



**CITY OF BEVERLY HILLS  
CITY COUNCIL  
AND  
PARKING AUTHORITY  
January 11, 2011**

The joint Adjourned Regular Meeting of the City Council and the Parking Authority of Beverly Hills was held in the Council Chambers at 7:00pm.

Vice Mayor Brucker mentioned that Mayor Delshad is ill and wished him a speedy recovery.

***PLEDGE OF ALLEGIANCE***

***A. ROLL CALLS***

Present: Councilmember Mirisch, Councilmember Brien, Councilmember Krasne, and  
Vice Mayor Brucker  
Absent: Mayor Delshad

Roll call was taken for both the City Council and the Parking Authority.

***B. PRESENTATIONS***

Vice Chair Brucker extended the Council's sympathies to the victims and families of the attack on Congresswoman Gabrielle Giffords in Tucson, Arizona. He called for a moment of silence to remember those who lost their lives in the tragedy.

**1. RECOGNITION OF RETIRING COMMISSIONER - Recreation and Parks Commission - Jill Tavelman Collins**

On behalf of the entire Council, Vice-Mayor Brucker presented a gift and plaque to outgoing Recreation and Parks Commissioner Jill Tavelman Collins in appreciation for her many years of dedicated service.

**2. FRIENDLY CITY AWARD - Mayor Delshad**

Recipients are being recognized for helping to make Beverly Hills a friendlier place.

Vice Mayor Brucker, together with Councilmember Brien, presented the Friendly City Awards to Shermeen Kazi, manager of the new Boutique Tourbillon on Rodeo Drive, and Elaine Webster, a longtime cashier at the Beverly Hills Market, for exceptional and friendly customer 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/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.)

Andrea Kune spoke about an environmental friendly, budget saving idea related to expired residential parking permits.

Mayor Jimmy Delshad thanked the Vice-Mayor Brucker for conducting the meeting in his absence tonight.

**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.

Murray Fischer spoke about the medical ordinance item on the consent agenda for final vote tonight.

Sandy Berman asked the Council to reconsider the wording of the medical ordinance.

**3. REPORT FROM THE CITY MANAGER**

\* Police Department SWAT Team: How it Works - Lt. Sammy Lee

Police Lieutenant Sammy Lee provided an overview on the members of the Beverly Hills SWAT team, their duties, programs and technologies used such as Bearcat vehicle, chemical agents, explosives programs, and advanced electronic tools. Police Officer Kurt Haefs demonstrated a robot they use to search areas.

**4. CITY COUNCILMEMBER AND COMMITTEE REPORTS**

- Did you know?

Councilmember Krasne announced the donation of several channels by James Kay of Comm Enterprises to the Interagency Communications Interoperability System (ICIS) Joint Powers Authority, of which the City of Beverly Hills is a founding member. ICIS is a cooperative effort of seven cities that include Beverly Hills, Burbank, Culver City, Glendale, Montebello, Pasadena and Pomona.

Councilmember Brien reported on the results of City Hall closure due to employee furloughs from December 26 to December 30, 2010.

Councilmember Mirisch announced that everyone involved in the making of the Beverly Hills Float entry to the Tournament of Roses Parade will be recognized at the Council Formal meeting on January 25, 2011. The float won the Mayor's Award for best City entry.

**D. PUBLIC HEARING**

**TO SET:**

1. APPEAL DATE FOR APPEAL OF PLANNING COMMISSION CONDITIONAL APPROVAL OF A NEW CONDOMINIUM STRUCTURE LOCATED AT 9936 DURANT DRIVE. Comment: The Planning Commission adopted a resolution approving the project on September 23, 2010. David Siegel, the appellant, submitted an appeal of this decision to the City Clerk requesting a public hearing. Staff recommends setting this item for public hearing at the Regular City Council Meeting of February 15, 2011 at 7:00 p.m.

**ITEM D-1: BY ORDER OF THE CHAIR, HEARING SET FOR FEBRUARY 15, 2011 AT 7:00 PM.**

2. APPEAL DATE FOR APPEAL OF PLANNING COMMISSION CONDITIONAL APPROVAL OF A NEW MEDICAL AND GENERAL OFFICE BUILDING LOCATED AT 121 SAN VICENTE BOULEVARD. Comment: The Planning Commission adopted a resolution approving the project on October 14, 2010. Kenneth R. Blumer, the appellant, submitted an appeal of this decision to the City Clerk requesting a public hearing. Staff recommends setting this item for public hearing at the Regular City Council meeting on January 25, 2011 at 7:00 p.m.

Community Development Director Susan Healy Keene noted that all interested parties are available on February 3, 2011 for the hearing instead of January 25, 2011.

**ITEM D-2: BY ORDER OF THE CHAIR, HEARING SET FOR FEBRUARY 3, 2011 AT 7:00 PM.**

**TO CONSIDER:**

3. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO MODIFY THE FALSE ALARM APPEAL FEE FOR FISCAL YEAR 2010/2011; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$85,000 TO ATB SERVICES, LLC, FOR CONSULTING SERVICES TO MANAGE AND ADMINISTER CITY'S FALSE ALARM ORDINANCE; AND

APPROVAL OF AN APPROPRIATION OF \$2,000 FROM THE FALSE ALARM REDUCTION PROGRAM REVENUE FOR FALSE ALARM ADMINISTRATIVE HEARING APPEAL FEES. Comment: In order to recover the full cost of the false alarm appeal process the false alarm appeal fee must be increased to \$45.00. \$2,000 will be

appropriated from the false alarm reduction program revenue, which will be fully repaid through the collection of appeal fees. The payment process for the false alarm program vendor (ATB Service Inc.) is also modified to ensure consistency with other similar programs.

The notice of this 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 Administrative Services Department and the report of the Senior Budget and Financial Analyst concerning this matter shall be entered into the record.

Senior Budget & Financial Analyst Mark Brower presented a brief staff report and PowerPoint presentation on this item. He reviewed the previous and new false alarm appeal process/program.

Staff clarified to Council that the \$2,000 is not a cost to the consumers.

MOVED by Councilmember Brien, seconded by Councilmember Mirisch to adopt Resolution D-3 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO MODIFY THE FALSE ALARM APPEAL FEE FOR FISCAL YEAR 2010/2011; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$85,000 TO ATB SERVICES, LLC, FOR CONSULTING SERVICES TO MANAGE AND ADMINISTER CITY'S FALSE ALARM ORDINANCE; AND

APPROVAL OF AN APPROPRIATION OF \$2,000 FROM THE FALSE ALARM REDUCTION PROGRAM REVENUE FOR FALSE ALARM ADMINISTRATIVE HEARING APPEAL FEES

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

Noes: None.

Absent: Mayor Delshad.

CARRIED

**E. CONTINUED AND NEW BUSINESS**

None

**F. PARKING AUTHORITY CONSENT CALENDAR** Any item may be removed from the Consent Calendar by a member of the Parking Authority or by a person in attendance, with the concurrence of the Parking Authority.

MOVED by Director Brien, seconded by Director Krasne to approve all items on the consent agenda.

1. **CONSIDERATION OF THE MINUTES of the Parking Authority meeting of October 18, 2010.**

**APPROVAL OF:**

2. **AMENDMENT NO. 2 TO THE AGREEMENT WITH VAN DIJK AND ASSOCIATES, INC. FOR WATERPROOFING CONSULTING SERVICES FOR THE CRESCENT GARAGE LOCATED AT 455 NORTH CRESCENT DRIVE; AND**

**APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$75,000 TO VAN DIJK & ASSOCIATES, INC. FOR THESE SERVICES.** Comment: Additional funds are required for anticipated water proofing inspections due to the General Contractor's aggressive schedule, the weather, and the decision to do continuous inspections.

**ITEM F-2: APPROVED AG#PA-11-01**

Vote on Consent Calendar:

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

Noes: None.

Absent: Mayor Delshad.

**CARRIED**

**G. CITY COUNCIL CONSENT CALENDAR**

Moved by Councilmember Krasne, seconded by Councilmember Mirisch to remove Item G-6 and vote on separately, approve all remaining items on the consent agenda and direct that the appropriate accounts be charged on Items G-2 and G-3.

**Minutes**

1. **CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the regular meeting of December 21, 2010.**

**Demands Paid**

2. **REVIEW OF BUDGETED DEMANDS PAID, report dated December 15, 2010 – January 3, 2011.**
3. **PAYROLL DISBURSEMENT REPORT, report dated January 11, 2011.**

**Other Business**

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

4. **EXTENDING THE TERM OF PLANNING COMMISSIONER NOAH FURIE FOR THE**

LIMITED PURPOSE OF PARTICIPATING IN REVIEW OF A PROPOSED PROJECT. Second Reading - For Adoption. Comment: The proposed ordinance extends the term of Planning Commission Noah Furie for the limited purpose of participating in the review of the pending Lexus Project at 9230 Wilshire Boulevard.

**ITEM G-4: ADOPTED ORD# 11-O-2600**

5. REPEALING ARTICLE 46 OF CHAPTER 3 OF TITLE 10 OF THE BEVERLY HILLS MUNICIPAL CODE REGARDING GREEN BUILDING STANDARDS. Second reading - For Adoption. Comment: Beginning in 2011, all jurisdictions are required to adopt a unified green building code. Maintenance of the City's local green building standards adopted in 2008 would be inconsistent with the State's green building codes that go into effect on January 1, 2011. The proposed ordinance repeals the 2008 local green building standards from the Beverly Hills Municipal Code as well as repeal the "Green Building Standards Rating System", "The Green Building/Sustainability Checklist", and "Voluntary Green Building Program for Single-Family Residences."

**ITEM G-5: ADOPTED ORD# 11-O-2601**

6. AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO LIMIT NEW OR EXPANDED MEDICAL USES IN COMMERCIAL ZONES AND ADOPTING A MEDICAL USE OVERLAY ZONE. Second reading - For Adoption. Comment: Planning Commission recommending an ordinance that would not affect existing legal medical use but would require additional discretionary review of new or expanded medical use.

Councilmember Krasne explained the reason for her vote.

MOVED by Councilmember Brien, seconded by Councilmember Mirisch to approve an Ordinance amending the Beverly Hills Municipal Code to limit new or expanded medical uses in commercial zones and adopting a medical use overlay zone.

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

Noes: Councilmember Krasne.

Absent: Mayor Delshad.

CARRIED

**ITEM G-6: ADOPTED ORD# 11-O-2602**

**RESOLUTIONS APPROVING:**

None

**APPROVAL OF:**

7. REAPPOINTING A MEMBER TO THE FINE ART COMMISSION (SANDRA PRESSMAN). Comment: Reappoints Sandra Pressman to the Fine Art Commission for a four year term.

**ITEM G-7: APPROVED**

8. ARCHITECTURAL COMMISSION APPOINTMENT (ANDREA GARDNER APATOW).  
Comment: Appoints Andrea Gardner Apatow to the Architectural Commission for an initial two-year term.

**ITEM G-8: APPROVED**

9. SECOND AMENDMENT TO LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND HEIDI NOVIAN DBA PASCAL'S BARBER SALON. Comment: This second amendment to lease reduces the base rent for twelve (12) months from \$1,219.74 to \$1,091.77.

**ITEM G-9: APPROVED AG# 05-11**

10. AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, KDC, INC. DBA DYNALECTRIC, FOR NORTH SANTA MONICA BOULEVARD SIGNAL SYNCHRONIZATION WITHIN THE CITY OF BEVERLY HILLS, CALIFORNIA IN THE AMOUNT OF \$1,866,530; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFOR; AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$2,053,183, TO KDC, INC. DBA DYNALECTRIC FOR THE PROJECT. Comment: This project will upgrade traffic signals and establish interconnection with the city's central traffic management center along Santa Monica Boulevard (North Roadway) from Beverly Boulevard to Roxbury Drive.

**ITEM G-10: APPROVED AG# 06-11**

11. VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN: ITEM A AMENDMENT NO. 1 TO AN AGREEMENT WITH CARL WARREN & COMPANY FOR SELF-INSURANCE ADMINISTRATION SERVICES. Comment: Carl Warren & Co. provides claims management services for the City. This amendment extends the existing contract for three years with no increase in the hourly rate for service, and only minor increases on three expense items that are passed through to the City.

**ITEM G-11A: APPROVED AG# 07-11**

Vote on Consent Calendar:

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

Noes: None.

Absent: Mayor Delshad.

CARRIED

**H. COMMISSION SYNOPSIS**

1. **DESIGN REVIEW COMMISSION - regular meeting of December 2, 2010.**

**CHARITABLE SOLICITATIONS COMMISSION - regular meeting of December 8, 2010.**

**PUBLIC WORKS COMMISSION - regular meeting of December 9, 2010.**

**HUMAN RELATIONS COMMISSION - regular meeting of December 16, 2010.**

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

**I. OTHER BUSINESS**

None

**J. ADJOURNMENT**

Vice Mayor/Director Brucker, with the consent of the Council/Parking Authority, adjourned the meeting at 8:00pm.

PASSED, Approved and Adopted  
This 25<sup>th</sup> day of January, 2011.

  
BYRON POPE, City Clerk

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JIMMY DELSHAD, MAYOR/CHAIR

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