

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, NOVEMBER 20, 1995
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

CALL TO ORDER: Mayor Heilman called the meeting to order at 6:12 p.m.

PLEDGE OF ALLEGIANCE: Council Deputy Rich Ryan led the Pledge.

ROLL CALL:

PRESENT- Councilmembers-Guarriello, Land, Koretz and Mayor Heilman
ABSENT - Councilmember - Martin
ALSO PRESENT- City Manager Brotzman, City Attorney Jenkins, City Clerk Love and
Acting Assistant City Clerk Lucero.

APPROVAL OF AGENDA: Councilmember Land requested that Item 2.J. be considered with Item 6.A. By consensus of the City Council the agenda was approved as amended.

PRESENTATIONS: Mayor Heilman proclaimed December 1, 1995 as World Aids Day and encouraged citizens to take part in activities and observances designed to increase awareness and understanding of HIV/AIDS. He presented the Proclamation to Tom West of the Human Services Department.

Tom West thanked the City Council for the Proclamation and provided an update of the upcoming materials on HIV-negative men.

Mayor Heilman indicated they will adjourn this meeting in memory of Bruce Decker, a prominent AIDS activist. The meeting will also be adjourned in memory of Detective Dan Averitt of the West Hollywood Sheriff's Station.

1. CITIZEN COMMENTS:

JEFF DAVIS, WEST HOLLYWOOD, spoke regarding the problem with the valet parking service at Borelli's Salon and asked the Council to refer this matter to the City Attorney.

Mayor Heilman stated that tomorrow in West Hollywood will be declared "West Beatlewood Day" in conjunction with Capitol Record's promotion of the new Beatles album.

CITY MANAGER'S REPORT: City Manager Brotzman mentioned that the City is beginning a program to take a look at library services in West Hollywood and encouraged citizens that are interested in this project to contact any of the Council offices or his office.

FISCAL IMPACT ON CONSENT CALENDAR: City Clerk Love stated that the fiscal impact for the Consent Calendar of November 20, 1995 is \$80,777. in expenditures and \$11,377. in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve items 2.A, B, C, D, E, F, G, H I, and K. Motion Councilmember Land, seconded Mayor Pro Tem Koretz and unanimously carried.

A. POSTING OF AGENDA: The agenda for the meeting of Monday, November 20, 1995 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Friday, November 17, 1995.

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

B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the minutes of Regular Meeting of Monday, October 16, 1995, Study Session of Monday October 30, 1995 and the Regular Meeting of Monday, November 6, 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. 306, RESOLUTION NO. 95-1509:

RECOMMENDATION: Approve Demand Register No. 306 and adopt Resolution No. 95-1511, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 306." Approved as part of the Consent Calendar.

E. TREASURER'S REPORT:

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

F. RESOLUTION APPROVING A GRANT APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR THE IMPLEMENTATION OF A REGIONAL USED MOTOR OIL RECYCLING PROGRAM:

RECOMMENDATION: (1) Adopt Resolution No. 95-1510, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD

APPROVING AN APPLICATION FOR GRANT FUNDS FROM THE CALIFORNIA USED OIL RECYCLING BLOCK GRANT PROGRAM TO DEVELOP AND MAINTAIN A USED OIL RECYCLING PROGRAM," and (2) Authorize the City Manager to execute an agreement with West Hollywood Recycling to manage the Used Oil Collection Program. Approved as part of the Consent Calendar.

G. HOLIDAY DECORATION FLAGS AND BANNERS FOR SANTA MONICA BOULEVARD:

RECOMMENDATION: Authorize issuance of a purchase order to AAA Flag & Banner, Inc. in the amount of \$13,900 for the purchase of holiday decoration flags and banners for Santa Monica Boulevard. Approved as part of the Consent Calendar.

H. FY 95-96 SLURRY SEAL PROGRAM:

RECOMMENDATION: Reject all bids and direct staff to include this project in the Fiscal Year 1996-97 Slurry Seal Program. Approved as part of the Consent Calendar.

I. APPROVAL OF AGREEMENT WITH THE E. CARIAN COMPANY, INC. FOR RETAIL CONSULTING AND LEASING SERVICES FOR MUNICIPAL PARKING STRUCTURE NO. 1 LOCATED AT 8383 SANTA MONICA BOULEVARD:

RECOMMENDATION: (1) Approve an agreement with The E. Carian Company, Inc. for retail leasing and retail advisory services for leasing commercial retail space in Municipal Parking Structure 1, for retail advisory services in an amount not to exceed \$18,000 and a leasing fee not to exceed \$37,500 for retail leasing services; (2) Authorize the City Manager to sign the agreement. Approved as part of the Consent Calendar.

J. APPROVAL OF RENT STABILIZATION COMMISSION'S RESOLUTION AMENDING THE RENT STABILIZATION REGULATIONS REGARDING RE-REGISTRATION OF RENTAL UNITS UPON VACANCY, ANNUAL RENT ADJUSTMENTS AND RENT ADJUSTMENTS FOLLOWING A VACANCY: This item was moved to be considered under item 6.A.

K. CLAIMS ADMINISTRATION:

RECOMMENDATION: Deny the claims of Thomas D. Grubbs; David Saffron; Credit General Insurance, reference Clyde Kremp; Herman Weissker Inc., reference David Swanson; and refer to the City Claims Adjuster. Approved as part of the Consent Calendar.

3. PUBLIC HEARINGS: None.

COUNCILMEMBER COMMENTS:

Mayor Heilman responded to Mr. Davis regarding his property. He indicated that there is a dispute on the easement which must be resolved in the court system and the City cannot get involved in the issue.

4. UNFINISHED BUSINESS:

A. RESOLUTION APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS, APPROVING A PURCHASE CONTRACT IN CONNECTION WITH THE SALE OF CERTIFICATES OF PARTICIPATION RELATING THERETO, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO:

Paul Arevalo, Director of Finance provided background information as outlined in the staff report dated November 20, 1995.

Councilmember Guarriello asked if these resolutions are approving the agreement.

Mr. Arevalo responded that the agreement is a separate contract with Duncan Industries to purchase parking meter equipment to retrofit the current meters throughout the City.

RECOMMENDATION: Adopt Resolution No. 95-1511, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS, APPROVING A PURCHASE CONTRACT IN CONNECTION WITH THE SALE OF CERTIFICATES OF PARTICIPATION RELATING THERETO, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO."

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

B. CITY OF WEST HOLLYWOOD AFFINITY CARD PROGRAM:

Councilmember Land provided background information as outlined in the staff report dated November 20, 1995.

Paul Arevalo, Director of Finance, indicated that if it was not for the willingness of the Bank of Los Angeles to go forward with this it would not be feasible.

Mayor Heilman asked if City members who currently have credit cards for City business would be able to use these new credit cards.

Mr. Arevalo responded that yes, those credit cards will be replaced.

RECOMMENDATION: Direct staff to move forward with the creation of the West Hollywood Community Card and bring to Council a marketing plan early next year.

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

RECESS TO PUBLIC FACILITIES CORPORATION: The City Council recessed at 6:35 p.m. to the Public Facilities Corporation.

RECONVENE AS THE CITY COUNCIL: at 6:37 p.m. the City Council reconvened to the Regular Meeting.

5. NEW BUSINESS:

A. APPROVAL OF LOAN TO THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION FOR ACQUISITION OF PROPERTIES AT 1151-53, 1155 NORTH DETROIT STREET AND 1212 NORTH DETROIT STREET, WEST HOLLYWOOD:

Lester Burg, Development Specialist III, provided background information as outlined in the staff report dated November 20, 1995.

Councilmember Land expressed her elation that the Housing Corporation found these properties on the east side. She inquired regarding a pocket park which was discussed some time ago.

Ms. Winderman responded that staff has not forgotten about the pocket park and is currently working on this.

Mayor Heilman feels that market rate housing must be developed on the east side as well.

RECOMMENDATION: Approve a loan to the West Hollywood Community Housing Corporation in an amount not to exceed \$479,951. for the acquisition of properties at 1151-1153, 1155 and 1212 North Detroit Street and authorize the City Manager to execute the agreement and other required documents.

Motion Councilmember Land, seconded Councilmember Guarriello and unanimously carried.

EXCLUDED CONSENT CALENDAR: None.

CITIZEN COMMENTS: None.

6. LEGISLATIVE:

A. ADOPT URGENCY ORDINANCE REGARDING ADJUSTMENTS TO MAXIMUM ALLOWABLE RENTS FOLLOWING A VACANCY; RE-REGISTRATION OF RENTAL UNITS UPON VACANCY; EXEMPTIONS FROM RENT STABILIZATION FOR SINGLE FAMILY HOMES AND CONDOMINIUMS; ANNUAL RENT ADJUSTMENTS AND TENANT HARASSMENT.”

Mayor Heilman indicated there was some concern about discussing this item due to lack of a full Council so he asked Mark Johnson, Director of Rent Stabilization, to respond on the urgency.

Mr. Johnson stated that his staff has been in the process of implementing certain policies and procedures before the impending implementation on January 1, 1996 of the Costa/Hawkins legislation.

Councilmember Guarriello indicated that he does not feel comfortable without a full Council and would like to wait.

Mayor Pro Tem Koretz indicated that he can move forward but would feel more comfortable with a full Council.

Councilmember Land responded that she feels comfortable with moving forward but if there is some active discussion, would prefer to wait.

Councilmember Guarriello stated that he just received a revision of the proposed Ordinance and does not feel comfortable with moving forward.

Mr. Johnson responded that the revised Ordinance simply includes a paragraph that was inadvertently omitted and is not a substantive change.

Mayor Heilman asked Mr. Johnson to proceed with the staff report and citizens comments.

Mr. Johnson provided background information as outlined in the staff report dated November 20, 1995.

CRAIG MORDOH, WEST HOLLYWOOD, spoke in favor of the move to a one step registration process. Secondly, he commented on the 70% of HUD fair market rents, opposing the fee to re-register upon vacancy. His third concern is the new vacancies after January 1, 1996 to establish the M.A.R., he recommended January 1, 1999 regardless of the increase.

RICHARD BANTA, WEST HOLLYWOOD, spoke regarding regulation 20001, the fee for re-registration and the rate increase of 3/4 of CPI. He feels regulation 40000 is poorly written and does not agree with the last paragraph. He spoke on paragraph c (1), stating it is unfair.

Mayor Heilman indicated that some of the citizens comments have already been debated by the Council.

Mr. Johnson indicated that these do not implement a fee but provide the authority to do so.

Mayor Pro Tem Koretz indicated that he would like to make a decision whether or not to impose a fee.

Mayor Heilman asked that staff be directed to provide some additional information and the City Attorney to provide a brief opinion as to the legality of the fee. If a Councilmember or two would like to move forward then they will agendize.

Mayor Pro Tem Koretz inquired about the 70% HUD issue.

Mark Johnson responded that it is on page 4 of the regulations, Section 41000.E. under subparagraph E.2. which makes reference to down adjustments. He indicated that this would affect a very small percentage of the housing stock.

Councilmember Land indicated that this part of the legislation affects such a small portion of the housing stock that she does not feel Sacramento will address this issue.

Mayor Pro Tem Koretz indicated that there are a couple of points where a ruling might be made where the property owner may disagree, such as whether a voluntary vacancy has taken place. Is there an appeal process for such a ruling?

Mr. Johnson responded that there would be an informal process as to whether or not there is a voluntary vacancy.

Mayor Pro Tem Koretz reiterated that there should be some sort of an appeal process.

Mayor Heilman asked if there is a possibility of some sort of administrative regulation which would outline an informal process.

Mr. Johnson, responded that it is possible, however, it is not the only available remedy. He indicated he would be reluctant to implement a full blown administrative regulation; perhaps it could be evaluated as current cases are at the staff level with a possible appeal to the Director.

Mayor Heilman asked that if the Council directed staff to come up with some sort of process would it change the ordinance or the regulations which are presented.

Mr. Johnson responded that it would not effect the items presented tonight but that Council would be adding another provision which would have to come before the Council at another meeting.

GRAFTON TANQUARY, WEST HOLLYWOOD, spoke regarding Consent Item 2.J relative to Rent Stabilization Resolution No. 95-24. He inquired whether owners can currently appeal a M.A.R. decision by the staff to the Director. He raised the following two points regarding having to provide names and addresses to a government agency and questions very seriously whether they should be collected. Lastly, he raised the point of inspections and indicated he is not in support of these and will seek clarifying legislation.

2.J. APPROVAL OF RENT STABILIZATION COMMISSION'S RESOLUTION AMENDING THE RENT STABILIZATION REGULATIONS REGARDING RE-REGISTRATION OF RENTAL UNITS UPON VACANCY, ANNUAL RENT ADJUSTMENTS AND RENT ADJUSTMENTS FOLLOWING A VACANCY:

RECOMMENDATION: Approve West Hollywood Rent Stabilization Commission Resolution No. 95-24, "A 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."

Motion Heilman. Motion dies for lack of a second. This item will be continued to the next meeting of December 4, 1995.

RECOMMENDATION: Introduce for first reading Ordinance No. 95-449, "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."

Motion Heilman, seconded Mayor Pro Tem Koretz and carried on a roll call vote:

AYES: Koretz, Heilman
NOES: Guarriello
ABSTAIN: Land
ABSENT: Martin

COUNCILMEMBER COMMENTS: None.

RECESS: The City Council recessed at 7:40 p.m.

RECONVENE: The City Council reconvened at 7:48 p.m. to a Study Session for continued discussion on the Sunset Specific Plan.

RECONVENE AS THE CITY COUNCIL REGULAR MEETING: The City Council reconvened at 9:17 p.m. to the Regular Meeting.

CLOSED SESSION: The City Council recessed at 9:18 p.m. to a Closed Session.

RECONVENE TO THE CITY COUNCIL REGULAR MEETING: The City Council reconvened at 9:26 p.m. to the Regular Meeting.

City Attorney Jenkins indicated that an item has arisen after the posting of the agenda which must be placed on the Closed Session agenda. It is one case under Initiation of Litigation pursuant to Government Code Section 54956.9(b). Motion Land, seconded Koretz and unanimously carried.

REPORT OF CLOSED SESSION: City Attorney Jenkins stated that the City Council recessed into a closed session for discussion of the items on the posted closed session agenda and that one item was added to the agenda. Any reportable actions would be on file with the City Clerk.

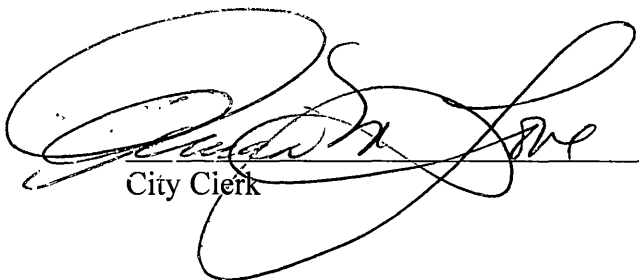
ADJOURNMENT: The City Council adjourned at 9:27 p.m. in memory of Mr. Bruce Decker and Detective Dan Averitt, to its next regular meeting on Monday, December 4, 1995 at 7:00 p.m. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 4TH DAY OF DECEMBER 1995.



MAYOR

ATTEST:



City Clerk