MINUTES CITY COUNCIL MEETING JUNE 21, 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 Assistant 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 7:05 p.m.

PLEDGE OF ALLEGIANCE: The Pledge was led by Deborah Rosenthal

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

ALSO PRESENT: City Manager Brotzman Assistant City Attorney Hogin

REPORT OF CLOSED SESSION: Assistant City Attorney Hogin reported that the City Council met in closed session and pursuant to Government Code section 54956.9A, discussed potential litigation, personnel matters, gave instructions to the City's real estate negotiator, and discussed R.O.A.R. vs. City of West Hollywood and Dromy vs. City of West Hollywood.

APPROVAL OF AGENDA:

ACTION: Add an urgency item to the Consent Calendar as Item 2z. Motion Land second Heilman. Hearing no objection it was so ordered. FURTHER ACTION: Approve the agenda as amended. Motion Land second Lang. Hearing no objection it was so ordered.

Mayor Guarriello read a letter from GFOA, Government Finance Officers' Association, granting a Certificate of Achievement to the Finance Department, for excellence in financial reporting.

PROCLAMATIONS AND COMMENDATIONS: A Commendation was presented to Mark Katz for his work in AIDS/HIV education. A Commendation was presented to Deborah Rosenthal for her dedication to the Homeless Organization

Councilmember Heilman asked that tonight's meeting be adjourned in memory of Daniel Warner, Co-Founder and former Executive

Director of Shanti and Program Director of West Hollywood CARES, and Judge Schrader, openly gay city attorney and openly gay judge, who was active in AIDS and human rights causes.

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. Mr. Brotzman reported on City fund balances, street trees at Smart and Final and the latest on the State budget.

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:

Mike Radcliffe, West Hollywood, President, West Hollywood Community Alliance: Successful dinner and held annual meeting; elected a full board. Hosting reception for Smart and Final opening. Charlotte Banta, West Hollywood: Regarding Farmer's Market. Had a pleasant day there. Have friend who is dying of AIDS - must all reach out to those with AIDS; bring everyone together. Kevin Notre, West Hollywood: Let's send a clear message to Sacramento that we'll place a moratorium on development if they go ahead with taking property tax. cost us more than it will benefit. Further development will Phil Roberts, West Hollywood: In support of the Immigrant Center. Mark Srulinsky (with translator): Accidents at Fuller and Fountain. Request stop sign. Donny Cacy, 7-11, East End: The opening of Smart and Final. They are being allowed to sell styrofoam. If they are exempted, everyone should be exempted. Bob Green, West Hollywood: Questions on banner bids. Herb Rivkan, West Hollywood: Need for signal at Fuller/ Fountain. John Shields, West Hollywood: Support Item No. 5, permit parking. Ursula Bower, West Hollywood: Agree with John Shields. Something must be done. Please expedite. Bob Pierson, West Hollywood: In favor of expediting permit parking for non-parking problems. Urge approve item 5. Bijan Chad, Owner 9161 Sunset: Requested help from the City. Losing business to vendors parking on the street. Paul Phillips, West Hollywood: In support of Alternative Living for the Aging. Priscilla Burford, West Hollywood: In support of Alternative Living for the Aging.

2. **CONSENT CALENDAR:** The following routine matters were acted upon by one motion to approve with the consent of the Council or were removed by any Councilmember for separate discussion. ACTION: To approve Consent Calendar Items 2a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, w, x, y and z. Motion Land second Heilman. Hearing no objection it was so ordered.

a. Posting of Agenda: The agenda for the meeting of Monday, June 21, 1993, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, June 16, 1993. ACTION: Receive and file. Approved as part of the Consent Calendar.

Demand Register No. 248, Resolution No. 1149. b. ACTION: Approve Demand Register No. 248 and adopt Resolution No. 1149. Approved as part of the Consent Calendar.

March 29, 1993 c. Minutes: April 26, 1993 June 7, 1993

ACTION: Approve the minutes of March 29, 1993, April 26, 1993, and June 7, 1993.

Approved as part of the Consent Calendar.

d. Claims: Genya Vinokur Ella Naroditskaya

ACTION: Deny the claims of Genya Vinokur and Ella Naroditskaya without comment and refer to the City's Claims 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.

Selection of a Non-Profit Agency as Beneficiary of f. the Ninth Annual Tom Proctor 5/10K Run and Walkathon: ACTION: Designate the Los Angeles Free Clinic Partners Adult Day Care Center as the beneficiary for the next three years. Approved as part of the Consent Calendar.

g. Assignment Agreement Between the City of Westlake Village and the City of West Hollywood for the Exchange of Proposition A Local Return Funds: ACTION: Authorize the City Manager to enter into an assignment agreement with the City of Westlake Village which sets forth the terms of the proposed trade in the format recommended by the City Attorney. Approved as part of the Consent Calendar.

Ordinance No. 371, Adopting Zoning Text Amendment 93-01 h.

(Eliminating 25 Foot Setback along Sunset from 8500 to 8720 Sunset Blvd.): ACTION: Waive further reading and adopt on second reading Ordinance No. 371, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING ZONING TEXT AMENDMENT 93-01 AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.

i. FY 92-93 Overlay Program - Award of Construction Contract: ACTION: Authorize the City Manager to enter into a contract with Boral Resources, Inc., in the amount of \$204,694.96 for construction of the FY 92-93 Overlay Program. Approved as part of the Consent Calendar.

j. FY 92-93 Overlay Program - Contract for Inspection Services: ACTION: Authorize the City Manager to enter into an agreement with Associated Soils Engineering, Inc. in the amount of \$38,880.00 for inspection services on the FY 92-93 Overlay Program.

Approved as part of the Consent Calendar.

k. FY 92-93 Overlay Program - Contract for Materials Testing Services: ACTION: Authorize the City Manager to enter into an agreement with Converse Consultants West, Inc. in the amount of \$12,675 for materials testing services on the FY 92-93 Overlay Program.

Approved as part of the Consent Calendar.

1. Amendment to Agreement with Jewish Family Services of Los Angeles for Home Secure Program: ACTION: Approve an Amendment to the Agreement between the City of West Hollywood and Jewish Family Services of Los Angeles to administer the Home Secure Program extending the time of performance and adding \$65,000.00, and authorize the City Manager to sign the amendment.

Approved as part of the Consent Calendar.

m. Approval of 1993-94 Amendment to Agreement with Westside Fair Housing Council and Fair Housing Opportunities Center: ACTION: Approve an amendment to the Agreement for Fair Housing Services with the Westside Fair Housing Council and the Fair Housing Opportunities Center that adds \$15,000.00 in CDBG funds and extends the term of the agreement through June 30, 1994 and authorize the City Manager to sign the Amendment to the Agreement.

Approved as part of the Consent Calendar.

n. Professional Service Contract with Consolidated Waste Industries, Inc. to Provide Emergency Clean-up and Disposal Services of Hazardous Waste Materials: ACTION: Authorize the city Manger to enter into a professional service contract with consolidated Waste Industries in an amount not to exceed \$15,000 for emergency clean-up and disposal of hazardous waste materials for the City of West Hollywood.

Approved as part of the Consent Calendar.

o. Establishing a Subscription Service Whereby Constituents Can Receive Updates of Pertinent Rent Stabilization Materials: ACTION: Authorize staff to initiate a subscription service for rent stabilization materials. Approved as part of the Consent Calendar.

p. Development of a Permanent Series of Programs on Rent Stabilization Topics to be Broadcast on the City's Cable Television Channel: ACTION: Approve the plan for a series of programs on rent stabilization topics (as outlined in staff report).

Approved as part of the Consent Calendar.

q. Social Services Contract Extensions - West Hollywood Homeless Organization and Child and Family Services Head Start and Family Child Care Enhancement: ACTION: Authorize staff to negotiate budgets and Exhibit A's (Scope) and execute contracts renewing Child and Family Services Head Start at \$72,000.00, Child and Family Services Family Child Care Enhancement at \$24,000.00., and the West Hollywood Homeless Organization at \$516,736.00 for a 15-month period from July 1, 1993 to September 30, 1994.

Approved as part of the Consent Calendar.

r. Award of Construction Contract for the Retractable Bollard Project on Hammond Street: ACTION: Authorize the City Manager to enter into a contract with Delta Scientific Corporation for construction of Roadway Design Feature Project No. 9303, Retractable Bollards at the 1000 block of Hammond Street, in an amount not to exceed \$49,655.00. Approved as part of the Consent Calendar.

s. Award of Professional Engineering Services Contract for Preparation of Citywide Street Lighting Design Plans: ACTION: Authorize the City Manager to enter into a professional engineering service contract with Willdan Associates in an amount not to exceed \$42,670.00 for preparation of citywide street lighting design plans for the City of West Hollywood. Approved as part of the Consent Calendar.

t. Resolution Regarding 7073 Santa Monica Blvd., Off-Site Sale of Alcohol, and Prohibiting Sale of Refrigerated Alcohol: ACTION: Adopt Resolution No. 1150, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING CONDITIONAL USE PERMIT 91-22, ON APPLICATION OF JEAN LAHIGANI, FOR APPROVAL FOR THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION ON PROPERTY LOCATED AT 7073 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA."

Approved as part of the Consent Calendar.

u. Proposed Residential Rental Referral Service:

ACTION: Authorize Rent Stabilization Department staff to conduct a short-term demonstration project to determine the demand for permanent residential rental referral services. Approved as part of the Consent Calendar.

v. Resolution Opposing AB 996 Regarding Smoking and **Tobacco Control:** ACTION: 1) Adopt Resolution No. 1151, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING AB 996, REGARDING SMOKING AND TOBACCO CONTROL"; 2) Direct staff to forward copies of the Council's decision to the appropriate elected officials in the State Senate. Approved as part of the Consent Calendar.

Study Session of the City Council Regarding the w. Cultural Heritage Preservation Ordinance: ACTION: Designate July 26, 1993 as the date for a study session for the City Council to discuss the Cultural Preservation Ordinance. Approved as part of the Consent Calendar.

Resignation of City Treasurer: ACTION: Accept the x. resignation of City Treasurer Jonathan Ahearn and direct staff to prepare the appropriate plaque recognizing his service to the City of West Hollywood.

Approved as part of the Consent Calendar.

Canvass of the June 8, 1993 Election: ACTION: Adopt y. Resolution No. 1152, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD ON JUNE 8, 1993, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW." Approved as part of the Consent Calendar.

A RESOLUTION IN SUPPORT OF MAINTAINING AND EXPANDING z. HUMAN RIGHTS THROUGHOUT THE WORLD COMMUNITY: (ADDED AS AN URGENCY ITEM UNDER APPROVAL OF AGENDA, BY A UNANIMOUS VOTE.) ACTION: 1) Adopt Resolution No. 1153, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF MAINTAINING AND EXPANDING HUMAN RIGHTS THROUGHOUT THE WORLD COMMUNITY." 2) Approve the text of the proposed letter which will go to the Secretary General of the United Nations, the Secretary of State, and the U.S. permanent representative to the United Nations. 3) Direct staff to send a copy of this resolution and the letter to the parties named above. Approved as part of the Consent Calendar.

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 Heilman gave direction to the Transportation Director to return to the Council with a report on the intersection of Fuller/Fountain. Also, the City Manager is to

follow up on the complaint about vending trucks on Sunset near Cory. In answer to the complaint from Donny Cacy, he stated that Smart & Final filed for an exemption to the polystyrene ordinance and it was granted for a limited period of time for phase-out, provided that they set up a recycling program.

Councilmember Land reported that the Small Business Week workshops last May were very successful. She stated that the Resolution on expanding human rights that was added to the agenda tonight is being passed by many other cities. The City of West Hollywood played host to Women in Municipal Government this past week, part of the National League of Cities, where they discussed needs of the changing family.

Paul Arevalo, Finance Director, reported that they received an award for outstanding budgeting from the Government Finance Officers Association for the budget document. He said that Judith Wright of the Finance Department had actually designed the document.

UNFINISHED BUSINESS

3. ADOPTION OF THE CITY OF WEST HOLLYWOOD'S 1993-1994 BUDGET AND DIRECTION REGARDING UTILITY USERS TAX AND INCREASE TO THE TRANSIENT OCCUPANCY TAX:

Paul Arevalo gave the staff report. The following persons came forward to address the City Council:

Charlotte Banta, West Hollywood: Renegotiate rents on City-used buildings. Time to purchase a building for City Hall. Start functioning like a business. Adam Devejian, West Hollywood: Time for a West Hollywood Police Department. Kevin Notre, West Hollywood: If passed, insert a sunset clause in Utility tax. Helen Levin, Russian Community Center Director: Center has no luxuries in spending; two people on staff. Hope we give more than we take from the City. Bruce Traub, West Hollywood: Confused about utility tax. You are passing the utility tax at height of recession,

City Council discussion was held on this matter, with input from the City Manager and the Finance Director.

MOTION: To remove both the State revenue take-away and the Utility Users Tax from this budget. Motion Koretz second Guarriello.

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Councilmembers Heilman and Land commented the public has been informed and we should be prepared to go ahead with the tax in the event that the State does take the property tax revenue from us.

Mayor Pro Tem Land asked Councilmember Koretz to clarify whether his motion was to adopt the budget. Koretz replied that his motion was to adopt the budget with the anticipated shortfall due to the State and the Utility Users Tax stricken from the budget.

Councilmember Heilman moved to sever the motion, seconded by Land.

After further discussion, Councilmember Heilman withdrew his motion to sever, noting his objection to removing the Utility Users Tax from the budget; he feels this is delaying something Council should be dealing with now and avoiding taking responsibility.

Mayor Pro Tem Land said it is important for people to understand that Council is not going to vote for a utility tax unless it is warranted by State action and would be helping to provide services for everyone.

Finance Director Arevalo stated that staff recommends that the full 1.2 million dollars not be reinstated, that only the amount sufficient to close the budget gap, approximately \$955,000, be put in.

City Manager Brotzman explained that we are trying to be very cautious in our revenues at this time.

Councilmember Koretz accepted the proposed change to his motion by the Finance Director.

1) Remove the State property tax takeaway and the ACTION: proposed Utility Users Tax from the budget, reinstating only the amount needed to close the budget gap as recommended by the Finance Director. 2) Adopt Resolution No. 1154, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING THE BUDGET FOR FISCAL YEAR 1993-94," with revenues of \$37,459.628, operating expenditures of \$35,901.785, and capital projects of \$3,926,988. The resolution also establishes the appropriation limit applicable to the City pursuant to Article B of the State of California at \$24,251,720. 3) Direct staff to begin the notification process, including two public hearings in August, to increase the Transient Occupancy Tax by .5%. Motion Koretz second Guarriello. Heilman, Koretz, Lang, Land, Mayor Guarriello. AYES: NOES: None. Motion carried.

4. COMMISSION APPOINTMENTS: ACTION: Nominate Jeanne Karaffa for the lesbian at-large appointment to the Lesbian and Gay Advisory Council. Motion Heilman second Land. Hearing no objection it was so ordered.

FURTHER ACTION: Nominate Stephen Dick for the Fine Arts Advisory Board. Motion Lang second Land. Hearing no objection it was so ordered.

An additional two appointments to the Fine Arts Advisory Board and the appointment to the Human Services Commission, to be made by Councilmember Heilman, will be scheduled for July 6.

NEW BUSINESS

5. POLICY REGARDING THE USE OF PERMIT PARKING FOR NON-PARKING PROBLEMS: The staff report was given by Don Korotsky. The following persons came forward to address the City Council: Steve Martin, West Hollywood: Loss of parking for busineses. Need to look at this, but definitely needs some controls. You should have six-month reviews not only from the Commission but from the business community.

ACTION: Approve and adopt the policy as recommended by the Transportation and Public Safety Commissions. Motion Land second Heilman. Hearing no objection it was so ordered.

6. PROPOSED AMENDMENT TO RENT STABILIZATION ORDINANCE REGARDING VACANCY RENT INCREASES FOR CONDOMINIUM UNITS: THIS ITEM HAS BEEN PULLED FROM THE AGENDA AT REQUEST OF STAFF.

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

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. Steve Martin, West Hollywood: Thanks to the City Manager and the Finance Director for their help and education during the budget process.

Tom Bright, West Hollywood: Instead of Utility Users Tax, give more tickets for traffic violations. Will bring in a lot of money to the City. Constant illegal U-turns are made at 1155 La Cienega. Opposed to 20-minute parking meter.

In reply to Mr. Bright, City Manager Brotzman stated that traffic safety is an important issue; however, that is an area where the State already has taken money--the City gets no revenue from traffic tickets.

LEGISLATIVE

7. AN AMENDMENT TO THE RENT STABILIZATION ORDINANCE TO LIMIT THE AMOUNT OF ACTUAL INCREASES IN RENT FOR EXISTING RESIDENTIAL TENANCIES: The staff report was given by Mark Johnson, Director of Rent Stabilization.

Introduce on first reading, Ordinance No. 372, "AN ACTION: ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE TO LIMIT THE AMOUNT OF ACTUAL INCREASES IN RENT FOR EXISTING RESIDENTIAL TENANCIES." Motion Heilman second Mayor Guarriello. Noting the abstention of Land, it was so ordered.

AMENDMENT TO THE RENT STABILIZATION ORDINANCE REGARDING 8. RELOCATION FEES FOR LOWER INCOME TENANTS AND FOR TENANTS WHO VACATE A RENTAL UNIT PURSUANT TO AN ORDER ISSUED BY A CODE **ENFORCEMENT OFFICER:** The staff report was given by Johnson, Director of Rent Stabilization. ACTION: The staff report was given by Mark Introduce on first reading, Ordinance No. 373, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING RELOCATION FEES FOR LOWER INCOME TENANTS AND FOR TENANTS WHO VACATE A RENTAL UNIT PURSUANT TO AN ORDER ISSUED BY A CODE ENFORCEMENT OFFICER." Motion Koretz second Lang. Hearing no objection it was so ordered.

9. ENABLING LEGISLATION TO IMPLEMENT THE PROVISIONS OF ASSEMBLY BILL 408, THE DECRIMINALIZATION OF PARKING CITATIONS: The staff report was given by Toby Fox. ACTION: Adopt the following Resolutions:

Resolution No. 1155, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING AN AGREEMENT AMONG THE CITY OF WEST HOLLYWOOD, LOS ANGELES COUNTY, AND THE BEVERLY HILLS MUNICIPAL COURT DISTRICT, AND RESCINDING AN AGREEMENT REGARDING PARKING CITATION PROCESSING RESPONSIBILITY AND TRANSFERRING PARKING CITATION PROCESSING ACTIVITY";

Resolution No. 1156, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING PENALTIES FOR PARKING VIOLATIONS WITHIN THE CITY OF WEST HOLLYWOOD";

Resolution No. 1157, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING A PARKING CITATION ADMINISTRATIVE ADJUDICATION MANUAL FOR HEARING EXAMINERS";

Resolution No. 1158, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING AMENDMENT NO. 3 TO ORIGINAL AGREEMENT BETWEEN' THE CITY OF WEST HOLLYWOOD AND TURBO DATA SYSTEMS, INC. FOR SERVICES RELATED TO PROCESSING OF PARKING CITATIONS."

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

FURTHER ACTION: Introduce on first reading, Ordinance No. 374, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING UNIFORM PARKING CITATION PROCESSING PROCEDURES, AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". Motion Heilman second Mayor Guarriello. Hearing no objection it was so ordered.

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FURTHER ACTION: Adopt as an urgency ordinance, Ordinance No. 374U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING UNIFORM PARKING CITATION PROCESSING PROCEDURES, AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF." Motion Heilman second Koretz. 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. There were no additional comments at this time.

ADJOURNMENT: The meeting was adjourned in memory of Judge Schrader and Daniel Warner at 8:45 p.m., to a regular adjourned meeting on July 6, 1993, at West Hollywood Park Auditorium, at 6:00 p.m. for Closed Session and 7:00 p.m. for the regular meeting.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 6TH DAY OF JULY, 1993

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ATTEST:

Mary Lepon CITY/CLERK/