



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
November 17, 2015**

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

PLEDGE OF ALLEGIANCE led by Giacomino Drago

A. ROLL CALL

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

B. PRESENTATIONS

1. 60-SECOND BUSINESS SHOUT-OUT – Drago Restaurants

Mayor Gold, along with the entire City Council, presented the 60-Second Business Shout-Out certificate to Drago Restaurants' owner Giacomino Drago and his family, and thanked Gaby Alexander for nominating the Drago collection of restaurants for a shout-out.

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 Brien announced that text messages on any City-related topic may be sent to (310) 596-4265.

At 7:30pm with the arrival of French Consul General of Los Angeles Christophe Lemoine, Mayor Gold held a moment of silence for the victims of Friday's Paris attacks, including California student Nohemi Gonzalez. Mr. Lemoine thanked the City for the dedication.

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. Sybil Goldrich
2. Scott Redston, Vahagn Setian Charitable Foundation

3. REPORT FROM THE CITY MANAGER

None

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

Vice Mayor Mirisch reported that he joined a group composed of Team Beverly Hills members, Commissioners, City staff, and residents this past weekend on a trip to the Sacramento Delta area, hosted by Metropolitan Water District Director Robert Wunderlich, to look at and discuss current water issues.

Interim City Attorney David Snow announced that at the Closed Session this afternoon, the City Council considered the matter of City of Beverly Hills vs Los Angeles County Metropolitan Transportation Authority Case No. BS137607 regarding the subway extension approval process. The City Council decided not to seek review of the decision of the Court of Appeals with a 4-1 vote, with Vice Mayor Mirisch dissenting.

D. CITY COUNCIL CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Councilmember Krasne, seconded by Vice Mayor Mirisch to approve all items on the City Council consent calendar, and direct that the appropriate accounts be charged on Items D-2 and D-3

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of November 3, 2015.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated October 24 – November 6, 2015.
3. PAYROLL DISBURSEMENT REPORT, report dated November 17, 2015.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING STREETS DESIGNATED FOR HEAVY VEHICLE USE. Second Reading - For Adoption. Comment: This ordinance amends the municipal code regarding streets designated for vehicles weighing 3 tons or more to provide a weight limit of 10,000 pounds on Rodeo Drive, Canon Drive, Bedford Drive, Brighton Way, Dayton Way and South Santa Monica Boulevard due to safety concerns.

ITEM D-4: ADOPTED; ORD# 15-O-2694

5. REPEALING SECTION 2-1-21 OF THE BEVERLY HILLS MUNICIPAL CODE REGARDING COUNCIL VACANCIES. First Reading - For Introduction. Comment: This ordinance amends the municipal code to repeal the provisions regarding council vacancies so that the general provisions contained in the California Government Code would govern council vacancies.

ITEM D-5: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF DECEMBER 1, 2015 FOR ADOPTION

RESOLUTION:

None

APPROVAL OF:

6. ARCHITECTURAL COMMISSION APPOINTMENT (SHERI HIRSCHFELD). Comment: Appoints Sheri Hirschfeld to the Architectural Commission for an initial two-year term.

ITEM D-6: APPROVED

7. REAPPOINTING MEMBERS TO THE ARCHITECTURAL COMMISSION (MICHELLE KAYE), FINE ART COMMISSION (ALAN KAYE), HEALTH AND SAFETY COMMISSION (DANIEL NAZARIAN, DMD, MYRA DEMETER, AND GARY B. ROSS), AND PUBLIC WORKS COMMISSION (SANDRA ARONBERG, MD AND JEFF WOLFE). Comment: Reappoints Commissioners Michelle Kaye, Alan Kaye, Daniel Nazarian, DMD, Myra Demeter, Gary B. Ross, Sandra Aronberg, MD, and Jeff Wolfe for a four-year term each.

ITEM D-7: APPROVED

8. AGREEMENT WITH CENGAGE LEARNING, INC., A DELAWARE CORPORATION FOR SUBSCRIPTION AND HOSTING SERVICES FOR LIBRARY ONLINE SERVICES. Comment: Recommends approval of a five year agreement for subscription and hosting services.

ITEM D-8: APPROVED; AG# 581-15

9. AMENDMENT NO. 1 TO AN AGREEMENT WITH ATHENS INSURANCE SERVICES, INC. DBA ATHENS ADMINISTRATORS FOR THIRD PARTY ADMINISTRATION SERVICES FOR WORKERS' COMPENSATION PROGRAM. Comment: Requests City Council approval of Amendment No. 1 to the agreement with Athens Insurance Services, Inc. This amendment extends the service agreement for workers' compensation third party claims management for an additional three years. The City Council previously approved a purchase order for an amount not to exceed \$305,299. The amendment provides for no increase in fees for the first year, an increase of \$9,159 in the second year, and an increase of \$9,434 in the final year of the amended agreement.

ITEM D-9: APPROVED; AG# 582-15

10. AMENDMENT NO. 3 TO AN AGREEMENT WITH CARL WARREN & COMPANY FOR SELF-INSURANCE ADMINISTRATION SERVICES. Comment: Requests City Council approval of Amendment No. 3 to the agreement with Carl Warren & Co. This amendment extends the service agreement for self-insurance, third party liability claims administration for an additional three years. The City Council previously approved a purchase order for an amount not to exceed \$95,000. The amendment provides for change in the service charge to a blended rate of \$80 per hour and adds a service fee of \$1,000 per year.

ITEM D-10: APPROVED; AG# 583-15

11. AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, OLYMPOS PAINTING, INC. FOR THE GREYSTONE JOINT SEALANT AND VALVE COATINGS REHABILITATION WITHIN THE CITY OF BEVERLY HILLS, CALIFORNIA, IN THE AMOUNT OF \$828,880; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFOR; FIND THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND APPROVAL OF ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$915,000 TO OLYMPOS PAINTING, INC. FOR THE PROJECT. Comment: This is a request to Council to award a construction contract to Olympos Painting, Inc. for the rehabilitation of the Greystone reservoir in the amount of \$828,880, approve a 10.4% contingency of \$86,120, and approve the issuance of a purchase order of \$915,000. The scope of work includes replacement of joint sealant, concrete spall repairs, sandblast and coat valves, and install two sampling pump stations. The Council will also consider finding the project exempt from the California Environmental Quality Act.

ITEM D-11: APPROVED; AG# 584-15

12. ACCEPTANCE OF THE CONTRACT FOR CITYWIDE PAVEMENT AND CURB MARKINGS – VARIOUS LOCATIONS PROJECT BY SUPERIOR PAVEMENT MARKINGS, INC. IN THE FINAL AMOUNT OF \$242,740.00 AND AUTHORIZATION OF CITY CLERK TO RECORD A NOTICE OF COMPLETION. Comment: This project included the restriping of approximately 28.4 miles of striping, 222 intersections, and a number of miscellaneous pavement markings citywide. Additional work included Trousdale area striping modifications, various thermoplastic removals and restriping, and restriping at 58 high priority locations as determined by Staff. It is recommended that the described work with Superior Pavement Markings, Inc. be accepted and authorization be given for the recordation of the Notice of Completion.

ITEM D-12: APPROVED

13. ACCEPTANCE OF THE CONTRACT FOR FY13/14 WATER MAIN REPLACEMENT – VARIOUS LOCATIONS PROJECT BY DOMINGUEZ GENERAL ENGINEERING, INC. IN THE FINAL AMOUNT OF \$4,012,356.39 AND AUTHORIZATION OF CITY CLERK TO RECORD A NOTICE OF COMPLETION. Comment: This project included the replacement of approximately 23,000 LF of water main, 94 valves, and 345 meter boxes in select streets and alleys. Major change order work included the emergency replacement of the 8" water main on Carolyn Way between Marilyn Drive and Laurel Way. It is recommended that the described work with Dominguez General Engineering, Inc. be accepted and authorization be given for the recordation of the Notice of Completion.

ITEM D-13: APPROVED

14. ACCEPTANCE OF CONTRACT WORK FOR THE FIRE STATION HEADQUARTERS IMPROVEMENT PROJECT BY FAST TRACK CONSTRUCTION CORPORATION IN THE FINAL CONTRACT AMOUNT OF \$1,196,093.24 AND AUTHORIZATION OF CITY CLERK TO RECORD NOTICE OF COMPLETION. Comment: Acceptance for the remodel project at Fire HQ including locker rooms, bedrooms, turnout lockers and apparatus floor refinishing and authorization of the City Clerk to Record the Notice of Completion.

ITEM D-14: APPROVED

15. REJECTION OF BIDS FOR CONTRACT WORK PERTAINING TO THE MODERNIZATION OF HYDRAULIC ELEVATOR EQUIPMENT IN THREE CITY FACILITIES – PHASE 4. Comment: Rejection of bids due to only one bid received for amount over the consultants estimate. Project will be rebid with revised scope of work.

ITEM D-15: APPROVED

16. A PURCHASE ORDER TO LONG BEACH BMW MOTORCYCLES FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$56,739.72 FOR PURCHASE OF TWO (2) BMW POLICE MOTORCYCLES. Comment: Staff recommends that the City Council waive the bidding requirements and move to approve a purchase order in the amount of \$56,739.72 to Long Beach BMW Motorcycles for the purchase of specified motorcycles. Funding for this purchase is included in the Fiscal Year 2015-2016 Council-approved Department budget.

ITEM D-16: APPROVED

17. A PURCHASE ORDER IN THE AMOUNT OF \$585,000 TO HDL COMPANIES FOR REVENUE ENHANCEMENT SERVICES. Comment: This purchase order is for an existing City Council approved agreement #447-13, approved November 3, 2013.

ITEM D-17: APPROVED

18. A PURCHASE ORDER IN THE AMOUNT OF \$65,727 TO WHITE NELSON DIEHL EVANS LLP FOR AUDITING SERVICES. Comment: Provides for annual audit for fiscal year ended June 30, 2015.

ITEM D-18: APPROVED

Vote on the City Council 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. A. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH A WASTEWATER CAPACITY CHARGE. First Reading - For Introduction.

B. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO ESTABLISH A WASTEWATER CAPACITY CHARGE. Comment: This ordinance and resolution is to amend the Municipal Code and the City's Schedule of Taxes, Fees and Charges, respectively, to establish a wastewater capacity charge.

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 Senior Management Analyst and the record of the Public Works Services Department in this matter are made a part of the record of this hearing.

Senior Management Analyst Michelle Tse presented a PowerPoint and oral report discussing what a wastewater capacity fee is, Government code that allows charging of wastewater capacity fee, who will be impacted by the fee, wastewater capacity fee structure summary, calculation for residential projects and examples, capacity fees calculation for all classes, commercial redevelopment calculation and examples, and the next steps involved.

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

Council liaisons Vice Mayor Mirisch and Councilmember Brien stated that the calculations were intended for the residents to pay their fair share of the costs.

Ms. Tse, Assistant Director of Public Works Services/Infrastructure and Field Operations Trish Rhay, and City Manager Mahdi Aluzri responded to questions from Councilmembers Krasne and Bosse, and Mayor Gold on how commercial assessments are determined, how square footage/sewage capacity and usage affect assessments, landscaping, and water use evaluation based on totality of repurposing of building instead of just increased square footage.

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to introduce and read by title only, advance to the meeting of December 1, 2015 for adoption Ordinance E-1A as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH A WASTEWATER CAPACITY CHARGE

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

Noes: None.

CARRIED

ITEM E-1A: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF DECEMBER 1, 2015 FOR ADOPTION

MOVED by Councilmember Brien, seconded by Councilmember Krasne to adopt Resolution E-1B as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO ESTABLISH A WASTEWATER CAPACITY CHARGE

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

CARRIED

ITEM E-1B: ADOPTED; RES# 15-R-13059

F. CONTINUED AND NEW BUSINESS

1. NORTH SANTA MONICA BOULEVARD RECONSTRUCTION PROJECT TRAFFIC MITIGATION. Comment: Forwards Traffic & Parking Commission recommendations and seeks direction on Santa Monica Boulevard Reconstruction Project traffic mitigation.

Deputy Director of Transportation Aaron Kunz provided a PowerPoint and oral report reviewing the results of the public outreach conducted thus far, and the Traffic and Parking Commission (TPC) recommendations, noting that the recommendations were reviewed by Council liaisons Councilmembers Brien and Krasne. He introduced Michael Meyer from Psomas who reviewed the public information program, South Santa Monica Boulevard options, community outreach efforts, mitigation for parking removal, traffic mitigation on residential streets, traffic mitigation toolbox, and the next steps to take.

TPC Chair Lester Friedman provided comments on the TPC discussions at the meetings and liaison meetings as well as TPC recommendations.

Speaking:

1. Mark Elliot

Council liaison Councilmember Brien explained that the traffic impact is not something that can be avoided; however, the options proposed by the Ad Hoc Committee will mitigate the impact in some way. He stated that the biggest concern is to preserve access to the Business Triangle. The solutions suggested were to temporarily put covers over parking meters during peak hours or all day to give better access, with the mitigation plan of going back and temporarily striping the Santa Monica 5, allow parking on the north side to have clearance for cars to back out, or temporarily use valet services. He stated that other points discussed by the Ad Hoc Committee include changes in pedestrian crossing, ingress/egress entrance into the Business Triangle, lighting system, and bicycle access. Council liaison Councilmember Krasne added her comments and thoughts on the issues.

Mr. Kunz, City Engineer Mark Cuneo, City Manager Mahdi Aluzri, and Mr. Myers responded to Council questions regarding costs, shortening the duration of the project, restriping of the Santa Monica 5 upper parking and additional parking, parking spaces, people who attended the TPC meetings, noticing, phasing of North Santa Monica Boulevard, TPC recommendation of Option C, use of Santa Monica 5 parking

spaces, circulation during construction, loading area if parking is taken away in North Santa Monica Boulevard, timeline in relation to the subway construction, outreach to residents of Carmelita and Elevado, and bicycles.

Councilmember Bosse requested that more detailed information be provided to Council. She indicated that she did not have sufficient information in order to support the project. She suggested that staff conduct more public outreach.

Councilmember Brien suggested that the project be brought back as soon as possible in order to avoid more delays due to the holidays.

Vice Mayor Mirisch indicated that the most important issue for him is to focus on finding a solution to the diversion of through traffic and providing access to people who want to shop in the City.

Mr. Aluzri stated that staff has a schedule to follow to begin construction and at some point, the City needs to provide the contractor a framework with the basic elements to operate on in order to put together a bid with the scope of services specifying what is needed, possible alternatives and corresponding costs although it does not mean that the elements will necessarily be implemented. In the meantime, staff will research and bring back responses to Council questions, conduct more public outreach, and bring the item back to Council with more details.

ITEM F-1: NO ACTION TAKEN; COUNCIL PROVIDED FEEDBACK AND DIRECTION TO STAFF REGARDING THE SANTA MONICA BOULEVARD RECONSTRUCTION PROJECT

2. APPROVAL OF:

A. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE DEVELOPMENT OF A DOG PARK AT THE SOUTHEAST CORNER OF FOOTHILL ROAD AND ALDEN DRIVE, AND AUTHORIZING DEVELOPMENT OF A DOG PARK SUBJECT TO FINAL DESIGN AND OPERATIONAL CONTROLS.

B. AMENDMENT NO. 1 TO AN AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND RTK ARCHITECTS, INC. FOR CONSULTANT DESIGN SERVICES IN CONNECTION WITH A DOG PARK; AND

C. APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$76,900 TO RTK ARCHITECTS, INC. FOR THE SERVICES. Comment: This item seeks to confirm a few basic park operations, City Council adoption of the project's finalized Mitigated Negative Declaration and to approve an agreement with RTK Architects, Inc., to proceed with design and construction documents associated with the project. Staff will research additional recommended operating procedures while the project is being designed and will present them to City Council for adoption in the near future.

Assistant Director of Community Services/City Librarian Nancy Hunt-Coffey, Assistant Director of Community Development/City Planner Ryan Gohlich and Project Manager Stuart Sam provided a PowerPoint and oral report discussing the previous key public meetings where the item was discussed, the environmental review and correspondence received, and the next steps that will be taken. Ms. Hunt-Coffey noted that the operational plan and detailed design work of the dog park will not be discussed tonight.

Mayor Gold acknowledged letters/email messages received from:

1. Michael Baum, Resch Polster & Berger LLP
2. Julie Levi

Speaking:

1. Teri Austin, The Amanda Foundation
2. Tina Sinatra
3. Robin Poncy, Pet Food Express
4. Marcia Hobbs, The Beverly Hills Courier

Councilmember Krasne read an email she received from Dr. Pablo Nankin.

Councilmember Krasne assured residents that the dog park is a fluid project that will continue to change and the City will try to address all the problems that will come up as the project goes along.

Councilmember Bosse addressed the four potential impacts (cultural, hazardous, air quality, and noise) of the mitigated declaration that if mitigated would be deemed less than significant.

Councilmember Brien asked whether there were technical data received from outside experts that challenged the mitigated declaration. He requested that the City continue to reach out and work with congregants of the temples to keep them in the loop of what is going on in order to foster more understanding and unity.

Vice Mayor Mirisch explained that the City and members of the Council have engaged in extensive and ongoing dialogues with the synagogues to allay their concerns.

Mayor Gold thanked the supporters for their donations and requested that the gifts for the park be catalogued before the construction begins to help in the planning process.

City Council indicated their support for the item.

Deputy City Manager David Lightner pointed out a typographical error on the written amount on page 11, Exhibit B of the RTK agreement.

MOVED by Councilmember Bosse, seconded by Vice Mayor Mirisch to adopt Resolution F-2A as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE
DEVELOPMENT OF A DOG PARK AT THE SOUTHEAST CORNER OF
FOOTHILL ROAD AND ALDEN DRIVE, AND AUTHORIZING
DEVELOPMENT OF A DOG PARK SUBJECT TO FINAL DESIGN AND
OPERATIONAL CONTROLS

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

CARRIED

ITEM F-2A: ADOPTED; RES# 15-R-13060

MOVED by Councilmember Bosse, seconded by Vice Mayor Mirisch to approve Item
F-2B and F-2C as follows:

AMENDMENT NO. 1 TO AN AGREEMENT BETWEEN THE CITY OF
BEVERLY HILLS AND RTK ARCHITECTS, INC. FOR CONSULTANT
DESIGN SERVICES IN CONNECTION WITH A DOG PARK; AND

APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF
\$76,900 TO RTK ARCHITECTS, INC. FOR THE SERVICES

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

CARRIED

ITEM F-2B AND F-2C: APPROVED; AG# 585-15

G. COMMISSION SYNOPSIS

1. HEALTH AND SAFETY COMMISSION - Regular Meeting of October 26, 2015
RECREATION AND PARKS COMMISSION - Regular Meeting of October 27, 2015
CHARITABLE SOLICITATIONS COMMISSION - Special Meeting of November 4,
2015

ITEM G-1: NO ACTION TAKEN

H. OTHER BUSINESS

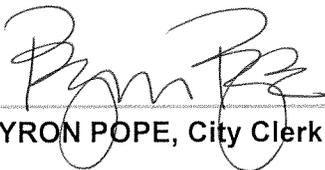
Vice Mayor Mirisch made remarks about the passing of 91 year old Ida Odell.

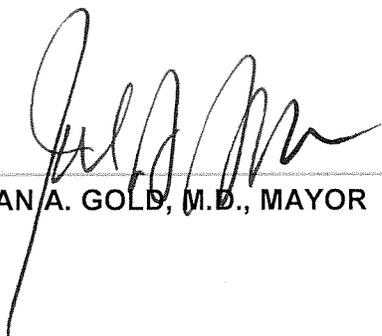
I. ADJOURNMENT

The next City Council Meeting will be held on December 1, 2015.

There being no further business, Mayor Gold, with the consent of the City Council, adjourned the meeting at 9:32pm in memory of Ida Odell.

PASSED, Approved and Adopted
this 1st day of December, 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.