CITY OF BEVERLY HILLS
JOINT CITY COUNCIL REGULAR
AND PARKING AUTHORITY MEETING
MINUTES
December 17, 2013

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

A. ROLL CALLS

Present: Krasne, Gold, Brien, Bosse, and Mirisch
Absent: None

B. PRESENTATIONS

1. PROCLAMATION for Barbara Linder

Mayor Mirisch, along with Vice Mayor Bosse, presented a proclamation to Human Relations Commissioner Barbara Linder in honor of her receiving the Champion of the Community Award, the highest honor given annually by the California Parks and Recreation Society. Ms. Linder thanked the Council and the community, introduced her family, and announced that Armstrong Nursery Companies made a commitment to sponsor her demonstration garden at the Greystone Mansion Park in honor of their 125th birthday next year, including providing assistance with the physical set up of the vegetable garden, offering free workshops in the Spring, and actively attracting other corporate sponsors to renovate the area of the park.

2. CERTIFICATE OF APPOINTMENT Health and Safety Commission - Myra Demeter - Gary B. Ross

Mayor Mirisch, along with Vice Mayor Bosse, presented a Certificate of Appointment and City pin to newly appointed Health and Safety Commissioner Myra Demeter.

The certificate of appointment for newly appointed Health and Safety Commissioner will be presented at the January 21, 2014 meeting.

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/Parking Authority 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/Parking Authority.)

None

2. AUDIENCE COMMENTS. Any person wishing to address the City Council/Parking Authority 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/Parking Authority 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/Parking Authority 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. Frances Shloss
2. Rochelle Berkowitz
3. Matthew Finerman, MD

3. REPORT FROM THE CITY MANAGER * Remote Automated Weather Station (RAWS) and Local Fire Weather - Greg Barton, Fire Battalion Chief

Fire Battalion Chief Greg Barton presented a PowerPoint report about the local fire weather conditions, noting that the City installed a Remote Automated Weather Stations (RAWS) system in Franklin Canyon in 1997.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. PARKING AUTHORITY CONSENT CALENDAR

MOVED by Director Gold, seconded by Director Krasne, to approve all items on the Parking Authority Consent Calendar

Minutes

1. CONSIDERATION OF THE MINUTES of the Parking Authority meeting of September 24, 2013.

Other Business

APPROVAL OF:

2. CONSENT TO SUBLEASE AND CLARIFICATION OF LEASE OPERATING HOURS BY AND AMONG THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS (LANDLORD), STROUK GROUP, INC (TENANT) AND SOUTHWEST WINE & SPIRITS, LLC (SUBTENANT) AT 447 N. CANON DRIVE. Comment: This Consent to Sublease Agreement and Clarification of Lease Operating Hours approves the sublease between Strouk Group dba Monsieur Marcel and Southwest Wine & Spirits dba Wally's Wine & Spirits, LLC. Wally's Wines & Spirits will sublease a portion of the store that is currently the wine wall and provide additional advertising and marketing for the entire store. Monsieur Marcel is located at 447 N. Canon Drive.

ITEM D-2: APPROVED AG# PA-13-39

Vote on the Parking Authority Consent Calendar:

Ayes: Director Krasne, Director Gold, Director Brien, and Director Bosse.
Noes: None.
Absent: Chair Mirisch (stepped away from the dais during the vote)

CARRIED

E. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Krasne, seconded by Councilmember Gold, to approve all items on the City Council consent calendar by reference, and direct that the appropriate accounts be charged on Items E-3 and E-4

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of December 5, 2013.

2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of December 5, 2013.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated November 23 - December 6, 2013.

4. PAYROLL DISBURSEMENT REPORT, report dated December 17, 2013.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. ADDING ARTICLE 5 TO CHAPTER 5 OF TITLE 2 OF THE MUNICIPAL CODE REGARDING THE PROCEDURE FOR ADOPTING OR AMENDING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND AN EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION. Second Reading - For Adoption. Comment: This ordinance will establish procedures designed to increase public awareness of proposed memoranda of understanding with employee groups, and amendments to those memoranda, before the memoranda and amendments are adopted.

ITEM E-5: ADOPTED ORD# 13-O-2651

RESOLUTIONS APPROVING:

None

APPROVAL OF:

6. VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN:

ITEM A: AMENDMENT NO. 3 TO AN AGREEMENT WITH COOPERATIVE PERSONNEL SERVICES FOR PERSONNEL TESTING SERVICES IN A NOT TO EXCEED AMOUNT OF $160,000; AND APPROVAL OF A PURCHASE ORDER TO COOPERATIVE PERSONNEL SERVICES IN AN AMOUNT NOT TO EXCEED $50,000.00 FOR FISCAL YEAR 2013-14. Comment: Increase in total amount of agreement is necessary to cover existing invoices and continue testing services for the remainder of fiscal year 2013-14 and 2014-15.

ITEM E-6A: APPROVED AG# 502-13

ITEM B: AN AGREEMENT WITH THE DAVIS COMPANY FOR COMPENSATION STUDIES AND CLASSIFICATION ANALYSES; AND APPROVAL OF A PURCHASE ORDER TO DAVIS COMPANY IN A NOT TO EXCEED AMOUNT OF $38,000 FOR FISCAL YEAR 2013-14. Comment: The Davis Company will assist in providing classification and compensation services by performing studies as necessary. Future services by The Davis Company will be utilized on an as needed basis for compensation and classification related analysis or studies.

ITEM E-6B: APPROVED AG# 503-13

Vote on the City Council Consent Calendar:

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

CARRIED

F. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADOPTING THE GENERAL PLAN 2014-2021 HOUSING ELEMENT UPDATE AND ADOPTING AN ADDENDUM TO A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. Comment: Consideration of the adoption of the 2014-2021 General Plan Housing Element Update and associated environmental review document.

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 Director of Community Development and the record of the Community Development Department in this matter are made a part of the record of this hearing.

Director of Community Development Susan Healy Keene presented an oral report noting the benefits that will be available to the City with the adoption of the Housing Element Update. She noted the proposed changes to the program from the one originally adopted in 2009.

Speaking:

1. Alma Ordaz

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

Council expressed concern on the unintended consequences of historic preservation laws. Staff assured Council that even after the adoption of the Housing Element at tonight's meeting, changes can still be made without re-adopting the General Plan.

Furthermore, policies can be added or changed to address code enforcement issues and protect renters' rights. Council has discretion to create local laws and restrictions as long as they are not in conflict with state laws. City Attorney Wiener will look at the existing policies to see if they can be changed or new ones added to deal with repeat landlord violators. Councilmember Brien emphasized the need to differentiate between historic preservation and preservation/renovation. Councilmember Gold suggested to bring the matter to the Cultural Heritage Commission after the City Council has had further discussion.

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Krasne, seconded by Councilmember Gold, to approve Resolution F-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADOPTING THE GENERAL PLAN 2014-2021 HOUSING ELEMENT UPDATE AND ADOPTING AN ADDENDUM TO A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

CARRIED

ITEM F-1: ADOPTED RES# 13-R-12963

G. CONTINUED AND NEW BUSINESS

1. CONSULTING SERVICES TO PERFORM A PUBLIC VS. PRIVATE COMPENSATION STUDY. Comment: Council consideration of proposals received for the public vs. private compensation study, all of which came in at a higher cost than allotted by Council. If Council wishes to proceed at higher cost, the City Treasurer recommends Mercer as the vendor.

City Treasurer Eliot Finkel presented a PowerPoint and oral report on this item. He spoke about the purpose of the Committee, named and thanked the committee members, and discussed the employee compensation study and the financial impact of 2-hour free parking.

Councilmembers Krasne, Gold and Brien asked about the design, end goal and time frame of the study, Mercer's credentials and clients, and expressed concern regarding a fair comparison of positions between the public and private sectors considering not just salary, workload and benefits but the skills levels and other benefits such as company profits being passed on to employees as well. Councilmember Brien asked whether there are public documents available on previous studies done by Mercer that can be

reviewed by the City prior to starting the study. He also expressed concern that Mercer helped design and develop the RFP. Vice Mayor Bosse commented that the data gathered from the study will help clear up any false assumptions, and also assist in better future fiscal planning.

MOVED by Vice Mayor Bosse, seconded by Councilmember Krasne, to approve funds in the amount of $100,000 for the private vs. public compensation study

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

CARRIED

MOVED by Vice Mayor Bosse, seconded by Councilmember Krasne, to approve contract to conduct a private vs. public compensation study with Mercer be drafted and submitted to the Council for approval

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

CARRIED

ITEM G-1: APPROVED

2. FY 2012/13 YEAR-END REPORT AND CONSIDERATION OF ALLOCATING AVAILABLE GENERAL FUND BALANCE, INCLUDING APPROPRIATION OF FUNDS IN AN AMOUNT UP TO $14,212,394 AND APPROPRIATION OF $650,000 OF AVAILABLE FY 2013/14 GENERAL FUND REVENUES FOR THE ESTABLISHMENT OF A THIRD STAFFED PARAMEDIC RESCUE AMBULANCE. Comment: It is recommended that the City Council consider the appropriation of year-end surplus of revenues over expenditures.

Administrative Services Director/Chief Financial Officer Don Rhoads presented a PowerPoint and oral report. He spoke about the financial results for Fiscal Year 2012-2013, the 6-30-13 General Fund balance, available General Fund balance, recommendations and staffing for a third paramedic ambulance.

MOVED by Councilmember Brien, seconded by Councilmember Gold, to approve funds in the amount of $14,212,394 be appropriated as agreed upon by Council, which includes the $500,000 from the 336 Foothill building demolition going into the unallocated monies

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

CARRIED

MOVED by Councilmember Gold, seconded by Councilmember Brien, to approve $650,000 of available 2013/14 General Fund revenues be appropriated for the establishment of a third staffed paramedic rescue ambulance

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

CARRIED

ITEM G-2: APPROVED

3. REQUEST BY COUNCILMEMBER KRASNE FOR CITY COUNCIL REVIEW OF THE PLANNING COMMISSION DECISION REGARDING 8767 WILSHIRE BOULEVARD (KOBOR COMMERCIAL BUILDING). Comment: This is a request by Councilmember Krasne for the City Council to review the Planning Commission's denial of medical offices, a luxury vehicle showroom, a pharmacy, and expanded restaurant uses within the commercial building located at 8767 Wilshire Boulevard.

Senior Planner Ryan Golich presented a PowerPoint and staff report. He spoke about the proposed project.

Speaking:

1. Tom Levyn
2. AJ Willmer

Councilmember Krasne explained the reason that she requested the item be placed on the agenda. Councilmember Brien indicated his support to call up the matter as part of the good faith negotiations. Vice Mayor Bosse likewise indicated her support to address the matter in a fair and transparent public process. Mayor Mirisch explained the reason why he is abstaining from the matter.

MOVED by Councilmember Krasne, seconded by Councilmember Brien, to approve that City Council order the review of the Planning Commission decision regarding 8767 Wilshire Boulevard

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

CARRIED

ITEM G-3: APPROVED; MAYOR FIXED THE TIME AND PLACE FOR THE HEARING, WHICH WILL BE JANUARY 7, 2014 AT 7:00PM IN THE CITY COUNCIL CHAMBERS

4. REQUEST BY MAYOR MIRISCH FOR CITY COUNCIL REVIEW OF THE PLANNING COMMISSION'S DECISION APPROVING A MINOR ACCOMMODATION AND SECOND UNIT USE PERMIT FOR THE CONSTRUCTION OF A TWO-STORY ACCESSORY STRUCTURE ON THE PROPERTY LOCATED AT 700 NORTH LINDEN DRIVE. Comment: On December 12, 2013 the Planning Commission approved a Minor Accommodation and Second Unit Use Permit to allow the construction of a two-story accessory structure at 700 North Linden Drive. The Mayor has asked that the Council discuss the Commission's decision to determine whether there is Council support to call the decision up for review at a de novo public hearing.

Vice Mayor Bosse recused from this item and left the Chambers at 10:03pm.

Senior Planner Ryan Gohlich presented a PowerPoint and oral staff report. He showed site plans and views of the elevation from each direction, and spoke about the Planning Commission review and decision.

Speaking:

1. Kamyar Shabani
2. Matt Pouratian
3. Beverly Houwing
4. Mona Pouratian

Council requested information about the accessory structure, and a survey and photos of comparison properties. Council agreed to order a review of the Planning Commission decision on the 700 North Linden Drive property.

MOVED by Councilmember Krasne, seconded by Councilmember Gold, that the City Council order review of the Planning Commission decision regarding 700 North Linden Drive

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

CARRIED

ITEM G-4: APPROVED; MAYOR FIXED THE TIME AND PLACE FOR THE HEARING, WHICH WILL BE JANUARY 21, 2014 AT 7:00PM IN THE CITY COUNCIL CHAMBERS

H. COMMISSION SYNOPSIS

1. DESIGN REVIEW COMMISSION - Regular meeting of November 7, 2013
TRAFFIC & PARKING COMMISSION - Regular Meeting of November 7, 2013
PUBLIC WORKS COMMISSION - Special Meeting of November 13, 2013
ARCHITECTURAL COMMISSION - Regular Meeting of November 20, 2013
FINE ART COMMISSION - Regular Meeting of November 21, 2013
HUMAN RELATIONS COMMISSION - Regular meeting of November 21, 2013
PLANNING COMMISSION - Special meeting of November 21, 2013
RECREATION AND PARKS COMMISSION - Regular Meeting of November 26, 2013
CHARITABLE SOLICITATIONS COMMISSION - Regular Meeting of December 11, 2013

ITEM H-1: NO ACTION TAKEN

I. OTHER BUSINESS

None

J. ADJOURNMENT

There being no further business, Mayor/Chair Mirisch, with the consent of the Council/Board, adjourned the meeting at 10:39pm.

PASSED, Approved and Adopted
this 7th day of January, 2014

BYRON POPE, City Clerk/Secretary

JOHN A. MIRISCH, MAYOR/CHAIR

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