



**CITY OF BEVERLY HILLS
CITY COUNCIL ADJOURNED REGULAR MEETING
MINUTES
March 1, 2016**

The Adjourned Regular City Council meeting was held in the Council Chamber at 7:30 pm.

PLEDGE OF ALLEGIANCE led by Interim Police Chief Dominick Rivetti

A. ROLL CALL

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

B. PRESENTATIONS

1. PRESENTATION – Beverly Hills Police Foundation Hall of Fame Donors

Mayor Gold, along with the entire City Council, Interim Police Chief Dominick Rivetti and former Police Chief David Snowden, presented certificates to the Beverly Hills Police Foundation Hall of Fame donors for their generous support.

2. RECOGNITION for Interim Police Chief Dominick Rivetti

Mayor Gold, along with the entire City Council, presented a plaque of recognition to Interim Police Chief Dominic Rivetti and thanked him for his dedication to improving the Police Department practices and commitment to keeping the community safe.

3. STEP-UP RECOGNITION - The Beverly Hills Police Department and the Beverly Hills Fire Department

Mayor Gold, along with the entire City Council, presented a Step-Up recognition certificate to the entire Beverly Hills Fire Department and Beverly Hills Police Department, and thanked Montage Hotel General Manager Todd Orlich for recommending them to receive the final Step-Up award. Mr. Orlich commended the Police and Fire Department staff for their commitment in providing excellent service to the community.

Councilmember Brien left the meeting at 7:55pm.

Mayor Gold held a moment of silence in honor of the passing of Bram Goldsmith, and announced the upcoming public memorial on Friday, March 4, 2016 at the Wallis Annenberg Center for the Performing Arts.

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. Lionel Ephraim
2. Dr. Woodrow Clark II
3. Thomas White

Mayor Gold announced that he and Vice Mayor Mirisch have put together a list of people who can potentially perform an investigation on the Parcels 12 and 13 issues as well as recommendations on how to move forward with the investigation, which they will present to the entire City Council at the April 5, 2015 meeting.

4. Ilona Sherman
5. Matti Bialer

Councilmember Bosse requested and staff was directed to bring the L'Ermitage Hotel's Conditional Use Permit (CUP) to the Planning Commission for review.

6. Mikael Cohen

3. REPORT FROM THE CITY MANAGER

City Manager Mahdi Aluzri introduced Police Captain Mark Rosen who presented an update on the burglary trend in the City and in the region. He reported that the Police Department (PD) will be conducting Town Hall Community meetings to inform the community of what PD is doing to counteract crime and what residents can do to assist. He also provided tips on what homeowners can do to avoid burglary.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. CITY COUNCIL CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Councilmember Krasne, seconded by Councilmember Bosse to remove Item D-7 for discussion and separate vote, remove Item D-12 for discussion, approve the remaining 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 Study Session of February 16, 2016.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Formal Meeting of February 16, 2016.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated February 6-19, 2016.
4. PAYROLL DISBURSEMENT REPORT, report dated March 1, 2016.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. AMENDING ARTICLES 32 (HISTORIC PRESERVATION) AND 32.5 (HISTORIC INCENTIVE PERMIT) OF THE BEVERLY HILLS ZONING CODE TO CLARIFY THAT CERTAIN ARCHIVED PHOTOGRAPHS AND FILMS MAY BE CONSIDERED IN DETERMINING WHETHER A PROPERTY IS AN "EXCEPTIONAL WORK," TO REFINE THE CRITERIA FOR ISSUANCE OF HISTORIC INCENTIVE PERMITS IN THE TROUSDALE ESTATES AREA OF THE CITY, TO CLARIFY APPLICABILITY OF THE ORDINANCE TO INTERIOR SPACES, AND TO CLARIFY TIMEFRAMES FOR APPLICABILITY OF THE REVISED HISTORIC PRESERVATION ORDINANCE VERSUS APPLICABILITY OF THE PRIOR ORDINANCE. Second Reading – For Adoption. Comment: This ordinance clarifies and refines several aspects of the

recently adopted historic preservation ordinance. In particular, the ordinance 1) amends the definition of "exceptional work" to be clear that certain archived photographs and films may be considered in classifying a property as an exceptional work; 2) refines the types of Historic Incentive Permits that may be granted in Trousdale Estates to prohibit waivers on building height and construction over slopes; 3) clarifies when the ordinance may apply to interior spaces, and 4) clarifies when a property would be subject to the revised historic preservation ordinance versus being subject to the prior historic preservation ordinance.

ITEM D-5: ADOPTED; ORD# 16-O-2700

6. AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING THE HEALTH AND SAFETY COMMISSION. First Reading - For Introduction. Comment: The accompanying ordinance is a reflection of the Health and Safety Commission's recommended revisions to their purposes and responsibilities. These revisions were approved by the Commission's Council Liaisons on January 12, 2016.

ITEM D-6: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF APRIL 5, 2016 FOR ADOPTION

RESOLUTION:

7. MODIFYING THE PENALTY SURCHARGE FOR WATER USAGE IN EXCESS OF THE PROVISIONS OF THE STAGE D WATER CONSERVATION REQUIREMENTS. Comment: This resolution would replace the existing penalty surcharge resolution and reduce the penalty surcharge.

Speaking:

1. Eva Kiritta

Council directed the Public Works Services staff to look into the matter reported by Ms. Kiritta.

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS MODIFYING THE PENALTY SURCHARGE FOR WATER USAGE IN EXCESS OF THE PROVISIONS OF THE STAGE D WATER CONSERVATION REQUIREMENTS

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

Noes: None.

Absent: Councilmember Brien.

CARRIED

ITEM D-7: ADOPTED; RES# 16-R-13070

APPROVAL OF:

8. FINE ART COMMISSION APPOINTMENT (STEPHANIE VAHN). Comment: Appoints Stephanie Vahn to the Fine Art Commission for an initial two-year term.

ITEM D-8: APPROVED

9. PRELIMINARY ENGINEERING REIMBURSEMENT AGREEMENT WITH LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR REIMBURSEMENT OF COSTS FOR STAFF AND CONSULTANTS PERFORMING WORK ASSOCIATED WITH SECTION 2 OF THE WESTSIDE PURPLE LINE SUBWAY EXTENSION. Comment: This agreement provides for reimbursement of costs for work performed by City staff and Consultants during the preliminary engineering phase of Section 2 of the subway extension project. This agreement will ensure reimbursement of costs incurred by the City prior to development of a comprehensive Memorandum of Agreement for Section 2.

ITEM D-9: APPROVED

10. MEMORANDUM OF AGREEMENT WITH THE CITY OF LOS ANGELES REGARDING THE ADMINISTRATION AND COST SHARING OF IMPLEMENTING THE COORDINATED INTEGRATED MONITORING PROGRAM FOR THE BALLONA CREEK WATERSHED. Comment: Recommend that the City Council adopt the Memorandum of Agreement (MOA) between the City of Beverly Hills and the City of Los Angeles for the Coordinated Integrated Monitoring Program (CIMP) for Ballona Creek Watershed. The agreement fulfills the City's regulatory monitoring requirements under the 2012 Los Angeles Municipal Separate Stormwater Sewer System (MS4) NPDES Permit.

ITEM D-10: APPROVED; AG# 57-16

11. AGREEMENT WITH REIGN ELECTRIC SERVICES AND SYSTEMS, INC. TO PROVIDE MAINTENANCE SERVICES FOR VARIABLE FREQUENCY DRIVES AT THE CITY WATER TREATMENT PLANT. Comment: Staff recommends approval of an agreement with Reign Electric Services and Systems, Inc. for maintenance to the variable frequency drives at the City Water Treatment Plant.

ITEM D-11: APPROVED; AG# 58-16

12. A DEPOSIT AGREEMENT WITH ANGELO GORDON REAL ESTATE INC. Comment: This agreement accepts and sets out the terms of a \$1 million deposit from the Townscape Partners development team requesting informal public review of a proposal for development of City-owned property surrounding 336 Foothill Road and 9268 Third Street. The terms include reimbursement of City costs associated with the informal public review process authorized by the City Council at the February 2, 2016 study session.

City Manager Mahdi Aluzri reported that the agreement was not signed because there were questions raised by the applicants regarding some provisions of the agreement.

Speaking:

1. Thomas Levyn

ITEM D-12: ITEM TABLED TO A COUNCIL MEETING AT A LATER DATE

Vote on the City Council Consent Calendar:

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

CARRIED

E. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING AMENDMENTS TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW JIM FALK LEXUS TO OPERATE A VEHICLE SERVICE USE ON THE PROPERTY LOCATED AT 9031 OLYMPIC BOULEVARD. Comment: On December 10, 2015, the Planning Commission approved amendments to a Conditional Use Permit that would allow Jim Falk Lexus to occupy the vehicle service facility located at 9031 Olympic Boulevard in lieu of Infiniti of Beverly Hills (the current occupant). On January 5, 2016, the City Council voted to call the matter up for review. Accordingly, this will be a de novo hearing before the City Council on the requested Conditional Use Permit amendments to allow Jim Falk Lexus to occupy the subject property.

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 a PowerPoint and oral report showing the floor plans and photos of the property. He also presented a brief background on the Conditional Use Permit (CUP) amendment, conditions of approval from the Planning Commission, new/additional conditions of approval, and recommendation.

Speaking:

1. Andrea Grossman
2. Susan Mishler
3. Eli Sawdayi
4. Sabah Sawdayi
5. Jason Morgan
6. Tom Levyn
7. Vice Mayor Mirisch read a letter from Jim Falk into the record
8. Vice Mayor Mirisch read a letter from City Treasurer Eliot Finkel into the record

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

Representatives from Jim Falk Lexus, City Manager Mahdi Aluzri, Interim City Attorney David M. Snow, and Mr. Gohlich responded to Council questions and comments pertaining to the various conditions of approval in particular noise reduction, sales/service facilities in one location, additional impacts, services bays, traffic impacts and circulation, street parking, car washing on Sundays, violations and penalties, hours of operation, code enforcement issues, automatic revocation of CUP if sales leave, employee parking,

Councilmember Bosse proposed the following changes to the CUP: one-year mandatory Council review, service hours to remain currently as they are, no car washing on Sundays, change the legal language to specify that the Planning Commission and the City have the right to revoke the CUP if sales leaves the City, and adding more specific penalties and consequences on the resolution.

Vice Mayor Mirisch proposed the automatic revocation of the CUP if sales leaves the City. He suggested not approving the CUP and having Lexus build the state of the art facility on Maple Drive and take advantage of the entitlement. He also proposed agendizing the revocation of the Infiniti CUP on the basis of violations.

Mayor Gold requested Mr. Snow to clarify the conditions of the current CUP, which is embodied in Section 8, Number 3 of the Planning Commission Resolution No. 1765.

Councilmember Krasne commented that the reasonable thing to do is to try to work out details of the CUP and impose fines to achieve compliance.

There were no further questions or comments from Councilmembers.

Former Mayor Levyn requested to meet with two Councilmembers to negotiate the terms which will be acceptable to all parties.

Council agreed to return the item to the City Council meeting of April 19, 2016. Vice Mayor Mirisch and Councilmember Bosse will comprise the subcommittee to work with the applicant on the revised amendments.

ITEM E-1: NO ACTION TAKEN; ITEM PROPOSED TO RETURN TO COUNCIL MEETING ON APRIL 19, 2016; SUBCOMMITTEE COMPOSED OF VICE MAYOR MIRISCH AND COUNCILMEMBER BOSSE TO WORK WITH APPLICANT ON REVISED AMENDMENTS

F. CITY COUNCIL CONTINUED AND NEW BUSINESS

1. REQUEST FOR DIRECTION REGARDING DESIGN, BUDGET, AND FUNDRAISING FOR THE DOG PARK. Comment: Staff recommends that the City Council approve the design for the dog park with an associated budget of \$565,000. Additionally, staff requests City Council feedback on fundraising efforts for enhancements to the dog park.

Assistant Director of Community Services/City Librarian Nancy Hunt Coffey presented a PowerPoint and oral report providing background information on the site, conditions of the walls, drainage plan, light levels, budget, fundraising, and recommendation. She noted that the dog park is expected to open in late summer after being approved approval by City Council. She introduced other members of the team: Management Analyst Stephanie Harris, Mandana Motahari from RTK Architects, and Capital Assets Department Project Manager Stuart Sam.

Speaking:

1. Teri Austin, The Amanda Foundation
2. Marcia Hobbs, The Beverly Hills Courier

Ms. Hunt-Coffey, City Manager Mahdi Aluzri, Assistant Director of Community Development/City Planner Ryan Gohlich, Ms. Harris, and Ms. Motahari responded to Council questions and comments on the frequent use of RTK Architects by the City, 12" of soil for remediation purposes, planting of trees, costs and budget, fundraising, donating through the City's website, potential areas with contamination that need remediation, use that created contamination, amount/level and timeline of donations, implementation of enhancements, and review by the Fine Art Commission.

MOVED by Councilmember Krasne, seconded by Councilmember Bosse to approve the design for the dog park with an associated budget of \$600,000. City Council provided feedback on fundraising efforts for enhancements to the dog park.

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

CARRIED

ITEM F-1: APPROVED THE DESIGN FOR THE DOG PARK WITH AN ASSOCIATED BUDGET OF \$600,000; COUNCIL PROVIDED FEEDBACK ON FUNDRAISING EFFORTS FOR ENHANCEMENTS TO THE DOG PARK

G. COMMISSION SYNOPSIS

1. FINE ART COMMISSION - Special Meeting of February 8, 2016
CHARITABLE SOLICITATIONS COMMISSION - Regular Meeting of February 10, 2016
ARCHITECTURAL COMMISSION - Regular Meeting of February 17, 2016
HUMAN RELATIONS COMMISSION - Regular Meeting of February 18, 2016

ITEM G-1: NO ACTION TAKEN

H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Gold, with the consent of the City Council, adjourned the meeting at 11:45pm to March 16, 2016 at 6:00pm for the City Council Installation/Reorganization.

PASSED, Approved and Adopted
this 5th day of April, 2016



BYRON POPE, City Clerk

JOHN A. MIRISCH, MAYOR

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