



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
March 4, 2014**

The City Council Regular meeting was held in the Council Chambers at 7:00pm. The Parking Authority met during Closed Session at 6:25pm. There were no reportable actions.

PLEDGE OF ALLEGIANCE led by John Bendheim

A. ROLL CALL

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

B. PRESENTATIONS

1. CERTIFICATES OF APPOINTMENT

Fine Art Commission - Carolyn Hiller

Mayor Mirisch, along with Vice Mayor Bosse, presented a certificate of appointment and City pin to newly appointed Fine Art Commissioner Carolyn Hiller.

Planning Commission - Farshid Joe Shooshani

Mayor Mirisch, along with Vice Mayor Bosse, presented a certificate of appointment and City pin to newly appointed Planning Commissioner Farshid Joe Shooshani.

2. RECOGNITION OF RETIRING COMMISSIONERS

Planning Commission - Daniel Yukelson

Mayor Mirisch, along with Vice Mayor Bosse, presented a plaque of recognition and gift to retiring Planning Commissioner Daniel Yukelson.

Public Works Commission - Steven L. Weinglass

Mayor Mirisch, along with Vice Mayor Bosse, presented a plaque of recognition and gift to retiring Public Works Commissioner Steven L. Weinglass.

3. PROCLAMATIONS

- City National Bank's 60th Anniversary

Mayor Mirisch presented a proclamation to City National Bank's Executive Vice President and Manager of Westside Private Banking Gwen Miller, and Vice President and Communications Manager Debora Vrana, in honor of the bank's 60th Anniversary.

- Lisa and Mark Schwartz and John Bendheim

Mayor Mirisch, along with Vice Mayor Bosse, presented proclamations to Temple Emanuel's 2014 Purim Ball honorees John Bendheim, Community Spirit awardee, for his various involvements with the community, and Lisa and Mark Schwartz, Humanitarian Award recipients, for their dedication to Temple Emanuel, and their many contributions to different organizations.

- Rabbi Harvey J. Fields, to be accepted by Mrs. Sybil Fields

Mayor Mirisch presented a proclamation to Mrs. Sybil Fields and daughter Deborah in honor of Rabbi Harvey J. Fields' inspiring life, and numerous accomplishments. Rabbi Fields passed away in January after a long illness.

- ### 4. CIVIL CITY PROGRAM - The Beverly Hills Civil City program expands the umbrella of the embrace civility theme from City Hall to City streets and City sidewalks.

Mayor Mirisch invited Human Relations Commission Chair Rochelle Ginsburg to come up front and present the new Civil City program. Ms. Ginsburg and Human Services Administrator James Latta distributed the Civil City fliers and stickers to Councilmembers and the audience.

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. Jim Lissner
2. Ilona Sherman
3. Joe Ira Canupp
4. Thomas White

3. REPORT FROM THE CITY MANAGER

* Budget Transparency Tool - Don Rhoads, Director of Administrative Services/Chief Financial Officer

Director of Administrative Services/Chief Financial Officer Don Rhoads presented a PowerPoint report about a new budget transparency tool that will be launched online sometime in April or May 2014.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Gold, seconded by Vice Mayor Bosse to remove Items D-7 and D-10 for discussion and separate vote, approve the remaining items on the City Council consent calendar, and direct that the appropriate accounts be charged on Item D-3

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of February 18, 2014.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of February 18, 2014.

Demands Paid

3. PAYROLL DISBURSEMENT REPORT, report dated March 4, 2014.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. AMENDING TITLE 1, CHAPTER 9, ARTICLE 1 OF THE MUNICIPAL CODE REGARDING COMPENSATED LEGISLATIVE ADVOCATES. Second Reading - For Adoption. Comment: The City Council recently approved an updated lobbyist disclosure form and requested accompanying changes to the Municipal Code in order to implement the form. The proposed ordinance includes those changes to the Municipal Code to implement the form as well as other changes requested by the City Council to the City's lobbyist disclosure regulations.

Mark Elliot congratulated the Council for their work on transparency policies and expressed his enthusiasm in continuing as a member of the Sunshine Task Force.

ITEM D-4: ADOPTED ORD# 14-O-2656

5. INCLUDING ELECTRONIC CIGARETTES WITHIN THE CITY'S TOBACCO RETAILER PERMITTING AND SMOKING REGULATIONS; AND REGULATING ELECTRONIC CIGARETTE USE IN THE SAME MANNER AS TOBACCO USE UNDER CERTAIN STATE LAWS - Second Reading - For Adoption. Comment: Amends the municipal code to regulate e-cigarettes similarly to tobacco products.

ITEM D-5: ADOPTED ORD# 14-O-2657

RESOLUTIONS APPROVING:

None

APPROVAL OF:

6. THE COUNCIL OF THE CITY OF BEVERLY HILLS ACCEPTING CITY OF BEVERLY HILLS COMMUNITY CHARITABLE FOUNDATION DONATIONS FOR THE BEVERLY GARDENS PARK RENOVATION PROJECT IN THE TOTAL AMOUNT OF \$100,000; RELEASING \$100,000 OF MATCHING FUNDS AND APPROPRIATING FUNDS THEREFOR. Comment: Accepts City of Beverly Hills Community Charitable Foundation donations that have been specifically designated for the Beverly Gardens Park Renovation project, releases City-designated matching funds, and appropriates the funds to the Beverly Gardens Park project account.

ITEM D-6: APPROVED

7. AGREEMENT WITH STEGEMAN AND KASTNER, INC. FOR CONSULTING SERVICES RELATED TO CONSTRUCTION OVERSIGHT COORDINATION SERVICES AT 9900 WILSHIRE BOULEVARD; AND AUTHORIZE A PURCHASE ORDER APPROVAL IN THE AMOUNT OF \$717,647 FOR PROFESSIONAL CONSULTING SERVICES. Comment: Staff requests that Council approve an agreement with Stegeman and Kastner, Inc. for the construction oversight coordination services of the 9900 Wilshire project for a total not-to-exceed amount of \$750,000. This cost will be reimbursed by the developer with no fiscal impact to the City.

Mayor Mirisch read a letter into the record from Douglas J. Edwards, counsel for the Beverly Hills Unified School District (BHUSD), requesting the removal of this item from the agenda. Community Development Director Susan Healy Keene provided information on the project, including the project timeline, to aid Council in making their decision on the matter. City Attorney Wiener and City Manager Kolin provided additional information. Council majority decided to move forward with the item, and directed staff to contact BHUSD tomorrow to get their immediate objections, if any, to the contractor.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to approve Item D-7 as follows:

AGREEMENT WITH STEGEMAN AND KASTNER, INC. FOR CONSULTING SERVICES RELATED TO CONSTRUCTION OVERSIGHT COORDINATION SERVICES AT 9900 WILSHIRE BOULEVARD; AND AUTHORIZE A PURCHASE ORDER APPROVAL IN THE AMOUNT OF \$717,647 FOR PROFESSIONAL CONSULTING SERVICES

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

Noes: Mayor Mirisch.

CARRIED

ITEM D-7: APPROVED AG# 77-14

8. THE AWARD OF CONTRACT TO VENTURA CONSTRUCTION, INC. FOR THE ROXBURY PARK FIELD RESTROOM BUILDING PROJECT; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND APPROVAL OF A PURCHASE ORDER TO VENTURA CONSTRUCTION, INC. FOR THE CONTRACT WORK IN THE TOTAL AMOUNT OF \$292,500. Comment: Requests approval of the award of contract for the construction of the Roxbury Park Restroom Building project

ITEM D-8: APPROVED AG# 78-14

9. THE AWARD AND APPROVAL OF A PURCHASE ORDER TO THE WAKEFIELD COMPANY FOR DUMOR STEEL BENCHES AND TRASH RECEPTACLES FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$295,868.25; REJECTION OF THREE BIDS AS NON-RESPONSIVE. Comment: This purchase order is for benches and trash receptacles to replace the existing worn out benches and trash receptacles of varying configuration with the specified Dumor products to achieve uniformity in Roxbury and La Cienega Parks.

ITEM D-9: APPROVED

10. REJECTION OF BIDS FOR CONTRACT WORK PERTAINING TO THE POLICE FACILITY OVERSIZED VEHICLE STORAGE PROJECT. Comment: Recommend that the bids for contract work be rejected due to the cost exceeding the budget, and authorize the rebidding of the work following value engineering and redesign of the project.

Police Commander Erick Lee responded to Councilmember Krasne's questions regarding the project.

MOVED by Councilmember Brien, seconded by Councilmember Gold to approve Item D-10 as follows:

REJECTION OF BIDS FOR CONTRACT WORK PERTAINING TO THE POLICE FACILITY OVERSIZED VEHICLE STORAGE PROJECT

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

Noes: None.

CARRIED

ITEM D-10: APPROVED

11. *VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN:*

ITEM A: A PURCHASE ORDER IN THE NOT TO EXCEED AMOUNT OF \$180,000 TO LIEBERT CASSIDY WHITMORE, A PROFESSIONAL CORPORATION FOR EMPLOYEE RELATIONS AND NEGOTIATIONS SERVICES. Comment: On December 18, 2013, City Council approved the agreement for labor negotiation services provided by Liebert Cassidy & Whitmore on a retainer basis. The approval of a purchase order was not included in the request for approval, therefore, it is now being recommended for approval.

ITEM D-11A: APPROVED

ITEM B: A CHANGE ORDER IN THE AMOUNT OF \$13,300 TO THE PURCHASE ORDER OF AON CONSULTING FOR ACTUARIAL SERVICES FOR A TOTAL NOT TO EXCEED AMOUNT OF \$58,300. Comment: This change order will finalize payment to Aon Consulting for actuarial consulting services related to the City's liabilities stemming from its contractual obligations with its bargaining units.

ITEM D-11B: APPROVED

ITEM C: AGREEMENT WITH FIRST CLASS VENDING, INC. FOR INSTALLATION, SERVICING AND STOCKING OF VENDING MACHINES AT CERTAIN CITY FACILITIES. Comment: Agreement between the City of Beverly Hills and First Class Vending, Inc. to install and service new vending machines at City owned properties.

ITEM D-11C: APPROVED AG# 79-14

ITEM D: AGREEMENT WITH PMAM, INC. FOR CONSULTING SERVICES TO MANAGE AND ADMINISTER CITY'S FALSE ALARM ORDINANCE. Comment: Approval of agreement for City's false alarm billing vendor.

ITEM D-11D: APPROVED AG# 80-14

Vote on the City Council Consent Calendar:

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

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. FOUR RESOLUTIONS OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DESIGNATING FOUR PROPERTIES AS LOCAL LANDMARKS AND PLACING THESE PROPERTIES ON THE LOCAL REGISTER OF HISTORIC PROPERTIES. Comment: The following four Local Landmark Nominations are being forwarded to City Council on the recommendation of the Cultural Heritage Commission and with the approval of the property owners: (1) McGilvray House at 804 N. Alpine Drive; (2) Beverly Wilshire Hotel at 9528 Wilshire Boulevard; (3) Harry Cohn Estate at 1000 N. Crescent Drive, (4) Slavin House at 620 N. Sierra Drive.

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

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

Vice Mayor Bosse recused from this item because she owns property within 500 feet of one of the subject properties and left the room at 8:38pm.

Urban Designer William Crouch presented a PowerPoint and oral report describing the four proposed landmark properties.

Speaking:

1. Tom Levyn
2. Cultural Heritage Commission Chair Richard Waldow

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

FOUR RESOLUTIONS OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DESIGNATING FOUR PROPERTIES AS LOCAL LANDMARKS AND PLACING THESE PROPERTIES ON THE LOCAL REGISTER OF HISTORIC PROPERTIES

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

Noes: None.

Recuse: Vice Mayor Bosse.

CARRIED

The Resolution # 14-R-12971 version adopted was the amended version provided to the Council at the dais.

ITEM E-1: ADOPTED RES# 14-R-12969; RES# 14-R-12970; RES# 14-R-12971; RES# 12972

Vice Mayor Bosse returned to the dais at 8:46pm.

F. CONTINUED AND NEW BUSINESS

1. CONSIDERATION OF SANTA MONICA BOULEVARD BLUE RIBBON COMMITTEE RECOMMENDATIONS. Comment: Forwards Committee recommendations for the conceptual design of the Santa Monica Boulevard Reconstruction project, including bicycle lanes and landscaped medians.

Community Development Director Susan Healy Keene presented a PowerPoint and oral report providing a brief historical background on the Santa Monica Boulevard reconstruction project and a list of the Blue Ribbon Committee members. Dr. Barry Pressman, Chair of the Blue Ribbon Committee (BRC) spoke about the project goals prioritization and ranking, the straw poll results of three topics: medians, widening with bike lanes, and recreational bike paths in park, and final recommendations. Vice Chair Ed Brown made remarks regarding concerns on the number of community members who showed up at the meetings, traffic, cost, and public safety during construction.

Sean Vargas of Psomas presented the considerations in reaching the recommendations such as vehicular flow, green space/aesthetics, constructability/cost, and roadway reconstruction.

Speaking:

1. Robert Tanenbaum, Beverly Hills North Homeowners Association
2. Victor Bardack, Beverly Hills North Homeowners Association
3. Marilyn Gallup
4. Thomas White, Municipal League of Beverly Hills
5. Chuck Aronberg
6. Joe Safier
7. James (Jim) Procrass
8. Danielle Salomon
9. Michael King, University of California, Los Angeles
10. Adrea Caren
11. Ellen Lutwak
12. Bennett Ross
13. Samuel Spencer
14. Myles Berman
15. Michael Libow

16. Jennifer Hughes
17. Brad Keistler
18. Jeff Jacobberger, City of Los Angeles Bicycle Advisory Committee
19. Wesley High, LA Bike Trains
20. Kent Strumpell
21. Kory Klem
22. Robert O'Neill
23. Eric Weinstein
24. Mark Elliot
25. Steven Weinglass

Councilmember Brien summarized the correspondence received by the City Council on this item from Bill Berger, Andy Abrishami, Easter Noda, Lorraine and Jerry Factor, Danielle Salomon, Laura Audell, Phillip Ruben, Eric Weinstein, Cotty Chubb, David Feuer, Dr. Joel Geiderman, and Barbara Linder. He also announced that the City of West Hollywood passed a resolution unanimously supporting the Beverly Hills BRC recommendation for a widened roadway to accommodate bike lanes as part of the Santa Monica Boulevard reconstruction project.

Deputy Director of Transportation Aaron Kunz, Mr. Vargas, Ms. Healy Keene, Dr. Pressman, and Michael Meyer from Iteris responded to Council questions.

Council asked questions and commented on the following issues: widening of the south side of the street, using the jogging/walking lane as bike lane, closing Santa Monica Boulevard during construction, taking away parkland, bike lane safety, alternative bike lane route, detailed costs and impacts of widening, reconcile contradictory references, impact to businesses and residents, 3-foot rule, left turn heading east and impacts, median lane and impact on emergency vehicles, feedback from the donors of Beverly Gardens Park and residents, connectivity and impacts of nearby constructions, bike training, impacts on art in the parks, use of parks and green space, funding plans, bike lane specifications, cost estimates/differentials and timing/duration, overlays, Councilmember participation in the BRC, Santa Monica Boulevard street repairs, traffic mitigation plan, proposed timing and coordination with the 9900 Wilshire construction, construction time between widening and not widening the street, street widening and response time, right-of-way vs. park space, widening of street and traffic flow, bike lanes and traffic flow, funding sources, concrete vs. asphalt, input from churches, cost options, bike lane color, and separated/shared lanes.

ITEM F-1: ITEM CONTINUED TO THE MEETING OF APRIL 1, 2014

2. A. AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING THE AGE OF TAXICAB VEHICLES AND DECLARING THE URGENCY THEREOF

Director of Parking Operations Chad Lynn stated that he presented the item at the afternoon Study Session and answered questions from Council. Council asked questions regarding how many vehicles will be affected if they are not replaced, bid/RFP schedule, mileage and car safety, and ordinance sunset clause.

MOVED by Councilmember Gold, seconded by Councilmember Krasne to adopt Ordinance F-2 as follows:

AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING THE AGE OF TAXICAB VEHICLES AND DECLARING THE URGENCY THEREOF B. ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING THE AGE OF TAXICAB VEHICLES

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

FAILED

ITEM F-2A: MOTION FAILED

B. ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING THE AGE OF TAXICAB VEHICLES. First Reading - For Introduction. Comment: Amends Section 7-4-214(j) of the Beverly Hills Municipal Code regarding the number of years during which taxicab vehicles may remain in service, subject to annual safety inspections.

ITEM F-2B: NO ACTION TAKEN

3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE MILLS ACT PILOT PROGRAM AND APPROVING A THREE YEAR EXTENSION OF THE PILOT PROGRAM. Comment: The Cultural Heritage and Planning Commissions have conducted a review of the City's two-year Mills Act Pilot Program and recommend changes to improve program implementation.

Urban Designer William Crouch presented an oral report summarizing the program and recommendations. He also noted that the Beverly Hills Unified School District affirmed their support of the program at a meeting with staff on January 7, 2014.

Councilmember Gold asked a question regarding the \$7.5 million cap.

Speaking:

1. Noah Furie, Cultural Heritage Commissioner

MOVED by Vice Mayor Bosse, seconded by Councilmember Krasne to adopt Resolution F-3 as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE MILLS ACT PILOT PROGRAM AND APPROVING A THREE YEAR EXTENSION OF THE PILOT PROGRAM

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

CARRIED

ITEM F-3: APPROVED RES# 14-R-12973

4. ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING CARRYOUT BAGS. First Reading - For Introduction. Comment: This ordinance amends Title 5 - Public Health, Welfare, and Sanitation, by adding Chapter 10 to the Beverly Hills Municipal Code prohibiting certain retail establishments of providing plastic carry-out bags at the point of sale and regulating the use of paper carryout bags

ITEM F-4: ITEM WAS NOT DISCUSSED AND IS CONTINUED TO THE MEETING OF APRIL 1, 2014

G. COMMISSION SYNOPSIS

1. RECREATION AND PARKS COMMISSION - Regular Meeting of January 28, 2014
CHARITABLE SOLICITATIONS COMMISSION - Regular Meeting of February 12, 2014
PLANNING COMMISSION - Regular Meeting of February 13, 2014

ITEM G-1: NO ACTION TAKEN

H. OTHER BUSINESS

Mayor Mirisch wished the Persian community Sa'-le No' Mu-ba-rak' in celebration of the Nowruz holiday which marks the beginning of spring and the start of the New Year.

Mayor Mirisch announced that tonight's meeting was his last meeting as Mayor, and thanked his fellow Councilmembers, City staff and residents for their cooperation and support.

I. ADJOURNMENT

There being no further business, Mayor Mirisch, with the consent of the Council, adjourned the meeting at 12:05am on Wednesday, March 5, 2014.

PASSED, Approved and Adopted
this 1st day of April, 2014



BYRON POPE, City Clerk



LILI BOSSE, MAYOR

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