

**MINUTES
CITY COUNCIL MEETING
JULY 19, 1993
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

6:00 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 City Attorney gave 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 7:08 p.m.

PLEDGE OF ALLEGIANCE: The Pledge was led by Bruce Traub.

ROLL CALL: PRESENT: Heilman, Koretz, Land, Lang, and Mayor Guarriello

ALSO PRESENT: Assistant City Manager Edgerly
City Attorney Jenkins

REPORT OF CLOSED SESSION: City Attorney Jenkins reported that the City Council had convened in closed session at 6:40 p.m. and had discussed personnel negotiations, and direction had been given to the City's negotiator, and the action taken will be reported back at the next regular Council meeting. Council also discussed the acquisition of real property, and approved the claim of Thomas Rodowicz.

APPROVAL OF AGENDA: ACTION: Add Item 6 to Consent Calendar. Motion Land second Koretz. Hearing no objection it was so ordered. **ACTION:** Add to the Agenda as an urgency item a resolution of the City Council opposing President Clinton's policy regarding gays and lesbians in the military. (Added to Consent Calendar as Item 2r.) Motion Land second Heilman. Hearing no objection it was so ordered. Council decided, by consensus, to discuss this item separately following Citizen Comments. **FURTHER ACTION:** Table 2j for two weeks; pull 2p for separate discussion. Mayor Guarriello asked that the record reflect his "no" vote on Items 2k and 2m. Approve agenda as amended. Motion Land second Heilman. Hearing no objection it was so ordered.

PROCLAMATIONS AND COMMENDATIONS:

Commendations for Community Gardeners: Councilmember Land gave commendations to persons who had participated for the

past seven years in the Community Gardens Program (not all were present): Joy Edwards, Mikhail Levit, Gary Grossman, Ruth Murphy, George Hodges, Marianne Gardner, Barry Parker, Nasim and Helen Fares, and Patrica Armstrong.

CITY MANAGER'S REPORT: This time was set aside for the City Manager to update the Council on important items initiated by staff or previously requested by the City Council. Assistant City Manager Bob Edgerly commended the staff person in charge of the Community Gardens, Kamish Blume.

1. CITIZEN COMMENTS: This time was set aside for members of the public to address the City Council on Consent Calendar items, other agenda items if the member of the public cannot be present later in the meeting at the time the item is heard by the Council, and items of general interest. Testimony for public hearings will only be taken at the time of the hearing. This period shall be limited to 20 minutes, with no more than two minutes for each speaker.

The following persons came forward to address the City Council:

Steve Martin, West Hollywood: Thank Council for leadership regarding gays in the military. In favor of Micky's expansion. Regarding the bond issue, should look closely at what we're funding through a bond.

Mikhail Levit: Regarding Community Gardens Program. Why he enjoys gardening. Thanked Council.

Bob Pierson, West Hollywood: Regarding Micky's, sidewalk cafe and rooftop dining.

Thomas Crail, West Hollywood, President, W.H. Chamber of Commerce: Thank Council for support for the Chamber contract. Praise for Farmers' Market. Thank Council for leadership on the gays in the military issue. Support Micky's.

Anthony Campagna, West Hollywood: Work for L.A. Area Transportation Management Organization. Look forward to working with City.

Michael Yates, West Hollywood: In favor of C.U.P. for Micky's. Urge unanimous vote on the resolution regarding lifting the ban.

Tim Olson, West Hollywood: Support Micky's. Regarding the \$25 million bond issue, ask that you also include police station.

Howard Armistead, West Hollywood: Ban on gays in the military. Discrimination by Sheriff's Dept.

Bruce Traub, West Hollywood: No new or increased taxes.

Felicia Swoope, West Hollywood: Employee of Chamber of Commerce. In support of Chamber.

Steve Kaffey, West Hollywood: Concern about pedestrian crosswalks, particularly on East Side; dangerous in evenings.

The Resolution opposing President Clinton's "Don't Ask, Don't Tell" policy was discussed and approved at this time, but the full item is listed on Consent Calendar as Item r.

2. CONSENT CALENDAR: The following routine matters were acted upon by one motion to approve with the consent of the Council or were removed by any Councilmember for separate discussion. ACTION: Approve Consent Calendar Items 2a, b, c, d, e, f, g, h, i, k (noting the "no" vote by Mayor Guarriello), l, m (noting the "no" vote by Guarriello), n, o, q, and Item 6 (added to Consent Calendar under Approval of Agenda). Motion Land second Heilman. Hearing no objection it was so ordered.

a. Posting of Agenda: The agenda for the meeting of Monday, July 19, 1993 was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, July 14, 1993. ACTION: Receive and file. Approved as part of the Consent Calendar.

b. Demand Register No. 250, Resolution No. 1168.
ACTION: Approve Demand Register No. 250 and adopt Resolution No. 1168.
Approved as part of the Consent Calendar.

**c. Minutes: May 24, 1993
July 6, 1993**
ACTION: Approve the minutes of May 24, 1993 and July 6, 1993.
Approved as part of the Consent Calendar.

**d. Claims: Ludar R. Felsenstein
Sason Elyaho
Thomas Rodowicz**
ACTION: Deny the claims of Ludar R. Felsenstein and Sason Elyaho without comment and refer to the City's claims adjustor. Take action on the claim of Thomas Rodowicz as discussed in Closed Session on July 19, 1993.
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. Approval of Amendment to Agreement with Local #3339, AFSCME, General Employees Bargaining Unit: ACTION: Approve

the amendment to the AFSCME MOU, described in staff report, and authorize the City Manager to sign the agreement.
Approved as part of the Consent Calendar.

g. Community Needs Assessment Consultant Agreement:

ACTION: Direct staff to enter into a letter of agreement, not to exceed \$10,000, with the Economic Roundtable, to conduct the Community Needs Assessment.
Approved as part of the Consent Calendar.

h. Contract for City Hall Negotiations: ACTION:

Authorize the City Manager to enter into a contract with Gilbert & Associates for finalization of City Hall negotiations, building modifications, and relocation assistance, not to exceed \$45,000.
Approved as part of the Consent Calendar.

i. Expenditure of Proposition "C" Local Return Funds:

ACTION: Designate the City Engineer as the Proposition "C" Administrator and direct the City Engineer to submit the Assurances and Understandings Regarding Receipt and Use of Proposition "C" Funds to the Metropolitan Transportation Commission.
Approved as part of the Consent Calendar.

j. Reorganization of Recreation Services Division:

THIS ITEM WAS PULLED FROM THE AGENDA AT REQUEST OF STAFF.

k. Approval of 1993-94 Service Agreement with West

Hollywood Chamber of Commerce: ACTION: Approve a \$28,500 agreement with the West Hollywood Chamber of Commerce to provide services to the business community and authorize the City Manager to execute the agreement.
Noting the "no" vote of Mayor Guarriello, this item was approved as part of the Consent Calendar.

l. Approval of 1993-94 Service Agreement with West

Hollywood Community Housing Corporation: ACTION: Approve a \$168,720 service agreement with the WHCHC to provide operational support for the Corporation and authorize the City Manager to execute the agreement.
Approved as part of the Consent Calendar.

m. Approval of 1993-94 Service Agreement with West

Hollywood Marketing Corporation: ACTION: Approve a \$160,000 service agreement with the West Hollywood Marketing Corporation to promote and market the City and its major industries and authorize the City Manager to execute the agreement.
Noting the "no" vote of Mayor Guarriello, this item was approved as part of the Consent Calendar.

n. Approval of Job Training Contract with Project New

Hope Trinity Learning Center: ACTION: Approve a \$5,000 contract with Project New Hope Trinity Learning Center to provide computer job training services to residents who are homeless, or at risk of homelessness, and living with HIV and AIDS. Approved as part of the Consent Calendar.

o. Compensation for Temporary Employees: ACTION: Approve a cost of living adjustment of 2.8% of the salaries of all temporary employees, except interns, effective July 1, 1993. Approved as part of the Consent Calendar.

p. Resolution in Support of SB 310, Amended Sentencing for Drive-By Shootings: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Councilmembers Heilman, Land, Lang and Koretz expressed their opposition to capital punishment. ACTION: Take no position on SB 310. By consensus of the Council.

q. Position Reclassification, Staff Assistant I/City Council, City Manager's Department: ACTION: Approve the reclassification of Staff Assistant I (GE-03, Step 5)/City Council, City Manager's Department to Staff Assistant II (GE-05, Step 4). Approve retroactivity of reclassification to January 15, 1993. Approved as part of the Consent Calendar.

r. Resolution Opposing President Clinton's "Don't Ask, Don't Tell" Policy: (ADDED AS URGENCY ITEM UNDER APPROVAL OF AGENDA BY A UNANIMOUS VOTE. THIS ITEM WAS DISCUSSED FOLLOWING CITIZEN COMMENTS.) Councilmember Land commented that this Resolution urges Congress to lift the ban on gays in the military, and said that the Resolution, after adoption, will be faxed immediately to our congressional delegation and to the President. Councilmember Heilman commented that Clinton's proposed policy is a betrayal; it is not a compromise; it reaffirms the status quo. ACTION: Adopt Resolution No. 1170, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING PRESIDENT CLINTON'S 'DON'T ASK, DON'T TELL' POLICY REGARDING GAY AND LESBIAN PARTICIPATION IN THE ARMED FORCES" Motion Heilman second Land. Hearing no objection it was so ordered.

PUBLIC HEARINGS

3. APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE THE REMODEL AND EXPANSION OF MICKY'S BAR AND RESTAURANT, LOCATED AT 8857 SANTA MONICA BLVD., TO INCLUDE OUTDOOR DINING ON THE SECOND FLOOR, ROOF-TOP DINING AND SHARED PARKING OFF-SITE: John Jakupcak, Community Development Department, gave the staff report; he said that staff is confident that this remodel will not adversely affect the surrounding area, and staff recommends denying the appeal.

The public hearing was opened, and Mayor Guarriello allowed the appellant and applicant five minutes each to speak.

Kurt Genereaux, West Hollywood (appellant): I'm not against the expansion of Micky's but concerned about the residents in the area. I have a business in building next to Micky's. Concerned about the construction work; heard it will be six months. The residents will suffer--wall will not keep the noise in. At a certain time at night the dining will stop and people will go out to drink and cool off. The original notice said no rooftop dining.

Mary Ann McClintock, Sherman Oaks, General Manager of Micky's (applicant): The project requires major seismic upgrade. Any potential negative impacts have been carefully guarded against. Rooftop restricted to dining; structures will wrap around the rooftop, serve as a sound buffer. Micky's is directly adjacent to post office. Northern 25 feet of patio covered for additional sound buffering. We worked with our one neighbor. Will enhance pedestrian ambiance of boulevard. Printed advertisements contain information on parking, shuttle.

John Duponce, West Hollywood (businessman): In support of Micky's.

Marianne Gyhl, West Hollywood: Next door to Micky's: Opposed.

Jeff Prang, West Hollywood: In support of Micky's expansion.

Ronald Palmieri, Los Angeles: Support Micky's.

Dr. Jeffery Noodleman, West Hollywood: Around corner from Micky's. In support of Micky's.

Gerald Hyde (representing Rage): Support Micky's.

Daryl Thompson, Studio City: Support Mickey's.

Jeanne Dobrin, West Hollywood: Opposed.

Steve Kaffey, West Hollywood: Commend owners of Micky's.

Kurt Genereaux (rebuttal): Concerned about noise and the neighbors.

Mary Anne McClintock: This project has been adequately conditioned. One request, in staff's resolution, request the normal 24-month time period for construction.

No one else coming forward to speak, Mayor Guarriello closed the public hearing and returned this item to the Council for discussion.

ACTION: Deny the appeal and adopt Resolution No. 1171, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING AN APPEAL BY KURT GENEREUX OF THE PLANNING COMMISSION'S DECISION TO APPROVE DEVELOPMENT PERMIT 92-78, CONDITIONAL USE PERMIT 93-06 AND SHARED PARKING USE PERMIT 92-03 ON AN APPLICATION FILED BY MICHAEL NIEMEYER TO REMODEL AND EXPAND MICKY'S NIGHTCLUB, LOCATED AT 8857 SANTA MONICA BOULEVARD, BY ADDING ADDITIONAL OUTDOOR DINING, UPGRADING TO MEET NIGHTCLUB STANDARDS, AND SECURING SHARED PARKING OFF-SITE." with a change from 6 month to 18 months for construction and direction to staff to talk to applicant about the back door, sidewalk cleaning, and need to use the PDC parking so as not to impact neighbors. Motion Land second Lang. Hearing no objection it was so ordered.

COUNCIL COMMENTS: This portion of the meeting shall be set aside for general comments, announcements, requests of staff, and/or other issues of concern from members of the City Council.

Councilmember Land reported that the National League of Cities Board of Directors had authorized establishing a constituency group of gay and lesbian officials, and had taken an action to ask businesses to pay for insurance for persons who have to leave work because of HIV. Councilmember Heilman serves on the Human Development Committee and worked very hard on this item. The League also is working on reforming the welfare system. Direction to staff: At League of cities, there was concern about State and Federal mandates. Asked the Assistant City Manager to look at what the cost is of these mandates.

UNFINISHED BUSINESS

4. AGREEMENT FOR PROFESSIONAL SERVICES FOR BOND COUNSEL AND FINANCIAL ADVISOR: Staff report by Paul Arevalo. Both vendors have existing contracts with the City and this will provide detailed analysis on each project.

ACTION: Authorize the City Manager to execute agreements for professional services with Jones, Hall, Hill & White and with Seidler-Fitzgerald, Public Finance, as described herein.

Motion Heilman, second Lang.

AYES: Heilman, Koretz, Lang, Land.

NOES: Guarriello

Motion carried.

5. APPOINTMENTS TO FINE ARTS ADVISORY BOARD AND APPOINTMENT TO HUMAN SERVICES COMMISSION: RECOMMENDED ACTION: Accept nominations for the Fine Arts Advisory Board, and make two at-large appointments. In addition, it is recommended that Councilmember Heilman, if prepared, make one appointment to the Human Services Commission.

ACTION: Appoint Florence Sinay and Dee Trattmann to the Fine Arts Board. Motion Lang second Land. Hearing no objection it

was so ordered.

Councilmember Heilman stated he was not prepared to make an appointment to the Human Services Commission.

NEW BUSINESS

6. DETERMINATION OF HEARING TYPE AND DATE FOR AN APPEAL OF THE TRANSPORTATION COMMISSION'S DECISION TO DENY A TAXICAB OPERATOR'S LICENSE TO BIJAN ENTERPRISES, d.b.a. CELEBRITY CAB COMPANY: THIS ITEM WAS MOVED TO THE CONSENT CALENDAR AND APPROVED THERE, BUT IS LISTED HERE FOR CLARITY.

ACTION: Direct staff to schedule the appeal hearing for August 16, 1993, and hear the appeal on the record, but receive new evidence or testimony which is not part of the record upon a showing that it could not have been presented at the original hearing.

Approved as part of the Consent Calendar.

7. RESOLUTION OPPOSING THE SCHOOL VOUCHER INITIATIVE:

The staff report was given by Councilmember Koretz and Jeff Horton, LAUSD Board Member, addressed the Council in support of the Resolution. **ACTION:** Adopt Resolution No. 1172, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING THE SCHOOL VOUCHER INITIATIVE." Motion Koretz second Land. Hearing no objection it was so ordered.

EXCLUDED CONSENT CALENDAR: Items removed from the Consent Calendar for separate discussion were considered at this time. Item 2p was discussed at this time but is listed in the original position for clarity.

CITIZEN COMMENTS: This time has been set aside for the public to address the Council on any item of interest that could not be heard under Item 1 at the beginning of the meeting. There were no further citizen comments at this time.

COUNCILMEMBER COMMENTS: Additional general comments, announcements, requests of staff and/or other issues of concern to Councilmembers shall be presented at this time. Councilmember Land invited everyone to help themselves to the fresh produce from the Community Gardens at the front table.

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ADJOURNMENT: This meeting was adjourned at 8:52 p.m. to a study session regarding the Cultural Heritage Ordinance and Program, at the Werle Building, 626 N. Robertson Boulevard, on July 26, 1993 at 6:00 p.m.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 2ND DAY OF AUGUST, 1993.



CITY CLERK

ATTEST:



MAYOR