

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, NOVEMBER 18, 2002  
WEST HOLLYWOOD PARK**

**CALL TO ORDER:** Mayor Guarriello called the meeting to order at 6:58 PM.

**PLEDGE OF ALLEGIANCE:** Jimmy Palmieri led the pledge.

**ROLL CALL:**

**PRESENT:** Councilmember Duran, Heilman, Prang, Mayor Pro Tempore Martin, and Mayor Guarriello.

**ABSENT:** NONE.

**ALSO PRESENT:** City Manager Paul Arevalo, City Attorney Mike Jenkins, City Clerk Tony Russell and Administrative Staff Assistant Gwen Peirce.

**REPORT OF CLOSED SESSION AGENDA:**

City Attorney Jenkins stated that Closed Session convened at 6:00 PM and adjourned at 6:50 PM with no reportable action.

**APPROVAL OF AGENDA:**

Staff requested to continue Item 3.C. to the January 6, 2003 City Council meeting.

Councilmember Duran requested that Item 2.J. be moved to Excluded Consent.

**ACTION: Moved by Councilmember Prang and seconded by Mayor Pro Tempore Martin to approve the November 18, 2002 Agenda as amended. Motion carried unanimously.**

**PRESENTATIONS:**

Councilmember Duran introduced Trev Broudy, who had been the victim of a hate crime attack. Mr. Broudy thanked the Council and the community for all of the support during his recovery.

**PUBLIC COMMENT:**

TOM DEMILLE, WEST HOLLYWOOD, announced his candidacy for the City Council of the City of West Hollywood.

JIMMY PALMIERI, WEST HOLLYWOOD, spoke regarding the recall of District Attorney Cooley.

RITA ISAKOVA, WEST HOLLYWOOD, spoke regarding parking problems and the request for permit parking on Formosa Street.

MARIE LORELL, WEST HOLLYWOOD, spoke regarding parking problems and the request for permit parking on Formosa Street.

KITTY COLE, WEST HOLLYWOOD, spoke regarding the West Hollywood Halloween Carnival, specifically in opposition to the VIP Section.

ABBE LAND, WEST HOLLYWOOD, spoke regarding the process of continuances, specifically the noticing of continuance requests.

LYNDIA LOWY, WEST HOLLYWOOD, stated that she was not given adequate notice about the continuance of Item 3.C. She requested that the continuance be moved to the January 6, 2003 Council meeting.

KENNY TASHMAN, LOS ANGELES, spoke in opposition to Item 3.C. He also spoke regarding the lack of parking structures on the east side of West Hollywood.

BARRY MASON, LOS ANGELES, spoke in opposition to the United States Army releasing the six linguists because they were gay.

#### **COUNCILMEMBER COMMENTS:**

Mayor Guarriello spoke regarding the unveiling of the Buddy Bear. He congratulated Dina and Raymond Bolan, the daughter of Donna Saur, on their recent marriage. He also provided an update on the Recall of District Attorney Steve Cooley. He stated that aggravated mayhem might be added to the charges against Trev Broudy's attackers.

Councilmember Heilman stated that Jesse Lawson's wife recently had a baby. He spoke regarding permit parking on Formosa and stated that it is on the agenda tonight for approval. He also suggested that mediation between the applicants of Spike and the neighborhood would be a positive approach to try to address some of the issues and problems.

Councilmember Prang commented on the success of the West Hollywood Library Book Sale. He also spoke regarding the Formosa Avenue permit parking and the problems with the previous petitions. He requested that the holiday lights not be installed quite so early next year.

Councilmember Duran stated that the District Attorney should be adding aggravated mayhem charges against Trev Broudy's attackers on December 12, 2002. He also spoke regarding Trev Broudy and his rehabilitation.

Mayor Pro Tempore Martin thanked Councilmember Duran for bringing Trev Broudy to the Council meeting. He stated that hate crimes will continue to happen and the people of West Hollywood must be protected. He also expressed his support of mediation between the owners and neighbors of Spike. He requested that the meeting be adjourned in the memory of Estelle Milmar.

**CITY MANAGER'S REPORT: NONE.**

**FISCAL IMPACT ON CONSENT CALENDAR:**

City Clerk Russell stated that the fiscal impact on the Consent Calendar, as amended for the Monday, November 18, 2002 Agenda is \$ 55,584 in expenditures and a reduction of \$3,500 in potential revenue.

**2. CONSENT CALENDAR:**

**ACTION: Approve the items as amended.**

**2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.I., 2.K., 2.L., 2.M. Moved by Councilmember Heilman and seconded by Mayor Pro Tempore Martin to approve the Consent Calendar as amended. Motion carried unanimously.**

**2.A. POSTING OF AGENDA:**

**ACTION: Receive and file. Approved as part of the Consent Calendar.**

**2.B. APPROVAL OF MINUTES:**

**ACTION: Approve the minutes of November 4, 2002. Approved as part of the Consent Calendar.**

**2.C. DEMAND REGISTER NO. 472, RESOLUTION NO. 02-2802:**

**ACTION: Approve Demand Register No. 472 and adopt Resolution No. 02-2802, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 472." Approved as part of the Consent Calendar.**

**2.D. TREASURER'S REPORT:**

**ACTION: Receive and file. Approved as part of the Consent Calendar.**

**2.E. CLAIMS ADMINISTRATION:**

**ACTION: Deny the claims of Tara Sargon and Pourandokht Zargari and refer to the City's claims adjuster. Approved as part of the Consent Calendar.**

**2.F. NOTICE OF COMPLETION FOR CIP 0105 CONCRETE REPAIR PROGRAM:**

**ACTION:** Accept the work and authorize the following: a) Filing a Notice of Completion by the City Engineer; b) Final payment to the contractor at the end of the 35 day lien period; and c) Release of the Performance Bond and Payment Bond. **Approved as part of the Consent Calendar.**

**2.G. YEARS 2003-2004 LEGISLATIVE PRIORITIES:**

**ACTION:** 1) Review and approve the proposed Legislative Priority Issues; and 2) Direct staff to submit the priority list to the State Assembly and Senate representatives and to the Governor. **Approved as part of the Consent Calendar.**

**2.H. ONE HUNDRED FIFTY-DAY REVIEW OF REGULAR OPERATIONS OF CLUB 7969, LOCATED AT 7969 SANTA MONICA BOULEVARD:**

**ACTION:** Receive and file. **Approved as part of the Consent Calendar.**

**2.I. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**

**ACTION:** Receive and file. **Approved as part of the Consent Calendar.**

**2.J. REJECTION OF BIDS FOR CIP 6000-02-01, CONSTRUCTION CONTRACT FOR SANFAIR BUS STOP GARDEN & POCKET PARK PROJECT:**

**ACTION:** Moved to Excluded Consent.

**2.K. APPROVAL OF CONTRACT FOR CONSULTING SERVICES WITH MICHAEL H. MILLER:**

**ACTION:** 1) Approve contract amount not to exceed \$15,000 with Michael H. Miller for consulting services; and 2) Authorize City Manager to sign agreement. **Approved as part of the Consent Calendar.**

**2.L. A RESOLUTION CALLING ON THE PUERTO RICO LEGISLATIVE BODY TO REPEAL PENAL CODE ARTICLE 103, WHICH PENALIZES CONSENSUAL SEXUAL RELATIONS BETWEEN SAME SEX INDIVIDUALS:**

**ACTION:** 1) Adopt Resolution 02-2803, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CALLING ON THE PUERTO RICO LEGISLATIVE BODY TO REPEAL PENAL CODE ARTICLE 103, WHICH PENALIZES CONSENSUAL SEXUAL RELATIONS BETWEEN SAME SEX INDIVIDUALS;" and 2) Direct staff to send copies of the approved resolution to Senator Eudaldo Baez Galib, Chairman of the Senate Committee on the Judiciary. **Approved as part of the Consent Calendar.**

**2.M. IMPLEMENTATION OF DISTRICT 8 PREFERENTIAL PARKING REGULATIONS ON FORMOSA AVENUE:**

**ACTION:** Introduce for first reading Ordinance No. 02-642, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08.230 OF THE WEST HOLLYWOOD MUNICIPAL CODE IMPLEMENTING DISTRICT 8 PREFERENTIAL PARKING REGULATIONS ON FORMOSA AVENUE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". **Approved as part of the Consent Calendar.**

**3. PUBLIC HEARINGS:**

**3.A. APPROVAL OF A LETTER OF AGREEMENT BETWEEN THE CITY OF LA MIRADA REGARDING THE EXCHANGE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE FISCAL YEAR 2002-2003:**

City Clerk Russell stated that this item was posted at City Hall, Plummer Park, Sheriff's Station, West Hollywood Park and published in the West Hollywood Independent.

Allyne Winderman, Director of Rent Stabilization & Housing, provided background information as outlined in the staff report dated November 18, 2002.

**RECOMMENDATION:** 1) Adopt Resolution No. 02-2804, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, APPROVING A LETTER OF AGREEMENT BETWEEN THE CITY OF WEST HOLLYWOOD AND THE CITY OF LA MIRADA REGARDING THE EXCHANGE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE FISCAL YEAR 2002-2003;" and 2) Authorize the Director of Finance and Technology Services to appropriate \$292,500 from the General Fund Unallocated Reserves to the Expenditure for Traded Fund account (100-6000-7580) and increase the budgeted revenues and expenditures in the Community Development Block Grant Fund to properly account for the receipt and expenditure of the \$450,000 in funds from La Mirada (281-0000-4800 - Increment on Traded Funds; and 281-6050-8144 - Paydown 108 Loan).

**ACTION:** Moved by Mayor Guarriello and seconded by Councilmember Prang to approve staff's recommendation. Motion carried unanimously.

**3.B. APPEAL OF BUSINESS LICENSE COMMISSION RESOLUTION BL2002-01 SUSPENDING AND MODIFYING BUSINESS LICENSES FOR GOODBAR NIGHTCLUB, 9229 SUNSET BOULEVARD:**

City Clerk Russell stated that this item was posted at City Hall, Plummer Park, Sheriff's Station, West Hollywood Park and published in the West Hollywood Independent.

Richard Odenthal, Public Safety Administrator, provided background information as outlined in the staff report dated November 18, 2002.

City Attorney Jenkins stated that this appeal is only regarding the evidence in the record in the staff report and would not include new evidence unless the Council moved to accept new evidence.

Councilmember Heilman stated that videotapes on the record were not presented to the City Council and requested that transcription of this type of media be presented to the City Council in future cases.

Mayor Guarriello opened the Public Hearing.

LOVEY DASH, BEVERLY HILLS, APPELLANT, spoke in opposition to staff's recommendation. She stated that there is a lack of findings in her case. She also stated that they haven't had an opportunity to state their case.

KEITH LEEDOM, LOS ANGELES, spoke on behalf of Sierra Towers and stated that nothing has been done in two months to address the security issues at the club.

AENGUS DUNNE, LOS ANGELES, spoke in opposition to staff's recommendation. He stated that the club has changed over the last three months.

ABBE LAND, WEST HOLLYWOOD, spoke in support of staff's recommendation.

ERIC THOMPSON, CHAIR OF THE BUSINESS LICENSE COMMISSION, spoke on behalf of the Commission in support of staff's recommendation.

SIBYL ZADEN, WEST HOLLYWOOD, spoke in support of staff's recommendation.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in support of staff's recommendation.

MAXINE SONNENBURG, WEST HOLLYWOOD, spoke in support of staff's recommendation.

Mayor Guarriello closed the Public Hearing.

Councilmember Heilman stated that arguments by the appellant are not meritorious. He stated that several of the incidents in the record should not be included because they are not related to Goodbar or its management, but there were incidents included where the management was responsible. He also stated that the management should provide adequate security and ensure that their customers do not negatively impact the surrounding neighborhood. He suggested that the Council revoke Goodbar's license effective the first week of January.

Mayor Guarriello stated that the management never really attempted to protect the surrounding neighborhood. He expressed his concern with activities between now and January 1<sup>st</sup>. He recommended revoking their license immediately.

Mr. Odenthal stated that if they attempted to re-open, they would have to have an approved security plan. He stated that the Council could also include conditions to address the safety concerns.

Councilmember Duran stated that the Business License Commission conducted a very fair hearing. He stated that he thought thirty days is too lenient. He also stated that the management hasn't expressed any remorse and hasn't attempted to make amends with staff or the neighbors. He stated that an important issue is the occupancy and the fact that the management allowed the occupancy to swell to over twice of the allowable occupancy, shows that the management is neglectful. He spoke in support of upholding the Business License Commission's decision and stated that he would support a 60-day suspension. He stated that he is not in support of revoking the license.

Councilmember Prang stated that he supports revoking the licenses unless the serious public safety issues are addressed. He stated that the Business License Commission was charitable, but the Council must be as strict as permitted.

City Attorney Jenkins stated that the Council should be clear about exactly what conditions are being requested and if revoked, on what specific date.

Councilmember Martin stated that he didn't think the club would close in January. He also stated that the appellant did not address any of the public safety issues and he doesn't believe that she will address it in the future. He expressed his support for revoking the license for 30 or 60 days.

Councilmember Heilman stated that he would like to move that they revoke the business licenses effective immediately, stay the revocation until January 6<sup>th</sup>, as long as they have an adequate security plan.

**RECOMMENDATION:** Direct staff to draft a resolution denying the appeal, upholding the decision of the Business License Commission, and setting forth findings consistent with the City Council's direction and deliberation and bring it back for adoption at the next City Council meeting.

**ACTION:** Moved by Councilmember Heilman and seconded by Mayor Guarriello to revoke the Business Licenses effective immediately, stay the revocation until January 6, 2003 with the condition that a security plan be submitted and approved by the Community Development and Public Safety Departments by 6:00 P.M. on November 20, 2002, and that the motion includes findings incorporating by reference the findings that were made by the Business License Commission resolution based on the evidence contained in the record contained in the staff report and the record of tonight's proceedings and that the intention is that this action is final and effective immediately. Motion carried unanimously.

- 3.C. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF AN EXISTING BAR'S (SPIKE) REQUEST TO ENCLOSE THE BACK PATIO, PROVIDE THE ADDITIONAL REQUIRED PARKING AT AN OFF-SITE LOCATION, AND OPERATE EXTENDED HOURS (2:00 AM – 5:00 AM FRIDAY MORNING THROUGH MONDAY MORNING), LOCATED AT 7746 SANTA MONICA BOULEVARD; CONDITIONAL USE PERMIT (CUP) 2001-22, DEVELOPMENT PERMIT (DVP) 2001-50, PARKING USE PERMIT (PUP) 2001-13, AND MINOR CONDITIONAL USE PERMIT (MCUP) 2001-11:**

**RECOMMENDATION:** Adopt Resolution No. 02-2805, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEALS OF GENE SMITH, JAMES LITZ, AND LYNDIA LOWY, AND CONDITIONALLY APPROVING CONDITIONAL USE

PERMIT 2001-22, DEVELOPMENT PERMIT 2001-50, PARKING USE PERMIT 2001-13, AND MINOR CONDITIONAL USE PERMIT 2001-11, ON AN APPLICATION OF GENE SMITH, TO PERMIT THE

ENCLOSURE OF THE BACK PATIO, THE PROVISION OF THE ADDITIONAL REQUIRED PARKING AT AN OFF-SITE LOCATION, AND THE OPERATION OF EXTENDED HOURS (2:00 AM – 5:00 AM, FRIDAY MORNING THROUGH MONDAY MORNING), ALL FOR AN EXISTING BAR LOCATED AT 7746 SANTA MONICA BOULEVARD (SPIKE), WEST HOLLYWOOD, CALIFORNIA.”

**ACTION:** This Item was continued to the January 6, 2003 Council meeting. Council also directed that this hearing be re-noticed in full.

**4. UNFINISHED BUSINESS:**

**4.A. COMMISSION AND ADVISORY BOARD APPOINTMENTS:**

**RECOMMENDATION:** Make one “direct” appointment. 1) Public Facilities Commission (make one “direct” appointment by Mayor Guarriello).

**ACTION:** This Item was tabled.

Council concurred to take Item 2.J. out of order.

**EXCLUDED CONSENT CALENDAR:**

**2.J. REJECTION OF BIDS FOR CIP 6000-02-01, CONSTRUCTION CONTRACT FOR SANFAIR BUS STOP GARDEN & POCKET PARK PROJECT:**

Allyne Winderman, Director of Rent Stabilization & Housing and David Wilson, provide background information as outlined in the November 18, 2002 staff report.

Councilmember Duran stated the Fairfax District does not get as much attention as other sections of West Hollywood. He expressed his concern with rejecting all of the bids and going back to the drawing board, because it would stall the project for several months.

Councilmember Heilman stated that he would like a re-design of the water element.

Mayor Pro Tempore Martin stated that if Redevelopment funds are going to be used, it should go back before the PAC and be reviewed by Finance.

**RECOMMENDATION:** 1) Reject all bids received by the City Clerk on October 10, 2002 for construction of CIP 6000-02-01, the SanFair Bus Stop Garden & Pocket Park Project; and 2) Direct staff to reduce the project scope and re-bid the project.

**ACTION:** Moved by Councilmember Heilman and seconded by Mayor Guarriello to approve staff's recommendation with additional direction that the water element be moved back against the building and included as an extra in the re-bidding process and to exclude the furniture element. They also directed that any additional funding be reviewed by the PAC and Finance Department and that staff return to Council with any alternate sources of funding. Motion carried unanimously.

**4.B. LOS ANGELES COUNTY SHERIFF'S DEPARTMENT – DEPLOYMENT EVALUATION:**

City Manager Arevalo, Richard Odenthal, Public Safety Administrator and Captain Linda Castro, Sheriff's Department, provided background information as outlined in the November 18, 2002 staff report.

Councilmember Prang recused himself due to a possible conflict of interest. He left the dais at 9:10 PM.

Mayor Pro Tempore Martin spoke regarding the 12-hour flex schedule and its effectiveness. He requested that more statistics be provided in the future to show deployment. He stated that he wants to ensure that all areas are being patrolled.

Captain Castro stated that the Sheriff's Department is adequately staffed as of now, but they are anticipating additional calls after the Sunset Millennium and Gateway projects are complete. She suggested that the deployment should be re-evaluated in six months to take a look at the flex schedule and re-evaluate the need for additional personnel once these projects are complete.

City Manager Arevalo stated that staff will return to Council with a report on how the new deployments will impact the patrol districts and will include statistics on the types of calls being received. He stated that deployment information cannot be too specific, i.e. how many deputies are deployed at a time, for safety reasons.

Councilmember Duran stated that one of the standard complaints from constituents is that there aren't enough Sheriff's deputies, but he stated that the ratio of officers to residents is very good in the City. He stated that due to the state of the economy, crime rates will increase.

Councilmember Heilman stated his opposition to the 12-hour schedule because of fatigue. He stated that the primary focus should be policing the community rather than what is convenient for the deputies. He suggested exploring the possibility of implementing alternate days on and off to reduce fatigue. He requested that future information provided by the

Sheriff's Department only include the City of West Hollywood and not the surrounding unincorporated areas.

Mayor Guarriello spoke regarding enforcing bicyclists riding on the sidewalk.

RECOMMENDATION: Receive and file.

**ACTION: Moved by Councilmember Heilman and seconded by Mayor Guarriello to approve staff's recommendation. Motion carried noting Councilmember Prang as ABSENT.**

**5. NEW BUSINESS: NONE.**

**PUBLIC COMMENT: NONE.**

**6. LEGISLATIVE: NONE.**

**COUNCILMEMBER COMMENTS: NONE.**

**ADJOURNMENT:** The City Council adjourned at 9:42 PM, in memory of Estelle Milmar. The next regular meeting will be held on Monday, December 2, 2002 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 2<sup>ND</sup> DAY OF DECEMBER, 2002.

  
MAYOR

ATTEST:

  
CITY CLERK