



**CITY OF BEVERLY HILLS
ADJOURNED REGULAR CITY COUNCIL MEETING
MINUTES
September 10, 2013**

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

PLEDGE OF ALLEGIANCE led by Rabbi David Baron

A. ROLL CALL

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

B. PRESENTATIONS

None

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. Gary Greene
2. Thunderbird Ramirez
3. Leslie Barnard
4. Ruben Urcis

Councilmember Krasne requested that an item be placed on a subsequent Study session to discuss revising the Municipal Code Section 5 in relation to the incident that happened at 350 North Crescent Drive over the weekend.

3. REPORT FROM THE CITY MANAGER

* Introduction of new City Engineer and new Utilities Manager - Jeff Kolin, City Manager

City Manager Jeff Kolin introduced new City Engineer Mark Cuneo and new Utilities Manager Trish Rhay. Mr. Cuneo and Ms. Rhay provided a brief background about themselves.

Council agreed to a Council Priority Setting meeting on December 17, 2013 in lieu of the Study Session.

Council also agreed to do the Hamel Park dedication on October 13, 2013 at 9 am, Beverly Gardens Park Groundbreaking Ceremony at 10 am, and the Rodeo Drive event at 11 am.

City Attorney Larry Wiener announced that City Council has authorized supplementing the City's complaint in the Beverly Hills vs Federal Transit Administration by filing a new complaint and through stipulation with the Federal Transit Administration consolidating the new complaint with the existing complaint at the Closed Session with a vote of 4-1 with Councilmember Brien dissenting.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING A MILLS ACT CONTRACT FOR FOX WILSHIRE - SABAN THEATRE AT 8440 WILSHIRE BLVD., BEVERLY HILLS. Comment: It is recommended that the City Council adopt a resolution approving a Mills Act Contract for Fox Wilshire - Saban Theatre at 8440 Wilshire Blvd., Beverly Hills.

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

The report of the Urban Designer and the records of the Community Development Department in this matter are made a part of the record of this hearing.

Urban Designer William Crouch provided a brief background on the item, noting that the Saban Theatre property is the first Mills Act contract applicant. Rabbi David Baron answered questions from Councilmember Krasne pertaining to the marquee LED signs, color limit and neon. Councilmember Gold asked questions regarding how money is spent to improve the property, and the determination and difference in dollars between single family and commercial properties. Councilmember Brien asked what happens to the property tax in the event the property owner has no funds to do the work in a given period and suggested there be a yearly update to Council on how the Mills Act program is working and be notified in a timely manner of the tax laws applying to the City and the property. Vice Mayor Bosse asked whether Council will be apprised of the timeline including proposed goals and objectives to be done within the 10-year span.

MOVED by Vice Mayor Bosse, seconded by Councilmember Krasne to adopt Resolution D1 as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPROVING A MILLS ACT CONTRACT FOR FOX WILSHIRE - SABAN
THEATRE AT 8440 WILSHIRE BLVD., BEVERLY HILLS

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

Noes: None.

CARRIED

ITEM D-1 ADOPTED RES# 13-R-12951 AG# 357-13

E. CONTINUED AND NEW BUSINESS

1. REQUEST FOR CITY COUNCIL COMMENTS REGARDING A REQUEST BY AKA SERVICED RESIDENCES TO ALLOW STAYS OF LESS THAN 30 DAYS WITHIN THE EXISTING APARTMENT BUILDING LOCATED AT 155 NORTH CRESCENT DRIVE.
Comment: Staff has received an application filed by AKA Serviced Residences to allow stays of less than 30 days at the subject property. Staff seeks to understand whether there is Council interest in processing the application, and whether there are any specific concerns that should be studied when processing the application.

Assistant Director of Community Development/City Planner Jonathan Lait provided background information on the request.

Speaking:

1. Stanley Stalford
2. Larry Korman
3. Thunderbird Ramirez
4. Mitch Waldow

Council discussed in detail, asked questions and provided their comments to staff on issues concerning traffic and parking, safety standards, accommodations and changes to the configuration, zoning and land use, environmental impacts, noticing to residents, changes to the General Plan and housing element, the proposed restaurant, public benefits and future impacts.

Council directed staff to bring the item to the Planning Commission for further discussion.

ITEM E-1: COUNCIL PROVIDED THEIR COMMENTS TO STAFF, AND DIRECTED STAFF TO BRING THE ITEM TO THE PLANNING COMMISSION FOR FURTHER DISCUSSION

2. REQUEST FOR PRELIMINARY CITY COUNCIL COMMENTS REGARDING A REQUEST BY BOFFO CINEMAS TO CONSTRUCT A FOUR-STORY MOVIE THEATER WITH RESTAURANT, RETAIL, AND OFFICE USES ON THE PROPERTY LOCATED AT 257 NORTH CANON DRIVE. Comment: Staff has received an application filed by Boffo Cinemas to construct a 4-story theater, including restaurant, retail, and office uses at the subject property. Staff seeks to understand whether there is Council interest in processing the application, and whether there are any specific concerns that should be studied when processing the application.

Assistant Director of Community Development/City Planner Jonathan Lait provided a brief overview on the request including code compliance information, required approvals, and proposed public benefits.

Speaking:

1. Adolfo Fastlicht
2. Greg Simonoff
3. Thunderbird Ramirez
4. Jay Newman

Council provided their feedback to staff on the following issues: parking shared entrance/wall, parking spaces, traffic and parking impact, height and density, preservation of views/Montage property views, rooftop and other compatible uses, public benefits aside from those mentioned, additional financial information to prove that the company is viable, changes to the General Plan and zoning, noticing and feedback from the community, and code compliance.

Council directed staff to bring the item to the Planning Commission/City Council Liaison Committee for further discussion.

ITEM E-2: COUNCIL PROVIDED THEIR COMMENTS TO STAFF, AND DIRECTED STAFF TO BRING THE ITEM TO THE PLANNING COMMISSION/CITY COUNCIL LIAISON COMMITTEE FOR FURTHER DISCUSSION

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Gold, seconded by Councilmember Krasne to remove Items F-6, F-7, F-8, F-9, F-10, F-11, F-14 and F-18 for public comment, discussion and separate vote, approve the remaining items on the City Council consent calendar, and direct that the appropriate accounts be charged on Items F-3 and F-4

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of August 20, 2013.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of August 20, 2013.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated August 10 - August 23, 2013.
4. PAYROLL DISBURSEMENT REPORT, report dated September 10, 2013.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION 10-3-3311 REGARDING IN-LIEU PARKING FEES. Second Reading - For Adoption. Comment: Request by Spaghettini Restaurant (184 North Canon Drive) for a Zone Text Amendment to allow in-lieu parking spaces to be leased from the City on an annual basis at a reduced cost, rather than purchased in-full.

ITEM F-5: ADOPTED ORD# 13-O-2644

6. CHANGING REFERENCES TO "COMMUNITY DEVELOPMENT DEPARTMENT" TO "CITING DEPARTMENT" IN THE CODE VIOLATIONS SECTION OF THE BEVERLY HILLS MUNICIPAL CODE; AND FURTHER DEFINING UNLAWFUL USE OF DISABLED PLACARD. Second Reading - For Adoption. Comment: Consider amendments to the Municipal Code regarding Code Violations changing references from "Community Development Department" to "Citing Department" and further defining the unlawful use of invalid disabled placard.

Speaking:

1. Thunderbird Ramirez

MOVED by Councilmember Brien, seconded by Vice Mayor Bosse to adopt Ordinance F-6 as follows:

CHANGING REFERENCES TO "COMMUNITY DEVELOPMENT DEPARTMENT" TO "CITING DEPARTMENT" IN THE CODE VIOLATIONS SECTION OF THE BEVERLY HILLS MUNICIPAL CODE; AND FURTHER DEFINING UNLAWFUL USE OF DISABLED PLACARD

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

Noes: None.

CARRIED

ITEM F-6: ADOPTED ORD# 13-O-2645

7. AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO MOVE THE CONSENT CALENDAR BEFORE THE PUBLIC HEARINGS IN THE ORDER OF BUSINESS. Second Reading - For Adoption. Comment: The ordinance amends the municipal code to move the consent calendar before the public hearings in the order of business.

ITEM F-7: ADOPTED ORD# 13-O-2646

8. AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ACCOUNT FOR THE REORGANIZATION OF THE PUBLIC WORKS AND TRANSPORTATION DEPARTMENT. Second Reading - For Adoption. Comment: Amendments to the ordinance will reflect the dissolution of the Public Works and Transportation department and director titles. The amendments will reflect the two new department names Department of Public Works Services and Department of Capital Assets and outline the job duties and responsibilities for each respective department due to the reorganization.

Speaking:

1. Thunderbird Ramirez

MOVED by Councilmember Brien, seconded by Vice Mayor Bosse to adopt Ordinance F-8 as follows:

AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ACCOUNT FOR THE REORGANIZATION OF THE PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

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

Noes: None.

CARRIED

ITEM F-8: ADOPTED ORD# 13-O-2647

RESOLUTIONS APPROVING:

None

APPROVAL OF:

9. PERMIT APPLICATION FOR GEOTECHNICAL EXPLORATION ASSOCIATED WITH THE METRO WESTSIDE SUBWAY EXTENSION PROJECT. Comment: This report recommends that the City Council authorize staff to issue the necessary permits for exploratory drilling 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.

City Engineer Mark Cuneo responded to Councilmember Gold's questions regarding the parking restrictions and City's liability. Mayor Mirisch suggested that the permit be amended to only one Sunday to minimize the potential impacts to the adjacent residents and businesses. He also asked staff to provide additional information on the impacts of the tie back anchors, other buildings along Wilshire Boulevard using tie back anchors, and when the 8536 Wilshire Boulevard building was built.

MOVED by Mayor Mirisch, seconded by Vice Mayor Bosse to approve Item F-9 as amended to add restriction of one Sunday only, as follows:

PERMIT APPLICATION FOR GEOTECHNICAL EXPLORATION
ASSOCIATED WITH THE METRO WESTSIDE SUBWAY EXTENSION
PROJECT

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

Noes: None.

CARRIED

ITEM F-9: APPROVED AS AMENDED TO ADD RESTRICTION OF ONE SUNDAY ONLY

10. REVIEW AND APPROVE CITY OF BEVERLY HILLS RESPONSE TO COUNTY OF LOS ANGELES GRAND JURY REPORT ON CITIES FISCAL HEALTH, GOVERNANCE, FINANCIAL MANAGEMENT AND COMPENSATION. Comment: Report detailing the responses of the City of Beverly Hills to the County of Los Angeles Grand Jury Financial Report.

Councilmember Brien requested clarification on the report procedure from Chief Financial Officer Don Rhoads.

MOVED by Councilmember Brien, seconded by Vice Mayor Bosse to approve Item F-10 as follows:

REVIEW AND APPROVE CITY OF BEVERLY HILLS RESPONSE TO COUNTY OF LOS ANGELES GRAND JURY REPORT ON CITIES FISCAL HEALTH, GOVERNANCE, FINANCIAL MANAGEMENT AND COMPENSATION

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

Noes: None.

CARRIED

ITEM F-10: APPROVED

11. AN AGREEMENT WITH CEDARS-SINAI MEDICAL CENTER FOR EMERGENCY MEDICAL PROGRAM SERVICES. Comment: The City provides pre-hospital emergency medical care to provide high quality care within prevailing medical technology. It is authorized by the Government Code to enter into professional, expert technical and specialized services. The City desires to hire the Medical Center to provide the services of Consultant to perform such services.

Speaking:

1. Thunderbird Ramirez

ITEM F-11: NO ACTION TAKEN – ITEM MOVED TO A SUBSEQUENT CITY COUNCIL MEETING

12. AGREEMENT WITH M. E. SIMPSON CO., INC. FOR FIRE HYDRANT MAINTENANCE AND DATA COLLECTION SERVICES ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED \$115,700.00. Comment: The City of Beverly Hills maintains a Class I fire rating from the Insurance Service Office (ISO), which results in potential savings for homeowners and others on fire insurance rates. The City is one of only about 50 Cities in the nation that have this prestigious rating. In order to maintain the Class 1 rating from ISO the City must perform annual fire hydrant flow test and maintenance on the fire hydrants. The total cost is not to exceed \$115,700.00 per year for a period of three years.

ITEM F-12: APPROVED AG# 352-13

13. THE AWARD OF CONTRACT TO BBS CONSTRUCTION CORPORATION FOR THE GREYSTONE FIREHOUSE SEISMIC UPGRADE AND RESTROOM PROJECT; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND APPROVAL OF PURCHASE ORDERS TO BBS CONSTRUCTION CORPORATION FOR THE CONTRACT WORK IN THE TOTAL AMOUNT OF \$1,006,000. Comment: Provides for

the interior and exterior modification of the Greystone Firehouse building to create public restrooms for Greystone Park and includes seismic upgrades to meet current code.

ITEM F-13: APPROVED AG# 353-13

14. THE AWARD OF CONTRACT TO ANGELUS WATERPROOFING & RESTORATION CORPORATION FOR THE PARKING FACILITIES WATERPROOFING PROJECT IN VARIOUS CITY PARKING FACILITIES; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND

APPROVAL OF PURCHASE ORDERS TO ANGELUS WATERPROOFING & RESTORATION CORPORATION FOR THE CONTRACT WORK IN THE TOTAL AMOUNT OF \$1,812,162. Comment: Provides for waterproofing and concrete repair for 9 City parking garages.

In response to Councilmember Krasne's question, Project Administrator Charles Ackerman explained that all floors will be waterproofed.

MOVED by Councilmember Krasne, seconded by Councilmember Brien to approve Item F-14 as follows:

THE AWARD OF CONTRACT TO ANGELUS WATERPROOFING & RESTORATION CORPORATION FOR THE PARKING FACILITIES WATERPROOFING PROJECT IN VARIOUS CITY PARKING FACILITIES; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND

APPROVAL OF PURCHASE ORDERS TO ANGELUS WATERPROOFING & RESTORATION CORPORATION FOR THE CONTRACT WORK IN THE TOTAL AMOUNT OF \$1,812,162

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

Noes: None.

CARRIED

ITEM F-14: APPROVED AG# 354-13

15. SECOND AMENDMENT TO THE AGREEMENT WITH SENTRY CONTROL SYSTEMS, INC. FOR THE EXPANSION, INCLUDING MAINTENANCE AND OPERATIONS OF THE PARKING ACCESS AND REVENUE CONTROL SYSTEM (PARCS) FOR THE PARKING FACILITIES LOCATED IN CITY, AND; APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$2,964,075. Comment: This amendment extends the termination date of this agreement to continue ongoing preventative maintenance service and provide for the replacement and upgrade of the PARC system over the remaining life of the equipment for a new total not to exceed amount of \$2,964,075.

ITEM F-15: APPROVED AG# 355-13

16. ACCEPTANCE OF CONTRACT WORK FOR THE CIVIC CENTER SIGNAGE PROJECT BY SCHEA HOLDINGS INC. DBA: SIGNGROUP/ KARMAN IN THE FINAL CONTRACT AMOUNT OF \$121,688.03. Comment: Recommends that the City Council accept the described contract work with Schea Holdings Inc., DBA: SignGroup/Karman and authorize the recording of the Notice of Completion.

ITEM F-16: APPROVED

17. REJECTION OF INFORMAL BIDS FOR CONTRACT WORK PERTAINING TO THE SANTA MONICA FIVE PARKING GARAGE SIGNAGE PROJECT. Comment: Staff recommends that the City Council move to reject the informal bids for contract work pertaining to the Santa Monica Five Parking Garage Signage Project, located at N. Santa Monica Boulevard between Beverly Drive & Linden Dr., and authorize the rebidding of the work.

ITEM F-17: APPROVED

18. AMENDMENT NO. 2 TO THE AGREEMENT WITH MATT CONSTRUCTION CORPORATION FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE BEVERLY GARDENS PARK; AND

EXECUTION OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$254,501 TO MATT CONSTRUCTION CORPORATION FOR THE SERVICES; AND

APPROPRIATION OF \$100,000 FROM THE GENERAL FUND BALANCE FOR CONSTRUCTION OF THE BEVERLY GARDENS PARK LILY POND PROJECT. Comment: Recommends that the City Council approve Amendment No. 2 with Matt Construction which reduces the overall costs for construction management services based on the current schedule for completion, and appropriate funding to supplement the cost for completing the Beverly Gardens Park Phase 1 improvements.

Speaking:

1. Thunderbird Ramirez

MOVED by Councilmember Brien, seconded by Vice Mayor Bosse to approve Item F-18 as follows:

AMENDMENT NO. 2 TO THE AGREEMENT WITH MATT CONSTRUCTION CORPORATION FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE BEVERLY GARDENS PARK; AND

EXECUTION OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$254,501 TO MATT CONSTRUCTION CORPORATION FOR THE SERVICES; AND

APPROPRIATION OF \$100,000 FROM THE GENERAL FUND BALANCE FOR CONSTRUCTION OF THE BEVERLY GARDENS PARK LILY POND PROJECT

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

CARRIED

ITEM F-18: APPROVED AG# 356-13

Vote on the Consent Calendar:

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

CARRIED

G. COMMISSION SYNOPSIS

1. RECREATION AND PARKS COMMISSION - Special Meeting of August 13, 2013
CHARITABLE SOLICITATIONS COMMISSION - Regular Meeting of August 14, 2013
FINE ART COMMISSION - Special Meeting of August 15, 2013

ITEM G-1: NO ACTION TAKEN

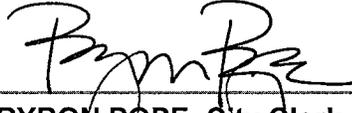
H. OTHER BUSINESS

None

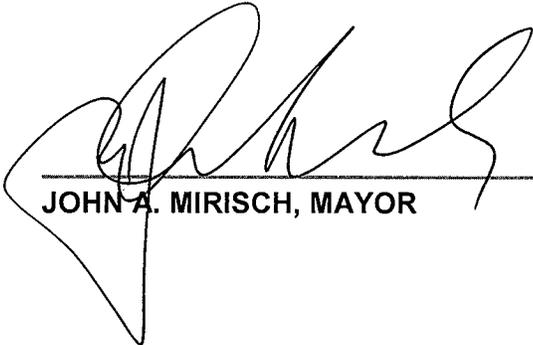
I. ADJOURNMENT

There being no further business, Mayor Mirisch, with the consent of the Council, adjourned the meeting at 10:53 pm.

PASSED, Approved and Adopted
this 24th day of September, 2013



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.