

**MINUTES  
CITY COUNCIL MEETING  
OCTOBER 25, 1993  
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 7:07 p.m.

**PLEDGE OF ALLEGIANCE:** The Pledge was led by Rita Guarriello.

**ROLL CALL:**

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

**ALSO PRESENT:** City Manager Brotzman and Attorney Robin Harris.

**REPORT OF CLOSED SESSION:** City Manager Brotzman reported that the City Council had called the meeting to order at 6:30 p.m. and gave instructions to negotiators regarding the lease/purchase of property at 8300 Santa Monica Boulevard. Discussion also transpired regarding personnel, and direction was given to City staff.

**APPROVAL OF AGENDA:**

Mayor Guarriello stated Item 2.R. is being removed from the agenda at the request of the bargaining unit. In addition he requested a modification to the resolution on item 2.J. to change the word "additional" to "new". Councilmember Heilman noted his objection to the item.

Councilmember Koretz pulled item 2.O. for comment.

**ACTION:** Approve agenda as amended. Motion Land, second Heilman and unanimously carried.

**PROCLAMATIONS AND COMMENDATIONS:**

Mayor Guarriello presented a plaque to "Angelyne", who will serve as Honorary Mayor of West Hollywood to reign over the Halloween Carnival festivities on October 31, 1993.

Mayor Pro Tem Land presented commendations to Norma Pierson and

Jeff Wallace for their contributions to the Names Project Quilt, which is on display at the Pacific Design Center. She also presented commendations to thank the people that really helped to make the City panel: Bee Wilkening, Mickey Worley and Sara Lejeune. The last commendation was presented to Roger Warnix who supervised the quilt making workshops.

Councilmember Heilman presented the Rainbow Key Award to Carole Cooke and Bruce Vilanch. The Rainbow Key Award, developed by the Lesbian and Gay Advisory Council, is to recognize individuals who have made contributions to the struggle of the gay and lesbian community. Several members of the Gay and Lesbian Advisory Council were present.

Councilmember Heilman stated the U.S. Congress of Mayors has an "End Hunger" awards project and West Hollywood has participated the last few years. The following organizations received commendations for their participation in feeding the homeless: AIDS Project Los Angeles Necessities of Life Program, Jewish Family Services Nutrition Program, Jewish Community Centers' Association -SOVA Food Pantry, and West Hollywood Homeless Organization.

**1. CITIZEN COMMENTS:**

The following persons came forward to address the City Council:

MIKE RADCLIFFE, WEST HOLLYWOOD, spoke against the smoking ban. He indicated he will be presenting over 1,000 signatures against the ordinance.

HELEN PETROU, BURBANK, (YUKON MINING CO.) requested the City Council rescind the smoking ban.

STEVE CHAPMAN, WEST HOLLYWOOD, questioned the Council support of the Chamber in light of the problems they are having with the IRS. He felt there is a conflict of interest.

MICHAEL DUFFY, SANTA CLARITA, spoke against the smoking ban and indicated he has two reports if the Council would like to review.

ROBERT PETERSON, WEST HOLLYWOOD, spoke against the smoking ban.

TIM OLSON, WEST HOLLYWOOD, spoke about the public concern for public safety and invited all residents, City Leaders and business leaders to a Town Hall meeting on Monday, November 8 at West Hollywood Park beginning at 8 p.m. There will also be a meeting at Fiesta Hall in Plummer Park.

PAUL AMIRAULT, WEST HOLLYWOOD, spoke about the Police Initiative which would create a West Hollywood police department.

BRUCE TRAUB, WEST HOLLYWOOD, stated that he read in the Beverly Press that the City of West Hollywood had lost Head

Start funding and asked how could it happen.

ROBERT DAVIS, WEST HOLLYWOOD, spoke against the closure of the library and feels City is doing nothing.

SUSAN REIMERS, LOS ANGELES, spoke against the smoking ban.

PATRICK ROUS, WEST HOLLYWOOD, spoke against the smoking ban.

**CITY MANAGER'S REPORT:**

City Manager Brotzman stated he would like to respond to several items which were raised during citizen comments.

Regarding the library, the library is a County library service and the City is looking into ways to help expand the hours and urged residents to contact the Board of Supervisors. He indicated the staff will be reporting back to Council in about 30 days.

In response to comments regarding losing federal funding of the Head Start program--the Head Start program did not lose funding, the organization chose to decline federal funding.

He indicated the Chamber has provided a report on how the funding for Halloween was spent last year. The report has been reviewed by staff, and the money had been spent as required. The report will not be made public until litigation is settled between the Chamber and the Halloween vendor.

In response to comments alluding to the way City financial records are kept--an independent financial auditor reviews the City's records on an annual basis. The past two fiscal years we have been able to add funds to the general fund balance. The City's Finance Department has been recognized both statewide and nationally for excellence in budgeting and also in comprehensive financial reporting.

Law enforcement is an issue which is primary on people's minds. Public Safety issues are critical and it is important that people become involved in the process. October is crime prevention month. The City Manager stated that the proponents of the establishment of the police department and the proponents of the Sheriff's department should work together to do an impartial analysis of the cost figures.

Mayor Guarriello inquired about the issue with the Chamber of Commerce and the IRS.

City Manager Brotzman stated that he is not aware of the issue and would get information from the Chamber for the Mayor.

**REPORT ON DOLLAR AMOUNTS ON CONSENT CALENDAR:**

City Clerk Love reported there is no fiscal impact for items which appear on the Consent Calendar.

**2. CONSENT CALENDAR:**

**ACTION:** Approve items 2.A, B, C, D, E, F, G, H, I, J (noting the objection of Councilmember Heilman), K, L, M, N, P, Q, S, T, and U. Motion Heilman, seconded Lang and unanimously carried.

**A. POSTING OF AGENDA:** The agenda for the meeting of Monday, October 25, 1993, was posted at City Hall, Plummer Park, and the Sheriff's Station on Thursday, October 21, 1993, and at the West Hollywood Library on Friday, October 22, 1993.

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

**B. DEMAND REGISTER NO. 256, RESOLUTION NO. 1208**

**ACTION:** Approve Demand Register No. 256 and adopt Resolution No. 1208. Approved as part of the Consent Calendar.

**C. APPROVAL OF MINUTES: October 4, 1993**

**ACTION:** Approve the minutes of October 4, 1993. Approved as part of the Consent Calendar.

**D. CLAIMS: PAUL S. RUBIN  
AARON KOSLOW**

**ACTION:** Deny the claims of Paul S. Rubin and Aaron Koslow without comment and refer to the City's claim adjustor. Approved as part of the Consent Calendar.

**E. 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.

**F. ORDINANCE NO. 384 (2nd Reading) - RELATIVE TO THE INVESTMENT OF CITY FUNDS IN SOUTH AFRICA:**

**ACTION:** Adopt Ordinance No. 384, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD, AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE RELATIVE TO INVESTMENT OF CITY FUNDS IN SOUTH AFRICA." Approved as part of the Consent Calendar.

**G. RESOLUTION APPOINTING CITY TREASURER:**

**ACTION:** Adopt Resolution No. 1209, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE APPOINTMENT OF PAUL AREVALO, FINANCE DIRECTOR, AS CITY TREASURER." Approved as part of the Consent Calendar.

**H. RESIGNATION FROM LESBIAN AND GAY ADVISORY COUNCIL:**

**ACTION:** Accept with regret the resignation of Karen Dale Wolman, and direct the City Clerk to post a notice of the vacancy. Approved as part of the Consent Calendar.

**I. APPOINTMENT TO ANIMAL WELFARE TASK FORCE:**

**ACTION:** To appoint Jill Terrell as an additional

member of the Animal Welfare Task Force. Approved as part of the Consent Calendar.

- J. RESOLUTION GRANTING THE APPEALS BY MARY WORLEY AND OTHERS AND MARIELEN MARTIN AND OTHERS OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT 93-04 TO PERMIT ROOF-TOP CELLULAR ANTENNAS AT AN UNSTAFFED CELLULAR TELEPHONE FACILITY LOCATED AT 9044 MELROSE AVENUE, WEST HOLLYWOOD:**  
ACTION: Adopt Resolution No. 1207, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD GRANTING APPEALS BY MARY WORLEY AND OTHERS AND MARIELEN MARTIN AND OTHERS OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT 93-04 ON AN APPLICATION OF DAN HARE FOR L.A. CELLULAR TO PERMIT THE PLACEMENT OF ROOF-TOP CELLULAR ANTENNAS AT AN UNSTAFFED CELLULAR TELEPHONE FACILITY LOCATED AT 9044 MELROSE AVENUE, WEST HOLLYWOOD." With the modification by Mayor Guarriello, and noting the objection of Councilmember Heilman, approved as part of the Consent Calendar.
- K. NOTICE OF COMPLETION FOR ROADWAY DESIGN FEATURE PROJECT NO. 9303, RETRACTABLE BOLLARDS AT THE 1000 BLOCK OF HAMMOND STREET:**  
ACTION: Accept the work and authorize the following:  
1) Filing a Notice of Completion by the City Engineer;  
2) Final payment at the end of the 35 day lien period;  
3) Release of \$49,655 which was deposited with the City as security for faithful performance of the contract.  
Approved as part of the Consent Calendar.
- L. RESOLUTIONS OPPOSING UNFUNDED FEDERAL AND STATE MANDATES:**  
ACTION: 1) Adopt Resolution No. 1210, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING UNFUNDED FEDERAL MANDATES" 2) Adopt Resolution No. 1211, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING UNFUNDED STATE MANDATES".  
Approved as part of the Consent Calendar.
- M. RESOLUTION IN SUPPORT OF THE CONGRESSIONAL CAUCUS FOR WOMEN'S ISSUES' LEGISLATIVE AGENDA ON WOMEN'S HEALTH AND THE CAUCUS' SUGGESTED CHANGES TO THE CLINTON HEALTH CARE PLAN TO IMPROVE HEALTH CARE FOR AMERICAN WOMEN:**  
ACTION: Adopt Resolution No. 1212, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE CONGRESSIONAL CAUCUS FOR WOMEN'S ISSUES' LEGISLATIVE AGENDA ON WOMEN'S HEALTH." Approved as part of the Consent Calendar.
- N. RESOLUTION IN SUPPORT OF AB 1851, A BILL TO BAN THE USE OF THE PESTICIDE METHYL BROMIDE AS A STRUCTURAL FUMIGANT:**  
ACTION: Adopt Resolution No. 1213, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING AB 1851, A BILL TO BAN THE USE OF THE PESTICIDE METHYL BROMIDE AS A STRUCTURAL FUMIGANT IN THE STATE OF CALIFORNIA." Approved as part of the Consent Calendar.

- O. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING NOVEMBER 1-7, 1993 AS "NO GRAPES WEEK"**  
This item was removed for comments and appears under Excluded Consent Calendar.
- P. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING HR 5, THE "CESAR CHAVEZ WORKPLACE FAIRNESS ACT":**  
ACTION: Adopt Resolution No. 1215, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING HR 5, THE CESAR CHAVEZ WORKPLACE FAIRNESS ACT" and direct staff to forward copies to the appropriate legislators in the U.S. Senate. Approved as part of the Consent Calendar.
- Q. **AMERICANS WITH DISABILITIES ACT SELF-EVALUATION REPORT:**  
ACTION: Receive and file and direct staff to maintain copies for public inspection for three years as required by the Act. Approved as part of the Consent Calendar.
- R. **APPROVAL OF POSITION SPECIFICATIONS FOR ASSOCIATE TRANSPORTATION ENGINEER:**  
ACTION: This item was removed at the request of the bargaining unit.
- S. **CITY COUNCIL POSITIONS ON NOVEMBER STATEWIDE BALLOT INITIATIVES:**  
ACTION: Adopt Resolution No. 1216, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING CITY COUNCIL POSITIONS ON STATEWIDE BALLOT INITIATIVES FOR THE SPECIAL STATEWIDE ELECTION TO BE HELD ON NOVEMBER 2, 1993." Approved as part of the Consent Calendar.
- T. **TREASURER REPORT: August, 1993**  
ACTION: Receive and file. Approved as part of the Consent Calendar.
- U. **RESOLUTION ADOPTING PROCEDURAL AND SUBSTANTIVE REGULATIONS TO REGULATE LOCAL BASIC TIER CABLE TELEVISION RATES AND CHARGES:**  
ACTION: Adopt Resolution No. 1217, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING PROCEDURAL AND SUBSTANTIVE REGULATIONS TO REGULATE LOCAL BASIC TIER CABLE TELEVISION RATES AND CHARGES." Approved as part of the Consent Calendar.
3. **PUBLIC HEARINGS:**
- A. **PUBLIC MEETING: PROPOSED FORMATION OF THE AVENUES OF DESIGN AND SANTA MONICA BOULEVARD BUSINESS IMPROVEMENT DISTRICTS AND LEVY OF ASSESSMENTS:**  
Housing and Economic Development Manager Potter provided background information as outlined in the staff report dated October 25, 1993.
- Mayor Guarriello indicated that he had previously stated

he would support only if Ms. Potter did three things of which she did not and he thereby removed his support.

Councilmember Heilman asked whether the assessment could be modified.

Ms. Potter responded that the Council could revise or modify the formula as long as it is less, and also the boundaries of the district could be revised as long as it becomes smaller as opposed to larger.

Councilmember Lang asked if the assessment could be on a percentage basis so that smaller businesses could be assessed less and larger businesses be assessed proportionately more.

Ms. Potter replied that, yes, the existing formula is a combination of a base rate and a percentage of gross sales, and the Council could reduce the base rate or do some modification.

Mayor Pro Tem Land inquired if there could be modifications to the scope of work as outlined in the Annual Report.

Ms. Potter stated that the Council could make some modifications to the Annual Report.

Mayor Guarriello stated that he had some questions, and he would like Ms. Potter to get the answers for him, if she does not have the answers tonight: How many BID assessment letters were sent out (total number)? How many were sent to Santa Monica Blvd. District and how many to Avenues of Design District? How many of those sent to Santa Monica Blvd. and the Avenues of Design were returned by the Post Office? What are the results of the City's hotline regarding this issue? How much has the Department budgeted and spent each year, for the two years spent working on the BID proposal, and how many hours of staff time?

Ms. Potter stated that the Council and City staff attend quarterly meetings of both the Avenues of Design and Santa Monica Blvd. Association, and monthly steering committee meetings.

Mayor Guarriello asked how much was spent on postage and printing.

Ms. Potter replied that the City was responsible for the legal notice, and that is the only mailing that the City has done.

Mayor Guarriello asked how many businesses attended the meetings of the Santa Monica Business Association and the Avenues of Design, and if a vote was taken on BID at that time also. He also asked for a list of the businesses which attended each meeting.

Ms. Potter said that she would obtain the information requested by Mayor Guarriello.

The following persons addressed the Council:

BRIAN LANTIN, GRAPHIC EXPERIENCE, stated his support of the improvement district but would like to see a more concrete plan.

VICKI CHALFIN, BUSINESS OWNER, stated her opposition.

BOB PIERSON, RESIDENT, stated his concern about the process which should involve residents.

JACK SIMANTOB, BUSINESS OWNER ON MELROSE, questioned the legality of leaving out the Pacific Design Center from the assessment district and stated his opposition.

STEPHEN MARTIN, WEST HOLLYWOOD, stated his opposition to the assessment and suggested the advisory board should consist of 12 to 15 business owners.

Mayor Guarriello requested that L.A. City Councilmember Nate Holden be allowed to speak on Item 4.C. at this point as he has another commitment.

NATE HOLDEN, L.A. CITY COUNCILMEMBER, said that he had written a letter to President Bush and had also spoken to President Clinton, on this matter, and urged the Council to join the Cities of L.A. and Beverly Hills, and approve the resolution requesting the President to commute Jonathan Jay Pollard's life sentence.

IRWIN HELD, BARNEY'S BEANERY, stated his opposition to the improvement district. He also stated his opposition to smoking ban.

SANDY SHIRE, BUSINESS OWNER, stated the following speakers will provide an overview of the findings from the survey.

ROBERT DAVIS, BOARD OF DIRECTORS OF WEST HOLLYWOOD COMMUNITY ALLIANCE, stated he wishes to share the findings of their survey.

BABETTA LANZILLI, SORCEROR SHOP, said that preliminary survey responses indicate that 91% of the businesses in the districts were not given information about the Business Improvement District; the same 91% also have never attended any meetings where the BID was proposed or discussed. Who voted to request Council to initiate the process? The City Council and the other businesses affected are entitled to know if a vote was taken by each of these organizations--identify who attended the purported meetings, the exact vote, and the date, time and place of the meetings. Sandy Shire's conduct at times is unacceptable.

BOB GREENE, STAN'S SIGNS, member of Board of Directors



of Community Alliance, stated that a survey was put out and the responses were overwhelmingly against the BID. He also commented about the unfairness of the smoking ban on restaurants and their employees.

NORMAN HAMMER, LOS ANGELES, alternative board member of Community Alliance, stated that preliminary survey responses, which pertain only to the Business Improvement District, are as follows: 94% opposed to the BID, only 4% for it and 2% undecided; 85% are willing to actively participate in defeating the BID; 91% were unaware of the BID proposal. The same 91% had never attended any meeting where the BID was discussed in depth; 89% were unaware that their business would be included in the BID assessment district even if the majority of the businesses were opposed. He stated that he and the speakers following him would read the names of the businesses who had thus far filed official letters of which 95% were opposed: (read names of businesses)

ALAN BERGUT, BUSINESS OWNER, continued reading names of businesses.

ROBIN SINGER, RESIDENT OF WEST HOLLYWOOD AND BUSINESS OWNER, continued to read names.

LAUREL HOFFMAN, WESTWOOD, continued to read names.

BEVERLY SIMON, LOS ANGELES, BUSINESS OWNER, continued to read names.

DIANE MERRICK, BUSINESS OWNER & RESIDENT, continued to read names.

RACHELLE SOMMERS-SMITH, BUSINESS OWNER & RESIDENT, Community Alliance board member, stated she takes great pride in the fact that the survey was deemed as exactly what was needed, by Mayor Guarriello. The Mayor's idea for a ballot was refused on the grounds that the assessment is based on a fifty percent protest. When Sandy Shire went to City Hall he was told by Councilmembers Land, Lang and Heilman and Mayor Guarriello that a survey of the affected businesses would be welcomed, and they would abide by the majority. After the Mayor made a public statement to support the survey, the three Councilmembers sent a letter stating they were not bound by their promise, on the grounds the survey was biased. Mr. Crail and Councilpersons Heilman, Land and Lang should join Councilmember Koretz and Mayor Guarriello, and abandon the BID proposal.

ELLIOT SALTER, BUSINESS OWNER, protested the rules for adopting the BID as unfair. Asked that Councilmembers Land, Lang and Heilman follow the lead of their colleagues and do what is correct.

DONNY CACY, 7-ELEVEN BUSINESS OWNER, VICE PRESIDENT, COMMUNITY ALLIANCE, provided statements made by the

Chamber and provided the Business Alliance rebuttals.

GERALD LEUTZMAN, RESIDENT, spoke against the BID.

MARK MONTGOMERY, BOARD MEMBER OF THE COMMUNITY ALLIANCE, discussed the meeting on October 28, 1993.

CHARLIE MERCER, BOARD MEMBER OF WEST HOLLYWOOD COMMUNITY ALLIANCE, stated the purpose of the survey was to verify the results of testimony. Presented the cumulative totals to date: 94% oppose the BID; 85% contacted are willing to spend time or money on the defeating the proposal; 91% said they had never heard nor attended a meeting; 81% opposed the business tax; 96% said they are not getting any benefit from paying the business tax. He requested that the Council defeat the assessment.

DIANE AUSUBEL, BANK OF LOS ANGELES, spoke in support of the BID.

ELEE HADAD, OWNER, FUTURE MAN, stated his opposition to the BID.

ROBERT ADELS, RESIDENT AND BUSINESS OWNER, stated his opposition to the BID.

MORRIS SINGER, RESIDENT AND BUSINESS OWNER, asked why the businesses in the Pacific Design Center, approximately 225 businesses, were excluded. The PDC will benefit from the BID, and therefore should be included.

Mayor Pro Tem Land stated that next week will be the public hearing and she appreciates the testimony and input from the public. She asked for the following: information on what changes can and cannot be made; more information about the exclusion on the Pacific Design Center; more explicit information about the use of money; a response to the issue of reduction of crime if we cannot spend money on law enforcement; and also a different formula--smaller businesses may be paying more.

Councilmember Heilman stated he concurs with Mayor Pro Tem Land and agrees that Council should look at the number of businesses are opposed. He also stated he is troubled about the number of businesses which were not aware of it and the lack of information. He thanked everyone for their testimony.

Councilmember Lang indicated she could not support the assessment as it is but is in favor of the concept. She indicated she would like to see some modification to the improvement district.

Councilmember Koretz stated he does not have a problem with the concept of the BID, but feels there are clearly some "bugs" in it, and that has caused opposition; the

right approach is to go back to the drawing board, work with the businesses that have objections, and make this work so that it handles those objections. He indicated there are people that benefit from this that are not assessed and people that are assessed that are not benefiting; the proportions are a little strange; and there are a lot of little problems. He stated he feels that there should be some portion of the business license tax matched to the assessment; perhaps when this comes back, at least a token contribution from the business license tax should be included in this district. He appreciates all the work of staff, David Welch and others. He feels we need to work with everyone and come up with a better BID and make it work for everyone.

Mayor Guarriello stated that he has already given seven questions that he would like answered for next week. He will not support this unless all his questions are answered.

Ms. Potter requested the seven questions in writing from the Mayor.

The Council recessed at 9:25 p.m.  
The Council reconvened at 9:45 p.m.

**B. PUBLIC HEARING: APPROVAL OF RESOLUTION CONFIRMING THE ANNUAL REPORT FOR WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA (HOTEL MARKETING BENEFIT ZONE):**

Mayor Guarriello inquired how this public hearing was noticed.

City Clerk Love stated the public hearing was published in the West Hollywood Independent on October 13, 1993.

Economic Development Director Potter provided background information as outlined in the staff report dated October 25, 1993.

MIKE RADCLIFFE, PRESIDENT, WEST HOLLYWOOD COMMUNITY ALLIANCE, stated that most of the people being assessed are usually not aware of the process. He indicated that the Hotels will be getting a letter from the Alliance asking if they are getting what they are paying for.

CHARLIE MERCER, indicated he concurred with the statements of Mr. Radcliffe. He indicated he had spoken with the hotels and they would like a meeting with the City Council or the Mayor.

JOHN DOUPONCE, WEST HOLLYWOOD, BUSINESSMAN, MEMBER OF BOARD OF DIRECTORS, MARKETING CORPORATION, indicated that most of the businesses affected are here tonight or have submitted letters to Council. West Hollywood was second only to Hollywood in occupancy. The general managers are unanimous in supporting this assessment.

BOB GRANEY, BEVERLY HILLS, GENERAL MANAGER OF THE BEL

AGE HOTEL AND THE MONDRIAN HOTEL, stated he is in support of the assessment. He stated that he just returned from a sales mission in New York, sponsored with money by the Marketing Corporation, where nine hotels had jointly marketed West Hollywood as a destination for business and tourism.

BOB YEAGER, WEST HOLLYWOOD, GENERAL MANAGER OF RAMADA HOTEL, indicated his business is up 11% year-to-date. He also stated he attended the New York trip and was able to book business and create \$2600 in transient occupancy tax. Could not have done it without the support of Marketing Corporation. He personally thanked Mary Frost of the Marketing Corporation and Thomas Crail of the Chamber of Commerce and their staff for their personal efforts in support of West Hollywood businesses.

**ACTION:** Adopt Resolution No. 1218, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 1993-94 AND LEVYING A CHARGE IN CONNECTION WITH THE WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA FOR FISCAL YEAR 1993-94"

Motion Heilman, seconded Koretz, and carried, with Mayor Guarriello noting his no vote.

**COUNCILMEMBER COMMENTS:**

Mayor Guarriello indicated the 90069 zip code was denied by the U.S. Postal Service. The Council offices have the letter which explains the reasons given by the Postal Service. He stated he went to a very nice event at the Farmer's Market today, an apple-pie tasting contest.

Mayor Pro Tem Land also commented that a letter had been received from the Postal Service stating that they had denied the City's request for a single zip code; she suggested that a Council subcommittee meet with the postal service to be able to respond to those residents that wanted the zip code. She inquired if there was another Councilmember who would help.

Councilmember Koretz stated he would help with the committee.

Councilmember Heilman reminded people about the Community Meeting on October 26 from 6:00 - 8:00 p.m. regarding cable rates. A meeting was held a few days ago. He also stated there will be a special meeting to address the needs on the East Side on November 29, 1993 at Plummer Park.

Councilmember Koretz stated he wished to respond to the smoking issues brought up earlier. He said it is widely accepted that sidestream smoke is dangerous, particularly to the employees of restaurants; he has been informed that Local 11 of the Hotel and Restaurant Workers Union is supportive of this kind of legislation; in his family the smokers all died younger than the nonsmokers; the Yukon Mining Company has not obeyed the

ordinance, and so their claim of 50 percent loss of business is absurd. He stated he has been involved in this issue for almost 20 years; when he became involved this was not "politically correct." Recent studies have shown the damage to restaurant employees. The State is doing nothing. There was a plan for the cities to act together, but some things went wrong, so West Hollywood had to adopt a different strategy. Santa Monica is going forward with a similar ordinance. The intention was to have this become a regional ban.

**4. UNFINISHED BUSINESS:**

**A. CITY HALL LEASE/PURCHASE AGREEMENT AT 8300 SANTA MONICA BOULEVARD :**

Joan English, Transportation Department Director, stated that Meg Gilbert, one of our consultants on this, and Jeff Rabin of the City Attorney's office, were present. Ms. English provided background information as outlined in the staff report dated October 25, 1993.

The following persons came forward to address the City Council:

MIKE RADCLIFFE, PRESIDENT OF THE WEST HOLLYWOOD COMMUNITY ALLIANCE, stated he supports this proposal.

BOB PIERSON, WEST HOLLYWOOD, stated he wishes to praise staff recommendation and indicated he hopes Council will approve.

DONNA SAUR, WEST HOLLYWOOD, stated the City Hall Site Committee met diligently for about 18 months and the Petersen building was not the site they recommended. She also stated that City Hall Site Committee takes no responsibility for the selection, success or failure of the building.

STEVE MARTIN, WEST HOLLYWOOD, stated he is in support of the City Hall site and agrees with the staff recommendations, except that he is a little concerned about the age of the building.

Mayor Pro Tem Land stated that the work the Site Selection Committee did provided guidelines which helped the Council a great deal in their discussions as they considered this particular building.

Mayor Guarriello asked if there would be credit from the rent towards the purchase price, if the City leased the building and waited on purchasing.

Jeffrey Rabin said no, there is no credit from the rent; however, there are two option prices, depending on when escrow closes.

Councilmember Heilman asked about the option to purchase.

Mr. Rabin stated that there would be an option to purchase anytime during the term of the lease; the rent is negotiated separately from the option/purchase price.

Ms. English stated that the assumption is that the City will expeditiously purchase the property.

Mayor Guarriello asked about bonds, and whether the Finance Director went to several bonding companies or just one.

Finance Director Arevalo stated that the item would come back before Council as it is premature to do that at this time; the staff would go out for competitive bidding for the lowest interest rate; before buying the building staff would come back to Council with further analysis, with some hard numbers, most likely sometime in January.

The Mayor commented that the public should have an understanding of what is being done, and that is his reason for asking these questions.

Mr. Arevalo replied that what is important is that the total cost of this building, with all the costs, will be approximately 8.4 million dollars; at a worst case analysis, the annual debt service would be \$770,000.

Councilmember Heilman stated that, just for clarification, our current annual cost, with our leased space, is \$931,000--compared to \$770,000 annual cost if we purchase, at the worst case scenario, including all costs. There would be a monthly savings of \$13,000 and annual savings of \$161,000 and a ten year savings of 1.6 million dollars over what we're currently paying, and we will own the building.

**ACTION:** 1) Authorize the City Manager to enter into a lease agreement with Petersen Publishing Company with an option to buy the property and building located at 8300 Santa Monica Boulevard, in an amount of \$61,600/month for up to 60 months and \$69,300/month for months 61-120 as the initial lease term; 2) Approve a purchase option price of \$6,250,000 if exercised within the later of (a) January 3, 1995 or (b) 120 days after the Commencement Date or \$5,950,000 if exercised during the period commencing 36 months after the Commencement Date and ending on the last day of the initial lease term; 3) Authorize the Finance Director to establish the City Hall lease/acquisition as a Capital Improvement Project of the City and to establish a chart of accounts for the project, including the anticipation of bond proceeds to fund the project; 4) Authorize the City Manager and Finance Director to initiate the process for debt issuance in connection with this item.

Motion Land, seconded Heilman and unanimously carried.

**B. AWARD OF CONTRACT FOR ARCHITECTURAL/SPACE  
PLANNING/INTERIOR DESIGN SERVICES FOR PROPOSED CITY  
HALL:**

Sam Baxter, Landscape and Building Maintenance Division, provided background information as outlined in staff report dated October 25, 1993.

Mayor Guarriello asked why we did not use either one of the two West Hollywood firms.

Sam Baxter indicated that Carmen-Nordsten-Igonda, a local business, was one of the three finalists, but Ellerbe-Becket had the lowest cost and they had been specifically involved in other governmental projects. Joe Hooper & Associates had a bid over 10 percent higher than Ellerbe-Becket.

**ACTION:** Authorize City Manager to enter into a contract with Ellerbe-Becket for architectural, space planning and interior design services in an amount not to exceed \$81,590 (bid amount of \$71,090, plus 5% contingency of \$3,500 and reimbursables allowance of \$7,000).

Motion Heilman, seconded Koretz and unanimously carried.

**C. RESOLUTION REQUESTING THE PRESIDENT OF U.S. TO COMMUTE  
JONATHAN JAY POLLARD'S LIFE SENTENCE TO TIME ALREADY  
SERVED:**

Councilmember Koretz provided background information as outlined in the staff report dated October 25, 1993.

Mayor Guarriello read into the record a letter from Ethel Shapiro, resident of West Hollywood, stating that this is a Federal issue which West Hollywood should not become involved in, and asking Council to vote against commuting Mr. Pollard's sentence.

The following persons came forward to address the City Council:

(Los Angeles City Councilmember Nate Holden spoke in support of this resolution earlier in the meeting.)

STAN LOTHIDGE, WEST HOLLYWOOD, stated his opposition to the adoption of this resolution.

EFFIE REUVENI, WEST HOLLYWOOD, stated his opposition to the resolution.

DONNA SAUR, WEST HOLLYWOOD, said she doesn't like to spend time on these type of issues when there are other more important issues in the City of West Hollywood. She indicated she resents the time spent on this issue.

ROSLYN KRAUSE, WEST HOLLYWOOD, stated she is opposed to the resolution.

KURT HARBER, BEVERLY HILLS, spoke in favor of the resolution.

NORMAN CHRAMOFF, WEST HOLLYWOOD, stated his opposition to the adoption of the resolution, but supports a letter that states Pollard should be treated safely while in prison.

MYRTLE GISITOWITZ, stated she is rather shocked by statements made this evening; she would like to see proof that Pollard was paid by the Israeli government. One judge said Pollard should never have received the sentence.

RENEE FIRESTONE, BEVERLY HILLS, holocaust survivor, indicated her support of this resolution citing comparisons of other convicted spies.

Mayor Pro Tem Land stated she sees this as a human rights issue and will support this resolution.

Councilmember Lang indicated she is in support of the resolution. For those people who feel this is not a West Hollywood issue--we are in a very small world and everything impacts everything else.

Councilmember Heilman indicated he was very disturbed by comments made while others were speaking, in particular when L.A. Councilmember Holden was speaking. He stated he does think this is an appropriate issue to be considered by Council; this is a potential human rights issue; the City of West Hollywood has always stood for fairness, and looking at this, there is some unfairness. He is concerned about Mr. Pollard's treatment in jail. He still feels he doesn't have all the information before us and would be more comfortable with the resolution if it asks for the President to evaluate the terms and conditions of Pollard's punishment to determine whether they remain appropriate.

Councilmember Koretz stated that he did not wish to change the wording of the resolution; it appears that the President is already engaged in that kind of evaluation.

Mayor Guarriello concurred with Councilmember Heilman. He said the President must evaluate this; it is not for us to decide, and therefore he will abstain on this.

**ACTION: Adopt Resolution No. 1202, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REQUESTING THE PRESIDENT OF THE UNITED STATES TO COMMUTE JONATHAN JAY POLLARD'S LIFE SENTENCE TO TIME ALREADY SERVED."**

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



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

**5. NEW BUSINESS:**

**A. SANTA MONICA BOULEVARD STREET TREE TASK FORCE SPECIES RECOMMENDATION:**

Sam Baxter provided background information as outlined in staff report dated October 25, 1993.

Mayor Guarriello stated that one thing that bothers him is that there is not one east side resident on the task force.

The following persons came forward to address the City Council:

MIKE RADCLIFFE, PRESIDENT OF THE WEST HOLLYWOOD COMMUNITY ALLIANCE, stated the east side does not want the ficus trees touched.

STEVE CHAPMAN, WEST HOLLYWOOD, spoke against removing healthy trees.

CRAIG RITCHIE, WEST HOLLYWOOD, stated he is in favor of ficus trees. He also indicated that the east side hasn't had much input.

BOB PIERSON, WEST HOLLYWOOD, indicated that the task force does not truly represent the community. He suggested three distinct areas with a transition zone.

DONNY CACY, WEST HOLLYWOOD, stated he is favor of keeping the ficus trees.

STAN LOTHIDGE, WEST HOLLYWOOD, stated City residents do not like palm trees.

ELIZABETH COLE, WEST HOLLYWOOD, stated that cutting down the trees at the expense of taxpayers is a waste. Ficus trees provide shade and aesthetic pleasure. The money saved from not cutting down the trees could be used toward keeping the library open.

NORMAN CHRAMOFF, WEST HOLLYWOOD, spoke against taking the ficus trees out.

Councilmember Koretz said that healthy trees should not be cut down. As far as the palms are concerned they should not be uprooted to plant ficus trees. The best suggestion is palms on the west; a transitional zone that doesn't include cutting down living ficus trees but merely replacing with palm trees where there are vacant tree wells; and on the east end, if maintenance of ficus trees is a problem, as trees are filled in, fill in with a more easy to maintain shade tree.

Mayor Pro Tem Land stated she feels the palm trees look really nice and does feel they should continue with

that. She indicated she is in support of finishing between Croft and Doheny since we have the money for it. She also said she is not opposed to palms on the east side.

Councilmember Lang indicated she felt very torn about this issue and is very opposed to cutting down trees. She also has a problem with spending that kind of money when there are so many other priorities.

Councilmember Heilman stated he felt the objection many people had initially was seeing living trees on the west end cut down, even though they were replaced with a larger number of palm trees. He personally likes the palm trees; the businesses, which are paying for them, like them because they prevent the blocking of the signs. At this point Councilmember Heilman asked staff if it is correct that these funds could not be used for other purposes, such as library services.

Sam Baxter replied that the money that's collected along the assessment district must be spent within the district and can be used only for landscaping or lighting maintenance or capital improvements.

Councilmember Heilman stated that since the east side is fairly fully planted with ficus, he is willing to leave that alone at this point, and just not plant anything additional there. He feels at this point Council does not need to decide what trees to put in from Crescent Heights to La Brea, because we're still doing the East End revitalization work; we need to hear more from the residents there. He supports the planting of palm trees from Doheny to Croft. There are a lot of vacant tree wells from Croft to Crescent Heights--he would support planting Palms in the vacant spaces, and then replacing the existing trees with palms.

Mayor Pro Tem Land suggested that, since funds will not be spent on trees from Crescent Heights to La Brea, staff could look at other ways, within the guidelines, to expend those funds. She suggested that Sam Baxter prepare a memo that talks about ways that funds could be expended this year that meet the requirements of the assessment district.

Mayor Guarriello concurred with Councilmembers Lang and Koretz regarding no more cutting down of healthy trees. He doesn't want to see even one cut down on the east side.

Sam Baxter said he had a question about the third zone (Crescent Heights to east of La Brea)--there are vacant tree sites there now; is it Council's direction to leave those empty?

Councilmember Heilman stated that the empty tree wells should not be filled at this time until there can be

some discussion on other ways to use the Lighting and Landscape money.

City Manager Brotzman stated that an issue which needs to be resolved is what to do with the empty tree wells, and there is also the issue of persons destroying the ficus trees from time to time. He asked that people report this. The City will prosecute and in this process the City will collect money which can be used to replace trees.

**ACTION:** Approve the following: From Doheny to Croft (Zone I), complete the planting of the designated palm trees (Queen and Mexican Fan Palms); from Croft Avenue to Crescent Heights Boulevard (Zone II), fill in existing vacant tree sites with the palm trees (Queen and Mexican Fan Palms). No existing street trees are to be removed. From Crescent Heights Boulevard to east of La Brea (Zone III), canopy trees only, no palm trees, no existing street trees to be removed, no trees to be planted at this time. Council may redirect use of funds allocated for street tree planting for other uses to be designated at a later date.

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

**AYES:** Heilman, Koretz, Lang, Land, Guarriello  
**NOES:** None.

**EXCLUDED CONSENT CALENDAR:**

2.0. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING NOVEMBER 1-7, 1993 AS "NO GRAPES WEEK"

Councilmember Koretz said that he pulled this item to announce the Resolution, and that this reaffirms the City's commitment to the grape boycott and the vision and ideals of Cesar Chavez and the United Farm Workers, and that includes sending a delegation to the November 6th march.

**ACTION:** Adopt Resolution No. 1202, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING NOVEMBER 1-7, 1993 AS 'NO GRAPES' WEEK." and endorse the November 6, 1993 "No Grapes" march which will take place in East Los Angeles.

Motion Koretz, seconded Land and unanimously carried.

**CITIZEN COMMENTS:**

The following persons came forward to address the City Council:

ESTHER SCHILLER, NEWBURY PARK, thanked Council for passing the smoking ban on restaurants.

CRAIG RITCHIE, WEST HOLLYWOOD, on behalf of the Alliance of Citizens for the East Side, spoke about the crime on Santa

Monica Boulevard at night.

DONNY CACY, WEST HOLLYWOOD, stated the east side needs more police protection.

BOB PIERSON, WEST HOLLYWOOD, gave his input relative to the tree issue.

STAN LOTHIDGE, WEST HOLLYWOOD, commented on "lake" on Westbourne; said the City should take funds away from Marketing Corp. and use for library; opposed to Pollard Resolution.

**6. LEGISLATIVE:**

**A. PROPOSED ORDINANCE AMENDING THE SOLID WASTE AND/OR RECYCLABLE COLLECTION AND/OR DISPOSAL SERVICE FEE TO ALLOW FOR THE REBATE OF SERVICE FEES CHARGED TO VACANT RESIDENTIAL UNITS WHICH DO NOT RECEIVE SOLID WASTE AND/OR RECYCLABLE COLLECTION SERVICES:**

David Hare of Environmental Services Division provided background information as outlined in the staff report dated October 25, 1993.

Councilmember Heilman asked if this would address the problem that one constituent had, who was not using the services.

Mr. Hare indicated that staff is looking at establishing a program on July 1st where a rebate would be received for recycling more or for disposing of less trash.

**ACTION: Introduce for first reading Ordinance No. 385, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING A SOLID WASTE AND/OR RECYCLING COLLECTION AND/OR DISPOSAL SERVICE FEE EXEMPTION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."**

Motion Heilman, seconded by Mayor Guarriello and unanimously carried.

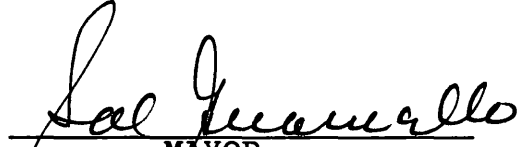
**COUNCILMEMBER COMMENTS:**

Councilmember Koretz commented that he did not invite Councilmember Nate Holden to address the Council, purely because he would be too embarrassed to do so; it was embarrassing that he was heckled, and that these same people tried to pick fights with speakers who were holocaust survivors.

Councilmember Heilman stated for the record that even though he did not vote for the resolution, he does not want his views associated with any of the views expressed by those people.

**ADJOURNMENT:** The meeting adjourned at 12:07 to a Special Meeting on October 26, 1993, at 6:00 p.m. at West Hollywood Park, with the next regular meeting to be held on November 1, 1993, at 7:00 p.m. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 15TH DAY OF NOVEMBER, 1993.

  
MAYOR

ATTEST:

  
CITY CLERK