



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
November 18, 2014**

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

PLEDGE OF ALLEGIANCE led by former Congressman David Dreier

A. *ROLL CALL*

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

B. *PRESENTATIONS*

1. 60 SECOND BUSINESS SHOUT-OUT - Sweet Beverly

Mayor Bosse, along with the entire City Council, presented the 60-second Business Shout-Out to Sweet Beverly owner Gabriel Frem, and thanked Councilmember Brien for nominating the business.

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.

Vice Mayor Gold 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. Scott Redston

3. REPORT FROM THE CITY MANAGER

* View Restoration Update - Nestor Otazu, Code Enforcement Manager

Code Enforcement Manager Nestor Otazu provided an update on the City's Trousdale view restoration program and acknowledged the cooperation of the residents and the hard work of Code Enforcement Officer Jacqueline Cochran in enforcing the ordinance.

* Parking Inventory - Chad Lynn, Assistant Director of Public Works/Parking and Facilities Operations

Assistant Director of Public Works/Parking and Facilities Operations Chad Lynn, Deputy Director of Transportation Aaron Kunz, and Brett Wood, Associate for the Transportation & Parking Consultant Kimley-Horn and Associates, Inc. presented the new parking inventory model, and discussed the uses of the inventory data in the Community Development Department.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Brien invited everyone to attend the lunch and learn event entitled "Healthy Holidays" hosted by Cedars Sinai Clinical Nutrition Coordinator Netty Levine and organic gardener Barbara Linder being held tomorrow in the Municipal Gallery at 11:45am.

D. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Krasne, seconded by Councilmember Mirisch to remove Items D-5, D-6, and D-11 for discussion and separate vote, approve the remaining items on the City Council consent calendar, and direct that appropriate accounts be charged on Items D-3 and D-4

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of November 4, 2014.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of November 4, 2014.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated October 25 - November 7, 2014.
4. PAYROLL DISBURSEMENT REPORT, report dated November 18, 2014.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING PUBLIC ART. First Reading - For Introduction. Comment: This ordinance substantially revises the Public Art Ordinance for the City of Beverly Hills. Important changes include clarifying sections of the code that were vague, providing guidance on handling gifts of artwork and defining a process for deaccessioning artwork.

Assistant Director of Community Services/City Librarian Nancy Hunt Coffey answered Councilmember Krasne's questions regarding the definition of "decorative arts" and a re-evaluation of the trigger amount for the value of construction projects change from \$250,000 to \$500,000. Councilmember Mirisch requested that the ordinance language be amended so that the City Council has the ultimate decision in deaccessioning art in the City's collection. Council directed staff to bring this item back at a future meeting and invite the Fine Art Commission to answer Council questions.

ITEM D-5: ITEM CONTINUED TO A FUTURE CITY COUNCIL MEETING

RESOLUTION

None

APPROVAL OF:

6. AN EXCHANGE AGREEMENT AND ASSIGNMENT OF FEDERAL SURFACE TRANSPORTATION PROGRAM-LOCAL FUNDS; AUTHORIZE THE CITY MANAGER TO EXECUTE AN EXCHANGE AGREEMENT AND ASSIGNMENT OF FEDERAL SURFACE TRANSPORTATION PROGRAM-LOCAL FUNDS; AND APPROPRIATION OF THESE \$507,064 LACMTA FUNDS FOR THE SANTA MONICA BOULEVARD RECONSTRUCTION PROJECT. Comment: This report is a request for City Council approval of an Exchange Agreement by and between the City of Beverly Hills and the Los Angeles County Metropolitan Transportation Authority; whereby the City desires to exchange \$517,413 of City's STP-L Funds (federally restricted funds) for \$507,064 of LACMTA Funds (subject to State and local regulations only). These funds can only be used for transportation improvement capital projects. Staff is recommending Santa Monica Boulevard reconstruction.

City Engineer Mark Cuneo responded to Councilmember Mirisch's questions on whether the funds can be used for other purposes and the limitations in the use of funds.

MOVED by Councilmember Brien, seconded by Vice Mayor Gold to approve Item D-6 as follows:

AN EXCHANGE AGREEMENT AND ASSIGNMENT OF FEDERAL SURFACE TRANSPORTATION PROGRAM-LOCAL FUNDS; AUTHORIZE THE CITY MANAGER TO EXECUTE AN EXCHANGE AGREEMENT AND ASSIGNMENT OF FEDERAL SURFACE TRANSPORTATION PROGRAM-LOCAL FUNDS; AND APPROPRIATION OF THESE \$507,064 LACMTA FUNDS FOR THE SANTA MONICA BOULEVARD RECONSTRUCTION PROJECT

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

CARRIED

ITEM D-6: APPROVED; AG# 602-14

7. AGREEMENT WITH JAYCOX CONSTRUCTION CNG TO PROVIDE THE CITY OF BEVERLY HILLS WITH MAINTENANCE AND REPAIR OF COMPRESSED NATURAL GAS EQUIPMENT AT CITY OWNED FUELING FACILITIES. Comment: Staff recommends that the City Council approve an agreement with Jaycox Construction CNG for maintenance and repair of compressed natural gas (CNG) equipment at City owned fueling facilities. These services are necessary to ensure the current CNG fueling equipment remains operational, reliable and able to provide the City fleet with domestic clean burning natural gas. This agreement is for a one year term with a fiscal impact of \$21,000.00 for preventative maintenance fees and could be extended for four additional one year terms for a five year not-to-exceed total of \$150,000.00.

ITEM D-7: APPROVED; AG# 603-14

8. SECOND AMENDMENT OF LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND LAKESHORE ENTERTAINMENT GROUP, LLC. Comment: This amendment extends the lease with Lakeshore Entertainment for five (5) additional years, with a new expiration date of March 31, 2020. The rental rate for the start of the term will remain at the current rate of \$4.80/SF monthly.

ITEM D-8: APPROVED; AG# 604-14

9. ACCEPTANCE OF THE RECENT ONE BOOK, ONE CITY PROGRAM WITH AUTHOR DANIEL JAMES BROWN AND ACCEPTANCE OF CITY OF BEVERLY HILLS COMMUNITY CHARITABLE FOUNDATION DONATIONS FOR THE PROGRAM IN THE TOTAL AMOUNT OF \$30,600, AND APPROPRIATING FUNDS THEREFOR. Comment: Staff recommends that the City Council accepts donated funds from the Beverly Hills Community Charitable Foundation that were specifically designated for the City's One Book, One City program, and appropriates the funds to the appropriate accounts.

ITEM D-9: APPROVED

10. AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER WILCOX CONSTRUCTION INC. FOR THE INSTALLATION OF THE EXTERIOR STAIRS AND STRUCTURAL REPAIRS OF ROOF TRUSSES, AND RAFTERS AT 239 S. BEVERLY DRIVE; AND APPROVAL OF A PURCHASE ORDER TO WILCOX CONSTRUCTION INC. IN AN AMOUNT NOT TO EXCEED \$175,000. Comment: Award of a contract to Wilcox Construction Inc. for the installation of exterior stairs in compliance with code requirements for 2nd Floor exiting and structural repairs of roof trusses and rafters in compliance with structural engineers approved scope of work.

ITEM D-10: APPROVED; AG# 605-14

11. ACCEPTANCE OF THE CONTRACT WORK FOR THE "RESERVOIR NO. 4A NEW OVERFLOW PIPELINE AND STAIRS" BY BALI CONSTRUCTION, INC., IN THE FINAL AMOUNT OF \$387,138 AND AUTHORIZATION OF CITY CLERK TO RECORD NOTICE OF COMPLETION. Comment: This report provides information to the City Council on the acceptable completion of a new Overflow Pipeline and Stairs at Reservoir 4A. The original overflow pipeline had to be replaced with a new overflow pipeline in order to operate the reservoir in accordance with the Department of Public Health current requirements.

City Engineer Mark Cuneo answered Councilmember Krasne's questions regarding the age of the reservoir and upgrades completed.

MOVED by Councilmember Krasne, seconded by Vice Mayor Gold to approve Item D-11 as follows:

ACCEPTANCE OF THE CONTRACT WORK FOR THE "RESERVOIR NO. 4A NEW OVERFLOW PIPELINE AND STAIRS" BY BALI CONSTRUCTION, INC., IN THE FINAL AMOUNT OF \$387,138 AND AUTHORIZATION OF CITY CLERK TO RECORD NOTICE OF COMPLETION

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

CARRIED

ITEM D-11: APPROVED; AG# 602-14

12. REQUEST TO APPROPRIATE \$45,000 FROM THE FINE ART FUND BALANCE INTO THE FINE ART EXPENDITURE ACCOUNT FOR VARIOUS ART RELATED PROJECTS. Comment: Through the fiscal year 14-15 budget process, \$39,255 was appropriated for art related expenses. With the various art related projects that are occurring, staff requests that City Council appropriate an additional \$45,000 to provide additional funds for art maintenance and restoration, small scale landscaping around art pieces, design services for the Kusama Hymn of Life piece and storage and installation of the Center Obelisk art piece.

ITEM D-12: APPROVED

Vote on the City Clerk 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:

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

1. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH AN HISTORIC INCENTIVE PERMIT. First Reading - For Introduction. Comment: This is an applicant-initiated ordinance that creates incentives for owners of locally landmarked historic properties by establishing a permit that would allow waivers or deviations from development standards set forth in the Zoning Code.

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

Mayor Bosse recused from this item and left the dais at 8:25pm.

Senior Planner Ryan Gohlich presented a PowerPoint and oral report on the background on the historic incentive permit, the ordinance process, and the framework and requirements.

Speaking:

1. Elisa Paster
2. Stephen Webb
3. Craig Corman
4. Noah Furie

There were no further members of the public who wished to comment. Vice Mayor Gold closed the public hearing.

Council discussed and asked questions pertaining to parking, the process of landmarking and appeal to withdraw landmarking, permitted use of the building and parking, criteria for a landmark property designer, how to incentivize owners to landmark their properties, inadequacy of 500 feet of noticing, and incentive fees.

Council agreed to delete 10-3-3251(b) to allow Mr. Bruckheimer to proceed with his project and other property owners whose properties have been designated.

There were no further questions and comments from Councilmembers.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to introduce and read by title only as amended, advance to the meeting of December 2, 2014 for adoption, Item E-1 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH AN HISTORIC INCENTIVE PERMIT

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

Noes: None.

Recuse: Mayor Bosse.

CARRIED

ITEM E-1: INTRODUCED AND READ BY TITLE ONLY AS AMENDED; ADVANCE TO THE MEETING OF DECEMBER 2, 2014 FOR ADOPTION

2. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES RELATED TO TAXICAB FRANCHISE FEES FOR THE FISCAL YEAR 2014/2015. Comment: It is recommended that the City Council consider the proposed changes to the City's fees and charges related to franchise and permit fees for taxicab franchises and adopt the proposed resolution implementing those changes for Fiscal Year 2014/2015.

ITEM E-2: BY ORDER OF THE CHAIR, ITEM MOVED TO THE MEETING OF DECEMBER 2, 2014

F. CONTINUED AND NEW BUSINESS

1. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO PROVIDE FOR A TAXICAB FRANCHISE SYSTEM IN THE CITY. First Reading - For Introduction. Comment: This ordinance amends the Beverly Hills Municipal Code to change the regulation of taxicab service from a Certificate of

Public Convenience and Necessity to a Taxicab Franchise and include provisions to be effective upon the issuance and award of Franchise Agreements.

ITEM F-1: BY ORDER OF THE CHAIR, ITEM MOVED TO THE MEETING OF DECEMBER 2, 2014

2. AWARD OF FRANCHISE TO FOUR (4) TAXI COMPANIES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE FOUR FRANCHISE AGREEMENTS IN SUBSTANTIALLY THE FORM TO BE APPROVED BY THE CITY COUNCIL. Comment: Staff recommends the City Council award the taxi franchise to four taxi companies and authorize the City Manager to execute the four franchise agreements in substantially the form to be approved by the City Council. The franchise agreements will be for a term of 5 years, with five optional one-year extensions for a total term of up to 10 years, depending on franchisees' performance as determined in annual evaluations.

ITEM F-2: BY ORDER OF THE CHAIR, ITEM MOVED TO THE MEETING OF DECEMBER 2, 2014

G. COMMISSION SYNOPSIS

1. PLANNING COMMISSION - Regular Meeting of October 23, 2014
HEALTH AND SAFETY COMMISSION - Regular Meeting of October 27, 2014
RECREATION AND PARKS COMMISSION - Regular Meeting of October 28, 2014
DESIGN REVIEW COMMISSION - Special Meeting of November 6, 2014

ITEM G-1: NO ACTION TAKEN

H. OTHER BUSINESS

I. ADJOURNMENT

There being no further business, Mayor Bosse, with the consent of the Council, adjourned the meeting at 9:35pm.

PASSED, Approved and Adopted
this 2nd day of December, 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.