



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
December 1, 2015**

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

PLEDGE OF ALLEGIANCE led by Dr. Woodrow Clark II

A. *ROLL CALL*

Present: Councilmember Bosse, Councilmember Brien, Vice Mayor Mirisch, and Mayor Gold
Absent: Councilmember Krasne

B. *PRESENTATIONS*

1. CERTIFICATE OF APPOINTMENT

- Traffic and Parking Commission - Nooshin Meshkaty

Mayor Gold, along with the City Councilmembers present, presented incoming Traffic and Parking Commissioner Nooshin Meshkaty with a certificate of appointment and City pin.

2. RECOGNITION OF RETIRING COMMISSIONER

- Architectural Commission - Barry I. Bernstein

Mayor Gold, along with the City Councilmembers present, presented retiring Architectural Commissioner Barry Bernstein with a plaque of recognition and gift.

3. STEP UP RECOGNITION – Steven Gordon

Mayor Gold, along with the City Councilmembers present, presented Steven Gordon, founder of the Friends of Beverly Gardens Park Foundation, a Step-Up recognition certificate for his efforts in restoring the Beverly Gardens Park including the return of the historic lily pond in front of the Beverly Hills sign as well as restoration of the electric fountain at Wilshire Boulevard and Santa Monica Boulevard. The City Council thanked Director of Community Services Steve Zoet for recommending Mr. Gordon for the recognition.

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 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.)

1. Alma Ordaz

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. Arnold Seidel
2. Lionel Ephraim, Le Faubourg St. Louis HOA
3. Bob MacDonald
4. Dr. Woodrow Clark II
5. Thomas White, Municipal League of Beverly Hills
6. P.W. Davidson, M.D.
7. Arthur Rosenbloom
8. Marilyn Gallup
9. Marty Schwartz
10. Bonnie Ellen Kulick, 339 North Palm Drive HOA
11. Julia and Sienna

City Manager Mahdi Aluzri reported that he has asked the Community Development Department to not issue any permits without checking with him. Councilmember Bosse asked Mr. Aluzri for the investigation on the issues raised by some public speakers be completed as soon as possible and placed as an item on the January 5, 2016 Council Study Session. She asked that no work be done on the property involved until such time that the item comes to the City Council on January 5, 2015. She also asked that health and safety information be provided to the City Council and the residents immediately. Vice Mayor Mirisch recommended that the City hire an environmental lawyer to protect the City and residents' interests. He also suggested cancelling the upcoming Farmers Market. He asked what remedies the City has and

how this situation can be prevented from happening in the future. Mayor Gold asked that everything be expedited.

3. REPORT FROM THE CITY MANAGER

* Beverly Hills Ambassador Pilot Program Update - James Latta, Human Services Administrator

Human Services Administrator James Latta provided an update on the Beverly Hills Ambassador Pilot Program. He presented information on hotline calls from the public, social services provided, and the City infrastructure maintenance as well as statistics on hospitality, homeless outreach, panhandling. He also provided feedback from the public and merchants, and encouraged residents to call the hotline number to report any concerns.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. CITY COUNCIL CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Councilmember Bosse, seconded by Councilmember Brien to remove Item D-7 for discussion and separate vote, approve the remaining items on the City Council consent calendar, and direct that the appropriate account be charged on Item D-4.

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of November 3, 2015.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of November 17, 2015.
3. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of November 17, 2015.

Demands Paid

4. PAYROLL DISBURSEMENT REPORT, report dated December 1, 2015.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH A WASTEWATER CAPACITY CHARGE. Second Reading – For Adoption. Comment: This ordinance is to amend the Municipal Code to establish a wastewater capacity charge.

ITEM D-5: ADOPTED; ORD# 15-O-2695

6. REPEALING SECTION 2-1-21 OF THE BEVERLY HILLS MUNICIPAL CODE REGARDING COUNCIL VACANCIES. Second Reading - For Adoption. Comment: This ordinance amends the municipal code to repeal the provisions regarding council vacancies so that the general provisions contained in the California Government Code would govern filing council vacancies.

ITEM D-6: ADOPTED; ORD# 15-O-2696

RESOLUTION:

7. APPROVING THE FINAL MAP FOR TENTATIVE TRACT MAP NO. 69145 (309-325 S. ELM DRIVE) AND ACCEPTING, SUBJECT TO IMPROVEMENT, A RIGHT-OF-WAY DEDICATION; AND APPROVE A SUBDIVISION IMPROVEMENT AGREEMENT WITH K PACIFIC INVESTMENTS, LLC AND AN AFFORDABLE HOUSING COVENANT AND REGULATORY AGREEMENT AND DEED OF TRUST AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL REQUIRED DOCUMENTS ON BEHALF OF THE CITY. Comment: This is a request for City Council adoption of findings that Final Tract Map No. 69145 conforms to all applicable requirements of the State Subdivision Map Act and the City's subdivision ordinance, and authorization to record the final map.

City Engineer Mark Cuneo and Assistant Director of Community Development/City Planner Ryan Gohlich responded to Vice Mayor Mirisch's questions regarding the right of way dedication, and affordable housing covenant provisions.

MOVED by Councilmember Brien, seconded by Councilmember Bosse to adopt Resolution D-7 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE FINAL MAP FOR TENTATIVE TRACT MAP NO. 69145 (309-325 S. ELM DRIVE) AND ACCEPTING, SUBJECT TO IMPROVEMENT, A RIGHT-OF-WAY DEDICATION; AND APPROVE A SUBDIVISION IMPROVEMENT AGREEMENT WITH K PACIFIC INVESTMENTS, LLC AND AN AFFORDABLE HOUSING COVENANT AND REGULATORY AGREEMENT AND DEED OF TRUST AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL REQUIRED DOCUMENTS ON BEHALF OF THE CITY

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

CARRIED

**ITEM D-7: ADOPTED; RES# 15-R-13061
APPROVED: SUBDIVISION IMPROVEMENT AGREEMENT – AG# 598-15;
AFFORDABLE HOUSING COVENANT AND REGULATORY AGREEMENT – AG#
599-15;
ASSIGNMENT OF RENTS SECURITY AGREEMENT AND FIXTURE FILING – AG#
600-15**

APPROVAL OF:

8. AGREEMENT WITH APACE SYSTEMS CORPORATION FOR REPLACEMENT OF THE NETWORK STORAGE SYSTEM FOR THE CABLE TELEVISION DIVISION AND RELATED SERVICES. Comment: Provides for the planned replacement of the City's Cable Television video storage system that has reached end of life. This anticipated replacement purchase is part of the Cable Television CIP program and is being funded with Public, Education, and Government (PEG) proceeds.

ITEM D-8: APPROVED; AG# 601-15

9. AMENDMENT NO. 1 TO THE AGREEMENT WITH RIGHT OF WAY, INC. FOR EQUIPMENT RENTAL SERVICES; AND APPROVAL TO ISSUE A CHANGE ORDER TO A PURCHASE ORDER FOR AN ADDITIONAL \$25,000 FOR A NOT-TO-EXCEED AMOUNT OF \$75,000 FOR SERVICES DESCRIBED. Comment: This amendment allows Right of Way, Inc. to continue providing changeable message signage rental equipment in the Trousdale Estates Area as part of the Trousdale traffic management efforts.

ITEM D-9: APPROVED; AG# 602-15

- 10.A PURCHASE ORDER TO DOWNTOWN FORD FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$433,332.13 FOR THE PURCHASE OF TWO (2) FORD FIRE DEPARTMENT VEHICLES AND TWELVE (12) FORD PUBLIC WORKS SERVICES VEHICLES. Comment: Staff recommends that the City Council waive the bidding requirements and move to approve a purchase order in the amount of \$433,332.13 to Downtown Ford for the purchase of specified Ford vehicles. Funding for this purchase is included in the Fiscal Year 2015-2016 Council-approved Department budget.

ITEM D-10: APPROVED

Vote on the City Council Consent Calendar:

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

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 FOR THE FISCAL YEAR 2015/2016 TO ADD CERTAIN FEES RELATED TO HISTORIC PRESERVATION APPLICATIONS. Comment: A resolution adopting fees for historic preservation applications for the Fiscal Year 2015/2016.

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.

Assistant Director of Community Development/City Planner Ryan Gohlich presented background information, noting that the ordinance was originally adopted in 2012 and the most recent amendment was adopted in July 2015, and there are currently no fees for historic preservation with the exception of the Mills Act contract application fee of \$1,500. He went over the various application types and corresponding fee amounts.

Council liaison Councilmember Brien commented that Tier 2: Certificate of Ineligibility (checklist) is too high and recommended that the fee be reduced. He also suggested that the City front the money for the Historic Incentive Permit fee and for the residents to get a 50% rebate. Council liaison Vice Mayor Mirisch suggested reducing staff time to reduce the cost for Tier 3: Certificate of Ineligibility (full analysis). Councilmember Brien suggested \$1000 for Tier 2, and \$5,000 for Tier 3, and 50% on the Historic Incentive Permit with the caveats that the Council liaisons laid out.

Speaking:

1. Rebecca Pynoos

Councilmember Bosse commented that the Certificate of Economic Hardship (or amendments) threshold seems too high.

The City Council agreed to adopt the recommendations of the Council liaisons.

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

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES &
CHARGES FOR THE FISCAL YEAR 2015/2016 TO ADD CERTAIN
FEES RELATED TO HISTORIC PRESERVATION APPLICATIONS

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

Noes: None.

Absent: Councilmember Krasne.

CARRIED

ITEM E-1: ADOPTED AS AMENDED; RES# 15-R-13062

F. CONTINUED AND NEW BUSINESS

None

G. COMMISSION SYNOPSIS

1. TRAFFIC & PARKING COMMISSION - Regular Meeting of November 5, 2015
DESIGN REVIEW COMMISSION - Regular Meeting of November 5, 2015
PLANNING COMMISSION - Regular Meeting of November 12, 2015
ARCHITECTURAL COMMISSION - Regular Meeting of November 18, 2015
HUMAN RELATIONS COMMISSION - Regular Meeting of November 19, 2015

ITEM G-1: NO ACTION TAKEN

H. OTHER BUSINESS

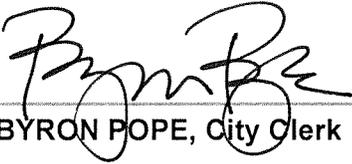
None

I. ADJOURNMENT

The next City Council meeting will be held on December 15, 2015

There being no further business, Mayor Gold, with the consent of the City Council, adjourned the meeting at 8:39pm.

PASSED, Approved and Adopted
this 15th day of December, 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.