

MINUTES

SEPTEMBER 19, 1985

CITY COUNCIL MEETING

WEST HOLLYWOOD PARK

CALL TO ORDER: The meeting was called to order at 1:25 p.m. by Mayor Heilman.

PLEDGE OF ALLEGIANCE: Ron Shipton, 8718 Rosewood, W.H., C.A. 90048

ROLL CALL: Present: Albert, Schulte, Viterbi, Terrigno, Mayor Heilman
Absent: None
Also Present: City Manager - Brotzman
City Attorney - Jenkins

APPROVAL OF AGENDA: Councilmember Viterbi requested that Item 12 become 4a.
Mayor Heilman asked that Item 19 be tabled to October 17, 1985.
In addition, Mayor Heilman requested that Item 3i be moved to Item 5a and Item 3j moved to Item 21

ACTION: To approve the agenda as amended. Motion Viterbi seconded Schulte. Hearing no objection it was so ordered.

PROCLAMATION: Councilmember Schulte read a proclamation recognizing Tom Proctor as an exemplary citizen for his work on the 5K-10K Run for Aids.

TREASURER'S REPORT: The Treasurer presented a resolution authorizing investment in the Local Agency Investment Fund and asked that this portion of his report be tabled due to the fact that this agency invests in South Africa. He reported that

the City of West Hollywood could put money into Treasury Certificates.

- 1. City Manager Report:
- 2. Public Hearing - Medical Building Exemption of Zoning Ordinance:

Waive due to time element.

Mayor Heilman abstained due to conflict of interest and turned the chair over to Mayor Pro-Tempore Schulte.

For consideration was an ordinance amending the Interim Zoning Ordinance to permit medical diagnostic facilities as an accessory use in the R-2 zone as long as it was on the same site as an existing medical facility, and subject to certain conditions.

The following persons spoke on the subject during the public hearing:

Paul McCarthy- Delighted with Ordinance. Stated that the new equipment was a great improvement over the cat scan.

ACTION: To adopt Ordinance No. 83U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE ZONING ORDINANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF."

Motion Viterbi seconded Albert.

- AYES: Albert, Terrigno Viterbi, Schulte
- NOES: None
- ABSTAINED: Mayor Heilman

FURTHER ACTION: To introduce Ordinance No. 83, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE ZONING ORDINANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF".

Motion Schulte seconded Terrigno.

AYES: Albert, Terrigno
Viterbi, Schulte
NOES: None
ABSTAINED: Mayor Heilman

3. Consent Calendar

- a) Road Improvements -
Tract No. 38427 -
7911-7921 Norton
Avenue.:

The recommendation was to approve the work that had been completed and to release the Bond (less 10%).

- b) Claim - Edward Moss:

The recommendation was to deny claim without comment and refer to the City's Insurance Agency.

- c) Claim - Mike Trygstad:

The recommendation was to deny claim without comment and refer to the City's Insurance Agency.

- d) Resolution -
Aid to Cities Funds -
Finance:

The recommendation was to adopt Resolution No. 107.

- e) Resolution Establishing
Fees for Burglar Alarm
Permits:

The recommendation was to adopt Resolution No. 106.

- f) Personnel Coordinator
Position:

The recommendation was to approve the position title of Personnel Coordinator and a salary range of \$2,400 to \$2,917 per month.

- g) Interim Planning
Contract:

The recommendation was that the City Council authorize the City Manager to enter into a service contract with Willdan Associates to conduct planning services.

- h) Attendance at
League Conference:

The recommendation was to authorize attendance and the expenditure of funds for the Conference. It was further recommended that Mayor Heilman and Captain Cook be added to the list.

ACTION: To approve recommendations and adopt the consent calendar.

Motion Councilmember Schulte seconded Councilmember Albert. Hearing no objection it was so ordered.

Unfinished Business

4. Report from Lobbyist on Costa Bill and Extension of Lobbyist's Contract - Costa Bill:

ACTION: To approve the expenditure of \$3,000 and authorize the extension of Lenny Goldberg's contract to January 1, 1986. Motion Schulte seconded Albert. Hearing no objection it was so ordered.

- a) Business License Code Enforcement:

Councilmember Terrigno requested a discussion on code enforcement due to the fact that on August 15, 1985 the Council had approved a letter to the business community that had not yet gone out, instead they were getting letters from the District Attorney.

Mark Winnogrand stated that the County was following rules and not City policy. The general issue being that they were starting enforcement having had none in prior years. The County is enforcing following complaints and/or field observations.

The following people spoke on the subject during the public hearing.

Michael MacKary, 8207 Delongpre, #9, W.H., C.A. 90046 - Owns his own flower shop on Santa Monica Blvd and had run into problems with his outdoor display. Felt that the basic problem with the sign enforcement had been its timing.

Don Genhardt, 1215 North Olive Dr., #408, W.H., C.A. 90069 - Spoke in the place of Kay McGraw, President of the West Hollywood Chamber. Directed his concerns towards establishing some type of priorities in enforcement.

Peter McAlear, 9018 Ashcroft Ave, W.H., C.A. 90048 - Felt that procedures of enforcement should not cover just signs but all areas. He also was surprised by the order to comply with infractions within 10 days.

Richard Settle - President of the West Hollywood Community Alliance, 7213 Santa Monica Blvd, W.H., C.A. 90046 - Mr. Settle expressed his desire to see enforcement through working together with the City and Chamber to inform the business community.

John Saeman, 8948 Santa Monica Blvd., W.H., C.A. 90069 - Felt that the City Council was putting the cart before the horse with enforcement. He believed that more time was needed to work out the ordinance.

Jean Dobrin, 9000 Cynthia, W.H., C.A. 90069, stated that ordinances had been on the books for years and there was no reason not to comply. Also stated that the reason for cityhood was for self determination. Finally she reiterated that the sign ordinance was creating equity for all.

Lorraine Howell, 1424 Crescent Heights, W.H., C.A. - Wanted to see the process slowed down. Also wanted to schedule a Council Meeting time that business people could attend.

Frank Wittenberg, 1123 Green Acres Ave., W.H., C.A. 90046 - Stated that the City had worked long and hard on ordinance. He felt that enforcement was most important. He also stated that if the City was not going to enforce laws then don't make them.

Budd Kops, 969 N. Larrabee, W.H., C.A. 90069 - Stated that the City needed the sign ordinance and would like to see restraint.

ACTION: To table to the next regularly scheduled City Council meeting, September 26, 1985.

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

Motion carried.

ATION: To see if the City Council has the authority to direct that there be no actual fines levied unless it was the specifically authorized Council action on flashing signs until the workshop had been held. Motion Terrigno seconded Viterbi.

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

10. Proposed Changes in Rent Control Ordinance and Maintenance Policy Paper:

Adam Moos stated that the Rent Stabilization Ordinance contained standards for maintaining carpets, paint and window coverings. In addition the Ordinance allowed a 10% vacancy increase to landlords as a recognition of costs incurred in preparing an apartment at vacancy, yet it did not place any conditions on receiving the 10%. He then presented a policy paper

that outlined the argument and recommendations for a maintenance policy that included standards for carpets, paint and window coverings and conditions the 10% vacancy increase on some mandatory maintenance that must take place in order for a landlord to qualify.

The following were the recommendations made to amend the Rent Stabilization Ordinance:

1. Amend section 4410 to make the 10% vacancy increase contingent on cleaning of carpets and window coverings and repainting of the entire apartment unless this maintenance was done in the past six months.

2. Amend section 4412 to place the responsibility on the tenant to initiate a request for painting or carpets/window coverings replacement. In addition, subsection C enabling tenants to waive their rights to this maintenance should be deleted.

The following people spoke on the subject during the public hearing:

Grafton Tanguary, 1287 N. Crescent Heights, W.H., C.A. 90046 - Stated he felt there were too many changes - how could anyone keep up. He also stated that the 10% vacancy increase that was contingent on maintenance had previously been turned down by City Council. He also stated that it was typical in the industry to repaint and recarpet as needed.

Harold Hahn, 8731 Rosewood, W.H., C.A. - Talked about the maintenance policy standards.

Glenda Tusher, 1020 N. Stanley Ave., W.H., C.A.,

Felt that regulations should be applied the same to resident managers as it is to owners assuming residency in an apartment. Also felt that when a new tenant moves into a new apartment he/she has the right to a freshly painted unit no matter how long the previous tenant occupied the unit.

ACTION: To amend Ordinance No. 84U to read: Fees for late payment of rent shall under no circumstance exceed a total of one percent (1%) of the monthly rent for each payment of rent which is five (5) or more days overdue.

Motion Schulte seconded Viterbi.

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

Motion carried.

PROPOSED ACTION: To amend Ordinance No. 84U to reflect the revised maintenance recommendations from the consultant and staff. In addition, eviction for a manager be made consistent with the eviction for owner occupancy in terms of the last person with a unit in that category determined by the number of bedrooms, who moved in, would be evicted and relocated.

ACTION: To sever from the main motion the staff recommendations and to vote on them separately. Motion Terrigno second Schulte.

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

Motion carried.

The City Council called a five minute recess at 4:17 p.m.

The City Council meeting reconvened at 4:30 p.m.

FURTHER ACTION: To approve the staff recommendations on the proposed changes in the maintenance standards. Motion already first and seconded.

AYES: Albert, Schulte,
Heilman
NOES: Terrigno,
Viterbi

Motion carried.

FURTHER ACTION: To adopt the main motion with the further language being that requirements of subparagraphs 1 and 2 of paragraph A. must be performed upon the written request of the tenant to the landlord. The tenant may make applications to the rent stabilization department in the event a landlord fails to or refuses to comply with the written request.

To waive further reading and adopt Ordinance 84U as amended.

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

11. Rent Control Regulations:

- a) Individual Adjustment: Adam Moss introduced a body of regulations for discussion and adoption which would govern the application and hearings for landlords seeking rent increases and tenants seeking rent decreases (Chapter 6). Also, it was brought to the attention of the City Council that Chapter 6 must be adopted prior to October 1, 1985, when landlord applications for rent adjustment will be available at the Rent Stabilization office.

ACTION: After discussion of the regulations the City Council by consensus moved to continue to the next meeting of September 26, 1985.

b) Exemption:

ACTION: By consensus of the City Council to move to return to exemptions at the next meeting, September 26, 1985.

5. Social Service Report:

The recommendation to the City Council was to authorize staff to prepare recommendations regarding the seven pending proposals and the Homeless Youth proposals utilizing the criteria outlined. In addition to authorize staff to reject all unsolicited proposals submitted after September 19, 1985.

ACTION: To table to meeting of September 26, 1985. Hearing no objection it was so ordered.

a) Aid for Aids:

The recommendation was to approve the release of \$50,000 allocated by the City Council August 15, 1985.

The following people spoke on the subject during the public hearing.

Ron Shipton, 8718 Rosewood, W.H., C.A. 90048 - Stated that money allocated for Project Manager does not meet requirements. He also felt that since other agencies were already handling educating the public on AIDS felt that Aid for AIDS should continue its focus on helping victims of AIDS.

ACTION: To approve staff recommendation.

- AYES: Albert, Viterbi, Schulte
- NOES: None
- ABSTAIN: Mayor Heilman
- ABSENT: Terrigno

6. Huntley Drive Report:

Motion carried.

Dori was present to give an oral presentation and answer any questions. She requested that another neighborhood meeting be held. The City Council agreed, stating that it would be a good idea to keep the residents posted.

New Business

8. Smoking Ordinance -
(for Council Discussion):

Councilmember Viterbi introduced a draft of a smoking ordinance for discussion and possible setting of a public hearing.

ACTION: To set for public hearing November 7, 1985. Hearing no objection it was so ordered.

13. Veteran's Day Parade:

The recommendation was that the City Council co-sponsor the 1985 Veterans Day Parade. The City would provide staff support for coordination and publicity of the parade.

ACTION: To approve the recommendation. Motion Viterbi seconded Schulte. Hearing no objection it was so ordered.

14. Resolution No. 105:
West Hollywood's Farmer's
Market:

The recommendation was that the Council approve a City sponsored Farmer's Market in West Hollywood. The fiscal impact of this project was \$25,000.

The following persons spoke on the subject during the public hearing:

Tomido Kakos, 7411 Santa Monica Blvd., W.H., C.A. 90046 - Spoke in favor of the market. He then outlined several suggestions on how to involve local merchants.

ACTION: To approve recommendation to adopt Ordinance No. 105,

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A FARMER'S MARKET IN THE CITY OF WEST HOLLYWOOD." Motion Albert seconded Schulte. Hearing no objection it was so ordered.

9. Animal Ordinance:

Introduced to the City Council was an ordinance of the City of West Hollywood providing for the control of animal nuisances and amending the West Hollywood Municipal Code.

The following people spoke on the subject during public testimony:

Jean Dobrin, 9000 Cynthia, W.H., C.A., 90069 -

Believed that the ordinance did not have enough "teeth" to it. Stated that there was no provision for citation. (The City Attorney responded by stating that violation was a misdemeanor.)

Budd Kopps, 969 N. Larrabee, W.H., C.A. 90069 -

Spoke in favor of the ordinance. Also asked about provisions for free roaming cats.

James Ledford, 1000 N. San Vicente Blvd., W.H., C.A. 90069 Stated that the hearing impaired should be exempt and recommended that the words hearing impaired be added after blind person to amend Section 1.

ACTION: To table to October 3, 1985. Hearing no objection it was so ordered.

16. Long Term Disability and Life Insurance:

The City Manager presented two recommendations to increase the amount of coverage of the annual life insurance benefits at an additional cost to the City of \$400 - \$500 per month.

1. Approve Life Insurance Plan B (1.5x annual earnings to a maximum of \$100,000 per year, for life insurance and accidental death and dismemberment insurance).

2. Approve Long Term Disability Insurance Plan A (60% of insured earnings).

ACTION: To approve the recommendation. Motion Mayor Heilman seconded Viterbi. Hearing no objection it was so ordered.

Legislative

17. Ordinance No. ____,
Repealing the Specific
Plan Exemption and
Adopting New Specific
Plan Exemptions:

ACTION: Tabled to the meeting of September 26, 1985.

20. Ordinance No. ____,
Minor Demolitions:

Introduced was an ordinance allowing demolitions of existing commercial and accessory structures which do not exceed 5000 square feet of floor area.

ACTION: Tabled to the meeting of September 26, 1985.

18. Ordinance No. 79,
Rent Control:

Ordinance No. 79 is an ordinance amending Ordinance No. 59 which was introduced and passed on the first reading on September 5, 1985.

ACTION: To waive further reading and adopt. Motion Heilman seconded Albert.

AYES: Albert, Viterbi,
Mayor Heilman
NOES: None
ABSENT: Schulte,
Terrigno

Motion carried.

21. Demands and Warrants:

ACTION: To approve. Motion Councilmember Albert seconded Mayor Heilman. Hearing no objection it was so ordered.

22. Written and Oral Communications

a) City Council:

ACTION: To table 22a, The National Conference for Gay and Lesbian Elected and Appointed Officials, until Councilmember Schulte was present to introduce the resolution he initiated. By concensus it was so ordered.

ACTION: To approve and adopt Resolution No. 109, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD URGING THE STATE LEGISLATURE TO HOLD PUBLIC HEARINGS IN SAN LUIS OBISPO COUNTY REGARDING THE STORAGE OF RADIOACTIVE WASTE AT DIABLO CANYON NUCLEAR POWER PLANT".

Motion Albert seconded Mayor Heilman. Hearing no objection it was so ordered.

b) Public:

The following persons spoke during the public hearing.

Ethel Shapiro, 328 Westbourne, W.H., C.A. 90048 - Requested the reconsideration of the cul-de-sacs on Huntley and Westbourne.

Tomito Kakos, 7411 Santa Monica Blvd., W.H., C.A. 90046 - Requested that the room temperature be checked.

Jeanne Dobrin, 9000 Cynthia, W.H., C.A. 90069 - Felt that the Council was giving out mixed signals with their code enforcement legislation. Felt that they should stand behind their actions without alienating the business community.

23. Adjournment:

The meeting was adjourned at 5:35 p.m. to Plummer Park, Hall A, 7:00 p.m., September 26, 1985.