

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, MAY 3, 1999
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Heilman called the meeting to order at 7:06 p.m.

PLEDGE OF ALLEGIANCE: Bernice Levin led the Pledge.

ROLL CALL:

PRESENT: Councilmembers Guarriello, Koretz, Prang, Martin and Mayor Heilman.

ABSENT: Councilmembers Koretz

ALSO PRESENT: City Manager Makinney, City Attorney Jenkins, City Clerk Thompson and Assistant City Clerk Bell.

APPROVAL OF AGENDA:

City Attorney Jenkins adjourn to a Closed Session and added three Items to the Closed Session Agenda. Two cases of Initiation of Litigation and one Amicus Brief on a Rent Stabilization Issue.

ACTION: Add three Items to the Closed Session Agenda. Motion Councilmember Guarriello, seconded by Motion Mayor Pro Tem Prang and unanimously carried.

Staff requested that Item 2.I., Proposed Resolution In Support Of Project Labor Agreements And Direction To City Attorney To Work With The Southern California District Council Of Laborers To Draft An Ordinance Requiring Project Labor Agreements On City Funded Projects be tabled until May 17, 1999.

Staff has requested that Item 6.D., Ordinance Banning The Misuse Of Laser Pointers And The Sale Of Laser Pointers To Anyone Under The Age Of Eighteen be moved to the Consent Calendar as Item 2.Y.

Councilmember Koretz requested that Item 2.P., 1999 WEST HOLLYWOOD Support For Education Program be tabled until May 17, 1999.

Councilmember Koretz requested that Item 2.G., Ordinance No. 99-540 (2nd Reading), Adopting Sunset Specific Plan Amendment 98-02 And Zoning Text Amendment 98-06 Permitting The Conversion Of Single-Sided Billboards To Two-Sided Billboards Under Certain Conditions be removed for separated discussion.

ACTION: Approve the May 3, 1999 Agenda as amended. Motion Councilmember Guarriello, seconded by Mayor Pro Tem Prang and unanimously carried.

PRESENTATIONS:

Councilmember Guarriello presented a proclamation for Fire Service Day, Saturday, May 8, 1999.

Mayor Pro Tem Prang presented a proclamation for Sheriff's Appreciation Week, May 2-8, 1999 to Captain Odenthal and the Sheriffs of West Hollywood.

Mayor Heilman presented a proclamation to the Senior Advisory Board for International Senior Awareness Month.

Assemblymember Wally Knox presented a check for \$8.6 million for the refurbishment of Santa Monica Boulevard.

Mayor Pro Tem Prang presented a Certificate of Achievement to the Disability Advisory Board and the liaisons, Kathryn Reynolds and Tamar Springer for their work on Disability Awareness Month.

Mayor Heilman presented Lynne Goldinger, representing the National Fibromyalgia Awareness Campaign, a proclamation to proclaim May 12, 1999, Fibromyalgia Day.

COUNCILMEMBER COMMENTS:

JOHN STOUT, WEST HOLLYWOOD, requested that the City Council adopt an ordinance to permit the use of the word "spouse" to describe gay and lesbian committed unions.

JANET CHAPMAN, PLAYA DEL REY, principal of Rosewood Elementary, thanked the City Council for all their support.

LEA LEWIS, representing the American Cancer Society, Los Angeles unit, solicited support for Men's Health Day and announced a educational screening process for prostate cancer taking place at Metropolitan Church on May 16th.

JOHN LAZAR, WEST HOLLYWOOD, member of the Lesbian and Gay Advisory Board, spoke in support of the Men's Health Day and he also extended an invitation for the Lesbian and Gay Advisory Board Townhall Meeting on Spirituality.

ROGER MARTIN, WEST HOLLYWOOD, member of the board of Directors of the Public Access Awareness Association, spoke to the issue of the City Council aggressively pursuing the construction of a permanent and showcase City Council chambers.

J. W. MOORE, IV, WEST HOLLYWOOD, spoke in support of keeping the \$2 million proposed towards the revitalization of Santa Monica Boulevard and in support of 2.K., 2.L. and 2.V.

PETER MACKLER, WEST HOLLYWOOD, member of the Business License Commission, spoke on behalf on Kulani Jackson and the No on Night Campaign, an anti-gay initiative. He invited the community to participate at a meeting on May 8, 1999 at Metropolitan Community Church.

AMY ANDERSON, WEST HOLLYWOOD, spoke in opposition of the demolition of six historic bungalows for a proposed development project on San Vicente Boulevard.

ROYCE MATHEWS, WEST HOLLYWOOD, spoke negatively about Alternative Living for the Aging.

DONNA FEINSTEIN, WEST HOLLYWOOD, spoke about the upcoming initiative in support of education in public schools.

BARBARA HAMAKER, WEST HOLLYWOOD, spoke in support of Deputy Bruce Thomas, the community and the Sheriff's Department. She thanked the City Council for their commitment to the greenspace project. She also spoke about the tragedy at the Columbine High School and how it relates to security concerns at West Hollywood City Hall.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke about public access television and urged the City Council to resist expansion. She also stated that the money for the Rent Stabilization is being charged to every tenant and landlord for every unit and this money cannot be recovered.

SANDRA KING, Executive Director of Jewish Social Services, spoke against introducing another layer to the two independent review bodies who process contracting for social services will not be improved but in many ways open it to difficulty.

COUNCILMEMBER COMMENTS:

Councilmember Martin thanked the Council for passing resolutions in favor of AB484, Item 2.K. and AB358, Item 2.L., both involving tax credits for studio production.

Councilmember Koretz stated that he attended the ceremony commemorating the officers who have died in the line of duty, along with Mayor Pro Tem Prang. He also asked that the City Council adjourn in memory of the students who dies in the Columbine High school shooting.

Mayor Pro Tem Prang stated that Deputy Bruce Thomas was transferred to Sheriff's Department Headquarters and that he sees him daily. He stated that he hoped that the Consent Calendar will not contain items just to get out of the meetings quickly. He also commented on the City Council's adoption of a resolution in support of Item 2.V., Assembly Member Knox's battle against the phone company's overlay area codes numbers and supporting legislation for official funding of our public libraries.

CITY MANAGER'S REPORT: City Manager Makinney asked Lloyd Long, Director of Human Services, spoke about Ricky Martin an event held at Tower Records. 3500 people attended. He stated that some changes will be: 1) Division heads will sign off on the permits; 2) City Council offices, the Sheriffs Department, City's Executive Team and the Community Issues Team will get a weekly list of events. Mr. Long stated that there will be a meeting this week with Tower Records to discuss these concerns as well as with Captain Odenthal.

Councilmember Martin stated that as a courtesy the City Council members should be notified so that they might have an opportunity for constructive input.

May Heilman stated that the most important people that should be notified are the residents. He asked if Tower Records will be reimbursing the City for the Sheriff deputies and the added traffic control.

Mayor Pro Prang stated that Tower Records violated the terms of the permit and they should be cited. He also stated that every time an event is at Tower Record he is berated by phone calls from the residents.

Mayor Heilman stated that there was some question as to whether Tower Records did violated their permit.

Mayor Heilman stated that this item is not on the agenda for direction or decision making and that direction could be given to list the procedure for the Councilmembers.

Councilmembers Koretz stated that some form of direction should be given so that at least traffic is not at a gridlock.

Mr. Long stated that there were two issues; the size of the crowd and the roadwork that was on Sunset Boulevard.

Mayor Heilman asked staff to return with a full report of an outlined process and agendize it.

FISCAL IMPACT ON CONSENT CALENDAR: City Clerk Thompson stated the Fiscal Impact on the Consent Calendar of May 3, 1999, is \$690,449 in expenditures and \$519,250 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., B., C., D., E., F., H., J., K., L., M., N., O., Q., R., S., T., U., V., W., X., and Y. Motion Mayor Pro Tem Prang, seconded by Councilmember Martin and unanimously carried.

2.A. POSTING OF AGENDA:

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

2.B. 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.C. CLAIMS ADMINISTRATION:

ACTION: Deny the claim of Bertha Melnick and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.D. DEMAND REGISTER NO. 389, RESOLUTION NO. 99-2072:

ACTION: Approve Demand Register No. 389 and adopt Resolution No. 99-2072, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 389." **Approved as part of the Consent Calendar.**

2.E. ORDINANCE NO. 99-538 (2nd Reading), AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS TO PROVIDE RESTROOM ACCESS TO THE DISABLED AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:

ACTION: Waive further reading and adopt Ordinance No. 99-538, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD WHICH ALLOWS PERSONS WITH A PHYSICAL OR MENTAL HANDICAP ACCESS TO RESTROOM FACILITIES REGARDLESS IF THEY ARE A CUSTOMER, EMPLOYEE, CLIENT OR PAID ENTRANT TO A FACILITY." **Approved as part of the Consent Calendar.**

2.F. ORDINANCE NO. 99-539 (2nd Reading), REGARDING THE PREVENTION OF RENT INCREASES FOLLOWING SHORT TERM

VACANCIES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:

ACTION: Waive further reading and adopt Ordinance No. 99-539, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING THE PREVENTION OF RENT INCREASES AFTER SHORT TERM VACANCIES." **Approved as part of the Consent Calendar.**

- 2.G. This Item moved to the Excluded Calendar for separate discussion and then tabled to an uncertain date.**

ORDINANCE NO. 99-540 (2nd Reading), ADOPTING SUNSET SPECIFIC PLAN AMENDMENT 98-02 AND ZONING TEXT AMENDMENT 98-06 PERMITTING THE CONVERSION OF SINGLE-SIDED BILLBOARDS TO TWO-SIDED BILLBOARDS UNDER CERTAIN CONDITIONS:

ACTION: Waive further reading and adopt Ordinance No. 99-540, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING SUNSET SPECIFIC PLAN AMENDMENT 98-02 AND ZONING TEXT AMENDMENT 98-06 PERMITTING THE CONVERSION OF SINGLE-SIDED BILLBOARDS TO TWO-SIDED BILLBOARDS UNDER CERTAIN CONDITIONS." **Approved as part of the Consent Calendar.**

- 2.H. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**

ACTION: Receive and file the Action Report from the Public Facilities Commission of March 10, 1999 and March 24, 1999. **Approved as part of the Consent Calendar.**

- 2.I. Tabled to May 17, 1999.**

PROPOSED RESOLUTION IN SUPPORT OF PROJECT LABOR AGREEMENTS AND DIRECTION TO CITY ATTORNEY TO WORK WITH THE SOUTHERN CALIFORNIA DISTRICT COUNCIL OF LABORERS TO DRAFT AN ORDINANCE REQUIRING PROJECT LABOR AGREEMENTS ON CITY FUNDED PROJECTS:

- 2.J. PROPOSED RESOLUTION DECLARING THE WEEK OF MAY 9 – 13, 1999 AS "SHERIFF'S APPRECIATION WEEK" IN WEST HOLLYWOOD:**

ACTION: Adopt Resolution No. 99-2074, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING THE WEEK OF MAY 9-13 AS "SHERIFF'S APPRECIATION WEEK" IN WEST HOLLYWOOD." **Approved as part of the Consent Calendar.**

2.K. PROPOSED RESOLUTION IN SUPPORT OF ASSEMBLY BILL 484 (AB 484), TAX INCENTIVE TO STEM RUN AWAY FILM, TELEVISION AND COMMERCIAL PRODUCTION:

ACTION: 1) Adopt Resolution No. 99-2075, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 484, TAX INCENTIVES TO STEM RUN AWAY FILM, TELEVISION AND COMMERCIAL PRODUCTION;" and, 2) Direct staff to send a copy of this resolution to the Chair of the Assembly Tax and Revenue Committee, The Film and Television Action Committee, and all other appropriate elected officials and organizations. **Approved as part of the Consent Calendar.**

2.L. PROPOSED RESOLUTION IN SUPPORT OF ASSEMBLY BILL 358 (AB 358), TAX CREDIT TO CURB THE FLIGHT OF ENTERTAINMENT INDUSTRY JOBS FROM CALIFORNIA TO OTHER STATES AND COUNTRIES:

ACTION: 1) Adopt Resolution No. 99-2076, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 358, TAX CREDIT TO CURB THE FLIGHT OF ENTERTAINMENT INDUSTRY JOBS FROM CALIFORNIA TO OTHER STATES AND COUNTRIES;" and, 2) Direct staff to inform State Legislators of the Council's decision. **Approved as part of the Consent Calendar.**

2.M. PROPOSED RESOLUTION IN SUPPORT OF AB 860 (THOMSON), WHICH PROVIDES THAT NO LEASE AGREEMENT MADE AFTER JANUARY 1, 2000 CAN PROHIBIT A HOMEOWNER FROM KEEPING A PET IN A MOBILE HOME PARK:

ACTION: 1) Adopt Resolution No. 99-2077, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB 860 (THOMSON), WHICH PROVIDES THAT NO LEASE AGREEMENT MADE AFTER JANUARY 1, 2000 CAN PROHIBIT A HOMEOWNER FROM KEEPING A PET IN A MOBILE HOME PARK;" and, 2) Direct Public Information Division and other staff to advise local Assemblymembers of the Council's decision. **Approved as part of the Consent Calendar.**

2.N. PROPOSED RESOLUTION IN SUPPORT OF HR 443, THE DOWNED ANIMAL PROTECTION ACT:

ACTION: 1) Adopt Resolution No. 99-2078, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF HR 443, THE DOWNED ANIMAL PROTECTION ACT;" and, 2) Direct Public Information Division and other staff to advise local Representatives of the Council's decision. **Approved as part of the Consent Calendar.**

- 2.O. PROPOSED RESOLUTION IN SUPPORT OF HR 165 (KLECZKA), SEATBELTS ON SCHOOL BUSES:**
ACTION: 1) Adopt Resolution No. 99-2079, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF HR 165 (KLECZKA), SEATBELTS ON SCHOOL BUSES;" and, 2) Direct Public Information Division and other staff to advise local Representatives of the Council's decision. **Approved as part of the Consent Calendar.**
- 2.P. Tabled to May 17, 1999.**
1999 WEST HOLLYWOOD SUPPORT FOR EDUCATION PROGRAM:
- 2.Q. AWARD CONSTRUCTION CONTRACT FOR PAVEMENT TEXTURING ON THE SUNSET BOULEVARD LIGHTED CROSSWALK PROJECT, CIP 9804:**
ACTION: 1) Declare the bid submitted by Los Angeles Engineering, Inc. to be non-responsive; 2) Accept the bid dated March 4, 1999 by Excel Paving Company; 3) Authorize the City Manager to enter into a contract with Excel Paving Company in the amount of \$455,496 for construction of the Pavement Texturing on Sunset Boulevard; 4) Authorize the City Engineer to manage change orders on this project in an amount not to exceed 15% of the contract; 5) Direct the City Clerk to return the Proposed Guarantee submitted by Los Angeles Engineering, Inc.; and, 6) Authorize the Director of Finance to transfer \$211,278 from Street Paving to this project. **Approved as part of the Consent Calendar.**
- 2.R. AWARD CONSTRUCTION CONTRACT FOR THE SEQUENTIAL LIGHTING SYSTEM ON THE SUNSET BOULEVARD LIGHTED CROSSWALK PROJECT, CIP 9804:**
ACTION: 1) Accept the bid dated March 4, 1999 by L.A. Signal, Inc.; 2) Authorize the City Manager to enter into a contract with L.A. Signal, Inc. in the amount of \$87,898 for construction of the Crosswalk Sequential Lighting System on Sunset Boulevard; and, 3) Authorize the City Engineer to manage change orders on this project in an amount not to exceed 15% of the contract. **Approved as part of the Consent Calendar.**
- 2.S. SEWER REPAIR AND REHABILITATION PROJECT – FISCAL YEAR 1997 (CIP 9705):**
ACTION: 1) Filing of a Notice of Completion by the City Engineer; 2) Final payment at the end of the thirty-five (35) day lien period; and, 3)

Release of the Performance Bond and Payment Bond. **Approved as part of the Consent Calendar.**

2.T. APPROVAL OF PROGRAM SUPPLEMENT NO. 005 TO THE LOCAL AGENCY – STATE AGREEMENT (CALTRANS) FOR FEDERAL AID PROJECTS NO. 07-5440 ON THE PAVEMENT TEXTURING ON SUNSET BOULEVARD (CIP 9804A):

ACTION: 1) Adopt Resolution No. 99-2080, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING PROGRAM SUPPLEMENT NO. 005 TO THE LOCAL AGENCY – STATE AGREEMENT (CALTRANS) FOR FEDERAL AID PROJECTS NO. 07-5440 ON PROJECT STPL – 5259 (004), PAVEMENT TEXTURING ON SUNSET BOULEVARD (CIP 9804A);" 2) Authorize the City Manager to sign Program Supplement No. 005 to the Local Agency – State Agreement (CALTRANS) for Federal Aid Projects No. 07-5440; 3) Instruct the City Clerk to submit two (2) copies of the signed agreement and one (1) copy of Resolution No. 99-2080, to Caltrans' Office of Local Programs; and, 4) Authorize the Director of Finance to increase the revenues and expenditures in the General Fund by \$259,625 (100-0000-5111 and 100-8020-9455). **Approved as part of the Consent Calendar.**

2.U. SANTA MONICA BOULEVARD PROJECT OFFICE:

The City Council will consider the approval of a reallocation of funds for the Santa Monica Boulevard Project Office.

ACTION: 1) Reallocate the \$96,000 previously approved by Council for 1998/99 lease expenses as follows: \$24,000 for Building Lease (345-2000-8520); \$17,000 for Tenant Improvements (345-2000-8520); \$3,500 for Special Supplies (345-2000-7311); \$500 for equipment (345-2000-7320); and, \$3,750 for Utilities (345-2000-7555) for expenditures related to Fiscal Year 1998-99 Santa Monica Boulevard Project Office; and, 2) Authorize the Finance Director to make the above changes and return \$46,250 of the original \$96,000 allocation to fund balance. **Approved as part of the Consent Calendar.**

2.V. PROPOSED RESOLUTION IN SUPPORT OF THE CONSUMER AREA CODE RELIEF ACT OF 1999, AB 818 (KNOX), A BILL WHICH DIRECTS THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO STOP AREA CODE PROLIFERATION:

ACTION: 1) Adopt Resolution No. 99-2081, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE CONSUMER AREA CODE RELIEF ACT OF 1999, AB 818 (KNOX), A BILL WHICH DIRECTS THE CALIFORNIA PUBLIC UTILITIES

COMMISSION TO STOP AREA CODE PROLIFERATION;" and, 2) Direct staff to inform appropriate state officials and members of the California Public Utilities Commission on the Council decision. **Approved as part of the Consent Calendar.**

2.W. PROPOSED RESOLUTION IN SUPPORT OF THE WORK INCENTIVES IMPROVEMENT ACT OF 1999, S 331 (JEFFORDS), A BILL WHICH EXPANDS HEALTH CARE COVERAGE AND WORK OPPORTUNITIES FOR DISABLED INDIVIDUALS:

ACTION: 1) Adopt Resolution No. 99-2082, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE WORK INCENTIVES IMPROVEMENT ACT OF 1999, S 331 (JEFFORDS), A BILL WHICH EXPANDS HEALTH CARE COVERAGE AND WORK OPPORTUNITIES FOR DISABLED INDIVIDUALS;" and, 2) Direct staff to inform appropriate federal representatives as well as the National Association of People with AIDS on the Council decision. **Approved as part of the Consent Calendar.**

2.X. PROPOSED RESOLUTION SUPPORTING SENATE BILL 3 (RAINEY) – THE CALIFORNIA LIBRARY CONSTRUCTION AND RENOVATION BOND ACT:

ACTION: 1) Adopt Resolution No. 99-2083, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING THE ADOPTION OF SENATE BILL 3 (RAINEY);" and, 2) Direct staff to forward copies of the resolution to the Governor, chairs of the Senate and Assembly Education Committees and Library Committee members. **Approved as part of the Consent Calendar.**

2.Y. ORDINANCE BANNING THE MISUSE OF LASER POINTERS AND THE SALE OF LASER POINTERS TO ANYONE UNDER THE AGE OF EIGHTEEN:

ACTION: 1) Introduce for first reading Ordinance No. 99-541, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD BANNING THE MISUSE OF LASER POINTERS AS WELL AS SALE OF LASER POINTERS TO ANYONE UNDER THE AGE OF EIGHTEEN IN THE CITY OF WEST HOLLYWOOD;" and, 2) Direct Finance staff to send letters to West Hollywood merchants who sell laser pointers upon second reading and adoption of the ordinance. **Listed on the Agenda as Item 6.D. Moved to and approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. ZONE TEXT AMENDMENT 99-01 GENERAL PLAN AMENDMENT 99-01 EASING RESTRICTIONS ON THE DEMOLITION OF RESIDENTIAL RENTAL UNITS OR THEIR CONVERSION TO ALTERNATE USES; CHANGES TO DEMOLITION PERMIT PROCESSES; AND CHANGES TO THE INCLUSIONARY HOUSING PROGRAM:

City Clerk Thompson stated that a Notice of Public Hearing was published in the West Hollywood *Independent* on April 7, 1999.

Timothy Foy, Associate Planner provided background information as outlined in the staff report dated May 3, 1999.

J.W. MOORE, IV, WEST HOLLYWOOD, spoke about in support of affordable housing and this item.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of this item.

Mayor Heilman stated that this item is to retain inclusionary housing and maintain the fees on the new houses and not on the number units being replaced.

Mayor Heilman asked what was the basis of removing a conditional use permit.

Mr. Foy stated that the City does not have a legal basis to turn someone down and that there is no legal basis.

Mayor Heilman stated that, to his knowledge, there have not been any condominium conversions in the City other than the ones that had a legal right to do it before Cityhood or the ones that were built as conversions. He further stated that this aspect of the reports needs clarity since it implies that the City would be eliminating a process which has not been utilized and it has not been utilized because the City has never been addressed with the issue of converting a building to a condominium.

Mayor Heilman stated that the issue to eliminate the discretionary review for condominium conversions and a full Planning Commission hearing for it seems unnecessary based on the legal advice that has been received. He also stated his concern to elevate temporary parking lots for full Planning Commission review, what kind of message is being sent that the conversion of homes is less important than parking lots.

Lisa Heep, Planning Manager, stated that the Planning Commission has discussed the need to have some authority regarding whether a

temporary parking lot, commercial and/or residential is established after the demolition of a building. Currently this process is subject to staff approval with no notice to the residents.

City Attorney Jenkins stated that he did advise that commercial property be treated the same as residential for purposes of acquiring a demolition permit, he does not believe that requiring the Planning Commission's review for temporary parking lots in commercial zones is legally compelled. Condominium conversions do require a hearing for purposes of obtaining a subdivision map approval which is a requirement of obtaining common interest ownership so there will be a Planning Commission review. The concern about the conditional use permit is that the discretionary criteria which the code contemplates pertains to the loss of housing which is the purpose of this ordinance in eliminating.

Mayor Heilman stated that staff is recommending a hearing before the Director of Community Development.

City Attorney Jenkins agreed.

By consensus of the City Council, no hearing before just the Director, but it should go before the Planning Commission.

ACTION: 1) Adopt Resolution No. 99-2083, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD RELATIVE TO HOUSING AND AMENDING THE WEST HOLLYWOOD GENERAL PLAN;" and, 2) Introduce for first reading Ordinance No. 99-542, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD RELATIVE TO HOUSING AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE" as amended by allowing for the full CUP process for the conversion of rental units to other uses.

Motion Mayor Heilman, seconded by Councilmember Koretz and unanimously carried.

4. UNFINISHED BUSINESS:

4.A. WEST HOLLYWOOD CHEERLEADERS PARTICIPATION IN CITY'S PRIDE PARADE CONTINGENT:

Charles F. Makinney, City Manager and Kevin Fridlington, Manager of Human Resources provided background information as outlined in the staff report dated May 3, 1999.

JASON PATRIA, WEST HOLLYWOOD, president of the West Hollywood Cheerleaders spoke in support of this item.

Mayor Heilman stated his concerns regarding the Cheerleaders representing the City and taking City funds to support their participation in the various parades.

Councilmember Martin stated his support of this item.

Councilmember Koretz stated his support of this item.

Mayor Pro Tem Prang stated that the Cheerleaders add a lot of visibility and next year this should be looked at for its merit.

ACTION: 1) Invite the West Hollywood Cheerleaders to join the City's Gay/Lesbian Pride Parade contingent; and, 2) Authorize the use of Convention and Visitors' Bureau funds to cover a portion of the Cheerleader's cost of participation in the Pride Parades.

Motion Councilmember Guarriello, seconded by Councilmember Koretz and unanimously carried.

5. NEW BUSINESS:

5.A. WEST HOLLYWOOD HIV PREVENTION EDUCATION AND SOCIAL SERVICE ACT OF 1999:

Mayor Pro Tem Prang and Howard Jacobs, Deputy to Mayor Pro Tem Prang provided background information as outlined in the staff report dated May 3, 1999.

TERI FORD, SANTA MONICA, spoke about condom distribution in Louisiana and stated that the same could work in West Hollywood.

MICHAEL WEINSTEIN, LOS ANGELES, stated that unsafe sex is a crisis in West Hollywood and gave statistics to support this statement.

MORRIS KIGHT, WEST HOLLYWOOD, spoke in support of this item.

MICKEY JACKSON, president of Project Return, spoke in support of this item.

JED KENSLA, WEST HOLLYWOOD, thanked Mayor Pro Tem Prang for his work to bring this legislation. He also spoke about a crisis of unsafe sex in West Hollywood.

KATHY WATT, Executive Director of Van Ness Recovery House, spoke in support of condoms, but stated that they do no work on people impaired by liquor and drugs.

CEASAR PORTILLIO, spoke in support of mandating condoms in bars and restaurants and he spoke of a totally objective review panel.

J.W. MOORE, IV, WEST HOLLYWOOD, spoke about how funds are allocated to social services.

DONALD DELUCIO, WEST HOLLYWOOD, spoke in support of declaring this a "Safer Sex City" and he spoke about instituting a process to exempt preferential parking.

NORMAN CHRAMOFF, WEST HOLLYWOOD, spoke in support of saving lives.

JOHN PAUL DRAYER, WEST HOLLYWOOD, spoke in support of this item.

JOHN ALTSHUL, WEST HOLLYWOOD, spoke in support of condom distribution but stated that everything in the initiative is not warranted.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke about this item being a scheme for a particular organization to be exempt from any parking requirements and to receive special favors.

Councilmember Martin stated that people who use condoms and will and those who do not will not, therefore there needs to be more education.

Councilmember Koretz stated that the item directs staff to explore the recommendations.

Mayor Heilman stated that there seem to be support of City Council to enhance the current condom distribution program. He further stated that the bars should be required to provide funding for distribution of condoms since alcohol sales are a co-factor of the spread of Aids. He agreed with Mayor Pro Tem Prang that the City should be in charge of insuring quality of the condoms. He is not in support of meeting with the bar and restaurant owners but that the City should mandate the participation of some owners whether the City is to provide additional funding resources or that the bars themselves contribute funds.

Councilmember Martin stated that the West Hollywood Chamber of Commerce should be contacted to include the business community.

Councilmember Koretz stated that all the bars should be included.

Mayor Heilman directed staff to come back with options on how to mandate the distribution of condoms.

With respect to the Social Services procedures:

Councilmember Koretz stated that the proposed independent committee does not sound independent, it does not include many outside people and does not accomplish much. He suggested that some outside people with expertise and no involvement with the City be included or decide not to go forward with the independent committee.

Councilmember Guarriello stated that the City Council makes the final determination of how to distribute the money and the current process is fair.

Howard Jacobs, Deputy to Mayor Pro Tem Prang stated that the Director of Human Services will determine the composition of the committee.

Councilmember Martin stated that there should be some genuine experts and depoliticize the process. He further suggested that this be done one time.

Councilmember Koretz agreed with the suggestions of Councilmember Martin.

Scott Svonkin, Deputy to Councilmember Koretz commented that the suggestions were set forth for further evaluation.

Mayor Heilman stated that the social services current process is fourteen years old and that there is a large amount of community support. He further stated that the report suggests that there are no evaluations of proposals and that the process does not pay attention to the Needs Assessment. The report pays attention to one social service agency.

Mayor Heilman stated that all the stakeholders have not had input on this issue. He recommended that this item be referred to the Human Services Commission to schedule a meeting with staff, solicit input from all of our service providers and the public on how the process could be approved.

Mayor Pro Tem Prang stated that this was his intent and never to adopt these items as presented.

Councilmember Koretz stated that he agrees.

Mayor Heilman that if this was the intent to just explore then it should have been stated in the staff report and the community and he would not have had any objections.

Councilmember Martin stated his concern for examining the language in the staff report.

In regards to the parking:

Motion Mayor Pro Tem Prang stated that the City has been able to lessen the requirements, in the past, to legally comply at their current location and this is a recommendation to send this to the Planning Commission to further discuss and come back with recommendations.

Mayor Heilman stated that he agrees with Mayor Pro Tem Prangs recommendation and look at the issue of whether this is economical to the agency and what is the impact on the surrounding community.

Councilmember Martin stated his concern is utilizing their flexibility as to what kind of agency and the needs of the agency.

ACTION: 1) Declare West Hollywood "A Safer Sex City Dedicated to HIV Prevention Education" and direct Public Information Division to publicize our safer sex programs; 2) Direct staff to return with a proposal to expand the current condom distribution program and research funding mechanisms including alcohol establishments; 3) Direct staff to review the Social Service Funding process, solicit input from the agencies, stakeholders and the Human Services Commission and return to the City Council with recommendations; and 4) Direct the Community Development staff and the Planning Commission to review the parking requirements of Social Service Agencies which may allow the City Council some flexibility but protecting the encroachment of parking to the residential neighborhoods. **By consensus of the City Council.**

EXCLUDED CONSENT CALENDAR:

2.G. This item discussed and then tabled.

ORDINANCE NO. 99-540 (2nd Reading), ADOPTING SUNSET SPECIFIC PLAN AMENDMENT 98-02 AND ZONING TEXT

AMENDMENT 98-06 PERMITTING THE CONVERSION OF SINGLE-SIDED BILLBOARDS TO TWO-SIDED BILLBOARDS UNDER CERTAIN CONDITIONS:

Councilmember Koretz suggested a possible amendment to this item as follows: IF THE EXISTING BILLBOARD HEIGHT EXCEEDS THE HEIGHT LIMITATION OF THE ZONING DISTRICT THE EXISTING HEIGHT OF THE BILLBOARD SHALL BE REDUCED TO COMPLY WITH THE HEIGHT LIMITATION OF THE SUNSET SPECIFIC PLAN, EXCEPT WHEN THE REDUCTION OF HEIGHT MAKES IT IMPOSSIBLE TO ADD AN UNOBSTRUCTED OUTDOOR ADVERTISING FACE TO THE EXPOSED BACK OF AN EXISTING BILLBOARD STRUCTURE WHEREAS THE REDUCTION OF HEIGHT OBSTRUCTS THE EXISTING BILLBOARD FACE to make it more practical.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to this item.

Mayor Heilman stated that he thought staff had been directed to explore the issue with a replacement of a billboard elsewhere if they wanted to take advantage of this and that they were over the original height limit.

Motion Mayor Pro Tem Prang stated that it makes no sense to have a billboard which cannot comply with the height restriction which there is a handful.

Mayor Heilman stated that if Councilmember Koretz's suggestion is approved there would be no need for the billboard companies to get rid of a billboard elsewhere in the City where the City is trying to get rid of billboards.

Councilmember Martin suggested that the item be tabled until they hear from staff.

ACTION: To table this Item for two weeks.

Motion Mayor Heilman, seconded by Councilmember Guarriello and unanimously carried.

PUBLIC COMMENT:

JOHN PAUL DRAYER, WEST HOLLYWOOD, thanked Mayor Heilman and Mayor Pro Tem Prang for attending the Kings Road Parks Neighborhood Community Watch. The next one will be on Tuesday, June 22nd at 7 P.M. He stated that in Texas people are allowed to work for a week to increase turnout.

6. LEGISLATIVE:

6.A. Tabled for two weeks.

PROHIBITION OF OVERSIZED VEHICLE PARKING WITHIN RESIDENTIAL ZONES:

Donald Korotsky, Associate Transportation Planner provided background information as outlined in the staff report dated May 3, 1999.

Councilmember Martin stated that a one day oversize encroachment permit for a recreational vehicle seems very restrictive.

Motion Mayor Pro Tem Prang asked if there was a renewable basis for more than one day.

Mayor Heilman stated that one of the concerns is that it hard to see around the vehicles and that they should not be on the residential streets.

Councilmember Koretz stated that the City should not make it impossible for people who are visiting.

Mr. Korotsky stated that there is a three day limitation provision in the ordinance for permit parking but that this should be put in language to apply citywide.

ACTION: Table and direct staff to return with a revised ordinance that would allow for recreational vehicles for a three day renewable guest permit. **By a consensus of the City Council.**

6.B. SUSPENSION OF ENFORCEMENT OF PREFERENTIAL PARKING REGULATIONS:

Donald Korotsky, Associate Transportation Planner provided background information as outlined in the staff report dated May 3, 1999.

ACTION: 1) Introduce for first reading Ordinance No. 99-543, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PREFERENTIAL PARKING PROVISIONS OF THE TRAFFIC CODE ENABLING THE CITY COUNCIL TO WAIVE ENFORCEMENT OF PREFERENTIAL PARKING REGULATIONS AND AMENDING THE CITY OF WEST HOLLYWOOD MUNICIPAL CODE:" and, 2) Adopt Resolution No. 99-2084, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUSPENDING THE ENFORCEMENT OF PART 2 OF CHAPTER 2, ARTICLE III OF THE WEST HOLLYWOOD MUNICIPAL CODE (PREFERENTIAL PARKING DISTRICTS) ON

DECEMBER 25TH OF EACH YEAR." **Motion Councilmember Martin, seconded by Councilmember Guarriello and unanimously carried.**

6.C. ONE-HANDGUN-PER-MONTH ORDINANCE:

Scott Svonkin, Deputy to Councilmember Koretz provided background information as outlined in the staff report dated May 3, 1999.

City Attorney stated that the Los Angeles version regulates the sales between private parties.

Councilmember Koretz stated that Los Angeles being the primary target of any challengers that West Hollywood having a more conservative approach that it should not have any significant policy impact for us that the National Rifle Association would take target West Hollywood.

ACTION: Re-introduce for first reading Ordinance No. 99-536, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING MULTIPLE HANDGUN TRANSACTIONS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Select from two (2) options attached.

Non-Los Angeles Version of the Ordinance which does not regulate the sale between private parties.

Motion Councilmember Martin, seconded by Councilmember Guarriello and unanimously carried.

6.D. This Item moved to Consent Calendar as Item 2.Y.

ORDINANCE BANNING THE MISUSE OF LASER POINTERS AND THE SALE OF LASER POINTERS TO ANYONE UNDER THE AGE OF EIGHTEEN:

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Prang thanked his colleagues for the way the deliberations were handled concerning Item 5.A. He stated that he thought that the accomplishment of this was to bring this controversial discussion to this body where it belonged.

RECESS TO CLOSED SESSION AT 11:20 PM.

RECONVENE AT 11:45 PM.

REPORT OF CLOSED SESSION AGENDA: A Report is on file in the Office of the City Clerk for the City to participate in an amicus brief Pick v Cohen BHMC 99V00033.

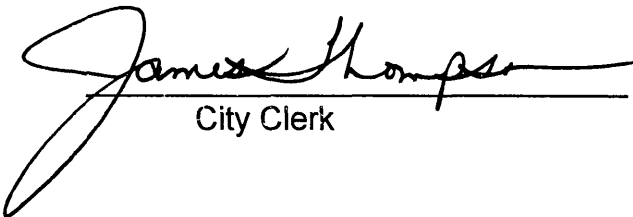
ADJOURNMENT: The City Council adjourned at 11:15 p.m. in memory of the Columbine High School massacre to their next regular meeting on Monday, May 17, 1999 at 7:00 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 19TH DAY OF JULY, 1999.



MAYOR

ATTEST:



City Clerk