

**MINUTES
CITY COUNCIL MEETING
APRIL 20, 1992
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.

REGULAR MEETING

CALL TO ORDER: Mayor Koretz called the meeting to order at 7:35 p.m.

PLEDGE OF ALLEGIANCE: The Pledge was led by Jerry Gould.

ROLL CALL:

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

ALSO PRESENT: City Manager Brotzman
City Attorney Jenkins

REPORT OF CLOSED SESSION: Mayor Koretz announced that the City Council had met in closed session and had discussed instructions to negotiators, health benefits, the Rossmoor case, Klaparda v. City of West Hollywood, and Moore v. City of West Hollywood.

APPROVAL OF AGENDA: Table Item 2s, at request of staff. Councilmember Heilman noted his objection on Items 2f, 2r and 2u. Approve the agenda as amended. By consensus.

PROCLAMATIONS AND COMMENDATIONS:

Councilmember Guarriello presented a Good Neighbor Commendation to Ms. Nettie Fitzpatrick, 97-year-old, long-term resident of West Hollywood.

Earth Day Awards:

With the assistance of "Cycler", the recycling robot, bonds were presented to children who won the West Hollywood Elementary/Waste Management Inc. Earth Day Poster Contest. Kevin Hendrick, Environmental Services, presented a check to the Recycler of the Month for April: Miriam Karr.

Councilmember Land presented "Green Ribbon Awards" to West Hollywood Businesses for their achievements in recycling:

Ben Franks - discontinued use of disposable plastics; recycle glass, cardboard, grease;

Cafe Figaro - conserves water, recycles glass, phased out polystyrene;

David Geffen Company - recycling office paper since 1989;

Southern California Gas Company - formed a task force to seek

new ways to reduce solid waste; weatherized more than one million homes and installed 800,000 low-flow showerheads. Tower Records - cardboard recycling; packaging of compact discs; West Hollywood Elementary School - educating children; recycle paper, milk cartons, aluminum trays, and plastic packaging.

Presentation to Council by Bruce Boland, Sheriff's Deputy who was reinstated: Bruce Boland thanked Council for the help and support they provided him, and presented them with a plaque expressing his appreciation.

Councilmember Lang presented a proclamation to representatives of the Fire Department for Fire Service Day, May 9, 1992, and encouraged everyone to visit their local fire station on that day. Councilmember Land presented a commendation to the Youth AIDS Foundation--accepted by Robert Moody. Councilmember Lang presented a Proclamation for U.S. PTA's Across America Tennis Day in West Hollywood.

Mayor Koretz announced that the meeting would be adjourned in memory of Ed Riney, who had worked in neighborhood watch and crime prevention in the City, as well as other issues. Councilmember Guarriello requested a moment of silence at this time.

TREASURER'S REPORT: Jonathan Ahearn, City Treasurer, presented the report for the month ending March 31, 1992.

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 on the West Hollywood Homeless Organization and Homeless Shelter: Over the past few weeks information was given out during the election campaigns that was not quite accurate. The shelter is open and running, and the program is going very well; seven people are in transition facilities; the program has obtained \$140,00 in grants, additional \$30,000 in donations. City's contribution will be reduced. Program changed executive directors this year. The program can always use volunteers, contributions. Helps people become self-sufficient through counselling, medical, and employment assistance.

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.

The following persons came forward to address the City Council:

Jeanne Dobrin, West Hollywood: Death of Ed Riney of AIDS. His dedication, humor; helped provide food during holidays; great at

flyers, circulators; a libertarian. Invite all to attend the memorial service next Saturday at 1:30 p.m. at Hart Park. It would be appropriate if a room at Plummer Park were named after him.

Gloria Vassy, West Hollywood: Congratulations to Mayor Koretz and Abbe Land. Ed Riney--had helped form East Side Community Action, instrumental in closing Oki Dog, did Christmas food basket drive; 4th of July party at Plummer Park. Memorial is Saturday, April 25, 8341 DeLongpre Ave.

Celia Brown, Beverly Hills: Specialize in crime; came in case there are questions regarding gay bashing.

Paul Amirault, West Hollywood: A steering committee member of W.H. Citizens for Better Police Protection. Gays and Lesbians don't have protection in West Hollywood.

Timothy Olson, West Hollywood: To date we've collected over 1900 signatures; we'll have more than enough by the end of May. People in the City are overwhelmingly in support of their own police department.

Jacques Rosoe, West Hollywood: I spent the day in court--I was attacked September 8. The courts are letting gay-bashers go on probation/community service--they'll be back with baseball bats and chains. Witnesses are afraid to come forward. We need political clout to lobby judges to take these crimes more seriously.

Bob Pierson, West Hollywood: Congratulations to Paul Koretz and Abbe Land. Had a clean campaign. Thank each of the voters who voted for me. Remind incumbents that business as usual is not the wish of the voters. Within two months there will be announced a new coalition deeply committed to vigilance of our neighborhoods. Look forward to next election.

Michael Yates, L.A., President of CSW: CSW (Christopher Street West) is sponsoring a forum Tuesday night on gay bashing.

Robert Davis, West Hollywood, President, West Hollywood Republican Club: A sad announcement--John Dentinger, a frequent contributor to REACTIONS Newspaper, died about the same time as Ed Riney, of AIDS complications.

Dale Cosgrove, West Hollywood: There are plans for tree planting on Norma Place. Trees don't belong on narrow strips of land.

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 Items 2a, b, c, d, e, f (noting the objection of Heilman), g, h, i, j, k, l, m, n, o, p, q, r (noting the objection of Heilman), t, u (noting the objection of Heilman), and v. Motion Guarriello second Land. Hearing no objection it was so ordered.

a. Posting of Agenda: The agenda for the meeting of Monday, April 20, 1992, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Thursday, April 16, 1992. **ACTION:** Receive and file.

Approved as part of the Consent Calendar.

b. Demand Register No. 219, Resolution No. 962.

ACTION: Approve Demand Register No. 219 and adopt Resolution No. 962. Approved as part of the Consent Calendar.

c. Minutes: April 6, 1992.

ACTION: Approve the minutes of April 6, 1992. Approved as part of the Consent Calendar.

**d. Claims: Automobile Club of Southern California
Daniel R. Curran
Chris DeRose**

ACTION: Deny the claims of Anthony Rubenstein, Daniel R. Curran, and Chris DeRose 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.

f. Ordinance No. 330 - Commission and Board Appointments - Second Reading and Adoption: ACTION: Adopt on second reading Ordinance No. 330, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD CONCERNING APPOINTMENTS AND FILLING OF VACANCIES ON BOARDS AND COMMISSIONS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar, with the objection of Councilmember Heilman.

g. Christopher Street West: Gay and Lesbian Pride Parade and Festival: ACTIONS: 1) Approve the use of West Hollywood Park for the 1992 Gay and Lesbian Pride Festival and authorize the city Manager to sign the agreement permitting said use; 2) Authorize the use of Santa Monica Blvd. between Crescent Heights Blvd. and Robertson Blvd. for the 1992 Gay and Lesbian Pride Parade; and 3) Agree that the City of West Hollywood will serve as an official sponsor for both events. Approved as part of the Consent Calendar.

h. Resolution Regarding Federal and State Financial Assistance to Cover City Expenses for Disaster Relief Due to the February 10-18, 1992 Southern California Rainstorms: ACTION: Adopt Resolution No. 963, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD - DESIGNATION OF THE APPLICANT'S AGENT." Approved as part of the Consent Calendar.

i. Contract for Preparation of a Master Plan of Sewers for the City of West Hollywood: ACTION: Authorize the City Manager to enter into a professional service contract with Boyle Engineering Corporation in the amount of \$187,386 for preparation of a Master Plan of Sewers for the City of West Hollywood, and reappropriate \$200,000 from the Sewer Fund for this program.

Approved as part of the Consent Calendar.

j. Resignation of Kim Kralj, Human Services Commission:
ACTION: Accept with regret the resignation of Kim Kralj from the Human Services Commission, direct staff to do the appropriate recognition, and direct the City Clerk's Office to post a notice of vacancy. Approved as part of the Consent Calendar.

k. Playboy Jazz and Food Festival: ACTION: 1) Grant approval to Playboy Jazz Festival to sell beer and wine at the Playboy Jazz and Food Festival in West Hollywood; 2) Agree that the City of West Hollywood will serve as a co-sponsor of the event. Approved as part of the Consent Calendar.

l. Notice of Completion for Santa Monica Boulevard Palm Tree Planting Project: ACTION: Authorize the City Clerk to record the Notice of Completion for the Santa Monica Blvd. Palm Tree Planting Project, C.I.P. #042, with the Los Angeles County Recorder; and, upon notification from the Landscape and Buildings Manager, authorize release of the payment and performance bonds. Approved as part of the Consent Calendar.

m. Community Development Block Grant Blanket Contract Amendment: ACTION: Approve the Community Development Block Grant Program Reimbursable Contract Amendment Number 1 with the County of Los Angeles for 1992-1993 and authorize the City Manager to sign four original copies. Approved as part of the Consent Calendar.

n. Amendment to Regulatory Agreement with WHCHC Adding \$250,000 to Laurel/Norton Project: ACTION: Approve amendments to the Regulatory Agreement with the West Hollywood Community Housing Corporation adding \$250,000 to the Laurel/Norton project and extending the agreement for ten years to forty years; direct staff to prepare the required amendments to the Regulatory Agreement and related documents; and authorize the Mayor to sign the amended documents. Approved as part of the Consent Calendar.

o. Award of Contract to Natelson Company, Inc. to Conduct a Market and Feasibility Analysis for the Draft Sunset Specific Plan: ACTION: Approve an Agreement for \$39,981 for consultant services with Natelson Company to provide a market and financial feasibility analysis for the Draft Sunset Specific Plan and authorize the City Manager to sign the Agreement. Approved as part of the Consent Calendar.

p. Resolution Authorizing Participation in the "California Main Street Demonstration Program" and Designating the City Manager to Submit the Application to the State Department of Commerce:
ACTION: Adopt Resolution No. 965, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AUTHORIZING PARTICIPATION IN THE CALIFORNIA MAIN STREET PROGRAM AND DESIGNATING THE CITY MANAGER

TO SUBMIT THE APPLICATION TO THE STATE DEPARTMENT OF COMMERCE."
Approved as part of the Consent Calendar.

g. Position Reclassification, Staff Assistant I/Landscape and Building Maintenance Division: (Tabled from 4/6/92) ACTION: Approve the reclassification to Staff Assistant II of the Staff Assistant I/Landscape and Building Maintenance, retroactive to March 15, 1991.
Approved as part of the Consent Calendar.

r. Resolution of Approval for 8282 Sunset Project: ACTION: Adopt Resolution No. 964, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING APPEALS BY EDWIN SILVER AND THE TENANTS OF THE SUNSET LANAI BUILDING AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE DEMOLITION PERMIT 91-11, DEVELOPMENT PERMIT 91-22 AND A MITIGATED NEGATIVE DECLARATION ON AN APPLICATION FILED BY CHARLIE MERCER TO DEMOLISH AN EXISTING COMMERCIAL STRUCTURE AND CONSTRUCT A MIXED-USE (COMMERCIAL/RESIDENTIAL) DEVELOPMENT AT 8282 SUNSET BOULEVARD, WEST HOLLYWOOD."
Approved as part of the Consent Calendar, with the objection of Councilmember Heilman.

s. Amend Landscape Maintenance Contract with Landscape West, Inc., to Provide Additional Street Tree Watering Services: THIS ITEM WAS PULLED FROM THE AGENDA, UNDER APPROVAL OF AGENDA, AT REQUEST OF STAFF.

t. Purchase of Permit Parking Materials for FY 1992/93 Permit Parking Renewals: ACTION: Accept the bid of Weldon, Williams and Lick, Inc. for the fabrication of permit parking hangtags, stickers, etc. in the amount of \$34,900.
Approved as part of the Consent Calendar.

u. Assembly Bill 2580 - Expansion of Motor Vehicle Code and Definition of Public Nuisance: ACTION: Support AB 2580, and direct staff to draft a letter to Assemblywoman Bentley informing her of the Council's support of AB 2580, and, as well, letters to other appropriate Assembly Members.
Approved as part of the Consent Calendar, with the objection of Councilmember Heilman.

v. Treasurer's Report - March, 1992: ACTION: Receive and file. Approved as part of the Consent Calendar.

PUBLIC HEARINGS

3. APPEAL OF RECOMMENDATION OF THE CULTURAL HERITAGE ADVISORY BOARD TO DESIGNATE 8806 BEVERLY BLVD. (HERMAN MILLER SHOWROOM) AS A LOCAL CULTURAL RESOURCE: Bill Meeker, Community Development Department, gave the staff report, and stated that the staff recommendation is to deny the appeal and designate 8806 Beverly Blvd. as a Cultural Resource.

The Deputy City Clerk reported that a notice of public hearing had been published on April 8 in the West Hollywood Independent, and a notice had been posted at City Hall, the Library, the Sheriff's Station, and at Plummer Park.

The public hearing was opened, and the following persons spoke:

Jeff Seymour, Morey, Seymour and Associates: Spoke on behalf of the appellant, Philip K. Brown-Katsenes, giving the background on the building: Herman Miller Company vacated this property 17 years ago; four businesses have been tenants. No one knows if it was Charles Eames who actually designed this building. Cultural resource designation places a burden on the family trying to rent or sell this property; has to go through a longer process for tenant improvements. The Brown-Katsenes family wants to stay in West Hollywood; the designation will have impacts--burden the family for successfully reusing this building. Request denial of designation.

Ted Stafford, of Ronald S. Kates Real Estate: Spoke on behalf of appeal: The designation will have negative impact on leasing of property. It's difficult to find tenants on Beverly Boulevard.

Following this the Councilmembers directed various questions to staff. Bill Meeker clarified that only the exterior would be designated, not the interior; staff felt there would be minimum impact on the property.

The appellant was allowed two minutes "rebuttal" time.

Jeff Seymour: Placing a designation, especially on the exterior, makes no sense and will still place a burden on this family in relation to finding a tenant, and moving forward with rehabilitation.

The public hearing was closed. Councilmember Heilman said that it is a weak case, but it does meet the criteria in the ordinance for designation.

MOTION: Reject the appeal and adopt the Resolution designating 8806 Beverly Boulevard (former Herman Miller Showroom), as a local cultural resource, designation limited to exterior only. Motion Heilman second Land.

AYES: Heilman, Land.

NOES: Guarriello, Lang, Koretz.

Motion failed.

ACTION: Grant the appeal and deny designation.

Motion Heilman second Land.

AYES: Guarriello, Lang, Koretz.

NOES: Heilman, Land.

Motion carried.

COUNCILMEMBERS 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. Councilmember Heilman commented regarding proposed changes to the Business License Ordinance that would remove some of the duties of the Business License Commission--the Commission would like to know their status; direction was given to staff to let the Business License Commission know that there would be a decision as soon as there is a text amendment.

Councilmember Land said that she hoped to bring back the issue of shared parking at the first meeting in May; she announced that an ongoing task force on gay bashing would meet on April 29, Wednesday, at 7:00 p.m. at City Hall--everyone is urged to participate.

Councilmember Guarriello requested that the HIV Library be named after Ron Shipton, who had done so much to start it. Staff was directed to bring this back as an agenda item.

Mayor Koretz commented that Council would continue to work to put a stop to gay bashing; regarding the tree planting on Norma Place, these are not ficus with disruptive roots, but are better street trees; the money is from a State grant for tree planting; regarding the Sheriff's Department, there seems to be irony that as the Sheriff's Department has improved, there is a call to get rid of them.

UNFINISHED BUSINESS

4. CITY OF WEST HOLLYWOOD INVESTMENT POLICY: Paul Arevalo, Finance Director, gave the staff report. **ACTION:** Adopt Resolution No. 966, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING AN INVESTMENT POLICY", which supersedes Resolution No. 405. Motion Heilman second Guarriello. Hearing no objection it was so ordered.

NEW BUSINESS

5. (THE PROPOSED ITEM WAS NOT PREPARED AND THEREFORE THIS WAS PULLED FROM THE AGENDA AT REQUEST OF STAFF.)

6. SUPPORT OF ASSEMBLY BILL 2601 - NEW SEXUAL ORIENTATION EMPLOYMENT DISCRIMINATION BILL: Councilmember Guarriello reported on this item. **ACTION:** Approve and adopt Resolution No. 967, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, SUPPORTING ASSEMBLY BILL 2601, INTRODUCED TO THE CALIFORNIA STATE ASSEMBLY ON FEBRUARY 11, 1992," and direct staff to forward a copy of the resolution to Assemblyman Terry Friedman. Motion Heilman second Lang. Hearing no objection it was so ordered.

EXCLUDED CONSENT CALENDAR: There were no Consent Calendar Items which were removed for separate discussion.

CITIZEN COMMENTS: None at this time.

LEGISLATIVE

7. TAXICAB REGULATIONS: Lucy Dyke, Transportation Department, reported that, if adopted, this ordinance would allow the City to issue taxicab permits, operator permits, and vehicle permits, effective July 1, 1992. The purpose of the ordinance is to improve the local taxicab service by allowing the City to administer and enforce its own regulations; formerly this was administered by the County Business License Commission. With inhouse administration, the City could identify taxis that are legally operating here; drivers would be required to be familiar with the English language and with City streets; and there would be a complaint process that would directly affect permit approval and revocation proceedings. In order to administer this ordinance, the Council would have to adopt a resolution setting fees for taxicab service--the resolution will be brought to Council if this ordinance is introduced.

Lucy Dyke read into the record the following changes to the ordinance:

- On page 11, section 3207.8.B.2: change "\$50,000" to "\$100,000" for property damage;
- On page 5, section 3207.1.g.8: it should read, "proof of participation in a senior assistance program (such as taxi coupon or voucher program) and any other community service program (such as a drunk driving program)";
- On page 4, section 3207.1.g: change "need and necessity" to "Public Convenience and Necessity";
- On page 6, section 3207.1.0: add: "24 hours a day, seven days a week" between "contacted" and "by";
- On page 9, section 3207.6.J: add: "or her" after ". . . operation of his";
- On page 10, section 3207.6: change second letter "m" to "n"; add "o. That the applicant or any of his or her employees or agents have violated any rule or regulation adopted by any governmental agency with respect to the applicant's operation of a taxicab service in other operating areas";
- On page 11, section 3207.B.5: replace with "The policy may include a property damage deductible not greater than \$2,500 per occurrence";
- On page 15, section 3207.11: after the letter "o", the letters should be changed from "j,k,l,m, & n" to "p,q,r,s, & t";
- On page 22, section 3208.3.b: add "or her" after ". . . interest and shall test his";
- On page 22, section 3208.4: change: "The Director not shall. . ." to "The Director shall not. . .";
- On page 27, section 3208.12.o: change Commission" to "City Council".

The following persons came forward to address the City Council:

Abe Zaft, West Hollywood: Object to being charged to operate in the City; already charged by Los Angeles, Manhattan Beach, the County.

Dave Hallstrand, Los Angeles: Support the ordinance, but you should accept companies that are already checked out by other

jurisdictions; will save manhours.

Art Pillars, Los Angeles, United Independent Taxi Company: Important to check the qualifications of cab drivers. Take Los Angeles and Beverly Hills as guidelines. You need to spell out what you are going to charge us. You'll need extra officers to handle this.

Nat Dickholtz, West Hollywood (taxi driver): Should let people drive who have been approved by Los Angeles.

Jeanne Dobrin, West Hollywood: I attended the meeting of Transportation Commission. L.A. City does go through a lot of investigation--it's a shame we have to regulate this. Staff should be commended; our staff can do better than County. The insurance requirements for bodily injury are too low.

Scott Schaffer, Glendale: Support. Right now the rates are not uniform; taxi stands.

Mahmood Babaeian, Calabasas: Owner of Celebrity Cab. If a company chooses to charge the customer a lower rate, they should have the freedom to do so. My company has been successful because we were able to offer the customer a lower rate. Am happy the City is doing it in-house.

Following the public speakers, there was discussion by Council. Councilmember Guarriello asked about raising the insurance liability limits. Lucy Dyke explained that if we include \$100,000 property damage, as recommended by staff, we will have higher requirements than other jurisdictions; the other liability limits are standard with other jurisdictions. Councilmember Land commented that it is important there be a 24-hour phone number that the City can contact in case of an emergency (page 6, section 3207.1.o. of Ordinance).

Mayor Koretz asked whether we could use other cities' screening.

Lucy Dyke said that West Hollywood could "piggyback" on the work done by other jurisdictions, but there is no requirement that cabs are licensed in other jurisdictions.

ACTION: Introduce on first reading, as amended, Ordinance No. 331, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING REGULATION OF TAXICABS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

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

8. AN ORDINANCE GRANTING A CONDITIONAL EXTENSION OF TIME FOR THE INSTALLATION OF FIRE SPRINKLERS IN NON-RESIDENTIAL HIGH-RISE BUILDINGS: Brent Mullins, Building and Safety Division, gave the staff report. **ACTION:** Introduce on first reading Ordinance

No. 332, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING THE DUE DATE FOR INSTALLING AUTOMATIC SPRINKLER SYSTEMS IN NON-RESIDENTIAL HIGH-RISE BUILDINGS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Land second Guarriello. Hearing no

objection it was so ordered.

Mayor Koretz requested that in the future Council comments should follow directly after Citizen Comments. Councilmember Heilman and Councilmember Land said that would require changing the meeting rules of order which had been adopted. Direction was given to the City Clerk's Office to check on that.

The meeting was adjourned at 9:34 p.m. in memory of Ed Riney, to Tuesday, April 21, at 7:00 p.m. at West Hollywood Park Auditorium, for certification of the election results and swearing in of the Councilmembers.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 4TH DAY OF MAY, 1992.


MAYOR

ATTEST:


CITY CLERK