



**CITY OF BEVERLY HILLS  
JOINT MEETING MINUTES  
ADJOURNED REGULAR CITY COUNCIL MEETING  
AND  
PUBLIC FINANCING AUTHORITY MEETING  
April 21, 2011**

The Joint Adjourned City Council and Public Financing Authority meeting was held in the Council Chambers at 7:00 p.m.

**A. ROLL CALLS**

Present: Gold, Bosse, Mirisch, Brien, and Brucker  
Absent: None

Roll call was taken for the City Council and the Public Financing Authority.

Mayor Brucker spoke about the passing of Rodeo Drive business leader Bijan Pakzad, and requested a moment of silence in his honor.

**B. PRESENTATIONS**

**1. CERTIFICATE OF APPOINTMENT - Public Works Commission - Barry D. Pressman, MD**

Mayor Brucker, along with Vice Mayor Brien, presented a certificate of appointment and City pin to newly appointed Public Works Commissioner Barry D. Pressman, MD.

**2. PRESENTATION - from the Beverly Hills Whole Foods Market to the Friends of Greystone - Ellen Prager, Marketing Supervisor for the Beverly Hills Whole Foods Market**

Mayor Brucker invited Community Services Director Steve Zoet to introduce Beverly Hills Whole Foods Market Marketing Supervisor Ellen Prager. Mr. Zoet briefly spoke about Whole Foods' contributions to support the community.

Ms. Prager presented a check for \$4,696.60 to Friends of Greystone President Susan Rose and Executive Boardmember Allison Balson.

**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/Public Financing 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/Public Financing Authority.)

None

2. **AUDIENCE COMMENTS.** Any person wishing to address the City Council/Public Financing 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/Public Financing 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/Public Financing 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.

1. Gregory McKenna reiterated his request for police protection, which he said he originally requested at the March 1, 2011 Council meeting.
2. Joan Taylor requested that the Police Department provide her protection against electronic emissions.
3. Robert Warren asked the Council to consider joining in the efforts to save Franklin Canyon.

3. **REPORT FROM THE CITY MANAGER \* Electric Vehicle Charging Station Grant Application - Chad Lynn**

Director of Parking Chad Lynn presented a PowerPoint presentation and spoke about a grant application for 28 electric vehicle charging stations.

4. **CITY COUNCILMEMBER AND COMMITTEE REPORTS - Take A Moment**

Councilmember Bosse announced the Architecture Day award program that will take place at the Council meeting on May 17, 2011. The awards are being given by the Architectural and Design Review Commissions to outstanding commercial and residential projects in the City.

Mayor Brucker, along with the entire Council, announced that a proclamation will be sent to San Francisco Giants fan Bryan Stow, a victim of a brutal beating at Dodger

Stadium. Councilmember Mirisch read a civility statement of support, Mayor Brucker extended an invitation to Mr. Stow and his family to visit the City when his health is better, and the entire City Council wore Giants baseball hats to show their concern for Bryan Stow and his family.

**D. PUBLIC HEARING**

**TO SET:**

None

**TO CONSIDER:**

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

- 1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES FOR THE FISCAL YEAR 2011/2012.** Comment: The proposed resolution will increase certain City taxes, user fees, and service charges for Fiscal Year 2011/2012. The majority of the fees and charges will be increased by a CPI. In some cases, fees are adjusted to reflect a change in service level or to obtain full cost-recovery. All fees will become effective July 1, 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 Administrative Services and the report of the Director of Administrative Services/Chief Financial Officer concerning this matter shall be entered into the record.

Administrative Services Director and Chief Financial Officer Dr. Scott Miller briefly spoke about the annual fees and charges that will be changed for next fiscal year.

Councilmember Bosse asked for clarifications on some of the fees and their descriptions. Responding to Councilmember Gold's question regarding rounding off fee amounts Dr. Miller said that if it is the Council's direction, fees can be rounded down to an even number in order to comply with state law. Recreation Services Manager Brad Meyerowitz clarified for Mayor Brucker that Sunday should be added in the Greystone facilities use fees schedule. City Attorney Wiener pointed out that the Council motion should include the addition of Sunday in the Greystone fees.

MOVED by Gold, seconded by Bosse to adopt Resolution D-1 with changes as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES FOR THE FISCAL YEAR 2011/2012.

Ayes: Brucker, Brien, Bosse, and Gold.  
Noes: Mirisch.

CARRIED

**ITEM D-1: ADOPTED RES# 11-R-12808**

**E. CONTINUED AND NEW BUSINESS**

- 1. AN INTERIM ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING HIGH IMPACT CONVENIENCE STORES UNLESS SPECIFICALLY APPROVED BY THE CITY, AND DECLARING THE URGENCY THEREOF.** Comment: Ordinance prohibiting the establishment of convenience stores in the C-3 Commercial Zone but allowing certain convenience stores in that zone which meet specific findings. This is an urgency ordinance and will be in effect immediately for 45 days.

Councilmember Mirisch recused himself at 8:17pm and left the Council Chambers.

Director of Community Development Susan Healy Keene presented the staff report. She noted the proposed urgency ordinance will pertain to new applications.

Councilmember Bosse asked that the Saturday hours of 9am to 9pm be included in Section 9 of the proposed ordinance. Councilmember Gold requested clarification on the definition of convenience stores and stated that the definition is too broad. He requested that the definition be discussed further when the permanent ordinance is brought back before the Council.

MOVED by Bosse, seconded by Brucker to adopt Ordinance E-1 with amendments as follows:

**AN INTERIM ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING HIGH IMPACT CONVENIENCE STORES UNLESS SPECIFICALLY APPROVED BY THE CITY, AND DECLARING THE URGENCY THEREOF.**

Ayes: Brucker, Brien, Bosse, and Gold.  
Noes: None.  
Recuse: Mirisch.

CARRIED

**ITEM E-1: ORD# 11-O-2608**

Councilmember Mirisch returned to the dais at 8:26pm.

**F. PUBLIC FINANCING AUTHORITY CONSENT CALENDAR**

MOVED by Mirisch, seconded by Brucker approve the minutes of the Public Financing Authority meetings

**MOTION TO APPROVE CONSENT AGENDA:** "I move the adoption of the Consent Agenda, as follows"

**Minutes**

1. **CONSIDERATION OF THE MINUTES of the special Public Financing Authority meeting of November 5, 2009.**
2. **CONSIDERATION OF THE MINUTES of the Public Financing Authority meeting of March 2, 2010.**
3. **CONSIDERATION OF THE MINUTES of the Public Financing Authority meeting of June 22, 2010. APPROVAL OF:**

Vote on Public Financing Authority Consent Calendar Items F-1, F-2 and F-3:

Ayes: Brucker, Brien, and Mirisch.  
Noes: None.  
Abstain: Bosse, and Gold.

CARRIED

**ITEMS F-1, F-2, AND F-3: APPROVED**

4. **NONDISTURBANCE AGREEMENT BY AND BETWEEN THE CITY OF BEVERLY HILLS PUBLIC FINANCING AUTHORITY AND GOOGLE, INC.** Comment: City Council approved a lease with Google Inc. on April 5, 2011 to lease space at the 331 Foothill Road building. This agreement provides that so long as Google is not in default of that Lease, the City will not terminate their lease should ownership of the building change.

Vote on Public Financing Authority Consent Calendar Item F-4:

Ayes: Brucker, Brien, Mirisch, Bosse and Gold..  
Noes: None.

CARRIED

**ITEM F-4: APPROVED**

**G. CITY COUNCIL CONSENT CALENDAR**

MOVED by Gold, seconded by Bosse to remove Items G-4 and G-11 and vote on separately; approve the 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 April 5, 2011.**

**Demands Paid**

2. **REVIEW OF BUDGETED DEMANDS PAID, report dated March 23 - April 12, 2011.**
3. **PAYROLL DISBURSEMENT REPORT, report dated April 21, 2011.**

**Other Business**

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

None

**RESOLUTIONS APPROVING:**

4. **A CONDITIONAL USE PERMIT TO ALLOW AN EXERCISE CLUB TO BE LOCATED ON THE GROUND FLOOR OF A BUILDING LOCATED WITHIN THE BUSINESS TRIANGLE, OCCUPY MORE THAN 25 FEET OF STREET FRONTAGE WITHIN THE PEDESTRIAN ORIENTED AREA, AND UTILIZE SHARED PARKING, FOR THE PROPERTY LOCATED AT 9465 WILSHIRE BOULEVARD.** Comment: On April 5, 2011 the City Council held a public hearing to consider 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. At the hearing the City Council voted to deny the appeal. This resolution memorializes the City Council's action denying the appeal.

MOVED by Mirisch, seconded by Brucker to approve Resolution G-4 as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN EXERCISE CLUB TO BE LOCATED ON THE GROUND FLOOR OF A BUILDING LOCATED WITHIN THE BUSINESS TRIANGLE, OCCUPY MORE THAN 25 FEET OF

STREET FRONTAGE WITHIN THE PEDESTRIAN ORIENTED AREA, AND UTILIZE SHARED PARKING, FOR THE PROPERTY LOCATED AT 9465 WILSHIRE BOULEVARD.

Ayes: Brucker, Brien, Mirisch, and Gold.  
Noes: None.  
Abstain: Bosse.

CARRIED

**ITEM G-4: ADOPTED RES# 11-R-12809**

5. **RECREATION AND PARKS COMMISSION APPOINTMENTS (HOWARD ROSOFF AND SIMONE FRIEDMAN).** Comment: Appoints Howard Rosoff and Simone Friedman to the Recreation and Parks Commission for an initial two-year term.

**ITEM G-5: APPROVED**

6. **AMENDMENT NO. 4 TO AN AMENDED AND RESTATED EMPLOYMENT AGREEMENT WITH BYRON POPE.** Comment: This Amendment would authorize the performance payment previously approved for the City Clerk to be deposited directly into his 401k deferred compensation account.

**ITEM G-6: APPROVED AG# 137-11**

7. **AMENDMENT NO. 1 TO AGREEMENT WITH THE BEVERLY HILLS UNIFIED SCHOOL DISTRICT FOR THE PROVISION, USE AND MAINTENANCE OF EDUCATIONAL, RECREATIONAL AND COMMUNITY FACILITIES AND PROGRAMS FOR THE YEARS 2008 THROUGH 2012.** Comment: The amendment establishes an escrow account into which funds will be placed that are set aside for turf replacement. The City will deposit \$150,000 into the account from each quarterly JPA payment made to the District with some catch-up provisions. Withdrawals from the account require that the District and City be presented with evidence that funds are needed for turf replacement after which both entities will need to authorize withdrawals for that purpose.

**ITEM G-7: APPROVED AG# 138-11**

8. **RESIDENTIAL LEASE AND MEMORANDUM OF LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND DYLAN AND CASONDRA RUGA.** Comment: This lease is for the City owned residence at 265 S. La Peer Drive. The lease is for a term of 1 year at a monthly rental rate of \$4,500.

**ITEM G-8: APPROVED AG# 139-11; AG# 140-11**

9. **MEMORANDUM OF LEASE, AND FIFTH AMENDMENT TO LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND S-FER INTERNATIONAL, INC**

**DBA FERRAGAMO.** Comment: This amendment is for City owned retail space at the Rodeo/Brighton property located at 355 N. Rodeo Drive. The amendment extends the term of the lease by twelve (12) years with a starting rent of \$166,666.67 monthly.

**ITEM G-9: APPROVED AG# 141-11**

10. **APPROPRIATION OF FUNDS IN THE AMOUNT OF \$621,826 FOR THE REHABILITATION OF BENEDICT CAÑON DRIVE UTILIZING AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS; AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, ALL AMERICAN ASPHALT, FOR THE "REHABILITATION OF BENEDICT CAÑON DRIVE, FEDERALLY FUNDED PROJECT ESPL 5221-011 (CITY OF BEVERLY HILLS GRANT CODE # 0605101F010)" IN THE AMOUNT OF \$589,589; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFOR; AND APPROVAL OF A PURCHASE ORDER TO ALL AMERICAN ASPHALT FOR A TOTAL NOT TO EXCEED \$707,507.80.** Comment: This Federally-funded project consists of rubberized asphalt overlay of approximately 1 mile of Benedict Cañon Drive, from Sunset Boulevard to the North City Limit

**ITEM G-10: APPROVED AG# 142-11**

11. **AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, ALL AMERICAN ASPHALT, FOR THE "2010-2011 STREET RESURFACING - VARIOUS LOCATIONS" PROJECT IN THE AMOUNT OF \$2,800,000; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFOR; AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$3,080,000 TO ALL AMERICAN ASPHALT FOR THE PROJECT.** Comment: This project consists of resurfacing approximately 12.5 miles of streets and alleys, selected utilizing city's Pavement Management Program System.

MOVED by Bosse, seconded by Mirisch to approve G-11 as follows:

AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, ALL AMERICAN ASPHALT, FOR THE "2010-2011 STREET RESURFACING - VARIOUS LOCATIONS" PROJECT IN THE AMOUNT OF \$2,800,000; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFOR; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$3,080,000 TO ALL AMERICAN ASPHALT FOR THE PROJECT.

Ayes: Brucker, Mirisch, Bosse, and Gold.  
Noes: None.  
Recuse: Brien.

CARRIED

**ITEM G-11: APPROVED AG# 143-11**

12. **APPROPRIATION OF FUNDS IN THE AMOUNT OF \$216,669.00 FROM FUND 83 RESERVES INTO THE VEHICLE REPLACEMENT PROGRAM FUND 49 TO COMPLETE THE FUNDING FOR REPLACEMENT OF TWO COMPRESSED-NATURAL-GAS-POWERED (CNG) SOLID-WASTE-COLLECTION TRUCKS; AND APPROVAL OF A PURCHASE ORDER TO LOS ANGELES TRUCK CENTER, LLC FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$672,897.00 FOR PURCHASE OF TWO CNG SOLID-WASTE-COLLECTION TRUCKS.** Comment: Provides for purchase of two (2) CNG-powered solid-waste-collection trucks as replacements for two job-worn diesel-powered trucks assigned to the Residential Solid Waste Program. This purchase will facilitate City's compliance to grant contract with SCAQMD/MSRC Local Government Match Program to purchase ten (10) alternative-fueled heavy-duty vehicles as replacements for existing diesel-powered heavy-duty vehicles.

**ITEM G-12: APPROVED**

13. **VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN: ITEM A AMENDMENT NO. 1 TO AN AGREEMENT WITH WITTMAN ENTERPRISES, LLC FOR AMBULANCE BILLING AND COLLECTION SERVICES; AND AUTHORIZATION TO ISSUE A CHANGE ORDER FROM THE CURRENT PURCHASE ORDER IN THE AMOUNT OF \$10,000 FOR A TOTAL AMOUNT NOT TO EXCEED \$59,500.** Comment: The City of Beverly Hills currently has an agreement with Wittman Enterprises, LLC for ambulance billing and collection services. Their job is to collect fees and charges generated, when the Fire Department personnel treat and/or transport citizens to the hospital. For the current Fiscal Year 10/11, the Fire Department is trending to exceed 3,100 EMS calls which is a combined average increase of 308.5 calls from the previous two fiscal years. We are projecting the total consideration to be approximately \$59,500.

**ITEM G-13: APPROVED AG# 144-11**

Vote on Consent Calendar:

Ayes: Brucker, Brien, Mirisch, Bosse, and Gold.  
Noes: None.

CARRIED

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

1. **PUBLIC WORKS COMMISSION - Regular meeting of March 10, 2011. HEALTH AND SAFETY COMMISSION - Regular meeting of March 28, 2011. DESIGN REVIEW COMMISSION - Regular meeting of April 7, 2011. TRAFFIC AND PARKING COMMISSION - Regular meeting of April 7, 2011. HUMAN RELATIONS COMMISSION - Special meeting of April 13, 2011.**

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

**I. OTHER BUSINESS**

None

**J. ADJOURNMENT**

There being no further business, Mayor Brucker, with the consent of Council/Directors, adjourned the meeting back to Closed Session for the remaining items on the agenda at 8:35pm.

PASSED, Approved and Adopted  
this 17<sup>th</sup> May, 2011.

  
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BYRON POPE, City Clerk/Secretary

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**BARRY BRUCKER, MAYOR/CHAIR**

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