



**CITY OF BEVERLY HILLS
JOINT CITY COUNCIL AND PARKING AUTHORITY MEETING
MINUTES
July 19, 2016**

The Joint City Council and Parking Authority meeting was held in the Council Chamber at 7:00 pm.

PLEDGE OF ALLEGIANCE led by George Mhlsten

A. *ROLL CALLS*

Present: Reims, Gold, Bosse, and Mirisch
Absent: Krasne

B. *PRESENTATIONS*

1. 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 Gold 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/Parking Authority 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/Parking Authority.)

None

Mayor Mirisch held a moment of silence to honor the victims of the police officer shootings in Dallas and Baton Rouge, and the attacks in Nice, France.

Mayor Mirisch and Councilmember Bosse announced that early registration for the Beverly Hills Dog Park will start on Monday, July 25, 2016. Registrations may be done online at www.beverlyhills.org/dogpark. The park will be open to Beverly Hills residents, employees who work in Beverly Hills or visitors staying with residents or in Beverly Hills hotels.

2. **AUDIENCE COMMENTS.** Any person wishing to address the City Council/Parking Authority 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/Parking Authority 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/Parking Authority 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. Steve Mayer read a letter on behalf of Lionel Ephraim

3. **REPORT FROM THE CITY MANAGER**

* Big Projects Update - Huma Ahmed, Community Outreach Manager

Community Outreach Manager Huma Ahmed and Management Analyst Anne Salvatore provided a PowerPoint and oral report update on the City's Big Projects, also known as Building for the Future projects, which consist of the Santa Monica Boulevard Reconstruction project, the Purple Line Extension/Metro project, and other large-scale projects that affect traffic and roads. They discussed the communications plan and timeline of the projects, and showed the draft projects website page.

4. **CITY COUNCILMEMBER AND COMMITTEE REPORTS**

None

D. PARKING AUTHORITY CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Director Gold, seconded by Director Bosse to approve the item on the Parking Authority consent calendar.

Minutes

None

Other Business

APPROVAL OF:

1. AGREEMENT WITH NEWMARK OF SOUTHERN CALIFORNIA, INC. FOR BROKERAGE SERVICES RELATED TO THE LEASE OF PARKING AUTHORITY-OWNED PROPERTY AT 430 N. CAMDEN DRIVE. Comment: Staff recommends that the Board of Directors approve the Broker Agreement with Newmark of Southern California, Inc. for professional services related to the marketing and lease-up of Authority-owned property.

ITEM D-1: APPROVED; AG# PA-16-61

Vote on the Parking Authority Consent Calendar:

Ayes: Director Reims, Director Gold, Director Bosse, and Chair Mirisch.
Noes: None.
Absent: Director Krasne.

CARRIED

E. CITY COUNCIL CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Councilmember Bosse, seconded by Councilmember Gold to remove Item E-3 for separate vote, approve the remaining items on the City Council consent calendar and direct that the appropriate accounts be charged on Items E-4 and E-5

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Special Budget Study Session #3 of May 12, 2016.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of June 6, 2016.
3. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of July 5, 2016.

MOVED by Mayor Mirisch, seconded by Councilmember Gold, to approve Item E-3 as follows:

CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of July 5, 2016

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

CARRIED

Demands Paid

4. REVIEW OF BUDGETED DEMANDS PAID, report dated June 25 – July 8, 2016.
5. PAYROLL DISBURSEMENT REPORT, report dated July 19, 2016.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS:

6. APPROVING AN APPLICATION FOR AND ACCEPTANCE OF A REAL ESTATE FRAUD PROSECUTION GRANT FROM THE COUNTY OF LOS ANGELES UNDER THE FISCAL YEAR 2016-17 REAL ESTATE FRAUD PROSECUTION GRANT PROGRAM; AND APPROPRIATION OF \$6,151.35 TO FUND REAL ESTATE FRAUD INVESTIGATIONS UNDER THE FY 2016-17 REAL ESTATE FRAUD PROSECUTION GRANT PROGRAM. Comment: Acceptance of a Real Estate Fraud Prosecution grant.

ITEM E-6: ADOPTED; RES# 16-R-13091

APPROVAL OF:

7. ACCEPTING CITY OF BEVERLY HILLS COMMUNITY CHARITABLE FOUNDATION DONATIONS FOR THE CITY OF BEVERLY HILLS DOG PARK PROJECT IN THE TOTAL AMOUNT OF \$192,640 AND APPROPRIATING FUNDS THEREFOR. Comment: Accepts City of Beverly Hills Community Charitable Foundation donations that have been specifically designated for the City of Beverly Hills Dog Park project, and appropriates the funds to the project account.

ITEM E-7: APPROVED

8. A FUNDING AGREEMENT BY AND BETWEEN THE CITY OF BEVERLY HILLS AND THE BEVERLY HILLS CHAMBER OF COMMERCE AND CIVIC ASSOCIATION FOR BUSINESS ATTRACTION AND RETENTION SERVICES FOR FISCAL YEAR 2016-2017; AND APPROVAL OF A PURCHASE ORDER IN A NOT-TO-EXCEED AMOUNT OF \$210,560 TO THE BEVERLY HILLS CHAMBER OF COMMERCE AND CIVIC ASSOCIATION FOR THESE SERVICES. Comment: This is a funding

agreement between the City and the Beverly Hills Chamber of Commerce for business outreach and retention services for FY 2016-17. The City Council is also asked to approve a purchase order in a not-to-exceed amount of \$210,560 for these services.

ITEM E-8: APPROVED; AG# 292-16

9. AN AGREEMENT WITH MURPHY SAFETY SWITCH OF CALIFORNIA, INC. DBA MURCAL, INC. TO PROVIDE PREVENTATIVE MAINTENANCE AND REPAIR SERVICE OF THE MURPHY PANEL DIESEL ENGINE CONTROLLERS; AND APPROVAL OF A PURCHASE ORDER OF \$29,000 PER YEAR FOR A TOTAL NOT TO EXCEED AMOUNT OF \$87,000. Comment: This agreement is to provide preventative maintenance and repair service for the emergency power backup supply for the water pump stations.

ITEM E-9: APPROVED; AG# 293-16

10. AN AGREEMENT WITH LIFTECH ELEVATOR SERVICES, INC. FOR ELEVATOR MAINTENANCE SERVICE FOR ALL CITY ELEVATORS AND LIFTS; AND APPROVAL OF A PURCHASE ORDER WITH LIFTECH ELEVATOR SERVICES, INC. IN THE NOT-TO-EXCEED AMOUNT OF \$376,000 FOR THESE SERVICES DURING FISCAL YEAR 2016/17. Comment: Staff recommends the approval of an agreement with Liftech Elevator Services, Inc. and a corresponding purchase order of \$376,000. The agreement has a term of approximately three years and a total not-to-exceed value of \$1,322,000 (\$376,000 for Fiscal Year 16-17, \$466,000 for Fiscal Year 17-18, and \$480,000 for Fiscal Year 18-19).

ITEM E-10: APPROVED; AG# 294-16

11. AMENDMENT NO. 1 TO AN AGREEMENT WITH TRUKSPECT, INC. TO PROVIDE HEAVY CONSTRUCTION VEHICLE INSPECTIONS AND RELATED SERVICES; AND APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$150,000 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$200,000. Comment: Staff recommends that the City Council approve a \$150,000 amendment to the current agreement between the City of Beverly Hills and Trukspect Inc. for heavy construction vehicle inspections and related services to support the Trousdale Estates Heavy Truck Regulations. Staff is also requesting the approval of a change order in the amount of \$150,000 to the current purchase order for a total not-to-exceed amount of \$200,000. There is no fiscal impact to the General Fund, the costs for inspections are paid for by the applicant.

ITEM E-11: APPROVED; AG# 295-16

12. AMENDMENT NO. 3 TO AN AGREEMENT WITH G4S SECURE SOLUTIONS (USA) INC. FOR THE OPERATIONS AND MANAGEMENT OF THE BEVERLY HILLS CITY JAIL. Comment: Authorize the City Manager to cancel agreement with or without cause with a thirty-day notice for the operations and management of the Beverly Hills City Jail.

ITEM E-12: APPROVED; AG# 296-16

13. A. AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, GRIFFITH COMPANY, FOR THE NORTH SANTA MONICA BOULEVARD RECONSTRUCTION PROJECT (FROM WILSHIRE BOULEVARD TO DOHENY DRIVE) WITHIN THE CITY OF BEVERLY HILLS, CALIFORNIA, IN THE AMOUNT OF \$17,626,215; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFOR; AND APPROVAL OF ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$19,741,000 TO GRIFFITH COMPANY FOR THE PROJECT;

ITEM E-13A-: APPROVED; AG# 297-16

B. AN AGREEMENT WITH BERG AND ASSOCIATES, INC. FOR CONSTRUCTION MANAGEMENT SERVICES DURING THE RECONSTRUCTION OF NORTH SANTA MONICA BOULEVARD; AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$2,397,000 TO BERG AND ASSOCIATES, INC.;

ITEM E-13B: APPROVED; AG# 298-16

C. AMENDMENT NO. 1 TO AN AGREEMENT WITH PSOMAS FOR DESIGN SERVICES FOR THE NORTH SANTA MONICA BOULEVARD RECONSTRUCTION PROJECT; AND APPROVAL TO INCREASE THE PURCHASE ORDER TO PSOMAS FOR DESIGN SERVICES IN THE AMOUNT OF \$100,000. Comment: 1) Award a contract to Griffith Company for the reconstruction of North Santa Monica Boulevard between Wilshire Boulevard and Doheny Drive; 2) Approve an agreement with Berg and Associates, Inc. to provide construction management services and public outreach during the reconstruction of N. Santa Monica Boulevard from Wilshire Boulevard to Doheny Drive; 3) Amend the agreement between the City of Beverly Hills and Psomas for design services for the North Santa Monica Boulevard reconstruction project.

ITEM E-13C: APPROVED; AG# 299-16

14. A PURCHASE ORDER FOR JLEE ENGINEERING, INC. TO PROVIDE PLAN REVIEW SERVICES AND OTHER AS-NEEDED CONSULTING SERVICES IN THE AMOUNT OF \$700,000 FOR FISCAL YEAR 2016-17 FOR THE SERVICES DESCRIBED. Comment: These funds are used to provide professional plan review engineering consulting services. Funds for this purchase change order are from Council approved budget for Community Development Department offset by plan check and permit revenues and from developers as they request expedited plan review services at direct cost. No appropriation is requested.

ITEM E-14: APPROVED

15. A PURCHASE ORDER IN THE AMOUNT OF \$571,750 TO HDL COMPANIES FOR REVENUE ENHANCEMENT SERVICES. Comment: Staff recommends that the City Council approve the purchase order with HdL Companies for revenue enhancement services.

ITEM E-15: APPROVED

Vote on the City Council Consent Calendar:

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

CARRIED

F. CITY COUNCIL PUBLIC HEARING

TO SET:

None

TO CONSIDER:

1. AN ORDINANCE OF THE CITY OF BEVERLY HILLS REGULATING LANDFORM ALTERATIONS, EXPANSIONS OF LEVEL PAD AREAS OF LOTS, AND DEVELOPMENT OFF THE LEVEL PAD OF LOTS IN THE HILLSIDE AREA OF THE CITY. This item has been continued to the City Council's August 16th agenda. Comment: The public hearing for this item is being rescheduled to August 16, 2016. No action will be taken by the City Council on July 19, 2016.

ITEM F-1: BY ORDER OF THE CHAIR, WITH NO OBJECTIONS, ITEM CONTINUED TO THE MEETING OF AUGUST 16, 2016

G. CITY COUNCIL CONTINUED AND NEW BUSINESS

1. REPORT ON THE BEVERLY HILLS GARDEN AND OPEN SPACE INITIATIVE. Comment: On June 21, 2016 the City Council directed staff to prepare a report on the Beverly Hills Garden and Open Space Initiative. The requested report has been prepared in accordance with California Election Code Section 9212 and is provided for informational purposes.

Community Development Director Susan Healy Keene presented a PowerPoint and oral report providing a brief background and highlighting the key modifications to the Specific Plan. Assistant Director of Community Development/City Planner Ryan Gohlich reviewed some of the technical aspects of the Specific Plan and a comparison of what was approved in 2008 and what is proposed in the initiative measure. He discussed the elements studied, level of detail, and results of the planning analysis done by Rincon Consultants, the traffic impact analysis done by Fehr and Peers, and the financial impact analysis done by Keyser Marston Associates, as well as reports prepared by the property owner.

In response to Councilmember Gold's question, City Attorney Laurence Wiener clarified the action required from Council for the item. City Manager Mahdi Aluzri stated that staff would welcome any Council comments and feedback for use in public education in the future. Mr. Wiener, Keyser Marston Associates consultant Kathe Head, Mr. Gohlich, and Fire Chief Mundell responded to Councilmember Gold's questions about the process and rules of the initiative process, other cities where development has been driven by the initiative process and their planning process, Council's ability to create an initiative that would prevent development by initiative, outdoor event space and occupancy, change in rooftop uses, future amendments to the initiative only by election, no change in emergency response in terms of what was approved and what is proposed, ownership of Merv Griffin Way.

Councilmember Bosse asked Mr. Wiener to explain what the 9212 report is. She expressed confidence that the report of the consultants' analyses is unbiased and fair, and the 36 Council questions were answered.

Mayor Mirisch asked about the comprehensiveness of the report given the 18-day time frame submission deadline to Council, comparison of the previous building's and proposed building's volume and mass, cooking facilities to qualify as a unit and need for a permit, subleasing, supplemental EIR, and examples of initiatives passed in other cities.

Councilmember Reims asked the question "how does the community want to make important land use decisions and plan the future of Beverly Hills – by developer-funded ballot initiatives or by the established public planning process?"

ITEM G-1: COUNCIL RECEIVED INFORMATION INCLUDED IN THE REPORT AND PROVIDED THEIR COMMENTS

2. 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, NOVEMBER 8, 2016 FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO AMENDING THE BEVERLY HILTON SPECIFIC PLAN.
- B. 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. Comment: As a result of the June 21, 2016 certification of the Initiative Petition concerning amending the Beverly Hilton Specific Plan and receiving the 30 day report on the effect at tonight's meeting, these Resolutions would seek to authorize placing this measure on the General Election in November of 2016, authorize rebuttals, direct the City Attorney to prepare an impartial analysis, approve the ballot question and authorize City Council, or the members thereof, to file an argument against the measure. These Resolutions would also seek consolidation with the Board of Supervisors of Los Angeles County to submit the Initiative Measure to the voters at the upcoming General Election on November 8, 2016. The Council is also asked to appropriate funds for the Consolidated Special Election.

City Clerk Byron Pope noted that at the June 21, 2016 meeting, Council received his certification that there were sufficient signatures on the Beverly Hilton initiative petition. If Council so chooses, they may adopt two resolutions as presented to hold a special consolidated election, and answer four the questions outlined in the report. He presented the cost estimate given by the Los Angeles County to consolidate the initiative on the November 8, 2016 ballot as well as what a few other California City Councils have done in similar situations – a question asked by Councilmember Reims. He also discussed the California Elections Codes that guide the initiative process, timeline for the process, and measure letter designation. He asked the Council to answer the following four questions:

1. Do members of the Council wish to authorize rebuttal arguments?
2. Do members of the Council wish to authorize an impartial analysis?
3. Do members of the Council wish to approve or modify the ballot question?
4. Do members of the Council wish the Council, or any individual members, to submit the argument against the measure?

Speaking:

1. Robert Tanenbaum
2. Linda Briskman
3. Sean Welch, Nielsen Merksamer
4. George Milstein
5. Ilona Sherman
6. Nicole Nisim
7. Ariel Rofeim
8. Farhad Zomorodi
9. Joseph Amin
10. Sally Ann Lauren
11. Debbie Weiss

Councilmember Bosse read Vice Mayor Krasne's letter into the record.

Council asked questions and discussed the regular process of approval for land use decisions, words to use on the ballot question, and measurements of the residential buildings and garden.

Council voted on the four questions posed as follows:

1. Rebuttal – 4-yes/0-no
2. Impartial Analysis – 4-yes/0-no
3. Ballot Question – 3-yes/Bosse-no
4. Argument against the measure – 3-yes /Bosse-no

Council majority composed of Councilmember Reims, Councilmember Gold and Mayor Mirisch agreed on the following ballot question: "Hilton Condominium Tower Initiative – Shall an Ordinance be Adopted Allowing a 26 Story (345 Feet) Residential Building Instead of Two Residential Buildings of 8 Stories (101 Feet) and 18 Stories (218 Feet); Increasing Open Space from Approximately 1.25 Acres to 1.7 Acres for Use as a Private Garden that is Generally Open to the Public Subject to Reasonable

Restrictions Determined by the Property Owner; Prohibiting Any Discretionary Architectural Review; and Reducing Graywater Use Requirements?"

MOVED by Councilmember Gold, seconded by Councilmember Reims to adopt Resolutions G-2A and G-2B as follows:

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.

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

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

CARRIED

ITEM G-2: ADOPTED; RES# 16-R-13092 AND RES# 16-R-13093

3. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING AN AMENDED AND RESTATED EXECUTIVE EMPLOYEE COMPENSATION PLAN FOR DEPARTMENT DIRECTORS, ASSISTANT DEPARTMENT DIRECTORS AND SENIOR MANAGEMENT EMPLOYEES. Comment: The proposed amendment facilitates the reorganization and consolidation of responsibilities of the Capital Assets, Public Works Services, and Policy and Management Departments. This change results in new roles, responsibilities and titles for certain positions and reduces the number of Executive Level positions by one.

Assistant City Manager George Chavez presented a PowerPoint and oral report on the proposed reorganization of the Capital Assets, Public Works Services and Policy and Management departments. He discussed the reorganization goals, proposed changes for the three departments, staff changes, fiscal impact, and recommendation.

Councilmember Gold asked about the full-time employees under the management teams and the manageability of the positions. He suggested putting an evaluation component after six months or one year to assess the effectiveness of the changes made. The Councilmembers expressed their full support of the changes.

MOVED by Councilmember Bosse, seconded by Councilmember Gold to approve Resolution G-3 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPROVING AN AMENDED AND RESTATED EXECUTIVE
EMPLOYEE COMPENSATION PLAN FOR DEPARTMENT
DIRECTORS, ASSISTANT DEPARTMENT DIRECTORS AND SENIOR
MANAGEMENT EMPLOYEES

Ayes: Councilmember Reims, Councilmember Gold, Councilmember Bosse,
and Mirisch.

Noes: None.

Absent: Krasne.

CARRIED

ITEM G-3: ADOPTED; RES# 16-R-13094; CP-05-2016

H. COMMISSION SYNOPSIS

1. PUBLIC WORKS COMMISSION - Special Meeting of June 2, 2016
FINE ART COMMISSION - Regular Meeting of June 16, 2016
PLANNING COMMISSION - Special Meeting of June 30, 2016
CHARITABLE SOLICITATIONS COMMISSION - Regular Meeting of July 13, 2016

ITEM H-1; NO ACTION TAKEN

I. OTHER BUSINESS

None

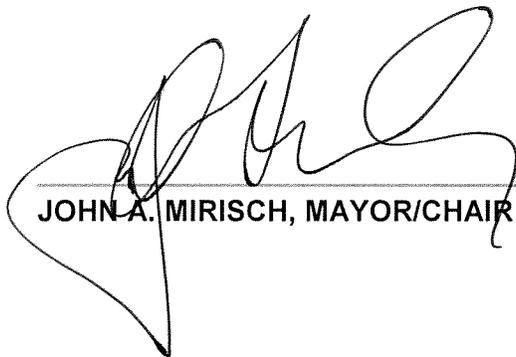
J. ADJOURNMENT

There being no further business, Mayor/Chair Mirisch, with the consent of the City Council/Parking Authority, adjourned the meeting at 10:18pm.

PASSED, Approved and Adopted
this 16th day of August, 2016



BYRON POPE, City Clerk/Secretary



JOHN A. MIRISCH, MAYOR/CHAIR

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