

**MINUTES
CITY COUNCIL MEETING
AUGUST 2, 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 7:10 p.m., and announced that the meeting would be adjourned in memory of Bill Stirrup, who passed away this past week. Bill had served on the Disability Subcommittee of the Human Services Commission, and worked closely with Perri Sloane of the Human Services Department.

PLEDGE OF ALLEGIANCE: The Pledge was led by Donna Saur.

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

ALSO PRESENT: City Manager Brotzman
City Attorney Jenkins

REPORT OF CLOSED SESSION: City Attorney Jenkins reported that the regular meeting was convened at 6:30 p.m. at which time the Council recessed into a closed session for the purpose of discussing the lease of potential property; the closed session was adjourned at approximately 7:00 p.m.

APPROVAL OF AGENDA: ACTION: To approve the agenda. Motion Land second Heilman. Hearing no objection it was so ordered.

PROCLAMATIONS AND COMMENDATIONS:

Councilmember Lang presented commendations to two volunteers at the West Hollywood Homeless Organization, Freda Hurley and Shirley Tysen, for their caring and dedication in helping to improve the well-being of the homeless.

Mayor Guarriello presented commendations to members of Good Neighbors, originally founded by Ed Riney, who made the annual Fourth of July celebration at Plummer Park a big success. Due to time constraints only the names of the committee members were called, however the Park staff were also presented with

commendations. Committee members: Klaus Wille, Linda Modaff, Sabato Firello, Robert Davis, Donna Saur, Curtis Brown, Erik Lemons, Pamela Farber, Budd Kops, Bonnie Smith, Stan Lothridge, Roslyn Krause, Norman Chramoff.
The Mayor also recognized his Deputy, Gerda Spiegler, for her outstanding work on the event.

Councilmember Lang proclaimed Tuesday, August 3, as National Night Out in West Hollywood. Accepting the proclamation were John Shields, Ursula Brower and Norma Kemper, from the La Jolla Neighborhood Watch Group.
John Shields thanked Council and invited everyone to participate.

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.
There was no City Manager's report.

At this time Councilmember Koretz announced that the signature drive to overturn L.A.'s ban on restaurant smoking had officially failed today, because there were not enough qualified signatures. There are now 26 cities in L.A. County moving towards a restaurant smoking ban. Unless Council objects, he will bring back the West Hollywood ordinance to ban restaurant smoking at the next Council meeting for adoption.

1. CITIZEN COMMENTS: This time was 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:

Stan Lothridge, West Hollywood: Regarding traffic citations for City officials.

Scott Dewees, West Hollywood: A condition of constant pumping of water down Westbourne, causing problems. Also a chainlink fence on Holloway put up by Montgomery Management.

Ruth Levine, West Hollywood: (A senior.) Resident for 14 years. Protested comment by Councilmember Lang at hearing on Micky's, and regarding the Simonson case.

Mike Radcliffe, West Hollywood: (W.H. Community Alliance.) Move on redevelopment issue as quickly as you can. Sal Guarriello is a friend of business community. Opposed to proposals that businesses pay to fight crime.

Mikel Gerle, West Hollywood: Neighborhood watch group.
Protest Peanuts.

Britt Saans, West Hollywood: Steering committee of Center City Alliance. Protest Peanuts.

John Nieto, West Hollywood: Protest Peanuts.

Steve Kindred, West Hollywood, Center City Alliance: Protest Peanuts.

Stephanie Head, West Hollywood: Protest Peanuts.

Giovanni Morales, West Hollywood: Protest Peanuts.

Dennis Ellefson, West Hollywood: Protest Peanuts.

Thomas Crail, West Hollywood, Executive Director, Chamber of Commerce: Urge Council to take action regarding Peanuts. Also we've been meeting with representatives from La Jolla Havenhurst neighborhood regarding cruising.

The Mayor and the City Council directed the Director of the Community Development Department to investigate whether the issues raised by the community members justify commencement of revocation proceedings, and to bring back a report to the City Council setting forth an expedited schedule for such proceedings, subject to providing the owner of Peanuts with the due process that it's necessary to provide.

CONSENT CALENDAR: The following routine matters can be acted upon by one motion to approve with the consent of the Council or may be removed by any Councilmember for separate discussion. Items removed for separate discussion will be heard following New Business Items. **ACTION:** To approve Consent Calendar Items 2a, b, d, e, f, g, h, i, j, k, l, m, n, o, and p. Motion Land second Heilman. Hearing no objection it was so ordered.

a. Posting of Agenda: The agenda for the meeting of Monday, August 2, 1993, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, July 28, 1993.

ACTION: Receive and file.

Approved as part of the Consent Calendar.

b. Demand Register No. 251, Resolution No. 1173.

ACTION: Approve Demand Register No. 251 and adopt Resolution No. 1173.

Approved as part of the Consent Calendar.

c. Treasurer's Report - June 1993: PULLED FROM AGENDA AT REQUEST OF STAFF.

d. Minutes: July 19, 1993

ACTION: Approve the minutes of July 19, 1993.
Approved as part of the Consent Calendar.

e. Claims: Rysya Chepelyuk

ACTION: Deny the claim of Rysya Chepelyuk without comment and refer to the City's Claims Adjustor.
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. Reorganization of Recreation Services Division:

ACTION: 1) Approve the Recreation Services reorganization plan as outlined; 2) Approve position specifications for Recreation Services Specialists (GE11), Senior Recreation Leaders (GE7), and Recreation Leader (GEPT03).
Approved as part of the Consent Calendar.

h. Approval of Memorandum of Understanding (MOU) with Association of Council Deputies: ACTION: Approve the MOU with ACD (described in staff report), and authorize the City Manager to sign the agreement.
Approved as part of the Consent Calendar.

i. Contribution by Management Employees to City Capital Improvement Project Fund: ACTION: 1) Approve the amendment to the West Hollywood Managers Association (WHMA) MOU (described in staff report), and authorize the City Manager to sign the agreement; 2) Recognize the contribution of half their COLA by the City's management employees, with thanks, and reserve the use of these funds for an approved capital project to be designated by the employees.
Approved as part of the Consent Calendar.

j. Agreement for Professional Planning Services to Complete the Production of the Sunset Specific Plan and Miscellaneous Documents Related to the City's Streamlining Project: ACTION: Authorize the City Manager to contract for professional services with Sarah Lejeune, Planning Consultant, in an amendment not to exceed \$15,000 for the scope of work provided in Exhibit A, attached to staff report.
Approved as part of the Consent Calendar.

k. Accumulative Dollar Amounts for Approval of Consent Calendar: ACTION: Direct that the Finance Department prepare a preface document for the Consent Calendar of one page, showing the accumulative total of the items for approval, whether budgeted or not, and that the City Clerk read this item aloud publicly prior to approval of the Consent Calendar.
Approved as part of the Consent Calendar.

1. Reclassification of Mediator as F.L.S.A. Exempt
Status: ACTION: Approve FLSA status change of Mediator from non-exempt to exempt.
Approved as part of the Consent Calendar.

m. Award of Contract to the Coalition for Women's Economic Development for the Implementation of Project Start-Up: ACTION: Approve a \$15,000 Agreement for Consultant Services with CWED to provide self-employment workshops for low-income residents and authorize the City Manager to sign the Agreement.
Approved as part of the Consent Calendar.

n. Resolution in Support of a Public Employee Traveling at the Expense of Lumec, Inc. to Approve a Pedestrian Lighting Prototype: ACTION: Adopt Resolution No. 1169, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING THE RECEIPT AND USE OF A GIFT OF TRAVEL EXPENSES TO THE CITY FROM LUMEC, INC. FOR THE PURPOSE OF SENDING A CITY EMPLOYEE TO REVIEW A PEDESTRIAN LIGHTING PROTOTYPE."
Approved as part of the Consent Calendar.

o. Amendments to Rent Stabilization Regulations Regarding the Effective Date of Rent Adjustment Decisions and the Effect of Appeals and Compliance Determination Requests:
ACTION: Approve Rent Stabilization Commission Resolution No. 93-18: "A RESOLUTION OF THE RENT STABILIZATION COMMISSION OF THE CITY OF WEST HOLLYWOOD, AMENDING THE RENT STABILIZATION REGULATIONS REGARDING THE EFFECTIVE DATE OF RENT ADJUSTMENT DECISIONS AND THE EFFECT OF APPEALS AND COMPLIANCE DETERMINATION REQUESTS."
Approved as part of the Consent Calendar.

p. Amendment to the Rent Stabilization Regulations Regarding the Conduct of Hearings: ACTION: Approve Rent Stabilization Commission Resolution No. 93-19: "A RESOLUTION OF THE RENT STABILIZATION COMMISSION AMENDING THE RENT STABILIZATION REGULATIONS REGARDING THE CONDUCT OF HEARINGS."
Approved as part of the Consent Calendar.

PUBLIC HEARINGS

3. SELF-CERTIFICATION OF CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP): The Deputy City Clerk reported that a notice had been published in the West Hollywood Independent on July 21, 1993, and a notice had been posted at City Hall, the Sheriff's Station, the Library, and at Plummer Park. Angie Reynolds, Transportation Department, gave the staff report.
There being no one present to speak on this item, the public hearing was closed.

ACTION: Adopt Resolution No. 1174, "A RESOLUTION OF THE CITY

COUNCIL OF THE CITY OF WEST HOLLYWOOD CERTIFYING COMPLIANCE WITH THE 1992 CONGESTION MANAGEMENT PROGRAM (CMP) AND APPROVING THE CMP CONFORMANCE CHECKLIST."

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

4. PROPOSED INCREASE IN TRANSIENT OCCUPANCY TAX: The Deputy City Clerk reported that a one-quarter page notice was published in the West Hollywood Independent on June 30, July 7 and July 14, and a notice was posted at City Hall, the Sheriff's Station, the West Hollywood Library, and at Plummer Park. Paul Arevalo, Finance Director, reported that this is a hearing on the proposed 1/2 cent increase to the transient occupancy tax that was incorporated into the 1993-94 budget; the second hearing, when Council will take action, will be on August 16.

The following person came forward to address the City Council:

Charlie Mercer, Sunset Strip Association, West Hollywood: Had presented to Council on March 15 a letter signed by 11 general managers of hotels. (Handed to Council) the front cover of April issue of Hoteliers Magazine--article about bed tax and how it has negatively affected many cities in U.S. such as New York. Hotels are already paying too much. Recently L.A. increased its transient occupancy tax to 14 percent. We are now at 12 percent. Marketing Corporation can use this as an advantage.

ACTION: Continue the public hearing open to August 16.

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

There were no Councilmember comments at this time.

UNFINISHED BUSINESS

5. PANHANDLING FOCUS GROUP REPORT AND RECOMMENDATIONS: Dottie Gibbons-White, Deputy to Councilmember Lang, reported on this item. There are two parts to the recommendation: one is the proposed program to help street people who are willing to get help, to get off the street. The slogan is "Give the Right Thing"; and there will be a card to hand out to solicitors with resources listed, with addresses as well as phone numbers. The focus group recommends a pilot program on Santa Monica. The second part of the recommendation is to introduce on first reading an ordinance which will prohibit aggressive solicitation. Ms. White thanked the seven people who worked on this.

Councilmember Heilman asked about the possibility of an

ordinance to restrict panhandling in certain locations where people might fear for their safety, such as around ATM machines.

City Attorney Jenkins replied that this raises a very complicated question because federal courts have ruled that the act of solicitation is a first amendment right, and a street is a traditional forum. However, he would be happy to take a closer look.

The following persons came forward to address the City Council:

Mike Radcliffe, West Hollywood: In support of this program. Certain cities are looking at the possibility of a business license for panhandlers. Hope this will move with a compassionate feeling toward the homeless.

Donna Saur, member of panhandling focus group: In support.

Donny Cacy, West Hollywood: Business owner. There is a difference between panhandling and a scam.

ACTION: 1) Approve implementation of "Give the Right Thing" as a pilot program on Santa Monica Blvd.; 2) Introduce on first reading Ordinance No. 376, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD PROHIBITING AGGRESSIVE SOLICITATION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE"; 3) In addition, direct the City Attorney to look into the possibility of an ordinance to prohibit panhandling in certain locations. Motion Heilman second Guarriello. Hearing no objection it was so ordered.

NEW BUSINESS

6. AUTHORIZATION TO ESTABLISH AN INTER-JURISDICTIONAL FILMING PROGRAM BETWEEN THE CITIES OF WEST HOLLYWOOD AND BEVERLY HILLS:

Helen Goss, Public Information Director, gave the staff report.

The following persons came forward to address the City Council:

Stephanie Liner, L.A. County Film Office: In support. also read a letter of support from Alliance of Motion Picture and Television Producers.

Jim McCabe, Vice President of L.A. Film Development Committee: In support. On a task force, also a location manager. There are 72 jurisdictions in the immediate area; this will allow cities to act in unison.

Ed Lippman, West Hollywood: A location manager. Often extremely frustrated by the number of regulations and rules. In support.

ACTION: 1) Approve the establishment of the Inter-jurisdictional Filming Program in concept; 2) Direct staff to draft a Memorandum of Understanding to be jointly approved by the City Councils of West Hollywood and Beverly Hills. Motion Land second Lang. 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--no items had been 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:
Bruce Traub, West Hollywood: Regarding item 2h. Now deputies will be loyal to City Manager.

Ed Lippman, West Hollywood: What action is being taken regarding increase of street hustlers, prostitutes on Santa Monica east of Fairfax?

Howard Armistead, West Hollywood: Aspirin is now known to help prevent cancer; can help prevent cataracts; effective against the progress of HIV.

Kevin Notre, West Hollywood: Community based policing is working in West Hollywood. Ask Council to try and stop the transfer of Captain Chapman out of West Hollywood.

David Noonan, West Hollywood: Regarding Peanuts. I have a problem on my street. Rowdy people parking, very very young. Great conflicts.

LEGISLATIVE

7. ORDINANCE REGARDING REMOVAL OF ILLEGAL PAY PHONES:
Mayor Guarriello gave the report on this item.

The following person came forward to address the City Council:

Mike Radcliffe, West Hollywood: In support. Should curtail all public phones after 12:00. No use for as many as there are--67 between Fairfax and La Brea. Hope we will work together.

Councilmember Heilman asked the City Attorney for clarification that this does not remove phones; it establishes a procedure whereby certain phones would be declared public nuisances and then have them removed.

City Attorney Jenkins replied that Section 3903 prohibits

phones in certain particular locations and provides an amortization period for those phones to be removed. Phones on private property would not be removed without finding them a public nuisance.

The City Attorney made the following revision to the Ordinance, as recommended by the City Manager: Subsection (c) and (d) are re-lettered as (d) and (e), and a new subsection (c) is added to read: "No pay telephone shall be located such that the user thereof must be physically situated on a public highway, street, sidewalk or other City property in order to use the telephone, except as authorized by the City."

ACTION: Introduce on first reading Ordinance No. 377, as amended, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING THE REGULATION OF PAY TELEPHONES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Heilman second Land. Hearing no objection it was so ordered.

8. AMENDMENT TO THE RENT STABILIZATION ORDINANCE REGARDING RENT ADJUSTMENT HEARINGS AND THE EFFECT OF APPEALS:

Rent Stabilization Department Director Mark Johnson gave the staff report.

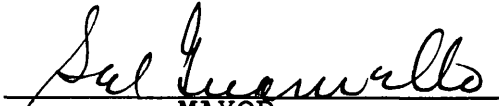
ACTION: Introduce on first reading Ordinance No. 378, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING RENT ADJUSTMENT HEARINGS AND THE EFFECT OF APPEALS." Motion Land second Lang. Hearing no objection it was so ordered.

COUNCILMEMBER COMMENTS: Additional general comments, announcements, requests of staff and/or other issues of concern to Councilmembers shall be presented at this time. Councilmember Heilman thanked people who were involved in Lesbian Visibility Week; commendations will be given at a future meeting.

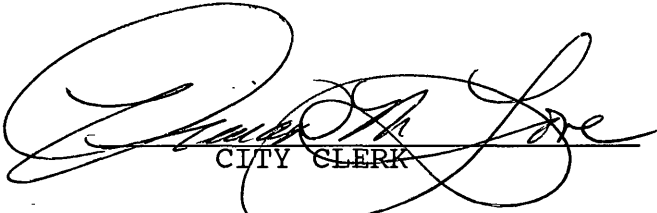
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ADJOURNMENT: The meeting was adjourned at 8:45 p.m. in memory of Bill Stirrup, to Monday, August 16, 1993, at West Hollywood Park, for a closed session at 6:00 p.m. and a regular meeting at 7:00 p.m.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 16TH DAY OF AUGUST, 1993.


MAYOR

ATTEST:


CITY CLERK