CITY OF BEVERLY HILLS
JOINT CITY COUNCIL REGULAR
AND PARKING AUTHORITY MEETING
MINUTES
February 18, 2014

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

PLEDGE OF ALLEGIANCE led by Lori Gordon

A. ROLL CALLS

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

B. PRESENTATIONS

1. PROCLAMATION to Centennial Concert Participants

Mayor Mirisch, along with Vice Mayor Bosse, presented proclamations to the group of residents who organized the Centennial concert and Sing-along on January 28, 2014. The dedicated co-chairs of the Concert Committee were: Marguerite Carlucci, Jon Gluck, Lori Gordon, Karla Gordy-Bristol and Annette Saleh. Also recognized with a proclamation was LA Lawyers Philharmonic Conductor Gary Greene.

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.)

1. Alma Ordaz

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. Marcy Kaplan, The Maple Counseling Center
2. Alexandra Polin
3. James Francis Wendell
4. Marilyn Gallup

3. REPORT FROM THE CITY MANAGER

* Roxbury Community Center Update - Donielle Kahikina, Project Manager

Project Manager Donielle Kahikina presented a PowerPoint report showing the current progress and state of construction of the new Roxbury Park Community Center.

* Influenza Update - Pamela Mottice-Muller, Director of Emergency Management

Director of Emergency Management Pamela Mottice-Muller introduced Fire Department EMS Administrator Sean Stokes and Health and Safety Commission Chair Gail Milan to provide updates and tips on taking care of yourself during this influenza season.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. PARKING AUTHORITY CONSENT CALENDAR

MOVED by Director Gold, seconded by Director Bosse to approve all items on the Parking Authority consent calendar

Minutes

1. CONSIDERATION OF THE MINUTES of the Parking Authority meeting of December 17, 2013.

Other Business

APPROVAL OF:

2. SEVENTH AMENDMENT TO LEASE BY AND BETWEEN THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS AND KAZUMI KIM DBA KABUKI BEAUTY SALON. Comment: This amendment extends the lease term of Kabuki Beauty Salon by five (5) years. Kabuki Beauty Salon is located at 313 N. Crescent Drive.

ITEM D-2: AG# PA-14-40

Vote on the Vote on the Parking Authority Consent Calendar:

Ayes: Director Krasne, Director Gold, Director Brien, Director Bosse, and Chair Mirisch.
Noes: None.

CARRIED

E. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Gold, seconded by Vice Mayor Bosse to remove Items E-4, E-6, E-8, E-9, and E-13 for discussion and separate vote, approve the remaining items on the City Council consent calendar, and direct that the appropriate accounts be charged

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of February 4, 2014.

2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of February 4, 2014.

Demands Paid

3. PAYROLL DISBURSEMENT REPORT, report dated February 18, 2014.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING AGE OF TAXICAB VEHICLES. First Reading - For Introduction. Comment: Amends Section 7-4-214(j) of the Beverly Hills Municipal Code regarding the number of years during which taxicab vehicles may remain in services, subject to annual safety inspections.

Council agreed to continue the item to the meeting of March 4, 2014.

MOVED by Councilmember Brien, seconded by Vice Mayor Bosse to continue Ordinance E-4 as follows to the meeting of March 4, 2014:

AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING AGE OF TAXICAB VEHICLES

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

CARRIED

ITEM E-4: ITEM CONTINUED TO THE MEETING OF MARCH 4, 2014

5. AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ALLOW COMMISSION CHAIRS TO SERVE FOR TWO COMPLETE YEARS. Second Reading - For Adoption. Comment: Amends the municipal code to clarify the rules regarding when Commissioners may serve as Chair.

ITEM E-5: ADOPTED ORD# 14-O-2652

6. APPLYING THE CITY'S MEDICAL USE OVERLAY ZONE TO THE PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD. Second Reading - For Adoption. Comment: This ordinance memorializes the City Council's January 21, 2014 decision to apply the City's medical use overlay zone to the property located at 8767 Wilshire Boulevard and adopts an addendum to a previously adopted mitigated negative declaration.

Vice Mayor Bosse stated for the record that she supports the CUP.

MOVED by Councilmember Brien, seconded by Councilmember Gold to adopt Ordinance E-6 as follows:

APPLYING THE CITY'S MEDICAL USE OVERLAY ZONE TO THE PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD

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

CARRIED

ITEM E-6: ADOPTED ORD# 14-O-2653

7. AMENDING THE MUNICIPAL CODE REGARDING RESTAURANT USES IN THE MIXED USE PLANNED DEVELOPMENT OVERLAY ZONE, AND TRANSIENT RESIDENTIAL USES IN THE MIXED USE PLANNED DEVELOPMENT OVERLAY ZONE, SINGLE FAMILY RESIDENTIAL ZONES, AND MULTI-FAMILY RESIDENTIAL ZONES. Second Reading- For Adoption. Comment: This ordinance memorializes the City Council's February 4, 2014 decision to amend the municipal code to allow serviced residences and restaurant uses in the Mixed Use Planned Development Overlay Zone (MUPDOZ), amend the MUPDOZ, single family residential zones, and multi-family residential zones regarding transient uses and adopts an addendum to an environmental impact report.

ITEM E-7: ADOPTED ORD# 14-O-2654

8. APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND METROPOLITAN CRESCENT ASSOCIATES, LLC, FOR DEVELOPMENT AND USE OF THE PROPERTIES AT 155 NORTH CRESCENT DRIVE AND 9355

WILSHIRE BOULEVARD FOR A MIXED USE PROJECT INCLUDING SERVICED RESIDENCES AND RESTAURANT USE. Second Reading- For Adoption. Comment: This ordinance memorializes the City Council's February 4, 2014 decision to approve a development agreement for the project at 155 North Crescent Drive and 9355 Wilshire Boulevard and adopts an addendum to an environmental impact report.

City Attorney Wiener and City Manager Kolin responded to Mayor Mirisch's questions regarding the development agreement process. Councilmember Krasne offered suggestions for consideration in the future.

MOVED by Councilmember Brien, seconded by Vice Mayor Bosse to adopt Ordinance E-8 as follows:

APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND METROPOLITAN CRESCENT ASSOCIATES, LLC, FOR DEVELOPMENT AND USE OF THE PROPERTIES AT 155 NORTH CRESCENT DRIVE AND 9355 WILSHIRE BOULEVARD FOR A MIXED USE PROJECT INCLUDING SERVICED RESIDENCES AND RESTAURANT USE

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

CARRIED

ITEM E-8: ADOPTED ORD# 14-O-2655

RESOLUTIONS APPROVING:

9. CONDITIONALLY APPROVING A MINOR ACCOMMODATION AND SECOND UNIT USE PERMIT TO ALLOW THE CONSTRUCTION OF A TWO-STORY ACCESSORY STRUCTURE CONTAINING INDEPENDENT LIVING FACILITIES WITHIN A REQUIRED REAR YARD SETBACK ON A CORNER LOT IN THE CENTRAL AREA OF THE CITY AT 700 NORTH LINDEN DRIVE. Comment: A resolution conditionally approving a two-story accessory structure with independent living facilities, and finding the project exempt from the California Environmental Quality Act.

MOVED by Councilmember Brien, seconded by Councilmember Gold to adopt Resolution E-9 as follows:

CONDITIONALLY APPROVING A MINOR ACCOMMODATION AND SECOND UNIT USE PERMIT TO ALLOW THE CONSTRUCTION OF A TWO-STORY ACCESSORY STRUCTURE CONTAINING INDEPENDENT LIVING FACILITIES WITHIN A REQUIRED REAR YARD SETBACK ON A CORNER LOT IN THE CENTRAL AREA OF THE CITY AT 700 NORTH LINDEN DRIVE

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

Recuse: Vice Mayor Bosse
CARRIED

ITEM E-9: ADOPTED RES# 14-R-12968

APPROVAL OF:

10. PLANNING COMMISSION APPOINTMENT (FARSHID JOE SHOOSHANI). Comment: Appoints Farshid Joe Shooshani to the Planning Commission for an initial two-year term.

ITEM E-10: APPROVED

11. PUBLIC WORKS COMMISSION APPOINTMENT (JERROLD S. FELSENTHAL). Comment: Appoints Jerrold S. Felsenthal to the Public Works Commission for an initial two-year term.

ITEM E-11: APPROVED

12. AN AGREEMENT WITH CPM ONE SOURCE, INC. FOR FURNITURE PURCHASE AND INSTALLATION FOR THE ROXBURY COMMUNITY CENTER PROJECT; AND APPROVAL OF A PURCHASE ORDER IN THE NOT TO EXCEED AMOUNT OF $200,000 TO CPM ONE SOURCE, INC. Comment: It is recommended that the City Council approve this Agreement and Purchase Order for the purchase and installation of furniture for the Roxbury Community Center project.

ITEM E-12: APPROVED AG# 54-14

13. AMENDMENT NO. 1 TO AN AGREEMENT WITH MV TRANSPORTATION, INC. FOR THE MANAGEMENT, OPERATIONS AND MAINTENANCE OF THE CITY'S TRANSIT SERVICES. Comment: Increase contract amount by $25,000 for FY13/14 and FY14/15 for expanded senior services and special charters, including but not limited to Tournament of Roses float decoration, Roxbury-La Cienega Senior transit, and anticipated City Centennial activities.

Deputy Director of Transportation Aaron Kunz responded to Councilmember Gold's budget questions regarding the Roxbury-La Cienega Senior Transit program.

MOVED by Councilmember Brien, seconded by Vice Mayor Bosse to approve Item E-13 as follows:

AMENDMENT NO. 1 TO AN AGREEMENT WITH MV TRANSPORTATION, INC. FOR THE MANAGEMENT, OPERATIONS AND MAINTENANCE OF THE CITY'S TRANSIT SERVICES

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

Noes: None.

CARRIED

ITEM E-13: APPROVED AG# 55-14

14. AMENDMENT NO. 2 TO THE AGREEMENT WITH THE BEVERLY HILLS CONFERENCE AND VISITORS BUREAU FOR PROMOTION OF THE CITY FOR FISCAL YEAR 2013-2014 AND APPROVAL OF A CHANGE PURCHASE ORDER IN A NOT-TO-EXCEED AMOUNT OF $350,000 TO THE BEVERLY HILLS CONFERENCE AND VISITORS BUREAU FOR THESE SERVICES AND APPROPRIATION OF $306,115 IN FISCAL YEAR 2012-2013 TRANSIENT OCCUPANCY TAX REVENUE FOR TOURISM AND MARKETING PROGRAMS. Comment: This item requests the City Council approve Amendment No. 2 to the agreement with the Beverly Hills Conference and Visitors Bureau and approve a change order in the amount of $350,000 for these services. Council is also asked to appropriate $306,115 in Fiscal Year 2012-13 TOT revenue for tourism and marketing programs.

ITEM E-14: APPROVED AG# 56-14

15. AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, BALI CONSTRUCTION, INC., FOR THE PROJECT "RESERVOIR NO. 4A NEW OVERFLOW PIPELINE AND STAIRS" IN THE AMOUNT OF $435,843; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFORE; AND APPROVAL OF ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF $500,843 FOR THE PROJECT. Comment: Award of contract for the construction of a new overflow pipeline and stairs at Reservoir 4A.

ITEM E-15: APPROVED AG# 57-14

16. A PURCHASE ORDER TO LONG BEACH BMW MOTORCYCLES FOR A TOTAL NOT-TO-EXCEED AMOUNT OF $78,988.41 FOR PURCHASE OF THREE (3) BMW POLICE MOTORCYCLES. Comment: Staff recommends that the City Council move to approve a purchase order in the amount of $78,988.41 to Long Beach BMW Motorcycles for the purchase of three BMW Police motorcycles to replace two job-worn motorcycles and one accident-totaled motorcycle currently assigned to the Beverly Hills Police Department ("BHPD") Traffic Bureau.

ITEM E-16: APPROVED

17. A PURCHASE ORDER TO ROTATIONAL MOLDING, INC. IN THE NOT TO EXCEED AMOUNT OF $371,200.00 FOR THE PURCHASE OF 300 GALLON CONTAINER LIDS. Comment: This funding approval will be used to replace all of the damaged 300 gallon container lids throughout the city.

ITEM E-17: APPROVED

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:

None

G. CONTINUED AND NEW BUSINESS

1. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING TITLE 1, CHAPTER 9, ARTICLE 1 OF THE MUNICIPAL CODE REGARDING COMPENSATED LEGISLATIVE ADVOCATES. First Reading - For Introduction. Comment: The City Council recently approved an updated lobbyist disclosure form and requested accompanying changes to the Municipal Code in order to implement the form. The proposed ordinance includes those changes to the Municipal Code to implement the form as well as other changes requested by the City Council to the City's lobbyist disclosure regulations.

City Attorney Laurence Wiener presented an oral staff report, noting the changes being proposed to the City's present regulations. He also addressed Council's requests for clarification regarding the import of signing a document under penalty of perjury and suspension of lobbyist privileges.

Council asked questions regarding the $50 disclosure amount, 10-day deadline to submit a form after starting advocacy, penalty of perjury, reporting of violations, Council role, and publishing violations online. Council agreed to amend the ordinance to include publishing a proven violation in the City's website.

MOVED by Councilmember Brien, seconded by Vice Mayor Bosse to introduce by title only Ordinance G-1 as amended to include a statement proving that upon a determination of a proven violation, the City's website will reflect that determination for a period of up to one year as follows, and advance to the meeting of March 4, 2014:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING TITLE 1, CHAPTER 9, ARTICLE 1 OF THE MUNICIPAL CODE REGARDING COMPENSATED LEGISLATIVE ADVOCATES

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

CARRIED

ITEM G-1: INTRODUCED AND READ BY TITLE ONLY WITH AN AMENDMENT TO ORDINANCE SECTION 1-9-107 TO INCLUDE A STATEMENT PROVIDING THAT UPON A DETERMINATION OF A PROVEN VIOLATION, THE CITY'S WEBSITE WILL REFLECT THAT DETERMINATION FOR A PERIOD OF UP TO ONE YEAR; ADVANCE TO THE MEETING OF MARCH 4, 2014 FOR ADOPTION

2. A. AN ORDINANCE OF THE CITY OF BEVERLY HILLS INCLUDING ELECTRONIC CIGARETTES WITHIN THE CITY'S TOBACCO RETAILER PERMITTING AND SMOKING REGULATIONS; AND REGULATING ELECTRONIC CIGARETTE USE IN THE SAME MANNER AS TOBACCO USE UNDER CERTAIN STATE LAWS. First Reading - For Introduction.

Senior Management Analyst Michelle Tse presented a PowerPoint and oral report, focusing on the proposed changes to the current City ordinance and regulations, and timeline.

MOVED by Councilmember Gold, seconded by Councilmember Krasne to introduce and read by title only and advance to the meeting of March 4, 2014 for adoption Ordinance G-2A as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS INCLUDING ELECTRONIC CIGARETTES WITHIN THE CITY'S TOBACCO RETAILER PERMITTING AND SMOKING REGULATIONS; AND REGULATING ELECTRONIC CIGARETTE USE IN THE SAME MANNER AS TOBACCO USE UNDER CERTAIN STATE LAWS

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

CARRIED

ITEM G-2A: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF MARCH 4, 2014 FOR ADOPTION

B. AMENDMENT TO THE CITY OF BEVERLY HILLS PARK RULES AND REGULATIONS TO EXTEND THE PROHIBITION OF SMOKING TO INCLUDE ELECTRONIC CIGARETTES. Comment: Amends the municipal code and the City's Park Rules and Regulations to regulate e-cigarettes similarly to tobacco products.

MOVED by Vice Mayor Bosse, seconded by Councilmember Gold to approve Item G-2B as follows:

AMENDMENT TO THE CITY OF BEVERLY HILLS PARK RULES AND REGULATIONS TO EXTEND THE PROHIBITION OF SMOKING TO INCLUDE ELECTRONIC CIGARETTES

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

CARRIED

ITEM G-2B: APPROVED

3. REPORT FROM THE CENTENNIAL CONCERT AND SING-ALONG VOLUNTEER COMMITTEE.

Community Outreach Manager Huma Ahmed introduced Centennial Concert Committee Co-chairs Lori Gordon and Annette Saleh to present a PowerPoint and oral report summarizing the Centennial Concert and Sing-along event.

Council thanked Ms. Gordon, Ms. Saleh and everyone involved in organizing the event.

MOVED by Vice Mayor Bosse, seconded by Councilmember Brien to allocate Centennial Concert surplus funds as follows: $9,062 in funding to the Centennial Beverly Hills Day Photography initiative and the Centennial Postage Stamp initiative, as amended to the total actual amount

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

CARRIED

ITEM G-3: ALLOCATED CENTENNIAL CONCERT SURPLUS FUNDS AS FOLLOWS: $9,062 IN FUNDING TO THE CENTENNIAL BEVERLY HILLS DAY PHOTOGRAPHY INITIATIVE AND THE CENTENNIAL POSTAGE STAMP INITIATIVE, AS AMENDED TO THE TOTAL ACTUAL AMOUNT

H. COMMISSION SYNOPSIS

1. FINE ART COMMISSION - Regular Meeting of January 16, 2014
DESIGN REVIEW COMMISSION - Regular Meeting of February 6, 2014

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 9:00pm.

PASSED, Approved and Adopted
this 4th day of March, 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.