



**CITY OF BEVERLY HILLS
MINUTES
CITY COUNCIL
REGULAR MEETING
August 2, 2011**

The 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

None

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. Marty Geimer
2. Gregory Bell

3. REPORT FROM THE CITY MANAGER * 360° Evaluation Program - Sandra Olivencia Curtis

Assistant Director of Administrative Services/Human Resources Sandra Olivencia Curtis presented a report on the City's 360° Evaluation Program as part of the City's succession planning efforts.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS - Take A Moment

Councilmember Gold congratulated the Peninsula Beverly Hills on their upcoming 20th anniversary on August 8, 2011.

5. PRESENTATION OF THE BEVERLY HILLS PENSION TASK FORCE TO THE BEVERLY HILLS CITY COUNCIL REGARDING BEVERLY HILLS SAFETY EMPLOYEES RETIREMENT OBLIGATIONS. Comment: An oral report will be presented by City Treasurer Eliot Finkel for City Council consideration/discussion.

City Treasurer Eliot Finkel presented a PowerPoint presentation and report from the Beverly Hills Pension Task Force regarding the Beverly Hills Safety Employees' retirement obligations.

Council thanked City Treasurer Eliot Finkel and the Task Force for the information presented, and requested that the Task Force make the same analysis for non-safety employees.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION 10-3-2616 REGARDING DEVELOPMENT STANDARDS FOR WALLS, FENCES AND HEDGES IN THE TROUSDALE ESTATES AREA OF THE CITY. First reading - For Introduction. Comment: ordinance recommended by the Planning Commission that would modify fence and hedge height standards on certain slopes between properties in Trousdale to address some conditions that result in view obstruction.

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 report of the Director of Community Development and Senior Planner and the record of the Community Development Department in this matter are made a part of the record of this hearing.

Speaking:

Community Development Director Susan Healy Keene presented a PowerPoint presentation and oral report. She spoke about the ordinance's purpose, and introduced Senior Planner Michele McGrath who discussed in detail fence height, hedges, slopes, adjacency, and fiscal impact including implementation cost and cost recovery.

1. Michael Rosen
2. Sandy Breslor
3. Alan Eizman
4. Henry Burroughs
5. Frieda Berlin
6. Karen Platt
7. Alan Berlin
8. Shahram Melamed
9. Dan Yukelson, Chair of the Planning Commission

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

Council commented and discussed enforcement of hedges on upslope properties, monitoring of unintended consequences of enforcement, affordability to both residents and the City of enforcement measures, and full support on the implementation of a view restoration ordinance.

There were no further questions or comments from Councilmembers.

MOVED by Vice Mayor Brien, seconded by Councilmember Bosse, to introduce and read by title only as amended, Ordinance D-1 as follows:

ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION 10-3-2616 REGARDING DEVELOPMENT STANDARDS FOR WALLS, FENCES AND HEDGES IN THE TROUSDALE ESTATES AREA OF THE CITY.

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

Noes: None.

CARRIED

ITEM D-1: INTRODUCED AND READ BY TITLE ONLY AS AMENDED

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

2. AN APPEAL OF THE ARCHITECTURAL COMMISSION'S DECISION APPROVING A FAÇADE REMODEL AND SIGN ACCOMODATION ASSOCIATED WITH THE ESTABLISHMENT OF AN EQUINOX EXERCISE CLUB AT 9465 WILSHIRE BOULEVARD. Comment: This is an appeal of the Architectural Commission's May 18, 2011 decision approving a ground-floor façade remodel associated with the establishment of an Equinox exercise club. The appellant is requesting that the approval granted by the Architectural Commission be overturned based on inadequate 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 report of the Associate Planner and the record of the Community Development Department in this matter are made a part of the record of this hearing.

Speaking:

Associate Planner Ryan Gohlich presented a PowerPoint presentation and staff report.

1. Murray Fischer, attorney representing applicant Equinox Exercise Club, commented about the appeal in detail and requested the City Council deny the appeal.
2. Ashok Vanmalli, building designer, spoke about the proposed facade.
3. In response to Mayor Brucker's question, Taylor Loudon responded that the changes will not alter the historic character of the building.
4. Todd Elliott, attorney representing appellant, expressed concern with the irregularities in the City's staff report, and asked Council to return this item for review to the Architectural Commission.

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

Councilmember Mirisch made a comment regarding historical significance. Councilmember Bosse commented on the issues reviewed by the Architectural Commission that she supported or did not support.

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Bosse, seconded by Councilmember Gold, to direct the City Attorney to prepare a resolution of findings conditionally approving a façade remodel and sign accommodation for the property located at 9465 Wilshire Boulevard and deny the appeal.

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

Noes: None.

CARRIED

ITEM D-2: APPEAL DENIED

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

3. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE 2010 BEVERLY HILLS URBAN WATER MANAGEMENT PLAN. Comment: The City of Beverly Hills is an urban water supplier pursuant to the provisions of the California Water Code. State law requires urban water suppliers to prepare, adopt and submit to the state Department of Water Resources an urban water management plan every five years. This plan will replace the City 2005 plan.

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 report of the Senior Management Analyst and the record of the Public Works and Transportation Department in this matter are made a part of the record of this hearing.

Speaking:

Senior Management Analyst Daniel Cartegena presented an oral report and asked the Council to adopt the subject resolution.

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

There were no questions or comments from Councilmembers.

MOVED by Councilmember Bosse, seconded by Councilmember Gold, to adopt Resolution D-3 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE 2010 BEVERLY HILLS URBAN WATER MANAGEMENT PLAN.

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

Noes: None.

CARRIED

ITEM D-3: ADOPTED RES# 11-R-12822

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

4. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM, AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.
Comment: Annual resolution and local development report supporting compliance with the countywide CMP requirement.

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 report of the Deputy Director of Transportation and the record of the Public Works and Transportation Department in this matter are made a part of the record of this hearing.

Speaking:

Deputy Director of Transportation Aaron Kunz presented a brief staff report.

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

Councilmember Mirisch asked clarification on whether the state is taking the City's share of the gas tax.

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Gold, seconded by Councilmember Bosse, to adopt Resolution D-4 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM, AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.

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

Noes: None.

CARRIED

ITEM D-4: ADOPTED RES# 11-R-12823

E. CONTINUED AND NEW BUSINESS

1. DISCUSSION OF THE CITY'S DEMOLITION PERMIT AND PROJECT REVIEW PROCEDURES AND CONSIDERATION OF WHETHER REVISIONS ARE

NECESSARY TO ADDRESS POTENTIALLY HISTORIC STRUCTURES.
Comment: At the Mayor's request, in response to public interest regarding the potential demolition of the Richard Neutra designed Kronish House at 9439 Sunset Avenue, the Council will consider whether changes to the City's demolition permit and project review procedures as applied to certain classes of historic resources are warranted. If the Council determines changes are warranted, the Council may choose to direct staff to prepare a regular or urgency ordinance for consideration at a future meeting.

City Planner Jonathan Lait presented the staff report. He outlined the process currently in place in the City prior to a demolition occurring at a property.

Speaking:

1. Linda Dishman
2. Adrian Scott Fine
3. Mitch Dawson, attorney representing property owner, showed photographs of the property and spoke about the process undertaken by the owner with the property to date.
5. Chris Nichols
6. Carole Oken
7. Cristi Walden
8. Ken Ezra
9. Crosby Doe
10. Jill Tavelman Collins
11. Richard Stanley
12. Thomas White
15. Arline Pepp
16. Barbara Lamprecht
17. Noah Furie
18. Marilyn Weiss
19. Ronald Richards
20. Alexander Gaon
21. Roger Leib
22. Rebecca Pynoos
23. David Siegel
24. Aaron Yashouafar
25. Amy Vahdat
26. Ellen Lutwak
27. Jamie Wolf
28. Regina O'Brien
29. Rich Waldow
30. Michael Rutigliano

Council reached consensus with Mr. Dawson on a 60-day cooling off period whereby the posting of the property for 10 days will not occur until October 1, 2011 but will allow the property owner to continue with getting a demolition permit which can be used after October 11, 2011.

Council directed Planning Commission to work on a preservation ordinance.

MOVED by Councilmember Mirisch, seconded by Councilmember Bosse, to prepare an urgency ordinance that will require a replacement project approval before demolition permit is issued.

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

FAILED

ITEM E-1: MOTION FAILED

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Vice Mayor Brien, seconded by Councilmember Bosse to remove Items F-9, F-11F, and F-11G for discussion; approve all items on the Consent Agenda by reference, 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 July 7, 2011.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated June 25 - July 22, 2011.
3. PAYROLL DISBURSEMENT REPORT, report dated August 2, 2011.
4. 2010-11 3RD QUARTER PURCHASE ORDER AND TRANSFER REPORT. Comment: Reports the 3rd quarter Purchase Orders Issued Report (for P.O.s between \$10,000 and \$50,000) for Fiscal Year 2010-2011 and the 4th quarter Transfer Report.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS APPROVING:

5. DESIGNATING THE CITY'S VOTING DELEGATE AND ALTERNATE FOR THE 2011 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE. Comment: The City Council must delegate its voting delegate for the League of California Cities Annual Conference from September 21-23, 2011. APPROVAL OF:

ITEM F-5: ADOPTED RES# 11-R-12824

6. ADOPTION OF THE STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2011/2012. Comment: The City is required by state law to formally approve its investment policy annually. As in the case of other financial policies, it is also prudent to evaluate this policy regularly to assess whether circumstances have changed.

ITEM F-6: ADOPTED

7. (i) AN AGREEMENT WITH AVOLVE SOFTWARE CORPORATION FOR AN ELECTRONIC PLAN CHECK SUBMITTAL AND REVIEW SYSTEM, AND RELATED SERVICES; (ii) A SOFTWARE LICENSE AGREEMENT; AND (iii) MAINTENANCE AGREEMENT WITH AVOLVE SOFTWARE CORPORATION APPROPRIATE FUNDS IN THE AMOUNT OF \$448,000 FOR RELATED GOODS AND SERVICES;

AUTHORIZE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$238,900 FOR THE CONTRACT WORK; AND

AUTHORIZE THE CITY MANAGER TO APPROVE RELATED PURCHASES FOR HARDWARE, SOFTWARE AND EQUIPMENT NOT-TO-EXCEED \$79,100.
Comment: Staff recommends that the City Council award a contract related to Bid No. 11-22 for a new Electronic Plan Check Submittal and Review System for Community Development, for a total project cost of \$318,000, including \$123,000 for the application software, \$56,000 for the implementation services, \$23,900 for application interfaces, up to \$15,000 for the Consultant's travel expenses, \$21,000 for contingency, and up to \$79,100 for related hardware, software and equipment. Staff further recommends that the City Council move to appropriate funds in the amount of \$318,000 for this project.

ITEM F-7: APPROVED AS AMENDED AG# 296-11; AG# 297-11; AG# 289-11

8. AN AGREEMENT WITH NETWORK MAGIC, INC. TO PROVIDE PROFESSIONAL SERVICES RELATED TO THE SECURITY OF THE CITY'S NETWORK; AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$100,000 TO NETWORK MAGIC INC. FOR THESE SERVICES. Comment: This agreement provides for consulting services related to City's Juniper Network firewall and network security equipment.

ITEM F-8: APPROVED AG# 290-11

9. A PURCHASE ORDER IN THE AMOUNT OF \$159,822.78 TO THEODORE ROBINS INC. D.B.A. THEODORE ROBINS FORD FOR PURCHASE OF SIX FORD CROWN VICTORIA POLICE INTERCEPTOR SEDANS. Comment: Provides for purchase of six (6) Ford Crown Victoria Police Interceptor full-size sedans as replacements for the same number of job-worn police cars assigned to the Department of Police.

ITEM F-9: APPROVED

10. ACCEPTANCE OF THE CONTRACT WORK FOR THE 2009-2010 STREET RESURFACING - VARIOUS LOCATIONS BY SULLY-MILLER CONTRACTING CO, IN THE FINAL AMOUNT OF \$ 4,145,344.67; AND AUTHORIZATION OF CITY CLERK TO RECORD NOTICE OF COMPLETION. Comment: This report provides information to the City Council for acceptance of the contract work in the final amount of \$ 4,145,344.67 and authorization for the recordation of the Notice of Completion by the City Clerk with the Los Angeles County Recorder. The project is part of the City Capital Improvement Program for the Fiscal Year 2009-2010.

ITEM F-10: APPROVED

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

ITEM A AN AGREEMENT WITH PACIFIC COAST CABLING, INC. FOR PRETESTING AND TERMINATING FIBER OPTICS AND COPPER CABLES; AND APPROVAL OF A BLANKET PURCHASE ORDER IN THE AMOUNT OF \$75,000 TO PACIFIC COAST CABLING FOR THESE SERVICES. Comment: This agreement and purchase order will provide cabling services on an as-needed basis to meet the City's ongoing cabling needs.

ITEM F-11A: APPROVED AG# 291-11

ITEM B AN AGREEMENT WITH DESTINATION SCIENCE CAMP TO CONDUCT SCIENCE CAMP ACTIVITIES THROUGH THE CITY'S COMMUNITY SERVICES DEPARTMENT AT VARIOUS CITY PARKS AND BEVERLY HILLS UNIFIED SCHOOL DISTRICT SITES; AND APPROVAL TO ISSUE A BLANKET PURCHASE ORDER FOR A NOT-TO-EXCEED AMOUNT OF \$60,000 FOR THE SERVICES DESCRIBED. Comment: Request approval of a one year agreement with option for two additional one-year extensions; and approval of a Blanket Purchase Order for vendor to conduct science camp activities at various BHUSD school sites in the amount not to exceed \$60,000 per year.

ITEM F-11B: APPROVED AG# 292-11

ITEM C AN AGREEMENT WITH EVERBRIDGE, INC. FOR LICENSING OF THE CITY'S MASS NOTIFICATION SYSTEM AND RELATED SERVICES. Comment: This is a 3-year contract that provides the City access to a web-based, mass notification application that allows City staff to quickly communicate telephone, email, and text messages to residents and businesses throughout the City for an amount not-to-exceed \$30,989 per year.

ITEM F-11C: APPROVED AG# 293-11

ITEM D AN AGREEMENT WITH COBAN RESEARCH AND TECHNOLOGIES, INC. FOR SOFTWARE SUPPORT AND SYSTEM REPAIR SERVICES FOR IN-CAR VIDEO SYSTEMS IN THE CITY POLICE VEHICLES. Comment: This is a 3-year contract that provides software support for the Coban digital video management solutions inside Police vehicles video system as well as system repair services, including hardware, software, and related equipment for an amount not-to-

exceed \$19,626.25 on the first year and \$19,155 the second and third year.

ITEM F-11D: APPROVED AG# 294-11

ITEM E AMENDMENT NO. 3 TO THE AGREEMENT WITH MAYER HOFFMAN MCCANN P.C. FOR PROFESSIONAL AUDIT SERVICES; AND, APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$73,000 TO MAYER HOFFMAN MCCANN P.C. FOR PROFESSIONAL AUDIT SERVICES. Comment: Mayer Hoffman McCann P.C. will continue to provide financial audit services as part of the annual financial statement audit and Single audit.

ITEM F-11E: APPROVED AG# 295-11

ITEM F TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$75,000 TO THE FERGUSON GROUP LLC FOR LEGISLATIVE ADVOCACY SERVICES. Comment: The Ferguson Group LLC will continue to provide legislative advocacy services to promote the City's interests before legislators, regulators and policymakers in the nation's capitol.

ITEM F-11F: APPROVED

ITEM G TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$75,000 TO SHAW/YODER/ANTWIH, INC. FOR LEGISLATIVE ADVOCACY SERVICES. Comment: Shaw/Yoder/Antwih, Inc. will continue to provide legislative advocacy services to promote the City's interests before legislators, regulators and policymakers in the State Capitol.

ITEM F-11G: APPROVED

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. FINE ART COMMISSION - regular meeting of May 19, 2011.
HEALTH AND SAFETY COMMISSION - regular meeting of June 27, 2011.
RECREATION AND PARKS COMMISSION - regular meeting of June 28, 2011.
HUMAN RELATIONS COMMISSION - special meeting of June 30, 2011.
FINE ART COMMISSION - regular meeting of July 21, 2011.

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

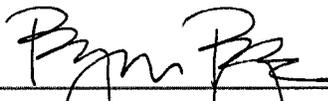
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of the Council, recessed the meeting back to the Closed Session for the remaining items listed on the Closed Session agenda at 12:55am.

PASSED, Approved and Adopted
this 16th day of August, 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.