



AGENDA REPORT

Meeting Date: June 21, 2016

Item Number: G-2

To: Honorable Mayor & City Council

From: Byron Pope, MMC
City Clerk

Subject: DISCUSSION OF INITIATIVE MEASURE RELATED TO AMENDING THE BEVERLY HILTON SPECIFIC PLAN AND DIRECTION TO ADOPT THE MEASURE, TO PLACE THE MEASURE BEFORE THE VOTERS, OR TO ORDER A REPORT ON THE MEASURE.

Attachments:

1. Exhibit A – Initiative Measure (Ordinance)
2. Resolution – Special Municipal Election
3. Resolutions – Consolidating and Special Municipal Election

RECOMMENDATION

The City Council should consider whether to a) adopt the ordinance as presented in the petition; b) immediately place the initiative measure on the ballot and call for a Special Election at least 88 days and not more than 103 days after June 21, 2016; c) order a report from staff on the effect of the initiative to be returned within 30 days for further consideration of these options; or d) direct that the initiative measure be presented to the voters at the upcoming Los Angeles County General Election on November 8, 2016.

INTRODUCTION

An Initiative Petition was filed with the City on May 2, 2016 proposing to amend the Beverly Hilton Specific Plan to eliminate the approved 8-story residential building along Wilshire Boulevard at Merv Griffin Way and consolidate it with the approved 18-story residential building along Santa Monica Boulevard at Merv Griffin Way, resulting in one 26-story residential building with additional height. The Initiative will also amend the Specific Plan to provide for the creation of a new open space along Wilshire Boulevard at Merv Griffin Way, increasing the gardens and open space.

DISCUSSION

The City Clerk has examined the signatures on the Initiative Petition and has presented a certificate of sufficiency to the City Council. State Elections Code Section 9241 requires that the City Council take one of the following courses of action:

1. Adopt the ordinance as presented in the petition;
2. Request a report from staff on the effect of the initiative to be returned within 30 days. This report may include such things as: the fiscal impact, the land use impact and any other matters the legislative body requests to be included in the report;
3. Submit the matter to the voters, either:
 - (1) setting a special election called for that purpose (a special election must be at least 88 days and no more than 103 days after the City Council decision to set the election) or
 - (2) consolidating the election with the upcoming Los Angeles County General Election (November 8, 2016).

Should the City Council wish to call a Special Election that is not consolidated with the November 8, 2016 Los Angeles County General Election, consideration should be given to an election date on a Tuesday more than 30 days before November 8, 2016 to avoid any voter confusion.

Staff has prepared two alternate resolutions for the City Council's consideration. The first would call a special election now and place the measure on the September 20, 2016 or September 27, 2016 Special Municipal Election ballot. The second would be to request consolidation with the Los Angeles County General Election on November 8, 2016. If the Council chooses the first option, then staff requests that the Council designate the date on which the Council wishes to hold the election. If the Council wishes to consolidate the election with the November 8, 2016 Los Angeles County General Election, then staff will forward certified copies of the approved resolutions to the Los Angeles County Registrar Recorder/County Clerk for consideration.

The other options available for City Council consideration include adopting the ordinance as presented in the petition or requesting the 30 day report on the effect of the measure.

If the City Council decision is to hold an election regarding the initiative measure, the City Council must also make four further choices. Draft resolutions are provided as attachments to this report for City Council consideration. First, the City Council may provide for the filing of rebuttal arguments. By state law, a sample ballot for this measure will include an argument in favor and an argument against the measure (assuming that someone submits an argument for each viewpoint). However, rebuttal arguments are optional at the discretion of the City. Section 7 of the attached Special Municipal Election resolution allowing rebuttal arguments has been provided for City Council consideration. Second, the City Council may direct the City Attorney to prepare an impartial analysis of the measure. As with rebuttal arguments, this is not required. Section 5 of the attached Special Municipal Election resolution directing the City Attorney to prepare an impartial analysis has been provided for City Council consideration. Third, the City Council must approve the ballot question. Fourth, the City Council must decide whether the legislative body will submit an argument against the measure.

Should the City Council desire to adopt an ordinance in conjunction with the initiative measure, staff recommends introducing the ordinance by title only at this evening's meeting, and the second reading and adoption of the ordinance will be on July 5, 2016. Should the City Council desire to call a Special Election, staff recommends that the City Council designate an election date and adopt the resolution included under Attachment 2. Should the City Council desire the 30-day report on the effect of the initiative, staff recommends that the City Council make the request (Option B below). The report will be presented at the July 19, 2016 City Council Meeting, and at that time the City Council will have 10 days to call the election and make the associated decisions. Should the City Council desire to request consolidation and place the initiative measure on the ballot at the November 8, 2016 Los Angeles County General Election, staff recommends adoption of both resolutions included under Attachment 3. Should the City Council desire to adopt the ordinance as presented, please follow Option D below.

Below is an outline of the four choices for the City Council decision:

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF BEVERLY HILLS ON TUESDAY, _____, 2016 FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO AMENDING THE BEVERLY HILTON SPECIFIC PLAN

-OR-

B. ORDER THE 30 DAY REPORT ON THE EFFECT OF THE INITIATIVE

-OR-

C-1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES CONSENT TO THE CONSOLIDATION OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, WITH THE STATEWIDE GENERAL ELECTION, PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE

C-2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF BEVERLY HILLS ON TUESDAY, NOVEMBER 8, 2016 FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO AMENDING THE BEVERLY HILTON SPECIFIC PLAN (Please note that Item A and C-2 are the same resolution and with the different dates.)

OR

D. ADOPT THE ORDINANCE AS SUBMITTED

Staff is suggesting the following order of questions for your discussion:

1. a) Do you want to order a 30 day report on the effect of the measure?
b) If yes, what do you want to include in this report?
2. a) Do you want to set the election date now?
b) If yes, what date?

The following decisions only need to be made once the election date has been set:

3. Rebuttal arguments – yes or no
4. Impartial Analysis – yes or no
5. Approving the ballot question
6. Decide whether or not the City Council will submit an argument against the Measure

FISCAL IMPACT

Cost estimate to consolidate the initiative measure on the November 8, 2016 Los Angeles County General Election is \$42,000. Costs to conduct a standalone special municipal election are estimated to be \$130,000.

These costs have not been budgeted in the City Clerk's Office operating budget for FY 16-17.

Byron Pope, MMC
Approved By

