

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, AUGUST 17, 2020
REGULAR TELECONFERENCE MEETING**

5:30 P.M. – CITY COUNCIL MEETING VIA TELECONFERENCE

CALL TO ORDER: Mayor Horvath called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE: Mayor Horvath led the Pledge of Allegiance.

ROLL CALL:

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

ABSENT: None.

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

APPROVAL OF AGENDA:

Mayor Horvath indicated that an Urgency Item was presented to the Council after the posting of the agenda. The Item is a Resolution in Support of the People of Belarus. The adding of the Urgency Item was unanimously approved by the City Council as Item 2.P.

Councilmember D’Amico requested that Item 4.A. be moved to the Consent Calendar as Item 2.Q.

Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Meister, and approved as amended.

ADJOURNMENT MOTIONS:

Councilmember Duran requested that the meeting be adjourned in memory of Ivan Ivica and Trini Lopez.

Mayor Horvath requested that the meeting be adjourned in memory of Greg O’Donnell.

PRESENTATIONS:

The City Council honored this year’s LGBT Center graduates.

Mayor Horvath recognized the 100th Anniversary of the Ratification of the 19th Amendment and a video from the Women’s Advisory Board was played.

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1. PUBLIC COMMENT:

PHIL TARLEY, WEST HOLLYWOOD, spoke regarding people not wearing masks in the City.

ALICIA PRYGOSKI, ANIMAL LEGAL DEFENSE FUND, spoke in support of Item 2.N.

NICK REMEDIO, WEST HOLLYWOOD, spoke as the Chair of the Government Affairs Committee of the West Hollywood Chamber of Commerce in support of Item 2.M. He also spoke in support of Item 3.A.

TAI SUNNANON, WEST HOLLYWOOD, spoke on behalf of the Public Facilities Commission thanking the City Council for their support of the Green City Awards and inviting them to attend on September 9, 2020.

TED GREEN, WEST HOLLYWOOD, spoke as the Chair of the Government Affairs Committee of the West Hollywood Chamber of Commerce in support of Item 2.M.

MARJORIE GILBERG, WEST HOLLYWOOD, spoke on behalf of NCJW/LA thanking the Council for Item 4.A.

RICK WATTS, WEST HOLLYWOOD, spoke regarding enforcement of mask requirements,

LARRY BLOCK, WEST HOLLYWOOD, spoke regarding the November 2020 election.

COUNCILMEMBER COMMENTS AND MEETING ATTENDANCE REPORTS:

Councilmember Meister reported that she attended the Westside Cities COG as the CEHD representative. She spoke regarding Item 2.M., and noted that WeHoville is also conducting a forum and asked if it could be broadcast by the City as well. She thanked Tai Sunnanon for his military service. She commented on Item 4.A. and requested clarification from staff regarding what requirements are posted on the website for tenants who cannot pay their rent. She also mentioned the County of Los Angeles' CARES act rent relief program. Finally, she congratulated the Green City Award winners.

Councilmember D'Amico registered his "no" vote on Item 2.E. He commented on Marjorie Gilbert's public comments regarding Item 4.A. and inquired if City Council should remove the Item from the agenda so that the Item can be refined. He expressed concern with individuals accruing debt by not paying their rent. Finally, he displayed the new City directory that was mailed to all City residents.

Councilmember Duran spoke regarding the expiration of the City's eviction moratorium. He asked the City Manager and the City Attorney to return with an Item to extend the moratorium. He thanked Ms. Gilbert and NCJW/LA for their assistance as well as the Alliance for Housing and Healing. He also mentioned the Los Angeles County CARES

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Act rental assistance program. He spoke regarding LGBT bars closing in the City. He asked the City Manager to speak directly to the property owners so that they can work with the tenants of the establishments. He discussed Personal Protective Equipment (PPE) and inquired about the City acquiring PPE to share with local businesses. Finally, he thanked the City Manager for working with the Recovery Center and the Log Cabin to begin 12-step meetings again.

Mayor Pro Tempore Heilman reported that he attended the Westside Cities Council of Governments meeting. He extended his congratulations to the LGBT Center high school graduates. He reported that he is recusing himself from Item 3.A., as he lives in very close proximity to the location, so he has to recuse himself from participating in the Item. He responded to Mr. Tarley's public comments regarding mask requirements and stated that he has connected him with Public Safety Staff. He commented on Item 2.K., and spoke regarding having a second round in a few years. Finally, he commented on the City's rental assistance program and asked that we create a standard notification form for the landlord, notify residents about LA County's rental assistance program, and work with the two agencies that the City is contracted with and return with recommendations. Finally, he inquired as to what will happen when the moratorium is lifted, and people can't catch-up with their past due rent.

Mayor Horvath inquired about Item 2.N. Councilmember Duran responded to her inquiry, that the item requests that staff explore the issue and look into connecting with PAWS to retool their program to assist with those affected by COVID-19, and the item will also allow staff to work with the City Attorney to determine whether rules against pets in leases can be overruled under this program for a companion animal. Mayor Horvath reported that she attended the California Contract Cities' Public Safety Working Group meeting, Executive Board meeting. She also reported that she participated in the Obama Foundation Reimaging Policing meeting. She also reported that she participated in the National League of Cities, Women in Municipal Government meeting, as well as Mayor Garcetti's L.A. County Mayors meetings. She participated in the Liability Trust Fund and Oversight Committee meeting, and the Sanitation District Meeting. She spoke regarding Item 4.A. and asked the City Manager to confirm the repayment terms for renters in residential units. She asked the City Manager to report if all City Commissions and Advisory Boards are meeting. She encouraged everyone to participate in the Census. She mentioned the upcoming Women's Leadership Conference. Finally, she spoke about Item 2.O.

Councilmember Meister clarified that the City does have a form online for tenants to provide to landlords; however the City does not require documentation for rental assistance, like other organizations such as NCJW and the Alliance for Housing.

CITY MANAGER'S REPORT:

City Manager Arevalo indicated that the repayment period for rent is one year from the end of the moratorium period, currently ending on September 30, 2020. He noted that he is in contact with most of the property owners discussing ways to assist their tenants so that they can remain open. He responded to the inquiry regarding bulk PPE

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purchasing. He spoke regarding Item 2.K. and indicated that the City is in Phase 1(b) and the second phase begins in early 2021. He responded to the inquiry regarding broadcasting WeHoville's candidate forum. He responded that the Lesbian and Gay Advisory Board has not held a meeting yet, but Staff is looking to schedule a meeting in the near future. He reported that Building and Safety received the structural engineers award; one award to the City for the Seismic program and one award to City employee, Cynthia Zabala. The City's recreation programs are now available online. He spoke about the re-opening of the City's parks. He reported on various City infrastructure projects taking place throughout the City. Finally, he mentioned the City's Green City Awards.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk Quarker stated that the fiscal impact on the Consent Calendar is \$1,633,003 in expenditures, \$447,003 in potential revenues, (\$0) in waived fees.

2. CONSENT CALENDAR:

2.A.,B.,C.,D.,E.,F.,G.,H.,I.,J.,K.,L.,M.,N.,O. Motion by Councilmember D'Amico, seconded by Mayor Pro Tempore Heilman, and approved, as amended noting the "no" vote of Councilmember D'Amico on Item 2.E.

2.A. POSTING OF AGENDA:

SUBJECT: The agenda for the meeting of Monday, August 17, 2020 was posted at City Hall, Plummer Park, and the Sheriff's Station on Wednesday, August 12, 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 August 3, 2020. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF DEMAND REGISTER NO. 872 [L. QUIJANO, C. CORRALES]:

SUBJECT: The City Council shall receive the Demand Register for period ending August 7, 2020 pursuant to Sections 37201 to 37210 of the Government Code of the State of California.

ACTION: Approve Demand Register NO. 872 and adopt Resolution No.20-5320, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING PAYMENT OF DEMANDS PRESENTED ON DEMAND REGISTER NO. 872." **Approved as part of the Consent Calendar.**

2.D. ADOPT ORDINANCE NO. 20-1115 (2ND READING) “AN ORDINANCE ADOPTING BY REFERENCE TITLE 32 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE 2019 CALIFORNIA FIRE CODE, 2019 EDITION” [Y. QUARKER, M. CROWDER]:

SUBJECT: The City Council will waive further reading and adopt Ordinance No. 20-1115, “an Ordinance adopting by reference Title 32 of the Los Angeles County Code, incorporating the 2019 California Fire Code, 2019 edition.”

ACTION: Waive further reading and adopt Ordinance 20-1115, “AN ORDINANCE ADOPTING BY REFERENCE TITLE 32 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE 2019 CALIFORNIA FIRE CODE, 2019 EDITION.” **Approved as part of the Consent Calendar.**

2.E. ADOPT ORDINANCE NO. 20-1117 (2ND READING) “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD MAKING CHANGES TO THE CITY’S CANNABIS LICENSING (CHAPTER 5.70) AND BUSINESS TAX (CHAPTER 3.36) ORDINANCES, INCLUDING CREATING A NEW LEGACY CANNABIS BUSINESS LICENSE WITH CERTAIN OPERATING RESTRICTIONS, CREATING A TAX REBATE FOR CERTAIN CANNABIS BUSINESSES, MAKING CHANGES TO REGULATIONS RELATED TO CANNABIS CONSUMPTION LOUNGE LICENSES, AND OTHER CHANGES TO THE CANNABIS BUSINESS LICENSE REGULATIONS.” [Y. QUARKER, M. CROWDER]:

SUBJECT: The City Council will waive further reading and adopt Ordinance No. 20-1117, “an Ordinance of the City Council of the City of West Hollywood making changes to the City’s Cannabis Licensing (Chapter 5.70) and Business Tax (Chapter 3.36) Ordinances, including creating a new legacy Cannabis business license with certain operating restrictions, creating a tax rebate for certain Cannabis businesses, making changes to regulations related to Cannabis consumption lounge licenses, and other changes to the Cannabis business license regulations.”

ACTION: Waive further reading and adopt Ordinance 20-1117, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD MAKING CHANGES TO THE CITY’S CANNABIS LICENSING (CHAPTER 5.70) AND BUSINESS TAX (CHAPTER 3.36) ORDINANCES, INCLUDING CREATING A NEW LEGACY CANNABIS BUSINESS LICENSE WITH CERTAIN OPERATING RESTRICTIONS, CREATING A TAX REBATE FOR CERTAIN CANNABIS BUSINESSES, MAKING CHANGES TO REGULATIONS RELATED TO CANNABIS CONSUMPTION LOUNGE LICENSES, AND OTHER CHANGES TO THE CANNABIS BUSINESS LICENSE REGULATIONS.” **Approved as part of the Consent Calendar, noting the “no” vote of Councilmember D’Amico.**

- 2.F. ADOPT ORDINANCE NO. 20-1118 (2ND READING) “AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER 13.04 (BUILDING CODE) OF TITLE 13 OF THE WEST HOLLYWOOD MUNICIPAL CODE AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT” [Y. QUARKER, M. CROWDER]:**
SUBJECT: The City Council will waive further reading and adopt Ordinance No. 20-1118, “an Ordinance of the City of West Hollywood amending Chapter 13.04 (Building Code) of Title 13 of the West Hollywood Municipal Code and finding the action exempt from the California Environmental Quality Act.
ACTION: Waive further reading and adopt Ordinance 20-1118, “AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CHAPTER 13.04 (BUILDING CODE) OF TITLE 13 OF THE WEST HOLLYWOOD MUNICIPAL CODE AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT”. **Approved as part of the Consent Calendar.**
- 2.G. COMMISSION AND ADVISORY BOARD MEETING SYNOPSES [Y. QUARKER, M. CROWDER]:**
SUBJECT: The City Council will receive a Synopses from the Public Facilities Commission, Rent Stabilization Commission, Disabilities Advisory Board, and Senior Advisory Board regarding actions taken at their recent meeting.
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.H. TREASURER’S REPORT FOR JUNE 2020 [L. QUIJANO, C. CORRALES, K. BARENG, N. CORONADO]:**
SUBJECT: The City Council will receive the Treasurer’s Reports for the month ended June 2020 pursuant to Section 53646 of the Government Code of the State of California.
ACTION: Receive and file the June 2020 Treasurer’s Report. **Approved as part of the Consent Calendar.**
- 2.I. HIV ZERO INITIATIVE YEAR 4 MIDYEAR EVALUATION REPORT [C. PLANCK, D. GIUGNI, D. MURRAY]:**
SUBJECT: The West Hollywood City Council will receive a report on the HIV Zero Initiative Year 4 Midyear Evaluation Report.
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.J. RENT STABILIZATION COMMISSION REVISED PRIORITIES FOR FY 2019-20 [C. PLANCK, P. NOONAN, A. REGAN]:**
SUBJECT: The City Council will receive the Rent Stabilization Commission’s revised priorities for FY 2019-20.
ACTION: Receive and file. **Approved as part of the Consent Calendar.**

- 2.K. UPDATE ON THE SUNSET BOULEVARD ARTS & ADVERTISING PROGRAM ONGOING SCREENING PROCESS [J. KEHO, B. ECK]:**
SUBJECT: The City Council will receive an update report on the future screening rounds for new off-site advertising signage proposals on the east end of Sunset Boulevard.
ACTION: Receive and file the report on continued Design Excellence Screening for submissions east of La Cienega Boulevard and sites with legacy video screen. **Approved as part of the Consent Calendar.**
- 2.L. APPROVAL OF FISCAL YEARS (FY) 2017-18, FY 2018-19, AND FY 2019-20 CITYWIDE SALARY SCHEDULES IN COMPLIANCE WITH CALPERS SALARY SCHEDULE REQUIREMENTS [L. QUIJANO, C. CORRALES, L. GRANADOS, C. SCHROEDER, S. SCHUMACHER, C. LEUNG]:**
SUBJECT: The City Council will consider approving the Salary Schedules for FY 2017-18, FY 2018-19, and FY 2019-20 for all City positions in compliance with CalPERS salary schedule requirements.
ACTION: Approve the fiscal years 2017-18, 2018-19, and 2019-20 Salary Schedules (Attachments A, B and C) reflecting all City positions and associated salaries in order to meet the California Public Employees' Retirement System (CalPERS) requirements of Government Code § 20636(b)(1). **Approved as part of the Consent Calendar.**
- 2.M. AUTHORIZATION TO LIVE BROADCAST THE WEST HOLLYWOOD CHAMBER OF COMMERCE'S CITY COUNCIL CANDIDATE FORUM ON WEHOTV AND OTHER STREAMING PLATFORMS [L. BELSANTI, B. WHITE]:**
SUBJECT: The City Council will consider authorizing the Communications Department to live broadcast a City Council Candidate Forum on October 6, 2020 sponsored by the West Hollywood Chamber of Commerce on the City of West Hollywood's WeHoTV cable channel and other streaming platforms as part of the November 3, 2020 General Municipal Election.
ACTION: Authorize the Communications Department to provide live, on-demand, and replay coverage of the West Hollywood Chamber of Commerce's City Council Candidate Forum, provided the forum's format, as well as the candidate questions, are coordinated by the independent and non-partisan organization League of Women Voters of Los Angeles; and the forum is moderated by an independent and impartial moderator. **Approved as part of the Consent Calendar.**
- 2.N. ADDITIONAL PROTECTIONS FOR RENTERS WITH COMPANION ANIMALS [J. DURAN, L. MEISTER, J. LEONARD, A. LOVANO]:**
SUBJECT: The City Council will consider several recommendations to provide additional protections for renters with companion animals during and after the COVID-19 emergency.
ACTIONS: 1) Direct the City Attorney to draft an ordinance for consideration at the next Council meeting to clarify in the urgency

ordinance that renters are protected from eviction based on the presence of either permanent or temporary companion animals under their care during the COVID-19 emergency; 2) Direct the City Attorney to draft an ordinance to require all publicly-funded housing to allow companion animals in their facilities and housing units for the duration of the COVID-19 emergency, and encourage the City's service providers offering supportive housing, transitional housing, and shared housing to adopt pet-friendly policies during the COVID-19 emergency; 3) Direct staff to partner with local nonprofit organizations to provide grants for emergency boarding during COVID-19 hospitalizations or recovery; and 4) Direct the City Attorney to analyze the development of an ordinance requiring all rental units in the City to be pet-friendly housing. **Approved as part of the Consent Calendar.**

2.O. RECOGNITION OF THE 19TH AMENDMENT CENTENNIAL AND PARTICIPATION IN THE SUFFRAGIST CITY PARADE [L. HORVATH, J. LEONARD, A. LOVANO]:

SUBJECT: The City Council will consider lighting up City Hall and the lanterns on Santa Monica Boulevard in the colors of the suffrage movement – yellow, purple, and white – from August 18 through August 28 in recognition of the 100th anniversary of the ratification of the 19th Amendment. The City Council will also consider officially participating in the Suffragist City Parade virtual march.

ACTIONS: 1) Direct staff to use yellow, purple, and white lighting at City Hall and on the lanterns on Santa Monica Boulevard from August 18 through August 28 in recognition of the 100th anniversary of the ratification of the 19th Amendment; 2) Authorize the City to participate in the Suffragist City Parade virtual march; 3) Direct staff to develop a virtual float for the Suffragist City Parade, in coordination with the Women's Advisory Board, and authorize the use of the City name and logo on the float; and 4) Direct the Communications Department to utilize all appropriate communication tools to promote the centennial anniversary, such as the City's website and social media tools. **Approved as part of the Consent Calendar.**

2.P. A RESOLUTION IN SUPPORT OF THE PEOPLE OF BELARUS [J. HEILMAN, J. LEONARD, A. LOVANO]:

SUBJECT: The City Council will consider adopting a resolution in support of the people's right to peacefully protest in Belarus and urging for free and fair elections to be held with international monitors.

RECOMMENDATIONS: 1) Adopt Resolution No. 20-5321, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE PEOPLE OF BELARUS"; and 2) Send copies of the signed resolution to President Donald J. Trump, U.S. Senators Dianne Feinstein and Kamala Harris, Representative Adam Schiff, and Secretary of State Mike Pompeo. **Approved as part of the Consent Calendar.**

2.Q. (4.A.) UPDATE ON THE UTILIZATION OF WEST HOLLYWOOD EMERGENCY FUNDS IN RESPONSE TO THE COVID-19 PANDEMIC [C. PLANCK, D. GIUGNI, D. NGUYEN, P. AREVALO, D. WILSON, L. LANGER]:

SUBJECT: The City Council will receive an update on the utilization of West Hollywood emergency funds in response to COVID-19 since the declaration of a local emergency on March 16, 2020, consider allocations of additional emergency funds for emergency rental assistance and emergency contingency funds, and provide additional direction on emergency response measures.

ACTIONS: 1) Receive an update on the utilization of West Hollywood emergency funds in response to COVID-19 since the declaration of the local emergency on March 16, 2020; 2) Authorize the Director of Finance & Technology Services to allocate the City's allocation of CARES Act Funds estimated at \$447,003 to revenue account number 100-424001 and expenditure account 100-3-05-53-536037 for emergency rental assistance; 3) Authorize the Director of Finance & Technology Services to allocate the City's allocation of a Westside Cities Council of Governments (COG) Innovations Grant estimated at \$ 171,456 to revenue account number 100-424001 and expenditure account 100-3-05-53-536037 for emergency rental assistance for a total allocation of \$618,459 (\$447,003 CARES ACT plus \$171,456 from COG Innovations Grant.); 4) Authorize the Director of Finance & Technology Services to allocate \$500,000 from unallocated reserves in the General Fund to account number 100-1-01-01-536037 for contingency emergency funding related to COVID-19 emergency response; and 5) Provide additional direction on emergency response measures. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. APPEAL OF THE PLANNING COMMISSION'S APPROVAL TO DEMOLISH AN EXISTING 24-HOUR SERVICE STATION BUILDING AND CONSTRUCT A NEW MULTIPLE-TENANT COMMERCIAL BUILDING WITH A 24-HOUR CONVENIENCE STORE AND AN ATTACHED AUTOMATED CAR WASH FOR THE EXISTING CHEVRON SERVICE STATION AT 1107 NORTH LA CIENEGA BOULEVARD [J. KEHO, J. ALKIRE, A. CASTILLO]:

SUBJECT: The City Council will consider an appeal filed by Jerome Cleary regarding the Planning Commission's adoption of Resolution No. PC 20-1355, approving the redevelopment of the 24-hour Chevron service station building with a 24-hour convenience store and an attached 900-square-foot automated car wash facility incidental to the Chevron service station. The proposed building includes a second commercial tenant space for a future commercial tenant. The request includes a conditional use permit to bring the nonconforming service station use into conformance with the allowed uses in the CC1 zone and a second conditional use permit for the convenience store to allow the sale of beer

and wine for off-site consumption. The existing service pumps, underground gasoline tanks, and canopy will remain as existing.

Mayor Pro Tempore Heilman recused himself due to the proximity of his home to the proposed project.

City Clerk Quarker stated that the Item was noticed as required by law.

Senior Planner Antonio Castillo provided background information as outlined in the staff report dated August 17, 2020.

Councilmember Meister inquired what the set-up of the car wash looks like and the traffic circulation. She inquired about queuing of vehicles.

Councilmember D'Amico asked Mr. Castillo to clarify the alcohol sale times. He mentioned the number of driveways and possibly removing some of them.

Appellant Jerome Cleary provided the reasons that he filed the appeal and provided photos of the concerns he has with the site.

Applicant's Attorney, Stephen Jamieson, provided background on this project. He noted the public meetings in which the project was presented, including the Planning Commission. Mr. Fiedler presented additional information on behalf of his client.

Mayor Horvath opened the public hearing and the following speakers came forward.

JUDITH TANKA, WEST HOLLYWOOD, spoke in support of Mr. Cleary's appeal.

DOUG CHAPIN, WEST HOLLYWOOD, spoke in support of Mr. Cleary's appeal.

CAROLINE CAMPBELL, WEST HOLLYWOOD, spoke in support of Mr. Cleary's appeal.

DELORES SCOZZESI, WEST HOLLYWOOD, spoke in support of Mr. Cleary's appeal.

TED GREEN, WEST HOLLYWOOD, spoke in support of the project.

KEITH KAPLAN, WEST HOLLYWOOD, spoke in support of the project.

The appellant and applicant provided their rebuttals.

Councilmember Duran inquired about trip counts on weekends. The applicant responded to this inquiry.

Councilmember Meister commented that the applicant's petition did not disclose the removal of the service station. She inquired if the car wash is subject to CEQA. Mr. Castillo responded to this inquiry.

Councilmember D'Amico expressed concern with the multiple driveways and expressed interest with routing traffic differently.

Mayor Horvath expressed concern with pedestrians, especially with the bus stop adjacent to the property. She also shared Councilmember D'Amico's concern with the multiple driveways.

Motion by Councilmember Duran, seconded by Council D'Amico to close the public hearing and approved.

Councilmember Duran enumerated his reasons for denying the appeal.

Councilmember Meister expressed concern with noise, air quality, and traffic circulation, and stated that she supports the appeal.

Councilmember D'Amico expressed concern with an area behind the property where people could begin living and proposed a fence to block it. He also expressed concern with the multiple driveways.

Mayor Horvath discussed the appeal and the item before the Council for consideration. She noted the items in the project that she is concerned with including the multiple driveways, the traffic impacts, and pedestrian safety.

(At 8:14 p.m. the City Council tabled the Public Hearing until the end of the meeting for staff and the applicant to address some of Council's concerns. Council returned to the Public Hearing at 10:22 p.m.)

Senior Planner Antonio Castillo reported that the Applicant agreed to close off the driveway at Holloway and restrict the access to the landscape area along the western edge

He read into the record, the following revisions to the Resolution: Adding Condition 10.8 to state that "prior to issuance of a building permit applicant shall submit a revised site plan demonstrating how access along the western landscape area will be restricted to the satisfaction of the Director of Planning and Development Services." The resolution would also include a requirement that the easternmost Holloway driveway be removed to the satisfaction of the City Engineer.

ACTION: Adopt a **revised** Resolution No. 20-5322: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING AN APPEAL FILED BY JEROME CLEARY AND AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF A DEMOLITION PERMIT, DEVELOPMENT PERMIT, AND CONDITIONAL USE PERMITS FOR A 2,584-SQUARE-FOOT MULTIPLE-TENANT COMMERCIAL BUILDING FOR AN EXISTING SERVICE STATION (CHEVRON) WITH A 24-HOUR CONVENIENCE STORE, INCIDENTAL SALES OF BEER AND WINE FOR OFF-SITE CONSUMPTION, AND A 900-SQUARE-FOOT CAR WASH LOCATED AT 1107 NORTH LA CIENEGA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA" **Motion by Councilmember D'Amico, seconded by Councilmember Duran, and approved noting the "no" vote of Councilmember Meister and the recusal of Mayor Pro Tempore Heilman.**

(Council recessed at 8:14 p.m. and resumed at 8:21 p.m.)

3.B. AMENDMENTS TO THE WEST HOLLYWOOD MUNICIPAL CODE PROHIBITING SMOKING IN COMMON AREAS AND NEW UNITS WITHIN MULTI-FAMILY DWELLINGS, CREATING A REGISTRATION PROGRAM THAT REQUIRES DESIGNATION OF UNITS' SMOKING STATUS, AND PROHIBITING SMOKING IN ANY PARK OR WITHIN FIVE (5) FEET OF ANY PARKLET [J. ROCCO, D. RIVAS, D. MICK, M. JENKINS, L. LANGER, P. NOONAN]:

SUBJECT: The West Hollywood City Council will resume the public hearing that was opened on August 3, 2020, to consider amendments to the West Hollywood Municipal Code prohibiting smoking in common areas and in new units within multi-family dwellings, creating a registration program that requires designation of units' smoking status to gradually transition smoking units to non-smoking units, and prohibiting smoking in any park or within five (5) feet of any parklet.

City Clerk Quarker stated that the Item was noticed as required by law.

Code Compliance Manager Danny Rivas, Director of Public Works Jackie Rocco, Assistant City Attorney Lauren Langer, Code Compliance Supervisor Dan Mick, and Housing and Rent Stabilization Manager Peter Noonan provided background information as outlined in the staff report dated August 17, 2020.

Mayor Horvath indicated that the public hearing was left open at the August 3, 2020 City Council meeting and the following speakers came forward.

PATRICK FU, on behalf of KOREAN AMERICAN FAMILY SERVICES, spoke in support of including cannabis as part of the City's proposed smoking prohibition in multi-unit dwellings.

KAREN O'KEEFE, WEST HOLLYWOOD, on behalf of Marijuana Policy Project spoke in opposition to the Item or requested that they vote with Recommendation #6.

WESLEY HEIN, LOS ANGELES, on behalf of Legal Cannabis for Consumer Safety (LCCS) spoke in opposition to including cannabis in this Item.

ENOCH MILLER, WEST HOLLYWOOD, spoke in opposition to the Item unless Council approves Option 6.

MARIELLE REATAZA, on behalf of the National Asian Pacific American Families Against Substance Abuse (NAPAFASA) in support of the Item.

FELIX HUANG, on behalf of the National Asian Pacific American Families Against Substance Abuse (NAPAFASA) in support of the Item.

RICARDO TORRES, on behalf of Smokefree Air for Everyone, in support of this Item.

ESTHER SCHILLER, on behalf of Smokefree Air for Everyone, in support of this Item.

ASHLEY POPICHAK, WEST HOLLYWOOD, spoke in support of the Item.

RASHAD JOHNSON, spoke on behalf of Eaze (a cannabis delivery business in opposition to including cannabis in the Item.

ANDREW JOHNSON, WEST HOLLYWOOD, spoke in support of the Item.

ANN GOLDMAN, WEST HOLLYWOOD, spoke in support of the Item.

ROB BERGSTEIN, WEST HOLLYWOOD, spoke in support of the Item.

SARAH ARMSTRONG, on behalf of AMERICANS FOR SAFE ACCESS, in support of Option 6.

JASON BECK, WEST HOLLYWOOD, spoke in opposition to the Item or include Option 6.

JACKIE SUBECK, WEST HOLLYWOOD, spoke in opposition to including cannabis in the Item.

Councilmember Meister enumerated the issues that this item brings forward. First, she addressed the survey included as an attachment in the Item and noted that it didn't address cannabis. Second, she expressed

concern with outreach. Third, she noted that neither staff nor AAGLA knew how many landlords were already converting available units to smoke-free units or if they knew that they could already be doing so. She expressed concern with including cannabis in the ordinance and encouraging people to go outside to smoke during COVID. She suggested that education and outreach to tenants and HOAs is necessary before this Item is considered. She noted that the HUD website had information on transitioning to a smoke-free building. She referred to the issues the City faces when the Seismic Retrofit ordinance was approved without appropriate community outreach. She suggested adding filtration devices to smoking units and suggested that seniors or those with health issues be provided filtration devices. In addition, she indicated that new developments that are smoke free have an outdoor dedicated space for people to smoke. Finally, she indicated that cannabis and vaping should be removed from this discussion.

Councilmember Duran indicated that he isn't concerned with what other cities are doing. He reiterated what Councilmember Meister shared regarding 83% of the City's registered voters voted to legalize cannabis. He suggested voting on Option 6 before addressing the other issues.

Councilmember D'Amico agreed with Councilmember Meister's and Councilmember Duran's comments. He thanked Councilmember Meister for her comments on the survey information included with the Item. He agreed with removing cannabis from this discussion. He does want the City to create a non-smoking policy for multi-unit dwellings.

Mayor Pro Tempore Heilman commented that the conversation has been weighted with the individuals smoking cannabis or cigarettes and not the neighbors dealing with the smoke. He indicated that if the Council decides to exempt cannabis, he indicated that language needs to be added regarding "excessive use". He stated that he hasn't heard any viable options from his colleagues that protects individuals that don't want to be exposed to cannabis and smoking.

Mayor Horvath expressed concern with using this as a tool to evict people. She spoke about the evolution of this item over the last few years. She expressed concern with subjecting individuals to second-hand smoke while being mindful of individual's rights.

Mayor Pro Tempore Heilman also expressed concern with individuals being evicted if they violate a non-smoking ban. Rent Stabilization and Housing Manager Peter Noonan responded to this inquiry. Mayor Pro Tempore Heilman suggested conducting a survey based on Councilmember Meister's previous comments.

Councilmember Duran indicated if the Rent Stabilization Ordinance stated that smoking is not considered a nuisance and, therefore, can't be used as grounds for eviction then he would feel more comfortable. He agreed with Councilmember Meister's comments that additional outreach needs to be conducted before the City moves forward with this.

Mayor Pro Tempore Heilman stated that existing units with smokers should remain until a new tenancy occurs. He agrees with the need for outreach and smoking cessation programs. He doesn't agree with a registry. He suggested that newly leased rental units smoke free as of January 2021. The Council will consider making all units smoke free by January 2022 which would allow time for outreach.

Councilmember Meister agreed that newly leased rentals could be smoke-free by January 2021 but she did not agree that all units should be smoke-free by January 2022.

ACTION #1: Councilmember Duran made a motion to adopt Option 6 in the supplemental memo provided by Staff to exclude cannabis and added vaping of tobacco and cannabis to that exclusion from the proposed item. The Motion was seconded by Councilmember D'Amico and approved noting the "no" votes of Mayor Pro Tempore Heilman and Mayor Horvath.

ACTION #2: 1) Direct Staff to return with a revised Ordinance to state that all newly leased and newly built units are to be tobacco smoke-free effective 90-days after the Ordinance is adopted; 2) prohibit tobacco and cannabis smoking in indoor common areas; 3) prohibit tobacco in outdoor common areas and allow cannabis to be smoked in outdoor common areas if allowed under state law; 4) reaffirm that a violation of this provision is not grounds for eviction; 5) remove verbiage from proposed ordinance allowing for civil lawsuits as an available remedy for residents; 6) conduct a survey in the upcoming year regarding making all units tobacco smoke-free and report back results on survey to inform ordinance on smoking inside existing units; and 7) bring back the required fee resolution setting the fee schedule for violations of the smoking ordinance.

ACTION #3: Introduce on first reading Ordinance 20-1119: AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD PROHIBITING SMOKING IN PUBLIC PARKS AND PARKLETS BY AMENDING CHAPTERS 11.12 (PARK RULES AND REGULATIONS) AND 11.29 (PARKLETS) OF TITLE 11 (STREETS, SIDEWALKS, PUBLIC PLACES AND INFRASTRUCTURE) OF THE WEST HOLLYWOOD MUNICIPAL CODE and AMENDING CHAPTER 1.08 (GENERAL PENALTY PROVISIONS) TO MAKE VIOLATIONS OF SECTION 11.12.050 AND CHAPTER 11.29 SUBJECT TO THE ADMINISTRATIVE PENALTY

PROCEDURES. Motion by Mayor Pro Tempore Heilman, seconded by Mayor Horvath and approved.

Council approved by consensus to Table Items 4.B. and 4.C. to a future meeting.

4. UNFINISHED BUSINESS:

4.A. UPDATE ON THE UTILIZATION OF WEST HOLLYWOOD EMERGENCY FUNDS IN RESPONSE TO THE COVID-19 PANDEMIC [C. PLANCK, D. GIUGNI, D. NGUYEN, P. AREVALO, D. WILSON, L. LANGER]:

SUBJECT: The City Council will receive an update on the utilization of West Hollywood emergency funds in response to COVID-19 since the declaration of a local emergency on March 16, 2020, consider allocations of additional emergency funds for emergency rental assistance and emergency contingency funds, and provide additional direction on emergency response measures.

ACTIONS: This Item was moved to the Consent Calendar.

4.B. EVALUATION AND CONSIDERATION OF VARIOUS HOUSING DIRECTIVES AND CITY POLICIES TO ADDRESS UNDERUTILIZED LOTS, MISSING MIDDLE INCOME HOUSING, AND MICROUNITS/CO-LIVING HOUSING [J. KEHO, B. ECK, J. ALKIRE, R. ABRAMSON, C. PLANK, P. NOONAN, A. BARTLE]:

SUBJECT: City Council will consider directing staff to coordinate the study of various housing incentive directives and return to City Council with recommendations.

ACTIONS: This Item was Tabled and will be brought back to a future meeting.

4.C. LAND ACKNOWLEDGEMENT POLICY [L. HORVATH, J. D'AMICO, J. LEONARD, A. LOVANO]:

SUBJECT: The City Council will consider directing staff to partner with local Indigenous leaders to develop a land acknowledgement policy, which is a statement recognizing the history and presence of Indigenous peoples and their enduring relationship to their traditional homelands. The policy will include language to be posted on the City's website, printed on City Council, Commission, and Advisory Board agendas, and may be read aloud at official City events.

ACTIONS: This Item was Tabled and will be brought back to a future meeting.

5. NEW BUSINESS: None.

EXCLUDED CONSENT CALENDAR: None.

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6. LEGISLATIVE:

6.A. AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING CITY OF WEST HOLLYWOOD MUNICIPAL CODE SECTION 2.08.070(B) TO INCREASE COMPENSATION FOR CITY COUNCIL MEMBERS [L. QUIJANO, C. CORRALES, L. GRANADOS, M. JENKINS, L. LANGER]:

SUBJECT: The City Council will consider amending the West Hollywood Municipal Code to increase monthly compensation for Council Members from \$1,237 per month to \$1,422 per month effective after the November 2020 elections.

Director of Finance and Technology Services Lorena Quijano provided background information as outlined in the staff report dated August 17, 2020.

City Manager Arevalo clarified that Council could adopt the Ordinance to increase monthly compensation and could choose to defer receiving it to a later date; however it must be approved now or Council will have to wait until the next general election.

Mayor Horvath expressed her concern with Council obtaining an increase in pay during this fiscally challenging time.

ACTION: Introduce on first reading Ordinance No. 20-1120, "An Ordinance of the City of West Hollywood Amending West Hollywood Municipal Code Section 2.08.070(b) to Increase Compensation for City Council Members." **Motion by Councilmember Meister, seconded by Councilmember Duran, and approved noting the "no" vote of Mayor Horvath.**

PUBLIC COMMENT: None.

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 10:31 p.m. in memory of Ivan Ivica, Trini Lopez, and Greg O'Donnell to its next regular meeting, which will be on Monday, September 21, 2020 at 5:30 P.M. *via teleconference.

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PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 21st day of September, 2020 by the following vote:

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

DocuSigned by:
Lindsey Horvath
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LINDSEY P. HORVATH, MAYOR

ATTEST:

DocuSigned by:
YVONNE QUARKER
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YVONNE QUARKER, CITY CLERK