



**CITY OF BEVERLY HILLS**  
**ADJOURNED REGULAR CITY COUNCIL**  
**AND PARKING AUTHORITY MEETING**  
**MINUTES**  
**November 13, 2012**

The Joint Adjourned Regular City Council and Parking Authority meeting was held in the Council Chambers at 7:00 pm. The Parking Authority met during Closed Session at 5:45pm. There were no reportable actions.

Councilmember Mirisch arrived at the dais at 10:25pm.

***PLEDGE OF ALLEGIANCE***

**A. *ROLL CALLS***

Present: Gold, Bosse, Brucker, Mirisch, and Brien

Absent: None

**B. *PRESENTATIONS***

1. RECOGNITION - Retiring Health and Safety Commissioners - Sandra Aronberg, MD - David Seidel

Mayor Brien, along with Councilmember Gold, presented plaques and gifts to retiring Health and Safety Commissioners Dr. Sandra Aronberg and David Seidel. Dr. Aronberg and Mr. Seidel thanked the City Council for the opportunity to serve.

2. CERTIFICATE OF APPOINTMENT - Architectural Commission - Gidas Peteris

Mayor Brien, along with Councilmember Bosse, presented a Certificate of Appointment and City pin to Gidas Peteris, newly-appointed Architectural Commissioner.

3. PROCLAMATION for Natural Balance Pet Food

Mayor Brien, along with Councilmember Brucker, recognized Natural Balance Pet Food for their efforts in the area of health and welfare of both domestic and wild animals. They presented a proclamation to founder Dick Van Patten, his son James Van Patten, and Program Manager Lindsey Krischner.

4. PROCLAMATION to Mickey Brittan from the City of Los Angeles

Mayor Brien invited Jay Greenstein, Chief Westside Deputy for Councilmember Koretz, to the podium. Mr. Greenstein thanked Mr. Maynard "Mickey" Brittan for his leadership and presented him with a proclamation from the City of Los Angeles for his efforts in the Santa Monica Transit Parkway project.

**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. Barbara Linder
2. Sean Saeedian

Mayor Brien read a statement regarding Pioneer Hardware Store on Crescent Drive.

3. Joseph Tilem
4. Roberto Alvarez
5. Jeff Tilem
6. Dr. Charles Aronberg
7. Pat Boone
8. Shirley Boone
9. Melody Legget
10. Davida Hagan
11. Doris Litchi
12. Michelle Davis
13. David Mendelson
14. Brian Bloom
15. Steve Morrissey
16. Leslie Barnard
17. Thomas Javor
18. Dirk Zimmerman

3. REPORT FROM THE CITY MANAGER \* Handling Panhandling - James Latta, Human Services Administrator and Wendy Hughes, Special Assistant to the City Manager

City Manager Kolin introduced Human Services Administrator James Latta and this year's National Urban Fellow Wendy Hughes. Mr. Latta and Ms. Hughes presented a PowerPoint report regarding panhandling in Beverly Hills entitled "Positive Change, Not Spare Change."

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

**D. PUBLIC HEARING**

**TO SET:**

None

**TO CONSIDER:**

None

**E. CONTINUED AND NEW BUSINESS**

1. APPROVAL OF CONCEPTUAL DESIGN FOR CONSTRUCTION OF A PILOT BICYCLE LANE ON BURTON WAY AND A COMBINATION BICYCLE LANE AND BICYCLE ROUTE ON NORTH CRESCENT DRIVE. Comment: Provides plans and specifications for pilot bicycles routes as directed by City Council at the August 23, 2012 Study Session.

Deputy Director of Transportation Aaron Kunz presented a PowerPoint report.

Speaking:

1. Matt Raab
2. Ron Durgin
3. Grace Krakover

Councilmember Gold asked clarification on the configuration and commented on the car doors being close to the next lane. Councilmember Bosse asked whether responses were received from the letters sent by the City, and if green striping such as the ones in Santa Monica and Los Angeles is being considered for aesthetic purposes. She also asked if there is a plan for an education program to educate the public about the bike lane and route program.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to approve Item E-1 as follows:

APPROVAL OF CONCEPTUAL DESIGN FOR CONSTRUCTION OF A PILOT BICYCLE LANE ON BURTON WAY AND A COMBINATION BICYCLE LANE AND BICYCLE ROUTE ON NORTH CRESCENT DRIVE

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

Noes: None.

CARRIED

**ITEM E-1: APPROVED**

2. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS MODIFYING PREFERENTIAL PARKING ZONE "U" ON THE 100 BLOCK OF SOUTH ALMONT DRIVE AND THE ADJACENT SECTION OF CHARLEVILLE BOULEVARD BETWEEN SOUTH ALMONT AND LA PEER DRIVES. Comment: City Council consideration of a qualifying petition requesting to modify the existing Preferential Parking Zone U to a regulation of "No Parking Anytime, Permit U Exempt." Staff recommends maintaining a "1-hour" regulation during the daytime. The Traffic & Parking Commission voted 4-1 to recommend maintaining the existing "2-hour" regulation during the daytime.

Deputy Director of Transportation Aaron Kunz presented a PowerPoint report.

Traffic and Parking Commissioner Alan Grushcow provided a review of the commission's position on this matter.

Speaking:

1. Edna Itzhaki
2. Fariba Laghaei
3. Lida Tehrani
4. Leigh Strauss

Council expressed concern regarding crime in the area and agreed that residents' safety is the priority. Council supported the residents' request for "no parking anytime except by permit" and voted to amend the resolution to this effect.

MOVED by Councilmember Bosse, seconded by Vice Mayor Mirisch to approve Resolution E-2 as amended as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS MODIFYING PREFERENTIAL PARKING ZONE "U" ON THE 100 BLOCK OF SOUTH ALMONT DRIVE AND THE ADJACENT SECTION OF CHARLEVILLE BOULEVARD BETWEEN SOUTH ALMONT AND LA PEER DRIVES

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

CARRIED

**ITEM E-2: APPROVED AS AMENDED TO NO PARKING ANYTIME EXCEPT BY PERMIT RES# 12-R-12901**

3. A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ADOPTING AN ADDENDUM TO A PREVIOUSLY CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSAL TO DRILL TWO NEW WELLS WITHIN AN EXISTING DRILL SITE LOCATED AT 9101 WEST PICO BOULEVARD IN THE CITY OF LOS ANGELES; AND

B. APPLICATION BY PACIFIC COAST ENERGY COMPANY L.P. ("PCEC") FOR A PERMIT TO DRILL AND PRODUCE FROM PCEC WELL NUMBERS WP-60H AND WP-61 Comment: In accordance with the provisions of Article 3 of Chapter 5, Title 10, Sections 10-5-304, 10-5-305, 10-5-312 and 10-5-316 of the City of Beverly Hills Municipal Code; City Council approval is required for issuance of a directional drilling permit to PCEC to drill and produce from PCEC Well Nos. WP-60H and WP-61. The wells will be drilled from PCEC's West Pico drillsite, located in the City of Los Angeles, to bottom-hole locations within the City of Beverly Hills. PCEC has already filed for and received all the appropriate permits from the City of Los Angeles.

Vice Mayor Mirisch recused himself from this item.

Director of Public Works and Transportation David Gustavson presented an oral staff report.

The applicant, Greg Brown, Executive Vice President of Pacific Coast Energy Company, presented a PowerPoint and submitted about 500 signed petitions from residents in support of drilling two new wells in the City.

Speaking:

1. Jody Kleinman
2. Nellie Emrani
3. Pierre Berg
4. Harry Magid
5. Rick Shpall
6. Charles Mulry, MD
7. Dina Chernick
8. Elizabeth Tuchin
9. Paul Bernstein
10. Sherry Tedeski

Council requested clarification and asked questions on the number of existing wells both within and outside of Beverly Hills, the number of people currently receiving royalties, oversight and regulatory practices being employed, violations that have occurred, safety issues, and EIR-related questions. Each Councilmember discussed the reasons for supporting or opposing approval of the application. The Councilmembers reached a deadlock and directed the City Attorney to draft a resolution based on the split vote for adoption at a future Council meeting.

MOVED by Councilmember Bosse, seconded by Councilmember Brucker to adopt a resolution at a future Council meeting reflecting the Council's split vote

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

***ITEM E-3: COUNCIL COULD NOT MAKE THE FINDINGS NECESSARY IN ORDER TO APPROVE THE APPLICATION; CITY ATTORNEY DIRECTED TO DRAFT RESOLUTION BASED ON THE SPLIT VOTE FOR ADOPTION AT A FUTURE MEETING***

***F. PARKING AUTHORITY CONSENT CALENDAR***

MOVED by Director Bosse, seconded by Director Gold to approve all items on the Parking Authority consent calendar by reference.

**Minutes**

1. CONSIDERATION OF THE MINUTES of the Parking Authority meeting of September 11, 2012. APPROVAL OF:
2. THIRD AMENDMENT TO LEASE BETWEEN THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS AND THRIFTY PAYLESS, INC. Comment: This amendment extends the term of the current lease with Thrifty Payless, Inc dba Rite Aid at 463 N. Bedford Drive for ten (10) years. The starting annual rent for this location is \$592,515.

***ITEM F-2: APPROVED AG# PA-12-21***

***Vote on the Parking Authority Consent Calendar:***

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

**CARRIED**

**G. CITY COUNCIL CONSENT CALENDAR**

MOVED by Councilmember Bosse, seconded by Councilmember Brucker to remove Item G-7, approve the remaining items on the consent calendar by reference, and direct that the appropriate accounts be charged on Items G-2, G-3, and G-4

**Minutes**

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Special meeting of October 23, 2012.

**Demands Paid**

2. REVIEW OF BUDGETED DEMANDS PAID, report dated October 6 - October 19, 2012.
3. REVIEW OF BUDGETED DEMANDS PAID, report dated October 20 - November 2, 2012.
4. PAYROLL DISBURSEMENT REPORT, report dated November 13, 2012.

**Other Business**

**ORDINANCE OF THE CITY OF BEVERLY HILLS:**

None

**RESOLUTIONS APPROVING:**

None

**APPROVAL OF:**

5. POLICE OFFICERS ASSOCIATION - MOU AMENDMENT TO ADDRESS COMPOUNDING ISSUE. Comment: The City and POA having met and agreed on modifications, the Memorandum of Understanding with track changes and updated salary matrix is presented for City Council approval.

**ITEM G-5: APPROVED MOU# 2012-04**

6. AMENDMENT NO. 1 TO THE AGREEMENT WITH JLEE ENGINEERING, INC. TO PROVIDE PLAN REVIEW SERVICES AND OTHER AS NEEDED CONSULTING SERVICES, AND; APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$200,000 FOR THE SERVICES DESCRIBED FOR THE FISCAL YEAR 2012-2013. Comment: This increases the consideration amount from \$300,000 to \$500,000 of a three-year agreement with JLEE Engineering, Inc. for plan review services and other as-needed code review engineering consulting services. Staff also requests approval of a purchase order in the amount of \$200,000 for a total not-to-exceed amount of \$500,000. The cost to perform these services has been approved as part of the Council-approved budget for Community Development Department and are offset by plan check revenues.

**ITEM G-6: APPROVED AG# 492-12**

7. APPROPRIATING FUNDS IN THE AMOUNT OF \$12,650,000 FROM FISCAL YEAR 2011/2012 REVENUES. Comment: During preparation of the FY 2012/13 budget reductions were made in internal service fund replacement funding and in salary accounts were numerous vacancies were present to avoid more significant service level cuts, in addition, various one-time needs have arisen which would benefit from the use of non-recurring funds. Staff recommends the City Council appropriate funds to restore reduced replacement funding, to fund other needs and to increase the budget stabilization designation in the General Fund.

**ITEM G-7: REMOVED**

8. A PURCHASE ORDER TO VOLVO CONSTRUCTION EQUIPMENT AND SERVICE IN THE NOT-TO-EXCEED AMOUNT OF \$39,166.41 FOR PURCHASE OF ONE (1) COMPACT ARTICULATED-STEERING WHEEL-LOADER TRACTOR; AND APPROVAL OF TRADING IN A 2009 KUBOTA UTILITY TRACTOR IN THE NOT-LESS-THAN AMOUNT OF \$17,500.00. Comment: Provides for purchase of one (1) Compact Articulating Front-end-loader Tractor from (vendor) to replace an existing straight-frame tractor assigned to the Department of Public Works & Transportation, Solid Waste Division.

**ITEM G-8: APPROVED**

9. A PURCHASE ORDER TO BRAGG INVESTMENT COMPANY, INC. DBA COASTLINE EQUIPMENT FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$138,197.38 FOR PURCHASE OF FRONT-END-LOADER TRACTOR WITH BACKHOE. Comment: Provides for purchase of one (1) Front-end-loader Tractor with backhoe, John Deere Model 315SK, from Bragg Investment Co., Inc. dba Coastline Equipment to replace an existing skidsteer tractor currently assigned to the Department of Public Works & Transportation, Water Distribution Division.

**ITEM G-9: APPROVED**

**Vote on the City Council Consent Calendar:**

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

CARRIED

**H. COMMISSION SYNOPSIS  
NO ACTIONS TAKEN ON "H" ITEMS**

1. ARCHITECTURAL COMMISSION - Regular Meeting of September 19, 2012  
CHARITABLE SOLICITATIONS COMMISSION - Regular Meeting of October 10, 2012  
ARCHITECTURAL COMMISSION - Special Meeting of October 17, 2012  
ARCHITECTURAL COMMISSION - Regular Meeting of October 17, 2012  
FINE ART COMMISSION - Regular Meeting of October 18, 2012  
HUMAN RELATIONS COMMISSION - Regular Meeting of October 18, 2012  
HEALTH AND SAFETY COMMISSION - Regular Meeting of October 22, 2012  
RECREATION AND PARKS COMMISSION - Regular Meeting of October 23, 2012  
TRAFFIC & PARKING COMMISSION - Regular Meeting of November 1, 2012

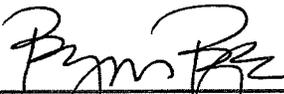
**I. OTHER BUSINESS**

None

**J. ADJOURNMENT**

There being no further business, Mayor/Chair Brien, with the consent of the Council/Board, adjourned the meeting at 11:18pm.

PASSED, Approved and Adopted  
this 20<sup>th</sup> day of November, 2012

  
\_\_\_\_\_  
BYRON ROPE, City Clerk/Secretary

\_\_\_\_\_  
WILLIAM W. BRIEN, MD, MAYOR/CHAIR

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