



CITY OF BEVERLY HILLS
MINUTES
CITY COUNCIL
REGULAR MEETING
September 20, 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

Mayor Brucker announced that there will be a recognition of 9/11 Memorial Event participants at the next City Council Formal meeting on September 27, 2011.

B. PRESENTATIONS

1. PROCLAMATION - to Lou Ignarro in recognition of his achievements

Mayor Brucker and Councilmember Gold presented a proclamation to Nobel Prize-winning pharmacologist Dr. Louis J. Ignarro in recognition of his achievements in the fields of physics, chemistry, peace, physiology, medicine and literature.

2. RECOGNITION - of The Rotary Club of Beverly Hills The Rotary Club of Beverly Hills has generously granted the funds to develop a collection of e-readers and e-books that can be checked out by the public.

Assistant Director of Community Services Nancy Hunt-Coffey announced that the Rotary Club of Beverly Hills has given a donation to fund an eBook project to increase information literacy. Rotary Club President-elect AJ Willmer reassured the City of the Rotary's commitment to support the project through the coming years. Former Mayor and Rotary Club member Les Bronte spoke about the ways in which the Rotary Club programs improve the quality of life in the community.

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.)

1. Dr. Charles Aronberg
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. Les Bronte
2. Mark Elliot
3. Jerry Pyle
4. Gilma Polanco

3. REPORT FROM THE CITY MANAGER * DUI Checkpoints - Lt. Mark Rosen, Police Department
* Demonstration of the New iPhone/iPad Application for Public Art and Other Points of Interest in Beverly Hills - Nancy Hunt Coffey, Assistant Director of Community Services

Police Lt. Mark Rosen presented an overview on the DUI checkpoint program which started in 2004 and is funded by the Office of the Traffic Safety with grant money from the State of California. He discussed the objective of the checkpoint, legal considerations, safety precautions taken, locations of checkpoints, equipment used, traffic impact, and cost.

Assistant Director of Community Services Nancy Hunt Coffey announced that there will be a soft opening at the Art Show in the Beverly Gardens Park on October 14-16 for residents who are interested in a demonstration of the iPhone/iad app. She also announced that there is free WiFi service at the Library, various parks and Community Centers. She acknowledged the assistance of the Information Technology staff, Brad Meyerowitz, Patty Acuna and Fine Art Commissioner Sandy Pressman.

Information Technology Web Applications Integrator Alain Romero provided an overview/demonstration on the iPhone/iPad app. Fine Art Commissioner Judith Friedman showed how to locate public art information. She noted that public art information will be given to all hotels in Beverly Hills.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS - Take A Moment

Councilmember Bosse announced the Energize the Westside initiative under the Energy Upgrade California program which provides incentives and rebates up to \$8,000 to homeowners who improve the energy efficiency of their homes through insulation, energy efficient windows, air and duct sealing and more. More information may be obtained from

the Department of Public Works by calling (310) 285-2467 or online at www.energizethewestside.com.

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 ADOPTING CERTAIN FINDINGS AND AUTHORIZING EXECUTION OF AN ENERGY SERVICE CONTRACT WITH MANSFIELD GAS EQUIPMENT SYSTEMS CORPORATION PURSUANT TO GOVERNMENT CODE SECTION 4217.10 ET SEQ; AND

APPROVAL OF AN AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND MANSFIELD GAS EQUIPMENT SYSTEMS CORPORATION FOR THE DESIGN/BUILD OF A CNG REFUELING STATION AT 9333 W. THIRD STREET; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$1,011,209 TO MANSFIELD GAS EQUIPMENT SYSTEMS CORPORATION FOR THE DESIGN AND CONTRACT WORK. Comment: Requests approval of an agreement pursuant to the Request For Proposal for design/build services related to a compressed natural gas (CNG) fueling facility located in the Public Works yard to support the City's fleet of CNG vehicles.

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 Project Administration and the records of the Public Works and Transportation Department in this matter are made a part of the records of this hearing.

Speaking:

Director of Project Administration Alan Schneider provided a Powerpoint presentation presenting a summary of the program, its development, the design of the station, scope of work, staff recommendations and funding.

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

Council asked questions and discussed the bidding process, funding, and capacity and efficiency of the station.

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to adopt the findings set forth in Resolution D-1, to continue the public hearing until the Council meeting on September 27, 2011, and to authorize the City Manager to execute the agreement with Mansfield Gas Equipment Systems Corporation if the City Manager determines that the City would lose grant money if that agreement is not executed before the meeting of September 27, 2011.

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

Noes: None.

CARRIED

ITEM D-1: ADOPTED THE FINDINGS SET FORTH IN RESOLUTION D-1, TO CONTINUE THE PUBLIC HEARING UNTIL THE COUNCIL MEETING ON SEPTEMBER 27, 2011, AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH MANSFIELD GAS EQUIPMENT SYSTEMS CORPORATION IF THE CITY MANAGER DETERMINES THAT THE CITY WOULD LOSE GRANT MONEY IF THAT AGREEMENT IS NOT EXECUTED BEFORE THE MEETING OF SEPTEMBER 27, 2011

E. CONTINUED AND NEW BUSINESS

1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS MODIFYING PREFERENTIAL PARKING ZONE "X" ON THE 100 BLOCK OF NORTH LE DOUX ROAD. Comment: Zone "X" has an existing permit parking regulation of "2-Hour Paring, 8 am to 5 pm, Daily; and No Parking, 5 pm to 2 am, Daily, Except by Permit. Staff and the Traffic & Parking Commission recommend modifying the restriction to "No Parking Anytime, Except by Permit" to address parking intrusion from visitors to the medical offices at 8501 Wilshire Boulevard.

Deputy Director of Transportation Aaron Kunz provided a Powerpoint staff report presentation. He noted that the Traffic and Parking Commission, staff and the residents all support the permit modification. Traffic and Parking Commissioner Howard Fisher was on hand to answer questions.

Speaking:

Lead petitioner and resident Georgia Pine spoke about the problems the residents experience and have to deal with.

Mayor Brucker congratulated Mr. Fisher on his appointment to the Planning Commission. Vice Mayor Brien asked Mr. Kunz to have temporary signs installed in the meantime while the signs are being changed, if Council approves the request. Councilmember Mirisch spoke about the spillover to nearby streets and domino effect of the parking modifications. Councilmember Bosse urged staff to let building owners know to have signage for customers to park in the building. Vice Mayor Brien asked staff to standardize the parking zones on the streets affected by the domino effect.

MOVED by Councilmember Bosse, seconded by Councilmember Mirisch to adopt Resolution E-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
MODIFYING PREFERENTIAL PARKING ZONE "X" ON THE 100 BLOCK
OF NORTH LE DOUX ROAD

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

CARRIED

ITEM E-1: ADOPTED RES# 11-R-12834

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Vice Mayor Brien, seconded by Councilmember Mirisch to remove Items F-4 and F-5 for discussion and separate vote; approve all 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 Adjourned Regular meeting of September 8, 2011.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated August 20 - September 2, 2011.
3. PAYROLL DISBURSEMENT REPORT, report dated September 15, 2011.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. UPDATING THE CITY'S NOISE REGULATIONS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. Second Reading - For Adoption. 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.

Councilmember Bosse gave a brief summary of what transpired at the Public Hearing on September 8, 2011.

Speaking:

1. Robert Tanenbaum, Beverly Hills North Homeowners Association
2. Thomas White, Municipal League of Beverly Hills
3. Joe Shooshani
4. Albert Ganjian
5. Yoel Neman
6. Leon Farahnik
7. David Shamsian
8. Wiseman Dawoody
9. Sam Bensadigh
10. Shawn Nourafshan
11. Pari Nourafshan
12. Jack Nourafshan
13. Matin Aziz
14. Paul Amiraslan
16. Rod Nourafshan
17. Bitia Mangoli
18. Avid Shooshani
19. Marilyn Gallup
20. Alexander Kashfi

By order of the Chair, absent objection, item removed from agenda.

Objection to order of Chair and request for vote on question of whether to remove item from the agenda by Councilmember Bosse.

MOVED by Councilmember Bosse, seconded by Mayor Brucker to remove item from agenda.

Ayes: Councilmember Mirisch, and Vice Mayor Brien.

Noes: Councilmember Gold, Councilmember Bosse, and Mayor Brucker.

MOTION FAILED. ITEM REMAINS ON THE AGENDA.

MOVED by Councilmember Bosse, seconded by Councilmember Gold to adopt Ordinance F-4 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, and Mayor Brucker.
Noes: Councilmember Mirisch, and Vice Mayor Brien.

CARRIED.

ITEM F-4: ADOPTED ORD# 11-O-2613

RESOLUTIONS APPROVING:

5. AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO ADJUST THE ADMINISTRATIVE CITATION PENALTIES FOR NOISE VIOLATIONS. Comment: Pursuant to the Council's direction at the September 8 City Council meeting, this resolution adjusts the administrative penalties for a violation of the City's noise ordinance so that the penalties are \$250 for the first violation, \$500 for the second violation, and \$1000 for the third and each subsequent violation. Also pursuant to the City Council's direction, the police will continue to issue a warning before issuing administrative citations, except for egregious violations of the noise ordinance.

**ITEM F-5: BY ORDER OF THE CHAIR, ITEM REMOVED FROM AGENDA
NO OBJECTION**

6. AN IRREVOCABLE OFFER OF DEDICATION AND COVENANTS, ACCEPTING THE OFFER OF DEDICATION AND APPROVING AN ENCROACHMENT AGREEMENT WITH 8767 WILSHIRE BOULEVARD, L.P. Comment: It is recommended that the irrevocable offer of dedication for a 10 foot wide area on Robertson Boulevard and a 5 foot wide area on Wilshire Boulevard be accepted for public right of way purposes and the encroachment agreement for a subterranean garage structure and decorative sidewalk paving be approved.

ITEM F-6: ADOPTED RES# 11-R-12835

7. ACCEPTING A FIREMAN'S FUND HERITAGE PROGRAM GRANT, APPROVING AN AGREEMENT WITH FIREMAN'S FUND, AND APPROPRIATING FUNDS FOR THE PURCHASE OF CARBON MONOXIDE DETECTORS. Comment: The Fireman's Fund Insurance Company launched its Fireman's Fund Heritage Program in 2004. Under this program, Fireman's Fund awards millions of dollars in grants each year to fire departments and burn prevention programs across the country. If accepted, these funds will be used to purchase 9 carbon monoxide detectors on all frontline fire apparatus.

ITEM F-7: ADOPTED RES# 11-R-12836; AG# 380-11

APPROVAL OF:

8. A. THE CHARGEPOINT AMERICA STATION AWARD AGREEMENT WITH COULOMB TECHNOLOGIES, INC.; AND

B. THE CHARGEPOINT AMERICA MASTER SERVICES SUBSCRIPTION AGREEMENT WITH COULOMB TECHNOLOGIES, INC.; AND

C. AN AGREEMENT WITH CLEAN FUEL CONNECTION, INC. FOR INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS IN CITY PARKING FACILITIES PURSUANT TO THE CHARGEPOINT AMERICA GRANT; AND

ISSUANCE OF A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$200,000. Comment: Staff is seeking authorization for the City Manager to execute an agreement with Coulomb Technologies, Inc. accepting a grant of 28 electric vehicle charging stations and execution of an installation agreement with Clean Fuel Connection in an amount not to exceed \$200,000 including contingencies.

ITEM F-8: APPROVED

9. AN AGREEMENT WITH RTK ARCHITECTS, INC. FOR CONSULTANT SERVICES RELATED TO THE PUBLIC WORKS WAREHOUSE AND SITE IMPROVEMENTS AT 9357 W. THIRD STREET; AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$525,600 TO RTK ARCHITECTS, INC. FOR PROFESSIONAL SERVICES. Comment: Requests approval of an agreement for consulting design services to design and prepare construction documents for a Public Works warehouse, various trade workshops, warehouse support areas, DOC (department emergency operations center).

ITEM F-9: APPROVED AG# 381-11

10. A BLANKET PURCHASE ORDER FOR THE MONTAGE BEVERLY HILLS FOR THE REIMBURSEMENT OF INSURANCE PREMIUMS AND GENERAL MAINTENANCE FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$250,000. Comment: This PO will cover the annual reimbursements to the Montage Hotel pursuant to the Reciprocal Easement and Operating Agreement (REOA) for insurance premiums and shared operating expenses for the City's parking facility and Gardens building.

ITEM F-10: APPROVED

11. A PURCHASE ORDER IN THE AMOUNT OF \$117,891.85 TO DOWNTOWN FORD SALES FOR PURCHASE OF FOUR FORD HYBRID VEHICLES. Comment: This purchase will provide for three (3) Ford Fusion Hybrid Mid-size sedans and one (1) Ford Escape Hybrid SUV as replacements for four public-safety vehicles assigned to the Department of Police.

ITEM F-11: 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" ITEM**

1. TRAFFIC & PARKING COMMISSION - Regular meeting of August 4, 2011
FINE ART COMMISSION - Regular meeting of August 18, 2011

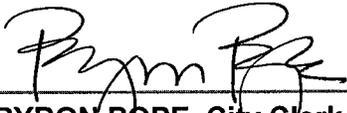
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of the Council, adjourned the meeting at 10:53pm to September 27, 2011.

PASSED, Approved and Adopted
this 18th day of October, 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.