

MINUTES

**CITY COUNCIL MEETING
JULY 5, 1988
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

CALL TO ORDER: Mayor Albert called the meeting to order at 7:10 P.M.

PLEDGE OF ALLEGIANCE: Assistant City Attorney Carol Lynch.

ROLL CALL: PRESENT: Heilman, Koretz, Land, Schulte,
Mayor Albert
ALSO PRESENT: City Manager Brotzman

APPROVAL OF AGENDA: Table item 2c, remove items 2f, j, l, n. o, p, q, t, for separate discussion. **ACTION:** Approve the agenda as amended. Motion Land second Schulte. Hearing no objection it was so ordered.

PROCLAMATIONS AND COMMENDATIONS: Bicycle Criterium

1. CITY MANAGER'S REPORT: This time has been set aside for the City Manager to report to the Council on any and all matters of importance. No report this meeting.

2. CONSENT CALENDAR: The following routine items were adopted by one motion to approve with the consent of the majority of the City Council or were removed on approval of agenda for separate discussion.

a. Posting of Agenda: The agenda for the meeting of July 5, 1988, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, June 29, 1988. **ACTION:** Receive and File. Approved as part of the Consent Calendar.

b. Demand Register No. 89, Resolution No. 454:
ACTION: Approve Demand Register No. 89, and adopt Resolution No. 454. Approved as part of the Consent Calendar.

c. Treasurers Report - June, 1988: TABLED TO THE MEETING OF JULY 18, 1988.

d. Minutes: August 10, 1987
November 23, 1987
May 9, 1988
May 16, 1988

ACTION: Approve the minutes of August 10, 1987, November 23, 1987, May 9, 1988, and May 16, 1988. 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 shall be waived. Approved as part of the Consent Calendar.

ORIGINAL

- f. Claims:** Neil S. Bergman
Southern California Gas Company
Montgomery Management Company
Sarah Gabay
Emerson's Locksmith Company

REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY.
ACTION: To deny the claims of Neil S. Bergman, Southern California Gas Company, Montgomery Management Company, and Sarah Gabay without comment and refer to the City's Claims Adjustor, and continue Emerson's Locksmith Company to a future meeting. Motion Koretz second Schulte.
Hearing no objection it was so ordered.

g. Street Beautification and Signage Master Plan:
REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY.
ACTION: Authorize staff to implement an interim public signage program to meet the City's commercial parking signage needs and to prepare and issue an RFP to develop a public signage and beautification master plan, including bus benches and bus shelters. Motion Heilman second Land.
Hearing no objection it was so ordered.

h. Rent Stabilization Commission Resolution No. 88-46
Regarding Television Coverage of Meetings: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY.
ACTION: 1) That the City Council approve the adoption of Rent Stabilization Resolution 88-46; 2) that the City Council direct staff of the Human Services Department and the Rent Stabilization Department to coordinate the details for television coverage of Rent Stabilization Commission meetings and begin telecasting as soon as possible, with no added fiscal impact. Motion Heilman second Land.
Hearing no objection it was so ordered.

i. Acceptance of Annual Tree Planting/Street Trees (CIP # 805): ACTION: Accept the Notice of Completion for the annual tree planting/street trees (CIP #805) and authorize the filing of the notice by the Director of Public Works with final payment at the end of the 35 day lien period and release the performance bond and material bond.
Approved as part of the Consent Calendar.

j. Huntley/Westbourne Cul-de-sac Landscaping (CIP#812)
Approve Plans: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: Review and approve the proposed landscaping plans for the Westbourne Drive and Huntley Drive cul-de-sacs and direct staff to accomplish same. Motion Land second Heilman. Hearing no objection it was so ordered.

k. Ordinance No. 197 - Recycling Facilities:
ACTION: Adopt on second reading, Ordinance No. 197, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ARTICLE IX OF THE WEST HOLLYWOOD MUNICIPAL CODE (ZONING ORDINANCE) TO

SET OUT CONDITIONS AND PROCEDURES FOR PERMITTING RECYCLING FACILITIES".

Approved as part of the Consent Calendar.

l. Ordinance No. 196 - Time extension for Transmittal of final actions of the Planning Commission to 45 days: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY.

ACTION: Adopt on second reading, Ordinance No. 196, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ARTICLE IX OF THE WEST HOLLYWOOD MUNICIPAL CODE (ZONING ORDINANCE) FOR THE PURPOSE OF EXTENDING THE PERIOD OF TIME ALLOWED FOR TRANSMITTAL OF FINAL ACTIONS TO THE CITY COUNCIL". Motion Koretz second Land.

AYES: Heilman, Koretz, Land, Schulte, Mayor Albert.

NOES: None

Motion carried.

m. Ordinance No. 191 - Preferential Parking:

ACTION: Adopt on second reading, Ordinance No. 191, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD RELATING TO PREFERENTIAL PARKING AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE".

Approved as part of the Consent Calendar.

n. Catastrophic Fund Guidelines: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY.

ACTION: Approve the Catastrophic Illness Fund Program as proposed and request a report on the program, from the Committee, in six months. Motion Heilman second Koretz. Hearing no objection it was so ordered.

o. Contract Renewal with Jewish Family Services for operation of the Handyworker Improvement Program: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY.

ACTION: Approve the contract with Jewish Family Services for Operation of a Home Security Program, as amended (Item 5 - change to 12 months) in the amount of \$93,800.00 and authorize the Mayor to sign. Motion Land second Heilman. Hearing no objection it was so ordered.

p. Contract Renewal for Fair Housing Services with the Fair Housing Congress: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY.

The Fair Housing program is a city-wide program to affirmatively further fair housing practices in the City by conducting a program of informational, educational, counseling, enforcement and testing services designed to promote fair housing. ACTION: Renew the contract with the Fair Housing Congress for FY 1988-89, for the sum of \$14,000.00, and direct staff to correct page 3 of the project description to read 1989 instead of 1988. Motion Heilman second Schulte.

Hearing no objection it was so ordered.

q. Approval to Participate in a State Sponsored Deferred Payment Rehabilitation Loan Program: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. DPRLP, administered by the California Department of Housing and Community Development, was established to provide deferred payment loan funds to local agencies to assist with the rehabilitation of housing for low-income households. ACTION: Approve the participation by the City of West Hollywood in the Deferred Payment Rehabilitation Program, with staff to provide a follow-up report in six months. Adopt Resolution No. 455, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE SUBMITTAL OF A PROGRAM ELIGIBILITY APPLICATION, THE EXECUTION OF STANDARD AGREEMENT ASND ANY AMENDMENTS THERETO, AND OTHER DOCUMENTS NECESSARY TO MAKE LOANS UNDER THE STATE OF CALIFORNIA DEFERRED PAYMENT REHABILITATION LOAN PROGRAM". Motion Heilman second Schulte. Hearing no objection it was so ordered.

r. Proposed Incorporation of the City of Malibu in Los Angeles County: ACTION: Send a letter to the Los Angeles County Board of Supervisors on behalf of the City Council in support of the Malibu Cityhood Campaign. Approved as part of the Consent Calendar.

s. Bid for the 1989 National Bicycle Criterium: ACTION: Support Accord Cycle Group, Ltd. and Quick Release Bicycling's bid for the 1989 National Criterium Championships by approving the National Criterium Championship Proclamation and directing staff to provide assistance with the bid preparation, interface with the Marketing Corporation and prepare a press release. Approved as part of the Consent Calendar.

t. Approval to proceed with study of proposed Permit Parking District No. 5 (West Hollywood Northwest): REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: Approve the following recommendations of the Transportation Commission and staff: 1) Undertake a study of all streets within proposed District 5 to gather the data necessary to propose boundaries and regulations for the district. Staff recommends that this study be executed as an amendment to the current DKS Associates contract. 2) The extent of street regulations will be recommended by the Transportation Commission, based upon a review of the data collected. Motion Heilman second Schulte. Hearing no objection it was so ordered.

u. Operation of West Hollywood Community Housing Corporation Contract with Los Angeles Community Design Center: The housing Division is requesting that the City of West Hollywood renew the contract with the Community Design Center for the continued operations of the Community Housing Corporation. The operating budget is \$120,000 and the Design

Center is requesting an additional \$10,000 earnest funds to be used in escrow when offers on real property are made. ACTION: Approve the contract and authorize the Mayor to sign.
Approved as part of the Consent Calendar.

PUBLIC HEARINGS

3. APPEAL OF PLANNING COMMISSION - CHEERS: Continued open from the meeting of June 20, 1988. Councilmember Heilman declared a conflict of interest and left the meeting at this time. Mayor Albert opened the Public Hearing. City Clerk Mary Tyson reported that notice of this hearing had been posted in the three required places plus at City Hall. Staff report was given by Jeff Archuleta, Howard Zelefsky and Mark Winogron. Carol Lynch, Assistant City Attorney, outlined the procedure for the hearing, with the representatives of the three appealing parties being given 10 minutes for their statements, those testifying from the public given 2 minutes each and then the appellants given 10 minutes for rebuttal & closing arguments. At this point in time the following persons came forward to address the Council:

Barrett W. McInerney, Attorney for Cheers, motion to continue.

Ronald Palmieri, Attorney for property owners of Cheers, joined in the motion.

Debra Gaylor, Attorney for neighbors of Cheers, strongly protested a continuance.

ACTION: Deny the motion to continue. Motion Schulte second Land.

Hearing no objection it was so ordered.

At this point in time, all persons present wishing to testify stood and were sworn in by Assistant City Attorney Lynch and Bruce A. Davy of Davy and Associates, Inc., acoustical engineer hired by the residents, was called to testify. Mr. Palmieri and Mr. McInerney both cross-examined.

The following persons, being duly sworn, came forward to testify:

Ira Stein, West Hollywood
Paul Weber, West Hollywood
Jeanne Dobrin, West Hollywood

Mr. McInerney, Mr. Palmieri and Ms. Gaylor presented their closing arguments and rebuttal, and the item returned to the Council for further discussion.

ACTION: Deny the appeals and uphold the Planning Commission, including the enclosure of the patio and 17 additional parking spaces, with a report back on August 15, 1988 on this and the enclosure plans. Motion Schulte second Land. Hearing no objection and noting the abstention of Heilman it was so ordered.

FURTHER ACTION: That the additional parking be found within a 2 square block area of Cheers within 45 days. Motion Schulte second Albert.

AYES: Land, Schulte, Mayor Albert
NOES: Koretz
ABSTAIN: Heilman

FURTHER ACTION: Find that the use of the patio without being enclosed creates a nuisance, and it shall be closed until such enclosure is built. Motion Land second Koretz. Hearing no objection and noting the abstention of Heilman, it was so ordered.

At this point in time, Councilmember Heilman returned to his seat and rejoined the Council.

4. RESOLUTION ESTABLISHING FEES FOR INSPECTION AND ISSUANCE OF PERMITS FOR CONSTRUCTION ACTIVITIES TAKING PLACE WITHIN THE CITY RIGHT-OF-WAY IN THE CITY OF WEST HOLLYWOOD:

Mayor Albert opened the public hearing. City Clerk, Mary Tyson reported that this hearing was noticed in the Post Newspaper and posted at Plummer Park, the Sheriff's Station, The West Hollywood Library, and at City Hall. Chuck Bergson, Director of Public Works reported that at present this activity is being conducted by the County of Los Angeles at their Westchester facility. This Resolution will set the fees, allowing the City to take this operation in-house, which will provide for convenience to the public and control over construction activities occurring within the City. No one coming forward to speak, the Mayor closed the public hearing. **ACTION:** Adopt Resolution No. 456, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING FEES FOR INSPECTION AND PERMIT ISSUANCE FOR CERTAIN PUBLIC WORKS PERMITS WITHIN THE CITY RIGHT-OF-WAY". Motion Heilman second Land. Hearing no objection it was so ordered.

5. AMENDMENT TO THE ZONING ORDINANCE FOR THE PURPOSE OF AMENDING THE REQUIREMENTS FOR WALLS, FENCES, AND HEDGES IN RESIDENTIAL FRONT YARDS:

Mayor Albert opened the public hearing and the City Clerk reported that this hearing was noticed in the Post Newspaper and posted at Plummer Park, the Sheriff's Station, the West Hollywood Library, and City Hall. Jeff Archuleta, Associate Planner, reported that on November 16, 1987, the City Council conducted a public hearing to consider amendments to the Zoning Ordinance which would modify the above requirements. After receiving testimony on

this subject, the Council directed the Planning staff to try to develop some kind of discretionary process for allowing taller walls and hedges. The Planning Commission has considered the amendments and sends them to the Council without a recommendation. At this point in time the following persons came forward to address the Council:

John Teel, West Hollywood
Jeanne Dobrin, West Hollywood
Ethel Shapiro, West Hollywood

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

ACTION: Introduce on first reading, Ordinance No. 198, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ARTICLE IX OF THE WEST HOLLYWOOD MUNICIPAL CODE (ZONING ORDINANCE) FOR THE PURPOSE OF MODIFYING THE HEIGHT REQUIREMENTS FOR FENCES, WALLS AND HEDGES IN THE FRONT YARD", with the inclusion of grandfathering in existing fences, walls and hedges. Motion Heilman second Schulte.

AYES: Heilman, Koretz, Schulte, Mayor Albert

NOES: Land

Motion carried.

6. FORMATION OF LANDSCAPE DISTRICT NO. 1 AND THE LEVY OF THE PROPOSED ASSESSMENT FOR FISCAL YEAR 1988-89: Mayor Albert opened the public hearing. City Clerk, Mary Tyson, reported that this hearing was noticed in the Post Newspaper, plus the entire Resolution was published. Chuck Bergson, Director of Public Works, reported that the area had been posted and all property owners in the District had been notified. No written protests had been received. On June 20, 1988, the City Council adopted Resolution No. 445, a Resolution of Intention to form Landscape Maintenance District No. 1, and provide for the levy and collection of assessments pursuant to the Landscaping and Lighting Act of 1972 and setting this time and place for hearing objections. At this point in time the following person(s) came forward to address the Council:

Irwin Held, 8447 Santa Monica Boulevard - in protest.

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

ACTION: Adopt Resolution No. 457, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ORDERING THE WORK IN CONNECTION WITH THE FORMATION OF WEST HOLLYWOOD LANDSCAPE MAINTENANCE DISTRICT NO. 1". Motion Schulte second Land. Hearing no objection it was so ordered.

Mayor Albert called a recess at 10:15 P.M.
The City Council reconvened at 10:35 P.M.

CITIZEN COMMENTS: This time has been set aside for the public to address the City Council on any item on the agenda except for the Public Hearings. At this point in time the following members of the public came forward to address the Council:

Paul Weber, West Hollywood - Homeless
Jeanne Dobrin, West Hollywood - Pacific Design Center Parking
Effie Reuveni, West Hollywood - C.S.W. parade problems.

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 Koretz asked staff for information on the patio at Flags.
Councilmember Heilman directed staff to follow up on the public parking at P.D.C. for the Garlic Festival.
Discussion was held on setting time for Commission meetings, with the majority of the Council declaring that the Commissioners themselves should set the meeting time but should be made aware of any problems.

UNFINISHED BUSINESS

7. GREATER WEST HOLLYWOOD FOOD COALITION: THIS ITEM WAS HEARD IMMEDIATELY FOLLOWING THE CONSENT CALENDAR, BUT IS LISTED HERE FOR CLARITY. This was an oral report by Tom West of the Human Services Department and Mike Dean of the Food Coalition. The Council questioned Mr. Dean about placing limitations on those people eligible for food and about relocating the program due to the problems that have been generated at the Plummer Park site. ACTION: Refer to staff to look at placing limitations on those served (not under the influence of drugs and/or alcohol) and providing security; work with the Housing staff to find a location to move to. This item to be brought back to Council at the first meeting in September. Motion Heilman second Schulte. Hearing no objection it was so ordered.

8. COMMISSION APPOINTMENTS: (Continued from meeting of June 20, 1988) ACTION: The following appointments were made:

PLANNING COMMISSION - AT LARGE:

John Read - Motion Heilman second Schulte.
Hearing no objection it was so ordered.
Rita Guarriello - Motion Land second Albert.
Hearing no objection it was so ordered.

TRANSPORTATION COMMISSION - AT LARGE:

Sibyl Zaden - Motion Koretz second Land.

Hearing no objection it was so ordered.
Margot Siegel - Motion Schulte second Land.
Hearing no objection it was so ordered.

TRANSPORTATION COMMISSION - KORETZ:

Karen Constine - Motion Koretz second Schulte.
Hearing no objection it was so ordered.

RENT STABILIZATION COMMISSION - KORETZ:

Craig Carson - Motion Koretz second Heilman.
Hearing no objection it was so ordered.

BUSINESS LICENSE COMMISSION - KORETZ:

Scott Forbes - Motion Koretz second Schulte.
Hearing no objection it was so ordered.

PUBLIC FACILITIES BOARD - AT LARGE:

Jeffrey Fricke - Motion Schulte second Heilman.
Hearing no objection it was so ordered.
Eric Burkhart - Motion Heilman second Schulte.
Hearing no objection it was so ordered.

PUBLIC FACILITIES BOARD - ALBERT:

Ethel Shapiro - Motion Albert second Schulte.
Hearing no objection it was so ordered.

PUBLIC FACILITIES BOARD - LAND:

Jeanne Kinsel - Motion Land second Schulte.
Hearing no objection it was so ordered.

LEGISLATIVE

9. INCLUSIONARY HOUSING MODIFICATIONS: At the City Council meeting of June 20, 1988, the Council requested staff to return with modifications to the method for calculating affordable rent levels and allowing just cause evictions for households no longer eligible for the program.
ACTION: 1) Adopt Resolution No. 458, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE RENT LEVELS AND SALES PRICES FOR THE INCLUSIONARY ZONING PROGRAM".
2) Introduce on first reading, Ordinance No. 199, AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD CONCERNING THE APPLICABILITY OF THE PROVISIONS OF THE RENT STABILIZATION ORDINANCE TO INCLUSIONARY UNITS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE".
3) Authorize the Housing Division to rewrite the implementation sections of the "Agreement imposing restrictions on real property", to include the language referenced herein. Motion Schulte

second Heilman.

Hearing no objection it was so ordered.

CLOSED SESSION: The City Council adjourned to closed session to discuss matters pertaining to litigation, potential litigation, and/or personnel at 11:30 P.M.

ADJOURNMENT: The meeting was adjourned at 11:45 P.M. to a regular adjourned meeting on July 18, 1988, at West Hollywood Park, at 7:00 P.M.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 18TH DAY OF JULY, 1988.


MAYOR

ATTEST:


CITY CLERK