



**CITY OF BEVERLY HILLS
MINUTES
CITY COUNCIL
ADJOURNED REGULAR MEETING
May 24, 2011**

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

PLEDGE OF ALLEGIANCE

A. ROLL CALL

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

B. PRESENTATIONS

1. RECOGNITION OF RETIRING COMMISSIONER - Design Review Commission - Gary Gilbar

Mayor Brucker, along with Vice Mayor Brien, presented retiring Design Review Commissioner Gary Gilbar with a plaque of recognition and gift, and thanked him for his dedicated service to the City. Mr. Gilbar thanked the City for the privilege to serve the community.

2. CERTIFICATES OF APPOINTMENT - Recreation and Parks Commission
- Simone Friedman
- Howard Rosoff

Mayor Brucker, along with Vice Mayor Brien and Councilmember Gold, presented incoming Recreation and Parks Commissioners Howard Rosoff and Simone Friedman with certificates of appointment and City pins.

3. PRESENTATION OF THE 2011 COMMUNITY HEALTH AND SAFETY AWARDS - The Health and Safety Commission awards Les Bronte and the "Every 15 Minutes" Program for Enhancing the Health and Safety Of Our Community - Pamela Mottice Muller

Mayor Brucker, along with Councilmember Gold and the Health and Safety Commissioners, presented the Heroic Individual award to former Mayor Les Bronte and the Community Leadership award to the "Every 15 Minutes" program.

4. RECOGNITION OF THE 2010-11 TEEN ADVISORY COMMITTEE MEMBERS - Members of the Teen Advisory Committee will be recognized for their service and contributions during the 2010-11 school year - Greg Matsuura

Mayor Brucker, along with Councilmember Bosse, presented Certificates of Appreciation to the Beverly Hills Teen Advisory Committee (TAC). Recreation Supervisor Greg Matsuura introduced TAC Co-Chairs Anton Saleh and Natalie Gordon, who spoke about TAC activities.

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. Esther Tabak, a Roxbury Park volunteer, spoke about the gardening service in the City parks.

3. REPORT FROM THE CITY MANAGER
* Property and Evidence Operations - Communications and Property Bureau Manager
Dona Norris

Dona Norris, Communications Bureau and Property and Evidence Unit Manager, presented a PowerPoint and brief overview on the operations of the property and evidence bureau in the City. She spoke about the property unit access, chain of custody, proper handling and packaging of a firearm, proper handling and packaging of biological fluids, DNA (deoxyribonucleic acid), CODIS - a DNA database funded by the FBI and

how the BHPD solves cases based on DNA, trends, preparation and property and evidence stats.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS
- Take A Moment

Councilmember Mirisch announced that the Friends of the Beverly Hills Library will be offering a one-day, guided autobiography workshop entitled "Story of Your Life" that will help participants write their own memoir. The workshop will be held on June 10th from 10:30am to 4:30pm and the donation is \$100.

Councilmember Bosse announced that the City's 331 Foothill Boulevard office building recently achieved a Leadership in Energy and Environmental Design (LEED) gold rating. The building also won the City's architectural design award for a commercial project last week. Mayor Brucker congratulated Allen Rubenstein, Alan Schneider and David Lightner. Mr. Schneider and Mr. Rubenstein showed the plaque and certificate which will be permanently displayed in the Public Works building, and briefly provided details on the building.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

- 1. AN ORDINANCE OF THE CITY OF BEVERLY HILLS EXTENDING INTERIM ORDINANCE 11-O-2608 PROHIBITING HIGH IMPACT CONVENIENCE STORES UNLESS SPECIFICALLY APPROVED BY THE CITY, AND DECLARING THE URGENCY THEREOF.** Comment: Ordinance extending the prohibition of certain convenience stores that could negatively affect surrounding properties unless specific findings can be made, and redefining the definition of "high-impact" convenience stores to exclude certain businesses.

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 Assistant Director of Community Development/City Planner concerning this matter shall be entered into the record.

Councilmember Mirisch recused and left the room at 7:57pm.

Assistant Director of Community Development and City Planner Jonathan Lait presented a brief staff report advising the Council of the need to extend the Urgency Ordinance adopted on April 21, 2011. He noted changes to the definition of convenience stores.

Councilmember Bosse requested clarification on the opening/closing hours. Councilmember Gold commented that the inclusion of newsstand in the definition should be reworded for more clarity.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to waive full reading and adopt Ordinance D-1 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS EXTENDING INTERIM ORDINANCE 11-O-2608 PROHIBITING HIGH IMPACT CONVENIENCE STORES UNLESS SPECIFICALLY APPROVED BY THE CITY, AND DECLARING THE URGENCY THEREOF.

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

Noes: None.

Recuse: Councilmember Mirisch.

CARRIED

ITEM D-1: ADOPTED ORD# 11-O-2609

Councilmember Mirisch returned to the dais at 8:02pm.

Council recessed at 8:02pm to discuss a Study Session item.

REQUEST FROM COUNCILMEMBER MIRISCH TO DISCUSS THE PRIORITY OF ADDING A SOUTHEAST BEVERLY HILLS REVITALIZATION PROJECT TO THE FY 2011/12 CAPITAL IMPROVEMENT PROGRAM (CIP). Comment: This item is a request for City Council discussion of whether the proposed CIP should be adjusted to include funding for the acquisition of property in the southeast area of the City.

Councilmember Mirisch showed photographs of current conditions along the east Olympic Boulevard area of the City and appealed to Council to set aside Capital Improvement Program funds in next year's budget for a southeast revitalization plan for Olympic, Robertson and Wilshire Boulevards. Mayor Brucker appointed Councilmember Mirisch as Chair of the revitalization taskforce and suggested that he work with homeowners groups, property owners, residents and businesses to develop a plan of action. Councilmember Bosse suggested re-appropriating the Roxbury Park capital assets fund to the project. Councilmember Gold, Vice Mayor Brien and Mayor Brucker individually expressed their disagreement to use funds from already existing projects and suggested waiting to appropriate funds when there is a more concrete plan of action and the community has been consulted on what types of uses it wants.

Council resumed the Formal meeting at 8:55pm.

E. CONTINUED AND NEW BUSINESS

None

F. CITY COUNCIL CONSENT CALENDAR

Moved by Vice Mayor Brien, seconded by Councilmember Gold to remove Item F-4 and vote on separately, approve the 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 Regular meeting of May 17, 2011.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated May 11 - May 12, 2011.
3. PAYROLL DISBURSEMENT REPORT, report dated May 24, 2011.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS APPROVING:

4. A MINOR ACCOMMODATION TO ALLOW THE EXTENSION OF A LEGALLY NONCONFORMING SIDE SETBACK ON THE PROPERTY LOCATED AT 716 ALTA DRIVE. Comment: On May 3, 2011 the City Council held a public hearing to consider an appeal of the Director of Community Development's decision approving a Minor Accommodation to allow the extension of a legally nonconforming side setback for the property located at 716 Alta Drive. At the hearing the City Council voted to deny the appeal. This resolution memorializes the City Council's action approving the Minor Accommodation and denying the appeal.

MOVED by Vice Mayor Brien, seconded by Mayor Brucker to approve the Minor Accommodation and deny the appeal.

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

CARRIED

ITEM F-4: ADOPTED RES# 11-R-12811

5. DESIGNATING AGENTS AUTHORIZED TO EXECUTE FOR AND ON BEHALF OF THE CITY OF BEVERLY HILLS FOR FINANCIAL ASSISTANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY (CAL EMA) FOR RECOVERING COSTS ASSOCIATED WITH DECLARED EMERGENCIES. Comment: Requests City Council adopt the resolution updating the current resolution designating staff positions authorized to execute for and in behalf of the City for the purpose of obtaining federal and state disaster aid. The resolution must be updated every three years.

ITEM F-5: ADOPTED RES# 11-R-12812

6. ACCEPTING THE CITY'S ALLOCATION OF THE 2009 AND 2010 EMERGENCY MANAGEMENT PERFORMANCE GRANT ("EMPG") IN THE AMOUNT OF \$5,032.50 AND \$4,822.25, RESPECTIVELY. Comment: Requests City Council accept two checks totaling \$9,854.75 to fund comprehensive emergency management at the local level.

ITEM F-6: ADOPTED RES# 11-R-12813

7. APPOINTING STANDBY OFFICERS FOR THE CITY COUNCIL. Comment: Requests City Council approval to appoint three stand-by officers for each City Council member.

ITEM F-7: ADOPTED RES# 11-R-12814

APPROVAL OF:

8. AN AGREEMENT WITH NATIONAL URBAN FELLOWS, INC. FOR A CLASS OF 2012 FELLOW; AND

APPROVAL OF A PURCHASE ORDER IN A NOT-TO-EXCEED AMOUNT OF \$70,000.00 TO NATIONAL URBAN FELLOWS, INC. FOR THESE SERVICES. Comment: Requests City Council approve an agreement with National Urban Fellows, Inc. for a class of 2012 fellow and approve a purchase order in the amount of \$70,000 for funding of the position.

ITEM F-8: ADOPTED AG# 176-11

9. AN AGREEMENT WITH AVAYA INC., CUSTOMER AGREEMENT GENERAL TERMS (MASTER AGREEMENT); AND

AUTHORIZE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$335,905.23 FOR THE PURCHASE OF GOODS AND SERVICES. Comment: This item is a three year master agreement for services and goods related to the City's existing Avaya telecommunications system. Staff also requests approval of a purchase order in an amount not to exceed \$335,905.23 for the goods and services.

ITEM F-9: APPROVED AG# 177-11

10. A PURCHASE ORDER IN THE AMOUNT OF \$116,173.48 TO DOWNTOWN FORD SALES FOR PURCHASE OF FOUR FORD FUSION HYBRID SEDANS. Comment: Provides for purchase of four (4) Ford Fusion Hybrid Sedans as replacements for job-worn and obsolete public-safety vehicles assigned to the Department of Police.

ITEM F-10: APPROVED

11. APPROPRIATION OF FUNDS IN THE AMOUNT OF \$60,000 FOR THE PROVISION OF GASOLINE, DIESEL FUEL, AND LUBRICANTS THEREFOR; AND APPROVAL OF A CHANGE ORDER TO THE PURCHASE ORDER TO SOUTHERN COUNTIES OIL CO. D.B.A. SC FUELS FOR \$50,000 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$700,000. Comment: The purchase order amount will increase from \$650,000.00 to \$700,000.00 to cover the fuel budget shortfall due to increases in fuel cost.

ITEM F-11: APPROVED

Vote on Consent Calendar:

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

CARRIED

G. COMMISSION SYNOPSIS

1. PUBLIC WORKS COMMISSION - Regular meeting of April 14, 2011
ARCHITECTURAL COMMISSION - Regular meeting of April 27, 2011
TRAFFIC AND PARKING COMMISSION - Regular meeting of May 5, 2011
CHARITABLE SOLICITATIONS COMMISSION - Regular meeting of May 11, 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 the Council, adjourned the meeting at 8:59pm.

PASSED, Approved and Adopted
this 7th day of June, 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.