

Approved 11-17-86

**MINUTES
WEST HOLLYWOOD CITY COUNCIL MEETING
NOVEMBER 3, 1986
7:00 P.M.
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Schulte called the meeting to order at 7:57 P.M.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by David Snyder.

ROLL CALL: Present: Albert, Heilman, Viterbi
Mayor Schulte

Absent: None

Also Present: City Manager Brotzman
City Attorney Jenkins

Mayor Schulte announced that the City Council had just adjourned from an executive session in which they had discussed matters of potential litigation.

APPROVAL OF AGENDA: Table Item 2d to the meeting of November 17, 1986. Table Item 2e indefinitely and pull items 2g, 2i, 2j, 2k and 2l for separate discussion. The City Manager stated that he wished to discuss meeting dates for November and December at the end of the agenda.

TREASURER'S REPORT: The written treasurer's report was included with the agenda. No oral report was given.

PROCLAMATIONS: West Hollywood Marketing Corp. Day - Nov. 12
Veterans' Day Parade - November 9, 1986

Mayor Schulte presented the Veterans' Day Proclamation to Budd Kops.

1. CITY MANAGER'S REPORT: This time has been set aside for the City Manager to report on any and all matters to the Council. The City Manager reported that he had been meeting with Captain Cook in respect to the complaints that have been received about the Sheriff's Department. They have set up a fair and equitable process for handling these complaints. The number of complaints has been decreasing substantially.

2. **CONSENT CALENDAR:** The following routine matters were acted upon by one motion to approve with the majority consent of the City Council except for item 2e, which was tabled indefinitely, items 2g, 2i, 2j, 2k and 2l which were removed for separate discussion but are listed in order for clarity, and item 2d which was tabled to the meeting of November 17th. **ACTION:** To approve Consent Calendar items 2a, 2b, 2c, 2f, and 2h. Motion Heilman second Albert. Hearing no objection it was so ordered.

a. **Minutes, October 20, 1986:** **ACTION:** To approve the minutes of October 20, 1986.

b. **Minutes, October 23, 1986:** **ACTION:** To approve the minutes of October 23, 1986.

c. **Demands and Warrants:** **ACTION:** To adopt Resolution No. 255 and approve the demand register No. 48.

d. **Suspending Enforcement of Meters and Time Limit Parking Zones on Certain Federal Holidays - Resolution No. 249:** Tabled from the meeting of October 20, 1986.
ACTION: Tabled to the meeting of November 17, 1986.

e. **Cracking Down on Street Drug Dealers - Resolution No. 243:** **ACTION:** Tabled indefinitely.

f. **Award of Contract - Pre-redevelopment Feasibility Study/Economic Development Strategy:** **ACTION:** To approve the agreement with ERA to conduct both the Economic Development Strategy and Pre-redevelopment Feasibility Analysis.

g. **Award of Contract - Specific Plan Amenities Analysis:** Debbie Potter answered questions on this item. Councilmember Heilman wanted the study to show what kind of exactions the City should get from all commercial development. Ms. Potter stated that this should not have any impact on the price of the contract. There being no objection to this amendment it was included in the contract. **ACTION:** To approve the agreement with Hamilton, Rabinovitz and Alschuler, Inc., as amended, to complete a Specific Plan Amenities Analysis. Motion Heilman second Albert. Hearing no objection it was so ordered.

h. **Save Harmless and Indemnity Agreement - West Hollywood Foursquare Church:** **ACTION:** To approve the agreement with the Foursquare Church for the use of 5 parking spaces.

i. **Resolution No. 252 - Sunhill Development:** Councilmember Heilman requested the following amendments to the Resolution: Condition 8 should call for root protectors for street trees (make this a policy of Community Development); Condition 10 should require the developer to put in a handicap ramp at the corner of that intersection when they do the sidewalk improvements; Condition 25 should read 8 feet, not 6 feet. ACTION: To adopt Resolution No. 252, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, GRANTING DEVELOPMENT PERMIT (PC) NO. 86-60 ON AN APPLICATION OF ANDY SINANIAN FOR 8920 SUNSET BLVD, WEST HOLLYWOOD", as amended. Motion Heilman second Viterbi. Hearing no objection it was so ordered.

j. **Holiday Decorations:** Councilmember Viterbi added the powering around the street trees, as well as the median strip, and deleted the purchase of more snowflakes. ACTION: To approve the following recommendations:

1. Remove the light stringers from the triangular geometric forms and wrap the flag poles in the median strip of Santa Monica Blvd., with the existing light stringers, using a horizontal wrap in a spiralling manner.

2. Install the Snow Flakes and Red Holiday Bows as was done last year on the median strip.

3. Authorize staff to prepare for a holiday design competition for the 1987 holiday season in cooperation with the City's Fine Arts Board. Planning for this will begin in January of 1987.

4. Set aside any additional monies from this year's budget for next year, instead of purchasing additional snowflakes.

5. Investigate permanent electrical powering of the Santa Monica median island and around the trees along the street to open the possibility of creating and displaying monumental light sculptures.

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

k. **Budget Adjustment - Rental Furniture:** ACTION: To exercise the option to purchase park furniture for \$2,960; to authorize payment of \$14,710 for other furniture leased for the period of February to June 1986 and appropriate \$17,670 from unappropriated reserve for those payments. Motion Viterbi second Heilman. Hearing no objection it was so ordered.

1. **Approval of Application for Bicycle or Pedestrian Facility Funds Under SB821:** Dean Sherer stated that if the City decides that it would not be feasible to develop bicycle lanes, the funds could be diverted to pedestrian improvements. ACTION: To adopt Resolution No. 257, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE APPLICATION FOR BICYCLE AND OR PEDESTRIAN FUNDS UNDER SB821 AND APPROVING THE ADOPTION OF ITS BICYCLE AND/OR PEDESTRIAN PLAN". Motion Heilman second Albert. Hearing no objection it was so ordered.

PUBLIC HEARING

3. **Leaf Blowers: Ordinance No. 123:** The Deputy City Clerk reported on the advertising and noticing for the public hearing. Mayor Schulte opened the public hearing and the following persons came forward to speak:

David Snyder, 8961 Dicks: read a statement by Richard Reim, safety coordinator for Oxygen Services Group, re safety aspects of replacing leaf blowers with water. (i.e. - wet sidewalks).

Andre Taylor, 559 N. Normandie: Oxygen Services Group; If leafblowers are banned it will be impossible to do their job.

Cindy Heise, 8961 Dicks St.: No objection to blowers, but would like use restricted to normal business hours and no use on weekends.

Phyllis Lee, 1428 Havenhurst, #6: Blowers are necessary tools and without them people could lose their jobs.

Jeff Miller, 7234 Hampton: Opposed to the ban. Waste of water.

Ira Sanders, 527 West Knoll: Strongly urge the City to ban because of the pollution.

Barry Parker, 8977 1/2 Keith Ave.: Against leaf blowers.

Joyce Hundal, 9002 Rangely Ave: Spoke about the fumes, noise and dirt with leaf blowers.

Budd Kops, 969 N. Larrabee: Against gasoline leaf blowers but doesn't want to drive anyone out of business.

Harold Retzow, 7501 Lexington: Against leaf blowers because of dust and dirt.

Gerson Ribnick, Southern California Gardeners Federation, 15915 Ventura Blvd., Ste. 202: Asked the Council not to ban the leaf blowers. Introduced various members of Gardeners Associations who were in the audience. Stated that the cost of banning the blowers would be very high.

Robert Ida, 333 S. San Pedro Street: Educate people on how to use the blowers. Put restrictions on the hours of use.

Roy Imazu, 9147 Haddon Ave.: Legislative analyst for Southern California Gardeners Federation: Opposed to banning leaf blowers, for some jobs it is the best way and some of the abuses could be remedied.

Jeanne Dobrin, 9000 Cynthia: Would like to see them banned.

Mayor Schulte closed the public portion of the Public Hearing and returned the discussion to the Council.

ACTION: To waive further reading and adopt Ordinance No. 123, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD PROHIBITING THE USE OF GASOLINE POWERED LEAF BLOWERS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". Motion Albert second Heilman.

AYES: Albert, Heilman, Viterbi, Mayor Schulte

NOES: None

Motion carried.

UNFINISHED BUSINESS

4. Response to Study Session On Relations Between Nightclubs in West Hollywood: The staff report was given by Paul Self. The Councilmembers then took issue by issue and gave their comments.

1. Parking - Councilmember Heilman stated that the potential solutions look good. Likes increasing the number of permit parking districts if the residents of the areas agree. Doesn't feel they need a parking study nor that the city has to build parking facilities. The idea of using the PDC lot and having a shuttle won't work. Would like to see staff follow-up on the suggestion that the city require a parking ticket as a condition of entry to a club, showing that they had parked in a lot. When the Chamber sub-committee talks about amenable solutions, who do they mean amenable to?

Councilmember Albert would like to see the Clubs be required to validate parking, and if necessary they could add the cost to their fees.

Councilmember Viterbi felt that the areas adjacent to the Clubs should be given priority for a permit parking district.

Mayor Schulte stated that he agreed to all of the above statements.

2. Patron Noise - Councilmember Viterbi expressed his approval of two possible solutions that he would like to see implemented. They are;

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1. Enforcing of Article VI that states a readmission privilege be allowed to cut down on the number of patrons leaving and re-entering a club.

2. "Quiet Zones", the posting of good graphic signs reminding patrons to be quiet. He also added possibly increasing the police foot patrol.

Councilmember Albert agreed wholeheartedly.

Councilmember Heilman stated that every area should be an automatic quiet zone. He also pointed out how the nightclub security guards are chosen by the club owners and felt that there should be a way for the city to be involved in the selecting of these officers.

Mayor Schulte stated that the Council is looking to staff for methods of implementation. Councilmember Viterbi felt that signs stating that these are quiet zones were an important part of this implementation.

3. Club Noise - Councilmember Albert stated that she didn't know if the decibel counter would do any good but might be worth testing. Also possibly look in to soundproofing buildings, or having no entrance and exit doors opening on residential streets.

Councilmember Heilman agreed that the entrances and exits be on the major commercial thoroughfare, not on residential streets. Should investigate getting the decibel meter and training someone to use it. Feels that soundproofing is not the major problem, but would be willing to look at this if staff feels it is.

Councilmember Viterbi strongly recommends revising the noise ordinance. He stated that the city already has a decibel meter. John McKinney stated that they are learning to use it now but do not have any adopted standards or permissible readings. These will have to be developed and submitted to Council for approval. Councilmember Viterbi also feels that clubs must move their doors to front on the commercial streets, and a compliance time will have to be set.

Mayor Schulte felt that the clubs should be required to post signs telling their patrons to cooperate and observe the quiet of the residential neighborhood.

Councilmember Heilman stated he would be opposed to handing out cards or fliers on being quiet, as it would just contribute to the litter in the neighborhood.

4. Posting of Signs - Councilmember Heilman asked what was meant by "responsible party". John McKinney stated it would be the party that was financially benefiting.

Councilmember Viterbi stated that this should be part of the contract and the clubs should be held responsible.

John McKinney stated that the proposed Ordinance on Temporary Signs (handbills) was taken from a very successful San Francisco Ordinance and modified by the City Attorney to fit the situation in West Hollywood.

On the question of kiosks or central posting areas, Councilmember Viterbi stated that this should be looked at as being compatible with the final element of the General Plan, streetscape. Councilmember Albert wondered if these could be incorporated into the bus stops.

5. Liquor Stores - Paul Self informed the Council that they could limit hours of sale with sufficient cause on the issuance of new licenses through a CUP.

Councilmembers felt that it might help to zone liquor stores further from the clubs in the future, and also to limit the number in an area.

6. Trash in areas surrounding NightClubs - Councilmember Viterbi would like to see more trash receptacles in the areas around the clubs. Club owners should be required to hire people to clean up around their establishment.

Mayor Schulte requested that staff come back with parameters for the trash pickup and a range of options that would be available to the Council.

7. Rowdiness and Illicit Activities - Discussion was held on the deployment and reallocation of foot patrol. Council would like to see further report from staff on this issue.

The City Council stated that they were concerned about the restroom facilities offered by the clubs. Many complaints have been received from residents about people using their yards or streets for this purpose. Need to take a look at public facilities provided.

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

Abe Scharfer, 8975 Shoreham Dr., felt there should be free parking for club patrons.

Joyce Heftel, 8535 West Knoll Dr., #308, called for a residents bill of rights.

Dick Rosengarten, 8535 West Knoll Dr., Agree with points tonight, but also need a city-wide task force.

Jeffrey McFarland, 8535 West Knoll Dr., Council is not addressing Sunday through Thursday.

Dennis Doph, 8535 West Knoll Dr., Live across from "Speakeasy". Haven't had a good night's sleep in 2 years.

Connie Gerber, 8535 West Knoll Dr., Spoke about trash at the Speakeasy.

Anita Montella, 8535 West Knoll Dr., Thank you and hope these remedies will proceed as quickly as possible.

James Norrington, 8553 West Knoll Dr., Suggests annual license review and on-site parking.

Marjorie Jacobs, 1229 N. Wetherly Dr., Presented a petition from 45 families.

Budd Kops, 969 N. Larrabee, only punish guilty clubs. Look at license renewal.

Joyce Hundal, 9002 Rangely Ave., Only 2 parking enforcement officers on Friday and Saturday.

Tony Fox, 1114 N. Clark St. #11, Owner of Central Nightclub on Sunset Blvd. Since last meeting they have taken mitigation measures and are soundproofing the rear of the building.

Steve Tucker, 8535 West Knoll, urged the Council to implement the strongest measures as soon as possible.

Debe Arlook, 8535 West Knoll, hope measures are implemented. The neighborhood is unsafe.

Doug Weston, 6422 San Vicente Blvd., cited problems at the Troubador.

Don Davies, 8440 Sunset Blvd., Manager of LaMondrian Hotel, compliments to Paul Self - existing laws can and should be enforced.

Jeanne Dobrin, 9000 Cynthia, Asked Council to establish ad hoc task force with all facets of the community, not just the Chamber of Commerce.

Kathleen Tuttle, 1284 1/2 Devon Ave., LA 90024, (Alschuler, Grossman & Pines) Ms. Tuttle informed the Council that her law firm is being retained to represent the Chamber of Commerce with respect to the issues that have been raised by the City Council, and would like to make 4 points: 1. Have now gotten the attention of the clubs and they are sitting down and trying to work out the issues that have been raised; 2. The City Council should encourage this move; 3. Don't adopt procedures that take on an aura of finality at this time; and 4. Give the attorneys the opportunity to address the Council, either orally or in writing, about the Constitutional imperfections in a couple of things the council is considering tonight.

Jai Jackson, 8535 West Knoll, clubs should require certificate of parking.

Renee Metoyer, 8535 West Knoll, Pleased that the City Council is taking the matter seriously. Would like to see more police at night.

Nancy Taylor, 1047 N. Crescent Heights, read an Appeals Court decision, stated it is easier to deny a license in the first place than to revoke an existing one. Agreed with the idea of a community task force.

Mary Sweeney, 9028 Dicks St., stated she has never seen any foot patrol and feels it is necessary. Also feels that parking structures are necessary and stores, markets, etc. should make restrooms available to the public.

Kim Schneider, 929 Westmount Dr. Excellent suggestions have been made tonight. Need diversity on the task force.

Stephen Martin, 816 Westbourne, Questioned why the Chamber of Commerce felt it necessary to hire attorneys.

Mayor Schulte announced that the Council did not appoint a sub-committee, this was a voluntary effort on the part of the Chamber and the Alliance.

Pete Depew, 9000 Cynthia, Feels that the big problems are litter and noise, and parking and traffic. Sunset clubs might try park and ride programs. Shuttle service could be tried on Santa Monica Blvd.

Lester Hirsch, 1020 Hilldale Ave., stated he was pleased with tonight's presentation.

Mayor Schulte returned the meeting to the Council for discussion.

Councilmember Heilman stated that he felt staff had the input they needed and now needed to develop implementation.

Paul Self stated that this was a cooperative effort and the spirit of the staff report was one of cooperation between the nightclubs, residents, and community groups.

ACTION: DIRECTIONS TO STAFF: Councilmember Heilman directed staff to come back in the next week or two with a proposal to bring all these people, plus the sheriff, together to help work on the implementation

The Council wants the directions given tonight in ordinance form and staff to bring back the legislative relief in 30-45 days.

Council wants options from the Sheriff's and want to see extra enforcement incorporated into this program.

The City Manager stated that at the first meeting in December, staff will come back with 2 things: 1. Those things that can be drafted and prepared and 2. a timetable for those that staff can't have by that date so that Council will have a timeframe by which they can reasonably expect the remainder of the items.

At this point in time Mayor Schulte recognized the following member of the audience to speak to the Council on an off-agenda matter:

Alvin Gorlick, 1001 N. Gardner: Mr. Gorlick spoke about tenant and landlord relationships. He is a landlord and is happy to paint an apartment, but the tenant has 500-700 lbs. of furniture and many antiques and he feels she should be responsible for moving the furniture. Mayor Schulte referred him to Richard Dorsey Muller, Rent Stabilization Director.

Mayor Schulte called a recess at 10:12 p.m.

Mayor Schulte reconvened the meeting at 10:33 p.m.

NEW BUSINESS:

5. Food Irradiation: MAYOR'S RECOMMENDED ACTION: To direct staff to develop an ordinance (similar to one in Santa Cruz) that will require the identifying labeling of irradiated food and food products sold in food markets.

ACTION: To refer to staff for a report on the cost and time required to develop and implement an ordinance, and the cost and time required for inspections and enforcement and that this item be considered as part of the next 90-day work program, which will be instituted in January, 1987.

6. Approval of In-Lieu Parking Fees: The staff report was given by Dean Sherer and the City Attorney. **ACTION:** That City Council table Resolution No. 256, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, ESTABLISHING IN-LIEU PARKING FEES PURSUANT TO SECTION 9430.07 OF THE WEST HOLLYWOOD ZONING ORDINANCE" for two weeks and have staff come back with more details on how these fees would relate to variances and other currently existing structures that would be coming up for approval and further clarification on number of business and who would be affected. Motion Heilman second Viterbi. Hearing no objection it was so ordered.

LEGISLATIVE:

7. An Ordinance to Amend the West Hollywood Municipal Code for Occupancy Eviction and to Declare the Urgency thereof: ACTION: That the City Council adopt Ordinance No. 124U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF", the proposed amendment to the Rent Stabilization Ordinance as an urgency measure. Motion Viterbi second Albert

AYES: Albert, Heilman, Viterbi, Mayor Schulte

NOES: None

Motion carried

8. WRITTEN AND ORAL COMMUNICATIONS

a. Public

b. Council

Councilmember Heilman asked for the schedule of meetings for November and December. The City Manager reported the following:

November 10, 1986 Study Session with Telecommunications Task Force and with Human Services on The Homeless. (Member of Human Services Commission to be invited to present views).

November 17, 1986 Regular Meeting

November 24, 1986 Study Session with Transportation Commission

December 1, 1986 Regular meeting cancelled.

December 7, 1986 Redlining

December 8, 1986 Regular meeting from Dec. 1
(Seat new Councilmember)

The City Manager suggested that we try to condense everything to the meeting of December 8th and perhaps eliminate the meeting of December 15th. Mayor Schulte agreed to hold the study session on Notice and Access until January.

Mayor Schulte reported that his choice for Rent Stabilization Commission would be Andy Hirsch. ACTION: To confirm the appointment of Andy Hirsch to the Rent Stabilization Commission. Motion Mayor Schulte second Heilman. Hearing no objection it was so ordered.

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9. **EXECUTIVE SESSION:** ACTION: To adjourn to a closed session at 10:54 P.M.

Mayor Schulte reconvened the meeting at 11:03 P.M. and announced that they had discussed matters of pending litigation.

ADJOURNMENT: The meeting was adjourned at 11:04 P.M., to November 10, 1986 in West Hollywood Park at 7:00 P.M.