



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
October 4, 2016**

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

PLEDGE OF ALLEGIANCE led by City Attorney Laurence S. Wiener

A. *ROLL CALL*

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

B. *PRESENTATIONS*

1. RECOGNITION of Customer Service Week: October 3-7, 2016

Mayor Mirisch, along with the entire City Council, proclaimed October 3rd through 7th as National Customer Service Week, and presented proclamations to Customer Service Supervisors Melonie Alvarez, Evelyn Ruiz and Stephanie Murillo in appreciation of their service to the community and their efforts to continually improve service. The supervisors each spoke about their customer service experiences.

2. 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. Rex Sherry
2. Tom Roberts

3. REPORT FROM THE CITY MANAGER

None

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Councilmember Reims, seconded by Councilmember Bosse to remove Items D-6, D-7, D-8, D-9, D-10, D-11 and D-12 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-3 and D-4

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of August 16, 2016.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of August 30, 2016.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated September 10-23, 2016.
4. PAYROLL DISBURSEMENT REPORT, report dated October 4, 2016.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS:

5. AMENDING ITS RESOLUTION NO. 15-R-13024 REGARDING THE ESTABLISHMENT OF A WATER CAPACITY CHARGE. Comment: At the direction of Public Works Commission and City Council, staff is recommending adoption of a resolution of the Council of the City of Beverly Hills amending its Resolution No. 15-R-13024 regarding the establishment of a water capacity charge. The amendment clarifies that development/redevelopment requests for fire suppression meters or services shall be exempt from capacity fees.

ITEM D-5: ADOPTED; RES# 16-R-13108

6. CONDITIONALLY APPROVING A VESTING TENTATIVE TRACT MAP, DEVELOPMENT PLAN REVIEW, AND DENSITY BONUS PERMIT TO ALLOW THE CONSTRUCTION OF AN 8-UNIT CONDOMINIUM PROJECT ON THE PROPERTY LOCATED AT 250 NORTH CRESCENT DRIVE. Comment: The City Council, at its meeting on September 20, 2016, directed staff to prepare a revised resolution conditionally approving the proposed project at 250 North Crescent Drive, which is presented for City Council adoption.

Mayor Mirisch pulled the item since he previously voted against it.

MOVED by Councilmember Bosse, seconded by Councilmember Gold to adopt Resolution D-6 as follows:

CONDITIONALLY APPROVING A VESTING TENTATIVE TRACT MAP,
DEVELOPMENT PLAN REVIEW, AND DENSITY BONUS PERMIT TO
ALLOW THE CONSTRUCTION OF AN 8-UNIT CONDOMINIUM
PROJECT ON THE PROPERTY LOCATED AT 250 NORTH
CRESCENT DRIVE

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

Noes: Mayor Mirisch.

CARRIED

ITEM D-6: ADOPTED; RES# 16-R-13109

APPROVAL OF:

7. AGREEMENT WITH VISUAL COMPUTING SOLUTIONS INC. FOR IMPLEMENTATION AND LICENSING OF THE POLICE OFFICER SCHEDULING SYSTEM (POSS) FOR THE BEVERLY HILLS POLICE DEPARTMENT; AND AUTHORIZE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$175,000 FOR 5-YEAR POSS SOFTWARE AS A SERVICE LICENSING, MAINTENANCE AND SUPPORT SERVICES. Comment: This Agreement is for implementation and licensing of a new automated Police Officer Scheduling System (POSS) to convert the current manual scheduling process to an automated online process, thereby reducing errors in scheduling and ensuring automated adherence to the City's adopted policies, procedures and approved Memorandum of Understanding for Police Officers. The initial 5-year investment totals \$175,000, including \$113,022 for 5-year licensing, maintenance and support services, \$11,774.20 for related hardware, firmware and materials, \$41,000 for implementation and training services, and \$9,203.80 in contingency.

Senior Management Analyst Nicole McClinton responded to Councilmember Reims' questions regarding the term length of the agreement and pricing.

MOVED by Councilmember Bosse, seconded by Vice Mayor Krasne to approve Agreement D-7 as follows:

AGREEMENT WITH VISUAL COMPUTING SOLUTIONS INC. FOR IMPLEMENTATION AND LICENSING OF THE POLICE OFFICER SCHEDULING SYSTEM (POSS) FOR THE BEVERLY HILLS POLICE DEPARTMENT; AND AUTHORIZE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$175,000 FOR 5-YEAR POSS SOFTWARE AS A SERVICE LICENSING, MAINTENANCE AND SUPPORT SERVICES

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

CARRIED

ITEM D-7: APPROVED; AG# 421-16

8. AGREEMENT WITH RINCON CONSULTANTS, INC. FOR THE PREPARATION OF ENVIRONMENTAL DOCUMENTATION FOR THE PROPOSED "MEDIA CENTER" PROJECT AT 100 NORTH CRESCENT DRIVE. Comment: The City has received an application for the creation of an overlay zone to allow renovations and additions to an existing office building at 100 North Crescent Drive, at the corner of North Crescent Drive and Wilshire Boulevard. This agreement is for the preparation of environmental documentation associated with the request. The full cost of the environmental documentation will be borne by the project applicant.

Assistant Director of Community Development/City Planner Ryan Gohlich responded to Councilmember Reims' question and Council direction to require a scoping meeting for EIRs.

MOVED by Councilmember Reims, seconded by Councilmember Bosse to approve Agreement D-8 as follows:

AGREEMENT WITH RINCON CONSULTANTS, INC. FOR THE PREPARATION OF ENVIRONMENTAL DOCUMENTATION FOR THE PROPOSED "MEDIA CENTER" PROJECT AT 100 NORTH CRESCENT DRIVE

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

Noes: None.

CARRIED

ITEM D-8: APPROVED; AG# 422-16

9. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SENNA TREE COMPANY TO BOX, STORE, MAINTAIN AND REPLANT SPECIMEN CACTI AS PART OF THE CACTUS GARDEN RENOVATION; AND AUTHORIZE THE CITY MANAGER TO APPROVE A PURCHASE ORDER IN THE NOT-TO-EXCEED AMOUNT OF \$109,972 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 Senna Tree Company to box, store, maintain and replant multiple specimen cacti, and authorize the City Manager to approve a purchase order for the not-to-exceed amount of \$109,972 for these services.

Director of Community Services Nancy Hunt-Coffey responded to Council questions regarding guarantees on the survival or replacement of the plants, number of plants to be boxes, and timing to box and move the plants.

MOVED by Councilmember Bosse, seconded by Councilmember Gold to approve Item D-9 as follows:

AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SENNA TREE COMPANY TO BOX, STORE, MAINTAIN AND REPLANT SPECIMEN CACTI AS PART OF THE CACTUS GARDEN RENOVATION; AND AUTHORIZE THE CITY MANAGER TO APPROVE A PURCHASE ORDER IN THE NOT-TO-EXCEED AMOUNT OF \$109,972 FOR THESE SERVICES

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

Noes: None.

CARRIED

ITEM D-9: APPROVED

10. AN AMENDMENT TO THE WESTSIDE CITIES COUNCIL OF GOVERNMENTS JOINT POWERS AUTHORITY AGREEMENT; AND DIRECTION TO THE CITY'S REPRESENTATIVES ON THE WESTSIDE CITIES COUNCIL OF GOVERNMENTS' BOARD AS DEEMED APPROPRIATE. Comment: The amendment would allow the voting member of the Los Angeles Board of Supervisors to designate a staffer to vote in his/her place should they be unable to personally attend the COG meeting.

Mayor Mirisch expressed his opposition to the policy. The City Council did not support the item.

ITEM D-10: NO MOTION MADE; NO ACTION TAKEN

11. AMENDMENT NO. 3 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; AND APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$49,830 TO THE PURCHASE ORDER FOR A NOT-TO-EXCEED TOTAL OF \$350,962 FOR THE CONTRACTED SERVICES. 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 an additional scope of work that is needed in order to complete the environmental review and provide technical information during public hearings. The full cost of the documentation will be borne by the project applicant.

Assistant Director of Community Development/City Planner Ryan Gohlich responded to Councilmember Reims' question regarding the completion of the EIR work for the project.

MOVED by Councilmember Reims, seconded by Councilmember Gold to approve Item D-11 as follows:

AMENDMENT NO. 3 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; AND APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$49,830 TO THE PURCHASE ORDER FOR A NOT-TO-EXCEED TOTAL OF \$350,962 FOR THE CONTRACTED SERVICES

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

CARRIED

ITEM D-11: APPROVED; AG# 423-16

12. AMENDMENT NO. 4 TO THE AGREEMENT WITH ATKINSON, ANDELSON, LOYA, RUUD & ROMO, A PROFESSIONAL LAW CORPORATION TO REPRESENT THE CITY IN CERTAIN LABOR AND EMPLOYMENT MATTERS AND CONDUCT INDEPENDENT INVESTIGATIONS OF CONFIDENTIAL PERSONNEL MATTERS; AND APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$100,000 TO THE PURCHASE ORDER FOR A NOT-TO-EXCEED AMOUNT OF \$220,000; AND APPROPRIATION OF \$100,000 FROM THE AVAILABLE GENERAL FUND BALANCE FOR THE PROVISION OF CONFIDENTIAL PERSONNEL INVESTIGATIONS. Comment: Staff recommends that the City Council approve an amendment to the contract (550-15) and an additional \$100,000 to be appropriated and added to this existing purchase order for a total not-to-exceed amount of \$220,000 for employee and labor relations and employment law services, specifically to conduct independent investigations of confidential personnel matters. While it is not possible to predict the number of investigations which will be needed in the coming fiscal year, Staff is requesting the ability to have sufficient funds to cover the potential costs.

Assistant Director of Administrative Services/Human Resources Shelley Ovrom responded to Councilmember Reims' question regarding the cost of the services.

MOVED by Councilmember Reims, seconded by Councilmember Gold to approve Item D-12 as follows:

AMENDMENT NO. 4 TO THE AGREEMENT WITH ATKINSON, ANDELSON, LOYA, RUUD & ROMO, A PROFESSIONAL LAW CORPORATION TO REPRESENT THE CITY IN CERTAIN LABOR AND EMPLOYMENT MATTERS AND CONDUCT INDEPENDENT INVESTIGATIONS OF CONFIDENTIAL PERSONNEL MATTERS; AND APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$100,000 TO THE PURCHASE ORDER FOR A NOT-TO-EXCEED AMOUNT OF \$220,000; AND APPROPRIATION OF \$100,000 FROM THE AVAILABLE GENERAL FUND BALANCE FOR THE PROVISION OF CONFIDENTIAL PERSONNEL INVESTIGATIONS

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

CARRIED

ITEM D-12: APPROVED; AG# 424-16

- 13. APPROVAL OF SALARY SCHEDULES.** Comment: In order to meet CalPERS' requirements for a publicly available pay schedule approved by the governing board (City Council), this is a request for approval of salary schedules for all City classifications, the financial authority for which was previously granted through the collective bargaining process and/or budget adoption.

ITEM D-13: APPROVED

Vote on the City Council Consent Calendar:

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

CARRIED

E. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

- 1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES AND CHARGES TO ADD PARKING CITATIONS FOR ILLEGAL SALE, USE AND PURCHASE OF PREFERENTIAL PARKING PERMITS, AND AMEND THE BIKE SHARE FEES FOR FISCAL YEAR 2016-2017.** Comment: Staff is recommending the approval of a resolution to amend the Comprehensive Schedule of Taxes, Fees & Charges for the Fiscal Year 2016/2017. The proposed amendments include the addition of a citation fine related to the unlawful use of preferential parking permits and the modification of existing bike share fees.

Management Analyst Logan Phillippo and Transportation Planner Martha Eros presented a PowerPoint and oral report discussing the parking citation fines and bike share fees, respectively. Mr. Phillippo spoke about the municipal codes associated with the parking citation fines, proposed fines and fiscal impact. Ms. Eros presented the bike share fare structure.

Speaking:

1. John

Mr. Phillippo, Assistant Director of Public Works/Parking and Facilities Operations Chad Lynn, City Attorney Laurence Wiener and City Manager Mahdi Aluzri responded

to Council questions regarding fiscal impact, citations and contesting of violations, parking, purchase and misuse of parking permits, use of ALPR or chips, escalation of fines, misuse and removal/discontinuance/revocation of permits, citation for both owner and user of parking permit, illegal sale of parking permits, statistics on the membership and use of bikes, daily and monthly passes, increase in fees consistent with neighboring cities, student bike pass .edu email verification, pick up and return of bikes between cities,

Vice Mayor Krasne suggested providing other options for verification of student bike passes and bringing the matter to the Traffic and Parking Commission for further evaluation. Council agreed on and provided direction to staff on escalation of fines, penalizing both buyer and seller, and revocation of permits. Mr. Wiener suggested that the Council adopt the resolution tonight and have Mr. Lynn work on the technological solutions to the problems and bring back at a future Council meeting.

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
AND CHARGES TO ADD PARKING CITATIONS FOR ILLEGAL SALE,
USE AND PURCHASE OF PREFERENTIAL PARKING PERMITS,
AND AMEND THE BIKE SHARE FEES FOR FISCAL YEAR 2016-2017

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

Noes: None.

CARRIED

ITEM E-1: ADOPTED; RES# 16-R-13110

2. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE SECTION 10-3-100 AND ADDING SECTION 10-3-1620.2 TO CREATE REGULATIONS REGARDING ANCILLARY USES TO BUSINESSES IN COMMERCIAL ZONES. First Reading – For Introduction. Comment: This Ordinance is the result of a Zone Text Amendment request by the business located at 9153 Olympic Boulevard to establish a Pet Wellness Center.

Assistant Director of Community Development/City Planner Ryan Gohlich introduced Associate Planner Timothea Tway who provided a PowerPoint and oral report on this item. She defined “ancillary use” and discussed the application of Pet Food Express for a pet wellness center. She discussed ancillary use examples, the current code, challenges to the current code, what type of uses would be addressed, background on Planning Commission meetings on this item, main points of the draft ordinance, public comment on the item, analysis considerations from the Planning Commission and recommendation.

Speaking:

1. Davis Tran, Pet Food Express – VIP Petcare Wellness Center
2. Carol Horn Davis, Pet Food Express – VIP Petcare Wellness Center

Mr. Tran, Ms. Tway, Mr. Gohlich and City Attorney Laurence Wiener responded to Council questions regarding the presence of a veterinarian on the premises, definitions related to ancillary use, parking increase requirements, tax on the different types of uses, and multiple ancillary uses.

Vice Mayor Krasne expressed her concerns on the zone text amendment and increase in on-site parking adjacent to residential areas. She suggested sending the item to the Planning Commission for review. Councilmember Reims also expressed the same concerns as Vice Mayor Krasne. She cited some examples of businesses which are using areas in their buildings but with no special use permit for those uses. She said that some operations are integral to the function of the business and she does not consider them as ancillary uses. Councilmember Gold stated that he does not support some aspects of the ordinance. Councilmember Bosse stated that she found it too broad and she does not support the text amendment at all. She recommended that the item be studied further. Mayor Mirisch indicated that he also does not support the item.

ITEM E-2: NO MOTION MADE; NO ACTION TAKEN

F. CONTINUED AND NEW BUSINESS

None

G. COMMISSION SYNOPSIS

1. PUBLIC WORKS COMMISSION - Regular Meeting of August 11, 2016
PUBLIC WORKS COMMISSION - Regular Meeting of September 8, 2016
CHARITABLE SOLICITATION COMMISSION - Regular Meeting of September 14, 2016
HUMAN RELATIONS COMMISSION - Regular Meeting of September 15, 2016
FINE ART COMMISSION - Regular Meeting of September 15, 2016

ITEM G-1: NO ACTION TAKEN

H. OTHER BUSINESS

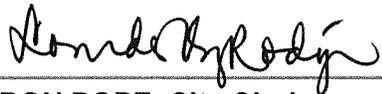
None

I. ADJOURNMENT

The next City Council meeting will be held on October 18, 2016.

There being no further business, Mayor Mirisch, with the consent of the City Council, adjourned the meeting at 9:20pm.

PASSED, Approved and Adopted
this 1st day of November, 2016

for 
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.