

MINUTES
CITY COUNCIL MEETING
NOVEMBER 21, 1988
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD
7:00 P.M.

CALL TO ORDER: Mayor Albert called the meeting to order at 7:10 p.m.

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

ROLL CALL: PRESENT: Heilman, Koretz, Land, Mayor Albert
(Schulte absent.)
ALSO PRESENT: City Manager Brotzman
City Attorney Jenkins

APPROVAL OF AGENDA: ACTION: Remove Items 2h, 2j, 2k, 2-o, and 2t from Consent Calendar for separate discussion. Move Item 7 to after the Consent Calendar, before Citizen Comments. Approve the agenda as amended. Motion Land second Heilman. Hearing no objection and noting the absence of Councilmember Schulte, it was so ordered.

PROCLAMATIONS AND COMMENDATIONS: National Drunk and Drugged Driving Awareness Week: Mayor Pro Tem Land announced that National Drunk and Drugged Driving Awareness Week would be December 11-17, and that there would be outreach with restaurants and bars to provide information to the public so they would not be drinking and driving during the holiday season.

1. CITY MANAGER'S REPORT: City Manager Brotzman reported on actions taken to address the problems in the La Jolla/Havenhurst area: On Tuesday following the Council Meeting the Sheriff's Department implemented more extensive patrol in the area, including foot patrol activities. The parking lot will be chained closed from 2:30 a.m. to 6:00 a.m. Additional street lights will be installed on the alley to provide greater illumination to the rear of the businesses. Staff is discussing with the County the creation of an expanded parking lot that would include the permanent closure of the alley. Staff is exploring the removal of the payphones in front of Circus Books. Circus Books has removed the storage bin in front of their building. The problem has been substantially corrected, and staff will continue with measures to permanently remove the problem.

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, d, e, f, g, i, l, m, n, p, q, r, s and u. Motion Heilman second Land. Hearing no objection and noting the absence of Councilmember Schulte, it was so ordered.

At this time Jonathan Ahearn, City Treasurer, gave a verbal

ORIGINAL

report on the City's finances for the months of August and September.

a. Posting of Agenda: The agenda for the meeting of November 21, 1988, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Friday, November 18, 1988.

ACTION: Receive and file.

Approved as part of the consent calendar.

b. Demand Register No. 98, Resolution No. 492:

ACTION: Approve Demand Register No. 98, and adopt Resolution No. 492.

Approved as part of the consent calendar.

c. Treasurer's Report - August and September:

ACTION: Receive and file.

Approved as part of the consent calendar.

d. Minutes: November 7, 1988

ACTION: Approve the minutes of November 7, 1988.

Approved as part of the consent calendar.

**e. Claims: Oscar G. Chavez
Thomas Morris**

ACTION: To deny the claims of Oscar G. Chavez and Thomas Morris 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. National Drunk and Drugged Driving Awareness Week:

ACTION: To proclaim December 11-17 as National Drunk and Drugged Driving Awareness Week, and to direct Council staff to work with the Public Information Office and CATV to inform both the citizens and businesses of the Council's actions.

Approved as part of the consent calendar.

h. Civic Center - Approval of Contracts: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Councilmember Koretz asked a question about whether the City needed approval from the State Recreation and Parks Department. The City Manager stated that the State requires the City to replace any park space used with comparable park space. Otherwise, the City must reimburse the State. However, since the City meets this requirement, this would not be a problem. **ACTION:** To approve the letter of agreement with Gruen Associates for architectural services, the letter of agreement with CRS Sirrene for construction management services, and the letter of agreement

with John S. Given for project management services, and direct staff to commence preparation of schematic design for the Civic Center. Motion Heilman second Land. Hearing no objection and noting the absence of Councilmember Schulte, it was so ordered.

i. Fairfax Liaison Program/Project 10: ACTION: To authorize purchase of a maximum of \$2,000 worth of educational materials and books for distribution by Project 10 at Fairfax High School. Approved as part of the consent calendar.

j. Hardware Upgrade of Existing Computer System:
REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY.

Jeri Chenelle, Administrative Services Director, and Patrick Depew, Information Systems Manager, gave a staff report.

ACTION: To approve the staff recommendation to approve purchase of the Model 6150 and authorize transfer of \$142,350 from Certificate of Participation proceeds to the Information Systems budget, and direct staff to come back in December with discussion of bringing in a consultant to evaluate the system. Motion Land second Heilman. Hearing no objection and noting the absence of Councilmember Schulte, it was so ordered.

k. Hearing on Appeal - David Curtin and Alex Henig, dba The Speakeasy, 8531 Santa Monica Blvd., West Hollywood Conditions of Renewal, Entertainment with Dance Business Licenses: PULLED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. At this time the following persons addressed the Council:

Joyce Heftel, W.H.: Complained about the Speakeasy. Requested it be turned back to the Business License Commission.
Paul Webber, W.H.:

ACTION: 1) To grant a hearing on appeal to the Appellant;
2) To accept all evidence, exhibits, and a full and true transcript of record of the hearing before the Business License Commission held on March 1, April 5, August 2, September 6 and October 4, 1988; 3) To accept any new evidence and/or testimony only if such evidence or testimony could not have been presented to the Business License Commission in the course of the public hearing, because such evidence or testimony was not available at the time of the hearing; to set an appropriate time limit for each party to present such new evidence and/or testimony, and that each party submit in writing their intent to submit such new evidence or testimony by an appropriate deadline, if any;
4) To allow for each party to present any oral arguments and/or points and authorities of law with regard to the existing evidence and testimony, as well as any new evidence or testimony; and to set an appropriate time limit for each party for the presentation of said arguments.

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

l. Fountain Avenue Traffic Signal Controllers (CIP #836), Request to Advertise: ACTION: To authorize solicitation of proposals for provision and installation of traffic signal control equipment for Fountain Avenue.
Approved as part of the consent calendar.

m. Hart Park Improvements (CIP #868), Request to Advertise: ACTION: To authorize solicitation of proposals for construction of improvements to Hart Park.
Approved as part of the consent calendar.

n. Acceptance of Tennis Court Resurfacing (Plummer Park and West Hollywood Park) (CIP #968): ACTION: To accept the tennis court resurfacing and authorize the following: 1) Filing of a Notice of Completion by the Director of Public Works; 2) Final payment at the end of the thirty-five (35) day lien period; 3) Release of the Performance bond and Material bond.
Approved as part of the consent calendar.

o. Ordinance No. 209 - Amendment to Pooper Scooper Ordinance: PULLED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Councilmember Koretz suggested that the "Pooper Scooper" Ordinance be re-worded to make sure that people are not cited who are trying to comply with the ordinance. ACTION: To adopt on second reading Ordinance No. 209, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING PENALTIES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Koretz second Land. Hearing no objection and noting the absence of Councilmember Schulte, it was so ordered.

p. Ordinance 206, Preferential Parking: ACTION: To adopt on second reading Ordinance No. 206, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PREFERENTIAL PARKING PROVISIONS OF THE TRAFFIC CODE, ESTABLISHING PREFERENTIAL PARKING DISTRICT NO. 4 AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."
Approved as part of the consent calendar.

q. Ordinance 207, Abatement of a Public Nuisance: ACTION: To adopt on second reading Ordinance No. 207, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING PROCEDURES FOR ABATEMENT OF A PUBLIC NUISANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."
Approved as part of the consent calendar.

r. Ordinance No. 208, Informal Bidding Procedures: ACTION: To adopt on second reading Ordinance No. 208, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD TO PROVIDE INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (SECTION 21200 ET SEQ. OF THE PUBLIC CONTRACT CODE) AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."

Approved as part of the consent calendar.

s. Cities of Beverly Hills, Los Angeles, and West Hollywood Tri-City Resolution to Adopt Memorandum of Understanding: ACTION: 1) To adopt Resolution No. 493, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING A MEMORANDUM OF UNDERSTANDING ESTABLISHING A BASIS FOR JOINT COOPERATION ON PLANNING MATTERS OF MUTUAL CONCERN" and 2) direct staff of Community Development to continue the implementation of Resolution No. 493, and 3) direct Mayor Pro Tempore Land's staff to send letters to Los Angeles and Beverly Hills regarding the City Council's adoption of Resolution No. 493. Approved as part of the consent calendar.

t. Employee Group Health Plan: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: To allocate \$15,000 from the Unobligated Reserve to fund preparation costs, as needed, for the development of the Employee Group Health Plan, with this amount to be reimbursed through premium deposits. Motion Land second Heilman. Hearing no objection and noting the absence of Councilmember Schulte, it was so ordered.

u. Recognition of Confidential Association:
ACTION: That Council grant recognition to the Association of Confidential Employees pursuant to Resolution 216, Article II, Section 1 (n).
Approved as part of the consent calendar.

ITEM 7, POLICY ON OLDER ADULTS, WAS TAKEN OUT OF ORDER AND ACTED ON AT THIS TIME, BUT IS LISTED AFTER ITEM 6 FOR CLARITY.

CITIZEN COMMENTS: The following persons came forward to speak:

Norma Kemper, W.H.: Regarding the La Jolla/Havenhurst area. Thanked Council for their quick response. There is still a problem one block south of Santa Monica Blvd.

Paul Webber, W.H.:

At this time direction was given to staff to follow up with regard to Ms. Kemper's remarks.

PUBLIC HEARINGS

3. APPEAL OF MINOR CONDITIONAL USE PERMIT 87-16 - RAINBOW BAR AND GRILL - FOR OUTDOOR DINING: RECOMMENDED ACTION: To open the public hearing, hear public testimony, and then, if appropriate, to uphold the decision of the Director of Community Development and the Planning Commission denying MCUP 87-16.

Mark Winogron, Community Development Director, recommended Council not make a decision at this meeting, because of evidence which had recently been presented, and which needed to

be reviewed.

MOTION: To remand this matter back to the Planning Commission.
Motion Land second Koretz.

AYES: Koretz, Land

NOES: Heilman, Mayor Albert

ABSENT: Schulte

Motion failed.

ACTION: To reconsider the previous motion. Motion Heilman second Land. Hearing no objection and noting the absence of Councilmember Schulte, it was so ordered.

ACTION: To remand this matter back to the Planning Commission.
Motion Land second Heilman.

AYES: Heilman, Koretz, Land, Mayor Albert.

NOES: None

ABSENT: Schulte

Motion carried.

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

Councilmember Land announced that City Hall is now open to the public until 7:00 p.m. on Mondays. Councilmember Land also commented that people have been parking in the City Hall parking lot at night, and when people come to board and commission meetings, there is no parking. Direction was given to the City Manager to look into this matter.

Councilmember Heilman commented, regarding Spago's, that one of the conditions of their CUP was to train valets and limo drivers, and suggested that some City staff be present at training of drivers, to make sure it is done according to our directions.

Councilmember Koretz requested that there be more publicity given to the late City Hall hours on Mondays. He also requested that the City Manager discuss with the Sheriff's Department adding foot patrol between San Vicente and Robertson.

UNFINISHED BUSINESS

4. WERLE BUILDING - PROPOSED PROGRAM: THIS ITEM WAS PULLED FROM THE AGENDA AT REQUEST OF STAFF.

5. SINGLE FRANCHISE/RECYCLING PROJECT: The Franchise agreement with BFI for trash pick-up expires at the end of this fiscal year. The city must decide whether to continue operations through the County or take over this service. There is a need for greater City control over matters related to the accumulation, collection, recycling, and disposal of trash. Because of

the City's urban environment characterized by high density, multiple trash collectors not regulated by the City create daily traffic jams and hazards by blocking streets and intersections, and create daily noise and disruptions. Also, if the City is interested in the environmental benefits of a recycling program, it is advisable for the City to gain jurisdiction over trash operations. On November 7, 1988, the City Council adopted Resolution No. 491, requesting the Local Agency Formation Commission to initiate proceedings for the dissolution of the West Hollywood-Sherman Garbage Disposal District, and directed staff to return on November 21 with an in-depth report.

Chuck Bergson, Public Works Director, gave the staff report.

The following person addressed the Council:
Paul Webber, W.H.

ACTION: Direct staff to proceed with all necessary and required steps to implement the following short-term and long-term goals:

- 1) Move to dissolve the West Hollywood-Sherman Garbage Disposal District, subject to transferring the current District reserve fund subsidy to the City.
- 2) Provide eligible vendors operating in the City with the legally required five-year notification of intent to franchise.
- 3) Place on the December 19, 1988 Council Agenda an enabling ordinance providing for the terms and conditions of the City's refuse collection.
- 4) Instruct staff to prepare an RFP for exclusive refuse collection services, including a recycling component, to be issued in February, 1989.
- 5) For administrative and practical reasons, instruct staff to maintain the current billing system, through the County tax rolls, at the necessary and appropriate rate per unit.

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

6. FINAL REPORT OF THE GAY AND LESBIAN TASK FORCE:

RECOMMENDED ACTION: That the City Council adopt the recommendations of the Gay and Lesbian Task Force as set forth in the final report.

Tom West, Program Specialist, reported that the City Council appointed the Gay and Lesbian Task Force, eight lesbians and eight gay men, to address issues of concern to the gay and lesbian community. The Task Force first convened in January 1988 and held eleven meetings over a ten-month period, two public hearings, and then broke into a variety of subcommittees, to make 48 recommendations to the Council. They have highlighted eight of those which are of particular importance to the quality of life of the lesbian and gay

community in the City.

Jean Conger, Co-Chair of the Task Force, thanked the Council and staff, and requested that several recommendations be voted on tonight: that a Lesbian and Gay Advisory Council be appointed to continue the work of the Task Force in reviewing, analyzing and making recommendations to the City Council and to the City agencies for meeting the needs of the Lesbian and Gay community. This Advisory Council would be appointed in the same manner as similar established bodies in the City, such as the Senior Advisory Council. This effort would reflect the diversity of the residents, employees, visitors and clients of the City. (Recommendation #38) Ms. Conger also requested the following: that a Sheriff's and Citizen's Conference Committee be established to address issues of concern that arise between the Lesbian and Gay Community and the Sheriff's Department; that the hiring of openly gay and lesbian officers be encouraged; that there be a sensitivity training or workshop with the Marketing Corporation; that the City ensure that when citizen or community groups are listed in descriptions of the City, the Lesbian and Gay community will be included as well; that the City fund the development of a Lesbian and Gay profile; that the City encourage and assist the West Hollywood Chamber of Commerce in conducting this assessment; and that the International Gay and Lesbian Archives and the Mazer collection be housed temporarily in the Werle Building and permanently in the new Civic Center.

At this time Jean Conger introduced the members of the Task Force: Eleanor Barrett, Lucia Conforti, Peter Depew, Chuck George, Scott Giantvalley, Kim Kralj, Linda Lasater, Alan Lee, Yolanda Retter, Ron Rose, Jim Russell, Nicki Toomey, Donna Weaver, and Michaeljohn Horne (liaison from Human Services Commission).

Wuzzy Spaulding, Co-Chair, gave additional comments at this time regarding the Task Force recommendations.

The following persons addressed the Council on this Item:

Kim Kralj: Support.

Jim Russell: Support.

Eleanor Barrett: Support.

Ron Shipton, W.H.: Asked whether the Council had received the statement from the Human Services Commission, which had had an involved discussion on this.

Linda Lasater: Support.

John O'Brien: Support.

Pat Martel: Support.

ACTION: That a Gay and Lesbian Advisory Council be appointed to continue the work of the Task Force. Motion Koretz second Heilman. Hearing no objection and noting the absence

of Councilmember Schulte, it was so ordered.

At this time Council Deputies Ray Villarreal and Judy Abdo were appointed as staff liaison to the Advisory Council. Approved by consensus.

FURTHER ACTION: To accept the rest of the Task Force Report and refer it to staff and the Advisory Council to begin working out implementation. Motion Land second Koretz. Hearing no objection and noting the absence of Councilmember Schulte, it was so ordered.

7. POLICY ON OLDER ADULTS: The purpose of this report is to highlight some of the issues of concern to older residents of the City and establish a workplan and timeline for the City to address them. **RECOMMENDED ACTION:** That the City Council a) approve the policy statement on older adults; and b) instruct staff to begin implementation of the action steps named in the report.

Perri Sloane, Senior Services Programs Specialist, gave the staff report.

The following persons came forward to speak on this Item:
Jerry Hundal (member of Senior Advisory Council): Support.
Katie Pizer: Support.
Lee Rensky: Support.

ACTION: To accept the report and ask staff to begin implementation. Motion Land second Heilman. Hearing no objection and noting the absence of Councilmember Heilman, it was so ordered.

8. DISCUSSION OF MORATORIUM FOR WEST KNOLL AREA: On November 3, 1988, the Planning Commission unanimously voted to direct staff to present a proposal to the City Council for a one-year building moratorium in a limited portion of the West Knoll Triangle Area. **RECOMMENDED ACTION:** The recommendation of the Planning Commission is that the City Council adopt a building moratorium for the West Knoll Area. The staff recommendation is that Council direct staff to develop alternative measures exclusive of a moratorium which will reduce the negative impacts of construction on the residents of the West Knoll Triangle area. Staff will do a comparative analysis of the alternatives.

Howard Zelefsky, Planning Director, gave the staff report. Mark Winogron, Community Development Director, was also present to answer questions.

The following persons came forward to speak on this Item:

Joyce Heftel, West Knoll Dr., W.H.: We're beyond high

density on our street. The nightclub stops at 2:30; construction starts at 6:00 a.m. We need a moratorium. Request review of the moratorium in one year.

Mark Lehman, Westbourne Dr., W.H.: Oppose a full-fledged moratorium, will penalize small builders. Favor the staff recommendation.

Melissa Naso, W.H.: Echoed the concerns expressed. Area has exceeded reasonable density.

ACTION: To direct staff to come back to Council at the next possible meeting (December 19th) with recommendations for redesignating the zoning, whether it's redesignating the whole area or whether it's micro-zoning; secondly, that staff come back with a mechanism for phasing construction and an analysis of that--whether that would be a solution to this neighborhood's problems; thirdly, that staff confer with the City Attorney and determine the legal ramifications of both those options. Motion Heilman second Land. Hearing no objection and noting the absence of Councilmember Schulte, it was so ordered.

City Attorney Jenkins advised that Council give direction, also, for a moratorium ordinance to be brought back at the next regular meeting, since it would take months for a downzoning ordinance to be fully adopted and effective. Councilmember Heilman said yes, if that is what staff and the City Attorney feel is necessary. Approved by consensus.

Mayor Albert called a recess at 9:35 p.m.
The Council reconvened at 9:45 p.m.

9. TEMPORARY USE PERMIT 88-27; TEMPORARY PARKING LOT AT 365 N. SAN VICENTE BOULEVARD: TUP 88-27 is a request by Lawrence & Howell to operate a temporary parking lot for use by Beverly Center employees during the Christmas Season, from November 21 to December 31, 1988.

Jeff Archuleta of the Community Development Department gave the staff report.

The following persons addressed the Council on this item:

Ron Shipton, W.H.: Spoke against the TUP--should be a Major Conditional Use Permit process.

Effie Reuveni, W.H.: Spoke against. What we need is a CUP with a public hearing.

G. Bruce Traub, W.H.: Supports staff recommendations.

Lorraine Howell (applicant): Don't know of any complaints by residents. Application is only for five weeks. Trees were planted. There will be a sign, "Employee parking by permit only."

Jeanne Dobrin, W.H.: Spoke in support.

DIRECTION: Direction was given to staff to talk with the City Attorney and return with recommendations for putting a time limit on a specific plan for this area. By consensus.

ACTION: To approve and adopt Resolution No. 494, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING TEMPORARY USE PERMIT 88-27 ON AN APPLICATION OF LAWRENCE AND HOWELL FOR A TEMPORARY PARKING LOT AT 365 NORTH SAN VICENTE BOULEVARD, WEST HOLLYWOOD". Motion Heilman second Koretz.

AYES: Heilman, Koretz, Mayor Albert.

NOES: Land.

ABSENT: Schulte.

Motion carried.

9a. APPOINTMENT OF ALTERNATE DELEGATE FOR THE CITY SELECTION COMMITTEE OF THE SOUTHERN CALIFORNIA LEAGUE OF CITIES FOR THE LOS ANGELES COUNTY TRANSPORTATION COMMISSION: The Mayor is automatically the delegate to the City Selection Committee, and the Council appoints an alternate. **ACTION:** To appoint Councilmember Paul Koretz as alternate delegate. Motion Albert second Land. Hearing no objection and noting the absence of Councilmember Schulte, it was so ordered.

LEGISLATIVE

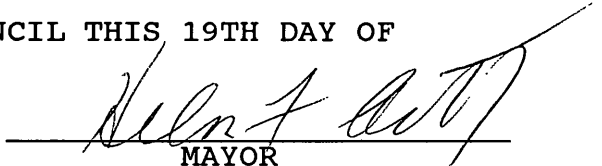
10. ORDINANCE NO. 205, CHANGE OF USE OF RENTAL UNITS:

ACTION: To introduce on first 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." Motion Land second Heilman. Hearing no objection and noting the absence of Councilmember Schulte, it was so ordered.

CLOSED SESSION: Mayor Albert adjourned the meeting to a closed session at 10:08 p.m. to discuss matters of personnel and litigation.

ADJOURNMENT: Mayor Albert adjourned the meeting at 11:30 p.m. to December 12, 1988 at 7:00 p.m. at West Hollywood Park.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 19TH DAY OF DECEMBER, 1988.


MAYOR

ATTEST:


CITY CLERK