

Approved 11-16-87

MINUTES

**CITY COUNCIL MEETING
November 2, 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 Woody Tescher.

ROLL CALL: PRESENT: Albert, Heilman, Land, Schulte, Mayor Viterbi

APPROVAL OF AGENDA: ACTION: Table Items 2h, 2i, 2k, 2o and 10. Remove items 2c, 2e, 2l and 2n, 2p for separate discussion. Move Items 14 and 11 to after item 5. Motion Schulte second Land. Hearing no objection it was so ordered.

PROCLAMATIONS AND COMMENDATIONS:

1. CITY MANAGER'S REPORT: This time has been set aside for the City Manager to report to the Council on any and all items.

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.

a. Posting of Agenda: Report by City Clerk: The agenda for the meeting of November 2, 1987, was posted on Wednesday, October 28, 1987, at City Hall, the San Vicente Library, the Sheriff's Station, and Plummer Park. Additions were made to the agenda during the week and the revised agenda was posted on Friday, October 30, 1987 at the above locations, within the 72 hour requirement.

ACTION: To receive and file.
Approved as part of Consent Calendar.

b. Demand Register No. 73 - Resolution No. 375: ACTION: Approve Demand Register No. 73 and adopt Resolution No. 375. Approved as part of the consent calendar.

c. Minutes: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. **ACTION:** Approve the minutes of October 19, 1987, with the correction on Item 2h, that Councilmember Heilman voted no. Motion Heilman second Schulte. Hearing no objection it was so ordered.

d. Claims - Tom Richards: ACTION: Deny the claim of Tom Richards without comment and refer to the West Hollywood Marketing Corporation and the City's claims adjustor. Approved as part of the consent calendar.

e. Approval of a General Office Worker Position in Personnel Division and Information Systems Management:

Staff report was given by Patrick Depew. ACTION: 1) Authorize creation of a full-time permanent General Office Worker position for Administrative Services, Support Services Division. 2) Authorize creation of a full-time permanent Systems Operator position in the Information Management Division at Range 3 and approve the job specifications, and 3) Authorize the transfer of \$6,748 from salary & benefit savings from the City Manager's Office to the Administrative Services Dept. budget. Motion Land second Albert. Noting the objection of Heilman and Schulte, it was so ordered.

f. Expansion of Bus Shelter Program:

ACTION: Approve an expanded bus shelter program and authorize the installation of 12 additional shelters; approve the continued use of the shelter tree design and instruct staff to work with Shelter Media Communications, Inc. on Phase II of the program, which would include installing up to twenty additional shelters.
Approved as part of Consent Calendar.

g. Approval of Application for Bicycle/Pedestrian Facility Funds under the Transportation Development Act:

ACTION: Adopt Resolution No. 376, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE APPLICATION FOR BICYCLE AND/OR PEDESTRIAN FUNDS UNDER SB 821 AND APPROVING THE ADOPTION OF ITS BICYCLE AND/OR PEDESTRIAN PLAN".
Approved as part of Consent Calendar.

h. Amendment to Department Directors' Contracts:

RECOMMENDED ACTION: Approve amendments to Department Directors' employment contracts for the period October 23, 1987 to June 30, 1988 and authorize the Mayor to sign.
Table to meeting of November 16, 1987.

i. Council Deputies and Confidential Unit Employee Agreements: - Resolution No. 372 and Resolution No. 373:

RECOMMENDED ACTION: Adopt Resolution No. 372, "AN AMENDMENT TO THE MOU BETWEEN THE CITY OF WEST HOLLYWOOD AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL NO. 3339, SETTING FORTH THE TERMS, CONDITIONS, BENEFITS, SALARIES AND WORKING CONDITIONS OF THE COUNCIL DEPUTY UNIT" and adopt Resolution No. 373, "AMENDING THE AGREEMENT SETTING FORTH THE TERMS, CONDITIONS, BENEFITS, SALARIES AND WORKING CONDITIONS OF THE CONFIDENTIAL EMPLOYEES UNIT".
Table to meeting of November 16, 1987.

j. Resolution No. 371 - Denial of Appeal on CUP 87-04 - 7073 Santa Monica Blvd. - Off-site sale of Beer and Wine:

ACTION: Adopt Resolution No. 371, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL OF NASSROLLAH ALIABADI AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION DENYING CONDITIONAL USE PERMIT 87-04 FOR THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION ON PROPERTY LOCATED AT 7073 SANTA MONICA BLVD."
Approved as part of Consent Calendar.

k. Resolution No. 360 - Denial of Appeal on Sephardic Hebrew Academy: RECOMMENDED ACTION: Adopt Resolution No. 360, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING APPEAL AND APPROVING CONDITIONAL USE PERMIT NO. 86-13 AND THE CONTINUED NONCONFORMING STATUS ON AN APPLICATION OF THE SEPHARDIC HEBREW ACADEMY, 310 N. HUNTLEY DR., WEST HOLLYWOOD".
Tabled to meeting of November 16, 1987.

l. Resolution No. 374 - Passenger Loading Zone on Santa Monica Blvd.: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Chuck Bergson, Director of Public Works reported that in order to diminish the problems created by noise from the patrons of the Speakeasy as they leave the bar at night, it is suggested that patrons exit through the fire door on Santa Monica Blvd after 11 P.M. and all valet services take place on Santa Monica Blvd. ACTION: Adopt Resolution No. 374, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A PASSENGER LOADING ZONE ON A PORTION OF SANTA MONICA BLVD." and have staff review and report back to the Council in 90 days. Motion Schulte second Heilman. Hearing no objection it was so ordered.

m. Provision of Immigrant Services:
ACTION: Approve the extension of the Jewish Vocational Services contract from January 1, 1988 through June 30, 1988 in the amount of \$35,000 to provide vocational services to the West Hollywood immigrant community.
Approved as part of Consent Calendar.

n. AIDS Project Los Angeles Contract Amendment:
REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY.
ACTION: Approve the amendment to APLA's Social Service contract to allow for a hospice for West Hollywood AIDS patients to be established outside the city limits.
Under discussion it was established that this was "hospice type care". Motion Schulte second Heilman. Hearing no objection it was so ordered.

o. Assistant Civil Engineer: RECOMMENDED ACTION: Authorize the position and hiring of an Assistant Civil Engineer in the Public Works Department and transfer a proportional amount of funds from Professional Services, 7000-460-770-001 to Public Works Administration, 7000-400-502-001.
Tabled to meeting of November 16, 1987.

p. Parking at West Hollywood Park: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Chuck Bergson, Director of Public Works, reported that currently, the West Hollywood Park parking lot is being used by the public to the exclusion of actual park users. At this point in time the following person came forward to address the Council:

John Butkis, In-charge Librarian, San Vicente Library.

ACTION: Table for 2 weeks and direct staff to work with the Transportation Manager and the Library staff. Motion Heilman second Schulte. Hearing no objection it was so ordered.

q. Resignation from Public Facilities Board: **ACTION:** Accept Bob Williams resignation from the Public Facilities Board with regret and instruct staff to prepare the appropriate certificate of recognition.
Approved as part of consent calendar.

r. Acquisition of Property - Ratification of Authorization of Mayor to Sign Acceptance of Offer to Purchase, On Behalf of the City, Property Located at 626 N. Robertson Blvd., from Owner Manuel Fernandez. **ACTION:** Transfer \$475,000.00 from the Reserve for Future Expenditures account to the Civic Center Account from which the \$950,000.00 is to be paid. Authorize the Mayor to sign the acceptance of offer to purchase, on behalf of the City, property located at 626 N. Robertson Boulevard, from owner Manuel Fernandez, for the sum of \$950,000.00.
Approved as part of the consent calendar.

PUBLIC HEARINGS

3. ORDINANCE NO. 169 - RELATING TO TENANT RELOCATION ASSISTANCE FEES AND NO-FAULT EVICTIONS: The City Clerk reported that this item was noticed in the Post Newspaper and posted in the three required places, plus at City Hall. Richard Dorsey Muller, Director of Rent Stabilization, reported that at the October 19, 1987 Council meeting, the City Council determined that a public hearing would be held on November 2, 1987, at the second reading of Ordinance No. 169.

Mayor Viterbi opened the public hearing and the following persons came forward to speak in favor of the Ordinance:

Sal Guariello, West Hollywood
Ann Polsky, West Hollywood

The following person came forward to speak against the Ordinance:

Grafton Tanquary, West Hollywood

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

ACTION: To waive further reading and adopt Ordinance No. 169, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". Motion Mayor Viterbi second Schulte.

AMENDMENT TO THE MOTION: Delete the clause on Escrow Accounts. Motion Land second Albert.

The vote on the amendment was as follows:

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

Motion carried.

The vote on the main motion was as follows:

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

NOES: None

Motion carried.

(The main motion was to adopt Ordinance No. 169. The amendment made changes in the Ordinance and the motion then should have been to re-introduce Ordinance No. 169, which is how the City Clerk's office will interpret the motion. Ordinance No. 169 will be on the agenda of November 16, 1987 for adoption.)

4. APPEAL OF PLANNING COMMISSION DECISION TO DENY DEVELOPMENT PERMIT NO. 86-81 - 7706 FOUNTAIN AVENUE:

The City Clerk reported that this item was noticed in the Post Newspaper and posted in the three required places plus at City Hall. Jeff Lambert reported that Demolition Permit No. 87-28 and Development Permit No. 86-81 are a request to demolish an existing single family dwelling and construct a 4-unit apartment building at 7706 Fountain Avenue. Mayor Viterbi opened the public hearing and the following persons came forward to speak in favor of the appeal:

Gus Malkoum, 7712 Fountain Avenue - appellant
Victor Karroum, West Hollywood
Wartiwari Balian, West Hollywood
John Karroum, West Hollywood

The following persons came forward to speak against the appeal:

Ruth Williams, Lexington Residents Association, West Hollywood
Joe Brewster, West Hollywood
Alan Leibensperger, West Hollywood
Ralph Feeley, West Hollywood

Mr. Malkoum then delivered the rebuttal and no one else coming forward to speak, Mayor Viterbi closed the public hearing and returned the item to the Council for discussion. ACTION: Refer this project back to the Planning Commission for reconsideration with a redesign for a smaller project with reduced height and reduced density. Motion Schulte second Land.

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

NOES: None

Motion carried.

5. APPEAL OF PLANNING COMMISSION DECISION ON DEVELOPMENT PERMIT 87-27 - 1031-41 CRESCENT HEIGHTS BLVD.:

The City Clerk reported that this item was noticed in the Post Newspaper and posted in the three required places plus at City Hall. Jeff Archuleta reported that the decision of the Planning Commission to approve Development Permit 87-27 and

Demolition Permit 87-11 for the demolition of 5 units and the construction of 15 apartment units at 1031-41 Crescent Heights Blvd. has been appealed to the Council. Mayor Viterbi opened the public hearing and called on the appellant, Nancy Taylor, to speak at this time. Ms. Taylor presented a petition against the project with 66 signatures, and requested a refund of the appeal fee.

Mayor Viterbi then called on the developer, Mr. Green, who presented a petition with 72 signatures in favor of the project.

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

Jeanne Dobrin, West Hollywood
Ari Kleiman, West Hollywood (HAD TO LEAVE)
Tony Melia, West Hollywood
Maurice Zeller, West Hollywood
Frances Zeller, West Hollywood
Joyce Hundal, West Hollywood
Geraldine Rich, West Hollywood
John Reich, West Hollywood
Jerome Pastor, West Hollywood
Florence Delbarion, West Hollywood
David J. Behr, West Hollywood
Lois Sloan, West Hollywood
Michael Friedlander, West Hollywood
Lee Oakes, West Hollywood
Julie Harder, West Hollywood
Sam Sloneker, West Hollywood
Patrick Wall, West Hollywood
Ray Hart, West Hollywood
Richard Breen, West Hollywood
Bruce Sachs, West Hollywood
Jane Kellem, West Hollywood
Ruth Williams, West Hollywood
Ralph Feeley, West Hollywood
Ira Stein, West Hollywood
Igal Treibatch, West Hollywood
Art Tucker, West Hollywood
Linde Calderas, West Hollywood
Kraig Thein, West Hollywood
Norman Russell, West Hollywood

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

ACTION: Deny the appeal and uphold the decision of the Planning Commission approving Development Permit 87-27 and Demolition Permit 87-11 for property located at 1031-41 Crescent Heights Blvd. Motion Heilman second Albert.

AMENDMENT TO THE MOTION: To increase the in-lieu fees by \$56,000 to a total of \$150,000. Motion Land second Heilman. Vote on the Amendment:

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

NOES: None
Motion carried.

Vote on the main motion:

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

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 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.

Ira Stein, West Hollywood, spoke regarding fee resolution.
Esther Barta, West Hollywood (HAD TO LEAVE)

UNFINISHED BUSINESS

Mayor Viterbi called a recess at 11:19 P.M.

The City Council reconvened at 11:34 P.M.

6. HEARING ON APPEAL - DATE OF HEARING - TWENTIETH CENTURY TRAVEL ADVISORS, INC., dba BEVERLY HILLS MASSAGE PARLOR:

ACTION: Reschedule the appeal hearing for January 11, 1987, without prejudice to either side.

7. NO-FAULT EVICTIONS FOR AUTHORIZED REPAIRS: ACTION: Rent Stabilization be directed to draft and submit Ordinance amendments for City Attorney review, which would incorporate the following:

- 1) Provision of right of first refusal to all tenants who are evicted because of required repairs;
- 2) Provision that proof of having filed an application for the necessary permits constitutes a good faith showing by the property owner of grounds for no-fault eviction; and
- 3) Requirement that property owners provide temporary lodging unless it can be demonstrated that the required repairs cannot be completed within a 6 month period.

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

NEW BUSINESS

8. APPOINTMENTS TO HISTORIC PRESERVATION TASK FORCE:

ACTION: That the Council appoint the following three people to the Historic Preservation Task Force at this time, with the caveat that nobody is to enter into discussion or vote on decisions that would affect property they have an interest in:

Bob Pierson - Motion Land second Schulte. Hearing no objection it was so ordered.

Banks Montgomery - Motion Schulte second Land. Hearing no objection it was so ordered.

Ruth Anne Lehrer - Motion Albert second Land. Hearing no objection it was so ordered.

9. FEE RESOLUTION: The City Manager reported that a Resolution has been prepared which incorporates existing fees, proposed new fees, and fee increases into one document.

Ira Stein, West Hollywood, addressed the Council on this item.

ACTION: Delete the fees for exemptions and vacancy rent increases and adopt Resolution No. 377, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING FEES AND CHARGES FOR CERTAIN SERVICES PROVIDED BY THE CITY OF WEST HOLLYWOOD". Motion Heilman second Mayor Viterbi. Noting the objection of Councilmember Land it was so ordered.

10. NEED TO DIVERSIFY GOVERNMENTAL PARTICIPATION WITH NEIGHBORHOOD GROUPS: In order to create a broader participation by the 25 current Neighborhood Watch Groups and organize additional groups, it will be necessary to supplement Sheriff activity with more general administrative support from City Hall. This proposal suggests that such support come from the City Manager's Department through the Public Information Office. **RECOMMENDED ACTION:** Continue with the same level of service from the Sheriff's Dept. and add an Analyst II position in the City Manager's Office, at a cost of \$37,000 per year plus cost for copying and reproduction provided to neighborhood groups.
REMOVED FROM THE AGENDA BY STAFF ON THE APPROVAL OF AGENDA.

11. REMOVAL OF PLANNING COMMISSIONER: THIS ITEM WAS HEARD FOLLOWING ITEM 14 BUT IS LISTED HERE FOR CLARITY. Councilmember Heilman reported that Peter Weinberger has been a controversial figure on the Planning Commission and has lost the trust of members of the public, Council and the Planning Commission. **RECOMMENDED ACTION:** Vote to remove Peter Weinberger from his position of Planning Commissioner.

At this point in time the following persons came forward to address the Council on this matter:

Bill Carey, West Hollywood (HAD TO LEAVE)
John Heglin, West Hollywood
Garry Shay, West Hollywood
Budd Kops, West Hollywood
Rose Borne, West Hollywood
Robert Davis, West Hollywood
Gerda Speigler, West Hollywood
George Marshall, West Hollywood
Tony Melia, West Hollywood
Eligio Crespo, West Hollywood
Steve Michael, West Hollywood
Nancy Taylor, West Hollywood

Ira Stein, West Hollywood

Igal Treibatch, West Hollywood
Ted Kitos, West Hollywood
John Dentinger, West Hollywood

PROPOSED ACTION: To remove Peter Weinberger as a Planning Commissioner. Motion Heilman second Albert.

After a statement from Mayor Viterbi, the motion and the second were withdrawn.

LEGISLATIVE

12. EMERGENCY TRAINING FOR OCCUPANTS OF HIGH RISE BUILDINGS - ORDINANCE NO. 157: ACTION: Waive further reading and introduce on first reading, Ordinance No. 157, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REQUIRING EMERGENCY TRAINING FOR OCCUPANTS OF HIGH-RISE BUILDINGS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". Motion Heilman second Land. Hearing no objection it was so ordered.

13. AMENDING THE PROVISIONS CREATING THE TRANSPORTATION COMMISSION - ORDINANCE NO. 170: ACTION: Waive further reading and introduce on first reading, Ordinance No. 170, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PROVISIONS CREATING THE TRANSPORTATION COMMISSION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". Motion Heilman second Land. Hearing no objection it was so ordered.
FURTHER ACTION: 1) Direct the Transportation Commission to hold any new projects that impact the timeline for completion of the priority transportation projects.
2) Advise the Transportation Commission to return to its monthly schedule of a single regular meeting and study session in order to free staff time for project completion. Motion Heilman second Schulte. Hearing no objection it was so ordered.

14. PER DAY FEE FOR MOTION PICTURE, VIDEO AND STILL PHOTOGRAPHY - ORDINANCE NO. 162: THIS ITEM WAS HEARD FOLLOWING ITEM 5 BUT IS LISTED HERE FOR CLARITY. Ian Tanza gave the staff report and the following persons came forward to speak on this item:

Jack Foreman, Warner Hollywood Studios
Carol Akiyama, Alliance of Motion Picture & TV Producers
Bill Welsh, West Hollywood
Joy Ungar, West Hollywood
Sybil Zaden, Pres. Shorham Hgts. Neighborhood Assn.
Gene Webster, Office of Motion Picture & Television Development
Tony Melia, West Hollywood Chamber of Commerce
Joyce Hundal, West Hollywood
Ethel Shapiro, West Hollywood
Lisa Rawlins, Altadena, Dir. California Film Commission

Bruce Doering, Photographers Guild, Los Angeles
Ira Stein, West Hollywood
Ralph Feeley, West Hollywood
George Marshall, West Hollywood
Stephen Martin, West Hollywood
Jim McCabe, North Hollywood
Jeanne Dobrin, West Hollywood

ACTION: To refer this item to an ad hoc committee, which will hold 1 or 2 meetings and return this item to the Council with a revised Ordinance and a fee resolution. Motion Mayor Viterbi second Schulte.

AYES: Albert, Schulte, Mayor Viterbi

NOES: Heilman, Land

Motion carried.

15. RENT STABILIZATION DEPARTMENT FEES - ORDINANCE NO. 168: This proposed amendment to the Municipal Code authorizes the City Council to set fees for the Rent Stabilization Department. Carol Lynch, Deputy City Attorney, read the clerical changes that were made in the Ordinance.

ACTION: Waive further reading and adopt on second 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 Schulte second Land. Hearing no objection it was so ordered.

ADJOURNMENT: The meeting adjourned at 12:07 A.M. to a regular scheduled meeting on November 9, 1987, at West Hollywood Park for the purpose of holding a study session with the Human Services Commission and the Public Facilities Board.