

MINUTES

**CITY COUNCIL MEETING
OCTOBER 19, 1987
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BLVD.
7:00 P.M.**

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

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by City Treasurer, Jonathan Ahearn.

ROLL CALL: PRESENT: Albert, Heilman, Land, Schulte, Mayor Viterbi
ALSO PRESENT: City Manager Brotzman
City Attorney Jenkins

APPROVAL OF AGENDA: Remove items 2e, 2h, 2i and 2k from the consent calendar for separate discussion. ACTION: Approve the agenda as amended. Motion Land second Heilman. Hearing no objection it was so ordered.

PROCLAMATIONS AND COMMENDATIONS: None.

1. CITY MANAGER'S REPORT: The City Manager reported on the Street Festival, with a thanks to Barbara Burns for an outstanding job.

The City Manager requested and received authorization to negotiate for CDBG funds, at \$.70 on the dollar. By consensus of the City Council and requested that a date be set for a study session on the Civic Center. (Date set near end of meeting).

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: Approve 2a, 2b, 2c, 2d, 2f, 2g, 2j, 2l, and 2m. Motion Schulte second Heilman. Hearing no objection it was so ordered.

a. Posting of Agenda:- Report by City Clerk: The agenda for the meeting of October 19, 1987, was posted on Wednesday, October 13, 1987, at City Hall, the San Vicente Library, the Sheriff's Station, and Plummer Park.
ACTION: To receive and file.
Approved as part of the consent calendar.

b. Demand Register No. 72 - Resolution No. 370:
ACTION: To approve Demand Register No. 72 and adopt Resolution No. 370.

Approved as part of the consent calendar.

c. Treasurer's Report: August, 1987: ACTION: To receive and file. (Jonathan Ahearn, City Treasurer, gave an oral report at the beginning of the meeting.)
Approved as part of the consent calendar.

d. Claims - Mark Nottoli
ACTION: To deny the claim of Mark A. Nottoli without comment and refer to the City Attorney and the City's Claims Adjuster.
Approved as part of the consent calendar.

e. Approval of Operating Agreement with West Hollywood Community Alliance: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: To correct a typo on page 2 of the staff report, where CDBF should say CDBG, and to approve the Operating Agreement with the West Hollywood Community Alliance. Motion Albert second Heilman. Hearing no objection it was so ordered.

f. County of Los Angeles Bond Program Participation:
ACTION: That the City Council authorize staff to:
1) Provide the County with a letter of authorization to provide home rehabilitation loans to the City's residents. The City Manager will be authorized to sign this letter of participation.
2) Complete and submit a Community Survey.
3) Promote the availability of rehabilitation loans under the County's Home Improvement Program and distribute informational materials.
4) Provide office space for representatives of the County and schedule interviews between prospective rehabilitation loan applicants and representatives of the County.
5) Warrant that the Lender shall be held harmless from any acts of State and/or Federal credit granting statutes and regulations.
6) Employees of the City shall not express credit-worthiness opinions to the rehabilitation loan applicants in connection with the loan request pursuant to the MOU.
Approved as part of consent calendar.

g. Tract Map #41801: ACTION: To approve Tract Map #41801.
Approved as part of consent calendar.

h. Construction Management Service - City Hall (CIP 870):
REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. It is proposed to solicit qualifications, interview, and select a construction/engineering firm for the management of the new City Hall construction contract. Intent is to have the firm hired by early next year so that firm can be involved in the construction review. RECOMMENDED ACTION: That Council approve of the proposed process for soliciting a construction management firm for the construction of the new City Hall.

At this point in time the following person(s) rose to address the Council in opposition to this item:

Ira Stein, West Hollywood

ACTION: Table this item until after the Civic Center study session to be held November 23, 1987. Motion Albert second Land. Noting the objection of Councilmember Heilman, it was so ordered.

i. Approval of Reorganizing of the Code Enforcement Section: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. **ACTION:** To approve the addition of one (1) Code Enforcement Officer position and elimination of one (1) Administrative Aide II (Business License). Approve the transfer of \$2,925.00 to 3100-400-502 from the Unobligated Reserve. Staff to investigate allowing Code Enforcement Officers to write citations and return to Council with recommendations. Motion Schulte second Heilman. Hearing no objection it was so ordered.

j. Award of Contract for the Santa Monica Boulevard Street Beautification Project Phase I: **ACTION:** That the City Council award a contract in the amount of \$275,245.00 to Damon Construction Company for construction of the Santa Monica Boulevard Street Beautification Project - Phase I (CIP 840) as outlined in Schedule A of the bid proposal. Approved as part of the consent calendar.

k. Approval and acceptance of the Historic Resources Survey Final Report: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. **ACTION:** That the City Council: 1) Approve and accept the City of West Hollywood Historic Resources Survey Final Report; 2) instruct staff to incorporate the recommendations contained in the Final Report into the process for preparing the historic preservation ordinance; 3) authorize the City Attorney to amend the Zoning Ordinance to prohibit the demolition of any structure listed on the Historic Resources Survey due to the architectural or historic nature of the structures as documented in the Final Report. Motion Heilman second Schulte. Hearing no objection it was so ordered.

l. Co-sponsorship of L.A. Free Clinic - National Centers for Disease Control National Conference on AIDS for Community and Free Clinics: **ACTION:** Approve City co-sponsorship of the National Free and Community Clinic's Conference on AIDS and authorize an expenditure of a maximum of \$1,000 from the Social Services budget for conference support. Approved as part of consent calendar.

m. Traffic Study Grant Request, Department of Transportation Fuel Efficient Traffic Signal Management (FETSIM) Program: In August Council passed Res. 349 which included provisions for a grant application to study traffic signal management in the tri-City area of West Hollywood, Beverly Hills, and Los Angeles. This grant application is currently under review. On October 15, the State asked that the appropriate environmental assessment be forwarded to them prior to November. **ACTION:** That Council declare that this project will have no effect on the environment and approve the Negative Declaration and project. Approved as part of consent calendar.

At this point in time the City Manager gave his report, but it is listed as Item 1 for clarity.

PUBLIC HEARINGS

3. ZWI GOLDBERG APPEAL - DEVELOPMENT PERMIT 86-106, DEMOLITION PERMIT 86-107 - 825 N. LARRABEE STREET: Jeff Lambert reported that Demolition Permit 86-107 and D.P. 86-106 is a request to demolish an existing turn-of-the-century single-family dwelling and construct a 5-unit apartment building at 825 N. Larrabee Street. The Planning Commission denied this request based primarily on the potential historical significance of the existing dwelling. An appeal of this decision has been filed by the applicant. The staff recommends that City Council uphold the Planning Commission decision and deny the appeal of Development Permit 86-106.

Mayor Viterbi opened the Public Hearing and the following person(s) came forward to speak in favor of the appeal:

Ilbert A. Phillips, Attorney, representing Mr. Goldberg.

No one else coming forward to speak, Mayor Viterbi closed the Public Hearing and returned the item to the Council for discussion. **ACTION:** Hold the appeal in abeyance. Refer to staff and the Planning Commission to work with the owner to preserve this property through transfer of development rights or other economic incentives, to avoid undue burden on the owner. Secure the property in the meantime. Motion Heilman second Schulte. Hearing no objection it was so ordered.

4. TEXT AMENDMENTS TO THE WEST HOLLYWOOD MUNICIPAL CODE FOR THE PURPOSE OF IMPROVING THE INCLUSIONARY HOUSING PROGRAM: Dan Cohen, Housing Director, reported that at the Planning Commission meeting of July 2, 1987, the Commission directed staff to prepare several minor text amendments designed to: 1) increase the in-lieu fees for replacing residential rental housing in certain circumstances; 2) increase the range of options for developers as an incentive to produce affordable housing.

Mayor Viterbi opened the public hearing. No one coming forward to speak, the public hearing was closed and discussion returned to the Council.

ACTION: To approve and adopt Resolution No. 369, "A RESOLUTION OF THE CITY COUNCIL OF WEST HOLLYWOOD ADOPTING AN IN-LIEU FEE SCHEDULE AND THE METHOD FOR CALCULATING IN-LIEU FEES." Motion Heilman second Schulte. Hearing no objection it was so ordered.

D.P. 86-130, DEMOL. P. 86-131
5. SHOREHAM HEIGHTS NEIGHBORHOOD ASSOCIATION - APPEAL OF PLANNING COMMISSION APPROVAL OF 74,144 SQ. FT. COMMERCIAL PROJECT AT 8775 SUNSET BOULEVARD: Tim Gawronski reported that On August 6, 1987, the Planning Commission, by a 6-0 vote, approved the Development Permit and Demolition Permit applications for the West Hollywood Plaza project on Sunset Boulevard, proposed to contain 74,144 square feet of retail, office, and restaurant space; and subterranean parking for 404

cars. That approval has been appealed to the City Council by the neighborhood organization which represents the area adjacent to the project site. The staff recommendation is that Council instruct staff to prepare a draft resolution denying the appeal and including the additional conditions of approval outlined in the staff report.

Mayor Viterbi opened the public hearing, allowed 7 minutes each to Sybil Zaden, representing the Neighborhood Association and Ali Ebrahimi, representing the property owner.

Mayor Viterbi announced that speakers would be held to no more than 2 minutes each, and the following persons came forward to speak in favor of the appeal:

Rose Born, West Hollywood -
Davitt Sigerson, West Hollywood -
Joy Ungar, West Hollywood -
Ana Rosa Aboitiz, West Hollywood -
Leo Handel, West Hollywood -
Judith B. Ault, West Hollywood -
Arthur Gordon, West Hollywood (HAD TO LEAVE BEFORE SPEAKING) -
Nicandra Hood, West Hollywood -
Garry S. Shay, West Hollywood -
Arleen Ruby, West Hollywood -
Steve Day, West Hollywood -
Garnett Phibbs, West Hollywood -
Martin Pauzer, West Hollywood -
Gregg Rader, West Hollywood -
Ira Stein, West Hollywood -
Yvette Schumer, West Hollywood -
Gary Fowler - Executive Dir., Economic Development Corp., L.A. County -
Richard LeBell - Atty. for Nicky Blair's Restaurant -
Jeanne Dobrin, West Hollywood -
Sal Guarrello, West Hollywood -
David Sher, West Hollywood -
Budd Kops, West Hollywood -
Ralph Feeley, Sherman Community Watch Residents Assn. -
Patricia Boland, West Hollywood -
Ruth Williams, West Hollywood -
Eligio Crespo, West Hollywood -
David Villaire, West Hollywood -
James Freedman, West Hollywood -
Mort Libor, West Hollywood -
Ron Shipton, West Hollywood -

The following persons came forward to speak in opposition to the appeal:

David Weissfeld - Board of Directors, Horn Plaza Condo. Assn. -
Charles Mintzer, West Hollywood -
Kathleen Sonnert - President, Horn Plaza Assn. -
Zoltan Trenk, West Hollywood -
Christopher Bonbright, West Hollywood -
Vera Wolkoff, West Hollywood -
David Slamin, West Hollywood -

Three minute rebuttals were given by Sibyl Zaden and Ali

Ebrahimi.

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

ACTION: Grant the appeal, grant the appellant a fee waiver, deny the application without prejudice to this developer, submitting revised plans to the City. Staff to return with the appropriate Resolution. Motion Heilman second Land.

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

Mayor Viterbi called a recess at 9:55 P.M.
The Council reconvened at 10:15 P.M.

BUILDING REHAB BOARD OF APPEALS: At this point in time the City Council adjourned and sat as the Board of Appeals for the following cases:

6-1. 910 N. Curson: Jim Guerra of the Building and Safety Department gave the staff report. At this point in time the following person rose to address the Council:

Mark Hackman, new owner of this property and also 916 N. Curson.

ACTION: That the Building Rehabilitation Appeals Board finds the property substandard and declares it a public nuisance and orders the abatement of the substandard conditions including removal of the inoperable vehicle by November 3, 1987. Also, the owner will meet with the Building and Safety Department and resolve any existing problems. Motion Land second Schulte. Hearing no objection it was so ordered.

6-2. 916 N. Curson: Jim Guerra gave the staff report. **ACTION:** That the Building Rehabilitation Appeals Board finds the property substandard and declares it a public nuisance and orders the abatement of the remaining substandard conditions by November 3, 1987. Also, the owner will meet with Building and Safety Department and resolve any existing problems. Motion Land second Albert. Hearing no objection it was so ordered.

6-3. 151 N. Fuller: Jim Guerra gave the staff report. **ACTION:** That the Building Rehabilitation Appeals Board finds the property substandard and declares it a public nuisance and orders the abatement of the substandard conditions including the removal of any inoperable vehicles by November 3, 1987. Motion Land second Heilman. Hearing no objection it was so ordered.

6-4. 9014-16 W. Harratt Street: Jim Guerra gave the staff report. At this point in time, the following persons came forward to address the Council in favor of the rehabilitation of these buildings:

Janet Bridges, 9016 W. Harratt Street
Patrick Wall, 9016 W. Harratt Street

ACTION: That the Building Rehabilitation Appeals Board finds the property substandard and declares it a public nuisance and

orders the abatement of the substandard conditions by November 3, 1987. Motion Heilman second Schulte. Hearing no objection it was so ordered.

6-5. Status Report on all Previous Cases Heard: Jim Guerra reported that there was a correction on 1037 Laurel, the abatement date was October 7, 1987, and there have been problems with the demolition. Trying to contact the owners and get the garage removed.

CITIZEN COMMENTS: This time has been set aside for the public to address the City Council on any item on the agenda except for the public hearings. At this time the following persons came forward to address the City Council.

Grafton Tanguary, West Hollywood, spoke on Item 9, Tenant Relocation Assistance Fees.

Ron Shipton, West Hollywood, requested a reconsideration on the Sephardic Academy appeal.

David Lopez, West Hollywood, requested action on the "blight" in back of City Hall, 916 1/2 Westbourne Dr. (Referred to the City Manager for follow-up).

Ira Stein, West Hollywood, spoke about enforcement of zoning laws and abatement of nuisances.

Jeanne Dobrin, West Hollywood, remarked on the garbage in the streets after the Street Fair.

Councilmember Heilman asked that staff be directed to return to Council with recommendations on the list of restaurant violations.

UNFINISHED BUSINESS

7. APPOINTMENT TO BUSINESS LICENSE COMMISSION: ACTION: To appoint Catherine Stribling to the Business License Commission. Motion Albert second Heilman. Hearing no objection it was so ordered.

LEGISLATIVE

8. ORDINANCE RELATING TO RENT STABILIZATION FEES - FOR INTRODUCTION - ORDINANCE NO. 168: Currently all Rent Stabilization Department fees are set by resolution or regulation of the Rent Stabilization Commission. This proposed ordinance would authorize City Council to set fees for the Rent Stabilization Department. **ACTION:** To waive further reading and introduce on first reading, Ordinance No. 168, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD RELATIVE TO RENT STABILIZATION FEES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Heilman second Land. Hearing no objection it was so ordered.

9. AMENDMENTS TO RENT STABILIZATION ORDINANCE RELATING TO TENANT RELOCATION ASSISTANCE FEES AND NO-FAULT EVICTIONS - At request of Council, the Rent Stabilization Department conducted a study of tenant relocation assistance fees related

to no-fault evictions to determine whether changes in economic conditions since 1985 warranted an increase in required fee payments to displaced tenants: The results indicate that certain changes in required fee payments to tenants who are displaced involuntarily are warranted. ACTION: To waive further reading and introduce on first reading Ordinance No. 169, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE," and instruct the City Clerk to advertise a hearing on this item for the meeting of November 2, 1987. Motion Schulte second Albert. Hearing no objection it was so ordered.

FURTHER ACTION: To waive further reading and adopt on an urgency basis Ordinance No. 169U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF." Motion Schulte second Land.
AYES: Albert, Heilman, Land, Schulte, Mayor Viterbi
NOES: None
Motion carried.

10. ORDINANCE NO. 158 - VICIOUS DOG ORDINANCE - FOR ADOPTION:
ACTION: To waive further reading and adopt on second reading Ordinance No. 158, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE ANIMAL CONTROL ORDINANCE PERTAINING TO VICIOUS ANIMALS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Schulte second Albert. Hearing no objection it was so ordered.

11. PERS SURVIVORS BENEFIT - ORDINANCE NO. 166 - FOR ADOPTION:
ACTION: To waive further reading and adopt on second reading Ordinance No. 166, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM." Motion Schulte second Land. Hearing no objection it was so ordered.

12. ORDINANCE NO. 167 - PROHIBITING SMOKING IN RESIDENTIAL ELEVATORS - FOR ADOPTION: ACTION: To waive further reading and adopt on second reading Ordinance No. 167, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD PROHIBITING SMOKING IN ELEVATORS IN RESIDENTIAL BUILDINGS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Schulte second Heilman. Hearing no objection it was so ordered.

At this time the City Council set November 23, 1987 as the date for a study session on the Civic Center and moved the meeting with the Housing Corporation to December. Motion Heilman second Schulte. Hearing no objection it was so ordered.

CLOSED SESSION: The City Council adjourned to closed session to discuss matters pertaining to litigation, potential litigation and/or personnel at 11:35 P.M.

Mayor Viterbi left the meeting at 11:40 P.M.

The City Council reconvened at 12:15 and Mayor Pro-tempore Albert assumed the Chair for the remainder of the meeting.

13. AMENDING THE CONTRACT BETWEEN THE GENERAL EMPLOYEES UNIT AND THE CITY OF WEST HOLLYWOOD - RESOLUTION NO. 367: The City and Union negotiating teams have concluded meet and confer and a Resolution must be approved amending the MOU. ACTION: To approve and adopt Resolution No. 367, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WEST HOLLYWOOD AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL NO. 3339." Motion Heilman second Land. Hearing no objection and noting the absence of Mayor Viterbi, it was so ordered.

ADJOURNMENT: Mayor Pro-tempore Albert adjourned the meeting at 12:17 to a regular adjourned meeting at 7:00 P.M. on November 2, 1987, at West Hollywood Park.