



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
May 3, 2016**

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

Mayor Mirisch announced that Councilmember Brien officially resigned from the Beverly Hills City Council effective today.

PLEDGE OF ALLEGIANCE led by Liam

A. ROLL CALL

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

B. PRESENTATIONS

1. PROCLAMATION for Youth In Government Participants - Recognition of BHUSD 8th grade essay winners and announcement of Youth in Government Day on May 10, 2016 at City Hall

Mayor Mirisch, along with the entire City Council, presented a proclamation to Beverly Hills Unified School District Gifted and Talented Education Coordinator Cherryne Luesang for the Youth In Government program which will take place on May 10th at City Hall. Sixteen eighth-graders from four K-8 schools that were chosen through a district-wide essay contest will participate in a mock City Council meeting to discuss plans for the La Cienega Park.

2. KEY TO THE CITY PRESENTATION to Former Mayor Joseph N. Tilem

Mayor Mirisch, along with the entire City Council, presented a Key to the City of Beverly Hills and the original nameplate that was in the City Hall Rotunda to former Mayor Joseph N. Tilem. A short video about Mayor Tilem was shown.

3. PROCLAMATION for Lupus Awareness Month

Mayor Mirisch, along with the entire City Council, presented a proclamation to Lupus LA Executive Director Toby Berkow, and Alan and Michelle Kaye, and declared May as Lupus Awareness Month in Beverly Hills.

- 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. Les Bronte
2. David Gingold
3. Nicholas Rimedio, L'Ermitage
4. Pantea Yashar, Ervin Cohen & Jessup LLP for L'Ermitage

3. REPORT FROM THE CITY MANAGER

None

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Gold reported on his trip to Palo Alto last week to speak at the West Coast public hearing on Autonomous Vehicles before the National Highway Traffic Safety Administration.

Mayor Mirisch reported on his trip to Washington, DC on April 24th – 27th with Vice Mayor Krasne to discuss public safety interoperability and challenges posed by the federal T-Band “giveback” mandate. He reported that they had meetings with federal officials and discussions about autonomous vehicles (AV) with General Motors, the Association of Unmanned Vehicles Systems International, and legislative staff. He announced that he will be going back to Washington, DC in mid-June to further advocate for the City’s AV program. Vice Mayor Krasne commented on the trip and the importance of maintaining the public safety interoperability initiative.

D. CITY COUNCIL CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Councilmember Bosse, seconded by Councilmember Gold to remove Item D-6 for discussion and separate vote, approve all items on the City Council consent calendar, and direct that the appropriate accounts be charged on Items D-2 and D-3

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of April 19, 2016.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated April 9 – 22, 2016.
3. PAYROLL DISBURSEMENT REPORT, report dated May 3, 2016.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING ALARM SYSTEMS. First Reading - For Introduction. Comment: This ordinance will amend the Municipal Code by eliminating the need of an alarm monitoring company to make attempts to contact the subscriber prior to calling the police.

ITEM D-4: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF MAY 17, 2016 FOR ADOPTION

RESOLUTION:

5. MODIFYING PREFERENTIAL PARKING PERMIT ZONE "GG" ON THE 100 BLOCK OF NORTH CLARK DRIVE BETWEEN CLIFTON WAY AND THE ALLEY NORTH OF WILSHIRE BOULEVARD. Comment: Resident petition modifying the existing 1-hour weekday permit regulation to "No Parking Anytime."

ITEM D-5: ADOPTED; RES# 16-R-13073

APPROVAL OF:

6. AN ENCROACHMENT PERMIT AND COVENANTS WITH FKB CAPITAL, LLC, OWNER OF THE PROPERTY LOCATED AT 1160 SAN YSIDRO DRIVE, BEVERLY HILLS, CALIFORNIA, TO ENCROACH INTO THE CITY OF BEVERLY HILLS UTILITY EASEMENTS ON THEIR PROPERTY. Comment: This is a request to City Council to approve the encroachment permit and covenants with FKB Capital LLC, which allows the home owner to install storm drain facilities crossing the City's easements for sewer and public utility purposes over a portion of the property located at 1160 San Ysidro Drive

City Engineer Mark Cuneo explained the reason for obtaining the encroachment permit and covenants.

Speaking:

1. Bob Ghassemieh

Mr. Cuneo responded to Mayor Mirisch's question regarding the impact to the City's easement.

MOVED by Councilmember Bosse, seconded by Councilmember Gold to approve Item D-6 as follows:

AN ENCROACHMENT PERMIT AND COVENANTS WITH FKB CAPITAL, LLC, OWNER OF THE PROPERTY LOCATED AT 1160 SAN YSIDRO DRIVE, BEVERLY HILLS, CALIFORNIA, TO ENCROACH INTO THE CITY OF BEVERLY HILLS UTILITY EASEMENTS ON THEIR PROPERTY

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

Noes: None.

CARRIED

ITEM D-6: APPROVED; AG# 136-16

7. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MATRIX CONSULTING GROUP TO COMPLETE A COMPREHENSIVE OPERATIONAL, ORGANIZATIONAL, AND FINANCIAL AUDIT OF THE WATER SYSTEM; AND AUTHORIZE THE CITY MANAGER TO APPROVE A PURCHASE ORDER IN THE NOT-TO-EXCEED AMOUNT OF \$89,000 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 Matrix Consulting Group to complete a comprehensive operational, organizational, and financial audit of the water system, and authorize the City Manager to approve a purchase order for the not-to-exceed amount of \$89,000 for these services.

ITEM D-7: APPROVED

8. AN AGREEMENT WITH DATA SPECIALTIES, INC. FOR AS-NEEDED CITY-WIDE UNINTERRUPTIBLE POWER SUPPLY (UPS) SYSTEM TECHNICAL SUPPORT, REPAIR, REPLACEMENT AND PREVENTATIVE MAINTENANCE SERVICES. Comment: Staff recommends the approval of an agreement with Data Specialties, Inc. for unlimited power supply (UPS) system maintenance for the Police Department and Information Technology Department.

ITEM D-8: APPROVED; AG# 137-16

9. AMENDMENT NO. 2 TO THE AGREEMENT WITH MMJ SOLUTIONS, INC. FOR WORKPLACE AND PERSONNEL INVESTIGATIONS; AND APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$40,000 TO THE PURCHASE ORDER FOR A NOT-TO-EXCEED AMOUNT OF \$90,000. Comment: Staff is requesting approval of an amendment to the current agreement's consideration amount and a change order to the purchase order to continue to have independent investigations of confidential personnel matters conducted for the remainder of the fiscal year.

ITEM D-9: APPROVED; AG# 138-16

10. A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$150,000 FOR DAPEER ROSENBLIT & LITVAK RELATED TO LEGAL SERVICES FOR MUNICIPAL CODE PROSECUTION FOR FISCAL YEAR 2015-2016; AND APPROPRIATION OF \$150,000 FROM THE GENERAL FUND Comment: This change order will increase the funds to the City's blanket purchase order for Dapeer, Rosenblit & Litvak in the amount of \$150,000 for a total not to exceed amount of \$500,000 for Municipal Code prosecution services for Fiscal Year 2015-16, due to additional code enforcement and photo red light activity that was not anticipated.

ITEM D-10: APPROVED

11. A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$200,000 TO CANYON SPRINGS ENTERPRISES DBA RSH CONSTRUCTION SERVICES FOR THE PROJECT "REVERSE OSMOSIS (R.O.) WATER TREATMENT PLANT REHABILITATION" (JOB #10102); AND APPROPRIATION OF \$200,000 FROM THE WATER FUND. Comment: Staff requests the City Council to appropriate an additional \$200,000 to complete construction of the Reverse Osmosis (R. O.) Water Treatment Plant Rehabilitation Project.

ITEM D-11: APPROVED

Vote on the City Council Consent Calendar:

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

CARRIED

E. PUBLIC HEARING

TO SET:

1. HEARING DATE FOR A DE NOVO REVIEW OF THE PLANNING COMMISSION'S DECISION APPROVING A VESTING TENTATIVE TRACT MAP, DEVELOPMENT PLAN REVIEW, AND DENSITY BONUS PERMIT TO ALLOW THE CONSTRUCTION OF A 4-STORY, 8-UNIT CONDOMINIUM BUILDING INCLUSIVE OF A VERY LOW-INCOME AFFORDABLE HOUSING UNIT ON THE PROPERTY LOCATED AT 250 NORTH CRESCENT DRIVE. Comment: On April 5, 2016, the City Council voted to call up the March 10, 2016 Planning Commission decision approving a Vesting Tentative Tract Map, Development Plan Review, and Density Bonus Permit to allow the construction of a 4-story, 8-unit condominium building on the property located at 250 North Crescent Drive for review at a de novo hearing. Staff recommends setting the public hearing for July 19, 2016. Staff also seeks confirmation from City Council on items to be discussed as part of the review as well as an appropriation of funds for a financial analysis and a feasibility analysis.

Councilmember Bosse noted that Vice Mayor Krasne is scheduled to be away for the proposed hearing on July 19, 2016.

Assistant Director of Community Development/City Planner Ryan Gohlich presented a PowerPoint and oral report providing background information on the item, noting that this is a call up of the full project including all components associated with it such as the vesting tentative tract map, the development plan review, the density bonus permit, and the CEQA determination that was made by the Planning Commission. He also noted that the City Council requested a financial feasibility analysis on the incentives that are being requested as well as a feasibility analysis on physically fitting the eight units for the project within a code compliant building relative to height. He reported the estimated funds needed to proceed and if an appropriation is approved, staff will return at a designated City Council hearing date. He advised an alternate hearing date of August 16, 2016.

Speaking:

1. Planning Commissioner Lori Greene Gordon

City Council unanimously agreed to hold the hearing on August 16, 2016.

ITEM E-1: BY ORDER OF THE CHAIR, WITH THE CONSENSUS OF THE COUNCIL, HEARING SET FOR AUGUST 16, 2016

TO CONSIDER:

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

2. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO AMEND THE FALSE ALARM SERVICE CHARGES AND ADD BIKE SHARE FEES FOR FISCAL YEARS 2015-2016 AND 2016-2017. Comment: The resolution will establish bike share fees and amend the false alarm fees for police services.

The notice of the hearing was published as required by law and affidavit to this effect is on file with the City Clerk.

The report of the Police Lieutenant and Transportation Planner and the records of the Police Department and Community Development Department in this matter are made a part of the record of this hearing.

Lieutenant Lincoln Hoshino reported on the false alarm fees that are currently being charged as well as the proposed reduced fees. Transportation Planner Martha Eros announced that the ribbon cutting for the bike share program will be on Tuesday, May 10th and reported that the item pertains to the addition of the bike share fees and charges for fiscal years 2015-2016 and 2016-2017. The program is in line with the Westside Ride network in which the fee structure is uniform for all participants in the network.

Councilmember Bosse pointed out an error in the fee amount for the second false alarm charge. City Attorney Laurence Wiener clarified that there is no charge for the first response, \$210 for the second response, \$261 for the third response, and \$360 for the fourth response and thereafter.

Councilmember Gold commented that the City should be more tolerant of false alarms during this heightened crime alert in Westside cities. Councilmember Bosse thanked the Police Department for holding the Town Hall Meetings which was aimed at creating awareness for residents. She suggested that the first three false alarm responses be free. Lt. Hoshino responded to Vice Mayor Krasne's question regarding the process followed by alarm companies and the Police Department in responding to alarms that go off. Mayor Mirisch expressed concern that false alarms divert resources from other emergency situations that need Police response.

Council agreed to the following false alarm charges: free for the first three responses, \$210 that can be waived within 60 days with an Alarm User Awareness Class for the fourth response, \$261 for the fifth response, and \$366 for the sixth response. Council directed staff to come back in six month with a progress report.

MOVED by Councilmember Bosse, seconded by Councilmember Gold to adopt Resolution E-2 as amended as follows:

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

CARRIED

ITEM E-2: ADOPTED AS AMENDED; RES# 16-R-13074

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

3. 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, and held a de novo hearing on the matter on March 1, 2016. Subsequent to that hearing, and a Subcommittee meeting held on March 22, 2016, changes have been made to the Conditions of Approval, and the matter is now returning to the full City Council for consideration.

The notice of the hearing was published as required by law and affidavit to this effect is on file with the City Clerk.

The report of the Assistant Director of Community Development/City Planner and the records 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 staff report discussing the change from Infiniti to Jim Falk Lexus on 9000 Olympic Boulevard., 9001 Olympic Boulevard and 9031 Olympic Boulevard as well as the conditional use permit amendment for 9031 Olympic Blvd. He reported on the Planning Commission and Subcommittee meeting discussions and discussed the new/additional conditions of approvals resulting from their review. He reviewed the correspondence that staff received and the recommendation.

Speaking:

1. Tom Levyn

Ad Hoc Committee member Councilmember Bosse thanked former Mayor Levyn, Jim Falk Lexus and the residents who attended the meetings for participating in discussions to come up with the CUP and methodology to use as a template. She reviewed the five items that were addressed in the discussions. She asked staff to explain the violations and fees as they were not discussed during the meetings and were not suggested nor approved by either Jim Falk Lexus or the Ad Hoc liaisons.

Mr. Gohlich and City Manager Mahdi Aluzri responded to Council questions regarding the violations and fees specifically regarding mixing up major and minor violations,

calendar year start of violations, who determines violations and the process for determining violations, warnings, photographs as evidence of violation, emails and photographs to count as warnings, determining major and minor violations, enforcement of violations, fee structure, and escalating warnings/violations. Vice Mayor Krasne suggested that the item be brought back to the Ad Hoc Committee for further discussion.

With the concurrence of the City Council, Mayor Mirisch directed that the item be brought back to the Ad Hoc Committee for further discussion and continued to the May 17, 2016 meeting.

ITEM E-3: BY ORDER OF THE CHAIR, WITH THE CONSENSUS OF THE COUNCIL, ITEM CONTINUED TO THE MEETING OF MAY 17, 2016

F. CONTINUED AND NEW BUSINESS

None

G. COMMISSION SYNOPSIS

1. PUBLIC WORKS COMMISSION - Regular Meeting of March 10, 2016
- TRAFFIC AND PARKING COMMISSION - Regular Meeting of April 7, 2016
- DESIGN REVIEW COMMISSION - Regular Meeting of April 7, 2016
- PLANNING COMMISSION - Regular Meeting of April 14, 2016
- CHARITABLE SOLICITATIONS COMMISSION - Special Meeting of April 20, 2016
- ARCHITECTURAL COMMISSION - Regular Meeting of April 20, 2016
- HUMAN RELATIONS COMMISSION - Regular Meeting of April 21, 2016

ITEM G-1: NO ACTION TAKEN

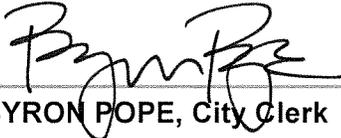
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Mirisch, with the consent of City Council, adjourned the meeting at 9:27pm.

PASSED, Approved and Adopted
this 6th day of June, 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.