

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, NOVEMBER 18, 1996  
WEST HOLLYWOOD PARK**

**CALL TO ORDER:** Mayor Pro Tempore Guarriello called the meeting to order at 7:06 p.m.

**PLEDGE OF ALLEGIANCE:** Council Deputy Sweeney led the Pledge.

**ROLL CALL:**

PRESENT: Councilmembers - Heilman, Land, Martin, Mayor Pro Tem Guarriello.

ABSENT: Mayor Koretz.

ALSO PRESENT: Interim 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 approximately 6:40 p.m. the City Council called the meeting to order, added one item to the Closed Session Agenda under Existing Litigation, California Rifle and Pistol Association v. City of West Hollywood by unanimous vote and then recessed into a closed session for discussion of the items on the Closed Session Agenda. In connection with the Rifle and Pistol case, today the Superior Court Judge ruled in favor of the City upholding every aspect of the ordinance. The closed session adjourned at 6:50 p.m. City Attorney Jenkins stated there were no reportable actions taken in the Closed Session.

Councilmember Land thanked City Attorney Jenkins and Sayre Weaver, Assistant City Attorney, for their efforts defending this case. She hopes that our victory will start the momentum for other cities and counties to pass similar legislation and give the state legislature the courage to take action. She asked Assistant City Attorney Weaver to give a brief overview of the case.

Assistant City Attorney Weaver stated that the City brought a motion for summary judgment and took the offensive, the court agreed with the City on all of their claims. As a matter of law the City was not expressly or implied preempted, and that the Ordinance passes constitutional muster on equal protection and due process grounds.

**APPROVAL OF AGENDA:**

Councilmember Martin removed from the agenda item 2.O.

**ACTION: Approve the agenda as amended. Motion Councilmember Land, seconded by Councilmember Heilman and unanimously carried.**

**PRESENTATIONS:**

Councilmember Heilman requested that this meeting be adjourned in memory of Ed Waterford, Sr. and Carita Waterford, father and sister of Ed Waterford, a resident and public access producer/volunteer who lost both his father and sister within the same month. He also requested

the meeting to be adjourned in memory of Ed Gould who was killed last weekend in Palm Springs.

Councilmember Heilman also presented a proclamation to Tom West proclaiming December 1, 1996 as World Aids Day.

Mr. David Reid provided some information about World AIDS Day and AIDS Watch on December 1, and reaching people on the Internet at [aidswatch1@aol.com](mailto:aidswatch1@aol.com).

**1. CITIZEN COMMENTS:**

MICHAEL NIEMEYER, WEST HOLLYWOOD, owner of Micky's, thanked the City Council for handgun control, and Halloween. He spoke in support of Item 2.S, Marti Gras.

MELINDA TREMAGLIO, LOS ANGELES, spoke in favor of agenda Item 2.S. She announced that if it is raining in February on the date for the event, the Marti Gras event would be moved to March 17.

SIBYL ZADEN, WEST HOLLYWOOD, thanked the City Clerk's Office for going above and beyond their day to day work on November 5th. She also thanked her precinct workers and the voters who actually came out and worked.

DONALD DE LUCCIO, WEST HOLLYWOOD, spoke regarding a letter which was distributed this evening regarding the Proposed Beverly West Square Project.

MICHAEL GOTTFRIED, WEST HOLLYWOOD, spoke about an overrun of cats in the Dorrington/Almont area.

MARTIN STARR, WEST HOLLYWOOD, lives on Rangley Avenue, requested elimination of the cat colony in his neighborhood.

STEPHEN MILES, WEST HOLLYWOOD, spoke regarding the cat problem and outlined health issues regarding feral cats.

CHARLOTTE BANTA, WEST HOLLYWOOD, stated she has a cat. She also spoke about the cat problem in the Dorrington area.

WAYNE BLANKENSHIP, WEST HOLLYWOOD, spoke about the feral cat problem in the Dorrington/Almont area.

JEAN SCHERRER, WEST HOLLYWOOD, spoke about odor omitted from the cat problem.

EDWARD ZAVORA, WEST HOLLYWOOD, spoke about the problems of the feral cat colony.

He requested an investigation of the Animal Welfare Task Force and Ms. Ellis, the former chair of the Animal Welfare Task Force.

NINA PARKINSON, WEST HOLLYWOOD, requested the City Council to take immediate action on this feral cat colony and to revise the ordinance.

HOWARD ARMISTEAD, WEST HOLLYWOOD, spoke regarding the effects of aspirin on HIV. He provided information regarding articles on the benefits of aspirin.

MICHAEL HORN, WEST HOLLYWOOD, spoke about the City approving permits for large corporate businesses such as Starbucks and Koo Koo Roo.

**COUNCILMEMBER COMMENTS:**

Councilmember Heilman directed Interim City Manager Makinney to follow up on the comments by Mr. David Reid regarding the placement of information relative to World Aids Day on cable. He also directed City Manager Makinney to organize a meeting with the neighbors to see what needs to be done relative to the cat problem. Councilmember Heilman indicated he did not receive notice about the Closed Session agenda.

Councilmember Land added that the cat item should be moved quickly. She also announced the 5K-10K Run. She also thanked the City staff for getting the word out on the Saturday Night Special ordinance.

Councilmember Martin asked that a modification be made to the ordinance regarding cats at the next meeting. He also noted the West Hollywood vote on Prop 215.

Mayor Pro Tem Guarriello asked that something be done on the "pooper scooper law."

**CITY MANAGER'S REPORT:** Interim City Manager Makinney stated there was no report.

**FISCAL IMPACT ON CONSENT CALENDAR:** Assistant City Clerk Thompson stated the Fiscal Impact on the Consent Calendar, as amended for November 18, 1996 is \$108,480. in expenditures and \$107,000. in potential revenues.

**2. CONSENT CALENDAR:**

**ACTION:** Approve items 2.A, B, C, D, E, F, G, H, I, J, K, L, M, N, P, Q, R, and S.  
**Motion Councilmember Heilman, seconded by Councilmember Land and unanimously carried.**

**A. POSTING OF AGENDA:**

The agenda for the meeting of Monday, November 18, 1996 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Friday, November 15, 1996.

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

**B. APPROVAL OF MINUTES:**

**RECOMMENDATION:** Approve the minutes of November 4, 1996. **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 claim of Bernice L. Cibener, and refer to the City's Claims Adjuster for action. **Approved as part of the Consent Calendar.**

**E. DEMAND REGISTER NO. 330, RESOLUTION NO. 96-1669:**

**RECOMMENDATION:** Approve Demand Register No. 330 and adopt Resolution No. 96-1669, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 330." **Approved as part of the Consent Calendar.**

**F. ORDINANCE NO. 96-474 (2nd Reading), ORDINANCE APPROVING ZONING MAP AMENDMENT 96-03 TO CHANGE ZONING DESIGNATION FOR NEW FIRE STATION AT 864 NORTH SAN VICENTE BOULEVARD AND 8866 CYNTHIA STREET:**

**RECOMMENDATION:** Waive further reading and adopt Ordinance No. 96-474, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD APPROVING ZONING MAP AMENDMENT 96-03 TO CHANGE THE ZONING DESIGNATION AT THE PROPERTY LOCATED AT 864 NORTH SAN VICENTE BOULEVARD AND 8866 CYNTHIA STREET FROM 'R4' TO 'P' IN ORDER TO BUILD A NEW FIRE STATION." **Approved as part of the Consent Calendar.**

**G. ORDINANCE NO. 96-476 (2nd Reading), ORDINANCE REGULATING STORM WATER AND URBAN RUNOFF POLLUTION:**

**RECOMMENDATION:** Waive further reading and adopt Ordinance No. 96-476, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING STORM WATER AND URBAN RUNOFF POLLUTION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

**H. ORDINANCE NO. 96-477 (2nd Reading) ORDINANCE AMENDING THE EMERGENCY ORGANIZATION TO COMPLY WITH THE STANDARDIZED EMERGENCY MANAGEMENT SYSTEM (SEMS):**

RECOMMENDATION: Waive further reading and adopt Ordinance No. 96-477, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ARTICLE III, CHAPTER VI OF THE WEST HOLLYWOOD MUNICIPAL CODE RELATIVE TO EMERGENCY ORGANIZATION." **Approved as part of the Consent Calendar.**

**I. ORDINANCE NO. 96-478 (2nd Reading) ORDINANCE REGARDING PERMIT PARKING:**

RECOMMENDATION: Waive further reading and adopt Ordinance No. 96-478, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING PERMIT PARKING AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

**J. APPROVAL OF RESOLUTIONS AUTHORIZING THE LEASING OF OFF-STREET PARKING SPACES AND THE MODIFICATION OF OFF-STREET PARKING RATES:**

RECOMMENDATION: (1) Adopt Resolution No. 96-1670, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENTS FOR RECEIPT OF FUNDS FOR ALL CITY OWNED AND OPERATED PARKING FACILITIES;" and, (2) Adopt Resolution No. 96-1671, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD MODIFYING OFF-STREET PARKING RATES FOR MUNICIPAL PARKING STRUCTURE NO. 1 LOCATED AT 8383 SANTA MONICA BOULEVARD AND REPEAL RESOLUTION 96-1571." **Approved as part of the Consent Calendar.**

**K. LAUREL AVENUE PETITION FOR PERMIT PARKING - REQUEST FOR PARKING STUDY:**

RECOMMENDATION: (1) Tentatively approve the expansion of Preferential Parking District 6 to include Laurel Avenue and Crescent Heights Boulevard between Fountain Avenue and Sunset Boulevard; (2) Direct staff to study Laurel Avenue and Crescent Heights Boulevard before a recommendation is made to the Transportation Commission and the City Council concerning Preferential Parking; and, (3) Allow residents of Crescent Heights Boulevard the opportunity to decide by petition whether to have preferential parking regulations posted and enforced if the boundaries of District 6 are expanded. **Approved as part of the Consent Calendar.**

**L. HAVENHURST DRIVE PETITION FOR PERMIT PARKING - REQUEST FOR PARKING STUDY:**

RECOMMENDATION: (1) Approve tentative boundaries for a potentially new permit district as follows: La Cienega Boulevard to Crescent Heights Boulevard; and Santa Monica Boulevard to the City's southernmost border. (2) Direct staff to survey the following streets within the potentially new district before a final recommendation is made to the Transportation Commission and City Council: Sweetzer Avenue, Harper Avenue, La Jolla Avenue, Havenhurst Drive, Crescent Heights Boulevard, Willoughby Avenue, Romaine Street and Santa Monica Boulevard. **Approved as part of the Consent Calendar.**

**M. GRANT APPLICATION FOR THE STUDY OF CARTRIDGE TAGGANT SURVEY AND PRELIMINARY TEST PROGRAM:**

RECOMMENDATION: Authorize the submission of the grant request for funds from the National Institute of Justice for the Taggant Study. **Approved as part of the Consent Calendar.**

**N. APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY AND THE CITY OF WEST HOLLYWOOD FOR THE CONSTRUCTION OF THE SANTA MONICA BOULEVARD MODIFICATIONS TO OFFSET INTERSECTIONS:**

RECOMMENDATION: Approve the MOU between the Los Angeles County MTA and the City of West Hollywood for a \$90,000 grant to be spent on traffic signal improvements at four offset intersections on Santa Monica Boulevard. **Approved as part of the Consent Calendar.**

**O. RESOLUTION URGING THE LOS ANGELES COUNTY BOARD OF SUPERVISORS TO ORDER A COMPLETE MANAGEMENT REVIEW AND AUDIT OF THE L.A. COUNTY SHERIFF'S DEPARTMENT:**

*This item was removed from the agenda.*

**P. APPEAL OF THE PLANNING COMMISSION'S DECISION TO REVOKE THE SUBSTITUTE CONDITIONAL USE PERMIT 93-13 FOR THE SUNSET ROOM/BAR ONE CLUB LOCATED AT 9229 SUNSET BOULEVARD:**

RECOMMENDATION: Adopt Resolution No. 96-1672, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE APPEAL BY THE SUNSET ROOM/BAR ONE CLUB AND OVERTURNING THE PLANNING COMMISSION'S DECISION TO REVOKE SUBSTITUTE CONDITIONAL USE PERMIT 93-13 FOR THE SUNSET ROOM/BAR ONE LOCATED AT 9229 SUNSET BOULEVARD, WEST HOLLYWOOD." **Approved as part of the Consent Calendar.**

**Q. ASSIGNMENT AGREEMENT BETWEEN THE CITY OF LA HABRA HEIGHTS AND THE CITY OF WEST HOLLYWOOD FOR THE EXCHANGE OF PROPOSITION A LOCAL RETURN FUNDS:**

RECOMMENDATION: (1) Approve a Proposition A fund trade agreement with the City of La Habra Heights, \$10,880 in West Hollywood General Funds for \$17,000 La Habra Heights Proposition A Funds; and, (2) Authorize the Interim City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

**R. AUTHORIZATION TO EXECUTE SYSTEMS MAINTENANCE AGREEMENT WITH SIERRA COMPUTER SYSTEMS:**

RECOMMENDATION: Authorize the City Manager to execute a service agreement with Sierra Computer Systems. The annual maintenance cost for this contract is \$7,600. **Approved as part of the Consent Calendar.**

**S. AUTHORIZATION TO APPROVE THE CLOSURE OF LARRABEE STREET, SAN VICENTE BOULEVARD AND HILLDALE AVENUE FOR 1997 MARDI GRAS CELEBRATION:**

RECOMMENDATION: 1) Approve the closure of Larrabee Street, San Vicente Boulevard and Hilldale Avenue on February 11, 1997 and direct the staff of the departments of Public Safety, Transportation and Recreation to work with the Mardi Gras Committee to implement these street closures; and, 2) Direct appropriate City staff and the Mardi Gras '97 Committee to coordinate the notification, in a timely manner, of all businesses and residents that will be impacted by the upcoming Mardi Gras event and of the impending street closures. **Approved as part of the Consent Calendar.**

3. **PUBLIC HEARINGS:** None.

4. **UNFINISHED BUSINESS:**

**A. ZONING MAP AMENDMENT 96-04 AND GENERAL PLAN AMENDMENT 96-02 FOR RENOVATION AND EXPANSION OF EXISTING GROCERY STORE LOCATED AT 8330 SANTA MONICA BOULEVARD:**

Tim Foy, Associate Planner, provided background information as outlined in the staff report dated November 18, 1996.

DEWEY JONES, WEST HOLLYWOOD, spoke against the staff recommendation and is in support of the approval of this item.

Councilmember Heilman asked for clarification of the monies which are being paid by Gelson's. When property is rezoned to commercial it significantly increases the value of the property. Similar to Ralph's which had to pay fees into

the Affordable Housing Trust Fund, he felt Gelson's should also. He also indicated that the City cannot go back and ask the developer for additional fees at this time, but he directed staff to bring back this issue for a policy change.

Councilmember Land indicated that she agrees with Councilmember Heilman's comments. She also stated if appropriate transfer funds to the Affordable Housing Trust Fund.

Mayor Pro Tem Guarriello stated that each development is a separate issue and should be treated as such.

**ACTION:** (1) Adopt Resolution No. 96-1673, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING GENERAL PLAN AMENDMENT 96-02 AND THE ASSOCIATED NEGATIVE DECLARATION, FOR THE PROPERTY LOCATED AT 8330 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" and, (2) Waive further reading and adopt Ordinance No. 96-475 (2nd Reading) "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD APPROVING ZONING MAP AMENDMENT 96-04, FOR THE PROPERTY LOCATED AT 8330 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." and, (3) direct staff to return with a policy alternatives relative to Affordable Housing fees for property zoning changes from residential to commercial.

**Motion Councilmember Land, seconded by Councilmember Heilman and unanimously carried.**

Councilmember Heilman indicated that he would like to see \$10,000 be transferred from the permit fees to the Affordable Housing Trust Fund.

Councilmember Martin requested that the transfer be investigated at mid-year budget review.

City Attorney Jenkins stated that the permit fees reflect the actual cost of the service and there would not be any excess.

Direction was given for staff to return the with a possible of fund transfer to the Affordable Housing Trust fund at mid-year budget review, by consensus of the City Council.

**B. WEST HOLLYWOOD CONVENTION AND VISITORS BUREAU, FIRST QUARTER REPORT:**



Rhonda Sherman, Development Specialist III, provided background information as outlined in the staff report dated November 18, 1996. Haley Powers, representing the WHCVB was available to answer questions.

**ACTION:** Receive and file the quarterly report for the West Hollywood Convention and Visitors Bureau for the quarter ending September, 1996.

**Motion Councilmember Heilman, seconded by Councilmember Land and unanimously carried.**

5. **NEW BUSINESS:** None.

**EXCLUDED CONSENT CALENDAR:** None.

**CITIZEN COMMENTS:** None.

6. **LEGISLATIVE:**

**A. AN ORDINANCE ESTABLISHING ADMINISTRATIVE PROCEDURES AND CIVIL PENALTIES FOR VIOLATIONS OF THE MUNICIPAL CODE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:**

Brent Mullins, Code Compliance Manager, Christof Schroeder, Interim Management Analyst, and John Polak, Sr. Hearing Examiner provided background information as outlined in the staff report dated November 18, 1996.

Councilmember Heilman asked that Council offices receive a copy of active cases, by address, so the Council Offices could check on current cases.

Councilmember Martin asked if there are plans to expand on weekend and evening code compliance?

Brent Mullins responded that a number of his staff has been ill however, it is the intent of the division to provide the increased enforcement.

Christof Schroeder provided an overview of the Administrative Procedure and John Polak reviewed how it would be handled internally.


**ACTION:** Introduce on first reading Ordinance No. 96-479, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING ADMINISTRATIVE PROCEDURES AND CIVIL PENALTIES FOR VIOLATIONS OF THE MUNICIPAL CODE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

**Motion Councilmember Land, seconded by Councilmember Heilman and  
unanimously carried.**

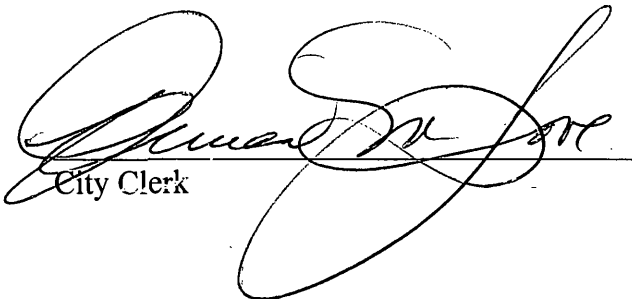
**COUNCILMEMBER COMMENTS:** None.

**ADJOURNMENT:** The City Council adjourned at 8:30 p.m. in memory of Ed Louis Waterford, Sr., Carita Michelle Waterford and Ed Gould to their next regular meeting on Monday, December 2, 1996 at 7:00 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL ON  
THIS 2ND DAY OF DECEMBER, 1996.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
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City Clerk