

**MINUTES
CITY COUNCIL MEETING
JANUARY 6, 1992
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

6:45 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. Mayor Koretz announced that they discussed matters pertaining to Rein & Lichtenstein, Amicus participation in Arcadia litigation, Delaney vs. Superior Fast Freight, and various potential litigation matters and claims.

7:00 P.M. - REGULAR MEETING

CALL TO ORDER: Mayor Koretz called the meeting to order at 7:25 p.m.

PLEDGE OF ALLEGIANCE: The Pledge was led by Richard Maggio.

ROLL CALL:

PRESENT: Guarriello, Heilman, Land,
Mayor Koretz
ABSENT: Lang

ALSO PRESENT: City Manager Brotzman
City Attorney Jenkins

APPROVAL OF AGENDA: Table items 2g, 5 and 6 to the meeting of January 21, 1992; remove items 2l, 2n and 2s for separate discussion. **ACTION:** Approve the agenda as amended. Motion Guarriello second Heilman. Hearing no objection it was so ordered.

PROCLAMATIONS AND COMMENDATIONS: Ed Riney, Christmas Food Package Program; Miriam Ben Shalom, Chair, Gay and Lesbian Bi-Sexual Veterans of America.

CITY MANAGER'S REPORT: This time has been set aside for the City Manager to report to the City Council on any or all matters of importance. There was no report at this time.

1. CITIZEN COMMENTS: This time has been set aside for members of the public to address the City Council on items of importance, including the Consent Calendar, but not including public hearings. Testimony for public hearings will only be taken at the time of the hearing. The following persons came forward to address the Council:

Mike Radcliffe, West Hollywood - problems in the business community. Confidentiality of Business Tax information.
Rick Zamarripa, West Hollywood - gay bashing, homelessness, and prostitution.
Bruce Traub, West Hollywood - Ed Riney's Christmas food drive.
Chuck Kennedy, West Hollywood - problems with Rent Stabilization.
Mark Johnson, Director of Rent Stabilization, addressed the Council on this issue.
Marcella Roth, Santa Monica - thanks for the help with her problem with homelessness.
Ted Hayes, Homeless Activist - Thanks from Justiceville, USA, to Council and staff. Requests for further action.
James Crow, West Hollywood - gay bashing, homophobia.
Robert Pierson, West Hollywood - ficus trees and comprehensive design for Santa Monica Boulevard.
Tad Bright, West Hollywood - consultant for Homeless Shelter.
Prostitution on Santa Monica Boulevard.
Jeanne Dobrin, West Hollywood - Valadon Hotel agreement.
Charlotte Banta, West Hollywood - Channel 10 program on Saturday at 3:00 P.M.
Charlie Mercer, West Hollywood - Sunset Strip Association - Sunset, Holloway Landscaping Program. Proposed an awards fountain. Direction was given to staff to explore this project. By consensus of the Council.

COUNCILMEMBER'S COMMENTS: This time has been set aside for Councilmembers to direct comments to staff and/or the public on any and all matters of interest.
Councilmember Land spoke about a Supreme Court decision on Fair Housing which decimates the Unruh Fair Housing rules and she will be writing a letter to ask for reconsideration and urged others to do the same. She also gave a report on our success in recycling.

Councilmember Guarriello stated he wanted discussion by the Council on the shuttle bus.

Councilmember Heilman asked the City Manager to find out about the program last Saturday on the City Channel, as referred to by Charlotte Banta.

Mayor Koretz asked the City Manager about the Ashkenazy check. Mr. Brotzman reported the check was received and has cleared.

Mayor Koretz stated that the Business License Tax form needed to be accompanied by a simplified explanatory form.

Mike Jenkins gave a short report on The Valadon situation.

Councilmember Land also spoke to the need for an insert in the Business Tax form informing the merchants of which section of the form to fill out, the hot-line number and the confidentiality of the information.

City Manager Brotzman reported on the palm trees and the ficus trees.

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 items 2a, b, c, d, e, f, h, i, j, k, m, o, p, q, and r. Motion Guarriello second Heilman. Hearing no objection it was so ordered.

a. Posting of Agenda: The agenda for the meeting of Monday, January 6, 1992, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Thursday, January 2, 1992.

ACTION: Receive and file.

Approved as part of the Consent Calendar.

b. Demand Register No. 212, Resolution No. 920.

ACTION: Approve Demand Register No. 212 and adopt Resolution No. 920.

Approved as part of the Consent Calendar.

c. Minutes: December 16, 1991

ACTION: Approve the minutes of December 16, 1991.

Approved as part of the Consent Calendar.

**d. Claims: Claim of Sandra Sprung
Claim of Thomas C. Murov
Claim of David Cadena**

ACTION: Deny the claim of Sandra Sprung without comment and refer to the City's Claims Adjustor.

Take action on the claims of Thomas C. Murov and David Cadena as discussed in Closed Session on January 6, 1992.

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. Ordinance No. 317, For Adoption, Adopting an Official Zoning Map: **ACTION:** To adopt on second reading Ordinance No. 317, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING AN OFFICIAL ZONING MAP."

Approved as part of the Consent Calendar.

g. Agreement to Modify the Distribution of Fines and Forfeitures Resulting from Parking Citations and Transfer the Responsibility for the Processing of Parking Citations from the County of Los Angeles, Beverly Hills Judicial District, to the City of West Hollywood: REMOVED AT REQUEST OF STAFF, TO BE RETURNED AT THE MEETING OF JANUARY 21, 1992. **RECOMMENDED ACTION:** Approve the agreement to modify the distribution of fines and forfeitures resulting from parking citations and transfer the

responsibility for the processing of parking citations from the County of Los Angeles, Beverly Hills Judicial District, to the City of West Hollywood.

h. Resolution Amending Resolution No. 577, Which Established Fees Associated with the City's Commercial Exaction Ordinance: ACTION: Adopt Resolution No. 925, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING RESOLUTION NO. 577 WHICH ESTABLISHED VARIOUS FEES." Approved as part of the Consent Calendar.

i. Resolution Calling and Giving Notice of the General Municipal Election on April 14, 1992; and Resolution Requesting Services from the County Board of Supervisors: ACTION: Adopt Resolution No. 921, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 14, 1992, FOR THE ELECTION OF CERTAIN OFFICERS OF SAID CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES"; and adopt Resolution No. 922, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 14, 1992." Approved as part of the Consent Calendar.

j. Resolution Approving the Application for Grant Funds - Sunset-Holloway Landscaping Project: ACTION: Adopt Resolution No. 923, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM UNDER SECTION 164.56 OF THE STREETS AND HIGHWAYS CODE 1989 FOR THE SUNSET-HOLLOWAY LANDSCAPING PROJECT." Approved as part of the Consent Calendar.

k. Resolution Designating Harper Avenue District as a Historic District: ACTION: Adopt Resolution No. 924, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD UPHOLDING AN APPEAL BY BOYD WILLAT/WALTER JOHNSON AND DENYING AN APPEAL BY SOPHIE FRIEDMAN AND ADOPTING THE RECOMMENDATION OF THE CULTURAL HERITAGE ADVISORY BOARD, IN PART, DESIGNATING THE HARPER AVENUE DISTRICT, ENCOMPASSING THE PROPERTIES KNOWN AS 8225-37 & 8250-62 FOUNTAIN AVENUE AND 1300-08, 1301-09, 1330, 1334-36, 1338-52 & 1354 N. HARPER AVENUE, WEST HOLLYWOOD, CALIFORNIA AS CONTRIBUTING BUILDINGS AND 8228 FOUNTAIN AVENUE AND 1312 & 1320-24 N. HARPER AVENUE, WEST HOLLYWOOD, CALIFORNIA AS NON-CONTRIBUTING BUILDINGS, AS A HISTORIC DISTRICT." Approved as part of the Consent Calendar.

l. Appropriation of Funds from Housing Trust Fund to Professional Services Associated with Affordable Housing: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Debbie Potter gave the staff report. Councilmember Heilman asked

that Community Development come back with an appropriate Ordinance change. Councilmember Land directed staff to ask Wildan if they would reduce their fees for non-profit. ACTION: Approve an appropriation of \$16,000 from the Affordable Housing Trust Fund (82-000-37-485) to a newly created Affordable Housing-funded professional services account (82-340-54-700). Also direct staff to contact Wildan with the request for reduced fees. Motion Land second Guarriello. Hearing no objection and noting the absence of Lang, it was so ordered.

m. Award of Bid for Installation and Maintenance of Parking Meters: ACTION: Authorize the City Manager to sign the agreement for the installation and repair of city parking meters with Prince Enterprises, Incorporated (Richard Prince, Pres.). Approved as part of the Consent Calendar.

n. Renewal of Insurance - Self-Funded Health Plan: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Kay Jimno, Director of Administrative Services, gave the staff report. ACTION: Receive and file. Motion Heilman second Land. Hearing no objection and noting the absence of Lang, it was so ordered.

o. Revised Ameritas/Banker's Life Dental Health Plan Agreement: ACTION: Authorize the City Manager to execute our 1992 Ameritas/Banker's Life Dental Health Plan Agreement. Approved as part of the Consent Calendar.

p. Resolution Supporting the Proposed L.A. County Park, Beaches and Recreation Act of 1992: ACTION: Adopt Resolution No. 926, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING THE LOS ANGELES COUNTY PARK, BEACHES AND RECREATION ACT OF 1992," and work with associated agencies in supporting this proposal for presentation to the Los Angeles County Board of Supervisors and the voters. Approved as part of the Consent Calendar.

q. AIDS/HIV Task Force: ACTION: Direct staff to create a task force to analyze the current services for people affected by HIV and to develop a 5-year plan for responding to AIDS and HIV in West Hollywood. The task force should include residents who are infected with HIV, including asymptomatic individuals and people with ARC and AIDS. In addition, the task force should include representatives from the Human Services Commission, the Lesbian and Gay Advisory Council, and other local agencies. The task force should also have representation for or input from City employees, service providers and caregivers of people with HIV-related illnesses. Staff should explore whether local universities are willing to devote any research time to assisting us in developing the 5-year plan. The task force should be designed to complete its work prior to the overall evaluation of social service programs. Approved as part of the Consent Calendar.

r. City of Los Angeles's Proposed Truck Management

Ordinance: ACTION: Authorize the Mayor to sign on behalf of the City Council of West Hollywood and send the Los Angeles City Council the proposed request for an Environmental Impact Report from the City of Los Angeles covering the proposed Truck Ordinance.

Approved as part of the Consent Calendar.

s. Management Consultant Agreement: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Councilmember Guarriello asked for a report on the status of the Homeless facility. Jodi Curlee gave the staff report. Mike Radcliffe, West Hollywood, addressed the Council in opposition. ACTION: Authorize the Mayor to sign a letter of agreement with Jacqueline Mendelson for \$10,000 to provide management consultant services to the West Hollywood Homeless Organization. Motion Land second Heilman. Hearing no objection and noting the absence of Lang, it was so ordered.

PUBLIC HEARINGS

3. ZONING TEXT AMENDMENT 91-03 AMENDING CHAPTERS 9200, 9300, 9400, 9500, 9600, AND 9700 OF THE WEST HOLLYWOOD ZONING ORDINANCE: John Jakupcak reported that this is a staff-initiated text amendment to correct errors, make changes and implement new policies to Article IX (Zoning Ordinance) of the West Hollywood Municipal Code, and enumerated the proposed changes. The City Clerk reported that this hearing was noticed by a 1/4 page ad in the West Hollywood Independent on December 18, 1991, and posted at the three required places and at City Hall. Mayor Koretz opened the public hearing and the following persons came forward to testify:

Jeanne Dobrin, West Hollywood - mixed use, fence height on secondary highways, roof-top projection heights and open space, tandem parking approval, noticing from 500 feet to 300 feet, barbed wire prohibition, grand opening banner time period, flags and banners.

Effie Reuveni, West Hollywood - opposed to reduction for noticing but supports need for Planning Commission to hold hearings on temporary parking in residential areas.

Bruce Traub, West Hollywood - retain 500 foot for noticing and keep parking lots out of residential areas (overlay parking).

No one else coming forward to speak, Mayor Koretz returned this item to the Council for discussion.

Staff was directed to continue to look at changes in the Sign Ordinance section; evaluate the 3 foot recess on primary doors, change language on page 6 to "non-arterial"; problems in Section 96.12 on permits, add "other than permit needed to cure the defect"; Planning Commission recommendations on the noticing situations for 300 or 500 feet, without the footnote; on temporary parking lots, delete condition that it can only be for the general public.

ACTION: Accept the staff recommendation on the temporary parking lots with the deletion of condition 6, but present to the Planning Commission for hearing. Motion Land second Heilman. Hearing no objection it was so ordered.

ACTION: Approve staff recommendation on noticing with the added option of hand delivery, not only mailing. Also give discretion to staff to increase the noticing if they feel it is necessary. By consensus of the Council.

ACTION: Introduce on first reading Ordinance No. 320, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE," as amended this evening. Motion Heilman second Land. Noting the objection of Guarriello and the absence of Lang, it was so ordered.

4. APPROVAL OF RESOLUTION ADOPTING A FEE SCHEDULE FOR VARIOUS CONDITIONAL USE PERMITS: Debbie Potter gave the staff report. City Clerk reported that this hearing was noticed in the West Hollywood Post on December 25, 1991 and January 1, 1992 and posted in the three required places plus at City Hall. Mayor Koretz opened public hearing. No one coming forward to speak, Mayor Koretz closed the public hearing.

ACTION: Adopt Resolution No. 927, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING THE ATTACHED AFFORDABLE HOUSING FEE SCHEDULE AND FEE INCREASE MECHANISM." Motion Heilman second Land. Hearing no objection it was so ordered.

5. AMENDMENT TO CHAPTER 96 OF THE MUNICIPAL CODE:
TABLED TO MEETING OF JANUARY 21, 1992.

UNFINISHED BUSINESS

6. RESOLUTION ADOPTING COUNCIL MEETING RULES OF ORDER:
TABLED TO MEETING OF JANUARY 21, 1992.

NEW BUSINESS

7. ISSUANCE OF TEMPORARY USE PERMITS (TUPs) FOR CITY PROPERTY LOCATED AT SANTA MONICA AND CRESCENT HEIGHTS BLVDS.:

Councilmember Guarriello gave the staff report. **ACTION:** That the issuance of temporary use permits for City property located on the northeast and northwest corners of Santa Monica and Crescent Heights Boulevards require the signature approval of the City Manager. Prior to the City Manager signing, the Public Safety Officer, the Risk Manager and the City Engineer shall meet with the applicant. Further, that the City Manager provide all Councilmembers with the specifics of the request prior to determining whether the TUP will be approved or denied, and if needed, may recommend other locations in the City. Motion Heilman second Land. Hearing no objection it was so ordered.

The City Attorney was instructed to review this situation and give advice to the Council on restriction of use of that area.

8. RESTORATION OF THE CITY AUTHORITY TO ORDER RENT REFUNDS OR CREDITS TO OVERCHARGED TENANTS: Mayor Koretz gave the staff report, with his request that staff bring the required Ordinance and regulation changes to the Council in February and then charge the City Attorney with proceeding to get the Lazer injunction lifted, based on the Santa Monica case. All procedures to be accomplished within 60 days. Motion Koretz second Land. Hearing no objection it was so ordered.

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. The following persons came forward to address the Council:

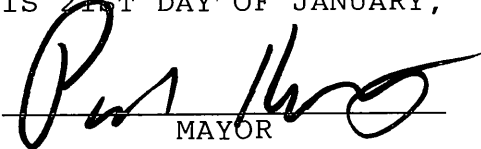
Roslyn Krause, West Hollywood - Homeless shelter.
Ralph Feeley, West Hollywood - look again at notification change to 300 feet.

COUNCILMEMBERS COMMENTS: This time has been set aside for the Councilmembers to direct comments to staff and/or the public on any and all matters of interest.

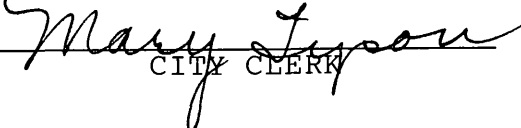
Councilmember Heilman asked that the meeting be adjourned in memory of Marty James.

ADJOURNMENT The meeting was adjourned at 10:30 p.m. in memory of Marty James, to a study session on Nightclub Standards, with the Planning Commission and Business License Commission on January 7, 1992, at 7:00 p.m. at the Werle Building, 626 N. Robertson Boulevard.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 21ST DAY OF JANUARY, 1992.


MAYOR

ATTEST:


CITY CLERK