporting by GFOA.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk Thompson stated the fiscal impact on the Consent Calendar of October 4 1999, as amended, is \$225,855 in expenditures and \$2,715,898 in potential revenues.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., B., C., D., E., F., G., H., I., K., O., P., Q., R., S., U., V., W., X., Y., Z., AA., BB., CC. Motion Councilmember Guarriello, seconded by Mayor Pro Tem Prang and unanimously carried.

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, October 4, 1999 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, September 30, 1999.

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

2.B. WAIVER OF FURTHER READING:

ACTION: After the City Attorney has read the title of any ordinance on tonight's agenda, the further reading thereof shall be waived. **Approved as part of the Consent Calendar.**

2.C. CLAIMS ADMINISTRATION:

ACTION: Deny the claims of David Munk, Lawrence Leviton, Gina Renee Nowysz, and Mark Andrew Hewlett and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.D. DEMAND REGISTER NO. 398 AND NO. 399, RESOLUTION NO. 99-2178 AND RESOLUTION NO. 99-2179:

ACTION: 1) Approve Demand Register No. 398 and adopt Resolution No. 99-2178, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING FOR PAYMENT DEMANDS PRESENTED ON DEMAND REGISTER NO. 398;" and, 2) Approve Demand Register No. 399 and adopt Resolution No. 99-2179, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING FOR PAYMENT DEMANDS PRESENTED ON DEMAND REGISTER NO. 399." **Approved as part of the Consent Calendar.**

2.E. TREASURER'S REPORT:

ACTION: Receive and file for the Month of August 1999. **Approved as part of the Consent Calendar.**

2.F. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

ACTION: Receive and file Action Reports from the Rent Stabilization Commission of July 8, 1999, July 22, 1999, August 12, 1999 and September 9, 1999; the Transportation Commission of September 15, 1999; the Fine Arts Commission of September 23, 1999; and the Project Area Committee of September 14, 1999. **Approved as part of the Consent Calendar.**

2.G. ENDORSEMENT OF A WALK FOR UNITY – A MARCH AGAINST HATE:

ACTION: Endorse A Walk for Unity – A March Against Hate. **Approved as part of the Consent Calendar.**

2.H. AUTHORIZATION TO DELETE AN ASSOCIATE TRANSPORTATION PLANNER POSITION AND ADD A SECOND CIVIL ENGINEER POSITION:

ACTION: 1) Delete a position of Associate Transportation Planner (GE-EX-13); and, 2) Add a position of Assistant Civil Engineer (GE-13) to the adopted 1999/2000 Budget for the Engineering Division the Department of the Transportation and Public Works. **Approved as part of the Consent Calendar.**

2.I. APPROVAL FOR ANNUAL EXTENSIONS OF THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH CEDARS-SINAI HEALTH SYSTEM FOR THE EMPLOYEE ASSISTANCE PROGRAM:

ACTION: Approve the authorization of an annual extension of the existing professional services agreement with Cedars-Sinai Health System to provide an Employee Assistance Program at a cost of \$8,500 for Fiscal Year 1999/2000 and subsequent fiscal year extensions until such time this professional services agreement is terminated by either party. **Approved as part of the Consent Calendar.**

2.J. DISABILITY SERVICE AWARDS:

ACTION: Removed from the Consent Calendar.

2.K. SUPPLEMENTAL SERVICE AGREEMENT WITH WEST HOLLYWOOD RECYCLING SERVICES TO PROVIDE SUNDAY PICK-UP OF DESIGNATED CITY STREETSIDE CONTAINERS IN HEAVILY USED COMMERCIAL AREAS:

ACTION: 1) Authorize the Interim City Manager to enter into a supplemental agreement with West Hollywood Recycling Services in an amount not to exceed \$10,384.40 for Sunday morning pick-up of designated streetside containers in heavily used commercial areas; and, 2) Authorize the Director of Finance to allocate \$10,384.40 from the unallocated fund balance to Account No. 100-8040-8520. **Approved as part of the Consent Calendar.**

2.L. FINANCIAL REPORTING ACT OF 1999:

ACTION: Removed from the Consent Calendar.

2.M. DIRECT THE CITY ATTORNEY TO RESEARCH THE FEASIBILITY OF DRAFTING AN ORDINANCE REINSTITUTING THE BAN ON THE POSSESSION OF ASSAULT WEAPONS IN THE CITY OF WEST HOLLYWOOD:

ACTION: Removed from the Consent Calendar and tabled to October 18, 1999.

- 2.N. DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE THAT WOULD BAN THE SALE OF FIREARM AMMUNITION WITHIN THE BOUNDARIES OF THE CITY OF WEST HOLLYWOOD TO THE EXTENT PERMITTED BY LAW:**
ACTION: Removed from the Consent Calendar and tabled to October 18, 1999.
- 2.O. PROFESSIONAL SERVICES AGREEMENT WITH DON MARUSKA AND COMPANY, INC. TO ASSIST IN THE BUDGET 2000-2002 COMMUNITY GOAL SETTING PROCESS:**
ACTION: 1) Approve a professional services agreement with Don Maruska and Company, Inc. in an amount not to exceed \$17,730 for professional services including travel and material costs; and, 2) Authorize the Interim City Manager to execute the agreement. **Approved as part of the Consent Calendar.**
- 2.P. SUPPLEMENTAL AGREEMENT WITH KATZ, OKITSU & ASSOCIATES FOR TRAFFIC ENGINEERING SERVICES:**
ACTION: 1) Approve a supplemental agreement with Katz, Okitsu & Associates in an amount not to exceed \$40,000 for traffic engineering services; and, 2) Authorize the Interim City Manager to execute the supplemental agreement. **Approved as part of the Consent Calendar.**
- 2.Q. SUPPLEMENTAL AGREEMENT WITH M.C.E. CORPORATION FOR STREET MAINTENANCE SERVICES TO OPERATE A PEAK-HOUR REVERSIBLE TRAFFIC LANE ON MELROSE AVENUE:**
ACTION: 1) Authorize the Interim City Manager to execute a Supplemental Agreement with M.C.E. Corporation in an amount not to exceed \$95,000 for street maintenance services to operate a peak hour reversible traffic lane on Melrose Avenue; and, 2) Authorize the Interim Director of Finance to transfer \$95,000 from the unallocated fund balance in Proposition A to Account No. 218-8040-9462, and reduce the budget for 345-8030-9462 by the same amount, pending approval by the MTA. **Approved as part of the Consent Calendar.**
- 2.R. APPROVAL OF PROGRAM SUPPLEMENT NO. 013 OF THE STATE-LOCAL MASTER AGREEMENT FOR STATE SHARE FUNDS ON THE SANTA MONICA BOULEVARD REHABILITATION PROJECT:**
ACTION: 1) Adopt Resolution No. 99-2180, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING PROGRAM SUPPLEMENT NO. 012 FOR STATE SHARE FUNDS ON PROJECT SB99-5440 (001), SANTA MONICA BOULEVARD: DOHENY - LA BREA;" 2) Authorize the Interim City Manager to sign Program Supplement No. 013 to the State-Local Transportation Partnership Program Agreement No. SLTPP-5440; and, 3) Instruct the City Clerk to

submit two (2) copies of the signed agreement and one (1) copy of the Resolution to Caltrans' Local Assistance Branch. **Approved as part of the Consent Calendar.**

2.S. MODIFICATION TO THE DESIGN OF THE INTERSECTION OF SANTA MONICA BOULEVARD/CROFT AVENUE FOR THE SANTA MONICA BOULEVARD RECONSTRUCTION PROJECT:

ACTION: 1) Authorize the City Engineer to implement a design change to the intersection of Santa Monica Boulevard/Croft Avenue to remove the diverter proposed for installation by the Santa Monica Boulevard Reconstruction Project. **Approved as part of the Consent Calendar.**

2.T. SOCIAL SERVICES GRANT WITH LOS ANGELES GAY AND LESBIAN CENTER YOUTH PROGRAM:

ACTION: Tabled to October 18, 1999.

2.U. PROPOSAL TO CREATE A FIXED ASSET/SURPLUS EQUIPMENT DONATION PROGRAM:

ACTION: 1) Direct Finance, Human Services and other appropriate city staff to create a fixed asset/surplus equipment donation program to benefit area non-profits and local schools based on Exhibit A; and, 2) Direct staff to report back to the City Council with a proposed fixed asset/surplus equipment program within ninety (120) days. **Approved as part of the Consent Calendar.**

2.V. PROPOSED RESOLUTION IN OPPOSITION TO S.661 (ABRAHAM) AND H.R. 1218 (ROS-LEHTINEN), THE CHILD CUSTODY PROTECTION ACT:

ACTION: 1) Adopt Resolution No. 99-2181, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN OPPOSITION TO S.661 (ABRAHAM) AND H.R. 1218 (ROS-LEHTINEN), THE CHILD CUSTODY PROTECTION ACT;" and, 2) Send signed copies of the resolution to Governor Gray Davis, Senator Barbara Boxer, Senator Dianne Feinstein, Representative Waxman, and the United States Senate Subcommittee on Children and Families. **Approved as part of the Consent Calendar.**

2.W.. APPROVAL OF CONTRACT FOR BANKING SERVICES:

ACTION: 1) Approve an initial three (3) year agreement with Bank of America and allow the extension of the agreement in future years; 2) Authorize the Interim City Manager to execute a contract with Bank of America to provide banking services for the City; and, 3) Authorize the Acting Finance Director to continue the City's current banking relationship with Santa Monica Bank. **Approved as part of the Consent Calendar.**

2.X. HEALTHY WEST HOLLYWOOD – CALIFORNIA HEALTHY CITIES PROJECT GRANT:

ACTION: 1) Accept the \$25,000 renewal grant from the California Healthy Cities Project and the Cancer Prevention and Nutrition Section of the State Department of Health Services so that the Healthy West Hollywood Project continues towards the goal of promoting healthy eating and physical exercise among low and fixed income residents; and, 2) Instruct the Finance Division to increase Social Services Division revenues and expenditures by \$25,000. **Approved as part of the Consent Calendar.**

2.Y. PROFESSIONAL SERVICES AGREEMENT WITH ALICIA DE SOTO-FOLEY:

ACTION: 1) Approve a professional services agreement with Alicia De Soto-Foley for professional services relative to food security training, facilitation and writing in an amount not to exceed \$18,000 for the Healthy West Hollywood Project; and, 2) Authorize the Interim City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

2.Z. LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT GRANT PROGRAM:

ACTION: Adopt Resolution No. 99-2182, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARKS AND OPEN SPACE DISTRICT GRANT PROGRAM SPECIFIED FOR THE PLUMMER PARK COMMUNITY CENTER PROJECT." **Approved as part of the Consent Calendar.**

2.A.A. PLUMMER LANE EASEMENT:

ACTION: 1) Authorize the Mayor to sign a non-exclusive easement granting the right of ingress, egress and driveway purposes to Lot 46 of Tract 5576; owner, Samuel C. Siegel; and, 2) Authorize the Mayor to sign the associated Certificate of Acceptance. **Approved as part of the Consent Calendar.**

2.B.B. AGREEMENTS WITH VARIOUS CONTRACTORS FOR THE 1999 HALLOWEEN CARNAVAL EVENT:

ACTION: 1) Approve agreements with the following vendors: Showtrends (stages, scaffolding lighting, power, video and audio) for \$49,120.88 and Academy Tents (canopies) for \$7,120.00; 2) Authorize the Interim City Manager to execute the agreements; and, 3) Authorize the Festival and Events Specialist to manage change orders on this project in an amount not to exceed 20% of the contracts. **Approved as part of the Consent Calendar.**

2.C.C. CORRECTION TO SOCIAL SERVICES FUNDING AMOUNT:

ACTION: 1) Approve Social Services contract renewals for Project Angel Food for \$46,125, Van Ness Recovery Education Program for \$46,125 and Van Ness Recovery Crystal Meth Program for \$58,425, correcting typographical errors in the funding chart in the item approved by the City Council on September 7, 1999; and, 2) Authorize staff to negotiate scopes of service and budgets and authorize the Interim City Manager to sign contract extensions. **Approved as part of the Consent Calendar.**

2.D.D. PROFESSIONAL SERVICES AGREEMENT FOR FEASIBILITY STUDY OF ADMINISTRATION OF AN INDEPENDENT MUNICIPAL LIBRARY:

ACTION: Removed from the Consent Calendar for discussion.

3. PUBLIC HEARINGS:

3.A. SUNSET SPECIFIC PLAN AMENDMENT 99-02 AND APPEAL OF CERTAIN CONDITIONS OF APPROVAL RELATED TO DEVELOPMENT PERMIT 99-06 INCLUDING AN ALTERNATIVE PLAN FOR THE DISTRIBUTION OF HEIGHTS IN AREA 7-C, CONDITIONAL USE PERMITS 99-03 AND 99-15, MINOR CONDITIONAL USE PERMITS 99-07, 99-08 AND 99-09, VARIANCE 99-14, PARKING REDUCTION 99-03 AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE CONSTRUCTION OF A 189-ROOM HOTEL WITH THREE RESTAURANTS AND FOUR DWELLING UNITS ON PROPERTY LOCATED AT 8950 SUNSET BOULEVARD (HOTEL ASTRA):

City Clerk Thompson stated a Notice of Public Hearing was published in the West Hollywood Independent on September 8, 1999.

John Keho, Senior Planner provided background information as outlined in the staff report dated October 4, 1999.

Mayor Heilman opened the Public Hearing and the following speakers came forward:

BRUCE MENNAN, Applicant, stated that the request for relief of the parking requirement in item 3.14 has been withdrawn. He also stated he is willing to go before the Planning Commission in six months for a review, in regards to the amplification of music at a conversational level. He stated that the integration of the sidewalk colors was important for enhancement and that the day salon would also enhance the revenue. He emphasized the request for some relief on the open space fee.

HILLARY SELVIN, LOS ANGELES, President and CEO of the West Hollywood Chamber of Commerce, spoke in support of the Hotel Astra project.

MARK LEHMAN, WEST HOLLYWOOD, spoke in support of the project and presented letters of support.

HARRIET SIEGEL, WEST HOLLYWOOD, spoke against several specifications for the project.

ELAINE MUTCHNIK, WEST HOLLYWOOD, spoke in support of the Astra Hotel project.

DONALD DELUCCIO, WEST HOLLYWOOD, spoke about concerns regarding the amplified sound and requested that the City Council implement a review for this consideration.

STEVE LEN, WEST HOLLYWOOD, spoke in support of the project.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the project and against the amplified sound.

Applicants Rebuttal:

Mr. Mennen stated that the request for the colored sidewalk is beige and that the Hotel Astra will pay any additional costs for maintenance and that the valet parking is on Sunset Boulevard side only. He also stated other mitigation measures offered for the amplified sound.

ACTION: 1) Adopt Resolution No. 99-2183, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING SUNSET SPECIFIC PLAN AMENDMENT 99-02 PERMITTING AN INCREASE IN HEIGHT FOR SITE 7-C UPON APPROVAL OF A CONDITIONAL USE PERMIT;" 2) Continue the Public Hearing to October 18, 1999. **By consensus of the City Council.**

3.B. APPEAL OF PLANNING COMMISSION'S DENIAL OF VARIANCE 98-06 AND BILLBOARD PERMIT 98-16:

City Clerk Thompson stated a Notice of Public Hearing was published in the West Hollywood Independent on September 22, 1999.

John Keho, Senior Planner, provided background information as outlined in the staff report dated October 4, 1999.

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

ROBERTA SPONSLER, LOS ANGELES, Applicant, spoke in support of rebuilding of the billboard.

STEVEN GREEN, WEST HOLLYWOOD, spoke in opposition of the billboard variance.

COREY IVERSON, SANTA BARBARA, spoke in support of the billboard variance.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition of the billboard variance.

Councilmember Martin gave his supportive views on the subject.

Councilmember Guarriello spoke in opposition of the billboard variance.

Mayor Pro Tem Prang voiced his views of support, in fairness, of the billboard company.

Mayor Heilman spoke in opposition of the billboard variance.

ACTION: Adopt Resolution No. 99-2184, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD UPHOLDING THE APPEAL OF OUTDOOR ADVERTISING, AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF VARIANCE 98-06 AND BILLBOARD PERMIT 98-16 AT 8420 SUNSET BOULEVARD." **Motion Councilmember Martin, seconded by Councilmember Guarriello and carried noting the NO vote by Mayor Heilman.**

3.C. APPLICANT'S APPEAL OF CONDITIONS IN PLANNING COMMISSION APPROVAL OF REHABILITATION INCENTIVE 98-01 TO LEGALIZE THE USE OF THE SCHINDLER HOUSE, 835 KINGS ROAD, FOR EXHIBITIONS AND EVENTS:

City Clerk Thompson stated a Notice of Public Hearing was published in the West Hollywood Independent on September 15, 1999.

Liz Bar-El, Associate Planner, provided background information as outlined in the staff report dated October 4, 1999.

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

STEVEN GOURLEY, Applicant, spoke on preserving The Schindler House and he asked for flexibility for tourists and fundraisers for the Schindler House. He also asked for additional parking at a separate site.

ELAINE MUCTHNIK, WEST HOLLYWOOD, spoke in support and preservation of the Schindler House. Recommends that the house be granted it's appeal with a review in 12 months.

ROBERT SWITZER, WEST HOLLYWOOD, spoke in opposition of the Schindler House. He gave an example of the extensive noise that can be heard from his residence.

STANLEY EPSTEIN, WEST HOLLYWOOD, spoke in support of the Schindler House.

JOE DAY, LOS ANGELES, President of the Board of Los Angeles Forum, spoke in favor of the Schindler House.

DANIELLE GUTHRIE, WEST HOLLYWOOD, stated the Schindler House is a landmark that is beneficial and necessary for the community.

JOHN TEVIS, LOS ANGELES, spoke in support of the Schindler House and the great educational value it provides.

JOHN CALDWELL, Board of Directors for Schindler House, commented on the funding provided by the MACK Center.

LYNDIA LOWY, WEST HOLLYWOOD, spoke of the positive impact that the House has on the community and the historic value it holds.

JACK FLEISHMAN, WEST HOLLYWOOD, acknowledged the importance of the Schindler House, however, attempts to reconcile on-going problems have not been dealt with and therefore asks that the appeal be denied.

BERNARD ZIMMERMAN, LOS ANGELES, spoke in support of the Schindler House.

HAROLD GUNTHER, LOS ANGELES, representative of Austrian Government, asked that the City Council grant the appeal of the Schindler House.

DEBRA ROSENBAUM, WEST HOLLYWOOD, spoke in support of the Schindler House.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke on the numerous violations found by the Fire Department in a recent inspection of the Schindler House.

PETER NOEVER, VIENNA, AUSTRIA, Director of MACK, spoke on behalf of the Schindler House and is willing to find solutions to the problems that have been brought forward by various neighbors.

STEVEN POLK, WEST HOLLYWOOD, spoke in support of the Schindler House and the quality of life it has brought to the neighborhood.

Applicant spoke in rebuttal of complaints on file with the City of West Hollywood and has taken the necessary steps to rectify the problems. He also spoke on the notoriety the Schindler House has worldwide.

Mayor Heilman closed the public hearing.

Councilmember Guarriello asked Ms. Mutchnik to give her opinion on events held at the Schindler House.

Ms. Mutchnik stated that she does not see any problems that would occur from events being held at the Schindler House except for the noise from outside events and they should be held to standards in regards to time limits as to when outside functions should end.

Mayor Pro Tem Prang spoke on the concerns he has had brought to his attention such as bamboo overgrowth, rats, and noise.

Mayor Heilman gave the recommendation to employ the services of a mediator between Mr. Gerle, from the Schindler House and Elaine Mutchnik, from the Condo Association.

ACTION: Continued to November 1, 1999. **By consensus of the City Council.**

3.D. APPEAL OF TEMPORARY USE PERMIT 99-01 USE AS COMMERCIAL PARKING LOT 9056 SUNSET BOULEVARD:

City Clerk Thompson stated a Notice of Public Hearing was published in the West Hollywood Independent on September 8, 1999.

Tim Foy, Senior Planner provided background information as outlined in the staff report dated October 4, 1999.

ACTION: Continue to October 18, 1999. **By consensus of the City Council.**

4. UNFINISHED BUSINESS:

4.A. RENT STABILIZATION COMMISSION APPOINTMENTS:

Tabled to October 18, 1999.

4.B. ADOPTION OF NEW CLASSIFICATION SPECIFICATION FOR PERMIT CLERKS:

Tabled to October 18, 1999.

4.C. CREATION OF STREET MAINTENANCE SUPERVISOR - CLASSIFICATION AND BUDGETING OF THE POSITION:

Tabled to October 18, 1999.

4.D. BUSINESS LICENSE COMMISSION APPOINTMENTS:

City Clerk Thompson provided background information as outlined in the staff report dated October 4, 1999.

ACTION: 1) Mayor Pro Tempore Prang appointed Reverend Darlene Gardner as his direct appointment, for an un-expired term ending May 31, 2001; and, 2) Councilmember Martin appointed Rodney Scott as his direct appointment, for an un-expired term ending May 31, 2003.

5. NEW BUSINESS:

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

City Clerk Thompson, provided background information as outlined in the staff report dated October 4, 1999.

ACTION: 1) Appoint Mayor Heilman as voting delegate and Councilmember Martin as voting alternate for the 1999 National League of Cities' Annual Business Meeting; and, 2) Direct the City Clerk to submit the required forms to the National League of Cities. **By Consensus of the City Council.**

EXCLUDED CONSENT CALENDAR: Items , 2.L., 2.M., and 2.N. were tabled.

2.J. DISABILITY SERVICE AWARDS:

Councilmember Martin questioned why the Disability Advisory Board could not make the decision for awarding service awards.

Howard Jacobs, Deputy to Mayor Pro Tem Prang stated that the Disability Advisory Board is making the recommendation.

Councilmember Martin asked whether the offices of the Councilmembers would rotate as a member of the selection committee.

Mayor Pro Tem Prang suggested that if the member were from the Office of the Mayor it would automatically create a rotation.

ACTION: 1) Direct the staff to work with the outreach subcommittee of the Disability Advisory Board to coordinate an annual awards program which includes an outstanding service award for one (1) individual, one (1) non-profit and one (1) business; and, 2) Direct staff to create a selection committee to choose the winners of all disability service awards to include: one (1) Mayor's office, one (1) Human Services staff member and one (1) Disability Advisory Board member. **By consensus of the City Council.**

2.D.D. PROFESSIONAL SERVICES AGREEMENT FOR FEASIBILITY STUDY OF ADMINISTRATION OF AN INDEPENDENT MUNICIPAL LIBRARY:

Mayor Heilman stated that he pulled this item to give clarification to staff that the feasibility study was only in respect to the financial feasibility and not conducting any focus groups talking about needs assessment and what the library should contain.

Councilmember Martin stated that the \$22,000 seemed like a lot of money to do the feasibility study.

KATHRYN HAHN, WEST HOLLYWOOD, answered questions from the Council on the approval of the agreement. She stated that it is important to spend the money to acquire the factual information to make the decisions.

Interim City Manager Arevalo stated that the \$22,000 included the survey and that the price again and the cost structure.

ACTION: 1) Accept the recommendation of the West Hollywood Library Advisory Committee; 2) Approve an agreement with Arroyo Associates, Inc. in an amount not to exceed \$22,000; and, 3) Authorize the Interim City Manager to execute the agreement. **Motion Mayor Heilman, seconded by Mayor Pro Tem Prang and unanimously carried.**

PUBLIC COMMENT:

JEANNE DOBRIN, WEST HOLLYWOOD, spoke on the misuse of City funded activities.

DON BRUHNKE, WEST HOLLYWOOD, spoke on the Portland incident and the fact that Mayor Pro Tem Prang has not admitted he committed an act of sexual harassment.

CAROL RODRIGUEZ, WEST HOLLYWOOD, commented on home care of a disabled friend.

6. **LEGISLATIVE:** None.

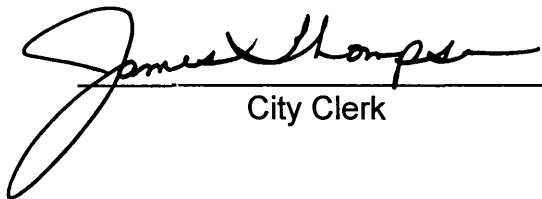
COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 12:20 A.M., Tuesday, October 5, 1999 to their next regular meeting on Monday, October 18, 1999 at 7:00 P.M. at Plummer Park, Fiesta Hall, 7377 Santa Monica Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 1st DAY OF NOVEMBER, 1999.

ATTEST:


MAYOR


City Clerk