



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
June 16, 2015**

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

PLEDGE OF ALLEGIANCE led by retiring Police Chief David Snowden

A. ROLL CALL

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

B. PRESENTATIONS

1. PROCLAMATION - Retiring Police Chief David Snowden

Mayor Gold, along with the entire City Council, presented a plaque and proclamation to retiring Police Chief David Snowden, who is retiring after 11 years of service to the City, and 49 years in law enforcement.

2. RECOGNITION for Donation of Roxbury Playground Equipment to Kids Around the World

Mayor Gold, along with the entire City Council, invited Director of Community Services Steven Zoet and Kids Around the World Program Manager Dan Liesik to the podium. Mr. Zoet and Mr. Liesik spoke about the City's partnership donation with Kids Around the World of Roxbury Park playground equipment to Ecuador and the Philippines. The City Council presented a proclamation to Mr. Liesik in recognition of Kids Around the World's dedicated work, and also accepted framed thank you letter from the Mayors of the towns that received the donations.

3. 60-SECOND BUSINESS SHOUT-OUT - Edelweiss Chocolates

Mayor Gold, along with the entire City Council, presented a 60-Second Business Shout-Out recognition certificate to Edelweiss Chocolates owner Madlen Zahir and thanked Councilmember Bosse for nominating the business for a shout-out.

4. 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 Bosse 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. Geoffry Oblath

3. REPORT FROM THE CITY MANAGER

None

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

Vice Mayor Mirisch announced that the City will hold the first in a series of Southeast in Motion community planning meetings on July 1, 2015 at the La Cienega Community Center, where a general overview of the Southeast area will be presented and the community will be invited to present their ideas for the neighborhood as well as the future subway station at Wilshire-La Cienega. Additional meetings will be held in the next several months focusing on other parts of the Southeast area.

Councilmember Bosse announced the mandatory two-day outdoor watering schedules which are Mondays and Fridays for properties north of Santa Monica Boulevard, and Tuesdays and Saturdays for properties south of Santa Monica Boulevard, for up to eight minutes at a traditional watering station, before 9am and after 5pm.

D. CITY COUNCIL CONSENT CALENDAR

FISCAL IMPACT REPORT

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

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of June 8, 2015.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated May 30 - June 5, 2015.
3. PAYROLL DISBURSEMENT REPORT, report dated June 16, 2015.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTION

None

APPROVAL OF:

4. AUTHORIZE THE ISSUANCE OF NECESSARY PERMITS TO METRO AND THEIR DESIGN BUILD CONTRACTOR FOR PRELIMINARY ENGINEERING ACTIVITIES INCLUDING GEOTECHNICAL INVESTIGATION AND SURVEYING ASSOCIATED WITH THE DESIGN OF THE LA CIENEGA SUBWAY STATION. Comment: This report recommends that the City Council authorize staff to issue the necessary permits to METRO and their Design-Build Contractor to conduct preliminary engineering activities in the public right-of way associated with the design of the La Cienega Subway Station with specific conditions intended to minimize potential impacts to adjacent residents and businesses.

ITEM D-4: APPROVED

5. AUTHORIZE THE INTERIM CITY MANAGER TO EXECUTE AGREEMENTS, AMENDMENTS, AND AUTHORIZE THE PURCHASE ORDERS ON BEHALF OF THE CITY PERTAINING TO THE RELOCATION OF CITY HALL ROTUNDA RECOGNITION AND APPRECIATION MAYOR, CITY COUNCIL AND COMMISSION NAME PLATES. Comment: Staff recommends the City Council authorize the Interim City Manager to execute agreements, amendments authorize the purchase order for work related to the relocation of City Hall Rotunda Recognition and Appreciation plates for a not-to-exceed amount of \$79,546.

ITEM D-5: APPROVED

6. AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, C.S. LEGACY CONSTRUCTION, INC. FOR THE FY14/15 SIDEWALK, CURB AND GUTTER, AND DRIVEWAY APPROACH REPAIRS (JOB NO. 2193) WITHIN THE CITY OF BEVERLY HILLS, CALIFORNIA, IN THE AMOUNT OF \$996,981; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFOR; AND APPROVAL OF ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$1,196,000 TO C.S. LEGACY CONSTRUCTION, INC. FOR THE PROJECT. Comment: This project will provide for repair of sidewalks, curb and gutters, and driveway approaches. Since exact quantities are not known, a 20% contingency may be needed to remove all trip hazards north of Elevado Avenue in excess of the original bid quantities. Any unused quantities on this contract will be used to correct substandard sidewalks south of Elevado Avenue that were temporarily fixed by horizontal cutting.

ITEM D-6: APPROVED; AG# 255-15

7. ACCEPTANCE OF CONTRACT WORK FOR THE DEWATERING SYSTEM SEWER DISCHARGE RETROFIT FOR 221 N. CRESCENT DRIVE PARKING FACILITY PROJECT BY BBS CONSTRUCTION, INC., IN THE FINAL CONTRACT AMOUNT OF \$99,638.00. Comment: Final acceptance of the retrofit of the dewatering system for 221 N. Crescent.

ITEM D-7: APPROVED

8. ACCEPTANCE OF CONTRACT WORK FOR THE LA CIENEGA PARK IRRIGATION MAINLINE REPLACEMENT PROJECT BY LANDSCAPE SUPPORT SERVICES, INC., IN THE FINAL CONTRACT AMOUNT OF \$283,038.05. Comment: Final acceptance for the mainline irrigation replacement at La Cienega Park.

ITEM D-8: APPROVED

9. A PURCHASE ORDER TO ALTEC INDUSTRIES, INC. FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$179,823.00 FOR PURCHASE OF ONE (1) CNG FUELED HYBRID AERIAL PLATFORM VEHICLE. Comment: Staff recommends that the City Council move to approve a purchase order in the amount of \$179,823.00 to Altec Industries, Inc. for the purchase of specified CNG Hybrid Aerial Platform vehicle. Funding for this purchase is included in the Fiscal Year 2014-2015 Council-approved Department budget.

ITEM D-9: APPROVED

10. A PURCHASE ORDER TO LOS ANGELES TRUCK CENTER, LLC DBA LOS ANGELES FREIGHTLINER FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$658,374.08 FOR PURCHASE OF TWO (2) CNG FUELED SOLID WASTE COLLECTION VEHICLES. Comment: Staff recommends that the City Council approve a purchase order in the amount of \$658,374.08 to Los Angeles Truck Center, LLC dba Los Angeles Freightliner for the purchase of specified Solid Waste collection vehicles. Funding for this purchase is included in the Fiscal Year 2014-2015 Council-approved Department budget.

ITEM D-10: APPROVED

11. A PURCHASE ORDER TO ROTATIONAL MOLDING, INC. IN THE NOT TO EXCEED AMOUNT OF \$404,509.90 FOR THE PURCHASE OF SEVENTEEN HUNDRED 240 GALLON CONTAINERS. Comment: This funding approval will be used to complete phase 2 of the City's Alley Container Replacement Project.

ITEM D-11: APPROVED

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

ITEM A: A CHANGE ORDER IN THE AMOUNT OF \$110,000 TO THE PURCHASE ORDER TO LIEBERT CASSIDY WHITMORE, FOR EMPLOYEE AND LABOR RELATIONS SERVICES FOR A TOTAL NOT TO EXCEED \$160,000. Comment: Liebert Cassidy Whitmore provides legal services to the City in connection with employee labor relations and employment law services.

ITEM D-12A: APPROVED

Vote on the City Council Consent Calendar:

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

CARRIED

E. PUBLIC HEARING

TO SET:

1. HEARING DATE TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DECISION DENYING A ZONE TEXT AMENDMENT AND R-4 PERMIT TO ALLOW PENTHOUSE ADDITIONS TO MATCH THE LEGALLY NONCONFORMING HEIGHT ON A MULTI-FAMILY BUILDING LOCATED AT 310 NORTH CRESCENT DRIVE. Comment: On April 23, 2015, the Planning Commission recommended against a request to amend the zoning code and grant an R-4 Permit to allow over-height additions to multi-family buildings that already legally exceed the existing height regulations in the City. The Planning Commission's decision was appealed, and the City Council is asked to set the public hearing for August 4, 2015.

Assistant Director of Community Development/City Planner Ryan Gohlich briefly introduced the item.

Speaking:

1. Steve Webb

ITEM E-1: BY ORDER OF THE CHAIR, ABSENT OBJECTIONS, PUBLIC HEARING SET FOR AUGUST 4, 2015

TO CONSIDER:

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

2. AN ORDINANCE OF THE CITY OF BEVERLY HILLS REPLACING ARTICLE 32 (HISTORIC PRESERVATION) AND AMENDING ARTICLE 32.5 (HISTORIC INCENTIVE PERMIT), ARTICLE 33 (IN LIEU PARKING), AND ARTICLE 2.5 (PUBLIC NOTICE REQUIREMENTS) OF CHAPTER 3 OF TITLE 10, AND SECTION 9-1-104 OF CHAPTER 1 OF TITLE 9 OF THE BEVERLY HILLS MUNICIPAL CODE. THE COUNCIL WILL ALSO CONSIDER ADOPTION OF A CATEGORICAL EXEMPTION, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. First Reading - For Introduction. Comment: The proposed ordinance was reviewed by the Planning Commission on May 28, 2015, and is being forwarded to the City Council for consideration upon the Planning Commission's recommendation. The ordinance modifies the City's historic preservation ordinance and associated provisions set forth in the Municipal 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 Assistant Director of Community Development/City Planner and the record of the Community Development Department in this matter are made a part of the record of this hearing.

Community Development Director Susan Healy Keene presented a PowerPoint and staff report, noting that the Cultural Heritage Commission has registered 29 local historic landmarks in the City. She presented a brief background on the City's historic preservation ordinance and the Planning Commission goals.

Assistant Community Development Director/City Planner Ryan Gohlich summarized the proposed amendments to the ordinance.

Speaking:

1. Jake Manaster
2. Planning Commission Chair Howard Fisher
3. Rich Waldow
4. Steve Price
5. Joel Ordesky, Beverly Hills Scout House Association Troop 33
6. Mitch Waldow
7. Steve Webb
8. Marcy Kelly Brubaker
9. Stephen Cucci

10. Geoffry Oblath
11. Benedicta Oblath
12. Michael Libow
13. Mark Schwartz
14. Rebecca Pynoos
15. Adrian Scott Fine, Los Angeles Conservancy
16. Jamie Wolf
17. Kimberly Reiss, Beverly Hills Heritage
18. Ken Goldman
19. Dr. Woodrow Clark
20. Frieda Berlin
21. Lawrence Platt
22. Randy Simon
23. Judith Linde
24. Rod Nourafshan
25. Shahram Melamed
26. Councilmember Brien read a list of residents and non-residents who supported and opposed the change
27. Councilmember Brien read former Mayor Linda Briskman's letter into the record
29. Councilmember Brien read Larry Larson's letter into the record
30. Cultural Heritage Commissioner Noah Furie on behalf of himself, CHC Chair Meralee Beck and CHC Vice Chair Lisa Greer

City Attorney Laurence Wiener, Mr. Gohlich, Ms. Healy Keene, Planning Commissioner Craig Corman, Mr. Furie, and Interim City Manager Mahdi Aluzri answered Council questions pertaining to sale of a historic property, incentives, amendment additions after approval of the ordinance, timeframe and limitation for involuntary landmarks, putting plans in place before demolition happens, landmark designation criteria, historic district designation criteria, R-1 districts, earthquake safety, 30-day hold posting requirement, certificate of economic hardship, certificate of ineligibility, designation proceedings extension period, director's determination of ineligibility, waiver of in-lieu fees, historic incentive permit and incentives, ordinance's benefits to the Scout House, Master Architect work and list, Council vote, City's L.A. Conservancy grade, cost incurred for the certificate of ineligibility, historical restrictions and property value, earthquake retrofitting, restoration of historic buildings, historic homes sold within the period of time the ordinance has been in effect, and State standards. Council agreed to send the item back to the Planning Commission to make necessary changes.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to introduce and read by title only, advance to the meeting of July 21, 2015, Item E-2 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS REPLACING ARTICLE 32 (HISTORIC PRESERVATION) AND AMENDING ARTICLE 32.5 (HISTORIC INCENTIVE PERMIT), ARTICLE 33 (IN LIEU PARKING), AND ARTICLE 2.5 (PUBLIC NOTICE REQUIREMENTS) OF CHAPTER 3 OF TITLE 10, AND SECTION 9-1-104 OF CHAPTER 1 OF TITLE 9 OF THE BEVERLY HILLS MUNICIPAL CODE. THE COUNCIL WILL ALSO CONSIDER ADOPTION OF A CATEGORICAL EXEMPTION, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

CARRIED

ITEM E-2: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF JULY 21, 2015 FOR ADOPTION

F. CONTINUED AND NEW BUSINESS

1. CITY COUNCIL AUTHORIZATION TO SUBMIT THE ENHANCED WATERSHED MANAGEMENT PROGRAM (EWMP) PLAN FOR THE BALLONA CREEK WATERSHED TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD. Comment: It is recommended that the City Council authorize the submittal of the Enhanced Watershed Management Program (EWMP) Plan for the Ballona Creek Watershed to comply with the National Pollution Discharge Elimination (NPDES) Permit that applies to the City's storm drain system.

Assistant Director of Public Works Services/Infrastructure and Field Operations Trish Rhay presented a PowerPoint and oral report reviewing the timeline of the EWMP planning process, plan development process, water quality priorities, watershed control measures, reasonable assurance analysis (RAA), strategy and approach for Beverly Hills, adaptive management process, cost and financial strategy, and recommendation.

Ms. Rhay, Interim City Manager Mahdi Aluzri, City Attorney Laurence Wiener and Environmental Compliance and Sustainability Programs Manager Josette Descalzo answered Council questions regarding water treatment, costs and cost sharing, recycling and other options to maximize use of water, Regional Water Quality Control Board representative, federal mandate to comply with the Clean Water Act, completion period and penalty, statewide opposition, and flexibility in plan implementation and legal protection. Mayor Gold requested Mr. Wiener to keep abreast of any statewide opposition activities that the City may take a position on. Vice Mayor Mirisch expressed his concern on approving the item without exploring other options.

MOVED by Councilmember Krasne, seconded by Councilmember Brien to authorize staff to submit the Enhanced Watershed Management Program (EWMP) Plan for the Ballona Creek Watershed to the Los Angeles Regional Water Quality Control Board

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

CARRIED

ITEM F-1: AUTHORIZED STAFF TO SUBMIT THE ENHANCED WATERSHED MANAGEMENT PROGRAM (EWMP) PLAN FOR THE BALLONA CREEK

WATERSHED TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING A GREEN STREETS POLICY. Comment: It is recommended that the City Council adopts the Green Streets Policy which complies with the requirements of the MS4 Permit that applies to the City's storm drain system, the Municipal Separate Storm Sewer Permit for Los Angeles County.

Assistant Director of Public Works Services/Infrastructure and Field Operations Trish Ray presented a PowerPoint and oral report about the green streets policy. She discussed the types of green streets, rain garden designs, storm drain treatment systems, fiscal impact and recommendation.

Ms. Rhay and City Attorney Laurence Wiener responded to Council questions about considering the subway, whether the mandate applies to Metro, budget, reusing runoff water for irrigation, and meeting the standards by planting trees.

MOVED by Councilmember Krasne, seconded by Councilmember Bosse to adopt Resolution F-2 as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPROVING A GREEN STREETS POLICY

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

CARRIED

ITEM F-2: ADOPTED; RES# 15-R-13042

3. ALLOCATION OF FY 2013/14 YEAR-END GENERAL FUND AVAILABLE FUND BALANCE. Comment: It is recommended that the City Council consider the appropriation/reservation of year-end FY2013/14 available General Fund balance.

ITEM F-3: ITEM NOT DISCUSSED; CONTINUED TO THE MEETING OF JUNE 30, 2015

G. COMMISSION SYNOPSIS

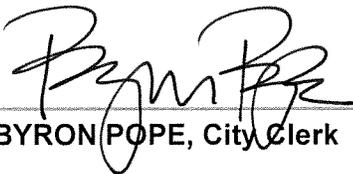
1. FINE ART COMMISSION - Regular Meeting of May 21, 2015
TRAFFIC & PARKING COMMISSION - Regular Meeting of June 4, 2015
DESIGN REVIEW COMMISSION - Regular Meeting of June 4, 2015
FINE ART COMMISSION - Special Meeting of June 9, 2015

ITEM G-1: NO ACTION TAKEN

H. OTHER BUSINESS

I. ADJOURNMENT at 12:26am on Wednesday, June 17, 2015.

PASSED, Approved and Adopted
this 30th day of June, 2015


BYRON POPE, City Clerk

JULIAN A. GOLD, M.D., MAYOR

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