

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
AGENDA
MONDAY, APRIL 6, 2020**

6:30 P.M. – *SPECIAL TELECONFERENCE MEETING

CALL TO ORDER: Mayor D'Amico called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE: Mayor D'Amico led the Pledge of Allegiance.

ROLL CALL:

PRESENT: Councilmember Duran, Councilmember Heilman, Councilmember Meister, Mayor Pro Tempore Horvath, and Mayor D'Amico.

ABSENT: None.

ALSO PRESENT: City Manager Arevalo, Assistant City Attorney Langer, City Clerk Quarker, and Assistant City Clerk Crowder.

APPROVAL OF AGENDA:

Councilmember Duran requested that Item 6.A. be moved to the Consent Calendar as Item 2.I.

Motion by Councilmember Heilman to approve the April 6, 2020 Agenda as amended, seconded by Councilmember Meister, and approved.

ADJOURNMENT MOTIONS:

Councilmember Heilman requested that the meeting be adjourned in memory of Jeff Skorneck and Maggie Griffin.

Mayor Pro Tempore Horvath requested that the meeting be adjourned in memory of Merry Norris, Bonnie Sugar, Ralph (Rachmil) Hakman, Lorena Borjas, Frances Waters, and Alex Litvak. She also requested that the meeting be adjourned for the following military adjournment: Sergeant 1st Class John David Randolph Hilty (44).

Councilmember Duran requested that the meeting be adjourned in memory of Monica Diamond.

PRESENTATIONS:

1. PUBLIC COMMENT:

SCOTT EMMER, WEST HOLLYWOOD, spoke regarding Item 2.H.

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LARRY BLOCK, WEST HOLLYWOOD, spoke regarding masks, community transmission of Covid-19, and Item 2.G.

SEPI SHYNE, WEST HOLLYWOOD, spoke regarding WeHo Neighbors Helping Neighbors.

CHARLIE CARNOW, UNITE LOCAL 11, spoke regarding recalling hotel workers after the crisis over.

[E-Comments were also submitted online, by individuals wishing to comment on Consent Calendar Items and topics of General Interest. Those comments in their entirety can be found as part of the online City Council Agenda Packet for this meeting]

COUNCILMEMBER COMMENTS AND MEETING ATTENDANCE REPORTS:

Councilmember Duran acknowledged and thanked residents around the City finding ways to connect with each other. He thanked the local businesses for their dedication to the City. He thanked the City Manager and Assistant City Manager for the fiscal responsibility they have shown which has allowed the City to continue to serve the community.

Councilmember Heilman expressed his appreciation for the City Manager for keeping the City moving forward. He also expressed his appreciation to the City Clerk.

Councilmember Meister thanked the community for their patience. She noted that residents can sign up to receive Nixle Alerts at alert.lacounty.gov, and the West Hollywood alert system is 888-777 and zip code. She commented on various Consent Calendar items. She spoke about social distancing and other safety related concerns with regard to residential construction projects. Finally, she wished her sister Debbie a Happy Birthday.

Mayor Pro Tempore Horvath reported that she attended the Clean Power Alliance, California Contract Cities, Women in Municipal Government meetings where they discussed Coronavirus updates. She also reported that she participated in updates with on the pandemic with Spectrum News and hosted a Town Hall meeting with Congregation Kol Ami. She mentioned Planned Parenthood and supporting the West Hollywood Health Center. She spoke regarding Domestic Violence Shelters and their resource needs. She addressed requests for volunteer opportunities. Finally, she spoke about kindness.

Mayor D'Amico thanked everyone for their concern while he was sick. He thanked City staff for their dedication during this crisis. He requested that the City Manager address online payments for permits, the City's dog parks, and the 2020-2022 budget. Finally, he mentioned the cancellation of City events through June 30th. He requested that the City Manager bring an item forward with a list of events after June 30th that the Council may consider cancelling.

CITY MANAGER'S REPORT:

City Manager Arevalo thanked the City Clerk for putting together tonight's meeting. He addressed the City's preparedness for this crisis and thanked the City Council for their vision and leadership. He spoke about the upcoming budget. He spoke about the impacts to the business community. He indicated that a timeline of major events will be provided to the City Council at the next meeting. He reiterated Councilmember Meister's comment regarding Nixle alerts. He noted the issue with construction sites throughout the City and spoke about measures the City is taking to ensure the healthy and safety at those sites. He also spoke about dog parks in the City and steps the City is taking to address social distancing problems at the dog parks. He mentioned the City's social services and indicated that more information will be provided under Item 4.A. He indicated that City continues to work with the business community. He addressed the City's food banks and mentioned food delivery to people who need it. Mayor D'Amico noted that residents and businesses should check the City's website frequently for updates. City Manager Arevalo shared a quote from a member of the CDC "we're trying to build a plane while we're flying it". He did confirm that the City's website is continually updated. Finally, he mentioned testing for Covid-19 and that the City is working with the County Department of Public Health for a testing site in or near West Hollywood.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk Quarker stated that the fiscal impact on the Consent Calendar is \$0 in expenditures, \$0 in potential revenues, (\$0) in waived fees.

2. CONSENT CALENDAR:

2.A.,B.,C.,D.,E.,F.,G.,H.,I. Motion by Councilmember Duran, seconded by Councilmember Meister, and approved.

2.A. POSTING OF AGENDA:

SUBJECT: The agenda for the meeting of Monday, April 6, 2020 was posted at City Hall, Plummer Park, and the Sheriff's Station on Wednesday, April 1, 2020.

ACTION: Receive and file. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

SUBJECT: The City Council is requested to approve the minutes of the prior Council meeting.

ACTION: Approve the minutes of March 16, 2020. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 863, RESOLUTION NO. 20-5264 [L. QUIJANO, C. CORRALES]:

SUBJECT: The City Council shall receive the Demand Register for period ending March 27, 2020 pursuant to Sections 37201 to 37210 of the Government Code of the State of California.

ACTION: Approve Demand Register NO. 863 and adopt Resolution No.20-5264, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING PAYMENT OF DEMANDS PRESENTED ON DEMAND REGISTER NO. 863." **Approved as part of the Consent Calendar.**

2.D. ADOPT ORDINANCE NO. 20-1102 (2ND READING) "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING PROVISIONS OF CHAPTER 3.08 OF TITLE 3 OF THE WEST HOLLYWOOD MUNICIPAL CODE RELATING TO APPROVAL OF CONTRACTS." [Y. QUARKER, M. CROWDER]:

SUBJECT: The City Council will waive further reading and adopt Ordinance No. 20-1102, "an Ordinance of the City of West Hollywood amending provisions of Chapter 3.08 of Title 3 of the West Hollywood Municipal Code relating to approval of contracts."

ACTION: Waive further reading and adopt Ordinance 20-1102, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING PROVISIONS OF CHAPTER 3.08 OF TITLE 3 OF THE WEST HOLLYWOOD MUNICIPAL CODE RELATING TO APPROVAL OF CONTRACTS." **Approved as part of the Consent Calendar.**

2.E. DECLARATION OF APPLICANT'S AGENT FOR THE CALIFORNIA OFFICE OF EMERGENCY SERVICES [K. COOK, L. QUIJANO]:

SUBJECT: The City Council will consider updating its designation of authorized agents for the California Office of Emergency Services.

ACTIONS: 1) Adopt Resolution No. 20-5265, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DESIGNATING AUTHORIZED AGENTS TO EXECUTE FOR AND ON BEHALF OF THE CITY OF WEST HOLLYWOOD FOR FINANCIAL ASSISTANCE FROM THE FEDERAL EMERGENCY AGENCY (FEMA AND THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (CAL OES) FOR RECOVERING COSTS ASSOCIATED WITH THE DECLARED EMERGENCIES; and 2) Rescind Resolution No. 17-4920. **Approved as part of the Consent Calendar.**

2.F. STATE AND FEDERAL ACTIONS TO MITIGATE THE IMPACT OF CORONAVIRUS ON BUSINESSES AND INDIVIDUALS [J. LEONARD, H. MOLINA]:

SUBJECT: The City Council will receive an update on the actions taken to date by Governor Newsom and his administration and the federal administration to mitigate the impact of coronavirus on the economy, and measures to assist individuals and businesses.

ACTION: Receive and File. **Approved as part of the Consent Calendar.**

2.G. EMERGENCY ACTIONS TO SUPPORT BUSINESSES IN RESPONSE TO THE COVID-19 PANDEMIC [L. MEISTER, J. D'AMICO, J. LEONARD, A. LOVANO]:

SUBJECT: The City Council will consider providing additional direction to the City Manager and staff to support businesses in response to the COVID-19 pandemic.

ACTIONS: Provide additional authority to the City Manager to expedite creative ways to support businesses during the current state of emergency in response to COVID-19, including, but not limited to those listed in the body of this report. **Approved as part of the Consent Calendar.**

2.H. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING SPECIFIED CONSTRUCTION ACTIVITY AN ESSENTIAL FUNCTION OF THE CITY [P. AREVALO, O. DELGADO, S. CAMPBELL]:

SUBJECT: The City Council will consider adopting a Resolution declaring specified construction activity on City projects an essential function of the City.

ACTION: Adopt Resolution No. 20-5266, 'RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DECLARING SPECIFIED CONSTRUCTION ACTIVITY AN ESSENTIAL FUNCTION OF THE CITY.' **Approved as part of the Consent Calendar.**

2.I. (6.A.) AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADDING SECTION 3.08.015 TO PART A OF CHAPTER 3.08 OF TITLE 3 OF THE WEST HOLLYWOOD MUNICIPAL CODE RELATING TO AUTHORITY TO EXECUTE CONTRACTS [D. WILSON]:

SUBJECT: The City Council will consider the adoption of an ordinance to provide additional authorization to execute contracts, which provides flexibility for instances such as bond financing that require independent signatures from multiple City Officials.

ACTION: Introduce on first reading the following ordinance: Ordinance 20-1104, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADDING SECTION 3.08.015 TO PART A OF CHAPTER 3.08 OF TITLE 3 OF THE WEST HOLLYWOOD MUNICIPAL CODE RELATING TO AUTHORITY TO EXECUTE CONTRACTS." **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS: None.

4. UNFINISHED BUSINESS:

4.A. UPDATE ON RESPONSE TO THE COVID-19 PANDEMIC [P. AREVALO, L. LANGER]:

SUBJECT: The Council will receive an update on city activities in response to COVID-19 since declaration of local emergency on March 16, 2020, consider ratification of the City Manager's Executive Order 2020-1 and adoption of additional emergency measures in response to COVID-19; and consider an urgency ordinance enacting a temporary moratorium on commercial evictions due to non-payment of rent by tenants impacted by COVID-19 and amendments to the residential eviction moratorium; including a prohibition on eviction for unauthorized tenants, and suspension for rent increases for rent stabilized units, and provide direction to staff on additional emergency measures.

City Manager Arevalo and Assistant City Attorney Lauren Langer provided background information on the staff report dated April 6, 2020.

NICK RIMEDIO, BEVERLY HILLS, GENERAL MANAGER OF THE La Peer Hotel, thanked the City Council for their leadership. He also thanked the City Manager and City staff for their hard work. He thanked the Chamber of Commerce and Visit West Hollywood and spoke regarding the hospitality industry.

DAVID BLOOM, PALM SPRINGS, spoke regarding a balance between commercial tenants and landlords.

SEPI SHYNE, WEST HOLLYWOOD, spoke regarding financial hardships on the renters in the City and noted that many renters are confused about resources available to them. She suggested a ban on enforcement of the Ellis Act and encouraged the City to suspend the annual rent increase.

WALTER, RESTAURANT OWNER IN WEST HOLLYWOOD, requested more time for rehiring workers and also allow the business to decide which employees return at what point.

LARRY BLOCK, WEST HOLLYWOOD, spoke regarding tenants and renters.

ROBERT LO, WEST HOLLYWOOD, thanked the City Council and spoke regarding an app that he created for people to barter goods and services.

DANIEL LEIDNER-PERETZ, REPRESENTING AAGLA, spoke regarding hardships that residents are facing during this crisis.

ROBERT ROSE, LANDLORD IN WEST HOLLYWOOD, spoke regarding the City's lack of clarity that tenants need to provide information to landlords for non-payment of rent during this crisis.

JOHN ERICKSON, WEST HOLLYWOOD, indicated his support of this Item, but noted that more renter protections are needed.

DONALD ANSPAUCH, WEST HOLLYWOOD, spoke regarding his office space and a waiver for home-based businesses.

ACTIONS: 1) Receive an update on city activities in response to COVID-19 since declaration of local emergency on March 16, 2020; 2) Authorize the Director of Finance & Technology Services to allocate \$227,500 from unallocated reserves in the General Fund to account number 100-3-05-53-536037 for emergency funding related to rental assistance and food & nutrition services; 3) Authorize the Director of Finance & Technology Services to allocate \$22,500 from unallocated reserves in the Proposition A Fund to account number 203-3-05-53-536037 for emergency funding related to transportation services; and 4) Authorize the Director of Finance & Technology Services to allocate \$250,000 from unallocated reserves in the General Fund to account number 100-1-01-01-536037 as a contingency for emergency funding. **Motion by Councilmember Duran, seconded by Mayor D'Amico, and approved.**

Councilmember Duran requested if the City Council could discuss the Ordinance in three (3) topics: residential, commercial, and the other emergency measures. Assistant City Attorney Langer indicated that Council could discuss the topics separately, but the Ordinance requires a single vote.

Residential:

Councilmember Duran began the discussion on the residential portion of the ordinance. He spoke about the impacts on renters if they default during this crisis. He indicated that Council needs to extend the emergency beyond May 31st and deferring the payback of rent beyond two months.

Councilmember Heilman spoke regarding one of the issues being raised, is the lack of clarity in renter protections in West Hollywood. He noted some of the suggestions that the Council has received for improving the ordinance. He inquired about one of the speaker's comments regarding the type of information needed by a landlord to waive rent. He suggested creating a form. City Manager Arevalo noted that a postcard is ready to be sent to all renters in West Hollywood.

Councilmember Meister suggested sending an email blast regarding tenant rights and creating an eviction moratorium fact sheet. City Manager Arevalo noted that all City decisions on this issue are sent via

an email blast and anyone interested can subscribe by visiting www.weho.org/email.

Mayor Pro Tempore Horvath requested that a phone number be provided for tenants that have questions and may not have regular access to email. She wanted to confirm that the moratorium was extended to twelve months. Assistant City Attorney Langer confirmed the extension. She noted that this moratorium is only for Covid-19 related non-payment only. She spoke about construction workers entering units for previously scheduled tenant improvements and inquired about tenant protections. Assistant City Attorney Langer responded to this inquiry. She mentioned the late fee provisions in the ordinance and asked about other fees that landlords can impose. She requested that the rent relief information be included in the City's mailer.

Mayor D'Amico inquired about individuals living in units that are not on the lease.

The City Council spoke regarding tenant harassment and the dynamic nature of the Covid-19 pandemic outbreak emergency response.

Councilmember Heilman requested that information on local unemployment in West Hollywood be provided to Council to better understand the needs of the community.

Assistant City Attorney Langer recommended the following language be added to the ordinance based on Councilmember comments, and read into the record the following revisions to the Ordinance:

At the end of Section 3 (F) include the following language:

"...Tenants may draw down on a security deposit during the repayment period to pay back rent and such security deposit shall be replenished by the end of the twelve-month repayment period or longer if mutually agreed upon in writing between the parties.

Filing a three-day notice for evictions that are prohibited through this ordinance during the period of this moratorium and reporting nonpayment of rent that is authorized through this ordinance to a credit agency are deemed tenant harassment under WHMC Title 17."

Commercial:

Councilmember Meister expressed concerns that a six-month recovery period might not be realistic. She suggested counting the six-month period beginning with the month that the non-payment was incurred. For example, missed rent in April would be paid six months from that date and missed rent in May would be paid six months from that date.

Councilmember Heilman noted that this is reasonable and realistic. He indicated that this is a challenging time and that staff crafted an ordinance addressing the conditions as they currently exist. In addition to the ordinance, he requested that City staff provide robust information to commercial businesses on resources that are available to them, including programs that are currently being offered by Banks. He briefly spoke about business loss insurance.

Councilmember Duran spoke about proving loss of income and the need to extend the time to provide this proof.

Mayor Pro Tempore Horvath spoke about Safer at Home and enforcement of the order. She spoke about commercial businesses working with Athens regarding waiving trash collection fees.

Mayor D'Amico inquired about deferring payment of rents. He spoke about the timeline for repayment of rent and possibly extending the timeframe for repayment.

Councilmember Duran inquired about expanding the Chamber's contract to include an ombudsman for small businesses.

Assistant City Attorney Langer recommended the following language be added to the ordinance based on Councilmember comments, and read into the record the additional revisions to the Ordinance:

Add language to Section 2(B) so that it reads as follows:

B. A landlord knows of a tenant's lost income and inability to pay rent within the meaning of this ordinance if the tenant, within 30 days after the date rent is due, notifies the landlord in writing of the lost income and inability to pay rent due to a limitation or closure of the tenant's business related to COVID-19, with appropriate supporting documentation ***"supplied as promptly as feasible and up to 90 days of when the rent became due."*** If a tenant suffers only a partial loss of income, the tenant shall pay the pro-rated share of their rent that corresponds to the income they generated during the period of loss..."

Add language to Section 2(D) so that it reads as follows:

D. Nothing in this ordinance shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local

emergency and the tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee “**or interest** for rent that is delayed for the reasons stated in this ordinance...”

ACTION: 6) Adopt a revised Urgency Ordinance No. 20-1103U, “URGENCY ORDINANCE OF THE CITY OF WEST HOLLYWOOD ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO NONPAYMENT OF RENT BY COMMERCIAL TENANTS IMPACTED BY THE NOVEL CORONAVIRUS (COVID-19), RETROACTIVE TO MARCH 16, 2020, AND AMENDING THE RESIDENTIAL EVICTION MORATORIUM, AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY.” **Motion by Councilmember Duran, seconded by Councilmember Meister, and approved.**

The Council also discusses issuing a temporary medical license to the Cannabis Café. Assistant City Attorney Langer recommended the following language be added to the Resolution based on Councilmember comments, and read into the record the revision to the Resolution:

Under Section 2, add a new subsection E, to read: “***The Cannabis Café may obtain a temporary Medical License for the period of the local emergency.***”

ACTION: 5) Adopt a revised Resolution No. 20- 5267, “A RESOLUTION OF THE WEST HOLLYWOOD CITY COUNCIL RATIFYING EMERGENCY EXECUTIVE ORDER OF THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF WEST HOLLYWOOD IMPLEMENTING EMERGENCY MEASURES TO ASSIST LOCAL BUSINESSES THROUGH THE COVID-19 CRISIS AND APPROVING ADDITIONAL EMERGENCY MEASURES.” **Motion by Councilmember Heilman, seconded by Councilmember Meister, and approved.**

The City Council provided additional comments and direction relating to other items including: getting residents and workers back to work, sharing information about businesses that are hiring, testing sites in West Hollywood, using the Cable channel more effectively, safety at construction sites, impacts of construction in apartment buildings, issues surrounding leaf blowers, better social distancing in lines outside of cannabis stores, discounted hotel rates for workers that can’t go home, reduction in property taxes, encouraging masks and gloves, street sweeping, encouraging people to ask for help, closing dog parks, closing parks, planning for future outbreaks of Covid-19, consistency in dates that the emergency will end, delaying sewer fees, and reduction of business taxes.

Councilmember Heilman spoke about the infection rate in West Hollywood. Councilmember Meister noted that West Hollywood is a very

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dense City compared to other cities and that may be why the City is seeing higher infection rates.

5. NEW BUSINESS: None.

EXCLUDED CONSENT CALENDAR: None.

6. LEGISLATIVE:

6.A. AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADDING SECTION 3.08.015 TO PART A OF CHAPTER 3.08 OF TITLE 3 OF THE WEST HOLLYWOOD MUNICIPAL CODE RELATING TO AUTHORITY TO EXECUTE CONTRACTS [D. WILSON]:

SUBJECT: The City Council will consider the adoption of an ordinance to provide additional authorization to execute contracts, which provides flexibility for instances such as bond financing that require independent signatures from multiple City Officials.

ACTION: This Item was moved to the Consent Calendar.

PUBLIC COMMENT: None.

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 10:04 p.m. in memory of Jeff Skorneck, Maggie Griffin, Merry Norris, Bonnie Sugar, Ralph (Rachmil) Hakman, Lorena Borjas, Frances Waters, Alex Litvak, Monica Diamond and Sergeant 1st Class John David Randolph Hilty to its next regular meeting, which will be on Monday, April 20, 2020 at 6:30 P.M. at West Hollywood Park Public Meeting Room - Council Chambers.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 20th day of April, 2020 by the following vote:

AYES:	Councilmember:	Duran, Heilman, Meister, Mayor Pro Tempore Horvath, and Mayor D'Amico.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

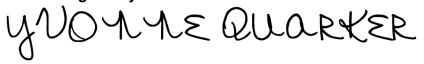
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JOHN D'AMICO, MAYOR

ATTEST:

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YVONNE QUARKER, CITY CLERK