

**MINUTES
CITY COUNCIL MEETING
DECEMBER 19, 1988
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD
7:00 P.M.**

CALL TO ORDER: Mayor Albert called the meeting to order at 7:16 p.m.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Jeri Chenelle.

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

ALSO PRESENT: City Manager Brotzman
City Attorney Jenkins

PROCLAMATIONS AND COMMENDATIONS: Mayor Albert and Barbara Burns, Special Events/Art Supervisor, presented commendations to the members of the Steering Committee for the West Hollywood Street Festival: Harry Weiner, Claude Monser, Sam Haws, Budd Kops, Hal Horne, Charles Scott, Cathy Edery, Gene Scott, Mike Radcliffe, Bill Drew, Bill Milamed, Daniel Jordan, Michael Bursztin, and John Butkis.

PRESENTATIONS: Mayor Albert presented plaques to the following employees: Warren Williams, Employee of the Year, and Joe Crow, Employee of the Quarter.

Mayor Albert adjourned the meeting to an executive session at 7:24 p.m. for the purpose of discussing a matter of litigation.

The Council reconvened at 8:44 p.m. for the regular meeting.

APPROVAL OF AGENDA: Items 2d, 2i, 2j, and 2s were pulled from the Consent Calendar for separate discussion. Councilmember Schulte requested that Item 12 be considered before 11:00 p.m. Item 9 was moved to before Item 6. Item 10 was tabled to the second meeting in January (January 17). Item 11 was tabled till January 3, 1989. **ACTION:** To approve the agenda as amended. Motion Heilman second Land. Hearing no objection it was so ordered.

1. CITY MANAGER'S REPORT: This time was set aside for the City Manager to report to the City Council on any or all matters of importance. At this time Louise Anlyan of Century Cable gave a monthly report. Ms. Anlyan reported that the new Century Cable office has now been open for almost seven weeks; progress has been substantial; phones are being answered promptly; strong efforts have been made to promote the new office and phone number.

2. CONSENT CALENDAR: The following routine matters were acted upon by one motion to approve with the consent of the Council or were removed for separate discussion. **ACTION:** To approve Items 2a, b, c, e, f, g, h, k, l, m, n, o, p, q, and r. Motion Heilman second Schulte. Hearing no objection it was so ordered.

ORIGINAL

a. Posting of Agenda: The agenda for the meeting of December 19, 1988, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, December 14, 1988.

ACTION: Receive and file.

Approved as part of the consent calendar.

**b. Demand Register No. 99, Resolution No. 495.
Demand Register No. 100, Resolution No. 499.**

ACTION: Approve Demand Register No. 99 and adopt Resolution No. 495; and approve Demand Register No. 100 and adopt Resolution No. 499. Approved as part of the consent calendar.

c. Treasurer's Report - October 1988:

ACTION: Receive and file.

Approved as part of the consent calendar.

d. Minutes: November 21, 1988

REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY.

ACTION: To amend the wording of the motion for Item 6, to say, "That a Gay and Lesbian Advisory Council be appointed to continue the work of the Task Force." Motion Koretz second Heilman. Hearing no objection it was so ordered.

**e. Claims: Michael Bushman
Tamara Kolner
Sima Ferkelman**

ACTION: Deny 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 Affordable Housing Trust Fund Predevelopment Revolving Loan Fund Guidelines and Approval of Predevelopment Loan for 1274-1280 N. Harper Avenue: **ACTION:** That City Council: 1) Approve establishment of an Affordable Housing Trust Fund Predevelopment Revolving Loan Fund and approve the guidelines for administering such a fund; 2) Approve the allocation of \$75,000 from the Affordable Housing Trust Fund to capitalize the Predevelopment Revolving Loan Fund; and 3) Approve a \$60,000 Predevelopment Loan with the West Hollywood Community Housing Corporation for its 1274-1280 N. Harper project and authorize staff to prepare and execute a Predevelopment Revolving Loan Fund Agreement for the project.

Approved as part of the consent calendar.

h. Approval of Contract with Snedecker Scientific Inc. for Provision of Technical Assistance in Preparing a Resident Employment and Training Needs Assessment: **ACTION:** To approve the

agreement with Snedeker Scientific Inc. for provision of technical assistance in designing and conducting the Resident Employment and Training Needs Assessment.
Approved as part of the consent calendar.

i. Approval of Agreement with Campbell and Campbell to Develop Schematic Design Plans for the Sunset/Holloway Plaza: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Mark Winogron, Community Development Director, responded to questions from Mayor Pro Tem Land and Councilmember Schulte. ACTION: To approve the Agreement with Campbell and Campbell Landscape Architects to prepare schematic design plans for the Sunset/Holloway Plaza. Motion Schulte second Heilman. Hearing no objection it was so ordered.

j. Bikeways: Fountain Avenue, San Vicente Blvd.: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Councilmembers Koretz and Schulte questioned staff on this item. The following person came forward to speak:
Harry Weiner: Was a resident of Fountain Avenue for four years. Between Gardner and Fountain it is very dangerous.
Opposed to Fountain Avenue as a bike route.
ACTION: That City Council designate the following routes as Class III Bike Routes: FOUNTAIN AVENUE: La Cienega Boulevard to the easterly City limit; SAN VICENTE BOULEVARD: Sunset Boulevard to the southerly City limit; and to appropriate \$5,000 from Transportation Development Act, Article 3 funds for installing route signs.
Motion Land second Heilman.
AYES: Heilman, Land, Mayor ALbert
NOES: Koretz, Schulte
Motion carried.

Direction was given to staff and the Transportation Commission to look into addressing the issue of safety, such as at least having the bikeway painted on.

k. Employee Group Health Plan: ACTION: To approve the City of West Hollywood self-funded Employee Group Health Plan, and 1) authorize the Mayor to sign agreement, 2) direct the reallocation of \$40,000 from Flexible Benefit account #01-1000-532-415 to the new health care account #01-2600-415-565, and 3) establish a plan year date effective December 19, 1988.
Approved as part of the consent calendar.

l. Approval of Case Analyst Job Description:
ACTION: To approve the job description and salary range for the position of Case Analyst.
Approved as part of the consent calendar.

m. Approval of Grant Application - Historic Preservation Grant: ACTION: To approve and adopt Resolution No. 497, approving the submission of an application under the Historic Preservation

Grant Program of the 1988 California Wildlife, Coastal and Park Land Conservation Act.
Approved as part of the consent calendar.

n. Carl Warren Service Agreement: ACTION: To authorize Mayor Albert to sign the agreement between Carl Warren and Company (claims adjustor) and the City of West Hollywood, thus protecting the interests of both principal and contractor.
Approved as part of the consent calendar.

o. January, February Council Meeting Dates: ACTION: To approve the proposed meeting schedule for the City Council for January/February, 1989.
Approved as part of the consent calendar.

p. Ordinance No. 205 - Change of Use of Rental Units ACTION: To adopt on second reading Ordinance No. 205, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING CHANGE OF USE OF RENTAL UNITS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."
Approved as part of the consent calendar.

q. Final Budget Adjustments for Fiscal Year Ended June 30, 1988: ACTION: 1. Appropriate \$95,440 from the unobligated reserve account of the General Fund to account 001-1200-460-770 (City Attorney charges) for fiscal year 1987/88;
2. Appropriate \$1,179,462 from the unobligated reserve account of the Capital Improvement Fund to account 041-9999-499-102 (Median Island Acquisition) for fiscal year 1987/88;
3. Appropriate \$137,456 from the unobligated reserve account of the CDBG Fund to account 081-3300-458-724 (Rental Rehab Program) for fiscal year 1987/88;
4. Appropriate \$168,634 from the unobligated reserve account of the CDBG fund to account 081-3400-458-724 (Street Beautification) for fiscal year 1987/88.
Approved as part of the consent calendar.

r. Transfer of Housing Specialist's Salary from CDBG to General Fund: ACTION: To authorize the payment of the Housing Specialist's salary with general funds effective December 19, 1988 and reallocate the CDBG funds that were used to pay the salary to the Rental Rehabilitation Project to carry out predevelopment activities.
Approved as part of the consent calendar.

s. Approval of Loan Agreement with Housing Corporation for 1123 N. Detroit Street: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: To approve the loan agreement with the West Hollywood Community Housing Corporation for \$232,000 to acquire and rehabilitate the apartment building at 1123 N. Detroit Street and to authorize the expenditure of funds by the close of escrow, January 2, 1989. Motion Heilman second. Hearing no objection it was so ordered. Staff was also directed to continue to work with the tenants to ease any of their fears or concerns

about the project.

PUBLIC HEARINGS

3. APPEAL OF PLANNING COMMISSION DECISION DENYING DEVELOPMENT PERMIT 88-21 FILED BY R.J. BLANCO CO., INC. FOR PROPERTY AT 8951-69 SANTA MONICA BLVD. (CONTINUED FROM NOVEMBER 7):

The City Clerk reported that notice of the public hearing was published in The Post Newspaper and notice was posted at City Hall and the required posting places.

Mayor Albert opened the public hearing, and the following person came forward to speak:

Jeanne Dobrin, W.H.: Spoke in opposition to the appeal.

Howard Zelefsky, Planning Manager, reported that the applicant has requested that the hearing be continued to January 17, 1989, and that, if the hearing is continued to that date, a full staff report would be given at that time.

MOTION: To deny the request for continuance and deny the appeal. Motion Heilman second Land. After discussion, Councilmember Heilman withdrew his motion, with concurrence of seconder.

ACTION: To continue the hearing to January 17, 1989, with the understanding that there would be no continuance past that date. Motion Heilman second Schulte.

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

NOES: None

Motion carried.

4. TEXT AMENDMENT TO THE ZONING ORDINANCE FOR THE PURPOSE OF AMENDING THE INCLUSIONARY HOUSING SECTION, 9225, TO INCLUDE DISCRETIONARY OPTION OFF-SITE INCLUSIONARY HOUSING: RECOMMENDED

ACTION: To open the public hearing, take testimony, and then, if appropriate, to introduce on first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING ARTICLE IX OF THE WEST HOLLYWOOD MUNICIPAL CODE (ZONING ORDINANCE) FOR THE PURPOSE OF PERMITTING INCLUSIONARY HOUSING REQUIREMENTS FOR DEVELOPMENTS OF TWENTY OR MORE UNITS TO BE PROVIDED OFF-SITE."

The City Clerk reported that notice of the hearing had been published in the Los Angeles Times, and notice had been posted in the required places plus at City Hall.

Dina Tasini, Planning Division, gave the staff report.

Following this there was discussion by Council. Councilmember Land and Councilmember Heilman expressed concerns about the ordinance as presented.

ACTION: To continue this Item to the second meeting in January-- January 17, 1989. Motion Land second Heilman. Hearing no

objection it was so ordered.

5. ORDINANCE NO. 211, EXPANDING PREFERENTIAL PARKING DISTRICT NO. 3 (WEST KNOLL): The City Clerk reported that notice of this hearing had been published in the Los Angeles Times and posted in the required places and at City Hall.

Tom Babick, Transportation Division, reported that this Ordinance would expand the boundaries of Permit Parking District No. 3, also known as the West Knoll area, to include Alta Loma Road and properties on the west end of the District at Palm Avenue. The proposed boundary change encompasses three areas adjacent to District 3: Alta Loma Road between Holloway Drive and Sunset Boulevard, the west end of Holloway Drive at Palm Avenue, and the block between Palm and Hancock Avenues on the west end of the District. The Transportation Commission conducted a public hearing on December 7, 1988, and approved the staff recommendation to expand District 3 to include Alta Loma Road and the properties on the west end of the District at Palm Avenue. The Commission added the proviso that businesses in District 3, including the Sunset Marquis Hotel on Alta Loma Road, that are required by a conditional use permit to provide off-street employee parking, not be issued commercial permits, where applicable.

The following persons came forward to speak on this Item:

Tom Tuvim, W.H., President of Homeowners Association at 970 Palm Avenue: Spoke against adopting the ordinance. Wants permit parking on Palm.

Ira Schlesinger, W.H.: Mr. Schlesinger had to leave previous to this Item, but asked the City Clerk to include his statement as part of the record. He is opposed. They ought to make the whole City preferential parking. Now there is a problem on Palm--they want to permit half of Palm--what's going to happen on the other side? What's going to happen on Larrabee now and Harratt and Cynthia and these other little side streets? This is not solving the problem; only moving it over.

Barry Steinhorn, W.H.: Opposed. Brought a letter signed by all businessmen on 8500 block of Sunset, on the north side. Alta Loma Rd. is the only place that we can park that is not meter-limited to one hour.

Jill Marmorek, W.H.: Spoke about the urgent need for permit parking.

Morrie Halper, W.H.: A businessman on Sunset; opposed.

Jonni Hartman, W.H.: Spoke in support.

Rodolfo Costello, W.H.: Spoke in support.

Tyler Hofinga, W.H.: Represents Park Wellington. Spoke in support.

MOTION: To amend the ordinance to include that residents on both sides of Palm Avenue be able to buy permits so that they can park within the District. Motion Schulte second Koretz.

AYES: Koretz, Schulte

NOES: Heilman, Land, Mayor Albert

Motion failed.

ACTION: To introduce on first reading Ordinance No. 211, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PREFERENTIAL PARKING PROVISIONS OF THE TRAFFIC CODE, EXPANDING PREFERENTIAL PARKING DISTRICT NO. 3 AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Heilman second Land.

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

NOES: None

Motion carried.

Staff was directed to have the Transportation Commission hold a discussion regarding Palm Avenue.

6. URGENCY ORDINANCE TO IMPOSE A 45-DAY MORATORIUM ON DEVELOPMENT FOR THE WEST KNOLL AREA: RECOMMENDED ACTION:

To open the public hearing, take testimony, and then, if appropriate, to: 1) Adopt Urgency Ordinance No. ___ U, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A MORATORIUM ON CERTAIN PERMITS AND ON THE PROCESSING OR APPROVAL OF ZONE CHANGES, CONDITIONAL USE PERMITS, DEVELOPMENT PERMITS AND VARIANCES IN THE WEST KNOLL AREA OF THE CITY AND DECLARING THE URGENCY THEREOF"; 2) Direct staff to condition all development projects as to the timing of their construction schedules to reduce the impacts on the residents of the West Knoll Area.

The City Clerk reported that a notice of this hearing was published in The Post Newspaper and posted at the required places and at City Hall.

Howard Zelefsky, Planning Manager, reported that staff has developed some alternatives to the moratorium that the Planning Commission is recommending.

The following persons came forward to speak on this Item:

Ira Schlesinger, W.H.: Mr. Schlesinger had to leave previous to this Item, but asked the City Clerk to include his statement as part of the record. He is opposed to any type of no-growth attitude that the City Council might take tonight. They came up with a General Plan--the people that are willing to deal with the Planning Commission should be able to go ahead with their plans. It is an infringement of property owners' rights to consider downzoning that area. There is no need for a moratorium. He is opposed to any type of downzoning, but in favor of staging

development. Please do not take a no-growth attitude like L.A. City Council has done because it is causing false inflation, escalating prices.

Dick Rosengarten, W.H.: Recommend Council go ahead and place the moratorium, and then extend for another ten months after the 45 days.

Mark Lehman, W.H.: Representing a developer. Spoke in opposition to the moratorium.

Martin Strudler, W.H.: Spoke for the Neighborhood Council. Support. This would be precedent setting for all the neighborhoods. Give time to adjust to the developments.

Joyce Heftel, W.H.: Spoke strongly in favor of moratorium. Forty-five days is not long enough.

Walter Schlosser, W.H.: Spoke in favor of a moratorium. Wants a one-year moratorium.

Janice Axon, Executive Director, West Hollywood Chamber of Commerce: Opposed to a moratorium. Proposes setting up committee to develop a plan for phasing construction City-wide.

Following the public speakers there was discussion by council.

ACTION: To direct staff to continue working on the issues of phasing construction, studying the legality of a system for parceling out building permits, and using CEQA (California Environmental Quality Act) to regulate construction schedules, and also to consider redesignating the zoning for this area, and developing a system for notifying owners and developers that this area is being studied for potential down-zoning, and that they apply at their own risk.

And also, to direct staff to have the recommendations to the Planning Commission in February.

Motion Heilman second Schulte.

Hearing no objection it was so ordered.

Mayor Albert called a recess at 9:32 p.m.

The Council reconvened at 9:43 p.m.

ITEM 9, THE ASHKENAZY SETTLEMENT AGREEMENT, WAS CONSIDERED AT THIS TIME, BUT IS LISTED IN NUMERICAL ORDER FOR CLARITY.

ADJOURNMENT TO BUILDING REHAB APPEAL BOARD:

Mayor Albert adjourned at 11:24 p.m. to the Building Rehabilitation Appeals Board.

7-1. ABATEMENT OF SUBSTANDARD CONDITIONS AT 9057 NEMO STREET:
RECOMMENDED ACTION: Find the property substandard, declare it a public nuisance and order the abatement of the substandard

conditions by January 19, 1989; the property is to remain clean and clear; the site is to be fenced with a 6' chain link fence and locked within 10 days; the exterior walls, doors, and windows to be painted/repaired within 30 days. If substantial progress is made a 30 day extension may be granted; all defects to be repaired and fees paid prior to Termination of Declaration of Substandard Property; property to remain fenced, secured, painted and clean until re-occupied.

Bob Harvey of the Building and Safety Division gave the staff report.

The following person had filled out a speaker slip, and was called on by Mayor Albert, but was not present to speak:
Chris Mara, W.H.:

Following the staff report there were questions by Council.

ACTION: To find the property substandard, declare it a public nuisance, and order the abatement of the substandard conditions by February 1; order that it must be fenced within ten days; within 30 days the exterior walls, doors and windows of both the house and the garage must be rehabbed (rehabilitated--beyond repaired and painted); that it become habitable within 30 days; if these conditions are not met, that this should be sent to a prosecutor. If it is not done within 30 days, City staff is directed to go on the premises and do whatever work is necessary to get the premises in decent condition--have the fence put in and whatever else is needed to secure the property; and put a lien on the property.

Clarification: If not fenced within ten days, staff can put the fence in; if they don't do the repairs within 30 days, staff can go in after 30 days; and no extension to be granted. Motion Schulte second Land.

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

NOES: None

Motion carried.

7-2. ABATEMENT OF SUBSTANDARD CONDITIONS AT 386 SAN VICENTE

BLVD. AND 8618 ROSEWOOD AVE.: **RECOMMENDED ACTION:** Find the property substandard, declare it a public nuisance and order the abatement of the substandard conditions by February 1, 1989; the property is to remain clean and clear; the site is to be fenced with a 6' chain link fence and locked gate within 10 days; the exterior walls, doors and windows of both house and garage to be painted/repaired within 30 days. If substantial progress is made a 30 day extension may be granted. All defects to be repaired and fees paid prior to Termination of Declaration of Substandard property; property is to remain fenced, secured, and cleared until it's re-occupied.

Bob Harvey, Building and Safety Division, reported that all of the substandard conditions have been abated with the exception of the painting of the exterior wall; and the interior is still severely

vandalized. The contractor is willing to work with the City on it.

The following person addressed the Council on this item:

George Waite, W.H. (for Peggy and Bob Fraush): The property is not abandoned. The owners have been there since 1952. For the past seven months have taken care of a sister in Pasadena who is ill. They come daily to collect the mail. They are poor, elderly people. Am asking you give them till February 10th.

ACTION: That the property be found substandard, declared a public nuisance; order the abatement of the substandard conditions by 60 days from December 20, 1988, in the following order: that the building be secured within 10 days; that the exterior walls, doors and windows of both the house and the garage be repaired within 30 days; and if that progress is made, and is considered to be substantial by staff, that an extra 30 days extension be granted to take care of the rest of the repairs to make sure that the building is habitable. That the property be cleaned (as staff sees fit). That staff work with the Human Services Department to offer additional assistance to the owners as they may be willing to accept and as may be necessary.

Motion Schulte second Land.

AYES: Koretz, Land, Schulte, Mayor Albert

NOES: Heilman

Motion carried.

7-3. ABATEMENT OF SUBSTANDARD CONDITIONS AT 835 LARRABEE STREET:

RECOMMENDED ACTION: Find the property substandard, declare it a public nuisance, and order the abatement of the substandard conditions by January 19, 1989, including removal of inoperable vehicles, cleared of junk and debris; the exterior walls, doors and windows to be painted/repared within 30 days. If substantial progress is made a 30 day extension may be granted. All defects to be repaired and fees paid prior to Termination of Declaration of Substandard Property, and property is to remain cleaned.

Bob Harvey of the Building and Safety Division gave the staff report.

ACTION: To approve the staff recommendation with the condition that no extension be granted. Motion Heilman second Land.

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

NOES: None

Motion carried.

7-4. ABATEMENT OF SUBSTANDARD CONDITIONS AT 1123 FORMOSA AVENUE:

RECOMMENDED ACTION: Find the property substandard, declare it a public nuisance, and order the abatement of the substandard conditions by January 19, 1989; the property is to remain clean and clear; the site is to be fenced with a 6' chain link fence and locked gate within 10 days. The exterior walls, doors, and windows of both house and garage to be painted/repared within 30 days. If substantial progress has been made then a 30 day extension may be

granted. All defects to be repaired and fees paid prior to Termination of Declaration of Substandard Property. Property to remain fenced, secured, painted and cleaned until it is re-occupied.

Bob Harvey, Building and Safety Division, gave the staff report.

The following person spoke on this Item:

Nancy Burke, W.H.: Lives next door to the property. The owner evicted the last tenants four years ago; since then there has been a stream of transients and runaways. It is dangerous; want to make sure a fence goes up around the house.

ACTION: Find the property substandard, declare it a public nuisance; order the abatement of the substandard conditions by January 19, 1989; but that the site is to be fenced with a six foot chain link fence and a locked gate within 10 days.

If that doesn't happen, staff can go on and put that in, and the property owner charged for it. That the exterior walls, doors and windows be painted/repainted within 30 days; but no further extension of time. Also, that staff be directed to ask for additional law enforcement in patrolling and examining the property to try to rid it of transients during the 10 day period. Motion Land second Schulte.

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

NOES: None.

Motion carried.

CITIZEN COMMENTS: This time was set aside for the public to address the Council on any item on the agenda except for the Public Hearings.

The following persons came forward to speak:

Harry Weiner: (Was not present to speak.)

Budd Kops, W.H.: The City Manager says to put complaints in writing (regarding Ashkenazy). What good is it to complain if nothing gets done.

Eddie Blake: Operate Tail o'the Pup on San Vicente. I applied for a TUP for a tent, \$100; now they send me to Building and Safety for another permit, another \$121. Why is a second permit required? Am asking for a refund.

At this time the City Manager was directed to look into Mr. Blake's request.

Paul Webber, W.H.: Complained of harassment.

Shannon D. Goodwin, aka, "Papa Hays, W.H.: Requested to be considered for Fine Arts Advisory Board. Gave a verbal resume. (Mr. Hays was informed that he should fill out an application at City Hall.)

Valentino Morocco Cooper: (Not present.)

Charles Williams (homeless): Complained that the homeless had to wait outside while Council meeting is going on.

Mark Voorhees (homeless): Complained about the hardships in being homeless, and how much they need help.

COUNCILMEMBERS COMMENTS: There were no Council comments at this time.

UNFINISHED BUSINESS

8. WERLE BUILDING MODIFICATIONS (CIP #970):

Chuck Bergson, Public Works Director, reported on the proposed space allocation of the Werle Building, and replied to questions from Council.

ACTION: To approve the space allocation of the Werle Building, direct staff to sign leases with the tenants and authorize the solicitation of competitive proposals for the construction. Motion Heilman second Land. Hearing no objection it was so ordered.

9. ASHKENAZY SETTLEMENT AGREEMENT: RECOMMENDED ACTION: approve and authorize the signing of the settlement agreement.

City Manager Paul Brotzman reported that this issue had been previously before the City Council, and was referred back to staff for further negotiation, with direction to negotiate to provide permanent protections for the remaining tenants within the buildings, address concerns raised by the neighborhood regarding impacts the hotel operation may have on surrounding neighborhoods, and identify some means to provide some guarantees for the enforcement of the provisions within the agreement. As a result of negotiations, staff has succeeded in providing permanent protection for the tenants; has had included in the agreement a number of protections for the surrounding neighborhoods; and has had included in the agreement a \$25,000 bond or cash deposit that would reimburse the City for expenses associated with code enforcement, and would be replenished as the fund is diminished. In addition, the City Manager and City Attorney met with residents from the hotel-apartment buildings and with residents surrounding the buildings to discuss their concerns and problems. Subsequent to those meetings, the City Attorney had additional discussions with Tom Winfield, representative for Ashkenazy, regarding a number of those concerns; and a number of those issues have been addressed and included in the settlement agreement.

City Attorney Mike Jenkins reviewed some of the new provisions of the revised settlement agreement (as follows):

On page 2, paragraph 1, dealing with conditional use permits, was expanded substantially to set forth a number of specific conditions

that would be included in any conditional use permit that might be approved for these hotels: Paragraph (a) deals with the time of deliveries. Paragraph (b) deals with the provision of on-site parking to employees, and the provision of valet parking. Paragraph (c) deals with a carpooling promotional program to encourage employees to use alternate methods of transportation to and from work. Paragraph (d) deals with the issue of limousines and buses standing with their motors running in particular in front of the hotels for long periods of time. Paragraph (e) deals with the limitation of sale and consumption of alcoholic beverages to hotel guests. Paragraph (f) deals with noise and odors emanating from kitchens. Paragraph (g) deals with a requirement for a temporary use permit before an event or function will be permitted with more than a certain number of persons, and that number will be inserted at the CUP stage after a public hearing, and it will be specific as to each hotel depending on the precise problems and concerns that are presented by each hotel. Paragraph (h) and (i) contain two standard City paragraphs that are contained now in all approvals of development projects of the City, allowing for the City to obtain full reimbursement for its costs and expenses in enforcing the terms of any conditional use permit. Paragraph (i) contains a requirement of a \$25,000 bond to guarantee reimbursement of those costs. This is not intended to apply to enforcement of the settlement agreement--this applies to typical code-enforcement type measures, where you would send a code enforcement officer out or bring the City prosecutor in because of a violation of a condition of a conditional use permit, or we would commence a revocation proceeding of a conditional use permit. Under paragraph 4 on page 6, the residents currently residing in the hotels are given permanent protection under the rent control ordinance as long as there is a rent control ordinance in effect in the City.

The City Attorney also reported that he and the City Manager had met with a number of residents and neighbors last week and a number of suggestions were made. Six of those suggestions have now been incorporated into the agreement. They include the following: first, that conditions will be imposed at the conditional use permit stage dealing with delivery vehicles--that they do not block access to and from the garage or obstruct vehicular and pedestrian traffic; second, the conditional use permits must be applied for by March 1, 1989; third, the time for deliveries was moved from 10 p.m. to 8 p.m.; fourth, language was clarified to provide that valet parking at the hotels would be available 24 hours a day; and finally, residents of all the hotels may receive the same services that are provided to guests to the extent that guests are charged an additional amount above the cost of their room. There were concerns of a more minor nature that have been dealt with privately and will be resolved in other ways.

Finally, the City Attorney reported that the recommendation is that Council approve the agreement and authorize the Mayor to sign the agreement on behalf of the City, so that it may be taken to the bankruptcy court for approval by the court, and so that the hotel

owners can file applications for conditional use permits.

The following persons came forward to speak on this Item:

Lester Hirsch, W.H.: A resident at 1020 Hilldale Avenue, directly west of the Bel Age Hotel. Spoke on the following issues: would like the free parking for hotel guests to continue; there are balconies facing residences--sometimes revelers are a little noisy; the 9th floor is used for storage--hope you will not allow that to be used as hotel rooms; finally, the noise.

Helyne Landres, W.H.: Spoke against allowing the sale of alcoholic beverages. The bond should be \$250,000.

Michael Eidell: Opposed to agreement.

Gerda Spiegler, W.H.: Opposed. Nothing has been changed in the financial structure.

Budd Kops, W.H.: Opposed.

David Weissfeld, W.H.: Opposed.

Ken Savage, W.H.: Opposed.

Natalie Kaplan, W.H.: Opposed.

Ruth Komer, W.H., Vice-President, Shoreham Heights Neighborhood Association: Opposed.

Joyce Heftel, W.H.: Strongly opposed.

Janet Bridgers, W.H.: Opposed.

Ethel Shapiro, W.H.: Opposed.

Helen Samett, W.H.: A resident of The Valadon, representing the tenants in the building. Would like Council to approve the agreement. Feel Mr. Brotzman did a pretty good job; this is a fair agreement. Would like to be assured I will not be evicted. When I moved in, there were prostitutes, drug addicts; now it has been made into a beautiful hotel. Also, tenants are allowed liquor, I feel guests should be allowed the same.

Eva Raber, W.H.: Strongly opposed.

Ira Stein, W.H.: There is no enforcement by the City. They should be forced back to 100 percent apartments.

Tom Winfield: With the law firm which is the principal negotiator for the hotel properties in this transaction. We have been in long and difficult negotiations with City staff for two and a half years. The question was the extent to which the apartment units

within the hotels could be treated as guest suites. We've worked very hard for two and a half years to make these hotels five quality hotels in the City of West Hollywood. These five hotels as full hotels were part of the economic basis for incorporation of the City. The LAFCO economic report was based on full transient occupancy of the hotels. We've worked to make them the best hotels; your staff has worked diligently to make them the best neighbors they can be. Ask you to go forward with the settlement this evening.

Jeanne Dobrin, W.H.: Re: what Ashkenazy has done to tenants in Santa Barbara. Opposed.

Joyce Hundal, W.H.: The community has been abused. There is no enforcement. Opposed.

Nancy Taylor, W.H.: Opposed. Should return hotels to apartment use.

Martin Strudler, W.H.: Opposed. Agreement is unenforceable.

Steve Martin, W.H.: Opposed. He (Ashkenazy) will not respect the agreement. It should be renegotiated. City should do heavy-handed enforcement.

Colin Booker, W.H.: Opposed.

At this time City Attorney Jenkins made the following remarks in response to some of the public comments:

Jenkins: With respect to transient occupancy taxes: A number of the hotels became delinquent in their transient occupancy taxes for a discreet period of time, during which they went into bankruptcy. At the present time none of those that are in bankruptcy, that are still delinquent, have bankruptcy plans of reorganization. It is anticipated that those plans of reorganization will be filed with the Court shortly. In the absence of this agreement, the City's back taxes would be paid as part of the plan of reorganization over a period of as many as six years, and it is not likely that the City would be paid interest and penalty that are due on the delinquent taxes. After that discreet period of time, the City went into bankruptcy court, and obtained permission to have the current transient occupancy taxes paid as part of the costs of administration of the hotels. Since that time, a year and a half back, all of the hotels have been absolutely current in the payment of their transient occupancy taxes. From an accounting basis, the delinquent transient occupancy taxes will be replenished first, out of the \$250,000 payments that are paid, which will include an interest and penalty factor, which might not otherwise be collectible. It will be collected within the same or a shorter period of time than would be possible under the bankruptcy plans of re-organization. On the second issue, the bulk of the building permits that were issued for interior remodeling, and even some of

the exterior, were issued prior to incorporation of the City, and were well underway during the year before incorporation of the City. It is possible a couple of permits were issued after incorporation in the latter part of 1984 and early part of 1985 for small amounts of work, before the City's attention was focussed on this issue. Regarding the arbitration issue, that is only a remedy for people who are actually constructively evicted, not a remedy for a tenant who is in a unit and is being subjected to some kind of harassment--the City has a malicious harassment ordinance and a Rent Stabilization Department to assist residents who are having problems such as harassment from their landlords.

City Manager Brotzman made the following comments regarding code enforcement: There have been numerous businesses in the City that have been closed, and a number of businesses whose activities have been substantially restricted, as a result of the City's code enforcement activities; there have been fines levied, and even jail sentences. The City does follow up on complaints--the only area not being followed up on is in the area of certain zoning issues relating to restaurants, where there is a moratorium on enforcement pending the development of a new zoning ordinance. Regarding the Ashkenazy properties, it was in fact the code enforcement activity against the properties that brought about the settlement negotiations.

At this time each of the Councilmembers gave comments regarding the proposed settlement agreement.

City Attorney Jenkins gave additional comments, stating that he recommends this agreement because he feels it is in the best interests of the City as a whole, not just the residents, not just the neighbors, and thinks it also provides excellent protection for the residents of the buildings, which they would not otherwise have, and it provides more protections for the neighbors than they will have if these properties operate as mixed use properties, more than they will have if this matter goes to a long period of litigation. If the City puts together a specific enforcement program, we will have the cooperation of the hotel owners and their representatives in making certain these are enforced. If the agreement is breached, we will go to court to revert the buildings to their original mix, and restore it to where it was when the County originally approved it.

At this time there was a motion by Councilmember Heilman to approve the settlement agreement, seconded by Land. There were two friendly amendments by Councilmember Land, accepted by Heilman (maker of the motion), and incorporated into the motion, to include language to take the back taxes separately, and also, that we develop along with this agreement, in any CUP, a specific code enforcement procedure.

Motion by Councilmember Schulte: To increase the bond to \$100,000. Second by Councilmember Koretz.

Motion by Councilmember Schulte: To disallow the ninth floor from being built out. Motion died for lack of a second.

At this time Tom Winfield was asked for his response with regard to increasing the bond to \$100,000. Mr. Winfield replied that he had come to support the agreement as negotiated; the support of the \$25,000 was given based on City staff saying it was a standard condition imposed on all new developers. He is not in a position to negotiate further at this time.

ACTION: To increase the bond to \$100,000. Motion Schulte second Koretz.

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

NOES: None

Motion carried.

ACTION: To approve the settlement agreement, that back taxes be handled separately and that we work out a specific code enforcement procedure along with the whole CUP process. Motion Heilman second Land.

(Clarification of the motion in regard to back taxes by Councilmember Heilman: that back taxes, which according to the City Attorney will be segregated and allocated to a transient occupancy tax account in the City, are to be included as part of this agreement.)

(Clarification of the motion in regard to code enforcement provisions, by Councilmember Land: Have a list that's easily read of all the different CUP requirements; a way so that their staff knows what's definitely required of them; so that our staff knows what is being required; a way to have reports issued on a timely basis so that we're kept informed of any code enforcement that is going on--just be really strong so when something is not being complied with it's very apparent and the City knows exactly what steps it can take and there's a definite time frame.)

AYES: Heilman, Land, Mayor Albert

NOES: Koretz, Schulte

Motion carried.

10. APPOINTMENT TO FINE ARTS ADVISORY BOARD: RECOMMENDED ACTION: To appoint one member to fill a present vacancy on the Fine Arts Advisory Board. THIS ITEM WAS TABLED UNDER APPROVAL OF AGENDA, TO THE SECOND MEETING IN JANUARY (JANUARY 17, 1989.)

NEW BUSINESS

11. STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION:

RECOMMENDED ACTION: To introduce on first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING DESIGN OF CONSTRUCTION DETAILS AND THEIR USE IN THE ERECTION, INSTALLATION, ALTERATION, REPAIR, REMOVAL, CONVERSION, DEMOLITION,

AND CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS IN THE CITY OF WEST HOLLYWOOD; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH."

THIS ITEM WAS TABLED UNDER APPROVAL OF AGENDA, TO JANUARY 3, 1989.

12. 1989 GENERAL OBLIGATION BOND ELECTION FOR FIRE PROTECTION AND LIBRARY FACILITIES: RECOMMENDED ACTION: 1) Adopt Resolution No. 498 making findings of public necessity; 2) introduce Ordinance No. 212, calling and giving notice of the election; 3) adopt Resolution No. 501, requesting consolidation with the City of Los Angeles; Resolution No. 502, setting priorities for written arguments and directing the City Attorney to prepare an impartial analysis; Resolution No. 503, providing for filing of rebuttal arguments; 4) instruct staff to prepare a resolution adopting a policy to permit owners of rent controlled apartments to pass through up to \$6.00 per year or \$.50 per month.

City Manager Paul Brotzman reported on this item, and recommended that the language be changed to state "construction or completion of an expanded replacement library and an expanded replacement fire station," which would replace the language that refers to the library and fire station as elements of the Civic Center Project.

The following persons came forward to speak on this Item:

Steve Martin, W.H.: Requested that this be bifurcated, so that the library and fire station will be voted on separately.

Bruce Traub, W.H.: The priorities are wrong; the Civic Center should be put on the ballot, not the fire station.

Grafton Tanquary, W.H.: Represents apartment owners. Would like the same consideration as other commercial property owners, to pass on their increased costs to their customers. You're allowing us in effect to pass on one-third of our increased costs; that is grossly unfair.

Ethel Shapiro, W.H.: They don't have to issue a G.O. bond for a fire station; there is a thing called a Certificate of Participation, for any specific or particular project the City needs. It doesn't have to go before the voters. Right now we should get that fire station before the next earthquake.

Budd Kops, W.H.: Hope you will allow us to pass some of it on. Urge you strongly to separate these two items.

Councilmember Heilman asked that the City Manager come back in January with details of how Council can appoint a Citizens' Advisory Committee to deal with the issues of financing of the Civic Center.

ACTION: To adopt Resolution No. 498, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DETERMINING THAT THE PUBLIC

INTEREST AND NECESSITY DEMAND THE ACQUISITION, CONSTRUCTION AND COMPLETION OF AN EXPANDED REPLACEMENT LIBRARY AND AN EXPANDED REPLACEMENT FIRE STATION AND THEIR FINANCING BY MEANS OF THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WEST HOLLYWOOD." Motion Land second Heilman.

AYES: Heilman, Koretz, Land, Mayor Albert.

NOES: Schulte.

Motion carried.

FURTHER ACTION: To introduce on first reading Ordinance No. 212, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD CALLING AND GIVING NOTICE OF THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 11, 1989, FOR THE SUBMISSION OF THE PROPOSITION OF INCURRING BONDED DEBT FOR THE PURPOSE OF THE ACQUISITION, CONSTRUCTION AND COMPLETION OF AN EXPANDED REPLACEMENT LIBRARY AND AN EXPANDED REPLACEMENT FIRE STATION TO THE QUALIFIED VOTERS OF THE CITY OF WEST HOLLYWOOD."

Motion Heilman second Land. Noting the objection of Councilmember Schulte, it was so ordered.

FURTHER ACTION: To adopt Resolution No. 501, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REQUESTING THE CITY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON APRIL 11, 1989, WITH THE LOS ANGELES UNIFIED SCHOOL DISTRICT GENERAL ELECTION TO BE HELD ON THAT DATE, PURSUANT TO SECTIONS 23300 ET SEQ OF THE ELECTIONS CODE," with the amendment that the question set forth on page 2 be amended in accordance with the changes. Motion Heilman second Land. Noting the objection of Councilmember Schulte, it was so ordered.

FURTHER ACTION: To adopt Resolution No. 502, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY PROPOSITION AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS." Motion Land second Heilman. Noting the objection of Councilmember Schulte, it was so ordered.

FURTHER ACTION: To adopt Resolution No. 503, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY PROPOSITIONS SUBMITTED AT MUNICIPAL ELECTIONS." Motion Land second Heilman. Hearing no objection it was so ordered.

Staff was directed to bring back to Council the issue of pass-throughs at the second meeting in January.

13. TRASH ORDINANCE - FOR INTRODUCTION: Chuck Bergson, Public Works Director, reported that there were some technical changes in the wording of the proposed ordinance: Section 5760, page 23, where it says, "The containers shall have a capacity of not more than thirty-two (32) gallons and shall weigh not more than sixty (60) pounds. . .", it should read "forty-five gallons" and "seventy pounds". Similarly, on page 24, the two sentences citing "sixty

pounds" should say "seventy pounds".

Mayor Pro Tem Land requested a change under Section 5740, page 19, where it says "No collection within the City shall be made between the hours of 6 p.m. and 6 a.m.", that 6 a.m. should be changed to 7 a.m., to conform with the noise ordinance.

To introduce on first reading Ordinance No. 213, as amended, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING SOLID WASTE COLLECTION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE," and instruct staff to study the fiscal impacts of alternative garbage rate structures. Motion Heilman second Schulte. Hearing no objection it was so ordered.

14. SPRINKLER ORDINANCE - FOR INTRODUCTION: Jack Bollen, Public Safety Coordinator, reported that this ordinance had been presented to Council on September 26. Titles 27, 28, and 29 of the Electrical Code, Plumbing Code, and Mechanical Code are exactly the same as the Ordinance originally presented; however, Title 26, the sprinkler ordinance, has been changed. It only includes two categories of buildings: 1) any new buildings built in West Hollywood will be required to have sprinkler systems; 2) any commercial high rise building will be required to have sprinklers. The Rent Stabilization Ordinance will not be impacted in any way by this Ordinance as presented. With regard to residential high rise buildings, staff is currently engaged in research to determine costs involved, and how to handle the financing of retrofitting, and this will come back to Council at a later date, probably February.

ACTION: To introduce on first reading Ordinance No. 214, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADOPTING BY REFERENCE THE LOS ANGELES COUNTY CODE, TITLE 26, BUILDING CODE, TITLE 27, ELECTRICAL CODE, TITLE 28, PLUMBING CODE, AND TITLE 29, MECHANICAL CODE, MAKING AMENDMENTS TO SAID CODES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Land second Schulte. Hearing no objection it was so ordered.

15. IMPROVEMENT OF REHABILITATION PROCEDURES: RECOMMENDED ACTION: To introduce on first reading Ordinance No. ____, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING PORTIONS OF CHAPTER 99 OF THE UNIFORM BUILDING CODE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

Bob Harvey, Building and Safety Division, reported that the purpose of this ordinance is to streamline the rehabilitation process.

After discussion, staff was directed to amend the ordinance to delete the informal hearing panel comprised of City Department Heads, and bring the ordinance back at the next regular meeting. By consensus.

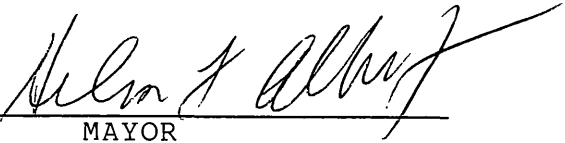
CLOSED SESSION: There was no closed session.

At this time City Manager Brotzman requested that Council schedule a meeting on Saturday, January 28, 1989, which would be a day-long session with boards and commissions on goal-setting, and reserve Saturday, February 25, 1989, for a (City Council) goal-setting session.

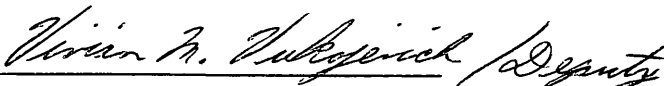
Councilmember Heilman said he would like to work with the City Manager to create a structure for discussion.

Mayor Albert adjourned the meeting at 1:15 a.m. to January 3, 1989, at 7:00 p.m. at West Hollywood Park.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 6TH DAY OF FEBRUARY, 1989.


MAYOR

ATTEST:


CITY CLERK