

**MINUTES
CITY COUNCIL MEETING
JANUARY 16, 1990
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD
7:00 P.M.**

CALL TO ORDER: Mayor Land called the meeting to order at 7:12 P.M.

PLEDGE OF ALLEGIANCE: The Pledge was led by Harriet Segal

ROLL CALL: PRESENT: Albert, Heilman, Schulte, Koretz,
Mayor Land

ABSENT: None

ALSO PRESENT: City Manager Brotzman
City Attorney Jenkins

APPROVAL OF AGENDA: ACTION: To approve placing an urgency item, which came up after the 72 hour posting requirement was past, "Amendment to the Regulatory Agreement - Harper Avenue Partners", on the agenda immediately following the consent calendar. Motion Schulte second Heilman. Hearing no objection it was so ordered.

FURTHER ACTION: Hold Item 9 to the end of the agenda following closed session and remove items 2g, 2h, 2i, 2j and 2l from the consent calendar for discussion. Item 2f, hold No. 1 and approve No. 2. Motion Koretz second Heilman. Hearing no objection it was so ordered.

PROCLAMATIONS AND COMMENDATIONS: Family Day Care Provider Program Class Certificates to Inez Cowen, Cindy Lucero, Shahin Benyamini, Wanda Geologo and Paula DeMoss.

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. Mr. Brotzman reported on the Earthquake Preparedness program that several City staff attended last week.

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 and the Development Specialist II on item f, and Item 2k. Motion Schulte second Heilman. Hearing no objection it was so ordered.

a. Posting of Agenda: The agenda for the meeting of January 16, 1990, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, January 10, 1990.

ACTION: Receive and file.

Approved as part of the Consent Calendar.

- b. **Demand Register No. 129, Resolution No. 638.**
Demand Register No. 130, Resolution No. 642.
Demand Register No. 131, Resolution No. 643.

ACTION: Approve Demand Register No. 129 and adopt Resolution No. 638; approve Demand Register No. 130 and adopt Resolution No. 642; and approve Demand Register No. 131 and adopt Resolution No. 643. Approved as part of the Consent Calendar.

- c. **Minutes: December 4, 1989**

ACTION: Approve the minutes of December 4, 1989. Approved as part of the Consent Calendar.

- d. **Claims: Emillie Emanuele**
Rose Gothard
Mariposa Landscape, Inc.

ACTION: Deny 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. **Approval of Job Descriptions: Programmer Analyst and Development Specialist II:** RECOMMENDED ACTION: It is recommended that 1) the position specification for Programmer Analyst be approved with a salary range of GEU-13 attached and 2) the position specification for Development Specialist II be approved with the salary range of GEU-11. It is further recommended that 3) the current position specification for Housing Specialist be eliminated with the vacation of the position by the incumbent and that the Development Specialist II replace this classification in the current Community Development Department budget.

ACTION ON APPROVAL OF AGENDA: Table the Programmer Analyst; approve the Development Specialist II and salary range and the elimination of Housing Specialist.

Approved as part of the Consent Calendar.

- g. **Emergency Homeless Shelter Engineering Design Contract - David Taubman and Associates, Inc. - for Seismic Corrections, 1033 N. La Brea:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. John Given reported that the written amount of the contract on page 5 should read, nineteen thousand five hundred dollars. ACTION: To approve the final Agreement for Structural Engineering Design Services between the City of West Hollywood and David Taubman and Associates, Inc., as corrected. Motion Heilman second Schulte. Hearing no objection it was so ordered.

- h. **Barney's Beanery - Resolution of Approval for D.P. 87-58:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: To approve and adopt Resolution No. 632, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD

APPROVING DEVELOPMENT PERMIT 87-58 ON AN APPLICATION OF CENTRAL BEER DISTRIBUTING COMPANY d/b/a/ BARNEY'S BEANERY TO PERMIT THE EXPANSION OF AN EXISTING RESTAURANT, CONSTRUCTION AND OPERATION OF A BREW-PUB AND CONSTRUCTION OF A PARKING GARAGE AT 8447 SANTA MONICA BOULEVARD, WEST HOLLYWOOD." Motion Hielman second Albert. Noting the no vote of Mayor Land and the abstention of Koretz, it was so ordered.

i. Adoption of Resolution No. 644, Amending Resolution No. 184, Inclusionary Zoning Program Waiting List: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Councilmember Heilman asked if staff had considered special consideration for the handicapped and people with AIDS, and requested that information be brought back to the Council. ACTION: To approve and adopt Resolution No. 644, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE WAITING LIST FOR THE INCLUSIONARY ZONING PROGRAM." Motion Heilman second Schulte. Hearing no objection it was so ordered.

j. Resolution No. 645, Amending Resolution No. 594, Providing for Tow-Away of Vehicles: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. This Resolution amends Resolution No. 594 by adding portions of four streets as tow-away zones (Shoreham, Hilldale, Phyllis, Harratt). The City Attorney supplied the Council with a revised version of this resolution. ACTION: To approve and adopt the revised version of Resolution No. 645, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD PROVIDING FOR TOW-AWAY OF VEHICLES IN PREFERENTIAL PERMIT PARKING DISTRICTS PURSUANT TO VEHICLE CODE SECTION 22651 (N)." Motion Heilman second Albert. Hearing no objection it was so ordered.

k. Parcel Map #15582 - PACIFIC DESIGN CENTER - 8687 MELROSE AVENUE: ACTION: To approve Parcel Map #15582 and direct staff to record the parcel map with the County Recorder's Office." Approved as part of the Consent Calendar.

l. Fountain Ave. West of Havenhurst Drive at Fount-Haven Apartments - Request to Eliminate Parking: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: To approve Resolution NO. 649, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD PROHIBITING PARKING ON A PORTION OF FOUNTAIN AVENUE WEST OF HAVENHURST DRIVE". Motion Schulte second Albert. Hearing no objection it was so ordered.

m. Second Amendment to regulatory agreement with Harper Avenue Partners (West Hollywood Community Housing Corp.) and a modification to the promissory note and to the deed of trust. This item was added under approval of agenda as an urgency item and Debbie Potter gave the staff report. ACTION: Approve the amendment to the regulatory agreement and the modification to the promissory note and the deed of trust. Motion Heilman second Albert. Hearing no objection it was so ordered.

BUSINESS LICENSE APPEALS BOARD HEARING

3. HEARING ON APPEAL: EDWIN, JIM AND SAKAE SUEYOSHI DBA OKI DOB, 7450 SANTA MONICA BLVD., FOR THE DECISION BY THE BUSINESS LICENSE COMMISSION TO REVOKE THE PUBLIC EATING BUSINESS LICENSE: Corey Roskin reported that staff recommends that the City Council uphold staff's original recommendation:

1) that the Public Eating business license for Oki Dog be suspended for a period of 60 days; 2) that Oki Dog correct all zoning and building and safety violations within thirty days; 3) that the hours of operation for Oki Dog be limited from 7:00 a.m. - 2:00 a.m. daily; 4) that a security guard be hired by the owners of Oki Dog to guard the lot from 6:00 p.m. - 2:00 a.m. daily; 5) if the above conditions are not met to the satisfaction of the Director of Community Development, the license shall be revoked in sixty days; 6) that the Public Eating business license be brought back to the Business License Commission for review in six months.

Councilmember Heilman asked if any written material had been submitted by the applicant as well as their request to submit additional testimony. No written documents have been received. The City Attorney reported for the record, that Council has received the full record, in writing, of the proceedings before the Business License Commission, and that record consists of the following:

A verbatim transcription of the Business License Commission proceeding;

All of the exhibits and documents that were submitted into that proceeding;

Police reports; and,

Admission into the record that Council has taken notice of the prior action filed by the County against Oki Dog, for the limited purpose of demonstrating that problems similar to those raised in the Business License Commission proceeding were raised several years ago by the County, against the same owners, and the parties were on notice about the complaints.

Mayor Land called on Mr. Louis Bernstein, attorney for Oki Dog, to speak to their request to be allowed to submit new evidence, which is only admissible if it was not available at the time of the hearing in front of the Business License Commission.

After Mr. Bernstein's argument for new evidence to be admitted, the City Attorney reported that, on January 2, the City Council decided to consider this matter on appeal on the basis of the record. The appellant was accorded the opportunity to provide us notice of new evidence by January 8, the agenda deadline. In fact, a written request for new evidence was submitted. That written request was substantially similar to the request that Mr. Bernstein has made this evening. Were it the case that there was significant new evidence that could not have been presented before the Business License Commission, and in fact, which might have influenced the outcome of their decision, and not simply evidence

of post-decision corrections or post-decision plans, but in fact matters that for reasons beyond the control of the appellant could not have been submitted because evidence had been fraudulantly concealed or for some other similar reason was simply not available and is sufficiently material that it would have effected the outcome - if Mr. Bernstein had evidence of that type and was announcing it for the first time here this evening I might be inclined to recommend to the Council that they waive their preimposed deadline of January 8 and permit the receipt of that evidence. Also, at it's January 2nd meeting, Council gave until January 11th for the appellant to provide written argument based on the record - so there was an additional number of days, until January 11th, for written argument to be made. Once again, if written argument had been submitted this evening, in addition to oral argument, which you are going to hear next, I would recommend that the Council receive it. I don't know if there is written argument on the record, but if there is you may wish to receive it. The fact is, I have not heard any presentation thus far of new evidence that would meet the criteria that I have outlined. I don't believe that a petition of patrons, a) could not have been submitted or b) was beyond the control of the appellant, or c) is necessarily germane to the findings made by the Business License Commission. I am not personally certain of exactly when the owner of the premises made the decision to make physical remodeling and repairs to the premises, that is not beyond the control of the owner to have submitted or introduced into the evidence before the Business License Commission. If it is a matter that came up since the proceeding, it really does not bear on the Business License Commission's decision. I'm not convinced, in terms of my making a recommendation to you, that new evidence should be submitted.

ACTION: Council not hear new evidence at this point. Motion Heilman second Koretz. Hearing no objection it was so ordered.

Mr. Bernstein was given 10 minutes for oral arguments.

FURTHER ACTION: Deny the appeal and uphold the decision of the Business License Commission. Adopt Resolution No. 647, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING THE DECISION OF THE BUSINESS LICENSE COMMISSION REVOKING THE PUBLIC EATING LICENSE FOR OKI DOG", and that the appellant be aware that upon adoption of the Resolution it is effective immediately and that upon revocation the business cannot operate without a business license. Motion Heilman second Albert.

AYES: Albert, Heilman, Schulte, Koretz, Mayor Land

NOES: None

Motion carried.

At this point in time, Anne Browning, Planning Director, handed a copy of Resolution No. 647 to Mr. Bernstein.

PUBLIC HEARINGS

4. APPEAL OF C.U.P. 89-15 AND DEMOLITION PERMIT 89-11 - 1145

HORN AVENUE: Appeal of proposed demolition of a single-family residence, and construction of a 5-unit condominium. The staff report was given by John Jakupcak. Staff recommends that the City Council uphold the Planning Commission's decision, and adopt the resolution proposed by staff, Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING DEMOLITION PERMIT 89-11 AND CONDITIONAL USE PERMIT 89-15, ON AN APPLICATION OF FRED LEEDS TO DEMOLISH A SINGLE-FAMILY RESIDENCE AND CONSTRUCT FIVE DWELLING UNITS AT 1145 N. HORN AVENUE." The City Clerk reported that this hearing was noticed in the Post Newspaper and posted in the three required places plus at City Hall. Mayor Land opened the public hearing and the following persons came forward to address the Council in favor of the appeal:

Richard Maggio, West Hollywood
Sibyl Zaden, West Hollywood
David Weissfeld, West Hollywood
Ruth Comer, West Hollywood
Derek Widdiss, West Hollywood
John Altschul, West Hollywood
Marc Menasche, West Hollywood
Louis Ajluni, West Hollywood
Branan Rosenfeld, West Hollywood
Jerome Cleary Zenga, West Hollywood
Stephen Martin, West Hollywood
Douglas Offerman, West Hollywood
Steven Clemons, West Hollywood
Jeanne Dobrin, West Hollywood

Speaking against the appeal:

Fred Leeds, Representing the owner
Edward Hunt, Landscape architect
Don Leeds, Rancho Palos Verdes
Jeff Lloyd, Santa Monica
Todd Howell, Los Angeles
Peter McDonald, Los Angeles
Douglas D. Gross, West Hollywood

Mayor Land closed the public hearing and returned this item to the Council for discussion.

PROPOSED ACTION: Uphold the appeal and send project designers back to work to address questions of massing, subterranean parking and mature vegetation and return to the Planning Commission for approval. Motion Schulte. Died for lack of a second.

PROPOSED ACTION: Approve the project in concept but have the developer meet with staff and the neighborhood to address questions of massing, subterranean parking and mature vegetation and return to the Planning Commission for approval of the revised plan. Motion Schulte. Died for lack of a second.

ACTION: Reopen the Public Hearing and continue open. Direct that the applicant meet with staff and the neighbors and see if a compromise can be forged to reconfigure the massing of the project to accommodate the views of the neighbors and to address the issues of vegetation, parking, and size of the project that were raised in the appeal. Motion Heilman second Schulte.

AYES: Albert, Heilman, Schulte, Koretz, Mayor Land

NOES: None

Motion carried.

Mayor Land called a recess at 10:00 P.M.

The meeting reconvened at 10:20 P.M.

5. APPEAL OF REVOCATION OF MCUP 87-11 AND CUP 87-17 - PALETTE - 8290 SANTA MONICA BLVD.: John Jakupcak reported that staff recommends that the City Council allow the restaurant (Palette) to operate under the existing conditional use permits with the requirement that the permits be reviewed by the Planning Commission three months from the date of this hearing. The City Clerk reported that this hearing was noticed in the Post Newspaper and posted at the three required places plus at City Hall. Mayor Land opened the public hearing and the following persons came forward to address the Council in favor of the appeal:

Mark Lehman, representing Palette
Dennis Sikora, West Hollywood
Thom Sims, Beverly Hills
Elka Gilmore, Chef at Palette
Patrick Gonzales, works at Palette
Sharron Morgan, West Hollywood
Vera Odens, West Hollywood
Jane LaRue, West Hollywood
Frank Davenport, West Hollywood - likes the security guards
Sheila McDoffe, West Hollywood
Arlen Andelson, Atty. representing Palette
Billie Jenkins, West Hollywood

In addition, the City Clerk was presented with a petition in support of Palette containing 23 signatures.

The following addressed the Council in opposition to the appeal:

Dean Doser, West Hollywood
Tom Lawrence, West Hollywood
Vince Lowell, West Hollywood
Florence Delbarian, West Hollywood
Rick Swan, West Hollywood
Terence Young, West Hollywood
Maxine Meltzer, West Hollywood
Jeanne Dobrin, West Hollywood
Ruth Dorman, West Hollywood

Mark Lehman was given 5 minutes for rebuttal, followed by Council discussion.

ACTION: Allow the restaurant (Palette) to operate with additional conditions and additional monitoring systems. Staff, neighbors, attorneys, et al, to meet and come back with recommendations on conditions to address the residents concerns. Motion Heilman second Schulte. Hearing no objection it was so ordered.

FURTHER ACTION: In the interim period, until resolution in approximately 45 days, there shall be no entertainment during the week and Palette shall close at 2:00 a.m. on Friday and Saturday night and at 12:00 midnight on Sunday. Motion Heilman second Albert.

AYES: Albert, Heilman, Koretz
NOES: Schulte, Mayor Land
Motion carried.

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 came forward to address the Council:

Art Mattox, Los Angeles - Sheriff's complaints.
Rev. John Von Douris, West Hollywood - Recycling signs.
Jeanne Dobrin, West Hollywood - Recycling
Effie Reuveni, West Hollywood - Computer communication system with City Hall.
Sibyl Zaden, West Hollywood - Change name of San Vicente Blvd. to West Hollywood Blvd.
Norman Chramoff, West Hollywood - Kudos to Ian Tanza & Ariel Penn.

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 Schulte asked staff to inform the Councilmembers about the proposed changes in the contractual language with the Board of Supervisors.

Mayor Land reported on the area code meeting that she and the City Manager had with representatives of the Telephone Company.

UNFINISHED BUSINESS

6. GREATER WEST HOLLYWOOD FOOD COALITION TASK FORCE FINAL REPORT: Mark Vandervelden gave the staff report and stated that the Task Force is advocating a meal voucher program and the elimination of the present food program from the park. The proposal is to have existing social agencies distribute the vouchers to their needy clients and the vouchers would be honored in local fast food restaurants for approximately \$3.50. The following people came forward and addressed the Council:

Robert Morehead, Homeless
Ken Biggs, Homeless
Richard Cederberg, West Hollywood

Rev. John Von Douris, West Hollywood
Ron Goins, Task Force member
David Enos, West Hollywood
Tad Bright, West Hollywood
Michael Dean, Food Coalition
Jeanne Dobrin, West Hollywood

ACTION: Thank the Task Force for their hard work and recommendations and receive the report and direct staff to meet with them on a continuing basis to come back with options on how to implement this program by the second meeting in February. Motion Schulte second Albert. Hearing no objection it was so ordered.

FURTHER ACTION: No later than March 6th the Food Coalition be transitioned out of the park and into this new food program. Motion Schulte second Albert.

AYES: Albert, Schulte, Koretz

NOES: Heilman, Mayor Land.

Motion carried.

7. APPOINTMENTS TO PUBLIC SAFETY COMMISSION: RECOMMENDED ACTION: That each Councilmember nominate one person to the Public Safety Commission, and that the nominations be ratified by the Council as a whole.

Schulte: Chris Fairchild
Albert: Aslan Brooke
Land: Norma Kemper
Koretz: Bronwen McGarva
Heilman: John Altschul

ACTION: Approve the above nominations. Motion Schulte second Albert. Hearing no objection it was so ordered.

8. STATUS REPORT ON ADULT DAY HEALTH CARE PROJECT: Perri Sloan gave the staff report. **ACTION:** Approve option 1 in the staff report. Instruct staff to proceed with negotiations with currently funded agencies for the administration of the program and coordinate with administering agencies to continue fundraising efforts; and approve expenditure of \$6,272 from unallocated reserve for the balance of funding needed for facility renovation and instruct staff to proceed with renovation plans immediately. Motion Heilman second Albert. Hearing no objection it was so ordered.

9. RETROACTIVE BENEFITS: THIS ITEM WAS TABLED TO THE END OF THE MEETING FOLLOWING CLOSED SESSION, BUT IS LISTED HERE FOR CLARITY. RECOMMENDED ACTION: 1) That Council policy be clarified regarding the provision of retroactive benefits for former employees; 2) that the City continue its practice, as required by law, to meet and confer with recognized bargaining units over this issue; 3) that Council provide direction to staff for the retroactive compensation for unrepresented temporary employees. The following persons addressed the Council on this issue: Dennis Orfirer read a statement from Sal Guarriello of CES. Daniel Stubbs, WHMA and ACE

David Amorena, AFSCME

ACTION: Reaffirm that this is a meet and confer issue and bring back the temporary employee issue after meet and confer. Motion Heilman second Schulte. Hearing no objection it was so ordered.

10. PROHIBITION OF CAMPING ON CITY PARKS - RESOLUTION AMENDING AND READOPTING PARK RULES AND REGULATIONS: City Attorney Jenkins gave the staff report. ACTION: To approve and adopt Resolution No. 648, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE RULES AND REGULATIONS GOVERNING THE USE AND OPERATION OF CITY PARKS," and put up signage expeditiously and start enforcement as soon as possible. Motion Schulte second Heilman. Noting the no vote of Albert it was so ordered.

LEGISLATIVE

11. ORDINANCE AMENDING SECTION 9715 OF MUNICIPAL CODE, ROUNDING OF QUANTITIES FOR NUMBER OF DWELLING UNITS: ACTION: To introduce on first reading Ordinance No. 249, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING THE USE OF THE TERM "ROUNDING OF QUANTITIES" AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Albert second Heilman. Hearing no objection it was so ordered.

12. PREFERENTIAL PARKING DISTRICT #1 - ORDINANCE MODIFYING COMMERCIAL REGULATIONS AND EXPANDING BOUNDARIES: (Approved in concept on January 2, 1990). This item was discussed following Item 4 but is listed here for clarity. RECOMMENDED ACTION: To introduce on first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD MODIFYING THE COMMERCIAL REGULATIONS IN PREFERENTIAL PARKING DISTRICT NO. 1, EXPANDING THE DISTRICT'S BOUNDARIES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." THIS ITEM WAS TABLED TO THE MEETING OF FEBRUARY 5, 1990.

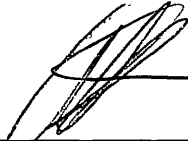
CLOSED SESSION: This time has been set aside for the City Council to meet in closed session to discuss matters pertaining to litigation, potential litigation, personnel, and/or claims. The Council adjourned to closed session at 1:25 a.m. and reconvened at 1:43 a.m. at which time they took action on Retroactive Benefits (see Item 9) and the claim of Jim Guerinot. ACTION: Approve the claim of Jim Guerinot in the amount of \$1023.73. Motion Schulte second Albert. Hearing no objection it was so ordered.

The Council readjourned to closed session at 1:52 a.m.

ADJOURNMENT The meeting was adjourned at 2:10 a.m., in memory of Vince Freeman, to a joint meeting on Goals with the Chairs of Commissions and Boards on January 20, 1990 at 9:00 a.m. at the Pacific Design Center.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 5TH DAY OF FEBRUARY, 1990.

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Mayor

ATTEST:



City Clerk