

**MINUTES
CITY COUNCIL MEETING
SEPTEMBER 18, 1989
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD
7:00 P.M.**

CALL TO ORDER: Mayor Land called the meeting to order at 7:05 P.M.

PLEDGE OF ALLEGIANCE: The Pledge was led by Mary Worley.

ROLL CALL: PRESENT: Albert, Heilman, Schulte, (arrived at 7:09 P.M.), Koretz, Mayor Land
ALSO PRESENT: City Manager Brotzman
City Attorney Jenkins

APPROVAL OF AGENDA: Remove items 2f, 2i, 2l, 2p and 2t from the Consent Calendar for separate discussion. Table item 2u to the meeting of October 2, 1989. Item 2b, Demand Register, approve with the exception of Warrant No. 016673. Motion Albert Second Heilman. Hearing no objection it was so ordered.

INTRODUCTION OF CITY OF WEST HOLLYWOOD NEW EMPLOYEES: This item was deferred to a later meeting.

PROCLAMATIONS AND COMMENDATIONS: Employee of the Quarter - Jan Murphy

Dr. Stephen Gabin

Councilmember Heilman requested that this meeting be adjourned in memory of Sidney Shaw.

1. CITY MANAGERS REPORT: This time has been set aside for the City Manager to report to the City Council on any or all matters of importance. Mr. Brotzman reported on the La Jolla/Havenhurst sheriff's program, and on the Sheriff's Department's videotaping during the Christopher Street West Parade - Emergency Operation Bureau filmed for training films as it relates to major events and activities.

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 (as amended), c, d, e, g, h, j, k, m, n, o, p, q, and r. Motion Schulte second Albert. Hearing no objection it was so ordered.

a. Posting of Agenda: The agenda for the meeting of September 18, 1989, was posted at City Hall, Plummer Park, the West Hollywood Library and the Sheriff's Station on Wednesday, September 13, 1989.

RECOMMENDED ACTION: Receive and file.

b. Demand Register No. 118, Resolution No. 586.
ACTION: Approve Demand Register No. 118, except for warrant No. 016673, and adopt Resolution No. 586.
Approved on Approval of Agenda.

ORIGINAL

**c. Claims: Elizabeth Kolodziej
Alexander Gerald Lopez III**

ACTION: Deny without comment and refer to the City's Claims Adjustor.
Approved as part of the Consent Calendar.

d. 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.

e. Resolution Approving Fund Trade with Hidden Hills and Assignment Agreement with Hidden Hills:

ACTION: That City Council: 1) Adopt Resolution No. 587, "A RESOLUTION OF THE CITY OF WEST HOLLYWOOD ACCEPTING ASSIGNMENT OF \$73,000 OF THE CITY OF HIDDEN HILLS' AVAILABLE PROPOSITION A LOCAL RETURN FUNDS."

2) Approve the proposed assignment agreement which sets forth the terms of the proposed trade in the format recommended by the City Attorney.

Approved as part of the Consent Calendar.

f. Project Manager for Construction Contracts:

REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. The City Attorney cited changes that were needed in the contract in paragraph IV, Indemnification, so that that paragraph is written to the City Attorney's satisfaction. **ACTION:** Approve the contract with Givens, Saiki, and Williams for public works construction project management services, with revisions to Paragraph IV, Indemnification, so that that paragraph is written to the City Attorney's satisfaction. Motion Heilman second Albert. Hearing no objection it was so ordered.

g. Emergency Rental Assistance Loan Program:

ACTION: Approve the proposed contract with the Jewish Free Loan Association and authorize the release of funds in October.

Approved as part of the Consent Calendar.

h. Code Enforcement Officer Position Funding:

ACTION: 1) Authorize the creation of one additional full-time Code Enforcement Officer position in Planning Division. 2) Authorize the transfer of \$22,240 from 360-54-758, Willdan Contract, to 310-40-502, salaries.

Approved as part of the Consent Calendar.

i. Submittal of Proposed Resolution to the National

League of Cities: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. **ACTION:** That Council approve and sponsor, "A RESOLUTION ENDORSING THE CONCEPT OF DOMESTIC PARTNERSHIP AND CALLING FOR ITS PROMOTION WITHIN THE STATE AND LOCAL

GOVERNMENTS," for National League of Cities' consideration at its annual meeting November 25-29 in Atlanta, GA. Motion Heilman second Albert. Hearing no objection it was so ordered.

j. County Aid to Cities Program, Resolution:

ACTION: Approve and adopt Resolution No. 588, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD REQUESTING AN ALLOCATION AND PAYMENT OF COUNTY AID TO CITIES FUNDS FOR THE MAINTENANCE OF COUNTY HIGHWAY PLAN STREETS."
Approved as part of the Consent Calendar.

k. Construction of Westmount Drive Cul-de-Sac (CIP

#902): Bids were opened on Thursday, September 14, 1989. The apparent low bidder is Damon Construction Co., Gardena.
RECOMMENDED ACTION: It is recommended that the City Council award this contract to Damon Construction Company, for the amount of \$28,828.
Approved as part of the Consent Calendar.

l. Extension of Street Sweeping Contract:

REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. The City Attorney requested the following changes:
On Page 2, paragraph 16, compensation - end of paragraph, definition of Consumer Price Index - "the amount may, in the sole discretion of the City, be negotiated or adjusted by the percentage change in the consumer price index (defined as - to be deleted. **ACTION:** Approve the extension of the street sweeping contract to R.F. Dickson, Co., Inc. for 33 months, with the above changes requested by the City Attorney. Motion Schulte second Heilman. Hearing no objection it was so ordered.

m. Orlando Avenue and Clinton Avenue - Request for

4-Way Stop Control: **ACTION:** That City Council designate the intersection of Orlando Avenue and Clinton Avenue as a 4-way Stop Control intersection, and direct the Director of Public Works/City Engineer to cause the required signs and pavement markings to be installed and/or removed.
Approved as part of the Consent Calendar.

n. Resolution - Approval of L.A. County Transportation Commission's Fight Gridlock Ordinance and Expenditure Plan:

ACTION: Approve and adopt Resolution No. 589, "A Resolution of the City Council of the City of West Hollywood Approving the Fight Gridlock Ordinance and Expenditure Plan."
Approved as part of the Consent Calendar.

o. Ordinance No. 236 - Regarding Registration Fees -

For Adoption: **ACTION:** To adopt on second reading Ordinance No. 236, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGARDING REGISTRATION FEES FOR RENTAL UNITS SUBJECT TO THE

PROVISIONS OF THE RENT STABILIZATION ORDINANCE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."
Approved as part of the Consent Calendar.

p. Ord. 241, Clean Up Sidewalks - For Adoption:
ACTION: To adopt on second reading Ordinance No. 241, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD REGULATING CLEANING OF SIDEWALKS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."
Approved as part of the Consent Calendar.

q. Ord. 240, Public Safety Commission - For Adoption:
ACTION: To adopt on second reading Ordinance No. 240, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A PUBLIC SAFETY COMMISSION AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE."
Approved as part of the Consent Calendar.

r. Ord. 239, Amending the Parking Restrictions in Preferential Parking District No. 5: THIS ORDINANCE HAS BEEN MOVED TO LEGISLATIVE ITEMS AS NO. 8, TO BE RE-INTRODUCED.

s. Position Letter on Farmers' Market Environmental Impact Report (EIR): REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: That City Council approve the proposed letter to L.A. Department of City Planning commenting on the Farmers' Market Environmental Impact Report for the proposed Farmers' Market development at Third Street and Fairfax Avenue in Los Angeles, and authorize the Mayor to sign on their behalf. Motion Schulte second Heilman. Hearing no objection it was so ordered.

t. Approval of Agreements for Commercial Revitalization Project: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. ACTION: To approve the proposed agreements with Nancy Carter, owner of the Four Seasons Building, and Weiss Development, owners of Crescent Square, for joint City-owner participation under the Commercial Revitalization Project, and authorize the Mayor to sign the agreements on behalf of the City. Also, staff was authorized to discuss the question of more substantial improvements with the owners of Crescent Square. Motion Heilman second Schulte. Hearing no objection it was so ordered.

u.. Community Needs Assessment Consultants Contract: REMOVED FOR SEPARATE DISCUSSION BUT LISTED HERE FOR CLARITY. Jodi Curlee gave the staff report. Council discussion was held on the timing and upcoming census. ACTION: Return to staff to reevaluate and return to City Council at the meeting of October 2, 1989. By consensus of the City Council.

Mayor Land called a brief recess so that additional chairs could be set up to accommodate all the people who were

standing in the rear of the room.

PUBLIC HEARINGS

3. Writers Guild - Appeal of Planning Commission's decision: The staff report was given by Tim Gawronski who stated that the recommendation by staff is that City Council conduct a hearing on the appeal, take testimony, and then overturn the Planning Commission's decision and approve the resolution proposed by staff. The City Clerk reported that this item was published in the Post Newspaper on September 7, 1989, and posted at the three required places plus at City Hall. Steve Smith gave a report from the Planning Commission. Mayor Land opened the public hearing and the following persons came forward to speak in favor of the appeal:

Tom Mesereau, General Counsel to the Writers Guild
George Kirgo, President, Writers Guild
Brian Walton, Executive Director
Carl Gottlieb, West Hollywood
Mort Thaw, West Hollywood
Robert Liyeda, Architect for Writers Guild
Jim Rogers, Los Angeles
Chuck Slocum, West Hollywood
Oliver Crawford, Board of Directors
Del Reisman, Sherman Oaks
Alfred Levitt, Sherman Oaks
Joyce Heftel, West Hollywood
Cheryl Rhoden, Secretary, Writers Guild
Mark Lehman, West Hollywood
Diana Toms, West Hollywood

The following persons spoke against the appeal:

Ron Shipton, West Hollywood
Pat McQueeney, West Hollywood
Leo Katz, West Hollywood
Charles Croninger, West Hollywood
Martin Strudler, West Hollywood West
Ralph Feeley, West Hollywood
Martin Kristal, West Hollywood
Karen Clark, West Hollywood
Carmel Harper, West Hollywood
Ethel Shapiro, West Hollywood
Harriette Hassler, West Hollywood
Patricia Stander, West Hollywood
Nina Parkinson, West Hollywood
Nick West, West Hollywood
Yolanda Stevens, West Hollywood
Joyce Hundal, West Hollywood
Edward Abraham, West Hollywood
Mrs. Alex Wortmann, West Hollywood

Charlotte Alpert, West Hollywood
John McMurray, West Hollywood
David Ellis, West Hollywood
Jeanne Dobrin, West Hollywood
Stephen Martin, West Hollywood
G. Bruce Traub, West Hollywood
Effie Reaveni, West Hollywood
Budd Kops, West Hollywood
Mary Worley, West Hollywood

In addition, the Rosewood and Ashcroft Residents Group presented petitions containing the signatures of 354 residents who are in opposition to the project.

No one else coming forward to speak, Mayor Land closed the public hearing and returned this item to the Council for discussion.

PROPOSED ACTION: Deny the appeal without prejudice and direct staff and the Guild to work on a revised plan on the original commercial zone. Motion Schulte.

Motion died for lack of a second.

MOTION BY HEILMAN:

Grant the appeal, overturn the decision of the Planning Commission and then there are a number of specific directions that, just as that made the residents unhappy, I think this will make the Writers' Guild unhappy. I'd like the Planning staff to work with the applicant to either step back or move back the garage, step back the height or move it back completely as much as possible but staying within the basic range of where it is, and develop landscaping to the satisfaction of staff, with an attempt to retain the existing mature trees. My next condition would be that the applicant be directed to work with the neighbors and the staff on the appearance of the structure, the parking structure and the residential structures, and the landscaping. As part of the landscaping I think we need to mitigate safety concerns. The next condition would be to enclose the parking as recommended by staff. Fifth would be to develop some conditions improving the restriction on the use of the residential units. My next condition would be to improve the treatment of the residential units to the satisfaction of staff, to make them more consistent with the residential neighborhood across the street. I'd also direct staff to explore the common ownership condition - you have in here a recommendation that the entire site be retained with one common ownership, and I think it might even be in the residents better interest to have those residential units sold to people who would be property owners in the neighborhood. My next condition would be that you explore

with the City Attorney, a restriction of the use of the facility or development - either get the owners agreement or applicant's agreement to give the City permission to approve or disapprove of who would be going in, or some other way of restricting it so that whoever came after the Writer's Guild if that should come to happen, would be someone agreeable to the City. I didn't find anything in here, a condition relating to the construction of the facilities and an attempt to mitigate the impact of the construction on the residents and I think that that is essential. The final condition has to do with the Gazebo, or park-like area, and I just have to say that it is such a shame that we have to debate whether to have a park or a bench because of what would happen. I think we would all like to have parks and it's just tragic that we are at that stage, but I would direct you and the applicant to work with the neighbors, I know they have objected to the Gazebo, but to come up with some unique item for that frontage that would be pleasing to the residents - something they could use and feel good about, and not have safety concerns, so those would be my conditions and that is my motion.

Seconded by Albert, for purposes of discussion.

Schulte: John, would you like to add as a condition having staff explore with the Guild the question of underground parking?

Heilman: I think they answered that to my satisfaction. We've gone through this same thing with other projects, we've gone through it with our own projects. The water level, we all know that, is very high on the west end.

Schulte: Right, but would you be willing to allow it - I guess the answer is no, just to take a look at that?

Heilman: I have no objection to them exploring that, but I think that their answer that it is not going to be financially feasible is what the result is going to be - but, I don't have any problem with that being explored again.

Land: John, can I just ask two things that I didn't hear you say, and maybe you said them? One was, did you ask staff to look into the employee parking as to how to enforce the employees' parking in the Writers Guild or that there is enough spaces for the employees?

Heilman: No, but I would be glad to have that as a friendly amendment.

Land: Okay, and another friendly amendment maybe - Did (2) look at ways to explore so that when people leave the parking structure they're going onto Beverly and not out onto Almont

in the design, did you say that?

Heilman: I thought about that - I purposely excluded it and let me tell you why. The parking, the people are going to come out of Beverly, it is just as easy to turn onto Almont off of Beverly, and in fact, that's what people would do so I don't think it makes sense to force everyone out on Beverly to have them only turn on Almont and do what they were going to do anyway. I don't think that really changes where cars are going to go.

Koretz: That's one of my concerns also - I'd like to have that at least considered, even the possibility of cul-de-sac'ing the street - I don't know if that is necessarily the answer, but I'd at least like to have staff direction to look at that as part of the solution. And also to look at the possibility, again not necessarily to move ahead with it, of strengthening the permit parking in the neighborhood to keep the employees out of the surrounding neighborhood.

Heilman: I don't have any objection to those items being added as exploratory things for staff to do, but I do say that I hope we are not giving direction at this time to cul-de-sac that street, it's basically the only opening into that residential area off of Beverly between, I think, Sherbourne - I'm sorry, you know what I mean.

Koretz: I'm just asking if they will explore all the possibilities to do what's best for the neighborhood there. I'm still concerned about the legal restrictions - I'd like to have us word that as strong as possible that we come up with strong enough restrictions - that's a factor for me. I would only be doing this for what I consider the greater public good and I would never want to see this as a parking structure that we've allowed for a commercial entity. I don't know how to word that, but I really want to make my approval conditional on that happening to my satisfaction and to the Council's satisfaction. I don't know if you have any objection to that being included. The other thing I would like to see is keep the wording a little more open in terms of mitigating the parking structure on Rosewood as opposed to merely stating the step-back, I'd like to also look into and discuss with the neighborhood as well as staff the possibility of doing other things, perhaps even attempting a residential looking facade rather than a parking structure looking or a nice commercial looking step-back facade. I wonder if the neighbors would find that Disneyesque or whether they would find that more acceptable, but I'd like to keep that as an option. And also, I'd like to have this whole thing come back to Council rather than just having staff as the approval source.

Heilman: The last was my intent, that it would come back to us and with regard to the appearance, I gave them sort of open ended discretion to meet with the residents and the applicant to come up with something that is more acceptable.

Land: I think the motion that is basically before the Council is trying to take into concern much of what we heard from the neighbors, of course not everything because I think the neighbors would rather we didn't allow this project at all, and I think we are all very cognizant of that up here, and hopefully once staff has addressed all these issues, perhaps what comes back will be the compromise that I think many people are looking for, and I just put that out there so we all try to maintain an open mind as we look at this to see if it comes back to us, so it's something that will be acceptable to all of us. If there is no further discussion I'd like to have a vote on the motion.

Albert: Shall we put a time line on when this should come back?

Land: That's always a good idea.

Koretz: May I ask a clarifying question? This approval is conditional on all these things happening, so if some of these things can't be done to our satisfaction, it's not an assumption that it is approved - or is this definite approval? How does that work?

Jenkins: I would say that, typically, the final action of your approval of the item does not occur until you adopt the Resolution. So, this would be a tentative approval subject to the matter returning back to you with the conditions prepared to your satisfaction. I would recommend that you clearly not adopt the Resolution that has been presented to you in the packet and that the record be clear that this is a tentative approval subject to the conditions being returned and approved to your satisfaction.

Land: Mark, when do you think you can get this back to us, realistically?

Winogron: I would say the meeting after the next, to give us a chance to work with the architect and the neighbors to try to develop this.

Land: I'd rather you'd take the time that you are going to need as there are a lot of people to bring into the conversation, and it would be nice when it comes back that it is completed, so we can do what we need to do at that point. So, if it will be the second meeting in October, let's write it down and if, Mark, it seems like that won't happen, please let us know at the next meeting so we can at least talk about

it and let people know where we are with it.
Roll call vote on this.

AYES: Albert, Heilman, Koretz, Mayor Land
NOES: Schulte
Motion carried.

Mayor Land called a recess at 10:10 P.M.
The Council reconvened at 10:23 P.M.

CITIZEN COMMENTS: This time has been set aside for the public to address the Council on any item of interest except for the Public Hearings. At this point in time, the following persons came forward to address the Council:

Joyce Heftel, West Hollywood - problems with Speakeasy.
(City Manager asked to investigate and report back.)
Jeanne Dobrin, West Hollywood - problems at 858 N. Doheny.
(City Manager asked to investigate and report back.)
G. Bruce Traub, West Hollywood - complaints on new trash company pickup.

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. Mayor Land reported that AB-1719, AIDS Education, that was sponsored by the City of West Hollywood had been passed by the State Legislature and was on the Governor's desk for signature.

UNFINISHED BUSINESS

4. GREATER WEST HOLLYWOOD FOOD COALITION: The staff report was given by Lloyd Long and Tom West. The following persons came forward to address the Council:

Tony Vincent, Los Angeles
Rev. John Vondouris, West Hollywood - for disabled food bank
Richard Cederberg, West Hollywood - disabled food bank
James Ottman, West Hollywood
Brian Moore, West Hollywood
Colleen Walsh, West Hollywood
Michael Dean, President, Food Coalition
Djiuna Gocho, Los Angeles
Sue Pipal, Los Angeles
David Gamberg, West Hollywood
Stephen Martin, West Hollywood
Paul Webber, West Hollywood
Larry Parnell, West Hollywood

MOTION BY SCHULTE:

I would move that, in light of our desire to see this program phased out of the parks on or about November 1st, that we

direct staff to work aggressively with the coalition to; A) find an alternate location in or near the City; B) set parameters which will enable this to coexist with our use of the parks until the warming center is opened or C) phase it, in some transitional way, into the warming center when that's open after the first of the year.
Second by Albert.

Koretz: Is there a way to introduce the enforcement element also? I really would like to see us trying that as part of the effort and evaluating that at the time to see how much progress we've made.

Schulte: Let me just ask this question, I'm willing to do that, but I hear that as a slightly separate issue because as I understand you correctly, you would like to not set the deadline and monitor the enforcement first, and all I'm trying to do is see that as a separate issue.

Koretz: I think it could be done simultaneously but I would like to give us the option when we have to make the decision of how far to push the group or what to do at a deadline point that we could evaluate it and say, "well, this problem is still pressing" or "did we make enough progress to leave it as it is"? We could see the effects of the stepped -up enforcement, because we haven't done it yet, it could be a possibility.

Schulte: So, you're saying as we near November 1st, if the enforcement or the changed conditions have improved the situation that is existing with the park, then staff will come back and say that to us.

Koretz: That's essentially what I'm looking for and if Council doesn't believe that it's very likely, they aren't losing anything by including it in the motion - if it hasn't improved, it hasn't improved.

Schulte: Mary's having, probably a little trouble with this, but let me just say, I think that fits with the second condition, Lloyd, which is that we find a way by setting limits that make this compatible with our use of the parks until the warming center opens - that was part of the motion.

Land: I have a question. We're talking about the warming center and having the program in the warming center, and I think you need to be really careful about that because we have not yet set up all of the programs in our warming center, and one of the things we have all talked about but we haven't yet done, is that we want this center to work to house the people that we need to have housed, but we do not want it to be a center that has lines of people waiting to

come in and out and I don't know if having this program in the warming center is going to work - I truly don't know if it is and I'm not going to be able to support this motion because I don't know if a food program, like this program, is going to be compatible with the warming center and what we are going to be trying to do with that warming center. So I don't know if this program could be incorporated as part of that. I guess the motion is just not definitive enough for me - it's like people need to be fed but I think we can only feed so many I think we tried to work with the coalition and if by November 1st we can work it out, great - if not, I think we have to bite the bullet and as hard as it will be, and it's going to be hard, we have to bite the bullet and say, we cannot do this anymore, we'll feed the people in our program, we'll try to connect people up with the Meals on Wheels, we've got a lot of businesses that have said they are willing to feed people here and there and we'll just try to make do and I think that may be the best we can do.

Schulte: Okay, just as clarification on that Abbe, the motion does say moving toward our desire to get them out of the park by November first. It's clearly the option of working -----, but I think the motion is really clear on the sense of that, frankly.

Heilman: I don't understand what the motion is and I would like to ask Mary to reread it if she knows what it is.

Tyson: I can't - I will have to transcribe it tomorrow.

Land: Let's try to make it clear right now.

Schulte: The motion is that if, in fact, the following conditions can be met, then we will find a way to save the program. That's the substance of it. Now, what I said was, I move that in light of our desire to transition this program out of the park and move it out of the park on or about November 1st, we would like staff to aggressively work with the Food Coalition to satisfy one of the three following conditions: A) That they find an alternative site, in or near the city boundaries; B) That they set up parameters on the program, which would include the use of law enforcement, to allow the program to coexist until the warming center is open; or C) Allow them, between November 1st and the opening of the warming center to find a way to fit into that program even if there has to be a juncture here - even if there has to be a lapse - but C is the most drastic - if they can't find it by November 1st, there is no alternative, they can't straighten up the program, they are not willing to set limits, then at least offer them the option of trying to work them into the warming center program somehow. Those are the three options I can think of. That was the motion, and that was what you seconded ... right, Helen?

Albert: Yes, I did, but I think I would like to leave out the third item - to transition it to the warming center.

Schulte: Okay - to make that separate. I'm willing to do that, I'd like to leave that as an option, but I'm willing to separate it out for the sake of the motion.

Land: Okay, so the motion would be - that we will work with them to find an alternate location by November 1st - if they can't find an alternative site, that they do agree to come up with the parameters that we've asked for before and work it out to make it compatible we will leave it there - if not, by November 1st they will be closed up.

Schulte: And this ----- that that was also Paul's consideration that the law enforcement made it acceptable and we could live with it past November 1st until the warming center was open, but that's what the motion is.

Land: Part of the motion is that by November 1st they will either relocate or we will have found a way to coexist with them in the park, meeting all the goals that we've decided will reclaim the park.

Schulte: Until the shelter is open. Until the center is open. Which will have a meal program - then we'll have an alternative.

Land: All right, but just so you understand, it's very possible that the meal program will not be a drop-in program for over 250 people.

Schulte: I agree - I was just trying to see if there was a way we could get them to help with that.

Land: There might be a way that some of the volunteers would want to help with that. I still think that our goal at our center might be different than their goal of feeding everyone that's hungry. Do people understand the motion?

Heilman: I understand it more, it doesn't mean I necessarily agree with it - but, I'm concerned about - you had at one point separated out about fitting into the program - are you bringing that back?

Schulte: No, at Helen's request I'm keeping that out. The negative impact would be, from their point of view, that by the time the warming shelter is open, we lived with it until the center opened, and then we said we couldn't support it anymore. That would be the most lenient that would be. C would have allowed them to phase into the warming center, but we separated that out.

Heilman: I share Abbe's concerns about saddling the warming shelter with a program that may be inconsistent with the goals of the corporation that we set up to do that.

Schulte: And I'm not sure they would want to do that, to be honest.

Land: The second part of the motion would be that we try to keep some kind of parameters, working with law enforcement, working with numbers, working with whatever, to have them exist in the park, period, for however long we decide - that doesn't have anything to do with the warming center.

Schulte: Well, for me, it does - for me, it's still for whenever the warming center opens I guess.

Land: I'd like not to have the warming center in any part of the motion.

Koretz: We probably should take that out just to clarify it.

Land: I mean, November 1st they're either relocating, or we have come up with a way regarding whatever criteria we see fit, so they can coexist in the park safely with the existing programs, whether it be through law enforcement--

Schulte: That's even better than I was going to go, so that's fine with me.

Land: Whether it be law enforcement, curtailing their numbers, etc., etc., and if we can't work that out because of philosophical differences, then November 1st is the cut-off date. End of conversation.

Schulte: If we get a motion here that lasts, I'll be surprised. Can we get a vote on this?

Land: Is there anymore discussion on this?

Heilman: Yes. The discussion is, we've all acknowledged that there is a problem with this program - that it is inconsistent with the park as it exists now - there's safety problems, - that the philosophy of the program probably is inconsistent with what we want to do in the City. So why are we saying to them, "move"? We are saying to them move to somewhere else in the City - we are going to have the same problems there. Wherever they move to, we are going to have problems with the residents or the businesses there - you move them to the center, the center clientele and staff are going to have the same problems that Jewish Family Services staff has had in Plummer Park. What we should be saying to them now is, "you are funded by us; you're using our

facilities; here are the limitations you have to live by or you can't use our facilities and you can't have our money".

Schulte: John, with all due respect, you should make that your motion - that's not my motion.

Heilman: I know, and that's why I'm opposed to yours.

Schulte: Okay, that's fair - I'd like to get a vote on mine so I call for the question.

Land: Mary, roll call vote, please.

AYES: Albert, Schulte, Koretz, Mayor Land

NOES: Heilman

Motion carried.

4a. APPOINTMENT TO THE PLANNING COMMISSION: There is one vacancy on the Planning Commission due to the resignation of Dale Liebowitz-Neglia. ACTION: That Mayor Land appoint James Litz to the Planning Commission for a term expiring June 1, 1992. Motion Land second Schulte. Hearing no objection it was so ordered.

The City Clerk was instructed to advertise the opening on the Public Facilities Board.

NEW BUSINESS

5. WEST HOLLYWOOD HIV CLINIC UPDATE: An oral report was made by Bob Frangenberg. Councilmember Schulte asked that Council direct staff to meet with Bob and community members. Mr. Frangenberg stated that the clinic would like to get directions from the Council on appointments to the County Task Force.

6. ART IN PUBLIC PLACES POLICY: THIS ITEM WAS TABLED TO A FUTURE MEETING.

7. EARTH DAY 1990: Councilmember Heilman gave the staff report. ACTION: 1) That City Council officially endorse Earth Day 1990 and declare April 22, 1990 as "Earth Day" in the City of West Hollywood;

2) That the City of West Hollywood join Earth Day's Global Cities Project as a member; 3) Direct the Environmental Task Force to work with staff to develop programs to help the City observe Earth Day 1990; 4) Adopt Resolution No. 590, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING AN ENVIRONMENTAL BILL OF RIGHTS IN RECOGNITION OF EARTH DAY, 1990, AND TO IMPLEMENT PROGRAMS DESIGNED TO PROTECT THESE RIGHTS." Motion Heilman second Land. Hearing no objection it was so ordered.

LEGISLATIVE

8. ORDINANCE NO. 239 REGARDING PARKING DISTRICT NO. 5:

City Attorney Jenkins reported that Ordinance No. 239 was introduced on first reading on September 5, 1989, after a public hearing. It was necessary for staff and the City Attorney to make substantive language changes in the Ordinance, to clarify the language of the Ordinance. Therefore, this Ordinance is being re-introduced. ACTION: To introduce on first reading Ordinance No. 239, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING THE PARKING RESTRICTIONS IN PREFERENTIAL PARKING DISTRICT NO. 5 AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." Motion Schulte second Heilman.

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

CLOSED SESSION: This time has been set aside for the City Council to meet in closed session to discuss matters pertaining to litigation, potential litigation, personnel, and/or claims. The Council adjourned at 11:54 P.M. for closed session.

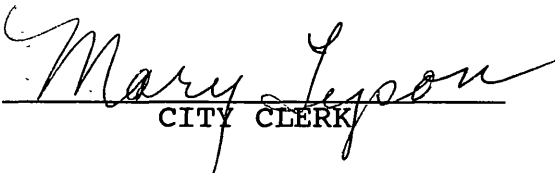
ADJOURNMENT Mayor Land adjourned the meeting in memory of Sidney Shaw, at 1:30 A.M. to a regular adjourned meeting at West Hollywood Park on October 2, 1989, at 7:00 P.M.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 2ND DAY OF OCTOBER, 1989.



MAYOR

ATTEST:



CITY CLERK