



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
April 5, 2016**

The City Council Regular Meeting was held in the Council Chamber at 7:00 pm. Councilmember Brien teleconferenced from 5122 Morningside Drive, Houston TX 77005.

PLEDGE OF ALLEGIANCE led by former Police Chief Dominick Rivetti

A. ROLL CALL

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

B. PRESENTATIONS

1. SWEARING IN of Police Chief Sandra Spagnoli

Mayor Mirisch administered the oath of office to newly appointed Beverly Hills Police Chief Sandra Spagnoli. Chief Spagnoli thanked the City Council, the Police Department, City staff, the community and her family for their support.

2. KEY TO THE CITY PRESENTATION to Former Mayor Richard Stone

Mayor Mirisch, along with the City Councilmembers present, presented a key to the City and the original nameplate that was in the City Hall Rotunda to former Mayor Richard Stone. A short video about Mayor Stone was shown.

3. DONATE LIFE MONTH PROCLAMATION - Dr. Sommers, PhD

Mayor Mirisch, along with the City Councilmembers present, presented a proclamation to Dr. Mason Sommers on behalf of Donate Life Month, an annual campaign that raises awareness of the need for more organ, eye, and tissue donors. Dr. Sommers' cousin, Pam Fleischaker, shared her two heart transplant and a kidney transplant experiences.

4. PROCLAMATION - proclaiming the City of Beverly Hills as a designate PLAY BALL City from June-August 2016

Mayor Mirisch, along with the City Councilmembers present, presented a proclamation to Little League President Scott Cukier, and announced that the City of Beverly Hills, together with the United States Conference of mayors, Major League and Minor League Baseball, recognize June-August, 2016 as PLAY BALL summer. Mr. Cukier thanked and invited the City Council and the community to participate in the upcoming PLAY BALL events.

5. 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 (31) 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. Thomas White, Municipal League of Beverly Hills
2. Dr. Woodrow Clark II
3. Lionel Ephraim, Le Faubourg St. Louis

3. REPORT FROM THE CITY MANAGER

None

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. CITY COUNCIL CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Councilmember Bosse, seconded by Mayor Mirisch to remove item D-13 for discussion and separate vote, approve the remaining items on the City Council consent calendar, and direct that the appropriate accounts be charged on Items D-4 and D-5

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of March 1, 2016.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Adjourned Regular Meeting of March 1, 2016.
3. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Adjourned Regular Meeting of March 16, 2016.

Demands Paid

4. REVIEW OF BUDGETED DEMANDS PAID, report dated February 20, 2016 – March 25, 2016.
5. PAYROLL DISBURSEMENT REPORT, report dated April 5, 2016.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

6. AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING THE HEALTH AND SAFETY COMMISSION. Second Reading - For Adoption. 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: ADOPTED; ORD# 16-O-2701

RESOLUTION:

7. DECLARING THE CITY'S SUPPORT FOR THE DEVELOPMENT OF AN AUTONOMOUS VEHICLE PROGRAM. Comment: This resolution confirms Council support to develop an autonomous vehicle (AV) program to address 'first and last mile' issues related to the extension of Metro's Purple Line to the City. As envisioned, the project would include a fleet of autonomous vehicles transporting residents to and from the Metro Station. An early milestone of this initiative would be to conduct a City-sponsored forum at the Wallis Annenberg Center for the Performing Arts that includes expert panel discussions and demonstrations of AVs.

ITEM D-7: ADOPTED; RES# 16-R-13071

APPROVAL OF:

8. REAPPOINTING MEMBERS TO THE CULTURAL HERITAGE COMMISSION (NOAH FURIE, REBECCA PYNOOS, RICHARD WALDOW), FINE ART COMMISSION (CAROLYN HILLER), HUMAN RELATIONS COMMISSION (SONIA BERMAN, ORI BLUMENFELD, JERALD FRIEDMAN, KAREN POPOVICH LEVYN), PLANNING COMMISSION (FARSHID JOE SHOOSHANI), PUBLIC WORKS COMMISSION (JERROLD S. FELSENTHAL), AND TRAFFIC AND PARKING COMMISSION (JACOB MANASTER). Comment: Reappoints Commissioners Noah Furie, Rebecca Pynoos, Richard Waldow, Carolyn Hiller, Sonia Berman, Ori Blumenfeld, Jerald Friedman, Karen Popovich Levyn, Farshid Joe Shooshani, Jerrold S. Felsenthal, and Jacob Manaster for up to a four-year term each.

ITEM D-8: APPROVED

9. LOS ANGELES COUNTY GENERAL SERVICES AGREEMENT WITH THE CITY OF BEVERLY HILLS. Comment: This five-year agreement extends the City's current agreement with the County set to expire on June 30, 2016 for provisions of undefined general services not already included in the special agreements the City has with the County. The agreement provides the authority to the County and sets the rates for such services when requested by the City.

ITEM D-9: APPROVED; AG# 94-16

10. APPROVAL OF AN AGREEMENT WITH AQUA METROLOGY SYSTEMS ("AMS") FOR INSTALLATION AND SERVICE OF A CONTINUOUS WATER MONITORING SYSTEM AT THE CITY WATER TREATMENT PLANT; AND APPROVAL OF A PURCHASE ORDER FOR A NOT-TO-EXCEED AMOUNT OF \$65,000. Comment: Staff recommends approval of an agreement with Aqua Metrology Systems ("AMS") for installation and service of a continuous arsenic monitoring system at the City Water Treatment Plant to replace the current manual monitoring system, and approval of a purchase order for a not-to-exceed amount of \$65,000.

ITEM D-10: APPROVED; AG# 95-16

11. A PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR PRELIMINARY DESIGN REPORT FOR THE WELL, WATER TREATMENT AND TRANSMISSION MAIN PROJECT; AND APPROVAL OF A PURCHASE ORDER TO MICHAEL BAKER INTERNATIONAL, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$768,000. Comment: Staff recommends approval of an agreement with Michael Baker International for the development of a Preliminary Design Report for the development of wells, water treatment and a transmission project in the La Brea sub-area and approval of a purchase order for a not-to-exceed amount of \$768,000.

ITEM D-11: APPROVED; AG# 96-16

12. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH QUARTIC WEST TECHNOLOGIES FOR PREVENTATIVE MAINTENANCE AND CALIBRATION SERVICE OF INSTRUMENTS AT WATER TREATMENT PLANT AND CITY RESERVOIRS; AND AUTHORIZE THE CITY MANAGER TO APPROVE A PURCHASE ORDER IN THE NOT-TO-EXCEED AMOUNT OF \$82,292.00 TO QUARTIC WEST TECHNOLOGIES FOR THESE SERVICES. Comment: Staff recommends that the City Council authorize the City Manager to execute an agreement between the City of Beverly Hills and Quartic West Technologies for preventative maintenance and calibration service of instruments at the City Water Treatment Plant and the City's Reservoirs; and authorize the City Manager to approve a purchase order for these services.

ITEM D-12: APPROVED

13. 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 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 provided a brief overview of the item, noting that it is the same item carried over from the City Council meeting of March 1, 2016.

Speaking:

1. Former Mayor Tom Levyn
2. Thomas White, Municipal League of Beverly Hills
3. Dr. Woody Clark

Mr. Aluzri and City Attorney Laurence Wiener responded to City Council questions and comments pertaining to understanding what the community wants for potential uses of the land, community involvement, transparent and unbiased public process to solicit community input, public outreach, definition of the public process, hiring an expert in developing the process, and alternative uses for the area.

Councilmember Gold suggested that Section 5(i) of the deposit agreement be amended from "...Section 2 or 3..." to "...Section 2 and 3..."

Councilmember Bosse suggested adding addressing how the City Council wants the process to move forward in the future.

MOVED by Councilmember Gold, seconded by Vice Mayor Krasne to approve as amended Agreement D-13 as follows:

A DEPOSIT AGREEMENT WITH ANGELO GORDON REAL ESTATE
INC.

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

CARRIED

ITEM D-13: APPROVED AS AMENDED; AG# 97-16

14. THREE AS-NEEDED GENERAL CONSTRUCTION AGREEMENTS RELATING TO THE MAINTENANCE OF CITY FACILITIES.

A. AN AGREEMENT WITH BBS CONSTRUCTION, INC. FOR AS-NEEDED GENERAL CONSTRUCTION SERVICES RELATING TO THE MAINTENANCE OF CITY FACILITIES

ITEM D-14A: APPROVED; AG# 98-16

B. AN AGREEMENT WITH KORADE & ASSOCIATE BUILDERS, INC. DBA COMMERCIAL WEST FOR AS-NEEDED GENERAL CONSTRUCTION SERVICES RELATING TO THE MAINTENANCE OF CITY FACILITIES

ITEM D-14B: APPROVED; AG# 99-16

C. AN AGREEMENT WITH KRB CONSTRUCTION FOR AS-NEEDED GENERAL CONSTRUCTION SERVICES RELATING TO THE MAINTENANCE OF CITY FACILITIES. Comment: Staff is requesting the approval of three (3) agreements for on-call and as-needed general contracting services at City owned and operated facilities, each in an amount not to exceed \$150,000 over the entire contract term. Each agreement limits an individual project to a not-to-exceed amount of \$45,000.

ITEM D-14C: APPROVED; AG# 100-16

15. AMENDMENT NO. 1 TO AN AGREEMENT WITH RINCON CONSULTANTS, INC. FOR THE PREPARATION OF SUPPLEMENTAL ENVIRONMENTAL DOCUMENTATION FOR A PROPOSED RESIDENTIAL, RETAIL AND HOTEL PROJECT LOCATED AT 9900 WILSHIRE BOULEVARD. Comment: The City Council has approved an agreement with Rincon Consultants, Inc. for the preparation of environmental documentation associated with a request to modify the 9900 Wilshire Specific Plan to include a hotel component. This is an amendment to that agreement, which provides for additional scope of work that is needed in order to complete the environmental review. The full cost of the environmental documentation will be borne by the project applicant.

ITEM D-15: APPROVED; AG# 101-16

16. AMENDMENT NO. 1 TO THE AGREEMENT WITH STEGEMAN & KASTNER INC. FOR CONSULTING SERVICES ON VARIOUS CITY OWNED PROPERTIES; AND APPROVAL OF A CHANGE PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$47,000 TO STEGEMAN & KASTNER, INC. FOR THE ADDITIONAL SERVICES. Comment: Amendment expands scope of work and compensation in an amount of \$47,000 for a not to exceed total of \$93,000.

ITEM D-16: APPROVED; AG# 102-16

17. AMENDMENT NO. 2 TO AN AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, AND ENVIRONMENTAL SCIENCE ASSOCIATES, INC. FOR INDEPENDENT COMPLIANCE MONITORING SERVICES FOR THE UTILITY RELOCATION PHASE OF THE LA CIENEGA STATION CONSTRUCTION, SEGMENT 1 OF THE PURPLE LINE EXTENSION PROJECT; AND APPROVAL OF AN APPROPRIATION OF \$345,646 FROM THE GENERAL FUND; AND APPROVAL OF A PURCHASE ORDER TO ENVIRONMENTAL SCIENCE ASSOCIATES, INC. FOR INDEPENDENT COMPLIANCE MONITORING SERVICES IN THE AMOUNT OF \$345,646. Comment: This amendment provides for the extension of continuous on-site monitoring of the advanced utility relocation construction phase in order to ensure compliance with the required conditions and mitigation measures specified in the Memorandum of Agreement between the City and Metro. The City will be reimbursed by Metro for the costs of services incurred under this amendment.

ITEM D-17: APPROVED; AG# 103-16

18. AMENDMENT NO. 4 TO AN AGREEMENT WITH KEC ENGINEERS, INC. TO PROVIDE CONTRACT PUBLIC WORKS INSPECTION SERVICES FOR THE INSTALLATION OF AT&T ODAS CITY-WIDE; AND APPROVAL OF A PURCHASE ORDER TO KEC ENGINEERS, INC. FOR INSPECTION SERVICES IN THE AMOUNT OF \$200,000, FOR A TOTAL CONTRACT AMOUNT OF \$450,000; AND APPROPRIATION OF \$200,000 FROM THE GENERAL FUND. Comment: Installation work continues and additional inspection services for four (4) groups of nodes are required.

ITEM D-18: APPROVED; AG# 104-16

19. AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, DOMINGUEZ GENERAL ENGINEERING, INC. FOR THE ZONE 9 INTERTIE AND PRESSURE REDUCING STATION WITHIN THE CITY OF BEVERLY HILLS, CALIFORNIA, IN THE AMOUNT OF \$345,000; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFOR; AND APPROVAL OF ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$400,000 TO DOMINGUEZ GENERAL ENGINEERING, INC. FOR THE PROJECT. Comment: This is a request to Council to award a construction contract to Dominguez General Engineering, Inc. for the construction of the pressure reducing station and intertie with LADWP in the amount of \$345,000 and approve a contingency amount of \$55,000. The scope of work includes building rehabilitation, installation of piping, a SCADA system, and a pressure reducing station to complete the intertie connection to LADWP for fire protection.

ITEM D-19: APPROVED; AG# 105-16

20. THE AWARD OF A CONTRACT TO A.J. KIRKWOOD AND ASSOCIATES, INC. FOR THE FIRE ALARM SYSTEM RELATED TO THE BEVERLY-CANON PARKING STRUCTURE PROJECT; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$183,809.00 TO A.J. KIRKWOOD AND ASSOCIATES, INC. FOR THE CONTRACT WORK. Comment: The contract work will furnish and replace the existing fire alarm system with a Gamewell Fire Alarm system that will connect directly to the City of Beverly Hills dispatch center thereby increasing safety and responsiveness to fire-related situations. A bid alternate was included for additional work related to the installation of CCTV cameras on all levels of the structure that will connect into the City's Municipal Area Network.

ITEM D-20: APPROVED; AG# 106-16

21. PURCHASE ORDER TO TORAY MEMBRANE U.S.A., INC. TO SUPPLY REVERSE OSMOSIS MEMBRANES FOR THE CITY'S WATER TREATMENT PLANT FOR A NOT-TO-EXCEED AMOUNT OF \$84,420.22. Comment: Staff recommends the approval of a purchase order to Toray Membrane U.S.A., Inc. in the amount of \$84,420.22 for the purchase of reverse osmosis membranes for the water treatment plant. The new membrane elements are required to replace the existing membranes prior to the water treatment plant re-commissioning.

ITEM D-21: APPROVED

22. A PURCHASE ORDER TO DOWNTOWN FORD FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$196,995.11 FOR THE PURCHASE OF TWO (2) 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 \$196,995.11 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-22: APPROVED

23. A PURCHASE ORDER TO AARDVARK FOR A TOTAL NOT-TO -EXCEED THE AMOUNT OF \$99,997 FOR THE PURCHASE OF SWAT TACTICAL VESTS AND ARMOR PLATES. Comment: The current SWAT tactical vests are approaching the end of their useful life. This purchase provides for the replacement of these vests.

ITEM D-23: APPROVED

24. APPROPRIATION OF \$85,000 FROM THE SEIZED & FORFEITED PROPERTY FUND TO ENHANCE POLICE DEPARTMENT OPERATIONS. Comment: Request to use asset forfeiture funds for the purchase of one (1) vehicle and two (2) automated licence plate readers - mobile units/trailers to augment police operations.

ITEM D-24: APPROVED

Vote on the City Council Consent Calendar:

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

CARRIED

E. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

1. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH TIME LIMITS FOR LEGALLY NONCONFORMING AND CONDITIONALLY PERMITTED USES TO BE REESTABLISHED ONCE THEY HAVE BEEN DISCONTINUED. First Reading – For Introduction. Comment: Introduce an ordinance amending the Beverly Hills Municipal Code for the establishment of time limits for legally nonconforming and conditionally permitted uses once they have been discontinued for more than five years.

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 Associate 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 introduced Associate Planner Timothea Tway who presented a PowerPoint and oral report discussing the definitions of nonconforming use and conditionally permitted use, current regulations for discontinued uses, concerns related to the lack of a time limit, anticipated benefits of implementing a time limit, background on meetings conducted, draft ordinance, public outreach, and recommendation.

There were no members of the public who wished to comment. Mayor Mirisch closed the public hearing.

City Manager Mahdi Aluzri, City Attorney Laurence Wiener, Ms. Tway and Mr. Gohlich responded to Council questions on the definition of a closed business and discontinued use, number of people attending Planning Commission meetings, number of properties impacted by the ordinance, public outreach, impact on economic state of the City, amount of time a property can remain vacant before its nonconforming or conditionally permitted use status expires, extension of the time

limit, revocation of the conditional use permit due to intensification of usage, and City's five-year time limit compared to other cities' time limit.

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Bosse, seconded by Vice Mayor Krasne to introduce and read by title only, advance to the meeting of April 19, 2016 for adoption, Ordinance E-1 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH TIME LIMITS FOR LEGALLY NONCONFORMING AND CONDITIONALLY PERMITTED USES TO BE REESTABLISHED ONCE THEY HAVE BEEN DISCONTINUED

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

Noes: None.

CARRIED

ITEM E-1: INTRODUCED AND READ BY TITLE ONLY, ADVANCE TO THE MEETING OF APRIL 19, 2016 FOR ADOPTION

F. CONTINUED AND NEW BUSINESS

None

G. COMMISSION SYNOPSIS

1. PUBLIC WORKS COMMISSION - Regular Meeting of February 11, 2016
RECREATION AND PARKS COMMISSION - Regular Meeting of February 23, 2016
PLANNING COMMISSION - Regular Meeting of February 25, 2016
TRAFFIC AND PARKING COMMISSION - Regular Meeting of March 3, 2016
DESIGN REVIEW COMMISSION - Regular Meeting of March 3, 2016
CHARITABLE SOLICITATIONS COMMISSION - Regular Meeting of March 9, 2016
PLANNING COMMISSION - Regular Meeting of March 10, 2016
RECREATION AND PARKS COMMISSION - Special Meeting of March 14, 2016
ARCHITECTURAL COMMISSION - Special Meeting of March 15, 2016
FINE ART COMMISSION - Regular Meeting of March 17, 2016
PLANNING COMMISSION - Regular Meeting of March 24, 2016

ITEM G-1: NO ACTION TAKEN

H. OTHER BUSINESS

None

I. ADJOURNMENT

The next City Council Meeting will be held on April 19, 2016.

There being no further business, Mayor Mirisch, with the consent of the City Council, adjourned the meeting at 9:27pm, in memory of Joan Anne Gross, mother of Beverly Hills Weekly Publisher Josh Gross.

PASSED, Approved and Adopted
this 19th 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.