

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, DECEMBER 1, 1997
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Guarriello called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE: City Clerk Vivian Love led the Pledge.

ROLL CALL:

PRESENT: Councilmembers - Heilman, Prang, Martin and Mayor Guarriello.
Councilmember Koretz arrived at 7:05 p.m.

ABSENT: Councilmembers - None.

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

APPROVAL OF AGENDA:

Councilmember Prang removed Item 2.H. "AUTHORIZATION TO EXECUTE SYSTEMS MAINTENANCE AGREEMENTS WITH SIEMENS FOR ROLM PHONE SYSTEM" from the Consent Calendar for separate discussion.

City Attorney Jenkins asked that the City Council remove Item 2.L "PROPOSED RESOLUTION FOR TRANSFER OF PROPERTY TAXES TO 417 WESTMOUNT DRIVE" from the Agenda and table this Item for two weeks.

Councilmember Heilman requested the meeting be adjourned in memory of Jim Kempner and Bruce Eicher.

Councilmember Koretz removed Item 2.K from the Consent Calendar for separate discussion.

Mayor Pro Tem Martin asked that Item 5.C be heard out of order, immediately following the Consent Calendar.

ACTION: Approve the December 1, 1997 Agenda as amended. Motion Councilmember Heilman, seconded by Councilmember Prang and unanimously carried.

PRESENTATIONS: None.

1. CITIZEN COMMENTS

DR. K.L. SCHOONOVER, BEVERLY HILLS, spoke against illegally towing her vehicle at night and the damage done by towing company.

RICHARD MAGGIO, WEST HOLLYWOOD, commented on the oral report given by Brent Mullins, Code Compliance Manager, on 1145 North Horn Avenue at the last City Council meeting.

JOHN DURAN, WEST HOLLYWOOD, spoke regarding Item 5.B, Grants to performing Arts Organizations. He spoke in favor of the Grants, but asked the City Council for \$5,000. as opposed to the recommended amount of \$2,000.

KIM SCHNEIDER, WEST HOLLYWOOD, Chair of the Women's Advisory Council, stated the Women's Advisory Council returned from several successful retreats. She announced the vacancy on the Women's Advisory Council. She thanked the City Council for the creation of the Veteran's Memorial.

ELEANA DEL RIO, LOS ANGELES, stated she is a new member of the Fine Arts Advisory Board. She stated her commitment to the Arts and the City's Fine Arts Advisory Board.

KAREN OCAMB, WEST HOLLYWOOD, thanked the City Council for adjourning in Memory of Jim Kempner, she asked if the City Council will consider adjourning in memory of World AIDS Day. She spoke in favor of Item 2.M. Approval for Co-sponsorship of the "History of the Lesbian and Gay Movement in L.A."

DONALD DELUCCIO, WEST HOLLYWOOD, informed the City Council of the newly elected officers of the West Hollywood West Residents Association. He asked the City Council to fund the removal of the curb extension at the corners of Melrose and San Vicente Boulevard and asked for the removal of the extensions in a timely fashion.

COUNCILMEMBER COMMENTS:

Councilmember Prang request the meeting adjourned in memory of World AIDS Day. He asked that any member of the public or business owners who wished to participate in City Government to contact City Hall.

Councilmember Koretz stated that the City Council already directed staff to remove the curb extension at Melrose and San Vicente Boulevard. He directed his Deputy Leah Archibald to follow-up with Dr. Schoonover regarding her towing situation.

Councilmember Heilman stated that current system of scheduling of events and meetings is not working. He directed the City Manager to look at which meetings are scheduled and they be approved on the City Council agenda.

Mayor Pro Tem Martin thanked Councilmember Heilman for asking that the meeting be adjourned in memory of Jim Kempner. He thanked the members of the Regents of the

University of California for their support of Domestic Partnerships.

Mayor Guarriello asked that the meeting be adjourned in memory of John English, Sr. father of Joan English, Director of Transportation.

CITY MANAGER'S REPORT: City Manager Makinney called Captain Odenthal to report on several issues at the prior City Council meeting regarding the COPS Grant Funding.

Captain Odenthal reported on the deployment of the Sheriff's Mobile Unit. He stated that the Sheriff's office has had no volunteer support for they deployment of the Unit, and has been fully staffed by Deputies.

Councilmember Heilman clarified that the Sheriff's Department was not using the funds for foot and bike patrols.

Captain Odenthal stated that the bike patrols were being deployed per the West Hollywood contract. Some of the foot patrols were being held up due to overtime.

Councilmember Heilman stated the City Council used to get a report from the Sheriff's Department with the input from the Public Safety Division. This allowed the Council to give input and direction every six months. He suggested that perhaps this process should be re-implemented.

City Manager Makinney stated that we had a partial telephone failure and a computer failure at City Hall today and apologized for any difficulties the public may have had.

City Manager Makinney invited all to Angels Amidst ceremony program Tuesday, December 2, 1997 at Plummer Park.

FISCAL IMPACT ON CONSENT CALENDAR: City Clerk Love stated the fiscal impact for the December 1, 1998 Consent Calendar, as amended, is \$9,200. in expenditures and \$1,200. in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., B., C., D., E., F., G., I., J., M., N., and O. Motion Councilmember Prang, seconded by Councilmember Heilman and unanimously carried.

2.A. POSTING OF AGENDA:

The agenda for the meeting of Monday, December 1, 1997 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on November 26, 1997.

RECOMMENDATION: Receive and file. Approved as part of the Consent

Calendar.

2.B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the minutes of November 17, 1997. **Approved as part of the Consent Calendar.**

2.C. WAIVER OF FURTHER READING:

RECOMMENDATION: 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. 355, RESOLUTION NO. 97-1821:

RECOMMENDATION: Approve Demand Register No. 355 and adopt Resolution No. 97-1821, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 355." **Approved as part of the Consent Calendar.**

2.E. TREASURER'S REPORT:

RECOMMENDATION: Receive and file the Treasurer's Report of July, 1997. **Approved as part of the Consent Calendar.**

2.F. ORDINANCE NO. 97-511 (2nd Reading), ESTABLISHING REGULATIONS FOR HACIENDA PLACE IN PREFERENTIAL PARKING DISTRICT 7:

RECOMMENDATION: Waive further reading and adopt Ordinance No. 97-511, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING PART B OF CHAPTER 2 OF ARTICLE III OF THE WEST HOLLYWOOD MUNICIPAL CODE, ESTABLISHING PARKING REGULATIONS FOR HACIENDA PLACE IN PREFERENTIAL PARKING DISTRICT 7 AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.G. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

RECOMMENDATION: Receive and file Action Reports from the Human Services Commission of November 11, 1997; Rent Stabilization Commission of November 13, 1997; Planning Commission of November 6, 1997 and November 20, 1997; Cultural Heritage Advisory Board of November 17, 1997; Project Area Committee of November 4, 1997; Public Safety Commission of November 11, 1997; Business License Commission of November 11, 1997; and, Transportation Commission of November 19, 1997. **Approved as part of the Consent Calendar.**

2.H. AUTHORIZATION TO EXECUTE SYSTEMS MAINTENANCE AGREEMENTS WITH SIEMENS BUSINESS COMMUNICATION SYSTEMS INCORPORATED:

This Item was removed from the Consent Calendar for separate discussion and was heard under Excluded Consent Calendar Items immediately following New Business.

2.I. PROPOSED RESOLUTION DESIGNATING 903 NORTH WESTBOURNE DRIVE AS A LOCAL CULTURAL RESOURCE (CRD 97-01):

RECOMMENDATION: Adopt Resolution No. 97-1822, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DESIGNATING 903 NORTH WESTBOURNE DRIVE AS A LOCAL CULTURAL RESOURCE (CRD 97-010)." **Approved as part of the Consent Calendar.**

2.J. DISPOSAL OF SURPLUS PROPERTY:

RECOMMENDATION: 1) Declare the converted Ford Ranger pick-up truck as surplus property; and, 2) Authorize the donation of the vehicle to Clean Air Now in exchange for services to be determined. **Approved as part of the Consent Calendar.**

2.K. ELIMINATION OF SMOKING IN BARS, TAVERNS AND GAMING CLUBS:

This Item was removed from the Consent Calendar for separate discussion and was heard under Excluded Consent Calendar Items immediately following New Business.

2.L. PROPOSED RESOLUTION FOR TRANSFER OF PROPERTY TAXES RELATED TO THE DETACHMENT OF THE PROPERTY IN THE VICINITY OF 417 WESTMOUNT DRIVE:

This Item was removed from the Agenda and tabled to January, 1998.

2.M. APPROVAL FOR CITY CO-SPONSORSHIP OF THE UPCOMING PANEL DISCUSSION: "HISTORY OF THE LESBIAN AND GAY MOVEMENT IN L.A.":

RECOMMENDATION: 1) Approve the City as co-sponsor of the "History of the Lesbian and Gay Movement in LA" panel discussion on January 29, 1998; 2) Notify the West Hollywood Lesbian and Gay Advisory Council of the City's sponsorship of this event and ask for it's help and support to promote the event through community affiliations and networking. Request representation from the Lesbian and Gay Advisory Council at the event and for members to volunteer if needed; 3) Direct staff to help with set up and breakdown in West Hollywood Auditorium on the night of the event; and, 4) Direct the Public Information

Office to help the planners of this event with press and publicity, as well as any other support that might be needed in production of this event, including televising on City Channel 10. **Approved as part of the Consent Calendar.**

2.N. AGREEMENT FOR PROFESSIONAL SERVICES WITH DON MURUSKA AND COMPANY, INCORPORATED:

RECOMMENDATION: Authorize the City Manager to execute an agreement with Don Muruska and Company, Inc. for an amount not to exceed \$8,000 to assist in the Budget 2000 Community Goal Setting Process. **Approved as part of the Consent Calendar.**

2.O. UPDATE ON CENTURY CABLE'S RESOLUTION OF RATE COMPLAINTS:

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

3. PUBLIC HEARINGS: None.

The City Council heard Item 5.C at this time.

5.C. AGREEMENT FOR PROFESSIONAL SERVICES WITH WALKER PARKING CONSULTANTS/ENGINEERS INC. FOR A METROPOLITAN TRANSPORTATION AUTHORITY (MTA) - FUNDED PARKING STUDY:

Joan English, Director of Transportation, provided background information as outlined in the staff report dated December 1, 1997.

Councilmember Heilman clarified with staff the scope of services and the priority and usefulness of this study. He stated his opinion that finding and making available additional parking in the City should be a higher priority than a study as proposed.

ACTION: 1) Authorize the City Manager to execute the agreement with Walker Parking Consultants/Engineers Inc., in the amount of \$42,210 for an analysis of public/private parking management; 2) Modify the budget to reflect an increase in revenues of \$41,210 from MTA for this project; and, 3) Appropriate \$41,000 to the Transportation Division budget for analysis of public/private parking management. The remaining \$210 will be transferred from another account in the division.

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

4. UNFINISHED BUSINESS:

4A. ANALYSIS OF COMMISSION AND ADVISORY BOARDS:

City Clerk Love provided background information as outlined in the staff report dated December 1, 1997.

JOHN ALTSCHUL, WEST HOLLYWOOD, he asked that the functions of the Commissions and Advisory Boards be discussed and staff to reiterated the responsibilities of Commissioners on a regular basis.

Mayor Pro Tem Martin asked for clarification on Recommendation Number 8 regarding residency. He asked staff to investigate the definition of a “business owner” and if a non-profit is include as a business.

Councilmember Prang added that for some commissions that residency should be an issue. Some commissions need a level of expertise and perhaps not a resident. He directed staff to include analysis of residency.

Discussion of Recommendation Number 1:

ACTION: Approve the following definition for the commission/advisory board program:

Commission -- A decision-making body created by ordinance with specific administrative powers delegated to it by the City Council.

Advisory Board – An advisory body created by Council action to provide advice and recommendations within a specific subject area as designated by the City Council.

Task Force – A temporary body created by Council action for specific advice and recommendation.

Motion Councilmember Heilman, seconded by Councilmember Prang and unanimously carried.

Discussion of Recommendation Number 2:

ACTION: Direct staff draft an ordinance to change the designation of the Cultural Heritage Advisory Board to the Cultural Heritage Commission.

Motion Councilmember Heilman, seconded by Councilmember Prang and unanimously carried.

Discussion of Recommendation Number 3:

ACTION: Direct staff to draft an ordinance to change the designation of the Fine Arts Advisory Board to the Fine Arts Commission.

Motion Councilmember Heilman, seconded by Councilmember Prang and unanimously carried.

Discussion of Recommendation Number 4:

Mayor Pro Tem Martin stated the Fine Arts Advisory Board has always had more members for a wide variety of expertise. He stated his support for the Board to be reduced to nine members, and reduced by attrition.

GLORIA GOLDSMITH, Fine Arts Advisory Board, stated her support for a larger Commission so that the Commission would have a wide variety of expertise.

Councilmember Heilman asked for clarification regarding the number of members and a quorum.

Guy Wheatley, Fine Arts Advisory Board, stated that a larger Board is needed in this instance as the execution of work is handled by this Board and not staff, as in other Commissions.

Councilmember Prang stated his support for a seven member Board. He stated the Commission should follow some type of structure and the City Council has never really looked at the variety of expertise when appointing the members.

MARIANGELA MALESPIN, Fine Arts Advisory Board, stated the FAAB is distinct, it encompassed everyone in the City regarding the Arts and it is helpful to have a larger group.

ACTION: Leave the Fine Arts Advisory Board at 11 members.

Motion Councilmember Koretz failed for lack of a second.

ACTION: Direct staff to prepare an ordinance reducing the number of members on the Fine Arts Advisory Board to 9 members, and that the reduction occur through attrition.

Motion Mayor Pro Tem Martin, seconded by Councilmember Heilman and

carried noting the NO vote of Councilmember Prang.

Discussion of Recommendation Number 5:

ACTION: Direct staff to draft an ordinance adding the duties outlined in the zoning code to the duties of the Fine Arts Advisory Board outlined in Section 2967.

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

Discussion of Recommendation Number 6:

ACTION: Change the designation of the advisory councils as follows:

1. Disabilities Advisory Council to Disabilities Advisory Board
2. Lesbian and Gay Advisory Council to Lesbian and Gay Advisory Board.
3. Senior Advisory Council to Senior Advisory Board.
4. Women's Advisory Council to Women's Advisory Board.

Motion Councilmember Prang, seconded by Councilmember Heilman and unanimously carried.

Discussion of Recommendation Number 7:

Councilmember Heilman stated all Cultural Heritage Advisory Board Members are appointed "at-large" he asked staff to note that the Cultural Heritage Advisory Board members have specific requirements and it would be impossible to have direct appointments with specific appointments.

Councilmember Prang asked that we give direction to the Fine Arts Advisory Board in terms of goals and objectives for the nine members. He also asked that if someone with a specialty in music resigned from the Board, we try to appoint someone with a specialty in music. Give direction to staff to come back with some recommendations for objectives for appointments depending on which elements exist on the Board and which do not.

Councilmember Martin suggested we refer the issue of direct appointments and the specific requirements for the Board Members be remanded back to the Fine Arts Advisory Board.

Councilmember Prang asked the Fine Arts Advisory Board come up with some "general categories" that be represented on the Board.

Councilmember Heilman asked that when reviewing these requirements that not all members have specific requirements as a few of the commissioners should be generalists.

ACTION: 1) Continue the current process of all “at-large” appointments to the Fine Arts Advisory Board and the Cultural Heritage Advisory Board; and 2) Direct the Fine Arts Advisory Board to further refine and define the categories or requirements of its members, but having a few members be “generalists.”

Motion Councilmember Heilman, seconded by Mayor Pro Tem Martin and unanimously carried.

Discussion of Residency:

Councilmember Martin stated he is happy with the current residency requirements for the Planning, Rent Stabilization and Public Safety, and would not be in favor of all the Commissions having a residency requirement.

Councilmember Prang asked the Council come up with a chart of goals the Council wants to accomplish when appointing commissions.

Mayor Pro Tem Martin and Councilmember Prang asked that we re-define significant interest. Councilmember Prang also indicated that on some Commissions the City Council may wish to have specialized criteria.

Councilmember Koretz finds the standard of “significant interest” is an adequate standard. Having a “significant interest” is sometimes adequate for appointment, a person may be every active in the community but not be a resident or own a business.

Councilmember Heilman stated Commissioners should be residents, or at a minimum they should own a business in the City, if they are not a resident. There are ways of getting outside expertise, while keeping the Commissioners as residents. He stated that for the Project Area Committee he supports non-resident property owners on the Board, and he supports non-resident business owners on the Business License Commission otherwise he is in favor of all Commissioners being residents.

Mayor Pro Tem Martin stated that residency should be the number one criteria.

Mayor Guarriello stated his support for a residency requirement.

Councilmember Koretz stated some of the Commissions would not be staffed adequately if we impose a residency requirement.

ACTION: Direct staff to return to the City Council with other alternatives and take into consideration that residency be given a very high priority but business owners or people who work in the City should also be considered, perhaps a pyramid type of approach. Direct staff to return to the City Council sometime in 1998. It is the Council's intent to consider any modifications to the Commission appointment process be considered prospectively.

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

Discussion of the Business License Commission:

Councilmember Prang stated the Business License Commission has had three meetings in the last six weeks. The commission is actively engaged to determine if they have a function and trying to define their future. He would like to see the Commission continue to discuss their future and return some recommendations to the City Council.

Councilmember Koretz would like to direct the Community Development Department staff to investigate if functions could be restored to the Commission.

Councilmember Heilman stated the Council changed the Ordinance to streamline the process so that businesses did not have to go through the Business License Commission and the Planning Commission, where the same conditions were imposed twice. He stated his favor of dismantling this Commission and developing an alternative body that looks at economic development or promotion.

ACTION: Continue for 60 to 90 days to allow the Business License Commission to continue their discussion and for staff to investigate the possibility of turning the Commission's focus to economic development.

Motion Mayor Pro Tem Martin, seconded by Councilmember Heilman and unanimously carried.

Discussion on Duties and Responsibilities:

Councilmember Heilman suggested we direct City Clerk Love that the City Council would like each Board to have a more defined scope of responsibilities and have more training in the responsibilities and duties, or at a minimum an orientation of the responsibilities for each Commissioner.

City Clerk Love stated she prepared in her report a list of the responsibilities of each Commission. She asked that the City Council take a look at each Commission's responsibilities and give any direction before each Commission sets out on a workplan or goals and objectives.

Mayor Pro Tem Martin stated, at a minimum, every two years the staff person and the Commission Chair should review the duties and responsibilities of the Commission.

Discussion of Conflict of Interest Code:

ACTION: Direct staff to prepare the necessary modifications to the Conflict of Interest Code to include reporting requirements for the Fine Arts Advisory Board and the Cultural Heritage Advisory Board.

Motion Councilmember Heilman, seconded by Mayor Pro Tem Martin and unanimously carried.

5. NEW BUSINESS:

5.A. ANIMAL CONTROL AND SHELTER SERVICES:

Councilmember Koretz provided background information as outlined in the staff report dated December 1, 1997.

Councilmember Heilman stated this was brought up at the West Side Cities meeting and that Culver City is also interested along with Beverly Hills.

ACTION: 1) Direct staff to investigate pooling resources with other Western Cities to purchase animal control services; and, 2) Direct staff to provide an update on this project to Council before June 1, 1998.

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

5.B. GRANTS TO PERFORMING ARTS ORGANIZATIONS RECOMMENDED BY THE FINE ARTS ADVISORY BOARD:

Lester Burg, Development Specialist, provided background information as outlined in the staff report dated December 1, 1997.

ROBERT SCHRUCK, WEST HOLLYWOOD, Director Celebration Theater, thanked the City Council for funding and clarified the scope of the project being funded.

DENNIS NOLLETTE, President Celebration Theater, thanked the City Council for funding and expanded on the project being funded with this grant.

MARIANGELA MALESPIN, Fine Arts Advisory Board, commended the City Council for the Cultural Plan and spoke in favor this item.

GLORIA GOLDSMITH, Fine Arts Advisory Board, thanked the City Council for the support staff provided by Lester Burg. Stated her support for this Item and the Celebration Theatre.

GERRY DAY, HOLLYWOOD, thanked the City Council for their interest and support of the St. Ambrose Church Theatre.

JOANNA MILES, LOS FELIZ, spoke in support of the St. Ambrose Church Theatre and provided background information on the program.

Councilmember Prang clarified with staff that the fund has \$125,000.

Discussion held regarding the prior funding to the West Hollywood Chorale. \$5,000 was appropriated in the Fiscal Year 1997-98 Budget in the Human Services Department to enter into a contract with the West Hollywood Chorale. Lloyd Long, Director of Human Services, stated a contact has not been negotiated and approved with the Chorale as this process was being developed by the Community Development Department. Discussion was held to fund the West Hollywood Chorale in the amount of \$5,000.

Councilmember Heilman suggested that the free memorial day concert, has not worked the past and he suggested another day to schedule a free concert in West Hollywood.

ACTION: 1) Approve the award of the Fiscal Year 1997-98 Arts Grants, as recommended by the Fine Arts Advisory Board, and authorize the City Manager to execute Grant Agreements with: Gay Men's Chorus of Los Angeles (\$5,000); St. Ambrose Church (\$2,000); West Hollywood Chorale (\$5,000); and, Celebration Theatre (\$2,500); and 2) Direct the Finance Director to make the appropriations from the Public Beautification and Art Fund.

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

5.C. AGREEMENT FOR PROFESSIONAL SERVICES WITH WALKER PARKING CONSULTANTS/ENGINEERS INC. FOR A

METROPOLITAN TRANSPORTATION AUTHORITY (MTA) - FUNDED PARKING STUDY:

This Item was heard out of order immediately following the Consent Calendar.

5.D. PROPOSAL FOR A TEMPORARY HOMELESS SHELTER LOCATED AT 1001 NORTH LA BREA AVENUE:

Councilmember Prang provided background information as outlined in the staff report dated December 1, 1997.

FRANK PARADISE, Director of Foundation House, thanked the City Council for bringing this item for discussion and outlined the programs proposed at the wet weather shelter.

PAUL ROSSI, WEST HOLLYWOOD, Program Manager for the Los Angeles Homeless Services Authority, stated his support of this Item and opening the shelter for the duration of the cold weather.

DOUGLAS RING, Commissioner to the Los Angeles Homeless Services Authority, stated this type of shelter is desperately needed in this area, he stated his support of the Item.

JULIE SUMMERS, WEST HOLLYWOOD, thanked the City Council for putting this on the Agenda. Stated her support for a cold weather shelter.

City Attorney Jenkins stated that shelter or housing is a permitted use in some zones and not in others. Any type of housing must meet the codes. The California Government Code allows a City to declare a "shelter crisis" and waive the usual zoning and building code standards that apply. The Government Code requires that the facilities be publicly owned, therefore the City must have an interest in the facility, and he outlined the proposed process.

Councilmember Heilman asked the Human Services staff to comment on the need of this type of program; and why this is coming to the Council at the last minute.

Daphne Dennis, Social Services Administrator, is unclear-clear as to why this is a last minute item. She suggested that question be directed to the Agency. The Human Services Department received the request and forwarded it to the Community Development Department, as it relates to building codes. She addressed the needs of the community for this type of program.

Councilmember Heilman clarified with the Agency the lateness of this request. The Agency determined that the site used in previous years would not be available, and has a last minute request for this building.

Mayor Pro Tem Martin clarified that the West Hollywood Homeless would have to go to Culver City or Downtown Los Angeles, if this Shelter were not permitted to open.

Mayor Pro Tem Martin suggested approving this item, but make the final decision at the December 15 meeting. He suggested a Liaison be appointed from the Los Angeles Homeless Services Agency and the Foundation House to the residents, business and others concerned on the East Side.

Councilmember Prang stated that several members of the PAC were contacted. This item is an urgency item for humanitarian grounds.

Councilmember Koretz asked that a special meeting be scheduled on Monday, December 8th to address this issue.

Councilmember Heilman suggested transporting people to the Culver City location until the Council can properly address this issue.

ACTION: 1) Direct staff to negotiate a lease with the property owner of 1001 North La Brea Avenue then in turn sub-lease the property to the Foundation House, prepare a contract with the Foundation House to operate a Cold Weather Shelter in West Hollywood, and Direct Staff to bring an ordinance declaring a shelter crisis.

Motion Councilmember Prang, seconded by Councilmember Koretz and carried on a Roll Call vote:

AYES: Councilmembers - Heilman, Koretz, Prang, Martin.

NOES: Councilmembers - Mayor Guarriello.

EXCLUDED CONSENT CALENDAR:

2.H. AUTHORIZATION TO EXECUTE SYSTEMS MAINTENANCE AGREEMENTS WITH SIEMENS BUSINESS COMMUNICATION SYSTEMS INCORPORATED:

City Manager Makinney provided background information as outlined in the staff report dated December 1, 1997.

Councilmember Prang stated the current phone system is difficult and cumbersome to use. He asked that staff should address the purchase of a new telephone system as part of the City's Capital Improvement program.

ACTION: 1) Approve an agreement with Siemens Business Communications Systems Inc. for a five-year maintenance agreement of the Rolm Phone System commencing November 21, 1997 in the amount of \$17,553 per year; and, 2) Authorize the City Manager to execute the agreement.

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

2.K. ELIMINATION OF SMOKING IN BARS, TAVERNS AND GAMING CLUBS:
Councilmember Heilman provided background information as outlined in the staff report dated December 1, 1997.

Councilmember Koretz appreciated Councilmember Heilman bringing this Item before the City Council and asked for clarification and for more detail information on enforcement of State Law and these recommendations.

City Attorney Jenkins stated our current smoking ordinance will be preempted by State Law. He stated that some of Councilmember Heilman's recommendations are more restrictive than the State Law. He stated he will prepare an opinion on imposing the recommendations. He stated that Code Compliance staff should report on the enforcement issues of the new State Law and of a more restricted City Ordinance if adopted by the City Council.

ACTION: 1) Direct staff to send letters to club owners informing them that smoking is prohibited as of January 1, 1998 and that it is the club owner's responsibility to post "No Smoking" signs as required by state law; 2) Direct staff to develop a public education campaign; 3) Direct the City Attorney to prepare an opinion on whether the City may impose restrictions that prohibit smoking within a particular radius of the doorway of an establishment; 4) Direct staff to evaluate whether a restricted area near the doorway of an establishment is necessary and appropriate and to return to the City Council with recommendations; and 5) Direct Code Compliance staff to report on the enforcement issues of the new State Law and of the proposed City restrictions.

Motion Councilmember Heilman, seconded by Mayor Pro Tem Martin and unanimously carried.

CITIZEN COMMENTS:

CAROL RODRIGUEZ, WEST HOLLYWOOD, stated there has not been an installation of the pooper scooper stand in her neighborhood. She recommended that Seniors living alone in a house to give a responsible person a key to your house.

6. LEGISLATIVE: None.

COUNCILMEMBER COMMENTS:

Councilmember Martin stated the City should contact, in advance, businesses and establishments having Academy Award night parties concerning issues of parking, traffic control and other resident issues.

City Attorney Jenkins stated that the City Council did not take action for a temporary shelter to open tonight. They simply directed staff to prepare the necessary contracts, documents and ordinances for approval on the Regular Meeting on December 15, 1997.

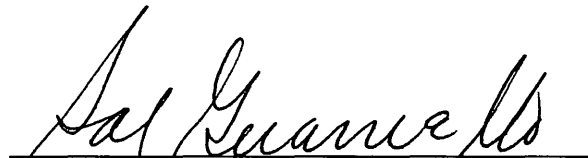
RECESS TO CLOSED SESSION: The City Council recessed into Closed Session at 9:45 p.m. to discuss Items contained on the Closed Session Agenda.

RECONVENE TO CITY COUNCIL MEETING: The City Council reconvened at 9:55 p.m.

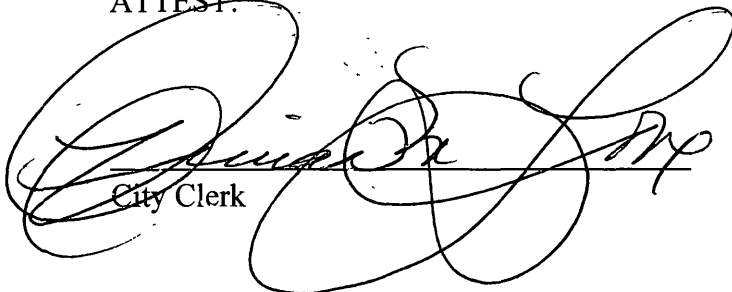
REPORT OF CLOSED SESSION AGENDA: City Attorney Jenkins stated the City Council recessed into Closed Session to discuss Items contained on the Closed Session Agenda. No reportable actions were taken.

ADJOURNMENT: The City Council adjourned at 9:56 in memory of Jim Kempner and Bruce Eicher, John English, Sr. and World AIDS Day, to their next regular meeting on Monday, December 15, 1997 at 6:00 P.M. at Plummer Park, Multi-Purpose Room, 7377 Santa Monica Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 5th DAY OF JANUARY, 1998.


MAYOR

ATTEST:


City Clerk