

**MINUTES<sup>4</sup>**  
**CITY COUNCIL MEETING**  
**JULY 17, 1989**  
**WEST HOLLYWOOD PARK**  
**647 N. SAN VICENTE BOULEVARD**

**PERSONNEL SESSION - 6:15 P.M.**  
**REGULAR MEETING - 7:00 P.M.**

**CALL TO ORDER:** Mayor Land called the meeting to order at 6:15 P.M. and the Council adjourned to a closed session to discuss matters pertaining to personnel and litigation.

The Council reconvened at 7:10 P.M.

**PLEDGE OF ALLEGIANCE:** The Pledge was led by Jeanne Dobrin.

**ROLL CALL:** PRESENT: Albert, Koretz, Heilman, Mayor Land  
ABSENT: Schulte  
ALSO PRESENT: City Manager Brotzman  
City Attorney Jenkins

**APPROVAL OF AGENDA:** Table Item 13 to the meeting of August 7, 1989, and remove items 2g, 2i, 2o and 2p from the consent calendar for separate discussion. ACTION: Approve the agenda as amended. Motion Albert second Heilman. Hearing no objection and noting the absence of Schulte it was so ordered.

**PROCLAMATIONS AND COMMENDATIONS:** None.

**TREASURER'S REPORT:** City Treasurer Jonathan Ahearn gave the treasurer's report which was approved on the consent calendar.

**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. There was no report at this meeting.

**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, h, j, k, l, m and n. Motion Koretz second Heilman. Hearing no objection and noting the absence of Schulte it was so ordered.

**a. Posting of Agenda:** The agenda for the meeting of July 17, 1989, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, July 12, 1989. ACTION: Receive and file. Approved as part of the Consent Calendar.

**b. Demand Register No. 114, Resolution No. 557.**  
ACTION: Approve Demand Register No. 114 and adopt Resolution No. 557.

Approved as part of the Consent Calendar.

**c. Treasurer's Report - Month ending June 30, 1989:**  
ACTION: Receive and file.  
Approved as part of the Consent Calendar.

**d. Minutes: June 22, 1989  
June 29, 1989**

ACTION: Approve the minutes of June 22, 1989 and June 29, 1989.  
Approved as part of the Consent Calendar.

**e. Claims: Thomas Barrett  
Rachel David**

ACTION: To deny the claims of Thomas Barrett and Rachel David without comment and refer to the City's Claims Adjustor.  
Approved as part of the Consent Calendar.

**f. Waiver of Further Reading:** RECOMMENDED 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. Request for Proposals - Tri-Cities Comprehensive Transportation Improvement Study:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: To approve the Request for Proposals for a Comprehensive Transportation Improvement Study of the Cities of West Hollywood, Beverly Hills, and Los Angeles. In addition, approve the cost sharing formula described in the Background/ Analysis section of staff report, which provides that West Hollywood's cost for the study shall not exceed \$80,000. In addition, also approve the management of the study, where Los Angeles senior transportation staff representatives to the Tri-Cities Task Force will provide day-to-day management, with the Tri-Cities Task Force meeting frequently to provide further direction. Motion Heilman second Koretz. Hearing no objection and noting the absence of Schulte it was so ordered.

**h. Hart Park Improvements Bid Opening (CIP #868):** Two Bids for the Hart Park Improvements project were received on Friday, Friday, July 14: Wang Milestone Construction, Inc., \$737,300; and B.G. Construction, Inc., \$825,000. ACTION: Award the bid in the amount of \$737,300 to Wang Milestone Construction, Inc., for the construction of the Hart Park Improvements project, CIP #868; approve reallocation of the \$25,000 budgeted for the Westmount Drive Curb Parking (CIP #923) to the Hart Park Improvements project; direct staff to delete from the scope of the project all work involving the building improvements; and allocate \$65,886 from the General Fund to the Hart Park Improvements Project.  
Approved as part of the Consent Calendar.

**i. Resolution No. 551, Partially Granting and Partially**

**Denying Certificate of Compliance - Regarding 828 Westbourne Drive:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Ted Handel, representing the appellant, informed the Council that the parties involved had reached a settlement. This item was held for discussion with Item 5 at which time it was referred to the City Attorney to review the settlement and then return the item to the Planning Commission for hearing. (See Item 5.)

**j. Ordinance No. 227 - Regarding Tenant Performance of Maintenance:** ACTION: To adopt on second reading Ordinance No. 227, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING MAINTENANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.

**k. Ordinance No. 225, second reading, Assigning Refuse Units:** ACTION: To adopt on second reading Ordinance No. 225, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ASSIGNING REFUSE UNITS FOR VARIOUS PROPERTY USES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.

**l. Ordinance No. 226, second reading, Prohibiting Obstruction of Public Ways:** ACTION: To adopt on second reading Ordinance No. 226, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD PROHIBITING OBSTRUCTION OF PUBLIC WAYS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Approved as part of the Consent Calendar.

**m. Approval of Contract for Geo-Technical Services:** To approve the contract with LeRoy Crandall and Associates for Geo-Technical Services. Approved as part of the Consent Calendar.

**n. Adoption of Rent Stabilization Commission Resolution No. 89-24 Establishing the Amount of the 1989 General Adjustment:** ACTION: To approve the adoption of Rent Stabilization Commission Resolution 89-24, establishing the amount of the General Adjustment for the year 1989-1990 at 3.75%. Approved as part of the Consent Calendar.

**o. Resolution by the City of West Hollywood to Declare the City as a Cruelty-Free Area for Animals:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: To approve and adopt Resolution No. 558, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD BANNING COSMETIC TESTING ON ANIMALS, THE USE OF STEEL LEHOLD TRAPS, AND PROCLAIMING THE CITY OF WEST HOLLYWOOD A CRUELTY FREE ZONE." Motion Albert second Koretz. Hearing no objection and noting the absence of Schulte it was so ordered.

**p. 1989 West Hollywood Street Festival Program:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Jeanne Dobrin addressed the Council concerning the number of special events. ACTION: Approve the proposed contract with the RH Group for the preparation and publication of the 1989 West Hollywood Street

Festival Program. Motion Heilman second Koretz. Hearing no objection and noting the absence of Schulte it was so ordered.

#### **PUBLIC HEARINGS**

**3. APPEAL OF PLANNING COMMISSION'S CONDITIONS OF APPROVAL OF CONDITIONAL USE PERMIT 89-01 AND MCUP 88-13 FOR A 42 BED RESIDENTIAL CARE FACILITY FOR MENTALLY HANDICAPPED ADULTS, 1030-1034 MARTEL AVENUE:** (CONTINUED FROM JULY 5) Howard Zelefsky gave the staff report and Mayor Land opened the public hearing. The following came forward to speak in favor of the appeal:

Crystal Russell, attorney representing appellant.

Herb Barr, Van Nuys

Annette Tarsky, Los Angeles, who presented a letter from Jean Sanchez, Coordinator, Board and Care Issues, Los Angeles County Alliance for the Mentally Ill Coordinating Council.

The following came forward to oppose the requested increase in size:

Budd Kops, West Hollywood

Ralph Feeley, West Hollywood

Jeanne Dobrin, West Hollywood

G. Bruce Traub, West Hollywood

Dixie Eger, West Hollywood, who presented a petition of disapproval signed by 18 members of the immediate neighborhood on Martel.

No one else coming forward to speak, Mayor Land closed the public hearing and returned the item to Council for discussion.

**PROPOSED ACTION:** To approve an increase to 51 units. Motion Koretz, died for lack of a second.

**ACTION:** That City Council uphold the decision of the Planning Commission. Motion Albert second Heilman.

AYES: Albert, Koretz, Heilman, Mayor Land

NOES: None

ABSENT: Schulte

Motion carried.

**4. FEE RESOLUTION:** (CONTINUED FROM JULY 5) Mayor Land opened the public hearing and G. Bruce Traub addressed the Council. No one else coming forward to speak, the public hearing was closed.

**ACTION:** Approve and adopt Resolution No. 560, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING FEES AND CHARGES FOR CERTAIN SERVICES PROVIDED BY THE CITY OF WEST HOLLYWOOD." Motion Albert second Heilman.

AYES: Albert, Heilman, Mayor Land

NOES: Koretz

ABSENT: Schulte

Motion carried.

**5. APPEAL OF PLANNING COMMISSION DECISION DENYING DEVELOPMENT PERMIT 88-56 AND TENTATIVE PARCEL MAP 20524 - 828 WESTBOURNE DRIVE:**

This hearing was continued from July 5, 1989, at the request of the applicant. The staff report was given by Howard Zelefsky. Item 2i was discussed at the same time and the City Attorney and the Council stated that they had not had time to review the settlement and had no plans or staff materials in front of them so the public hearing will not be held. Ted Handel, representing the appellant, requested that the Council have the City Attorney review the title documents and the declarations that they have provided and ask that the City Council be the ones to make the decision both as to the merits of the Certificate of Compliance and the entitlements to use at its next hearing and give the City Attorney and staff a chance to do their review, not refer back to the Planning Commission. Mayor Land stated again that there had not been adequate time to review the documents that had been supplied them that day. ACTION: For the City Attorney to review the settlement and remand the Development Permit back to the Planning Commission. Motion Heilman second Albert.

AYES: Albert, Heilman, Mayor Land

NOES: Koretz

ABSENT: Schulte

Motion carried.

**6. APPEAL OF PLANNING COMMISSION DECISION DENYING D.P. 89-03 AND A GENERAL PLAN MODIFICATION FOR PROPERTY LOCATED AT 450 N. ROBERTSON:**

John Jakupcak gave the staff report. Mayor Land opened the public hearing and the following persons came forward to testify in favor of the appeal:

David Jones, appellant  
Diane Abbitt, representing the appellant  
Joyce Hundal, West Hollywood  
Yolanda Stevens, West Hollywood  
Thomas Gaines, West Hollywood

The following persons came forward to testify in opposition to the appeal:

Salvador P. Lavina, of O'Melveny & Myers, representing Earle McGrath, presented the Council with a 4 page letter dated July 17, 1989, requesting that the Council uphold the decision of the Planning Commission with specific reasons cited.  
Earle McGrath, 454 N. Robertson, West Hollywood  
Ralph Feeley, West Hollywood  
Effie Reuveni, West Hollywood  
Martin Strudler, West Hollywood  
David Behr, West Hollywood  
Ron Shipton, West Hollywood  
Rita Guarriello, Planning Commissioner  
Jeanne Dobrin, West Hollywood

The rebuttal was given by Diane Abbitt.

No one else coming forward to speak, Mayor Land closed the public hearing and returned the item to the Council for discussion.

**ACTION:** Grant the appeal and grant the Development Permit 89-03 and the General Plan Modification for 450 N. Robertson Boulevard conditioned on staff working with the applicant regarding the design of the building and it's impact on the property to the North, and conditioned on the applicant purchasing permits for employees to park, and limiting the number of employees allowed to work on the second floor of the building to a maximum of 6 and require that a common person live in the residential unit and work there as well. Motion Heilman second Koretz.

AYES: Albert, Koretz, Heilman, Mayor Land

NOES: None

ABSENT: Schulte

Motion carried.

A recess was called at 9:00 P.M.  
The meeting was reconvened at 9:13 P.M.

**7. PERMIT FEES FOR SOLID WASTE COLLECTORS:** ACTION: Approve and adopt Resolution No. 561, "A RESOLUTION OF THE CITY OF WEST HOLLYWOOD ESTABLISHING FEES FOR SOLID WASTE COLLECTION PERMITS." Motion Albert second Koretz. Hearing no objection and noting the absence of Schulte it was so ordered.

**8. APPEAL OF PLANNING COMMISSION DECISION APPROVING RESOLUTION PC 89-19 WHICH APPROVES MCUP 88-07 GRANTING A BEER AND WINE LICENSE FOR 8276 SANTA MONICA BOULEVARD:** Mayor Land opened the public hearing and the following persons came forward to address the Council in favor of the appeal:

David Behr, West Hollywood, appellant  
Budd Kops, West Hollywood  
Ralph Feeley, West Hollywood  
Florence Delbarian, West Hollywood  
G. Bruce Traub, West Hollywood  
Jeanne Dobrin, West Hollywood

No one else coming forward to speak, Mayor Land closed the public hearing and returned the item to the Council for discussion.

**PROPOSED ACTION:** Grant the appeal of the Planning Commission decision. Motion Koretz second Mayor Land.

AYES: Koretz, Mayor Land

NOES: Albert, Heilman

ABSENT: Schulte

Motion failed and the Planning Commission decision stands.

**9. ESTABLISHMENT OF THE WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA AND HOTEL MARKETING BENEFIT ZONE:** Debbie Potter gave the staff report and Rick Cole of the Marketing Corporation addressed the Council on this item. Mayor Land opened the public hearing and the following persons came forward and addressed the Council:

Budd Kops, West Hollywood  
Jeanne Dobrin, West Hollywood  
Steve Martin, West Hollywood

**ACTION:** Introduce on first reading Ordinance No. 228, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A WEST HOLLYWOOD BUSINESS IMPROVEMENT AREA AND HOTEL MARKETING ZONE IN THE CITY OF WEST HOLLYWOOD," and 2) approve the negative declaration for this project. Motion Heilman second Albert.

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

**NOES:** None

**ABSENT:** Schulte

Motion carried.

**10. ZONING ORDINANCE AMENDMENT ADDING A NEW CHAPTER REGARDING DEVELOPER FEES FOR AFFORDABLE HOUSING, PUBLIC OPEN SPACE AND CHILD CARE:** **ACTION:** Open the public hearing on this item and continue the hearing open until the August 7th meeting. 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. At this point in time the following persons came forward to address the Council:

Brad Benton - complaint on car towing.

Budd Kops, West Hollywood - Ashkenazy complaint.

Michael Russnow, Scott Alexander, Nancy Linari, Monty House, Doug Wilkie, and Tom Riese addressed the Council on matters pertaining to 944 Palm Avenue.

Norma Kemper and Richard Grossman addressed the Council on matters pertaining to the problems on La Jolla Avenue.

Jeanne Dobrin, West Hollywood

**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 Land announced that August 8 will be National Night Out celebrating Neighborhood Watch Program.

#### **UNFINISHED BUSINESS**

**11. CONTRACT APPROVAL - GOLDEN COAST ENVIRONMENTAL SERVICES:**

Cyndy Holtz gave the staff report. Jeanne Dobrin addressed the Council on this item. **ACTION:** To approve the agreement with Golden Coast Environmental Services to provide computerized data collection and tree management software for the City of West Hollywood.

Motion Heilman second Koretz. Hearing no objection and noting the absence of Schulte it was so ordered.

**12. ADOPTION OF BUDGET, FY89-90:** **ACTION:** To adopt Resolution No. 562, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING A BUDGET FOR FISCAL YEAR 1989-90." Motion Heilman second Albert.

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

#### LEGISLATIVE

**13. CAMPAIGN FINANCING AND CONTRIBUTIONS TO POLITICAL CAMPAIGNS:**  
THIS ITEM WAS TABLED TO THE MEETING OF AUGUST 7, 1989.

RECOMMENDED ACTION: To introduce on first reading Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING RULES AND REGULATIONS FOR CAMPAIGN FINANCING AND CONTRIBUTIONS TO POLITICAL CAMPAIGNS IN WEST HOLLYWOOD MUNICIPAL ELECTIONS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

**14. ORDINANCE NO. 229, LEAVING MERCHANDISE OR OTHER PROPERTY IN PUBLIC WAYS - WHEN PROHIBITED:** ACTION: To introduce on first reading Ordinance No. 229, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD RELATING TO PROPERTY IN PUBLIC WAYS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Heilman second Albert. Hearing no objection and noting the absence of Schulte it was so ordered.

**15. ORDINANCE REQUIRING MAINTENANCE OF PARKWAYS:** RECOMMENDED ACTION: To introduce on first reading Ordinance No. 230, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REQUIRING MAINTENANCE OF PARKWAYS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Heilman second Albert. Hearing no objection and noting the absence of Schulte it was so ordered.

**16. AMENDMENT TO RENT STABILIZATION ORDINANCE ESTABLISHING A NEW PERMISSIBLE GROUND FOR TERMINATING A TENANCY:** (Proposed by Alternative Living for the Aging) The staff report was given by Mike Jenkins, City Attorney, and the following persons came forward to address the Council:

Janet Witkin, Alternative Living for the Aging  
Rita Guarriello, West Hollywood - opposed  
Stephen Martin, West Hollywood - opposed

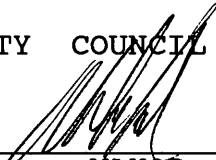
ACTION: Introduce on first reading, Ordinance No. 231, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING PERMISSIBLE GROUNDS FOR TERMINATING A TENANCY AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE," as amended, to provide for 2 years but could apply to the Rent Stabilization Department for a one year extension. Also clarify that entire project would be low or moderate income housing. Motion Heilman second Albert. Hearing no objection and noting the absence of Schulte it was so ordered.

**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 11:15 p.m..



**ADJOURNMENT** The Council reconvened and adjourned to a meeting on Thursday, July 20, 1989 at 5:00 p.m. at the Werle Building and set a closed session for Tuesday, July 25, 1989 at 12 noon in the City Manager's office to discuss matters pertaining to litigation.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 7TH DAY OF AUGUST, 1989.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK