

Approved 12-7-87

MINUTES

**CITY COUNCIL MEETING
SEPTEMBER 21, 1987
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BLVD.
5:30 P.M.**

CALL TO ORDER: Mayor Viterbi called the meeting to order at 5:30 P.M.

ADJOURN TO CLOSED SESSION: At this time the Council adjourned to a closed session to discuss matters pertaining to litigation, potential litigation and purchase of real property.

RECONVENE: Mayor Viterbi reconvened the meeting at 7:23 P.M.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Bill Amatta.

ROLL CALL:

PRESENT:	Albert, Heilman, Land, Schulte Mayor Viterbi
ABSENT:	None
ALSO PRESENT:	Mark Winogron (acting for City Manager) Mike Jenkins, City Attorney

APPROVAL OF AGENDA: Remove Items 2i, 2k, 2m, 2o and 2q from the consent calendar for separate discussion. Table Item 6 and Item 11 to October 5, 1987. Move Items 7-1 through 7-4 until after 9:00 P.M. Motion Schulte second Albert. Hearing no objection it was so ordered.

Councilmember Schulte announced that Andy Hirsch has resigned from the Rent Stabilization Commission and he will be making an appointment after the proper noticing and advertising of the vacancy.

PROCLAMATIONS AND COMMENDATIONS: Commendations for 5/10K Run and presentation of proceeds to Aid for Aids and Being Alive.

Mayor Viterbi presented a check for \$3,000 to Ron Rose representing Being Alive and \$3,000 to Andy Haenfler representing Aid for AIDS.

Mayor Viterbi presented commendations to the following:

Elizabeth Bernard Anderson

ORIGINAL

Carol Glum
Andy Haenfler
Ruth Williams
John Allendorfer
Ron Rose
Dori Stegman
Diep Dyer
Fred Sands Realtors

CITY MANAGER'S REPORT: This time has been set aside for the City Manager to bring any and all items to the attention of the City Council. Mark Winogrand stated there would be no report tonight due to the length of the agenda.

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 items a, b, c, d, e, f, g, h, j, l, n, and p. 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 September 21, 1987 was posted on Wednesday, September 16, 1987 at City Hall, the San Vicente Library, the Sheriff's Station, and Plummer Park. **ACTION:** To receive and file.
Approved as part of consent calendar.

b. Demand Register No. 69 - Resolution No. 362:
ACTION: To approve Demand Register No. 69 and adopt Resolution No. 362.
Approved as part of consent calendar.

c. RFP for Transcripts: There is a need for the City to obtain standardized transcription services on an as needed basis. **ACTION:** Approve the Request for Proposals and authorize the City Clerk to go out to bid.
Approved as part of consent calendar.

d. Minutes: August 3, 1987 -
ACTION: To approve the Minutes of August 3, 1987.
Approved as part of consent calendar.

e. Claims: Minnie Roth - filed September 3, 1987
Hyman Lytton - filed September 11, 1987
ACTION: Deny and refer to the Claim's Adjuster.
Approved as part of consent calendar.

f. Rent Stabilization Registration Fee Rebate Program:

ACTION: Approve the Rent Stabilization Department plan to mail applications to known tenants who may qualify for the registration fee rebate program.
Approved as part of consent calendar.

g. Playground Equipment: **ACTION:** Approve the purchase of the playground equipment for Plummer and West Hollywood Park from the low bidder, Miracle-Jamison Recreation Equipment Company, in the amount of \$12,025.66.
Approved as part of consent calendar.

h. Tropicana Corner Dedication: Tropicana Associates has signed a partnership grant deed dedicating the northeast corner of Santa Monica Blvd. and Westmount Drive to provide the planned sidewalk and access ramp. **ACTION:** Accept the grant deed from Tropicana Associates and direct staff to record the deed with the County Assessor's Office.
Approved as part of consent calendar.

i. Santa Monica Blvd. - Halloween Closure: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. **RECOMMENDED ACTION:** 1) Approve the closure of Santa Monica Blvd. between San Vicente and Robertson Blvd. on October 31, 1987, from 8:00 P.M. to 4:00 A.M. 2) Direct staff to notify all businesses in the area of the street closure, and 3) Direct staff to notify Cal-Trans that the City accepts liability for traffic re-routing caused by the event.
This item was discussed by Council and Tabled to the meeting of October 5, 1987.

j. Phase I Street Beautification Project - Rejection of Bids and Authorization to Rebid: Five bids were received and all exceed the project budget. **ACTION:** 1) Reject all bids received for the Street Beautification Project Phase I (CIP 840) and authorize staff to rebid the project. 2) Reallocate \$75,000 in general fund monies from Phase II to Phase I of the project, and 3) Direct staff to bring back a proposal for funding all, or part, of Phase II during the mid-year budget review.
Approved as part of consent calendar.

k. Approval of Contract - West Hollywood Marketing Corporation (1987-88):
REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. The West Hollywood Marketing Corporation was established and funded by the City in July, 1986. This report advises the Council of Corporation activities to date, and includes the 1986-87 Annual Report and the contract for FY 1987-88 contract for services. **ACTION:** 1) Appoint James Goodwin to

fill Murray Feldman's unexpired term on the Board of Directors; 2) Endorse the Board of Directors' actions regarding its Advisory Committee and Board of Directors, with 2 additional people on the Board of Directors who must be residents of the City of West Hollywood; and 3) Receive and file the FY 1986-87 Annual Report; and 4) Approve the contract for services between the City and the Marketing Corporation. Motion Heilman second Land. Hearing no objection it was so ordered.

l. Support for Resolution to League of California Cities on Subventions: At the annual conference in October, the cities will be considering various resolutions. One of these will be a resolution to support a bill to reverse recent legislation that reduced subvention revenues to newly incorporated cities. The finance officer estimates that the City would gain an additional \$3,000,000 if this legislation were adopted by the State Legislature. ACTION: Authorize City delegates to actively support the resolution which will be introduced at the League conference on subventions. Approved as part of consent calendar.

m. Representation of the City at the National March on Washington, October 9-13: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. At this point in time the following person came forward to address the Council:
Ron Shipton, West Hollywood

ACTION: Authorize members of the City Council to attend the March on Washington and related programs as official representatives of the City of West Hollywood. Motion Heilman second Land. Hearing no objection it was so ordered.

n. Appropriation of Affordable Housing Trust Fund Monies for West Hollywood Community Housing Corporation: ACTION: Authorize the City Manager to appropriate \$45,000 from the Affordable Housing Trust Fund for predevelopment expenses. This money would be used only for the property located at 7292 Fountain Avenue. Approved as part of consent calendar.

o. Contract for Hearing Examiner Services: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: Approve the contract for Hearing Examiner services, with a change on page 5, from \$50.00 to \$100.00. Motion Albert second Heilman. Hearing no objection it was so ordered.

p. Street Rehabilitation and Drainage Improvements

Project (CIP #801): ACTION: Award the contract "Street Rehabilitation and Drainage Improvement Project", (CIP #801), to Sully-Miller Contracting Company for \$419,992.38. Approved as part of consent calendar.

g. Community Plan: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. **ACTION:** Set the following format for the study session on the General Plan set for September 28, 1987:

1) Establish Woody Tescher as the facilitator for the process.

2) Direct Council to develop an agreement about objectives and goals for the General Plan.

3) Establish an overall goal for the evening that Council will develop a guiding vision for the City and for the General Plan.

Council wished to clarify that this is a study session for the Council and there would not be any public input.

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

PUBLIC HEARINGS

3. APPEAL - SEPHARDIC HEBREW ACADEMY: (Plus request from Ron Shipton for waiver of fee) Mark Winogron reported on the noticing for this hearing and requested that due to a mistake in posting this hearing be opened, testimony be taken, and the hearing be continued to the first meeting in October. Jeff Lambert gave the staff report in which he stated that condition p and condition y contained changes made after adoption by the Planning Commission. Mayor Viterbi opened the public hearing and the following persons came forward to speak on this item:

Ron Shipton, Appellant

Jeff Seymore, representing the Sephardic Hebrew Academy, submitted a letter to the Council.

Budd Kops, West Hollywood

Jack Rail, West Hollywood

No one else coming forward to speak, Mayor Viterbi continued the hearing open to the first meeting in October.

4. PARKING - DKS STUDY: (include angle parking)

The City Clerk reported that this item was noticed in the Post Newspaper with an improper date (August 21 instead of September 21) but was corrected in the following issue by use of a display ad. The hearing was also posted in the three required places, plus at City Hall. Maryanne Jones

gave the staff report. Mayor Viterbi opened the public hearing and the following persons came forward to address the Council on this item:

Joe Thompson, West Hollywood
Ed Edson, West Hollywood
William Borton, West Hollywood
Kathryn Thulin, West Hollywood
Ruth Williams, West Hollywood
Norma Kemper, West Hollywood
Sharon Van Fleet, West Hollywood
David Arias, West Hollywood
David L. Combs, West Hollywood
Budd Kops, West Hollywood
Kathy Gerwig, West Hollywood
Ed Meripol, West Hollywood
Floyd Ackerman, West Hollywood
Linda Puzio, West Hollywood
Sam Weinstein, West Hollywood
Ira Stein, West Hollywood
Mike Rubin, West Hollywood
Barbara Maurer, West Hollywood

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

ACTION: Authorize the detailed engineering studies for Priorities 3 (Provide additional on-street spaces on Romaine, Vista and Gardner) and 5 (Restripe e Longpre and create one-way couplets on four streets). The staff will return with recommendations on Priorities 2 (construct parking structure on Robertson), 6 (construct a parking structure on the County lot), at the subsequent meeting. In addition, it is recommended that the Council accept the Transportation Commission's proposals for Priorities 4 (Sunset Boulevard shared parking), 7 (Melrose Place parking), and 8 (additional parking at redevelopment sites). Delete recommendations 9 & 10 in the Staff report and set up public meetings in different neighborhoods. Motion Heilman second Schulte. Hearing no objection it was so ordered.

Mayor Viterbi called a recess at 9:10 P.M.

The meeting was reconvened at 9:24 P.M.

At this point in time the City Council adjourned to sit as the Building Rehabilitation Appeals Board (items 7-1 - 7-4).

5. NIGHTCLUBS - DESIGN STANDARDS: ORDINANCE NO. 164: Staff report was given by Paul Self. Mayor Viterbi opened the public hearing and the following persons came forward to speak in opposition to the Ordinance:

Martin Tunick, West Hollywood
David Curtin, Chairman Restaurant & Bar Assn.
Budd Kops, West Hollywood
Stephen Michael, West Hollywood

RECOMMENDED ACTION: Open the public hearing, receive public testimony, and, if appropriate, waive further reading and introduce on first reading, Ordinance No. 164, AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ARTICLE IX OF THE WEST HOLLYWOOD MUNICIPAL CODE (ZONING ORDINANCE) FOR THE PURPOSE OF ESTABLISHING NIGHTCLUB STANDARDS."

At this point in time this hearing was continued open to the meeting of October 19, 1987. By consensus of the Council.

5a. TEXT AMENDMENTS TO THE BUSINESS LICENSE ORDINANCE ESTABLISHING NIGHTCLUB REGULATIONS AND DEFINITIONS:

ACTION: Public hearing on this item was opened and continued open to the regular City Council meeting of October 19, 1987, pending the presentation of a full and complete staff report on this item. Staff has notified members of the business community and neighborhood organizations of the proposed continuance of this hearing. By consensus of the Council.

6. INCLUSIONARY HOUSING PROGRAM: Hold the public hearing, take public testimony and then, if appropriate, waive further reading, and introduce on first reading Ordinance No. 163 "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE ZONING ORDINANCE TO CLARIFY INCLUSIONARY HOUSING OPTIONS, PERMIT NEW IN-LIEU SCHEDULE, AND EXPAND THE RANGE OF DEVELOPER OPTIONS FOR THE PRODUCTION OF AFFORDABLE HOUSING".

TABLED TO THE MEETING OF OCTOBER 5, 1987.

ADJOURN TO THE BUILDING REHAB BOARD OF APPEALS FOR THE FOLLOWING HEARINGS:

THIS ITEM WAS HEARD FOLLOWING ITEM NO. 4 BUT IS LISTED HERE FOR CLARITY.

7-1. 1244 N. Fairfax: Abatement of Substandard Conditions: Report was given by Jim Guerra. **ACTION:** The Building Rehabilitation Appeals Board finds the building substandard and declares it a public nuisance and orders the abatement of

the substandard conditions, including removal of inoperable vehicles by October 7, 1987. Motion Land second Schulte.

AYES: Albert, Heilman, Land, Schulte, Mayor Viterbi
NOES: None

Motion carried.

7-2. 8500 W. Holloway: Abatement of Substandard Conditions: Staff report was given by Jim Guerra. At this point in time the following persons came forward to speak on this item:

Chris Gruys, 3619 Motor Pk., Los Angeles
Mickey Bush, West Hollywood

ACTION: 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 vehicles by October 7, 1987. Motion Schulte second Land.

AYES: Albert, Heilman, Land, Schulte, Mayor Viterbi
NOES: None

Motion carried.

7-3. 8223 W. Norton: Abatement of Substandard Conditions: Staff report was given by Jim Guerra, who reported that Larry Walker is a tenant on this property and had requested an extension of time. Staff would be willing to extend time from October 7 to November 27, providing that owner meets with staff and the inoperable vehicle be removed. At this point in time the following person came forward to speak:

Larry Walker, West Hollywood

ACTION: The Building Rehabilitation Appeals Board finds the subject property substandard and declares it a public nuisance and orders the abatement of the substandard conditions including removal of the inoperable vehicle by November 27, 1987, providing that the owner will meet with staff on the property. Motion Heilman second Schulte.

AYES: Albert, Heilman, Land, Schulte, Mayor Viterbi
NOES: None

Motion carried.

7-4. 1037 N. Laurel (Rehearing): Jim Guerra reported that this case was brought before the Board on August 19, 1987. The Board ordered the abatement of this nuisance by repair,

cleaning of property and a chain link fence around the property by September 1, 1987. The fence was installed, however, a portion of the fence is left open. There has been no progress on the repair of the structure. Trash and debris continue to collect on the property.

At this point in time the following person came forward to address the Council:

Helen Malsberg, 1027 N. Laurel Avenue

PROPOSED ACTION: To adhere to the conditions set on August 19, 1987; and there be no extension of time, and staff to proceed with the reclaiming of this building. Motion Schulte second Albert.

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

ACTION: Order the abatement by repair or demolition by October 7, 1987, and that this action supercedes the Planning Commission action. Motion Heilman second Albert.

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

Mayor Viterbi adjourned the Building Rehabilitation Appeals Board and reconvened the City Council.

CITIZEN COMMENTS: This time has been set aside for the public to address the Council on any and all matters. At this point in time the following persons came forward to address the Council:

Budd Kops, West Hollywood - rules are for everyone.
Ruth Williams, West Hollywood - complaint on Commissioner.
Ron Shipton - fee waivers for low income people.
Grafton Tanquary - Overly broad language in Ordinance 151.
Jeanne Dobrin - propriety of Commissioners speaking on matters before the City Council.

NEW BUSINESS

8. NATIONAL LEAGUE OF CITIES MEETING - VOTING DELEGATE AND ALTERNATE: RECOMMENDED ACTION: Name Councilmember Albert as the voting delegate and Mayor Viterbi as alternate for the Annual Congress of Cities, December 12-16, 1987. Motion Land

second Schulte. Hearing no objection it was so ordered.

9. INCREASE IN RELOCATION FEES RELATED TO JUST CAUSE EVICTIONS: RECOMMENDED ACTIONS: Department of Rent Stabilization be directed to prepare a staff study of relocation assistance fees with recommendations for changes, if appropriate; Department of Rent Stabilization be directed to review the sections of the Ordinance that relate to evictions and relocation assistance fees and draft amendments, if appropriate, for City Attorney review that will clarify the rights and responsibilities of all affected parties. ACTION: Refer to the Rent Stabilization Department for review and have them come back with recommendations at the second meeting in October. Motion Mayor Viterbi second Schulte. Hearing no objection it was so ordered.

10. METHOD OF HEARING ON APPEAL (BEVERLY HILLS MASSAGE PARLOR) : Paul Self reported that staff is recommending that the Council grant a hearing on appeal to the Appellant, accept all exhibits and evidence introduced before the Business License Commission during the Accusation hearing as well as a transcript of the hearing, and accept any new evidence and testimony presented to the Council during the Appeals hearing.

The City Attorney stated that staff is basically recommending that the hearing be based on the record that was made before the Business License Commission, with one exception; that being the introduction of new evidence. New evidence would mean, not simply evidence that was not submitted before the Business License Commission, but new evidence that the parties were not able to submit before the Commission, because it was not available, because it was, for some reason, hidden or it did not exist. It does not make much point to hold a hearing on the record and allow people to introduce new evidence that they simply forgot to submit before, when they had ample opportunity to submit all the evidence they wanted to submit. It should be very clear that the receipt of new evidence pertain only to evidence that was not able to be submitted previously.

It should also be made clear that the parties can submit written arguments and oral arguments, but there will be a time limitation, as specified by Council, on the oral arguments. The arguments will pertain to the evidence that has already been submitted. To the extent that there is new evidence, this evidence will be presented in a courtroom type procedure whereby witnesses are examined and cross-examined and this could be time consuming.

Mayor Viterbi asked the City Attorney to come up with a time limit and notify the City Clerk so that these limits could be stated in the notice on this item. Councilmember Heilman requested that the parties submit lists of proposed witnesses to be called and evidence to be introduced.

At this point in time Hal Mintz, Beverly Hills Massage Parlor, stated that they do not yet know when the transcript will be ready and his attorney, Mr. Glassman, has requested at least 4 weeks to study the transcript before preparing his appeal.

The City Attorney stated that all parties should be given ample time to study the transcript, and it will be lengthy.

ACTION: The matter will be heard on the record rather than de novo, except for new testimony as defined by the City Attorney. Staff to work together to ascertain the length of the transcript, when it will be ready, what type of new witnesses are proposed to be examined, and bring back a proposed date for the hearing and time limits. Motion Schulte second Land. Hearing no objection it was so ordered.

11. APPOINTMENT TO BUSINESS LICENSE COMMISSION: RECOMMENDED **ACTION:** Councilmember Albert will now make her appointment to fill the existing vacancy on the City's Business License Commission.
TABLED TO THE MEETING OF OCTOBER 5, 1987.

12. WM. S. HART PARK DESIGN:
Mark Winogrand, Director of Community Development, reported that staff had analyzed the proposals and were recommending Rios Pearson. **ACTION:** Authorize staff to negotiate a contract with Rios Pearson for the long term improvements and bring it back for Council approval. Motion Mayor Viterbi second Schulte. Hearing no objection it was so ordered.

12a. RELOCATION OF HOMELESS PROGRAM OFFICE: Material on this subject will be furnished to Council by the City Manager prior to the meeting.
CONTINUED TO THE NEXT COUNCIL MEETING PENDING NEW INFORMATION. By consensus of the Council.

12b. SET SCHEDULE FOR CITY COUNCIL STUDY SESSIONS AND JOINT COUNCIL/COMMISSION WORKSHOPS FOR OCTOBER, NOVEMBER AND DECEMBER: **ACTION:** Set the schedule for referenced meetings

as per the City Manager's recommendations in his September 21, 1987 report, moving the meeting of October 5th to October 6th. Motion Mayor Viterbi second Schulte. Hearing no objection it was so ordered.

LEGISLATIVE

13. TEXT AMENDMENTS TO THE ZONING ORDINANCE - ORDINANCE NO. 159: For Adoption: (Pedestrian Overlay) ACTION: Waive further reading and adopt on second reading, Ordinance No. 159, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ARTICLE IX OF THE WEST HOLLYWOOD MUNICIPAL CODE (ZONING ORDINANCE) FOR THE PURPOSE OF ADDING SPECIFIC ALLOWABLE USES TO THE PEDESTRIAN ORIENTATION OVERLAY ZONE." Motion Heilman second Albert. Hearing no objection it was so ordered.

14. TEXT AMENDMENTS TO THE BUSINESS LICENSE ORDINANCE - ORDINANCE NO. 160: For Adoption: (Peddler's license) ACTION: 1) To waive further reading and adopt on second reading, Ordinance No. 160, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD CREATING A SPECIAL EVENTS PEDDLER'S PERMIT AND FEE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE" Motion Land second Schulte.

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

NOES: None

Motion carried.

2) To waive further reading and adopt Ordinance No. 160U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD CREATING A SPECIAL EVENTS PEDDLER'S PERMIT AND FEE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF". Motion Schulte second Albert.

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

NOES: None

Motion carried.

15. ENFORCEMENT OF THE NOISE ORDINANCE - ORDINANCE NO. 161: For Adoption: ORDINANCE NO. 161U - For adoption: ACTION: To waive further reading and adopt Ordinance No. 161, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING ENFORCEMENT OF THE NOISE ORDINANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". Motion Mayor Viterbi second Schulte.

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

NOES: None

Motion carried.

FURTHER ACTION: To waive further reading and adopt Ordinance No. 161U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD

REGARDING ENFORCEMENT OF THE NOISE ORDINANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF". Motion Land second Albert.

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

NOES: None

Motion carried.

16. VICIOUS DOG ORDINANCE - ORDINANCE NO. 158: For adoption: RECOMMENDED 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".

TABLED TO FIRST MEETING IN OCTOBER.

17. THREATS AND ASSAULTS WITH REPLICA FIREARMS - ORDINANCE 165 AND 165U: ACTIONS: (1) Waive further reading and introduce on first reading, "ORDINANCE NO. 165, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING THREATS AND ASSAULTS WITH REPLICA FIREARMS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". Motion Schulte second Mayor Viterbi.

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

NOES: None

Motion carried.

2) Waive further reading and adopt on an urgency basis, Ordinance No. 165U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING THREATS AND ASSAULTS WITH REPLICA FIREARMS, AMENDING THE MUNICIPAL CODE, AND DECLARING THE URGENCY THEREOF". Motion Albert second Land.

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

NOES: None

Motion carried.

18. ORDINANCE NO. 151 - HARASSMENT: Councilmember Land requested that in part F(B), where it says malicious harassment is defined as action--, add "persistent or pattern of actions, behaviour, or conduct". The City Attorney reported that this Ordinance does not criminalize actions that vex, annoy or disturb. It criminalizes actions that vex, annoy, disturb, frighten, intimidate, threaten, victimize, injure, with intent. There must be specific intent to be discriminating against the person because of a certain characteristics or in retaliation for exercise of rights. Must have the specific intent to be discriminating, with not just one action or incident, but a pattern.

At this point in time the following person came forward to

address the Council:

Budd Kops, West Hollywood

ACTION: Waive further reading and introduce on first reading Ordinance No. 151, as amended, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD RE-CODIFYING AND EXPANDING THE PROVISIONS RELATING TO HARASSMENT AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". Motion Heilman second Land. Hearing no objection it was so ordered. The City Attorney was also directed to bring this back as an urgency Ordinance.

Mayor Viterbi reminded the Council that they needed to address Mr. Shipton's request for a refund on an appeal. The City Attorney stated that there was no mechanism in the code at the present time. He felt that a policy should be developed that would be consistent. **ACTION:** Staff was directed to return with a policy and also link refunds to whether or not the appeal was meritorious. By consensus of the Council.

ADJOURNMENT: Mayor Viterbi adjourned the meeting at 10:58 P.M. to a regular meeting on September 28, 1987 at 6 P.M. in the City Hall Council Chambers.