



**CITY OF BEVERLY HILLS
JOINT REGULAR MEETING OF THE CITY COUNCIL AND
BEVERLY HILLS PUBLIC FINANCING AUTHORITY
MINUTES
February 16, 2016**

The Joint Regular Meeting of the City Council and the Beverly Hills Public Financing Authority was held in the Council Chamber at 7:00 pm.

PLEDGE OF ALLEGIANCE led by Frieda Berlin

A. ROLL CALLS

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

B. PRESENTATIONS

1. CERTIFICATE OF APPOINTMENT
- Architectural Commission - Sharon Persovski

Mayor Gold, along with the entire City Council, presented a certificate of appointment and City pin to newly appointed Architectural Commissioner Sharon Persovski.

2. 60-SECOND BUSINESS SHOUT-OUT - Fleming's Prime Steakhouse & Wine Bar

Mayor Gold, along with the entire City Council, presented a 60-Second Business Shout-Out certificate to Fleming's Prime Steakhouse & Wine Bar Operating Partner Connie Alvarez and her team for their service to the community.

3. 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/Public Financing 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/Public Financing Authority.)

None

2. AUDIENCE COMMENTS. Any person wishing to address the City Council/Public Financing 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/Public Financing 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/Public Financing 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.

None

3. REPORT FROM THE CITY MANAGER

None

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. PUBLIC FINANCING AUTHORITY CONSENT CALENDAR

PUBLIC FINANCING AUTHORITY FISCAL IMPACT REPORT

MOVED by Director Bosse, seconded by Director Krasne to approve all items on the Public Financing Authority consent calendar by reference

Minutes

1. CONSIDERATION OF THE MINUTES of the Public Financing Authority Meeting of September 10, 2015.

Other Business

APPROVAL OF:

2. RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF BEVERLY HILLS PUBLIC FINANCING AUTHORITY DECLARING INTENTION TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS OF THE AUTHORITY. Comment: Adoption of this resolution will allow the City and Financing Authority the option to be reimbursed any funds expended on the Fiber to the Premises project from the proceeds of any financings undertaken.

ITEM D-2: APPROVED; RES# PFA-16-R-38

Vote on the Public Financing Authority Consent Calendar:

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

CARRIED

E. CITY COUNCIL CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Councilmember Krasne, seconded by Vice Mayor Mirisch to remove Item E-6 for discussion and separate vote, approve the remaining items on the City Council consent calendar, and direct that the appropriate account be charged on Item E-4

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of January 26, 2016.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of February 2, 2016.
3. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Formal Meeting of February 2, 2016.

Demands Paid

4. REVIEW OF BUDGETED DEMANDS PAID, report dated January 23 – February 6, 2016.
5. PAYROLL DISBURSEMENT REPORT, report dated February 16, 2016.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

6. AMENDING BEVERLY HILLS MUNICIPAL CODE SECTIONS 10-3-2804(B) AND 10-3-2850 REGARDING THE HEIGHT LIMITS FOR ADDITIONS TO LEGALLY NONCONFORMING BUILDINGS IN MULTIPLE-FAMILY RESIDENTIAL ZONES. Second Reading - For Adoption. Comment: Ordinance proposed by the owner of a multi-family residential building at 310 N. Crescent Drive to amend the code to allow expansions of existing penthouse units to match existing, legally nonconforming height.

Councilmember Krasne asked Assistant Director of Community Development/City Planner Ryan Gohlich to provide additional information that was not included in the staff report. Mr. Gohlich responded to Council questions and comments pertaining to the building's ownership, red tagging, asbestos abatement, building's value, public benefit, and apartment conversion to condo.

Planning Commissioner Craig Corman confirmed that the Planning Commission decision was unanimous.

Speaking:

1. Steve Webb

MOVED by Councilmember Bosse, seconded by Brien to adopt Ordinance E-6 as follows:

ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTIONS 10-3-2804(B) AND 10-3-2850 REGARDING THE HEIGHT LIMITS FOR ADDITIONS TO LEGALLY NONCONFORMING BUILDINGS IN MULTIPLE-FAMILY RESIDENTIAL ZONES

Ayes: Councilmember Bosse, Councilmember Brien, and Mayor Gold.

Noes: Councilmember Krasne, and Vice Mayor Mirisch.

CARRIED

ITEM E-6: ADOPTED; ORD# 16-O-2699

RESOLUTION:

7. MODIFYING PREFERENTIAL PARKING PERMIT ZONE "D" ON THE 200 BLOCK OF EL CAMINO DRIVE BETWEEN CHARLEVILLE BOULEVARD AND GREGORY WAY. Comment: Traffic and Parking recommendation to add a Sunday permit parking regulation. With this modification, the regulation would be "No Parking Anytime, Permit 'D' Exempt."

ITEM E-7: ADOPTED; ORD# 16-R-13069

APPROVAL OF:

8. AMENDMENT NO. 1 TO AN AGREEMENT WITH DMS FACILITY SERVICES, LLC FOR MECHANICAL-ELECTRICAL SERVICES; FIRE AND LIFE SAFETY; HEATING, VENTILATING, AND AIR CONDITIONING SYSTEMS (HVAC); AND APPROVAL OF A CHANGE PURCHASE ORDER TO DMS FACILITY SERVICES, LLC IN THE AMOUNT OF \$75,000 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$615,750 FOR A ONE-YEAR PERIOD (12 MONTHS). Comment: Staff recommends approval of Amendment No. 1 to an agreement with DMS Facility Services for the maintenance and repair of mechanical-electrical services; fire and life safety; heating, ventilating, and air conditioning systems (HVAC); and approval of a Change Purchase Order in the amount of \$75,000 for a total not to exceed amount of \$615,750 for a one year period (12 months).

ITEM E-8: APPROVED; AG# 43-16

9. AMENDMENT NO. 2 TO THE AGREEMENT WITH ATKINSON, ANDELSON, LOYA, RUUD & ROMO, A PROFESSIONAL LAW CORPORATION TO REPRESENT THE CITY IN CERTAIN LABOR AND EMPLOYMENT MATTERS AND CONDUCT INDEPENDENT INVESTIGATIONS OF CONFIDENTIAL PERSONNEL MATTERS; AND APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$20,000 TO THE PURCHASE ORDER FOR A NOT-TO-EXCEED AMOUNT OF \$70,000. Comment: This is to request an approval of an amendment to add \$20,000 to the current agreement's consideration amount of \$50,000 for a total-not-to-exceed amount of \$70,000 and a change order of \$20,000 to the purchase order for a not-to-exceed amount of \$70,000 for Contractor to represent the City in certain labor and employment matters and conduct independent investigations of confidential personnel matters.

ITEM E-9: APPROVED; AG# 44-16

10. ACCEPTANCE OF CONTRACT WORK FOR PAINTING OF THE BEVERLY CANON PARKING STRUCTURE PROJECT BY SOUTH COAST PAINTING, INC. IN THE FINAL CONTRACT AMOUNT OF \$184,500.00 AND AUTHORIZATION OF CITY CLERK TO RECORD NOTICE OF COMPLETION. Comment: Requests acceptance of contract work for the Beverly Canon Parking Structure Project for painting of the interior, exterior and power washing of the interior and authorization to file the Notice of Completion with the County Recorder.

ITEM E-10: APPROVED

11. ACCEPTANCE OF CONTRACT WORK FOR THE BEVERLY CANON GARDENS STAIR AND WALKWAY RENOVATION PROJECT BY JASPER CONSTRUCTION IN THE FINAL CONTRACT AMOUNT OF \$116,508.22 AND AUTHORIZATION OF CITY CLERK TO RECORD NOTICE OF COMPLETION. Comment: Requests acceptance of contract work for the Beverly Canon Gardens Stair and Walkway Renovation project for selective demolition, construction of a staircase and widening of existing walkway and authorization to file the Notice of Completion with the County Recorder.

ITEM E-11: APPROVED

12. ACCEPTANCE OF THE CONTRACT WORK FOR THE MODERNIZATION OF ELEVATOR EQUIPMENT IN THREE CITY FACILITIES FOR THE CITY OF BEVERLY HILLS – PHASE 2 BY LIFTECH ELEVATOR SERVICES CORPORATION, IN THE FINAL CONTRACT AMOUNT OF \$1,645,797.09 AND AUTHORIZATION OF CITY CLERK TO RECORD NOTICE OF COMPLETION. Comment: Final acceptance for elevator modernization at City Hall, 216 Beverly and 461 Bedford.

ITEM E-12: APPROVED

Vote on the City Council Consent Calendar:

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

CARRIED

F. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING ARTICLES 32 (HISTORIC PRESERVATION) AND 32.5 (HISTORIC INCENTIVE PERMIT) OF THE BEVERLY HILLS ZONING CODE TO CLARIFY THAT CERTAIN ARCHIVED PHOTOGRAPHS AND FILMS MAY BE CONSIDERED IN DETERMINING WHETHER A PROPERTY IS AN "EXCEPTIONAL WORK," TO REFINE THE CRITERIA FOR ISSUANCE OF HISTORIC INCENTIVE PERMITS IN THE TROUSDALE ESTATES AREA OF THE CITY, TO CLARIFY APPLICABILITY OF THE ORDINANCE TO INTERIOR SPACES, AND TO CLARIFY TIMEFRAMES FOR APPLICABILITY OF THE REVISED HISTORIC PRESERVATION ORDINANCE VERSUS APPLICABILITY OF THE PRIOR ORDINANCE. First Reading – For Introduction. Comment: This ordinance clarifies and refines several aspects of the recently adopted historic preservation ordinance. In particular, the ordinance 1) amends the definition of "exceptional work" to be clear that certain archived photographs and films may be considered in classifying a property as an exceptional work; 2) refines the types of Historic Incentive Permits that may be granted in Trousdale Estates to prohibit waivers on building height and construction over slopes; 3) clarifies when the ordinance may apply to interior spaces, and 4) clarifies when a property would be subject to the revised historic preservation ordinance versus being subject to the prior historic preservation ordinance.

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 Community Development/City Planner and the record of the Community Development Department in this matter are made a part of the record of this hearing.

Assistant Community Development Director/City Planner Ryan Gohlich presented a PowerPoint and staff report providing a summary of the amendments, noting the proposed changes, and the recommendation.

Speaking:

1. Frieda Berlin

There were no other members of the audience who wished to comment.

Mr. Gohlich, Cultural Heritage Commissioner Noah Furie, and Planning Commissioner Craig Corman responded to Council questions regarding additional parking for landmarked properties, and the revised definition of "landmark."

Council thanked the Commissioners for their coordinated work on the matter.

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Bosse, seconded by Councilmember Krasne to introduce and read by title only, Ordinance F-1 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING ARTICLES 32 (HISTORIC PRESERVATION) AND 32.5 (HISTORIC INCENTIVE PERMIT) OF THE BEVERLY HILLS ZONING CODE TO CLARIFY THAT CERTAIN ARCHIVED PHOTOGRAPHS AND FILMS MAY BE CONSIDERED IN DETERMINING WHETHER A PROPERTY IS AN "EXCEPTIONAL WORK," TO REFINE THE CRITERIA FOR ISSUANCE OF HISTORIC INCENTIVE PERMITS IN THE TROUSDALE ESTATES AREA OF THE CITY, TO CLARIFY APPLICABILITY OF THE ORDINANCE TO INTERIOR SPACES, AND TO CLARIFY TIMEFRAMES FOR APPLICABILITY OF THE REVISED HISTORIC PRESERVATION ORDINANCE VERSUS APPLICABILITY OF THE PRIOR ORDINANCE

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

Noes: None.

CARRIED

ITEM F-1: INTRODUCED AND READ BY TITLE ONLY, ADVANCE TO THE MEETING OF MARCH 1, 2016 FOR ADOPTION

G. CITY COUNCIL CONTINUED AND NEW BUSINESS

1. ELECTION OF MAYOR AND VICE MAYOR. Comment: Conduct election of Mayor and Vice Mayor to be effective March 16, 2016.

City Clerk Byron Pope provided the oral staff report, noting that the election results will be effective on March 16, 2016 which is the scheduled Council Installation date.

NOMINATED by Councilmember Krasne, seconded by Councilmember Bosse to elect John A. Mirisch as Mayor

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

Noes: None.

CARRIED

NOMINATED by Councilmember Brien, seconded by Councilmember Bosse to elect Nancy Krasne as Vice Mayor

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

Noes: None.

CARRIED

The Councilmembers congratulated Vice Mayor Mirisch and Councilmember Krasne on their election as Mayor and Vice Mayor, respectively.

ITEM G-1: JOHN A. MIRISCH ELECTED MAYOR; NANCY KRASNE ELECTED VICE MAYOR

2. IMPLEMENTATION OF PREVIOUSLY APPROVED 5% WATER RATE INCREASE & REDUCTION OF CAPITAL EXPENSES. Comment: This item is to confirm the second water rate increase that was confirmed by the City Council on October 20, 2015.

Assistant City Manager George Chavez provided a PowerPoint and oral report presenting a brief background, and the schedule of implementation, outreach, audit, and rate effectivity. Chief Financial Officer/Director of Administrative Services Don Rhoads spoke about the budget shortfall, projected revenues and expenses, and interim budget adjustment options. Assistant Director of Public Works Services/Infrastructure and Field Operations Trish Rhay spoke about the pros and cons of delaying capital projects, the Public Works Commission (PWC) recommendation, and staff recommendations for Council consideration.

PWC Vice Chair Jeff Wolfe and PWC Commissioner Jerrold Felsenthal confirmed the PWC's unanimous support of the recommended actions.

Mr. Chavez, Mr. Rhoads, and Mr. Felsenthal responded to Council questions and comments regarding parking enforcement and revenue, how the numbers were reached, delay of water main and hydrant replacement budget difference of \$2 million, operating loss/deficit, transfer of money from General Fund to subsidize the Water Enterprise Fund, debt principal and interest, total bonded indebtedness, General Fund subsidy, and water usage incentives.

Council thanked the PWC for their hard work, and challenged the Commissioners to find a more viable solution to the shortfall.

MOVED by Councilmember Bosse, seconded by Councilmember Krasne to approve Item G-2 as follows:

IMPLEMENTATION OF PREVIOUSLY APPROVED 5% WATER RATE INCREASE & REDUCTION OF CAPITAL EXPENSES

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

Noes: Vice Mayor Mirisch.

CARRIED

ITEM G-2: APPROVED

3. AFFORDABLE HOUSING PROGRAM GUIDELINES. Comment: Consider and adopt the attached Affordable Housing Program Guidelines

Assistant Community Development Director/City Planner Ryan Gohlich presented the PowerPoint and staff report providing a brief background, and discussing the purpose of the guidelines, development of the guidelines, contents of the guidelines and additional affordable housing items for discussion.

Mr. Gohlich, City Manager Mahdi Aluzri, Amy Sinsheimer from Michael Baker International, AND Interim City Attorney David Snow responded to Council questions and comments regarding the definition of "affordable," cost of construction and how rent is calculated, single or mixed development, grants and subsidies for affordable housing, process of accepting and vetting applications, comparison with other cities, application procedures, City's strategic goal, reason for adopting the guidelines, how to use funds and where to build, credit if building on a property in another city, meaningful use of affordable housing, banning/discouraging ownership units, placement priorities, qualifications for placement, income qualifications, focus on senior housing, new apartments created in the City in the last five years, condo to apartment conversions, owner's obligations when rebuilding torn down buildings, obligation to rebuild with affordable housing, robust application process.

City Manager Mahdi Aluzri noted that there has been work done to modify state law to allow cities and agencies having affordable housing difficulties to work on a regional level but it has not gained much traction on the state level.

MOVED by Councilmember Krasne, seconded by Councilmember Bosse to adopt the Affordable Housing Program Guidelines

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

Noes: None.

CARRIED

ITEM G-3: ADOPTED

H. COMMISSION SYNOPSIS

1. PUBLIC WORKS COMMISSION - Regular Meeting of January 14, 2016
- HUMAN RELATIONS COMMISSION - Regular Meeting of January 21, 2016
- FINE ART COMMISSION - Regular Meeting of January 21, 2016
- HEALTH AND SAFETY COMMISSION - Regular Meeting of January 25, 2016
- RECREATION AND PARKS COMMISSION - Regular Meeting of January 26, 2016
- PLANNING COMMISSION - Regular Meeting of January 28, 2016
- TRAFFIC AND PARKING COMMISSION - Regular Meeting of February 4, 2016
- DESIGN REVIEW COMMISSION - Regular Meeting of February 4, 2016

ITEM H-1: NO ACTION TAKEN

I. OTHER BUSINESS

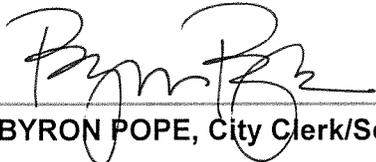
None

J. ADJOURNMENT

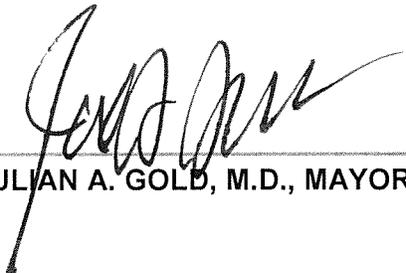
The next City Council Meeting will be held on March 1, 2016.

There being no further business, Mayor/Chair Gold, with the consent of the City Council/Beverly Hills Public Financing Authority adjourned the meeting at 9:26pm to 7:30pm on March 1, 2016.

PASSED, Approved and Adopted
this 1st day of March, 2016



BYRON POPE, City Clerk/Secretary



JULIAN A. GOLD, M.D., MAYOR/CHAIR

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