

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, AUGUST 3, 2020  
REGULAR TELECONFERENCE MEETING**

**5:00 P.M. - CLOSED SESSION: See attached Closed Session Agenda**

**5:30 P.M. – CITY COUNCIL MEETING VIA TELECONFERENCE**

**CALL TO ORDER:** Mayor Horvath called the meeting to order at 5:37 p.m.

**PLEDGE OF ALLEGIANCE:** Mayor Horvath led the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Councilmember D’Amico, Councilmember Duran, Councilmember Meister, Mayor Pro Tempore Heilman, and Mayor Horvath.

**ABSENT:** None.

**ALSO PRESENT:** City Manager Arevalo, City Attorney Jenkins, Assistant City Attorney Langer, City Clerk Quarker, and Assistant City Clerk Crowder.

**REPORT OF CLOSED SESSION AGENDA:**

Assistant City Attorney Lauren Langer reported that the regularly scheduled Closed Session was called to order at 5:00 p.m. She stated that there was one public comment. She reported that the Council approved a conditional settlement agreement in the matter of Farmacy Collective v. City of West Hollywood, noting the “no” vote of Councilmember D’Amico which is related to Item 4.A. on tonight’s agenda. She further reported that if Council approves Item 4.A., the proponents in Item 4.C. will withdraw their ballot initiative. The Closed Session adjourned at 5:30 p.m.

**APPROVAL OF AGENDA:**

City Clerk Quarker indicated that the Appellant, Lynn Russell, has requested a continuance of Item 3.A. After discussing the request and recognizing that the Appellant had been previously granted a continuance, Council agreed by consensus to keep the Item on the Agenda.

Councilmember Duran requested that Items 5.A. and 5.B. be moved to the Consent Calendar as Items 2.P. and 2.Q., respectively.

Mayor Horvath requested that Items 4.D. and 6.A. be moved to the Consent Calendar as Items 2.O. and 2.R., respectively. She also requested that Item 2.D. be moved to Excluded Consent for discussion.

City Council Minutes  
Monday, August 3, 2020  
Page 2

**Motion by Mayor Pro Tempore Heilman to approve the August 3, 2020 Agenda as amended, seconded by Councilmember Duran, and approved.**

**ADJOURNMENT MOTIONS:**

Councilmember Duran requested that the meeting be adjourned in memory of Jeff Kurtzman.

Councilmembers D'Amico and Duran requested that the meeting be adjourned in memory of Lady Red Couture.

Mayor Horvath requested that the meeting be adjourned in memory of Ina Eugenia Wilson, Gabriella O'Donnell, Caryl Reback, and Regis Philbin. She also requested that the meeting be adjourned for the following military adjournment: Army Sergeant Bryan Cooper Mount (25), Lance Cpl. Guillermo S. Perez (20), Pfc. Bryan J. Baltierra (19), Lance Cpl. Marco A. Barranco (21), Pfc. Evan A. Bath (19), US Navy Hospitalman Christopher Gnem (22), Pfc. Jack Ryan Ostrovsky (21), Cpl. Wesley A. Rodd (23), Lance Cpl. Chase D. Sweetwood (19), and Cpl. Cesar A. Villanueva (21).

**PRESENTATIONS:**

**1. PUBLIC COMMENT:**

DIANE FORTE, on behalf of Southern California Edison, spoke regarding Item 2.I.

DAN WENTZEL, WEST HOLLYWOOD, spoke regarding the City's economy post-COVID-19 and provided suggestions for addressing this issue.

MICHAEL KING, WEST HOLLYWOOD, spoke regarding electronic recycling, people ignoring stay-at-home orders, limited parking due to street repaving, and challenges with seismic retrofitting.

WES SEEGMILLER, WEST HOLLYWOOD, spoke in opposition to Item 3.C.

NICK RIMEDIO, WEST HOLLYWOOD, spoke in support of Items 2.P. and 2.Q. (formerly Items 5.A. and 5.B.).

LARRY BLOCK, WEST HOLLYWOOD, spoke regarding campaign ethic's failures by the City Council.

**COUNCILMEMBER COMMENTS AND MEETING ATTENDANCE REPORTS:**

Councilmember Duran responded to some of the public comments, specifically the economic challenges facing the City during COVID-19.

Councilmember D'Amico spoke on Items 5.A. and 5.B. and revitalizing the City's economy post-COVID. He mentioned Item 2.I. and reported on an event that he

City Council Minutes  
Monday, August 3, 2020  
Page 3

participated in with Germany, which focused on what other small cities are doing to meet their climate action goals. He asked City Manager to look into adding office re-use as housing, could be included in the Plan. He also commented on Mayor Pro Tempore Heilman's comments regarding electronic waste and shared that UCLA continues to be an electronic waste drop off site

Councilmember Meister commented on various Consent Calendar items. She requested that the City Manager direct staff to return with an Item detailing how the City can appeal the RHNA numbers. She spoke regarding Item 4.E. and requested that Communications and Social Services create a PSA for multi-unit buildings regarding wearing masks in common areas.

Councilmember Meister commented on various Consent Calendar items. Regarding 5.A., she mentioned that Council could reconsider a moratorium on new hotel applications in the future. She asked the City Manager when staff would return to Council with an Item detailing how the City can appeal the RHNA numbers. She spoke regarding Item 4.E. and requested that Communications and Housing staff create a Notice for multi-unit buildings regarding wearing masks that can be placed in elevators and common areas.

Mayor Pro Tempore Heilman spoke regarding opening hotel pools for residents. He thanked his colleagues for supporting his Items. He thanked the City Manager and City staff for working with local businesses to address their concerns. He mentioned a memo from Unite Here Local 11 and worker safety in hotels. He addressed Mr. King's public comment regarding electronic recycling.

Mayor Horvath reported that she attended the California Contract Cities meeting with the Sheriff's department. She noted that the Public Safety Working Group will meet this Wednesday. She attended the Women in Municipal Government, the League of California Cities, and the Obama Foundation's Re-Imagining Policing discussion. She commented on various Consent Calendar items. She requested that the City Manager report on the budget impacts of COVID-19.

#### **CITY MANAGER'S REPORT:**

City Manager Arevalo reported on items that staff is working on to address the impacts of COVID. He spoke about budget constraints due to COVID. He addressed the e-waste comment made by Mr. King under Public Comment. Finally, he addressed some questions by Council during Councilmember comments.

Councilmember Duran inquired about aspects of the City's rental assistance program. Mr. Arevalo responded to this inquiry.

#### **FISCAL IMPACT ON CONSENT CALENDAR:**

City Clerk Quarker stated that the fiscal impact on the Consent Calendar is \$611,211 in expenditures, \$0 in potential revenues, (\$0) in waived fees.

City Council Minutes  
Monday, August 3, 2020  
Page 4

**2. CONSENT CALENDAR:**

**2.A.,B.,C.,E.,F.,G.,H.,I.,J.,K.,L.,M.,N.,O.,P.,Q.,R. Motion by Mayor Pro Tempore Heilman, seconded by Councilmember D'Amico, and approved, as amended.**

**2.A. POSTING OF AGENDA:**

*SUBJECT: The agenda for the meeting of Monday, August 3, 2020 was posted at City Hall, Plummer Park, and the Sheriff's Station on Wednesday, July 29, 2020.*

**ACTION:** Receive and file. **Approved as part of the Consent Calendar.**

**2.B. APPROVAL OF MINUTES:**

*SUBJECT: The City Council is requested to approve the minutes of the prior Council meeting.*

**ACTION:** Approve the minutes of July 20, 2020. **Approved as part of the Consent Calendar.**

**2.C. APPROVAL OF DEMAND REGISTER NO. 871 [L. QUIJANO, C. CORRALES]:**

*SUBJECT: The City Council shall receive the Demand Register for period ending July 24, 2020 pursuant to Sections 37201 to 37210 of the Government Code of the State of California.*

**ACTION:** Approve Demand Register NO. 871 and adopt Resolution No.20-5313, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING PAYMENT OF DEMANDS PRESENTED ON DEMAND REGISTER NO. 871." **Approved as part of the Consent Calendar.**

**2.D. ADOPT ORDINANCE NO. 20-1112 (2ND READING) "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, ADOPTING A ZONE TEXT AMENDMENT MODIFYING TITLE 19, ZONING ORDINANCE, WEST HOLLYWOOD MUNICIPAL CODE IN COMPLIANCE WITH SECTION 19.03.030, PROCEDURES FOR INTERPRETATIONS, TO CLARIFY THE DEFINITION OF AND REQUIREMENTS FOR DWELLING UNITS, REQUIRING ALL RENTAL DWELLING UNITS TO BE LEASED FOR AN INITIAL TERM OF ONE YEAR, ALLOWING DWELLING UNITS RENTED FOR 30 DAYS OR MORE IN COMMERCIAL DISTRICTS IN THE SUNSET SPECIFIC PLAN TO BE LEGALLY NONCONFORMING UNTIL 2029, AND CREATING A NEW CONDITIONAL USE OF RENTAL FOR 5 DAYS OR MORE OF 30% OF APPLICABLE LEGALLY NONCONFORMING DWELLING UNITS IN THE SUNSET SPECIFIC PLAN" [Y. QUARKER, M. CROWDER]:**

*SUBJECT: The City Council will waive further reading and adopt Ordinance No. 20-1112, "an Ordinance of the City Council of the City of West Hollywood, adopting a Zone Text Amendment modifying Title 19, Zoning Ordinance, West Hollywood Municipal Code in compliance with*

*Section 19.03.030, procedures for interpretations, to clarify the definition of and requirements for dwelling units, requiring all rental dwelling units to be leased for an initial term of one year, allowing dwelling units rented for 30 days or more in commercial districts in the Sunset Specific Plan to be legally nonconforming until 2029, and creating a new conditional use of rental for 5 days or more of 30% of applicable legally nonconforming dwelling units in the Sunset Specific Plan.”*

**ACTION: This Item was moved to Excluded Consent.**

**2.E. ADOPT ORDINANCE NO. 20-1114 (2ND READING) “AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTION 9.70.040 (OPERATING REQUIREMENTS) OF CHAPTER 9.70 (CONSTRUCTION MANAGEMENT) OF THE WEST HOLLYWOOD MUNICIPAL CODE TO ADD PHYSICAL BARRIERS ON CONSTRUCTION SITES TO MITIGATE THE SPREAD OF DUST TO ADJACENT PROPERTIES” [Y. QUARKER, M. CROWDER]:**

*SUBJECT: The City Council will waive further reading and adopt Ordinance No. 20-1114, “an Ordinance of the City of West Hollywood amending Section 9.70.040 (Operating Requirements) of Chapter 9.70 (Construction Management) of the West Hollywood Municipal Code to add physical barriers on construction sites to mitigate the spread of dust to adjacent properties.”*

**ACTION:** Waive further reading and adopt Ordinance 20-1114, “AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTION 9.70.040 (OPERATING REQUIREMENTS) OF CHAPTER 9.70 (CONSTRUCTION MANAGEMENT) OF THE WEST HOLLYWOOD MUNICIPAL CODE TO ADD PHYSICAL BARRIERS ON CONSTRUCTION SITES TO MITIGATE THE SPREAD OF DUST TO ADJACENT PROPERTIES.” **Approved as part of the Consent Calendar.**

**2.F. COMMISSION AND ADVISORY BOARD MEETING SYNOPSES [Y. QUARKER, M. CROWDER]:**

*SUBJECT: The City Council will receive a Synopses from the Human Services Commission, Transportation Commission, and Russian Advisory Board regarding actions taken at their recent meeting.*

**ACTION:** Receive and file. **Approved as part of the Consent Calendar.**

**2.G. SUPPORT FOR COMMUNITY MEMBERS SEEKING INFORMATION AND ASSISTANCE WITH HOUSING ITEMS NOT ADDRESSED UNDER THE WEST HOLLYWOOD RENT STABILIZATION ORDINANCE [C. PLANCK, P. NOONAN, Y. SPITERI]:**

*SUBJECT: The City Council will receive information on the support and services provided to members of the public with housing issues, separate from those addressed by the Rent Stabilization Ordinance, including support provided to successfully attain and maintain affordable housing.*

**ACTION:** Receive and file. **Approved as part of the Consent Calendar.**

- 2.H. APPROVAL OF ANNUAL ARTS GRANT PROGRAM 2021 [L. BELSANTI, R. EHEMANN, E. ANGELOFF]:**  
*SUBJECT: The City Council will consider approving the City of West Hollywood's Annual Arts Grant Program for 2021 as recommended by the Arts and Cultural Affairs Commission.*  
**ACTION:** Approve the implementation of the City of West Hollywood's 2021 Arts Grant Program as recommended by the Arts and Cultural Affairs Commission. **Approved as part of the Consent Calendar.**
- 2.I. MID-PROJECT UPDATE ON THE CLIMATE ACTION & ADAPTATION (CAAP) PLAN [J. KEHO, R. EASON, G. YOLLES]:**  
*SUBJECT: The City Council will receive a project update on the City's Climate Action and Adaptation Plan (CAAP) development.*  
**ACTION:** Receive and file. **Approved as part of the Consent Calendar.**
- 2.J. AGREEMENT WITH ROBERT SNIDER [C. SCHROEDER, J. HOLUB]:**  
*SUBJECT: The City Council will consider approval of an Agreement with Robert Snider to provide administrative hearing officer services.*  
**ACTIONS:** 1) Approve an Agreement with Robert M. Snider for a term to expire June 30, 2021 to provide administrative hearing officer services in an amount not to exceed \$200,000.00; and 2) Authorize the City Manager or designee to execute documents incident to the Agreement. **Approved as part of the Consent Calendar.**
- 2.K. AGREEMENT FOR SERVICES WITH VERONICA TAM & ASSOCIATES, INC FOR HOUSING ELEMENT SERVICES [C. PLANCK, P. NOONAN, A. BARTLE, J. KEHO, R. EASON, R. DIMOND, B. ECK, G. KAUR]:**  
*SUBJECT: The City Council will consider approving an agreement with Veronica Tam & Associates, Inc. (VTA) for services related to the development and certification of the City's 6th Cycle Housing Element (2021-2029).*  
**ACTIONS:** 1) Approve an Agreement for Services with Veronica Tam & Associates, Inc. (VTA) in the amount of \$171,211 to assist and advise the City on the development of its 6th Cycle Housing Element (2021-2029); and 2) Authorize the City Manager or designee to execute all documents incident to this agreement. **Approved as part of the Consent Calendar.**
- 2.L. PRESERVATION OF THE DEDICATION PLAQUE FROM THE ORIGINAL WEST HOLLYWOOD PARK SWIMMING POOL AND BATHHOUSE [L. HORVATH, J. LEONARD, A. LOVANO]:**  
*SUBJECT: The City Council will consider directing staff to preserve the dedication plaque from the original West Hollywood Park Swimming Pool and Bathhouse and display the plaque, along with information on the history of the original building, in the new West Hollywood Aquatic and Recreation Center.*

**ACTIONS:** 1) Direct staff to preserve the dedication plaque from the original West Hollywood Swimming Pool and Bathhouse; and 2) Direct staff to develop a display for the plaque in the new West Hollywood Aquatic and Recreation Center that includes historical information about the original buildings. **Approved as part of the Consent Calendar.**

**2.M. SUBSIDIZED RECREATION PROGRAMMING FOR LOW INCOME HOUSEHOLDS [LAUREN MEISTER, J. LEONARD, A. LOVANO]:**

*SUBJECT: The City Council will consider directing staff to evaluate creating a program for low-income households to participate in recreation programming in West Hollywood at a subsidized rate.*

**ACTIONS:** 1) Direct staff to evaluate creating a program for low-income households to participate in recreation programming in West Hollywood at a subsidized rate; and 2) Return to City Council with a proposed framework for the program, including the potential community interest and fiscal impact. **Approved as part of the Consent Calendar.**

**2.N. RESOLUTION DENOUNCING LITHUANIA FOR ITS EFFORTS TO DISTORT THE HOLOCAUST AND ATTEMPTS TO REHABILITATE THE REPUTATIONS OF SOME OF ITS LEADERS WHO ACTIVELY PARTICIPATED IN THE MASSACRE OF MILLIONS OF JEWISH INDIVIDUALS [L. HORVATH, J. LEONARD, H. MOLINA]:**

*SUBJECT: The City Council will consider adopting a resolution denouncing efforts in Lithuania and other European nations to rewrite the historical record of the Holocaust and its atrocities, and rehabilitate the reputation of persons and organizations, which have taken an active part in it.*

**ACTIONS:** 1) Adopt Resolution No. 20-5314, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENOUNCING LITHUANIA FOR ITS EFFORTS TO DISTORT THE HOLOCAUST AND ATTEMPTS TO REHABILITATE THE REPUTATIONS OF SOME OF ITS LEADERS WHO ACTIVELY PARTICIPATED IN THE MASSACRE OF MILLIONS OF JEWISH INDIVIDUALS;" and 2) Direct Community & Legislative Affairs staff to send copies of the adopted resolution to Senators Dianne Feinstein and Kamala Harris, Congressman Adam Schiff, the International Holocaust Remembrance Alliance (IHRA), and other individuals and organizations as deemed appropriate. **Approved as part of the Consent Calendar.**

**2.O. (4.D.) PLACEMENT OF AN ORDINANCE ON THE BALLOT OF THE NOVEMBER 3, 2020, GENERAL MUNICIPAL ELECTION INCREASING THE CITY SALES AND USE TAX RATE BY ¾ CENT [P. AREVALO, L. LANGER, J. LEONARD, C. SCHROEDER, Y. QUARKER, M. CROWDER]:**

*SUBJECT: The City Council will discuss placing an ordinance on the ballot of the November 3, 2020, general municipal election increasing the City's sales and use tax rate by ¾ cent.*

**ACTIONS:** 1) Approve Ballot Question as Shown Below: “To maintain West Hollywood services and prepare for and recover from public health emergencies, address homelessness, help retain local businesses/jobs, support senior and health-related services, keep public areas clean and safe, repair potholes/streets, maintain community safety, and provide other City services, shall a measure be adopted establishing a 3/4¢ sales tax providing approximately \$11,000,000 annually until ended by voters, requiring public disclosure of spending, independent financial audits and all funds being used locally?”; 2) Adopt **Resolution No. 20-5316**, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA CALLING FOR THE PLACEMENT OF A GENERAL TAX MEASURE ON THE BALLOT FOR THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF AN ORDINANCE TO ENACT A LOCAL, GENERAL TRANSACTIONS AND USE TAX (SALES TAX) AT THE RATE OF THREE-QUARTERS CENT (3/4¢)”; 3) Adopt **Resolution No. 20-5317**, “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 CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO ELECTIONS CODE SECTION 10403”; 4) Adopt **Resolution No. 20-5318**, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A CITY MEASURE TO BE SUBMITTED AT THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION”; and 5) (Optional) Consider whether to authorize up to two Councilmembers to author an argument in support of the ordinance (and rebuttal arguments) on behalf of the Council on their personal time.  
**Approved as part of the Consent Calendar.**

**2.P. (5.A.) HOTEL RECOVERY INCENTIVES [J. HEILMAN, P. AREVALO, J. JIMENEZ, P. KESPRADIT]:**

*SUBJECT: The City Council will consider approving direction to implement certain strategies and polices to assist the Hotel Industry as part of the City’s Coronavirus business recovery effort.*

**ACTIONS:** 1) Direct Staff to engage film industry stakeholders - including location managers, Film Liaisons in California Statewide (FLICS), the Los Angeles County Film Office, FilmLA, the California Film Commission, and the Los Angeles County Department of Public Health, to confirm best practices for filming at hotels during reopening measures related to the film and television industry for coronavirus safety, based on the Los Angeles County Public Health Order Reopening Protocol for Music, Television and Film Production; 2) Direct Staff to promote City of West Hollywood for safe, on-location filming during the coronavirus pandemic,



based on the Los Angeles County Public Health Order Reopening Protocol for Music, Television and Film Production; 3) Direct Staff to work with Visit West Hollywood to create a local staycation campaign; 4) Direct Staff to expand the allocated number of special events and streamline event permitting process for special events occurring at hotels to be implemented once special events are permitted; 5) Direct Staff to explore allowing hotel restaurants to provide service to non-hotel guests, if they are not already allowed to do so, past the period of the local emergency; 6) Direct Staff to partner with hotels to ensure hotels are implementing best practices for the safety of employees and guests of the hotels; and 7) Direct staff to partner with hotels to provide training videos on COVID-19 to ensure the safety of employees and guests of the hotels. **Approved as part of the Consent Calendar.**

**2.Q. (5.B.) WEST HOLLYWOOD CHAMBER OF COMMERCE COVID-19 ECONOMIC RECOVERY PLAN [P. AREVALO, J. JIMENEZ, T. WORDEN]:**

*SUBJECT: The City Council will consider the initiative developed by the West Hollywood Chamber of Commerce in concert with the California Coalition for Safe Reopening, that proposes measures as immediate solutions for the business community crippled by COVID-19, the Governor's Safer at Home Order, and the associated closures.*

**ACTIONS:** 1) Support the Three Point Economic and Public Health Recovery Plan by the California Coalition for Safe Reopening; and 2) Direct staff to explore and develop additional economic development policies, measures, and/or programs to aid in the local reopening efforts of the West Hollywood Business Community. **Approved as part of the Consent Calendar.**

**2.R. (6.A.) AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER 13.04 (BUILDING CODE) OF TITLE 13 OF THE WEST HOLLYWOOD MUNICIPAL CODE AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT [J. KEHO, B. GALAN]:**

*SUBJECT: The City Council will consider approving an Ordinance amending Chapter 13.04 (Building Code) of Title 13 of the West Hollywood Municipal Code to provide consistency with amendments to Chapter 14.02.020 – Amendments (Fire Code).*

**ACTION:** Introduce for first reading, Ordinance No. 20-1118, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER 13.04 (BUILDING CODE) OF TITLE 13 OF THE WEST HOLLYWOOD MUNICIPAL CODE AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT." **Approved as part of the Consent Calendar.**

**3. PUBLIC HEARINGS:**

**3.A. APPEAL OF THE HISTORIC PRESERVATION COMMISSION'S RECOMMENDATION THAT THE CITY COUNCIL DENY CULTURAL RESOURCE DESIGNATION OF THE PROPERTY CONTAINING TWO BUILDINGS LOCATED AT 8001-8003 SANTA MONICA BOULEVARD AND 1105 NORTH LAUREL AVENUE [J. KEHO, J. ALKIRE, D. VU]:**

*SUBJECT: This item is regarding an appeal of the Historic Preservation Commission's adoption of Resolution No. HPC 20-144 recommending that the City Council deny designation of the property containing two buildings located at 8001-8003 Santa Monica Boulevard and 1105 North Laurel Avenue, West Hollywood, California as local cultural resources.*

City Clerk Quarker stated that the Item was noticed as required by law.

Mayor Horvath opened the public hearing and no speakers came forward.

Councilmember Meister, Councilmember D'Amico, and Mayor Pro Tempore Heilman provided their disclosures.

Senior Planner Doug Vu provided background information as outlined in the staff report dated August 3, 2020.

Historic Preservation Commissioner Jacob LaJoie provided additional information on the Commission's decision denying 8011-8003 Santa Monica Blvd. and 1105 North Laurel Avenue as a local cultural resource.

Appellant Lynn Russell provided the reasons that she filed the appeal.

Applicant's Attorney, Todd Elliott, shared the reasons that the building is no longer a historic resource.

Both the Appellant and the Applicant provide a brief rebuttal.

Councilmember D'Amico inquired if there is a proposed development at this site.

Councilmember Meister inquired when the property owner was notified that the property was being considered an historic resource. She noted it was possible for property owners to be aware of potential eligibility prior to notification from staff. She also requested that staff return to Council with an Item that addresses how staff will handle issues like this moving forward.

Mayor Horvath inquired if the current owner is the one who applied for the roofing permit. Staff confirmed that it is.

**ACTION:** Adopt Resolution No. 20-5315,: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING AN APPEAL FILED BY LYNN RUSSELL AND DENYING DESIGNATION OF THE PROPERTY CONTAINING TWO BUILDINGS LOCATED AT 8001-8003 SANTA MONICA BOULEVARD AND 1105 NORTH LAUREL AVENUE, WEST HOLLYWOOD, CALIFORNIA AS LOCAL CULTURAL RESOURCES (CRD19-0006).” **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Duran, and approved.**

**3.B. AN ORDINANCE ADOPTING BY REFERENCE TITLE 32 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE 2019 CALIFORNIA FIRE CODE, 2019 EDITION [J. KEHO, B. GALAN]:**

*SUBJECT: The City Council will consider approving an Ordinance amending Chapters 14.04 (Fire Code Adoption) and 14.08 (High-Rise Building Requirements) of Title 14 of the West Hollywood Municipal Code.*

City Clerk Quarker stated that the Item was noticed as required by law.

Mayor Horvath opened the public hearing and no speakers came forward.

**ACTION:** Introduce for first reading, Ordinance No. 20-1115, “AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING BY REFERENCE TITLE 32 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA FIRE CODE, 2019 EDITION; MAKING AMENDMENTS TO SAID CODE; AMENDING CHAPTERS 14.04 AND 14.08 OF TITLE 14 OF THE WEST HOLLYWOOD MUNICIPAL CODE.” **Motion by Councilmember D’Amico, seconded by Councilmember Meister, and approved.**

**3.C. AMENDMENTS TO THE WEST HOLLYWOOD MUNICIPAL CODE PROHIBITING SMOKING IN COMMON AREAS AND NEW UNITS WITHIN MULTI-FAMILY DWELLINGS, CREATING A REGISTRATION PROGRAM THAT REQUIRES DESIGNATION OF UNITS’ SMOKING STATUS, AND PROHIBITING SMOKING IN ANY PARK OR WITHIN FIVE (5) FEET OF ANY PARKLET [J. ROCCO, D. RIVAS, D. MICK]:**

*SUBJECT: The West Hollywood City Council will consider amendments to the West Hollywood Municipal Code prohibiting smoking in common areas and in new units within multi-family dwellings, creating a registration program that requires designation of units’ smoking status to gradually transition smoking units to non-smoking units, and prohibiting smoking in any park or within five (5) feet of any parklet.*

City Clerk Quarker stated that the Item was noticed as required by law.

Code Compliance Manager Danny Rivas, Code Compliance Supervisor Dan Mick, and Housing and Rent Stabilization Manager Peter Noonan

City Council Minutes  
Monday, August 3, 2020  
Page 12

provided background information as outlined in the staff report dated August 3, 2020.

Councilmember D'Amico inquired about non-occupying owners. Mr. Rivas responded to this inquiry.

Councilmember Duran inquired about the cannabis ban. Mr. Rivas commented that State law does not allow the City to differentiate between cannabis smoke and cigarette smoke. Councilmember Duran inquired about the fiscal impact of this Item. Mr. Rivas noted that there was no outreach to the cannabis businesses. Finally, he inquired if budgetary constraints were considered when drafting this Item.

Mayor Horvath inquired about evicting tenants for violating this ban. Mr. Rivas responded to this inquiry.

Mayor Horvath opened the public hearing and the following speakers came forward.

Councilmember Duran inquired further about the possibility of evicting someone based on this new policy.

*\*Mayor Horvath noted that a telephone pole is on fire on the Eastside of the City and is affecting people's ability to view the meeting. Council took a break at 7:50 p.m. to address the issue\**

*Council returned at 8:01 p.m. Council agreed by consensus to keep the Public Hearing open, continue the Item until August 17<sup>th</sup>; however, Public Testimony was taken for those individuals who called into the meeting.*

MARK HUGHES, WEST HOLLYWOOD, spoke in opposition to the Item.

ANN GOLDMAN, WEST HOLLYWOOD, spoke in support of the Item.

JASON BECK, WEST HOLLYWOOD, spoke in opposition of the Item.

MIKIE FRIEDMAN, WEST HOLLYWOOD, spoke in support of a cigarette ban, but not in support of a cannabis ban.

BRUCE MARGOLIAN, WEST HOLLYWOOD, spoke in support of a cigarette ban, but not in support of a cannabis ban.

MARCO COLANTONIO, WEST HOLLYWOOD, spoke in support of the Item.

DR. SHANNON KOSOWICZ, WEST HOLLYWOOD, spoke in support of the Item.

City Council Minutes  
Monday, August 3, 2020  
Page 13

ELLEN KOSS, spoke on behalf of California Normal, requested that cannabis be removed from the Item.

ARMOND FROMONIAN, spoke on behalf United Cannabis Association, in opposition to the Item.

ROB BERGSTEIN, WEST HOLLYWOOD, spoke regarding clarity on enforcement measures and evictions.

YOLA DORE, WEST HOLLYWOOD, spoke in support of the Item.

SARAH ARMSTRONG, UNKNOWN, spoke regarding the need of medical cannabis patients and weighing their rights when considering this Item.

DALE, UNKNOWN, spoke regarding removing cannabis from this Item.

CLAUD MARODIAN, LA COUNTY DEPT OF PUBLIC HEALTH, spoke regarding electronic smoking devices.

JEFFREY ELSNER, WEST HOLLYWOOD, spoke in opposition to the Item unless cannabis is removed from the Item.

JACKIE SUBECK, WEST HOLLYWOOD, spoke in opposition to the Item.

DOMINGA PARDO, on behalf of the ROBERT F. KENNEDY INSTITUTE, spoke in support of the Item and, specifically, spoke regarding electronic smoking devices.

MICHAEL KING, WEST HOLLYWOOD, spoke in support of the Item.

LIZA GOLDBERG, WEST HOLLYWOOD, spoke in opposition to the Item or remove cannabis from the ordinance.

LYDIA GARA, on behalf of COALITION FOR SMOKE FREE HOUSING, spoke in support of the Item.

DAN MRYGLOT, WEST HOLLYWOOD, spoke in support of the Item.

Councilmember Duran inquired if cannabis and tobacco can be bifurcated.

**ACTIONS:** The Public Hearing was continued to August 17, 2020.

**4. UNFINISHED BUSINESS:**

**4.A. AN URGENCY ORDINANCE AND REGULAR ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD MAKING CHANGES TO THE CITY'S CANNABIS LICENSING AND BUSINESS**

**TAX ORDINANCES, INCLUDING CREATING A NEW LEGACY CANNABIS BUSINESS LICENSE WITH CERTAIN OPERATING RESTRICTIONS, CREATING A TAX REBATE FOR CERTAIN CANNABIS BUSINESSES, MAKING CHANGES TO REGULATIONS RELATED TO CANNABIS CONSUMPTION LOUNGE LICENSES, AND OTHER CHANGES [P. AREVALO, L. LANGER, J. LEONARD]:**

*SUBJECT: The City Council will discuss adopting an urgency ordinance and regular ordinance, making changes to the City's Cannabis Licensing (Chapter 5.70) and Business Tax (Chapter 3.36) Ordinances, including creating a new legacy cannabis business license with certain operating restrictions, creating a tax rebate for certain cannabis businesses, making changes to cannabis consumption lounge license regulations, as well as other changes to the business license regulations for cannabis businesses. Adoption of these ordinances will eliminate the need for two competing cannabis initiative measures scheduled for the November 2020 ballot and will resolve pending litigation.*

Community and Legislative Affairs Manager John Leonard provided background information as outlined in the staff report dated August 3, 2020.

JACKIE SUBECK, WEST HOLLYWOOD, spoke in support of the Item.

SCOTT SCHMIDT, on behalf of the Adult Use Retailers Association, spoke in support of the item.

Councilmember Meister inquired about the legacy permit and the adult use permit. Mr. Leonard responded to this inquiry. She also inquired about design and the expectations for legacy businesses. Mr. Leonard responded to this inquiry.

Community and Legislative Affairs Manager John Leonard and Assistant City Attorney Langer spoke regarding the revisions made to the Ordinances and read the changes into the record as follows:

- Section 4 of both the Urgency Ordinance and Ordinance (supplemental memo) Attachment 2.A. shows the Track Changes (p. 18) of Section 5.70.060(e)- Merger or consolidation with publicly traded companies. The redlined verbiage will be placed back into the Ordinance.
- Section 4 Business Name: insert "Essence WeHo, LLC"  
And add language that states that the business may choose to opt-in by agreeing to the terms of the settlement.

Councilmember D'Amico stated that he could not support the Item because the settlement provides \$1.75 million dollars of taxpayer money, back to the cannabis businesses.

**ACTIONS:** 1) Adopt a revised Urgency Ordinance No. 20-1116U: “AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD MAKING CHANGES TO THE CITY’S CANNABIS LICENSING (CHAPTER 5.70) AND BUSINESS TAX (CHAPTER 3.36) ORDINANCES, INCLUDING CREATING A NEW LEGACY CANNABIS BUSINESS LICENSE WITH CERTAIN OPERATING RESTRICTIONS, CREATING A TAX REBATE FOR CERTAIN CANNABIS BUSINESSES, MAKING CHANGES TO REGULATIONS RELATED TO CANNABIS CONSUMPTION LOUNGE LICENSES, AND OTHER CHANGES TO THE CANNABIS BUSINESS LICENSE REGULATIONS, AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY.” and 2) Introduce on first reading a revised Ordinance No. 20-1117: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD MAKING CHANGES TO THE CITY’S CANNABIS LICENSING (CHAPTER 5.70) AND BUSINESS TAX (CHAPTER 3.36) ORDINANCES, INCLUDING CREATING A NEW LEGACY CANNABIS BUSINESS LICENSE WITH CERTAIN OPERATING RESTRICTIONS, CREATING A TAX REBATE FOR CERTAIN CANNABIS BUSINESSES, MAKING CHANGES TO REGULATIONS RELATED TO CANNABIS CONSUMPTION LOUNGE LICENSES, AND OTHER CHANGES TO THE CANNABIS BUSINESS LICENSE REGULATIONS.” **Motion by Councilmember Duran, seconded by Mayor Pro Tempore Heilman, and approved, noting the “no” vote of Councilmember D’Amico.**

*\*Council took a 5-minute break at 9:22 p.m.\**

- 4.B. PLACEMENT OF A CITY INITIATED INITIATIVE ORDINANCE ON THE BALLOT OF THE NOVEMBER 3, 2020, GENERAL MUNICIPAL ELECTION CONFIRMING THE CITY’S CURRENT CANNABIS BUSINESS LICENSE ORDINANCE AND CANNABIS ZONING CODE PROVISIONS WITH AMENDMENTS TO CERTAIN LICENSING AND OPERATING REQUIREMENTS [P. AREVALO, L. LANGER, J. LEONARD]:**

*SUBJECT: The City Council will discuss placing a city initiated initiative ordinance on the ballot of the November 3, 2020 election, to confirm the City’s cannabis business license ordinance and cannabis zoning code provisions, including changes related to creating a waitlist for open licenses, defining when and if an assignment of a license can occur, and requiring labor peace agreements for businesses with 10 or more employees.*

**ACTION: Table the Item Indefinitely. Motion by Councilmember Meister, seconded by Mayor Pro Tempore Heilman, and approved.**

- 4.C. PLACEMENT OF AN INITIATIVE ORDINANCE/MEASURE ON THE BALLOT OF THE NOVEMBER 3, 2020, GENERAL MUNICIPAL ELECTION TO CONSOLIDATE CANNABIS BUSINESS LICENSE CATEGORIES AND AMEND CANNABIS BUSINESS LICENSING AND**

**ZONING REGULATIONS [M. JENKINS, L. LANGER, J. LEONARD, C. SCHROEDER, Y. QUARKER, M. CROWDER]:**

*SUBJECT: Placement of an initiative ordinance/measure on the ballot of the November 3, 2020, General Municipal Election to consolidate cannabis business license categories and amend cannabis business licensing and zoning regulations.*

**ACTION: Table the Item Indefinitely. Motion by Councilmember Meister, seconded by Mayor Pro Tempore Heilman, and approved.**

**4.D. PLACEMENT OF AN ORDINANCE ON THE BALLOT OF THE NOVEMBER 3, 2020, GENERAL MUNICIPAL ELECTION INCREASING THE CITY SALES AND USE TAX RATE BY ¾ CENT [P. AREVALO, L. LANGER, J. LEONARD, C. SCHROEDER, Y. QUARKER, M. CROWDER]:**

*SUBJECT: The City Council will discuss placing an ordinance on the ballot of the November 3, 2020, general municipal election increasing the City's sales and use tax rate by ¾ cent.*

**ACTIONS: This Item was moved to the Consent Calendar.**

**4.E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD RATIFYING EMERGENCY MEASURES TO PREVENT THE SPREAD OF COVID-19 RELATED TO CLOSURE OF CITY PARKS [P. AREVALO]:**

*SUBJECT: The City Council will consider adopting a Resolution ratifying the City Manager/ Director of Emergency Services Order implementing emergency measures to prevent the spread of COVID-19.*

Councilmember D'Amico requested that the parks re-open. City Manager Arevalo responded to this inquiry.

Councilmember Meister inquired about the issues at Plummer Park and confirmed that other City parks such as Kings Road Park and the Dog Parks are open and not experiencing similar issues. Mr. Arevalo responded to this inquiry.

**ACTION: Adopt Resolution No. 20-5319, "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD RATIFYING EMERGENCY. Motion by Councilmember D'Amico, seconded by Mayor Pro Tempore Heilman, and approved.**

**5. NEW BUSINESS:**

**5.A. HOTEL RECOVERY INCENTIVES [J. HEILMAN, P. AREVALO, J. JIMENEZ, P. KESPRADIT]:**

*SUBJECT: The City Council will consider approving direction to implement certain strategies and polices to assist the Hotel Industry as part of the City's Coronavirus business recovery effort.*



**ACTION: This Item was moved to the Consent Calendar.**

**5.B. WEST HOLLYWOOD CHAMBER OF COMMERCE COVID-19 ECONOMIC RECOVERY PLAN [P. AREVALO, J. JIMENEZ, T. WORDEN]:**

*SUBJECT: The City Council will consider the initiative developed by the West Hollywood Chamber of Commerce in concert with the California Coalition for Safe Reopening, that proposes measures as immediate solutions for the business community crippled by COVID-19, the Governor's Safer at Home Order, and the associated closures.*

**ACTION: This Item was moved to the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.D. ADOPT ORDINANCE NO. 20-1112 (2ND READING) "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, ADOPTING A ZONE TEXT AMENDMENT MODIFYING TITLE 19, ZONING ORDINANCE, WEST HOLLYWOOD MUNICIPAL CODE IN COMPLIANCE WITH SECTION 19.03.030, PROCEDURES FOR INTERPRETATIONS, TO CLARIFY THE DEFINITION OF AND REQUIREMENTS FOR DWELLING UNITS, REQUIRING ALL RENTAL DWELLING UNITS TO BE LEASED FOR AN INITIAL TERM OF ONE YEAR, ALLOWING DWELLING UNITS RENTED FOR 30 DAYS OR MORE IN COMMERCIAL DISTRICTS IN THE SUNSET SPECIFIC PLAN TO BE LEGALLY NONCONFORMING UNTIL 2029, AND CREATING A NEW CONDITIONAL USE OF RENTAL FOR 5 DAYS OR MORE OF 30% OF APPLICABLE LEGALLY NONCONFORMING DWELLING UNITS IN THE SUNSET SPECIFIC PLAN" [Y. QUARKER, M. CROWDER]:**

*SUBJECT: The City Council will waive further reading and adopt Ordinance No. 20-1112, "an Ordinance of the City Council of the City of West Hollywood, adopting a Zone Text Amendment modifying Title 19, Zoning Ordinance, West Hollywood Municipal Code in compliance with Section 19.03.030, procedures for interpretations, to clarify the definition of and requirements for dwelling units, requiring all rental dwelling units to be leased for an initial term of one year, allowing dwelling units rented for 30 days or more in commercial districts in the Sunset Specific Plan to be legally nonconforming until 2029, and creating a new conditional use of rental for 5 days or more of 30% of applicable legally nonconforming dwelling units in the Sunset Specific Plan."*

Mayor Horvath provided the reasons for requesting that this Item be moved to Excluded Consent. She stated that she received information from Planning Commissioners that they expressly added language that if the ZTA was revised, the item would be brought back to the Planning Commission before being approved by Council, and she wanted to honor that request.

Mayor Pro Tempore Heilman commented that the condition that the Planning Commission inserted into their approval is not the process. He clarified that the

City Council is the final authority, and that the Commission could not place restrictions that would limit what the Council has the authority to do.

Councilmembers D'Amico and Meister agreed with Mayor Pro Tempore Heilman. Councilmember Meister shared her recollection of the Planning Commission's intent of the condition.

**ACTION:** Waive further reading and adopt Ordinance 20-1112, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, ADOPTING A ZONE TEXT AMENDMENT MODIFYING TITLE 19, ZONING ORDINANCE, WEST HOLLYWOOD MUNICIPAL CODE IN COMPLIANCE WITH SECTION 19.03.030, PROCEDURES FOR INTERPRETATIONS, TO CLARIFY THE DEFINITION OF AND REQUIREMENTS FOR DWELLING UNITS, REQUIRING ALL RENTAL DWELLING UNITS TO BE LEASED FOR AN INITIAL TERM OF ONE YEAR, ALLOWING DWELLING UNITS RENTED FOR 30 DAYS OR MORE IN COMMERCIAL DISTRICTS IN THE SUNSET SPECIFIC PLAN TO BE LEGALLY NONCONFORMING UNTIL 2029, AND CREATING A NEW CONDITIONAL USE OF RENTAL FOR 5 DAYS OR MORE OF 30% OF APPLICABLE LEGALLY NONCONFORMING DWELLING UNITS IN THE SUNSET SPECIFIC PLAN." **Motion by Councilmember Duran, seconded by Councilmember D'Amico, and approved, noting the "no" vote of Mayor Horvath.**

**6. LEGISLATIVE:**

**6.A. AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER 13.04 (BUILDING CODE) OF TITLE 13 OF THE WEST HOLLYWOOD MUNICIPAL CODE AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT [J. KEHO, B. GALAN]:**

*SUBJECT: The City Council will consider approving an Ordinance amending Chapter 13.04 (Building Code) of Title 13 of the West Hollywood Municipal Code to provide consistency with amendments to Chapter 14.02.020 – Amendments (Fire Code).*

**ACTION: This Item was moved to the Consent Calendar.**

**PUBLIC COMMENT:** None.

**COUNCILMEMBER COMMENTS:** Mayor Horvath shared that Communications has worked diligently on the City's mask PSA via banners and signs throughout the City. She congratulated Cedars Sinai for ranking 7<sup>th</sup> in the nation for best hospital.

**ADJOURNMENT:** The City Council adjourned at 9:56 p.m. in memory of Lady Red Couture, Jeff Kurtzman, Ina Eugenia Wilson, Gabriella O'Donnell, Caryl Reback, Regis Philbin, Army Sergeant Bryan Cooper Mount, Lance Cpl. Guillermo S. Perez, Pfc. Bryan J. Baltierra, Lance Cpl. Marco A. Barranco, Pfc. Evan A. Bath, US Navy Hospitalman Christopher Gnem, Pfc. Jack Ryan Ostrovsky, Cpl. Wesley A. Rodd, Lance Cpl. Chase

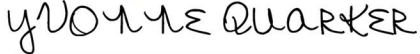
City Council Minutes  
Monday, August 3, 2020  
Page 19

D. Sweetwood, and Cpl. Cesar A. Villanueva to its next regular meeting, which will be on Monday, August 17, 2020 at 5:30 P.M. \*via teleconference.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 17<sup>th</sup> day of August, 2020 by the following vote:

AYES:	Councilmember:	D'Amico, Duran, Meister, Mayor Pro Tempore Heilman, and Mayor Horvath.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

DocuSigned by:  
  
 LINDSEY P. HORVATH, MAYOR

ATTEST:  
 DocuSigned by:  
  
 YVONNE QUARKER, CITY CLERK