



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
September 20, 2016**

The Regular City Council meeting was held in the Council Chambers at 7:00 pm.

PLEDGE OF ALLEGIANCE led by Kimberly Reiss

A. ROLL CALL

Present: Councilmember Reims, Councilmember Gold, Councilmember Bosse, Vice Mayor Krasne, and Mayor Mirisch

Absent: None

B. PRESENTATIONS

1. CERTIFICATE OF RECOGNITION – Next Beverly Hills Committee

Mayor Mirisch, along with the entire City Council, asked Marketing and Economic Sustainability Manager Megan Roach to come forward, and presented certificates of recognition to Next Beverly Hills Committee members in recognition of the success of their recent project Next Night. The Next Beverly Hills Subcommittee composed of Jon Gluck, Wil Master, Paul O'Brien, Ben Reiss, Kimberly Reiss, Sheena Tahilramani and Boomer Welles provided a PowerPoint presentation and spoke in detail about Next Night. Councilmember Gold thanked the Next Beverly Hills Committee members for their hard work on the committee that he started last year when he was Mayor.

2. TEXT BH – Text messages on any City-related topic may be sent to 310-596-4265. City staff will acknowledge receipt of the text message within one business day, however, resolution of issues may take longer.

Councilmember Bosse announced that text messages on any City-related topic may be sent to (310) 596-4265.

C. ORAL COMMUNICATIONS

1. TELEPHONE CALL-IN (310.285.1020) (Members of the public are invited to place telephone calls to comment on issues that do not appear on the evening's agenda. The City Council will take up to three telephone calls per meeting. Comments on the evening's agenda must be made in person as the item comes before the City Council.)

None

2. AUDIENCE COMMENTS. Any person wishing to address the City Council on any matter not on the agenda may do so at this time. However, the State open meetings law (Government Code Section 54950 et seq.) prohibits the City Council from providing a detailed response or acting upon any item not contained on the agenda posted 72 hours before a regular meeting and 24 hours before a special meeting. If you wish to address the City Council at this time, please complete a speaker's card and give it to the City Clerk prior to the commencement of the meeting. Please use the microphone provided, clearly stating your name for the official record and courteously limiting your remarks to three (3) minutes so others may have the opportunity to speak as well.

1. Marie Garvey
2. Susan Mishler
3. Brenna Norton
4. Murray Fischer

3. REPORT FROM THE CITY MANAGER
- Targeted Traffic Enforcement - Lt. Michael Foxen

Lt. Michael Foxen presented a PowerPoint report on the targeted traffic enforcement operations that they conducted in the Business Triangle from August 31st through September 19th, 2016. He also spoke about the weekly traffic statistical report that will be sent to the City Council every Monday, showing the citations issued, traffic complaints received, and special operations conducted during the week.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Councilmember Reims, seconded by Councilmember Bosse to remove Items D-7, D-12, D-14, D-17 and D-18 for discussion and separate vote, approve the remaining items on the City Council consent calendar, and direct that the appropriate accounts be charged on items D-4 and D-5.

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of August 16, 2016.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of August 30, 2016.
3. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of September 6, 2016.

Demands Paid

4. REVIEW OF BUDGETED DEMANDS PAID, report dated August 20 – September 9, 2016.
5. PAYROLL DISBURSEMENT REPORT, report dated September 20, 2016.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

6. AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING HEAVY VEHICLES AND AMENDING THE DEFINITION OF LIMOUSINE. Second Reading - For Adoption. Comment: This ordinance amends the municipal code regarding heavy vehicles and the definition of limousine.

ITEM D-6: ADOPTED; ORD# 16-O-2711

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS:

7. OPPOSING PROPOSITION 57, THE CALIFORNIA PAROLE FOR NON-VIOLENT CRIMINALS AND JUVENILE COURT TRIAL REQUIREMENTS INITIATIVE. Comment: The City Council is presented with a Resolution opposing Proposition 57 on the November 8, 2016 California state ballot.

Mayor Mirisch pulled the item based on Councilmembers' comments at this afternoon's Study Session regarding taking positions on measures.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to adopt Resolution D-7 as follows:

OPPOSING PROPOSITION 57, THE CALIFORNIA PAROLE FOR
NON-VIOLENT CRIMINALS AND JUVENILE COURT TRIAL
REQUIREMENTS INITIATIVE

Ayes: Councilmember Reims, Councilmember Gold, Councilmember Bosse,
Vice Mayor Krasne, and Mayor Mirisch.

Noes: None.

CARRIED

ITEM D-7: ADOPTED; RES# 16-R-13107

APPROVAL OF:

8. AN ENCROACHMENT AGREEMENT WITH 336 N. CAMDEN, LLC, OWNER OF THE PROPERTY LOCATED AT 336 N. CAMDEN DRIVE TO ENCROACH INTO THE PUBLIC RIGHT-OF-WAY ON CAMDEN DRIVE. Comment: It is recommended that encroachment agreement for the building façade be approved.

ITEM D-8: APPROVED; AG# 395-16

9. AGREEMENT WITH MICHAEL BAKER INTERNATIONAL, INC. FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ADMINISTRATION AND PROGRAM IMPLEMENTATION OF THE HOUSING REHABILITATION PROGRAM FOR SINGLE FAMILY UNITS IN 2016-2017; AND APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$71,710.00 FOR SERVICES. Comment: The Housing Rehabilitation program provides services to low and moderate income single-family homeowners and renters with grants up to \$15,000 for minor home repairs.

ITEM D-9: APPROVED; AG# 396-16

10. AGREEMENT WITH MICHAEL BAKER INTERNATIONAL, INC. FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ADMINISTRATION AND PROGRAM IMPLEMENTATION OF THE HANDYWORKER SERVICES PROGRAM FOR MULTI-FAMILY UNITS IN 2016-2017; AND APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$109,969 FOR SERVICES DESCRIBED. Comment: The Housing Rehabilitation program provides services to low and moderate income multi-family homeowners and renters with grants up to \$10,000 for minor home repairs.

ITEM D-10: APPROVED; AG# 397-16

11. AMENDMENT NO. 1 FOR THE AGREEMENT WITH CIVILTEC ENGINEERING, INC. FOR PREPARATION OF WATER STANDARDS, DEVELOPMENT GUIDELINES, PLAN CHECKING, AND AS- NEEDED SUPPORT SERVICES; AND APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$308,720 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$358,570. Comment: Staff recommends approval of Amendment No.1 to Civiltec Engineering, Inc.'s Contract and approval of a change purchase order for \$308.720 for a not to exceed amount of \$358,570.

ITEM D-11: APPROVED; AG# 398-16

12. AMENDMENT NO. 1 FOR AN AGREEMENT WITH HUNT THORNTON RESOURCE STRATEGIES, LLC FOR WATER BANKING PROFESSIONAL CONSULTING SERVICES; AND

APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$75,000 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$124,970. Comment: Staff recommends approval of Amendment No.1 to Hunt Thornton Resource Strategies, LLC Contract and approval of a change purchase order for \$75,000 for a not to exceed amount of \$124,970.

Water Resources Manager Vince Damasse and City Manager Mahdi Aluzri responded to Vice Mayor Krasne's questions regarding water banking and shallow groundwater.

MOVED by Vice Mayor Krasne, seconded by Councilmember Bosse, to approve Item D-12 as follows:

AMENDMENT NO. 1 FOR AN AGREEMENT WITH HUNT THORNTON RESOURCE STRATEGIES, LLC FOR WATER BANKING PROFESSIONAL CONSULTING SERVICES; AND

APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$75,000 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$124,970

Ayes: Councilmember Reims, Councilmember Gold, Councilmember Bosse, Vice Mayor Krasne, and Mayor Mirisch.

Noes: None.

CARRIED

ITEM D-12: APPROVED; AG# 399-16

13. AMENDMENT NO. 1 TO CHARITABLE PLEDGE AGREEMENT - DONATION FOR CACTUS GARDEN IN BEVERLY GARDENS PARK. Comment: Request by Resnick Foundation to have sole donor recognition for the cactus garden block of Beverly Gardens Park.

ITEM D-13: APPROVED; AG# 400-16

14. AMENDMENT NO. 1 TO AN AGREEMENT WITH GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER LLP, FOR SPECIAL COUNSEL SERVICES RELATED TO NEGOTIATION OF DEVELOPMENT AGREEMENTS; AND

APPROVAL OF A PURCHASE ORDER TO GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER LLP; AND

APPROVAL OF AN APPROPRIATION FROM THE GENERAL FUND. Comment: It is recommended that the City Council approve the Amendment No. 1 between the City of Beverly Hills and Greenberg Glusker and approve a purchase order and appropriation in the amount that has been decided upon by the City Council during the September 20, 2016 Study Session.

Councilmember Gold expressed his concerns regarding the conflict of interest piece and appropriation of funds. City Attorney Laurence Wiener clarified the amount of the purchase order that was agreed upon at this afternoon's Study Session.

MOVED by Councilmember Bosse, seconded by Councilmember Krasne, to approve Item D-14 as follows.

AMENDMENT NO. 1 TO AN AGREEMENT WITH GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER LLP, FOR SPECIAL COUNSEL SERVICES RELATED TO NEGOTIATION OF DEVELOPMENT AGREEMENTS; AND

APPROVAL OF A PURCHASE ORDER TO GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER LLP; AND

APPROVAL OF AN APPROPRIATION FROM THE GENERAL FUND

Ayes: Councilmember Reims, Councilmember Gold, Councilmember Bosse, Vice Mayor Krasne, and Mayor Mirisch.

Noes: None.

CARRIED

ITEM D-14: APPROVED; AG# 401-16

15. A BLANKET PURCHASE ORDER TO HARRINGTON INDUSTRIAL PLASTICS, LLC IN THE NOT-TO-EXCEED AMOUNT OF \$120,000. Comment: Staff recommends the approval of a blanket purchase order to Harrington Plastics, LLC, in the not-to-exceed amount of \$120,000 for essential water treatment plant parts and supplies.

ITEM D-15: APPROVED

16. A PURCHASE ORDER TO WONDRIES FLEET GROUP FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$1,013,467.19 FOR PURCHASE OF TWO (2) FORD POLICE CAPTAIN VEHICLES, SEVEN (7) FORD POLICE PATROL VEHICLES, ONE (1) CHEVROLET POLICE DETECTIVE VEHICLE, TWELVE (12) FORD, AND THREE (3) CHEVROLET PUBLIC WORKS VEHICLES. Comment: Staff recommends that the City Council (1) waive the bidding requirements as the City is utilizing the National Joint Powers Alliance (NJPA) bid process, and (2) move to approve a purchase order in the amount of \$1,013,467.19 to Wondries Fleet Group for the purchase of specified vehicles.

ITEM D-16: APPROVED

17. A PURCHASE ORDER IN THE AMOUNT OF \$75,000.00 TO DAVID TURCH AND ASSOCIATES FOR FEDERAL REGULATORY REPRESENTATION AND LEGISLATIVE SERVICES. Comment: This item requests City Council approval of a Purchase Order in the amount of \$75,000.00 to David Turch and Associates for federal legislative advocacy services in Washington, D.C.

City Manager Mahdi Aluzri, Vice Mayor Krasne and Mayor Mirisch responded to Councilmember Reims' questions regarding details of the representation and legislative services provided by the vendor.

MOVED by Councilmember Gold, seconded by Vice Mayor Krasne to approve Item D-17 as follows:

A PURCHASE ORDER IN THE AMOUNT OF \$75,000.00 TO DAVID TURCH AND ASSOCIATES FOR FEDERAL REGULATORY REPRESENTATION AND LEGISLATIVE SERVICES

Ayes: Councilmember Reims, Councilmember Gold, Councilmember Bosse, Vice Mayor Krasne, and Mayor Mirisch.

Noes: None.

CARRIED

ITEM D-17: APPROVED

18. A PURCHASE ORDER IN THE AMOUNT OF \$75,000.00 TO SHAW/YODER/ANTWIH, INC. FOR LEGISLATIVE ADVOCACY SERVICES. Comment: This item requests City Council approval of a Purchase Order in the amount of \$75,000.00 to Shaw/Yoder/Antwih, Inc. to represent the City on government affairs issues in the State Capitol.

This item was discussed together with Item D-17.

MOVED by Councilmember Gold, seconded by Vice Mayor Krasne to approve Item D-18 as follows:

A PURCHASE ORDER IN THE AMOUNT OF \$75,000.00 TO SHAW/YODER/ANTWIH, INC. FOR LEGISLATIVE ADVOCACY SERVICES

Ayes: Councilmember Reims, Councilmember Gold, Councilmember Bosse, Vice Mayor Krasne, and Mayor Mirisch.

Noes: None.

CARRIED

ITEM D-18: APPROVED

Vote on the City Council Consent Calendar:

Ayes: Councilmember Reims, Councilmember Gold, Councilmember Bosse, Vice Mayor Krasne, and Mayor Mirisch.
Noes: None.

CARRIED

E. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

This being the time and place set, a public hearing was held to consider:

1. A VESTING TENTATIVE TRACT MAP, DEVELOPMENT PLAN REVIEW, AND DENSITY BONUS PERMIT TO ALLOW THE CONSTRUCTION OF A 4-STORY, 8-UNIT RESIDENTIAL BUILDING INCLUSIVE OF A VERY LOW-INCOME AFFORDABLE HOUSING UNIT ON THE PROPERTY LOCATED AT 250 NORTH CRESCENT DRIVE. Comment: On March 10, 2016, the City of Beverly Hills Planning Commission conditionally approved the Tentative Tract Map, Development Plan Review and Density Bonus Permit for the Project. On April 5, 2016, the City Council voted to review the decision and thereafter set the matter for a de novo hearing. The Council will also consider finding the project categorically exempt from CEQA pursuant to Section 15332 of the State CEQA Guidelines.

The notice of the hearing was published as required by law and an affidavit to this effect is on file with the City Clerk.

The report of the Assistant Director of Community Development/City Planner and the record of the Community Development Department in this matter are made a part of the record of this hearing.

Vice Mayor Krasne disclosed that she received a call from someone related to the developer of the project. She also disclosed that she made a comment in error prior to reading the information regarding the project and so she stated that she will be fair in evaluating the project before reaching any conclusions.

Assistant Director of Community Development/City Planner Ryan Gohlich presented a PowerPoint and oral report reviewing the project description, density bonus incentives and waivers, rendering of the project, vesting tentative tract map, development plan review, density bonus permit, historical background of City Council review and concerns, calculation of density, consultants and feasibility studies conducted, economic feasibility and physical feasibility, development incentives (setback and

modulation reductions), parking, shade and shadow assessment, CEQA, DPR findings, effect of shade and shadow on other properties, and staff recommendation.

Mr. Gohlich, City Attorney Laurence Wiener, Cathy Head from Keyser Marston, and City Manager Mahdi Aluzri responded to Council questions regarding the Planning Commission vote on the project, who paid for the feasibility studies, relationship of financial feasibility to land cost, past projects which have taken advantage of the density bonus and units that have been built, ongoing monitoring mechanism and the department in charge, side setbacks requirements, process and how it works, incentives, determination of the cost of the unit, parking, minimum square footage for units and deviation from Municipal code requirements, market rent, administration of affordability, overnight parking, calculations of financing, and transit zone exemption.

Speaking:

1. Todd Elliott, BH Premiere Investments LP
2. Edward Levin, BH Premiere Investments LP
3. Josh Kurpies
4. Ione Stein
5. Mitch Waldow
6. Yar Meshkaty
7. Janet Rivani
8. Jared Minami
9. Jude
10. Farideh Hakimi
11. Nooshin Meshkaty

There were no other members of the audience who wished to comment. Mayor Mirisch closed the public hearing.

Council further asked questions and commented on the following: ownership of units and affordable rental, interface among HOA/renter/landlord, property tax determination, parking impacts and remedies, alternative parking options, other violation sanctions aside from termination of entitlement, enforcement of violations, state and city density bonus process, administration of affordable housing units to eligible people, privacy of units, rooftop dog wash and water conservation, private parking lot, determination on the area being a transit zone, other incentives to consider, alternatives to eliminate additional story, rooftop use, presence of building sprinklers/fire safety issues, review by Architectural Commission, garage ceiling height for potential stacking, handicap parking, control the availability of affordable housing to senior residents and low-income group as priorities, affordable housing on Durant Drive, consistency of the project with garden-like quality of the City requirement, project's open spaces, unit rental at the affordable rate and process for increasing rent, and rent protection for tenants.

Vice Mayor Krasne suggested adding the following condition: dual glazed plexiglass curtain wall in the rooftop dog wash area to screen noise without adding height or illusion of height to the building. She also suggested revising the rooftop use cutoff time to 8pm instead of 9pm. Councilmember Reims recommended adding the following conditions: a) that the affordable housing tenant be allowed to use all

common areas and amenities that other tenants use at no additional costs or limitations; b) adding the language in the DPR findings regarding parking impacts and approving the DPR to abide by state law; c) neighbors in the area should get a notice and copies of all the conditions so that they are aware of them; d) that the low income unit is built as it is shown in the plan with the parking and outdoor spaces, and with that amount of square footage; e) enforcement options for violations of rooftop uses. Councilmember Gold stated that he wants added for the record that the Council recognizes that the fourth floor is required to be added to make the project economically feasible. He also suggested that the City Council explore what can be done with the parking lots to benefit not just the building but the entire area. He suggested using glazed windows for privacy. Councilmember Bosse wants language added that majority of what is being done is required by state law. She did not agree with the dog wash/exercise area due to the height and closeness of the setback. Mayor Mirisch commented that the state policy does not adequately address the need for affordable housing. He indicated that he will be voting against it.

The applicants stated that they have no further comments.

There were no further questions or comments from Councilmembers.

City Attorney Wiener stated that the resolution listing the additional conditions suggested by the Councilmembers will be brought back at the October 4, 2016 evening meeting for consent calendar approval.

MOVED by Councilmember Gold, seconded by Vice Mayor Krasne to approve Item E-1 as follows:

A VESTING TENTATIVE TRACT MAP, DEVELOPMENT PLAN REVIEW, AND DENSITY BONUS PERMIT TO ALLOW THE CONSTRUCTION OF A 4-STORY, 8-UNIT RESIDENTIAL BUILDING INCLUSIVE OF A VERY LOW-INCOME AFFORDABLE HOUSING UNIT ON THE PROPERTY LOCATED AT 250 NORTH CRESCENT DRIVE

Ayes: Councilmember Reims, Councilmember Gold, Councilmember Bosse, and Vice Mayor Krasne.

Noes: Mayor Mirisch.

CARRIED

ITEM E-1: PROJECT APPROVED; RESOLUTION LISTING ADDITIONAL CONDITIONS BY CITY COUNCIL WILL BE ON THE CONSENT CALENDAR AT THE OCTOBER 4, 2016 COUNCIL MEETING

2. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES AND CHARGES TO ADD PARKING CITATIONS FOR ILLEGAL SALE, USE AND PURCHASE OF PREFERENTIAL PARKING PERMITS, AND AMEND THE BIKE SHARE FEES FOR FISCAL YEAR 2016-2017. Comment: Staff is recommending the approval of a

resolution to amend the Comprehensive Schedule of Taxes, Fees & Charges for the Fiscal Year 2016/2017. The proposed amendments include the addition of a citation fine related to the unlawful use of preferential parking permits and the modification of existing bike share fees.

ITEM E-2: BY ORDER OF THE CHAIR, ABSENT OBJECTION, MATTER CONTINUED TO OCTOBER 4, 2016

F. CONTINUED AND NEW BUSINESS

None

G. COMMISSION SYNOPSIS

1. PLANNING COMMISSION - Regular Meeting of August 25, 2016
- TRAFFIC AND PARKING COMMISSION - Regular Meeting of September 1, 2016
- DESIGN REVIEW COMMISSION - Regular Meeting of September 1, 2016
- PLANNING COMMISSION - Regular Meeting of September 8, 2016

ITEM G-1: NO ACTION TAKEN

H. OTHER BUSINESS

None

- I. ADJOURNMENT*** The next City Council meeting will be held on October 4, 2016.

There being no further business, Mayor Mirisch, with the consent of the City Council, adjourned the meeting at 11:42pm.

PASSED, Approved and Adopted
this 18th day of October, 2016


BYRON POPE, City Clerk

JOHN A. MIRISCH, MAYOR

This meeting was broadcast on live television, on City of Beverly Hills municipal government television access Channel BHTV10 Time Warner Cable.