

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, APRIL 3, 1995
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

7:00 P.M. - REGULAR MEETING

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

PLEDGE OF ALLEGIANCE: The Pledge was led by Dr. Bill Griffin.

ROLL CALL:

PRESENT -- Councilmembers: Guarriello, Koretz, Martin, Heilman, and Mayor Land.
ALSO PRESENT -- City Manager Brotzman, City Attorney Jenkins.

REPORT OF CLOSED SESSION AGENDA: City Attorney Jenkins reported that the Closed Session was called to order at 6:00 p.m. The City Council added two items to the Closed Session Agenda, by unanimous vote: (1) performance evaluation of the City Manager; and (2) conference with Real Property Negotiator for the possible lease or purchase of property located at 8490 Sunset Boulevard, the Negotiating Party is Peterson Publishing. The City Council will reconvene to closed session at the end of the regular meeting.

APPROVAL OF AGENDA: Mayor Land stated the meeting will be adjourned in memory of Mary Worley, Michael Sweeney, brother of Council Deputy Jim Sweeney and Theodore Orski, brother of Gloria Vassey. Councilmember Martin pulled Item 2L. Mayor Land pulled Item 2M.

Motion to approve as amended by Guarriello, seconded by Heilman and unanimously carried.

PRESENTATIONS: Mayor Land proclaimed the week of April 9-15 as National Library Week. Mayor Land proclaimed the first week in April as Public Health Week. Mayor Land proclaimed April 5, 1995 as "Cashkey Day." Mayor Land proclaimed the month of April as Earthquake Preparedness Month. Councilmember Martin presented a commendation to Brandon Kaplin, Kindergarten class of Rosewood Elementary School as the winner of the Seventh Annual Studio Art Contest. Councilmember Martin indicated the artwork will be displayed at City Hall. Councilmember Martin also presented a commendation to Steve Weltman, past President of the West Hollywood Democratic Club, for his work on the incorporation of the City; and the work and support he provided for the West Hollywood Democratic Club; Jeff Richmond presented a plaque to Steve for his work as President of the West Hollywood Democratic Club; Jeff Prang presented a proclamation on behalf of assessor Kenneth Hahn for his years of service to the Democratic party and the City of West Hollywood; Charles Stewert presented a resolution by Diane Watson, California State Senator. Mr. Weltman thanked everyone for the recognition.

1. CITIZEN COMMENTS:

A. CITIZEN COMMENTS ON CONSENT CALENDAR ITEMS WHICH HAVE NOT BEEN REMOVED FROM THE CONSENT CALENDAR:

PETER MACKLER, WEST HOLLYWOOD, member of the Human Services Commission, spoke in support of the resolution in support of SB 1169 and SB 1170 which provides funding for a statewide media campaign on teenage pregnancy.

B. CITIZEN COMMENTS, GENERAL INTEREST:

BRUCE TRAUB, WEST HOLLYWOOD, thanked Councilmember Guarriello for attending the funeral for Mary Worley. He also spoke regarding the CSW Festival, stated that the disco speakers were poorly placed last year and indicated that the noise is too loud for residents in the surrounding area.

JEFF PRANG, WEST HOLLYWOOD, member of the Rent Stabilization Commission, spoke about the vote regarding rent control which is taking place in the legislature and encouraging the continued work in fighting bills that will jeopardize MAR's.

Mayor Land encouraged people to call Senator Calderon regarding this issue.

DIANE DRUCKER, LOS ANGELES, called City Hall regarding the Cityline and complained that the driver stops at 4:00 p.m. She indicated the last route on the "A" line is not a complete route, leaving riders at undesired locations.

DONNY CACY, BUSINESS OWNER EAST SIDE, he spoke in favor of the Economic Summit report and stated his support for increased penalties for the pooper scooper ordinance. He hopes for greater enforcement, and for the City to inform the community how to report a violator.

CITY MANAGER'S REPORT: City Manager Brotzman stated he had a brief report regarding the music at CSW and stated he will work with them to monitor the volume of sound.

FISCAL IMPACT ON CONSENT CALENDAR: City Clerk Love stated the fiscal impact for the April 3, 1995 consent calendar as amended is \$1,641,404. in expenditures and \$1,403,821. in potential revenues.

2. CONSENT CALENDAR:

ACTION: Approve items 2A, B, C, D, E, F, G, H, I, J, K, N, O, P, Q, and R. Motion Guarriello, seconded by Heilman and unanimously carried.

- A. POSTING OF AGENDA:** The agenda for the meeting of April 3, 1995 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, March 30, 1995.
RECOMMENDATION: Receive and file. Approved as part of the Consent Calendar.
- B. APPROVAL OF MINUTES:**
RECOMMENDATION: Approve the minutes of March 20, 1995, and approve the minutes of the Joint Meeting with the Public Safety Commission of March 20, 1995. 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: CLAIM OF LARRY POMPA AND JOSEPH WATRO**
RECOMMENDATION: Deny the claims of Larry Pompa and Joseph Watro without comment and refer to the City's claims adjuster. Approved as part of the Consent Calendar.
- E. DEMAND REGISTER NO. 291, RESOLUTION NO. 95-1423:**
RECOMMENDATION: Approve Demand Register No. 291 and adopt Resolution No. 95-1423. Approved as part of the Consent Calendar.
- F. A RESOLUTION GRANTING THE APPEAL OF CARNEY'S AND APPROVING MINOR CONDITIONAL USE PERMIT 94-15:**
RECOMMENDATION: Adopt Resolution No. 95-1424, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, GRANTING THE APPEAL OF JOHN WOLFE AND OTHERS, AND APPROVING MINOR CONDITIONAL USE PERMIT 94-15 FOR THE ON-SITE SALE AND SERVICE OF ALCOHOLIC BEVERAGES IN AN EXISTING RESTAURANT AND OUTDOOR DINING AREA ON AN APPLICATION BY JOHN WOLFE FOR CARNEY'S, LOCATED AT 8351 SUNSET BOULEVARD, WEST HOLLYWOOD." Approved as part of the Consent Calendar.
- G. A RESOLUTION APPROVING ALCOHOLIC BEVERAGE SERVICE IN THE OUTDOOR DINING AREA AT THE RAINBOW BAR AND GRILL, 9015 SUNSET BOULEVARD, WEST HOLLYWOOD:**
RECOMMENDATION: Adopt Resolution No. 95-1425, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD GRANTING THE APPEAL OF TISA MYLAR OF THE RAINBOW BAR AND GRILL, AND APPROVING MINOR CONDITIONAL USE PERMIT 94-06 AND

DEVELOPMENT PERMIT 94-13 FOR THE ON-SITE SALE AND SERVICE OF ALCOHOLIC BEVERAGES IN AN EXISTING OUTDOOR PATIO AREA LOCATED AT 9015 SUNSET BOULEVARD, WEST HOLLYWOOD.” Approved as part of the Consent Calendar.

H. AWARD OF CONTRACT FOR HVAC REPLACEMENT AT PLUMMER PARK:

RECOMMENDATION: (1) Accept the bid submitted by Comfort Zone Heating and Air Conditioning; and (2) Authorize the City Manager to enter into a contract with Comfort Zone Heating and Air Conditioning in the amount of \$23,930., for the replacement of heating, ventilating and air conditioning (HVAC) unit located at Plummer Park’s Community building. Approved as part of the Consent Calendar.

I. PURCHASE OF PUBLIC ADDRESS SOUND SYSTEMS FOR USE AT THE WERLE BUILDING, FIESTA HALL AND WEST HOLLYWOOD PARK AUDITORIUM:

RECOMMENDATION: (1) Accept the bid dated March 2, 1995 submitted by Hollywood Sound Systems; and (2) Authorize the issuance of a purchase order in the amount of \$23,542.30 to Hollywood Sound Systems for the purchase of public address sound system components. Approved as part of the Consent Calendar.

J. AWARD OF CONTRACT FOR THE PLUMMER PARK TENNIS COURT RESURFACING (CIP 461):

RECOMMENDATION: (1) Accept the bid dated March 21, 1995, submitted by Eastwoods Tennis Surface, Inc. in the base bid amount of \$11,500. and the respective unit prices; (2) Reject all other bids submitted; and (3) Authorize the City Manager to enter into a contract with Eastwoods Tennis Surface, Inc., for the resurfacing of tennis courts located at Plummer Park (CIP 461). Approved as part of the Consent Calendar.

K. REQUEST FOR EXTENDED PASSENGER LOADING HOURS ON EAST SIDE OF ALFRED STREET BETWEEN MELROSE AVENUE AND CLINTON STREET:

RECOMMENDATION: Adopt Resolution No. 95-1426, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE HOURS OF OPERATION FOR TWO PASSENGER LOADING ZONES ON THE EAST SIDE OF ALFRED STREET BETWEEN ROSEWOOD AVENUE AND CLINTON STREET.” Approved as part of the Consent Calendar.

L. CHRISTOPHER STREET WEST: GAY AND LESBIAN PRIDE FESTIVAL:

This item was removed and appears under Excluded Consent Calendar.

M. ANNUAL STATE OF THE ENVIRONMENT REPORT:

This item was removed and appears under Excluded Consent Calendar.

N. APPROVAL OF 21ST YEAR COMMUNITY DEVELOPMENT BLOCK GRANT REIMBURSABLE CONTRACT AMENDMENT NUMBER 1:

RECOMMENDATION: Approve the Community Development Block Grant Program Reimbursable Contract Amendment Number 1 with the County of Los Angeles for 1995-96, and authorize the City Manager to sign four original copies. Approved as part of the Consent Calendar.

O. AWARD OF CONSTRUCTION CONTRACT FOR CIP 9507, SIDEWALK ACCESS RAMP CONSTRUCTION PROJECT:

RECOMMENDATION: (1) Accept the bid dated March 21, 1995 by Avedian Construction, Inc. and (2) Authorize the City Manager to enter into a contract in the amount of \$39,570. for the construction of CIP 9507, Sidewalk Access Ramp Construction Project. Approved as part of the Consent Calendar.

P. APPROVAL OF CONTRACT WITH NOVAQUEST INFORMATION SYSTEMS

RECOMMENDATION: Authorize the City Manager to sign the contract with NovaQuest Information Systems, in an amount not to exceed \$143,451.34 for the purchase of the computer systems for the West Hollywood Career Criminal Tracking System. Approved as part of the Consent Calendar.

Q. DISPOSAL OF SURPLUS CITY EQUIPMENT:

RECOMMENDATION: (1) Declare the equipment as surplus property and authorize the disposal thereof; and (2) Approve an agreement with Nationwide Auctioneering Services for the sale of said equipment and authorize the City Manager to sign. Approved as part of the Consent Calendar.

R. A RESOLUTION IN SUPPORT OF SB 1169 AND SB 1170 (LOCKYER) WHICH WILL PROVIDE THE FUNDING FOR A STATEWIDE MEDIA CAMPAIGN ON TEENAGE PREGNANCY PREVENTION AND ENCOURAGE COMMUNITY AND SCHOOL-BASED SUPPORT FOR PUPILS AT RISK OF BECOMING TEEN PARENTS:

RECOMMENDATION: (1) Adopt Resolution No. 95-1428, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF SB 1169 AND 1170 (LOCKYER), WHICH WILL PROVIDE THE FUNDING FOR A STATEWIDE MEDIA CAMPAIGN ON TEENAGE PREGNANCY PREVENTION AND ENCOURAGE COMMUNITY AND SCHOOL-BASED SUPPORT FOR PUPILS AT RISK OF BECOMING TEEN

PARENTS;” (2) Direct staff to apprise members of the Families and Communities Task Force of this Resolution and its potential value to area schools; and (3) Direct staff to send a copy of this Resolution to the appropriate members of the California State Legislature. Approved as part of the Consent Calendar.

3. PUBLIC HEARINGS: None.

COUNCILMEMBER COMMENTS:

Councilmember Guarriello extended his condolences to the family of Mary Worley.

Mayor Pro Tem Heilman encouraged everyone to vote next Tuesday, as it is a very important election for the school district. He also directed staff to explore making the last trip of the day a complete route on the Cityline.

Councilmember Martin indicated that Ms. Allyne Winderman, Manager Housing and Economic Development, and himself attended a seminar at Universal City which addressed attracting and retaining the entertainment industry in your community.

Councilmember Koretz stated that there was some very homophobic messages being distributed about the incumbent in the upcoming school board election.

Mayor Land asked that the Public Information Division scroll information regarding the elections on public access. She also announced the City of West Hollywood was awarded a used oil recycling grant to share with Culver City and Beverly Hills. She also reminded that there is a Women's Mixer on April 12, as part of Women's History Month at the Pacific Design Center.

4. UNFINISHED BUSINESS:

A. COMMISSION AND BOARD APPOINTMENTS:

Mayor Land provided background information as outlined in the staff report dated April 3, 1995.

RECOMMENDATION: Appoint Laurie Young to the Lesbian & Gay Advisory Council to fill a woman's term ending May 31, 1996.

Motion Heilman, seconded by Martin and unanimously carried.

B. CONTRACT EXTENSION FOR GILBERT & ASSOCIATES:

Paul Brotzman, City Manager, provided background information as outlined in the staff reported dated April 3, 1995.

Councilmember Martin indicated he was under the impression that the contractor had a deadline and the contractor was responsible for certain costs related to any delays.

City Manager Brotzman responded that the delay was due to a natural disaster and it is felt that since the state declared LA County as a disaster area these monies will be recovered from FEMA. He stated the costs associated with the delay would be the contract management of the construction project and extension of rent.

Councilmember Guarriello asked if the contractor would be responsible for the cost of extending the project management contract

City Manager Brotzman responded that the contractor is only responsible for this cost if the contractor was responsible for the delay. He added, in this case, it was the inclement weather and not the fault of the contractor, hence the contractor would not be responsible for the cost.

Mayor Pro Tem Heilman indicated he reviewed the staff report quickly and had some concerns. He feels that some of the responsibility for the delay is the contractor, however, some of the conditions that caused the delay were out of the contractors control. He indicated that this cost over run is minimal in relation to the amount of the project. He commended Meg Gilbert on her work.

RECOMMENDATION: 1) Authorize the City Manager to extend the contract with Gilbert and Associates due to rain damage; 2) Authorize the Director of Finance to setup an off-setting revenue account to record anticipated FEMA reimbursement; 3) Authorize the City Manager to enter into a supplemental contract with Gilbert & Associates for Real Estate negotiations and transactions relating to the relocation and purchase of City Hall in an amount not to exceed \$35,000.

Motion Heilman, seconded by Koretz and unanimously carried.

5. NEW BUSINESS:

A. REPORT ON FINDINGS AND RECOMMENDATIONS OF THE 1995 WEST HOLLYWOOD ECONOMIC DEVELOPMENT SUMMIT:

Allyne Winderman, Housing and Economic Development Manager, provided background information as outline in the staff report dated April 3, 1995 and introduced Charlie Mercer, Gay Forbes, Community Development Director, Haley Powers, West Hollywood Convention and Visitors Bureau and Tim Olson.

HALEY POWERS, stated the West Hollywood Convention and Visitors Bureau agreed with priorities set fourth in this report.

CHARLIE MERCER, gave his overview of the reactions of the business community and results of this summit. Asked for continued re-investment in the business community by the Council.

TIM OLSON, stated that the primary essence throughout the summit was parking; the summit, and the City Council, have not gone far enough to reallocate parking fine monies for the financing of additional parking.

TONY MELIA, indicated his support of the summit and report, and stated the City and the community have done a tremendous amount of great work in relation to the dollars spent.

BILL GRIFFIN, WEST HOLLYWOOD, stated that there is a real sense of optimism on the East Side, and encourages the Council to implement the report.

JAMES LITZ, WEST HOLLYWOOD, thanked his colleagues for their work. He stated that under the leadership of Allyne Winderman there will be some exciting changes and a good business environment in West Hollywood.

JEANNE DOBRIN, WEST HOLLYWOOD, stated that people focus on parking as a problem and forget about circulation. She stated that one goes with the other. Ms. Dobrin stated that the Transportation Commission recently suggested on site parking for the Sunset Specific Plan, she concurs and suggests it would be appropriate for other places in the City. She agrees that an additional portion of parking fines should be allocated to public parking. She disagrees with Councilmember Koretz, and his comments about over aggressive enforcement.

Mayor Land thanked Allyne and her staff as well as all the people that participated in the summit. She feels that the report sets fourth a tremendous amount of work but the plan will be accomplished over a period of time.

Councilmember Koretz responded to Ms. Dobrin's comments and states that the businesses share his concerns for over aggressive enforcement.

Mayor Pro Tem Heilman thanked staff for the summit.

Councilmember Guarriello commended Allyne on the job she did.

RECOMMENDATION: Accept the report of the Economic Summit and direct staff to implement the "Action Plan" recommendations as part of the 1995-96 Work Plan to the extent feasible.

Motion Heilman, seconded Koretz and unanimously carried.

EXCLUDED CONSENT CALENDAR:

L. CHRISTOPHER STREET WEST: GAY AND LESBIAN PRIDE FESTIVAL:

Councilmember Martin inquired about the amplified sound at the PDC and suggested that the music should be on the west side of San Vicente, he indicated his support for restrictions on the placement of the amplified noise.

Lloyd Long, Director of Human Services Department indicated that CSW would be positioning the speakers different this year, and pointing them away from the residential areas, north and south.

MICHAEL YATES, Executive Director of Christopher Street West, stated that there was a problem with the noise carryover last year. He responded that the disco location is moved to the far west side of the parking lot and the speakers will be facing north and south. He indicated that they are adding more speakers so that the volume could be lowered.

Councilmember Martin indicated there seemed to be some blatant substance abuse problems.

Mr. Yates responded that they try to do their best to control substance abuse and they would be a need to bring in Sheriff's.

Mayor Land stated that she spoke with both Mr. Long and Michael Yates and they indicated there will be advance noticing and since City Hall will be closed on that Friday, there would be a 24-hour phone line for people to call.

Mayor Pro Tem Heilman concurred with Councilmember Martin regarding substance abuse and stated that if the Sheriff's need to be called in then they should be. Mayor Pro Tem Heilman directed CSW to take a stronger hand with substance abuse on the festival grounds. He stated that the other issue for him is the street closure. He stated that the street was opened too early last year, which may have been a coordination problem between CSW and the City, however he directed Mr. Yates to investigate increasing the number of street monitors.

Councilmember Martin stated that there needs to be more discussion regarding the role of the City with CSW on this event especially during tight budget times and he would like to direct staff to open up discussion regarding this issue earlier in the year. The community has asked him if the City underwrites a large subsidy of the event, why do the residents still have to pay the full \$10.00 entry fee.

Mr. Long stated that this discussion has been ongoing for some time and will continue

RECOMMENDATION: 1) Approve the use of West Hollywood Park and City property for the 1995 Gay and Lesbian Pride Festival and authorize the City Manager to enter into an agreement with Christopher Street West for said use; 2) Authorize the use of Santa Monica Boulevard between Crescent Heights Boulevard and Robertson Boulevard for the 1995 Gay and Lesbian Pride parade; and 3) Agree that the City of West Hollywood will serve as an "official sponsor" for both events.

Motion Martin, seconded by Heilman and unanimously carried.

M. ANNUAL STATE OF THE ENVIRONMENT REPORT:

John Jakupcak provided background information as outlined in the staff report dated April 3, 1995.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding food establishment requirements for on-site redemption center. She stated that since the Alpha Beta has closed its on-site redemption center, there is no location in the City to redeem cans.

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

Motion Guarriello, seconded by Heilman and unanimously carried.

CITIZEN COMMENTS: None.

6. LEGISLATIVE:

A. AMENDMENT TO THE WEST HOLLYWOOD MUNICIPAL CODE INCREASING CURRENT FINE AMOUNTS FOR ANIMAL RELATED NUISANCES:

Council Deputy Leah Archibald provided background information as outlined in the staff report dated April 3, 1995.

Councilmember Koretz added that this issue is a threat to animal health. He stated that the fines for the violations will help funding for the enforcement.

RECOMMENDATION: (1) Direct the City Attorney to draft an ordinance that dissolves the current fine structure for animal owners who allow their pets to defecate upon public or private property without proper clean up and to include the violation within the fine structure for all Animal Control Regulation violations; and (2) Direct staff to investigate expansion of the City's contract with Los Angeles County Animal Care and control and present the estimated costs and additional services for Council approval.

Motion Guarriello, seconded Heilman and unanimously carried.

B. PROPOSED ORDINANCE AMENDING SOLID WASTE COLLECTION ORDINANCE:

David Hare, Environmental Service Manager, provided background information as outlined in the staff report dated April 3, 1995.

Councilmember Martin asked about how the franchise fees currently appear.

Mr. Hare responded that it is a tier system, of 9% to 9 1/2% then to 10%, the proposed changes allows for more flexibility.

RECOMMENDATION: Accept public comment and introduce on first reading Ordinance No. 95-433, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING ORDINANCE NO. 340 REGULATING SOLID WASTE COLLECTION, AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE".

Motion Heilman, seconded Guarriello and carried with Councilmember Martin voting no.

C. PROPOSED ORDINANCE AMENDING SECTION 6353 OF THE BUSINESS LICENSE ORDINANCE PERTAINING TO GUN DEALERS:

City Attorney Jenkins provided background information as outlined in the staff report dated April 3, 1995.

RECOMMENDATION: Accept public comment and introduce on first reading Ordinance No. 95-434, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTION 6353 OF THE BUSINESS LICENSE ORDINANCE PERTAINING TO GUN DEALERS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

Motion Koretz, seconded Heilman and unanimously carried.

COUNCILMEMBER COMMENTS:

Councilmember Martin thanked Mayor Land and Councilmember Koretz for bringing the last item before the Council and reminded people to call Senator Calderon's office regarding the rent control issue before the state legislature.

Mayor Pro Tem Heilman asked City Clerk Love to explore the possibility of moving the July Council meetings to the second and fourth Monday.

The City Council recessed to continue the Closed Session at 8:40 p.m.
The City Council reconvened to the Regular meeting at 9:24 p.m.

REPORT OF CLOSED SESSION AGENDA: City Attorney Jenkins reported the City Council recessed to a closed session and added to the Closed Session Agenda Fridrickson v. West Hollywood by a unanimous vote. No action was taken and no reports were necessary.

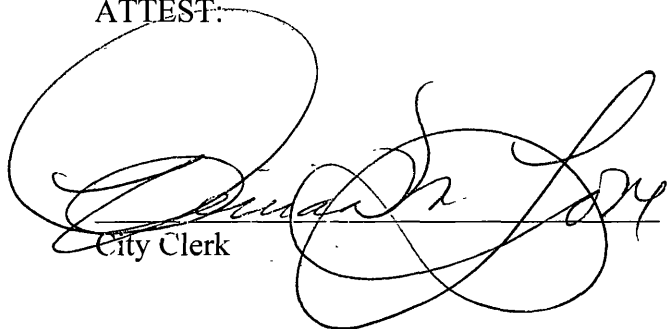
ADJOURNMENT: The City Council adjourned at 9:30 p.m., in memory of Mary Worley, Michael Sweeney, and Theodore Orski, to a special Joint Meeting with the Planning Commission on Monday, April 17, 1995 at 6:00 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard, to be followed by their regular meeting at 7:30 p.m.

APPROVED BY MOTION OF THE CITY COUNCIL ON THE 17TH DAY OF APRIL, 1995.



MAYOR

ATTEST:



City Clerk