

**MINUTES  
CITY COUNCIL MEETING  
JANUARY 21, 1992  
WEST HOLLYWOOD PARK  
647 N. SAN VICENTE BOULEVARD**

**6:00 P.M. - CLOSED SESSION:** This time has been set aside for the City Council to meet in closed session to discuss matters pertaining to litigation (pursuant to Government Code Section 54956.9(a), potential litigation (pursuant to Government Code Section 54956.9(b), and (c)), personnel, and/or claims. The City Council returned from closed session and Mayor Koretz announced that Council had discussed litigation and instructions to negotiators.

**7:00 P.M. - REGULAR MEETING**

**CALL TO ORDER:** Mayor Koretz called the meeting to order at 7:14 p.m.

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

**ROLL CALL:** PRESENT: Guarriello, Heilman, Land, and Mayor Koretz  
ABSENT: Lang  
ALSO PRESENT: City Manager Brotzman  
Assistant City Attorney Hogin

**APPROVAL OF AGENDA:** Mayor Koretz announced that Council had received an attachment to 2i, and that Item 4 was continued to February 3, 1992, and Item 5 had been pulled from the agenda. Item 2g was pulled from the agenda, and 2n was pulled for separate discussion. Item 2l was pulled for a separate vote.  
**ACTION:** Approve the agenda as amended. Motion Land second Guarriello. Hearing no objection and noting the absence of Lang, it was so ordered.

**PROCLAMATIONS AND COMMENDATIONS:**

**Recycler of the Month:** Nelly Leube was presented with a certificate of commendation and a \$200 check.

Councilmember Land presented Green Ribbon Awards to the following companies for their achievements in recycling:

**McDonalds  
Mobile Recycling Corporation  
Holloway Cleaners  
The A & R Group  
The Artists Company  
Marco Polo Mongolian Barbecue**

Councilmember Heilman requested that the meeting be adjourned in memory of his Deputy Clayton Griffin. Clayton had gone home to visit with his family during the holidays, and had suffered heart

failure due to AIDS complications. A moment of silence was observed at this time.

**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. There was no report at this time.

**1. CITIZEN COMMENTS:** This time was set aside for members of the public to address the City Council on items of importance, including the Consent Calendar, but not including public hearings. Testimony for public hearings will only be taken at the time of the hearing. The following persons came forward to address the City Council:

Jeanne Dobrin, West Hollywood: In defense of Gary Walsh, Code Enforcement, who cited someone for using leafblower. Support code enforcement officers.

Rev. John Von Douris, West Hollywood: Homeless resident. Urge establishing a commission on the disabled. Urge Council to pass 2k, Renter's Tax Credit.

Elliot Fields, West Hollywood: Owner of a carpet business, Avenue of Design, on Sunset. Wish to rent the space to a potential tenant for a drycleaning plant. Object to the ruling that it can only be rented to this type of business. Our industry is no longer that powerful. I plead as a hardship situation. They are willing to put up a designer front. Ask consideration of this situation.

Sydney Tysen, L.A.: We started negotiation about this corner three months ago. I was given to understand this could go forward. We should have had an answer at the beginning.

Robert Davis, West Hollywood : President, W.H. Republican Club. Regarding closure of homeless shelter. No accounting has been given of mismanagement. Would like you to hire an outside independent auditor to audit those funds from day one and release to the public.

Ralph Feeley, West Hollywood: Regarding leafblowers--add my support to Jeanne Dobrin. See them used at PDC. I see them used at homes when I walk to work.

Robert John Pierson, West Hollywood: Regarding the item on ficus trees. One year and five months ago I gave a five page letter regarding the streetscape plan. Now it is brought up. I want to take this time to announce that I join Rachelle Smith in a bid for Council election.

Thomas Crail, West Hollywood, Executive Director, Chamber of Commerce: My pleasure at watching the Green Ribbon Awards tonight. Continue to acknowledge these extraordinary businesses. Secondly, the shuttle--feel in this case the savings to be gained is not

worth cutting out the shuttle. Will get seniors to the businesses in West Hollywood. The majority of businesses favor the shuttle.

Elisabeth Burns, West Hollywood: In support of Item 2k, Renter's Tax Credit. We want people to get involved. I have leaflets here--write/call your assemblyman.

Doug Routh, West Hollywood: Regarding Item 2k--retain the Renter's Tax Credit. Terribly essential to low-income people. This is also an attempt to dismantle rent control. Do whatever you can to persuade Gov. Wilson.

**COUNCILMEMBERS COMMENTS:** Councilmember Heilman requested staff to respond to Mr. Fields.

Gay Forbes, Community Development Director, responded that with respect to the business, this is a drycleaning plant--this space has no parking that comes with it. Applicant couldn't meet parking requirement.

Anne Browning, Planning Manager, commented that a number of issues came up originally, including noise, etc. Part of the time we were waiting for applicant to submit information to us.

Following comments from staff there was additional discussion regarding this issue. Councilmember Heilman suggested that staff should look at short and long-term ways of dealing with this problem. Direction was given to staff to meet with the owner and come back with options.

City Manager Brotzman commented that in this case the staff met with applicant and tried to make it work, but there were limitations in the ordinance; staff could be commended for the extra effort they put in.

Mayor Koretz said that he had received correspondence with regard to opening a computer dating service (distributed correspondence to other Councilmembers), and that he understood it would require a text amendment. Councilmember Heilman said the concern of the Sheriff's Department is that these businesses can be a front for prostitution. Mayor Koretz said he would like to look at having a text amendment to provide a more expeditious process. Direction was given to staff to bring back recommendations at the next Council meeting.

**2. CONSENT CALENDAR:** The following routine matters were acted upon by one motion to approve with the consent of the Council or were removed by any Councilmember for separate discussion. ACTION: Approve Items 2a, b, d, e, f, h, i, j, k, m. Motion Land second Heilman. Hearing no objection and noting the absence of Councilmember Lang, it was so ordered.

**a. Posting of Agenda:** The agenda for the meeting of Monday, January 21, 1992 was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, January 15, 1992. ACTION: Receive and file.

Approved as part of the Consent Calendar.

**b. Demand Register No. 213, Resolution No. 937.**

ACTION: Approve Demand Register No. 213 and adopt Resolution No. 937. Approved as part of the Consent Calendar.

**c. Treasurer's Report - December 1990:** PULLED FROM THE AGENDA AT REQUEST OF STAFF. (For Feb. 3, 1992 Agenda)

**d. Minutes: January 6, 1992  
January 7, 1992**

ACTION: Approve the minutes of January 6, 1992, and January 7, 1992.

Approved as part of the Consent Calendar.

**e. Claims: Arlett Vereecke  
Bershteyn Avraam**

ACTION: Deny the claims of Arlett Vereecke and Bershteyn Avraam 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. Agreement to Modify the Distribution of Fines and Forfeitures Resulting from Parking Citations and Transfer the Responsibility for the Processing of Parking Citations from the County of Los Angeles, Beverly Hills Judicial District, to the City of West Hollywood:** THIS ITEM WAS TABLED UNDER APPROVAL OF AGENDA.

**h. Notice of Completion - West Hollywood Park Swimming Pool:** ACTION: Accept the West Hollywood Pool Renovation Project and authorize the following: 1) Filing of a Notice of Completion by the Recreation Services Administrator; 2) Release of the Performance Bond and Material Bond. Approved as part of the Consent Calendar.

**i. Resolution in Support of Countywide Paratransit Program:** ACTION: Adopt Resolution No. 928, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD TO PARTICIPATE IN THE LOS ANGELES COUNTY COORDINATED PARATRANSIT NETWORK." Approved as part of the Consent Calendar.

**j. Resolution in Support of the 1992 Fire Prevention Act:** ACTION: Adopt Resolution No. 929, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE 1992 CALIFORNIA FIRE PREVENTION ACT" (Bates); direct the City's Sacramento lobbyist to work towards passage of this bill; provide copies of this resolution to members of the California State Assembly and Senate. Approved as part of the Consent Calendar.

**k. Resolution - Retain Renter's Tax Credit:** ACTION: Adopt Resolution No. 930, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF RETAINING THE RENTER'S TAX CREDIT"; direct the City's rent control lobbyist to work with Senator David Roberti, CES, and other advocates of the Renter's Tax Credit to ensure that it is not eliminated; direct City staff to send copies of the resolution to Senator Roberti's office, to the Governor, and to the Speaker of the Assembly.  
Approved as part of the Consent Calendar.

**l. Second Reading of Ordinance No. 320 - Amending Chapters 9200, 9300, 9400, 9500, 9600, and 9700 of the West Hollywood Zoning Ordinance:** REMOVED FROM CONSENT CALENDAR FOR SEPARATE VOTE; LISTED HERE FOR CLARITY. ACTION: Adopt on second reading Ordinance No. 320, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Heilman second Land. Noting the objection of Councilmember Guarriello, and absence of Lang, it was so ordered.

**m. Award of Contract to Willdan Associates to Serve as Special Tax Consultant to Implement a Mello-Roos Community Facilities District for Seismic Repairs:** ACTION: Authorize the City Manager to enter into a \$23,000 contract with Willdan Associates to serve as Special Tax Consultant to implement a Mello-Roos Community Facilities District (CFD).  
Approved as part of the Consent Calendar.

**n. Award of Contract to U.S. Escrow to Provide Escrow Services for City's Housing Rehabilitation Program:** REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Councilmember Guarriello asked staff for background information on U.S. Escrow, and why this company was chosen. Debbie Potter, Economic Development Division, explained that staff had determined this company to be the most qualified to provide the services. ACTION: Approve an agreement for Consultant Services with United States Escrow to provide escrow and related services associated with the City's CDBG-funded residential rehabilitation loan programs and authorize the City Manager to sign the Agreement. Motion Heilman second Land. Hearing no objection and noting the absence of Lang, it was so ordered.

#### **PUBLIC HEARINGS**

**3. AMENDMENT TO CHAPTER 96 OF THE MUNICIPAL CODE:** (Tabled from Jan. 6.) The Deputy City Clerk reported that a notice of this hearing had been published in the West Hollywood Independent, and had been posted at City Hall, the West Hollywood Library, the Sheriff's Station, and Plummer Park.

Debbie Potter, Economic Development Manager, reported that the State required us to submit two years ago a mitigation plan; what we need to do at this time is amend the building code to coincide improvements with the financing program of the City.

The public hearing was opened, and there being no one present to speak on this item, Mayor Koretz closed the public hearing. ACTION: Introduce on first reading Ordinance No. 321, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD MODIFYING THE BUILDING CODE FOR THE PURPOSE OF EXTENDING THE TIME LIMITS FOR SEISMIC RETROFITTING FOR OWNERS WHO PARTICIPATE IN THE WEST HOLLYWOOD COMMUNITY FACILITIES DISTRICT FINANCING PROGRAM." Motion Land second Heilman. Hearing no objection and noting the absence of Lang, it was so ordered.

**4. RALEIGH ENTERPRISES - APPEAL OF APPROVAL OF RESOLUTION PC 91-04 AND CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT, INCLUDING DEVELOPMENT PERMIT ALLOWING CONSTRUCTION OF 136,000 SQ. FT. OF RETAIL AND OFFICE USES WITH OUTDOOR DINING AND ON-SITE SALE OF ALCOHOLIC BEVERAGES:** THIS APPEAL HEARING WAS CONTINUED TO FEBRUARY 3, 1992, AT REQUEST OF STAFF.

#### **UNFINISHED BUSINESS**

**5. RESOLUTION ADOPTING COUNCIL MEETING RULES OF ORDER:** THIS ITEM WAS PULLED FROM THE AGENDA.

#### **NEW BUSINESS**

**6. EXTENSION OF DUE DATE FOR FILING OF BUSINESS LICENSE TAX:** Councilmember Guarriello reported that extending the due date would enable the business community to utilize information already gathered and make it easier to prepare the City's tax filing; in addition it would enable the City staff to do more community outreach and help small businesses to prepare the necessary forms.

Mayor Koretz called on members of the public who had submitted speaker slips, and suggested they could waive their turn to speak if they wish:

Charlie Mercer, Sunset Strip Assoc.: (Waived)  
Mike Radcliffe, West Hollywood: (Waived)  
Effie Reuveni, West Hollywood: (Waived)  
Rachelle Smith, West Hollywood: Thanks to Sal.  
Donny Cacy, West Hollywood: (Waived)  
Bob Greene, West Hollywood: Thanks to Sal Guarriello.  
Bruce Traub, West Hollywood: Get rid of the business tax altogether.

ACTION: Direct staff to extend the business license filing due date for 60 days to May 4, 1992; direct staff to amend ordinance to extend due date by 60 days permanently. Motion Guarriello second Heilman. Hearing no objection and noting the absence of Lang, it was so ordered.

**7. ADDITIONAL DISCUSSION ON FEASIBILITY OF PROPOSED SHUTTLE SERVICE:** RECOMMENDED ACTION: Direct staff to present to Council at the next regularly scheduled Council meeting, February 3, 1992, a complete accounting of monies spent on the proposed shuttle

project to date, including: what it will cost the City to operate the shuttle for the next fiscal year. Provide a copy of the "escape clause" contained in the contract entered into by the City and the company who provides the shuttle vans. Provide realistic alternatives of where funding will come from to continue the shuttle service; and, which transit programs are expected to be cut in order to fund the shuttle service in the future.

Councilmember Guarriello gave his comments, and said he felt we should not do the shuttle. Following this there were comments by the other Councilmembers and by Lucy Dyke and Joan English of Transportation Department.

The following persons came forward to address the City Council:

Ralph Feeley, West Hollywood: We should be more sure of where our money is coming from before spending it.

Effie Reuveni, West Hollywood: Opposed to shuttle

Mike Radcliffe, West Hollywood Community Alliance: Opposed to shuttle.

Stan Lothridge, West Hollywood: Opposed to shuttle.

Jeanne Dobrin, West Hollywood: These shuttles are not only for seniors; can be used for nightclubs, nighttime businesses.

Christina Babst, West Hollywood: Hold off on the shuttle.

Joyce Hundal, West Hollywood: On behalf of Transportation Commission. In support of the shuttle.

Elisabeth Burns, West Hollywood: When does the shuttle come in? We are waiting for it.

Following the public speakers, was further discussion. Councilmembers Heilman, Land, and Mayor Koretz commented that they would like to go forward with the shuttle.

There was a motion by Heilman, seconded by Land, to move on to the next item. Noting the objection of Councilmember Guarriello, and absence of Lang, it was so ordered.

**8. PROPOSAL TO PRESERVE THE FICUS TREES ON SANTA MONICA BLVD.:**  
**RECOMMENDED ACTION:** Direct the Department of Human Services (Landscape Division) to replace ficus trees only when one of the following conditions exists: 1) the ficus tree is diseased or dying; 2) the ficus tree presents a hazard to public safety. A ficus removed for one of these reasons will be replaced by a palm tree or canopy tree in accordance with the Recommended Street Tree List presented in the Streetscape Plan.

Mayor Koretz gave the report on this item, and the following persons came forward to address the City Council:

Rev. John Von Douris West Hollywood: Opposed to palm trees; Urge keep the remaining ficus trees. Would like to see trees on the median.

Ralph Feeley, West Hollywood: In support of retaining the ficus trees.

Effie Reuveni, West Hollywood: Ridiculous to exchange the ficus with palm trees.

Rachelle Smith, West Hollywood: I disagree with you. A ficus

should be replaced by a ficus (not a palm). They can be planted in a plastic barrier.

Christina Babst, West Hollywood: Retain the ficus trees. Wish you could pull out the ugly palm trees.

Stan Lothridge, West Hollywood: This proposal is misleading. Should replace ficus with ficus only.

Jeanne Dobrin, West Hollywood: Replace the palm trees.

**MOTION:** In the zone where ficus has been entirely replaced by palm trees, that as those trees become diseased over the years, that those trees be replaced by palm trees. In the zone that is almost entirely ficus trees, that the ficus trees remain, and be replaced with ficus when necessary; and look at what has been suggested in making sure they are planted properly, so that the roots are less likely to damage the sidewalk. Motion by Mayor Koretz, second by Guarriello.

Following the motion there was discussion by Council. Councilmember Land said she would like staff to look at coming up with a tree preservation ordinance. After further discussion by Council, Councilmember Land proposed a substitute motion, and Council continued discussion. Mayor Koretz said he would accept the substitute motion if it included not remove any ficus or plant palm unless diseased or dying or a hazard to public safety.

**ACTION:** Direct staff to reevaluate the master street tree plan from La Cienega to Fairfax, and during that time not remove any ficus or plant palm unless diseased or dying or a hazard to public safety. Motion Land second Heilman. Noting the objection of Councilmember Guarriello, and absence of Lang, it was so ordered.

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

#### **LEGISLATIVE**

**9. ORDINANCE AMENDING THE MUNICIPAL CODE REGARDING PEDDLERS AND COMMERCIAL SOLICITORS:** Anne Browning, Planning Manager, reported that the proposed ordinance would limit vending in residential zones to private property, and in commercial zones to catering trucks, and not to exceed 2 hours in a given place; and catering trucks have to meet all requirements of business license ordinance and vehicle code.

The following persons came forward to address the City Council:  
Rev. John Von Douris, West Hollywood: Opposed to street vendors  
Jeanne Dobrin, West Hollywood: Santa Monica and Western is bad. Don't let West Hollywood become like some parts of Los Angeles.

**ACTION:** To amend the Ordinance to add that the license must be posted on a visible place on the vehicle, with direction to staff to see if there is any way that a photograph can be required on the



license; introduce on first reading, as amended, Ordinance No. 322, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING VENDING ON CITY STREETS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Heilman second Land. Hearing no objection and noting the absence of Lang, it was so ordered.

**CITIZEN COMMENTS:** The following persons came forward to address the City Council:

Effie Reuveni, West Hollywood: Opposed to palm trees.

Bruce Traub, West Hollywood: The recession; Council needs to look at the budget.

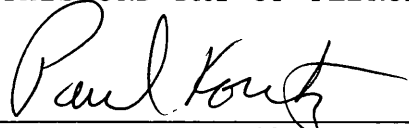
Jeanne Dobrin, West Hollywood: Supreme Court ruling; assessment districts might be declared illegal; palm trees can be easily removed and sold to landscapers, not like the removal of ficus trees.

Stan Lothridge, West Hollywood: At the hearing, people were in favor of the ficus trees. I'd like to know who Santa Monica Association is. Why not put this on the ballot?

**COUNCILMEMBER COMMENTS:** Councilmember Heilman asked why one member of the public was allowed to speak under citizen comments at both the beginning and end of the meeting. Mayor Koretz replied that it was an inadvertent error on his part. Mayor Koretz responded to Bruce Traub's comments on the budget--the three and a half million dollar deficit is actually what is anticipated next year; ways to cut the budget are being looked at; thanks to Jeanne Dobrin for the information on palm trees.

**CLOSED SESSION:** This time has been set aside in the event that further time is needed for discussion concerning litigation, potential litigation, and/or personnel. The Council retired to a closed session at 9:44 p.m. The City Council reconvened at 10:08 p.m. and adjourned in memory of Clayton Griffin, to February 3, 1992, for a closed session at 6:00 p.m. followed by the regular meeting at 7:00 p.m., at West Hollywood Park Auditorium.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 3RD DAY OF FEBRUARY, 1992.

  
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MAYOR

ATTEST:

  
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CITY CLERK