



**CITY OF BEVERLY HILLS
ADJOURNED REGULAR CITY COUNCIL MEETING
MINUTES
November 3, 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 CALLS*

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

B. *PRESENTATIONS*

1. PRESENTATION - of the Government Finance Officers Association Award for the Fiscal Year 2010-11 Budget

Chief Finance Officer and Administrative Services Director Scott Miller introduced Government Finance Officers Association (GFOA) Senior Manager for Research Shayne Kavanaugh, who presented the GFOA Most Prestigious Award of Excellence in the Pensions and Benefits category to the City of Beverly Hills for its Alternative Retiree Medical Program (ARMP). The award was accepted by Mayor Brucker on behalf of the City and the City Council. GFOA also presented individual awards to Administrative Services staff.

Mayor Brucker and Vice Mayor Brien presented certificates and City pins to the Webelos (WE BE LOyal Scouts) from Cub Scout Pack 100 who attended the Council meeting as part of the requirement to earn their citizen badge.

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 Elliott

3. REPORT FROM THE CITY MANAGER * Social Media - Huma Ahmed, Community Outreach Manager

Community Outreach Manager Huma Ahmed presented a PowerPoint report on the City's social media program. She discussed social media's definition, its uses, the City's social media pages in YouTube, Facebook, Nixle and Twitter, the Social Media Committee, the City's policy and legal aspects of use, metrics, current City promotions, and the next steps the City is taking.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS - Take A Moment

Vice Mayor Brien invited the community to the Beverly Hills Forum featuring author Dan Burstein on November 14 at 7:30pm in the Council Chambers.

Councilmember Mirisch reported on the matters discussed at the Southeast Task Force meeting held last week. These include parking and an arts and theater district.

Councilmembers Bosse and Gold provided an update on the liaison meeting that they attended with BHUSD Boardmember Jake Manaster to discuss oil revenue replacement alternatives. They expressed optimism in the different opportunities that can be explored.

Mayor Brucker gave an update on the Metropolitan Transit Authority subway extension project and the meeting that he, Councilmember Mirisch, the City Manager, staff and the City's technical consultants attended on October 19th at the Metro headquarters. He also announced that the City hired two geo-tech engineering firms to analyze the EIR when it is released. He appointed Vice Mayor Brien and Councilmember Bosse to the Mayor's Task Force ad hoc on the subway to address both the science and legal aspects and options. He reaffirmed the entire Council's opposition to tunneling under the Beverly Hills High School. Councilmember Mirisch added his personal comments and perspective, and suggested Council withhold support of expedited federal funding until questions have been answered.

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 VARIOUS PROVISIONS OF THE BEVERLY HILLS MUNICIPAL CODE RELATED TO REGULATION AND PERMITTING OF RESTAURANT USES. First reading - For Introduction. Comment: The proposed amendments are intended to streamline the City's permit process for restaurants.

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 the record of the Department of Community Development in this matter are made a part of the record of this hearing.

Director of Community Development Susan Healy Keene provided a brief background on the item noting that the amendments were based on the Planning Commission's recommendations consistent with suggestions and comments raised at the Mayor's Taskforce on Government Efficiency chaired by Vice Mayor Brien. The Taskforce recommendations will be presented to Council in December. She briefly went over the various system improvements that they are currently implementing to streamline the restaurant application process. Assistant Director of Community Development Jonathan Lait reported on the key points of the recommendations and modifications to the proposed ordinance.

Speaking:

Architectural Commission Vice Chair Allen Rennett expressed his concerns on the approval process outlined in Section 10-3-3017 and suggested modifying the language. He also had Brown Act concerns regarding restaurant standing committee and subcommittee which City Attorney Wiener addressed.

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

Councilmember Gold requested clarification on in lieu parking. Councilmember Mirisch inquired about approvals made by staff. Councilmember Bosse asked Planning Commission Vice Chair Craig Corman to address concerns raised by Commissioner Rennett. Mayor Brucker asked fellow Councilmembers to comment about the timing of the approval process.

There were no further questions or comments from Councilmembers.

MOVED by Vice Mayor Brien, seconded by Councilmember Mirisch, to introduce and read by title only, and advance to the meeting of November 15, 2011 for adoption with suggested revisions, Ordinance D-1 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING VARIOUS PROVISIONS OF THE BEVERLY HILLS MUNICIPAL CODE RELATED TO REGULATION AND PERMITTING OF RESTAURANT USES.

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, AND ADVANCE TO THE MEETING OF NOVEMBER 15, 2011 FOR ADOPTION WITH SUGGESTED REVISIONS

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

2. ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ADOPT A VIEW RESTORATION PROGRAM FOR THE TROUSDALE ESTATES AREA OF THE CITY. First reading - For Introduction.
Comment: Adopt regulations that allow Trousdale property owners to address views obstructed by foliage on neighboring private property and provide a process for review of cases of 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 the record of the Department of Community Development in this matter are made a part of the record of this hearing.

Director of Community Development Susan Healy Keene provided a brief background on the item noting that view restoration was addressed in two phases: adoption of fence and hedge ordinance on August 15, 2011, and the second phase which is the remainder is being addressed tonight. Senior Planner Michele McGrath presented details of the ordinance and noted the key issues considered in drafting the regulations. She reviewed the four components of the ordinance, namely: view regulations, exemption (safe harbor), review process, and enforcement.

Council asked staff clarification questions about the safe harbor plane heights, actual height of roofs, indemnification issues, and height limits.

Speaking:

Planning Commission Vice Chair Craig Corman, and Planning Commissioners Noah Furie and Brian Rosenstein responded to the concerns raised by Council. They each gave their personal views on various details of the ordinance as well as their recommendations.

1. Steve Rome
2. Greg Amsterdam

3. Cyrus Massoudi
4. Tina Sinatra and Robert Finkelstein
5. Frieda Berlin
6. Shahram Melamed also handed out materials to Council
7. Karen Platt

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

Mayor Brucker thanked the residents, and the Planning Commissioners and staff for their hard work. Council discussed at length various aspects of the ordinance focusing on issues such as indemnification, height regulation, and enforcement. City Attorney Wiener addressed the policy issues raised by the public speakers and made suggestions on the language to be used in the ordinance. Council directed the City Attorney to craft the language representing the intent of the Council and present the amendments at the next Council meeting.

Planning Commission Vice Chair Corman responded to Council question on the City advisory opinion. Council expressed support to the one foot above the roof line safe harbor plane suggestion. Councilmember Bosse requested that a review be done in a year.

There were no further questions or comments from Councilmembers.

City Attorney Wiener suggested that the item's first reading be moved to the next Council meeting.

ITEM D-2: BY ORDER OF THE CHAIR WITH NO OBJECTIONS, ITEM CONTINUED TO THE MEETING OF NOVEMBER 15, 2011

E. CONTINUED AND NEW BUSINESS

None

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Bosse, seconded by Councilmember Gold to remove Items F-4 and F-10 for discussion; approve all items on the consent agenda by reference only; 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 October 18, 2011.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated October 8 - 21, 2011

3. PAYROLL DISBURSEMENT REPORT, report dated November 3, 2011.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS APPROVING:

4. AN AGREEMENT CONTAINING AN IRREVOCABLE OFFER OF DEDICATION OF A TEN (10) FOOT WIDE EASEMENT ALONG THE WESTERN SIDE OF THE PROPERTY LOCATED AT 9261 ALDEN DRIVE, BEVERLY HILLS FOR PUBLIC STREET OR ALLEY PURPOSES. Comment: It is recommended that the irrevocable offer of dedication for a 10 foot wide by 150 foot long area be accepted for street and/or alley purposes.

Councilmember Mirisch requested staff for a report on the item.

ITEM F-4: ADOPTED RES# 11-R-12842

5. SUPPORTING "HOME FOR GOOD: AN ACTION PLAN TO END CHRONIC AND VETERAN HOMELESSNESS IN LOS ANGELES COUNTY BY 2016." Comment: City Council is asked to consider a resolution in support of the goals of "Home For Good," a housing first approach to end homelessness in Los Angeles County by 2016. APPROVAL OF:

ITEM F-5: ADOPTED RES# 11-R-12843

APPROVAL OF:

6. REAPPOINTING A MEMBER TO THE ARCHITECTURAL COMMISSION (BARRY BERNSTEIN). Comment: Reappoints Barry Bernstein to the Architectural Commission for a four year term.

ITEM F-6: APPROVED

7. A FUNDING AGREEMENT WITH THE BEVERLY HILLS CHAMBER OF COMMERCE AND CIVIC ASSOCIATION FOR BUSINESS OUTREACH AND RETENTION SERVICES FOR FISCAL YEAR 2011-2012; AND APPROVAL OF A PURCHASE ORDER IN A NOT-TO-EXCEED AMOUNT OF \$180,000 TO THE BEVERLY HILLS CHAMBER OF COMMERCE AND CIVIC ASSOCIATION FOR THESE SERVICES. Comment: This is a funding agreement between the City of Beverly Hills and the Beverly Hills Chamber of Commerce and Civic Association for business outreach and retention services for FY 2011-12. The City Council is also asked to approve a purchase order in a not-to-exceed amount of \$180,000 for these services.

ITEM F-7: APPROVED AG# 441-11

8. AGREEMENT WITH JEWISH FAMILY SERVICE FOR CONTINUATION OF THE HANDYWORKER SERVICES PROGRAM FOR SINGLE UNITS IN 2011-2012, AND;

APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$115,482 FOR CONTINUATION OF SERVICES DESCRIBED. Comment: The program provides minor home repairs, mobility, and security improvements to low and moderate income Beverly Hills home owners.

ITEM F-8: APPROVED AG# 442-11

9. AGREEMENT JEWISH FAMILY SERVICE FOR CONTINUATION OF THE HANDYWORKER SERVICES PROGRAM FOR MULTI UNITS IN 2011-2012, AND;

APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$76,988 FOR CONTINUATION OF SERVICES DESCRIBED. Comment: The program provides minor home repairs, mobility, and security improvements to low and moderate income Beverly Hills residents.

ITEM F-9: APPROVED AG# 443-11

10. A PURCHASE ORDER IN THE NOT-TO-EXCEED AMOUNT OF \$772,751.87 TO LOS ANGELES DEPARTMENT OF WATER AND POWER (LADWP) FOR THE CONSTRUCTION OF AN INTERCONNECT BETWEEN THEIR WATER SUPPLY SYSTEM AND THE CITY OF BEVERLY HILLS SYSTEM FOR EMERGENCY PURPOSES. Comment: LADWP have completed the design of this emergency interconnect and are ready to commence construction, however cannot start without pre-payment.

Councilmember Mirisch expressed interest to meet with the Fire Chief to discuss mutual aid.

ITEM F-10: APPROVED

Vote on the Consent Calendar:

Ayes: Brucker, Brien, Mirisch, Bosse, and Gold.

Noes: None.

CARRIED

**G. COMMISSION SYNOPSIS
NO ACTION TAKEN ON "G" ITEMS**

1. RECREATION AND PARKS COMMISSION - Special meeting of September 19, 2011
ARCHITECTURAL COMMISSION - Regular meeting of September 21, 2011
CHARITABLE SOLICITATIONS COMMISSION - Regular meeting of October 12, 2011
ARCHITECTURAL COMMISSION - Regular meeting of October 19, 2011
HUMAN RELATIONS COMMISSION - Regular meeting of October 20, 2011

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

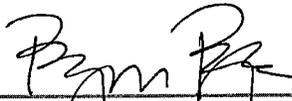
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of the Council, adjourned the meeting at 11:32 pm.

PASSED, Approved and Adopted
this 15th day of November, 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.