CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
REVISED MINUTES
April 1, 2014

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

PLEDGE OF ALLEGIANCE led by former Mayor Tom Levyn

A. ROLL CALL

Present: Councilmember Krasne, Councilmember Mirisch, Councilmember Brien, Vice Mayor Gold, and Mayor Bosse
Absent: None

B. PRESENTATIONS

1. CERTIFICATE OF APPOINTMENT Public Works Commission - Jerrold S. Felsenthal

Mayor Bosse, along with Councilmembers Mirisch and Krasne, presented a certificate of appointment and City pin to newly appointed Public Works Commissioner Jerrold S. Felsenthal.

2. RECOGNITION OF RETIRING COMMISSIONER Fine Art Commission - Terri Smooke

Mayor Bosse, along with Vice Mayor Gold, presented a plaque of recognition and gift to retiring Fine Art Commissioner Terri Smooke.

3. PROCLAMATION for Donate Life Month

Mayor Bosse, along with Vice Mayor Gold and Councilmember Brien, presented a proclamation to Dr. Mason Sommers in honor of Donate Life Month.

4. RECOGNITION of Friends of the Beverly Hills Library for their continued support of Library programs and services

Assistant Director of Community Services/City Librarian Nancy Hunt Coffey introduced Friends of the Beverly Hills Public Library President Jean Rosenblatt and spoke about the Friends' contributions to Library programs. Mayor Bosse, along with the entire City Council, thanked Ms. Rosenblatt for her leadership and the Friends' donation of time and money.

5. 60 SECOND BUSINESS SHOUT-OUT - Pussy and Pooch

Mayor Bosse, along with the entire City Council, congratulated Pussy and Pooch owners Rob Gaudio and Karen Dimarco. Mayor Bosse also encouraged the community to call the City at (310) 285-2454 to refer a favorite local business for the 60 Second Business Shout-Out.

6. 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.

Mayor Bosse announced the new City program Text BH. She encouraged residents to text (310) 596-4265 for information or any questions.

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.)

1. John Walsh

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. Damien Snow
2. Joe Kleinert

3. REPORT FROM THE CITY MANAGER * Expanding Bike Racks - Martha Eros, Transportation Planner

Transportation Planner Martha Eros provided a PowerPoint presentation update on the City's bicycle rack program.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Mirisch reported on the National League of Cities Conference that he attended with City Manager Jeff Kolin in Washington, D.C. on March 8-12, 2014.

In preparation for an emergency, Councilmember Brien urged the community to get supplies, make a plan and be informed by signing up to receive emergency notifications on their cell phones, tuning in to the City's cable TV station and FM1500 radio, the City's website and Facebook, Nixle and Twitter for information.

D. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Krasne, seconded by Vice Mayor Gold to remove Item D-8 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 Special Study Session of March 4, 2014.

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

3. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Adjourned Regular Meeting of March 25, 2014.

Demands Paid

4. PAYROLL DISBURSEMENT REPORT, report dated April 1, 2014.

5. REVIEW OF BUDGETED DEMANDS PAID, report dated January 25 - March 21, 2014.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS:

6. REJECTING THE APPARENT LOW BIDDER AS NON-RESPONSIVE, AWARDING A CONTRACT TO STL LANDSCAPE, INC. FOR THE BEVERLY HILLS RESERVOIR IRRIGATION PROJECT AND APPROVING PLANS AND SPECIFICATIONS THEREFOR AND APPROVE A PURCHASE ORDER IN THE AMOUNT OF $150,000 FOR THE CONTRACT WORK. Comment: This project provides for the installation of landscaping and irrigation at 3 reservoir sites in the City.

ITEM D-6: ADOPTED RES# 14-R-12974; APPROVED AG# 121-14

7. ACCEPTING A DONATION FROM THE FRIENDS OF THE BEVERLY HILLS PUBLIC LIBRARY FOR LIBRARY OPERATIONS IN THE AMOUNT OF $20,070 AND APPROPRIATING FUNDS THEREFOR. Comment: This report asks the City Council to

accept and appropriate funds donated to the Library by the Friends of the Beverly Hills Public Library in support of the delivery of materials to homebound seniors and pick up materials that are donated to the Library.

ITEM D-7: ADOPTED RES# 14-R-12975

8. STATING THE CITY'S SUPPORT OF AB 1839 WHICH EXPANDS AND EXTENDS THE STATE FILM TAX CREDIT THROUGH FISCAL YEAR 2020-21. Comment: This item conveys the City's endorsement of legislation to support the entertainment industry through an extension of the State of California film tax credit.

At the request of Vice Mayor Gold, Councilmember Mirisch provided more information on the item.

MOVED by Councilmember Brien, seconded by Councilmember Mirisch to adopt Resolution D-8 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS STATING THE CITY'S SUPPORT OF AB 1839 WHICH EXPANDS AND EXTENDS THE STATE FILM TAX CREDIT THROUGH FISCAL YEAR 2020-21

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

CARRIED

ITEM D-8: ADOPTED RES# 14-R-12976

APPROVAL OF:

9. THIRD AMENDMENT OF LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND DYLAN RUGA AND CASONDRA RUGA. Comment: This amendment extends the residential lease with the Rugas at 265 S. La Peer Drive for one year. The monthly rent will increase by 3% to $4,774.05.

ITEM D-9: APPROVED AG# 117-14

10. AN AGREEMENT WITH NATIONAL URBAN FELLOWS, INC. FOR A CLASS OF 2015 FELLOW; AND APPROVAL OF A PURCHASE ORDER IN A NOT-TO-EXCEED AMOUNT OF $70,000.00 TO NATIONAL URBAN FELLOWS, INC. FOR THESE SERVICES. Comment: Requests City Council approval of an agreement with National Urban Fellows, Inc. for a class of 2015 fellow and approve a purchase order in the amount of $70,000 for funding of the position.

ITEM D-10: APPROVED AG# 118-14

11. AMENDMENT NO. 1 TO THE AGREEMENT WITH JLEE ENGINEERING, INC. TO PROVIDE TECHNICAL AND ZONING PLAN REVIEW SERVICES AND OTHER AS-NEEDED CONSULTING SERVICES; AND AN APPROPRIATION OF $200,000 FOR THE MENTIONED CONSULTING SERVICES; AND APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF $300,000 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF $800,000. Comment: This is to augment the existing $500,000 agreement and purchase order with JLee Engineering to support the increasing workload in plan review services. Funds for this amendment will be from the department's salary savings of vacant positions and developers' direct cost.

ITEM D-11: APPROVED AG# 119-14

12. AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER DOMINGUEZ GENERAL ENGINEERING, INC. FOR THE CONSTRUCTION OF FY13/14 WATER MAIN REPLACEMENT - VARIOUS LOCATIONS PROJECT (JOB NO. 10101), IN THE AMOUNT OF $3,680,500; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFORE; AND APPROVAL OF ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF $4,050,000 TO DOMINGUEZ GENERAL ENGINEERING, INC. FOR THE PROJECT. Comment: This project will provide for the replacement of deteriorated water mains at 16 locations including 1 location in West Hollywood. The pipe sizes will range from 8 to 16 inches in diameter.

ITEM D-2: APPROVED AG# 120-14

13. APPROPRIATION OF $378,058 OF GENERAL FUND TO FUND THREE NEW POSITIONS IN COMMUNITY DEVELOPMENT DEPARTMENT. Comment: The appropriations would fund one Building Inspector II and two Associate Planner positions as approved by Council at the March 4, 2014 Study Session.

ITEM D-13: APPROVED

14. APPROPRIATION OF $300,000 FROM UNAPPROPRIATED BALANCE OF FUND 810, PARKING ENTERPRISE FUND, NECESSARY DUE TO EXPENDITURE OF FY2013/14 FUNDS TO PAY FOR FY2012/13 EXPENSES DELAYED BY CHANGE IN CONTRACTOR. Comment: Staff recommends that the City Council move to appropriate funds from the Parking Enterprise Fund to the Public Gardens Parking Facility Ongoing Contractual Services Fund to fund parking operations through the end of FY2013/14.

ITEM D-14: APPROVED

15. A CHANGE ORDER IN THE AMOUNT OF $112,125.00 TO THE PURCHASE ORDER TO 10-8 RETROFIT, INC. FOR ADDITIONAL UPFITTING OF VARIOUS TYPES OF PUBLIC SAFETY VEHICLES FOR A TOTAL NOT-TO-EXCEED AMOUNT OF $224,250.00. Comment: Staff recommends that the City Council move to approve a purchase order change in the amount of $112,125.00 to "10-8 Retrofit, Inc." for additional upfitting of various types of public safety vehicles for a total not-to-exceed amount of $224,250.00 for Fiscal Year (FY) 13-14 and FY 14-15 upfitting services.

ITEM D-15: APPROVED

Vote on the City Council Consent Calendar:

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

CARRIED

E. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

None

F. CONTINUED AND NEW BUSINESS

1. REQUEST FOR APPROVAL OF LUXURY AUTOMOBILE SALES TENANT AT 8767 WILSHIRE BOULEVARD. Comment: Pursuant to prior City Council approvals, establishment of an automobile dealership at the subject property requires the City Council to approve the specific tenant. The purpose of this agenda report is to determine whether City Council supports Acura as the specific tenant that is proposed to occupy the ground floor of the building.

Community Development Director Susan Healy Keene presented an oral report. She highlighted a portion of the settlement agreement and noted this request is for consideration by the City Council.

Speaking:

1. Tom Levyn
2. Murray D. Fischer
3. Darren Richie, O'Gara Coach Company

Council discussed and asked questions regarding the definition of luxury and the difference between luxury and premium brands, the impact on the City's revenue, number of test drives, simulation experience as opposed to actual test drive, facility requirements, timeframe when the tenant should be in place, and the procedure/next steps to take.

Council decided to move forward and approve **the** request from Acura **as well as approving a dealer of one or more other luxury brands**.

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

REQUEST FOR APPROVAL OF LUXURY AUTOMOBILE SALES TENANT AT 8767 WILSHIRE BOULEVARD

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

CARRIED

ITEM F-1: APPROVED REQUEST OF LUXURY AUTOMOBILE SALES TENANT AT 8767 WILSHIRE BOULEVARD TO ACURA

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

REQUEST FOR APPROVAL OF LUXURY AUTOMOBILE SALES TENANT AT 8767 WILSHIRE BOULEVARD

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

CARRIED

ITEM F-1: APPROVED O'GARA COACH COMPANY AS A LUXURY AUTOMOBILE SALES TENANT AT 8767 WILSHIRE BOULEVARD AS A DEALER WITH THE FOLLOWING BRANDS: ROLLS ROYCE, LAMBORGHINI, BUGATTI, ASTON MARTIN, AND BENTLEY

2. PERMIT APPLICATION FOR GROUNDWATER AND GAS SAMPLING IN EXISTING MONITORING WELLS ASSOCIATED WITH THE WESTSIDE SUBWAY EXTENSION. Comment: This report recommends that the City Council authorize staff to issue the necessary permits for groundwater and gas sampling activities in Wilshire Boulevard associated with the Metro Westside Subway Extension with specific conditions intended to minimize potential impacts to adjacent residents and businesses as described in the report.

Deputy City Manager and Director of Capital Assets David Lightner introduced the item and turned over the presentation to City Engineer Mark Cuneo who presented a PowerPoint and oral report. He spoke about the original permit request, additional outreach, Wilshire Boulevard median at Tower Drive (Phase 1), Wilshire Boulevard Median between LaCienega and Hamilton (Phase 2), Wilshire Boulevard right lane between Willaman and Stanley (Phase 3), impacts of sampling permit, mitigation measures, permit request summary table and recommended permit conditions.

Speaking:

1. Andy Sywak, Beverly Hills Chamber of Commerce
2. Rabbi David Baron and Tim Buresh, Saban Theater
3. Sarah Costin
4. AJ Willmer
5. Anne Volokh
6. Tenant on North Hamilton

Councilmember Krasne suggested hiring a specialist who will put together a detailed contract with Metro. Councilmember Mirisch agreed with Councilmember Krasne on a master agreement containing all the details in writing. City Manager Kolin responded to Councilmember Brien's question regarding the master cooperative agreement. He suggested that the City create a timeline of activities. He also suggested that staff work with the Technology Committee in identifying present and future needs so that the City can lay down the conduit or do other things while the ground is open. Vice Mayor Gold commented that financial responsibilities should be identified. Mayor Bosse had questions regarding parking counts, outreach to businesses, hotline, traffic mitigation, timeline, master agreement enforceability, and accountability.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to approve Item F-2 as follows:

PERMIT APPLICATION FOR GROUNDWATER AND GAS SAMPLING IN EXISTING MONITORING WELLS ASSOCIATED WITH THE WESTSIDE SUBWAY EXTENSION

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

CARRIED

ITEM F-2: APPROVED PERMIT APPLICATION FOR GROUNDWATER AND GAS SAMPLING IN EXISTING MONITORING WELLS ASSOCIATED WITH THE WESTSIDE SUBWAY EXTENSION AMENDED TO INCLUDE THE FOLLOWING THREE CONDITIONS: (1) SUBJECT TO STAFF APPROVAL OF THE SPECIFIC SUNDAY THAT IS CHOSEN; (2) THAT THE CITY HAVE ACCESS TO THE INFORMATION GENERATED BY THE SAMPLING; AND (3) THAT THERE BE A PHONE LINE AVAILABLE THAT WOULD BE ANSWERED IN REAL TIME

3. PERMIT APPLICATION FOR THE RELOCATION OF UNDERGROUND FIBER-OPTIC COMMUNICATION FACILITIES ASSOCIATED WITH THE WESTSIDE SUBWAY EXTENSION. Comment: This report recommends that the City Council authorize staff to issue the necessary permits for relocating underground fiber-optic communications facilities in Wilshire Boulevard associated with the Metro Westside Subway Extension with specific conditions intended to minimize potential impacts to adjacent residents and businesses as described in the report.

City Engineer Mark Cuneo presented a PowerPoint and oral staff report.

Speaking:

1. Alex Kay
2. Rabbi David Baron
3. AJ Willmer

Councilmember Krasne asked questions regarding cable services. Councilmember Mirisch asked questions on how to deal with ensuring compliance, dealing with problems immediately, staying within completion schedule, service interruption liability and claim. He suggested having something in writing from Metro. Vice Mayor Gold inquired about the businesses, residents and structures that will be impacted. He suggested including in the Master Agreement the ability to replace the subcontractor. Mayor Bosse asked about enforcement, noise mitigation, and response times.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to approve Item F-3 as follows:

PERMIT APPLICATION FOR THE RELOCATION OF UNDERGROUND FIBER-OPTIC COMMUNICATION FACILITIES ASSOCIATED WITH THE WESTSIDE SUBWAY EXTENSION

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

CARRIED

ITEM F-3: APPROVED PERMIT APPLICATION FOR THE RELOCATION OF UNDERGROUND FIBER-OPTIC COMMUNICATION FACILITIES ASSOCIATED WITH THE WESTSIDE SUBWAY EXTENSION WITH CONDITIONS AS ITEM F-2

4. ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING CARRYOUT BAGS. First Reading - For Introduction. Comment: This ordinance amends the Beverly Hills Municipal Code, Title 5 - Public Health, Welfare, and Sanitation, by adding Chapter 10 to the Beverly Hills Municipal Code prohibiting certain retail establishments from providing certain plastic carry-out bags at the point of sale and regulating the use of paper carryout bags.

Senior Management Analyst Daniel Cartagena presented a PowerPoint and oral report. He provided the pros and cons, and recommendation.

MOVED by Councilmember Krasne, seconded by Vice Mayor Gold to introduce and read by title only Ordinance F-4 as follows:

ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING CARRYOUT BAGS

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

CARRIED

ITEM F-4: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF APRIL 22, 2014 FOR ADOPTION

5. AN ORDINANCE OF THE CITY OF BEVERLY HILLS REGULATING TOBACCO AND ELECTRONIC CIGARETTE USE IN OUTDOOR SERVICE LINES, FARMERS MARKETS, PUBLIC PLAZAS AND OUTDOOR PUBLIC GATHERING PLACES. First Reading - For Introduction. Comment: Amends the municipal code to expand the City's regulations to prohibit smoking in outdoor service lines, farmers markets, public plazas, and outdoor public gatherings.

Senior Management Analyst Michelle Tse provided a PowerPoint and oral report. She provided a brief background and reviewed three regulation options for Council consideration.

Councilmember Krasne suggested prohibiting smoking in both public and private plazas. Councilmember Mirisch indicated his support for Option 1. Councilmember Brien indicated that he is in favor of Option 2. Vice Mayor Gold agreed with Councilmember Brien's comments. Mayor Bosse also agreed with the Council's chosen option and comments until such time that smoking is banned entirely.

MOVED by Vice Mayor Gold, seconded by Councilmember Krasne to introduce and read by title only as amended Ordinance F-5 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS REGULATING TOBACCO AND ELECTRONIC CIGARETTE USE IN OUTDOOR SERVICE LINES, FARMERS MARKETS, PUBLIC PLAZAS AND OUTDOOR PUBLIC GATHERING PLACES

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

CARRIED

ITEM F-5: INTRODUCED AND READ BY TITLE ONLY AS AMENDED, FIRST SENTENCE OF SECTION 5-4-14 ENTITLED PROHIBITION OF SMOKING IN PUBLIC AND PRIVATE PLAZAS TO READ "SMOKING IS PROHIBITED IN ALL PUBLIC AND PRIVATE PLAZAS EXCEPT IN AREAS IN PRIVATE PLAZAS OTHER THAN WITHIN 20 FEET OF BUILDING ENTRANCES OR EXITS OR DESIGNATED PATHWAYS PROVIDED THAT THE AREA SPECIFICALLY SET ASIDE FOR SMOKING AND IS DESIGNATED BY POSTED SIGNAGE"; ADVANCE TO THE MEETING OF APRIL 22, 2014 FOR ADOPTION

G. COMMISSION SYNOPSIS

1. TRAFFIC & PARKING COMMISSION - Regular Meeting of February 6, 2014 ARCHITECTURAL COMMISSION - Regular Meeting of February 19, 2014
FINE ART COMMISSION - Regular Meeting of February 20, 2014
HUMAN RELATIONS COMMISSION - Regular Meeting of February 20, 2014
HEALTH AND SAFETY COMMISSION - Regular Meeting of February 24, 2014 RECREATION AND PARKS COMMISSION - Regular Meeting of February 25, 2014 PLANNING COMMISSION - Regular Meeting of February 27, 2014
PUBLIC WORKS COMMISSION - Special Meeting of February 27, 2014
DESIGN REVIEW COMMISSION - Regular Meeting of March 6, 2014
CHARITABLE SOLICITATIONS COMMISSION - Regular Meeting of March 12, 2014
PLANNING COMMISSION - Regular Meeting of March 13, 2014

ITEM G-1: NO ACTION TAKEN

H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Bosse, with the consent of the Council, adjourned the meeting at 11:38pm.

PASSED, Approved and Adopted
this 17th day of June, 2014

BYRON POPE, City Clerk

LILI BOSSE, MAYOR

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