



**CITY OF BEVERLY HILLS
MINUTES
CITY COUNCIL
ADJOURNED REGULAR MEETING
September 8, 2011**

The Adjourned Regular Meeting of the City Council of the City of Beverly Hills was held in the Council Chambers at 7:30pm.

PLEDGE OF ALLEGIANCE

A. *ROLL CALL*

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

B. *PRESENTATIONS*

1. PROCLAMATION TO THEATRE 40 - Mayor Brucker

Mayor Brucker presented a proclamation to David Hunt Stafford, Theatre Forty's Managing and Artistic Director, for Theater 40's important cultural contribution to the City of Beverly Hills. Mr. Stafford invited the community to their upcoming performances.

Mayor Brucker congratulated Police Chief David Snowden and his wife Ellyn on his upcoming recognition this weekend by the Los Angeles Police Historical Society with the Jack Webb Award.

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. Steven Silver addressed the Council on behalf of his client, the Beverly Hills Police Officers Association.
2. Lisa Korbatov, President of the Beverly Hills Unified School District (BHUSD) Board of Education, spoke about the relationship between the district and the city with regards to the MTA subway proposal.
3. Dr. Bob Abrishami, resident on Angelo Drive, spoke against the removal of ficus trees in his neighborhood.
4. Najeeb Alshak, resident on Angelo Drive, spoke against the removal of ficus trees in his neighborhood and suggested an option to save the sewer lines.
5. Nick Valentino, resident on Angelo Drive, spoke against the removal of ficus trees in his neighborhood.
6. Thomas White urged Council and BHUSD to take steps in preventing communication breakdown between the two agencies.

3. **REPORT FROM THE CITY MANAGER * Weapons of Mass Destruction Training at the Nuclear Test Site in Nevada - Ralph Mundell, Fire Battalion Chief**

Fire Battalion Chief Ralph Mundell reported on the Weapons of Mass Destruction Training that the Fire Department staff have attended/are attending at the Nevada Nuclear Test Site. He discussed and showed some of the radiation monitoring devices used by the Fire Department. He noted that 14 Fire Department staff have completed the training.

4. **CITY COUNCILMEMBER AND COMMITTEE REPORTS - Take A Moment * Free Senior Health Fair - Monday, September 12, 2011 from 10am-2pm at Roxbury Park Community Center**

Councilmember Gold invited the community to attend the 6th Annual Senior Health Fair being hosted by the Cedars-Sinai Medical Center on September 12, 2011 from 10am to 2pm at the Roxbury Community Center.

City Attorney Laurence Wiener announced the appointment of City of Beverly Hills Chief Assistant City Attorney Roxanne Diaz as City Attorney of the City of Manhattan Beach. The City Council congratulated and thanked Ms. Diaz for her many years of invaluable service at the City of Beverly Hills.

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 UPDATING THE CITY'S NOISE REGULATIONS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. First Reading - For Introduction. Comment: Council liaisons (Brucker and Bosse) request that an ordinance amendment be prepared for City Council review and action. The amendment resolves internal inconsistencies in the City's noise regulations and clarifies and modifies the existing time restriction for amplified sound.

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 Services Human Services and the report of the Human Services Administrator concerning this matter shall be entered into the record.

Human Services Administrator James Latta presented the staff report. He noted the timeline and history of this item from November 2010 to present. He also discussed how the community input was gathered.

Human Relations Commission (HRC) Chair Dr. Sharona Nazarian introduced her fellow Human Relations Commissioners. She thanked the City Council for the opportunity for HRC to be involved in this issue and for hearing out the responses that they received on this item.

Councilmember Bosse presented the report from the Council Liaison composed of herself and Mayor Brucker. She thanked the Human Relations Commission for taking on this issue, and the residents for their input on this matter. She noted the three city ordinances that the Liaison reviewed to come up with their recommendation.

Councilmember Mirisch read a letter into the record from Mel Spitz.

Speaking:

1. Robert Tanenbaum, Beverly Hills North Homeowners Association
2. Ken Goldman, Beverly Hills Southwest Homeowners Association
3. Thomas White, Municipal League of Beverly Hills
4. Lori Goldman
5. Nina Chernick
6. Dina Chernick
7. Alma Ordaz

8. Mary Levin Cutler
9. Marie France Salaun
10. Dr. Chuck Aronberg
11. Marilyn Gallup
12. Nancy Blumenfeld
13. Eli Blumenfeld
14. Marcia Hollander
15. Sandy Bresler
16. Allyson Wittner
17. Craig Davis
18. Steven Weinglass
19. Shahrian Afshani
20. Kathy Afshani
21. Larry Hopp

City Council thanked the HRC and staff for bringing the item forward. The Councilmembers commented on and discussed the following: definition of amplified sound/noise/nuisance, disturbance level, day/time/period of time/holiday restrictions, permitting, rental home prohibitions, enforcement by Police, and amount of violation fines/fees.

Police Lt. Joseph Chirillo answered questions regarding Police enforcement of noise complaints.

MOVED by Mayor Brucker, seconded by Councilmember Bosse to introduce and read by title only with amendments to the original recommendations of the Liaison Committee, and advance to the meeting of September 20, 2011 for adoption Ordinance D-1 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS UPDATING THE CITY'S NOISE REGULATIONS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE.

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

Noes: Vice Mayor Brien.

CARRIED

ITEM D-1: INTRODUCED AND READ BY TITLE ONLY WITH AMENDMENTS TO THE ORIGINAL RECOMMENDATIONS OF THE LIAISON COMMITTEE, AND ADVANCE TO THE MEETING OF SEPTEMBER 20, 2011 FOR ADOPTION

E. CONTINUED AND NEW BUSINESS

None

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Gold, seconded by Councilmember Bosse to remove Item F-8 and vote on separately; remove Items F-14I and F-14J for discussion; approve all items on the Consent Agenda except Item F-8 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 August 16, 2011.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated August 6 - August 19, 2011.
3. PAYROLL DISBURSEMENT REPORT, report dated September 9, 2011.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. AN UNCODIFIED ORDINANCE EXTENDING THE TERM OF ONE MEMBER OF THE ARCHITECTURAL COMMISSION (FRAN COHEN). Second Reading - For Adoption. Comment: Extends Commissioner Cohen's term from August 2, 2011 to July 11, 2012 to match the terms of two other retiring commissioners, thereby permitting the future reduction of the Architectural Commission from seven to five members while allowing all current members to complete their terms.

ITEM F-4: ADOPTED ORD# 11-O-2612

RESOLUTIONS APPROVING:

5. A FAÇADE REMODEL AND SIGN ACCOMMODATION ASSOCIATED WITH THE ESTABLISHMENT OF AN EQUINOX EXERCISE CLUB, FOR THE PROPERTY LOCATED AT 9465 WILSHIRE BOULEVARD. Comment: On August 2, 2011 the City Council held a public hearing to consider an appeal of the Architectural Commission's decision approving a façade remodel and sign accommodation associated with 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.

ITEM F-5: ADOPTED RES# 11-R-12829

6. AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF A GRANT UNDER THE FISCAL YEAR 2008 URBAN AREA SECURITY INITIATIVE (UASI 08) AND APPROPRIATING FUNDS FOR THE PURCHASE OF WEBCAMS ON BEHALF OF THE REGION AND A RADIO BASE FOR THE CITY'S EMERGENCY OPERATIONS CENTER;

AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF A GRANT UNDER THE FISCAL YEAR 2010 URBAN AREA SECURITY INITIATIVE (UASI 10) AND APPROPRIATING FUNDS FOR DISASTER PREPAREDNESS AND RESPONSE ACTIVITIES TRAINING

ACCEPTING A GRANT UNDER THE FISCAL YEAR 2010 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP 10) AND APPROPRIATING FUNDS FOR DISASTER PREPAREDNESS AND RESPONSE ACTIVITIES TRAINING. Comment: The City has been approved for funding under the Urban Area Security Initiative (UASI) program and the State Homeland Security Grant Program (SHSGP). The UASI 08 funding will be used to purchase webcams on behalf of the region and a portable base radio for our EOC. The UASI 10 and SHSGP 10 funding will be used for Fire Department Chemical, Biological, Radiological, Nuclear & Explosive (CBRNE) and Urban Search and Rescue (USAR) response team training, Disaster Awareness Course (DAC), and Regional Terrorism Liaison Officer (TLO) training.

ITEM F-6: ADOPTED RES# 11-R-12830; RES# 11-R-12831; RES# 11-R-12832

7. RATIFYING AN AGREEMENT WITH THE PORT AUTHORITY OF NEW YORK & NEW JERSEY FOR THE TRANSFER OF A STEEL ARTIFACT FROM THE FORMER WORLD TRADE CENTER FOR THE BEVERLY HILLS 9/11 MEMORIAL GARDEN. Comment: This resolution ratifies the agreement accepting the transfer of a steel artifact from the Port Authority of New York & New Jersey to the City of Beverly Hills. This artifact will be displayed at the Beverly Hills 9/11 Memorial Garden at the corner of Rexford Drive and Santa Monica Boulevard. No city funds were used to construct the memorial.

ITEM F-7: ADOPTED RES# 11-R-12833

APPROVAL OF:

8. AN AGREEMENT WITH UTOPIA ENTERTAINMENT, INC. FOR HOLIDAY DÉCOR AND PROGRAM MANAGEMENT; AND APPROVAL OF A PURCHASE ORDER IN A NOT-TO-EXCEED AMOUNT OF \$270,000 TO UTOPIA ENTERTAINMENT, INC. FOR THESE SERVICES. Comment: This agreement between the City and Utopia Entertainment, Inc is for décor and program management services for the City's 2011 holiday program. In addition, Council is requested to authorize a purchase order in the amount of \$270,000 for these services.

MOVED by Councilmember Mirisch, seconded by Councilmember Bosse to approve with proviso for Council to address décor on Wilshire Boulevard, and South Beverly and Crescent Drives.

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

CARRIED

ITEM F-8: APPROVED AG# 359-11

9. AN AGREEMENT WITH RODEO DRIVE, INC. FOR 2011-2012 SPECIAL EVENTS; AND APPROVAL OF A PURCHASE ORDER IN A NOT-TO-EXCEED AMOUNT OF \$135,000 TO RODEO DRIVE, INC. FOR THESE SERVICES. Comment: This funding agreement between the City and Rodeo Drive, Inc. is for 2011-2012 special events. In addition, Council is requested to authorize a purchase order in a not-to-exceed amount of \$135,000 for these services.

ITEM F-9: APPROVED AG# 360-11

10. AMENDMENT NO. 3 TO AN AGREEMENT WITH OTIS ELEVATOR COMPANY FOR ELEVATOR MAINTENANCE SERVICE FOR ALL CITY ELEVATORS AND LIFTS; AND APPROVAL OF A BLANKET PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$217,940.40 INCLUDING A CONTINGENCY OF \$14,790.00 TO OTIS ELEVATOR COMPANY. Comment: This purchase order to Otis Elevator Company is for the annual maintenance of elevators and lifts within the City. This is the third year of a five year agreement between the City and Otis and is reviewed annually by staff for performance and this purchase order will extend through June 30, 2012.

ITEM F-10: APPROVED AG# 361-11

11. A PURCHASE ORDER TO LOS ANGELES TRUCK CENTER, LLC FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$666,765.82 FOR PURCHASE OF TWO COMPRESSED-NATURAL-GAS-POWERED (CNG) SOLID-WASTE-COLLECTION TRUCKS. Comment: Provides for purchase of two (2) CNG-powered Solid-waste-collection Trucks as replacement for an equal number of job-worn trucks assigned to the Solid-waste Division.

ITEM F-11: APPROVED

12. A PURCHASE ORDER IN THE AMOUNT OF \$1,888,000 TO RICHARDS, WATSON & GERSHON, A PROFESSIONAL CORPORATION. Comment: This is a purchase order for Richards, Watson & Gershon to provide legal services to the City for Fiscal Year 2011-2012 under the current agreement.

ITEM F-12: APPROVED

13. REJECTION OF ALL BIDS FOR CONTRACT WORK PERTAINING TO STRUCTURAL REPAIR, APPLICATION OF 200 MIL THICK POLYURETHANE FOR INTERNAL LINING OF RESERVOIR 4A, REMOVAL AND REPLACEMENT OF AN EXISTING RETAINING

WALL AND MISCELLANEOUS WORK FOR UPGRADING OF RESERVOIR 4A WITHIN THE CITY OF BEVERLY HILLS, CALIFORNIA, AND AUTHORIZE THE READVERTIZING FOR BID. Comment: Staff requests that the City Council reject all bids for the construction work pertaining to the upgrading of Reservoir 4A.

ITEM F-13: APPROVED

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

ITEM A AN AGREEMENT WITH STAR, INC FOR AFTER SCHOOL AND SUMMER CLASS INSTRUCTION SERVICES THROUGH THE CITY'S DEPARTMENT OF COMMUNITY SERVICES; AND,

APPROVAL OF A BLANKET PURCHASE ORDER IN THE AMOUNT OF \$210,000 FOR THESE INSTRUCTION SERVICES.

Comment: Request approval of a one year agreement for vendor to provide afterschool and summer classes for the City's Community Services Department in the amount not to exceed \$210,000 per year.

ITEM F-14A: APPROVED AG# 362-11

ITEM B AN AGREEMENT WITH JEWISH FAMILY SERVICE FOR COMMUNITY ASSITANCE FUNDS; AND, APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$86,000.

Comment: The grant provides funding to support Jewish Family Service efforts to provide a continuum of supportive services to Beverly Hills seniors. The increase in funding will allow for an expansion of case management services and the addition of a new volunteer support program. This grant is separate from the CDBG program.

ITEM F-14B: APPROVED AG# 363-11

ITEM C AN AGREEMENT WITH STEP UP ON SECOND FOR OUTREACH AND ENGAGEMENT PROGRAM IN SUPPORT OF CITY'S CLASP PROGRAM; AND, APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$85,000.

Comment: This agreement provides for an outreach/case management team within the Human Services Division trained to work with the mentally ill homeless individuals who comprise the majority of the City's homeless.

ITEM F-14C: APPROVED AG# 364-11

ITEM D AN AGREEMENT WITH WESTSIDE FOOD BANK FOR COMMUNITY ASSISTANCE FUNDS; AND, APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$75,000.

Comment: This grant provides funding to the Westside Foodbank to purchase food in large bulk for distribution to low income individuals and families on the westside.

ITEM F-14D: APPROVED AG# 365-11

ITEM E AN AGREEMENT WITH MAPLE COUNSELING CENTER FOR COMMUNITY ASSISTANCE FUNDS FOR COMMUNITY MENTAL HEALTH SERVICES; AND, APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$75,000 FOR CONTINUATION OF SERVICES DESCRIBED.

Comment: This grant provides funding support to the Maple Counseling Center's efforts to provide the City of Beverly Hills community with low-cost psychological counseling to individuals, couples, families and groups.

ITEM F-14E: APPROVED AG# 366-11

ITEM F AN AGREEMENT WITH PEOPLE ASSISTING THE HOMELESS (P.A.T.H.) FOR COMMUNITY ASSISTANCE FUNDS; AND, APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$51,039 FOR CONTINUATION OF SERVICES DESCRIBED.

Comment: This grant provides funding to support People Assisting the Homeless as part of the City's effort to assist the homeless population.

ITEM F-14F: APPROVED AG# 367-11

ITEM G AN AGREEMENT WITH BEVERLY HILLS CPR FOR COMMUNITY ASSISTANCE FUNDS; AND, APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$50,000 FOR THE CONTINUATION OF SERVICES DESCRIBED.

Comment: This grant provides funding to support BHCP's CPR training program for City employees and the community.

ITEM F-14G: APPROVED AG# 368-11

ITEM H A BLANKET PURCHASE ORDER FOR THE BEVERLY HILLS UNIFIED SCHOOL DISTRICT (BHUSD) FOR THE PROVISION, USE AND MAINTENANCE OF EDUCATIONAL, RECREATIONAL, AND COMMUNITY FACILITIES AND PROGRAMS FOR \$9,700,000 AND AN ESCROW ACCOUNT TOTALING AN ADDITIONAL \$600,000 FOR A TOTAL NOT TO EXCEED \$10,300,000.

Comment: This Blanket Purchase Order complies with the terms of Agreement #259-08/Amendment #138-11 to provide the District with quarterly payments totaling \$9,700,000 which does not include quarterly payments placed in escrow account for turf maintenance totaling an additional \$600,000.

ITEM F-14H: APPROVED

ITEM I A BLANKET PURCHASE ORDER IN THE NOT-TO-EXCEED AMOUNT OF \$140,000 TO DIEGO CEVALLOS D.B.A. BEVERLY HILLS AQUATICS FOR SWIM INSTRUCTION AND PROGRAMS THROUGH THE CITY'S COMMUNITY SERVICES DEPARTMENT.

Comment: Diego Cevallos d.b.a. Beverly Hills Aquatics currently operates under existing Agreement #306-09. Throughout the year, the program offers camp instruction, swim lessons, and a variety of aquatic sports. The City seeks to continue services and requests a blanket purchase order for a total not to exceed amount of \$140,000.

ITEM F-14I: APPROVED

ITEM J A BLANKET PURCHASE ORDER IN THE NOT-TO-EXCEED AMOUNT OF \$128,963.28 TO THE MONTAGE BEVERLY HILLS FOR THE REIMBURSEMENT OF GARDEN MAINTENANCE.

Comment: This Blanket Purchase Order complies with the terms of Agreement #420-06 (section 4.2) to provide reimbursement of funds for garden maintenance at the Montage Beverly Hills. Total amount not-to-exceed is \$128,963.28.

ITEM F-14J: 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. HEALTH AND SAFETY COMMISSION - Regular meeting of July 25, 2011
PLANNING COMMISSION - Regular meeting of July 28, 2011
DESIGN REVIEW COMMISSION - Regular meeting of August 4, 2011
PLANNING COMMISSION - Special meeting of August 4, 2011
CHARITABLE SOLICITATIONS COMMISSION - Regular meeting of August 10, 2011
PUBLIC WORKS COMMISSION - Regular meeting of August 11, 2011
ARCHITECTURAL COMMISSION - Regular meeting of August 17, 2011

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

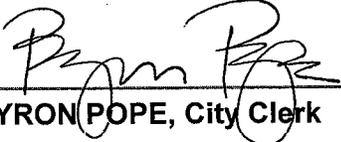
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of the Council, adjourned the meeting at 11:59pm.

PASSED, Approved and Adopted
this 20th day of September, 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.