



**CITY OF BEVERLY HILLS  
CITY COUNCIL REGULAR MEETING  
MINUTES  
December 2, 2014**

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

***PLEDGE OF ALLEGIANCE*** led by former Mayor Tom Levyn

**A. ROLL CALL**

All Present

**B. PRESENTATIONS**

1. PRESENTATION - G&L Realty Check Presentation for City Parking Garage Maintenance and Improvements - In June 2014, the Council approved a donation of \$125,000 from G&L Realty for Parking Garage Maintenance and Improvements. The funds would be used to augment City services for power-washing at parking garages located at 461 N. Bedford Drive and 345 N. Beverly Drive on a quarterly basis over a two-year period.

Mayor Bosse, along with the entire City Council, presented a certificate of appreciation to Dan Gottlieb and Steve Lebowitz of G&L Realty for their generous donation to the Beverly Hills Parking Authority, and for 43 years of doing business in Beverly Hills.

2. 60 SECOND BUSINESS SHOUT-OUT - Xi'an Restaurant

Mayor Bosse, along with the entire Council, presented a 60-second business shout-out to Xi'an Restaurant owner Vicky Mense, and thanked Rhoda Sharp for nominating the business.

3. 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 Brien 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. Tom Levyn

3. REPORT FROM THE CITY MANAGER \* Automated License Plate Recognition Program  
- Tony Lee, Police Captain

Police Captain Tony Lee provided a PowerPoint and oral report on the Beverly Hills Police Department's Automated License Plate Recognition (ALPR) program. He spoke about the ALPR technology, patrol vehicles equipped with the technology, the three fixed site locations, notable successful cases using ALPR, and planned expansion of the program.

Captain Lee and Commander Erick Lee responded to Councilmember questions pertaining to the use of the ALPR technology in arresting speeders, monitoring traffic in parking lots, identifying fake license plates, and the ALPR app.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

**D. CITY COUNCIL CONSENT CALENDAR**

MOVED by Councilmember Mirisch, seconded by Councilmember Krasne to remove Item D-5 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 18, 2014.

2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of November 18, 2014.

**Demands Paid**

3. REVIEW OF BUDGETED DEMANDS PAID, report dated November 8 - November 21, 2014.
4. PAYROLL DISBURSEMENT REPORT, report dated December 2, 2014.

**Other Business**

***ORDINANCE OF THE CITY OF BEVERLY HILLS:***

5. AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH AN HISTORIC INCENTIVE PERMIT. Second Reading - For Adoption. 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.

Mayor Bosse recused from this item and left the dais at 7:33pm.

Director of Community Development Susan Healy Keene and City Attorney Laurence Wiener responded to City Council questions regarding the list of architects and examples of their work, and clarification of Section 10-3-3257 of the proposed ordinance.

MOVED by Councilmember Brien, seconded by Councilmember Mirisch to adopt Item D-5 as follows:

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 D-5: ADOPTED; ORD# 14-O-2670***

***RESOLUTION:***

None

**APPROVAL OF:**

6. AMENDMENT NO. 1 TO THE AGREEMENT WITH FEHR & PEERS TRANSPORTATION CONSULTANTS FOR AS-NEEDED TRAFFIC CONSULTING SERVICES; AND

APPROVAL OF A CHANGE PURCHASE ORDER FOR AN ADDITIONAL \$50,000 FOR A NOT-TO-EXCEED AMOUNT OF \$100,000 FOR THESE SERVICES. Comment: This is to accommodate the cost of transportation consulting services for ongoing projects throughout the City.

**ITEM D-6: APPROVED; AG# 623-14**

7. AMENDMENT NO. 1 TO THE AGREEMENT WITH MANAGEMENT PARTNERS FOR INTERIM MANAGEMENT CONSULTING SERVICES; AND

APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$100,000 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$150,000 Comment: This is to support the consulting services of the Interim Assistant Director/City Planner while the City continues its recruitment for the Assistant Director/City Planner position. Salary savings from current vacancies in the department will be used to fund the cost for these services.

**ITEM D-7: APPROVED; AG# 624-14**

8. AMENDMENT NO. 1 TO AN AGREEMENT WITH THE LAW OFFICES OF MICHAEL R. NEBENZAHL FOR LITIGATION SERVICES. Comment: This amendment provides a cost of living adjustment to the hourly rates for tort defense services provided to the City.

**ITEM D-8: APPROVED; AG# 625-14**

9. AMENDMENT NO. 2 TO THE AGREEMENT FOR CONTINUING LEGAL SERVICES WITH DAPEER, ROSENBLIT & LITVAK, LLP. Comment: This amendment provides a cost of living adjustment to the hourly rates for Municipal Code prosecution services provided to the City.

**ITEM D-9: APPROVED; AG# 626-14**

**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:**

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 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.

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 Public Works Services/Parking Facilities Operations and the record of the Public Works Services Department in this matter are made a part of the record of this hearing.

Assistant Director of Public Works Services/Parking Facilities Operations Chad Lynn provided a PowerPoint and oral report discussing the fees and charges, the proposed fees and penalty schedule.

There were no members of the public who wished to speak. Mayor Bosse closed the public hearing.

Councilmember Mirisch asked whether the fees can be adjusted to cover fee recovery and the possibility of getting an app to be able to read reviews and get feedback. Councilmember Brien requested that a redlined version of the changes be sent to Council.

There were no further questions and comments from Councilmembers.

MOVED by Councilmember Brien, seconded by Vice Mayor Gold to adopt Item E-1 as amended as follows:

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

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

Noes: None.

CARRIED

**ITEM E-1: ADOPTED AS AMENDED; RES# 14-R-13017**

**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.

Assistant Director of Public Works Services/Parking Facilities Operations Chad Lynn provided a PowerPoint and oral report discussing the proposed changes to the Municipal Code, noting that the second reading of the ordinance will be held on December 9, 2014, and the ordinance will take effect in January, with the implementation taking effect in April with the new permit cycle. City Attorney Wiener recommended expanding the language of the ordinance to include not just the violations of the rules and regulations but any violation of either the code, the franchise agreement, or the rules and regulations.

Councilmember Brien stated that he wants the language clarified that there be a waiting period to get a permit after a violation and a permit cannot be reallocated during that period of time. Vice Mayor Gold asked about the possibility of getting more than one fine per event.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to introduce and read by title only as amended, and advance to the meeting of December 9, 2014, Item F-1 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO PROVIDE FOR A TAXICAB FRANCHISE SYSTEM IN THE CITY

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

CARRIED

**ITEM F-1: INTRODUCED AND READ BY TITLE ONLY AS AMENDED; ADVANCE TO THE MEETING OF DECEMBER 9, 2014 FOR ADOPTION**

2. AWARD OF FRANCHISE AGREEMENTS TO TAXI COMPANIES AND AUTHORIZING THE CITY MANAGER TO EXECUTE FRANCHISE AGREEMENTS IN SUBSTANTIALLY THE FORM TO BE APPROVED BY THE CITY COUNCIL. Comment: Staff recommends the City Council award the taxi franchise to taxi companies and authorize the City Manager to execute the 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.

Assistant Director of Public Works Services/Parking Facilities Operations Chad Lynn presented a PowerPoint and oral report requesting Council approval to grant the City Manager authority to execute the franchise agreements in a form approved by Council which include specific terms and conditions.

Speaking:

1. Harvey Englander, L.A. Checker Cab
2. John Applegate
3. Yevgeny Smolyar
4. Nettabai Ahmed
5. Michael Calin
6. Christine Redlin

Council thanked the Taxi Review Panel members for their service and hard work.

In response to concerns expressed by Councilmember Krasne regarding regulating Uber, City Manager Kolin explained that on-demand transportation like Uber and Lyft are regulated by the state and is not within local jurisdiction regulation.

Councilmember Mirisch suggested having lobbyists look at the regulations and recommended giving 14 slots to LA Checker Cab.

Councilmember Brien provided a brief background on how the process was put in place because of the need to address the complaints aired by residents, which has resulted in better quality service provided by the taxicab companies. He suggested conducting an assessment after six months to determine if there will be a need to expand.

Vice Mayor Gold expressed confidence in the process, and agreed to conduct an ongoing evaluation of the number, use of and ratings of the taxicabs, and customer satisfaction after six months or one year as the demand changes.

Mayor Bosse proposed a hybrid of Councilmembers Brien and Mirisch's suggestions, which include a six month evaluation and adding 14 cabs for LA Checker Cab.

Taxi Review Panel member Lester Friedman explained that adding more cabs will decrease the individual driver's ability to make a living and will flood the market, which may be detrimental to the quality of the service. Taxi Review Panel member AJ Willmer stated that a franchise agreement creates exclusivity which enables the City to demand the desired performance from the taxicabs and adding more taxicabs into the market will endanger the exclusivity. Taxi Review Panel member Dr. Myra Demeter further stated that competition will not drive the service level that the community is seeking.

It was the Council consensus to conduct a six month re-evaluation and add 14 taxicabs for LA Checker Cab.

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

AWARD OF FRANCHISE AGREEMENTS TO TAXI COMPANIES AND AUTHORIZING THE CITY MANAGER TO EXECUTE FRANCHISE AGREEMENTS IN SUBSTANTIALLY THE FORM TO BE APPROVED BY THE CITY COUNCIL

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

Noes: Vice Mayor Gold.

CARRIED

***ITEM F-2: APPROVED TO AWARD A TAXI FRANCHISE TO (1) BELL CAB COMPANY; (2) BEVERLY HILLS TRANSIT COOPERATIVE; (3) INDEPENDENT TAXI OWNERS' ASSOCIATION; (4) UNITED INDEPENDENT TAXI; AND (5) L.A CHECKER CAB COOP, INC., AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FRANCHISE AGREEMENTS IN SUBSTANTIALLY THE FORM AS APPROVED BY THE CITY COUNCIL WITH THE ADDITIONAL NUMBER OF CABS DECIDED UPON BY CITY COUNCIL***

3. WATER CAPACITY FEES. Comment: The Public Works Commission has recommended the establishment of a Water Capacity Fee to address increased demands on the water system resulting from new developments and the remodel of existing properties within the Beverly Hills Water service area.

Assistant Director of Public Works Services/Infrastructure and Field Operations Trish Rhay presented a Powerpoint and oral report discussing what the water capacity fee is and what it is not, the Government Codes governing water capacity fees, the neighboring cities with capacity fees, who will be impacted, the "hybrid approach" which shows how the residential and commercial properties will be impacted, capacity fee calculation, calculating unit buy-in cost, impact on new development, capacity fee by meter size, redevelopment with new meter, redevelopment with no meter (residential and commercial), non-residential redevelopment fees, and meter fee calculations.

Mr. Sudhir Pardiwala, Vice President of Raftelis Financial Consultants and Ms. Rhay responded to Vice Mayor Gold's question regarding the definition of asset value. Councilmember Krasne asked about the percentage of old/new pipes in the city, whether the hotels pay an adjusted fee due to their higher consumption, and the use of shallow and deep well water.

Council liaisons Councilmembers Mirisch and Brien commented on the factors they considered in the fee calculations. Councilmember Brien noted that Public Works Commission liaisons Commissioners Jeff Wolfe and Ron Shalowitz both supported the proposed fees.

Vice Mayor Gold asked questions pertaining to renovations/additions, meter size and upgrades, billing, abandoned properties, differential rates, and capital reserve fund for water utility and infrastructure. Mayor Bosse asked whether other cities have a capacity fee and whether the cities have had it in place for a long period of time.

Council directed staff to move forward with the water capacity fee and bring back an ordinance and a resolution at a future Council meeting.

***ITEM F-3: COUNCIL DIRECTED STAFF TO MOVE FORWARD WITH THE WATER CAPACITY FEE AND BRING BACK AN ORDINANCE AND RESOLUTION AT A FUTURE CITY COUNCIL MEETING***

***G. COMMISSION SYNOPSIS***

1. HUMAN RELATIONS COMMISSION - Regular Meeting of November 20, 2014  
FINE ART COMMISSION - Regular Meeting of November 20, 2014  
FINE ART COMMISSION - Special Meeting of November 20, 2014

***ITEM G-1: NO ACTION TAKEN***

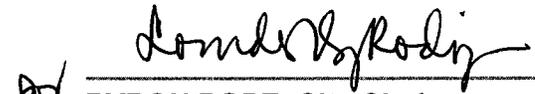
***H. OTHER BUSINESS***

None

***I. ADJOURNMENT***

There being no further business, Mayor Bosse, with the consent of the Council adjourned the meeting at 9:59pm.

PASSED, Approved and Adopted  
this 9<sup>th</sup> day of December, 2014

  
BYRON POPE, City Clerk

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LILI BOSSE, MAYOR

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