

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, APRIL 15, 1996  
WEST HOLLYWOOD PARK**

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

**PLEDGE OF ALLEGIANCE:** Nancy Matoon led the Pledge.

**ROLL CALL:**

PRESENT - Councilmember - Guarriello, Land, Koretz and Mayor Heilman.

ABSENT - Councilmember - Martin.

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

**REPORT OF CLOSED SESSION AGENDA:** City Attorney Jenkins stated that at approximately 6:30 p.m. the City Council called the meeting to order, added Brooks v. City of West Hollywood by a 4-0 vote. The Council then recessed into a closed session for discussion of the items on the posted closed session agenda and the added item. A written report of actions taken is on file with the City Clerk.. The Closed Session adjourned at 6:45 p.m.

**APPROVAL OF AGENDA:**

Staff has requested that item 4.A. be moved to the Consent Calendar as Item 2.T, and 5.B. be moved and added to the Consent Calendar as Item 2.U.

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

**PRESENTATIONS:**

Councilmember Land read a commendation to the organizers of the Women in Rythm: Celebrating the Diversity of Women of Color event. Commendations were presented to the following: Alice Cardenas, Dyan Garza, Elena Espinoza, Unhei Kang, Carmen Navarro, Jonette Newton, Janet Nicholson, Sandy Ortiz, Beverly Pantages, Lenore Rivers, Grace Rosales, Diep Tran and Nancy Wong.

Mayor Heilman proclaimed the week of April 14-20 as National Library Week. He presented the Proclamation to Nancy Matoon.

Ms. Matoon thanked the City Council for all their support. She announced an event of Friends of the Library. She invited residents to stop in.

Mayor Heilman announced a special presentation to the City from Mark Rosenthal and Mike McNeilly.

Mr. Rosenthal and Mr. McNeilly presented a check for \$20,000 to the Families and Communities Organization.

Mayor Heilman announced the Yom Hashoa event which was held April 14. It was very successful. He also announced that April 22nd will be Earth Day in West Hollywood with a Special Event at 10:00 a.m. at the Drought Garden on Santa Monica.

**1. CITIZEN COMMENTS:**

MARK OLSON, representing Southern California Edison, spoke in favor of Item 2.I. He commented that Southern California Edison has certain programs to help with audits in which they do not charge. He also added there is a rate reduction of 5.5% which will start in May and a rate rebate in June.

SHARON O'ROURKE, representing Southern California Gas Company, commented on Item 2.I. also stating they too, have audits which they can perform and help the City in energy saving measures.

JAMES NORVOLD, WEST HOLLYWOOD, spoke about the use of marijuana. In 1995 the City Council passed a resolution supporting the compassionate use of marijuana for HIV positive individuals. However, Deputy Klaus of the Sheriff's Department stated the department does not have any policy nor training program.

SANDY ORTIZ, WEST HOLLYWOOD, presented Councilmember Land with a T-shirt from the Women In Rhythm event.

BRIAN MARQUEZ, WEST HOLLYWOOD, commended Daphne Dennis for her efforts with Gardener Elementary School and the dispute resolution program.

HYLAN KUNERTH, WEST HOLLYWOOD, submitted information about Dr. Duesberg and asked Council to establish a relationship with him.

**CITY MANAGER'S REPORT:** No report.

**FISCAL IMPACT ON CONSENT CALENDAR:** Assistant City Clerk Thompson stated the fiscal impact of the Consent Calendar for April 15, 1996, as amended is \$524,980. in expenditures and \$491,980. 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 Guarriello, seconded by Councilmember Land and unanimously carried.**

- A. POSTING OF AGENDA:** The agenda for the meeting of Monday, April 15, 1996 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, April 11, 1996.  
**RECOMMENDATION:** Receive and file. **Approved as part of the Consent Calendar.**
- B. APPROVAL OF MINUTES:**  
**RECOMMENDATION:** Approve the minutes of the Regular Meeting on Monday, March 18, 1996, Joint Meeting with the Transportation Commission on Monday, March 18, 1996, and the Regular Meeting on Monday, April 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. CLAIMS ADMINISTRATION:**  
**RECOMMENDATION:** Deny the claims of State Farm as subrogee for 1133 Clark Street Homeowners Association and Steven Lentz, Ali Mohammad and Mehri Tabatabai, Edward Dollwet, H.O.B. Entertainment, Inc. DBA House of Blues, Donna Ravitz DBA Name that Toon without comment and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**
- E. DEMAND REGISTER NO. 316, RESOLUTION NO. 96-1559:**  
**RECOMMENDATION:** Approve Demand Register No. 316 and adopt Resolution No. 96-1559, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 316." **Approved as part of the Consent Calendar.**
- F. TREASURER'S REPORT:**  
**RECOMMENDATION:** Receive and file Treasurer's Report for February 1996. **Approved as part of the Consent Calendar.**
- G. ORDINANCE NO. 96-462 (2nd Reading), PROPOSED ORDINANCE AMENDING THE ZONING CODE AND ZONE MAP CHANGES FOR THE SUNSET SPECIFIC PLAN:**  
**RECOMMENDATION:** Waive further reading and Adopt Ordinance No. 96-462, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD

APPROVING ZONING TEXT AMENDMENT (ZTA) 95-02 AMENDING ARTICLE IV OF THE WEST HOLLYWOOD MUNICIPAL CODE (ZONING ORDINANCE).” **Approved as part of the Consent Calendar.**

**H. ORDINANCE NO. 96-463 (2nd Reading), PROPOSED ORDINANCE AMENDING THE DEFINITION OF “SATURDAY NIGHT SPECIAL:”**

RECOMMENDATION: Waive further reading and Adopt Ordinance No. 96-463, “AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE DEFINITION OF ‘SATURDAY NIGHT SPECIAL’ SET FORTH IN SECTION 4122(a) OF THE WEST HOLLYWOOD MUNICIPAL CODE.” **Approved as part of the Consent Calendar.**

**I. AGREEMENT FOR PROFESSIONAL SERVICES TO AUDIT CITY UTILITY EXPENDITURES:**

RECOMMENDATION: Authorize the City Manager to execute a three-year professional service agreement with Cost Control Associates Inc., to perform utility audits, at a fee of 50% of any refunds achieved, plus 50% of savings due to CCA recommendations for the first 24 months, and 25% of savings for the last 12 months. If refunds are not secured, nor savings recommendation adopted, there will be no fee. **Approved as part of the Consent Calendar.**

**J. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT FOR PREPARATION OF CITY’S ANNUAL SPECIAL ASSESSMENT DISTRICT REPORT:**

RECOMMENDATION: Authorize the City Manager to execute an agreement with RR Brown and Associates for annual Assessment District services, in an amount not to exceed \$18,000 for regular services and an additional \$30,000 for services needed if the district levies are increased. **Approved as part of the Consent Calendar.**

**K. EXTENSION OF CONTRACT WITH JOHN CHASE AS A CONSULTANT URBAN DESIGNER:**

RECOMMENDATION: Authorize the City Manager to execute an agreement, not to exceed \$10,000. with John Chase for urban design consulting for continued urban design services until the permanent urban design position is filled. **Approved as part of the Consent Calendar.**

**L. PROPOSED RESOLUTION IN SUPPORT OF THE PROPOSED BAN ON MILITARY LAND MINES:**

RECOMMENDATION: (1) Adopt Resolution No. 96-1560, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE PROPOSED BAN ON MILITARY LAND MINES.” **Approved as part of the Consent Calendar.**

**M. APPROVE THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM REIMBURSABLE CONTRACT AMENDMENTS:**

RECOMMENDATION: (1) Approve the Community Development Block Grant Program Reimbursable Contract No. 67520, Amendment No. 2, with the County of Los Angeles for FY 1996-97 and authorize the City Manager to execute the agreement; and (2) Approve the Community Development Block Grant Program Reimbursable Contract No. 64928, Amendment No. 5, with the County of Los Angeles and authorize the City Manager to execute the agreement. **Approved as part of the Consent Calendar.**

**N. PROPOSED RESOLUTION SUPPORTING RENEWAL OF THE OFFSHORE OIL DRILLING MORATORIUM AND FEDERAL LEGISLATION TO PROVIDE LONG-TERM PROTECTION FROM OFFSHORE OIL DRILLING:**

RECOMMENDATION: (1) Resolution No. 96-1561, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING RENEWAL OF THE OFFSHORE OIL DRILLING MORATORIUM AND FEDERAL LEGISLATION TO PROVIDE LONG-TERM PROTECTION FROM OFFSHORE OIL DRILLING;" (2) Forward copies to the appropriate Legislators; and (3) Direct staff to explore methods of increasing the City's efforts to promote environmental awareness and responsibility. **Approved as part of the Consent Calendar.**

**O. WEST HOLLYWOOD ANNUAL STATE OF THE ENVIRONMENT REPORT:**

RECOMMENDATION: Receive and file the West Hollywood Annual State of the Environment Report as a progress report on the City's environmental programs. **Approved as part of the Consent Calendar.**

**P. RESOLUTION IN SUPPORT OF THE 13TH ANNUAL INTERNATIONAL AIDS CANDLELIGHT MEMORIAL AND MOBILIZATION:**

RECOMMENDATION: (1) Adopt Resolution No. 96-1562, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE 13TH INTERNATIONAL AIDS CANDLELIGHT MEMORIAL AND MOBILIZATION;" and (2) Direct Public Information staff to assist in publicizing this event. **Approved as part of the Consent Calendar.**

**Q. PROPOSED RESOLUTION REVISING THE ORDER OF BUSINESS ON CITY COUNCIL AGENDAS:**

RECOMMENDATION: Adopt Resolution No. 96-1563, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REVISING

THE ORDER OF BUSINESS ON CITY COUNCIL AGENDAS AND AMENDING RESOLUTION NO. 94-1316" **Approved as part of the Consent Calendar.**

**R. RESIGNATION FROM THE DISABILITY ADVISORY COUNCIL:**

RECOMMENDATION: (1) Accept with regret the resignation of Ruth Brodie; and (2) Direct the City Clerk to post a notice of vacancy. **Approved as part of the Consent Calendar.**

**S. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN OPPOSITION TO AB 2812, A BILL MANDATING NAMES REPORTING AND ELIMINATING ANONYMOUS TESTING FOR HIV:**

RECOMMENDATION: (1) Adopt Resolution No. 96-1564, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN OPPOSITION TO AB 2812, A BILL MANDATING NAMES REPORTING OF THOSE WHO TEST POSITIVE FOR HIV"; (2) Forward copies of this resolution to the appropriate members of the California State Senate and Assembly. **Approved as part of the Consent Calendar.**

**T. TERMINATION OF A SOCIAL SERVICES CONTRACT WITH CHABAD:**

RECOMMENDATION: Direct staff to terminate the social services contract between Chabad and the City of West Hollywood effective May 31, 1996; and (2) Direct staff to return with alternative recommendations on contracting with another provider for a counseling program for teens. **This item was originally Item 4.A, and was moved and approved as part of the Consent Calendar.**

**U. COUNTY GRANT FOR ANTI-SMOKING CAMPAIGN TARGETING GAY MEN AND LESBIANS:**

**ACTION:** (1) Authorize staff to enter into a contract with Los Angeles County Department of Health Services for \$25,000. for coordination of anti-smoking efforts targeting gay men and lesbians; and (2) Increase General Fund revenues and expenditures line items in division 530 by \$25,000. **This item was originally Item 5.B, and was moved and approved as part of the Consent Calendar.**

**3. PUBLIC HEARINGS:**

**A. ESTABLISHMENT OF A FEE STRUCTURE FOR AN APPEAL OF A FIREARM CLASSIFICATION ON THE ROSTER OF SATURDAY NIGHT SPECIALS:**

Assistant City Clerk Thompson stated a Notice of Public Hearing was published in the *West Hollywood Independent* on April 3, 1996 and April 10, 1996.

Nancy Greenstein, Public Safety Administrator, provided background information as outlined in the staff report dated April 15, 1996.

Councilmember Guarriello asked if the appeal goes to the Public Safety Commission and not to the City Council.

Ms. Greenstein stated there are two tiers first by staff, if an applicant does not like the answer then they can appeal to the Public Safety Commission.

Mayor Heilman opened the Public Hearing and no speakers coming forward closed the Public Hearing.

**ACTION:** Adopt Resolution No. 96-1565, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING RESOLUTION NO. 95-1449 ESTABLISHING FEES FOR CERTAIN SERVICES FOR THE PURPOSE OF REVISING THE PUBLIC SAFETY DIVISION FEES AND CHARGES."

**Motion Councilmember Land, seconded Mayor Pro Tem Koretz and unanimously carried.**

**B. APPEAL OF THE TRANSPORTATION COMMISSION'S DECISION TO DENY AN AMENDMENT TO LOS ANGELES CHECKER CAB COMPANY, INCORPORATED'S TAXICAB OPERATOR'S LICENSE EXPIRING JUNE 30, 1996:**

Assistant City Clerk Thompson stated the Appellant was mailed a certified Notice of Public Hearing on April 3, 1996.

Joan English, Director of Transportation and Public Works, provided background information as outlined in the staff report dated April 15, 1996.

BENJAMIN CLAVAN, CHECKER CAB COMPANY, asked for a continuance as their representatives are ill and not available.

Joan English, Director of Transportation, stated the Department is very short staffed and taxi operators renewals are next month. She indicated that if Checker had no additional evidence and the staff report was to remain the same as this evening the item could be continued. However, if Checker was presenting new evidence, the item should be heard tonight.

Assistant City Clerk Thompson stated May 6, 1996 would be the next meeting this item could be heard.

Mayor Heilman asked Mr. Clavan if had additional evidence to present.

Mr. Clavan indicated their was additional evidence.

Councilmember Guarriello asked if this was a stall effort.

Councilmember Land stated she is concerned about the new evidence, the application needed evidence that was not submitted and the applicant pushed the City to get this item on the agenda, and now they want to continue the item.

Mayor Heilman stated he is concerned that if their attorneys are sick, then the item should be continued. However, he is concerned about the new evidence and the applicant has not given that information in advance for staff to review.

City Attorney Jenkins indicated that the hearing could be opened, hear new evidence, and decide whether the new evidence will be accepted or continue the entire item.

**ACTION: Motion to continue the Public Hearing by Mayor Pro Tempore Koretz, seconded by Mayor Heilman and failed on a roll call vote:**

**AYES: Councilmembers - Guarriello, Koretz.**

**NOES: Councilmembers - Land, Heilman.**

Mayor Heilman opened the Public Hearing, to hear new evidence, and then to decide if the Council should continue the hearing to May 6, 1996.

BENJAMIN CLAVAN, WEST HOLLYWOOD, stated that part of the issue of Checker Cab has been the questions of "needs" in the City of West Hollywood. The Transportation Commission has defined the way that "need" is going to be established. The scope of the problem is counting and defining those calls for West Hollywood. The second area which is very significant is that David Hatcher does not know what fee should be paid to the City and no Taxi Cab service has paid the business license. They brought 2-3 months of radio slips, from January, February and March.

Director English, read from the West Hollywood Municipal Code, about the records, and stated the records that have been submitted have not been complete information regarding the items submitted.

Paul Arevalo, Director of Finance, responded to concerns about the Business License Taxes.

Mayor Heilman indicated that the issue is whether or not the evidence could have been presented to the Transportation Commission.

Councilmember Land stated that the issue of the tax is not something we should discuss. The tax issue should be resolved at a different time.

**ACTION: Business license tax is not germane and should not be considered. Motion Councilmember Land, seconded by Mayor Pro Tem Koretz and carried with Councilmember Guarriello voting no.**

Councilmember Land stated that she thought the question before Council is whether or not this evidence could have been presented before therefore she is not inclined to accept this evidence as it could have been presented.

**ACTION: Not accept the records as new evidence by Councilmember Land, seconded by Mayor Heilman and carried on a roll call vote:**

**AYES: Councilmember - Guarriello, Land, Koretz, Heilman.**  
**NOES: Councilmember - None.**

**ACTION: Continue the hearing to May 6, 1996. Motion Mayor Pro Tem Koretz, seconded by Mayor Heilman and carried on a roll call vote:**

**AYES: Councilmember - Guarriello, Land, Koretz, Heilman.**  
**NOES: Councilmember - None.**

#### **COUNCILMEMBER COMMENTS:**

Councilmember Land reported that the Planning Department and the Chair of the Planning Commission are in Orlando, Florida to receive an award for the Sunset Specific Plan.

#### **4. UNFINISHED BUSINESS:**

##### **A. TERMINATION OF A SOCIAL SERVICES CONTRACT WITH CHABAD:**

This item was moved to the Consent Calendar and appears on the Consent Calendar as Item 2.T.

##### **B. VEHICLE PURCHASE:**

Sam Baxter, Landscape and Building Maintenance Manager, provided background information as outlined in the staff report dated April 15, 1996.

Mayor Pro Tem Koretz indicated that this does not make him any happier than when it was presented before. He asked if staff knows the dollar figure difference?

Sam Baxter responded that staff has met with Southern California Gas Company and the California State Energy Commission.

Mayor Pro Tem Koretz asked what the Edison rebates are for the electrical vehicles.

David Hare responded that it currently is \$5,000 and the cost of the Ford Ranger is approximately \$30,000.

Councilmember Land suggested if we go forward with this as it is and perhaps we look at alternative fuel vehicles for the next budget.

Mayor Heilman stated staff did a very fine job in presenting the staff report. He stated staff needs to go forward and as we have future purchases we should evaluate the technology.

Mayor Pro Tem Koretz responded that we should at least purchase one electric vehicle.

**ACTION:** (1) Authorize the Finance Department to issue a Purchase Order to Gunderson Chevrolet, Inc. in an amount not to exceed \$15,467.21 for the purchase of one 1996 Chevrolet S-10 pick-up truck; (2) Authorize the Finance Department to issue a Purchase Order to Avis Rent A Car System in an amount not to exceed \$32,811.77 for the purchase of one 1994 Ford Taurus passenger car and two 1994 Ford Escort passenger cars; (3) Declare two 1987 Dodge Omni cars as surplus property and authorize staff to apply their value toward the purchase of the vehicles; and (4) Direct staff to consider and evaluate alternative fueled vehicles in all future vehicle purchases

**Motion Councilmember Guarriello, seconded by Mayor Heilman and carried on a roll call vote:**

**AYES: Councilmembers -- Guarriello, Land, Heilman.**

**NOES: Councilmembers - Koretz.**

**5. NEW BUSINESS:**

**A. ALLOCATION OF PROCEEDS FROM SURPLUS PROPERTY:**

Paul Arevalo, Director of Finance, provided background information as outlined in the staff report dated April 15, 1996.

**ACTION:** Authorize the Department of Finance to allocate the telephone equipment sales proceeds of \$13,500. to the contract services line item 01-180-54-700 to pay for increased maintenance costs of other computer equipment.

**Motion Mayor Pro Tem Koretz, seconded Councilmember Land and unanimously carried.**

**B. COUNTY GRANT FOR ANTI-SMOKING CAMPAIGN TARGETING GAY MEN AND LESBIANS:**

This item was moved and appears under the Consent Calendar as Item 2.U.

**EXCLUDED CONSENT CALENDAR:** None.

**CITIZEN COMMENTS:**

ANDREW ALENICK, REPRESENTING THE SHALLITA PARTIES, spoke about the Checker Cab Appeal and the City Council action of August 21, 1995.

DANIEL DYDZAK, ATTORNEY FOR THE SHALLITA GROUP, he has been instructed by his clients to sue the City of West Hollywood if the City Council should not approve the appeal of Checker Cab.

**6. LEGISLATIVE:**

**A. PROPOSED ORDINANCE ESTABLISHING DRUG FREE ZONES IN ALL CITY PARKS AND AMENDING THE MUNICIPAL CODE:**

Jim Sweeney, Deputy to Councilmember Guarriello, provided background information as outlined in the staff report dated April 15, 1996.

**ACTION:** Introduce on first reading Ordinance No. 96-465, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING DRUG FREE ZONES IN ALL CITY PARKS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

**Motion Councilmember Guarriello, seconded Mayor Pro Tem Koretz and unanimously carried.**

**COUNCILMEMBER COMMENTS:** None.

**ADJOURNMENT:** The City Council adjourned at 8:35 P.M. to a Special Reorganization meeting on Monday April 29, 1996 6:30 P.M. at Plummer Park, Fiesta Hall, 1200 North Vista Street. The next regular meeting will be held on Monday, May 6, 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 THIS 4TH DAY OF NOVEMBER, 1996.

*Paul Koretz*

\_\_\_\_\_  
MAYOR

ATTEST:

*[Signature]*  
\_\_\_\_\_  
City Clerk