



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
April 19, 2016**

The City Council Regular Meeting was held in the Council Chamber at 7:00 pm. Councilmember Brien teleconferenced from 17 West 54th Street, New York, NY 10019.

PLEDGE OF ALLEGIANCE led by former Mayor Donna Ellman Garber

A. *ROLL CALL*

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

Mayor Mirisch announced the passing of Fred Hayman last week, expressed his sympathy and held a moment of silence in his honor.

B. *PRESENTATIONS*

1. **CERTIFICATE OF APPOINTMENT**
- Fine Art Commission - Stephanie Vahn

Mayor Mirisch, along with the City Councilmembers present, presented a certificate of appointment and City pin to newly-appointed Fine Art Commissioner Stephanie Vahn.

2. **KEY TO THE CITY PRESENTATION** to Former Mayor Donna Ellman Garber

Mayor Mirisch, along with the City Councilmembers present, presented a Key to the City of Beverly Hills and the original nameplate that was in the City Hall Rotunda to former Mayor Donna Ellman Garber. A short video about Mayor Ellman Garber was shown.

3. **RECOGNITION** of the 2015-16 Teen Advisory Committee (TAC) Members

Mayor Mirisch, along with the City Councilmembers present, presented certificates of recognition to the 2015-16 Teen Advisory Committee (TAC) Members.

Mr. Shahram Melamed thanked the City Council for their support and City staff for assisting with the program.

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. Frances Shloss
2. Alan Cooper, Ervin Cohen & Jessup LLP
3. Nicholas Remedio, L'Ermitage
4. Sal Abaunza, L'Ermitage
5. Conrad Reddick, L'Ermitage
6. Olivier Quignon, L'Ermitage
7. Kelly Scott, The Beverly Hills Chamber of Commerce
8. Lionel Ephraim, Le Gaubourg St. Louis HOA
9. Joshua Krom
10. Ilona Sherman

Mayor Mirisch announced that the City Council is still accepting applications to Team Beverly Hills through Thursday, June 9, 2016. Applications are available online. The Councilmembers encouraged residents to contact them to secure a spot.

3. REPORT FROM THE CITY MANAGER * Beverly Hills Police Citizen's Academy

City Manager Aluzri introduced Police Lieutenant Lincoln Hoshino who reported on the 10-week Beverly Hills Police Citizen's Academy trial program held May 19th-July 21st last year which was attended by 15 residents. He discussed the subjects covered in the program and announced that it will be offered once again this summer with prior participation in Team Beverly Hills as a prerequisite.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. CITY COUNCIL CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Councilmember Gold, seconded by Councilmember Bosse to remove Item D-7 for public comment and return for approval, approve all 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 Special Closed Session of March 7, 2016.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of April 5, 2016.
3. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of April 5, 2016.

Demands Paid

4. REVIEW OF BUDGETED DEMANDS PAID, report dated March 26 – April 8, 2016.
5. PAYROLL DISBURSEMENT REPORT, report dated April 19, 2016.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

6. 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. Second Reading - For Adoption. Comment: Adopt 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.

ITEM D-6: ADOPTED; ORD# 16-O-2702

RESOLUTION:

None

APPROVAL OF:

7. CONSENT TO SUBLEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS, THE W. McDEVITT COMPANY INC., AND NIGEL BURGESS, INC., FOR OFFICE SPACE IN THE 9400 SANTA MONICA BLVD BUILDING. Comment: This Consent to Sublease allows the sublease of 1,906 square feet of office space leased by The W. McDevitt Company, Inc., from the City of Beverly Hills to Nigel Burgess, Inc. DBA Burgess Yachts. The City's Consent to Sublease is for five (5) years.

Speaking:

1. Christian Bakewell, Nigel Burgess, Inc.

ITEM D-7: APPROVED; AG# 124-16

8. THE AWARD OF THE CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, AMERICAN INTEGRATED SERVICES, INC. FOR THE SOIL REMEDIATION FOR THE DOG PARK PROJECT - BID #16-08; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND APPROVAL OF A PURCHASE ORDER TO AMERICAN INTEGRATED SERVICES, INC. IN THE TOTAL AMOUNT OF \$175,000 FOR THE CONTRACT WORK. Comment: The contract award includes soil remediation work for the arsenic impacted soil and demolition of the miscellaneous existing improvements on the site. Following this award, another future separate bid process will occur for the dog park improvements.

ITEM D-8: APPROVED; AG# 125-16

9. ACCEPTANCE OF THE CONTRACT WORK FOR THE INSTALLATION OF CONNECTOR PIPE SCREENS FOR THE CITY OF BEVERLY HILLS CATCH BASINS TO COMPLY WITH THE BALLONA CREEK TRASH TOTAL MAXIMUM DAILY LOAD (TMDL) BY UNITED STORM WATER, INC. IN THE FINAL AMOUNT OF \$468,991 AND AUTHORIZATION OF CITY CLERK TO RECORD A NOTICE OF COMPLETION. Comment: Staff recommends that the City Council accept work performed by United Storm Water Inc. in the final amount of \$468,991 and authorize the City Clerk to record the Notice of Completion.

ITEM D-9: APPROVED

10. ACCEPTANCE OF THE CONTRACT WORK FOR THE CONSTRUCTION OF FY14/15 SIDEWALK, CURB AND GUTTER, AND DRIVEWAY APPROACH REPAIRS PROJECT BY C.S. LEGACY CONSTRUCTION, INC. IN THE FINAL AMOUNT OF \$1,125,770.13 AND AUTHORIZATION OF CITY CLERK TO RECORD A NOTICE OF COMPLETION. Comment: Staff recommends that the City Council

accept work performed by C.S. Legacy Construction, Inc. in the final amount of \$1,125,770.13 and authorize the City Clerk to record the Notice of Completion.

ITEM D-10: APPROVED

11. ACCEPTANCE OF THE CONTRACT WORK FOR THE CONSTRUCTION OF GATEWAYS AND STREETSCAPES LOCATED AT OLYMPIC BLVD. AT SPALDING DR. AND SAN VICENTE BLVD. AT WILSHIRE BLVD. PROJECT BY ICON WEST, INC. IN THE FINAL AMOUNT OF \$1,640,023.15 AND AUTHORIZATION OF CITY CLERK TO RECORD A NOTICE OF COMPLETION. Comment: Staff recommends that the City Council accept work performed by Icon West, Inc. in the final amount of \$1,640,023.15 and authorize the City Clerk to record the Notice of Completion. The project is approximately \$60K below budget.

ITEM D-11: APPROVED

12. A CHANGE ORDER IN THE AMOUNT OF \$250,000 FOR CITY ATTORNEY LITIGATION AND SPECIAL SERVICES FOR FY 2015-2016; AND AN APPROPRIATION OF \$250,000 FROM THE GENERAL FUND. Comment: This change order will increase the funds to the City's blanket purchase order for Richards Watson & Gershon in the amount of \$250,000 for a total not to exceed amount of \$1,005,000 for litigation and other special services for Fiscal Year 2015-16, due to additional labor and personnel matters that were not anticipated.

ITEM D-12: APPROVED

13. A CHANGE PURCHASE ORDER TO HARRINGTON PLASTICS FOR \$25,000, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$84,500 FOR THE PURCHASE OF MATERIALS FOR THE WATER TREATMENT PLANT. Comment: Staff recommends that the City Council approve a change purchase order to Harrington Plastics for \$25,000, for a total not-to-exceed amount of \$84,500 for the purchase of materials for the Water Treatment Plant.

ITEM D-13: APPROVED

14. A CHANGE ORDER IN THE AMOUNT OF \$65,000 TO THE PURCHASE ORDER FOR LIEBERT CASSIDY WHITMORE, FOR EMPLOYEE AND LABOR RELATIONS SERVICES FOR A TOTAL NOT TO EXCEED \$225,000. Comment: Liebert Cassidy Whitmore's consultation services include legal advice on employee association related matters and interpretation and guidance on employment law and complex PERS issues.

ITEM D-14: APPROVED

15. ACCEPTANCE OF BID PROPOSAL FROM LDV, INC. TO PROVIDE ONE TRUCK, MOBILE COMMAND CENTER; AND APPROVE AN APPROPRIATION IN THE AMOUNT OF \$397,774.58 FROM THE GENERAL FUND BALANCE; AND APPROVE A PURCHASE ORDER IN THE NOT-TO-EXCEED AMOUNT OF \$904,038.11 TO LDV, INC. FOR PURCHASE OF ONE TRUCK, MOBILE COMMAND CENTER. Comment: Staff recommends that the City Council (1) accept a bid

proposal from LDV, Inc. to provide one Truck, Mobile Command Center, (2) approve an appropriation in the amount of \$397,774.58 from the General Fund Balance to the Vehicle Replacement Fund, (3) approve a purchase order in the not-to-exceed amount of \$904,038.11 to LDV, Inc. for purchase of one Truck, Mobile Command Center to replace the job-worn and obsolete vehicle currently assigned to the Police Department, Police Support Services Division.

ITEM D-15: 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:

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 2016/2017. Comment: It is recommended that the City Council consider the proposed changes to the City's fees and charges, and adopt the proposed resolution implementing those changes for Fiscal Year 2016/2017.

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 Senior Budget and Financial Analyst and the record of the Administrative Services Department in this matter are made a part of the record of this hearing.

Senior Budget and Financial Analyst William Castrillon presented an oral report, noting that the fees are adjusted annually based upon the increase in the Consumer Price Index (CPI) from the preceding 12 months and rounded to the next dollar. He also reported that State mandates that the fees do not exceed costs borne by the City for the delivery of the services. He explained the fees and charges that were not

included and will be included at a later date as well as ones that will be adjusted, added, changed, and with no changes.

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

Mr. Castrillon, City Manager Mahdi Aluzri, Deputy Director of Public Works Services/Operations Support Erick Lee, Senior Management Analyst Tania Schwartz, Recreation Services Manager Brad Meyerowitz, and Fire Chief Ralph Mundell answered Council questions pertaining to sale of firearms, escort bureau, when CPI is adjusted, DUI collision emergency response fee, pay-to-stay jail facility fee, false alarm charges, Greystone Mansion fees, flat fee for water meter, ambulance fees, and parking citation ticket fees.

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to adopt Resolution E-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES &
CHARGES FOR THE FISCAL YEAR 2016/2017

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

CARRIED

ITEM E-1: ADOPTED; RES# 16-R-13072

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

2. A REQUEST FOR A HILLSIDE R-1 PERMIT AND MINOR ACCOMMODATION FOR FLOOR AREA, EXPORT OF EARTH MATERIAL, GAME COURT LOCATION, HEIGHT OF AN ACCESSORY STRUCTURE, AND HEIGHT OF WALLS, FENCES, AND GAME COURT LIGHTING TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, ACCESSORY STRUCTURES, TENNIS COURT, AND ASSOCIATED WALLS AND FENCES ON THE PROPERTY LOCATED IN THE HILLSIDE AREA OF THE CITY AT 625 MOUNTAIN DRIVE. Comment: The Hillside R-1 Permit for a game court and game court fence located in a front yard requires City Council review and approval. As a result, the other associated Hillside R-1 Permit requests (cumulative floor area exceeding 15,000 square feet; export of material exceeding 3,000 cubic yards; accessory structure exceeding fourteen feet (14') in height in a required yard; height of game court fencing and lighting standards in required rear and side yards; and a wall of no more than six feet (6') in height in a front yard) and Minor Accommodation request (a fence of no more than six feet (6') in height that is open to public view in a front yard) must also be reviewed by the City Council.

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 Administrative Services 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 staff report. He showed photographs of the property, and discussed the project description, site plan and setbacks, entitlements, reviewing authority, the project's floor area, grading and export of earth material, required findings, view preservation, proposed north elevation, view preservation/view from 630 Doheny Road, the recommended modifications/conditions of approval, and staff recommendation.

Speaking:

1. Steve Webb
2. Ruard Veltman
3. Phil Yagla
4. Arthur Gerry
5. Richard Gerry

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

The Councilmembers concurred with Councilmember Gold's recommendation for the matter to be brought before the Planning Commission (PC) and for Council not to make a decision this evening. Council provided their comments and feedback for the PC.

The feedback/suggestions include:

- Send a notice to community members living within 500 feet or who are impacted by the project; get a hold of the other neighbor from Australia and solicit his opinion
- Discuss the placement of the tennis court (location, shielding of the natural grade of the street, how the court abuts other courts, incorporation of shielding into the lights for court to prevent spillover, allow the wall to be no more than six feet)
- Revise the route to use Sunset travelling from east and Sunset and North Beverly Drive travelling from west
- Continue to try to expose less earth as possible
- Construction should be all be on the site, there should be no construction vehicle on the street; everything on the site should be permitted (including food trucks)
- Landscaping should be kept low; no large trees should be used
- Evaluate hardscape/garage

- Encourage neighbors to work with one another and with the Planning Commission
- Planning Commission should not re-design the whole project and give the applicant an opportunity to build what they want
- Evaluate the view at night
- Request the Gerrys, the Kests, and neighbors to allow the Commissioners into their properties so that they can see the views firsthand and give a fair analysis

There were no further questions or comments from Councilmembers.

ITEM E-2: COUNCIL AGREED TO SEND THE ITEM TO THE PLANNING COMMISSION AND PROVIDED THEIR SUGGESTIONS AND COMMENTS TO STAFF

F. CONTINUED AND NEW BUSINESS

1. DEMOLITION AND PUBLIC RIGHT-OF-WAY USE PERMIT APPLICATIONS FOR THE DEMOLITION AND CLEARING OF ALL BUILDINGS AND EXISTING IMPROVEMENTS AT 8471-8485 WILSHIRE BLVD., 14 N. LA CIENEGA BLVD., 111 GALE DR., 8401 WILSHIRE BLVD., AND 8421 WILSHIRE BLVD. FOR FUTURE CONSTRUCTION AND LAYDOWN LOCATIONS FOR SECTION 1 OF THE WESTSIDE SUBWAY EXTENSION PROJECT. Comment: Proposed work under the permit includes demolition of structures, rough grading and application of construction safety measures.

City Engineer Mark Cuneo presented a PowerPoint presentation and staff report discussing the project schedule at the La Cienega Station corresponding to the different construction activities. He detailed the proposed building demolition locations, demolition activities, demolition equipment, impacts and mitigation measures, permit conditions, related noteworthy items, and staff recommendation.

Mr. Cuneo and City Attorney Laurence Wiener responded to Councilmembers' questions regarding the community's experience with Metro, reimbursement of City's real costs, use of parking, reimbursement for parking meter revenue, Saban Theatre's input, noticing to residents and businesses, permit conditions, signs for the metered parking when they are taken out, pedestrian/vehicle access, demolition noise and mitigation, noise monitoring, utility excavation, timeline and cumulative impacts, complaint telephone line, decibel reader app, type of barricade that will be built, ground cover after demolition, design build contractor, portal space, sound wall, damage prevention to the Porsche dealership building.

Councilmember Gold and Mayor Mirisch suggested soliciting Saban Theatre's input and provide protection for Saban. They also suggested a notice of construction schedule be provided to Saban and the youth sports leagues so they can plan their programs in advance.

Councilmember Bosse asked to delete the words "unless approved by the City" on Permit Condition "Private Property Construction and Demolition Permits" #14 that states "Commercial or residential on-street parking may not be used by the Metro or its contractors for vehicles or equipment unless approved by the City."

She also asked to delete the words "unless approved by the City" on "Traffic and Hauling Conditions of Approval" # 16 that states "Commercial or residential on-street parking may not be used by the Metro or its contractors for vehicles or equipment unless approved by the City."

On the statement "Metro will be required to provide replacement parking at a reasonable distance from the parking that is impacted by the work" Councilmember Bosse suggested defining what "reasonable distance" is.

In response to Councilmember's suggestion, City Attorney Wiener stated that the City will work with Metro on including "Noise Criteria" into the permit.

Councilmember Bosse also suggested that the timeframe be made specific and not left open-ended, as well as include having the ability for all complaints to go to both Metro and the City so that the City is aware of any complaints filed.

Mayor Mirisch suggested that something be included in the agreement for the City to have the ability to shut down construction if a problem occurs.

MOVED by Councilmember Gold, seconded by Vice Mayor Krasne to approve Item F-1 as follows and as discussed:

DEMOLITION AND PUBLIC RIGHT-OF-WAY USE PERMIT APPLICATIONS FOR THE DEMOLITION AND CLEARING OF ALL BUILDINGS AND EXISTING IMPROVEMENTS AT 8471-8485 WILSHIRE BLVD., 14 N. LA CIENEGA BLVD., 111 GALE DR., 8401 WILSHIRE BLVD., AND 8421 WILSHIRE BLVD. FOR FUTURE CONSTRUCTION AND LAYDOWN LOCATIONS FOR SECTION 1 OF THE WESTSIDE SUBWAY EXTENSION PROJECT

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

Noes: None.

CARRIED

ITEM F-1: APPROVED WITH CONDITIONS AS DISCUSSED

G. COMMISSION SYNOPSIS

1. HUMAN RELATIONS COMMISSION - Regular Meeting of March 17, 2016
CULTURAL HERITAGE COMMISSION - Special Meeting of April 6, 2016

ITEM G-1: NO ACTION TAKEN

H. OTHER BUSINESS

None

I. ADJOURNMENT .

There being no further business, Mayor Mirisch, with the consent of City Council, adjourned the meeting at 11:02pm.

PASSED, Approved and Adopted
this 3rd day of May, 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.