MINUTES CITY COUNCIL MEETING JUNE 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 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

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CALL TO ORDER: Mayor Guarriello called the meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE: The Pledge was led by Effie Reuveni.

ROLL CALL: PRESENT: Heilman, Koretz, Lang, Land

and Mayor Guarriello

ALSO PRESENT: City Manager Brotzman

Assistant City Attorney Hogin

REPORT OF CLOSED SESSION: Assistant City Attorney Hogin reported that the Council met in closed session pursuant to Government Code Section 658956.9a to give instructions to its real estate negotiator and the City Manager; approved the claim of Jose Filadelfo Gomez Pichiya; and discussed Rodowicz vs. City of West Hollywood.

APPROVAL OF AGENDA: Remove item 2n from the Consent Calender for separate discussion. Regarding Item 2i, Councilmember Koretz noted that he has seen people, he assumes from that company, using leafblowers at the parks. He would like that halted immediately. ACTION: Approve the agenda as amended. Motion Heilman second Lang. Hearing no objection it was so ordered.

PROCLAMATIONS AND COMMENDATIONS: Shelly Chagnon
Mayor Guarriello read the Proclamation naming Shelly Chagnon as
winner of the Recycling Slogan Contest.

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 reported that an issue was raised at the

last meeting regarding General Fund expenditures in 1988-89 vs. 1992-93. It was stated that General Fund expenditures had grown from \$19 million in 88-89 to \$28 million in '92-93 -- figures quoted were incorrect as reported by a member of audience. Correct figures are: \$28.2 million in '88-89 and \$28.3 in '92-93. The General Fund has gone up only \$100,000.

Councilmember Koretz asked that the meeting be adjourned in memory of Rick Saslaw.

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. At this point in time, the following persons came forward to address the Council:

Jay Levy, Los Angeles, volunteer with Shanti: Continue Shanti's funding. Nanette Feuling, Los Angeles: Support funding for Women Helping Women. Mike Radcliffe, West Hollywood, President, W.H. Community Invite Council to grand opening of Smart and Final. Business organizations support the Card Club Initiative. Jeanne Dobrin, West Hollywood: No on Proposition D. Roslyn Krause, West Hollywood: Support Proposition D. Howard Armistead, West Hollywood: No on Proposition D. Jay Bienenfeld, West Hollywood: Trees were planted on my property; my son is highly allergic; the city removed it. like my lawn area to remain free of trees. Request that a tree on neighboring property be removed. Bruce Traub, West Hollywood: Flooded lots on Westbourne.
Paul Amirault, West Hollywood: Opposed to Prop. D. Requested an investigation into Sheriff's Department response time in the case of a gay man who was murdered in West Hollywood. Earl Howard, West Hollywood: Letter from mother of Chris Fairchild. Sheriff's Department complaint. Ethel Shapiro, West Hollywood: No on Proposition D.

City Manager Brotzman said he would like to respond to several items: Regarding the Sheriff's Department response time--we have the tapes. According to the tapes the call came in at 2:02 and 40 seconds; was responded to at 2:03; unit arrived on the scene at 2:06 and 20 seconds. Response time was three minutes. Sheriff's Department is conducting a full-fledged investigation. Second, the letter regarding the parents of Christopher Fairchild. The fact is one of the strengths of our arrangement with Sheriff's Department. When sheriff's are called out of the City, that benefit comes back to us when there are events in West Hollywood. For example when there was civil unrest, there was an increase in personnel. Finally, regarding the lot that is flooded, code enforcement is working

on it; will proceed as expeditiously as possible.

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. Items removed for separate discussion were heard following New Business Items but are listed here for clarity. ACTION: Approve Consent Calendar items 2a, b, c, d, e, f, g, h, i, j, k, l, and m. Motion Heilman second Lang. Hearing no objection it was so ordered.

- a. Posting of Agenda: The agenda for the meeting of Monday, June 7, 1993, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, June 2, 1993. ACTION: Receive and file. Approved as part of the Consent Calendar.
- b. Demand Register No. 247, Resolution No. 1143.
 ACTION: Approve Demand Register No. 247 and adopt Resolution No. 1143.
 Approved as part of the Consent Calendar.
- c. Treasurer's Report April 1993: ACTION: Receive and file.

 Approved as part of the Consent Calendar.
 - d. Minutes: May 3, 1993 May 17, 1993

ACTION: Approve the minutes of May 3, 1993 and May 17, 1993. Approved as part of the Consent Calendar.

e. Claims: Dr. Henry Darshad Jose Filadelfo Gomez Pichiya

ACTION: Deny the claim of Dr. Henry Darshad without comment and refer to the City's Claims Adjustor. Take action on the claim of Jose Filadelfo Gomez Pichiya as discussed in Closed Session on June 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 370 Allowing Bars and Nightclubs to Remain Open Until 4:00 a.m. on City Holidays and Certain Special Occasions, Subject to the City Manager's Approval: ACTION: Waive further reading and adopt on second reading Ordinance No. 370, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING HOURS OF OPERATION OF BUSINESS ESTABLISHMENTS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."
 Approved as part of the Consent Calendar.
- h. Nightclubs and Bars Remaining Open Until 4:00 A.M. for the Weekend of Christopher Street West Gay Pride Parade and

Festival: ACTION: Authorize the suspension of the regular 2:00 a.m. closing time for bars and nightclubs for the evening of Friday, June 25, 1993 (extending into the morning hours of Saturday, June 26), the evening of Saturday, June 26 (extending into the morning hours of Sunday, June 27), and the evening of Sunday, June 27 (extending into the morning hours of Monday, June 28), and substitute 4:00 a.m. as the closing time. This recommendation is based on the requirement that no alcoholic beverage is to be served after 2:00 a.m. Approved as part of the Consent Calendar.

- i. Amendment of Contract with Golden Bear Arborists, Inc., to Extend Contract Term an Additional Three Years:
 ACTION: Approve Amendment No. 1 to the Street Tree Services Contract, which extends the existing contract between Golden Bear Arborists, Inc. and the City at the same grid pruning and service request costs for three additional years (fiscal years 1993/94, 1994/95 and 1995/96) and authorize the City Manager to sign the Amendment.
 Approved as part of the Consent Calendar.
- j. Award of Contract for Sunset/Holloway Landscaping Project: ACTION: Accept the bid dated May 19, 1993, submitted by Emerald Landscape Services, in the amount of \$12,731.75 in response to contract plans and specifications for the Sunset/Holloway Landscaping Project (C.I.P. #241), reject all other bids, and authorize the City Manager to sign the

Approved as part of the Consent Calendar.

- k. Resolution Opposing Any Additional Taxes on Social Security Income: ACTION: Adopt Resolution No. 1144, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING ANY ADDITIONAL TAXES ON SOCIAL SECURITY INCOME." Approved as part of the Consent Calendar.
- 1. Approval of CDBG Program Participating City
 Cooperation Agreement: ACTION: Approve the three-year CDBG
 Program Participating City Cooperation Agreement with the
 County of Los Angeles and direct the Mayor to sign four copies
 of the Agreement.
 Approved as part of the Consent Calendar.
- m. Resolution in Support of the Gay and Lesbian Sports Alliance "SPORTS DAY": ACTION: 1) Adopt Resolution No. 1145, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE AUGUST 8, 1993 GAY AND LESBIAN SPORTS ALLIANCE "SPORTS DAY" IN WEST HOLLYWOOD PARK"; 2) Direct staff to waive all use fees and issue a blanket permit for this special event, subject to review and approval of program content by Recreation Coordinator; 3) Direct staff to provide a copy of Resolution No. 1145 to The President's Council on Physical Fitness, The Secretary of Health and Human Services, Gay Games IV/Unity 94, The Federation of Gay Games, The Sports Alliance of Greater Los Angeles, and to the Offices of the

Honorable Tom Bradley, Mayor, City of Los Angeles. Approved as part of the Consent Calendar.

n. City Council Position on Proposition D: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. The following persons came forward to address the Council:

Mike Radcliffe, West Hollywood: In support of Prop D.
Adam Devejian, West Hollywood: Urge everyone to vote no on D.
Steve Schulte, West Hollywood: Support Proposition D.
Charlie Mercer, West Hollywood: Support Proposition D.
Martin Struedler, West Hollywood: Oppose Proposition D.
Steve Martin, West Hollywood: Opposed to Prop D.
John Altschul, West Hollywood: Opposed to Prop D.
Robert Davis, West Hollywood: In support of Prop D.
Norman Chramoff, West Hollywood: Opposed to Prop D.

ACTION: Adopt Resolution No. 1146, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING PROPOSITION D, WHICH WOULD ALLOW CARD CLUBS IN THE CITY OF WEST HOLLYWOOD." Motion Land second Guarriello. Hearing no objection it was so ordered.

PUBLIC HEARINGS

3. REPORT ON HEALTH HAZARDS ASSOCIATED WITH CELLULAR BASE STATIONS (CONTINUED PUBLIC HEARING FROM APRIL 19, REGARDING APPEALS OF PLANNING COMMISSION DECISIONS TO ALLOW ADDITIONAL ROOF-TOP MICROWAVE ANTENNAS AND CELLULAR ANTENNAS AT AN UNMANNED CELLULAR TELEPHONE FACILITY - 8899 BEVERLY BLVD. AND 8228 SUNSET BLVD.): The Deputy City Clerk reported that this item was noticed in the L.A. Independent Newspaper on April 7, 1993, and posted at Plummer Park, the West Hollywood Library, the Sheriff's Station and City Hall. The staff report was given by Leah Archibald, Deputy to Councilmember Koretz, who had been asked by the Council to conduct further research on the health questions raised at the Public Hearing on April 19, 1993. She stated that no medical studies to date prove conclusively that the levels of radiation are not harmful and no investigation has proved that the level of radiation is harmful. Staff recommends Council approve the applications by PacTel and continue to monitor the cell sites.

Mayor Guarriello announced that this public hearing was continued open from the meeting of April 19, 1993, and the following persons came forward to address the Council:

Mary Worley, West Hollywood (Appellant): Very difficult to get detailed information from FCC. Some questions they refused to answer. They pointed out they are not responsible for the public health. New evidence from Sacramento--each Councilmember has been given a copy. Cell sites do indeed pose a cancer risk.

Neil Fitzpatrick, PacTel Cellular: I have some handouts I'll

Neil Fitzpatrick, PacTel Cellular: I have some handouts I'll hand to staff. (Held up charts) Power and frequency levels.

Like to point out that visible light is a higher frequency than cell sites.

Effie Reuveni, West Hollywood: Literature shows cancer is a risk factor in EMF's.

Bruce Traub, West Hollywood: You should reconsider the evidence. It took years to find out the danger of mercury. Dr. Jerrold Bushberg: Assoc. Clinical Professor of Radiology, Assist. Professor at Yale school of Medicine. Here to answer questions

Dean Brown, PacTel: To respond to some comments: At the site on Sunset, there are currently 18 channels, total of 360 watts. The one on Beverly 110 feet up in air; on Sunset, 55 to 60 feet in air. These facilities have been in operation three to eight years; no documented complaints.

Councilmember Koretz asked if there was any instance where they were turned down for health reasons. Dr. Bushberg stated that the health controversy has been going on for a number of years. He is not aware of a cell site being turned down for health reasons.

Mary Worley (rebuttal): On the health issue, the Santa Barbara branch turned it down, they didn't want to risk the health of their residents. If Council cannot agree that West Hollywood should be a cell-site-free zone, then the people are entitled under California law to an EIR report, and I would request that, if you don't turn down the application.

No one else coming forward to speak, Mayor Guarriello closed the public hearing and returned this item to the Council for discussion.

ACTION: Grant the appeals by Mary Worley of the Planning Commission decisions to allow additional roof-top microwave antennas and cellular antennas at an unmanned cellular telephone facility at 8899 Beverly Boulevard and 8228 Sunset Boulevard. Motion Koretz second Guarriello.

AYES: Koretz, Lang, Mayor Guarriello

NOES: Land, Heilman.

Motion carried.

Staff will prepare the proper resolutions and return to the City Council for adoption.

Mayor Guarriello called a recess at 8:35 p.m. The meeting was reconvened at 8:45 p.m.

4. APPEAL OF PLANNING COMMISSION CONDITION OF APPROVAL OF CONDITIONAL USE PERMIT 91-22, PROHIBITING THE SALE OF REFRIGERATED ALCOHOL AT THE CIRCLE 7 FOOD MART STORE, 7073 SANTA MONICA BOULEVARD: The Deputy City Clerk reported that this item was noticed in the L.A. Independent Newspaper on May 26, 1993, and posted at Plummer Park, the West Hollywood Library, the Sheriff's Station and City Hall. The staff report was given by Jennifer Davis with a recommendation to uphold the Planning Commission decision and deny the appeal. It was

further recommended that a second 6 month review be eliminated from the conditions of approval.

Mayor Guarriello opened the public hearing and the following persons came forward to address the Council:

Richard Tumpowsky, Los Angeles, representing Mr. Lighani:
A year ago Mr. Lighani bought an existing off-site liquor
license from the owner at 7959 Santa Monica Boulevard. The
Planning Commission approved the license provided no
refrigerated beer and no sales after 8:00 p.m. at night.
He is willing not to sell after 8:00 p.m. but he wants to sell
refrigerated beer to his daytime customers.
Jerald Wertzman, Los Angeles: Opposed to sale of cold beer.
Soon Ok Chung, West Hollywood: Opposed to liquor store selling
cold beer.

George Nakano, West Hollywood: Opposed ro requested changes. Jeanne Dobrin, West Hollywood: Urge uphold Planning Commission decision.

Mr. Tumpowsky (rebuttal): We would like a chance to demonstrate that we can sell refrigerated beer with same decorum as unrefrigerated.

No one else coming forward to speak, Mayor Guarriello closed the public hearing and returned this item to the Council for discussion.

ACTION: Deny the appeal with prejudice and uphold the Planning Commission with the change to review period but with the added provision that if business is sold it reverts back to the sixmonth review period. Motion Land second Heilman. Hearing no objection it was so ordered. Staff will amend the resolution and bring back next meeting.

5. ZONING TEXT AMENDMENT 93-01 - REGARDING ELIMINATING THE 25 FOOT SETBACK ALONG SUNSET BOULEVARD FROM 8500 TO 8720 SUNSET BOULEVARD: The Deputy City Clerk reported that this item was noticed in the L. A. Independent Newspaper in a 1/4 page ad, on May 26, 1993, and posted at Plummer Park, the West Hollywood Library, the Sheriff's Station and City Hall. The staff report was given by Jennifer Davis. Mayor Guarriello opened the public hearing and the following persons came forward to address the Council:

Jeanne Dobrin, West Hollywood: in support of change.

ACTION: Introduce on first 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." Motion Land second Koretz. Hearing no objection it was so ordered.

6. FEE RESOLUTION: The Deputy City Clerk reported that this item was noticed in the L. A. Independent Newspaper on May 26 and June 2, 1993, and posted at Plummer Park, the San Vicente Library, the Sheriff's Station and City Hall. The staff report

was given by Paul Arevalo.

ACTION: Approve and adopt Resolution No. 1147, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING FEES AND CHARGES FOR CERTAIN SERVICES PROVIDED BY THE CITY OF WEST HOLLYWOOD AND REPEALING RESOLUTION NO. 1025," with the proposed new fee for Rent Stabilization Security Applications reduced from \$100 to \$25.00. Motion Heilman second Koretz. Hearing no objection it was so ordered.

- 7. PUBLIC HEARING ON THE REPORTS REGARDING THE SOLID WASTE AND/OR RECYCLABLE COLLECTION AND/OR DISPOSAL SERVICE FEE AND THE ANNUAL SEWER CHARGE IN THE CITY OF WEST HOLLYWOOD:
 The Deputy City Clerk reported that this item was noticed in the L. A. Independent Newspaper on May 19 and May 26, 1993, and posted at Plummer Park, the San Vicente Library, the Sheriff's Station and City Hall. The staff report was given by Sharon Schiffman and David Hare. Mayor Guarriello opened the public hearing and the following persons came forward to address the Council:
- G. Bruce Traub, West Hollywood: Object to the tax. Large apartment buildings pay less.

ACTION: Accept the reports regarding the City's sewer maintenance service charge and the City's solid waste and/or recyclable collection and/or service disposal fee for fiscal year 1993-94. Motion Heilman second Land. Hearing no objection it was so ordered.

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.

Councilmember Land reported that people will be receiving ballots from post office re one zip code for West Hollywood. Ask that people vote on it.

UNFINISHED BUSINESS

8. PUBLIC MEETING IN CONNECTION WITH THE LEVY OF ANNUAL ASSESSMENTS FOR 1991 LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT: RECOMMENDED ACTION: Accept testimony from anyone wishing to speak regarding the levy of annual assessments.

The staff report was given by Rob Brown. The property owners in zone 3 have requested certain changes, improvements. This necessitates an increase in zone 3 and creation of a zone 4.

The following persons came forward to address the City Council:

Mike Radcliffe, West Hollywood: In support.
Bruce Traub, West Hollywood: Everything is becoming a special assessment. Opposed.
In addition, the Councilmembers were given a copy of a letter

from Fay E. McGovern, Manager of the French Market Place, in protest against the proposed increase.

No one else coming forward to speak, Mayor Guarriello returned this item to the Council for discussion.

The Councilmembers stated that they wanted to clarify that zones 3 and 4 will be the only ones increased, in order to pay for benefits to the owners.

Mayor Guarriello stated that this hearing was to take testimony only. No decision will be made tonight, this item will come back July 6.

9. FISCAL YEAR 1993-1994 PRELIMINARY BUDGET: The staff report was given by Paul Arevalo who outlined three adjustments: COLA, 2.8%; retirement provision; and, liability surcharge for Sheriff's Department, for a total additional appropriation of \$125,000. Mr. Arevalo and City Manager Brotzman answered questions from Council.

The following persons came forward to address the City Council:

Mike Radcliffe, West Hollywood: Criticism of new programs. Don't want redevelopment agency. You must cut your budget. Bruce Traub, West Hollywood: Opposed to taxes, special assessments.

Charlie Mercer, Sunset Strip Association, resident of Los Angeles: Council is not making serious attempt to cut the budget.

Vince Sargent, Alternative Living for the Aging: Support social services funding.

Robert Davis, West Hollywood: Contact the Board of Supervisors and propose they convert Prop A funds over to local government general funds and retain the 1/2 cent sales tax.

ACTION: Directions were given to staff to prepare an Ordinance increasing the TOT, with the increase designated to go to the General Fund; investigate Mayor Guarriello's suggestion for a nightclub tax and extended hours for parking meters in the vicinity of the clubs; and to prepare a budget adoption resolution for the June 21, 1993, City Council meeting.

NEW BUSINESS

- 10. COMMISSION AND ADVISORY COUNCIL APPOINTMENTS:
 ACTIONS: Councilmember Koretz appointed Charles Loveman to the Planning Commission and Councilmember Lang appointed Carole Hossan to the Rent Stabilization Commission. In addition, the City Council deferred the appointment of one lesbian to the Lesbian and Gay Advisory Council; and appointments to the Fine Arts Advisory Board will be scheduled for June 21, 1993.
- 11. PROPOSED CLOSURE OF FIRE STATION NO. 7: The staff report was given by Mayor Guarriello. The following persons came

forward to address the City Council:

Mike Radcliffe, West Hollywood: Support this item. However, I heard they were looking at a site more to the East; would like research on that.

Bruce Traub, West Hollywood: Direct City Manager to give us what we really need--police, fire, sanitation.

John Altschul, West Hollywood, Public Safety Commission: Fire Station 7 is a paramedic station. Encourage all residents to write to Board of Supervisors to keep the fire station open.

City Manager Brotzman stated that the City has advised the fire district that we are prepared to participate in building a new fire station. They have only considered west of La Cienega; have reached agreement on a mutually acceptable site; have advised them we are prepared to spend the money and have asked them to proceed with acquisition of the parcel. It is imperative to argue for the need for both fire stations in the City. The issue with Fire District is a staffing issue at the moment. We need the support of all the residents on this issue.

ACTION: 1) Approve and adopt Resolution No. 1148, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD OPPOSING THE LOS ANGELES COUNTY BOARD OF SUPERVISORS' PROPOSED PLAN TO CLOSE FIRE STATION NO. 7, AND OTHER FIRE STATIONS IN OUR IMMEDIATE VICINITY, DUE TO BUDGET CUTBACKS." 2) Direct staff to send copies of this resolution to all members of the Los Angeles County Board of Supervisors. Motion Helman 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. Item 2n was removed from the consent calendar for discussion at this time, but is listed in the original position for clarity.

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.

Norman Chramoff, West Hollywood: Regarding upsurge in crime; need community policing.

Charlie Mercer, Los Angeles: Utility User Tax.

Robert Davis, West Hollywood: In five months we've had six murders. Absolutely staggering. We should take extra precaution for Gay Pride week and the rest of the summer.

Effie Reuveni, West Hollywood: Opposed to the single zip code.

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 at 11:30 p.m., in memory of Rick Saslaw, to June 14th for a study session with the Rent Stabilization Commission on historically low rents and a discussion of tenant homeownership program at West Hollywood Park Auditorium at 6:00 p.m.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 21ST DAY OF JUNE, 1993.

ATTEST:

Mary Lyson CITY CLERK