



**CITY OF BEVERLY HILLS
CITY COUNCIL
REGULAR MEETING
MINUTES
April 5, 2011**

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

A. ROLL CALL

Present: Councilmember Gold, Councilmember Bosse, Councilmember Mirisch, Vice Mayor Brien, and Mayor Brucker
Absent: None

B. PRESENTATIONS

1. PRESENTATION - to Former Mayor Delshad in Recognition of His Establishment of the Beverly Hills 'Friendly Award Program' - Mayor Brucker

Mayor Brucker, along with Vice Mayor Brien and the entire Council, presented the "Friendliest Mayor" award to former Mayor Jimmy Delshad. Mr. Delshad thanked the new Council and his wife Lonnie.

2. PROCLAMATION - City of Beverly Hills Proclaims April as Volunteer Month
The proclamation recognizes the 26th year of the Volunteer Program and honors over 500 volunteers contributing over 23,000 hours of service in 2010 - Theresa Angel

Mayor Brucker invited Jill Tavelman Collins, Ellyn Snowden and Senior Recreation Supervisor Jane Winston-Doman to accept the proclamation recognizing the 26th year of the Volunteer Program, and proclaiming April as Volunteer Month. Ms. Tavelman Collins invited the community to the April 13th Volunteer Recognition reception to be hosted by the Beverly Hills Women's Club. Details of the event were given by Ms. Snowden. Ms. Winston-Doman provided details on where to send donations for the event.

3. RECOGNITION OF RETIRING COMMISSIONER - Traffic and Parking Commission - Joyce Braun

Mayor Brucker presented a plaque and gift to retiring Joyce Braun in honor of her service to the City on the Traffic and Parking Commission.

4. RECOGNITION OF RETIRING COMMISSIONER - Public Works Commission - Howard S. Fisher

Mayor Brucker presented a plaque and gift to retiring Public Works Commissioner Howard Fisher, and thanked him for his years of service.

5. CERTIFICATE OF APPOINTMENT - Traffic and Parking Commission - Howard S. Fisher

Mayor Brucker presented a certificate of appointment and City pin to newly appointed Traffic and Parking Commissioner Howard Fisher.

6. CIVILITY STATEMENT PLAQUE - Human Relations Commission presents plaque for placement outside of City Council Chambers - James Latta

Mayor Brucker, along with Councilmember Bosse, invited the Human Relations Commission and Human Services Director James Latta to present the City with a Civility Statement plaque. Human Relations Commission Chair Dr. Sharona Nazarian noted the plaque will be placed at the entrance to the City Council Chambers.

7. 2011 CALIFORNIA PARKS AND RECREATION SOCIETY AWARDS - Staff will present awards received in recognition of the Recreation and Parks Commission and the Farmers' Market at the recently held State conference in Sacramento - Mayor Brucker

Mayor Brucker, along with Vice-Mayor Brien, recognized the 2010 Recreation and Parks Commission (Jill Tavelman Collins, Michael Blumenfeld, Dr. Julian Gold, Kathleen Rothner and Alan Block) in honor of receiving the award for Recreation and Parks Commission of the Year at the recently held State conference in Sacramento. Ms. Rothner spoke briefly about how the Recreation and Parks commission got the award and her involvement at the state level.

Farmers' Market Manager Greta Dunlap informed the Council of the award received by staff from the CPRS for the "Farm to Table" video produced by the City, and showed the segment which can be viewed on the City's website and on BHN-10.

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.

Mayor Brucker acknowledged the presence of Beverly Hills Unified School District Boardmember Jake Manaster.

1. Aaron Biston spoke about a code enforcement matter with one of his City properties.
2. The Maple Counseling Center (TMCC) CEO Marcy Kaplan and Human Relations Commission Chair Dr. Sharona Nazarian provided an update on TMCC services and activities, and invited the City Council and the community to their upcoming Movie Screening and Car Drawing on June 2, 2011.

3. REPORT FROM THE CITY MANAGER * New Library Catalog - Nancy Hunt Coffey

Assistant Community Services Director/Librarian Nancy Hunt Coffey presented a video about the new Library Catalog.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS - Take A Moment

Mayor Brucker acknowledged the presence of former Mayor Mark Egerman and former School Board President AJ Willmer. He explained the "Take A Moment" initiative.

Human Relations Commission Chair Dr. Sharona Nazarian invited the community to take a moment to attend a series of meetings to discuss the Noise Ordinance. The meetings will be held at the Council Chambers at 7pm on April 17, May 9, and May 24, 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 OF THE PLANNING COMMISSION'S DECISION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF AN EQUINOX EXERCISE CLUB AT 9465 WILSHIRE BOULEVARD. Comment: This is an appeal of the

Planning Commission's January 13, 2011 decision approving a Conditional Use Permit to allow the establishment of an Equinox exercise club. The appellant is requesting that the Conditional Use Permit granted by the Planning Commission be overturned based on inadequate findings and environmental review.

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 Associate Planner concerning this matter shall be entered into the record.

Councilmember Bosse recused herself, noting she participated in the decision making as a Planning Commissioner, and left the Council Chambers.

Speaking:

Director of Community Development Susan Healey Keene introduced Associate Planner Ryan Gohlich to present the staff report. Mr. Gohlich reviewed the request for conditional use permit, showed slides of the existing property site, the Planning Commission's review process, response to appeal, and recommendation.

Murray Fischer, representing the applicant Equinox, provided background information on his client's application to pursue a venue in the City as an exercise club. Equinox Vice President of Real Estate John Klein, Vice President for Design Aaron Richter, Crain and Associates Senior Transportation Engineer Roy Nakamura, and Al Pineda, Parking Manager for 9465 Wilshire and 245 North Beverly garages presented details and answered questions regarding building design and parking.

Todd Elliot, representing the appellant, spoke about the shared parking analysis, and presented evidence to contradict some of the findings of staff and the Planning Commission. He spoke about inaccuracies on the processing of the environmental review.

1. Kim Kraushaar spoke in support of the Equinox project.
2. Simone Frajnd read three letters of support for the Equinox project.
3. Jason Seligman spoke in support of the Equinox project.
4. Planning Commissioner Brian Rosenstein provided comments and read Planning Commission Chair Daniel Yukelson's letter explaining the commission's decision and the various elements taken into consideration.

Staff noted that a supplemental report was sent earlier today to Council, the applicant and the appellant addressing in detail questions raised by the appellant. Staff also addressed the appellant's concerns regarding shared parking.

Historical consultant for the applicant George Taylor Loudon provided information regarding historical concerns for the building.

Council asked questions and commented about historic preservation, Equinox membership, zoning permit, street frontage, number of parking spaces and

availability/usage during various times of day, parking impact, facility size of other locations, public use of Equinox facilities, and traffic flow.

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

There were no further questions or comments from Councilmembers.

MOVED by Vice Mayor Brien, seconded by Councilmember Gold to direct the City Attorney to prepare a resolution of findings conditionally approving the conditional use permit for the property located at 9465 Wilshire Boulevard

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

Noes: None

Recuse: Councilmember Bosse

CARRIED

ITEM D-1: CONDITIONAL USE PERMIT APPROVED; APPEAL DENIED

Councilmember Bosse returned to the dais at 10:17pm.

2. AN APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION APPROVING A MINOR ACCOMMODATION TO ALLOW THE EXTENSION OF A LEGALLY NONCONFORMING SIDE SETBACK ON THE PROPERTY LOCATED AT 716 ALTA DRIVE. Comment: This is an appeal of the Community Development Director's January 31, 2011 decision approving a Minor Accommodation to allow the extension of a legally nonconforming side setback. At this time, staff is requesting that the hearing be continued to May 3, 2011 in order to accommodate the schedules of all affected parties.

ITEM D-2: BY ORDER OF THE CHAIR, THIS MATTER IS BEING CONTINUED TO MAY 3, 2011

E. CONTINUED AND NEW BUSINESS

1. REQUEST FROM BEVERLY HILLS TOURNAMENT OF ROSES COMMITTEE TO PROVIDE \$150,000 IN MATCHING CITY FUNDING TO ENTER A FLOAT IN THE 2012 TOURNAMENT OF ROSES PARADE. Comment: Request from Beverly Hills Tournament of Roses Committee to provide \$150,000 in matching City funding to enter a float in the 2012 Tournament of Roses Parade.

Mayor Brucker inquired if anyone from the public wished to speak on this item.

ITEM E-1: ITEM REMOVED

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Vice Mayor Brien, seconded by Councilmember Mirisch to remove Items F-1 and F-2 and vote on separately; remove Item F-11 for discussion and vote on separately; approve the remaining items on the consent calendar and direct that the appropriate accounts be charged on Items F-3 and F-4.

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular meeting of March 1, 2011.

MOVED by Mayor Brucker, seconded by Vice Mayor Brien to approve the minutes of the Regular meeting of March 1, 2011.

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

Noes: None.

Abstain: Councilmember Gold, and Councilmember Bosse.

CARRIED

ITEM F-1: APPROVED

2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Adjourned Regular meeting of March 22, 2011.

Councilmember Bosse noted a correction to the minutes.

MOVED by Mayor Brucker, seconded by Councilmember Gold to approve the minutes of the Adjourned Regular meeting of March 22, 2011 as amended.

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

Noes: None.

CARRIED

ITEM F-2: APPROVED AS AMENDED

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated February 23 - March 19, 2011.
4. PAYROLL DISBURSEMENT REPORT, report dated April 5, 2011.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS APPOINTING NOAH FURIE TO THE PLANNING COMMISSION ON AN INTERIM BASIS UNTIL THE CITY COUNCIL APPOINTS A PERMANENT REPLACEMENT FOR THE VACANT SEAT. Comment: This proposed urgency ordinance appoints Noah Furie to the Planning Commission while the City Council conducts the recruitment process for a permanent replacement.

ITEM F-5: ADOPTED ORD# 11-O-2605

RESOLUTIONS APPROVING:

6. SUPPORT OF "BUSINESS FRIENDLY PRINCIPLES" AS PART OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS' DEVELOPMENT OF A SOUTHERN CALIFORNIA ECONOMIC GROWTH STRATEGY. Comment: SCAG has developed an economic growth strategy for the region and one component is the development of four basic business friendly principles by member jurisdictions.

ITEM F-6: ADOPTED RES #11-R-12806

7. ACCEPTING A STATE HOMELAND SECURITY PROGRAM GRANT FOR 2008 (SHSGP 08) AND APPROPRIATING FUNDS IN THE AMOUNT OF \$14,800 FOR THE PURCHASE OF SOFTWARE UPGRADES TO BE COMPLIANT WITH THE FCC NARROWBANDING REQUIREMENTS. Comment: To purchase software upgrades for 202 existing portable radios and 94 existing mobile radios to be compliant with the FCC narrowbanding requirements. APPROVAL OF:

ITEM F-7: ADOPTED RES # 11-R-12807; AG# 106-11

8. OFFICE LEASE AND MEMORANDUM OF LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND GOOGLE, INC.; AND

A COMMISSION AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND CB RICHARD ELLIS. Comment: This lease is for an eleven year term with Google at the 331 Foothill Road building.

ITEM F-8: APPROVED AG# 107-11; AG# 108-11; AG# 109-11

9. ACCEPTANCE OF THE OFFER FROM THE BEVERLY HILLS FIREMAN'S ASSOCIATION (FIREFIGHTER'S ASSOCIATION) TO DEFER THEIR 2010 SALARY ADJUSTMENT TO FUND THE CANCELLATION OF THE THREE REMAINING FURLOUGH DAYS. Comment: The deferral of the negotiated salary increase of 3.04% will fund the cancellation of the scheduled 24 hours of furlough.

Mayor Brucker invited representatives of the Fire Association to the podium to thank them for their generosity.

ITEM F-9: APPROVED

10. AN AMENDED COMPENSATION PLAN FOR DEPARTMENT DIRECTORS, ASSISTANT DEPARTMENT DIRECTORS, AND SENIOR MANAGEMENT EMPLOYEES. Comment: The proposed revisions to the executive compensation plan generally tie compensation more closely to performance and will reduce the maximum amount of performance pay that may be awarded annually to the executive employee group as a whole.

ITEM F-10: APPROVED AG# 110-11

11. AMENDMENT NO. 3 TO THE EMPLOYMENT AGREEMENT WITH JEFF KOLIN. Comment: Pursuant to the annual salary review for the City Manager, this amendment provides the City Manager with a 2% of cost of living increase to his base salary.

Councilmember Mirisch asked about the CPI index and if the 2% increase proposed was above or below the index.

MOVED by Vice Mayor Brien, seconded by Mayor Brucker to approve Amendment No. 3 to the employment agreement with Jeff Kolin

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

Noes: Councilmember Mirisch

CARRIED

ITEM F-11: APPROVED AG# 111-11

12. AMENDMENT NO. 4 TO THE AGREEMENT WITH FRANCIS KRAHE & ASSOCIATES, INC. FOR SOLAR ENERGY SYSTEM MASTERPLAN SERVICES RELATED TO CITY

FACILITIES; AND,

APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$48,000 TO FRANCIS KRAHE & ASSOCIATES, INC. FOR THESE SERVICES. Comment: Requests approval of amendment to provide construction coordination services for the solar energy installation at the Police, Library and Civic Center Garage.

ITEM F-12: APPROVED AG# 112-11

13. AMENDMENT NO. 2 TO AN AGREEMENT WITH LAYNE CHRISTENSEN COMPANY FOR WATER WELL AND PUMP RELATED MAINTENANCE AND REPAIR SERVICES ISSUANCE OF A CHANGE ORDER TO THE EXISTING PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED \$272,028.55. Comment: Two of the City's four deep groundwater wells failed and this amendment provides for the services to fix one of the wells in addition to authorizing the purchase order. Repair to the other well has been initiated prior to this meeting under the City Manager's authority to execute an emergency services agreement and purchase order.

ITEM F-13: APPROVED AG# 113-11

14. A PURCHASE ORDER WITH BRAUN NORTHWEST, INC. FOR THE PURCHASE OF A POLICE EQUIPMENT VEHICLE IN AN AMOUNT NOT TO EXCEED \$254,711.09. Comment: Seeks approval of a purchase order for a purchase of a new multi-functional SWAT equipment vehicle utilizing restricted funds received as a result of asset seizures.

ITEM F-14: APPROVED

15. AN AGREEMENT WITH MAINLINE INFORMATION SYSTEMS, INC. FOR STORAGE/DISK AUGMENTATION; AND

APPROPRIATION OF \$275,000 FROM THE SEIZED & FORFEITED PROPERTY FUND TO ENHANCE POLICE DEPARTMENT OPERATIONS; AND AUTHORIZE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$98,899.94. Comment: Seeks appropriation of restricted funds received as a result of asset seizures for the payment of overtime for narcotics investigations, purchase servers for the High Tech Crimes Unit, and to place a seized vehicle into service in an undercover capacity. This item also seeks approval of an agreement with Mainline Information Systems, Inc. for storage/disk augmentation and a purchase order in the amount of \$98,899.94.

ITEM F-15: APPROVED AG# 114-11

16. VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN:

ITEM A AN AGREEMENT WITH INDEPENDENT TECHNOLOGY GROUP FOR REPLACEMENT OF THE CITY'S VIRTUAL PRIVATE NETWORK SYSTEM, AND

RELATED PROFESSIONAL SERVICES; AND

APPROVAL OF A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$124,778.59. Comment: This agreement provides for the planned replacement of equipment and services related to the City's Virtual Private Network system. This system creates a secure connection to provide authorized users with remote access to the City's network, and is at the end of its useful life and requiring replacement. The new system will also facilitate the expansion of mobile workforce capabilities, enhancing business continuity.

ITEM B AN AGREEMENT WITH GUARDIAN POWER PROTECTION SERVICES, INC. FOR REPLACEMENT OF POWER SUBSYSTEMS FOR THE MUNICIPAL AREA NETWORK, AND RELATED SERVICES, AND

APPROVAL OF A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$124,708.38. Comment: This item approves an agreement with Guardian Power Protection Services Inc., and provides for the planned purchase of equipment and services related to the replacement of the power sub-systems that support network switching components at various Municipal Area Network sites. This equipment supports key City facilities including Fire Stations, Parks, and Water Reservoirs. The current equipment is at end-of-useful life and replacement is fully funded.

ITEM C AMENDMENT NO. 1 TO AN AGREEMENT WITH MATRIX IMAGING PRODUCTS, INC. TO PROVIDE DOCUMENT CONVERSION SERVICES; AND AUTHORIZATION TO ISSUE A CHANGE ORDER IN THE AMOUNT OF \$90,000 FOR A TOTAL AMOUNT NOT TO EXCEED \$240,000. Comment: This amendment adds application development and document conversion services for the Police Department and Community Development Department, and any additional as needed services related to the City's document backlog initiative. The consultant provides current services to the City and holds a Master Service Agreement contract with the State of California Department of General Services ensuring competitive pricing.

ITEM F-16: APPROVED AG# 115-11; AG# 116-11; AG# 117-11

Vote on Consent Calendar:

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

Noes: None.

CARRIED

**G. COMMISSION SYNOPSIS
NO ACTION TAKEN ON "G" ITEMS**

1. ARCHITECTURAL COMMISSION - Regular Meeting of February 16, 2011.
FINE ART COMMISSION - Regular Meeting of February 17, 2011.
RECREATION AND PARKS COMMISSION - Regular Meeting of February 22, 2011.
HEALTH AND SAFETY COMMISSION - Regular Meeting of February 28, 2011.
DESIGN REVIEW COMMISSION - Regular Meeting of March 3, 2011.
TRAFFIC AND PARKING COMMISSION - Regular Meeting of March 3, 2011.
CHARITABLE SOLICITATIONS COMMISSION - Regular Meeting of March 9, 2011.
PLANNING COMMISSION - Regular Meeting of March 10, 2011.
ARCHITECTURAL COMMISSION - Regular Meeting of March 16, 2011.
FINE ART COMMISSION - Regular Meeting of March 17, 2011.
HUMAN RELATIONS COMMISSION - Regular Meeting of March 17, 2011.
RECREATION AND PARKS COMMISSION - Regular Meeting of March 22, 2011.

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

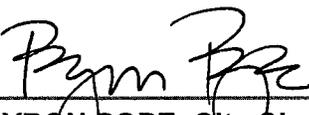
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of Council, adjourned the meeting at 10:40pm.

PASSED, Approved and Adopted
this 21st day of April, 2011.



BYRON POPE, City Clerk

BARRY BRUCKER, MAYOR

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