



**CITY OF BEVERLY HILLS
JOINT ADJOURNED REGULAR CITY COUNCIL
AND PARKING AUTHORITY MEETING
MINUTES
June 6, 2016**

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

PLEDGE OF ALLEGIANCE led by Frances Shloss

A. ROLL CALLS

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

Absent: None

Mayor Mirisch held a moment of silence in honor of the passing of Tanaz Akhlagi.

B. PRESENTATIONS

1. PRESENTATION - KidUnity kids will present their ideas for renovating La Cienega Park

Mayor Mirisch, along with the entire City Council, invited Stacy Marks and the kids from KidUnity to do a presentation about their ideas on the development of the new La Cienega Community Center, park and playground.

2. KEY TO THE CITY PRESENTATION to Former Mayor Allan Alexander

Mayor Mirisch, along with the entire City Council, presented a Key to the City of Beverly Hills and the original nameplate that was in the City Hall Rotunda to former Mayor Allan Alexander. A short video about Mayor Alexander was shown.

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/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

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. David Lyle
2. Ilona Sherman
3. Tammy Weisman
4. Frances Shloss

3. REPORT FROM THE CITY MANAGER

None

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

Mayor Mirisch announced that the deadline to submit applications to Team Beverly Hills is Thursday, June 9, 2016.

D. PARKING AUTHORITY CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Chair Mirisch, seconded by Director Bosse to approve the item on the Parking Authority consent calendar

Minutes

1. CONSIDERATION OF THE MINUTES of the Parking Authority Meeting of January 5, 2016.

Vote on the Parking Authority Consent Calendar:

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

CARRIED

E. CITY COUNCIL CONSENT CALENDAR

FISCAL IMPACT REPORT

MOVED by Councilmember Bosse, seconded by Vice Mayor Krasne to approve Items E-1 to E-4 on the City Council consent calendar

MOVED by Councilmember Reims, seconded by Councilmember Bosse to approve Items E-5 to E-10 on the City Council consent calendar and direct that the appropriate accounts be charged on Items E-5 and E-6

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of April 19, 2016.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of May 17, 2016.
3. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of May 3, 2016.
4. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of May 17, 2016.

Demands Paid

5. REVIEW OF BUDGETED DEMANDS PAID, report dated May 7 – May 27, 2016.
6. PAYROLL DISBURSEMENT REPORT, report dated June 6, 2016.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTION:

None

APPROVAL OF:

7. AGREEMENT WITH FERGUSON, PRAET & SHERMAN, A PROFESSIONAL CORPORATION, FOR SPECIAL COUNSEL SERVICES RELATED TO CERTAIN LITIGATION MATTERS; AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$75,000. Comment: This agreement with Ferguson, Praet & Sherman, A Professional Corporation is to provide special counsel services related to certain litigation matters.

ITEM E-7: APPROVED; AG# 174-16

8. AGREEMENT WITH LIEBERT CASSIDY WHITMORE, A PROFESSIONAL CORPORATION, FOR SPECIAL COUNSEL SERVICES RELATED TO CERTAIN LITIGATION MATTERS. Comment: This agreement with Liebert Cassidy Whitmore is to provide special counsel services related to certain litigation matters.

ITEM E-8: APPROVED; AG# 175-16

9. AMENDMENT NO. 1 TO AN AGREEMENT WITH LIEBERT CASSIDY WHITMORE, A PROFESSIONAL CORPORATION, FOR EMPLOYEE RELATIONS LABOR ISSUES. Comment: This agreement provides for Liebert Cassidy Whitmore to continue providing certain services regarding labor relation issues.

ITEM E-9: APPROVED; AG# 176-16

10. A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$10,000 FOR THE BEVERLY HILLS COURIER TO PROVIDE ADVERTISING AND NOTICES FOR A NOT-TO-EXCEED AMOUNT OF \$60,000. Comment: This change order will increase the funds to the City's blanket purchase order for the Beverly Hills Courier in the amount of \$10,000 for a total not to exceed amount of \$60,000 for advertising and notices for Fiscal Year 2015-16, due to additional advertisement and notice placements.

ITEM E-10: APPROVED

Vote on the City Council Consent Calendar for Items E-1 to E-4:

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

CARRIED

Vote on the City Council Consent Calendar for Items E-5 to E-10:

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

CARRIED

F. PUBLIC HEARING

TO SET:

1. HEARING DATE FOR AN APPEAL OF THE COMMUNITY DEVELOPMENT DEPARTMENT'S APRIL 13, 2016 DETERMINATION REGARDING VIEW PRESERVATION ASSOCIATED WITH NEW CONSTRUCTION AT 1200 STEVEN WAY. Comment: On April 26, 2016, a timely appeal was filed by the property owner of 1211 Laurel Way contesting the Community Development Department's determination that new construction at 1200 Steven Way will not substantially disrupt views of the Los Angeles basin from the property at 1211 Laurel Way. Staff recommends setting a hearing date of June 21, 2016.

Assistant Director of Community Development/City Planner Ryan Gohlich presented a brief oral report explaining the appeal process in the Municipal Code and recommended a hearing date of June 21, 2016.

Council agreed to a hearing date of June 21, 2016.

MOVED by Vice Mayor Krasne, seconded by Councilmember Bosse to set the hearing date for June 21, 2016

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

CARRIED

ITEM F-1: HEARING DATE SET FOR JUNE 21, 2016

2. HEARING DATE FOR AN APPEAL OF THE PLANNING COMMISSION'S APRIL 28, 2016 DECISION APPROVING A CENTRAL R-1 PERMIT ALLOWING A REDUCED REAR SETBACK FOR THE PROPERTY LOCATED AT 9570 VIRGINIA PLACE. Comment: On May 10, 2016, a timely appeal was filed by a neighboring property owner regarding the Planning Commission's decision approving a Central R-1 Permit for the subject property. Staff recommends setting a hearing date of July 5, 2016.

Assistant Director of Community Development/City Planner Ryan Gohlich presented a brief oral report recommending a hearing date of September 6, 2016.

Council agreed to a hearing date of September 6, 2016.

MOVED by Vice Mayor Krasne, seconded by Councilmember Bosse to set the hearing date for September 6, 2016

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

CARRIED

ITEM F-2: HEARING DATE SET FOR SEPTEMBER 6, 2016

TO CONSIDER:

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

3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT TO ALLOW A DINING FACILITY IN A NONCONFORMING HOTEL TO BE OPEN TO THE PUBLIC, A DEVELOPMENT PLAN REVIEW TO ALLOW THE ESTABLISHMENT OF AN OPEN AIR DINING AREA THAT WOULD BE SERVED BY EXISTING PARKING SUPPLY AND VALET OPERATIONS, AND AN EXTENDED HOURS PERMIT TO ALLOW A NONCONFORMING HOTEL RESTAURANT, OPEN AIR DINING AREA, AND ROOFTOP USE TO OPERATE DURING EXTENDED HOURS AT 9291 BURTON WAY (L'ERMITAGE HOTEL), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. Comment: On May 2, 2016, the Planning Commission approved a Conditional Use Permit to allow a dining facility in a nonconforming hotel to be open to the public; a Development Plan Review to allow the establishment of an open air dining area that would be served by the existing parking supply and valet operations; and an Extended Hours Permit to allow a nonconforming hotel restaurant, open air dining area, and rooftop use to operate during extended hours for the L'Ermitage Hotel. On May 17, the City Council voted to call the matter up for review. Accordingly, this will be a de novo hearing before the City Council on the requested entitlements.

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 Director of Community Development and the records of the Community Development Department in this matter are made a part of the record of this hearing.

The City Council disclosed their contact with representatives of the applicant, L'Ermitage Hotel, as well as neighbors in the surrounding area.

Director of Community Development Susan Healy Keene presented a PowerPoint and staff report showing the project site and vicinity, required entitlements, history of the project, project plan and description, public comments and concerns presented at the Planning Commission meetings, operations/conditions of approval, violations and enforcement, additional conditions of approval, and recommendations.

Speaking:

1. Allan Cooper, Ervin Cohen & Jessup LLP for L'Ermitage
2. Emily Rodemoyer
3. Blair Schlecter, Beverly Hills Chamber of Commerce
4. Nicholas Rimedio, L'Ermitage
5. Nely Cruz, L'Ermitage
6. Jessica Rincon, L'Ermitage
7. Christine Grimm, L'Ermitage
8. Scott Muety, L'Ermitage
9. Eugenia Bertolin, L'Ermitage
10. Kynderly Haskins, L'Ermitage
11. Shane Robson, L'Ermitage
12. Darryl Felder
13. Sal Abaunza, L'Ermitage
14. Matti Bialer
15. Mikael Cohen
16. Craig Berberian, Empire Property Group
17. Marc Mocco, L'Ermitage
18. Carlton Lee, MD, Burton Hills Townhomes HOA
19. Tammy Weisman
20. Allan Cooper, Ervin Cohen & Jessup LLP for L'Ermitage

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

Ms. Healy Keene, Assistant Director of Community Development/City Planner Ryan Gohlich, City Attorney Laurence Wiener, Mr. Cooper, Mr. Rimedio and City Manager Mahdi Aluzri responded to Council questions and comments pertaining to the destination and purpose of the stairs, doorway for emergency egress and ingress only, restaurant for ancillary hotel use and policy change regarding separate entrance/outdoor dining, intensification of use, minor alterations in physical structure or operational change, Class 1 categorical exemption, weight of violations and fines, parking, construction blockage, alley traffic, timeline of construction, delivery violations, valet parking operations, noise standard, percentage occupancy of restaurant before and after renovation, Planning Commission review of the project, replacement of Bialer building windows, conditional use permit and extended hours permit viewed as a contract, difference between "prohibited" and "allowed," rooftop capacity for events and maximum occupancy limit, history of the temporary tent, open space availability for events, pool/cabana space occupancy, hours of operation for events, rotunda/patio/pavilion area permit in the future, need for outside stairway and outside entrance to the restaurant, parking spaces and employee parking, closure of restaurant with rooftop use of 25 people, complaint calls, advance notice of events to residents, request to change within 48 hours with Director's approval, definition of a

five-star hotel, stairwell lighting, amplified music and ambient noise, no Architectural Commission review and approval, limousine queue on the street and signage for street parking, rooftop uses, escalating penalties, and cleaning of trash.

Council made comments and suggestions on the items they would like amended, included or removed on the proposed resolution.

Assistant City Attorney David Snow read the proposed amendments to the resolution language.

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Bosse, seconded by Councilmember Gold to adopt as amended Resolution F-3 as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT TO ALLOW A DINING FACILITY IN A NONCONFORMING HOTEL TO BE OPEN TO THE PUBLIC, A DEVELOPMENT PLAN REVIEW TO ALLOW THE ESTABLISHMENT OF AN OPEN AIR DINING AREA THAT WOULD BE SERVED BY EXISTING PARKING SUPPLY AND VALET OPERATIONS, AND AN EXTENDED HOURS PERMIT TO ALLOW A NONCONFORMING HOTEL RESTAURANT, OPEN AIR DINING AREA, AND ROOFTOP USE TO OPERATE DURING EXTENDED HOURS AT 9291 BURTON WAY (L'ERMITAGE HOTEL), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Noes: Mayor Mirisch.

CARRIED

ITEM F-3: ADOPTED AS AMENDED; RES# 16-R-13080

4. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADOPTING THE 2015 URBAN WATER MANAGEMENT PLAN. Comment: Staff Recommends That City Council Adopt Resolution Of The Council Of The City Of Beverly Hills Adopting The 2015 Urban Water Management Plan.

ITEM F-4: ITEM NOT DISCUSSED; MOVED TO THE MEETING OF JUNE 21, 2016

G. PARKING AUTHORITY CONTINUED AND NEW BUSINESS

1. RESOLUTION OF THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS APPROVING THE OPERATING BUDGET AND FINANCIAL POLICIES FOR THE 2016/17 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR. Comment: It is

recommended that the Board of Directors adopt the resolution approving the Fiscal Year 2016/17 Operating Budget and Financial Policies for the Parking Authority.

Budget and Revenue Officer Don Harrison provided a brief overview of the Parking Authority budget.

MOVED by Director Krasne, seconded by Director Bosse to adopt Resolution G-1 as follows:

RESOLUTION OF THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS APPROVING THE OPERATING BUDGET AND FINANCIAL POLICIES FOR THE 2016/17 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR

Ayes: Director Reims, Director Gold, Director Bosse, and Director Krasne.
Noes: Chair Mirisch.

CARRIED

ITEM G-1: ADOPTED; RES# PA-R-16-149

H. CITY COUNCIL CONTINUED AND NEW BUSINESS

1. CITY COUNCIL CONSIDERATION AND ADOPTION OF FY 2016/17 BUDGET

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2016/2017; AND,

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE OPERATING BUDGET AND FINANCIAL POLICIES FOR THE 2016/2017 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR; AND

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR THE 2016/2017 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR. Comment: It is recommended that the City Council adopt the resolutions approving the Annual Appropriations Limit, Operating Budget and Financial Policies, and the Capital Improvement Program Budget for the 2016/2017 Fiscal Year.

Budget and Revenue Officer Don Harrison presented the PowerPoint and oral report discussing the budget process, the general fund revenue, all funds revenue, budget enhancement recommendations, general fund operating budget, all funds operating budget and capital improvement budget. He reviewed the new capital improvement projects.

Councilmember Reims suggested that the Council consider setting up a trust fund to assist with the City's unfunded liabilities responsibilities. Councilmember Gold agreed with Councilmember Reims and pointed out that the recommended operating budget

was less than the current Fiscal Year 2015-2016 budget. Councilmember Bosse and Vice Mayor Krasne expressed their support to move forward. In response to Councilmember Reims' suggestion, Mayor Mirisch commented that a trust fund is a temporary "band aid" solution to the systemic problems. Director of Administrative Services/Chief Financial Officer Don Rhoads and City Manager Mahdi Aluzri responded to Mayor Mirisch's questions regarding unfunded liability for pension and OPEB, actuarial estimates for five years, and the reason why the current budget is less as Councilmember Gold pointed out.

MOVED by Councilmember Gold, seconded by Vice Mayor Krasne to adopt Resolutions H-1 as follows:

CITY COUNCIL CONSIDERATION AND ADOPTION OF FY 2016/17 BUDGET

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2016/2017; AND,

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE OPERATING BUDGET AND FINANCIAL POLICIES FOR THE 2016/2017 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR; AND

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR THE 2016/2017 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR

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

CARRIED

**ITEM H-1: ADOPTED;
ANNUAL APPROPRIATIONS LIMIT – RES# 16-R-13081
OPERATING BUDGET AND FINANCIAL POLICITES – RES# 16-R-13082
CAPITAL IMPROVEMENT PROGRAM BUDGET – RES# 16-R-13083**

I. COMMISSION SYNOPSIS

1. TRAFFIC AND PARKING COMMISSION - Regular Meeting of May 5, 2016
DESIGN REVIEW COMMISSION - Regular Meeting of May 5, 2016
PLANNING COMMISSION - Regular Meeting of May 12, 2016
CULTURAL HERITAGE COMMISSION - Special Meeting of May 18, 2016
ARCHITECTURAL COMMISSION - Regular Meeting of May 18, 2016
PLANNING COMMISSION - Regular Meeting of May 26, 2016

ITEM I-1: NO ACTION TAKEN

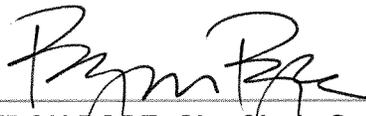
J. OTHER BUSINESS

None

K. ADJOURNMENT

There being no further business, Mayor/Chair Mirisch, with the consent of the City Council/Parking Authority, adjourned the meeting at 12:03am on Tuesday, June 7, 2016 in memory of Tanaz Akhlagi.

PASSED, Approved and Adopted
this 21st day of June, 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.