



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
May 5, 2015**

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

PLEDGE OF ALLEGIANCE led by newly appointed Fine Art Commissioner Zale Richard Rubins

A. ROLL CALL

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

B. PRESENTATIONS

1. PROCLAMATION for the late Leon Kent, WWII hero and Beverly Hills resident

Mayor Gold, along with the entire City Council, presented a proclamation in honor of the late Leon Kent, a World War II veteran and long-time Beverly Hills resident, to Leon Kent's family including wife Simone, daughter Lynette Kent, son Paul Richard Kent, and grandchildren.

2. PROCLAMATION for Lupus Awareness Month

Mayor Gold, along with the entire City Council, presented a proclamation to Lupus LA Program Manager Katherine McMahon, and Lupus advocates Michelle and Alan Kaye, and declared May to be Lupus Awareness Month in Beverly Hills.

3. STEP-UP RECOGNITION - Rachelle Marcus

Mayor Gold, along with the entire City Council, presented a Step-Up recognition certificate to Rachelle Marcus, a 45-year resident, Apple awardee, Beverly Hills Unified School District (BHUSD) Teach of the Year awardee, and BHUSD teacher for 50 years. City Council thanked newly-appointed Fine Art Commissioner Zale Richard Rubins for nominating Ms. Marcus for the recognition.

4. 60 SECOND BUSINESS SHOUT-OUT - Porta Via

Mayor Gold, along with the entire City Council, presented a 60-Second Business Shout-Out to Porta Via owner Peter Garland, and thanked Annette Saleh and Franny Rennie for nominating Porta Via for a shout-out.

- 5. 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. Dr. Woodrow Clark

- 3. REPORT FROM THE CITY MANAGER**

None

- 4. CITY COUNCILMEMBER AND COMMITTEE REPORTS**

Councilmember Brien announced that applications are now being accepted for the next Team Beverly Hills program. The deadline to apply is Thursday, June 11, 2015. Councilmember Brien and Mayor Gold encouraged all residents to apply.

D. CITY COUNCIL CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Vice Mayor Mirisch, seconded by Councilmember Bosse to approve all 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 April 21, 2015.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of April 21, 2015.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated April 11 - April 24, 2015.
4. PAYROLL DISBURSEMENT REPORT, report dated May 5, 2015.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO EXPAND THE IN-LIEU PARKING PROGRAM. Second Reading - For Adoption. Comment: Ordinance expanding the in-lieu parking program to two commercial corridors in the City.

ITEM D-5: ADOPTED; ORD# 15-O-2676

RESOLUTIONS:

None

APPROVAL OF:

6. DESIGN REVIEW COMMISSION APPOINTMENT (SUSAN STRAUSS). Comment: Appoints Susan Strauss to the Design Review Commission from July 1, 2015 through December 31, 2015.

ITEM D-6: APPROVED

7. AN AGREEMENT WITH DEGENKOLB ENGINEERS FOR STRUCTURAL ENGINEERING SERVICES TO PROVIDE RECOMMENDATIONS RELATED TO IMPROVING THE SEISMIC PERFORMANCE OF COMMERCIAL AND MULTI-RESIDENTIAL BUILDINGS; AND AUTHORIZE A PURCHASE ORDER APPROVAL IN THE AMOUNT OF \$125,000 FOR THESE PROFESSIONAL CONSULTING SERVICES. Comment: Staff requests that Council approve an agreement with Degenkolb Engineers for work related to improving the seismic performance of commercial and multi-family residential buildings for a total cost not to exceed amount of \$125,000. The Seismic Program goal is to reduce the impact earthquakes have on buildings in the City of Beverly Hills.

ITEM D-7: APPROVED; AG# 175-15

8. AMENDMENT NO. 1 TO AN AGREEMENT WITH CITADEL ENVIRONMENTAL SERVICES, INC. FOR CONSULTING SERVICES RELATED TO ENVIRONMENTAL COMPLIANCE MONITORING SERVICES AT 9876 WILSHIRE BOULEVARD HILTON REVITALIZATION - PHASE 2 SHORING AND EXCAVATION PROJECT; AND APPROVAL TO OBTAIN A PURCHASE ORDER IN THE AMOUNT OF \$13,942 FOR A NOT TO EXCEED AMOUNT OF \$63,207. Comment: Staff requests that Council approve an amendment and change purchase order with Citadel Environmental Services, Inc. for environmental compliance monitoring services for the 9876 Wilshire Blvd. - Beverly Hilton Hotel Revitalization project. This cost will be reimbursed by the developer with no fiscal impact to the City.

ITEM D-8: APPROVED; AG# 176-15

9. AMENDMENT NO. 2 TO THE AGREEMENT WITH FOLLIS DESIGN, AN S CORPORATION, FOR GRAPHIC DESIGN SERVICES RELATED TO THE CITY'S PARKING GARAGES; AND APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$38,000 TO FOLLIS DESIGN, AN S CORPORATION FOR THE SERVICES. Comment: Recommends approval of Amendment No. 2 to the Follis Design agreement for design services including preparation of design documents for new graphics and signage in City parking garages. Total amount of the agreement and amendments is not to exceed \$86,500.

ITEM D-9: APPROVED; AG# 177-15

10. THE AWARD OF CONTRACT TO LIFTECH ELEVATOR SERVICES, INC. FOR THE MODERNIZATION OF ELEVATOR EQUIPMENT AT BEVERLY-CANON - PHASE 3B; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND APPROVAL OF A PURCHASE ORDER TO LIFTECH ELEVATOR SERVICES, INC. IN THE AMOUNT OF \$1,554,000 FOR THE CONTRACT WORK. Comment: Recommends the award of contract for the modernization of elevator equipment at 438 N. Beverly Drive and 439 N. Canon Drive (Beverly-Canon facility) including the additional third floor elevator stop at the Canon side.

ITEM D-10: APPROVED; AG# 178-15

11. REJECTION OF BIDS FOR CONTRACT WORK PERTAINING TO THE BEVERLY CANON GARDENS STAIR AND WALKWAY RENOVATION PROJECT. Comment: Recommends the rejection of bids due to irregularities in the bid results and rebidding the project.

ITEM D-11: APPROVED

Vote on the Consent Calendar:

Ayes: Councilmember Krasne, Councilmember Bosse, Councilmember Brien, Vice Mayor Mirisch, and Mayor Gold.
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 DECLARING AND IMPLEMENTING STAGE D WATER CONSERVATION MEASURES. Comment: This Resolution outlines the elements to be included as part of the Stage "D" water conservation measures.

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 Public Works Services/Infrastructure and Field Operations and the record of the Community Development Department in this matter are made a part of the record of this hearing.

Assistant Director of Public Works Trish Ray provided a PowerPoint and staff presentation discussing the current City measures, existing restrictions, the evolving water conditions, water usage performance, new State emergency measures, Metropolitan Water District (MWD) allocation, proposed Stage D resolution based on City Council recommendations, Stage D requirements, enforcement, additional Council directives, and proposed timeline.

Mayor Gold acknowledged the presence of Dr. Robert Wunderlich, City of Beverly Hills representative to the Metropolitan Water District.

Speaking:

1. Jim Goldrich
2. Woodrow Clark
3. Dave Hofenstand
4. Shahram Melamed
5. Ted Russell
6. Dale Shephard
7. Steven Weinglass
8. Dr. Barry Pressman

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

Ms. Rhay, Fire Chief Ralph Mundell, Director of Public Works Services George Chavez, City Attorney Laurence Wiener, Assistant Director of Community Development/Building Official Raj Patel, and Interim City Manager Mahdi Aluzri answered City Council questions. Councilmember Krasne asked about the water tracker online, separating non-abiders in a condominium building, artificial turf recycling, drought-resistant plant materials, mechanism for an appeals board, penalties and fines in relation to property size. She asked her fellow Councilmembers' permission to use the City as a beta test site for shallow groundwater recycling.

Councilmember Bosse asked questions pertaining to educating users about water reduction in real time and real ways, watering and brushfire safety, fire hazard and the appeals process, MWD level 3 allocation penalties and costs, education for new residence construction, Municipal Code violations/penalties and Proposition 218, water structure rate timeline compared to other cities, and other water consumption tracker aside from leaks and the online water tracker.

Councilmember Brien commented on and asked questions regarding water rate changes and fiscal impact. He asked staff to look at the water increase to cover for the revenue shortfall and bring back to Council by end of June. He also asked staff to look at other ways to reach out to the community immediately aside from the newsletter and TV, and send out water conservation tips for guidance. He requested clarification on the 20-day compliance for the second violation. He stated that he does not support recirculated water fountains on public property because it does not send the right message to the neighboring communities and the region.

Vice Mayor Mirisch requested for staff to provide City Council with a map of water use throughout the City. He also requested that the City develop an app which residents and neighboring communities can share. He suggested benchmarking individual water use with a baseline. He agreed with Councilmember Krasne to focus on making better use of gray water, storm water, and shallow groundwater, and take the lead in exploring various options. He commented on and asked questions regarding individual water usage in multi-family units, best practices and technologies that the City can adopt, and water use for swimming pools.

Mayor Gold asked questions regarding responsibility for violation citations. He suggested that a mechanism be developed in order to correct missteps and adjust as information is received. He stressed the importance of taking the information discussed and put them in a form that residents can understand. He stated that assistance should be provided to operators and owners of multi-family dwelling. He expressed support in levying higher penalties for egregious water wasters.

There were no further questions or comments from the Councilmembers.

MOVED by Councilmember Bosse, seconded by Councilmember Brien to adopt with modifications Resolution E-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
DECLARING AND IMPLEMENTING STAGE D WATER CONSERVATION
MEASURES

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

CARRIED

ITEM E-1: ADOPTED WITH MODIFICATIONS; RES # 15-R-13037

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

2. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING EMERGENCY WATER CONSERVATION PROVISIONS. First Reading - For Introduction. Comment: This ordinance amends the municipal code to allow for the City Council to establish appropriate penalty surcharges related to the City's emergency water conservation stages so that such penalties are consistent with State law.

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 Public Works Services/Infrastructure and Field Operations and the record of the Community Development Department in this matter are made a part of the record of this hearing.

Assistant Director of Public Works Services/Infrastructure and Field Operations Trish Rhay presented a PowerPoint and oral report on this item. She reviewed Council direction and code revisions.

Speaking:

1. Lindsey Horvath, Mayor of the City of West Hollywood
2. Dr. Robert Wunderlich

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

Councilmember Brien suggested that Public Works Services staff to talk to the City of West Hollywood Public Works staff to get an insight into the challenges they have experienced in allowing synthetic turf in their front lawns and public rights of way. Mayor Gold also welcomed the City of West Hollywood's participation in any City of Beverly Hills resources and conversations as the City develops its water conservation program. Vice Mayor Mirisch stressed the importance of a water usage map for both Beverly Hills and West Hollywood.

Councilmember Krasne suggested the use of alternative water-conserving plant materials.

There were no further questions or comments from the Councilmembers.

MOVED by Councilmember Brien, seconded by Councilmember Bosse to introduce and read by title only, and advance to the meeting of May 18, 2015 for adoption Ordinance E-2 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING EMERGENCY WATER CONSERVATION PROVISIONS

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

Noes: None.

CARRIED

ITEM E-2: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF MAY 18, 2015 FOR ADOPTION

F. CONTINUED AND NEW BUSINESS

1. CONSIDERATION OF THE ESTABLISHMENT OF A STRATEGIC PARTNERSHIP FOR JOINT INNOVATION, EXCHANGES AND COOPERATION WITH THE STATE OF ISRAEL. Comment: The State of Israel, through its Consulate General in Los Angeles, has approached the City of Beverly Hills and requested consideration to join a partnership between the State and the City. It is recommended that the City Council discuss establishing a strategic partnership for joint innovation, exchanges and/or cooperation with the State of Israel.

This item was not discussed.

ITEM F-1: BY ORDER OF THE CHAIR, ITEM CONTINUED TO THE NEXT CITY COUNCIL MEETING ON MAY 18, 2015

2. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING LABOR NEGOTIATIONS. First Reading - For Introduction. Comment: This Ordinance amends the municipal code regarding the process for labor negotiations.

City Attorney Wiener provided a brief background on the civic openness in negotiations (COIN) ordinance, its provisions and the proposed amendment that will allow the first of the two public meetings to occur earlier in the process of developing the memorandum of understanding (MOU) to solicit public input. He further explained that the second meeting will happen after the MOU has been negotiated and being considered for adoption, and that the MOU will be available for public review on the City's website at least two weeks before the second meeting.

Vice Mayor Mirisch suggested that the City notify interested parties when the MOU is made available in the website.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to introduce and read by title only, and advance to the meeting of May 18, 2015 for adoption Ordinance F-2 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING LABOR NEGOTIATIONS

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

Noes: None.

CARRIED

ITEM F-2: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF MAY 18, 2015 FOR ADOPTION

3. AN ORDINANCE OF THE CITY OF BEVERLY HILLS, AMENDING ARTICLE 5 (STORMWATER AND URBAN RUNOFF POLLUTION CONTROL) OF CHAPTER 4 OF TITLE 9 OF THE BEVERLY HILLS MUNICIPAL CODE TO INCLUDE LOW IMPACT DEVELOPMENT REQUIREMENTS AND ADDITIONAL REVISIONS PURSUANT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR THE MUNICIPAL SEPARATE STORM SEWER SYSTEM. First Reading - For Introduction. Comment: Staff recommends that City Council introduce an ordinance amending the Stormwater and Urban Runoff Pollution Control Ordinance to include Low Impact Development (LID) requirements. The NPDES Permit requires agencies participating in the Enhanced Watershed Management Program (EWMP), which the City of Beverly Hills is a participant in the Ballona Creek EWMP, to have these requirements in effect by June 28, 2015. In addition, adopting these policies is one of the actions needed to help the City comply with water quality limits prescribed in the NPDES permit.

Environmental Compliance and Sustainability Programs Manager Josette Descalzo provided a PowerPoint and oral report discussing the regulatory background that drives the requirements to amend the ordinance. He showed a map and discussed the Ballona Creek Watershed (drainage for the County and City of Los Angeles and Floor Control System, and cities of Beverly Hills, Culver City, Inglewood, Santa Monica, and West Hollywood), 2012 municipal storm sewer system (MS4) Permit requirements, compliance background, low impact development (LID), examples of LID on commercial development, LID in Beverly Hills, and recommendations.

Mr. Descalzo, Assistant Director of Public Works Services/Infrastructure and Field Operations Trish Rhay, and Interim City Manager Mahdi Aluzri answered Council questions pertaining to cleaning up of stormwater drains, use for fees collected, process of runoff collection and filtration, location of storm drains, LID, and prohibited use of blowing devices.

MOVED by Councilmember Brien, seconded by Councilmember Bosse to introduce and read by title only, and advance to the meeting of May 18, 2015 for adoption Ordinance F-3 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS, AMENDING ARTICLE 5 (STORMWATER AND URBAN RUNOFF POLLUTION CONTROL) OF CHAPTER 4 OF TITLE 9 OF THE BEVERLY HILLS MUNICIPAL CODE TO INCLUDE LOW IMPACT DEVELOPMENT REQUIREMENTS AND ADDITIONAL REVISIONS PURSUANT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR THE MUNICIPAL SEPARATE STORM SEWER SYSTEM

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

Noes: None.

CARRIED

ITEM F-3: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF MAY 18, 2015 FOR ADOPTION

4. WATER ENTERPRISE PLAN RECOMMENDATION. Comment: Staff will present the Water Enterprise Plan framework and obtain feedback from the City Council to move forward with the Plan as recommended by the Public Works Commission.

Assistant Director of Public Works Services/Infrastructure and Field Operations Trish Ray presented a PowerPoint and oral report providing a brief background, and discussing changing water conditions, plan intent to set a 10-year water enterprise plan (WEP), iterative process through workshops, alternatives and recommendations derived from the workshops, the La Brea sub-basin groundwater option, Central basin groundwater development options, groundwater development implementation schedule, water banking, current water banks, the Willow Springs water bank, water banking schematic, water banking cost summary, banking implementation timeline, Public Works Commission (PWC) water conservation recommendation, public engagement programs, public facilities improvements, water system loss, conservation goal 2015-2020, conservation program costs, ten-year conservation timeline, draft PWC recommendations, preliminary cost projections, preliminary staffing requirements, base assumptions, WEP cost assumptions, PWC requested projections, ten-year forecast spreadsheet, ten-year forecast variables/risks, Commission portfolio recommendation, additional Commission input and the next steps.

Ms. Rhay and Psomas representatives Harvey Gobas and Michael Donovan answered Council questions. PWC Commissioner Jerrold Felsenthal shared his comments, both personal and as a Commissioner.

Interim City Manager Mahdi Aluzri reported that there is a proposed State legislation for consideration to improve the CEQA process which includes streamlining the application process which will assist the groundwater development process.

ITEM F-4: BY ORDER OF THE CHAIR, ITEM CONTINUED TO THE NEXT CITY COUNCIL MEETING OF MAY 18, 2015

G. COMMISSION SYNOPSIS

1. ARCHITECTURAL COMMISSION - Regular Meeting of April 15, 2015
HUMAN RELATIONS COMMISSION - Regular Meeting of April 16, 2015
CULTURAL HERITAGE COMMISSION - Special Meeting of April 16, 2015

ITEM G-1: NO ACTION TAKEN

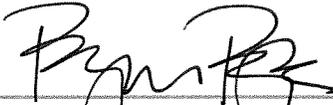
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Gold, with the consent of the City Council, adjourned the meeting to Monday, May 18, 2015 at 11:14pm.

PASSED, Approved and Adopted
this 18th day of May, 2015



BYRON POPE, City Clerk



JULIAN A. GOLD, M.D., MAYOR

This meeting was broadcast on live television, on City of Beverly Hills municipal government television access Channel BHTV10 Time Warner Cable.