

**MINUTES  
CITY COUNCIL MEETING  
MAY 16, 1988  
WEST HOLLYWOOD PARK  
647 N. SAN VICENTE BLVD.  
4:00 P.M.**

**CALL TO ORDER:** Mayor Albert called the meeting to order at 4:08 P.M.

**PLEDGE OF ALLEGIANCE:** The Pledge was led by Jodi Curlee.

**ROLL CALL:** PRESENT: Heilman, Land, Koretz, Schulte, Mayor Albert  
ABSENT: None  
ALSO PRESENT: City Manager Brotzman  
City Attorney Jenkins

**PUBLIC HEARING**

**1. SOCIAL SERVICES FUNDING - FY'S 1988-1990:** The City of West Hollywood released a Request for Proposals (RFP) to Provide Social Services to West Hollywood Community Members in February. Proposals, received in March, have been evaluated by Social Services and Finance staff. The staff report was given by Jodi Curlee. Mayor Albert opened the public hearing and the following persons came forward to speak:

Paul Zak, L.A. Shanti Foundation  
Vivian Sauer, West Hollywood Senior Center  
George Hackett, West Hollywood Alcohol & Drug Center  
Chip Ermish, Greater W.H. Food Coalition  
Sylvia Rhue, GLCSC  
Bill Green, The Core Project  
Michael Fewer, Bet Tzedek  
Joyce Green, AIDS Hospice  
Yolanda Retter, Lesbian Central  
Gary Bess, L. A. Free Clinic  
Dorothy Lank, W.H. Community Mediation Program  
Rebecca Sperber, W.H. Vocational Counseling Center  
Dr. German Maisonet, Jr., W.H. Alcohol & Drug Center  
Lauren Jardine & Denise Wheeler, Connexus  
Shoshana Tso, Center for Independent Living  
Thomas Coleman, GLASS  
Linda Miller, Women Helping Women  
Hugh Rice, GLCSC  
Ilene Blaisch, Women Helping Women  
Jeff Campbell, West Hollywood Cares  
Dave Johnson, Being Alive  
David Morena, Being Alive

**ORIGINAL**

Rick Friday, GLASS  
Gabe Kasnks, GLCSC  
Joan Mithers, Jewish Family Services  
Lisa Brooks, Women Helping Women  
Rod Wolff, AIDS Hospice Long Beach  
Sally Jue, APLA  
Jamie Henderson, APLA  
Ellen Margolis, Jewish Family Services  
Alicia Deren, Community Mediation Program  
Gene Poe, Hughes House  
Lauren Burton, Dispute Resolution Services  
Alan Leibensperger, Dispute Resolution Services

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

**ACTION:** To approve all the Commission recommendations where they differ from the staff recommendations and the staff recommendations on the others, except:

Aid for AIDS, Being Alive, CORE, GLASS,  
G.L.C.S.S. (Gay & Lesbian Community Services Center),  
Add Women Helping Women to help implement Women's Task  
Force recommendations after City Council deals with  
in-house.  
AIDS Hospice L.A./L.B.  
AIDS Hospice.

Motion Heilman second Land. AYES: Heilman, Schulte, Land, Mayor Albert.

NOES: Koretz

Motion carried.

**FURTHER ACTION:** To approve recommended funding for Being Alive of \$27,000 and set aside \$11,000 for Being Alive to provide education for HIV positive people (total, \$38,000). Staff to further refine, bring back recommendations, work with West Hollywood Library to make materials available.

Motion Heilman second Land. Hearing no objection it was so ordered.

**FURTHER ACTION:** To approve \$35,000 for CORE. Motion Koretz, second Schulte.

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

**PROPOSED ACTION:** To approve \$31,076 for GLASS.

Motion Koretz, second Schulte.

AYES: Koretz, Schulte.  
NOES: Heilman, Land, Albert.  
Motion failed.

**FURTHER ACTION:** To allocate up to \$6,000 to GLASS for educational materials.

AYES: Heilman, Schulte, Land  
NOES: Koretz, Albert.  
Motion Carried.

FURTHER ACTION: To increase funding for GLCSC Edelman Health clinic by \$10,000, (increase to \$67,750, from the staff recommendation of \$57,750)

AYES: Heilman, Koretz, Schulte, Land, Albert.  
Motion Carried.

FURTHER ACTION: To increase funding for GLCSC BY \$4,000 if Citrus House opens. Motion Land second Schulte.

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

FURTHER ACTION: Increase CARES by \$7,500, to \$57,500.

AYES: Heilman, Koretz, Schulte, Land, Albert  
Motion Carried.

FURTHER ACTION: To approve all the rest of the recommendations on GLCSC. Motion Heilman second Schulte.

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

FURTHER ACTION: To approve recommended funding of \$82,687.50 and reserve an additional \$20,000 for Aid for AIDS--staff to return after negotiations with County and Aid for AIDS.

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

FURTHER ACTION: To approve AIDS Hospice at \$35.00 per bed per night for city residents after completion of their service contract to provide 3 beds for a year (1095 bed nights). Motion Heilman, second Koretz.

AYES: Heilman, Koretz, Land, Albert.  
ABSTAIN: Schulte.  
Motion Carried.

FURTHER ACTION: Hospice L.A./Long Beach-To allocate \$15,000 for Hughes House allocated on a month to month basis. Motion Koretz second Schulte.

AYES: Koretz, Schulte, Land  
NOES: Heilman, Mayor Albert.  
Motion Carried.

FURTHER ACTION: To approve the rest of AIDS Hospice recommendations.  
Look at it in three months. Motion Heilman second Schulte.  
Hearing no objection it was so ordered.

(Total funding: \$2,053,412.00)

**RECESS FOR DINNER BREAK:** Recessed, 6:35 p.m., to closed session.

**RECONVENE THE COUNCIL MEETING:** 7:35 p.m.

**CALL TO ORDER:** 7:35 p.m.

**APPROVAL OF AGENDA:** The following items were removed from consent calendar for separate discussion: 2f, 2h, 2i, 2j, 2m

**PROCLAMATIONS AND COMMENDATIONS:** Welcome to UCLA students  
Proclamation honoring City Channel 10 interns--John Cunningham,  
Jeannette Kern. Commendation--Chris Quimby--City Channel News.  
Commendation--Tony Lynn--City on the Line.

**1a. 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. No City Manager report.

**2. CONSENT CALENDAR:** The following routine matters were acted upon by one motion to approve with the consent of the Council.  
**ACTION:** Approve items 2a, b, d, e, g, k, l, n.  
Motion Schulte, second Land. Hearing no objection it was so ordered.

**FURTHER ACTION:** Approve item 2-o with the addendum dated May 12, 1988 totaling the 1988/89 premium at \$138,461. Motion Heilman second Land. Hearing no objection it was so ordered.

**a. Posting of Agenda:** The agenda for the meeting of May 16, 1988, was posted at City Hall, Plummer Park, the Sheriff's Station and the West Hollywood Library on May 11, 1988. **ACTION:** Receive and file.  
Approved as part of the Consent Calendar.

**b. Demand Register No. 86 - Resolution No. 438:** **ACTION:** Approve Demand Register No. 86 and adopt Resolution No. 438.  
Approved as part of the Consent Calendar.

**c. Treasurer's Report:** No Treasurer's Report.

**d. Claims:** Maxwell Thomas Felfer  
Ruth Blumenthal  
Mark Alan Ashland  
Ann Blum  
Elizabeth D. Sherman

**ACTION:** To deny without comment and refer to the City's Claims Adjustor.  
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. Resolution No. 423 - Denial of Appeal by Jeanne Dobrin et al. of Planning Commission Decision Approving Conditional Use Permit 87-07:**

RECOMMENDED ACTION: To adopt Resolution No. 423, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL OF JEANNE DOBRIN ET AL. AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO APPROVE CONDITIONAL USE PERMIT 87-07 FOR PROPERTY AT 858 NORTH DOHENY DRIVE, WEST HOLLYWOOD."

PULLED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY.

Change condition "f" to read "No more than six (6) persons may work on the premises." ACTION: To adopt Resolution No. 423 as amended. Motion Heilman second Schulte. Noting the objection of Councilmember Land, and abstention of Councilmember Koretz, it was so ordered.

**g. Harland/Willey Lane Stop Sign:** ACTION: To adopt Resolution No. 433, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A BOULEVARD STOP AT THE INTERSECTION OF HARLAND AVENUE AND WILLEY LANE."

Approved as part of the Consent Calendar.

**h. 1988-89 Social Services Contract Boilerplate:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: That the City Council approve the 1988 Social Services Contract Boilerplate. Motion Schulte second Heilman. Hearing no objection it was so ordered.

**i. Sewer Restrictions and Water Conservation:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. City Attorney Mike Jenkins stated that the record should show that "the City of West Hollywood shares the City of Los Angeles goals in this regard but does not necessarily concede, by any means, that the City of Los Angeles has any right or authority to impose its views on the City of West Hollywood in that we specifically reserve any rights that we may have as regards the enforceability of the City of Los Angeles Ordinance on the City of West Hollywood. As a matter of policy and as a matter of philosophy it is clear by its actions and its statements to Los Angeles that the City of West Hollywood concurs with the intent of its law, but, in all of our communications with the City of Los Angeles, we will make it clear we are doing it voluntarily and in the spirit of cooperation with that entity and not by virtue of any attempted or purported extraterritorial legislation on their part. Finally, there are certain aspects of the City of Los Angeles Ordinance that we really specifically do not agree with, namely their failure to include an exemption for the city's proposed homeless shelter and its affordable housing - two areas where the City of Los Angeles has given itself a priority but has not provided any similar exemption or priority for us. We think that when we take actions

of that kind in the furtherance of the public interest, they should be exempt in some way from these restrictions or they should not count towards any quota". ACTION: That the Council direct the Departments of Community Development and Public Works to amend their 90-day workplans to include research and analysis of the various alternatives for sewage reduction and water conservation and return to the Council within 90 days with a preliminary report which addresses water conservation and development controls. Motion Koretz second Schulte. Hearing no objection it was so ordered.

**j. Approval of Agreement with POD Incorporated to Prepare the Development Framework Plan:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: To approve the agreement with POD Incorporated to prepare the Development Framework Plan, and the proposed advisory committee. Motion Heilman second Schulte. Hearing no objection it was so ordered.

**k. Sixth Annual Garlic Festival:** ACTION: 1. To authorize the street closure of San Vicente Blvd. from just north of Melrose Ave. to just south of Santa Monica Blvd. from 9:00 p.m., July 15th, to 6:00 a.m., July 18th, and notify businesses and residents in the area; 2. Authorize the sale of beer and wine at the event; 3. Direct staff to assist the promoters with obtaining proper permits and City services; 4. Assume law enforcement costs for this event.

Approved as part of the Consent Calendar.

**l. Selection of Co-Sponsoring Non-profit Organization for the 1988 West Hollywood 5K/10K Run and Walkathon:** ACTION: To select The Greater West Hollywood Food Coalition/Chip-In and The Core Program as this year's co-sponsoring non-profit organization for the West Hollywood Tom Proctor 5K/10K Run and Walkathon. Approved as part of the Consent Calendar.

**m. On-Street Parking Control Modifications:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: That the City Council adopt the following Resolutions:

Resolution No. 434, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A COMMERCIAL LOADING ZONE ON A PORTION OF SANTA MONICA BOULEVARD."

Resolution No. 435, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING TIME LIMIT PARKING ON A PORTION OF SANTA MONICA BOULEVARD."

Resolution No. 436, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING TIME LIMIT PARKING ON A PORTION OF FOUNTAIN AVENUE."

Resolution No. 437, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A PASSENGER LOADING ZONE ON A PORTION OF BEVERLY BOULEVARD."

Motion Schulte second Mayor Albert.

AYES: Land, Schulte, Koretz, Mayor Albert

NOES: Heilman.

Motion carried.

**n. Playboy Jazz Festival Concert at Plummer Park:** ACTION: To approve staff's request to allow the West hollywood Chamber of Commerce to sell beer at the jazz concert at Plummer Park on Sunday, May 22, 1988. Approved as part of the Consent Calendar.

**o. Renewal - General Liability Insurance Policy for the City of West Hollywood:** ACTION: To authorize the Mayor to sign the contract with Planet Insurance for General Liability and that we contract at a self-insured retention of \$100,000 with coverage to \$5,000,000 at a premium of \$138,461. Approved as part of the Consent Calendar.

(Item 6, Century Communications Franchise, was taken out of order, and acted on at this time--for action taken, see under Item 6.)

AT THIS TIME THE MAYOR ADJOURNED THE REGULAR MEETING AND THE COUNCIL RECONVENED AS THE LICENSE APPEALS BOARD.

#### **LICENSE APPEAL HEARINGS**

**3. ALHAR ENTERPRISES, INC. DBA PEANUTS DISCO, 7969 SANTA MONICA BLVD. - APPEAL OF DECISION OF BUSINESS LICENSE COMMISSION:**  
ACTION: 1. Accept the written transcript of record of BLC-88-002, heard before the Business License Commission, together with all evidence, reports and exhibits presented to the Commission; 2. Not accept any new evidence or testimony except to hear oral arguments and/or points and authorities of law; 3. Uphold Conditions Nos. 1 and 2 in the staff report, as adopted by the Business License Commission at their meeting of March 1, 1988; 4. Repeal Conditions Nos. 3 and 4 in the staff report, requiring Peanuts Disco to prohibit patrons under 21 years of age from entering the establishment, and subjecting the license to a six-month review by the Commission or City staff.  
Motion Heilman second Schulte. Hearing no objection it was so ordered.  
(Staff to return with appropriate resolution at next meeting.)

**4. JOSEPH VALENTI DBA VENUS PICTURE ARCADE, 7768 SANTA MONICA BLVD:** An appeal of a decision of the Business License Commission to revoke the Appellant's Picture Arcade-Adult business license.  
RECOMMENDED ACTION: 1. To consider the written transcript of record and all exhibits and evidence of record of the Accusation heard before the Business License Commission; 2. To accept the written declarations of Deputy Robert Rangel, Deputy Early Lincoln and Mr. Vincent LaVeaga as true and complete statements of record; 3. To allow the introduction of any new evidence from either party, with the conditions of new evidence earlier imposed by the City Council; 4. To uphold the decision of the West Hollywood Business License Commission based on the record of existing evidence and exhibits presented.

**ACTION:** To uphold the decision of the Business License Commission based on the evidence and to direct staff to bring back a resolution. Motion Land second Schulte. Hearing no objection it was so ordered.

**PUBLIC HEARINGS**

(At this time, Councilmember Heilman excused himself from the Hearing regarding Cheers, due to a possible conflict of interest, and left the meeting.)

**5. APPEAL OF PLANNING COMMISSION DECISION MODIFYING CONDITIONS FOR DEVELOPMENT PERMIT 86-76 (CHEERS) FILED BY CHRIS COX, KOSTAS AVGEROPOULOS ET AL., AND MARK AND BARBARA NEWMAN; HEARING TO CONSIDER ANY PROTEST OF THE PROPERTY OWNER, OPERATOR OR OTHER INTERESTED PERSON REGARDING THE ORDER TO ABATE THE NUISANCE CAUSED BY NOISE AND PARKING:** Jeff Archuleta, Associate Planner, reported that on March 17, 1988, the Planning Commission adopted a resolution imposing additional conditions for Development Permit 86-76, which allowed the remodel of the bar now known as Cheers. These new conditions were imposed to mitigate noise impacts resulting from the remodeled patio area. The decision of the Planning Commission has been appealed by the bar owner, property owner and a group of neighboring residents. This hearing is also for the purpose of taking testimony regarding the order to abate the nuisance generated by the noise impacts. The recommendation of staff is to hold the public hearing, take public testimony and then, after considering all evidence, deny the appeals of Chris Cox, Mark and Barbara Newman, and Kostas Avgeropoulos et al., and uphold the decision of the Planning Commission to impose additional conditions for Development Permit 86-76. The Council shall also determine that a public nuisance exists at 8279 Santa Monica Blvd. with regard to noise, and order the abatement thereof.

The City Attorney, Mike Jenkins, outlined the procedure for this proceeding. "This is a de novo hearing; the Council will be accepting evidence and testimony and deliberating on the basis of that testimony. The matter was commenced as a modification of a development permit, and that was the way it was heard before the Planning Commission. When the matter was appealed, the matter was also addressed by staff as an abatement of a public nuisance under the public nuisance provisions of the city's Municipal Code and both proceedings are before you concurrently. You have handled many appeals from the Planning Commission and are familiar with that process. In addition, you have handled numerous Building Rehabilitation cases, which are very similar to the public nuisance type proceeding which is contained in your Municipal Code. The reason that they are before you concurrently is that many of the issues involved in both instances either overlap extensively or are, in fact, identical. It is for that reason that we have scheduled both items to be heard at the same time.



It would be for the Council to hear the testimony and then divide the issues based on two proceedings and act accordingly. Two items that were raised by the appellants, business and property owners, from the Planning Commission, concerned the requirement that people who testify testify under oath and also their ability to cross-examine witnesses. Neither examination under oath or the ability to cross-examine is required under either of the procedures that are before you this evening; that is under the Development permit procedure, modification procedure, or nuisance abatement procedure. However, in order to reduce the number of issues before the Council, to issues of substance rather than procedure, it is my recommendation that the Council ask those who wish to speak tonight to take an oath and add to the solemnity of the occasion. In addition, I believe it would be in order for the Counsel for the business and for the property to be able to cross-examine and/or ask questions of the witnesses on factual matters, and I would ask Counsel to limit their inquiries to factual matters as it is pointless to cross-examine with reference to opinions, so that they have their full opportunity for due process as they have requested. In that regard, I would ask that Counsel be seated at the table here. They have a microphone at that table and can ask questions of those who testify. I should also say, to those who are testifying, that they are not here by compulsion or subpoena and are not compelled to answer any questions if they do not want to answer, but I think it appropriate to advise the Council, that the credibility of people who testify will be weighed in part on their testimony and on their willingness to testify accurately and to answer legitimate, appropriate factual questions.

Finally, the procedure that we should undertake would be to first hear any motions that the attorneys for the parties that are subject to this action may wish to make, to address those motions, then to accept testimony from the persons filing speaker slips and then allow, during each persons testimony, both counsel and City Council an opportunity to ask questions of each person testifying, and then at the end, to allow the lawyers an opportunity to make a final statement or argument to the City Council. This is an action to modify a development permit for a business and to consider whether or not conduct of the business constitutes a nuisance. The only attorneys who should be here involved in this questioning process are those whose business and property are directly impacted by the action".

Deborah Galler stated that she represented 19 residents in the area, and that her clients were affected here in that whatever goes on here the quality of their life and the life of their tenants is affected. Tenants have moved out because of the problem with Cheers and their property rights are affected as much or more than the rights of those whose attorneys are sitting at the table. She requested the same rights and priviledges as those being afforded to the Counsel of the other parties.

Councilmember Schulte stated for the record that he had no problem with the attorney for the residents being accorded the same right to ask questions and cross-examine as the other attorneys.

Ronald Palmieri, Attorney for owners of the real property where Cheers is located, stated that Ms. Galer did not represent any cohesive group and had no standing. Barrett McInerny, Attorney for the owners and operators of Cheers, joined with Mr. Palmieri.

Ms. Galer stated that these assertions had no substance and she was retained by persons living adjacent to the bar.

ACTION: Allow Ms. Galer to participate along with the other Counsel. Motion Koretz second Land. Hearing no objection it was so ordered.

Arlen Andelson, Attorney for Cheers, made a motion to continue and have staff and Cheers people meet. Mr. Palmieri and Mr. McInerny joined. Ms. Galer strongly objected.

ACTION: Deny the motion to continue. Motion Land second Schulte. Hearing no objection it was so ordered.

Mr. Palmieri made a motion to dismiss the noise abatement hearing as proper notice had not been given. This motion joined by Mr. Andelson and Mr. McInerny. City Attorney Jenkins recommended denial - all parties have received ample notice and all are represented by able Counsel.

ACTION: Deny the motion. Motion Land second Koretz. Noting the objection of Schulte, it was so ordered.

Mr. Palmieri made a motion to continue the hearing as notice was mailed on the 6th of May and does not meet the 10 day notice, which calls for 15 days if sent by mail. Mr. McInerny joined. The City Attorney asked Council to reserve determination on the motion, allow the proceeding to go forward in view of Mr. Palmieri's presence here, and at the end of the hearing, Mr. Palmieri should advise the Council in what particular respect the failure of notice has prejudiced or compromised his ability to represent his client here, and if he can demonstrate a specific basis where this has occurred, then the Council can take action at that time.

Mr. Palmieri made a motion to bifurcate the two hearings and hear the nuisance abatement proceeding first. Mr. McInerny joined.

ACTION: Deny the motion. Motion Koretz second Schulte. Hearing no objection it was so ordered.

Mr. Palmieri made a motion to limit testimony to personal knowledge.

ACTION: Deny the motion. Motion Land second Koretz. Hearing no objection it was so ordered.

Mr. Palmieri made a motion to strike the recommended action in the staff report.

ACTION: Deny the motion. Motion Schulte second Land. Hearing no objection it was so ordered.

The City Attorney asked Counsel if there was any objection to swearing in the people who wish to testify all at once.

Mr. Palmieri - No objection.  
Mr. McInerny - No objection.  
Ms. Galer - No objection.  
Mr. Andelson - No objection.

Mayor Albert instructed that all persons who wished to testify and had turned in slips, stand and be sworn.

City Attorney Jenkins asked them all to raise their right hands and swear that the testimony they are about to give in this proceeding be the truth, the whole truth and nothing but the truth. Affirmation was given by all stating "I do".

Mayor Albert stated that speakers would not be called in any particular order as many did not indicate on the speaker slip whether they were for or against, and they would be limited to two minutes.

For the record, the City Attorney asked if any of the Councilmembers had been to the establishment that is the subject of the proceeding. Three of the Councilmembers replied yes (Schulte, Koretz, and Land). Mayor Albert replied no.

At this point in time the following persons came forward to address the Council on this item:

Spiridon Dimitrov, 8266 1/2 W. Norton Ave. - Property owner in favor of the nuisance abatement order - tenants moving out because of noise.

The City Attorney read a letter into the record from one of their tenants, Anchana Key, stating they were moving because of the noise at Cheers.

Anna Dimitrov, same .

Mr. McInerny and Mr. Palmieri both cross-examined the witnesses.

Dan Jordan, West Hollywood Chamber of Commerce, read a letter from Tony Melia, President of the Chamber, in opposition to the appeal.

Mr. Jordan was cross-examined by Ms. Galer.

Kostas Avgeropoulos, 8276 W. Norton Ave., owner of property behind Cheers, spoke in favor of the nuisance abatement order. Also asked that they be required to sound-proof and provide adequate parking.

Mr. McInerny and Mr. Palmieri cross-examined.

Carmen Hanft, 8276 W. Norton Ave., tenant of Mr. Avgeropoulos spoke in favor of the appeal.

Florence Delbarian, 8250 W. Norton Ave., property owner, in favor of the appeal - growing vacancy factor and no parking.

Mr. McInerny and Mr. Palmieri cross-examined.

David Behr, 8127 W. Norton Ave., in favor of the appeal, expanded use and lack of parking cited.

Mr. McInerny or Mr. Palmieri cross-examined.

Boni Cosby, 8268 1/2 W. Norton Ave., in favor of the appeal - cited parking and noise.

Mr. McInerny or Mr. Palmieri cross-examined.

Pierce Reynolds, 8270 W. Norton Avenue, #8, in favor of appeal - tape recording of noise.

Mr. McInerny, Mr. Palmieri, and Ms. Galer cross-examined.

Mark Newman, 8279 Santa Monica Blvd., owner of Cheers property and Barbara Newman, same, stated property has always been a bar with a patio.

Ms. Galer cross-examined.

John Hegland, Architect for Cheers, showed pictures of original plans and advocated a high wall and landscaping to block sound.

Ms. Galer cross-examined.

Mayor Albert called a recess at 11:10 P.M.  
The Council reconvened at 11:24 P.M. and Councilmember Schulte asked for cooperation from Counsel and the audience to try not to be repetitive.

At this point in time the following persons came forward to address the Council and urge that the patio remain open:

Tom West, 1117 N. Laurel Ave., #8  
Lynn LeMay, 1443 N. Hayworth

Wuzzy Spaulding, 7524 W. Norton  
Rev. Robert Lucas, 3100 Nichols Canyon Road  
Aslan Brooke, 7548 Lexington  
Anthony Bruno, 875 San Vicente  
David Shelton, 8267 W. Norton Ave. #3  
Stephen Martin, 812 Huntley  
Brad Benton, 500 West Knoll

Coming forward to address the Council in opposition to Cheers continuing use of the patio:

Jeanne Dobrin, 9000 Cynthia  
Eva Raber, 1229 1/4 N. Sweetzer

Marshall Long, Acoustical Engineer, 1101 A Airway, Glendale, addressed the Council on noise level and reduction methods.

Chris Cox, owner of Cheers, addressed the Council and offered rebuttal to the adverse testimony and answered questions regarding parking and remodeling. Wants to reach balance with the neighborhood.

Councilmember Land requested that staff report back on questions of occupancy load and whether outside bathrooms are allowed. Also, would like a sound device obtained and staff provide a demonstration for Council so they fully understand decibel, etc. Councilmember Koretz requested an independent assessment of the various sound options.

**ACTION:** Direct staff to meet with the owners of Cheers and return with review of options including the selection of an acoustical engineer, within two weeks. Also to meet with some representatives of the neighborhood. To continue the hearing open for 30 days, and for counsel's final arguments to be heard at that time (June 20th).

Motion Land second Schulte. Hearing no objection, and noting the absence of Councilmember Heilman, it was so ordered.

"Cheers" was requested to limit noise as much as possible in the interim. (Attorney for Cheers stated they would close alcoholic service through the outside bar from Sunday through Thursday after 10:00 p.m., during this interim.)

**CITIZEN COMMENTS:** This time has been set aside for citizens to address the Council on all items, with the exception of Public Hearings. At this point the following persons came forward to address the Council:

Brad Benton, West Hollywood spoke on reevaluating the parking on West Knoll.  
Sam Weinstein, West Hollywood, spoke on Homeless needs.

**COUNCILMEMBERS COMMENTS:** This time has been set aside for Councilmembers to address remarks to staff and the public on any and all matters of importance. Councilmember Heilman announced that a candlelight vigil for persons with AIDS would be held this coming Friday night.

#### **UNFINISHED BUSINESS**

**6. TELEVISION FRANCHISE - RESOLUTION FINDING CENTURY COMMUNICATIONS IN DEFAULT:** THIS ITEM WAS MOVED TO AFTER CONSENT CALENDAR, BUT IS LISTED HERE FOR CLARITY. ACTION: To approve and adopt Resolution No. 419, (with the deletion of paragraph 20) "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING CENTURY SOUTHWEST CABLE TELEVISION, INC. IN DEFAULT OF ITS FRANCHISE OBLIGATIONS AND GIVING FORMAL NOTICE OF THE CITY'S INTENT TO REVOKE THE CABLE TELEVISION FRANCHISE GRANTED BY ORDINANCE NO. 91 OF THE CITY OF WEST HOLLYWOOD." Motion Heilman second Schulte. Hearing no objection it was so ordered.

#### **NEW BUSINESS**

**7. ENFORCEMENT OF ANIMAL NUISANCE PROBLEMS:** ACTION: To introduce on first reading Ordinance No. 194, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE ANIMAL CONTROL ORDINANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Also, the City Council directs the Sheriff's Department to issue infraction citations for the violation of the animal nuisance provisions as set forth in 10.40.060, amendment to Section 3302. This infraction will be set to a schedule of fines as stated in Section 1200B of the Municipal Code that includes a \$25.00 fine for the first offense and a fine of \$50.00 for the second offense. Staff is instructed to educate the community on the animal nuisance ordinance and the possible fines for violations of this ordinance through the use of cable television, press releases and the city newsletter. Motion Heilman second Land. Hearing no objection it was so ordered.

**8. INCLUSIONARY HOUSING MODIFICATIONS:** Dan Cohen, Housing Manager, reported that the City of West Hollywood adopted an inclusionary housing program 16 months ago. Since its inception, the program has resulted in approval for the construction of 45 affordable units and the potential for more than \$500,000 in in-lieu fees to the Affordable Housing Trust Fund. The Housing Division has produced a program manual and through its interaction with developers, housing staff from other cities, and City Councilmembers, has attempted to refine the parameters and procedures of the program. Though many of the refinements are minor procedurally, there are several policy shifts that warrant City Council consideration, involving changes in the way affordable rents are calculated, changes in program compliance, and changes in eviction protections. RECOMMENDED ACTION: To approve the changes outlined in the staff report and a) authorize

the Housing Division to prepare a resolution adopting a new rent schedule and to rewrite the implementation sections of the "Agreement Imposing Restrictions on Real Property", and b) amend the Rent Stabilization Ordinance adding point 17 to Section 6413 of the Municipal Code.

ACTION: TABLE TO THE NEXT MEETING. Motion Heilman second Land. Hearing no objection it was so ordered.

#### **LEGISLATIVE**

**9. ORDINANCE NO. 193 - GAMBLING:** RECOMMENDED ACTION: To introduce on first reading Ordinance No. 193, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD CONCERNING GAMBLING AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

ACTION: TABLED TO NEXT MEETING. Motion Heilman second Schulte. Hearing no objection it was so orderd.

**10. ORDINANCE NO. 188 - CHEMICALS USED IN PRODUCING CONTROLLED SUBSTANCES:** RECOMMENDED ACTION: To introduce on first reading Ordinance No. 188, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING THE SALE OF CHEMICALS USED IN PRODUCING CONTROLLED SUBSTANCES."

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

**11. AN AMENDMENT TO THE RENT STABILIZATION ORDINANCE REGARDING THE TERM OF OFFICE OF MEMBERS OF THE RENT STABILIZATION COMMISSION:** ACTION: To introduce on first reading Ordinance No. 192, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING THE TERM OF OFFICE OF MEMBERS OF THE RENT STABILIZATION COMMISSION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

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

**12. ORDINANCE NO. 189 - OUTDOOR NEWSSTANDS:** On May 2, the Council held a public hearing to consider a proposed zoning ordinance amendment which would allow outdoor newsstands as a conditionally permitted use in the mixed commercial zones. Council approved the amendment in concept, but directed staff to make specific changes to the draft ordinance. RECOMMENDED ACTION: To introduce on first reading Ordinance No. 189, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADDING DESIGN STANDARDS FOR OUTDOOR NEWSSTANDS AND AMENDING ARTICLE IX OF THE MUNICIPAL CODE (ZONING ORDINANCE)".

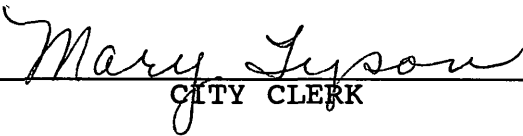
THIS ITEM WAS TABLED TILL NEXT MEETING.

**ADJOURNMENT:** The meeting was adjourned at 12:55 P.M. in memory of Alan Mulquinn to a regular meeting on May 23, 1988, at West Hollywood Park at 7:00 P.M.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 5TH DAY JULY, 1988.

  
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MAYOR

ATTEST:

  
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CITY CLERK