



**CITY OF BEVERLY HILLS  
CITY COUNCIL  
REGULAR MEETING  
MINUTES  
February 15, 2011**

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

***PLEDGE OF ALLEGIANCE***

**A. *ROLL CALL***

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

**B. *PRESENTATIONS***

Mayor Delshad and the entire Council, wife Magdalena, son Vin, and brother Richard wished Councilmember Mirisch a Happy Birthday and presented him with a birthday cake.

**1. *CERTIFICATE OF APPOINTMENT* - Traffic and Parking Commission - Lester Friedman**

Mayor Delshad presented a certificate of appointment and City pin to newly appointed Traffic and Parking Commissioner Lester Friedman.

**2. *PROCLAMATION* - Beverly Hills Purim Ball recipients - Claudia Resnikoff, Michelle Kaye and Bruce Shulman**

Mayor Delshad, along with Vice Mayor Brucker, presented proclamations to Beverly Hills Purim Ball recipients Claudia Resnikoff and Michelle Kaye. Bruce Schulman, General Manager of Mercedes Benz Beverly Hills, also a Purim Ball recipient, was not present at the meeting but will be honored at the March 1, 2011 Council meeting. Mayor Delshad acknowledged Sue Brucker, immediate past president of Temple Emanuel.

3. **PROCLAMATION** - Beverly Hills High School Robotics Team for their dedication to achieving excellence in science and technology and service to the community

Mayor Delshad, along with Vice-Mayor Brucker, presented a proclamation to the Beverly Hills High School Robotics Team and team spokesperson Eileen Kahn. The team presented a short video and spoke about their achievements and projects.

**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. Lisa Korbatov, President of the Beverly Hills School Board, spoke about Measure O on the upcoming municipal election ballot in March 2011.

3. **REPORT FROM THE CITY MANAGER**

\* Grants Update - Megan Roach, Policy and Management

\* The Election Civility Statement Public Service Announcement - James Latta, Human Services

Senior Management Analyst Meagan Roach reported on the status of the City's grant funding efforts this year. Management Analyst Genevieve Row presented the funding received in the Community Services Department. Records and Jail Manager Erick Lee presented the funding received in the Police Department. Senior Management Analyst Daniel Cartagena presented the funding received in the Public Works Department.

Human Services Administrator James Latta, along with Human Relations Commission Chair Sharona Nazarian, presented the Election Civility Public Service Announcement video.

4. **CITY COUNCILMEMBER AND COMMITTEE REPORTS - Did you know?**

Vice Mayor Brucker reported on his Independent Cities Association Winter Seminar trip from February 4-6, 2011.

Councilmember Brien reported on a telephone conference meeting he participated in at the request of Mayor Delshad with U.S. Secretary of Transportation Ray LaHood on February 14, 2011.

D. **PUBLIC HEARING**

**TO SET:**

None

**TO CONSIDER:**

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

1. **AN APPEAL FROM THE DECISION OF THE PLANNING COMMISSION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR), ADOPTING A STATEMENT OF OVERRIDING CONSIDERATION, ADOPTING A MITIGATION MONITORING PROGRAM, CONDITIONALLY APPROVING TENTATIVE TRACT MAP NO. 70035, A DENSITY BONUS PERMIT, AN R-4 PERMIT AND A DEVELOPMENT PLAN REVIEW TO ALLOW CONSTRUCTION OF A FOURTEEN-UNIT RESIDENTIAL CONDOMINIUM STRUCTURE ON THE PROPERTY LOCATED AT 9936 DURANT DRIVE.** Comment: This is an appeal of the Planning Commission's September 23, 2010 certification of the Environmental Impact Report and conditional approval of a condominium project at 9936 Durant Drive.

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

Director of Community Development Susan Healey Keene presented a PowerPoint presentation and staff report on the 9936 Durant Drive project.

Speaking:

1. Attorney Murray Fischer, representing the applicant, presented the report on behalf of the applicant. Architect Taylor Loudon reported on the design and architectural details of the proposed project. David Suffalli, structural engineer, spoke about the building construction.

2. Attorney Susan Brandt-Hawley, representing the appellant David Siegel, spoke about the historic preservation of the current property, the EIR, CEQA and the reasons to deny the project and uphold the appeal. David Siegel presented a PowerPoint presentation and spoke about his reasons for filing the appeal and asking the Council to uphold his appeal.
3. Betty Jansen opposed the project.
4. Leslie Gornik opposed the project.
5. Page Berardi opposed the project.
6. Steve Katz opposed the project.
7. Nader Niknam, one of the partners of the property, stated that when they purchased the property in 2005 it was not noted as a historical property.
8. Mark Palmer, licensed architect, supported the project.
9. Amir Niknam, one of the partners of the property, urged Council to make a wise decision.
10. Adrian Scott Fine, Director of Advocacy for the Los Angeles Conservancy, requested that the Council deny the project.
11. Helen Shiri reported that petition gatherers coerced people into signing the appeal.
12. Paul Dentzel, made comments about his late father and grandfather, who was the first owner of the property. He opposed the project and asked the Council to preserve the building.
13. Jocelyne Siegel read a letter from Jennifer Gates, California Preservation Foundation Field Services Director opposing the project.
14. Claudelle Zelkhe read a letter on behalf of Donna Lee, resident of Durant Drive opposing the project.
15. Toby Horn opposed the project.
16. Harold Tomin, spoke in support of architect Taylor Louden's work.
17. Niloofar Farahi supported the project.
18. Councilmember Mirisch read a statement from Brandon Lipper supporting the project.
19. Vice Mayor Brucker read a statement from Allyson Wittner supporting the project.
20. Albert Ahobim supported the project.

21. Farhad Farahmand and Forouzan Farahmand supported the project.
22. Heidy Berger read a portion of the letter sent by Milford Wayne Donaldson, State Historic Preservation Officer of the State Historic Preservation Department of Parks and Recreation opposing the project. She also stated her opposition to the project.
23. Diana Dunn opposed the project.
24. Planning Commissioner Craig Corman explained his reasons for opposing the project.
25. Planning Commission Vice Chair Daniel Yukelson noted that the Planning Commission's decision to support the project was based on the environmental impact report, CEQA, the City's General Plan and Municipal Code, and benefits of the project.

Mayor Delshad called for a five-minute recess at 11:05 pm.

Mayor Delshad resumed the meeting at 11:18 pm with all Councilmembers present.

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

Vice Mayor Brucker supported the project on condition that EMS fees from the developer be added. Councilmember Mirisch spoke about having a historical ordinance and Mills Act established in Beverly Hills. Councilmember Brien supported the approval of the project. Councilmember Krasne agreed with Councilmember Mirisch's suggestions. Mayor Delshad supported the approval of the project with the addition of the EMS fee.

There were no further questions or comments from Councilmembers.

MOVED by Vice Mayor Brucker, seconded by Councilmember Brien to prepare a resolution of findings denying the appeal and upholding the Planning Commission's decision certifying the Environmental Impact Report and conditionally approving the project with the condition of including the EMS fees from the developer.

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

CARRIED

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

2. ***AN ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING THE ESTABLISHMENT OF MARIJUANA DISPENSARY, STORE, CO-OP, OR***

**CULTIVATION OPERATIONS IN ANY ZONING DISTRICT OR OVERLAY ZONING DISTRICT WITHIN THE CITY. First Reading - For Introduction.** Comment: Permanent ordinance prohibiting medical marijuana cultivation and dispensaries. This ordinance would replace the existing interim ordinance 10-O-2586 adopted on August 31 and set to expire on April 22, 2011.

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

Director Susan Healey Keene presented the staff report.

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

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Krasne, seconded by Mayor Delshad to waive full reading and advance to the meeting of March 1, 2011 for adoption.

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

CARRIED

**E. CONTINUED AND NEW BUSINESS**

- 1. CITY'S FINANCIAL STATUS REPORT.** Comment: Staff will provide an overview of the City's current and projected financial condition.

**ITEM E-1: NOT DISCUSSED**

**F. CITY COUNCIL CONSENT CALENDAR**

MOVED by Councilmember Mirisch, seconded by Councilmember Krasne to remove Item F-6 and vote on separately, approve all remaining items on the consent agenda, and direct that the appropriate accounts be charged on Items F-4 and F-5.

**Minutes**

1. **CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Special meeting of January 25, 2011.**
2. **CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Adjourned Regular meeting of January 25, 2011.**
3. **CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Adjourned Regular meeting of February 3, 2011.**

**Demands Paid**

4. **REVIEW OF BUDGETED DEMANDS PAID, report dated January 31 - February 8, 2011.**
5. **PAYROLL DISBURSEMENT REPORT, report dated February 15, 2011.**

**Other Business**

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

6. **AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO DELETE THE LIMIT ON CONTRIBUTIONS TO INDEPENDENT EXPENDITURE COMMITTEES SUPPORTING OR OPPOSING CANDIDATES FOR LOCAL OFFICE. Second Reading - For Adoption.** Comment: In response to recent court decisions, this ordinance repeals the Beverly Hills Municipal Code limitation on contributions to independent expenditure committees.

MOVED by Vice Mayor Brucker, seconded by Mayor Delshad to amend the Beverly Hills Municipal Code to delete the limit on contributions to independent expenditure committees supporting or opposing candidates for local office.

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

CARRIED

**ITEM F-6: ADOPTED ORD# 11-O-2604**

**RESOLUTIONS APPROVING:**

None

**APPROVAL OF:**

7. **REAPPOINTING A MEMBER TO THE PLANNING COMMISSION (CRAIG CORMAN).**  
Comment: Reappoints Craig Corman to the Planning Commission for a four year term.

**ITEM F-7: APPROVED**

8. **AGREEMENT WITH THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) FOR GRANT FUNDING OF \$550,000.00 TOWARD PURCHASE OF TEN HEAVY-DUTY COMPRESSED NATURAL GAS (CNG) FUELED VEHICLES AND TO INSTALL A CNG FUELING STATION.** Comment: This item requests approval of an agreement with the SCAQMD to purchase 10 heavy-duty vehicles, fueled with compressed natural gas (CNG), and to install a CNG fueling station at the City Yard. The City will be reimbursed an amount not to exceed \$550,000.00 by the Clean Transportation Grant Fund (AB2766).

**ITEM F-8: APPROVED AG# 34-11**

9. **AMENDMENT NO. 3 TO AN AMENDED AND RESTATED EMPLOYMENT AGREEMENT WITH BYRON POPE.** Comment: This Amendment No. 3 to the City Clerk's contract results from the 2010 evaluation of the City Clerk and provides a cost of living adjustment of 1% to the City Clerk's base salary and also provides that the City will reimburse the City Clerk for one year of Additional Retirement Service Credit in lieu of performance pay in connection with his 2010 and 2011 salary reviews.

**ITEM F-9: APPROVED: AG# 35-11**

10. **ACCEPTANCE OF THE CONTRACT WORK FOR THE CDBG REC043-09 ADA ACCESSIBILITY RAMP UTILIZING AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS FEDERALLY FUNDED PROJECT (CITY OF BEVERLY HILLS GRANT CODE # 0605101F015) BY EC CONSTRUCTION, IN THE FINAL AMOUNT OF \$65,507; AND APPROVAL OF CHANGE ORDER #1 IN THE AMOUNT OF \$14,905 TO EC CONSTRUCTION; AND AUTHORIZATION OF CITY CLERK TO RECORD NOTICE OF COMPLETION.** Comment: This is a request for Council to accept the construction of 22 new ADA curb ramps and the upgrading of 38 existing curb ramps to meet ADA requirements, at various locations along Gregory Way and Charleville Boulevard.

**ITEM F-10: APPROVED**

11. **AMENDMENT NO. 1 TO THE AGREEMENT WITH CHERYL BAYER BRADY D.B.A. CREATIVE SPACE LLC FOR CHILDREN'S CRAFT AND MUSIC INSTRUCTION AND SUMMER CAMP AT A BEVERLY HILLS UNIFIED SCHOOL THROUGH THE DEPARTMENT OF COMMUNITY SERVICES APPROPRIATION OF FUNDS IN THE**

**AMOUNT OF \$135,000 AND APPROVAL OF A CHANGE ORDER TO AN EXISTING BLANKET PURCHASE ORDER NOT TO EXCEED \$400,000 FOR PAYMENT TO VENDOR FOR SUMMER CAMP REGISTRATION AND SERVICES.** Comment: An amendment to the agreement is necessary to reflect a new termination date and provide payment modifications conducive to vendor and the City's Finance Division. The appropriation of funds in the amount of \$135,000 is offset by revenue generated from class fees.

**ITEM F-11: APPROVED AG# 36-11**

12. **APPROPRIATION OF \$31,979.84 TO PURCHASE BALLISTIC VESTS UNDER THE FEDERAL BULLETPROOF VEST PARTNERSHIP.** Comment: Grant funds will be used to assist with the purchase of ballistic vests for sworn Police Department personnel.

**ITEM F-12: APPROVED**

Vote on the Consent Calendar:

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

Noes: None

CARRIED

**G. COMMISSION SYNOPSIS**

1. **TRAFFIC & PARKING COMMISSION - Regular meeting of November 4, 2010.**
- TRAFFIC & PARKING COMMISSION - Regular meeting of December 2, 2010.**
- PUBLIC WORKS COMMISSION - Regular meeting of January 13, 2011.**
- RECREATION AND PARKS COMMISSION - Regular meeting of January 25, 2011.**
- PLANNING COMMISSION - Regular meeting of January 27, 2011.**
- TRAFFIC & PARKING COMMISSION - Regular meeting of February 3, 2011.**

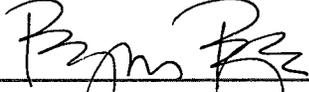
**H. OTHER BUSINESS**

None

**I. ADJOURNMENT**

**There being no further business, Mayor Delshad, with the consent of the Council, adjourned the meeting at 12:10am to the Closed Session for the remaining items on the Closed Session agenda.**

PASSED, Approved and Adopted  
this 1<sup>st</sup> of March, 2011.

  
BYRON POPE, City Clerk

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JIMMY DELSHAD, MAYOR

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