

**MINUTES
CITY COUNCIL MEETING
DECEMBER 2, 1991
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 Koretz called the meeting to order at 7:17 p.m., and announced that Council had met in closed session and discussed litigation and potential litigation.

PLEDGE OF ALLEGIANCE: The Pledge was led by Charles Mercer.

ROLL CALL:

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

ALSO PRESENT: City Manager Brotzman
City Attorney Jenkins

APPROVAL OF AGENDA: Pull 2k for discussion; table 2l for two weeks. Table item 9 to the next appropriate future meeting. Councilmember Land announced that the proclamation on Dignity U.S.A. would be presented on December 16. **ACTION:** Approve the agenda as amended. Motion Heilman second Land. Hearing no objection it was so ordered.

Councilmember Land requested that the meeting be adjourned in memory of Stan Hadden, who died of AIDS, and who had worked for Senator Roberti in Sacramento, and that appropriate letters be sent to his loved ones and the Senator.

PROCLAMATIONS AND COMMENDATIONS: Dignity U.S.A. - Presentation of this Proclamation was tabled to the next meeting, December 16, 1991.

Councilmember Guarriello presented a commendation to Captain Clarence Chapman for Sheriff's personnel for their professional and courteous manner during the AB101 demonstrations. Captain Chapman thanked Council for the support, the letters, cards, and phone calls in response to the job the deputies had done.

TREASURER'S REPORT: City Treasurer Jonathan Ahearn presented the Treasurer's Report for October, 1991.

CITY MANAGER'S REPORT: This time has been set aside for the City Manager to report to the City Council on any or all matters of

importance. There was no City Manager's report this evening.

1. CITIZEN COMMENTS: This time has been set aside for members of the public to address the City Council on items of importance, including the Consent Calendar, but not including public hearings. Testimony for public hearings will only be taken at the time of the hearing.

The following persons came forward to address the City Council:

Jeanne Dobrin, West Hollywood: 15 or 20 flyers were tacked or stapled to poles--queer member production, project bar fly, etc.--about five different flyers. How come these organizations do this? Also glue to businesses, traffic light boxes, etc. I'd like it stopped. Also, what is the status of case filed against the Mondrian Hotel?

Tad Bright, West Hollywood, Co-Chair, East End Community Action: Expenditures are slipped through on Consent Calendar. Opposed to proposed Council Meeting rules of order.

David Lawrence, West Hollywood: Thanked Council for their support, during our celebration of diversity.

Elisabeth Burns, West Hollywood: Sat., Nov. 23, Pro-Choice Day. Some of us sold shirts at the market--we were very successful. Another thing--I have a petition to recall Governor Wilson, which people can sign.

Sandy Shire, West Hollywood: Business owner, West Hollywood Jewelry Mart. Regarding item k--we business men are in trouble--the shuttle could be our salvation--could bring senior citizens out. We'd give them back some fare. Please give us the shuttle.

Ron Goins, West Hollywood, Chair, East End Community Action: Governor Wilson signed AB 436--about the right of people to speak. I made copies for Council.

Christian Shea, West Hollywood: Concerned regarding a Sheriff's deputy who almost ran down four "queers" in the street. Hope Council will give direction to Public Safety Commission to address this with Capt. Chapman. Agree with Jeanne re flyers.

COUNCIL COMMENTS: This time has been set aside for Councilmembers to direct comments to staff and/or the public on any and all matters of interest.

Mayor Koretz commented that Council rules of order has to do with decorum and not free speech. Regarding the shuttle, it is likely will go through. Direction was given to staff to check with the Sheriff's Department regarding Christian Shea's comment.

Councilmembers Heilman and Land commented that regarding flyers, there are many activists who may not be aware of the restrictions regarding posting. Direction was given to the City

Manager to work with Community Development staff to develop a letter advising those people where and where not they can do posting.

Councilmember Guarriello spoke regarding cable fees--a lot of fixed income people can't afford cable; would like to do something about the fees. Councilmember Heilman said that the problem is Congress has stripped the cities' authority to set rates. Councilmember Land said we have worked with the National League of Cities (regarding cable fees); perhaps something could go in our City newsletter--perhaps a massive letter campaign would be effective.

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, m, and n. Motion Land second Heilman. Hearing no objection it was so ordered.

a. Posting of Agenda: The agenda for the meeting of Monday, December 2, 1991, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, November 27, 1991.

ACTION: Receive and file.
Approved as part of the Consent Calendar.

b. Demand Register No. 210, Resolution No. 913.

ACTION: Approve Demand Register No. 210 and adopt Resolution No. 913.
Approved as part of the Consent Calendar.

c. Treasurer's Report - October, 1991.

ACTION: Receive and file.
Approved as part of the Consent Calendar.

d. Minutes: November 18, 1991.

ACTION: Approve the minutes of November 18, 1991.
Approved as part of the Consent Calendar.

e. Claims: Sylvia Berman

ACTION: Take action on the claim of Sylvia Berman as discussed in Closed Session on December 2, 1991.
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. Resolution in Support of SCA 17 (Calderon), Removing Barriers to Affordable Housing Development by Amending Article 34 of the State Constitution: ACTION: Approve and adopt Resolution No. 914, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST

HOLLYWOOD IN SUPPORT OF SCA 17 (CALDERON), REMOVING BARRIERS TO AFFORDABLE HOUSING DEVELOPMENT BY AMENDING ARTICLE 34 OF THE STATE CONSTITUTION," and direct staff to send a letter of support, along with the resolution, to the City's lobbyist and to Senator Calderon's office.
Approved as part of the Consent Calendar.

h. Approval of the Carl Warren Agreement for Claim Adjusting Services: ACTION: Authorize the City Manager to extend the agreement between Carl Warren & Company and the City of West Hollywood for a period of one year, thus protecting the interests of both principal and contractor.
Approved as part of the Consent Calendar.

i. Resolution Granting the Appeal of Conditions of Approval by Planning Commission for Sign Modification 91-02, Thrifty Oil Co., for Service Station at 7564 Santa Monica Blvd.: ACTION: Adopt Resolution No. 915, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE APPROVAL OF SIGN MODIFICATION 91-02 BY THE PLANNING COMMISSION BASED ON AN APPEAL FILED BY THE APPLICANT."
Approved as part of the Consent Calendar.

j. Resolution of the City Council of the City of West Hollywood Requesting an Allocation and Payment of \$45,232 County Aid to Cities Funds for the Maintenance of County Highway Plan Streets:
THIS ITEM WAS REMOVED FROM THE AGENDA AT REQUEST OF STAFF.

k. Approval of Agreement with Diversified Paratransit Inc. for the Provision of Citywide Shuttle Services: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. The staff report was given by Lucy Dyke, followed by Council discussion. City Manager Brotzman stated that he didn't believe the City could afford the shuttle program and all the other Transportation programs on a continuous basis. It was the consensus of the Council that they should at least try the program for the remainder of the fiscal year as they would save very little by not going ahead at this time. ACTION: Authorize the City Manager to contract with Diversified Paratransit, Inc. to provide transit services for the community members of West Hollywood at a cost not to exceed \$1,345,504, from the first day on which service commences, on or about January, 1992, for a period of three years, with provisions for extension and cancellation. Motion Heilman second Land.
Ayes: Guarriello, Heilman, Land, Lang, Koretz
Noes: None
Motion carried.

l. Award of Contract to Meg Gilbert Associates for City Hall Site Selection Project Manager: THIS ITEM WAS TABLED TO THE MEETING OF DECEMBER 16 ON APPROVAL OF AGENDA.

m. Contract for Services to People with Disabilities:
ACTION: Authorize staff to negotiate a six-month contract with Jewish Family Services beginning in January, to provide services to

disabled members of the West Hollywood community through the end of the Fiscal Year.

Approved as part of the Consent Calendar.

n. Hart Park Improvements Project Notice of Completion:

ACTION: Authorize the City Clerk to record the Notice of Completion for the William S. Hart Park Improvements Project, C.I.P. # 145, with the Los Angeles County Recorder; and, upon notification from the Landscape and Buildings Manager, to release the payment and performance bonds.

Approved as part of the Consent Calendar.

PUBLIC HEARINGS

3. ZONING AMENDMENT 91-05 - AMEND THE GENERAL PLAN MAP TO REDESIGNATE 1422 N. SWEETZER AVE. FROM C2.2A (COMMERCIAL MIXED-USE) TO R4 (HIGH-DENSITY RESIDENTIAL) AND TO ADOPT A ZONING MAP FOR THE CITY WHICH INCORPORATES THE ABOVE CHANGE AS WELL AS A REZONING OF ALL PROPERTIES LOCATED ON BETTY WAY FROM R1A (25 FEET, TWO STORIES) TO R1C (15 FEET, ONE STORY):

The staff report was given by John Jakupcak. Mayor Koretz opened the hearing and the following persons came forward to address the City Council:

Allan Nixon, West Hollywood: Notice for the hearing and the sewer system problems.

Lonny Haatia, owner, 8830 Betty Way: Opposed. Would like an engineer's report on the sewer.

Edwin Silver, Los Angeles: Regarding 1422 N. Sweetzer. The present language of the municipal code is unfair--until it is changed, the status quo should remain (re: map).

Bernard Judge, Los Angeles (architect): (Brought a chart, showing existing building, proposed building, property line.) The owner would like clarification of the definition of a buffer zone.

Charlie Mercer, West Hollywood, Sunset Strip Association: Planning Commission supported Mr. Silver's position and my position. Maybe the Sunset Specific Plan could address this.

Tad Bright, West Hollywood: Opposed to second stories on Betty Way.

Franklin Cover, 1422 N. Sweetzer: Chairman of Tenants' Association. Agree with owner of building. Feel should be changed to high-density residential. Threatened by proposed building plans.

Mary Cover, 1422 N. Sweetzer: Should stay residential.

Barbara Pilavin-Gelber, 1422 N. Sweetzer: A peaceful and quiet environment. Keep it high-density residential.

Emory Bass, 1422 N. Sweetzer: Keep it high-density residential.

Ruth Bregman, 1422 N. Sweetzer: Never been used for commercial. Class it as a residential building.

Waris Hussein, 1422 N. Sweetzer: Keep Sunset Lanai as residential.

Christopher Hewitt, 1422 N. Sweetzer: Lived there for 20 years. Support high-density.

Dan Silver, 1422 N. Sweetzer: This proposed zone change does nothing to protect the tenants. Consider buffers, setbacks, side yards, that is the issue here, not the zone change.

Rachelle Sommers Smith: I was not noticed about Betty Way. Quoted a former letter from Heilman. Support planning commission, only allow 15 feet on Betty Way.

Stan Lothridge, West Hollywood: The issue was resolved at Jan. 14 Council meeting. Minutes: "insert language which would prohibit second story construction on Betty Way". Opposed to second stories.

Jeanne Dobrin, West Hollywood: This issue was previously decided. These lots are "sub-sub-substandard" lots. Motive is greed. Make this R1C as requested by staff.

There being no further public speakers, this item was returned to Council for discussion.

Councilmember Land commented that she didn't like the tone of a lot of the comments--we're just talking about a difference of opinion--and that she would go along with staff recommendation to maintain one-story. She questioned staff regarding Sweetzer and side yards and setbacks.

Anne Browning said what is required currently is a 15-foot buffer between buildings. The comment is there isn't a clear definition in the code. If Council feels strongly, they should give direction to look at that and come up with some language.

Councilmember Heilman felt this should be zoned residential to clarify that this is a residential property; and that the setbacks need to be clarified.

John Jakupcak, Planning Division, stated that by rezoning it to residential, the General Plan will apply more clearly than it currently does.

Councilmember Heilman said that his deputy had done a survey of the residents on Betty Way. Seven out of 11 who replied were in favor of second stories. Those who supported or opposed gave good reasons. We need to be prepared in the future, if someone wants to demolish their house and build a new one. We should allow second stories for those who want them.

There were comments by Mayor Koretz and Councilmember Guarriello that the sewage system can't bear additional construction, and these homes were only built as one floor bungalows.

ACTION: Introduce on first reading Ordinance No. 317, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE GENERAL PLAN MAP TO RE-DESIGNATE 1422 N. SWEETZER AVENUE FROM C2.2A to R4 AND ADOPTION OF A CITYWIDE ZONING MAP." In addition, give direction that staff define the setback issues with regard to the commercial and the residential abutting each other. Motion Heilman second Land.

AYES: Guarriello, Land, Lang, Mayor Koretz.

NOES: Heilman.

Motion carried.

Mayor Koretz called a recess at 9:10 p.m.
The meeting was reconvened at 9:20 p.m.

UNFINISHED BUSINESS

4. APPOINTMENT TO HUMAN SERVICES COMMISSION: RECOMMENDED ACTION: That Councilmember Guarriello make one appointment to the Human Services Commission, to be confirmed by the City Council.

ACTION: To appoint Robert Davis to the Human Services Commission.

Motion Guarriello, second Koretz.

AYES: Guarriello, Heilman, Land, Lang, Mayor Koretz.

NOES: None.

Motion carried.

5. IMPLEMENTATION PLAN FOR COMPLIANCE WITH SCAQMD REGULATION XV:

Lucy Dyke, Transportation Department, gave the staff report. Councilmember Heilman felt that City Hall should remain open every day, because convenience to the public should come first, and not the convenience of staff. Mayor Koretz proposed that a skeleton crew be present every other Friday, and people be present for emergency services.

Lucy Dyke explained that maintenance, public works, and code enforcement would continue to follow their schedules.

The following member of the public spoke on this item:

Jeanne Dobrin, West Hollywood: The noticing and appeal periods should be changed to give people adequate time to consult with staff and file appeals. Prefer City Hall not be closed, but will accept it; but please do a good job of publicizing. Receptionists don't always know who is in or out--staff should check in and out with receptionist.

ACTION: Approve the implementation of the 9/80 workweek plan by closing City Hall every other Friday and extending work hours by one hour on all Mondays through Thursdays, with direction to staff to work with Public Information and do extensive outreach and do a calendar so that people know what day we are closed. Motion Land second Lang.

AYES: Land, Lang, Guarriello.

NOES: Koretz, Heilman.
Motion carried.

6. APPROVAL OF ROUTE FOR CITYWIDE SHUTTLE SERVICE: (TABLED FROM 11/18) Lucy Dyke of Transportation Department gave the staff report, followed by questions and discussion by Council. Mayor Koretz asked staff to look at including the area around J. Sloan's in the evening.

ACTION: Approve the routes for the City Shuttle, and direct staff to review the routes and make necessary adjustments following a six-month trial. Motion Heilman, second Lang.
Hearing no objection it was so ordered.

7. COUNCIL MEETING RULES OF ORDER: THIS ITEM WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCIL SUBCOMMITTEE AND STAFF.

NEW BUSINESS

8. BUSINESS LICENSE COMMISSION REQUEST: RECOMMENDED ACTION: Direct staff to schedule a study session between the Business License Commission, City Council, and the Planning Commission, to be held as soon as possible.

Anne Browning, Planning Manager, reported that the purpose of the joint study session would be to discuss nightclub standards for the City.

Councilmember Heilman stated that he wanted to see some concrete decisions, and not another meeting with just talking.

ACTION: To schedule the joint study session for Tuesday, January 7, 1992, at 6:00 p.m., to include the entire Planning Commission, as well as City Council and Business License Commission. Motion Land second Heilman. Hearing no objection it was so ordered.

9. APPEAL OF ACTION - APPEAL OF DENIAL OF CREATIVE SIGN PERMIT 91-02 FOR A CREATIVE SIGN IN THE PARKING LOT AREA OF TOWER RECORDS, 8801 SUNSET BLVD., WEST HOLLYWOOD, BY SOLBROOK DISPLAY CORP.: RECOMMENDED ACTION: Deny the appeal by Solbrook Display and uphold the Planning Commission denial of Creative Sign Permit 91-02. THIS ITEM WAS TABLED UNDER APPROVAL OF AGENDA.

10. PROPOSALS FOR STREAMLINING THE PLANNING AND PERMITTING PROCESSES: THIS ITEM WAS PULLED FROM THE AGENDA AT REQUEST OF STAFF.

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.

The following person addressed the Council:

Christian Shea, West Hollywood: Praised the City's public access program. If some other company gets a cable franchise with the City, the City should look to their public access work.

COUNCILMEMBERS COMMENTS: There were no Councilmember comments at


this time.

LEGISLATIVE

11. ORDINANCE RELATING TO GRAFFITI PREVENTION AND REMOVAL:
Councilmember Land gave a brief report on this item.
ACTION: 1) Introduce on first reading Ordinance No. 318, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD RELATING TO GRAFFITI PREVENTION AND REMOVAL AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." 2) Direct appropriate staff of the various cooperating departments and divisions to make reports to the City's Service Request Line regarding properties which have been defaced by graffiti. 3) Direct staff to attach Consent to Enter Onto Property or Premises and Release of Liability forms to Business License Tax reporting forms and Notice of Current Maximum Allowable Rent forms. 4) Instruct staff to return to Council with a report on costs associated with graffiti abatement and the feasibility of apportioning some of those costs to the owners of commercial and private properties. 5) Implementation of the Ordinance is to begin after the effective date of the Ordinance. Motion Land second Heilman. Hearing no objection it was so ordered.

ADJOURNMENT: The meeting was adjourned at 9:50 p.m. in memory of Stan Hadden, to Monday, December 9, at 5:30 p.m., for a closed session in the City Manager's Office, to be followed by a joint study session at 6:30 p.m. with the Public Safety Commission, to discuss the problem of gay bashing.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 16TH DAY OF DECEMBER, 1991.



Mayor

ATTEST:



City Clerk