MINUTES CITY COUNCIL MEETING AUGUST 16, 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 City Attorney gave 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 7:02 p.m.

PLEDGE OF ALLEGIANCE: The Pledge was led by Councilmember Heilman.

ROLL CALL:

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PRESENT: Heilman, Koretz, Lang, Mayor Guarriello. Councilmember Land arrived at 7:08 p.m.

ALSO PRESENT: City Manager Brotzman Assistant City Attorney Hogin

REPORT OF CLOSED SESSION: Christi Hogin, Assistant City Attorney, reported that City Council had met in closed session pursuant to Government Code Section 54956.9(a) to discuss the case of Dromy v. the City of West Hollywood, and some matters of potential and pending litigation, and to give instructions to the City's real estate negotiator regarding property located at 8367 Santa Monica Boulevard.

REPORT ON DOLLAR AMOUNTS ON CONSENT CALENDAR: The Deputy City Clerk reported that the total fiscal impact of the items on Consent Calendar is \$35,087, and all of it was budgeted except for item 2i which amounts to a loss in General Fund revenue of from \$8,600 to \$10,450.

APPROVAL OF AGENDA: Item 2c and 2e were pulled from the agenda at request of staff. Councilmember Koretz commented that Jay Greenstein had resigned from the Human Services Commission, that he accepted the resignation with regret and thanked Mr. Greenstein for all his good work on the Commission, and asked that the vacancy be advertised. ACTION: Approve the agenda as amended. Motion Heilman second Lang. Hearing no objection and noting the absence of Land it was so ordered.

PROCLAMATIONS AND COMMENDATIONS: Mayor Guarriello presented a
plaque to City Clerk Mary Tyson on the occasion of her
retirement, for eight years of outstanding service as the City
Clerk of West Hollywood.
Ms. Tyson thanked the Council and commented that it had been a
real challenge, and she was proud of the people she had worked
with, and would miss everyone.

Councilmember Heilman announced that tonight's meeting would be adjourned in memory of Joe Crow, a longstanding City employee in the Community Development Department, who passed away several weeks ago. He commented that Joe was a very special person with tremendous compassion for others, and will be missed a great deal, and thanked Joe's parents and sisters, present this evening, and Joe's lover Danny and his roommate Don for their support.

(Councilmember Land arrived at this time.)

Councilmember Heilman presented a commendation to Cedars-Sinai AIDS ward for their assistance and care for Joe Crow as well as all the other patients they have helped over the years. The commendation was accepted by John Rios and Deedee Klute from the Cedars-Sinai Immune Disorder Center. Mr. Rios said that he was thankful to Joe Crow for coming to their "family" at Cedars, and Ms. Klute thanked the family of Joe Crow and the City of West Hollywood.

Councilmember Koretz presented a commendation to Wilda Miller for saving the life of a two-year old while on duty as a crossing guard.

Captain Clarence Chapman of the Sheriff's Department gave a commendation to the Citizen of the Quarter, Christine Torchon, for aiding in the apprehension of two suspects in a purse-snatching on May 18.

Mayor Guarriello announced a car wash on Saturday, August 21 at Plummer Park by the Sheriff's Athletic League and the Recreation Division for Plummer Park Teen Center.

Councilmember Heilman announced that there would be a community meeting Tuesday night at 7:00 p.m. in the Werle Building to talk about organizing a community patrol to prevent gay bashing. He also announced there would be a Mass for persons with AIDS or HIV on September 12 at 3:00 p.m. at St. Victor's Church.

CITY MANAGER'S REPORT: This time was 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 reported that the County has reduced the hours of the West Hollywood Library--it will now be open only

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on Mondays and Fridays, as a result of State budget cuts. The City is seeking ways to provide additional funding for additional hours. The City Manager also reported that at Council's direction, staff is investigating the activities at the Peanuts nightclub, to determine whether there are any violations of their conditions of approval, and whether the nightclub has a serious impact on the peace and safety of the neighborhood. Staff will investigate all of the issues and determine what action should be taken to protect the rights of all parties involved. People who have any information should submit it in writing to the Community Development Department. Staff will keep the Council advised as the investigation proceeds, and a determination will be made whether there is adequate information to take this before the Business License Commission, or if Council could act directly.

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. Testimony for public hearings will only be taken at the time of the hearing. This period shall be limited to 20 minutes, with no more than two minutes for each speaker. The following persons came forward to address the City Council:

Pete Peprou, West Hollywood: Owner of Yukon Mining Company Restaurant. Opposed to a ban on smoking.

Mike Radcliffe, President, West Hollywood Community Alliance: Invited everyone to retirement party for City Clerk Mary Tyson and Treasurer Jonathan Ahearn on the 24th. Our Chamber of Commerce is derelict in supporting local businesses. Need to address the redevelopment issue. Regarding the smoking ban, take a creative approach.

Peter Kallen, West Hollywood: Restaurant owner. In support of Peanuts.

John Nieto, West Hollywood: Regarding Peanuts. What about citizens' rights? Josh cannot keep his promise. Increase security and lower music.

Mikel Gerle, West Hollywood: Opposed to Peanuts.

Michael Hamer, West Hollywood: Invasion of armed teenagers for financial gain of Club 7969 (Peanuts).

Britt Saans, West Hollywood: In opposition to Peanuts.

David Schmerin, West Hollywood: In support of Peanuts.

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Harriet Sagalow, West Hollywood: In defense of Peanuts.

Stacey Robinson, West Hollywood: Patron of Peanuts and former employee. The neighbors are using Peanuts as scapegoat.

John Costakos, Santa Monica: In support of Peanuts.

Steve Kindred, West Hollywood: In opposition to Peanuts.

Herbert Bass, West Hollywood: In support of Peanuts.

Robin Hays, West Hollywood: Employee of Peanuts. The club has approximately 30 employees; more than half are long-time residents. We completely support the club.

2. CONSENT CALENDAR: The following routine matters were acted upon by one motion to approve with the consent of the Council. ACTION: Approve Consent Calendar Items 2a, b, d, f, g, h, i, j, k, l, m, n, o, p, q, and r. Motion Heilman second Land. Hearing no objection it was so ordered.

a. Posting of Agenda: The agenda for the meeting of Monday, August 16, 1993, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, August 11, 1993. ACTION: Receive and file. Approved as part of the Consent Calendar.

b. Demand Register No. 251, Resolution No. 1175. ACTION: Approve Demand Register No. 251 and adopt Resolution No. 1175. Approved as part of the Consent Calendar.

c. Treasurer's Report - June, 1993: THIS ITEM WAS PULLED FROM THE AGENDA AT REQUEST OF STAFF (UNDER APPROVAL OF AGENDA).

d. Minutes: June 14, 1993 July 26, 1993 August 2, 1993

ACTION: Approve the minutes of June 14, 1993, July 26, 1993, and August 2, 1993.

Approved as part of the Consent Calendar.

e. Claims: Alexandre Bronshteyn THIS WAS PULLED FROM THE AGENDA AT REQUEST OF STAFF (UNDER APPROVAL OF AGENDA).

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. Renewal of Property Insurance: ACTION: Authorize the expenditure of \$24,637.00 to bind coverage for a \$8,875.000 building and personal property policy, and a \$250,000 cable van

equipment coverage policy. Approved as part of the Consent Calendar.

h. Amendments to Contracts of the Assistant City Manager and the Department Directors: ACTION: Approve the changes in employment agreements with the Assistant City Manager and Department Directors as described in this agenda report and authorize the City Manager to sign the agreements. Approved as part of the Consent Calendar.

i. Authorization of Historical Property Preservation Agreement (Mills Act Contract) with 17 Condominium Owners at the Colonial House, A Historic Building Located at 1416 Havenhurst Drive: ACTION: Authorize the City Manager to execute an Historical Property Preservation Agreement (Mills Act Contract) between the City of West Hollywood and 17 owners of the local historical resource located at 1416 Havenhurst Drive, West Hollywood, California.

Approved as part of the Consent Calendar.

j. Ordinance No. 376 - Panhandling Ordinance: ACTION: Waive further reading and adopt on second reading Ordinance No. 376, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD PROHIBITING AGGRESSIVE SOLICITATION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

Approved as part of the Consent Calendar.

k. Ordinance No. 377 - Regarding Removal of Illegal Pay Phones: ACTION: Waive further reading and adopt on second reading Ordinance No. 377, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING THE REGULATION OF PAY TELEPHONES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.

1. Ordinance No. 378 - Amendment to Rent Stabilization Ordinance: ACTION: Waive further reading and adopt on second reading Ordinance No. 378, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING THE EFFECTIVE DATE OF HEARING DECISIONS APPROVING OR DENYING RENT ADJUSTMENT APPLICATIONS AND THE EFFECT OF APPEALS." Approved as part of the Consent Calendar.

m. Resolution of Support - Insurance Non-Discrimination: ACTION: Adopt Resolution No. 1176, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE ELIMINATION OF DISCRIMINATORY MEDICAL UNDERWRITING PRACTICES ON THE BASIS OF MARITAL STATUS OR SEXUAL ORIENTATION." Approved as part of the Consent Calendar.

n. Adult Day Health Care (ADHC) Funds Transfer for Purchase of Prop A Funds: ACTION: Authorize a transfer of \$6,000 from account number 01-530-53-790 to purchase Prop A funds for Adult Day Health Care, Head Start, and Family Day Care transportation.

Approved as part of the Consent Calendar.

o. State Department of Aging ADHC Contract Amendment: ACTION: Authorize the City Manager to sign Amendment 1 to contract #HC-9293-01 with the State Department of Aging, in the amount of \$70,000, to fund direct services at the Adult Day Health Care Center for people with AIDS. Approved as part of the Consent Calendar.

p. Lease Renewals with Los Angeles Free Clinic (Adult Day Health Care) and Los Angeles County Bar Association (Dispute Resolution Services): ACTION: 1) Authorize the City Manager to sign a new one-year lease agreement with the Los Angeles Free Clinic (Adult Day Health Care) for a portion of 7362 Santa Monica Boulevard; 2) Authorize the City Manager to sign a new one-year lease agreement with the Los Angeles County Bar Association (Dispute Resolution Services) for a portion of 7362 Santa Monica Boulevard.

Approved as part of the Consent Calendar.

q. Approval of Section 213 Letter Supporting an Application by the West Hollywood Housing Authority for 50 Certificates under the Section 8 Existing Housing Program: ACTION: Approve the proposed letter supporting an application by the West Hollywood Housing Authority for 50 unit allocations under the Section 8 Existing Housing Program and authorize the Mayor to sign the letter.

Approved as part of the Consent Calendar.

r. Resignation of Jay Greenstein from Human Services Commission: ACTION: Accept with regret the resignation of Jay Greenstein from the Human Services Commission and direct the City Clerk to post a notice of vacancy and accept applications. Approved as part of the Consent Calendar.

WEST HOLLYWOOD HOUSING AUTHORITY: The City Council adjourned at 7:45 p.m. to a meeting of the West Hollywood Housing Authority.

3. RESOLUTION APPROVING SUBMISSION OF APPLICATION DOCUMENTS TO HUD FOR ALLOCATION OF 50 ADDITIONAL SECTION 8 CERTIFICATES AND AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT A SECTION 213 LETTER WITH SAID APPLICATION: Julia Abdala, Development Specialist, gave the staff report.

ACTION: Approve and adopt Resolution No. HA-7, "A RESOLUTION OF THE WEST HOLLYWOOD HOUSING AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT A SECTION 213 LETTER AND APPROVE THE SUBMISSION OF APPLICATION DOCUMENTS TO THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR AN ALLOCATION OF 50 ADDITIONAL SECTION 8 CERTIFICATES."

Motion Heilman second Guarriello. Hearing no objection it was so ordered.

The meeting of the West Hollywood Housing Authority was adjourned

at 7:47 p.m. to the meeting of the West Hollywood City Council.

PUBLIC HEARINGS

4. **PROPOSED INCREASE IN TRANSIENT OCCUPANCY TAX:** Paul Arevalo, Finance Director, reported that this is a continued public hearing on a proposed increase of 1/2 percent on the transient occupancy tax, which would realize approximately \$200,000 a year in general fund revenues.

The following persons came forward to address the City Council:

Mike Radcliffe, President, West Hollywood Community Alliance: All the hotels are opposed. Our hotels need an edge; urge you not to take action until you know what your budget situation is.

Budd Kops, West Hollywood: No need to rush this through; should hold off.

There being no further speakers, the public hearing was closed. Councilmember Heilman commented that this is necessary to insure a balanced budget. Councilmember Lang said that she remembered a couple of hoteliers who said they were not opposed to this. Mayor Guarriello commented that he would vote no--he had received many calls from hotels who were opposed. Councilmember Koretz said he felt Council should pass this anyway; the hotels still have a competitive edge. Councilmember Land commented that this is necessary to balance the budget and provide services.

ACTION: Introduce on first reading, Ordinance No. 379, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING THE TRANSIENT OCCUPANCY TAX AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Heilman second Land. AYES: Heilman, Koretz, Land, Lang. NOES: Guarriello.

Motion carried.

5. HEARING ON THE RECORD - APPEAL OF TRANSPORTATION COMMISSION'S DECISION TO DENY A TAXICAB OPERATOR'S LICENSE TO BIJAN ENTERPRISES, d.b.a. CELEBRITY CAB COMPANY: Angela Reynolds, Transportation Department, reported that the Transportation Commission had made their decision to deny to Bijan Enterprises the taxi operator's license based on three issues: 1) Bijan failed to maintain continuous proof of adequate liability insurance coverage on record with the City; 2) they had failed to inform the City they had changed operations and management; and 3) Bijan Enterprises sold Celebrity Cab Company to Bell Cab Company co-op. Staff is still concerned about future compliance with regulations by Bijan Enterprises. The staff recommends that Council: Receive any new evidence or testimony which is not a part of the record upon a showing that it could not, in the exercise of due diligence, have been presented at the

original hearing; hear any facts or arguments from Bijan Enterprises in support of their appeal; and consider the record of testimony and evidence before the Transportation Commission. Then, if appropriate, uphold the findings of the Transportation Commission and adopt Resolution No. , "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD UPHOLDING THE FINDINGS OF TRANSPORTATION COMMISSION RESOLUTION NO. TC93-04 AND DENYING THE APPEAL OF THE TRANSPORTATION COMMISSION'S DECISION TO DENY A TAXICAB OPERATOR'S LICENSE TO BIJAN ENTERPRISES, d.b.a. CELEBRITY CAB COMPANY."

Mark Lehman, attorney representing Bijan Enterprises, explained that new circumstances had occurred since the hearing before the Transportation Commission on June 23rd.

ACTION: To agree to hear testimony from Mark Lehman and Bijan Enterprises regarding new evidence which is not a part of the record, because new circumstances had occurred since the hearing on June 23rd. Motion Heilman second Lang. Hearing no objection it was so ordered.

Mayor Guarriello gave Mr. Lehman five minutes to present his testimony.

Mark Lehman: At the time of the original hearing, Bell Cab was managing the day to day operations. Our strategy was to renegotiate a new agreement with Bell Cab. Shortly thereafter there was an internal change at Bell Cab; the manager was no longer involved with the company. Bijan decided to make a clean break; bring back management inhouse. Scott Shaffer was brought back in as a general manager; he has brought in a new team. The first issue that was dealt with was insurance. A new insurance policy for Bijan and Celebrity Cab has been presented. The cancellation and lease agreement has been provided to you. As of the date of that document Bell Cab has nothing to do with Bijan. Give us a chance to prove ourselves.

The Council also heard testimony from the following persons:

Scott Schaffer, Glendale: Will be responsible for day to day compliance issues, in particular the insurance issue. Have been in the cab business for 20 years. Mr. Rosebaum and Mr. Metzer will report to me. We feel comfortable with the three people who will be responsible. We've gone to great lengths to address the problems staff had.

Vincent DeCaesar, Santa Monica: Former owner of Celebrity Cab. Keep in mind some of the drivers who started with me when I had two cabs are still out there working; their jobs are at stake.

Following the testimony, Council directed questions to Mr. Lehman, Mr. Schaffer, and staff regarding complaints received against drivers since the June hearing, the radio-frequencies

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used, the insurance issue, and Bijan's ability to meet all their responsibilities.

ACTION: To grant the appeal by Bijan Enterprises and grant them a taxicab operator's license until January 1, 1994, at which time the license can be renewed until the end of June, 1994, provided that there are no problems that are still outstanding, with the condition that Bijan pay a full year's fee, and with direction to the applicant that they are to comply expeditiously and forthrightly with all staff requests, and notify staff of any changes. Motion Heilman second Koretz. Hearing no objection it was so ordered.

COUNCILMEMBER COMMENTS: This portion of the meeting is set aside for general comments, announcements, requests of staff, and/or other issues of concern from members of the City Council. Councilmember Lang stated that she had to be excused from the meeting to make a phone call.

Mayor Guarriello called a recess at 8:30 p.m. The Councilmembers reconvened at 8:42 p.m., with the exception of Councilmember Lang, who returned at 9:45 p.m., prior to Item 8 being heard.

UNFINISHED BUSINESS

6. AGREEMENT BETWEEN THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY AND THE CITY OF WEST HOLLYWOOD FOR PARCEL ACQUISITION AND FIRE STATION REPLACEMENT: Nancy Greenstein, Public Safety Officer, reported that the City attorneys have drafted the agreement along with the Fire Department's attorneys. Supervisor Edelman's office has indicated there will be no problem with approval by the Board of Supervisors.

The following person came forward to address the City Council: Budd Kops, West Hollywood: Please approve as it is tonight.

ACTION: Authorize the Mayor to enter into an agreement between the Consolidated Fire Protection District of Los Angeles County and the City of West Hollywood for parcel acquisition and fire station placement. Motion Land second Koretz. Hearing no objection and noting the absence of Councilmember Lang, it was so ordered.

7. RFP FOR CITY HALL SPACE PLANNER: ACTION: Authorize the issuance of a limited "RFP for Space Planning Services." Motion Heilman second Guarriello. Hearing no objection and noting the absence of Lang, it was so ordered.

NEW BUSINESS

8. AUTHORIZATION TO APPLY FOR FEDERAL COMMUNICATIONS COMMISSION

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CERTIFICATION TO REGULATE CABLE TELEVISION: Helen Goss, Public Information Officer, reported that this resolution would provide authorization to begin rate regulation in West Hollywood.

Ms. Goss pointed out that the date of adoption in the resolution should be changed from June 21 to August 16, 1993.

ACTION: 1) Approve and adopt Resolution No. 1177, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE CITY TO APPLY FOR CERTIFICATION TO REGULATE CABLE TELEVISION RATES TO THE MAXIMUM EXTENT PERMITTED BY LAW"; 2) Direct staff to initiate rate regulation, once the Federal Communications Commission certification has been approved; 3) In addition, direct staff to work with Council on developing a public outreach that would consist of a meeting during the day and a meeting during the night, sometime after October, to help determine the rates. Motion Land second Guarriello. Hearing no objection it was so ordered.

EXCLUDED CONSENT CALENDAR: Items removed from the Consent Calendar for separate discussion shall be considered at this time. There were no Consent Calendar items that were pulled for separate discussion.

CITIZEN COMMENTS: This time was 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:

Lester Hirsch, West Hollywood: Some of the trees that were originally small are now big, but the binding metal had imprisoned them. Glad to report that they are free, they can now grow without restriction. Secondly, I saw two mature trees slashed to the trunk. This is the second time this occurred, during filmings. Ask that street tree protection be included in future film contracts.

Adam Barnes, West Hollywood: Club 7969, Peanuts, takes more from the City than it gives.

Howard Armistead, West Hollywood: Concerned about safety of residents. Peanuts should learn how to be a good neighbor.

Bob Galbraith, West Hollywood: Disturbances in the streets around the business. Urge Council to do something about the Club.

LEGISLATIVE

9. ORDINANCE BANNING SMOKING IN RESTAURANTS IN WEST HOLLYWOOD, ORDINANCE NO. 375 (RE-INTRODUCED): Councilmember Koretz reported that this Ordinance had previously been introduced; it was

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intended to be similar to the Los Angeles ordinance; the ordinance has been changed to add outdoor dining areas to the list of exclusions, and so this is back again for first reading.

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Mike Radcliffe, West Hollywood: Should have a 50/50 ratio. Small businesses will be impacted. Beverly Hills and Santa Monica won't get around to it.

Susan Reiners, Los Angeles: Urge you to pass this with modification; allow businesses to make their own choice.

Donny Cacy, West Hollywood: Opposed to the smoking ban in restaurants. Either exempt everyone or no one.

Laurel Hoffman (on behalf of Emmi Nazari of Greenwich Village Pizzaria): A petition signed by restaurant owners has been submitted. Request a delay until the State takes action.

Councilmember Koretz commented that Santa Monica is scheduled to adopt an ordinance similar to ours. By adopting this ordinance West Hollywood can send a message to our State legislators.

Councilmember Heilman stated that we currently do have an ordinance requiring a smoking and nonsmoking section; however, most restaurants are not complying.

Mayor Guarriello said that if smoking is allowed in bars, there would still be second-hand smoke; he feels West Hollywood should wait until the State takes action, and that he would vote no on this.

ACTION: Introduce on first reading Ordinance No. 375, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING SMOKING IN PUBLIC PLACES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Koretz second Land. Noting the objection of Mayor Guarriello, it was so ordered.

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 Councilmember comments.

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ADJOURNMENT: The meeting was adjourned in memory of Joe Crow at 9:19 p.m., to Tuesday, September 7, at West Hollywood Park Auditorium, 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 7TH DAY OF SEPTEMBER, 1993.

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APTEST: CITY CLE