

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, DECEMBER 4, 1995  
WEST HOLLYWOOD PARK  
647 N. SAN VICENTE BOULEVARD**

**CALL TO ORDER:** Mayor Heilman called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE:** Captain Odenthal led the Pledge.

**ROLL CALL:**

PRESENT: Councilmembers - Guarriello, Land, Martin, Koretz and Mayor Heilman  
ALSO PRESENT: City Manager Brotzman, City Attorney Jenkins, City Clerk Love and  
Assistant City Clerk Thompson.

**REPORT OF CLOSED SESSION AGENDA:** City Attorney Jenkins stated that at approximately 6:00 the meeting was called to order and the City Council recessed into a closed session for discussion of the items on the posted closed session agenda. The Closed Session report will be made in writing and submitted to the City Clerk.

**APPROVAL OF AGENDA:** Councilmember Guarriello asked the Council to add an urgency item to the Consent Calendar a Resolution to include the battery and serious injury of Mr. Lester Hirsch in the City Crime Tips Program and to declare the urgency thereof. Motion Councilmember Land, seconded by Koretz and unanimously carried. Item added as Consent Calendar item 2.T.

Councilmember Land asked if item 6.A could be moved up in the agenda following the Consent Calendar. Motion Councilmember Land, seconded by Councilmember Martin and unanimously carried.

Mayor Pro Tem Koretz asked that the Rent Stabilization Items 4.C and 4.D be moved to follow Councilmember comments. Motion Councilmember Land, seconded by Councilmember Guarriello and unanimously carried.

Councilmember Martin asked that item 2.N be amended to reflect that the Director of Transportation shall notify each Council Office regarding any changes in the budget. By consensus the City Council amended item 2.N.

Motion to approve the agenda as amended Councilmember Land, seconded by Councilmember Guarriello and unanimously carried.

**PRESENTATIONS:**

GREGORY SCHAEFFER, CALIFORNIA HEALTHY CITIES PROJECT, presented the City Council with a California Healthy Cities Award for the outstanding program in West Hollywood.

Mayor Heilman thanked Mr. Schaeffer for the commendation and thanked Daphne Dennis, Jodi Curlee, Tom West, Perri Sloan, Lloyd Long and the Recreation Services staff for all their work.

Mayor Heilman presented a Commendation to West Hollywood Pre-School, Child and Family Services, Gardner Elementary School, Bertha Dellano, Huga Dugally, and Galina Bublik for their accomplishments in working with families and children in the Community.

Mayor Pro Tem Koretz announced the quilt on display in Council Chambers is a project of Los Amigos of Orange County and each square represents one person and one homicide this year in Orange County.

Mayor Heilman announced that Barry Brower just received the Cultural Diversity Award from the Red Cross. He congratulated him on his hard work.

**1. CITIZEN COMMENTS:**

DENNIS PERON, provided background information about his involvement in supporting item 2.F. He asked City Council to endorse the item.

SCOTT IMLER, SANTA MONICA, thanked the City Council for putting item 2.F forward.

CRAIG RUBEN, stated his support for Consent Calendar Item 2.F.

JAMES LITZ, WEST HOLLYWOOD, complained about the Divine Design event held last night. He indicated that all special events should be handled in a consistent manner.

JULIE SOMMERS, WEST HOLLYWOOD, spoke regarding Rent Control. She stated that the proposed ordinance is unfair and punitive. She also objects to new registration and new fees.

JUDY WINICK, BUSINESS OWNER, stated her support for the Avenue of Art & Design BID.

BUZZ HALLIDAY, 8899 BEVERLY BLVD., submitted a petition against the BID. She stated that most of the businesses located in this building should be in category 5.

DANA NICOLE, 8899 BEVERLY BLVD., spoke against the proposed district, and stated not all of the businesses in the building received notification of the proposed district.

YOLANDA TISDALE, BUSINESS OWNER WEST HOLLYWOOD, spoke in favor of the Business Improvement District.

DEBRA MC GOWN, WEST HOLLYWOOD, spoke in support of the Business Improvement District.

JEFFREY PRANG, WEST HOLLYWOOD, spoke regarding items 4.C and 4.D. He clarified information which was erroneously distributed in a newsletter.

**CITY MANAGER'S REPORT:** City Manager Brotzman commented on the fundraising event held at the Pacific Design Center on Sunday evening. He clarified the process for hosting special events. Secondly, he announced that the City has just received the American Planning Award for comprehensive planning. The award was selected from nominees from each state. He commended the Planning staff, Planning Commission and the City Council.

Mayor Heilman asked Nancy Greenstein to come forward and give a report on Lester Hirsch.

Nancy Greenstein announced that he is in the hospital and is in guarded but stable condition. She asked for anyone who has any information to step forward.

**FISCAL IMPACT ON CONSENT CALENDAR:** : Assistant City Clerk Thompson stated that the fiscal impact for the Consent Calendar of December 4, 1995 as amended is \$23,707. in expenditures and \$2,823. in potential lost revenue.

**2. CONSENT CALENDAR:**

**ACTION:** Approve items 2.A, B, C, D, E, F, G, H I, J, K, L, M, N, O, P, Q, R, S and urgency item T. Motion Councilmember Guarriello, seconded Councilmember Land and unanimously carried.

**A. POSTING OF AGENDA:** The agenda for the meeting of Monday, December 4, 1995 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Friday, December 1, 1995.

**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, November 20, 1995, and the Study Session on Monday, November 20, 1995. 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. DEMAND REGISTER NO. 307, RESOLUTION NO. 95-1512:**

RECOMMENDATION: Approve Demand Register No. 307 and adopt Resolution No. 95-1512. Approved as part of the Consent Calendar.

**E. TREASURER'S REPORT:**

RECOMMENDATION: Receive and file Treasurer's Report for September 1995. Approved as part of the Consent Calendar.

**F. RESOLUTION ENCOURAGING THE LEGALIZATION OF THE COMPASSIONATE USE OF MARIJUANA FOR MEDICAL PURPOSES:**

RECOMMENDATION: 1) Adopt Resolution No. 95-1513, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ENCOURAGING THE LEGALIZATION OF THE COMPASSIONATE USE OF MARIJUANA FOR MEDICAL PURPOSES." 2) Forward copies of this resolution to California Governor Pete Wilson, the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each  
Approved as part of the Consent Calendar.

**G. MARCH TO PROTECT MEDICAID/MEDICARE BENEFITS:**

RECOMMENDATION: 1) Endorse the march. 2) Direct the appropriate staff to assist the march organizers with regard to park use, parking, and public safety. (3) Authorize a partial street closure on Croft. Approved as part of the Consent Calendar.

**H. CALIFORNIA HEALTHY CITIES PROJECT: ACCEPTANCE OF 1995-1996 RENEWAL:**

RECOMMENDATION: To provide for activities of the Healthy Cities program in Fiscal Year 1995-1996, increase the appropriate revenue line item by \$5,000. Approved as part of the Consent Calendar.

**I. APPROVAL OF LEASES BETWEEN THE CITY OF WEST HOLLYWOOD AND THE LOS ANGELES COUNTY BAR ASSOCIATION DISPUTE RESOLUTION SERVICES (LACBADRS), THE CITY OF WEST HOLLYWOOD AND JEWISH FAMILY SERVICES PARTNERS ADULT DAY HEALTH CARE CENTER (PARTNERS ADHC), AND THE CITY OF WEST HOLLYWOOD AND CHILD AND FAMILY SERVICES WEST HOLLYWOOD PRE-SCHOOL (W.H. PRESCHOOL):**

RECOMMENDATION: Approve the renewal of the following leases as described herein for the period of December 5, 1995 to September 30, 1996: Los Angeles County Bar Association Dispute Resolution Services, Jewish Family Services Partners Adult Day Health Care Center and Child & Family Services West Hollywood Pre-School. Approved as part of the Consent Calendar.

- J. APPROVAL TO CONSTRUCT A BATHROOM AT THE WEST HOLLYWOOD SENIOR CENTER:**  
RECOMMENDATION: Approve the use of a maximum of \$8,000 in savings from the appropriate line item to construct a bathroom for the exclusive use of the West Hollywood Senior Center. Approved as part of the Consent Calendar.
- K. AUTHORIZATION TO EXECUTE AN HISTORICAL PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT) BETWEEN THE CITY OF WEST HOLLYWOOD AND THE OWNER OF 916 N. GENESEE:**  
RECOMMENDATION: Authorize the City Manager to execute an Historical Property Preservation Agreement (Mills Act Contract) between the City of West Hollywood and the owner of 916 North Genesee Avenue. Approved as part of the Consent Calendar.
- L. AUTHORIZATION TO EXECUTE AN HISTORICAL PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT) BETWEEN THE CITY OF WEST HOLLYWOOD AND THE OWNER OF 1230-32 N. FLORES:**  
RECOMMENDATION: Authorize the City Manager to execute an Historical Property Preservation Agreement (Mills Act Contract) between the City of West Hollywood and the owner of 1230-32 North Flores Street. Approved as part of the Consent Calendar.
- M. AUTHORIZATION TO EXECUTE AN HISTORICAL PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT) BETWEEN THE CITY OF WEST HOLLYWOOD AND THE OWNERS OF 1424 N CRESCENT HEIGHTS, #49:**  
RECOMMENDATION: Authorize the City Manager to execute an Historical Property Preservation Agreement (Mills Act Contract) between the City of West Hollywood and the owners of 1424 North Crescent Heights, #49. Approved as part of the Consent Calendar.
- N. AUTHORIZATION FOR STAFF APPROVAL OF CHANGE ORDERS FROM PROJECT CONTINGENCY CONSTRUCTION OF MUNICIPAL PARKING STRUCTURE I LOCATED AT 8383 SANTA MONICA BOULEVARD:**  
RECOMMENDATION: Authorize staff to approve change orders to construction contracts for the construction of the Municipal Parking Structure I located at 8383 Santa Monica Boulevard from the contingency budget line item not to exceed \$100,000 in total. Amended for the Director of Transportation to notify each Council Office of any modifications to the budget and approved as part of the Consent Calendar.

- O. REJECTION OF PROPOSALS FOR DUPLICATION AND REPRODUCTION:**  
RECOMMENDATION: Reject proposals received in response to RFP for duplication and reproduction. Approved as part of the Consent Calendar.
- P. AUTHORIZATION FOR THE CITY TO SELL "SHOP WEST HOLLYWOOD" PREPAID PHONE CARDS ON A CONSIGNMENT BASIS:**  
RECOMMENDATION: Authorize the City to sell prepaid phone cards and direct that the excess proceeds from the sale of the cards be used to fund the "Shop West Hollywood" campaign. Approved as part of the Consent Calendar.
- Q. AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT WITH PAUL BROTZMAN, CITY MANAGER:**  
RECOMMENDATION: Approve seventh amended professional services agreement for Paul Brotzman, City Manager. Approved as part of the Consent Calendar.
- R. CLAIMS ADMINISTRATION:**  
RECOMMENDATION: Deny the Claims of County of Los Angeles re: Barbara Cameron, Morrie Alpert, Scott MacMullen and Arshak Sarkisian, and refer to the City's Claims Adjuster for action. Approved as part of the Consent Calendar.
- S. REQUEST FROM WESTSIDE CITIES TO SIGN JOINT LETTER ON STATE TRANSPORTATION IMPROVEMENT PROGRAM:**  
RECOMMENDATION: Authorize the Mayor to sign the joint letter on behalf of West Hollywood. Approved as part of the Consent Calendar.
- T. URGENCY ITEM: RESOLUTION TO INCLUDE THE BATTERY AND SERIOUS INJURY OF MR. LESTER HIRSCH IN THE CRIME TIPS PROGRAM:**  
RECOMMENDATION: (1) Adopt Resolution No. 95-1514 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD TO INCLUDE THE ASSAULT OF LESTER HIRSCH IN THE CITY OF WEST HOLLYWOOD CRIME TIPS PROGRAM AND DECLARING THE URGENCY THEREOF;" (2) Direct City staff to publicize the offer of reward in the community, and to work with the Los Angeles County Sheriff's Department in an effort to locate the perpetrators of this crime, and (3) Direct City staff to appropriate out of the General Fund \$5,000. for anyone fulfilling the qualifications of West Hollywood's Crime Tips program leading to the arrest and conviction of the perpetrators of this crime. Approved as part of the Consent Calendar.

**THE AGENDA WAS AMENDED TO TAKE ITEM 6.A AT THIS TIME:**

**6. A. PROPOSED ORDINANCE RELATING TO THE SALE OF "SATURDAY NIGHT SPECIALS" AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:**

Councilmember Land and Mayor Pro Tem Koretz provided background information as outlined in the staff report dated December 4, 1995.

CHARLIE BLEK, JR., ORANGE COUNTY CITIZENS FOR PREVENTION OF GUN VIOLENCE, stated his support for this item.

MEL KERNAHAN, LOS AMIGOS OF ORANGE COUNTY, indicated their support for this ordinance.

JERRY RUBIN, DIRECTOR OF L.A. ALLIANCE FOR SURVIVAL, he stated his support for this ordinance. He announced a candlelight vigil in honor of John Lennon, who was killed 15 years ago by a "Saturday Night Special."

ERIC GOROVITZ, LEGAL COMMUNITY AGAINST VIOLENCE, SAN FRANCISCO, he commented on the boldness of this action and indicated that the City may be sued over this issue. He indicated they have assembled a very talented group of lawyers and offered legal services free of charge to the City to help defend any action brought against the City.

SANDY COONEY, SENATE TO PREVENT HANDGUN VIOLENCE, he commended the City Council on the proposed ordinance.

CURREN WARF, CHILDREN HOSPITAL LOS ANGELES, stated he is a pediatrician that has seen too many gun shot injuries. He congratulated the City Council on their effort and indicated he is inspired by the Council's action.

SUSAN SHAW, WOMEN AGAINST GUN VIOLENCE, congratulated the City Council on the proposed ordinance.

SANDY SHIRE, WEST HOLLYWOOD, questioned the verbiage of the proposed ordinance. He challenged the validity of the definition of "Saturday Night Special."

BILL MABIE, CHIEF AIDE TO SENATOR RICHARD POLANCO, read a statement from Senator Polanco in support of the proposed ordinance.

DR. ROBERT WESLEY, CO-PRESIDENT FOR PHYSICIANS FOR SOCIAL RESPONSIBILITY, indicated the support of a number of medical associations.

PHILLIP MILLER, indicated there should be serious legislation to ban all guns.

DIANE GRAHAM, WEST HOLLYWOOD, spoke in support of this proposed ordinance.

BOB RICKER, WESTERN REGIONAL LEGISLATIVE DIRECTOR AMERICAN SHOOTING SPORTS COUNCIL, stated he is here to explain the pitfalls and problems the City will be facing by passing this type of legislation.

MARY LEIGH BLEK, indicated her support for this legislation as she lost her son who was shot by a "Saturday Night Special."

Councilmember Guarriello asked City Attorney Jenkins whether a suit will be filed.

City Attorney Jenkins indicated he could not predict whether a suit will be filed. The City is taking a step into an area that has not been tested. Whether the ordinance is defensible is an open question, however arguments can be made to support this ordinance and its' legality.

Councilmember Land stated she had taken the original staff report to the League and it was met with great support.

City Attorney Jenkins read into the record the following technical changes to the purposed ordinance: Section 4122 (c) and (d) the reference to the Sheriff as been amended to be the City Manager or his/her designee.

RECOMMENDATION: 1) Introduce on first reading Ordinance No. 95-453, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD RELATING TO THE SALE OF 'SATURDAY NIGHT SPECIALS' AND AMENDING THE MUNICIPAL CODE." 2) Direct staff to continue to work with other cities to draft similar legislation.

Motion Councilmember Land as amended by City Attorney Jenkins and the date for Section 4122(c) and (e) shall be February 5, 1996, seconded Mayor Pro Tem Koretz, and carried on a roll call vote:

AYES: Guarriello, Land, Martin, Koretz and Heilman.  
NOES: None.  
ABSTAIN: None.

**3. PUBLIC HEARINGS:**

**A. PUBLIC HEARING TO ESTABLISH THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT:**



Assistant City Clerk Thompson stated a Notice of Public Hearing was mailed to all businesses in the proposed district on October 19, 1995, a Resolution of Intent including a notice of Public Hearing was published in the *West Hollywood Independent* on November 22, 1995.

Rhonda Sherman, Housing and Economic Development Specialist provided background information as outlined in the staff report dated December 4, 1995. She outlined the changes in the proposed ordinance: delete car service and repair from category III, and add to category IV and V add to last sentence "but are not limited to" so the section reads "Businesses in this category include but are not limited to the following . . .," the title in the chart for category II should be modified to read the annual gross sales for the prior year, and recommendation number three should read: the term of the project is categorically exempt pursuant to CEQA Section 15311 and direct staff to file an appropriate notice after the final action has been taken.

Mayor Heilman indicated that a number of the protests were primarily because they would not benefit.

Ms. Sherman responded that three businesses were reclassified to a different category and one was made exempt.

Mayor Heilman asked about the category for pharmacies.

Ms. Sherman responded that the pharmacies have not been reclassified, however, the Council can make that determination tonight. She added that the ordinance also provides that the staff can administratively reclassify a particular business, if necessary.

The public hearing was opened.

JACK SIMANTOB, WEST HOLLYWOOD, he indicated he cannot afford this BID and stated he was not in favor.

ELAINE MUNCHNIK, EXECUTIVE DIRECTOR OF WEST HOLLYWOOD CHAMBER OF COMMERCE, stated her support. She also provided an overview of the work plan.

DIANA GRAHAM, OWNER/OPERATOR OF BUDGET RENT-A-CAR, stated her support for the business improvement district.

GRANT SELTZER, BUSINESS OWNER, spoke in favor of the proposed district.

SCOTT YASGOOR, BUSINESS OWNER, stated he is in support of the business improvement district.

LARRY SCHOVADIG , BUSINESS OWNER, stated he is in support of the business improvement district.

SHERYL HAVERED, spoke in favor of the BID. She encouraged all to work hard to increase parking in the area.

DWAYNE MILLER, asked that LaPeer and Almont be exempted from the BID.

Mayor Heilman asked him what his category is in?

He responded that he is in category 3 and has asked to be reconsidered.

WARWICK SIMS, commended the City Council on their action on gun control. He stated he is favor of the BID.

MARSHALL DOBRY, thanked the Council for the opportunity to share his opinion on the BID, in support of the district.

As there were no other speakers on this item, Mayor Heilman closed the public hearing.

Councilmember Guarriello stated his concerns that the City is spending \$85,000., on this BID.

Mayor Heilman stated that money is not coming from the City, those funds are coming from the businesses being assessed, the City is advancing the funds and the City will be repaid.

Councilmember Land thanked the people who came out to speak both in favor and against the BID. She indicated that the pharmacies are an issue which should be addressed. She stated she is not in support of stopping the BID, but perhaps should look at the individual business. She asked if a business feels they have not been classified properly, what is the procedure for reclassification.

Ms. Sherman responded that the ordinance provides for a submission to the Community Development Director to review.

Mayor Pro Tem Koretz asked if a business could be excluded after the adoption of the ordinance this evening.

Ms. Winderman responded that they could not. However, they could be reclassified as an exempt (category 5).

RECOMMENDATION: 1) Introduce on first reading Ordinance No. 95-450, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF WEST HOLLYWOOD"; 2) Determine that the project is categorically exempt pursuant to CEQA Section 15311, and direct staff to file an appropriate notice; 3) Approve the advancement of 50% of the proposed BID budget, from the appropriate account following the effective date of the Ordinance, to begin the implementation of the BID work program; 4) Direct staff to draft a service agreement with the West Hollywood Chamber of Commerce, on behalf of the Avenues of Art and Design Business Association, to administer the BID funds for fiscal year 1995-1996; and 5) Direct staff to invoice businesses in the Avenues of Art and Design BID following the effective date of the Ordinance; 6) Direct staff to change pharmacies to category 5.

Motion Councilmember Land, as amended by Rhonda Sherman's modifications and to reclassify Pharmacies to exempt category V, seconded Mayor Pro Tem Koretz, and carried on a roll call vote:

AYES: Land, Martin, Koretz, and Heilman.  
NOES: Guarriello.  
ABSTAIN: None.

RECESS AT 8:50 P.M.

RECONVENE AT 9:00 P.M.

**B. HEARING TO REVIEW PROPOSED AMENDMENTS AND CHANGES TO THE BUSINESS LICENSE ORDINANCE:**

Assistant City Clerk Thompson stated a Notice of Public Hearing was published in the *West Hollywood Independent* on October 25, 1995 and a notice of continuance was posted as required by law.

Jennifer Davis, Associate Planner, provided background information as outlined in the staff report dated December 4, 1995. Ms. Davis read the following proposed changes to the Ordinance: Section 16 of the ordinance on page 6, Chapter 6330 Business License Transfers and Changes to section (a), (b), (c), and (d) add the phrase "required to have a license pursuant to Section 6317;" also change Section 17 of the ordinance to read "Article 6, Chapter 3, Section 6341 of the West Hollywood Municipal Code is amended to delete subsection (b) and renumber subsections (c) and (d) as subsections (b) and (c) respectively.

Mayor Heilman asked if this will apply to all 24 hour businesses and not just retail establishments, and would this license be necessary for a bakery that was open until three a.m. to prepare food?

Ms. Davis responded to Mayor Heilman's questions regarding 24-hour business license, promoters and four-wall events.

Mayor Heilman suggested deleting Section 22 and Section 8 shall read "the business owner licensee shall retain full control of all events on the property and insure that any and all conditions of approval are adhered to including those promoted by a promoter shall be supervised and managed by employees of the licensee, this shall include all club operations etc."

City Attorney Jenkins stated that would appear into two places, deletion of Section 22 on page 9, the amendment of the language on paragraph 8 on page 10, and any renumbering or referencing.

The public hearing was opened, and no speakers coming forward, the public hearing was closed.

**RECOMMENDATION:** Introduce for first reading Ordinance No. 95-451, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER I OF ARTICLE IV, CHAPTER XIII OF ARTICLE IV, AND CHAPTER III OF ARTICLE VI OF THE WEST HOLLYWOOD MUNICIPAL CODE RELATING TO BUSINESS LICENSES."

Motion Councilmember Land as amended by Jennifer Davis and Mayor Heilman, seconded Councilmember Martin and unanimously carried.

**C. PROPOSED ORDINANCE APPROVING ZONING TEXT AMENDMENT 95-03 CONCERNING ADULT BUSINESSES:**

Assistant City Clerk Thompson stated a Notice of Public Hearing was published in the *West Hollywood Independent* on November 8, 1995.

Hassan Haghani, Associate Planner provided background information as outlined in the staff report dated December 4, 1995.

Councilmember Martin asked if the existing businesses are grandfathered in.

City Attorney Jenkins responded that we are not taking an aggressive approach to existing non-conforming businesses, rather we have focused on the type of regulations of future proposed businesses.

The public hearing was opened, no speakers coming forward the public hearing was closed.

City Attorney Jenkins indicated some minor amendments to the ordinance: add Section 10 which states that Ordinance No. 95-441U and 95-443U are hereby repealed.

RECOMMENDATION: Introduce for first reading, Ordinance No. 95-452, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE ZONING TEXT AMENDMENT 95-03 CONCERNING ADULT BUSINESS REQUIREMENTS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE" as amended by City Attorney Jenkins.

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

**COUNCILMEMBER COMMENTS:** None.

**4. UNFINISHED BUSINESS:**

**THE AGENDA WAS AMENDED TO TAKE ITEMS 4.C AND 4.D OUT OF ORDER.**

**C. RESOLUTION OF THE RENT STABILIZATION COMMISSION AMENDING THE RENT STABILIZATION REGULATIONS REGARDING RE-REGISTRATION OF RENTAL UNITS UPON VACANCY, ANNUAL RENT ADJUSTMENTS AND RENT ADJUSTMENTS FOLLOWING A VACANCY AND ORDINANCE NO. 95-449U (2nd Reading) URGENCY ORDINANCE AMENDING MUNICIPAL CODE REGARDING ADJUSTMENTS TO MAXIMUM ALLOWABLE RENTS FOLLOWING A VACANCY; RE-REGISTRATION OF RENTAL UNITS UPON VACANCY; EXEMPTION FOR RENT ADJUSTMENTS AND TENANT HARASSMENT:**

Mark Johnson, Director of Rent Stabilization, provided background information as outlined in the staff report dated December 4, 1995. He added that he recommends the appeal process for administrative decisions. He added that although fees are authorized under the ordinance it does not assess fees, that would have to be done as an amendment to the fee resolution schedule.

City Attorney Jenkins indicated that he was asked to check the legality of whether or not the City could adopt a fee he could find nothing in the State legislation that precludes such a fee.

GRAFTON TANQUARY, WEST HOLLYWOOD, indicated the appeal process would be acceptable; relative to the fees the regulations indicate the application shall be accompanied by a fee; and lastly for landlords who want to raise rents by the 70% of HUD fees rather than 15% of base, the ordinance gives staff the authority to make an adjustment of the HUD rent, and not part of the legislation.

DANIELLE NELSON, WEST HOLLYWOOD, stated that the apartment buildings are getting older and now there is more of an investment needed to keep up the property. The rules and regulations are more work and she is not in support of the this item.

RICHARD BANTA, WEST HOLLYWOOD, spoke against the proposed resolution and ordinance, in addition he is against the harassment sections of the ordinance.

ANN CROWELL, WEST HOLLYWOOD PROPERTY OWNER, spoke against Rent Stabilization, opposed to all the paperwork.

CHARLOTTE BANTA, WEST HOLLYWOOD PROPERTY OWNER, spoke against the fees, they penalize the "mom and pop" operations.

JOHN PARKS, WEST HOLLYWOOD, thanked the Council for the nice holiday lights. He stated he is not in support of the Rent Stabilization resolution and ordinance.

***SPEAKERS ON ITEM 4.D.***

SALLY MARR, WEST HOLLYWOOD, spoke in favor of Rent Control.

PETER DUDAR, WEST HOLLYWOOD, asked Council to establish current rents on the MAR.

DOUG ROUTH, CES, strongly urged Council base rent increases on the rent that is currently being paid versus the established MAR.

AGATHA SZATMARY, WEST HOLLYWOOD, urged Council not to change the MAR procedure. She spoke against registering new renters.

SHIRLEY ROBIN, WEST HOLLYWOOD, spoke in favor of rents being established by the MAR, not the current rent charged.

CRAIG MORDOH, WEST HOLLYWOOD, asking Council to comply with State Law and keep their word regarding MAR's. He stated he disagrees with City Attorney Jenkins regarding the fees.

DANIELLE NELSON, WEST HOLLYWOOD, indicated that elderly people are not coming to West Hollywood to rent apartments. She is in favor of rent being established at MAR not current rent.

JOE DRAML, WEST HOLLYWOOD, and stated the rent charged is the fair market value.

JUNE TEAL, WEST HOLLYWOOD, stated that the Council should not go back on their word, spoke in favor of rents established on MAR. She also questioned the definition of tenant.

JOEL WEISMAN, WEST HOLLYWOOD, is in favor of fair market rent.

MARNEY CARMEAN, WEST HOLLYWOOD, indicated she lives in West Hollywood and wants rent control.

CAROLE HOSSAN, WEST HOLLYWOOD, indicated she works as a volunteer at the Tenants Rights Center and there is harassment going on, repairs not being made.

Mayor Heilman indicated for clarification that the proposed regulations and ordinance which is before the Council is what has to be done because of the Costa Bill. The Council as a whole opposed the Costa Bill.

Councilmember Guarriello asked why is there a fee.

Mark Johnson responded that the ordinance does not set a fee however does authorize a fee.

Mayor Pro Tem Koretz indicated that CES sent out a flyer that indicated the City Council issued a blow to tenants. He clarified that Senator Costa in fact issued the blow. All of the City Council lobbied hard to defeat this bill. The Council is now debating some minor issues that remain. This Council has never voted against a Rent Control item that CES has not agreed with. The Council must keep up an agreement with landlords to keep rents low, by not necessarily taking increases, and keeping rents below the MAR and guarantee them the ability to bank those rents.

Councilmember Martin stated that this debate has been very sad. We have been working hard to protect rent control. He indicated that he got 16-17 phone calls that were under the impression the City Council was changing the MAR

Councilmember Land indicated that the Council has fought hard as a whole on this issue. We need to implement the law whether we like it or not. As a Council we are committed to make sure there is no harassment.

Mayor Heilman indicated he did not agree with all issues either. The one benefit of using the MAR allows the adoption of the one-step registration process.

RECOMMENDATION: (1) Approve Rent Stabilization Commission Resolution No. 95-24, "A RESOLUTION OF THE RENT STABILIZATION COMMISSION OF THE CITY OF WEST HOLLYWOOD AMENDING THE RENT STABILIZATION REGULATIONS REGARDING RE-REGISTRATION OF RENTAL UNITS UPON VACANCY, ANNUAL RENT ADJUSTMENTS AND RENT ADJUSTMENTS FOLLOWING A VACANCY."

Motion Councilmember Martin, seconded Councilmember Guarriello and unanimously carried.

(2) Waive further reading and adopt Urgency Ordinance No. 95-449U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING ADJUSTMENTS TO MAXIMUM ALLOWABLE RENTS FOLLOWING A VACANCY; RE-REGISTRATION OF RENTAL UNITS UPON VACANCY; EXEMPTION FOR SINGLE FAMILY HOMES AND CONDOMINIUMS; ANNUAL RENT ADJUSTMENTS AND TENANT HARASSMENT DECLARING THE URGENCY THEREOF."

Motion to adopt Ordinance as an urgency Ordinance by Councilmember Martin, seconded Councilmember Guarriello and unanimously carried.

**A. RESOLUTION GRANTING, IN PART, AN APPEAL BY HOUSE OF BLUES AT 8430 SUNSET BOULEVARD FOR DEVELOPMENT PERMIT 92-34 AND CONDITIONAL USE PERMIT 92-10:**

Jennifer Davis, Associate Planner, provided background information as outlined on the staff report dated December 4, 1995.

JIM BERLAND, WEST HOLLYWOOD, indicated that as a result of the meetings they are willing to allow the preceding to take place hoping to keep their business alive. The HOB has agreed to have the valet parking service open on Sunset; they have also agreed to new signage on the lot; and further Lance Sterling, has agreed to refer business to Olvera.

MARK LEHMAN, REPRESENTING HOUSE OF BLUES, WEST HOLLYWOOD, read and agreed with the resolution. They oppose, for the record, all the issues which have come up since the public hearing.



Councilmember Guarriello stated he is glad they got together.

Councilmember Martin reminded Mr. Lehman to be creative and vigilant in their dealings with Olveras and the neighbors.

Mayor Pro Tem Koretz indicated that he is pleased that these two businesses have worked together very creatively.

Mayor Heilman stated that the cooperation which has been indicated here is good. The House of Blues is not required to make sure the business is going to be successful.

RECOMMENDATION: Adopt Resolution No. 95-1515, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING, IN PART, AN APPEAL BY THE HOUSE OF BLUES AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO MODIFY DEVELOPMENT PERMIT 92-34 AND CONDITIONAL USE PERMIT 92-10 FOR THE HOUSE OF BLUES RESTAURANT AND CLUB LOCATED AT 8430 SUNSET BOULEVARD, WEST HOLLYWOOD."

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

**B. PARKING ON GRADES:**

Janis Rhodes, Parking Manager, provided background information as outlined in the staff report dated December 4, 1995.

Councilmember Land thanked Ms. Rhodes for the report.

RECOMMENDATION: 1) Direct staff to work with the Parking Subcommittee and the Transportation Commission to develop citywide standards for sign placement and enforcement. 2) Develop a resolution outlining citywide standards for "cramped wheel" sign placement and enforcement for adoption by the City Council. 3) Develop and implement a campaign to educate the public on the approved "cramped wheel" policy with the Public Information Office and Public Safety staff. 4) Develop and incorporate a revised "cramped wheel" enforcement policy into parking enforcement personnel training program and materials.

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

Staff was given direction to investigate the steepness of grade for violations.

**5. NEW BUSINESS:**

**A. AMENDMENT OF AGREEMENT WITH 1320 ASSOCIATES FOR PAYMENT OF AFFORDABLE HOUSING IN-LIEU FEES FOR THE CONDOMINIUM PROJECT LOCATED AT 1320 NORTH HARPER AVENUE:**

Allyne Winderman, Economic Development and Housing Manager, provided background information as outlined in the staff report dated December 4, 1995.

BOYD WILLAT, 1320 ASSOCIATES, indicated he is available to answer any questions.

Councilmember Martin commended the artist for her work on the project.

RECOMMENDATION: Approve the Amendment to the Agreement with 1320 Associates providing terms by which the affordable housing in-lieu fee will be paid to the City and authorize the City Manager to execute the Agreement.

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

**EXCLUDED CONSENT CALENDAR:** None.

**CITIZEN COMMENTS:** None.

**6. LEGISLATIVE:**

**A. PROPOSED ORDINANCE RELATING TO THE SALE OF "SATURDAY NIGHT SPECIALS" AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:**

This item was taken out of order.

**B. URGENCY ORDINANCE ADOPTING BY REFERENCE THE UNIFORM BUILDING CODE, 1994 EDITION; THE NATIONAL ELECTRICAL CODE, 1993 EDITION; THE 1994 EDITION OF THE UNIFORM MECHANICAL CODE; THE 1994 EDITION OF THE UNIFORM PLUMBING CODE; MAKING AMENDMENTS TO SAID CODES; AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF:**

Brent Mullins, Building and Safety Manager, provided background information as outlined in the staff report dated December 4, 1995.

RECOMMENDATION: Adopt Urgency Ordinance No. 95-454, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING BY

REFERENCE THE UNIFORM BUILDING CODE, 1994 EDITION, AND THE APPENDICES THERETO; THE NATIONAL ELECTRICAL CODE, 1993 EDITION, AND THE APPENDICES THERETO; THE 1994 EDITION OF THE UNIFORM MECHANICAL CODE AND THE APPENDIX THERETO; THE 1994 EDITION OF THE UNIFORM PLUMBING CODE AND THE APPENDICES THERETO; MAKING AMENDMENTS TO SAID CODES; AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF.”

Motion Councilmember Land, seconded Councilmember Guarriello and unanimously carried.

**C. URGENCY ORDINANCE ADOPTING BY REFERENCE THE UNIFORM FIRE CODE 1994 EDITION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF:**

City Attorney Jenkins provided background information as outlined in the staff report dated December 4, 1995 and added that there is a new version of Exhibit A and read the following modifications to the Ordinance into the record: one the first page of the Ordinance paragraph 3100(b) delete all the words starting on the second line from title 24 through the word “and” just before exhibit A on the third line; in paragraph c in the middle of the paragraph the reference to title 24 part 99 should read “title 24, part 9 of the California Code of Regulations;” and he would just note this Ordinance adopted by reference Exhibit A, he has a new copy which is the same Exhibit A, with the exception of a number of clerical corrections, which will be provided to the City Clerk, and this will be the Exhibit A attached to the adopted Ordinance.

RECOMMENDATION: Adopt Urgency Ordinance No. 95-455, “AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING BY REFERENCE THE UNIFORM FIRE CODE, 1994 EDITION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF” as amended by City Attorney Jenkins.

Motion Councilmember Guarriello, seconded Councilmember Land and unanimously carried.

**COUNCILMEMBER COMMENTS:**

Councilmember Land announced a March on December 12 to protest the proposed reductions on Medicaid and Medicare at 6:00 p.m.


Councilmember Martin added that December 1 was World's Aid Day and President Clinton addressed this in his speech. He also thanked Council for the item on compassionate use of marijuana and thanked Mayor Heilman. He asked to adjourn the meeting in memory of Danny Silva a long time resident in the City of West Hollywood.

The City Council recessed into a Closed Session at 11:10 p.m. pursuant to the Government Code Section 54956.9(b)(2) to determine if they could go into Closed Session.

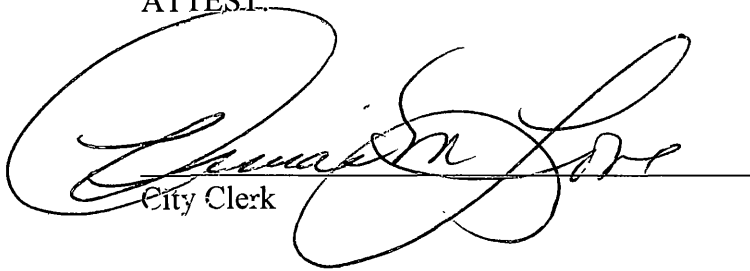
The City Council reconvene at 11:14 p.m. and City Attorney Jenkins stated that the Council determined a Closed Session was not necessary.

**ADJOURNMENT:** The City Council meeting regularly scheduled for December 18, 1995 will be canceled due to a lack of quorum. The City Council adjourned at 11:15 p.m. in memory of Danny Silva to its next regular meeting to be held on Tuesday, January 2, 1996 at 7:00 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 2ND DAY OF JANUARY  
1996.

  
MAYOR

ATTEST:

  
City Clerk