



**CITY OF BEVERLY HILLS  
CITY COUNCIL  
REGULAR COUNCIL MEETING  
January 06, 2009**

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

**PLEDGE OF ALLEGIANCE**

**A. ROLL CALL**

Present: Councilmember Krasne, Councilmember Delshad, Councilmember Briskman,  
Vice Mayor Fenton, and Mayor Brucker

Absent: None

**B. PRESENTATIONS**

**1. CERTIFICATES - Green Team certificates presented to Horace Mann first graders on being recognized at the Green Summit in Anaheim**

Mayor Brucker recognized the first graders from Horace Mann Elementary School for their Green Team efforts and recognition at the Green Summit in Anaheim. The Mayor introduced School Principal Dawnalyn Murakawa-Leopard and first grade teachers Christy Fuhrer and Cheryl Zinman who spoke about the project. Mayor Brucker noted that certificates and bookmarkers will be given to each participant.

**2. CERTIFICATE - to Julie Beenhouwer for her work on "green" programs for the BHUSD**

Mayor Brucker spoke about Julie Beenhouwer, a volunteer PTA member at El Rodeo Elementary School, and all of the activities she is coordinating regarding recycling at the school.

Mayor Brucker presented a Certificate of Appreciation to Ms. Beenhouwer for her work on "green" programs in the City.

**3. PROCLAMATION - Cedars Sinai in honor of their contributions to the City of Beverly Hills**

Mayor Brucker invited Councilmember Briskman to join him in presenting a proclamation to Cedars Sinai Medical Center for its invaluable contributions to the community in the fields of medicine and health care.

**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.)

1. Max Rubin spoke about an event at the High School on December 31st and asked why the City was not involved with the event.

Mayor Brucker addressed his comments.

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. Philip Freeman spoke about two international peace initiatives that he would like the City to endorse.

Mayor Brucker asked that he provide information that will be passed on to the Human Relations Commission to review and come up with a recommendation. Councilmember Delshad suggested he also address the School Board.

2. Tom Roberts spoke about the advertisements on the City's bus shelters. He also mentioned issues at the Montage Hotel.

Mayor Brucker requested staff place bus shelters and advertising on the January 22, 2009 Study Session agenda for discussion.

**3. CITY COUNCILMEMBER AND COMMITTEE REPORTS**

None

**D. PUBLIC HEARING**

**TO SET:**

*None*

**TO CONSIDER: (Taken out of Order)**

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

**1A. AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADOPTING BY REFERENCE ARTICLE 3 OF CHAPTER V, ANIMALS AND FOWLS, OF THE LOS ANGELES MUNICIPAL CODE, AND AMENDING CHAPTER 2 OF TITLE 5 OF THE BEVERLY HILLS MUNICIPAL CODE. For Adoption.**

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 records and files of the Community Development Department and the report of the City Building Official concerning this matter shall be entered into the record.

City Building Official George Chavez presented the staff report and a PowerPoint presentation. Mr. Chavez provided a background, spoke about the West Los Angeles Animal Shelter, the Memorandum of Understanding requirements, the proposed ordinance, fee resolution and promotional events and discounts.

Speaking:

1. Bill Dyer, Regional Director of In Defense of Animals, spoke in support of the ordinance.

Mayor Brucker closed the public hearing.

There were no further questions or comments of Councilmembers.

MOVED by Vice Mayor Fenton, seconded by Mayor Brucker to adopt Ordinance D-1A as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADOPTING BY REFERENCE ARTICLE 3 OF CHAPTER V, ANIMALS AND FOWLS, OF THE LOS ANGELES MUNICIPAL CODE, AND AMENDING CHAPTER 2 OF TITLE 5 OF THE BEVERLY HILLS MUNICIPAL CODE.

Ayes: Councilmember Krasne, Councilmember Delshad, Councilmember Briskman, Vice Mayor Fenton, and Mayor Brucker

Noes: None

CARRIED

**ITEM D-1: ADOPTED ORD#09-O-2560**

- 1B. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES AND CHARGES TO ADJUST THE ANIMAL CONTROL AND SHELTERING SERVICES FEE SCHEDULE FOR FISCAL YEAR 2008/2009.** Comment: The resolution adopts the City of Los Angeles animal control fee schedule as the City of Beverly Hills fee schedule for the provision of animal services to Beverly Hills residents. This is required under the Memorandum of Understanding between the City of Los Angeles and the City of Beverly Hills. On October 15, 2008 the City of Los Angeles City Council unanimously agreed to move forward with a Memorandum of Understanding (MOU) with the City of Beverly Hills for animal care and sheltering services. To ensure consistency in enforcement and operations, this MOU requires Beverly Hills to adopt the Los Angeles animal-related codes. Because this code is being adopted by reference, State Law requires a Public Hearing be held after the first reading of the ordinance which is converse to the usual process.

MOVED by Councilmember Delshad, seconded by Councilmember Krasne to adopt Resolution D-1B as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS  
AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES AND  
CHARGES TO ADJUST THE ANIMAL CONTROL AND SHELTING  
SERVICES FEE SCHEDULE FOR FISCAL YEAR 2009/2009.

Ayes: Councilmember Krasne, Councilmember Delshad, Councilmember Briskman,  
Vice Mayor Fenton, and Mayor Brucker  
Noes: None

CARRIED

**ITEM D-1B: ADOPTED RES#09-R-12651**

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

- 2. ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-3-2409, 10-3-2509, and 10-3-2610 OF THE BEVERLY HILLS MUNICIPAL CODE REGARDING PERMISSIBLE ENCROACHMENTS INTO SIDE YARDS, STREET SIDE YARDS, AND REAR YARDS IN SINGLE-FAMILY RESIDENTIAL ZONES AND AMENDING SECTION 10-3-3600 REGARDING MINOR ACCOMMODATIONS THAT MAY BE GRANTED For Introduction.** Comment: Proposed amendment to the Zoning Code to allow encroachments of home elevators into single-family residential side and rear yard setbacks.

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 records and files of the Community Development Department and the report of the Director of the Department of Community Development concerning this matter shall be entered into the record.

City Planner Jonathan Lait provided a PowerPoint presentation and the staff report. Mr. Lait noted staff has made one discreet change relative to what the Planning Commission recommended which is to expand the minor accommodations provision to allow any request to locate an elevator encroachment into a required yard greater than 30" be subject to a minor accommodations permit.

Speaking:

1. Steve Webb addressed one issue in the ordinance and suggested additional discretion should be given to the larger properties (north of Santa Monica Boulevard) for the size of the elevator.
2. Stanley Gold spoke in favor of the ordinance and also asked for inclusion of language that allows staff the flexibility to vary the measurements of the elevator.
3. Tom Levyn explained his position on this matter and expressed his support of the ordinance.

Planning Commission Chair Kathy Reims noted that the Planning Commission is in support of the proposed ordinance. She noted that the Commission did become concerned with issues of scale and mass with any variance to the limitations on the elevator in the proposed ordinance but the minor accommodations permit would handle the concerns.

There were no additional members of the audience who wished to comment. Mayor Brucker closed the public hearing. Chair Reims and staff provided clarification and responded to questions raised by the Council.

It was the consensus of the Council to amend the language in the proposed ordinance as outlined by the City Attorney in Sections 5K, 6, 7 and 8a and use the criteria as to whether it would have a negative impact on the neighbors or the community.

There were no further questions or comments of Councilmembers.

MOVED by Councilmember Briskman, seconded by Councilmember Krasne to waive full reading of Ordinance D-2 and advance to the meeting of January 22, 2009 for adoption as amended as follows:

ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-3-2409, 10-3-2509, and 10-3-2610 OF THE BEVERLY HILLS MUNICIPAL CODE REGARDING PERMISSIBLE ENCROACHMENTS INTO SIDE YARDS, STREET SIDE YARDS, AND REAR YARDS IN SINGLE-FAMILY RESIDENTIAL ZONES AND AMENDING SECTION 10-3-3600 REGARDING MINOR ACCOMMODATIONS THAT MAY BE GRANTED

Ayes: Councilmember Krasne, Councilmember Delshad, Councilmember Briskman, Vice Mayor Fenton, and Mayor Brucker

Noes: None

CARRIED

**ITEM D-2: WAIVE FULL READING AND ADVANCE TO THE MEETING OF  
JANUARY 22, 2009 FOR ADOPTION AS AMENDED**

**E. CONTINUED AND NEW BUSINESS**

- 1. AMENDED AND RESTATED LEASE BETWEEN THE CITY OF BEVERLY HILLS AND THE WALLIS ANNENBERG CENTER FOR THE PERFORMING ARTS AND APPROVAL OF THE CONSTRUCTION OF A SUBTERRANEAN PARKING STRUCTURE.** Comment: This is an amendment to the Lease with the Wallis Annenberg Center for the Performing Arts for the rehabilitation and reuse of the City's former main Post Office. The project includes the construction of a subterranean parking structure under Crescent Drive and a portion of the City Hall Lawn. The City Council will also consider the Environmental Impact Report (EIR) prepared for the project.

Deputy City Manager David Lightner outlined what would be presented this evening which includes a recap of the project overall, address the issues that both the Planning Commission and the City Council suggested at its last meeting (which focused on the garage portion of the project), specific points of the restated lease, and financing details of the project.

Mayor Brucker explained a formal vote cannot take place on the project this evening because the Environmental Impact Report (EIR) will not be completed until the next formal meeting, but the goal this evening is to obtain a consensus of the Council to direct staff to prepare the documents for approval at the January 22nd meeting.

Bert Michitsch, consultant from International Parking Design, discussed the two changes to the garage portion of the project suggested by the City Council.

Senior Planner Michele McGrath described the changes to the recirculated EIR and noted the EIR comment period will end on January 8, 2009. Ms. McGrath gave a PowerPoint presentation which briefly mentioned the initial study findings, Draft EIR findings, mitigation measures for three intersections, and the greenhouse gas emissions.

Bram Goldsmith, Chairman of the Wallis Annenberg Center for the Performing Arts, accompanied by Lou Moore, Executive Director, provided brief comments regarding the project and asked the members of the Board of Directors in attendance to stand in support of the project.

1. Vicky Mense, President of the Chamber of Commerce, spoke in support of the project on behalf of the Chamber of Commerce as well as a local business owner.
2. Dennis Tannenbaum spoke about a corrective action letter regarding the Union 76

gas station and hazardous waste problems associated with the proposed garage.

Mr. Lightner mentioned that additional testing was done in December and the Final EIR will have a response to that comment and it will be discussed at the January 22 meeting.

3. Chuck Aronberg, former Mayor, spoke to the value of this Center to the community and thanked former Mayor Vicki Reynolds for all of her commitment, dedication and time to this project.

4. Laura Karlin, as a working artist and community member, expressed her support of the Center as it would have a huge impact on live performance.

5. Michael Hakim stated he supports the project, asked about adding the word "cultural" to the title of the Center, technology at the parking garages, and the potential for adding a fourth level for the garage.

6. Larry Gelbart spoke in support of the Center and the types of events that the Center can offer the community.

7. Brian Sixt, speaking on behalf of his family, asked the Council to approve the proposed project and garage.

8. Former Mayor Vicki Reynolds spoke in support of the Wallis Annenberg Center for the Performing Arts. Ten former Mayors stood with Ms. Reynolds to show their support and Allan Alexander, speaking on behalf of the former Mayors, provided comments and urged the Council to approve the Annenberg Center for the Performing Arts and the three level parking garage.

Following questions and comments of support, it was the consensus of the Council to direct staff to prepare documents for approval and continue this matter to the meeting of January 22, 2009.

MOVED by Mayor Brucker, seconded by Councilmember Delshad to continue this matter to the meeting of January 22, 2009, and instruct staff to prepare appropriate documents for final action on that date.

Ayes: Councilmember Krasne, Councilmember Delshad, Councilmember Briskman, Vice Mayor Fenton, and Mayor Brucker

Noes: None

CARRIED

**ITEM E-1: STAFF DIRECTED TO PREPARE DOCUMENTS FOR APPROVAL AND CONTINUE THE MATTER TO THE MEETING OF JANUARY 22, 2009**

The Mayor recessed the meeting at 9:05pm. The meeting reconvened at 9:10pm with all members present.

**F. CONSENT CALENDAR**

MOVED by Councilmember Briskman, seconded by Councilmember Krasne to approve the items on the consent agenda, and direct that the appropriate accounts be charged on Item F-2 and F-3.

**Minutes**

1. **CONSIDERATION OF THE MINUTES regular meeting of December 2, 2008.**

**Demands Paid**

2. **REVIEW OF BUDGETED DEMANDS PAID, report dated December 10 - 24, 2008.**
3. **PAYROLL DISBURSEMENT REPORT**

**Other Business**

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

4. **AMENDING TITLE 9 OF THE MUNICIPAL CODE REGARDING WATER CONSERVATION PLUMBING FIXTURE STANDARDS AND WATER EFFICIENT LANDSCAPING. For Adoption.** Comment: The proposed ordinance provides that upon the change of ownership or upon the resale of residential or commercial property that the plumbing fixtures be retrofitted with water efficient fixtures. In addition, the ordinance requires the installation of smart irrigation controllers for all new landscaping proposed as part of new residential or commercial project, new installations of landscaping irrigation systems or upon the alteration of 50 percent or more of any landscaped area.

**ITEM F-4: ADOPTED ORD#09-O-2561**

5. **REQUIRING VEHICLE REMOVAL FROM DESIGNATED STREETS DURING SEVERE FIRE CONDITIONS IN VERY HIGH FIRE HAZARD SEVERITY ZONES AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. For Adoption.** Comment: The proposed ordinance provides the City (BHPD) the authority to remove any vehicle that is stopped, parked or left standing in such a way to prevent the mobility of fire apparatus or whose removal is necessary to ensure public safety in the event of any major conflagration or other fire-related emergency requiring police action. The ordinance applies to that area of the city designated as the "Very High Fire Hazard Severity Zone" located north of Sunset Blvd.

**ITEM F-5: ADOPTED ORD#09-O-2562**

**RESOLUTIONS APPROVING:**

6. **A FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS FOR THIRTY-FIFTH YEAR (2009-2010) FUNDING UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED.** Comment: Annual application to LA County Community Development Commission indicating the intended use of federal CDBG funds (2009-2010).  
APPROVAL OF:

**ITEM F-6: ADOPTED RES#09-R-12652**

7. **AN AGREEMENT WITH MELVYN GREEN AND ASSOCIATES, INC. FOR ARCHITECTURAL AND ENGINEERING DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES RELATED TO DEVELOPMENT OF A CATERING KITCHEN AT GREYSTONE MANSION; AND, APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$90,239 TO MELVYN GREEN AND ASSOCIATES, INC. FOR THESE SERVICES.** Comment: This agreement is to provide the architectural and engineering services in the amount of \$82,239 and a contingency of \$8,000 as part of the approved FY 08-09 Capital Improvement Program budget for the continued upgrade and improvements to the Greystone Mansion for a catering kitchen.

**ITEM F-7: APPROVED AG#01-09**

8. **AMENDMENT NO. 2 TO THE AGREEMENT WITH STEGEMAN AND KASTNER, INC. FOR PROJECT MANAGEMENT CONSULTANT SERVICES RELATED TO THE CITY'S CAPITAL IMPROVEMENT PROJECTS; AND, APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$100,000 TO STEGEMAN AND KASTNER, INC. FOR THESE SERVICES.** Comment: This amendment is to provide additional consulting services for upcoming remodeling projects at the Police Facility for the expansion of the Emergency Operations Center and City Hall second and third floors.

**ITEM F-8: APPROVED AG#02-09**

9. **AMENDMENT NO. 2 TO THE AGREEMENT WITH STEVEN EHRlich ARCHITECTS, INC. FOR ARCHITECTURAL DESIGN, CONSTRUCTION PROCUREMENT AND ADMINISTRATION SERVICES RELATED TO PROJECT LOCATED AT 331 FOOTHILL ROAD (FORMERLY LOCATED AT 9357 WEST THIRD STREET); AND, APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$375,458.34 TO STEVEN EHRlich ARCHITECTS, INC. FOR THESE SERVICES.** Comment: This amendment corrects an administrative deficiency in the Steven Ehrlich Architects Purchase Order in the amount of \$300,458, and increases the City controlled contingency of \$75,000. This amendment does not increase the previously approved architectural fees.

**ITEM F-9: APPROVED AG#03-09**

Vote on Consent Calendar:

Ayes: Councilmember Krasne, Councilmember Delshad, Councilmember Briskman,  
Vice Mayor Fenton, and Mayor Brucker

Noes: None

CARRIED

**G. COMMISSION SYNOPSIS**

*None*

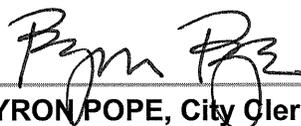
**H. OTHER BUSINESS**

None

**I. ADJOURNMENT**

There being no further business, Mayor Brucker, with the consent of Council, adjourned the meeting at 10:20pm.

PASSED, Approved and Adopted  
this 3<sup>rd</sup> day of February, 2009.

  
BYRON POPE, City Clerk

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**BARRY BRUCKER, MAYOR**

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