

Approved,
7-27-87

MINUTES
July 6, 1987
CITY COUNCIL MEETING

WEST HOLLYWOOD PARK
647 N. SAN VICENTE BLVD.
7:00 P.M.

CALL TO ORDER: Mayor Viterbi called the meeting to order at 7:13 p.m.

PLEDGE OF ALLEGIANCE: The Pledge was led by Jerry Hundal.

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

APPROVAL OF AGENDA: Remove Items 2h, and 2n for separate discussion.
Table Items 2e, Item 6 and Item 11, no date certain. Table Item 2j to the meeting of July 27, 1987. ACTION: To approve the agenda as amended. Motion Schulte second Albert. Hearing no objection it was so ordered.

PROCLAMATIONS AND COMMENDATIONS: William Fulton - Planning Comm.

1. CITY MANAGER'S REPORT: The City Manager reported on the new phone system and staff's responsiveness to the community. He announced that the City now had an Assistant Finance Director and that parking enforcement would be suspended for the Garlic Festival (not standard parking regulations, just permit parking in the area). Councilmember Land asked that the Residents Association be notified and that there be no charge for parking on the Pacific Design Center parking lot.

At this point in time Councilmember Schulte requested that staff do an analysis of starting times on construction sites. He also requested that staff look at AB 2448 to see if any funds would be available to the city for the recycling program and HR 558 which allocates money for Homeless programs to see if any of these funds would be available to the City. Councilmember Heilman asked Community Development to look at parking spaces to be procured for the term of the lease instead of a 20 year lease. The City Manager announced that Helen Goss had passed her certification as a public relations officer, becoming one of 4,000 certified officers in the nation. Mayor Viterbi asked that the Community Development Department look at the 9000 building that is trying to replace the Disco with a more compatible use but it is not pedestrian oriented, be reviewed and report back to the Council. These were approved by consensus of Council.

2. CONSENT CALENDAR: The following routine matters were acted upon by one motion to approve with the majority consent of the City Council. ACTION: To approve Items 2a, 2b, 2c, 2d, 2f, 2g, 2i, 2k, 2l, 2m, 2o and 2p, with the minutes of June 15, 1987 (item 2c) approved as amended. Motion Land second Heilman. Hearing no objection it was so ordered.

a. Posting of Agenda - Report by City Clerk: The agenda for the meeting of July 6, 1987 was posted at City Hall, Plummer Park, the Sheriff's Station and Library on San Vicente on Wednesday, July 1, 1987.

ACTION: To receive and file.
Approved as part of the consent calendar.

b. Demand Register No 64: Resolution No. 339 - ACTION: To approve Demand Register No. 64 and adopt Resolution No. 339.
Approved as part of the consent calendar.

c. Minutes: June 8, 1987
June 15, 1987
June 17, 1987

ACTION: To approve the minutes of June 8, 1987, June 15, 1987, as amended, and June 17, 1987.
Approved as part of the consent calendar.

d. Garlic Festival: ACTION: To authorize the street closure of San Vicente Boulevard from just north of Melrose Avenue to just south of Santa Monica Boulevard from 6:00 a.m, July 18, 1987, to 6:00 a.m., July 20th for the Los Angeles Garlic Festival opening night event.
Approved as part of the consent calendar.

e. Resolution No. 336, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, LOS ANGELES COUNTY, CALIFORNIA, DENYING AN APPEAL OF A PLANNING COMMISSION DECISION TO GRANT MINOR CONDITIONAL USE PERMIT NO. 86-06 ON AN APPLICATION OF CRESCENT HEIGHTS UNITED METHODIST CHURCH, 1296 NO. FAIRFAX AVENUE, WEST HOLLYWOOD": ACTION: TABLE TO NO TIME CERTAIN.

f. August Study Session Topics - Parking Facility Report and Economic Development Strategy: ACTION: To approve the Parking Facility Report and the Economic Development Strategy as the subjects for the study session on August 10, 1987.
Approved as part of the consent calendar.

g. Resolution No. 335, to reserve projected unexpended fund balances at June 30, 1987. ACTION: To adopt Resolution 335, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE 1986-87 BUDGET," which appropriates \$1,810,000 from unappropriated General Fund reserves and \$694,000 from unappropriated Proposition A Fund to those funds' respective "Reserve for Future Expenditures" accounts. Approved as part of the consent calendar.

h. Resolution to adopt preliminary budget for fiscal year 87/88.

REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: To approve and adopt Resolution No. 334, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING A BUDGET FOR FISCAL YEAR 1987-88," revising the totals therein by adding \$13,000 for a 1/2 time CATV Production Assistant. Motion Viterbi second Land.

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

Motion carried.

i. Resolution No. 338, IN SUPPORT OF KCET, CHANNEL 28: ACTION: To adopt Resolution 338, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD RECOMMENDING THAT THE CABLE OWNERS AND OPERATORS IN LOS ANGELES AND SOUTHERN CALIFORNIA RETAIN KCET IN THE AREA OF MOST FAVORABLE ACCESS TO THE PUBLIC". Approved as part of the consent calendar.

j. Tract Map 37814 - 1200 N Flores Avenue: Tract No. 37814 has not been completed and an extension of time has been requested. RECOMMENDED ACTION: To approve an extension for the road improvements associated with Tract No. 37814 and that the following improvement securities, Bond Number 2-160-926 for the amount of \$13,950 and Bond Number 2-142-742 for the amount of \$33,000 be extended until March 19, 1988. TABLED TO THE MEETING OF JULY 27, 1987.

k. Earnest Funds for West Hollywood Community Housing Corporation: The West Hollywood Community Housing Corporation is actively seeking the acquisition of real property for the development of affordable housing. In order to proceed, it is necessary to have quick access to funds to be used in earnest when an offer for property is made. ACTION: To authorize the City Manager to appropriate up to \$10,000 from the Affordable Housing Trust Fund as earnest money for up to two proposed real estate acquisitions. Approved as part of the consent calendar.

l. AB 2144, LOW INCOME PROPERTY TAX EXEMPTION: ACTION: To support AB 2144 and direct the City's lobbyist to contact our State Senate representative to express the Council's support. Approved as part of the consent calendar.

m. 1987 WEST HOLLYWOOD STREET FESTIVAL: ACTIONS:
1) To approve "West Hollywood - A City Together" as the theme of the 1987 Street Festival.
2) Approve Santa Monica Blvd. between Crescent Heights and La Cienega as the location for the 1987 Street Festival.
3) Approve October 17 and 18, 1987 as the dates for the Festival.
Approved as part of the consent calendar.

n. AIDS LEGISLATION: ACTION: That City Council receive and file the information in staff report; that the City approve a policy on HIV-antibody testing in accordance with the seven standards

described in staff report. Further, that a letter be drafted to Willie Brown over the signature of all 5 Councilmembers. By consensus of the City Council.
Approved as part of the consent calendar.

o. Regional Planning Meeting to Discuss Transportation and Traffic, Development and Environmental Issues: ACTION: That the City Council direct staff to set up a meeting to discuss regional transportation and traffic, development and environmental issues. Elected officials to be invited would be Councilman Mike Woo, Councilman Zev Yaroslavsky, and the Mayor of Beverly Hills. Additional City staff members to be included would be both the City of Los Angeles and Beverly Hills Planning Directors and Los Angeles Planning Dept. Community Planners for the Hollywood and Mid-Wilshire/Fairfax Community Plan areas. Further, to direct staff to do follow up and plan for future periodic meetings. Approved as part of the consent calendar.

p. Claim of Ernie Paez: A Claim was filed with the City Clerk on June 22, 1987 by Ernie Paez for alleged damages to his automobile by a driver of a City vehicle. ACTION: To approve payment of this claim and issue a warrant in the amount of \$642.10, payable to Ernie Paez. Upon receipt of proof of actual car rental for not more than three days, issue a warrant payable to Ernie Paez of which the value is currently unknown, but not to exceed \$300.00. In order to receive the warrant for the car rental it will be necessary for Mr. Paez to sign a mutual release.
Approved as part of the consent calendar.

PUBLIC HEARINGS

3. PROPOSED ADOPTION OF ORDINANCE BY REFERENCE: Ordinance No. 152 of the City of West Hollywood which would adopt by reference Title 10, Animals, Division 1, Animal Control, of the Los Angeles County Code in effect on April 17, 1987, received first reading June 15, 1987 and the public hearing was set for July 6, 1987. The City Clerk reported that this hearing was advertised twice in the Post Newspaper and posted in the required places. Staff Report was given by Chuck Bergson. Mayor Viterbi opened the public hearing and no one coming forward to speak, closed the public hearing and returned the item to the Council for discussion.
ACTION: To waive further reading and adopt on second reading, Ordinance No. 152, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING BY REFERENCE TITLE 10, ANIMALS, DIVISION 1, ANIMAL CONTROL, OF THE LOS ANGELES COUNTY CODE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."
Motion Schulte second Land.

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

4. APPEAL - SEPHARDIC HEBREW ACADEMY: Appeal by Ron Shipton of Planning Commission decision of April 16, 1987 to approve Resolution PC 87-07, "approving Conditional Use Permit No. 86-13 and Variance 86-10...". Councilmember Schulte announced that he would abstain from the discussion and the vote on this item. Howard Zelefsky, Planning Director, gave the staff report and noted that the off site parking condition should be 14 spaces, not 12. The City Clerk reported that this item was noticed in the Post Newspaper on June 25, 1987 and was posted in the three required places on June 22, 1987. Mayor Viterbi opened the public hearing and the following persons came forward to speak:

Ron Shipton, West Hollywood - appellant
Ethel Shapiro, West Hollywood
Edward Berman, West Hollywood
Jeanne Dobrin, West Hollywood
Jeff Seymour, Morey, Seymour & Associates, representing the Academy.

At this point in time, no one else coming forward to speak, Mayor Viterbi closed the Public Hearing and returned this item to Council for discussion.

ACTION: To allow PTA nights 4 times per year, regular scheduled Board Meetings if the Academy can obtain adequate parking and 1 additional activity per quarter. Motion Land second Heilman. Hearing no objection and noting the abstention of Councilmember Schulte, it was so ordered.

FURTHER ACTION: To add annual monitoring. Motion Land second Albert. Noting the objection of Councilmember Heilman and the abstention of Councilmember Schulte, it was so ordered.

PROPOSED ACTION: To grant the appeal and refer back to the Planning Commission. Motion Heilman second Albert.

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

Motion failed

FURTHER ACTION: To deny the appeal and uphold the Planning Commission decision, with the above amendments. Motion Land second Mayor Viterbi.

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

Motion carried.

Staff is directed to return with a resolution of approval.

5. TEXT AMENDMENTS TO THE ZONING ORDINANCE FOR PUBLIC HEARING

NOTIFICATION: Proposal to amend Chapters 9503 and 9630 of the Zoning Ordinance by expanding noticing requirements for public hearings. Staff report was given by Jeff Archuleta. The City Clerk reported that this hearing was noticed twice in the Post Newspaper and posted in the three required places. Mayor Viterbi opened the public hearing and the following persons came forward to speak:

Jeanne Dobrin, West Hollywood

No one else coming forward to speak, Mayor Viterbi closed the public hearing and returned the item to the Council for discussion. The Council discussed including the mailing on #2 and the 10 days for posting on #3 and #4, as well as a list of Minor Development Permits.

ACTION: To waive further reading and introduce on first reading, Ordinance No. 154, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ARTICLE IX OF THE WEST HOLLYWOOD MUNICIPAL CODE (ZONING ORDINANCE) FOR THE PURPOSE OF EXPANDING THE NOTICING REQUIREMENTS FOR PUBLIC HEARINGS", as amended. Motion Schulte second Heilman.

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

NOES: None

Motion carried.

6. MINOR CLEAN-UP TEXT AMENDMENTS TO THE ZONING ORDINANCE: A Public Hearing has been advertised for the purpose of consideration of various minor text amendments to the Zoning Ordinance. This hearing was scheduled in error and staff recommends that this item be removed from the Agenda and referred to the Planning Commission for hearing. REMOVED FROM AGENDA BY REQUEST OF STAFF.

Mayor Viterbi called a recess at 9:15 P.M.

The Council meeting was reconvened at 9:31 P.M.

CITIZEN COMMENTS: This time has been set aside for the public to address the City Council on any item on the agenda except for the Public Hearings. Members of the public may also bring non-agenda items to the attention of the Council at this time and those 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. Those coming forward to speak are as follows:

Jeanne Dobrin, West Hollywood, addressed the issue of the present sound system for the council meetings and expressed the need for the City to use dependable equipment.

Ethel Shapiro, West Hollywood, also agreed with the previous speaker's request for better equipment and asked that the City consider those with acute hearing.

Aida Morgenstern, West Hollywood, informed the Council of the unsupervised children and other unsightly, negative conditions at her classroom and requested space allowed for her class at the new civic center.

Joyce Hundal, West Hollywood, approved of the Council amending the City's noticing procedure on public hearings, but thought the City should also amend its noticing procedure on permit parking enforcement.

Budd Kops, West Hollywood, stated for the record and asked the City Council, City Manager and the City Attorney to investigate the public conduct of Commissioner Peter Weinberger.

UNFINISHED BUSINESS

7. COMMISSION APPOINTMENTS: RECOMMENDED ACTION: To make an at-large appointment to the Planning Commission and to the Public Facilities Board; and that Councilmember Albert make an appointment to the Human Services Commission.

TABLED TO THE MEETING OF JULY 27, 1987.

8. VARIANCE EXPIRATION POLICY: RECOMMENDED ACTION BY STAFF: To allow existing variances to continue without expiration dates but holding revocation hearings where conditions are being violated.
RECOMMENDED ACTION BY THE PLANNING COMMISSION: To deny the renewal of those variances which cannot meet West Hollywood's tough variance tests, and establish a Conditional Use Permit process through which a business with an expired variance would either comply with the parking, reduce the size of the business or pay an in-lieu fee.

Mark Winogron, Director of Community Development, gave the staff report.

Mayor Viterbi announced that Council would take comments from the audience and the following persons came forward to speak.

Ron Shipton, West Hollywood
David Baer, West Hollywood
Joyce Hundal, West Hollywood
Jeanne Dobrin, West Hollywood

At this point in time, by consensus of the Council, staff was instructed to go back and review various solutions to parking problems, such as assessment districts, in-lieu fees, change of use or ownership, etc., and return this item to Council in 45 to 60 days. Staff is also to report on the number of cases and how many are in violation.

NEW BUSINESS

9. AB 2380 (BATES), WHICH WILL HELP TO EXPAND EXISTING CHILD CARE REQUIREMENTS TO INCLUDE ALL PUBLIC BUILDINGS IN THE STATE: ACTION: To support AB 2380, increasing child care requirements for new or renovated State buildings to include all public buildings in the State, and adopt Resolution No. 337. Motion Heilman second Land. Hearing no objection it was so ordered.

10. ESTABLISHMENT OF WEST HOLLYWOOD SENIOR ADVISORY COMMITTEE: THIS ITEM WAS HEARD AFTER ITEM NO. 5, BUT IS LISTED HERE FOR CLARITY.

At this point in time the following persons came forward to speak.

Speaking in favor of the Senior Advisory Committee were:

Katie Pizer, West Hollywood
Eleanor Bardine
Francis Eisenberg
Jerry Hundal

ACTION: To establish the West Hollywood Senior Advisory Council; approve the proposed structure and roles of members; and direct staff to organize an initial meeting for members appointed by Council. Councilmembers will appoint two representatives each by July 13, 1987, one for a two-year term and one for a one-year term. Motion Heilman second Schulte. Hearing no objection it was so ordered.

Mr. John Butkis, Acting Director of the San Vicente Library, addressed the Council on how the library receives funding and the problems caused by the closure of San Vicente Boulevard.

10a. REGULATING PIT BULLS AND VICIOUS DOGS ACTION: That the Council instruct the City Attorney to come back with the appropriate ordinance. and that an Animal Control Officer be present at the meeting where this ordinance is presented. Motion Viterbi second Schulte. Hearing no objection it was so ordered.

At this time the Mayor called on the following speaker:

Jeanne Dobrin, West Hollywood, mentioned that certain residents with dogs have been walking them without a leash and these owners do not clean up behind their pets. She also suggested that the city be careful before condemning this breed or any breed of dogs and go after their owners.

LEGISLATIVE

11. ORDINANCE 151 - RE HARASSMENT - FOR INTRODUCTION: RECOMMENDED ACTION: To waive further reading and introduce on first reading Ordinance No. 151, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD RE-CODIFYING AND EXPANDING THE PROVISIONS RELATING TO HARASSMENT AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

THIS ITEM WAS TABLED ON APPROVAL OF AGENDA, TO NO TIME CERTAIN.

12. ORDINANCE 155 - REGULATING HANDBILLS FOR INTRODUCTION: ACTION: To set for Public Hearing on July 27, 1987 and introduce on First reading, Ordinance No. 155, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING HANDBILLS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". Motion Schulte second Albert. Hearing no objection it was so ordered.

13. ORDINANCE 149 - REGULATING TEMPORARY SIGNS - FOR ADOPTION: ACTION: To waive further reading and adopt on second reading Ordinance No. 149, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING TEMPORARY SIGNS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Schulte second Albert. Hearing no objection it was so ordered.

14. ORDINANCE 153 - LIABILITY INSURANCE RESERVE FUND - FOR ADOPTION: ACTION: To waive further reading and adopt on second reading Ordinance No. 153, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A SELF-INSURANCE FUND AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Land second Viterbi. Hearing no objection it was so ordered.

CLOSED SESSION: The City Council adjourned to closed session to discuss matters pertaining to litigation, potential litigation and/or personnel at 10:50 P.M.

ADJOURNMENT The City Council reconvened at 11:20 P.M. and adjourned to a regular adjourned meeting on July 13, 1987, in the Council Chambers, 8615 Santa Monica Boulevard, at 7:00 P.M.