

**MINUTES
CITY COUNCIL MEETING
JULY 15, 1991
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, potential litigation, personnel, and/or claims. Mayor Heilman announced that they had discussed matters pertaining to litigation, potential litigation and personnel and direction was given to staff.

7:00 P.M. - REGULAR MEETING

CALL TO ORDER: Mayor Heilman called the meeting to order at 7:20 p.m.

PLEDGE OF ALLEGIANCE: The Pledge was led by Maxine Sonnenburg.

ROLL CALL:

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

ALSO PRESENT: City Manager Brotzman
City Attorney Jenkins

APPROVAL OF AGENDA: Table item 7 for 2 weeks. Pull items 2i, j, k, m, o, and t from the consent calendar for separate discussion.

PROCLAMATIONS AND COMMENDATIONS: Councilmember Guarriello read a letter from the Governor in reply to an invitation to the 4th of July celebration at Plummer Park and presented commendations to the following:

Warner Brothers
Community Alliance
Ed Riney
Tad Bright

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 this evening.

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. The following persons came forward to address the Council:

Ron Goins, West Hollywood - continue to televise Council and Commission meetings.

Ed Riney, West Hollywood - televise more meetings.

Harris Miller, West Hollywood - commend John Heilman and Abbe Land.

Steve Chapman, West Hollywood - put recall on the ballot.

Roslyn Krause, West Hollywood - harassment calls by David Weissfeld.

Kevin Notre, West Hollywood - community should join in on safety events.

Ed Riney, West Hollywood - convert homeless shelter to AIDS use.

Karen Pedersen, West Hollywood - problems at La Jolla and Romaine.

2. CONSENT CALENDAR: The following routine matters can be acted upon by one motion to approve with the consent of the Council or may be removed by any Councilmember for separate discussion. ACTION: Approve items 2 a, b, c, d, e, f, g, h, l, n, p, q, r, and s. Motion Guarriello second Land. Hearing no objection it was so ordered.

a. Posting of Agenda: The agenda for the meeting of Monday, July 15, 1991, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, July 10, 1991.

ACTION: Receive and file.

Approved as part of the Consent Calendar.

b. Demand Register No. 201, Resolution No. 862.

ACTION: Approve Demand Register No. 201 and adopt Resolution No. 862.

Approved as part of the Consent Calendar.

c. Treasurer's Report - The Treasurer's Report for month ending June 30 will be presented on August 5, 1991.

d. Minutes: July 1, 1991

ACTION: Approve the minutes of July 1, 1991.

Approved as part of the Consent Calendar.

e. Claims: Jack Lebovitz

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

Approved as part of the Consent Calendar.

f. 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.

g. BSI Contract Amendment: ACTION: Remove this item for discussion in closed session as potential litigation.

Approved as part of the Consent Calendar.

h. Award of Contract to Landscape West for Maintenance of Parks, Landscape, Streetscape and Associated Facilities:

ACTION: Award the contract for Maintenance of Parks,

Landscape, Streetscape and Associated Facilities to Landscape West Inc., at a base monthly rate of \$13,916, plus additional monthly charges for extra work as provided in the contract. Approved as part of the Consent Calendar.

i. Award of Contract to Professional Building Maintenance for Building Janitorial Services: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Councilmember Koretz asked if the contractor pays prevailing wage. Cindy Holtz gave the staff report. **RECOMMENDED ACTION:** Award the contract for building janitorial services to Professional Building Maintenance at a base monthly price of \$9975, plus additional monthly charges for extra work as provided in the contract. THIS ITEM WAS TABLED FOR 2 WEEKS FOR STAFF TO BRING BACK INFORMATION ON THE PREVAILING WAGE QUESTIONS. By consensus of the Council.

j. Award of Contract to the Coalition of Women's Economic Development for the Implementation of Project Start-up: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. **RECOMMENDED ACTION:** Approve a \$20,000 agreement for consultant services with CWED to provide two Micro-business workshops and authorize the City Manager to sign. TABLE FOR 2 WEEKS FOR FURTHER INFORMATION.

k. Professional Services Contract with Airborne Systems to Create Topographical Maps for the City: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Anne Browning gave the staff report. **ACTION:** Authorize the City Manager to enter into a professional service contract with Airborne Systems, Inc. in amount of \$9,775.00 for completion of the topographic maps. Further, staff was directed to work out a fee schedule to offset the cost. Motion Land second Guarriello. Hearing no objection it was so ordered.

l. Approval of Parcel Map 21059, 1256 Gardner Street: **ACTION:** Approve Parcel Map 21059. Approved as part of the Consent Calendar.

m. Approval of Position Specifications for Technical Assistant: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Councilmember Koretz stated that he felt this position should be held open until final budget adjustments have been made. City Manager Brotzman replied that it would result in productivity improvement in the organization, but if they need to they could live without it. He requested that the description be approved but that they not recruit until we know what the State action will be. **ACTION:** Approve the job description for the position of Technical Assistant at salary range GEPT-08 (\$13.90 to \$16.82 per hour), but not

recruit until we know what the State cuts in our budget will be. Motion Koretz second Land. Hearing no objection it was so ordered.

n. Agreement with L.A. County Department of Public Works for Examination of Tract Maps and parcel Maps:

ACTION: Authorize the City Manager to enter into an agreement with the Los Angeles County Department of Public Works for the examination of tract maps and parcel maps, with the cost to be paid directly to the County by development applicants when submitting their maps for examination. Approved as part of the Consent Calendar.

o. Re-Appropriation of Funds for Public Access Studio and Systems: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. **ACTION:** Appropriate \$59,000 from the restricted general fund reserves and authorize staff to expend those funds necessary to complete the expansion and upgrade of the City's public access resources. Motion Land second Lang. Hearing no objection it was so ordered.

p. Notice of Completion Pepsi Playpark - Plummer Park: **ACTION:** Authorize the City Clerk to record the Notice of Completion for the Plummer Park Pepsi Playpark project, CIP #161; and upon notification from the Landscape and Buildings Manager, to release the bonds. Approved as part of the Consent Calendar.

q. 1991 General Adjustment: **ACTION:** Approve the adoption of Rent Stabilization Commission Resolution 91-16, establishing the amount of the General Adjustment for the year 1991-1992 at 3.50%. Approved as part of the Consent Calendar.

r. West Hollywood Homeless Organization Contract Extension: **ACTION:** Approve the contract extension and authorize staff to negotiate scope and budget modifications. Approved as part of the Consent Calendar.

s. Ordinance Expanding District 5 to Include Norma Place: **ACTION:** Adopt on second reading Ordinance No. 303, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD EXPANDING PREFERENTIAL PARKING DISTRICT 5 TO INCLUDE NORMA PLACE FROM DOHENY TO HILLDALE AVENUE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". Approved as part of the Consent Calendar.

t. Removal of Rent Stabilization Commissioner: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. The following persons came forward to address the Council: Rochelle Sommers-Smith, West Hollywood - opposed. Budd Kops, West Hollywood - opposed.

Ed Riney, West Hollywood - opposed.
Tad Bright, West Hollywood - opposed.
Effie Reuveni, West Hollywood - opposed.
Stan Lothridge, West Hollywood - opposed.
Ron Goins, West Hollywood - opposed.
Christine Bapst, West Hollywood - opposed.
Gloria Vassy, West Hollywood - opposed.
Norm Chramoff, West Hollywood - opposed.
Bob Greene, West Hollywood - opposed.
Joseph Jimenez, West Hollywood - opposed.
John Altschul, West Hollywood - proposed change in Commission structure. Removal should be at the discretion of the appointing Councilmember.
Maureen Munce, West Hollywood - opposed.
Andonia Katsaros, West Hollywood - opposed.
Allan Nixon, West Hollywood - opposed.
Sibyl Zaden, West Hollywood - support.
Benjamin Clavan, West Hollywood - should have resigned.
Ken Savage, West Hollywood - opposed.
Helen Albert, West Hollywood - support and kudos to John Heilman for his term as Mayor.
Rita Schoenberg, West Hollywood - spoke against item 4.
Florence Delbarian, West Hollywood - opposed.
Doug Routh, West Hollywood - special relationship between commissioner and appointing Councilmember - support Land.
Steve Martin, West Hollywood - opposed.
Jeanne Dobrin, West Hollywood - opposed.
Todd Elliott, West Hollywood - Councilmember's right.
Maxine Sonnenburg, West Hollywood -should represent councilmember.
Allen Breiman, West Hollywood (CES) - advisors are removed when they do not represent the person who appointed them.

Councilmember Land stated that she had asked her appointee to resign but she chose not to. Communication is most important and the special relationship is not there in this instance. Ms. Sommer-Smith does not reflect her goals and philosophy.

Councilmember Guarriello stated that he would like the ordinance changed tonight, making removal up to the appointing Councilmember only - not requiring 4 votes.

Councilmember Koretz stated he felt that Councilmembers have the right to have their appointees have the ability to work with them.

Councilmember Lang also felt the appointees and the Council members need to be in sync and close communication. Should not require 4/5 vote.

Mayor Heilman stated that he agreed that the Ordinance should be changed.

ACTION: Approve the removal of Commissioner Smith, effective immediately. Direct staff to come back with changes to the requirement for a 4/5 vote to remove. It should be up to the individual councilmember. Motion Land second Lang.
AYES: Lang, Land, Koretz, Mayor Heilman.
NOES: Guarriello.
Motion carried.

FURTHER ACTION: Add an urgency item to the consent as 2u to allow for an interim appointment to the Rent Stabilization Commission. Motion Land second Lang. Hearing no objection it was so ordered.

u. Interim Appointment to the Rent Stabilization Commission: **ACTION:** Councilmember Land to appoint David Etezadi as her interim appointment to the RSD and direct the City Clerk to provide the proper notice of the vacancy and take applications for the position. Motion Land second Lang.
AYES: Guarriello, Lang, Land, Koretz, Mayor Heilman.
NOES: None.
Motion carried.

Mayor Heilman called a recess at 8:50 p.m.
The meeting was reconvened at 9:02 p.m.

PUBLIC HEARINGS

3. APPEAL OF PLANNING COMMISSION DENIAL OF REQUEST TO PERMIT A FENCE IN THE FRONT YARD OF A RESIDENTIAL LOT WHICH EXCEEDS THE PERMITTED HEIGHT LIMIT OF THREE AND ONE-HALF FEET - MCUP 90-07 - 7600 FOUNTAIN AVE:

The City Clerk reported that this item was advertised in the Post Newspaper on July 5 and posted at the three required places and at City Hall. John Jakupcak gave the staff report. Mayor Heilman opened the public hearing and the following persons came forward to address the Council:

Jeffrey Molchan, appellant - original fence was installed due to accidents on the corner of Fountain and Curson and cars ending up in the front yard. If allowed to cut the corner off the fence it would solve the problem of the neighbors being able to see the traffic.

Christine Yamagata, West Hollywood - speaking for owner of property next door. If the fence were modified it would be agreeable.

Neil McDermott, West Hollywood - in favor of appeal.

Tom Coleman, West Hollywood - in favor of appeal.

Jeanne Dobrin, West Hollywood - opposed, can't make findings. Did not get permit.

Jeffrey Molchan, appellant - rebuttal.

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

ACTION: Grant the appeal, grant the variance, reduce the area as requested by the neighbors, and direct staff to come back with the proper resolution and the findings that 1) this is a corner location and 2) this causes no significant alteration to the neighborhood. Motion Heilman second Lang.

AYES: Lang, Land, Koretz, Mayor Heilman

NOES: Guarriello

Motion carried.

4. PROPOSED ANNEXATION OF TERRITORY TO LANDSCAPE DISTRICT NO. 1 AND LEVY OF ASSESSMENTS:

The City Clerk reported that Resolution No. 856 and 858 had been published in the Post Newspaper and posted in the required places, plus notices were mailed to all property owners. Written protests were received by John Murray, Montgomery Management Co., and 2 separate protests from Danielle Nelson.

Marshall Gumbiner, opposed - stated he had sent letter. City Clerk reported it had not been received and asked him to leave a copy with her. It was not left.

Jay Bienenfeld, West Hollywood - opposed.

Manny Cooper, West Hollywood - opposed.

Lillian Wilk, West Hollywood - opposed.

Mike Radcliffe, West Hollywood Community Alliance - opposed.

Steve Martin, West Hollywood - opposed.

Jeanne Dobrin, West Hollywood - opposed.

Effie Reuveni, West Hollywood - opposed.

(Mrs. Rita Shoenberg spoke in opposition during the discussion on item 2t).

No one else coming forward to speak, Mayor Heilman closed the public hearing and returned this item to Council for discussion. The only assessment for landscaping will be on the properties along Santa Monica Blvd., and there will be no increase in the lighting assessment; the City is merely taking over the district from the County.

ACTION: 1) Adopt Resolution No. 863, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ORDERING THE ANNEXATION OF TERRITORY TO LANDSCAPE MAINTENANCE DISTRICT NO. 1, ORDERING IMPROVEMENTS AND CONFIRMING A DIAGRAM AND ASSESSMENT FOR THE 1991-92 FISCAL YEAR PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE"; 2) Adopt Resolution No. 864, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING A DIAGRAM AND ASSESSMENT FOR THE 1991-92 FISCAL YEAR IN CONNECTION WITH LANDSCAPE MAINTENANCE DISTRICT NO. 1

PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE". Motion Land second Lang. Hearing no objection it was so ordered.

FURTHER ACTION: Direct staff to clear up the confusion about the district and inform the community that the assessment has not changed. By consensus of the Council.

UNFINISHED BUSINESS

5. APPOINTMENT TO TRANSPORTATION COMMISSION - BY MAYOR PRO TEM KORETZ: TABLE TO AUGUST COUNCIL MEETING AT THE REQUEST OF KORETZ. RECOMMENDED ACTION: Mayor Pro Tempore Koretz appoint one member to the Transportation Commission.

6. APPOINTMENTS TO COMMUNITY ANIMAL CONTROL TASK FORCE: Councilmember Koretz gave the staff report and made recommendations for 10 of the 11 slots, with the 11th to be a local animal breeder. RECOMMENDED ACTION: Council to appoint the members of the Community Animal Control Task Force.

TABLED TO FIRST MEETING IN AUGUST.

Mayor Pro Tempore left the meeting at 10:05 p.m.

NEW BUSINESS

7. REQUEST FROM COUNTY FOR PEAK-HOUR PARKING RESTRICTIONS: RECOMMENDED ACTION: Direct staff to implement the eight transportation improvement measures listed in the Transportation Commission report in order to facilitate traffic flow on Sunset Boulevard.

TABLED AT THE REQUEST OF THE COUNTY OF LOS ANGELES.

8. SETTING DATE FOR APPEAL HEARING - BUSINESS LICENSE COMMISSION APPEAL - THRIFTY OIL CO. - RE: 7564 SANTA MONICA BLVD. AND 8383 SANTA MONICA BLVD. - 24-HR. LICENSE:

The staff report was given by Anne Browning. Jeanne Dobrin, West Hollywood, addressed the Council on this item. Mayor Heilman stated that he felt the focus of the Business License Commission should be on the applicant's ability to run a business, and not land use decisions, and requested that staff look at that and bring back appropriate changes for Council consideration. ACTION: Accept all evidence, exhibits and a full transcript of record of the hearings held before the Business License Commission on April 2 and May 7, 1991. Hear the matter based on the record, with only new evidence to be presented that could not be presented at the hearing, at the meeting of September 3, 1991. Anyone who wishes to submit new evidence must do so by August 15th with reasons why it could not have been presented at the Business License Hearing. By consensus of the Council.

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.

Steve Martin, West Hollywood - congratulations on appointment of David Etezadi to the Rent Stabilization Commission.
Jeanne Dobrin, West Hollywood - reason for leaving the Transportation Commission.

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 Lang commented on the event at the Farmer's Market with the Japanese delegation.
Councilmember Guarriello made comments on the City Site Selection update.

LEGISLATIVE

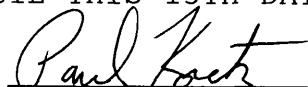
9. ORDINANCE RE: TRANSIENT OCCUPANCY TAX: RECOMMENDED ACTION: Introduce Ordinance No. 304, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING THE TAXATION OF HOTEL OCCUPANCY IN THE CITY AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Land second Lang.
AYES: Guarriello, Lang, Land, Mayor Heilman.
NOES: None
ABSENT: Koretz.

10. AMENDMENTS TO RENT STABILIZATION ORDINANCE REGARDING PECULIAR CIRCUMSTANCES AND NON-ARMS-LENGTH TRANSACTIONS IN RENT INCREASE APPLICATIONS: John Polack gave the staff report. Chris Harding, Attorney, addressed the Council on this issue and the Vega case.

ACTION: Waive further reading and introduce on first reading Ordinance No. 305, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING PECULIAR CIRCUMSTANCES AND NON-ARMS-LENGTH TRANSACTIONS IN RENT INCREASE APPLICATIONS". Motion Heilman second Lang. Noting the objection of Guarriello and the absence of Koretz, the motion carried,

ADJOURNMENT The meeting was adjourned at 10:40 p.m. to a regular adjourned meeting on July 22, 1991 at 6:00 p.m. at West Hollywood Park Auditorium.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 15TH DAY OF AUGUST, 1991.



MAYOR

ATTEST:



CITY CLERK