

**MINUTES
CITY COUNCIL MEETING
JANUARY 3, 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 7:00 p.m.

PLEDGE OF ALLEGIANCE: The Pledge was led by Budd Kops.

ROLL CALL:

PRESENT: Heilman, Koretz, Lang, Land, Mayor Guarriello

ABSENT: None

ALSO PRESENT: City Manager Brotzman and City Attorney Jenkins

The Council indicated they will adjourn in memory of Hank Naczas, Steve Goonan, and Josh Feld, owner of Peanuts nightclub.

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 to discuss amicus participation in the case entitled Pittsburgh Committee vs. Pride and to give instructions to the City negotiator regarding the purchase of property located at 8383 Santa Monica Boulevard pursuant to Government Code Sections 54956.9 and 54956.8.

APPROVAL OF AGENDA:

Item 2.R. was removed by request of staff. Item 4.D. was removed from Unfinished Business and placed under the Consent Calendar. Councilmember Lang removed Item 2.I. Mayor Pro Tem Land removed 2.P. from the Consent Calendar in order to read a correction into the record.

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

PROCLAMATIONS AND COMMENDATIONS:

Mayor Guarriello presented a commendation to Mrs. Wittenberg, widow of Frank Wittenberg, in his honor.

He also presented a commendation to Sgt. Gaylord Cox on his retirement from the Sheriff's Department, for his years of service in West Hollywood.

Mayor Pro Tem Land presented a commendation to the Excellence in Service Committee for their outstanding contributions. She outlined several of their accomplishments. She recognized the following City employees: Rick Brooks, Anne Browning, Julie Burson, Daphne Dennis, Susan Duenas, Lucy Dyke, Bob Edgerly, Gay Forbes, Kevin Fridlington, Helen Goss, Andy Haenfler, Marney Hull, Deanna Stevenson and Chris Uszler.

1. CITIZEN COMMENTS:

DENIS OUELLET, WEST HOLLYWOOD, thanked the Council for their support of the L.A. Free Clinic. He indicated that the quality of the program has grown.

ROSLYN KRAUSE, WEST HOLLYWOOD, spoke against the recommendation relative to Item 4.E. and the West Hollywood Library options. She urged Council to keep the library open every day.

ADAM DEVEJIAN, WEST HOLLYWOOD, spoke regarding the suggestion of an assessment district to help support additional law enforcement services on the Sunset Strip.

BOE TRUMBULL, GENERAL MANAGER, THE ABBEY, spoke in support of Item 4.F., Raleigh Real Properties agreement.

KEVIN NOTRE, WEST HOLLYWOOD, spoke in support of using an independent consultant to review the costs of Sheriff's vs. independent police department. He also stated he had participated in the Good Neighbor Food Drive, which had been started by Ed Riney.

NORMAN BLOSS, WEST HOLLYWOOD, spoke in support of permitting the Yukon Mining Company a variance from the smoking ordinance. He indicated he was not in support of Item 4.B. He also stated that to open Parking District 6 to include only one side of one street is too confusing.

TIM OLSON, WEST HOLLYWOOD, Vice-Chair, W.H. Citizens for Better Police Protection, spoke regarding Item 5.C. and is in support of the mechanism to analyze contract v. independent law enforcement. He asked three things 1) to include in this ad hoc committee people who are both pro and con having a local police department; 2) that the final study which will be presented be signed off by both parties involved in the study, agreeing that the figures are correct; 3) finally, that the goal in this study be that an accurate, honest and genuine appraisal of what it will cost the City will be analyzed and brought before the public.

GERRY FLINTOFT, EXECUTIVE DIRECTOR, GLASWMA (Greater Los Angeles Solid Waste Management Association), spoke to indicate their stand against an exclusive franchise for solid waste and recycling services in West Hollywood.

He stated that this would violate the free enterprise system and would be damaging to customers, citizens and small business owners. He also indicated that GLASWMA is willing to commit its resources to assist City staff to find the least restrictive means to realize their goals.

TIM AGAJANIAN, ATTORNEY, stated that GLASWMA will challenge the City of West Hollywood and they will work to derail the exclusive franchise process.

MAURICE CAYNE, WOODLAND HILLS, spoke regarding Item 6.C. relative to the anti-Arab boycott of Israel policy. He stated it is against the law to adhere to this boycott.

STEPHEN MARTIN, WEST HOLLYWOOD, spoke regarding Hank Naczas who passed away of AIDS on December 20. He stated he appreciates the Council adjourning in memory of these folks.

JERRY STOCK, LOS ANGELES, Consul, Economic Affairs, Israeli Government, spoke regarding Item 6.C. and thanked Councilmember Koretz for supporting the proposed ordinance instituting an anti-Arab boycott of Israel policy and amending the Municipal Code.

THOMAS CRAIL, WEST HOLLYWOOD, spoke as the Executive Director of the Chamber of Commerce. He indicated that the Chamber, through its affiliate organizations, had raised \$2,725 from local businesses to help the Good Neighbor Food Program. In addition, he had an additional \$105 to present to the Mayor and Council Deputy Spiegler to help with next year's drive.

Council Deputy Spiegler stated she would like to thank the Chamber, the Santa Monica Boulevard Association, and the Sunset Strip Association, as well as the West Hollywood Community Alliance.

CITY MANAGER'S REPORT: City Manager Brotzman provided information regarding the County Library services. He stated that currently the County Library District receives over \$700,000 in property tax revenue from property owners in West Hollywood. The current library services provided to West Hollywood cost substantially less than that \$700,000. The tax revenue from West Hollywood subsidizes libraries throughout the Library District. He indicated that the City and residents should urge the County Supervisors to provide fair and appropriate funding for library services within West Hollywood. If unsuccessful, then the City should pursue withdrawing from the County Library District and in addition, get the funds raised and provide our own library services.

He also spoke regarding an item which is on the Consent Calendar regarding the street lighting design plans (2.0.). The City is working with Edison to redo the street lighting throughout the City. He indicated that the reason for the item is that the records, plans, and maps that existed from the County were extremely inaccurate, and that has

contributed to the street lighting problems over the past few years; however within the next year there should be a substantial upgrading of our street lights Citywide.

REPORT ON DOLLAR AMOUNTS ON CONSENT CALENDAR:

City Clerk Love stated that the fiscal impact of the Consent Calendar for January 3, 1994 is \$182,553.08 of budgeted expenditures.

2. CONSENT CALENDAR:

ACTION: Approve Consent Calendar Items 2.A, B, C, D, E, F, G, H, J, K, L, M, N, O, Q, and 4.D. (Social Services Contracts, FY 92-93 - Year End Evaluations). Motion Land, seconded Heilman and unanimously carried.

A. POSTING OF AGENDA: The agenda for the meeting of Monday, January 3, 1994, was posted at City Hall, Plummer Park, and the Sheriff's Station on Thursday, December 30, 1993, and at the West Hollywood Library on Friday, December 31, 1993.

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

**B. DEMAND REGISTER NO. 260, RESOLUTION NO. 94-1242.
DEMAND REGISTER NO. 261, RESOLUTION NO. 94-1243**

ACTION: Approve Demand Register No. 260 and 261 and adopt Resolution Nos. 94-1242 and 94-1243. Approved as part of the Consent Calendar.

**C. APPROVAL OF MINUTES: November 29, 1993
December 6, 1993**

ACTION: Approve the minutes of November 29, 1993, and December 6, 1993. Approved as part of the Consent Calendar.

D. 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.

**E. CLAIMS: David Brooks
Jacqueline Gipson
Thuy Nguyen and Jasen Sato
Michael B. Julian Spence**

ACTION: Deny the claims of David Brooks, Jacqueline Gipson, Thuy Nguyen and Jasen Sato, and Michael B. Julian Spence without comment and refer to the City's claims adjustor. Approved as part of the Consent Calendar.

F. ORDINANCE NO. 390 (2nd Reading) - ORDINANCE APPROVING DEVELOPMENT AGREEMENT NO. 89-01 IN CONNECTION WITH RALEIGH ENTERPRISES:

ACTION: Waive further reading and adopt Ordinance No. 390, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD APPROVING DEVELOPMENT AGREEMENT NO. 89-01 IN CONNECTION WITH RALEIGH ENTERPRISES DEVELOPMENT LOCATED AT 8580

SUNSET BOULEVARD." Approved as part of the Consent Calendar.

- G. ORDINANCE NO. 391 (2nd Reading) - ORDINANCE AMENDING SECTION 6411 AND 6412 OF THE WEST HOLLYWOOD MUNICIPAL CODE RELATIVE TO RENT ADJUSTMENT CASES AND THE 115-DAY DEADLINE AND TENANT PERFORMANCE OF MAINTENANCE:**
ACTION: Adopt Ordinance No. 391, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING THE 115 DAY DEADLINE AND TENANT PERFORMANCE OF MAINTENANCE." Approved as part of the Consent Calendar.
- H. ORDINANCE NO. 392 (2nd Reading) - ORDINANCE RELATING TO THE USE OF TARPAULINS AND AMENDING ARTICLE V, CHAPTER IX OF THE WEST HOLLYWOOD MUNICIPAL CODE:**
ACTION: Waive further reading and adopt Ordinance No. 392, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REQUIRING ADDITIONAL NOTIFICATION OF FUMIGATION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.
- I. RESIGNATION OF PUBLIC SAFETY COMMISSIONER - JIM GORDON:**
ACTION: This item was removed from the Consent Calendar.
- J. APPROVAL OF AGREEMENT - CARL WARREN & COMPANY:**
ACTION: Authorize the City Manager to extend the agreement between Carl Warren & Company and the City of West Hollywood for a period of one year, thus protecting the interests of both principal and contractor. Approved as part of the Consent Calendar.
- K. RESOLUTION URGING A PROHIBITION ON THE DUMPING OF NUCLEAR WASTE IN WARD VALLEY:**
ACTION: Adopt Resolution No. 94-1244, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD URGING A PROHIBITION OF THE DUMPING OF NUCLEAR WASTE IN WARD VALLEY". Approved as part of the Consent Calendar.
- L. EXCELLENCE IN SERVICE ACCOMPLISHMENTS:**
ACTION: Receive and file the report with thanks to the members of the Excellence in Service Task Force. Approved as part of the Consent Calendar.
- M. APPROVE THE AMENDMENT TO THE AGREEMENT BY AND BETWEEN THE CITY OF WEST HOLLYWOOD AND WASTE MANAGEMENT INC. FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES TO ESTABLISH A NEW EXPIRATION DATE OF JUNE 30, 1994:**
ACTION: Approve the Amendment to Agreement by and between the City of West Hollywood and Waste Management Inc for Solid Waste Collection Services to allow Section 5, paragraph 1.0 of the Agreement to establish an expiration date of June 30, 1994. Approved as part of the Consent Calendar.

- N. NOTICE OF COMPLETION FOR THE SUNSET BLVD. STREET IMPROVEMENT PROJECT:**
ACTION: Accept work and authorize 1) filing of the Notice of Completion; 2) final payment at the end of the 35-day lien period; 3) release of Performance and Payment Bond. Approved as part of the Consent Calendar.
- O. APPROVAL OF A SUPPLEMENTAL ENGINEERING SERVICE CONTRACT FOR CITYWIDE STREET LIGHTING DESIGN PLANS FOR THE CITY OF WEST HOLLYWOOD:**
ACTION: Authorize the City Manager to enter into a supplemental professional engineering service contract with Willdan Associates in an amount not to exceed \$15,000 for additional professional engineering services for the citywide street lighting design program. Approved as part of the Consent Calendar.
- P. CHECKLIST FOR CRIME TIPS PROGRAM:** Mayor Land removed this item from the Consent Calendar for a correction and it appears under Excluded Consent Calendar.
- Q. PROFESSIONAL AGREEMENT FOR AUDIT SERVICES WITH THE ACCOUNTING FIRM OF LANCE, SOLL & LUNGHARD.**
ACTION: Authorize City Manager to execute agreement with Lance, Soll and Lunghard, CPA'S. Approved as part of the Consent Calendar.
- R. REVIEW AND APPROVAL OF TAXI OPERATOR LICENSE FOR CELEBRITY CAB THROUGH JUNE 30, 1994:**
ACTION: This item was removed from consideration by the request of staff. This item will appear on the January 18, 1994 agenda.

3. PUBLIC HEARINGS:

- A. PREFERENTIAL PARKING, DISTRICT 6 - PROPOSED ORDINANCE EXPANDING REGULATIONS TO INCLUDE THE NORTH SIDE OF FOUNTAIN AVENUE BETWEEN SWEETZER AVENUE AND HAVENHURST DRIVE:**
City Clerk Love stated that the notice for this public hearing was published in the West Hollywood Independent on December 22, 1993. She clarified that the agenda for tonight's meeting was posted at City Hall, Plummer Park and the Sheriff's Station. It was faxed to the library on Thursday, however, the library was closed for the holiday on Friday, December 31, 1993.

Don Korotsky provided background information as outlined in the staff report dated January 3, 1994.

Mayor Guarriello inquired as to the number of preferential parking districts, and whether there are any added streets to the districts.

Mr. Korotsky responded that there are seven districts, and any added streets come before the Transportation Commission in a block. Streets are eligible as residents come forward with petitions. This is the

last street in the approved boundaries.

SALLY MARR, WEST HOLLYWOOD, spoke against expanding the regulations to include Fountain.

PETER DUDAR, WEST HOLLYWOOD, spoke against expanding the regulations to include Fountain.

Councilmember Heilman clarified that this item is to provide preferred parking for the residents of Fountain. He asked if there was any other option for the residents of Fountain.

Mr. Korotsky responded that there is an option at the discretion of the Council to implement a special program for the residents of Fountain without amending the parking regulations.

Mayor Pro Tem Land asked whether Havenhurst and Harper are fully parked at night.

Mr. Korotsky stated it appears that Sweetzer has spaces available, however the streets east of that, Harper and Havenhurst, have a little more of a parking problem.

Councilmember Heilman asked for the number of spaces affected on Fountain.

Mr. Korotsky responded there are 17 spaces.

Councilmember Lang stated she sees both sides of this issue and this further emphasizes the need for a public parking structure.

Mr. Korotsky suggested developing some language in the ordinance which allows the residents on the north side of Fountain to get parking permits for District 6 without having to implement the regulations, which extend the problem further east and west of Fountain in the approved boundaries; so it is possible to leave Fountain as a free district.

Mayor Pro Tem Land asked what the timeline would be.

Mr. Korotsky replied that the residents could become eligible immediately, but language would have to be worked out.

Mayor Guarriello asked if the language could be worked out first, because people will be forced to go to other areas that don't have permit parking.

Mr. Korotsky stated that we could immediately entitle people who live on Fountain to get parking permits, and then come back with language in the ordinance that specifically addresses Fountain Avenue.

Mayor Guarriello asked how this would affect other districts.

Mr. Korotsky replied that the impact of additional cars parking in neighborhoods north and south of Fountain would be minimal, and Fountain is a special circumstance because it is a major thoroughfare.

Mayor Pro Tem Land stated that we could try this approach, but she would like it reviewed in six months or whatever the standard time is, to see if it is meeting the needs of people who live on Fountain--maybe when there is a review of the whole area.

Joan English asked the City Attorney if the ordinance needs to be revised before it can be introduced.

City Attorney Jenkins stated that the ordinance would need to be revised; but something could be done on a temporary basis until the ordinance is effective. He said that some criteria needs to be established to deal with the potentially precedential effect of this; the problem is drawing a line as to who and under what circumstances people would be entitled to get permits.

ACTION: Issue 30-day permits and come back at the next Council meeting with an ordinance.

Motion Land, seconded by Heilman and unanimously carried.

COUNCILMEMBER COMMENTS:

Mayor Guarriello stated he wanted to apologize to the Russian World War II Veterans for not being able to attend their New Year's dinner. He also indicated that on January 25th there will be a ceremony to introduce the lighting on Santa Monica Boulevard, and he would like to see all the business organizations and residents at the ceremony.

Councilmember Heilman expressed a special thank you to Union Coffee for providing coffee this evening and encouraged residents to visit their store.

Mayor Pro Tem Land stated she attended the function by the Russian War Veterans and it was very successful, although they missed the presence of the Mayor.

4. UNFINISHED BUSINESS:

A. VARIANCE REQUEST PURSUANT TO SECTION 4608 OF THE MUNICIPAL CODE REGARDING SMOKING IN PUBLIC PLACES SUBMITTED BY HAL BODNER, ESQ. ON BEHALF OF YUKON MINING COMPANY AT 7328 SANTA MONICA BOULEVARD:

Anne Browning provided background information as stated in the staff report dated January 3, 1994.

HAL BODNER, ATTORNEY ON BEHALF OF YUKON MINING COMPANY, stated that in a situation where there are no guidelines it appears strange to deny a request. Mr. Bodner outlined information which was contained in the application for modification of exemption from

Ordinance No. 375 dated December 8, 1993.

HELEN PETROU, OWNER YUKON MINING COMPANY, stated her need for the variance as Yukon is a 24-hour coffee shop where the majority of her clients are smokers.

MIKE RADCLIFFE, WEST HOLLYWOOD, spoke against the denial of this variance. He expressed his concern about the Yukon Mining Company going out of business.

MAL LAUER, LOS ANGELES, PRESIDENT OF EDCO ENTERTAINMENT, spoke on behalf of 20 employees of his who frequent Yukon Mining Company. He indicated that he has watched the decline in business at the Yukon Mining Company. He spoke in support of granting the variance.

MICHAEL BARLOW, LOS ANGELES, CUSTOMER OF YUKON MINING, suggested that the Council leave it to the restaurant owners to post if they have smoking sections.

ZAHRINA MACHADA, LOS ANGELES, PRESIDENT, CONCERNED CITIZENS LEAGUE, spoke against the smoking ordinance. She suggested that signage be placed which indicates that "we cater to smokers, enter at your own risk".

JEFFREY WEGRZYN, HOLLYWOOD, EMPLOYEE OF YUKON MINING COMPANY, stated there has been a major loss of business. He read a letter from a customer of Yukon Mining Company indicating restaurants should have the option to cater to smokers. He urged Council to grant a variance.

NORMAN BALBOT, LOS ANGELES, EMPLOYEE OF YUKON MINING COMPANY, stated his support of the variance and indicated his income is currently one-third or one-fourth of what it once was.

R.W. "RICK" DIMOCK, LOS ANGELES, stated he is the villain who wrote about the smoking ban. He indicated that he feels the smoking ordinance is unfair and illegal.

NORMAN BLOSS, WEST HOLLYWOOD, stated he is a non-smoker and 13-year customer of the Yukon Mining Company and has seen for himself the decline in business.

BUD KOPPS, WEST HOLLYWOOD, spoke in support of Yukon Mining Company.

SUE REIMERS, LOS ANGELES, spoke in support of the variance for Yukon Mining Company.

NORMAN CHRAMOFF, WEST HOLLYWOOD, spoke in support of the variance for Yukon Mining Company and indicated he felt it is unfair.

STEVE MARTIN, WEST HOLLYWOOD, spoke in support of the variance for the Yukon Mining Company. He stated that

his neighbors on Huntley are suffering from problems due to RTD (air pollution).

Mayor Guarriello indicated that the City Council went after the RTD and made them spend \$750,000 about a year ago.

HAL BODNER, stated that there have been some allegations that the Yukon is not enforcing the smoking ordinance and he wished to clarify that they have been enforcing the ordinance.

Mayor Guarriello asked if they were requesting to allow smoking in a certain segment of the restaurant.

Hal Bodner stated that he had applied for a variance for the entire restaurant. He said that most of the heavy smoking crowd is an evening crowd, between sunset and sunrise.

Mayor Guarriello commented that it was stated that the ordinance would only go into effect if surrounding cities did the same. He also stated that Council is trying to play Big Brother; there are smokeless restaurants if people want to go to them; we should wait until the State takes action. He indicated that he doesn't think it is fair nor is it right, and he doesn't like it at all.

Councilmember Heilman asked the City Attorney to comment about there not being guidelines regarding a variance.

City Attorney Jenkins stated that the ordinance section that permitted a variance is a remnant from the ordinance when it allowed for smoking and nonsmoking sections in restaurants. The purpose of the variance was to alleviate any hardships associated with physical problems in a restaurant facility that made strict compliance with the smoking/nonsmoking division impractical or impossible. It was intended to be enforced in the same manner as the variance in, for example, the zoning ordinance, where one looks to the physical characteristics of a piece of property and determines that strict adherence to the zoning ordinance standards cannot be accomplished, and as a result the person cannot make the same use of their property as other people might. Those physical characteristics are objectifiable, observable, and can be identified and in a sense measured. The criteria for the variance accordingly were intended to involve physical hardships and characteristics.

When the ordinance was amended the variance provision should have been removed. Our recommendation was to remove the section because of the impossibility of applying the variance provision. If Council established criteria it would still be extremely difficult to apply a variance provision under these

circumstances. A variance would essentially defeat the purpose of the ordinance, which is no smoking at all. At bottom, what the applicant is putting forth as a basis for the variance is essentially an economic hardship.

The problem when considering economic hardship is that you are in a murky area. How do you develop standards for determining economic hardship? What degree justifies a variance and what does not? How do you make a determination of loss of revenue? Do you require certified audits? These are very difficult areas for the city to regulate. If you were to develop criteria based on economic hardship, the question becomes, will not every restaurant come forth? We will get into an issue of fairness each and every time an applicant comes to the City unless someone has not suffered any loss. The problem of a lack of standards is that it allows for arbitrary decision-making on a case by case process; this could lead to selective enforcement.

The lack of criteria could be rectified by establishing criteria, but establishing criteria would be extremely difficult. It would be a better approach, if Council were inclined, to create objective exceptions in the ordinance rather than having a variance procedure with this type of a case by case approach.

Mayor Guarriello inquired whether the ordinance should be rewritten altogether.

Mr. Jenkins stated that what he is recommending is removing the variance section. He stated that you could informally establish criteria, but then you would have to test every variance application against those criteria.

Councilmember Lang asked what are objective exceptions.

Mr. Jenkins stated, as an example, allowing a restaurant to have smoking if it does not have an outdoor dining area; other objective criteria could be size, hours of operation, certain type of equipment for circulation of air.

Mayor Guarriello felt that smoking should be allowed at least in a portion of the restaurant.

Heilman stated he does not support granting a variance for a number of reasons. There is no doubt that the restaurant provides a service. The issue is the smoking ordinance. He stated that the constitutionality issues are not valid. The basis for this ordinance is public health. He doesn't feel this constitutes the taking of the business and he does feel the business could continue. He visited the restaurant personally several times over the last three weeks and personally saw that the smoking ordinance was not being

enforced.

Councilmember Koretz summarized the circumstances surrounding the timing of the ordinance--it was intended that surrounding cities pass a similar ordinance at roughly the same time; one of the Los Angeles Council members cast their vote on the basis that Los Angeles go first; there was a flurry of challenges and other cities backed off. West Hollywood took a stand to encourage other cities to go along. Santa Monica has passed the ordinance and Beverly Hills will do so in the next few months. While he is sympathetic that some restaurants have some difficulty he cannot vote for this variance.

ACTION: Deny the variance request due to lack of adequate grounds for granting a variance.

Motion Heilman, seconded Lang and carried on a roll call vote:

AYES: Heilman, Koretz, Lang, Land
NOES: Guarriello

B. AMENDMENT TO THE WEST HOLLYWOOD SMOKING ORDINANCE REMOVING THE PROVISIONS FOR A VARIANCE AND ADDING A PROVISION FROM THE ORDINANCE FOR THE CITY OF LOS ANGELES:

Anne Browning provided background information as stated in the staff report dated January 3, 1994.

BUD KOPPS, WEST HOLLYWOOD, requested a response from Councilmember Koretz regarding his statement about implementing the smoking ordinance when all surrounding cities have adopted.

ACTION: Waive further reading and adopt Ordinance No. 393, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD, DELETING THE PROVISION FOR VARIANCES FROM THE SMOKING ORDINANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

Motion Heilman, seconded Land and carried on a roll call vote:

AYES: Heilman, Koretz, Lang, Land
NOES: Guarriello

ACTION: Introduce for first reading Ordinance No. 94-394, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING SMOKING IN PUBLIC PLACES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

Motion Heilman, seconded Land and carried on a roll call vote:

AYES: Heilman, Koretz, Lang, Land
NOES: Guarriello

The City Council recessed at 9:07.
The City Council reconvened at 9:20.

- C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD RESCINDING RESOLUTION NO. 1075 WHICH FORBID CITY OFFICIALS TO TRAVEL TO THE STATE OF COLORADO AND FORBID THE CITY TO ENTER INTO CONTRACTS WITH BUSINESSES LOCATED IN THE STATE OF COLORADO:**
Councilmember Koretz provided background information as stated in the staff report dated January 3, 1994.

ACTION: Adopt Resolution No. 94-1245, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD RESCINDING RESOLUTION NO. 1075 RELATIVE TO AUTHORIZATION OF CITY OFFICIALS TO TRAVEL TO THE STATE OF COLORADO AND ENTERING CONTRACTS WITH BUSINESSES LOCATED IN THE STATE OF COLORADO."

Motion Koretz, seconded Guarriello and unanimously carried.

- D. SOCIAL SERVICES CONTRACTS, FY 92-93 - YEAR END EVALUATIONS:**
This item was moved to the Consent Calendar and received and filed.

BRUCE TRAUB, WEST HOLLYWOOD, asked if the Human Services staff could provide a dollar figure on the total cost of all the contracts.

City Manager Brotzman indicated that the Social Services represent less than 10% of the City Budget overall. This was just a report on the contract services and each year the Council goes through the budget process on a program by program basis. The contracts do total approximately \$2 million and represent less than 10% of the budget and they are each individually approved in a public meeting and they are formally discussed in the budget process.

- E. WEST HOLLYWOOD LIBRARY OPERATIONS:**
Director Lloyd Long provided background information as outlined in the staff report dated January 3, 1994.

MIKE RADCLIFFE, WEST HOLLYWOOD, stated his support of increased hours at the library.

STEVE MARTIN, WEST HOLLYWOOD, stated his support for keeping the library open additional hours.

Mayor Pro Tem Land indicated that the closure of the library is not because of City action but because of County action. The dilemma is how to negotiate so that we're not paying to keep other libraries open.

Councilmember Koretz responded to a comment made earlier regarding his stance on closing the library. He indicated that he pushed towards the closure of the library on Sunday as it did not need to be open seven

days, in an effort to reduce a little in several areas.

City Manager Brotzman stated that the City is working towards private fundraising for the library service.

ACTION: 1) Approve the authorization of \$19,800 to supplement library operations one day per week, for five months commencing February 1, 1994 through June 30, 1994; 2) Continue to seek legislation to allow funding to continue at previous years' service levels; 3) In conjunction with other cities, seek legislation that would allow local governments to withdraw from the County Library system and retain control of local property tax allocation to fund local library system.

Motion Heilman, second Guarriello and unanimously carried.

F. APPROVAL OF THE AGREEMENT WITH RALEIGH REAL PROPERTIES FOR THE MANAGEMENT OF DEVELOPMENT SERVICES OF A MIXED USE PROJECT TO INCLUDE A FIRE STATION, POST OFFICE, PUBLIC PARKING AND RETAIL SPACE:

Parking Manager Toby Fox provided background information as outlined in the staff report dated January 3, 1994.

Mayor Guarriello inquired what the \$15,000 is for.

Ms. Fox indicated it is for Phase I.

Mayor Guarriello inquired if there were other RFP's which were solicited.

Ms. Fox responded that there were three companies that attended the meeting however, declined to submit a proposal due to lack of experience in putting together a post office development.

Councilmember Heilman stated he also had some concern relative to the lack of additional proposals and upon reading the staff report realized Raleigh Real Properties was the only real player with experience.

THOMAS CRAIL, WEST HOLLYWOOD, stated his support of approval of this agreement.

MICHAEL YATES, WEST HOLLYWOOD, stated his support of approval of this agreement.

BRUCE TRAUB, WEST HOLLYWOOD, asked Council to investigate what the costs are of the other phases. Why can't City employees do the Phase I?

STEVE MARTIN, WEST HOLLYWOOD, indicated the parking is long overdue and is in support.

ACTION: 1) Approve an agreement between Raleigh Real Properties and the City of West Hollywood which authorizes Raleigh Real Properties to act in the

capacity of Manager of Development Services; 2) Approve an expenditure not to exceed \$15,000 for Consultant services performed prior to the execution of the agreement; 3) Approve payment not to exceed \$15,000 for Phase I services.

Motion Land, seconded Heilman and unanimously carried.

- G. CITY HALL TELECOMMUNICATIONS/INFORMATION CONSULTANT:** Transportation Department Director Joan English provided background information as outlined in the staff report dated January 3, 1994.

Councilmember Heilman stated that we are also going through a master plan and asked how we can move forward when those decisions are not made.

Ms. English stated that some basic decisions need to be made regarding overall wiring, however specific information is not needed at this time.

ACTION: Authorize City Manager to enter into an agreement for consultant services to design computer, cable and communications spaces and wiring for the new City Hall.

Motion Land, seconded Guarriello and carried with Heilman noting his objection.

5. NEW BUSINESS:

- A. CITY OF WEST HOLLYWOOD COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 1993:** Finance Director Paul Arevalo provided background information as outlined in the staff report dated January 3, 1994.

Mayor Guarriello stated that the State is already looking at a \$4 billion deficit and wondered how it will impact us. He asked if Finance could do an estimated budget for '94-95 so the Council subcommittee, he and Mayor Pro Tem Land, could look at it.

Mr. Arevalo stated that it would be possible to do some preliminary numbers; as for the State deficit, the actual impact to cities will not be determined until the State adopts their budget.

Mayor Guarriello questioned a forgiveness to the Housing Corporation which was on page 43.

Mr. Arevalo explained that the loans to the Housing Corporation are forgiven after 30 years, if the Corporation complies with the terms of the agreement insofar as providing the social benefit. Each year an allowance for these accounts is set up to equal the amount of outstanding loans that have the provision that they will be forgiven. These loans are not

necessarily being forgiven at this time.

Mayor Guarriello also questioned an amount on page 63, which was explained by Mr. Arevalo.

Mayor Guarriello inquired whether we get financial reports from organizations that we fund.

Arevalo stated that some provide financial reports. He did receive one from the Housing Corporation.

Councilmember Lang stated that even though they may not provide an audit report they are monitored. She complimented the Finance Department on a report which is clear, concise and easy to read.

Mayor Pro Tem Land and Councilmembers Koretz and Heilman concurred with Councilmember Lang's comments on the report.

Councilmember Heilman commented that he did not see any auditors' suggestions for improvement that he has seen in the past.

Arevalo stated there were two findings: 1) that we need a comprehensive inventory, and that is something we are aware of; and 2) that some of the CDBG loans done in 1988 did not include the proper documentation, but the current loans were correct.

ACTION: Accept and file report.

Motion Land, seconded Heilman and unanimously carried.

B. APPROVAL OF REVISIONS TO CITY BUDGET REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND REVENUE AND EXPENDITURE AMOUNTS:

This item was tabled to the next Council meeting and Council requested a staff representative be present.

C. MECHANISM TO ANALYZE CONTRACT VS. INDEPENDENT LAW ENFORCEMENT SERVICES:

Councilmember Heilman provided background information as outlined in the staff report dated January 1, 1994.

Mayor Guarriello stated he would like to nominate Bruce Traub for the committee.

Mayor Pro Tem Land indicated that she would not feel comfortable making a selection this evening.

Councilmember Heilman stated that he feels that the two people for each side should make a selection for the committee to alleviate accusations regarding staffing the committee.

STEVEN MARTIN, WEST HOLLYWOOD, supports the idea of the independent consultant to do the financial assessment

and the ad hoc selection committee.

ACTION: 1) Authorize the hiring of an independent consultant to do a financial assessment of the costs associated with the establishment of an independent police department versus continuing the existing contract with the Sheriff's; 2) Establish an ad hoc selection committee to review the responses to the RFP, recommend the consultant, review the consultant's study and report the findings of the study to the City Council.

Motion Lang, seconded Land and unanimously carried.

Councilmember Land stated that perhaps people should send their qualifications to Nancy Greenstein in the City Manager's Office.

D. PROPOSED CREATION OF SPECIAL EVENT COMMITTEE:

Mayor Guarriello provided background information as outlined in the staff report dated January 3, 1994.

Mayor Pro Tem Land agreed that it is important to have a procedure for special events, however perhaps an internal written procedure would suffice.

Mayor Guarriello responded that in the case of Howard Stern, Stern had blamed the City Council; and there should be some mechanism in place to review.

Councilmember Heilman stated he does share some of Mayor Pro Tem Land's concerns as well as Mayor Guarriello's concerns; however, some activities involve first amendment rights, and there are limitations on our ability to approve or deny certain activities.

ACTION: Direct the City Attorney to meet with the City Manager to review the current process for handling special events and determine if there are any ordinance changes which need to be made. If there are no ordinance changes that need to be made, determine if there is any policy that should be implemented at a staff level or Council level to better handle special events.

Motion Heilman, seconded Land and unanimously carried.

EXCLUDED CONSENT CALENDAR:

- 2.P. CHECKLIST FOR CRIME TIPS PROGRAM:** Mayor Pro Tem Land stated that she wanted to clarify for the record that the Sheriff's Department will make the recommendation to the City Council, and based on that recommendation, the Council will determine whether to give the award for the crime tip. She also made a correction to the first sentence on page two of the staff report, to delete the phrase "to the City Councilmember representing the district where the crime or incident occurred."

ACTION: Approve the guidelines and checklist as amended.

Motion Land, seconded Koretz and unanimously carried.

CITIZEN COMMENTS:

DEREK CHASEN, BUSINESS OWNER, WEST HOLLYWOOD, spoke against the smoking ban and asked the Council to clarify the ordinance.

PANDEE LEACHMAN, EXECUTIVE DIRECTOR, ASSOCIATION OF CALIFORNIA RECYCLING INDUSTRIES, spoke against an exclusive franchise for solid waste handling in the commercial sector.

MEGO GODJAMANIAN, AMERICAN WASTE INDUSTRIES, stated his company hauls 60 percent of the City waste. Spoke against the solid waste exclusive franchise agreement.

Councilmember Heilman asked Mr. Godjamanian when he became aware of Council's decision to go to an exclusive franchise.

Mr. Godjamanian indicated that he has been involved with this matter with the City for a long time. He said the last time was when he received a call on December 23, 1993.

Councilmember Heilman stated for the record that this is not something that was suddenly, capriciously decided; it was decided after a lot of study that it was in the best interests of the community to reduce the number of haulers in the City; and he believes all of the companies that were doing business at least five years ago were notified.

6. LEGISLATIVE:

A. AMENDMENT TO AN EXISTING CITY OF WEST HOLLYWOOD MUNICIPAL CODE REGULATING PEDDLERS AND COMMERCIAL SOLICITORS:

Mayor Guarriello provided background information as outlined in the staff report dated January 3, 1994.

ACTION: Introduce for first reading Ordinance No. 94-395, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING PEDDLERS AND COMMERCIAL SOLICITORS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

Motion Heilman, seconded Land and unanimously carried.

B. PREFERENTIAL PARKING, DISTRICT 5 - ISSUANCE OF PARKING PERMITS TO RESIDENTS OF 804 AND 808 N. DOHENY DRIVE:

Donald Korotsky provided background information as outlined in the staff report dated January 3, 1994.

ACTION: Introduce for first reading, Ordinance No. 94-396, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING THE ISSUANCE OF DISTRICT 5 PARKING PERMITS TO RESIDENTS OF 804 AND 808 N. DOHENY DRIVE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

Motion Heilman, seconded Land and unanimously carried.

- C. PROPOSED ORDINANCE OF THE CITY OF WEST HOLLYWOOD INSTITUTING AN ANTI-ARAB BOYCOTT OF ISRAEL POLICY AND AMENDING ARTICLE I, CHAPTER IV OF THE MUNICIPAL CODE:**
Councilmember Koretz provided background information as outlined in the staff report dated January 3, 1994.

Councilmember Heilman stated for clarification that this is an anti-boycott policy, not an anti-Arab policy, which Council is adopting.

RECOMMENDED ACTION: Introduce for first reading Ordinance No. 94-397, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD INSTITUTING AN ANTI-ARAB BOYCOTT OF ISRAEL POLICY AND AMENDING ARTICLE I, CHAPTER IV OF THE MUNICIPAL CODE."

Motion Koretz, seconded Land and unanimously carried.

COUNCILMEMBER COMMENTS:

Councilmember Koretz commented regarding the RFP for solid waste collection and recycling. He stated that a couple of haulers have said that there are dozens of cities currently putting out similar RFP's and the haulers may have a difficult time responding in time. He suggested that the City Manager discuss this with Environmental Services staff and see whether it would make sense to extend the deadline for a few weeks.

Councilmember Koretz also stated for the record that he has exchanged letters with Derek Chasen, and his comment that he would not have much to talk about with Mr. Chasen was based on the impression that Mr. Chasen did not want to discuss specifics of the smoking ordinance--he just did not want us to have one; our regulations are being changed to allow smoking in bars (in restaurants) specifically to match Santa Monica and Los Angeles. This does not work for every restaurant; everytime there is a change, it is slightly more favorable for one and less favorable for another; Mr. Chasen's objection is that he does not have a bar area; however it is our intention that we do our best and don't give other cities an advantage.

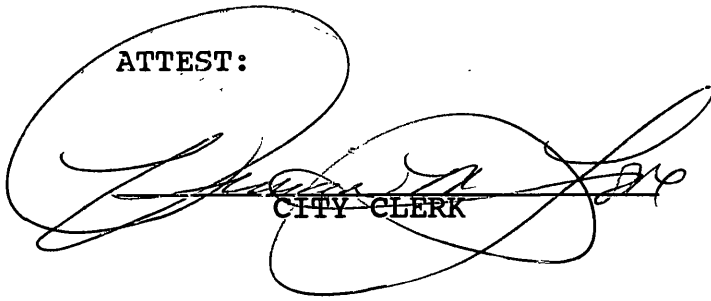
Councilmember Lang commented that this was one of the most businesslike meetings we have had in a long time.

ADJOURNMENT: The City Council adjourned at 10:50 p.m. in memory of Hank Nacjas, Josh Feld, and Steve Goonan, to the next regular meeting to be held on Tuesday, January 18, 1994 at 7:00 p.m. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 25TH DAY OF
JANUARY, 1994.



MAYOR

ATTEST:


CITY CLERK