

MINUTES

CITY COUNCIL MEETING
APRIL 6, 1987
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD
7:00 P.M.

CALL TO ORDER: Mayor Schulte called the meeting to order at 7:15 P.M.

PLEDGE OF ALLEGIANCE: The Pledge was led by Maryanne Jones.

ROLL CALL: Present: Albert, Heilman, Land, Viterbi, Mayor Schulte
Absent: None
Also Present: City Manager Brotzman
City Attorney Jenkins

APPROVAL OF AGENDA: Items 2e, 2j, 2q and 2t were removed from the consent calendar for separate discussion. Item 15 was removed from the agenda and held for 2 weeks at the request of the City Manager.

PROCLAMATIONS AND COMMENDATIONS:

Bicycle Days
Library Week
National Community Development Week
Maggie Awards
Certificate of Commendation Honoring Jerrold "Nasty Nan" Kass, Editor of Compass Magazine

INTRODUCTION OF NEW EMPLOYEES: At this time the new West Hollywood City Employees, hired since February 1987, were welcomed and introduced.

1. CITY MANAGER'S REPORT: The City Manager reported on the new computer system and the up-coming budget hearings.

2. CONSENT CALENDAR: The following routine matters were acted upon by one motion to approve with the majority consent of the City Council, or were removed by a Councilmember for separate discussion.

ACTION: To approve items a, b, c, d, f, g, h, i, k, l, m, n, o, p, r, s, u, v and w. Motion Heilman second Albert. Hearing no objection it was so ordered.

a. Treasurer's Report: ACTION: To receive and file.
Approved as part of the consent calendar.

b. Demands and Warrants: ACTION: To adopt Resolution No. 308 and approve Demand Register No. 58.
Approved as part of the consent calendar.

c. Posting of Agenda - Report by City Clerk: ACTION: To receive and file.
Approved as part of the consent calendar.

d. Minutes: February 23, 1987
March 9, 1987: ACTION: To approve the minutes of the City Council meetings of February 23 and March 9, 1987.
Approved as part of the consent calendar.

e. Settlement of Claim by Michele Cicero: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: To approve payment of this claim in the amount of \$341.09, payable to Michele Cicero. Motion Heilman second Albert. Hearing no objection it was so ordered.

f. Application for Leave to Present Late Claim - Mahile Sapir: ACTION: Based on statutory criteria (Government Code Section 911.6), it is recommended that Leave to Present Late Claim be denied without comment, and the application be referred to the City's Insurance Adjuster.
Approved as part of the consent calendar.

g. Claims - Neil Hoffman
Zahavah Pik: ACTION: To deny without comment the claim of Neil Hoffman and the claim of Zahavah Pik, and refer to the City's Claims Adjuster.
Approved as part of the consent calendar.

h. Employee Suggestion Award Program: Development of an employee suggestion award program was one of Administrative Services' Second Quarter FY1986/87 90-day goals. The program has been developed and is ready to implement. ACTION: That Council approve the proposed Employee Suggestion Award Program and authorize the City Manager to grant leave awards and transfer funds from benefiting City accounts to a special Employee Suggestion Award Account to cover monetary awards.
Approved as part of the consent calendar.

i. Rent Stabilization Department Mediation Program: This is a report on a mediation program for the Rent Stabilization Department. ACTION: That Council review this program. Further, the staff shall undertake to provide Council with an evaluation of this program after six months. Specifically, Staff shall evaluate the extent to which landlords and tenants comply with their agreements; the validity of the selection criteria; and the intake and training components of this program.
Approved as part of the consent calendar.

j. Resolution to Approve the Offering Memorandum for the Beneficial Assignment Certificates (BACs) Incident to the Lease-Purchase Financing of the Computer/Telecommunications Equipment: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Eugene Nazarek, the City's bond counsel, has requested that the City Council pass the subject resolution, approving the representations that were made in the Offering Memorandum. Those representations relate to the financial condition of the City, the nature and extent of the equipment being financed, and the terms and conditions of the financing. ACTION: To approve and adopt Resolution No. 303, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, LOS ANGELES COUNTY, CALIFORNIA, APPROVING AN OFFERING MEMORANDUM FOR BENEFICIAL ASSIGNMENT CERTIFICATES INCIDENT TO LEASE-PURCHASE FINANCING OF CERTAIN PUBLIC EQUIPMENT." Motion Heilman second Land. Hearing no objection it was so ordered.

k. City Policy - Public Participation at City Council, Commission and Board Meetings: A need exists for the City to review its policy regarding the kind of oral information that is required of the public when addressing the City Council, City Commissions and City boards. ACTION: That the City Council no longer require members of the public to state their specific address when orally addressing the City Council, City Boards, and City Commissions, and that they only be required to state their name, city of residence, and any affiliation with an organization they may be representing. Approved as part of the consent calendar.

l. Medi-Cal Coverage for Abortion Services - Resolution No. 304: ACTION: To approve the attached resolution and direct staff to notify Supervisor Walker and local State representatives. Approved as part of the consent calendar.

m. CALOSHA Budget Cuts - Resolution No. 305: The State of California has operated worker health and safety programs for almost 75 years, predating Federal laws adopted in 1970. The stringent protections developed by this state-run program have long benefitted the health and welfare of West Hollywood residents. Governor Deukmejian's proposed '87-88 budget calls for a reduction of 362 personnel years in the CALOSHA budget. ACTION: To approve and adopt Resolution No. 305, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD TO PROVIDE ADEQUATE FUNDING IN THE 1987/1988 STATE BUDGET TO OPERATE AN EFFECTIVE CALIFORNIA WORKER HEALTH AND SAFETY PROGRAM." Further, to direct staff to take immediate action to communicate support for the CALOSHA program to the Governor and appropriate legislators. Approved as part of the consent calendar.

n. **Amendment to Conflict of Interest Code to Include the Business License Commission:** ACTION: To approve and adopt Resolution No. 306, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE CONFLICT OF INTEREST CODE."
Approved as part of the consent calendar.

o. **West Hollywood Aquatics Program:** The need exists for the City to review its contract with Los Angeles County regarding aquatic services: ACTION: If insurance is obtained by May 1, 1987, it is recommended that the City Council authorize the development of a City in-house aquatics program, approve the proposed job descriptions and salary levels, and authorize staff to begin the process of transferring control of the City's aquatics program from L.A. County to the City of West Hollywood. If insurance is not obtained by May 1, 1987, it is recommended that the City contract with the City of Los Angeles for the 1987 season.
Approved as part of the consent calendar.

p. **Luckman Agreement - Bus Shelter:** On February 24, 1987, Shelter Media, Inc., installed the City's first bus shelter at Sunset and Cory. Shortly thereafter, staff was contacted by Luckman Property Mgmt. regarding their interest in purchasing the shelter, removing the advertising kiosk, and giving the shelter to the City as a gift. ACTION: That the City Council:
1) Approve the Covenant and Agreement regarding the bus shelter located at Sunset and Cory; and 2) Accept a check in the amount of \$4,628 from Luckman Property Mgmt. to cover one-half of the loss of advertising revenue and to reimburse the City for administrative and legal costs associated with the gift.
Approved as part of the consent calendar.

q. **ROLM Agreement - Telecommunications System:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. At the Council meeting of January 20, 1987, Council directed staff to negotiate an agreement with ROLM for telecommunications equipment. The lawyers have now come to agreement on the contract terms.
ACTION: Approve the contract with ROLM.
Motion Land second Albert. Hearing no objection it was so ordered.

r. **Transportation Division - Fourth Quarter Staffing Request:** ACTION: To authorize the Transportation Division to contract with an independent transportation planning staff person, to be paid from budgeted permit parking revenue funds, who will help expedite the work of the Division during the fourth quarter of FY 1986-1987.
Approved as part of the consent calendar.

s. **Approval Handyworker Improvement Program - Request for Proposal:** ACTION: That Council approve the issuing of the Request for Proposal for the Handyworker Improvement Program (H.I.P.).
Approved as part of the consent calendar.

t. **Adjustment of Rents and Sales Price Schedule for Inclusionary Housing Units:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Resolution No. 184 sets forth the base rents and sales price schedules for the City of West Hollywood's inclusionary housing units. The Resolution stipulates that the affordable rents and sales prices will be adjusted annually according to the consumer price index. ACTION: Staff to amend Resolution No. 302, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE RENT LEVELS AND SALES PRICES FOR THE INCLUSIONARY ZONING PROGRAM", to 75% of the CPI to match the rent stabilization ordinance and return to Council in 2 weeks. By consensus of the Council.

u. **Fair Housing Request for Proposals:** ACTION: That Council allow the Housing Division to issue the RFP for the operation of an investigation and enforcement component of a Fair Housing Program. Approved as part of the consent calendar.

v. **Expansion of Medicare Services:** Current Medicare services for elderly, 85-and-up, do not include Catastrophic Care. ACTION: To approve and adopt Resolution No. 309, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING THE EXPANSION OF MEDICARE TO INCLUDE CATASTROPHIC CARE TO THE FRAIL ELDERLY," and to direct staff to notify the appropriate national representatives. Approved as part of the consent calendar.

w. **New Equal Rights Amendment:** The National Organization for Women (NOW) has requested nationwide support for the New Equal Rights Amendment, to be proposed to the 100th United States Congress. ACTION: To approve and adopt Resolution No. 307, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CALLING ON THE 100TH CONGRESS OF THE UNITED STATES TO RATIFY THE NEW EQUAL RIGHTS AMENDMENT," and to direct Staff to send letters to appropriate national representatives in support of the New Equal Rights Amendment. Approved as part of the consent calendar.

PUBLIC HEARING

3. **PROPOSED TEXT AMENDMENT TO SIGN ORDINANCE:** The City Clerk reported on noticing - Mark Winogron reported that existing rules prohibit off-site advertising. This ordinance would clarify the advertising allowed on City bus shelters. Mayor Schulte opened the public hearing and the following persons came forward to speak:

Ron Shipton, 8718 Rosewood, commented that the reason for the existing rules is aesthetics and it is not right for the City to violate these rules either. ACTION: To waive further reading and introduce on first reading Ordinance No. 143, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE SIGN REGULATIONS IN THE ZONING ORDINANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Viterbi second Albert. Hearing no objection it was so ordered.

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: Members of the public may also bring non-agenda items to the attention of the City Council at this time and these items will be referred to staff for report on a future agenda, ordered received and filed, or referred to the proper department for administrative resolution.

This item was held following Item 7 but is listed here for clarity. At this time the following people came forward to speak:

Ron Shipton, 8718 Rosewood, commented on the Library proclamation and stated he would like to see the Library open on Sundays; reminded Council that some time ago Council directed staff to report back on an in-house person to assist owners who want to do their own rehab. work. He also asked if the conflict of interest code included spouses and/or domestic partners.

Jeanne Dobrin, 9000 Cynthia, stated that she would like to see the Business License Commissioners make full disclosure the same as the Planning Commissioners. She also commented on the crowd at Spago's last week and felt that the Sheriff's response was disrespectful.

Budd Kops, 969 N. Larrabee, stated that he is upset with several of the Planning Commissioners. He felt they were trying to change the rules on inclusionary housing and they don't want in-lieu fees, they want units.

Sam Weinstein, West Hollywood, stated he would like to see City Hall staffed after-hours and on weekends. He feels that public notice is not sufficient and stated he never sees notices posted at Plummer Park and that many times items are not at the front counter.

UNFINISHED BUSINESS

4. **WEST HOLLYWOOD STREET BEAUTIFICATION REPORT:** Jeri Chenelle, Assistant City Manager, reported that the West Hollywood Beautification Corp. has submitted a claim to the City for \$12,538.99 referencing an agreement between themselves and the City to match contributions received by that group. Hershel Gilbert, 2451 Nichols Canyon, Chairman of the West Hollywood Beautification Corporation, addressed the council on the issue. **ACTION:** To deny the request and direct staff to investigate who owns the flag poles and other assets, and the value of these items. Motion Heilman second Land.

AYES: Albert, Heilman, Land, Viterbi, Mayor Schulte

NOES: None

Motion Carried.

5. COMMISSION APPOINTMENTS:

HUMAN SERVICES COMMISSION: One at-large appointment for a term expiring May 30, 1988.

ACTION: To appoint Adel Martinez. Motion Land second Heilman.

AYES: Albert, Heilman, Land, Viterbi, Mayor Schulte

NOES: None

Motion carried.

RENT STABILIZATION COMMISSION: One appointment to be made by Councilmember Viterbi for a term expiring April 30, 1987.

ACTION: To appoint Robert Switzer. Motion Viterbi second Heilman.

AYES: Albert, Heilman, Land, Viterbi, Mayor Schulte

NOES: None

Motion carried.

6. SMALL BUSINESS TASK FORCE - APPOINTMENTS: The staff report was given by Debbie Potter who stated that the following appointments have been made:

Fred Mashian - Community Alliance

Bob Glick - Chamber of Commerce

Rick Cole - Chamber of Commerce

Kathi Daniel - Deputy, Sheriff's Department

ACTION: To appoint the following to the Small Business Task Force:

Land: Lance Strugar

Barry Freed

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

Viterbi: Jim Kazakos

Dr. Gabriel Dery

Motion Viterbi second Albert. Hearing no objection, so ordered.

Albert: Millie Paul

Sandra Gottlieb

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

Heilman: Ronald Katsky

(Name to be supplied to D. Potter tomorrow)

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

Schulte: Simon Feirstein

Banks Montgomery

Motion Schulte second Albert. Hearing no objection, so ordered.

NEW BUSINESS

7. **TENANT SURVEY OF RENT STABILIZATION DEPT. RECORDS AND CERTIFICATION OF RENTS UNDER THE PETRIS LEGISLATION:** Richard Dorsey Muller reported that an analysis of rent and housing services discrepancies resulting from the Tenant Survey of registered rent and services, and an analysis of options for certifying rent registration records showed errors, and various recommendations were made. **ACTION:** 1) Authorize but not yet fund a Petris certification process based on mailing a notice of CMAR to all households; and on the mandated over-the-counter process to be implemented later; 2) Fund immediate resolution of the known discrepancies (completion of steps 5 through 9), total cost not to exceed \$48,100; 3) Fund the design of the mailed notice of CMAR process, total cost not to exceed \$7,500; 4) Direct the Department to return with a plan and budget for implementing the mailed notice of CMAR process, no later than May 18.

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

Mayor Schulte called a recess at 8:33 p.m.
The Council reconvened at 8:50 p.m.

LEGISLATIVE

8. **ORDINANCE NO. 136:** This Ordinance was introduced on first reading on March 16, 1987, and passed first reading, as amended. **ACTION:** To waive further reading and adopt Ordinance No. 136, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PREFERENTIAL PARKING PROVISIONS OF THE TRAFFIC CODE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

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

9. **ORDINANCE NO. 137:** Ordinance No. 137 was introduced on first reading on March 16, 1987, and passed first reading, as corrected. **ACTION:** To waive further reading and adopt Ordinance No. 137, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD EXPANDING PREFERENTIAL PARKING DISTRICT NO. 1, AMENDING THE TRAFFIC CODE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

Motion Heilman second Land. Noting the objection of Viterbi, it was so ordered.

10. **ORDINANCE NO. 138 - ESTABLISHING PREFERENTIAL PARKING DISTRICT NO. 2 (SHERMAN AREA):** This Ordinance was introduced on first reading at the Council meeting on March 30, 1987, and passed first reading. **ACTION:** To waive further reading and adopt Ordinance No. 138, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PREFERENTIAL PARKING PROVISIONS OF THE TRAFFIC CODE, ESTABLISHING PREFERENTIAL PARKING DISTRICT NO. 2 AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

Motion Land second Heilman. Hearing no objection, so ordered.

11. **ORDINANCE NO. 139 - NOISE ORDINANCE:** This Ordinance was introduced on first reading at the Council meeting on March 16, 1987, and passed first reading. **ACTION:** To waive further reading and adopt Ordinance No. 139, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE NOISE REGULATIONS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."
Motion Viterbi second Land. Hearing no objection, so ordered.

12. **ORDINANCE NO. 140:** The City Council at its February 17, 1987, meeting directed Staff to prepare an Amendment to the Rent Stabilization Ordinance about providing for payment of overdue rent from escrow accounts established for relocation benefits paid to tenants for owner occupancy or "Ellis" evictions. At the Council meeting on March 16th, this ordinance was referred back to the City Attorney for new language. **ACTION:** To waive further reading and introduce on first reading, Ordinance No. 140, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."
Motion Viterbi second Albert.
AYES: Albert, Viterbi, Mayor Schulte
NOES: Heilman, Land
Motion carried.

13. **ORDINANCE NO. 141 - JUST CAUSE EVICTIONS:** A first version of Ordinance No. 141, deleting foreclosure evictions, passed first reading on a 3-2 vote at the Council meeting of March 16, 1987. An alternative version has been prepared by the City Attorney, as both a regular and an urgency ordinance, for Council consideration.
During Council discussion the following changes were made:
Section 1, paragraph 1, change to 30 days.
Paragraph 2, change the language to read, "The tenant to be evicted took occupancy of the unit after the date the mortgage was recorded", and change 12 to 15.
ACTION: To waive further reading and introduce on first reading as amended, Ordinance No. 141, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE RENT STABILIZATION PROVISIONS RELATING TO JUST CAUSE EVICTIONS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". Motion Viterbi second Albert.

AYES: Albert, Heilman, Land, Viterbi, Mayor Schulte
NOES: None
Motion carried.

FURTHER ACTION: To waive further reading and adopt on an urgency basis, Ordinance No. 141U, as above amended. Motion Heilman second Land.

AYES: Albert, Heilman, Land, Viterbi, Mayor Schulte
NOES: None
Motion carried.

14. **ORDINANCE NO. 142:** Ordinance No. 142 was introduced on first reading on March 16, 1987, and passed first reading on a 4-1 vote. **ACTION:** To waive further reading and adopt Ordinance No. 142, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD MODIFYING REGULATIONS OF OFF-SITE SALE OF ALCOHOLIC BEVERAGES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."
Motion Heilman second Albert.

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

15. **ORDINANCE NO. 144 - TRANSIENT OCCUPANCY TAX :** This Ordinance amends various provisions of the transient occupancy tax ordinance in the Municipal Code. **ACTION:** Removed from the agenda on "Approval of Agenda", and continued for 2 weeks. At this point in time the City Manager informed the City Council that the needed repairs to the swimming pool would cost around \$40,000.

CLOSED SESSION: Mayor Schulte adjourned the meeting to closed session at 9:33 p.m. to discuss matters pertaining to litigation, potential litigation and/or personnel.

ADJOURNMENT: The meeting was reconvened at 10:15 p.m. and adjourned to a regular scheduled meeting on the Budget, 90-day work programs, and the Civic Center at 8:00 p.m. April 15, 1987, at the Pacific Design Center.