

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

PLEDGE OF ALLEGIANCE: The Pledge was led by Mayor Pro Tem Land.

ROLL CALL:

PRESENT: Heilman, Koretz, Lang, Land, Mayor Guarriello
ALSO PRESENT: City Manager Brotzman and City Attorney Jenkins

REPORT OF CLOSED SESSION: City Attorney Jenkins reported that the City Council had called the meeting to order at 6:00 p.m. and adjourned into closed session for the purpose of discussing several matters of potential litigation and a matter of pending litigation entitled the City of West Hollywood vs. Scott. The Council gave instructions to the City's negotiator relative to 8383 Santa Monica and 8300 Santa Monica Boulevard, and gave instructions to its labor relations negotiator. The City Council also gave direction relative to joining an amicus brief in the Runkle vs. City and County of San Francisco case, and adjourned the closed session at approximately 6:45 p.m.

REPORT ON DOLLAR AMOUNTS ON CONSENT CALENDAR: City Clerk Love reported that the total fiscal impact of the items on the Consent Calendar is \$1,200,400 in revenue and \$224,043 in expenditures and all items were budgeted.

APPROVAL OF AGENDA:

Mayor Pro Tem Land requested that an item relative to a resolution to the League of California Cities supporting proposed legislative and administrative action to modify the PERS Health Care program to include domestic partner benefit provisions be placed on the consent calendar as an urgency item as the deadline for submittal to the League is this week and the need arose after the agenda was posted.

ACTION: To add the item to the Consent Calendar as an urgency item. Motion by Land, seconded by Guarriello, and unanimously carried.

Councilmember Heilman requested that a resolution condemning Century Cable's rate changes be placed on the agenda under New Business, as the need for action arose after the agenda was posted.

ACTION: To add the item to the Agenda under New Business as an urgency item. Motion by Heilman, seconded by Land, and unanimously carried.

There were no items removed from the Consent Calendar and the agenda was approved, by consensus of Council.

Mayor Guarriello indicated that he would like to adjourn the meeting in memory of David Amorena, City employee who had passed away Saturday afternoon. He announced that the memorial service will be on Sunday, September 12, 1993 and all details are available through the Mayor's office.

PROCLAMATIONS AND COMMENDATIONS:

A commendation was awarded posthumously for Bill Stirrup to acknowledge his contributions to the community as an advocate for the rights of persons with disabilities. The commendation will be forwarded to his family.

A commendation for outstanding action in an emergency situation on August 8, 1993 was presented to Robert Cohen.

A commendation for outstanding action in an emergency situation on August 8, 1993 at the Senior Center was presented to Michael Elkins.

Councilmember Lang presented a Certificate of Commendation to Ruth Egger who has been in charge of the Senior Center for over six years.

Councilmember Heilman announced that West Hollywood residents may have their children immunized free on Sunday, September 12 from 9 a.m. to 1 p.m. at the Kids Fair at Kaiser Permanente for children ages 2 months to 3 years old.

Councilmember Heilman also presented Certificates of Commendations to the following individuals for their contributions to Lesbian Visibility Week.

Judy Nelson
Tracey Stern
Uzenzile A. Poindexter
Pat Parks
Maria Elena Boyd
Jody Hoenninger
Sharon Gagnon
Heather Hinkel
Unhei Kang
Alice Y. Hom
Patty Penalosa

Catrina White
Lynda Montgomery
Valerie Clark
Sheila James Kuehl
Nancy Verellen
Frank Kammerer
Miam Klementis
Katharine Stalter
Rhonda Fuller
Luis Alfaro
Theresa Mendoza

Julia Salazar
Toni Wallace

Suzanna Sanchez

He also commended the following organizations for their support:

Women of GLAAD
Viva
Cool
The Palms
Klub Banshee
Uloah
Project 10
Gay & Lesbian Media Coalition
Girl Bar
Women's Fun Festival

Celebration Theatre
Nightlife Magazine
The Lesbian News
Lesbian Health Project
Moonlight Rollerway
Play Safe Classifieds
Little Frida's
GLSC

Councilmember Heilman also thanked the staff that supported the event:

Janyce Kamahela
Erik Lemons

Curtis Brown
Roman Kaplansky

CITY MANAGER'S REPORT: This time has been set aside for the City Manager to update the Council on important items initiated by staff or previously requested by the City Council.

City Manager Brotzman indicated he had several items to report on.

The first item is that the City has received notice that the County has severely curtailed Library hours. Staff has been meeting with the Library to see how the City could assist in extending hours. He indicated that the State legislature is exploring the possibility of countywide assessment districts to help fund library systems. The results should be known by October 10 if it is passed at the State level. If this legislation does not pass, staff will return to Council for direction relative to the funding of extended hours.

City Manager Brotzman indicated the City had received a notice establishing a new organization on the east side of the City. The organization identified seven issues and he would like to respond to at least six of them at this time.

The first issue is more bike or foot patrols on east side and he responded that as of this last month there has been one extra deputy on the east side.

Second request was to increase the number of patrols on the east side. It should be noted that there are more patrols dedicated to the east side than any other area of the City. Any additional deputies would be a budget issue etc.

Third request was a bilingual deputy with the ability to speak Russian. The Sheriff's department has committed to assigning a Russian bilingual officer to that area.

The fourth issue was street lighting. He indicated by October we will have completed the installation of pedestrian lighting

along Santa Monica Blvd. from La Brea extending westward to Croft, and the eastern section of the City has been the first scheduled to receive the installation of pedestrian street lights. In addition we have entered into a contract for the redesign of all the street lighting of West Hollywood. Edison will begin the installation as soon as the design work is completed. The work will proceed in phases with completion anticipated by the end of next year.

The fifth issue was enforcement of existing ordinances and laws with the organization asking for more intensive enforcement. He stated that the Beverly Hills court has often summarily thrown out cases that we have brought to the courts. The Council authorized us to take legal action to overturn the local courts; we in fact did take an item to the appellate court, and the City Attorney informed us today that we were successful in having our camping ordinance upheld. This will preclude the Court throwing out the cases.

The sixth issue had to do with beautification funding. He indicated that almost all CDBG funding has been dedicated to the east side. The biggest difference has been the issue of private sector investment which until recently we did not have their support. He stated that this year we did get support and there has been an increase in assessment for the east side which will provide funds.

Staff will provide some written information to the organization.

- 1. CITIZEN COMMENTS:** This time has been set aside for members of the public to address the City Council on Consent Calendar items, other agenda items if the member of the public cannot be present later in the meeting at the time the item is heard by the Council, and items of general interest. Although the City Council values your comments pursuant to the Brown Act they cannot respond nor take any action on items not listed on the posted agenda. This period shall be limited to 20 minutes, with no more than two minutes for each speaker. Testimony for public hearings will only be taken at the time of the hearing.

The following persons came forward to address the Council:

JAY BRENFELD, WEST HOLLYWOOD, provided information on several incidents which occurred during the past weekend. He suggested a curfew and for Sheriff's personnel to train club security.

ROSLYN KRAUSE, WEST HOLLYWOOD, suggested City funding so the library would be open an additional three (3) days. Also suggested recognizing Samuel Gompers if Council wishes to honor a union leader.

ROBERT DAVIS, WEST HOLLYWOOD, stated that the City should aim to take over the library and suggested contracting it out.

DEREK CHASIN, WEST HOLLYWOOD, owner of Cafe Figaro,

stated he was in favor of a smoking ordinance however, the one before Council is vague and exempts some restaurants. He felt it was unfair and discriminatory.

SARAH JACOBSON, RESIDENT OF PALMS AREA, (Item 2.O.) spoke about the importance of increased funding for the international family planning program and urged adoption of the resolution.

D'LYNDA FISCHER, WEST HOLLYWOOD, (Item 2.Q.) provided information about the Women's Advisory Council and their intent to co-sponsor the Los Angeles Women and HIV Conference.

DAVID COOLEY, WEST HOLLYWOOD, asked for help in cleaning up street vendors especially in the evening. He stated his support for the business improvement district and urged the Council to wait on the smoking ban issue until a decision by the state legislature.

LARRY FREILICH, LOS ANGELES, (Item 2.P.) California Desert Protection Act, encouraged Council support.

BRUCE TRAUB, WEST HOLLYWOOD, commended the Mayor on his recent help in making a wish come true for a 16 year old with cerebral palsy. He stated that the crew doing the paving for the city is not doing the job properly.

DONNY CACY, BUSINESS OWNER, WEST HOLLYWOOD, glad the sidewalks have been cleaned. He stated he did not want to see any of the ficus trees removed and stated he has seen some trees hacked.

City Manager Brotzman responded to Mr. Cacy's comments and indicated that if anyone observes people cutting the ficus trees to please call the Sheriff's Department.

2. **CONSENT CALENDAR:** The following routine matters were approved by a single motion with the consent of the Council.

ACTION: Approve Consent Calendar items 2a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t and urgency item u. Motion Heilman, second Guarriello and unanimously carried.

- A. POSTING OF AGENDA:** The agenda for the meeting of Tuesday, September 7, 1993, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Monday, August 30, 1993.

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

- B. DEMAND REGISTER NO. 253, RESOLUTION NO. 1178.**

ACTION: Approve Demand Register No. 253 and adopt Resolution No. 1178. Approved as part of the Consent Calendar

- C. TREASURER'S REPORT:**

This item was pulled from the agenda at the request of staff.

- D. APPROVAL OF MINUTES: AUGUST 16, 1993.**
ACTION: Approve the minutes of August 16, 1993.
Approved as part of the Consent Calendar.
- E. CLAIMS: ALEXANDRE BRONSHTEYN
PATRICIA TRAVIS
DIANE SILVER
LINDA WASHINGTON
PATRICK DANIEL MC NULTY
GINA CHIOCCARIELLO**
- ACTION: Deny the claims of Alexandre Bronshteyn, Patricia Travis, Diane Silver, Linda Washington, and Patrick Daniel McNulty without comment and refer to the City's claims adjustor. Take action on the claim of Gina Chiocciariello as discussed in Closed Session on September 7, 1993. Approved as part of the Consent Calendar.
- F. 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.
- G. ORDINANCE NO. 379 - TRANSIENT OCCUPANCY TAX:**
ACTION: Adopt on second reading Ordinance No. 379, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING THE TRANSIENT OCCUPANCY TAX AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.
- H. ORDINANCE NO. 375 - SMOKING IN PUBLIC PLACES:**
ACTION: Adopt on second reading Ordinance No. 375, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING SMOKING IN PUBLIC PLACES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.
- I. RESOLUTION NO. 1179 - APPOINTMENT OF CITY CLERK:**
ACTION: Adopt Resolution No. 1179, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING VIVIAN M. LOVE AS CITY CLERK." Approved as part of the Consent Calendar.
- J. RESOLUTION NO. 1180 - APPROVING A TAXI OPERATOR'S LICENSE TO BIJAN ENTERPRISES, D.B.A. CELEBRITY CAB COMPANY:**
ACTION: Adopt Resolution No. 1180, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING AN APPEAL OF THE TRANSPORTATION COMMISSION'S DECISION TO DENY A TAXICAB OPERATOR'S LICENSE TO BIJAN ENTERPRISES, D.B.A. CELEBRITY CAB COMPANY AND GRANTING A TAXI OPERATOR'S LICENSE TO BIJAN ENTERPRISES." Approved as part of the Consent Calendar.

- K. RESOLUTION NO. 1181 - ACCEPTING A \$1,000,000 FEDERAL GRANT FROM THE PETROLEUM VIOLATION ESCROW ACCOUNT (PVEA) FOR IMPLEMENTATION OF THE WEST HOLLYWOOD TRAFFIC MANAGEMENT SYSTEM PROJECT AND AUTHORIZING CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN CITY OF WEST HOLLYWOOD AND CALIFORNIA DEPARTMENT OF TRANSPORTATION:**
ACTION: Adopt Resolution No. 1181, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ACCEPTING \$1,000,000 FEDERAL GRANT FROM THE PETROLEUM VIOLATION ESCROW ACCOUNT (PVEA) FOR IMPLEMENTATION OF THE WEST HOLLYWOOD TRAFFIC MANAGEMENT SYSTEM PROJECT." Approved as part of the Consent Calendar.
- L. AWARD OF BID FOR PERSONAL COMPUTERS, PRINTERS AND PERIPHERALS:**
ACTION: Authorize City Manager to complete contract negotiations and enter into one-year contract with Gateway 2000 for acquisition of personal computers with option to extend annually for up to five years and authorize City Manager to execute a one-year contract with Micro Trends International for acquisition of laser and dot matrix printers with an option to extend annually for up to five years. Approved as part of the Consent Calendar.
- M. RENEWAL OF CONTRACT FOR DEMAND RESPONSE TRANSPORTATION WITH JEWISH FAMILY SERVICE:**
ACTION: Authorize City Manager to execute Contract No. C-0066 to continue the Jewish Family Services Transportation program from October 1, 1993 through September 30, 1994. Approved as part of the Consent Calendar.
- N. THIS ITEM WAS PULLED FROM THE AGENDA**
- O. RESOLUTION OF SUPPORT FOR INCREASED FUNDING OF THE INTERNATIONAL FAMILY PLANNING PROGRAM:**
ACTION: Adopt Resolution No. 1183, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ENDORSING THE FUNDING OF THE INTERNATIONAL FAMILY PLANNING PROGRAM" and direct staff to provide a copy to appropriate legislators. Approved as part of the Consent Calendar.
- P. RESOLUTION OF SUPPORT OF THE CALIFORNIA DESERT PROTECTION ACT AND OPPOSITION TO THE NATIONAL RIFLE ASSOCIATION'S HUNTING AMENDMENT:**
ACTION: Adopt Resolution No. 1184, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING THE CALIFORNIA DESERT PROTECTION ACT AND OPPOSING THE NATIONAL RIFLE ASSOCIATION'S HUNTING AMENDMENT", and direct staff to provide a copy to the appropriate legislators. Approved as part of the Consent Calendar.
- Q. WOMEN'S ADVISORY COUNCIL CO-SPONSORSHIP OF THIRD ANNUAL L.A. WOMEN AND HIV CONFERENCE:**
ACTION: Approve the Women's Advisory Council's decision to co-sponsor the "Los Angeles Women and HIV

Conference" and direct staff to work with Mayor Pro Tempore Land's office to provide information about and assistance with the event. Approved as part of the Consent Calendar.

- R. RENEWAL OF CITY COMMITMENT TO BOYCOTT GRAPES:**
ACTION: Reaffirm the City's commitment to the Farm Workers' Grape Boycott; and, inform West Hollywood citizens of the Council's actions through the City's Cable TV Channel and City publications and urge citizens to take part in the boycott. Approved as part of the Consent Calendar.
- S. AUTHORIZATION TO HIRE A GEOTECHNICAL ENGINEERING FIRM TO PERFORM A PHASE 11 ENVIRONMENTAL AUDIT AT 8383 SANTA MONICA BOULEVARD:**
ACTION: Authorize staff to hire a geotechnical engineering firm, at a cost not to exceed \$15,000, to perform the Phase 11 environmental audit at 8383 Santa Monica Boulevard. Approved as part of the Consent Calendar.
- T. AWARD OF CONTRACT TO CONTEST WINNER MANN SCHWIRBLAT FOR 1993 HOLIDAY DESIGNS:**
ACTION: Authorize City Manager to enter into a contract with Mann Schwirblat for 1993 Holiday Designs, in an amount not to exceed \$50,000. Approved as part of the Consent Calendar.
- U. PROPOSED RESOLUTION - LEAGUE OF CALIFORNIA CITIES - PERS DOMESTIC PARTNER PROVISIONS: THIS ITEM WAS ADDED TO THE AGENDA AS AN URGENCY ITEM, UNDER APPROVAL OF AGENDA. ACTION: 1) Authorize submitting a proposed resolution to the League of California Cities for approval at their annual conference in October 1993; 2) Support proposed legislative and administrative action to modify the PERS Health Care program to include domestic partner benefit provisions. Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

- A. PROPOSED ORDINANCE EXPANDING PREFERENTIAL PARKING DISTRICT 6 TO INCLUDE SWEETZER AVENUE BETWEEN SUNSET BOULEVARD AND FOUNTAIN AVENUE:**
Mayor Guarriello requested a report on how this item was noticed.

City Clerk Love responded that a notice of public hearing was published in the L.A. Independent on August 25 and September 1st. In addition, a notice was mailed to all residents within 500 feet of the subject area and the notice was posted at City Hall, Sheriff's Station, West Hollywood Library and Plummer Park.

Don Korotsky, Transportation Department, presented the staff report dated September 7, 1993.

The public hearing was opened and the following persons

came forward to address the City Council:

CHARLIE MERCER, LOS ANGELES, stated there is a large parking lot that can accommodate approximately 50 cars that remains gated and locked. He stated that the problem is here because off-street parking was denied to people.

PETER DUDAR, WEST HOLLYWOOD, stated that originally he was against preferential parking and is now in support of permit parking.

There being no further speakers on this item, the public hearing was closed.

ACTION: Introduce for first reading Ordinance No. 380, "AN ORDINANCE OF THE THE CITY OF WEST HOLLYWOOD EXPANDING PREFERENTIAL PARKING DISTRICT 6 TO INCLUDE SWEETZER AVENUE, BETWEEN SUNSET BOULEVARD AND FOUNTAIN AVENUE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Land, seconded by Heilman, and unanimously carried.

COUNCILMEMBER COMMENTS: This portion of the meeting shall be set aside for general comments, announcements, requests of staff, and/or other issues of concern from members of the City Council.

Mayor Pro Tem Land stated that she was the SCAG representative for the City and provided an update of activity. She indicated they are embarking on a regional comprehensive plan and she chairs the committee more information will be forthcoming. She stated she attended one of the neighborhood meetings where there were concerns about the zip code issue. Primary concerns were about delivery and notification. If implemented it will probably take a number of years. She stated that the results of the survey of those affected were in favor of the single zip code but the Post Office is continuing their analysis.

Councilmember Lang reported on a project by a group of teenagers at Plummer Park to raise funds to help purchase equipment which they wanted and the Recreation Department did not have budgeted. They earned over \$400 and should be commended. This project was under the supervision of Curtis Brown.

City Manager Brotzman responded to the comments by Mr. Traub that the sidewalk repair work being done is prep work for more substantial work to be done in the very near future.

Councilmember Heilman directed staff to look into the noisy neighbors complaint by Mr. Bienenfeld, one of the persons who spoke, and see if it could be mediated, either by a Rent Stabilization mediator or the service we contract with. He asked that Mark Johnson please contact that individual. He directed the City Manager to talk to the Community Development Department regarding the training of nightclub security guards to see that they behave appropriately. He stated that he and

the City Manager will be looking at the problem of the vendors and homeless on the streets, and he will be asking the City Manager to try to develop a response to the problem.

Councilmember Koretz responded to comments regarding the No Smoking ordinance and stated that although it may seem discriminatory the idea is actually to be more regional in approach and consistent with the ordinances of Los Angeles and Santa Monica.

Mayor Guarriello stated that his participation in making the child's dream come true was an exhilarating experience which he enjoyed.

4. UNFINISHED BUSINESS: None

5. NEW BUSINESS:

A. RESOLUTION ESTABLISHING FINANCE POLICIES:

Staff provided the background information as outlined in the staff report dated September 7, 1993.

Mayor Pro Tem Land directed staff to amend Section 3 of the resolution to ensure flexibility for public private partnerships. She also directed Finance Director Arevalo to return to Council in November with recommendations on how to accomplish the 20% and 5% as outlined in Section 4.

Mayor Pro Tem Land requested that a section be added to the resolution that these policies be reviewed and approved on a yearly basis.

ACTION: Adopt Resolution No. 1185, as amended, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING FINANCE POLICIES." Motion Land, seconded by Guarriello and unanimously carried.

B. RESOLUTION AMENDING THE CITY'S INVESTMENT POLICY:

Finance Director Arevalo presented the staff report dated September 7, 1993.

Councilmember Heilman supported bringing the treasurer position in-house. He indicated that he feels it is important that some outside person or group review the policy such as an independent advisory commission or group to meet quarterly or annually for suggestions.

Mayor Guarriello asked about the qualifications.

Councilmember Heilman suggested that the Finance Director, maybe in conjunction with Jonathan Ahearn, come up with a group of people who might have that expertise; there are a lot of people in the community with that expertise.

Mayor Pro Tem Land suggested that it should be an "annual review" by an investment task force--if the market changes it could be more frequently--and we can

also review having an in-house treasurer.

Councilmember Koretz stated that he felt there are enough checks and balances within City Hall but if a committee will be used then utilize residents.

Councilmember Lang stated that she felt a good job has been done so far, however for credibility with the public it might be a good idea to have a committee to supervise this policy.

Jonathon Ahearn indicated that Paul should be appointed as City Treasurer and a citizen task force is a good idea but not because you need it.

ACTION: Repeal Resolutions No. 71 and 966 and adopt Resolution No. 1186 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING AN INVESTMENT POLICY." with the provision of establishing a citizen finance review committee. Moved by Land, seconded by Guarriello and unanimously carried.

Mayor Pro Tem Land presented a plaque to Jonathan Hearn thanking him for his nine years of service.

C. APPROVAL OF A SANTA MONICA BOULEVARD BUSINESS IMPROVEMENT DISTRICT AND AN AVENUE OF DESIGN BUSINESS IMPROVEMENT DISTRICT:

Debbie Potter, Community Development Department, gave the staff report dated September 7, 1993.

The following persons came forward to address the City Council:

THOMAS CRAIL, WEST HOLLYWOOD, PRESIDENT, CHAMBER OF COMMERCE: In support. Encouraged the transfer of the \$25,000 from the unallocated reserves for the part-time Account Clerk in the Finance Department.

ED STEINBERG, LOS ANGELES, OWNER OF BUSINESS ON BEVERLY: Speaking as the Chair of Avenues of Design Merchants. Only by combining the efforts of the merchants, Chamber and the City through a Business Improvement District, can we establish our common goals.

PHIL THOMPSON, WEST HOLLYWOOD: (President, Bodhi Tree Bookstore, Inc.) In support. Asked Council to review the letter of support which he had submitted.

LYN STRICKMAN, LOS ANGELES: Owner of "Ha Ha" on Santa Monica; on the steering committee of Santa Monica Blvd. Association. In support of Business Improvement District.

There being no further speakers, Council held discussion and questioned staff on the item.

Councilmember Heilman asked if there would be some way

to measure whether the businesses are getting tangible results.

Ms. Potter indicated that it is always a big question when it comes to special events, marketing and promotion. Staff could track through sales tax, property tax evaluations, etc. Since this requires an annual proceeding, business people will have an opportunity each year to let us know whether or not they are deriving benefit.

Councilmember Heilman suggested that there be an evaluation as part of the approval each year--whether it's a survey of the businesses, or some other method, to see whether it's helping out.

Ms. Potter said if the resolutions are approved tonight, there will be an opportunity on October 18th and again on November 1st, for the businesses to object or to indicate their support.

Mayor Guarriello asked how the businesses will know how the money is being spent. He would like to see a detailed budget. He asked why the Chamber of Commerce is getting the job and requested that Council see a draft of the letter before it is sent to the businesses to make sure it is clear and understandable. He also asked if the notice could be sent as a ballot and inquired as to where this is in the budget.

Ms. Potter replied that in regard to how the money is being spent, Council should refer to the two annual reports which are attached to the staff report. The budget of activities and the dollar amount for each activity are contained in that annual report. She stated that it is estimated \$164,000 will be raised for Avenues of Design and \$170,000 for Santa Monica Blvd. Association area. The notice will be going out September 16 and she will be happy to provide copies to the Council offices. The notice has been drafted by the City Attorney's office and she reviewed for ease in understanding. However, staff is limited by certain specific noticing requirements.

The notice cannot be like a ballot because the assessment is based on a 50% protest. This 50% figure is based on the value of assessment. If there is not 50% or more in protest the assessment goes into effect. Businesses who cannot attend may send their written protest. Each individual business will receive a letter informing them exactly how much they will be assessed.

Mayor Guarriello and Councilmembers Lang and Koretz asked staff to try to get as much of the \$25,000 from the existing budget as possible.

Councilmember Heilman said that this will create revenue for the City, and \$25,000 is a small

contribution for the City to pay, by comparison.

Ms. Potter indicated that between now and November, staff will try to locate whatever monies they can in existing budgets and will include that as part of the report on November 1st.

ACTION:

- 1) Adopt Resolution No. 1187, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING AN ADVISORY BOARD AND DIRECTING THE PREPARATION OF A REPORT FOR FISCAL YEAR 1993-94 IN CONNECTION WITH THE PROPOSED ESTABLISHMENT OF THE AVENUES OF DESIGN BUSINESS IMPROVEMENT DISTRICT AND THE PROPOSED LEVY OF ASSESSMENTS AGAINST BUSINESSES WITH THE PROPOSED DISTRICT"
- 2) Adopt Resolution No. 1188, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 1993-94 IN CONNECTION WITH THE PROPOSED ESTABLISHMENT OF THE AVENUES OF DESIGN BUSINESS IMPROVEMENT DISTRICT AND THE PROPOSED LEVY OF AN ASSESSMENT AGAINST BUSINESSES WITHIN THE PROPOSED DISTRICT."
- 3) Adopt Resolution No. 1189, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO ESTABLISH THE AVENUES OF DESIGN BUSINESS IMPROVEMENT DISTRICT AND TO LEVY AN ASSESSMENT AGAINST BUSINESSES WITHIN THE DISTRICT FOR FISCAL YEAR 1993-94 AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO."
- 4) Adopt Resolution No. 1190, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPOINTING AN ADVISORY BOARD AND DIRECTING THE PREPARATION OF A REPORT FOR FISCAL YEAR 1993-94 IN CONNECTION WITH THE PROPOSED ESTABLISHMENT OF THE SANTA MONICA BOULEVARD BUSINESS IMPROVEMENT DISTRICT AND THE PROPOSED LEVY OF ASSESSMENTS AGAINST BUSINESSES WITHIN THE PROPOSED DISTRICT."
- 5) Adopt Resolution No. 1191, " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 1993-94 IN CONNECTION WITH THE PROPOSED ESTABLISHMENT OF THE SANTA MONICA BOULEVARD BUSINESS IMPROVEMENT DISTRICT AND THE PROPOSED LEVY OF AN ASSESSMENT AGAINST BUSINESSES WITHIN THE PROPOSED DISTRICT."
- 6) Adopt Resolution No. 1192, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS INTENTION TO ESTABLISH THE SANTA MONICA BOULEVARD BUSINESS IMPROVEMENT DISTRICT AND TO LEVY AN ASSESSMENT AGAINST BUSINESSES WITHIN THE DISTRICT FOR FISCAL YEAR 1993-94 AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO."

- 7) Authorize the transfer of \$25,000 from unallocated reserves to the City's general fund to fund a half-time Account Clerk II in the Finance Department to invoice, process and collect the assessments due under the Avenues of Design and Santa Monica Boulevard Business Improvement Districts.

Motion Heilman, seconded by Lang and unanimously carried.

D. RESOLUTION DECLARING "CESAR CHAVEZ DAY" (MARCH 31) A CITY HOLIDAY:

Councilmember Koretz stated that Cesar Chavez is considered one of the two greatest leaders of our time along with Martin Luther King. The City has long supported the United Farm Workers and this will reaffirm the City's commitment to the grape boycott. The recommendation is that Council pass the resolution declaring Cesar Chavez's birthday as a City Holiday and postpone the issue of whether City Hall will be closed and a paid holiday until the labor negotiations in May, 1994.

The Council viewed a video regarding Cesar Chavez.

The following persons came forward to address the City Council:

JUAN ZAMARRIPA, LOS ANGELES, REPRESENTING UNITED FARM WORKERS, thanked Council for their support and requested the following: 1) declare Nov. 1-7 "No Grapes Week"; 2) fly United Farm Workers' flag at City buildings; 3) notification to citizens of West Hollywood through newspaper and radio, as well as let residents know the no-grapes video is available; 4) put a display at City Hall; 5) ask supermarkets to pull grapes from their shelves at least during no grapes week, and if they desire, until boycott is successful; 6) send an official delegation to the march on November 6.

JOHN PEREZ, SOUTH PASADENA, REPRESENTING INTERNATIONAL BROTHERHOOD OF PAINTERS AND ALLIED TRADES, thanked Council and urged passage of the resolution; stated that City staff be allowed the day off.

RAUL RAMIREZ, LOS ANGELES, former farm worker. Urged support.

CHARLIE CERVANTES, LOS ANGELES, thanked Council, in support.

JIM RODRIGUEZ, LOS ANGELES, worked with Chavez, in support.

BOB PIERSON, WEST HOLLYWOOD: Opposed to having a City holiday. Proposed some type of memorial instead.

ACTION: Adopt Resolution No. 1193, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING 'CESAR CHAVEZ DAY' A CITY HOLIDAY." Motion Koretz seconded by Guarriello, and unanimously carried.

E. DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE, OCTOBER 16-19, 1993 IN SAN FRANCISCO:

ACTION: Designate Councilmember Heilman as voting representative and Mayor Pro Tem Land as alternate for the General Business meeting at the League of California Cities Annual Conference. In addition, change the date of the second Council meeting in October from October 18 to October 25.

Motion Guarriello, seconded by Koretz, and unanimously carried.

F. DESIGNATION OF VOTING DELEGATE AND ALTERNATE VOTING DELEGATE, ANNUAL CONGRESS OF CITIES, DECEMBER 2-5, 1993 IN ORLANDO, FLORIDA:

ACTION: Designate Councilmember Heilman as voting delegate and Mayor Pro Tem Land as alternate to represent West Hollywood at the Annual Congress of Cities in Orlando, Florida, December 2-5, 1993.

Motion Guarriello, seconded by Koretz, and unanimously carried.

G. RESOLUTION CONDEMNING CENTURY CABLE'S RATE CHANGES: THIS ITEM WAS ADDED UNDER APPROVAL OF AGENDA, AS AN URGENCY ITEM.

Councilmember Heilman reported on this item. Mayor Pro Tem Land urged people to fill out complaint forms, which are available at City Hall. She said there will be some public hearings in October about these rate increases.

ACTION: Adopt Resolution No. 1182, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONDEMNING CENTURY CABLE'S RATE CHANGES."

Motion Guarriello, seconded by Land and unanimously carried.

EXCLUDED CONSENT CALENDAR: Items removed from the Consent Calendar for separate discussion shall be considered at this time: No items had been removed from Consent Calendar for separate discussion.

CITIZEN COMMENTS: This time has been set aside for the public to address the Council on any item of interest that could not be heard under Item 1 at the beginning of the meeting. The following persons came forward to address the City Council:

CHARLIE MERCER, WEST HOLLYWOOD, said he was speaking this time as a resident, and complained of an epidemic of "tree butchering". He asked about penalties and enforcement of any City laws against this.

ILONA KALT, WEST HOLLYWOOD, talked about problems on the east side.

BOB PIERSON, WEST HOLLYWOOD, stated that he affirms Charlie Mercer's comments about ficus trees. Regarding Business Improvement District, he asked that representatives of neighborhood organizations be included on the board.

6. LEGISLATIVE

A. AMENDMENT TO THE RENT STABILIZATION ORDINANCE REGARDING SECURITY DEPOSITS:

Wayne Zimmerman of the Rent Stabilization Department provided the background information as outlined in the staff report dated September 7, 1993. He said the resolution will be before Council at the next Council meeting.

Mayor Pro Tem Land asked staff to look at including the notice in some other City mailing in order to save mailing costs. She also suggested that staff determine the interest rate at the same time each year as the CPI information, so that information on both can go out at the same time.

Councilmember Heilman said that the apartment owners should get a direct mailing, because it is important for them to get the information.

ACTION: Introduce for first reading, Ordinance No. 381, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING INTEREST PAID ON SECURITY DEPOSITS AND THE METHOD OF PAYMENT," with direction to staff and Rent Stabilization Commission to investigate ways to ensure that landlords return security deposits to tenants. Motion Heilman, seconded by Guarriello, and unanimously carried.

B. MUNICIPAL CODE AMENDMENT REGARDING LAWFUL CURFEW ORDER IN THE EVENT OF AN EMERGENCY: City Attorney Mike Jenkins provided the background information as outlined in the staff report dated September 7, 1993. He explained that this clarifies the City's authority to establish a curfew during an emergency and provides an exemption for homeless persons.

ACTION: Introduce for first reading Ordinance No. 382, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING AMENDMENTS TO CHAPTER 3600 OF ARTICLE III OF THE WEST HOLLYWOOD MUNICIPAL CODE (EMERGENCY ORGANIZATION)." Motion Land, seconded by Heilman and unanimously carried.

COUNCILMEMBER COMMENTS: Additional general comments, announcements, requests of staff and/or other issues of concern to Councilmembers shall be presented at this time. There were no additional comments by Councilmembers.

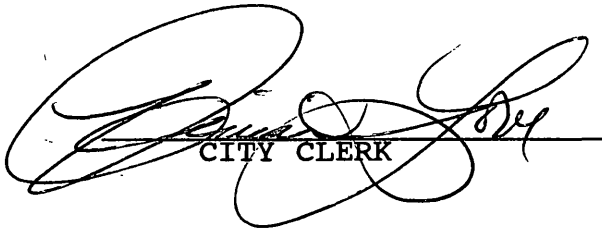
ADJOURNMENT: The meeting was adjourned at 9:45 p.m. in memory

of David Amorena, employee of West Hollywood in the Community Development Department, to Monday, September 20, 1993 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 20TH DAY OF SEPTEMBER, 1993.


MAYOR

ATTEST:


CITY CLERK