

**MINUTES
CITY COUNCIL MEETING
OCTOBER 1, 1990
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

5:30 - 6:30 P.M.: STUDY SESSION ON PROPOSED 1990-95 CAPITAL IMPROVEMENT PROGRAM AND DRAFT 1990-91 CAPITAL IMPROVEMENT BUDGET.

Mayor Heilman called the study session to order at 5:40 P.M. Kay Jimno, Director of Administrative Services, gave the staff report. Discussion was held and the City Manager requested that the Council give direction on specific items listed on this year's (FY 90-91) projected CIP budget, which was everything in the General Fund column except for 4.4 million debt service on City Hall (projected for future). Councilmember Land stated she would like to see the landscaping/irrigation at the Werle Building reduced from \$75,000 to \$35,000, would like to see a breakdown on lighting and sound equipment at Fiesta Hall, and would like to move ahead on the Fire Station. Councilmember Koretz stated he would like to see Fiesta Hall Improvements removed and then fund the playground and pool improvements out of special funds. Mayor Heilman directed the City Manager to meet with council members individually and then bring this item back to the Council in a month or two for definite decisions on the 5-year budget. The Council stated that a night should be set aside just for this item.

The study session was adjourned at 6:30 P.M. to a closed session.

6:30 P.M.: DINNER BREAK/CLOSED SESSION: This time was set aside for the City Council to meet in closed session to discuss matters pertaining to litigation, potential litigation, personnel, and/or claims.

Upon return to the auditorium, Mayor Heilman announced that they had discussed matters pertaining to litigation, potential litigation, personnel and claims.

ACTION: Approve the claim of Kathy Jean MacLeavy, and upon signing a mutual release of no liability, issue a warrant in the amount of \$300.00; and approve the claim of Gerald L. Ropiequet and, upon signing a mutual release of no liability, issue a warrant in the amount of \$325.00. Motion Land second Heilman. Hearing no objection and noting the absence of Lang, it was so ordered.

7:00 P.M. - REGULAR MEETING:

CALL TO ORDER: Mayor Heilman called the meeting to order at 7:15 P.M. Since many people were in attendance for the item

on the Business License/Admissions Tax and were carrying placards and signs, Mayor Heilman requested that all signs be kept in the rear of the room.

PLEDGE OF ALLEGIANCE: The Pledge was led by Lucy Dyke.

ROLL CALL: PPRESENT: Guarriello, Land, Koretz
Mayor Heilman

ABSENT: Lang

ALSO PRESENT: Ciy Manager Brotzmn
City Attorney Jenkins

APPROVAL OF AGENDA: Item 2q tabled for 2 weeks. Item 8 tabled at request of staff. Item 2k was removed for separate discussion. Move item 5 to immediately following the Consent Calendar. By consensus of the Council.

PROCLAMATIONS AND COMMENDATIONS:

Mayor Heilman introduced Chinese scholar, Chen Shu King, who is visiting in West Hollywood.

October - AIDS Awareness Month

Presentations to former Rent Stabilization Commissioners:

Trudy Lesser

Woody McBreairty

Gerda Spiegler

Babette Lang

Ruth Williams

Andrew Hirsch

Sal Guarriello

Bill Carey

Robert Switzer

Lesbian Visibility Week Presentations:

Ginny Fout

Vicky Stanridge

Ariel Penn

Carol Fulton

Degania Golove

Kim Kralj

Lisa Powell

Denise McKenna

Kim Holtzer

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 Council:

Thomas Crail, here to speak on item 5.

Gloria Vassy, West Hollywood - Card club initiative

Norman Chramoff, West Hollywood - funds for seniors

Jeanne Dobrin, West Hollywood - outdoor dining obstructing the sidewalks -
Michael Sidler, West Hollywood - division of sleeping areas for Homeless shelter; card club; and 7-11 Resolution.
Jim Kazakos, West Hollywood - Hilldale/Hammond; permits for Sunset Boulevard employees.
Bruce Traub, West Hollywood - financial position of the City.
K.C. Hunter, Guild - B.B.S. on Women's issues - would like to inform the public of their existence by use of the public TV Channels.
Ed Riney, West Hollywood - police protection on East side; 7-11 Resolution.

1. 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.

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, d, e, f, g, h, i, j, l, m, n, o, p and r. Motion Koretz second Land. Hearing no objection and noting the absence of Lang, it was so ordered.

a. Posting of Agenda: The agenda for the meeting of Monday, October 1, 1990 was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, September 26, 1990.

ACTION: Receive and file.

Approved as part of the Consent Calendar.

**b. Demand Register No. 167, Resolution No. 752.
Demand Register No. 168, Resolution No. 753.**

ACTION: Approve Demand Register No. 167 and adopt Resolution No. 752, and approve Demand Register No. 168 and adopt Resolution No. 753.

Approved as part of the Consent Calendar.

c. Treasurer's Report: The Treasurer's Report will be submitted at the October 15th Council Meeting.

d. Minutes: September 17, 1990.

ACTION: Approve the minutes of September 17, 1990.

Approved as part of the Consent Calendar.

e. Claims: Kathy Jean MacLeay
Jose Brambela
Gregory J. Sneed
Gerald L. Ropiequet
Leon Ozeran
Potlatch Corporation and Simpson Paper Co.

ACTION: To deny the claims of Jose Brambela, Gregory J. Sneed, Leon Ozeran, and Potlatch Corporation and Simpson Paper Company without comment and refer to the City's claims adjustor.
Approved as part of the Consent Calendar.

To remove the claims of Kathy Jean MacLeay and Gerald L. Ropiequet from the Consent Calendar and move into closed session for further discussion. These claims were approved on return from closed session.

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 Contract with Anne Svoboda for Professional Services: Norman Chramoff addressed the Council on this item.

ACTION: Authorize the City Manager to enter into a contract not to exceed \$11,165 with Anne Svoboda to perform a review of the parking enforcement operations of the Sheriff's Department. Appropriate \$11,165 from Parking Fund Balance to account 83-820-54-700.

Approved as part of the Consent Calendar.

h. Notice of Completion - Plummer Park Garage (CIP #967):
ACTION: Accept the Plummer Park Maintenance Garage and authorize the following:

- 1) Filing of a Notice of Completion by the Director of Public Works;
- 2) Final payment at the end of the 35-day lien period;
- 3) Release of the Performance bond and Material bond.

Approved as part of the Consent Calendar.

i. Approval of Job Descriptions - Department of Human Services: **ACTION:** Approve descriptions for the positions of Lead Program Specialist, Social Services Program Specialist, and Social Services Program Specialist/Senior Services.

Approved as part of the Consent Calendar.

j. Approval of Agreement - Director of Community Development Executive Search - Shannon Associates:

ACTION: Approve the firm of Shannon and Associates to conduct a nationwide search to fill the Director of Community Development position; authorize the City Manager to sign the agreement, and appropriate \$17,000 from General Fund Balance to Human Resources Recruitment (Account 01-220-46-602).

Approved as part of the Consent Calendar.

k. Approval of Contract Specifications for City-Wide Street Tree Services, and Advertise for Bids:

REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY.
ACTION: Approve contract specifications for the City-Wide

Street Tree Services Contract: 1991, 1992, 1993 (A.I.P. #044) and authorize the City Clerk to advertise for bids. Subject to City Attorney approval. Motion Koretz second Land. Hearing no objection and noting the absence of Lang, it was so ordered.

l. Accept the Lowest Responsible Bid for the Santa Monica Blvd. Median Landscaping Project: ACTION: Reject all bids received in response to plans and specifications for the Santa Monica Blvd. Median Landscaping Project (CIP #142) and authorize the City Clerk to readvertise for bids. Approved as part of the Consent Calendar.

m. Newsrack Ordinance: ACTION: To adopt on second reading Ordinance No. 272: "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING THE PLACEMENT AND OPERATION OF NEWS RACKS IN THE PUBLIC RIGHT-OF-WAY AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.

n. Transmittal of Draft Transitional Analysis of Metro Rail Orange Line Western Extension: ACTION: Receive and file. Approved as part of the Consent Calendar.

o. Extension of Contract - J.F.S. Transportation Service: ACTION: Approve the amendment to Contract No. C-0066 to continue the Jewish Family Services Transportation program from October 1, 1990 through March 31, 1990. The Maximum payment by West Hollywood for this period will be \$75,735. Approved as part of the Consent Calendar.

p. Wao Kele 'O Puna Rain Forest: ACTION: Approve and adopt Resolution No. 755, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE PRESERVATION OF THE WAO KELE 'O PUNA RAIN FOREST AND SENATE JOINT RESOLUTION NO. 75." Approved as part of the Consent Calendar.

q. Resolution Approving CUP 90-08, 7-11 Store, Sale of Alcoholic Beverages: RECOMMENDED ACTION: To adopt Resolution No. 754, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING CONDITIONAL USE PERMIT 90-08, ON APPLICATION OF THE SOUTHLAND CORPORATION, DBA 7-11 STORE 2132-24131, FOR APPROVAL FOR THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION ON PROPERTY LOCATED AT 7609 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." City Attorney Jenkins stated that the public hearing has been held and any discussion tonight could only be on the Resolution before the Council.

The following persons addressed the Council:
Fred Mashian, West Hollywood - sale of single bottles or cans of beer.

Chris Renly, West Hollywood - opposed to sale of alcohol at this location.

Paul Tan, S & S Liquor - false statements made against him.

Florentina Balon, West Hollywood - opposed.

Adolph Webber, West Hollywood - opposed.

Aaron Shavit, West Hollywood - opposed.

Ed Riney, West Hollywood - reconsider.

TABLED FOR 2 WEEKS AT REQUEST OF CITY ATTORNEY.

r. City Sponsorship of Joint U.S.-U.S.S.R. Architectural Exhibit: ACTION: To adopt Resolution No. 756, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING ITS SUPPORT FOR AND CO-SPONSORSHIP OF "THE SOCIALLY RESPONSIBLE ENVIRONMENT: USA/USSR, 1980-1990."
Approved as part of the Consent Calendar.

HEARING ON APPEAL

3. HEARING ON APPEAL REGARDING THE DENIAL OF A DANCE BUSINESS LICENSE BY 9229 SUNSET RESTAURANT CORPORATION DBA BAR ONE, 9229 SUNSET BLVD.: The City Clerk reported on noticing for this hearing and Bill Meeker, Community Development Department, gave the staff report and stated that this is a hearing on the record, the City Council will hear only new evidence which could not have been presented previously and the appellant had submitted new evidence. Councilmember Guarriello asked why the Council had not been supplied with a copy of the floor plan. Mayor Heilman asked the Council about what they wish to do on the submittal of additional, new evidence.

ACTION: Accept the letter dated August 20, 1990, from Sterling Parking Services, dealing with the changes in the parking situation. Motion Koretz second Land. AYES: Land, Koretz, Mayor Heilman

ABSENT: Lang

ABSTAIN: Guarriello

Motion carried.

ACTION: Admit the decision and letter from the Alcohol Beverage Control, dated August 30, 1990 and June 22, 1990, respectively. Motion Land second Koretz.

AYES: Land, Koretz, Heilman

NOES: Guarriello

ABSENT: Lang

Motion carried.

ACTION: Admit letters dated September 25, 1990, from the County of Los Angeles Fire Department on occupancy limit; Jom Construction, Inc., dated September 17, 1989, and Anthony Saitta, dated September 15, 1990, on size of dance floor. Motion Koretz second Guarriello. Hearing no objection and noting the absence of Lang, it was so ordered.

ACTION: Admit testimony about the security and noise

mitigation measures instituted since the July hearing. Motion Heilman second Koretz. Noting the objection of Land and the absence of Lang, it was so ordered.

On the question of whether to admit evidence on the information staff had supplied to the applicant, the following action was taken:

ACTION: Stipulate that some information given to the applicant by City staff was incorrect. Motion Heilman second Koretz. Hearing no objection and noting the absence of Lang, it was so ordered.

ACTION: Admit the new evidence by Luckman Development. Motion Land second Koretz. Hearing no objection and noting the absence of Lang, it was so ordered.

A magazine article was presented this evening from the Beverly Hills 1-2-3, by Jeanne Dobrin. Mr. Lehman reviewed the article and consented that it could be heard. ACTION: Admit the article as evidence. Motion Land second Koretz. Hearing no objection and noting the absence of Lang, it was so ordered.

Mark Lehman, representing Bar One, addressed the Council concerning the above items, and also presented a letter from the neighbors in Sierra Towers.

Marc Benecke, partner in Bar One addressed the Council. The Councilmembers questioned him concerning parking and security.

Philip Bartenetti, Luckman Management Company, addressed the Council on the conviction of Mr. Sotto and questioned conditions No. 3 and No. 4. He requested that this case be remanded back to the Business License Commission for a re-hearing.

Jeanne Dobrin, West Hollywood, spoke about possible crime family connections and waiting on the dance license until such time as Mr. Scotto has disassociated from Bar One.

Jim Kazakos, West Hollywood, character witness.

Sandy Stone, Sierra Towers, West Hollywood, spoke about review of conditions in case the license is granted. He felt they had made an effort to address the neighbors' concerns.

Mr. Lehman gave the rebuttal.

Council discussion was held during which time questions were asked of the applicants and staff. Mayor Heilman closed the Public Hearing.

ACTION: Approve the Dance Business License for Bar One, in

concept, with the following conditions: 1) That all parking for Bar One be on-site; 2) That no entertainment activities take place at Bar One unless and until an Entertainment Business License is granted; 3) That the Alcoholic Beverage Control Board and the City be contacted by the applicant in the event that any activities are held at Bar One that are not open to the general public; 4) That Bar One submit documentation to staff confirming the updated status of the ABC license 180 days from the August 30, 1990 decision of the ABC (November 28, 1990); 5) That Bar One provide staff with updated information by November 28, 1990 of any and all changes in the ownership of the business; 6) That a queuing area be established in front, with clearly defined area and line; 7) Admittance be first come, first serve, except if patrons have reservations; 8) Security be maintained in the surrounding area; 9) There will be a 6 month review period; 10) Divestiture by Mr. Scotto by 2/26/91, if not, license is to be revoked; and Dance hours shall be 9 to 2. Staff to return with the appropriate resolution. Motion Guarriello second Koretz.

AYES: Guarriello, Land, Koretz, Mayor Heilman

ABSENT: Lang

Motion carried.

PUBLIC HEARINGS

4. BUSINESS IMPROVEMENT AREA - ASSESSMENT DISTRICT:

The City Clerk reported on noticing and Debbie Potter gave the staff report. Mayor Heilman opened the public hearing and the following persons came forward to address the Council.

Michael Sidler, West Hollywood

Catherine Stribling, West Hollywood

No one else coming forward to speak, Mayor Heilman closed the public hearing. ACTION: Adopt Resolution No. 758, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONFIRMING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 1990-91 AND LEVYING A CHARGE IN CONNECTION WITH THE WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA FOR FISCAL YEAR 1990-91." Motion Land second Koretz. Hearing no objection and noting the absence of Lang, it was so ordered.

5. BUSINESS LICENSE/ADMISSIONS TAX: This item was heard immediately following the Consent Calendar but is listed here for clarity. City Manager Brotzman gave a report in answer to Council questions. Mayor Heilman opened the public hearing and the following persons came forward to address the Council in opposition to the taxes, or filled out slips in opposition:

Mary Ann McClintock

Michael Niemeyer

Steve Sharp - pass

Sandy Sachs, Revolver,

Norman Hammer,

George Drew - pass

David Lopez, West Hollywood
Sandy Brunner, employee of Roxy,
Lupe Hurtado - pass
Jeff Felce - pass
Ed Riney, West Hollywood -
Jim Kazakos, Hard Times Pizza
Jim Koran - pass
Norman Chramoff, West Hollywood -
Macey Lipman - pass
Fred Mashion, Small Business Council
Scott Randall
Ron Mahoney
Gary Schooley
Frank Amador
Robert Davis
Patrick Rous
Warren Fremarine
Ginny Foat
Pamela Genevrino
Brent A. Huffman
Cole Bang-Chipman
Allen Cavise
Kelly Mahon
Lou Lacasella, Mayfair Market
Robert Goldsmith, Carolco Productions
John Pohle
Karen Vampa
Orestes Hernandez, D.C.
Susan Morris
Bob Pohle, Fastframe of West Hollywood
Joel Aschendorf, The Sports Connection
Fred Vanacore
Jerald Lertzman
Spencer Howard, Carolco Productions
Sheryl Olson
Marti Harlow
Robert P. Zinns
Richard Settle
Budd Kops
Tad Bright, Eastend Community Action
Michael Sidler
Mark Lehman, Chamber of Commerce resolution -
Bill Woodbridge,
Bruce Traub
Mike Radcliffe
Gloria Vassy
J. L. Frohman
Diane Stata
Allison Crilly
Megan Moloney, Roxy
Charlie Mercer, Sunset Strip Owners Assn.,
Randy Newell,
Robin Gans, Pass

Steve LaRock
Thomas Crail, Ex. Dir. Chamber of Commerce
Michael Tyree
Robert Snow
Robin Tyler
Saul Sufron, Print shop owner
Howard Gottlieb, The Palms,

This item will be returned to the agenda of October 15, 1990 for discussion and action.

Mayor Heilman called a recess at 8:55 p.m.

The meeting was reconvened at 9:10 p.m.

6. FEE RESOLUTION: ACTION: Mayor Heilman opened the public hearing and continued it open to the meeting of October 15, 1990, at request of staff.

UNFINISHED BUSINESS

7. WERLE BUILDING LANDSCAPING PROJECT: (Tabled from September 17.) This Item was continued to October 15, 1990.

8. ART IN PUBLIC PLACES: RECOMMENDED ACTION: 1) Introduce on first reading Ordinance No. ____, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REQUIRING CERTAIN DEVELOPMENTS TO INCLUDE URBAN ART; 2) Adopt Resolution No. ____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SETTING FORTH REQUIREMENTS, GUIDELINES AND PROCEDURES FOR INSTALLING URBAN ART REQUIRED BY CHAPTER 9500 OF ARTICLE IX OF THE WEST HOLLYWOOD MUNICIPAL CODE."
Tabled at request of staff.

NEW BUSINESS

9. REQUEST TO CHANGE THE PUBLIC FACILITIES BOARD TO THE PUBLIC FACILITIES COMMISSION: Bruce Traub read a letter from Ethel Shapiro. **RECOMMENDED ACTION:** The recommendation was that the City Council select one of the following alternatives: 1) Give direction to the City Clerk to prepare an Ordinance amending the Municipal Code to upgrade the Public Facilities Board to the Public Facilities Commission; 2) Defer any decision until the report on the reorganization of the Public Works Department has been presented to the City Council; 3) Deny the request and make no recommendation.

PROPOSED ACTION: Adopt option No. 1. Motion Guarriello second Koretz.

AYES: Guarriello, Koretz

NOES: Land, Heilman

ABSENT: Lang

Motion failed

PROPOSED ACTION: Adopt option No. 2. Motion Heilman second Land.

AYES: Land, Heilman

NOES: Guarriello, Koretz

Motion failed

10. ENVIRONMENTAL TASK FORCE - APPOINTMENTS: Jeanne Dobrin addressed the Council on this item. ACTION: 1) Appoint the following five at-large members to the Environmental Task Force: Andrew Lopez, Robert S. Nicksin, Terence Young, Joan Ranquet, and Judith A. Wenker; 2) Confirm the merger of the Environmental Task Force with the Recycling Task Force; and 3) Extend the operations of the Environmental Task Force for one year. By consensus of the Council.

Mayor Heilman stated he would like staff to coordinate a study session or retreat for the Task Force so staff can work with them to develop their work plan and goals.

11. APPROVAL OF RFP FOR CONSULTING SERVICES TO ASSIST WITH PREPARATION OF STATE MANDATED WASTE STUDY AND RECYCLING PLAN: Staff report was given by Kevin Hendrick. ACTION: Authorize staff to solicit proposals and to hire a consulting firm to assist with the preparation of the plan required by AB 939 at a cost estimated at \$60,000 - \$100,000. Council is requested to appropriate this money from fund 50 (Solid Waste unappropriated fund balance) to the contract services line 50-78--54-701. Motion Land second Koretz. Hearing no objection and noting the absence of Lang, it was so ordered.

12. MAINTENANCE MANAGEMENT PLAN (PARK, STREETScape AND BUILDING MAINTENANCE) - RALPH ANDERSEN & ASSOC.:

Cyndy Holtz gave the staff report and Michael Sidler spoke to the Council on this item. ACTION: Appropriate \$34,800 from the General Fund Balance to the Public Works Administration Division (account #01-700-54-700) Operating Budget for the Maintenance Management Plan; authorize staff to proceed with the Plan; and authorize the City Manager to enter into a contract with Ralph Andersen & Associates in an amount not to exceed \$34,800 for the Maintenance Management Plan. Motion Land second Guarriello.

AYES: Land, Guarriello, Mayor Heilman.

NOES: Koretz.

13. SELECTION OF VOTING DELEGATE AND ALTERNATE TO ANNUAL CONGRESS OF CITIES, DECEMBER 1-5, 1990, HOUSTON, TEXAS:

RECOMMENDED ACTION: Choose one member of the City Council to serve as Voting Delegate and one member to serve as Alternate Voting Delegate to the Annual Congress of Cities and direct staff to complete the necessary paperwork and send it to the National League of Cities by October 12, 1990. Mayor Heilman voting delegate, Abbe Land, alternate. By consensus of the Council.

CITIZEN COMMENTS: This time has been set aside for the public to address the Council on any item of interest except for the Public Hearings. The following persons addressed the Council: Harriett Siegel, West Hollywood - review establishments on the Sunset strip
Lester Hirsch, West Hollywood - annual review of club licenses.
Rochelle Sommers-Smith, West Hollywood - yearly review of entertainment licenses.
Jeanne Dobrin, West Hollywood - review of licenses.

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.

Mayor Heilman announced that the zoning ordinance study sessions will be October 8 and October 29 at 6:00 p.m., at West Hollywood Park Auditorium.

ADJOURNMENT The meeting was adjourned at 11:30 p.m. to the Strategic Planning meeting on October 6, 1990 at 9:00 a.m. at the Pacific Design Center, and then to the zoning ordinance study session on October 8, 1990 at West Hollywood Park.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 15TH DAY OF OCTOBER, 1990.


MAYOR

ATTEST:


CITY CLERK