

**MINUTES
CITY COUNCIL MEETING
MARCH 21, 1994
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

6:00 P.M. - CLOSED SESSION: This time has been set aside for the City Council to meet in closed session to discuss matters pertaining to litigation (pursuant to Government Code Section 54956.9(a), potential litigation (pursuant to Government Code Section 54956.9(b), and (c)), personnel, and/or claims. The Mayor or the City Attorney will give an additional oral report of the closed session at the commencement of the public portion of the meeting.

7:00 P.M. - REGULAR MEETING

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

PLEDGE OF ALLEGIANCE: The Pledge was led by Charles Mercer.

ROLL CALL: PRESENT: Heilman, Koretz, Land, Lang, and Mayor Guarriello

ALSO PRESENT: City Manager Brotzman
City Attorney Jenkins

REPORT OF CLOSED SESSION: City Attorney Jenkins reported that the meeting was called to order at 6:30 p.m. and Council recessed to a closed session and discussed two matters of potential and threatened litigation. No decisions were made.

APPROVAL OF AGENDA:

Items 3.B and 3.D were tabled to June 20, 1994. Items 2.I, 6.B and 6.D were tabled, at the request of staff. Councilmember Heilman indicated that he had a concern about one item on the Demand Register; however he would give his concerns to staff to follow up on it.

ACTION: Approve the agenda as amended. Motion Land, seconded Guarriello and unanimously approved.

PROCLAMATIONS AND COMMENDATIONS:

Mayor Pro Tem Land reminded everyone that in honor of Women's History Month, there will be a forum on women in nontraditional careers at the Hyatt on March 22.

Mayor Guarriello stated for the record that the Chamber of Commerce held a forum on Friday afternoon, and he had sent them a letter of apology and a copy of an invitation he had received from the Leukemia Society for the same Friday afternoon. Since he was honorary chairman and this event could raise a lot of money, he felt that leukemia victims were more important than the forum. Unfortunately, the Chamber forgot to publicly offer his apologies to the forum candidates and the media.

1. CITIZEN COMMENTS:

JULIE SUMMERS, WEST HOLLYWOOD, spoke in support of the single-payer insurance initiative. They have until April 18 to get enough signatures. She requested that the City get behind this effort by advertising on City Channel 10 and having the petition at City Hall.

STUART ANDERSON, ADMINISTRATOR, W.H. TRANSPORTATION MANAGEMENT ORGANIZATION (TMO), stated that FEMA has reviewed their transportation programs in response to the earthquake, and approved. Shuttle service continues to operate. Looking for people who need their service from Burbank or to Burbank. The AQMD has appointed TMO to the blue ribbon committee that will redesign the trip reduction plan for our region.

THOMAS CRAIL, CHAMBER, WEST HOLLYWOOD, stated that it was not the TMO which was appointed; it was Stuart Anderson who was appointed to this blue ribbon panel--a great honor for this City. Also some facts related to the Chamber of Commerce--it is often stated that chambers of commerce don't receive funding. The fact is, 68 percent of local chambers of commerce receive funding from government agencies; of those, 76 percent have a contract with the agency that gives them funding. The West Hollywood Chamber does have two contracts with the City; this is consistent with the majority of chambers in California. Nationally, the number is higher.

KEITH BAKER WEST HOLLYWOOD, PRESIDENT, CSW, spoke regarding the proposed contract with Christopher Street West for the annual gay and lesbian pride parade and festival. He and his attorney had problems with the contract, and he and Mr. Long were not able to communicate by phone.

BRUCE TRAUB, WEST HOLLYWOOD, related an incident that occurred at the Chamber forum--six or seven people showed up, and the Chamber people were not happy that they came to view this taping; a Deputy Sheriff arrived and stayed for the duration of the forum; in the future the Chamber should hold a private forum at their own expense. He asked that Item 3.A. be continued till the next meeting as tonight is Oscar night.

CHARLIE MERCER, SUNSET STRIP ASSOCIATION, WEST HOLLYWOOD, related an incident which happened at the Senior Advisory Council's candidates forum between a member of Marketing Corporation and a resident; it has been reported to the Sheriff's Department; would like Council to take a serious look at this.

CITY MANAGER'S REPORT:

City Manager Brotzman commented that Council had directed staff to solicit proposals for a financial study of the cost of the Sheriff's Department versus the cost of a City-owned Police Department. Council had also asked that

a committee be formed to oversee this study; John Altschul and Adam Devekian had been asked to come up with two additional people to serve on the subcommittee--the people selected are Joyce Hundal and Daniel Kovatch. Now that the committee is in place, they will review the proposals and the process will begin.

Mr. Brotzman also commented regarding the percentage of the budget devoted to law enforcement, and gave the percentages for each year since incorporation. In the first year after incorporation, the Sheriff's Department budget represented 37 percent of the General Fund budget. The second year, it represented 33 percent; the third year and fourth year, 30 percent; the fifth, sixth and seventh years, 28 percent. In 1992-93 it increased, and the current percentage is 31 percent. He indicated that the reason for the changes in percentage is that during the early years of Cityhood, the revenue base grew at a greater rate; in recent years, the revenue has become tighter.

Councilmember Heilman asked the City Manager if he could meet with Mr. Baker of CSW to resolve the problems he had expressed.

Mr. Brotzman commented that the issue had to do with the Sheriff's Department costs, and he would make sure that the meetings are held to resolve the issue.

City Attorney Jenkins added that he was waiting to hear from CSW's attorney, and was available, but as yet he had not been contacted.

REPORT ON DOLLAR AMOUNTS ON CONSENT CALENDAR:

Deputy City Clerk Vukojevich reported that the fiscal impact of the Consent Calendar items was \$10,000 in expenditures and \$4,000 in potential lost revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar as amended.
Motion Land, seconded Koretz and unanimously carried.

A. POSTING OF AGENDA: The agenda for the meeting of Monday, March 21, 1994, was posted at City Hall, Plummer Park, and the Sheriff's Station on Thursday, March 17, 1994, and at the West Hollywood Library on Friday, March 18, 1994.

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

B. WAIVER OF FURTHER READING:

ACTION: After the City Attorney has read the title of any Ordinance on tonight's agenda, the further reading thereof be waived. Approved as part of the Consent Calendar.

C. DEMAND REGISTER NO. 266, RESOLUTION NO. 94-1273:

ACTION: Approve Demand Register No. 266 and adopt Resolution No. 94-1273. Approved as part of

the Consent Calendar.

- D. ORDINANCE NO. 94-401 (2nd Reading), EXPANDING PREFERENTIAL PARKING DISTRICT 5:**
ACTION: Waive further reading and adopt Ordinance No. 94-401, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD EXPANDING PREFERENTIAL PARKING DISTRICT 5 TO INCLUDE DOHENY DRIVE BETWEEN LLOYD PLACE AND KEITH AVENUE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.
- E. ORDINANCE NO. 94-402, (2nd Reading) - ZONING TEXT AMENDMENT 93-05:**
ACTION: Waive further reading and adopt Ordinance No. 94-402, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTERS 9220, 9300, 9380, 9450, 9510 AND 9620 OF ARTICLE IX OF THE WEST HOLLYWOOD MUNICIPAL CODE (ZONING ORDINANCE)." Approved as part of the Consent Calendar.
- F. LETTER OF SUPPORT - AB2810, A BILL TO PROVIDE FOR THE CALIFORNIA SECRETARY OF STATE TO REGISTER DOMESTIC PARTNERSHIPS:**
ACTION: Authorize Mayor to prepare and sign a letter of support for AB2810. Approved as part of the Consent Calendar.
- G. DESIGNATION OF 8431 SANTA MONICA BOULEVARD AS A LOCAL CULTURAL RESOURCE:**
ACTION: Adopt Resolution No. 94-1274, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, AFFIRMING THE RECOMMENDATION OF THE CULTURAL HERITAGE ADVISORY BOARD AND DESIGNATING 8431 SANTA MONICA BOULEVARD (EMSER TILE BUILDING) AS A LOCAL CULTURAL RESOURCE OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA" Approved as part of the Consent Calendar.
- H. A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE "TAKE OUR DAUGHTERS TO WORK" PROGRAM:**
ACTION: 1) Proclaim April 28th as "Take our Daughters to Work Day" in West Hollywood and encourage employees and residents to participate; 2) Direct staff to assist the Hollywood Policy Center in informing constituents about the program and its purpose; 3) Direct staff to urge local business organizations to encourage their members to take part in the program; and 4) Authorize the hanging of vertical pole banners to commemorate the "Take Our Daughters to Work" program in West Hollywood. Approved as part of the Consent Calendar.
- I. AMENDMENT TO THE RENT STABILIZATION REGULATIONS REGARDING THE DROUGHT EMERGENCY AND WATER SURCHARGE PASS-THROUGH: THIS ITEM WAS TABLED AT REQUEST OF STAFF, UNDER APPROVAL OF AGENDA.**
- J. AUTHORIZATION TO EXECUTE A HISTORICAL PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT) BETWEEN THE**

CITY OF WEST HOLLYWOOD AND ELIAS SHOKRIAN, OWNER OF A HISTORIC BUILDING LOCATED AT 1236 N. FLORES AVENUE, WEST HOLLYWOOD, CALIFORNIA:

ACTION: Authorize the City Manager to execute a Historical Property Preservation Agreement (Mills Act Contract) between the City of West Hollywood and Elias Shokrian, owner of the local cultural resource located at 1236 N. Flores Avenue, West Hollywood, California. Approved as part of the Consent Calendar.

K. AUTHORIZATION TO EXTEND CONTRACT WITH KFA SERVICES FOR CABLE RATE REGULATION CONSULTATION:

ACTION: 1) Approve staff's request to extend the scope of services for KFA Services; and 2) Approve the transfer of \$5,000. Approved as part of the Consent Calendar.

L. AN ORDINANCE AMENDING SECTION 6617 AND 6653 OF THE BUSINESS LICENSE ORDINANCE PERTAINING TO THE ISSUANCE OF BUSINESS LICENSES TO GUN DEALERS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE:

ACTION: 1) Introduce for first reading Ordinance No. 94-403, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTIONS 6617 AND 6653 OF THE BUSINESS LICENSE ORDINANCE PERTAINING TO THE ISSUANCE OF BUSINESS LICENSES TO GUN DEALERS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE"; 2) Direct the appropriate staff to work with law enforcement officers, gun dealers, and the public to make them aware of the provisions of this ordinance; 3) Direct the appropriate staff to work with the City Attorney to create licensing, zoning, and code enforcement language and processes that are appropriate to the provisions of this ordinance. Approved as part of the Consent Calendar.

3. PUBLIC HEARINGS:

A. APPEAL OF PLANNING COMMISSION APPROVAL OF DEVELOPMENT PERMIT 93-34 AND DEMOLITION PERMIT 93-07, PERMITTING THE CONSTRUCTION OF A 40-UNIT LOW INCOME HOUSING PROJECT FOR PERSONS WITH AIDS LOCATED AT 980 PALM AVENUE:

The Council held discussion on whether to continue this hearing, as they had received many requests for continuance from people who were not able to be present because they were involved in the Academy Awards presentations. The Councilmembers agreed that they would hear a very brief staff report, hear from members of the public who were present, and then continue this hearing to April 4, 1994. Mayor Guarriello announced that anyone who speaks this evening will not be allowed to speak again on April 4th.

Jennifer Davis, Community Development Department, stated that this was appealed by three different applicants on the grounds of CEQA requirements, location, views, traffic, and logistics of the project.

She recommended that Council uphold the Planning Commission decision and deny the appeal.

Deputy City Clerk Vukojevich reported that notice of this hearing was published on February 23, 1994, in the West Hollywood Independent, and notices were mailed on March 10, 1994, to those within a 500 foot radius of the project. She also reported that 122 letters were received in opposition to the project, 11 requests to reschedule the hearing, and one letter in favor.

Mayor Guarriello opened the public hearing.

PAUL ZIMMERMAN, applicant, stated that he would be willing to wait till April 4th to testify.

The following members of the public addressed the Council.

PETER SWENKE, WEST HOLLYWOOD, spoke in support of the project.

HOWARD JACOBS, WEST HOLLYWOOD, spoke in support of the project.

CHRIS WELCH, LOS ANGELES, PRESIDENT, WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION, spoke in support of the project.

ERIC B. KRIGGER, LOS ANGELES, urged the Council to support the project.

ERNEST SANCHEZ, CONSTRUCTION LITIGATOR WITH WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION, spoke in favor of the project.

NANCY KLEIN, WEST HOLLYWOOD, spoke in opposition to the project.

TERI LANE, WEST HOLLYWOOD, spoke in opposition to the project.

JORDAN PEIMER, WEST HOLLYWOOD, gave comments in support of the project.

MICHAEL DOLAN, WEST HOLLYWOOD, spoke in favor of the project.

LARRY GOODERMONT, WEST HOLLYWOOD, commented in favor of the project.

STEVE SIMON, WEST HOLLYWOOD, gave reasons for opposing the project; asked that developer make changes so that it is compatible with neighborhood.

WENDELL JONES, WEST HOLLYWOOD, spoke in support of the project.

CHRISTOPHER KUSH, WEST HOLLYWOOD, urged Council to support the project.

CASEY COSS, SHERMAN OAKS, spoke in support of the project.

CHARLES LOVEMAN, WEST HOLLYWOOD, MEMBER OF HOUSING CORPORATION BOARD OF DIRECTORS, encouraged approval of the project as proposed.

There was no one else present to speak on this item.

Councilmember Heilman proposed that an informal Council subcommittee be formed to work with the applicant and the appellants between now and April 4th, to try to resolve the concerns.

Mayor Pro Tem Land commented that is a good idea, and asked Councilmember Heilman if he would be on that subcommittee.

Mayor Guarriello stated that he would be interested.

Councilmember Koretz nominated Mayor Guarriello and Councilmember Heilman, who both agreed to be on the subcommittee.

The hearing was continued open to April 4, 1994.

- B. APPEAL OF PLANNING COMMISSION APPROVAL OF DEVELOPMENT PERMIT 92-05, CONDITIONAL USE PERMIT 93-02 AND DEMOLITION PERMIT 92-02, PERMITTING THE CONSTRUCTION OF A CHABAD NEIGHBORHOOD RECREATIONAL CENTER AT 1048 CURSON/1051 SIERRA BONITA:**
ACTION: Continue this item to June 20, 1994.
- C. APPEAL OF CULTURAL HERITAGE ADVISORY BOARD DECISION DESIGNATING 1343 N. LAUREL AVENUE AS A LOCAL CULTURAL RESOURCE:**
Teresa Kozlowski, Planning Intern, provided background information as outlined in the staff report dated March 21, 1994.

Deputy City Clerk Vukojevich reported that a notice of this item had been published on March 9th in the West Hollywood Independent.

City Attorney Mike Jenkins noted for the record that this appeal was not timely filed, and this item should be treated from a technical point of view as a New Business item.

RICHARD WEISMAN apologized for his appeal not being timely filed, and asked to be allowed to read one page. He indicated that the property is zoned R4 and sits on the center of two lots, which exceed 30,000 square feet, and that the historical designation of the property would be a financial hardship, and is an

unconstitutional taking by inverse condemnation.

Councilmember Heilman stated that he visited the site and he feels the property meets the qualifications for historic designation under our ordinance. He does not view this as a "taking" in any way, because under appropriate circumstances the owner would be allowed to develop or redevelop that parcel.

Mayor Guarriello inquired whether staff had informed Mr. Weisman about the Mills Act and any other benefits available to owners of properties which have been designated.

Ms. Kozlowski replied that they had.

ACTION: Adopt Resolution No. 94-1275, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEAL OF RICHARD D. WEISMAN, AND ADOPTING THE RECOMMENDATION OF THE CULTURAL HERITAGE ADVISORY BOARD TO DESIGNATE 1343 N. LAUREL AVENUE, WEST HOLLYWOOD, CALIFORNIA AS A LOCAL CULTURAL RESOURCE." Motion Heilman, seconded Lang and unanimously carried.

D. APPEAL OF CULTURAL HERITAGE ADVISORY BOARD DECISION DESIGNATING 8756-8766 HOLLOWAY DRIVE AS A LOCAL CULTURAL RESOURCE:

ACTION: Continue this item at the request of the appellant to June 20, 1994.

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Land commented that she and Councilmember Lang would be bringing a resolution to Council at the next meeting in support of the single-payer healthcare initiative; she encouraged people to sign the petition. In addition, she requested that no Council meeting be scheduled next year, or in future years, on the night of the Academy Awards. The Mayor and rest of the Councilmembers concurred.

Councilmember Heilman stated that there was a request from Poinsettia Neighbors for a Sheriff's substation on the East Side. He asked the City Manager to work with them to create an informal task force to look into the issue and then get back to Council.

City Manager Brotzman said that he has started discussing that issue and will follow through.

4. UNFINISHED BUSINESS:

A. APPOINTMENTS TO THE FINE ARTS ADVISORY BOARD:
Councilmember Lang appointed Eugene Castillo.

Councilmember Heilman stated that he is not opposed to Mr. Castillo, however he feels Council should wait until after the April 12th Council election to make this appointment.

Councilmember Lang indicated that since there are three vacancies on the Board, this appointment is necessary for the Board to have a quorum.

ACTION: Appoint Eugene Castillo to the Fine Arts Advisory Board, for a term ending May 31, 1994. Motion Lang, seconded Guarriello and carried on a four-fifths vote, with Heilman voting no.

5. NEW BUSINESS: NONE

EXCLUDED CONSENT CALENDAR: No items were excluded from the Consent calendar.

CITIZEN COMMENTS:

BOE TRUMBULL, WEST HOLLYWOOD, ON BEHALF OF WEST HOLLYWOOD BUSINESS COALITION, thanked Council for their support and asked that Council urge everyone to get out and vote.

STEVE MARTIN, WEST HOLLYWOOD, commented regarding Palmview. He stated that AIDS housing is something we desperately need, and he hopes Council will find a way to make the project more acceptable to the neighbors. Regarding Christopher Street West, he heard there's a possibility of it moving to Hollywood--that would be a bad move; we should keep it in West Hollywood.

6. LEGISLATIVE:

- A. AN ORDINANCE AMENDING THE RENT STABILIZATION ORDINANCE CONCERNING SECTION 6413 A.15 - WITHDRAWAL OF RESIDENTIAL RENTAL STRUCTURES FROM THE RENTAL MARKET ("ELLIS ACT"):** City Attorney Jenkins gave a brief report.

ACTION: Introduce for first reading Ordinance No. 94-404, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE RENT STABILIZATION ORDINANCE CONCERNING SECTION 6413 A.15 - WITHDRAWAL OF RESIDENTIAL RENTAL STRUCTURES FROM THE RENTAL MARKET ("ELLIS ACT")" Motion Heilman, seconded Koretz and unanimously carried.

- B. AMENDMENTS TO THE RENT STABILIZATION ORDINANCE REGARDING LANDLORD NOTICE REQUIREMENTS FOR EVICTIONS AND PAYMENT OF RELOCATION COUNSELING FEES:** THIS ITEM WAS TABLED UNDER APPROVAL OF AGENDA, AT THE REQUEST OF STAFF.

- C. ORDINANCE REGARDING THE RIGHTS OF TENANT PET OWNERS (AMENDMENT TO RENT STABILIZATION ORDINANCE):** City Attorney Jenkins gave a brief report.

ACTION: Introduce for first reading Ordinance No. 94-405, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING THE RIGHTS OF TENANT PET OWNERS."

Motion Heilman, seconded Koretz, and unanimously carried.

- D. **ORDINANCE AMENDING THE RENT STABILIZATION ORDINANCE REGARDING PAYMENT OF RENT IN EXCESS OF THE MAXIMUM ALLOWABLE RENT, REMEDIES AVAILABLE FOR VIOLATIONS OF THE ORDINANCE, AND CRIMINAL AND CIVIL ENFORCEMENT MECHANISMS: THIS ITEM WAS TABLED UNDER APPROVAL OF AGENDA, AT THE REQUEST OF STAFF.**
- E. **PROPOSED ORDINANCE CREATING AN INCENTIVE TO CERTAIN BUSINESSES TO MAINTAIN PREMISES IN THE CITY BY PROVIDING CERTAIN TAX REBATES AND AMENDING THE MUNICIPAL CODE, AND APPROVAL OF AN ALLOCATION OF \$25,000 FROM THE UNAPPROPRIATED RESERVES TO FUND THE PROGRAM FROM JANUARY THROUGH JUNE, 1994:**
Debbie Potter, Economic Development Manager, provided background information as outlined in the staff report dated March 21, 1994.

Following the staff report, the Councilmembers questioned Ms. Potter and held discussion.

Mayor Guarriello stated that the same incentive should be given to "mom and pop" stores, or the business tax should be eliminated altogether.

Ms. Potter suggested that this could be a pilot program targeting some of the key businesses, and if successful, perhaps the criteria could be broadened so more businesses would be eligible.

Councilmember Heilman indicated that he likes the idea of a pilot project.

Mayor Guarriello inquired about the cost and whether staff had data regarding the sales tax revenue.

Ms. Potter indicated that the data was available.

Councilmember Land indicated that she hopes this program will be monitored and perhaps expanded to smaller businesses.

ACTION: 1) Introduce on first reading Ordinance No. 94-406, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD CREATING AN INCENTIVE TO CERTAIN BUSINESSES TO MAINTAIN PREMISES IN THE CITY BY PROVIDING CERTAIN TAX REBATES AND AMENDING THE MUNICIPAL CODE"; and 2) Allocate \$25,000 from the unappropriated reserves to fund the Business Retention and Expansion Rebate Program from January, 1994 through June, 1994.
Motion Heilman, seconded Lang and carried by a four-fifths vote, with Mayor Guarriello voting no.

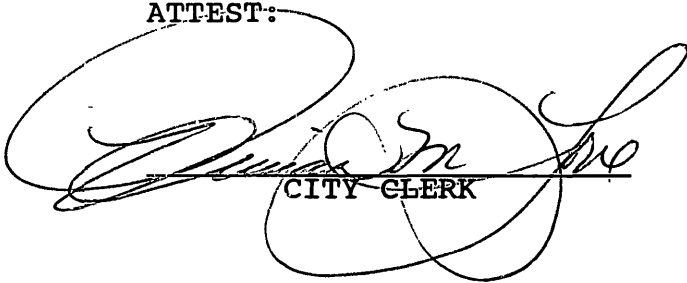
COUNCILMEMBER COMMENTS: (None)

ADJOURNMENT: The meeting was adjourned at 8:50 p.m. to Monday, April 4, 1994, at West Hollywood Park, for a closed session at 6:00 p.m. and a regular meeting at 7:00 p.m.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 4TH DAY OF
APRIL, 1994.


MAYOR

ATTEST:


CITY CLERK