



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
January 21, 2014**

The City Council Regular meeting was held in the Council Chambers at 7:00pm. The Parking Authority met during Closed Session at 5:57pm. There were no reportable actions.

PLEDGE OF ALLEGIANCE led by Geraldine (Gerry) Holoff

A. ROLL CALL

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

B. PRESENTATIONS

1. CERTIFICATE OF APPOINTMENT - Health and Safety Commission - Gary B. Ross

This item was postponed to the City Council meeting of February 4, 2014.

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.)

1. John Walsh

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. Ramin Zar
2. AJ Willmer
3. Lori Gordon

3. REPORT FROM THE CITY MANAGER

* Public Art Maintenance and Conservation - Brad Meyerowitz, Recreation Services Manager and Patty Acuna, Recreation Supervisor

Recreation Services Manager Brad Meyerowitz introduced Recreation Supervisor Patty Acuna who presented a PowerPoint report update on the City's public art maintenance and conservation program. Ms. Acuna showed slides of the restoration work of the art pieces.

* Presentation of Centennial Commemorative Library Cards - Nancy Hunt-Coffey, Assistant Director of Community Services/City Librarian

Assistant Director of Community Services/City Librarian Nancy Hunt-Coffey introduced Karen Buth and Ida Nalbandian who presented mock ups of the Beverly Hills Public Library cards for the centennial year.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Gold, seconded by Councilmember Brien to remove Items D-6B, D-11, D-12, and 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-3 and D-4

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of January 7, 2014.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of January 7, 2014.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated December 21, 2013 - January 10, 2014.
4. PAYROLL DISBURSEMENT REPORT, report dated January 21, 2014.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS APPROVING:

None

APPROVAL OF:

5. FINE ART COMMISSION APPOINTMENT (CAROLYN HILLER). Comment: Appoints Carolyn Hiller to the Fine Art Commission for an initial two-year term.

ITEM D-5: APPROVED

6. A. AN AGREEMENT WITH PACIFIC COAST CABLING INC. D.B.A. PCC NETWORK SOLUTIONS FOR INSTALLATION AND TERMINATION OF FIBER OPTICS RELATED TO THE "SANTA MONICA 5" PARKING STRUCTURES; AND AUTHORIZE A PURCHASE ORDER FOR THE FIBER OPTICS AND SERVICES IN THE AMOUNT OF \$44,665; AND

ITEM D-6A: APPROVED AG# 20-14

B. AUTHORIZE THE CITY MANAGER AND CHIEF INFORMATION OFFICER TO UTILIZE PREVIOUSLY APPROVED PURCHASE ORDERS FOR ADDITIONAL EQUIPMENT AND SERVICES RELATED TO COMPLETION OF THE VIDEO SURVEILLANCE SYSTEM FOR THE "SANTA MONICA 5" PARKING STRUCTURES FOR A TOTAL AMOUNT NOT TO EXCEED \$166,335.

Chief Information Officer David Schirmer and Police Commander Erick Lee responded to Councilmember Krasne's questions regarding what is being done with the additional equipment as well as surveillance on the City's gateways.

MOVED by Councilmember Krasne, seconded by Vice Mayor Bosse to approve Item D-6B as follows:

AUTHORIZE THE CITY MANAGER AND CHIEF INFORMATION OFFICER TO UTILIZE PREVIOUSLY APPROVED PURCHASE ORDERS FOR ADDITIONAL EQUIPMENT AND SERVICES RELATED TO COMPLETION OF THE VIDEO SURVEILLANCE SYSTEM FOR THE "SANTA MONICA 5" PARKING STRUCTURES FOR A TOTAL AMOUNT NOT TO EXCEED \$166,335

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

Noes: None.

CARRIED

ITEM D-6B: APPROVED

7. A. AN AGREEMENT WITH MERCEDES BENZ OF BEVERLY HILLS FOR LOAN OF A MERCEDES BENZ VEHICLE (SUV) FOR USE IN THE POLICE DEPARTMENT'S COMMUNITY RELATIONS PROGRAM.

ITEM D-7A: APPROVED AG# 21-14

B. AN AGREEMENT WITH MERCEDES BENZ OF BEVERLY HILLS FOR LOAN OF A MERCEDES BENZ VEHICLE (SMART CAR) FOR USE IN THE POLICE DEPARTMENT'S COMMUNITY RELATIONS PROGRAM. Comment: Mercedes Benz of Beverly Hills has offered to loan two vehicles to the City in support of the Police Department's Community Relations Program.

ITEM D-7B: APPROVED AG# 22-14

8. AMENDMENT NO. 1 TO THE AGREEMENT BY AND BETWEEN THE CITY OF BEVERLY HILLS AND RODEO DRIVE, INC. FOR 2013-2014 SPECIAL EVENTS; AND APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$214,200 TO RODEO DRIVE, INC. FOR THESE SERVICES. Comment: This item requests that the City Council approve Amendment No. 1 to the agreement with Rodeo Drive, Inc. to provide \$214,200 in funding for the Centennial Block Party event on April 27, 2014.

ITEM D-8: APPROVED AG# 23-14

9. THE AWARD OF CONTRACT TO C.S. LEGACY CONSTRUCTION, INC. FOR THE REXFORD DRIVE INTERSECTION IMPROVEMENT PROJECT; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$435,624 TO C.S. LEGACY CONSTRUCTION, INC. FOR THE CONTRACT WORK. Comment: Recommends the award of a construction contract to improve the pedestrian and vehicular circulation on Rexford Drive within the Civic Center by creating a standard "T" intersection with the Civic Center garage driveway.

ITEM D-9: APPROVED AG# 24-14

10. APPROPRIATION OF \$28,100 FROM THE SEIZED & FORFEITED PROPERTY FUND TO ENHANCE POLICE DEPARTMENT OPERATIONS. Comment: Funds received as a result of federal asset seizures will be used to purchase a new police motorcycle.

ITEM D-10: APPROVED

11. PERMIT APPLICATION FOR GROUNDWATER AND GAS SAMPLING IN EXISTING MONITORING WELLS ASSOCIATED WITH THE WESTSIDE SUBWAY EXTENSION. Comment: This report recommends that the City Council authorize staff to issue the necessary permits for groundwater and gas sampling activities in Wilshire Boulevard associated with the Metro Westside Subway Extension with specific conditions intended to minimize potential impacts to adjacent residents and businesses as described in the report.

Items D-11 and D-12 were discussed together.

City Engineer Mark Cuneo, Metropolitan Transportation Authority (MTA) Director of Construction Management Scott McConnell, and MTA Construction Relations Manager Kasey Shuda answered Council questions pertaining to outreach, schedule, service interruption, liability, expense reimbursement and plan of activities.

City Council directed staff to conduct public outreach to residents and businesses around the area, and create a plan of action with a detailed schedule of activities in conjunction with MTA for presentation to Council.

ITEM D-11: NO ACTION TAKEN

12. PERMIT APPLICATION FOR THE RELOCATION OF UNDERGROUND FIBER-OPTIC COMMUNICATION FACILITIES ASSOCIATED WITH THE WESTSIDE SUBWAY EXTENSION. Comment: This report recommends that the City Council authorize staff to issue the necessary permits for relocating underground fiber-optic communications facilities in Wilshire Boulevard associated with the Metro Westside Subway Extension with specific conditions intended to minimize potential impacts to adjacent residents and businesses as described in the report.

ITEM D-12: NO ACTION TAKEN

13. VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN:

ITEM A AGREEMENT WITH MERCER (US) INC. TO CONDUCT A PUBLIC VS. PRIVATE COMPENSATION STUDY; AND APPROVAL OF A PURCHASE ORDER IN THE NOT TO EXCEED AMOUNT OF \$100,000 TO MERCER (US) INC. TO CONDUCT A PUBLIC VS. PRIVATE COMPENSATION STUDY. Comment: Mercer will conduct a public vs. private compensation study under the direction of the City Treasurer and the Citizen's Budget Committee.

ITEM B AGREEMENT WITH ROBERT HALF INTERNATIONAL, INC. DBA OFFICETEAM AND ACCOUNTEmps TO PROVIDE TEMPORARY STAFFING ON AN AS-NEEDED BASIS; AND APPROVAL OF A PURCHASE ORDER TO ROBERT HALF INTERNATIONAL DBA OFFICETEAM AND ACCOUNTEmps IN AN AMOUNT NOT TO EXCEED \$56,750.00. Comment: Robert Half International was chosen after conducting a Request for Proposal to provide temporary staffing services."

MOVED by Councilmember Gold, seconded by Vice Mayor Bosse to approve Item D-13 as follows:

ITEM A AGREEMENT WITH MERCER (US) INC. TO CONDUCT A PUBLIC VS. PRIVATE COMPENSATION STUDY; AND APPROVAL OF A PURCHASE ORDER IN THE NOT TO EXCEED AMOUNT OF \$100,000 TO MERCER (US) INC. TO CONDUCT A PUBLIC VS. PRIVATE COMPENSATION STUDY. Comment: Mercer will conduct a public vs.

private compensation study under the direction of the City Treasurer and the Citizen's Budget Committee.

ITEM B AGREEMENT WITH ROBERT HALF INTERNATIONAL, INC. DBA OFFICETEAM AND ACCOUNTEmps TO PROVIDE TEMPORARY STAFFING ON AN AS-NEEDED BASIS; AND APPROVAL OF A PURCHASE ORDER TO ROBERT HALF INTERNATIONAL DBA OFFICETEAM AND ACCOUNTEmps IN AN AMOUNT NOT TO EXCEED \$56,750.00. Comment: Robert Half International was chosen after conducting a Request for Proposal to provide temporary staffing services.

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

Noes: Councilmember Brien.

CARRIED

ITEM D-13A: APPROVED AG# 25-14

ITEM D-13B: APPROVED AG# 26-14

Vote on the City Council Consent Calendar:

Ayes: Councilmember Krasne, Councilmember Gold, Councilmember Brien, Vice Mayor Bosse, 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 APPROVING A FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS FOR FORTIETH YEAR (2014-2015) FUNDING UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED. Comment: This annual public meeting is conducted to allocate the upcoming year's estimated grant fund in the amount of \$165,185 and to reallocate any unexpended funds from prior allocations.

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 Human Services Administrator and the record of the Community Services Department in this matter are made a part of the record of this hearing.

Human Services Administrator provided an oral staff report, noting the recipients and amount of funding, changes from last year's allocations and unexpended funds.

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

Mr. Latta and Michael Neal from Pacific Municipal Consultants answered Council questions on the multi-family handyworker program.

There were no further questions or comments from Councilmembers.

MOVED by Vice Mayor Bosse, seconded by Councilmember Gold to approve Resolution E-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPROVING A FINAL STATEMENT OF COMMUNITY DEVELOPMENT
OBJECTIVES AND PROJECTED USE OF FUNDS FOR FORTIETH YEAR
(2014-2015) FUNDING UNDER THE HOUSING AND COMMUNITY
DEVELOPMENT ACT OF 1974 AS AMENDED

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

Noes: None.

CARRIED

ITEM E-1: ADOPTED RES# 14-R-12965

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

2. CITY COUNCIL CONSIDERATION OF A REQUEST TO APPLY THE CITY'S MEDICAL USE OVERLAY ZONE TO THE SUBJECT PROPERTY, REQUEST TO AMEND A PREVIOUSLY GRANTED DEVELOPMENT PLAN REVIEW TO MODIFY CONDITIONS OF APPROVAL APPLICABLE TO THE PROPERTY, AND A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A VEHICLE SHOWROOM ON THE BUILDING'S GROUND FLOOR FOR THE PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD. Comment: On January 7, 2014 the City Council conducted a de novo hearing to review the Planning Commission's decision denying a Medical Use Overlay Zone, Planned Development Permit, Development Plan Review, and Conditional Use Permit for the commercial building located at 8767 Wilshire Boulevard. The City Council's review of the project was not concluded at the January 7, 2014 meeting, and was continued to the January 21, 2014 meeting to allow for continued Council questions and deliberation. Although the City Council's review of the project was not concluded, all

public comments were received. The public testimony portion of the hearing was concluded at the January 7, 2014 meeting.

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

Mayor Mirisch asked the Councilmembers to disclose any ex-parte communications or evidence not currently in the record. The Councilmembers did not have anything to disclose.

Mayor Mirisch read a letter into the record from Tom Levyn dated January 15, 2014 regarding due process.

Assistant City Attorney David Snow addressed the allegations made that certain City Councilmembers should not participate in the consideration of the matter due to alleged conflict of interest.

Mayor Mirisch announced that as required by the Brown Act, an opportunity will be provided for the public to comment on the item; each speaker is limited to one minute. Because the public hearing portion of the item was closed on January 7, 2014, there will not be an opportunity to provide new evidence to the Council.

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

Senior Planner Ryan Gohlich, Sarah Brandenburg from Fehr & Peers, applicant representative Tom Levyn, Planning Commission Chair Brian Rosenstein, Planning Commission Vice Chair Howard Fisher, Director of Parking Operations Chad Lynn, and Assistant City Manager Mahdi Aluzri answered Council questions.

Council asked questions and commented on the following issues: tax, restaurant on upper level, left turn lane in to the building, parking and loading spaces, traffic, parking management plan, garage availability, public benefits, due process, findings, intersection accident rate, City liability, impact to surrounding school and emergency services, CEQA, differences between the previously denied project and the project before the Council now, medical moratorium, future anticipated commercial/residential developments, Southeast Taskforce goals and Southeast revitalization, settlement agreement, City revenue, height/massing/density, medical use.

Each Councilmember provided final statements regarding their position on this matter.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to direct the City Attorney to prepare an Ordinance to apply the City's Medical Use Overlay Zone to the subject property, and a Resolution to amend a previously granted Development Plan Review to modify conditions of approval applicable to the property, and approve a Conditional Use Permit to allow a vehicle showroom on the building's ground floor.

Ayes: Councilmember Krasne, Councilmember Gold, and Councilmember Brien.

Noes: Vice Mayor Bosse, and Mayor Mirisch.

CARRIED

ITEM E-2: DIRECTED CITY ATTORNEY TO PREPARE AN ORDINANCE TO APPLY THE CITY'S MEDICAL USE OVERLAY ZONE TO THE SUBJECT PROPERTY, AND A RESOLUTION TO AMEND A PREVIOUSLY GRANTED DEVELOPMENT PLAN REVIEW TO MODIFY CONDITIONS OF APPROVAL APPLICABLE TO THE PROPERTY, AND APPROVE A CONDITIONAL USE PERMIT TO ALLOW A VEHICLE SHOWROOM ON THE BUILDING'S GROUND FLOOR

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

3. CITY COUNCIL CONSIDERATION OF A REQUEST FOR A MINOR ACCOMMODATION AND SECOND UNIT USE PERMIT TO ALLOW CONSTRUCTION OF A TWO-STORY ACCESSORY STRUCTURE THAT WOULD CONTAIN INDEPENDENT LIVING FACILITIES ON THE PROPERTY LOCATED AT 700 NORTH LINDEN DRIVE. Comment: On December 17, 2013, the City Council voted to call up for review the Planning Commission's December 12, 2013 decision approving a Minor Accommodation and Second Unit Use Permit approving a two-story accessory structure that contains independent living facilities on the property located at 700 North Linden Drive. This will be a de novo hearing before the City Council.

The notice of the hearing is on file with the City Clerk and the Community Development Department.

ITEM E-3: BY ORDER OF THE CHAIR, ITEM MOVED TO THE CITY COUNCIL MEETING OF FEBRUARY 4, 2014

F. CONTINUED AND NEW BUSINESS

None

G. COMMISSION SYNOPSIS

1. TRAFFIC & PARKING COMMISSION- Regular Meeting of December 5, 2013
RECREATION AND PARKS COMMISSION - Special Meeting of December 16, 2013
HEALTH AND SAFETY COMMISSION - Regular Meeting of December 16, 2013
PLANNING COMMISSION - Regular Meeting of January 9, 2014

ITEM G-1: NO ACTION TAKEN

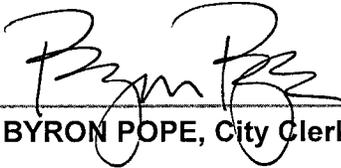
H. OTHER BUSINESS

None

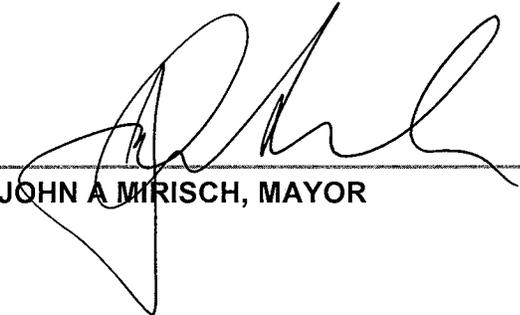
I. ADJOURNMENT

There being no further business, Mayor Mirisch, with the consent of the Council, adjourned the meeting at 1:01am on January 22, 2014.

PASSED, Approved and Adopted
this 4th day of February, 2014



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.