



**CITY OF BEVERLY HILLS
MINUTES
CITY COUNCIL
ADJOURNED REGULAR MEETING
September 27, 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 9/11 Memorial Participants

A short video coverage of the unveiling of the 9/11 memorial garden at the intersection of Burton Way and Little Santa Monica in front of the Fire Department on September 11, 2011 was shown. Mayor Brucker, together with the entire City Council, thanked and presented certificates of recognition to the members of the 9/11 Memorial Committee.

Mayor Brucker acknowledged Anton Saleh and his doctor, Lauren Pinter Brown, for their work in raising money for lymphoma research. Anton, a junior at the Beverly Hills High School, and Dr. Pinter Brown, Director of the UCLA Lymphoma Program, invited the City Council and community to participate in "A Celebration of Survivorship: On Track for a Cure" at UCLA on October 9, 2011 from 11am to 2pm.

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. Mark Olson from Southern California Edison presented the City with a certificate of recognition in honor of being an Edison city on the occasion of their 125th year of service. Councilmembers Mirisch and Gold thanked Mr. Olson for Edison's service to the City.

2. Carole Meyers appealed to Council for the resolution of her water bill. Public Works Council liaisons Mirisch and Gold will work with staff to look into the issue. Council directed staff to hold off any water shutoff notices until the Council liaisons and staff have a chance to meet.

3. Marcy Kaplan from The Maple Counseling Center (TMCC) thanked the City for its continued support of the TMCC and spoke about the TMCC's services and programs. TMCC Boardmembers Steven Upchurch and Les Bronte invited the City Council and community to its upcoming Haunted Crystal Ball on October 26, 2011 at the Beverly Hilton Hotel.

Mayor Brucker spoke about a ribbon cutting ceremony that he attended today for a brand-new retail establishment called Spa Sky located at 297 South Robertson Boulevard.

3. **REPORT FROM THE CITY MANAGER** * Helpful Hints for Parking - Chad Lynn, Director of Parking Operations

Director of Parking Operations Chad Lynn presented a PowerPoint presentation and discussed the various features of on-street meters, garages, the Santa Monica 5 lots, parking enforcement, future programs such as the StreetSmart system, alternate payment methods and automated mechanical parking.

Councilmember Bosse inquired about security mechanisms when using credit cards as form of payment in parking meters, an application technology to find available parking spaces, and payment via cell phone.

4. **CITY COUNCILMEMBER AND COMMITTEE REPORTS** - Take A Moment
- Report on the League of California Cities Annual Conference - Vice Mayor Brien and Councilmember Mirisch

Vice Mayor Brien and Councilmember Mirisch reported on the League of California Cities Annual Conference that they attended in San Francisco from September 21-23, 2011. Vice Mayor Brien reported that the League passed four resolutions on: meeting public notice requirements, health and safety concerns of bullied children, improved transparency in and public access to California legislature proceedings, and protecting realignment funds. Councilmember Mirisch reported on the committee meetings he attended and the conference overall.

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 AMENDING THE BEVERLY HILLS MUNICIPAL CODE PROVISIONS REGARDING OIL, GAS AND OTHER HYDROCARBON DRILLING AND EXTRACTION, PROHIBITING THE DRILLING AND EXTRACTION OF OIL, GAS AND OTHER HYDROCARBON SUBSTANCES FROM SURFACE LOCATIONS IN THE CITY, AND REPEALING ORDINANCE NO. 11-O-2603. First Reading - For Introduction. Comment: Consideration of an ordinance to prohibit future drilling and extraction from sites within the City of Beverly Hills and to establish a buffer between any directional drilling operation and any school or park.

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.

Speaking:

Assistant Director of Community Development/City Planner Jonathan Lait presented the staff report. He spoke about the three things that the ordinance will accomplish.

1. Red Richmond
2. Ken Goldman, Beverly Hills Southwest Homeowners Association
3. Steve Dahlerbruch, Beverly Hills Roxbury Park Homeowners Association
4. Councilmember Mirisch read a letter into the record from Dr. Stephen Weitzman and Adrienne Weitzman
5. Yvonne Fogelman-Hatherill
6. Marcia Hollander
7. Gary Hollander

8. Vice Mayor Brien read a letter into the record from Gary Woods, Beverly Hills Unified School District Superintendent
9. Jeanne Reynolds did not want to speak but Mayor Brucker read her comment
10. Councilmember Bosse read a letter into the record from Beth Kleinman
11. Mahshid Soleimani
12. Jody Kleinman
13. Nellie Emrani

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

Council commented, discussed and asked questions on state laws prohibiting building new schools near industrial use oil wells, any correlation between the ordinance being proposed and the MTA subway, ongoing slant drilling in the City, potential lawsuits from enacting the ordinance, lease details, finding alternative sources of revenue, code violations, compatible uses, health effects, and risks of having oil well facilities in the City.

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Bosse, seconded by Councilmember Gold to introduce and read by title only Ordinance D-1 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE PROVISIONS REGARDING OIL, GAS AND OTHER HYDROCARBON DRILLING AND EXTRACTION, PROHIBITING THE DRILLING AND EXTRACTION OF OIL, GAS AND OTHER HYDROCARBON SUBSTANCES FROM SURFACE LOCATIONS IN THE CITY, AND REPEALING ORDINANCE NO. 11-O-2603.

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

CARRIED

MOVED by Councilmember Mirisch, seconded by Councilmember Gold to amend the original motion to include finding a way to replace lost revenue for the School District.

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

FAILED

Mayor Brucker acknowledged and thanked Mahshid Soleimani, Jody Kleinman and Nellie Emrani for their efforts in championing the prohibition of oil drilling in the City since 2004.

ITEM D-1: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF OCTOBER 18, 2011 FOR ADOPTION

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

2. 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. Staff will provide additional materials at the September 27, 2011 public hearing in response to inquiries from the City Council to address the single proposal received and the fair market price submitted by Mansfield.

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 Public Works and Transportation and the report of the Director of Public Works and Transportation concerning this matter shall be entered into the record.

Speaking:

Director of Public Works and Transportation David Gustavson presented the staff report. He provided a handout outlining a chronological history of actions that transpired from the beginning of this year to date.

Project Administration Director Alan Schneider presented a PowerPoint presentation showing the cost comparison of completed Mansfield projects.

Mansfield Director of Business Development Scott Trimble explained the reasons why vendors decide not to bid on projects, the factors considered when submitting a bid price, and the safety risks associated with compressed natural gas.

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

Councilmember Mirisch asked questions regarding comparison with the Crown Disposal bid, information on why the other vendors did not submit bids, and the approving authority on the contract.

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to adopt Resolution D-2 as follows:

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.

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

Noes: None.

CARRIED

MOVED by Councilmember Gold, seconded by Councilmember Bosse to approve Agreement D-2 as follows:

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.

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

Noes: None.

CARRIED

ITEM D-2: ADOPTED RES# 11-R-12837; APPROVED AG# 382-11

E. CONTINUED AND NEW BUSINESS

1. A. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS MODIFYING PREFERENTIAL PARKING ZONE "E" ON THE EAST SIDE OF THE 400 BLOCK OF SOUTH CANON DRIVE

B. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS PROVIDING THREE PREFERENTIAL PARKING ZONE "E" PERMITS TO MOUNT CALVARY LUTHERAN CHURCH. Comment: Staff and the Traffic & Parking Commission

recommend approval of resident-initiated modification of the existing Preferential Parking Zone "E" on the east/residential side of the 400 block of South Canon Drive to "No Parking Anytime, Permit 'E' Exempt;" and issuing three Zone E permits to the Mount Calvary Lutheran Church.

Deputy Director of Transportation Aaron Kunz presented a PowerPoint and oral report. He noted the details of the resident-initiated petition, consideration for permit zone, and the staff and TPC recommendation.

Speaking:

1. Brian Ward
2. Harland Green
3. Joshua Brumbach

Council asked questions regarding the possibility of issuing parking passes on Saturdays for use in the parking meter spaces, criteria for non-residents to get parking permits, impact on businesses, and possible correlation with Avalon Hotel valet parking request.

Traffic and Parking Commissioner Alan Grushcow expressed his personal views on the matter and explained the reasons why he voted against the proposed resolutions.

Council directed the Traffic and Parking Commission liaisons Brien and Mirisch to work with the Planning Commission, review the matter and bring back a recommendation to Council.

ITEM E-1: NO ACTION TAKEN

2. AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND EXPONENT, INC. FOR A PEER REVIEW OF THE WESTSIDE SUBWAY EXTENSION FINAL ENVIRONMENTAL IMPACT STATEMENT/REPORT AND GEOTECHNICAL STUDIES FOR POTENTIAL IMPACT ON BEVERLY HILLS' BUILDINGS, INFRASTRUCTURE AND PUBLIC SAFETY AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$75,000 TO EXPONENT, INC. FOR THE CONSULTANT SERVICES. Comment: Agreement in the amount of \$75,000 to conduct an independent structural analysis of tunneling under a seismic fault zone and the impacts of tunneling under existing high school buildings and future building plans.

Director of Public Works and Transportation David Gustavson presented a PowerPoint and oral report. He spoke about Metro's schedule on the release and action on the FEIS/FEIR and the independent technical review of documents by Exponent, Inc., Shannon & Wilson, and two other firms.

Council requested clarification on the details of the agreement such as termination date and timing of services, the consultant's expertise and experience on subway and possible professional conflict of interest.

MOVED by Councilmember Mirisch, seconded by Mayor Brucker to approve Agreement E-2 as follows:

AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND EXPONENT, INC. FOR A PEER REVIEW OF THE WESTSIDE SUBWAY EXTENSION FINAL ENVIRONMENTAL IMPACT STATEMENT/REPORT AND GEOTECHNICAL STUDIES FOR POTENTIAL IMPACT ON BEVERLY HILLS' BUILDINGS, INFRASTRUCTURE AND PUBLIC SAFETY AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$75,000 TO EXPONENT, INC. FOR THE CONSULTANT SERVICES.

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

CARRIED

ITEM E-2: APPROVED AG# 383-11

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Vice Mayor Brien, seconded by Councilmember Bosse to approve all items on the Consent Agenda by reference only.

Minutes

None

Demands Paid

None

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS APPROVING:

None

APPROVAL OF:

1. PLANNING COMMISSION APPOINTMENT (HOWARD S. FISHER). Comment: Appoints Howard S. Fisher to the Planning Commission for an initial two-year term.

ITEM F-1: APPROVED

2. REAPPOINTING A MEMBER TO THE TRAFFIC AND PARKING COMMISSION (ALAN GRUSHCOW). Comment: Reappoints Alan Grushcow to the Traffic and Parking Commission for a four year term.

ITEM F-2: APPROVED

3. LEASE, MEMORANDUM OF LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND HOUSE OF MUSIC & ENTERTAINMENT AND; A BROKER AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND BRC ADVISORS FOR THE LEASE AT 430 N. CAMDEN DRIVE. Comment: This lease is for a restaurant and jazz club at 430 N. Camden Drive. The lease is for a term of ten years at a starting rent of \$30,000 monthly.

ITEM F-3: APPROVED AG# 384-11; AG# 385-11; AG# 386-11

4. LEASE AND MEMORANDUM OF LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND STROUK GROUP INC DBA MONSIEUR MARCEL FOR THE LEASE AT 447 N. CANON DRIVE. Comment: This lease is for restaurant and gourmet market for a term of ten (10) years with a starting lease rate of \$18,833.33 monthly.

ITEM F-4: APPROVED AG# 387-11; AG# 388-11

5. LICENSE AGREEMENT WITH 9336/9346 CIVIC CENTER DRIVE, L.P. Comment: Approves an agreement with 9336/9346 Civic Center Drive, L.P. for the staging and operation of a crane on City property located at 345 Foothill Road.

ITEM F-5: APPROVED AG# 389-11

6. AMENDMENT NO. 1 TO THE AGREEMENT WITH SHANNON & WILSON, INC. FOR GEOTECHNICAL ENGINEERING SERVICES AND REVIEW OF WESTSIDE SUBWAY EXTENSION ENVIRONMENTAL IMPACT REPORT

AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$65,000 TO SHANNON & WILSON, INC. FOR THE CONSULTANT SERVICES. Comment: Amends agreement with Shannon & Wilson to conduct an independent review of the Westside Subway Extension Final Environmental Impact Statement/Report to extend the term of agreement to December 31, 2012. The total contract amount is \$100,000.

ITEM F-6: APPROVED AG# 390-11

**7. VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED
HEREIN:**

ITEM A: AN AGREEMENT WITH COLOR IMAGE PRINTING FOR PRINTING AND MAILING SERVICES. Comment: Request approval of a three-year agreement and purchase order of \$39,502.09 per year for a not-to-exceed total of \$120,000 for the duration of the contract.

ITEM F-7: APPROVED AG# 391-11

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. TRAFFIC & PARKING COMMISSION - Regular meeting of September 1, 2011. HUMAN RELATIONS COMMISSION - Regular meeting of September 15, 2011.

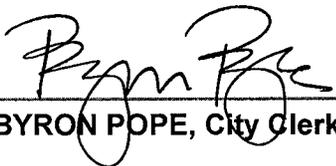
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of the Council, adjourned the meeting at 11:15pm.

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.