

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, NOVEMBER 4, 1996
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Koretz called the meeting to order at 7:17 p.m..

PLEDGE OF ALLEGIANCE: John Altschul led the Pledge.

ROLL CALL:

PRESENT: Councilmembers - Heilman, Land, Martin, Guarriello and Mayor Koretz.

ABSENT: None.

ALSO PRESENT: Interim City Manager Makinney, City Attorney Jenkins, Assistant City Clerk Thompson, Deputy Clerk Lucero.

REPORT OF CLOSED SESSION AGENDA: City Attorney Jenkins stated that at approximately 6:30 p.m. the City Council called the meeting to order, and then recessed into a closed session for discussion of the items on the Closed Session Agenda. The closed session adjourned at 7:05 p.m. City Attorney Jenkins stated that one reportable action was taken, approval of a settlement agreement in the matter of Brooks v. The City of West Hollywood.

APPROVAL OF AGENDA: Councilmember Martin removed Item 2.J from the consent calendar. Motion Mayor Pro Tem Guarriello, seconded Councilmember Land and unanimously carried.

PRESENTATIONS:

Councilmember Heilman asked the meeting be adjourned in memory of James Norvold, who was recently elected to the East Side Redevelopment Project Area Committee.

1. CITIZEN COMMENTS:

JEROME CANDELARIA, OAKLAND, CA, on behalf of the California Telecommunications Providers, addressing Item 2.J stated that the public overwhelmingly favors split area codes.

SIBYL ZADEN, WEST HOLLYWOOD, submitted a letter stating that permit parking restrictions should be waived during the Presidential Election on November 5th.

HOWARD ARMISTEAD, WEST HOLLYWOOD, encouraged everyone in West Hollywood to vote in the Presidential Election tomorrow. He also urged a yes vote on Proposition A, increased park space for Los Angeles County. He also encouraged a no vote on Proposition 209, the anti-affirmative action initiative. He supports Proposition 215, the medical marijuana initiative.

JOHN DURAN, WEST HOLLYWOOD, representing the Cannabis Buyer's Club, spoke in support of Item 2.K.

MICHAEL YATES, CHRISTOPHER STREET WEST, thanked the City Council for their support of Christopher Street West's bid to host a Gay & Lesbian conference and specifically thanked Interim City Manager Makinney.

BRYAN LANDEN, WEST HOLLYWOOD, supports the prohibition of gasoline leaf blowing machines with regard to their pollution emissions.

DONALD BRUHNKE, WEST HOLLYWOOD, supports the appointment of a Russian constituent to the Public Safety Commission.

SCOTT IMLER, LOS ANGELES, Director of the Cannabis Buyer's Club, thanked the City Council for their support of marijuana for medical purposes.

SEAN HOWELL, LOS ANGELES, member of the Cannabis Buyer's Club, thanked the City Council for their support and urged citizens to vote yes on Proposition 215, the medical marijuana initiative.

JOHN STOUT, WEST HOLLYWOOD, commented on the great success of the 1996 Halloween Carnival. He also stated that the area on Melrose near La Cienega is evolving into a very upscale shopping district and is booming economically.

BABAJA ZEAGER, LOS ANGELES, emotionally conveyed his support for Item 2.K.

DON SAVOIE, WEST HOLLYWOOD CHAMBER OF COMMERCE, commented on the success of the 1996 Halloween Carnival. He also stated that the event drew approximately 110,000 participants, a new record.

JEANNE DOBRIN, WEST HOLLYWOOD, stated her support for Proposition 215, the medical marijuana initiative. She also commented that the City should enforce the leaf blower restrictions.

JEFF YABLAN, WEST HOLLYWOOD, stated his support for Proposition 215 and Item 2.K. He also outlined the medical benefits of marijuana.

MARK MAYFIELD, LOS ANGELES, a recovering cancer patient, commented on the benefits of medical marijuana.

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Guarriello pleaded for an end to the complacency in this country and urged everyone to vote in tomorrow's Presidential Election.

Councilmember Land directed Interim City Manager Makinney to report back to Council regarding Code Enforcement's efforts to enforce the leaf blower restrictions. She also stated that she will not be seeking re-election in the West Hollywood Municipal Election on March 4, 1997.

Councilmember Heilman requested that the meeting be adjourned in memory of James Norvold. He also asked Interim City Manager Makinney to address the leaf blower issue. In response to Mr. Bruhnke's comment, Councilmember Heilman stated that the most qualified applicant will be appointed to the Public Safety Commission. He also urged everyone to vote tomorrow.

Councilmember Martin thanked Mayor Koretz for sending out voter guides. He also urged a yes vote on Proposition 215, the medical use of marijuana initiative.

Mayor Koretz thanked Councilmember Land for her service over the years to the City. He stated that the leaf blower restrictions are very difficult to enforce. He also urged voters to cast their ballots in tomorrow's election.

CITY MANAGER'S REPORT: Interim City Manager Makinney called on Assistant City Clerk Thompson to comment on the City Clerk's preparations for the Presidential Election which is being administered by the Registrar Recorder of the County of Los Angeles.

FISCAL IMPACT ON CONSENT CALENDAR: Assistant City Clerk Thompson stated that the Fiscal Impact on the Consent Calendar for Monday, November 4, 1996 is \$121,847 in expenditures and \$135,080 in potential revenues.

2. CONSENT CALENDAR:

ACTION: Approve items 2.A, B, C, D, E, F, G, H, I, and K.

Motion Councilmember Heilman, seconded by Councilmember Land and unanimously carried.

A. POSTING OF AGENDA:

The agenda for the meeting of Monday, November 4, 1996 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Friday, November 1, 1996.

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

B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the minutes of the Regular Meeting on Monday, October 21, 1996; Regular Meeting on Monday, April 15, 1996; Study Session of Monday, May 13, 1996; Joint Meeting of Monday, May 20, 1996. **Approved as part of the Consent Calendar.**

C. WAIVER OF FURTHER READING:

RECOMMENDATION: 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.**

D. CLAIMS ADMINISTRATION:

RECOMMENDATION: Deny the claim of Irene Beck and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

E. DEMAND REGISTER NO. 329, RESOLUTION NO. 96-1664:

RECOMMENDATION: Approve Demand Register No. 329 and adopt Resolution No. 96-1664, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 329." **Approved as part of the Consent Calendar.**

F. RECREATION SPECIALISTS RECLASSIFICATION:

RECOMMENDATION: (1) Adopt the revised classification specification for Recreation Programs Supervisor and Festival and Events Specialist; (2) Approve reclassification of Recreation Specialists (GE-11 Exempt) to Recreation Programs Supervisor (GE-12 Exempt); and (3) Approve reclassification of Recreation Specialist (GE-11) Exempt to Festival and Events Specialist (GE-13 Exempt). **Approved as part of the Consent Calendar.**

G. STATE OFFICE OF CRIMINAL JUSTICE PLANNING CAREER CRIMINAL APPREHENSION PROGRAM GRANT (C-CAP):

RECOMMENDATION: (1) Adopt Resolution No. 96-1665, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING CONTINUED COMMITMENT FOR THE FISCAL YEAR 1996-97 TO THE CAREER CRIMINAL APPREHENSION PROGRAM GRANT (C-CAP) PREVIOUSLY AUTHORIZED;" and (2) Authorize the City Manager to execute any additional agreements as required. **Approved as part of the Consent Calendar.**

H. AWARD OF CONTRACT FOR ROOF REPLACEMENT AT THE RON STONE CLINIC BUILDING PROJECT (CIP NO. 672):

RECOMMENDATION: (1) Accept the base bid dated October 8, 1996 submitted by Leo Lee, Inc., D.B.A. Allstate Roofing Company of Los Angeles, California, in the amount of \$21,000. for the Roof Replacement - Ron Stone

Clinic Building Project (CIP 672); (2) Reject all other bids; and (3) Authorize the City Manger to sign the associated Contract Agreement. **Approved as part of the Consent Calendar.**

I. PROPOSED RESOLUTION IN SUPPORT OF THE GREAT GAY AND LESBIAN AMERICAN SMOKE-OUT:

RECOMMENDATION: (1) Adopt Resolution No. 96-1666, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE GREAT GAY AND LESBIAN AMERICAN SMOKE-OUT;" (2) Proclaim November 21, 1996 "The Great Gay and Lesbian American Smoke-Out Day" in West Hollywood; and (3) Direct staff to publicize "The Great Gay and Lesbian Smoke-Out," an anti-smoking event being held at the Revolver on November 21, 1996. **Approved as part of the Consent Calendar.**

J. PROPOSED RESOLUTION RECOMMENDING THE ADOPTION OF THE AREA CODE OVERLAY PLAN UNDER CONSIDERATION BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION:

This item was removed from the Consent Calendar for separate discussion and appears under Excluded Consent Calendar immediately following Public Hearings.

K. PROPOSED RESOLUTION SUPPORTING THE ACTIVITIES OF THE CANNABIS BUYER'S CLUB AND DECLARING THAT THE INVESTIGATION AND ARREST OF INDIVIDUALS INVOLVED WITH THE MEDICAL USE OF MARIJUANA SHALL BE A LOW PRIORITY FOR THE CITY OF WEST HOLLYWOOD:

RECOMMENDATION: Adopt Resolution No. 96-1668 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING THE ACTIVITIES OF CANNABIS BUYER'S CLUB AND DECLARING THAT THE INVESTIGATION AND ARREST OF INDIVIDUALS INVOLVED WITH THE MEDICAL USE OF MARIJUANA SHALL BE A LOW PRIORITY FOR THE CITY OF WEST HOLLYWOOD." This resolution affirms the City's support for Proposition 215, the 1996 Compassionate Use Act. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

A. CONTINUATION OF THE APPEAL OF THE PLANNING COMMISSION'S DECISION TO REVOKE THE SUBSTITUTE CONDITIONAL USE PERMIT 93-13 FOR THE SUNSET ROOM CLUB LOCATED AT 9229 SUNSET BOULEVARD:

Assistant City Clerk Thompson stated a Notice of Continuance was posted on August 5, 1996.

Lisa Heep, Planning Manager, provided background information as outlined in the staff report dated November 4, 1996.

Councilmember Heilman inquired as to whether the club was open from August, 1996 through the present.

Mayor Koretz opened the public hearing and the following persons came to address the City Council:

PHILIPPE BESSON, WEST HOLLYWOOD, stated that the level of complaints regarding the club has diminished considerably and no code violations have occurred. He urged approval of the appeal.

ALAN VALENCIA, BURBANK, commented on improvements that have taken place in the club. He stated that the club looks forward to being a positive member of the business community.

PREECH NARKTHONG, STUDIO CITY, the new chef at Bar One, stated that he is against revocation of the substitute conditional use permit.

JASON BYRNE, Bar One's doorman, stated that the club attracts a very upscale crowd and is also against revocation of the substitute conditional use permit.

DON SAVOIE, WEST HOLLYWOOD CHAMBER OF COMMERCE, outlined Bar One's participation in the West Hollywood business community.

RON SMITH, stated his support for Bar One, commenting that it is a Hollywood institution. He also feels that the food is wonderful and the club is very conscious of abiding by City regulations.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke against granting the appeal.

MICHAEL MAGLIERI, CONTROLLER FOR BAR ONE, stated that the sound system has been downgraded and the club now appeals to a more upscale crowd. He also stated that the business has reached out to the neighborhood. He also reported that a private investigator has been hired to monitor crime activity on the Sunset Strip. Furthermore, he requested that the appeal be granted.

MARIANGELA MALESPIN, WEST HOLLYWOOD, is delighted over improvements that have occurred at Bar One and urges that the club's accountability to the community continue.

Councilmember Land asked staff what the Council can do to ensure the business' future compliance with City regulations.

Lisa Heep, Planning Manager, stated that monthly reports are now received from the clubs on Sunset.

Councilmember Land suggested that an automatic review process be added as a condition of granting the appeal.

Councilmember Martin stated that the Council's credibility is on the line if the appeal is granted.

Councilmember Heilman directed staff, with the consent of the Council, to implement a formal probationary process for clubs who continually violate City regulations. This will alleviate a lengthy and costly appeal process.

Mayor Koretz supports a probationary process.

ACTION: Grant the appeal in concept with a 90 day and 180 day review period with the proviso that this item immediately be returned to the City Council if the Club poses problems, direct staff to return with a resolution on November 18, 1996 on the Consent Calendar, and direct staff to review and investigate a nightclub monitoring and probationary process and return to the City Council as a separate item.

Motion Heilman, seconded by Councilmember Land and unanimously carried.

B. PROPOSED NEW FIRE STATION AT 864 NORTH SAN VICENTE BOULEVARD AND 8866 CYNTHIA STREET, WEST HOLLYWOOD, CALIFORNIA APPROVING ZONING MAP AMENDMENT 96-03 AND GENERAL PLAN AMENDMENT 96-01:

Assistant City Clerk Thompson stated that a 1/4 page Notice of Public Hearing was published in the West Hollywood Independent on October 9, 1996.

Hassan Haghani, Associate Planner, provided background information as outlined in the staff report dated November 4, 1996.

Mayor Koretz opened the public hearing and the following persons came to address the City Council:

DAVID GODELL, Project Architect, presented sketches and a model of the proposed fire station to the City Council.

BUDD KOPS, WEST HOLLYWOOD, urged approval of the new fire station.

DON SAVOIE, WEST HOLLYWOOD CHAMBER OF COMMERCE, commented that City businesses will experience a reduction of fire insurance rates as a result of an additional fire station.

JEANNE DOBRIN, WEST HOLLYWOOD, supports the new fire station and praised all involved in the project.

Councilmember Land reiterated Ms. Dobrin's praise for all involved in the development of the new fire station.

Councilmember Heilman stated that he was against acquisition of this property for a fire station and maintains his opposition to the site. However, he complemented the architect and staff for their efforts.

ACTION: (1) Introduce on first reading Ordinance No. 96-474, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD APPROVING ZONING MAP AMENDMENT 96-03 TO CHANGE THE ZONING DESIGNATION AT THE PROPERTY LOCATED AT 864 NORTH SAN VICENTE BOULEVARD AND 8866 CYNTHIA STREET FROM 'R4' TO 'P' IN ORDER TO BUILD A NEW FIRE STATION;" and (2) Adopt Resolution No. 96-1669, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING AN APPLICATION MADE BY THE CITY OF WEST HOLLYWOOD AND THE LOS ANGELES COUNTY FIRE DEPARTMENT, ADOPTING PLANNING COMMISSION'S RECOMMENDATION TO APPROVE GENERAL PLAN AMENDMENT 96-01 TO CHANGE THE GENERAL PLAN DESIGNATION AT THE PROPERTY LOCATED AT 864 NORTH SAN VICENTE BOULEVARD AND 8866 CYNTHIA STREET FROM 'R4' TO 'P' IN ORDER TO BUILD A NEW FIRE STATION."

Motion Councilmember Land, seconded by Mayor Pro Tem Guarriello and unanimously carried.

The City Council recessed at 9:05 p.m. and reconvened at 9:15 p.m.

C. ZONING MAP AMENDMENT 96-04 AND GENERAL PLAN AMENDMENT 96-02 FOR RENOVATION AND EXPANSION OF EXISTING GROCERY STORE LOCATED 8330 SANTA MONICA BOULEVARD:

Assistant City Clerk Thompson stated a 1/4 page Notice of Public Hearing was published in the West Hollywood Independent on October 9, 1996.

Tim Foy, Associate Planner, provided background information as outlined in the staff report dated November 4, 1996.

Councilmember Heilman inquired as to why the zoning change was not conditioned on the applicant paying a housing exaction fee as a contribution to the housing fund.

Mayor Koretz opened the public hearing and the following persons came to address the City Council:

HARRY PRONGUE, WEST HOLLYWOOD, spoke in favor of the project.

DON SAVOIE, WEST HOLLYWOOD CHAMBER OF COMMERCE, supports the expansion and renovation.

BILL MCGREGOR, PROJECT MANAGER, feels that the area being rezoned could not feasibly be used for residential purposes.

JEANNE DOBRIN, WEST HOLLYWOOD, commented that the project will benefit the center of the City and urged the support of the Council.

Councilmember Heilman stated that the developer of the Ralph's project on La Brea was required to pay a housing exaction fee when that site was rezoned to commercial from residential. Therefore, he feels that it is unfair that the present applicant is not required to make such a contribution.

Councilmember Heilman suggests that staff meet with the applicant on this issue before the ordinance returns for second reading.

Councilmember Land supports an exaction.

Mayor Koretz agrees with the Councilmember Heilman's suggestion.

City Attorney Jenkins suggested introduction of the ordinance and rejection of the resolution.

ACTION: Introduce on first reading Ordinance No. 96-475, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD APPROVING ZONING MAP AMENDMENT 96-04, FOR THE PROPERTY LOCATED AT 8330 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." and direct staff and the City Attorney to review the affordable housing trust fund fee issues and concerns, and return to the City Council at the November 18th meeting with recommendations and second reading of the Ordinance

Motion Councilmember Heilman, seconded by Councilmember Land and carried on a roll call vote:

AYES: Councilmember Heilman, Land, Martin, Mayor Koretz.
NOES: Mayor Pro Tem Guarriello.
ABSENT: None.

D. ZONING TEXT AMENDMENT 96-02 CHANGES TO PERMITTED USES, MINOR CHANGES IN DESIGN REGULATIONS AND CORRECTION OF INCONSISTENCIES:

Assistant City Clerk Thompson stated a 1/4 Page Notice of Public Hearing was published in the West Hollywood Independent on October 9, 1996.

ACTION: Continue the hearing to Monday, December 2, 1996.

Motion Councilmember Heilman, seconded by Councilmember Martin and unanimously carried.

EXCLUDED CONSENT CALENDAR:

2.J. PROPOSED RESOLUTION RECOMMENDING THE ADOPTION OF THE AREA CODE OVERLAY PLAN UNDER CONSIDERATION BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION:

Lewis Lester, Acting Council Deputy, provided background information as outlined in the staff report dated November 4, 1996.

Councilmember Martin stated that he cannot support an overlay plan.

Councilmember Land supports the overlay plan but concedes that none of the CPUC's recommendations are adequate.

ACTION: Direct staff to send a letter to the CPUC stating the City's position on the area code options, and its dissatisfaction with having to endure another short-term fix of the telephone number exhaustion problem in West Hollywood and throughout the State of California.

Motion Councilmember Land, seconded by Councilmember Martin and unanimously carried.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS: None.

EXCLUDED CONSENT CALENDAR: None.

CITIZEN COMMENTS: None.

6. LEGISLATIVE:

A. PROPOSED ORDINANCE REGULATING STORM WATER AND URBAN RUNOFF POLLUTION:

Sharon Perlstein, City Engineer, provided background information as outlined in the staff report dated November 4, 1996.

Councilmember Heilman and Mayor Pro Tem Guarriello praised the fine work of the City Engineer Perlstein.

ACTION: Introduce on first reading Ordinance No. 96-476, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING STORM WATER AND URBAN RUNOFF POLLUTION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

Motion Councilmember Land, seconded by Mayor Pro Tem Guarriello and unanimously carried.

B. PROPOSED ORDINANCE AMENDING THE EMERGENCY ORGANIZATION TO COMPLY WITH THE STANDARDIZED EMERGENCY MANAGEMENT SYSTEM (SEMS):

Nancy Greenstein, Public Safety Administrator, provided background information as outlined in the staff report dated November 4, 1996.

ACTION: Introduce on first reading Ordinance No. 96-477, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ARTICLE III, CHAPTER VI OF THE WEST HOLLYWOOD MUNICIPAL CODE RELATIVE TO EMERGENCY ORGANIZATION."

Motion Councilmember Heilman, seconded by Mayor Pro Tem Guarriello and unanimously carried.

C. URGENT ORDINANCE REGARDING PERMIT PARKING AND PROPOSED ORDINANCE REGARDING PERMIT PARKING:

Janis Rhodes, Parking Manager, provided background information as outlined in the staff report dated November 4, 1996.

JEANNE DOBRIN, WEST HOLLYWOOD, stated that she is elated that the City is addressing this issue.

ACTION: Introduce on first reading Ordinance No. 96-479, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING PERMIT PARKING AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

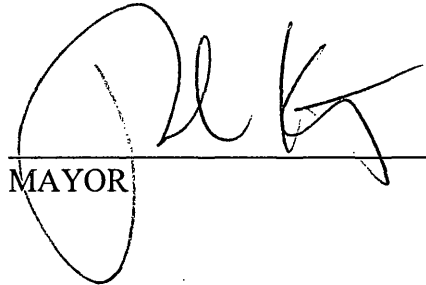
Motion Mayor Pro Tem Guarriello, seconded by Councilmember Land and unanimously carried.

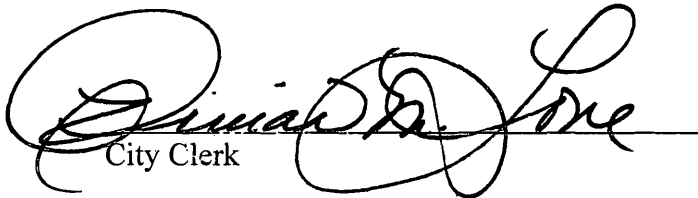
COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 10:20 p.m. in memory of James Norvold, to its next regular meeting on Monday, November 18, 1996 at 7:00 p.m.. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 18TH DAY OF NOVEMBER, 1996.

ATTEST:


MAYOR


City Clerk