

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, AUGUST 5, 1996
WEST HOLLYWOOD PARK**

CALL TO ORDER: Mayor Koretz called the meeting to order at 7:14 p.m.

PLEDGE OF ALLEGIANCE: Captain Odenthal led the Pledge.

ROLL CALL:

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

ABSENT: None.

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

REPORT OF CLOSED SESSION AGENDA: City Attorney Jenkins stated that at approximately 6:00 p.m. the City Council called the meeting to order added two items to the agenda under Initiation of Litigation by 4/5ths vote and recessed into a closed session for discussion of the items on the Closed Session Agenda. The closed session adjourned at 7:05 p.m. City Attorney Jenkins stated that a written report of actions required by the Brown Act would be filed with the City Clerk.

APPROVAL OF AGENDA:

ACTION: Assistant City Clerk Thompson stated staff has requested the City Council to add an urgency item approving the 50th Anniversary of the Academy of Television Arts and Sciences as a City Event.

Motion Councilmember Land, seconded by Councilmember Heilman and unanimously carried to add item as Consent Calendar Item 2.V.

Assistant City Clerk Thompson stated that staff requests Item 4.D AIDS Education Programs and Item 5.A, Temporary Public Art Guidelines, be continued to Monday, August 19, 1996.

Councilmember Martin requested that Item 2.J. be removed from the Consent Calendar.

ACTION: Approve the agenda as amended. Motion Mayor Pro Tempore Guarriello, seconded by Councilmember Land and unanimously carried.

PRESENTATIONS:

Councilmember Heilman presented a Certificate of Achievement to the staff of the Finance Department represented by Paul Arevalo, Director of Finance and Freny Kadimi, Accounting Operations Officer for receiving an award from the Government Finance Officers for Excellence in Financial Reporting.

Mayor Pro Tem Guarriello presented a plaque to Deputy John Mitchell for his outstanding work on May 11 saving 25 Senior Citizens at the Building on Crescent Heights.

Deputy Mitchell thanked the City Council for the recognition.

Councilmember Martin presented a plaque to Ann Marie Stauss for her recent recognition as Women of the Year of the 44th District.

Eric Bowman commented on her designation as the Woman of the Year.

Ms. Stauss thanked the Council and the people for the recognition. She accepted the award in memory of Rick Saslaw.

1. CITIZEN COMMENTS:

JEANNE DOBRIN, WEST HOLLYWOOD, spoke about the treatment she received at a recent Public Safety meeting relative to the ADA. She requested that the Council speak with Commissioners about being more sensitive to people with disabilities.

GARRY SHAY, LOS ANGELES, spoke against term limits and suggested single member Council Districts instead.

RITA GUARRIELLO, WEST HOLLYWOOD, spoke in favor of term limits. She asked Council to put the issue on the ballot and let the voters decide.

NAIN SOLIS, WEST HOLLYWOOD, spoke about the L.A. Free Clinic. He asked Council to help the L.A. Free Clinic.

KATHLEEN WIDEN, WEST HOLLYWOOD, spoke in favor of the Women Helping Women program. She thanked the Council for helping to fund these services.

DEWEY JONES, WEST HOLLYWOOD, he asked that the City Council place a proposition on the ballot relative to term limits.

GINA MACIAS, WEST HOLLYWOOD, Coordinator of Avenues of Art and Design, she encouraged the Council to support the program which was begun.

DONNA VEGA, WEST HOLLYWOOD, supports statements made by Dewey Jones.

REV. JOHN VON DOURIS, WEST HOLLYWOOD, stated his support for term limits and the comments made by Dewey Jones.

BRUCE TRAUB, WEST HOLLYWOOD, stated his support of term limits. He also commented about monies received by incumbent Councilmembers for their campaign.

HARRY PRONGUE, asked that City Staff be responsible for watering the property which is currently in negotiation on Kings Road.

GRANT SELTZER, WEST HOLLYWOOD, thanked the Council for allowing the BID approval and outlined the activities of the District.

DOUG ROUTH, WEST HOLLYWOOD, stated that one item from the last meeting needed closure. He spoke about the allegations that the flyer was created and distributed by CES and the fact that no one investigated the origin of the flyer. He stated that CES had nothing to do with the flyer.

SUSAN PINKUS, WEST HOLLYWOOD, supports the revocation of both businesses on Item 3.C and is in favor of term limits.

PHIL THOMPSON, BODHI BOOK STORE, stated his support for the Avenues of Design BID. He urged Council support of this item.

RICHARD MAGGIO, WEST HOLLYWOOD, supports the placement of a proposition on the ballot relative to term limits.

LOIS SYDNEY, WEST HOLLYWOOD, stated her support of term limits being placed on the ballot.

JACQUELINE BALOUGH, WEST HOLLYWOOD, member of CES, stated she does not support term limits. She addressed her anger about comments made at the last meeting regarding CES. She also spoke about rent control issues.

GENE SAUR, WEST HOLLYWOOD, spoke in support of term limits.

DONNA SAUR, WEST HOLLYWOOD, urged Council to approve the term limit ordinance and place it on the November ballot.

NORMAN CHRANOFF, WEST HOLLYWOOD, stated his support for the term limit initiative and commented about the flyers, suggesting a heavy fine for people distributing flyers without the name of the organization/person who produced it.

STEVE SMITH, WEST HOLLYWOOD, he suggested that the Council elections be similar to the College District. He stated his support for some form of political reform.

WARWICK SIMS, stated his support for the BID and encouraged Council support.

COUNCILMEMBER COMMENTS:

Councilmember Heilman announced that the Olympics are coming up and West Hollywood is having its own version of the summer games, Wednesday, July 17th from 10:00 - 4:00 here at West Hollywood Park. He also announced a new mobile crime unit which is parked outside this evening and encouraged the residents to tour the vehicle.

Councilmember Martin thanked Doug Routh for clarifying the issue about the flyer. He stated he hopes that whoever did the flyer realizes the impact. He commented that the first ordinance which he introduced was in favor of the tenant. He stated that the entire Council is concerned about rent control.

Mayor Pro Tem Guarriello responded to comments relative to rent control. He asked that people get the facts.

Mayor Koretz spoke about term limits. He suggested that if elections were moved to November we would double or triple voter turnout. He clarified his comments relative to the production and distribution of the flyer. He also provided comments relative to rent control and that if the Council would have taken action as suggested by CES, the legislature would have responded with legislation.

Councilmember Heilman asked that we go back to the agenda.

Councilmember Martin requested that the citizens comments be limited to 20 minutes. He also provided an overview of his trip to Sacramento to lobby for the AB 1982.

CITY MANAGER'S REPORT: Assistant City Manager Makinney stated there was no City Managers Report.

FISCAL IMPACT ON CONSENT CALENDAR: Assistant City Thompson stated the fiscal impact of the Consent Calendar for Monday, July 15, 1996 is \$273,914. in expenditures and \$467,169. in potential revenues.

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, and U. **Motion Councilmember Land, seconded by Councilmember Heilman and unanimously carried noting the change in the minutes and the "noe" vote by Mayor Pro Tem Guarriello on item 2.O. and 2.U.**

A. POSTING OF AGENDA:

The agenda for the meeting of July 15, 1996 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Friday, July 12, 1996.

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

B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the minutes of July 1, 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. DEMAND REGISTER NO. 322, RESOLUTION NO. 96-1601:

RECOMMENDATION: Approve Demand Register No. 322 and adopt Resolution No. 96-1601, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 322." **Approved as part of the Consent Calendar.**

E. PROPOSED ORDINANCE REGARDING EXTRA RENT INCREASES FOR LANDLORDS WHO PAY FOR UTILITIES:

RECOMMENDATION: (1) Waive further reading and adopt Ordinance No. 96-469, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING EXTRA RENT INCREASES FOR LANDLORDS WHO PAY FOR UTILITIES." **Approved as part of the Consent Calendar.**

F. 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 Prop A fund trade agreement with the City of La Habra Heights for \$76,204.69 West Hollywood General Funds for \$119,069.63 La Habra Heights Prop A funds; and (2) Authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

G. APPROVAL OF LEASE AGREEMENT WITH THE ARDEN GROUP FOR USE OF PARKING SPACES IN MUNICIPAL PARKING STRUCTURE NO. 1 LOCATED AT 8383 SANTA MONICA BOULEVARD:

RECOMMENDATION: (1) Approve a 30 year lease agreement with The Arden Group for the use of 20 parking spaces in the Municipal Parking Structure, No. 1 in the amount of \$335,600.; and (2) Authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

H. AWARD OF BID TO WELDON, WILLIAMS & LICK, INC. FOR FABRICATION OF PERMIT PARKING MATERIALS:

RECOMMENDATION: Approve the issuance of a purchase order in an amount not to exceed \$54,283.04 to Weldon, Williams & Lick for the fabrication of permit parking materials. **Approved as part of the Consent Calendar.**

I. AWARD OF CONTRACT FOR WEST HOLLYWOOD PARK AUDITORIUM RENOVATION PROJECT, C.I.P. #671:

RECOMMENDATION: (1) Accept the base bid dated June 25, 1996 submitted by Environmental Concerns, Inc. DBA Southwest Industries of Montclair, California, in the amount of \$58,400. and bid alternates in the amount of \$12,200. for the West Hollywood Park Auditorium Renovation Project, C.I.P. #671; (2) Reject all other bids submitted for this project; and (3) Authorize the City Manager to sign the associated Contract Agreement. **Approved as part of the Consent Calendar.**

J. NOTICE OF COMPLETION FOR CONSTRUCTION WORK OF WEST HOLLYWOOD PARK PLAY EQUIPMENT PROJECT, C.I.P. #661:

RECOMMENDATION: (1) Accept the work completed by Malibu Pacific Tennis Courts, Inc.; (2) Authorize filing a Notice of Completion by the City; (3) Authorize release of Payment and Performance Bonds posted for this project; and (4) Authorize retention payment to Malibu Pacific Tennis Courts, Inc. at the end of the 35 day lien period. **Approved as part of the Consent Calendar.**

K. PROPOSED RESOLUTIONS APPROVING APPLICATIONS TO THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT COMPETITIVE GRANT PROGRAM:

RECOMMENDATION: (1) Adopt Resolution No. 96-1602, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE APPLICATION FOR GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARKS AND OPEN SPACE DISTRICT AT-RISK YOUTH RECREATION AND SERVICE FACILITIES COMPETITIVE GRANT PROGRAM FOR THE WEST HOLLYWOOD COMMUNITY / SENIOR / TEEN CENTER COMPLEX PROJECT;"

(2) Adopt Resolution No. 96-1603, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE APPLICATION FOR GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARKS AND OPEN SPACE DISTRICT SENIOR CENTERS AND

RECREATION FACILITIES COMPETITIVE GRANT PROGRAM FOR THE WEST HOLLYWOOD COMMUNITY / SENIOR / TEEN CENTER COMPLEX PROJECT;" and

(3) Adopt Resolution No. 96-1604, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE APPLICATION FOR GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARKS AND OPEN SPACE DISTRICT URBAN TREE PLANTING COMPETITIVE GRANT PROGRAM FOR THE WEST HOLLYWOOD STREET TREE PLANTING PROJECT." **Approved as part of the Consent Calendar.**

L. PROPOSED RESOLUTION PLEDGING SUPPORT FOR THE UNITED FARM WORKERS STRAWBERRY BOYCOTT:

RECOMMENDATION: Adopt Resolution No. 96-1605, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD PLEDGING SUPPORT FOR THE UNITED FARM WORKERS STRAWBERRY BOYCOTT." **Approved as part of the Consent Calendar.**

M. APPROVAL OF CONTRACT EXTENSION FOR TENNIS CONCESSIONAIRE AT PLUMMER PARK:

RECOMMENDATION: (1) Approve an Amendment to the Agreement dated September 21, 1992 with Michael Carrier Concessionaire, extending the term of the agreement for a period of four (4) years to provide services and concession for the tennis program at Plummer Park; and (2) Authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

N. APPROVAL OF THE DETERMINATION OF THE RENT STABILIZATION COMMISSION RESOLUTION NO. 96-35 ESTABLISHING THE AMOUNT OF THE 1996 GENERAL ADJUSTMENT:

RECOMMENDATION: Approve Rent Stabilization Commission Resolution No. 96-35, "A RESOLUTION OF THE RENT STABILIZATION COMMISSION OF THE CITY OF WEST HOLLYWOOD ESTABLISHING THE AMOUNT OF THE GENERAL ADJUSTMENT FOR THE YEAR 1996-97." **Approved as part of the Consent Calendar.**

O. IMPLEMENTATION OF REQUIREMENTS OF THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 FOR THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT (BID) FOR FISCAL YEAR 1996-97 AND SET THE PUBLIC HEARING:

RECOMMENDATION: (1) Adopt Resolution No. 96-1606, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING AN ADVISORY BOARD AND DIRECTING THE

PREPARATION OF A REPORT FOR FISCAL YEAR 1996-97 IN CONNECTION WITH THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT;

(2) Adopt Resolution No. 96-1607, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 1996-97 IN CONNECTION WITH THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT; and

(3) Adopt Resolution No. 96-1608, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO LEVY AN ASSESSMENT AGAINST BUSINESSES WITHIN THE AVENUES OF ART AND DESIGN BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 1996-97 AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO." **Approved as part of the Consent Calendar noting the NOE vote of Mayor Pro Tem Guarriello.**

P. AUTHORIZATION TO PROVIDE DIGITAL ORTHOPHOTOGRAPHY OF THE CITY OF WEST HOLLYWOOD FOR NONEXCLUSIVE USE BY THE INFORMATION SYSTEM LOS ANGELES (ISLA) PROJECT OF THE UNIVERSITY LIBRARY OF THE UNIVERSITY OF SOUTHERN CALIFORNIA:

RECOMMENDATION: (1) Authorize the Engineering Division staff to provide a copy of the City of West Hollywood's high resolution, digital orthophotography to the Information Systems for Los Angeles (ISLA), a project of the University Library of the University of Southern California; and (2) Direct City staff to work with ISLA staff to ensure the participation of the City in the project. **Approved as part of the Consent Calendar.**

Q. AUTHORIZATION TO PURCHASE PARKING METER EQUIPMENT:

RECOMMENDATION: (1) Authorize the purchase of additional parking meters, necessary parts and equipment from Duncan Industries, Inc. in an amount not to exceed \$63,200. **Approved as part of the Consent Calendar.**

R. CODE COMPLIANCE OFFICER JOB SPECIFICATION:

RECOMMENDATION: Change the job title from Code Enforcement Officer to Code Compliance Officer and adopt the revised job specification. **Approved as part of the Consent Calendar.**

S. CREATION OF A "TREES 2000" PROGRAM:

RECOMMENDATION: Direct the Landscape and Building Maintenance Division to work with the Public Safety and the Public Information Division to coordinate a program that would plan, promote and implement the planting of approximately 3000 residential street trees by the year 2000. The name of the

program will be titled "Trees 2000." **Approved as part of the Consent Calendar.**

T. REQUEST FOR ALL-WAY STOP CONTROL AT THE INTERSECTIONS OF LEXINGTON AVENUE AND DETROIT STREET AND LEXINGTON AVENUE AND FORMOSA AVENUE:

RECOMMENDATION: (1) Adopt Resolution No. 96-1609, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DESIGNATING THE INTERSECTIONS OF LEXINGTON AVENUE AND DETROIT STREET AND LEXINGTON AVENUE AND FORMOSA AVENUE AS ALL-WAY STOP CONTROL INTERSECTIONS AND DIRECT STAFF TO ERECT APPROPRIATE SIGNS AND MARKINGS." **Approved as part of the Consent Calendar.**

U. APPROVAL OF AN AGREEMENT WITH BILLBOARD LIVE FOR ART PROGRAMMING OF LARGE SCREEN VIDEO SIGN:

RECOMMENDATION: (1) Approve an agreement with Billboard Live for art programming of large screen video sign; and (2) Authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar noting the NOE vote of Mayor Pro Tem Guarriello.**

3. PUBLIC HEARINGS:

A. REVIEW AND ACCEPT THE REPORT AND APPROVE THE CITY SEWER SERVICE CHARGE FOR FISCAL YEAR 1996-97:

Assistant City Clerk Thompson stated the Resolution of Intent which included a notice of public hearing was published in the West Hollywood Independent on June 26, 1996 and July 3, 1996. Assistant City Clerk stated the City Clerk's Office has received no letters of protest to the proposed fees.

Sharon Perlstein, City Engineer, provided background information as outlined in the staff report dated July 15, 1996.

Mayor Koretz opened the public hearing.

BRUCE TRAUB, WEST HOLLYWOOD, asked for an explanation of the fees and any increases which may be assessed in the future and explain how residents could impact this fee.

There being no other speakers, the public hearing was closed.

Councilmember Heilman commended Sharon Perlstein for a good job.

ACTION: (1) City Council found that there was not a majority protest to the assessment: and (2) Ordered the Director of Finance to place the City Sewer Charge on the property tax bill for Fiscal Year 1996-97.

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

B. REVIEW AND ACCEPT THE REPORT AND APPROVE THE CITY SOLID WASTE AND/OR DISPOSAL SERVICE FEE FOR FISCAL YEAR 1996-97:

Assistant City Clerk Thompson stated the Resolution of Intent which included a notice of public hearing was published in the West Hollywood Independent on June 26, 1996 and July 3, 1996. Assistant City Clerk stated the City Clerk's Office has received no letters of protest to the proposed fees.

John Jakupcak, Environmental Services Analyst, provided background information as outlined in the staff report dated July 15, 1996.

Mayor Koretz opened the public hearing.

BRUCE TRAUB, WEST HOLLYWOOD, asked for clarification of whether the fee will be increased. He also stated that the waste collection is a monopoly and the Council should disclosed the amount of revenue collected from residents that goes to the City.

There being no other speakers on this issue, the public hearing was closed.

Councilmember Heilman asked John if the rates were staying the same.

Mr. Jakupcak responded that the rates are remaining the same.

ACTION: (1) City Council found that there was not a majority protest to the assessment: and (2) Ordered the Director of Finance to place the City Solid Waste and/or Recyclable Collection and/or Disposal Service fee on the property tax bill for Fiscal Year 1996-97.

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

C. APPEAL OF THE PLANNING COMMISSION'S DECISION TO REVOKE SUBSTITUTE CONDITIONAL USE PERMIT 93-16 FOR THE 8240 CLUB LOCATED AT 8240 SUNSET BOULEVARD:

Assistant City Clerk Thompson stated a Notice of Public Hearing was published in the West Hollywood Independent on June 19, 1996, in addition a notice of public hearing was mailed to a 500 foot radius of the subject property on June 22, 1996.

Lisa Heep, Planning Manager, provided background information as outlined in the staff report dated July 15, 1996.

Mayor Koretz opened the public hearing and the following speakers came forward:

CHUCK TOVAR, REPRESENTING CLUB 8240, he outlined the history of this revocation hearing. He also outlined the action taken by the club prior to the February 5, 1996. He stated that the staff report insinuates that there has been no effort made by the club to address issues and he wanted to clarify that the club has taken action, although they have not resolved all the problems they have made improvements. The club decided in May to no longer do business and looked for alternative proposals. They received a number of proposals, four of which were a nightclub/dance club. Based on the neighborhood input, Sheriff's input, Planning Commission and Council input they decided that was not a compatible use. There was one proposal for a neighborhood pub/dinner place which they think would not be a detriment to the surrounding area. He stated the new operator has stated making improvements to the building, hours would be changed to 4:30 to closing, a new valet operator would be selected that would charge only \$1.50, discounts to neighbors, and one of the partners is also a partner in the apartment building next door.

He submitted modifications and restrictions to the resolution to remedy any and all problems of the operation at 8240 Sunset Blvd.

LARRY POLLACK, LOS ANGELES, new operator and owner of the new business, stating it would be a restaurant/bar or Irish pub. There will be no cover charges and inexpensive valet parking. He stated he would be on site 7 days a week and available to both the public and the Council.

SALLY MARR, WEST HOLLYWOOD, commented on the increased crime, noise and traffic in their neighborhood. She encouraged the revocation of the business and requested a restaurant.

PETER DUDAR, WEST HOLLYWOOD, spoke against Club 8240.

JOSEPH SHABONI, represents the apartment building directly behind 8240 and he also represents Larry Pollack, he stated his support for the new use. He indicated he wants to see the old owners out.

CRAIG RITCHIE, WEST HOLLYWOOD, stated the Board of the Alliance supports the neighborhood on this issue.

CHUCK PACE, WEST HOLLYWOOD, member of the Kings Road Coalition and spoke in support of this neighborhood. He suggested not allowing any business in the City that brings danger into the neighborhood.

CLIVE BAILLIE, WEST HOLLYWOOD, stated his support for the revocation.

JEFFREY SMITH, WEST HOLLYWOOD, stated that this club is not needed, he is in support of the revocation and asked City Council to think about the people that live here.

PENNY EISENOFF, WEST HOLLYWOOD, stated that this hearing is not about a new club, it is about closing 8240 Sunset. She stated that the proposed club operating hours are longer.

HARRY PRONGUE, WEST HOLLYWOOD, stated he supports the revocation of the 8240 Club.

WILL FOSTER, WEST HOLLYWOOD, read a statement made by Karen Isaacs which supports the revocation of the substitute conditional use permit of 8240 Sunset.

PAULA ZINNEMANN, REPRESENTS MR. & MRS. WILFONG, stated her support for the revocation of the substitute conditional use permit. She encouraged the City Council to revoke.

DON SAVOIE, WEST HOLLYWOOD CHAMBER OF COMMERCE, stated that some clubs are run well and others are not. The Chamber is looking to support businesses that are run legally, professionally and not be detrimental to the neighborhood.

ROBERT HANSEN, WEST HOLLYWOOD, stated his support for the revocation. He indicated there is no need for security if there is no club.

LORNA HESSY, WEST HOLLYWOOD, encouraged Council to revoke the substitute conditional use permit. She supports the Planning Commission vote.

STEVE SMITH, WEST HOLLYWOOD, thanked the Council for the initiative and leadership on this matter. He strongly encouraged the City Council to revoke this substitute conditional use permit. He stated the Planning Commission was a unanimous vote due to the testimony and excellent work of staff.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on statements made by Mr. Tovar. She encouraged Council to uphold the Planning Commission decision.

TED GREEN, WEST HOLLYWOOD, stated he supports the revocation. He urged Council to uphold the Planning Commission decision.

STEVE VERAKUS, WEST HOLLYWOOD, stated he supports revocation.

BOB MEYER, CITY OF SANTA MARIA, stated when he prepared the report there were extensive comments about the quality of life. He urged Council to uphold the Planning Commission decision but without prejudice. He added that the Resolutions the new Club are proposing are all included in the current SCUP and the current Club.

MICHELLE MAGRATH, WEST HOLLYWOOD, stated that Havenhurst experiences the same problems as Harper. She urged the Council to support the Planning Commission's decision to revoke.

CHUCK TOVAR, REBUTTAL, they have heard the message and they are trying to get out of the business. To completely shut the business down does not make economic sense. He stated that they are recommending a neighborhood restaurant and neighborhood bar.

LARRY POLLACK, has spent \$65-70,000 to upgrade the property in good faith.

Councilmember Land thanked the people for their comments and clarified that before the Council is whether to revoke 8240 Sunset. She indicated that it is very clear there are problems at 8240, they have known about the problems and it is not until revocation proceedings, that the business begins to listen. She stated she feels the Planning Commission made a good decision.

Mayor Pro Tem Guarriello concurred with comments made by Councilmember Land.

Councilmember Heilman indicated he initiated this and the record documents that they have not been serious about being in compliance. He indicated he reviewed all the information in the staff report. If these incidents were one time incidents

we could understand. The problem here is they are not one time incidents they are an ongoing way of doing business. He stated he feels we should revoke the SCUP and if a business wants to come in they should go through the entire process.

Councilmember Martin asked for clarification of the term "with prejudice."

Ms. Heep responded that a similar use or substantially similar use could not apply for one year. However, she believes a restaurant is a different enough use that, it could apply.

Councilmember Martin stated that given what has happened and what is proposed he doesn't believe that they cannot do anything other than uphold the Planning Commission decision, with prejudice.

Mayor Koretz provided two stories which were part of his thought process. There is no question in his mind that this should be revoked. The only question is "with prejudice" or "without prejudice".

Councilmember Heilman requested that perhaps Lisa could meet with some of the neighbors to get a feel on whether they should be discussed with or without prejudice.

Councilmember Land it is very clear we are going to revoke. She asked Ms. Heep what is the best way to revoke? Nobody wants to see something similar in that location.

Ray Reynolds, Community Development Director, indicated that the fact is not necessarily the nightclub but how it was run.

Councilmember Martin indicated we could err on the side of conservatism. He suggested that direction be given to revoke with prejudice, a new business shall not have dancing, promoters or live music other than piano.

Mayor Koretz indicated that he liked suggestions made by both Councilmember Martin and Councilmember Heilman but would feel more comfortable with neighborhood input.

Council discussed whether or not they should revoke with or without prejudice.

RECOMMENDATION: Adopt Resolution No. 96-1610, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL BY THE CLUB 8240 AND UPHOLDING THE PLANNING

COMMISSION'S DECISION TO REVOKE SUBSTITUTE CONDITIONAL USE PERMIT 93-16 FOR THE CLUB 8240 NIGHTCLUB LOCATED AT 8240 SUNSET BOULEVARD, WEST HOLLYWOOD;" with prejudice.

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

Recess at 10:00 p.m.

Reconvene at 10: 15 p.m.

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

Assistant City Clerk Thompson stated a Notice of Public Hearing was published in the West Hollywood Independent on June 19, 1996, in addition a notice of public hearing was mailed to a 500 foot radius of the subject property, on June 25, 1996. A notice that the public hearing was being continued to August 5, 1996 was published in the West Hollywood Independent on July 10, 1996, in addition a notice of continuance was mailed to a 500 foot radius of the subject property on July 10, 1996.

ACTION: Continue the Public Hearing to the City Council meeting on Monday, August 5, 1996; and (2) Direct the City Clerk to post a Notice of Continuance as required.

Motion by Councilmember Land , seconded by Mayor Pro Tem Guarriello and unanimously carried.

E. AWARD OF CONTRACT FOR THE 1996-1998 SOCIAL SERVICE PROGRAMS:

Assistant City Clerk Thompson stated a Notice of Public Hearing was posted in all places as required by the West Hollywood Municipal Code.

Jodi Curlee, Social Services Manager, provided background information as outlined in the staff report dated July 15, 1996. She indicated that the Human Services Commission requested that recommendation #14 be tabled for further study.

Mayor Pro Tem Guarriello asked for clarification on recommendation #29, West Hollywood Homeless Organization.

Ms. Curlee responded that prior the City was paying the rent for the West Hollywood Homeless Organization using Block Grant monies. The Community

Development Commission requested that the block grant monies be included in the contract document and the Homeless Organization pay those monies to the City. Therefore it looks like an increase of the contract amount where, in fact, it is approximately \$70,000. less.

Mayor Koretz opened the public hearing and following persons came forward to speak:

RALPH MAYO, WEST HOLLYWOOD, (CORE PROGRAM), is in support of the Commission's recommendation to hold approval for further study and in addition, supports continued funding.

STEVE WICKSON, WEST HOLLYWOOD, (LA FREE CLINIC) submitted statistics which demonstrate that their program is highly successful. They are also requesting an additional \$25,000 just to meet their operating budget.

CLAY BROOKS, WEST HOLLYWOOD, supported comments by Steve Wickson.

ROBERT TAYLOR, WEST HOLLYWOOD, stated the L. A. Free Clinic has really helped him survive.

ROB KNIGHT, WEST HOLLYWOOD, spoke about the benefits of the day program and the benefits which he received. He requested the increase so the clinic can stay open.

PAUL SHELSKY, WEST HOLLYWOOD, emphasized the amount of positive input that the clinic has provided to him. The center has allowed him to participate in many different areas which he has always wanted to explore.

SHIRLEY ROBERTS, WEST HOLLYWOOD, stated after the Human Services Commission meeting she went to visit the clinic. The goals have been far exceeded. She indicated she hopes that the City can come up with the extra \$25,000.

BARBARA HEWITT, WEST HOLLYWOOD, spoke about how impressive this program is. She hopes that Council can support the extra money.

JOHN GILE, PROJECT ANGEL FOOD, stated that the money the City provides food to 107 West Hollywood residents living with AIDS, everyday and 27,045 meals have been delivered in West Hollywood. He indicated the Council can be very proud of this program. He thanked the Social Services staff. He thanked the Council for their support.

KATHY WATT, VAN NESS RECOVERY HOUSE, the City partially funds the Van Ness house. She outlined the other services they provide.

KEVIN MC DANIEL, WEST HOLLYWOOD, thanked the City Council for the creation of the L.A. Free Clinic. The program is good for the community and it is programs like this that will help solve the problems.

JOHN COPLAND, L.A. SHANTI, he spoke about the need for an innovative education program. Provided an overview of HIV programming.

WILLIAM MANNION, L.A. FREE CLINIC, HIV DAY PROGRAM, thanked the Council for their support but asked for approval of the additional \$25,000. which if they do not receive tonight, they will have to cut staff.

MARY RAINWATER, LA FREE CLINIC, asked the City Council for approval of the additional \$25,000.

JEANNE DOBRIN, WEST HOLLYWOOD, commented about a statement made by Ralph Mayo and stated she opposes funding to the CORE program if those type of comments are still being made. She stated that she is very impressed with the work of the L.A. Free Clinic.

NORMAN CHRANOFF, WEST HOLLYWOOD, stated he was angry earlier about this portion of the agenda but he is glad he doesn't have to make these kind of decisions.

The public hearing was closed.

Councilmember Heilman indicated that the City does not give money. The City enters into contracts with various programs. L.A. Free Clinic is one of those programs which needs to be looked at with different scope of work and different contract amount. He also supports the recommendation to continue to look at Aids Education Program; would like to look at L.A. Shanti relative to a crystal meth program for gay males.

ACTION: Approve the funding levels and program concepts, and authorize staff to negotiate the scope of services and budgets, as follows: (1) \$71,831. Aid for AIDS; (2) \$226,682. AIDS Project Los Angeles; (3) \$22,500. Alternative Living for the Aging; (4) \$13,000. Alzheimer's Disease and Related Disorders Association of Los Angeles; (5) \$37,432. Being Alive; (6) \$112,517. Bet Tzedek Legal Services; (7) \$91,200. Child and Family Services; (8) \$44,328. CORE Program; (9) \$57,160. Los Angeles County Bar Association Dispute

Resolution Services; (10) \$69,825. GLC Community Outreach Education; (11) \$80,727. GLC Edelman Health Center; (12) \$17,775. GLC Legal Services; (13) \$69,587. GLC Mental Health; (14) ***Tabled this recommendation. (\$69,168. GLC West Hollywood CARES program);*** (15) \$52,000. GLC Youth Services program; (16) \$65,388. Jewish Family Service Board and Care program; (17) \$49,500. Jewish Family Service Disability Program; (18) \$249,520. Jewish Family Services, Nutrition Program; (19) \$66,000. Jewish Family Services Partners Adult Day Health Care Center; (20) \$300,072. Jewish Family Services West Hollywood Senior Center program; (21) \$134,431. Jewish Vocational Services; (22) \$136,329. Los Angeles Free Clinic; (23) \$25,110. Los Angeles Free Clinic HIV Drop-In Center; (24) \$24,206. Project Angel Food; (25) \$68,080. Association of Soviet Jewish Émigrés (West Hollywood Russian Community Center); (26) \$77,860. Los Angeles Shanti Foundation; (27) \$34,404. Jewish Community Center's SOVA Food Pantry; (28) \$20,947. Van Ness Recovery House; (29) \$422,182. West Hollywood Homeless Organization; (30) \$22,500. Women Helping Women. ***Direct staff to re-negotiate with L.A. Free Clinic with an expansion of goals and funding not to exceed an additional \$25,000, from the City and when evaluating Aids Education look at some type of pilot program for crystal meth education program or outreach.***

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

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

A. **DIRECT STAFF TO DRAFT AN ORDINANCE LIMITING THE CONSECUTIVE NUMBER OF TERMS A PERSON CAN SERVE AS A COUNCILMEMBER:**

Mayor Pro Tem Guarriello, provided background information as outlined in the staff report dated July 15, 1996.

ADAM DEVEJIAN, WEST HOLLYWOOD, encouraged the City Council to place this issue on the ballot.

HARRY PRONGUE, WEST HOLLYWOOD, stated this is a difficult call. We need to put some vigor back into the election process.

CRAIG RITCHIE, WEST HOLLYWOOD, encouraged Council to place this issue on the ballot.

STAN LOTHBRIDGE, WEST HOLLYWOOD, spoke in support of term limits.

NORMAN CHRANOFF, WEST HOLLYWOOD, supported the placement of this issue on the ballots.

DEWEY JONES, WEST HOLLYWOOD, asked if is placed on the November ballot does that make it a municipal election. He encouraged Council to place this issue on the ballot.

LAWERENCE ZAKSON, WEST HOLLYWOOD, stated that term limits are basically undemocratic. He also asked Council to think about the impacts of term limits on the state legislature. He is against term limits.

JEANNE DOBRIN, WEST HOLLYWOOD, stated she does not know if having term limits on the ballot will increase the turnout but it is worth a try. The City of West Hollywood is not big enough for separate districts. She is in support of placing this issue on the ballot.

Councilmember Martin asked if this could be placed on the November ballot.

City Attorney Jenkins responded that SB 2 makes reference to placing this type of measure on a ballot at a "regularly scheduled election." However, that phrase is not defined in the Elections code. The Elections code provides for two types of elections "regular municipal election" and "a special election" and does not provide for a "regularly schedule election." One argument would be that the intend of the SB 2 was to place this type of measure on a regular municipal election so that it would not cost city's any additional money. To place this on the November ballot the City of West Hollywood would have to call a special election between now and August 9th, consolidate with the November election, and would cost the City around \$20,000. to \$30,000. If we place the measure on the March election, their would be no additional cost. Another argument would be that November is a regularly scheduled election, but for this City it is a consolidated special election. It is clear that if this measure was placed on the November ballot, that it would take effect for the March election. If it is placed on the March election, its an open question, as whether it would apply to the Council candidates who are elected in the March election. SB 2 requires a measure to be prospective only. The open question is which would take effect first, the terms of office for the candidates elected in March, or the effectiveness of the Ordinance which might be adopted establishing term limits. Ordinances on a ballot take effect 10 days after certification. It is conceivable that we could arrange for the ordinance to take effect prior to the swearing in of the Councilmembers, thereby assuring that a good argument exists that the measure took effect prior to the election of the Councilmembers. If it were a risk of a lawsuit, the lawsuit would not occur for eight years after the March 1997 election.

Councilmember Heilman indicated he does not feel it is a good thing and it would not increase participation. We need to look at how we increase the participation of the voters. He would like to see the election moved to November. He also does not agree with districting but perhaps numbering the offices would be something to consider.

Mayor Pro Tem stated we are asking for a vote to be placed on the ballot. We can afford \$25,000. to place it on the November election, so that more people would vote.

Councilmember Land indicated she does not support term limits although she agrees that the voter turnout has not been good. She would rather see the election moved to a November election and see us work towards a plan of moving the election, or maybe numbered seats.

Councilmember Martin indicated support to investigate numbered seats. He is not sure moving the Municipal elections to November would accomplish participation due to the all the measures and candidates its would be distracting. He is concerned about the cost of adding this measure to the November ballot.

Mayor Koretz stated that comments regarding term limits which are negative relative to the State Legislature. He doesn't necessarily agree with it but also doesn't think it is a bad idea.

ACTION: Direct the City Attorney to prepare an ordinance limiting the number of consecutive terms a Councilmember can serve on the City Council and to include the ordinance on the next regularly scheduled municipal election ballot in March, and the ordinance to be designed so that Councilmembers elected in March would be subject to the ordinance.

Motion by Mayor Koretz, seconded by Mayor Pro Tem Guarriello and carried on a roll call vote:

AYES: Councilmembers - Martin, Guarriello, Koretz.
NOES: Councilmembers - Heilman, Land.
ABSENT: None.
ABSTAIN: None.

Direct staff to meet with people concerned with term limits on both sides and look at moving the election to November for possible placement on the March ballot.

EXCLUDED CONSENT CALENDAR: None.

CITIZEN COMMENTS:

JEANNE DOBRIN, WEST HOLLYWOOD, asked the City Council to direct the City Attorney to start his seminars with the Commissioners.

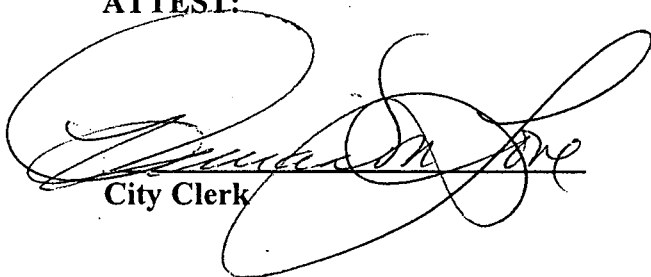
6. **LEGISLATIVE:** None.

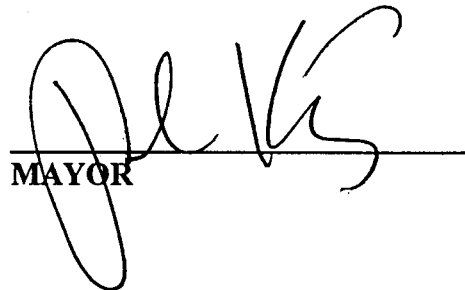
COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 11:48 p.m. in memory of Connie Norman, Lilly Fonda and Tony Netzer, to its next regular meeting on Monday, August 5, 1996 at 7:00 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 5TH DAY OF AUGUST, 1996.

ATTEST:


City Clerk


MAYOR