

**MINUTES
CITY COUNCIL MEETING
FEBRUARY 7, 1994
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

6:30 P.M. - CLOSED SESSION: This time has been set aside for the City Council to meet in closed session to discuss matters pertaining to litigation (pursuant to Government Code Section 54956.9(a), potential litigation (pursuant to Government Code Section 54956.9(b), and (c)), personnel, and/or claims. The Mayor or the City Attorney will give an additional oral report of the closed session at the commencement of the public portion of the meeting.

7:00 P.M. - REGULAR MEETING

CALL TO ORDER: Mayor Guarriello called the meeting to order at 7:13 p.m.

PLEDGE OF ALLEGIANCE: The Pledge was led by Morris Kite.

ROLL CALL: PRESENT - Heilman, Koretz, Lang, Land and Mayor Guarriello
ALSO PRESENT - City Manager Brotzman
City Attorney Jenkins

REPORT OF CLOSED SESSION:

City Attorney Jenkins reported that the meeting was called to order at 6:30 p.m. and recessed to a closed session to discuss existing litigation titled Concerned Citizens II vs. City of West Hollywood and Terry vs. City of West Hollywood pursuant to Government Code Section 54956.9 and to meet with Agency Labor Negotiator pursuant to Government Code Section 54957.6.

APPROVAL OF AGENDA:

Mayor Guarriello asked that his no vote be recorded on Item 2.L.

ACTION: Approve agenda as presented. Motion Heilman, seconded Guarriello, and unanimously carried.

PROCLAMATIONS AND COMMENDATIONS:

Mayor Pro Tem Land asked that the meeting be adjourned in memory of Mark Haskins, who was active in issues involving the gay and lesbian community and helped coordinate National Coming Out Day.

Councilmember Lang presented a commendation to Mr. Richard Maggio, who was responsible for the City's honoring of couples who have been married for 50 years or more, and who serves on the Senior Advisory Council.

Mayor Pro Tem Land presented a commendation to Aunt Bee's Thrift Shop for providing services to people living with AIDS and to the homeless. Morris Kite spoke a few words and thanked the Council for the commendation.

Councilmember Heilman indicated that Mr. Michael Freedland from Citibank was present to make a presentation to the Housing Corporation.

Mr. Michael Freedland presented a check in the amount of \$5,000

to the West Hollywood Community Housing Corporation, for the purpose of printing and distributing their document on managing housing for low-income persons with AIDS.

Mr. Chris Welch accepted the check and thanked Citibank for their generous support. Mr. Paul Zimmerman introduced his staff.

Mr. Freedland introduced Bryan Abrams, Branch Manager and Clint Creado, Business Banking Manager.

Councilmember Heilman presented a commendation to Citibank for their continuing investment in low income housing for the City of West Hollywood.

1. CITIZEN COMMENTS:

ANNIE WATERMAN, NORTH HOLLYWOOD, indicated she has a packet for each of the Councilmembers regarding the ill effects of aerial malathion spraying.

BOE TRUMBULL, WEST HOLLYWOOD, indicated he is one of two spokespersons for the newly formed West Hollywood Business Coalition and invited all candidates to speak to the coalition on Thursday.

SHARON O'ROURKE, DISTRICT MANAGER, SOUTHERN CALIFORNIA GAS COMPANY, stated she wished to introduce herself to the City Council and provided an update of earthquake damage relative to West Hollywood.

BUDD KOPS, WEST HOLLYWOOD, provided Council with quotes from remarks made at previous City Council meetings regarding the smoking ordinance.

MIKE RADCLIFFE, WEST HOLLYWOOD, spoke in opposition to an exclusive franchise for trash hauling.

GERRY FLINTOFT, EXECUTIVE DIRECTOR, GLASWMA, inquired as to how should they be going about doing this. He stated they have tried to work through staff, but have been unsuccessful; they have provided information packets to the Council, and would be willing to meet with Councilmembers.

LARRY SALAZAR, LOS ANGELES, CONSULTANT, WEST HOLLYWOOD FREE ENTERPRISE PROJECT, stated his opposition to the exclusive franchise process.

BOB GREENE, WEST HOLLYWOOD, asked for an apology from the City Manager for comments made at the meeting on January 31, 1994.

At this time Councilmember Heilman stated that it is necessary to add an urgency item to the Consent Calendar reconfirming the existence of a local emergency due to the January 17th earthquake.

Motion by Land to add the urgency item, seconded by Heilman and unanimously carried.

CITY MANAGER'S REPORT:

City Manager Brotzman responded to comments made by citizens regarding the RFP for solid waste collection. He said there was an implication that there was a specific vendor that has been pre-selected, and that is not correct. This is an open RFP process and the City is looking for vendors to submit the best proposal possible, and will then select a vendor, if in fact the Council chooses to do so. In fact the Council, at the time they consider the proposals, can continue the existing process for trash collection, modify the existing process, or select a vendor and provide a franchise for trash collection throughout the City.

He stated that the franchise process is a very democratic and free market process and allows for the aggregated purchasing power of the City to solicit proposals and provide for a greater level of service at a reduced cost collectively. He said he suspects that if the proposals that come in do not provide for greater service to the community at lesser overall cost, then the Council would not be inclined to award a contract or franchise to any individual operator. The reality is this process allows for the collective purchasing power of the community as opposed to the individual purchasing power that any one small business may have.

Mr. Brotzman indicated that regarding his comments made at last week's Council meeting in reference to statements made before Council that were factually incorrect, he was referring to only one officer of the Alliance, and not the Alliance as a whole. He extended his apology if the comment was interpreted that way.

REPORT ON DOLLAR AMOUNTS ON CONSENT CALENDAR:

City Clerk Love stated that the fiscal impact for the Consent Calendar dated February 7, 1994 is \$36,930.00 in expenditures.

2. CONSENT CALENDAR:

ACTION: Approve Consent Calendar items 2.A. through 2.R., noting the "no" vote by Mayor Guarriello on 2.L.
Motion Land, seconded Heilman and unanimously carried.

A. POSTING OF AGENDA: The agenda for the meeting of Monday, February 7, 1994, was posted at City Hall, Plummer Park, and the Sheriff's Station on Thursday, February 3, 1994, and at the West Hollywood Library on Friday, February 4, 1994.
ACTION: Receive and file. Approved as part of the Consent Calendar.

B. DEMAND REGISTER NO. 263, RESOLUTION NO. 94-1252.
ACTION: Approve Demand Register No. 263 and adopt Resolution No. 94-1252. Approved as part of the

Consent Calendar.

- C. TREASURER'S REPORT: December, 1993**
ACTION: Receive and file. Approved as part of the Consent Calendar.
- D. APPROVAL OF MINUTES: January 25, 1994**
ACTION: Approve the minutes of January 25, 1994. Approved as part of the Consent Calendar.
- E. WAIVER OF FURTHER READING:**
ACTION: After the City Attorney has read the title of any Ordinance on tonight's agenda, the further reading thereof be waived. Approved as part of the Consent Calendar.
- F. CLAIMS: RACHEL MIRANDA
SARA D. SOLEIMANI
THOMAS JAMES QUADY
THEODORE NUEBAUER**
- ACTION: Deny the claims of Rachel Miranda, Sara D. Soleimani, Thomas James Quady, and Theodore Nuebauer without comment and refer to the City's claims adjustor. Approved as part of the Consent Calendar.
- G. ORDINANCE NO. 94-399 (2nd Reading), ORDINANCE REGARDING ISSUANCE OF DISTRICT 6 PARKING PERMITS TO RESIDENTS ON THE NORTH SIDE OF FOUNTAIN AVENUE BETWEEN SWEETZER AND HAVENHURST:**
ACTION: Adopt Ordinance No. 94-399, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD GOVERNING THE ISSUANCE OF PERMITS AND THE POSTING OF SIGNS WITHIN THE BOUNDARIES OF APPROVED PREFERENTIAL PARKING DISTRICTS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.
- H. RESOLUTION CALLING A PUBLIC HEARING TO DETERMINE THE NECESSITY OF AN UNDERGROUND UTILITY DISTRICT ON SANTA MONICA BLVD. FROM PALM AVENUE TO DOHENY DRIVE:**
ACTION: Adopt Resolution No. 94-1253, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CALLING A PUBLIC HEARING TO DETERMINE WHETHER PUBLIC NECESSITY, HEALTH, SAFETY OR WELFARE REQUIRES THE FORMATION OF AN UNDERGROUNDING UTILITY DISTRICT ENCOMPASSING SANTA MONICA BOULEVARD FROM PALM AVENUE TO DOHENY DRIVE." Approved as part of the Consent Calendar.
- I. DESIGNATION OF 1201 N. CRESCENT HEIGHTS BOULEVARD AS A LOCAL CULTURAL RESOURCE:**
ACTION: Adopt Resolution No. 94-1254, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, AFFIRMING THE RECOMMENDATION OF THE CULTURAL HERITAGE ADVISORY BOARD AND DESIGNATING 1201 N. CRESCENT HEIGHTS BOULEVARD AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA." Approved as part of the Consent Calendar.

- J. DESIGNATION OF 8701-8713 SANTA MONICA BOULEVARD AS A LOCAL CULTURAL RESOURCE:**
ACTION: Adopt Resolution No. 94-1255, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, AFFIRMING THE RECOMMENDATION OF THE CULTURAL HERITAGE ADVISORY BOARD AND DESIGNATING 8701-8713 SANTA MONICA BOULEVARD AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA." Approved as part of the Consent Calendar.
- K. DESIGNATION OF 8320-8328 FOUNTAIN AVENUE AS A LOCAL CULTURAL RESOURCE:**
ACTION: Adopt Resolution No. 94-1256, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, AFFIRMING THE RECOMMENDATION OF THE CULTURAL HERITAGE ADVISORY BOARD AND DESIGNATING 8320-8328 FOUNTAIN AVENUE AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA." Approved as part of the Consent Calendar.
- L. RESOLUTION DENYING A VARIANCE FROM THE SMOKING ORDINANCE FOR YUKON MINING COMPANY:**
ACTION: Adopt Resolution No. 94-1257, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING A VARIANCE FROM SECTION 4603 OF THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING SMOKING IN PUBLIC PLACES BY THE YUKON MINING COMPANY." Noting the "no" vote by Mayor Guarriello, approved as part of the Consent Calendar.
- M. RESOLUTION DESIGNATING AGENTS TO ACT ON BEHALF OF THE CITY TO OBTAIN FINANCIAL ASSISTANCE FROM THE OFFICE OF EMERGENCY SERVICES FOR STATE OF CALIFORNIA:**
ACTION: Adopt Resolution No. 94-1258, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DESIGNATING AGENTS TO ACT ON BEHALF OF THE CITY OF WEST HOLLYWOOD IN MATTERS PERTAINING TO OBTAINING FEDERAL AND/OR STATE FINANCIAL ASSISTANCE." Approved as part of the Consent Calendar.
- N. RESOLUTION OF THE CITY COUNCIL REAFFIRMING ITS OPPOSITION TO THE SPRAYING OF MALATHION:**
ACTION: Adopt Resolution No. 94-1259, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REAFFIRMING ITS OPPOSITION TO THE SPRAYING OF MALATHION." Approved as part of the Consent Calendar.
- O. APPOINTMENT TO THE REGIONAL LIBRARY COUNCIL:**
ACTION: Reappoint Helen Palmer as the Regional Library Council member for the City of West Hollywood. Approved as part of the Consent Calendar.
- P. APPROVAL OF POSITION SPECIFICATIONS FOR HANDY WORKER/INSPECTOR/ASSISTANT:**
ACTION: Approve job description for the newly-created part-time position of Handy Worker/Inspector/Assistant at salary range GEPT-06. Approved as part of the Consent Calendar.

Q. APPROVAL OF AGREEMENT FOR PROFESSIONAL SERVICES TO CONDUCT AN ENVIRONMENTAL ASSESSMENT FOR ZONING CODE AND GENERAL PLAN AMENDMENTS RELATING TO THE EAST END REVITALIZATION PLAN:

ACTION: Approve agreement with LSA Associates and authorize the City Manager to execute the agreement on behalf of the City. Approved as part of the Consent Calendar.

R. URGENCY ITEM - REVIEW OF RESOLUTION NO. 94-1250, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY"

ACTION: Confirm the continued existence of a local emergency. Approved as part of the Consent Calendar.

3. PUBLIC HEARINGS:

A. APPEAL OF THE PLANNING COMMISSION'S DECISION TO REVOKE DEVELOPMENT PERMITS 89-09 AND 89-10 FOR PROPERTY LOCATED AT 853-861 WESTBOURNE DRIVE:

Mayor Guarriello asked how this hearing was noticed.

City Clerk Love indicated a public hearing notice was published in the West Hollywood Independent on January 26, 1994 and was mailed to property owners within a 500 foot radius on January 28, 1994.

John Jakupcak, Associate Planner, provided background information as outlined in the staff report dated February 7, 1994.

Mayor Guarriello opened the public hearing and read a letter of opposition from Mr. Jon Sloan.

JAMES ROTHSTEIN, LOS ANGELES, (APPELLANT) stated he is one of the owners and gave background information regarding how they had acquired the property and what they had done to improve the conditions on the property. He requested the re-instatement of the permits.

DAVID FROST, WEST HOLLYWOOD, complained about the condition of the property. He suggested that the City give the property owner strict ultimatums and guidelines, or maybe use eminent domain and acquire the property for parking or recreational purposes.

RICHARD MAGGIO, WEST HOLLYWOOD, spoke in favor of denying the permit.

EFFIE REUVENI, WEST HOLLYWOOD, spoke in favor of denial of the permit.

ROSLYN KRAUSE, WEST HOLLYWOOD, spoke against the project.

STAN LOTHBRIDGE, WEST HOLLYWOOD, spoke against the project.

JAMES ROTHSTEIN, responded to comments.

Mayor Pro Tem Land asked Mr. Rothstein if he currently owns the property and how long he has owned it.

He responded he has owned the property since November 10, 1993.

Mayor Pro Tem Land asked staff if there are code requirements which require the property owner to maintain the property.

Anne Browning responded that there are.

Mayor Pro Tem Land stated for the record that she went by the property on Saturday and it didn't look like there was much done.

Motion to close hearing by Heilman, seconded Land and unanimously carried.

Councilmember Heilman also stated for the record that he was at the site two weeks ago and once over the weekend. He asked staff why the City had not gone on the property to abate and how quickly it could be done if that direction was given.

Bob Meyer, Code Enforcement Officer, responded that there is a summary abatement process in the municipal code when there is imminent danger to the public safety and health.

ACTION: Adopt Resolution No. 94-1260, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING AN APPEAL BY JAMES ROTHSTEIN AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO REVOKE DEVELOPMENT PERMITS 89-09 AND 89-10 FOR PROPERTY LOCATED AT 853-861 WESTBOURNE DRIVE," and direct staff to explore with the City Attorney the implementation of abatement proceedings, which would allow the City to go onto the property, make corrections and place a lien on the property.

Motion Heilman, seconded Land and carried on a roll call vote.

ROLL CALL:

AYES: Heilman, Koretz, Lang, Land, Guarriello
NOES: None

COUNCILMEMBER COMMENTS:

Councilmember Heilman responded to comments made by waste haulers regarding the exclusive franchise process. He asked that staff work with the waste haulers to get them as much information as legally possible about the process, and encourage them to submit a proposal. He stated that for them to come to Council meetings each week and harangue the Council

is not effective.

Community Development Director Gay Forbes responded that staff has been working with them to give them as much information as legally required, has encouraged them to submit a proposal, and has let them know the results are open-ended.

Mayor Guarriello stated that he echoes Councilmember Heilman's comments.

Councilmember Koretz responded to Budd Kops' request for a letter. He stated that it was a routine letter which may not exist, and indicated that his remarks were taken out of context. He indicated that, as he has stated many times, the original intention was for all the Westside cities at the same time to pass an ordinance on smoking in restaurants. However that didn't work because of the L.A. City litigation and an attempt at an initiative, which caused some of the cities to back off; and so West Hollywood had to take a different approach.

Councilmember Koretz also commented that there is an item scheduled for February 22nd on revoking the license for Community Taxi Company, which will be subject to heavy contention. It appears they are in the process of selling their company to another taxi company. This is tentatively scheduled for February 16th before the Transportation Commission. He asked that the revocation hearing be delayed to the March 7th Council Meeting, and see if they can work out a way to go out of business without going through the revocation process.

Councilmember Heilman indicated his concern was that they were operating without insurance.

Joan English responded that they currently have insurance and if the insurance is cancelled then staff has the authority to administratively suspend their license.

Council concurred to allow the revocation hearing to be placed on the March 7th agenda if a proposal is received from the purchasing company in time to be placed on the agenda for the Transportation Commission. If not, the hearing will remain on the February 22nd agenda. Staff is directed to also administratively suspend their license if the insurance is canceled.

4. UNFINISHED BUSINESS:

A. AUTHORIZATION TO ISSUE A REQUEST FOR QUALIFICATIONS AND PROPOSAL (RFQ/P) FOR PROJECT MANAGEMENT SERVICES FOR DESIGN AND CONSTRUCTION OF A PARKING STRUCTURE AT 8383 SANTA MONICA BLVD.:

Don Korotsky provided background information as outlined in the staff report dated February 7, 1994.

Mayor Guarriello inquired if the site has been environmentally cleared.

Mr. Korotsky indicated there are no known problems at this time.

THOMAS CRAIL, WEST HOLLYWOOD, spoke in favor of this project and urged Council to move forward with this facility.

Mayor Guarriello indicated his concern about earthquake safety.

Ms. English indicated that there would be design changes in parking structures as a result of the last earthquake, and the City will benefit from that.

Councilmember Heilman stated his concern about the statement that this parking structure will be used to meet City Hall parking demands.

Ms. English responded that the current City Hall uses 116 parking spaces, and the new City Hall will have 80 spaces; so they were looking at the parking structure to fill that need. It has not been decided whether it will be a two-level or three-level structure; staff feels a two-level structure, about 112 spaces, is adequate, and that would be 36 spaces for City employees and 76 for other daytime uses. Between the parking in back of City Hall and this structure, there will be about 200 spaces in the evening. This will come back to City Council for a final decision.

Mayor Pro Tem Land indicated she is glad this will come back before Council again and hopes staff is looking at future needs.

ACTION: Authorize staff to issue a Request for Qualifications and Proposal (RFQ/P) for project management services for the design and construction of a parking structure at 8383 Santa Monica Boulevard.

Motion Heilman, seconded Land and unanimously carried.

- B. ESTABLISHMENT OF AN ESCROW ACCOUNT FOR THE PROPERTY LOCATED AT 8383 SANTA MONICA BOULEVARD:**
Donald Korotsky provided background information as outlined in the staff report dated February 7, 1994.

ACTION: Authorize the establishment of a refundable escrow account in the amount of \$5,000 to be applied to the purchase of property located at 8383 Santa Monica Blvd.

Motion Heilman, second Koretz and unanimously carried.

- C. DRAFT RESOLUTION REGARDING DISCLOSURE OF INFORMATION:**
Councilmember Koretz provided background information as outlined in the staff report dated February 7, 1994. He indicated that this is one last attempt to have the current Council approve a simplified ordinance and send it to the bargaining units for meet and confer.

Councilmember Heilman stated that the meet and confer process does not mean we adopt an ordinance and then impose it upon the bargaining unit. The meet and confer process works when we negotiate with the employees and try to reach resolution; then if there is no resolution then we declare an impasse and impose a settlement on all the bargaining units. He stated it is not appropriate to discuss this in public; this was discussed in closed session and staff was given clear direction on how to proceed. He does not disagree with everything that is presented, but he has some disagreement with it and also with the way it is being brought about, because all the employee bargaining units have not yet reached impasse or reached resolution on this.

Councilmember Koretz indicated he has already been more than patient. This issue has been before Council for almost five years; it has been formally before Council since September 1990. He stated that there are two units which will not reach agreement; at some point we will have to negotiate with all the units, and impose something; this is the right approach.

ACTION: Table this matter until staff has time to complete the directions given during the closed session.

Motion Heilman, seconded Lang and carried on a roll call vote:

AYES: Heilman, Lang, Guarriello
NOES: Koretz, Land

Mayor Pro Tem Land stated for the record that the reason she voted no is that she wanted to reach a compromise so that we could move forward. She supports a whistleblower ordinance; she supports confidentiality. She feels Council should look at all the disclosure ordinances that have come before them before going to meet and confer. She hopes that by the time there is meet and confer, there will be a State law. She feels the proposed ordinance could be a little stronger. When this does come back to Council, she would like to see a cost breakdown regarding an ombudsperson. She would like to adopt something that will work, and is not watered down.

5. NEW BUSINESS: NONE

EXCLUDED CONSENT CALENDAR: NONE

CITIZEN COMMENTS:

JAMES FORD, WEST HOLLYWOOD, stated a franchise is not necessarily a bad thing. Spoke in praise of the process in Los Angeles.

ROSLYN KRAUSE, WEST HOLLYWOOD, spoke against a sports center in

West Hollywood Park.

EFFIE REUVENI, WEST HOLLYWOOD, spoke regarding comments made at the special meeting held on January 31, 1994.

MEGO GODJAMANIAN, LOS ANGELES, PRESIDENT, AMERICAN WASTE INDUSTRIES, stated that the trash companies are like any other business and should be allowed to compete in a free enterprise system.

STAN LOTHRIDGE, WEST HOLLYWOOD, took exception to comments made by Councilmember Koretz regarding Bud Kopps.

6. LEGISLATIVE: NONE

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Land stated that there was a comment made that the City Council sets the rates for Century Cable and she wished to clarify that Century sets the rates and Council works to get fair rates.

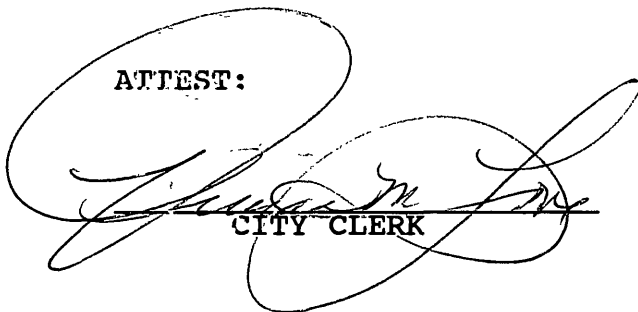
In addition she stated that our new Sheriff's Department Captain was here watching the meeting, and she would like the City Manager to convey to him that she really appreciates him coming to the meeting.

Councilmember Heilman indicated that there is a shuttle service available for residents on the East Side to attend City Council meetings.

ADJOURNMENT: The City Council adjourned at 8:50 p.m. in memory of Mark Haskins, to the next regular meeting to be held on February 22, 1994 at 7:00 p.m. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 22ND DAY OF
FEBRUARY, 1994.

ATTEST:


CITY CLERK


MAYOR