CITY COUNCIL CITY OF WEST HOLLYWOOD MINUTES TUESDAY, JANUARY 16, 2001 WEST HOLLYWOOD PARK

CALL TO ORDER: Mayor Prang called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE: Mark Gonzaga led the Pledge.

ROLL CALL:

PRESENT: Councilmember Martin, Mayor Pro Tempore Heilman and Mayor

Prang.

ABSENT: Councilmember Guarriello.

ALSO PRESENT: City Attorney Jenkins, City Manager Arevalo, Assistant City Clerk

Taylor, and Administrative Staff Assistant Bursztin.

REPORT OF CLOSED SESSION AGENDA: City Attorney Jenkins reported that the City Council began the Closed Session at 6:00 PM and that two items were added to the Closed Session Agenda; one (1) item of personnel and one (1) item of pending litigation and that there were no reportable actions. The Closed Session adjourned at 6:55 PM.

APPROVAL OF AGENDA:

Staff requested that Item 2.M. remain on the Agenda as a Consent Calendar Item. Originally the item was to be placed under New Business.

Staff requested to delete Recommendation No. six (6) on Item 2.1.

Councilmember Martin pulled Item 2.I. for separate discussion under Excluded Consent Calendar.

Staff requested to move Item 4.A. to the Consent Calendar as Item 2.T.

Mayor Pro Tempore Heilman requested to move Item 5.A. to the Consent Calendar as Item 2.U.

Mayor Pro Tempore Heilman requested to add an Urgency Item to the Agenda titled "A RESOLUTION DENOUNCING THE NOMINATION OF JOHN ASHCROFT TO BE ATTORNEY GENERAL OF THE UNITED STATES, AND URGING THE UNITED STATES SENATE TO REJECT THE NOMINATION."

ACTION: Make the finding that the Item came to the attention of staff after the posting of the Agenda, there is an immediate need to hear the Item, and add Urgency Item to the Consent Calendar as Item 2.V. Motion Mayor Pro Tempore Heilman, seconded by Councilmember Martin and unanimously carried.

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ACTION: Approve the Agenda of January 16, 2001 as amended. Motion Mayor Pro Tempore Heilman, seconded by Councilmember Martin and unanimously carried.

PRESENTATIONS: None.

PUBLIC COMMENT:

GENE SMITH, WEST HOLLYWOOD, spoke in support of gas shut-off values.

JAMES FUHRMAN, WEST HOLLYWOOD, spoke about two recent articles on evictions.

TOM DEMILLE, WEST HOLLYWOOD, spoke about the upcoming March 6, 2001 municipal election.

ALAN WEBER, WEST HOLLYWOOD, spoke about improving the quality of City Council Meetings.

JEROME CLEARY, WEST HOLLYWOOD, spoke about the upcoming March 6, 2001 Municipal Election.

NICK SHAFFER, WEST HOLLYWOOD, spoke about his participation in local government and about Code Compliance on the Viper Room.

CAROL RODRIGUEZ, WEST HOLLYWOOD, spoke about conserving electricity.

TONY PHELPS, WEST HOLLYWOOD, spoke about car rentals being excluded from the automotive ordinance.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke about the recent meeting with Maxine Waters, seismic gas shut-off values and Code Compliance with regards to nightclubs.

MARK GONZAGA, WEST HOLLYWOOD, spoke about a City Council Candidate's opinion on the condom initiative.

HILLARY SELVIN, WEST HOLLYWOOD, spoke about the recent successful West Hollywood Job Fair.

COUNCILMEMBER COMMENTS:

Councilmember Martin requested to adjourn the meeting in memory of Ronald Joseph Mahoney. He requested to amend the Public Comment Section of the City Council Minutes of December 4, 2000. Councilmember Martin also spoke about the success of the recent Martin Luther King Celebration. He directed City Manager Arevalo to investigate the Green Acres area for a possible increase in street prostitution with regards to the nightclub Tempest. He also directed the City Clerk's Division to agendize the Safer Sex Act Resolution for the Regular Meeting of February 5, 2001. Councilmember Martin reminded everyone about the upcoming January 27, 2001 Town Hall Meeting.

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Mayor Pro Tempore Heilman spoke about the Urgency Resolution and provided information as outlined in the staff report dated January 16, 2001.

Mayor Prang requested to adjourn the meeting in memory of Dr. Eldon Williams. He directed staff to look into possible noise problems with the Viper Room. He requested that the City Manager provide an update on Rock Paper Scissors. He congratulated the Museum of Contemporary Art on their recent opening. He requested staff to provide an explanation on the expenditure plan on Item 2.M. due to gambling problems at Plummer Park.

CITY MANAGER'S REPORT: City Manager Arevalo requested that the Director of Transportation and Public Works provide an update on the Santa Monica Boulevard Reconstruction Project including the recent closure of the Crescent Heights Boulevard Intersection.

Mayor Prang spoke about how the southbound traffic lines do not line up.

FISCAL IMPACT ON CONSENT CALENDAR: Assistant City Clerk Taylor stated that the fiscal impact on the Consent Calendar of January 16, 2001 as amended, is \$240,827 in expenditures and \$248,519 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., B., C., D., E., F., G., H., J., K., L., M., N., O., P., Q., R., S., T., U., and Urgency Item 2.V. Motion Mayor Pro Tempore Heilman, seconded by Councilmember Martin and unanimously carried.

2.A. POSTING OF AGENDA:

The agenda for the meeting of Tuesday, January 16, 2001 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, January 11, 2001.

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

2.B. APPROVAL OF MINUTES:

ACTION: Approve the minutes of December 4, 2000 and December 11, 2000. **Approved as part of the Consent Calendar as AMENDED.**

2.C. WAIVER OF FURTHER READING:

ACTION: After the City Attorney has read the title of any ordinance on tonight's agenda, the further reading thereof shall be waived. Approved as part of the Consent Calendar.

2.D. DEMAND REGISTER NO. 430, RESOLUTION NO. 01-2441:

ACTION: Approve Demand Register No. 430 and adopt Resolution No. 01-2441, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 430." Approved as part of the Consent Calendar.

2.E. CLAIMS ADMINISTRATION:

ACTION: Deny the claims of Nancy Ann Lee and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.F. COMMISSION AND ADVISORY BOARD ATTENDANCE REPORTS:

ACTION: Receive and file attached attendance records form the various appointed bodies for the first quarter. Approved as part of the Consent Calendar.

2.G. ORDINANCE NO. 01-592 (2ND READING) AMENDING THE PLUMBING CODE TO REQUIRE THE INSTALLATION OF APPROVED SEISMIC GAS SHUTOFF VALVES IN CERTAIN STRUCTURES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:

ACTION: Waive further reading and adopt Ordinance No. 01-592, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PLUMBING CODE TO REQUIRE THE INSTALLATION OF APPROVED SEISMIC GAS SHUTOFF VALVES IN CERTAIN STRUCTURES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.

2.H. ORDINANCE NO. 01-593 (2ND READING) RELATING TO THE SALE OF FIREARMS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:

ACTION: Waive further reading and adopt Ordinance No. 01-593, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD RELATING TO THE SALE OF FIREARMS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.I. APPROVAL FOR THE CLOSURE OF LARRABEE STREET, SAN VICENTE BOULEVARD AND HILLDALE AVENUE FOR THE 2001 MARDI GRAS CELEBRATION:

Pulled for separate discussion under Excluded Consent Calendar.

2.J. PROPOSITION A DISCRETIONARY INCENTIVE GRANT PROGRAM MEMORANDUM OF UNDERSTANDING:

ACTION: Authorize the City Manager to execute the agreement with the Los Angeles County Metropolitan Transit Authority (MTA) for a Proposition A Incentive Grant to coordinate transit services, for the period of July 1, 2000 through June 30, 2001. This agreement will provide the City 25% reimbursement of net operating expenses of the taxi coupon/lift van subsidy program. Approved as part of the Consent Calendar.

2.K. BID AWARD, FIESTA HALL WALL FABRIC REPLACEMENT PROJECT:

ACTION: 1) Accept the bid in the amount of \$9,700.00 dated December 1, 2000 submitted by Custom Walls, Inc. of Valley Village, California for the Plummer Park/Fiesta Hall Wall Fabric Replacement Project; 2)

Authorize the City Manager to sign a Contract Agreement with Custom Walls, Inc. in an amount of \$9,700.00; 3) Authorize the expenditure of an amount not to exceed \$1,000.00 for contingencies as approved by the Director of Human Services Department; and, 4) Reject all other bids. Approved as part of the Consent Calendar.

2.L. NOTICE OF COMPLETION, WEST HOLLYWOOD PARK SWING SET ADDITION PROJECT, C.I.P. #5050-00-02:

ACTION: 1) Accept the work completed by Malibu Pacific Tennis Courts; 2) Authorize filing Notice of Completion by the City; and, 3) Authorize the retention payment not to exceed \$3,305.50 to Malibu Pacific Tennis Courts at the end of the 35-day lien period. Approved as part of the Consent Calendar.

2.M. EXPENDITURE PLAN FOR THE LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS (LLEBG):

1) Authorize the acceptance of funding from the US ACTION: Department of Justice's Bureau of Justice Assistance's Federal FY 2001 Local Law Enforcement Block Grant program in the amount of \$137,540; 2) Direct the Interim Director of Finance to allocate \$15,282 from unallocated reserves in the general fund for the required matching funds and increase budget expenditures by \$152,822 (\$137,540 grant funds/ \$15,282 matching funds) in account 100-4000-8425 and budgeted revenues by \$137,540 in account 100-0000-5115; 3) Authorize the expenditure of the LLEBG funds and matching City funds for the continuation of the City Parks Security Officer patrol Program: 4) Authorize the expenditure of remaining grant funds (not to exceed \$25,000) to be used for special foot patrols as necessary with the approval of the City Manager, the Public Safety Manager, and the Sheriff's Captain; and, 5) Authorize the City Manager to reprogram all savings and interest earnings towards special foot patrols. Approved as part of the Consent Calendar.

2.N. AGREEMENT WITH BOYLE ENGINEERING CORPORATION SEWER DESIGN SERVICES:

ACTION: 1) Authorize the City Manager to execute an Agreement with Boyle Engineering Corporation in an amount not to exceed \$60,000 for design services to rehabilitate the City owned sewer system in Sunset Boulevard; and, 2) Authorize the Interim Director of Finance to appropriate \$60,000 from the unallocated reserves in the Sewer District Fund and increase the budgeted expenditures for Account 651-8040-9708 (Sewer Reconstruction) by \$60,000. Approved as part of the Consent Calendar.

2.O. AGREEMENT WITH PACIFIC LIGHTING SALES, INC. FOR MAINTENANCE SERVICES ON THE SUNSET BOULEVARD ILLUMINATED CROSSWALK FLASHER SYSTEMS:

ACTION: Authorize the City Manager to execute an Agreement with Pacific Lighting Sales, Inc. an amount not to exceed \$15,000 for maintenance services on the Sunset Boulevard Illuminated Crosswalk Flasher Systems. **Approved as part of the Consent Calendar.**

2.P. AVENUES OF ART AND DESIGN, DESIGN WALK 2001 PARKING AND FEES:

ACTION: 1) Waive all City fees associated with the Design Walk 2001; and 2) Waive permit parking between the hours of 5:00 pm. and 10:00 pm. on Friday, March 30, 2001 in permit parking zones 1 and 2. Approved as part of the Consent Calendar.

2.Q. PROPOSED RESOLUTION AUTHORIZING THE COUNTY OF LOS ANGELES TO SUBMIT AN APPLICATION FOR A MUNICIPAL NPDES PERMIT ON BEHALF OF THE CITY OF WEST HOLLYWOOD:

ACTION: Adopt Resolution No. 01-2442, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING PARTICIPATION IN THE LOS ANGELES COUNTY MUNICIPAL APPLICATION FOR RE-ISSUANCE OF WASTE DISCHARGE REQUIREMENTS AND AN NPDES PERMIT." Approved as part of the Consent Calendar.

2.R. TENTATIVE AGREEMENT/WEHOME UNIT NEGOTIATIONS:

ACTION: 1) Approve tentative agreements with WEHOME AFSCME Local 3339 MOU; 2) Approve extension of the comprehensive MOU package for the period of one year from July 1, 2001 through June 30, 2002; and, 3) Authorize the City Manager to execute tentative agreements amending the existing WEHOME AFSCME Local 3339 MOU. Approved as part of the Consent Calendar.

2.S. SELECTION OF AN EXECUTIVE SEARCH FIRM:

ACTION: Approve an agreement with DMG Maximus amount not to exceed \$29,000 for professional services fees and \$7,500 for related expenses and authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

2.T. PROPOSED RESOLUTION GRANTING THE APPLICANT'S APPEAL AND REVERSING THE PLANNING COMMISSION'S DENIAL OF CREATIVE BILLBOARD 2000-33 TO EXTEND CBB 99-64 FOR A TEMPORARY "CUBE" BILLBOARD AT THE PROPERTY LOCATED AT 8300 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA:

ACTION: Adopt Resolution No. 01-2444, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REVERSING THE PLANNING COMMISSION'S DECISION AND GRANTING CREATIVE BILLBOARD 2000-33 TO EXTEND CBB 99-64 ALLOWING AN ADDITIONAL SIX MONTHS FOR A TEMPORARY "CUBE" BILLBOARD AT THE PROPERTY LOCATED AT 8300 SUNSET

BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." Listed on the Agenda as Item 4.A. and approved as part of the Consent Calendar.

2.U. HARPER AVENUE WEEKEND NIGHTTIME CLOSURE:

ACTION: 1) Continue the temporary Harper Avenue closure, Friday and Saturday nights from 10:00 pm. to 4:00 am., through April 2001; and, 2) Direct staff to report findings and recommendations to the Transportation Commission in April 2001 based on the evaluation of the road closure alternatives and input gathered from the neighborhood. Listed on the Agenda as Item 5.A. and approved as part of the Consent Calendar.

2.V. URGENCY ITEM. RESOLUTION DENOUNCING THE NOMINATION OF JOHN ASHCROFT TO BE ATTORNEY GENERAL OF THE UNITED STATES AND URGING THE UNITED STATES SENATE TO REJECT THE NOMINATION:

ACTION: 1) Adopt Resolution No. 01-2443, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENOUNCING THE NOMINATION OF JOHN ASHCROFT TO BE ATTORNEY GENERAL OF THE UNITED STATES AND URGING THE UNITED STATES SENATE TO REJECT HIS NOMINATION;" and, 2) Immediately send a copy of the resolution to U.S. Senators Barbara Boxer and Diane Feinstein of California, and to the members of the U.S. Senate Judiciary Committee. Added to the Agenda as an Urgency Item and approved as part of the Consent Calendar.

3. PUBLIC HEARINGS:

3.A. APPEAL OF BUSINESS LICENSE COMMISSION'S DECISION TO UPHOLD STAFF'S DENIAL OF PUBLIC EATING BUSINESS LICENSE REG001161 AT 8749 MELROSE AVENUE, NOURA CAFÉ: Tabled to 02-05-01.

3.B. APPROVAL OF FY 2001-2002 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PLANNING SUMMARY:

Alison Maxwell, Development Specialist, provided background information as outlined in the staff report dated January 16, 2001.

Mayor Prang opened the Public Hearing and there was no public testimony. Mayor Prang closed the Public Hearing.

ACTION: 1) Conduct the public hearing and receive public comment on the City's proposed CDBG program for 2001-2002; 2) Approve the proposed CDBG program budget and instruct staff to submit the CDBG Program Planning Summary for approval to the Los Angeles County Community Development Commission (CDC); and, 3) Authorize staff to adjust the program budget as necessary to take account of the final CDBG allocation from the U.S. Department of Housing and Urban

Development (HUD) and any amounts remaining unspent at the close of the fiscal year. **Motion Mayor Pro Tempore Heilman, seconded by Councilmember Martin and unanimously carried.**

3.C. CONTINUED HEARING FOR ZONING TEXT AMENDMENT 99-02 (REVISED ZONING ORDINANCE:

Ray Reynolds, Director of Community Development, provided background information as outlined in the staff report dated January 16, 2001. Liz Bar-El, Associate Planner also provided additional information and clarification.

Mayor Pro Tempore Heilman spoke about existing hedges.

Mayor Prang spoke about density and heights.

Mayor Prang opened the Public Hearing and the following persons addressed the City Council:

DON DELUCCIO, WEST HOLLYWOOD, spoke about height averaging of the residential zones.

HILLARY SELVIN, LOS ANGELES, spoke about the Council not moving so fast on this issue and thanked staff for their help. She also spoke about billboard glare.

JEAN HOBART, WEST HOLLYWOOD, spoke about height averaging issues and spoke about West Hollywood West being a historical District.

NEAL ZASLAVSKY, WEST HOLLYWOOD, spoke about home based businesses.

ROBERTA SPONSER, GLENDALE, spoke about Creative Billboards.

GENE SMITH, WEST HOLLYWOOD, spoke about Tall Walls.

LAYNE LAWSON, LOS ANGELES, spoke about Standard Billboard limitations.

MARK LEHMAN, WEST HOLLYWOOD, spoke about Creative Billboards.

DAVE WEIDLECH, STUDIO CITY, Mondrian Hotel, spoke about Tall Walls.

BAHMAN KIAN, WEST HOLLYWOOD, spoke about aligning stores with gas stations.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke about home businesses.

BONNIE KINGRY, SOUTH PASADENA, Representing Regency Outdoors, spoke about heights of signs and billboards.

JOHN ALTSCHUL, WEST HOLLYWOOD, spoke about home businesses.

MICHAEL HARIM, BEVERLY HILLS, spoke about a historical property on Sweetzer Avenue once owned by Charlie Chaplin.

Hearing no further speakers, Mayor Prang closed the Public Hearing.

Mayor Pro Tempore Heilman requested clarification on bed and breakfasts and gas stations that are also convenience stores. He spoke about standards for healthclub facilities and tobacco-related businesses.

Councilmember Martin spoke about day care facilities. He also spoke about the use of emergency generators.

Mayor Prang spoke about operating standards and number of employees. He also spoke about home businesses.

City Attorney Jenkins suggested eliminating the appendix on page 14 in the vacant lots section and recommended striking paragraph b under firearm sales.

ACTION: Item continued to the Regular Meeting of February 20, 2001. Motion Mayor Pro Tempore Heilman, seconded by Councilmember Martin and unanimously carried.

4. UNFINISHED BUSINESS:

4.A. PROPOSED RESOLUTION GRANTING THE APPLICANT'S APPEAL AND REVERSING THE PLANNING COMMISSION'S DENIAL OF CREATIVE BILLBOARD 2000-33 TO EXTEND CBB 99-64 FOR A TEMPORARY "CUBE" BILLBOARD AT THE PROPERTY LOCATED AT 8300 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA: Moved to the Consent Calendar as Item 2.T.

5. **NEW BUSINESS:**

5.A. HARPER AVENUE WEEKEND NIGHTTIME CLOSURE: Moved to the Consent Calendar as Item 2.U.

EXCLUDED CONSENT CALENDAR:

2.I. APPROVAL FOR THE CLOSURE OF LARRABEE STREET, SAN VICENTE BOULEVARD AND HILLDALE AVENUE FOR THE 2001 MARDI GRAS CELEBRATION:

Dan Laray, Special Events Coordinator, provided background information as outlined in the staff report dated January 16, 2001.

HILLARY SELVIN, LOS ANGELES, Executive Director of the West Hollywood Chamber of Commerce, spoke about the elimination of Recommendation No. 6.

ACTION: 1)Authorize the closure of the alleyway between Palm Avenue and Robertson Boulevard on Tuesday, February 27, 2001 from 6:00 am. until 3:00 am., Wednesday, February 28, 2001; 2) Authorize that the hours of operation are from 7 pm. until 1 am.; 3) Authorize the closure of San Vicente Boulevard (between Santa Monica and Cynthia), Hilldale (between Santa Monica and Keith) and Larrabee (between Santa Monica and the alley) on Tuesday, February 27, 2001, from 5:00 pm. Until 1 am. (based upon event time 7 pm. Until 1 am.); 4) Direct staff to sweep, clean, empty, and move trash bins to the street from the alleyway on Tuesday. February 27, 2001, commencing at 6:00 am.; 5) Authorize the Mardi Gras Committee to sell beer and wine, in recyclable cups, during the celebration; 6) Waive City permit fees including the temporary event permit, building & safety permit fees, encroachment permit and meter fees, and Kings Road parking lot; 7) Direct staff to work with the Mardi Gras 2001 committee to sweep alleys, provide additional street-side containers along Santa Monica Boulevard, service and provide additional dumpsters for the event; 8) Direct staff to leave the Kings Road parking structure open until 2:00 am., Wednesday, February 28, 2001 for event volunteers and participants; 9) Allow event coordinators exclusive use of the angled meter's (39) on the west side of San Vicente between Santa Monica and Melrose; 10) Operate a City Line shuttle, at no charge to riders, from 7:00 pm., Tuesday, February 27, 2001, through 2:00 am., Wednesday, February 28, 2001, from La Brea to San Vicente Boulevard on Santa Monica Boulevard; additionally provide a shuttle from Kings Road parking structure to San Vicente Boulevard; 11) Direct staff to bill approximately 14 Sheriff's Deputies to the Mardi Gras 2001 Committee at City rates with final number of Sheriffs deployed to be determined upon final review of site plan by Sheriff's Department; 12) Direct staff to work with the Mardi Gras 2001 Committee to develop a noise mitigation plan for the surrounding neighborhoods; 13) Authorize metered parking spaces to be reserved for the event (three on Larrabee Street, four on Hilldale Avenue, and three on San Vicente Boulevard). Additional meters on Santa Monica Boulevard may be requested later dependent on the status of the project. Staff will process the appropriate encroachment permit for the meters; and, 14) Authorize a rain date of Tuesday, March 13, 2001 to be called by 8 am. on Tuesday, February 27, 2001.

Motion Mayor Pro Tempore Heilman, seconded by Councilmember Martin and carried noting the NO Vote of Mayor Prang.

PUBLIC COMMENT:

MARTY OTOULE, WEST HOLLYWOOD, spoke about an incident with a taxi company.

6. LEGISLATIVE: None.

COUNCILMEMBER COMMENTS:

Councilmember Martin spoke about Southern California Care Program and about taxi issues. He also wished Councilmember Guarriello good health.

ADJOURNMENT: The City Council adjourned at 9:00 PM in memory of Ronald Joseph Mahoney and Dr. Eldon Williams to their next regular meeting, which will be on Monday, February 5, 2001 at 7:00 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL

THIS 5TH DAY OF FEBRUARY, 2001.

ATTÉST:

AN LOVE, INTERTM