

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, OCTOBER 20, 1997
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Guarriello called the meeting to order at 7:09 p.m. Mayor Guarriello stated the City Council will adjourn in memory of Supervisor Kenneth Hahn and Edith Chramoff.

PLEDGE OF ALLEGIANCE: Donna Saur led the Pledge.

ROLL CALL:

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

ABSENT: Councilmembers - None.

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

REPORT OF CLOSED SESSION AGENDA: City Attorney Jenkins stated that at 6:45 p.m. the City Council called the meeting to order, and added two items to the Closed Session Agenda by a 5/5 vote under Government Code Section 54957: Public Employee Discipline Dismissal/Release; and Government Code Section 54956.8: Real Estate Negotiator for the lease negotiations at the Kings Road Parking Structure 8383 Santa Monica Boulevard; and then recessed into Closed Session to discuss items contained on the Closed Session Agenda. The Closed Session adjourned at 7:00 p.m. and the City Council voted to accept a donation of real property at 1343 Laurel Avenue, a report is on file with the City Clerk.

APPROVAL OF AGENDA:

Mayor Guarriello asked that Item 5.B. concerning Diesel Fueled Vehicles be removed from the agenda until November 3, 1997.

Assistant City Clerk Thompson, at the request of the City Attorney's office, indicated that Item 4.F. must be heard prior to 4.E.

Councilmember Heilman noted his NO vote on Item 2.I.

Motion to approve the agenda as amended Councilmember Prang, seconded by Councilmember Heilman and unanimously carried.

PRESENTATIONS:

Mayor Guarriello, on behalf of the City Council, proclaimed October, 1997 as Breast Cancer Awareness Month, and commended the National Breast Cancer Alliance for its work to end the breast cancer epidemic.

Mayor Guarriello presented a commendation to the United Lesbian and Gay Christian Scientists, Inc. for eighteen years of dedicated service to the community. Rev. John Von Douris accepted the commendation on behalf of the United Lesbian and Gay Christian Scientists.

Councilmember Heilman introduced Naomi Heiman, representing the Association of Retired Teachers, who presented a donation check to the City, for the use of Plummer Park, in memory of the late Councilmember Helen Alpert who was instrumental in the group using Plummer Park.

Councilmember Prang presented commendations to members of the first graduating class of the Sheriff's Citizen Academy. Citizens: Esther Baum, Robert Bollinger, Donald DeLuccio, Jeanne Dobrin, David Gillig, Jim Gordon, Matthew Howard, Graciela Iparruirre, Elaine Jamgotchian, Henry Kassel, Khristine Konkol, Bud Kops, Al Lewis, Richard Neubauer, Elyse Ruth, Donna Saur, Don Savoie, Mark Scott, Don Sheldon, Roy Ball, Sam Storm, Brad Sullivan, Ruth Williams, Ron Wright, Michael John Horne, Roger Davis. Instructors: Deputy Bruce Thomas, Judge Judith Stein, Deputy District Attorney Ellen Aragon, Sergeant John Baylis, Sergeant Mike Pippin, Sergeant Gary Griffith. Laser Village Staff: Deputy Duane Scott, Deputy Tim Westall, Deputy Tom Shannon, Deputy Gary Lebeau, Deputy Ernie Vanderpoorten.

Mayor Pro Tem Martin presented a plaque to Betsy Patterson of the West Hollywood Chamber of Commerce for her work on transportation management and special events in the City. He stated she will be leaving the Chamber and going to work for the Pacific Design Center.

1. CITIZEN COMMENTS:

JOSH ROSE, LOS ANGELES, stated he works for a newly formed partnership comprised of Outdoor Systems Advertising and Western International Media which operates the tall wall murals throughout the City. He expressed his concerns on Item 2.I. Extending Provisions of the Administrative Remedies Program. He asked for a revised permitting process to obtain permits for these tall walls in 48 hours.

GAIL ROLF, LOS ANGELES, representing Friends of Project 10. She thanked the City Council for approving Item 2.Y. Grant for Educational Materials to Project 10.

REV. JOHN W. VONDOURIS, WEST HOLLYWOOD, spoke in support of Project 10 and 2.W. All-Way Stop Sign Pilot Project Implementations.

SIBYL ZADEN, WEST HOLLYWOOD, she thanked Helen Goss and the City Council for working with Century Cable and the reduction in rates.

KEVIN NOTRE, WEST HOLLYWOOD, Rent Stabilization Commissioner, spoke regarding the number of members on the Rent Stabilization Commission.

MICHAEL HARABIN, WEST HOLLYWOOD, he stated the West Hollywood Park locker rooms are deteriorating and the facilities in general need repairs and increased Sheriff's patrols.

ALICE ROSS, WEST HOLLYWOOD, she spoke regarding senior citizen housing. She suggested two eligibility lists one for residents and one for non-residents.

SANDY SHIRE, WEST HOLLWYOOD, he asked the City Council who has contributed to the legal fees expended by the City for defending the Saturday Night Special Ordinance. He addressed the Council on the problems he has experienced as a business owner in West Hollywood.

JUDY DE CHABERT, WEST HOLLYWOOD, Deputy Director of Project 10, she spoke in favor the programs and read the mission statement of the organization.

GREG RICHARDS, LOS ANGELES, he spoke about the programs targeting women at the Gay and Lesbian Community Outreach Center.

MATT AVALLONE, LOS ANGELES, representing the American Diabetes Association, he spoke about the Celebrity Waiter Dinner on Thursday, November 13, 1997.

NANCY SMALLEY, SHERMAN OAKS, spoke in support of the Los Angeles Gay and Lesbian Center.

JACKIE DOWNS, LOS ANGELES, spoke in support of the Los Angeles Gay and Lesbian Center.

BARBARA HAMAKER, WEST HOLLWYOOD, she thanked the City Council for the Neighborhood clean-up in the Formosa/Detroit area, and the Community Garden at Detroit and Fountain. As a PAC member she spoke against the \$500,000 grant to the Foundation House.

ANN GOLMDAN, WEST HOLLYWOOD, she asked the City Council to continue with the demolition process at 1145 North Horn Avenue.

CARA MARKS, WEST HOLLYWOOD, she stated she is being evicted from her unit in West Hollywood.

JEANNE DOBRIN, WEST HOLLYWOOD, she commented on the passing of Supervisor Kenneth Hahn.

COUNCILMEMBER COMMENTS:

Councilmember Prang asked the City Manager to investigate and return to the City Council the various issues of wall signs. He stated his support for Deputy Sheriffs and their pay raise. He stated there is no proposal to expand the Rent Stabilization Commission. He thanked Rev. Von Douris for his input on the crosswalks and the difficulty of seniors and disabled to get across the street. He asked for a progress report from the Director of Transportation on the removal of the curb extensions on Melrose. He thanked all the people who participated and produced the Neighborhood Watch picnic.

Councilmember Heilman asked the City Manager to return to the City Council with recommendations for better coordination, with regards to complaints about property, between the various City Departments, and include some recommendations on when the City should hire outside experts for assistance. He stated that Ms. Ross's requests for separate lists for housing is unconstitutional. He stated he would like the City to come up with a unified list for affordable housing. He gave direction to staff to return to the City Council with some recommendations on a list that could be used by all agencies.

Councilmember Koretz asked that the City Manager schedule a discussion regarding all of the billboard issues. He gave details on a recent experience he had in West Hollywood Park, and suggested that more Sheriff's patrols are needed. He asked that the new fire station construction project be fenced immediately. He gave his best to Norman Chramoff on the death of his mother.

Mayor Pro Tem Martin commented on the Santa Monica Visioning meetings. He thanked Barbara Hamaker for her comments regarding street trees. He also stated his support for Code Compliance and Rent Stabilization Departments for increased coordination and communications regarding "hot spots." He stated he shared Councilmember Koretz's thoughts on the parks.

Mayor Guarriello stated we have problems with the billboard issues. He commented on the Breast Cancer display on the Santa Monica Boulevard Median. He thanked all of the people involved in the Neighborhood Watch picnic.

CITY MANAGER'S REPORT: City Manager Makinney stated that the new Public Safety Manager, David Petersen, was working with the Fire Department to get the fire station construction site fenced and locked up. He also commended Barbara Hamaker on her hard work.

FISCAL IMPACT ON CONSENT CALENDAR: Assistant City Clerk Thompson stated the fiscal impact of the Consent Calendar is \$42,995. in expenditures and \$9,000. in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve items 2.A., B., C., D., E., F., G., H., I., J., K., L., M., N., O., P., Q., R., S., T., U., V., W., X., Y., and Z. Motion Councilmember Heilman, seconded by Councilmember Koretz and unanimously carried.

- A. POSTING OF AGENDA:**
RECOMMENDATION: Receive and file. **Approved as part of the Consent Calendar.**
- B. APPROVAL OF MINUTES:**
RECOMMENDATION: Approve the minutes of July 7, 1997, July 21, 1997, September 2, 1997, Joint Meeting with Public Facilities Commission on September 2, 1997, September 15, 1997, and October 6, 1997. **Approved as part of the Consent Calendar.**
- 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.**
- D. CLAIMS ADMINISTRATION:**
RECOMMENDATION: Deny the claims Marco Guimmarra, Scott Hobbs, Make-Up Art Cosmetics, Thomas Osika, Sonia Kaplan, Robert J. Cervenka and Sally H. Campbell and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**
- E. DEMAND REGISTER NO. 351, RESOLUTION NO. 97-1800:**
RECOMMENDATION: Approve Demand Register No. 351 and adopt Resolution No. 97-1800, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 351." **Approved as part of the Consent Calendar.**
- F. DEMAND REGISTER NO. 352, RESOLUTION NO. 97-1801:**
RECOMMENDATION: Approve Demand Register No. 352 and adopt Resolution No. 97-1801, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 352." **Approved as part of the Consent Calendar.**
- G. TREASURER'S REPORT:**
RECOMMENDATION: Receive and file the Treasurer's Reports for April, 1997; May, 1997; and June, 1997. **Approved as part of the Consent Calendar.**
- H. ORDINANCE NO. 97-505 (2nd Reading), CONSOLIDATING REGULATION CONCERNING PURCHASES AND CONTRACTS INTO ONE CHAPTER AND ADDING REGULATIONS REGARDING**

PAYMENT OF A LIVING WAGE BY SERVICE CONTRACTORS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:

RECOMMENDATION: Waive further reading and adopt Ordinance No. 97-505, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD CONSOLIDATING REGULATIONS CONCERNING PURCHASES AND CONTRACTS INTO ONE CHAPTER AND ADDING REGULATIONS REGARDING THE PAYMENT OF A LIVING WAGE BY SERVICE CONTRACTORS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

I. ORDINANCE NO. 97-507 (2nd Reading), AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE TO EXTEND PROVISIONS OF THE ADMINISTRATIVE REMEDIES AND CIVIL PENALTIES PROGRAM TO INCLUDE ADDITIONAL SECTIONS OF THE MUNICIPAL CODE AND AUTHORIZING COUNTY ANIMAL CONTROL OFFICERS TO ISSUE CITATIONS:

RECOMMENDATION: 1) Receive and file a report analyzing the Administrative Remedies Program; and, 2) Waive further reading and adopt Ordinance No. 97-507, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE MUNICIPAL CODE TO EXTEND THE PROVISIONS OF THE ADMINISTRATIVE REMEDIES AND CIVIL PENALTIES PROGRAM TO INCLUDE ADDITIONAL SECTIONS OF THE MUNICIPAL CODE AND AUTHORIZING COUNTY ANIMAL CONTROL OFFICERS TO ISSUE CITATIONS." **Approved as part of the Consent Calendar noting the NO vote of Councilmember Heilman.**

J. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

RECOMMENDATION: Receive and file Action Reports from the Disabilities Advisory Council, Transportation Commission, Cultural Heritage Advisory Board, Rent Stabilization Commission of September 11, 1997 and September 24, 1997, Lesbian and Gay Advisory Council. of September 11, 1997 and October 4, 1997; Women's Advisory Council of September 6, 1997 and September 26, 1997; and Fine Arts Advisory Board of September 25, 1997. **Approved as part of the Consent Calendar.**

K. COMMISSION AND ADVISORY BOARD ATTENDANCE REPORTS:

RECOMMENDATION: Receive and File Commission and Advisory Board Attendance Reports for June through August, 1997. **Approved as part of the Consent Calendar.**

L. PUBLIC FACILITIES COMMISSION RESIGNATION:

RECOMMENDATION: Accept with regret the resignation of Mark E. Montgomery. **Approved as part of the Consent Calendar.**

- M. WOMEN'S ADVISORY COUNCIL RESIGNATION:**
RECOMMENDATION: Accept with regret the resignation of Susan H. Pinkus.
Approved as part of the Consent Calendar.
- N. DISABILITIES ADVISORY COUNCIL RESIGNATION:**
RECOMMENDATION: Accept with regret the resignation of Irving Harrison.
Approved as part of the Consent Calendar.
- O. PROPOSED RESOLUTION IN SUPPORT OF AB-278, THE CHILDREN'S HEALTH BILL:**
RECOMMENDATION: 1) Adopt Resolution No. 97-1802, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF AB-278, THE CHILDREN'S HEALTH BILL." and, 2) Forward copies of this resolution to the appropriate representatives in the State Assembly.
Approved as part of the Consent Calendar.
- P. CREATION OF AN LYNN M. FRONT ENDOWMENT FUND:**
RECOMMENDATION: 1) Accept the generous donation from Mrs. Regina Front; 2) Approve the endowment for perpetual funding of the Lynn M. Front Memorial Tennis Camp, with restrictions as specified in the staff report dated October 20, 1997; and 3) Direct the Finance Director to create a trust fund within the City's General Fund. **Approved as part of the Consent Calendar.**
- Q. WEST HOLLYWOOD PARK POOL FILTER REPLACEMENT PROJECT, C.I.P. #676:**
RECOMMENDATION: 1) Accept the bid dated September 24, 1997 submitted by the California Commercial Pools, Inc. of Glendora, California, in the amount of \$24,686.00 for the West Hollywood Park Pool Filter Replacement Project; 2) Authorize the City Manager to sign the associated contract agreement; and, 3) Reject all other bids. **Approved as part of the Consent Calendar.**
- R. ACCEPTANCE OF GRANT AND APPROVAL OF AN HISTORICAL RESOURCES PRESERVATION PROJECT AGREEMENT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF PARKS AND RECREATION, FOR THE PREPARATION OF AN HISTORIC PRESERVATION PLAN:**
RECOMMENDATION: 1) Accept a \$9,000.00 grant for development of an historical preservation plan element of the City's General Plan; 2) Approve an agreement with the State of California, Department of Parks and Recreation; and, 3) Authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

S. ISSUANCE OF ONE-DAY PARKING PERMITS AT KINGS ROAD PARKING STRUCTURE:

RECOMMENDATION: Approve the issuance of one-day visitor permits at Municipal Parking Structure No. 1, located at 8383 Santa Monica Boulevard, on a three month trial basis pending final recommendation by the Transportation Commission. **Approved as part of the Consent Calendar.**

T. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR ASPHALT STREET PAVEMENT INSPECTION SERVICES FOR THE PAVEMENT MANAGEMENT SYSTEM:

RECOMMENDATION: 1) Accept the proposal dated August 6, 1997 submitted by Associated Soils Engineering, Inc., 2) Approve a professional services contract with Associated Soils Engineering, Inc. in the amount not to exceed \$6,808.50 for the inspection of asphalt street pavements for the Pavement Management System; and, 3) Authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

U. WORLD POPULATION AWARENESS WEEK, OCTOBER 26 - NOVEMBER 1, 1997:

RECOMMENDATION: Adopt Resolution No. 97-1803 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD PROCLAIMING THE WEEK OF OCTOBER 26 THROUGH NOVEMBER 1, 1997 AS WORLD POPULATION AWARENESS WEEK." **Approved as part of the Consent Calendar.**

V. FORMATION OF A TRANSPORTATION COMMISSION/PLANNING COMMISSION AD HOC SUBCOMMITTEE:

RECOMMENDATION: Direct staff to work with both the Transportation Commission and the Planning Commission to receive input from each legislative body regarding improvement of transportation considerations in the land use approval process and prepare recommendation for final Council consideration no later than December 15, 1997. **Approved as part of the Consent Calendar.**

W. ALL-WAY STOP SIGN PILOT PROJECT IMPLEMENTATION:

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

X. REQUEST FOR TEMPORARY MODIFICATION OF PARKING AGREEMENT WITH THE PACIFIC DESIGN CENTER (PDC):

RECOMMENDATION: 1) Approve the Second Modification to Plan Pursuant to Resolution No. 152 -- After Hours Use of Parking Facilities, dated November 19, 1989 with the Pacific Design Center to: (1) Allow the Pacific Design center (PDC) to increase its night and weekend parking charge during special events for

which the City increases the parking rates at its own facilities; and (2) Allow the PDC to charge as high rate as the City charges during these events; and, 2) Authorize the City Manager to execute the Second Modification to the Agreement. **Approved as part of the Consent Calendar.**

Y. PROJECT 10 EDUCATIONAL MATERIALS GRANT:

RECOMMENDATION: 1) Approve a grant of \$2,500.00 to Project 10 for educational materials on gay and lesbian issues for use with high school students, teachers and counselors to be used in the 1997-98 school year; and, 2) Authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

Z. PROPOSED RESOLUTION ENDORSING THE ESTABLISHMENT OF A COUNTY-WIDE DOMESTIC PARTNERSHIP REGISTRATION SYSTEM:

RECOMMENDATION: 1) Adopt Resolution No. 97-1804 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ENDORSING THE ESTABLISHMENT OF A COUNTY-WIDE DOMESTIC PARTNERSHIP REGISTRATION SYSTEM." and, 2) Send copies of this Resolution along with a letter of support to the Los Angeles County Board of Supervisors, the City Council of Los Angeles and all other appropriate City Councils within the County of Los Angeles. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

A. CRESCENT HEIGHTS BOULEVARD PETITION FOR PREFERENTIAL PARKING:

Assistant City Clerk Thompson stated that a Notice of Public Hearing was published in the West Hollywood Independent on October 8 and October 15, 1997.

Donald Korotsky, Associate Transportation Planner, provided background information as outlined in the staff report dated October 10, 1997.

Mayor Guarriello opened the Public Hearing and the following speakers addressed the City Council:

DAVID EICHMAN, WEST HOLLYWOOD, Transportation Commissioner, spoke in favor of preferential parking on Crescent Heights Boulevard.

DAVE OSUNG, WEST HOLLYWOOD, spoke in support of the permit parking on Crescent Heights Boulevard.

JULIE SUMMERS, WEST HOLLYWOOD, spoke in support of this permit parking district.

ANDREW MYERS, WEST HOLLYWOOD, spoke in support of this parking permit district.

MICHAEL ROACH, WEST HOLLYWOOD, spoke in support of the parking permit district.

No other speakers coming forward Mayor Guarriello closed the Public Hearing.

ACTION: Introduce on first reading Ordinance No. 97-508 "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PREFERENTIAL PARKING PROVISIONS OF THE TRAFFIC CODE BY IMPLEMENTING PREFERENTIAL PARKING REGULATIONS ON CRESCENT HEIGHTS BOULEVARD BETWEEN FOUNTAIN AVENUE AND SUNSET BOULEVARD AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

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

B. DICKS STREET PETITION FOR PREFERENTIAL PARKING:

Assistant City Clerk Thompson stated that a Notice of Public Hearing was published in the West Hollywood Independent on October 8 and October 15, 1997.

Donald Korotsky, Associate Transportation Planner, provided background information as outlined in the staff report dated October 10, 1997.

Mayor Guarriello opened the Public Hearing and the following speakers addressed the City Council:

CHARLOTTE BREEZE, WEST HOLLYWOOD, stated her support for this permit parking district.

JUDSON GREENE, WEST HOLLYWOOD, stated his support of this item and asked the City Council for their support.

HARRIS SHEPARD, WEST HOLLYWOOD, stated his support for the permit parking district. He indicated there has been lots of trash. He asked Council to grant the permit parking.

JEANNE DOBRIN, WEST HOLLYWOOD, stated her support for the permit parking district.

No other speakers coming forward Mayor Guarriello closed the Public Hearing.

ACTION: Introduce on first reading Ordinance No. 97-509 "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PREFERENTIAL PARKING PROVISIONS OF THE TRAFFIC CODE BY IMPLEMENTING PREFERENTIAL PARKING REGULATIONS ON DICKS STREET, BETWEEN HILLDALE AVENUE AND DOHENY DRIVE, AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

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

C. NUISANCE ABATEMENT HEARING FOR 1145 NORTH HORN AVENUE, WEST HOLLYWOOD:

Assistant City Clerk Thompson stated a Notice Abatement and Public Hearing was posted on the subject property and mailed to all potential and known interest holders via certified mail on October 9, 1997.

Brent Mullins, Code Compliance Manager, added that a courtesy notice was also mailed on October 17, 1997 to residents within a 300' radius. He then provided background information as outlined in the staff report dated October 20, 1997.

Mayor Guarriello opened the Public Hearing and the following speakers addressed the City Council:

BROOKS PICKERING, STATE APPOINTED RECEIVER, stated he is here to represent the 1145 Horn property. He outlined the activities he has completed since he was appointed as receiver on September 25, 1997. At the request of City Attorney Jenkins he had a letter prepared from the structural engineer which was delivered to Mr. Jenkins this afternoon. He also requested that the structural engineer be present to answer any and all questions of the City Council. Mr. Pickering then introduced the structural engineer for the property.

JOHN ALICIA, STRUCTURAL ENGINEER, provided his professional report on the status of the building. He indicated he reviewed over 100 elements of this building. There are five units in this particular building. They found three areas which have received water damage but these areas would and could be brought up to standard. This building showed no damage after the Northridge earthquake. This building would not be difficult to bring up to current earthquake standards.

SIBYL ZADEN, WEST HOLLYWOOD, this project began in 1989 and the neighborhood has been given empty promises. She stated her support for the original recommendation.

RICHARD MAGGIO, WEST HOLLYWOOD, stated his support of the original recommendation.

KEVIN NOTRE, WEST HOLLYWOOD, indicated that El Nino will hit in the next four months. This is a neighborhood safety issue and is in support of the demolition of this property.

RICHARD ANDERSON, WEST HOLLYWOOD, indicated the property owner has put up some fencing and cleaned-up. He is in support of the demolition.

HOLLY ENGELMAN, WEST HOLLYWOOD, stated her disappointment with this issue. She stated her security and safety concerns and asked for demolition.

DAVID MORTON, WEST HOLLYWOOD, stated he lives right in front of this building. He stated that this building must go.

GEORGE BELL, WEST HOLLYWOOD, stated they are again asking the City Council to demolish this building. He indicated that during the last several weeks things began to happen. He asked the City Council to listen to the constituents.

JOHN DURAN, WEST HOLLYWOOD, stated his support for the original recommendation to declare this property a public nuisance. He added a quick aside for Councilmember Prang that the graywater issue has proven to be detrimental to HIV positive individuals.

DEREK WIDDESS, WEST HOLLYWOOD, stated his support for all findings and recommendations that were included in the staff report. He indicated that he prepared a memo which was delivered to the City Council.

ALI ZAPAK, WEST HOLLYWOOD, indicated that 120 days is far too long. The City Council should have this property demolished.

JEANNE DOBRIN, WEST HOLLYWOOD, stated her support for the original recommendation to demolish. She does not support turning this into a park.

BROOKS PICKERING, REBUTTAL, stated he feels for the neighborhood and if they had been involved they would be in a different place. He indicated he clearly

is aware of the history on the City's side as well as the lender's side. He also indicated he had met with the most vocal resident of the area. He indicated he would venture to guess that they were the first people who were interested in the input from the neighborhood. We have known of this meeting for a longer time and activities have taken place because he was appointed receiver at the end of September. He requested a 120 day extension.

No other speakers coming forward Mayor Guarriello closed the Public Hearing.

Councilmember Heilman asked Mr. Pickering to clarify how he came into a position of power.

Mr. Pickering indicated he was appointed by the State Superior Court to protect the property.

Mayor Guarriello asked if the financing is in place to complete the project.

Mr. Pickering responded that he has a memo from the accountant firm indicating they have over \$7 million dollars in the pool for the properties.

Councilmember Prang asked City Attorney Jenkins for a timeline if the City Council moves to declare it a public nuisance.

City Attorney Jenkins stated they would make a motion for a preliminary injunction which would have to follow on the issuance of a temporary restraining order. That motion would come on for a hearing between three weeks to 45 days, following the issuance of the TRO. In order to overcome the motion for preliminary injunction the City would have to demonstrate, that the structure is potentially structurally un-sound and immediate danger to the neighborhood. During this time they could continue work on the structure, unless the City obtained some sort of an order preventing them from doing so.

Mayor Guarriello asked about the importance of rebarring for the base of the structure.

Brent Mullins responded that the structure has the appropriate steel in place and has pass inspections and testing. All notices of correction were taken care of in the initial stages of the development.

Councilmember Koretz asked if there is any legal reason we cannot move forward with the demolition.

City Attorney Jenkins responded that a Superior Court Judge might interfere with

the demolition of this building by the City. He added that this administrative hearing will be the basis of a judges decision.

Councilmember Koretz asked if the City could be liable if they allow the developer to move forward with development of the property.

City Attorney Jenkins responded no. There was further discussion about whether the City would prevail in court if the declaration of nuisance was issued.

Mayor Pro Tem Martin stated they are requesting the injunction because the structure is sound. He asked if the City could submit expertise witness that the structure is not sound.

City Attorney Jenkins stated the City would not be in position to present expert testimony, the expert testimony to warrant a demolition order should be presented to the City Council in the context of this administrative proceeding. This administrative proceeding is what will be contested in court. The City Council does not have sufficient evidence to warrant a demolition order tonight, then any order for demolition would not be upheld.

Councilmember Heilman asked Brent Mullins, Code Compliance and Building and Safety Manager, if in his opinion is this building as it is currently constructed, is it structurally sound.

Mr. Mullins stated he believed the building to be structurally sound.

Councilmember Heilman asked in order for the City to approve an order to demolish the structure, we would have to disregard their testimony but also that of our own Building and Safety Officer, and base our order on the testimony of the neighbors who are not structural engineers. He asked why Mr. Mullins changed his recommendation.

Councilmember Prang stated that the objective of a nuisance abatement procedure is to get the owner of the property to make the nuisance go away. We began the processed and issued several orders, these people have come forward which seem to move in the general direction of abating the nuisance. He asked have they substantially complied with the order.

City Attorney Jenkins stated that the City is not a stranger to demolishing buildings. When structures need to be demolished, we have conducted these proceedings and demolished them. In those cases the structures were clearly hazardous, and we overcame any resistance encountered. In this instance, in view of the time that has passed, building permits have expired, in an ordinary case this

building would be considered sub-standard under the Building Code, would be out of compliance and available for demolition. Absent of the people present who have an interest in the property, regardless of the integrity of the building, the building would be suitable for demolition as a sub-standard structure, which had been in an incomplete state for an excessive period of time. In an ordinary case where the owner were in Tehran, and those people having an interest in the property, not sitting here tonight, then the City Council would have sufficient evidence prima facia, just because the building is incomplete and the permits have expired, to order its demolition. This issue is more difficult, because individuals who claim to have an interest in the property are more actively seeking to rehabilitate the property and have now stepped forward. They have come forward at time that appears to be the 11th hour, but they are none the less here. The court will look if they present a serious possibility of rehabilitating the structure and whether they will suffer a serious economic loss, if the structure is demolished. This is how the issue of structural integrity comes into light. Now we have a responsible party who claims to have the finances to finish the building.

Councilmember Heilman indicated there are three options available (1) to accept staff's original recommendation; (2) accept staff's revised recommendation; and (3) another option is to continue this item for a one or two month period. He stated the legal standards have not been met to allow the Council to demolish the building. He does not wish to accept staff revised recommendation because the lender is off the hook. He recommends that we continue this hearing as it continues to put pressure on the owners and the City will be able to ascertain if they are serious of rehabilitating this strict.

ACTION: 1) Continue the public hearing to January 5, 1998; 2) Direct the Receiver to meet with the neighbors and make safety and astestic modifications to the satisfaction of the neighbors and the Community Development Department Staff; 3) Direct the Receiver to develop a plan for completing the construction and financing by January 5, 1998; 4) Direct the Receiver to move forward with foreclosure proceedings and actively seek Court permission for greater ability to complete work than is currently permitted under receivership; and 5) Direct staff to provide a status report every 30 days.

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

**THE CITY COUNCIL RECESSED AT 10:10 P.M.
THE CITY COUNCIL RECONVENED AT 10:24 P.M.**

4. UNFINISHED BUSINESS:

Councilmember Heilman left the dais at this point of the meeting.

A. WOMEN'S ADVISORY COUNCIL APPOINTMENT:

ACTION: Appoint Kathy Watts to the Women's Advisory Board to complete a term ending May 31, 1999.

Motion Councilmember Prang, seconded by Mayor Pro Tem Martin and unanimously carried noting the absence of Councilmember Heilman

B. DIRECT APPOINTMENT TO THE PUBLIC FACILITIES COMMISSION:

ACTION: Mayor Guarriello appointed Frances Diaz to the Public Facilities Commission, effective October 20, 1997, to fill an unexpired term ending May 31, 1999.

Councilmember Heilman returned to the dais.

C. DIRECT APPOINTMENT TO THE HUMAN SERVICES COMMISSION:

ACTION: Mayor Pro Tem Martin appointed Pamela Komac to the Human Services Commission, effective October 20, 1997, to fill an unexpired term ending May 31, 1999.

D. SOCIAL SERVICE CONTRACT RENEWAL FOR THE LOS ANGELES GAY AND LESBIAN CENTER OUTREACH AND EDUCATION PROGRAM:

Daphne Dennis, Social Services Administrator, provided background information as outlined in the staff report dated October 20, 1997.

STEPHANIE FARRINGTON, LOS ANGELES, requested the support of the City Council.

STEVEN DAVIS, WEST HOLLYWOOD, spoke in favor of the proposal.

ACTION: 1) Approve funding of \$22,775.00 for the Los Angeles Gay and Lesbian Center Outreach and Education Program retroactive to October 1, 1997 through January 31, 1998; and, 2) Authorize staff to negotiate a scope of services and budget and authorize the City Manager to sign the contract.

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

Item 4.F was heard at the same time as 4.E.

E. APPROVAL OF A LOAN TO THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION FOR THE PURPOSE OF ENTERING INTO A RELOCATION GRANT CONTRACT WITH FOUNDATION HOUSE:

F. PROPOSED RESOLUTION ESTABLISHING A REDEVELOPMENT REVOLVING FUND AND RESOLUTION LENDING THE COMMUNITY DEVELOPMENT COMMISSION FUNDS FROM THE REDEVELOPMENT REVOLVING FUND:

Allyne Winderman, Economic Development and Housing Manager, and Daphne Dennis, Social Services Administrator, provided background information as outlined in the staff report dated October 20, 1997.

DONNA SAUR, WEST HOLLYWOOD, indicated this item is very disturbing because she does not feel that the City's tax increment should be used to fund the move.

CHAD BLOUIN, WEST HOLLYWOOD, PROJECT AREA COMMITTEE MEMBER, indicated that the Project Area Committee was not aware of this issue and stated he feels these two items should be tabled for 30 days.

JEANNE DOBRIN, WEST HOLLYWOOD, stated she is in support of giving additional money into the Homeless Shelter.

Mayor Pro Tem Martin asked for the benefits of utilizing the Redevelopment funds rather than unallocated reserves.

Paul Arevalo, Finance Director responded that if it is given from the general fund then it is a grant and the money cannot be recovered. By using redevelopment monies there is the possibility that the City can recover this money from tax increment.

Councilmember Heilman indicated he does not support giving \$500,000 to an organization to leave the City. He stated he does not support these two items and these recommendations shake his confidence in the entire redevelopment project.

City Manager Makinney stated redevelopment could occur at the "gateway" to West Hollywood with or without the Homeless Shelter. The information received by the City, from the Developers that have expressed an interest in locating there, feel that a better development which would generate far more tax increment dollars could be there without the Homeless Shelter. The City Council and the PAC will be asked throughout the life of the Agency to make investments that will facilitate the development and will facilitate the generation of tax increment

funds. With this item the staff is allowing the Council an opportunity to recoup the investment its making in Redevelopment by facilitating the move of the Homeless Shelter.

Mayor Guarriello stated he does not want the Homeless Shelter to lose the grant by the City Council not moving forward, but this item should have gone to the PAC.

Councilmember Koretz indicated that he does not want to see the Homeless Shelter lose their grant, but he is not prepare to commit redevelopment funds without hearing from the PAC.

ACTION: 1) Advance \$50,000. to West Hollywood Homeless Organization d.b.a. Foundation House, from the City's General Fund in return for services to be determined at a later date; 2) Direct staff to return with this Item at the November 17, 1997 meeting to allow to hear from the Project Area Committee.

Motion Councilmember Koretz, seconded by Mayor Pro Tem Martin carried on a roll call vote.

ROLL CALL:

AYES: Councilmembers - Koretz, Prang, Martin, and Mayor Guarriello.
NOES: Councilmembers – Heilman.

The City Council recessed at 11:05 p.m. as the West Hollywood Community Development Commission.

The City Council reconvened at 11:10 p.m.

5. NEW BUSINESS:

A. SPEED HUMPS ON ROSEWOOD AVENUE:

Lucy Dyke, Transportation Manager, provided background information as outlined in the staff report dated October 20, 1997.

CAROL RODRIQUEZ, WEST HOLLYWOOD, stated her support for this item.

JEANNE DOBRIN, WEST HOLLYWOOD, stated her support for this item.

ACTION: 1) Approve a CEQA Notice of Exemption for this project; 2) Direct staff to install speed humps on Rosewood Avenue between Robertson Boulevard and Almont Drive; and, 3) Authorize the City's street maintenance contractor,

MCE, Inc., to perform the work in an amount not to exceed \$15,000.00; and 4) Adopt Resolution No. 97-1805 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DIRECTING THE INSTALLATION OF SPEED HUMPS ON ROSEWOOD AVENUE BETWEEN ROBERTSON BOULEVARD AND ALMONT DRIVE"; 2) Direct staff not to install or to consider to install speed humps elsewhere in the City, for a period of one-year, as part of the pilot project with the exception of Havenhurst which is already in process.

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

B. AN ITEM TO PROHIBIT THE MTA AND OTHER COMMERCIAL TRANSIT VEHICLE OPERATORS FROM OPERATING DIESEL-FUELED VEHICLES WITHIN THE CITY LIMITS OF WEST HOLLYWOOD:

ACTION: This Item was tabled to November 3, 1997.

C. INTERIM OPENING OF KINGS ROAD PARK SITE:

Sam Baxter, Landscape and Facilities Maintenance Manager, provided background information as outlined in the staff report dated October 20, 1997.

Mayor Guarriello inquired whether there are tenants on the property.

Sam Baxter responded that it would take approximately 60-90 days to terminate the lease agreement.

Councilmember Heilman asked why the staff recommendation was not included in the staff report.

Lloyd Long explained the staff perspective. This Item is specifically from the Public Facilities Commission. He stated that staff is aware of both side of this issued but staff would not recommend it for the following reasons: size of park after the fencing would only be about 13,000 square feet; liability issues regarding unimproved parks; the park would only be open temporarily, then closed again; very limited uses of the site.

Councilmember Heilman requested that in the future staff reports should include staff's recommendation.

SIBYL ZADEN, WEST HOLLYWOOD, Public Facilities Commissioner, stated she was hear to answer any questions, asked if people could live there while it is temporarily open.

HARRY PRONGUE, WEST HOLLYWOOD, stated that he would support the tabling of this item for a couple of weeks.

BENJAMIN CLAVEN, WEST HOLLYWOOD, Public Facilities Commissioner, stated the Commission was trying to coordinate several items, open the facility, give public input toward the final use of the facility and a long term plan.

SUSAN PINKUS, WEST HOLLYWOOD, Public Facilities Commissioner, stated that many of the neighbors were in favor of the temporary opening of the park. She is in support of opening the park on a temporary basis.

JEANNE DOBRIN, WEST HOLLYWOOD, stated there should be some sensitivity to the renters. The City must consider liability, the hours and vagrancy. She stated this street is impacted by parking.

Mayor Pro Tem Martin asked about the timeline for getting the Park open after the designer has been selected.

Sam Baxter indicated that it would be approximately twelve months.

Councilmember Heilman stated he is not necessarily opposed to opening this on a temporary basis. However, he does not support opening it on a temporary basis with tenants on the property. All legal steps must be completed before the park can be opened.

ACTION: Continue this Item to November 3, 1997 and direct staff to proceed with terminating the month-to-month lease with the tenants and address issues relative to park hours, security fencing, amenities, access and parking.

Motion Councilmember Koretz, seconded by Councilmember Prang and carried.

EXCLUDED CONSENT CALENDAR: None.

CITIZEN COMMENTS:


Mayor Pro Tem Martin sent thoughts to Dony Cacy's partner, who has been hospitalized.

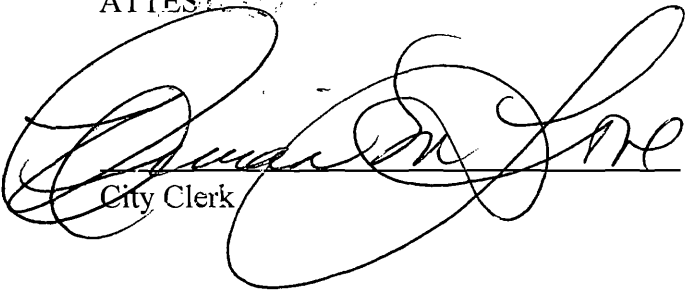
6. LEGISLATIVE: None.

COUNCILMEMBER COMMENTS:

ADJOURNMENT: The City Council adjourned at 12:01 a.m. on October 21, 1997., in memory of Supervisor Kenneth Hahn and Edith Chramoff, to their next regular meeting on Monday, November 3, 1997 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 JANUARY, 1998.


MAYOR

ATTEST:

City Clerk