

**MINUTES
CITY COUNCIL MEETING
MARCH 18, 1991
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

6:00 P.M. - CLOSED SESSION: Mayor Heilman announced that the City Council met in closed session to discuss matters pertaining to litigation, potential litigation and personnel and direction was given to staff.

6:30 P.M. - STUDY SESSION: This time has been set aside for staff to answer questions from Council about Consent Calendar items on the agenda. There was no study session held at this meeting.

7:00 P.M. - REGULAR MEETING

CALL TO ORDER: Mayor Heilman called the meeting to order at 7:20 p.m.

PLEDGE OF ALLEGIANCE: The Pledge was led by Andy Haenfler.

ROLL CALL: PRESENT: Guarriello, Lang, Land, Koretz, Mayor Heilman
ALSO PRESENT: City Manager Brotzman
City Attorney Jenkins

APPROVAL OF AGENDA: Item 2n was tabled; items 2i, o and r were removed for separate discussion. By consensus of the Council.

PROCLAMATIONS AND COMMENDATIONS: Tonight's meeting will be adjourned in memory of Bill Gazzarri. Congratulations to Paul Koretz on the birth of his daughter.

TREASURER'S REPORT: Jonathon Ahearn gave the treasurer's report for the month of February.

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. Mr. Brotzman reported on the delinquent Transient Occupancy Tax, on which the City has collected at least 60% of the total owing. He reported on code enforcement and on the proposal of Beverly Hills to tap the ground water and put in their own treatment plant. He further reported on the computerized service request system in West Hollywood.

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. Comments concerning other items on the agenda are preferred to be heard at the time the item is being considered

during the course of the meeting; however they may be offered at this time if the member of the public cannot be in attendance later in the meeting. The following persons came forward to address the Council:

Jaimie Wolf, Conservation League - Hart Park.
Budd Kops, West Hollywood - water conservation.
Robert Davis, West Hollywood - Condominium case - cost of law suits and purchase of median strip.
Rachelle Sommers Smith, West Hollywood - statement by Carol Ellis animal welfare of kittens/cats.
Ed Riney, West Hollywood - speakers tell which City they live in.
Richard Banta, West Hollywood - commending the city on complaint resolution and prompt attention of the City. Water conservation.
Darlene Butler, West Hollywood - stray cats.
Richard Cederberg, West Hollywood - care of stray cats.
Rev. John Von Douris, West Hollywood - stray cats.
Jeanne Dobrin, West Hollywood - encroachment permit.

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: Approve items 2a, b, c, s, w, f, g, h, j, k, l, m, n, p, q, and s. Motion Guarreillo second Land. Hearing no objection it was so ordered.

a. Posting of Agenda: The agenda for the meeting of March 18, 1991 was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, March 13, 1991.

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

**b. Demand Register No. 192, Resolution No. 821.
Demand Register No. 193, Resolution No. 822.**

ACTION: Approve Demand Register No. 192 and adopt Resolution No. 821, and approve Demand Register No. 193 and adopt Resolution No. 822.
Approved as part of the Consent Calendar.

c. Treasurer's Report - Month Ending February 28, 1991:

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

d. Minutes: March 4, 1991

ACTION: Approve the minutes of March 4, 1991.
Approved as part of the Consent Calendar.

e. Claims: Glenn Bohannan

ACTION: Deny the claim of Glenn Bohannan without comment and refer to the City's Claims Adjustor.
Approved as part of the Consent Calendar.

f. Waiver of Further Reading: **ACTION:** After the City Attorney has read the title of any Ordinance on tonight's agenda,

the further reading thereof be waived.
Approved as part of the Consent Calendar.

g. Approval of Position Specifications: Intern; Lifeguard; Pool Manager; Recreation Aide; Swimming Pool Locker Room Attendant: ACTION: Approve specifications for the temporary positions of Intern, Recreation Aide, Pool Manager, Lifeguard and Swimming Pool Locker Room Attendant.
Approved as part of the Consent Calendar.

h. JFS Contract Extension: ACTION: Authorize the City Manager to execute an amendment to Contract No. C-0066 to continue the Jewish Family Services Transportation Program from April 1, 1991 through September 30, 1991, at a maximum payment of \$75,735.
Approved as part of the Consent Calendar.

i. Proposed Fixed-Route Shuttle Service: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Lucy Dyke gave the staff report and replied to the concerns of Mayor Heilman as to the proposed route and the nighttime discontinuation to the parking lots. ACTION: Table this item for 2 weeks for more work on the demand response system, the route, and nighttime service. Motion Mayor Heilman second Lang. Noting the objection of Guarriello it was so ordered.

j. Request to Solicit Bids for Shuttle Vehicles:
ACTION: Authorize staff to issue vehicle bids for potential city-wide shuttle service. Vehicle type should be a ten passenger, gasoline operated, light duty van with a low step and wheelchair accessibility. The City may lease the vehicles from a municipal leasing firm and sub-lease them to the contractor.
Approved as part of the Consent Calendar.

k. Award of Contract for Business Registration Computer Program: ACTION: Authorize the City Manager to enter into a contract with Tom Rettig Associates for a business registration computer program in an amount not to exceed \$8,000.
Approved as part of the Consent Calendar.

l. Awarding of Contract for Audit Services: ACTION: Award the contract for audit services to Lance, Soll and Lunghard, CPA's, for contract price of \$28,570.
Approved as part of the Consent Calendar.

m. The Annual Audit: ACTION: Accept the audited financial statements for year end June 30, 1990, and receive and file.
Approved as part of the Consent Calendar.

n. Hearing Examiner Job Description and Reclassification:
RECOMMENDED ACTION: Approve the description for the position of Hearing Examiner and the reclassification of that position from GE-15 to GE-16, retroactive to July 1, 1990.
THIS ITEM WAS TABLED ON APPROVAL OF AGENDA.

o. Harris and Associates Task Order for Pavement Management System Update: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Joan English, Director of Transportation gave the staff report and stated this project could be brought in-house but it will be at least 4-6 months after the hiring of the City Engineer. Jeanne Dobrin, West Hollywood, addressed the Council on this item. ACTION: Authorize the City Manager to execute a task order with Harris and Associates for \$11,500 for the update of the Pavement Management System. Motion Guarriello second Lang. Noting the objection of Land it was so ordered.

p. Award of Informal Bid for Purchase of a New Vehicle: ACTION: Award the purchase of one (1) Ford Tempo in the amount of \$9,010.03 to Folsom Lake Ford of Folsom Lake, CA. Appropriate \$9,010.03 from the undesignated general fund balance for this purchase.
Approved as part of the Consent Calendar.

q. Award of Contract for Hart Park Improvements Project - CIP #162: ACTION: Accept the bid dated March 14, 1991, submitted by Jonathan Development Co., Inc. in the amount of \$622,500, in response to contract plans and specifications for the Hart Park Improvements project - CIP #162; reject all other bids; and authorize the City Manager to sign the contract.
Approved as part of the Consent Calendar.

r. Adult Day Health Care Center (CIP #972): REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. The staff report was given by Alan Pyeatt. Jeanne Dobrin spoke to the Council on this item. ACTION: Authorize the City Manager to amend the contract with B.G. Kim Construction, Inc., to increase it by \$13,112.97 and extend the completion date to provide for the change orders. Further, authorize the City Manager to approve incidental change orders not to exceed \$10,000 total, if needed for completion of this renovation. Motion Land second Koretz. Hearing no objection it was so ordered.

s. Temporary Use Permit for Oscar Party at Mondrian Hotel, 8440 Sunset Blvd.: ACTION: Approve the temporary use of the patio for entertainment purposes subject to the following conditions which will be added to the temporary use permit for the event:
1) The volume of the entertainment be lowered at 10:00 p.m. to a level which is acceptable under the Noise Ordinance; 2) Any complaints regarding noise generated by outdoor entertainment after 10:00 p.m. shall be addressed immediately; 3) The sound engineer shall be available to code enforcement prior to, on the day of, and during the event to discuss acceptable sound buffering techniques and location of any speakers and noise concerns; and 4) All entertainment in the patio area shall cease at midnight.
Approved as part of the Consent Calendar.

PUBLIC HEARINGS

3. ADJUSTMENT TO MELROSE/ALMONT NEIGHBORHOOD TRAFFIC PROJECT:

The City Clerk reported that this item was published in the Post Newspaper and posted at the three required places plus at City Hall. Joan English and Mr. Williams gave the staff report and requested that the Council take public testimony and continue this item open to the meeting of April 15, 1991. Mayor Heilman opened the public hearing and the following persons came forward to address the council:

Councilmember Koretz left the meeting at 8:20 p.m.

Jeff Yarbrough, West Hollywood - in favor and also wants speed humps.

Bruce Traub, West Hollywood - Southbound turn on Doheny and Melrose.

Jeff Weaver, West Hollywood - shipments to businesses in alley.

Richard Banta, West Hollywood - support the closing of the alley.

Ron Shipton, West Hollywood - timing, study on temporary cul-de-sac.

Effie Reuveni, West Hollywood - band-aid solution.

Susan Gross, West Hollywood - oppose - business would be landlocked.

Joyce Hundal, West Hollywood - close alley.

Mayor Heilman asked if a review had been done on the cul-de-sac. Director of Transportation replied that it had not and they would like the closure of the alley done prior to the evaluation. Mayor Heilman asked how the closure of the alley would affect the businesses located there. Mr. Williams stated that there was access from the alley and Melrose. ACTION: Continue this hearing open to the meeting of April 15. Direction was given to staff to meet with the business people in the area. By consensus of the Council.

UNFINISHED BUSINESS

4. WESTWEEK PARKING AND CIRCULATION PLAN: Lucy Dyke gave the staff report and replied to questions of Council. The following persons came forward to address the Council:

Bruce Traub, West Hollywood - Have Sheriff's Department put barriers up when streets fill up.

Ron Shipton, West Hollywood - charge money for permits and issue 1C permits only.

Effie Reuveni, West Hollywood - oppose.

Gloria Vassy, West Hollywood - oppose - Wed. & Thurs. street cleaning days.

ACTION: Issue 200 one-day temporary parking permits daily from March 20-22 for the Pacific Design Center to use during Westweek and direct the sheriff to vigorously enforce parking restrictions. Motion Land second Mayor Heilman. Noting the objection of Guariello and the absence of Koretz it was so ordered.

NEW BUSINESS

5. APPEAL OF HEAD START BUILDING IN PLUMMER PARK: The staff report was given by David Amorena, including noticing of the site and the neighborhood. Daphne Dennis reported on the Head Start Program and the investigations on available sites and bussing. PROPOSED ACTION: Table to a later time with a full council. Motion Guarriello. Motion died for lack of a second. The following persons came forward to address the Council:

Tom Larkin, West Hollywood - violation of Prop. B.
Mark Vandervelden, West Hollywood - violation of Prop. B. - put in existing building.
Bruce Traub, West Hollywood - documents into the record on the negative declaration - violation of Prop. B.
Ed Riney, West Hollywood - opposed - violation of Prop. B. - loss of park space.
Jeffrey Prang, West Hollywood Democratic Club - opposed construction in the park.
Marina Kipness, Jewish Family Service, Los Angeles - program important to immigrants.
Robin Sheiner, Los Angeles, Home Safe Child Care - support.
Rachelle Sommers Smith, West Hollywood - violation of Prop B. School does have room for the program and wants it.
Harriet Segal, West Hollywood - taking away park space.
Kim Kralj, West Hollywood - parks for recreation & educational programs.
Lauren Jardine, Los Angeles - support.
Phil Roberts, West Hollywood - Immigrant Resettlement Center - support.
Ruth Egger, Senior Center in Plummer Park - support.
Steven Larson, Attorney, speaking in favor - not in violation of Prop B.
Lester Hirsch, West Hollywood - principal at School would welcome the program.
Rita Garlington & son, West Hollywood - support program & location.

Mayor Heilman called a recess at 9:40 p.m.
The meeting was reconvened at 9:50 p.m.

The following people came forward to address the Council:
Budd Kops, West Hollywood - support Head Start but not in the park. Send back to Planning Commission.

Councilmember Koretz came back to the meeting at 9:53 p.m.

Ron Shipton, West Hollywood - oppose in the park. Has not gone through the proper legal procedures.
Ann Polsky, West Hollywood - support Head Start in the park.
Effie Reuveni, West Hollywood - violation of Prop. B.
Gloria Vassy, West Hollywood - supporter of Prop. B. Head Start is a government program.
Mike Radcliffe, West Hollywood - Head Start is a federal education

program. Do not take the parkland.

Mary Worley, West Hollywood - only 2-3 supervisors for 17 children. Put on public school ground.

Chloe Ross, West Hollywood - support in park.

Mila Tarlo, West Hollywood - Lot of immigrant children in neighborhood and need Head Start in park.

Sofya Ovsovich, West Hollywood - need program (spoke in Russian, Mila translated) new immigrant.

Galina Meteleva, West Hollywood - (spoke in Russian, Helen from Community Service Center translated) new immigrant - Our children are using the program in Plummer Park. It is needed.

Marina Dymont, (Russian, Helen translated) Been here one year. Since the Head Start program, daughter is participating and she is attending school.

Michael Babich, West Hollywood - Recent immigrant - Head Start is important to his family.

Wanda James, Pasadena - Director of Head Start Program in Plummer Park.

Ron Garner, Los Angeles - served on Strategic Planning Committee for Social Services. Need Head Start.

Stan Lothridge, West Hollywood - oppose - site at Hammond Street School.

Carole Hossan, West Hollywood - support Head Start in Plummer Park.

Joanne Leipzig, Los Angeles - teacher at Head Start.

Elisabeth Burns, West Hollywood - support at the park.

Michaeljohn Horne, West Hollywood - support

Robert Davis, West Hollwood - West Hollywood Republican Club - oppose.

Helen Levin, Director, West Hollywood Community Center - should be in the park.

Tad Bright, West Hollywood - Eastend Community Action - high crime area.

Norman Chramoff, West Hollywood - oppose, violation of Prop. B.

Helen Albert, West Hollywood - ordinary & customary use of park.

Joyce Hundal, West Hollywood - support - parks are for children.

Christina Babst, West Hollywood - take program to the school.

Rita Guarriello, West Hollywood - government of the people.

Sandra Jacoby Klein, West Hollywood - support Head Start in park.

Rev. John Von Douris, West Hollywood - stabilize the area and take care of the disabled first.

Ralph Feeley, West Hollywood - great program but the issue is greenspace. Put it in a building that is already there.

Ron Goins, West Hollywood - leave the program in Long Hall.

Goldie Kahn, West Hollywood - bottom line is the children.

Mark Vandervalden - rebutal - Can't take any more green space for buildings - Prop B is the law.

Tom Larkin - the issue is that Prop B is the law. The City needs Head Start and it belongs at the school.

No one else coming forward to speak, Mayor Heilman closed the public hearing and returned this item to the Council for discussion. Councilmember Guarriello stated he is not against the program or children and the discussion should center on the

building in the park.

Councilmember Lang asked about renovation of Long Hall - Lloyd Long replied that it would be expensive and would cost the City funding.

Council asked questions about the availability of the school location and Daphne Dennis answered for staff.

City Attorney Jenkins stated that it was his opinion in the staff report, not that of any of the Councilmembers or staff. It is not a black and white issue with lots of case law. It is a balanced opinion and is up to the Council to make a decision based on all of the evidence. What is disappointing is just how low people will go in challenging an issue.

Councilmember Koretz stated that he had watched all of the testimony on TV while he was home checking on his family. He is in favor of Head Start and it being located at the park but he feels it violates the law.

Councilmember Land and Mayor Heilman feel this is not in violation of the law and is consistent with the intent of Prop B.

ACTION: Deny the appeal and uphold the Planning Commission's approval of the request subject to the findings and conditions of the proposed resolution, and to adopt Resolution No. 823, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL OF AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF DEVELOPMENT PERMIT 90-49 AND A NEGATIVE DECLARATION ON AN APPLICATION OF THE CITY OF WEST HOLLYWOOD HUMAN SERVICES DEPARTMENT TO PERMIT THE CONSTRUCTION OF A TEMPORARY CLASSROOM BUILDING FOR THE HEAD START PROGRAM IN PLUMMER PARK, 7377 SANTA MONICA BOULEVARD, WEST HOLLYWOOD". Motion Land second Lang.

AYES: Lang, Land, Mayor Heilman

NOES: Guarriello, Koretz

Motion carried.

FURTHER ACTION: Approve the Negative Declaration. Motion Land second Lang.

AYES: Lang, Land, Mayor Heilman

NOES: Guarriello, Koretz.

Motion carried.

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 persons came forward to address the City Council:

Mrs. Geller, West Hollywood - animals

Stan Lothridge, West Hollywood - development on Rugby.

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

Councilmember Land reported on Lt. Governor Leo McCarthy's hearings on hate crimes and asked about the time frames for removal of pay phones on Santa Monica Boulevard. Mayor Heilman announced that the amnesty program is almost up. Councilmember Koretz felt that it is a confusing program and they may need to extend it and clarify the program. Mayor Heilman asked staff to get information out to people on the earned income credit.

LEGISLATIVE

6. ANIMAL CONTROL ORDINANCE: The following persons spoke: Jeanne Dobrin, West Hollywood -support
Rev. John Von Douris, West Hollywood - disabled issues
ACTION: To introduce on first reading Ordinance No. 288, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING BY REFERENCE TITLE 10, ANIMALS, OF THE LOS ANGELES COUNTY CODE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE," and to instruct the City Clerk to advertise as a public hearing for April 1, 1991.
Motion Land second Guarriello. Hearing no objection it was so ordered.

7. AMENDMENTS TO BUSINESS LICENSE ORDINANCE: Anne Browning gave the staff report. Jeanne Dobrin spoke to the Council.
ACTION: Introduce on first reading Ordinance No. 289, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD RELATING TO BUSINESS LICENSE REGISTRATION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE" with change on page 2, delete, "Rent Controlled" and add "permitted" home occupations. Motion Mayor Heilman second Land. Hearing no objection it was so ordered.
FURTHER ACTION: Introduce on first reading Ordinance No. 290, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD RELATING TO SPECIAL EVENTS PEDDLERS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE", Motion Mayor Heilman second Land. Hearing no objection it was so ordered.

CLOSED SESSION: This time has been set aside in the event that further time is needed for discussion concerning litigation, potential litigation, and/or personnel. Mayor Heilman adjourned at 11:45 p.m. to a closed session to discuss a matter of potential litigation, during which time direction was given to staff.

The meeting was reconvened at 11:50 p.m. and adjourned in memory of Bill Gazzari to a regular adjourned meeting on April 1, 1991, at West Hollywood Park at 6:00 p.m. for a closed session - regular meeting at 7:00 p.m.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 1ST DAY OF APRIL, 1991.


MAYOR

ATTEST:


CITY CLERK