



**CITY OF BEVERLY HILLS
CITY COUNCIL
REGULAR MEETING
September 21, 2010**

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

PLEDGE OF ALLEGIANCE

A. ROLL CALL

Present: Councilmember Mirisch, Councilmember Brien, Councilmember Krasne, Vice Mayor Brucker, and Mayor Delshad
Absent: None

B. PRESENTATIONS

1. PRESENTATION - Summer Reading Program Recognition

Mayor Delshad, along with the entire City Council, acknowledged and took pictures with the children that participated in the Beverly Hills Library Summer Reading Program.

2. PROCLAMATION - Acknowledging the Beverly Hills CPR for training 87,000 people since 1977.

Mayor Delshad, along with Councilmember Brien, presented a proclamation to former Mayor Les Bronte and the Beverly Hills CPR on more than three decades of community service.

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. Thomas White, representing the Municipal League, spoke in opposition of the proposed MTA routing of the subway and requested Council support in this opposition.
2. Gloria Seiff urged the Council to oppose the route for the proposed Metro Line that goes under the high school property.
3. Ken Goldman, South Homeowners Association, announced the upcoming Metro meeting being held on Monday night at Roxbury Community Center, and asked the Council to attend and speak
4. Mayor Delshad mentioned two letters received from Dr. Woodrow Clark regarding the Metro Line and the 90210 event accounting.

2A. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING PROVISIONS REGARDING STREETS DESIGNATED FOR HEAVY VEHICLE USAGE AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. First reading - For Introduction. Comment: This ordinance amends Beverly Hills Municipal Code Section 7-2-203 to allow vehicles in excess of three tons to use the 1200 block of Park Way in order to accommodate the eastbound circulation of tour buses.
(TAKEN OUT OF ORDER)

Council heard Item E-B first and referred the matter back to the Traffic and Parking Commission so no action was taken on this item.

2B. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ESTABLISHING A TOUR BUS LOADING ZONE AT THE FORMER METRO BUS STOP ON THE EAST SIDE OF NORTH CANON DRIVE BETWEEN NORTH SANTA MONICA BOULEVARD AND PARK WAY. Comment: This resolution establishes a tour bus loading zone with regulation of "Tow-Away, Active Tour Bus Loading, Engine Off, and 9 a.m. - 6 p.m. Daily" as recommended by the Traffic & Parking Commission. The resolution also allows for tour buses to travel on Park Way between Canon and Crescent Drives.

Deputy Director of Transportation Aaron Kunz presented a Power Point presentation and staff report on this item. He provided a historical background, the loss of tour bus loading, the Traffic and Parking Commission's review of the issue and subsequent unanimous recommendation for the proposed tour bus loading

zone location on North Canon Drive between North Santa Monica Boulevard and Park Way on the east side.

Traffic and Parking Commissioner Brian Rosenstein spoke in more detail about the Commission deliberation on this matter.

Speaking:

1. Kami Farhadi, Starline Tours, supported the recommendation with a request for an extension to 8pm instead of 6pm.
2. Philip Ferentinos, Starline Tours, supported the recommendation and explained the "hop on - hop off" system they use.
3. Mark Grossan expressed his opposition to the location and the encroachment on the residential neighborhood.
4. Abraham Assil stated his opposition to the location.
5. Murray Grossan opposed the location.
6. Mahin Hekmat opposed the location.
7. Michael Rublevich opposed the location.
8. Barbara Gamer opposed the location.
9. Claralisa Kabbaz opposed the location.
10. Dr. Charles Aronberg made alternate suggestions for the location instead of the one proposed.
11. Gabor Szabo, an attorney, questioned the City's right to adopt this item (imminent domain).
12. Thomas White opposed the location for this loading zone.
13. Dan Walsh, Chamber of Commerce, supported the location.
14. Kathy Smits, Conference and Visitors Bureau, supported the location.
15. Yiffaf Ruublevich opposed the location.
16. Jeff Levine, Traffic and Parking Commissioner, explained the Commission's selection of the proposed location.
17. Mayor Delshad read letters in opposition into the record from three additional people.

Following discussion, the Council opposed the proposed location for the tour bus loading zone and suggested that alternate staging sites be considered in the Business Triangle. The Council thanked the Traffic and Parking Commission for

their efforts and directed they study alternatives in non-residential areas and report back. No action was taken on this item.

ITEM E-2A AND E-2B: DIRECT THAT THE TRAFFIC AND PARKING COMMISSION STUDY ALTERNATIVE LOCATIONS IN NON-RESIDENTIAL AREAS

Mayor Delshad recessed the meeting at 9:20pm. The meeting reconvened at 9:25pm with all members present.

I. OTHER BUSINESS

The following Items were continued from this afternoon's Study Session:

Item A-9: Draft Housing Element Update - review of draft Housing Element in preparation for submittal to the State Department of Housing and Community Development.

Associate Planner Peter Noonan provided a PowerPoint presentation and staff report which included the types of residents that would qualify/benefit for affordable housing, the City's current housing programs, new programs proposed, and next steps. Mr. Noonan responded to questions raised by the Council. The Council requested that Section 9.3 (Housing Inspection) be removed from the plan. Councilmember Brien requested that staff keep the Council abreast of the Housing Inspection item.

Item B-14: Santa Monica Street Renaming Survey - staff will be providing an update on the survey for the proposed renaming of South Santa Monica Boulevard.

Staff responded to a question raised by Councilmember Krasne regarding the cost of the study.

The Mayor adjourned the Study Session at 9:56pm.

3. REPORT FROM THE CITY MANAGER

*** Wildfire Preparedness/Fire Prevention Week (1st Week in October)**

Continued to a future meeting.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

- Did you know?

None

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. **A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & SERVICE CHARGES FOR THE FISCAL YEAR 2010/2011.** Comment: This resolution amends the City's fees and charges schedule to include a new permit fee for the tobacco retailer program in the amount of \$204.00.

Let the record show that the notice of this hearing was published as required by law.

The records and files of the City Manager's Office concerning this matter shall be entered into the record.

Senior Management Analyst Megan Roach presented a brief staff report.

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

There were no questions or comments of Councilmembers.

MOVED by Councilmember Krasne, seconded by Vice Mayor Brucker to adopt Resolution D-1 as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES &
SERVICE CHARGES FOR THE FISCAL YEAR 2010/2011.

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember
Krasne, Vice Mayor Brucker, and Mayor Delshad
Noes: None

CARRIED

ITEM D-1: ADOPTED RES#10-R-12769

E. CONTINUED AND NEW BUSINESS

1. **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS REAUTHORIZING A CIVILIAN RANGEMASTER POSITION TO BE FUNDED BY THE CITY'S COPS ALLOCATION.** Comment: In order to accept \$100,000 in Citizens Option for Public Safety (COPS) Allocation funding from the State of California, a public hearing must be conducted reauthorizing its use for personnel costs.

Police Commander Theresa Goldman noted this presentation will satisfy the requirement that a public hearing be held to accept the cost allocation grant of \$100,000 for Fiscal Year 2009/2010.

There were no members of the audience wished to comment.

There were no questions or comments of Councilmembers.

MOVED by Councilmember Krasne, seconded by Mayor Delshad to adopt Resolution E-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
REAUTHORIZING A CIVILIAN RANGEMASTER POSITION TO BE
FUNDED BY THE CITY'S COPS ALLOCATION.

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember
Krasne, Vice Mayor Brucker, and Mayor Delshad

Noes: None

CARRIED

ITEM E-1: ADOPTED RES#10-R-12770

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Mirisch, seconded by Councilmember Krasne to remove Item F-7 and vote on separately, approve all remaining items on the consent agenda and direct that the appropriate accounts be charged on Items F-2 and F-3.

Minutes

1. **CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Adjourned Regular meeting of August 31, 2010.**

Demands Paid

2. **REVIEW OF BUDGETED DEMANDS PAID, report dated August 23 - September 9, 2010.**
3. **PAYROLL DISBURSEMENT REPORT, report dated September 21, 2010.**
4. **PORTFOLIO REPORT - Quarter Ending June 30, 2010.** Comment:
Summary of portfolio balances and activities showing investment holdings as of June 30, 2010.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. **AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO INCLUDE THE ISSUANCE, PAYMENT AND ADJUDICATION OF ADMINISTRATIVE VIOLATIONS FOR TAXICAB AND VALET PARKING PERMIT ENFORCEMENT.**

Second reading - For adoption. Comment: This ordinance will amend various sections of the Beverly Hills Municipal Code to expand staff's ability to enforce taxicab and valet parking permits through the use of administrative violations in addition to misdemeanor and infractions and parking citations.

ITEM F-5: ADOPTED ORD#10-O-2588

6. **AMENDING SECTION 10-3-2868 (C) OF THE MUNICIPAL CODE REGARDING THE MAXIMUM SEATING CAPACITY OF RESTAURANTS IN HOTELS LOCATED OUTSIDE THE BUSINESS TRIANGLE. Second reading - For adoption.** Comment: This ordinance would modify the number of restaurant seats that could be requested by hotels located on commercial property outside of the Business Triangle, and would allow such hotels to request up to one and one-half (1.5) restaurant seats per hotel guest room.

ITEM F-6: ADOPTED ORD#10-O-2589

7. **RELATING TO TERMS OF COMMISSIONERS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. Second reading - For adoption.** Comment: This is a clean up to the Municipal Code to provide that the reappointment term for commissioners may be up to four years.

Councilmember Mirisch asked to pull this item so his vote could remain consistent with the first reading of the ordinance.

MOVED by Vice Mayor Brucker, seconded by Mayor Delshad to adopt Ordinance F-7 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS RELATING TO TERMS OF COMMISSIONERS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE.

Ayes: Councilmember Brien, Councilmember Krasne, Vice Mayor Brucker, and Mayor Delshad

Noes: Councilmember Mirisch

CARRIED

ITEM F-7: ADOPTED ORD#10-O-2590

RESOLUTIONS APPROVING:

8. **ACCEPTING A GRANT AWARD UNDER THE FISCAL YEAR 2007 URBAN AREA SECURITY INITIATIVE AND APPROPRIATING FUNDS FOR THE PURCHASE OF INTEROPERABLE MULTIBAND HANDHELD RADIOS.** Comment: The City has secured an award under the FY2007 UASI program to expand its interoperable communications capacity.

ITEM F-8: ADOPTED RES#10-R-12771 AG#411-10

9. **ACCEPTING A GRANT AWARD UNDER THE FISCAL YEAR 2007 STATE HOMELAND SECURITY GRANT PROGRAM AND APPROPRIATING FUNDS TO PURCHASE SOFTWARE UPGRADES FOR POLICE DEPARTMENT RADIOS.**

Comment: The City has secured an award under the FY2007 grant program to comply with FCC narrowbanding requirements.

ITEM F-9: ADOPTED RES#10-R-12772 AG#412-10

10. **ACCEPTING A GRANT AWARDED BY THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR 2009 URBAN AREA SECURITY INITIATIVE (UASI 09) AND APPROPRIATING FUNDS IN THE AMOUNT OF \$47,492 FOR DISASTER PREPAREDNESS AND RESPONSE ACTIVITIES TRAINING.**

Comment: This item requests the City Council to accept and appropriate UASI 09 grant funding in the amount of \$47,492.

ITEM F-10: ADOPTED RES#10-R-12773 AG#413-10

APPROVAL OF:

11. **DESIGN REVIEW COMMISSION APPOINTMENTS.** Comment: Appoints Arline Pepp and Ilene Nathan to the Design Review Commission for an initial two-year term.

ITEM F-11: APPROVED

12. **AMENDMENT TO LEASE FOR W STEAK BEVERLY HILLS, LLC.** Comment: This amendment reduces the monthly base rent by 50% for a period of 18 months at the W Steak restaurant located at 445 N. Canon Drive.

ITEM F-12: APPROVED AG#414-10

13. **APPROPRIATION OF \$202,000 TO FUND TRAFFIC ENFORCEMENT ACTIVITIES UNDER THE FY10/11 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM.** Comment: Grant funds awarded by the California Office of Traffic Safety will be used to conduct DUI and driver's license checkpoints, DUI saturation patrols, special enforcement operations, and warrant operations.

ITEM F-13: APPROVED

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

ITEM A A PURCHASE ORDER IN THE AMOUNT OF \$159,822.78 TO THEODORE ROBINS FORD INC. FOR THE PURCHASE OF SIX FORD CROWN VICTORIA POLICE INTERCEPTOR SEDANS. Comment: This is a purchase order for the purchase of six (6) Ford Crown Victoria Black-&-White Sedans to replace an equal number of job-worn police patrol cars.

ITEM F-14: APPROVED

Vote on Consent Calendar:

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember Krasne, Vice Mayor Brucker, and Mayor Delshad
Noes: None

CARRIED

G. COMMISSION SYNOPSIS

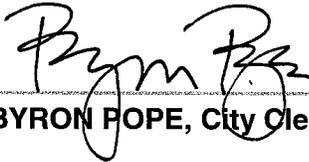
1. **PUBLIC WORKS COMMISSION - regular meeting of August 12, 2010.**
DESIGN REVIEW COMMISSION - regular meeting of September 2, 2010.

Original, signed minutes are on file in the Office of the City Clerk.

J. ADJOURNMENT

There being no further business, Mayor Delshad, with the consent of the Council, adjourned the meeting at 10:07pm to the Closed Session for the remaining items on the Closed Session agenda.

PASSED, Approved and Adopted
this 5th day of October, 2010.


BYRON POPE, City Clerk

JIMMY DELSHAD, MAYOR

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