



**CITY OF BEVERLY HILLS
JOINT MEETING MINUTES
ADJOURNED REGULAR CITY COUNCIL MEETING
AND
PARKING AUTHORITY MEETING
December 19, 2011**

The Joint Adjourned Regular City Council and Parking Authority meeting was held in the Council Chambers at 7:00 pm.

PLEDGE OF ALLEGIANCE

A. ROLL CALLS

Present: Gold, Bosse, Mirisch, Brien, and 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/Parking Authority 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/Parking Authority.)

None

- 2. AUDIENCE COMMENTS.*** Any person wishing to address the City Council/Parking Authority 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/Parking Authority 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/Parking Authority 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.

None

3. REPORT FROM THE CITY MANAGER * Special Traffic Enforcement Programs (S.T.E.P.) - Lieutenant Shan Davis

Lieutenant Shan Davis presented a PowerPoint report about the S.T.E.P. processes which include complaints, officer observations, analysis of accident data and grant funded operations. He also spoke about the special traffic enforcement programs. He invited the Councilmembers to join them at their next DUI checkpoint on December 23rd.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS
- Take A Moment

Mayor Brucker called for a moment of silence to remember and honor the passing of former Mayor Annabelle Heiferman, and read a brief statement about her accomplishments and contributions to the City.

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 AMENDING THE SCHEDULE OF TAXES, FEES & CHARGES FOR THE FISCAL YEAR 2011/2012 IN CONNECTION WITH VIEW RESTORATION FEES.**
Comment: Add a fee for a view restoration permit application, a fee for a City Advisory Opinion with regard to view restoration, and a fee for appeal of a Planning Commission View Restoration Permit decision to the City Council.

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

Speaking:

Senior Planner Michelle McGrath presented the staff report and passed out an updated Exhibit A showing the revised fees. Councilmembers Bosse and Gold asked for clarification on the fees.

1. Frieda Berlin
2. Shahram Melamed
3. Mary Levin Cutler

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

Councilmember Mirisch inquired about full cost recovery fees. Councilmember Bosse commented that she needs more information in order to make a decision. Councilmember Mirisch suggested streamlining to get the actual costs down. Councilmember Gold commented that indemnification should be discussed and suggested moving the item to the next meeting. The Council liaisons, composed of Mayor Brucker and Vice Mayor Brien, reached consensus with the other Councilmembers to work on the priorities prior to the January 24, 2012 Council meeting.

There were no further questions or comments from Councilmembers.

ITEM D-1: BY ORDER OF THE CHAIR, ITEM CONTINUED TO THE CITY COUNCIL MEETING OF JANUARY 24, 2012

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

2. ***APPEAL OF THE PLANNING COMMISSION'S DECISION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW JIM FALK LEXUS DEALERSHIP ON THE PROPERTY LOCATED AT 9230 WILSHIRE BOULEVARD, AND CONSIDERATION OF A FINAL ENVIRONMENTAL IMPACT REPORT CERTIFIED BY THE PLANNING COMMISSION, AMENDMENT OF THE STREETS MASTER PLAN TO ALLOW VACATION OF THE PORTION OF THE EAST-WEST ALLEY LOCATED IMMEDIATELY SOUTH OF THE DEALERSHIP AND ESTABLISHMENT OF A REPLACEMENT ALLEY SEGMENT, AN ENCROACHMENT PERMIT TO ALLOW DEALERSHIP LOADING TO OCCUR ON WILSHIRE BOULEVARD, AND AN ORDINANCE AMENDING THE PARKING REQUIREMENT AND CALCULATION OF FLOOR AREA FOR NEW OR EXPANDED AUTOMOBILE DEALERSHIPS.***
Comment: This is an appeal of the Planning Commission's October 27, 2011 decision approving a Conditional Use Permit to allow the redevelopment of the existing Jim Falk Lexus dealership. In addition to the appeal hearing, staff will present other project-related components that have not been appealed but require final action by the City Council, including alley vacation, an encroachment agreement for loading purposes, and an ordinance amending portions of the Municipal Code. The City Council must consider the Environmental Impact Report certified by the Planning Commission and make certain environmental findings, although the certification of the Environmental Impact Report has not been

appealed.

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 Associate Planner, and the record of the Community Development Department in this matter are made a part of the record of this hearing.

Councilmember Bosse disclosed that she spoke to Mr. Falk and to a member of the Nessah Synagogue but did not speak to both about specifics of the project.

Speaking:

Director of Community Development Susan Healy Keene introduced the hearing matter and invited Associate Planner Ryan Gohlich to present the PowerPoint report and detailed information. He showed the existing site configuration, and discussed the project description, necessary entitlements, project modifications resulting from review, appeal, community meeting, and recommendation.

Mitch Dawson, representing the applicant Jim Falk Lexus, spoke about the various modifications done by staff, conditions imposed and unanimous approval of the project by the Planning Commission.

Steve Webb, representing the appellant property owners of 131 South Maple Associates, LP and 9250 Wilshire, LLC, showed photographs and requested that the Council take a second look at various considerations such as children's and traffic safety concerns, buffer/privacy and noise issues, and others. Raymond Levy, on behalf of 9250 Wilshire, LLC, stressed their concerns. Hamid Shooheed, on behalf of 131 South Maple Associates, LP, reiterated the various concerns and issues they have with the project.

Mr. Dawson and Jim Falk Lexus representative Robert Bollin addressed the concerns raised by Mr. Webb and the appellant representatives, and answered questions from Councilmembers.

1. Robbie Anderson
2. Eliot Finkel
3. Pete Sayegh
4. Roberta White
5. Eli Cohen
6. Mary Levin Cutler, Municipal League
7. Phillip Scheid
8. Mojdeh Naziri
9. Simon Etehad
10. Diana Berger
11. Eitan Aharon
12. Michael Sayegh - Mayor Brucker read comments into the record
13. Elena Kohanbash - Councilmember Mirisch read comments into the record

14. Farhad and Mojgan Simanian - Mayor Brucker read comments into the record
15. Manuel Bergher
16. Roya Emanuel - Mayor Brucker read comments into the record
17. Tavos Ghanoni- Mayor Brucker read comments into the record
18. Mojgan Pirian - Mayor Brucker read comments into the record
19. Joe Safier
20. Gary Peskin
21. Andy Licht
22. Asher Kimchi
23. Azita Mahgerefteh
24. Elham Kohen - Mayor Brucker noted opposition to the project
25. Matan Piran - Mayor Brucker noted opposition to the project
26. Moris Kohen - Mayor Brucker noted opposition to the project
27. Yousef Kohen - Mayor Brucker noted opposition to the project
28. Tania Yomtoben - Mayor Brucker noted opposition to the project
29. Orly Pirian - Mayor Brucker noted opposition to the project
30. Frances Shloss
31. Anitra Eskovitz
32. Liliana Bergher
33. Walter Burkeman
34. Daniel Yukelson, Planning Commission Chair
35. Craig Corman, Planning Commission Vice Chair
36. Mr. Dawson played a video of Bruce Schulman, Beverly Hills Mercedes Benz
37. Mr. Dawson played a video of David Mercer
38. Tom Levyn, former Mayor

Mr. Webb pointed out additional issues and concerns that he urged Council to consider.

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

Mr. Dawson, Jim Falk Lexus representatives, Planning Commissioners and staff answered questions from Council. Feir and Peers consultant Tom Gaul answered questions related to the Environmental Impact Report. Fire Battalion Chief Michael Newell answered questions pertaining to the bollards.

Councilmember Bosse suggested adding conditions on Saturday service hours, a six month evaluation with an employee, monitoring hours of service operation, one year review of the project before the Planning Commission to evaluate how they are doing, noticing for the construction, no lunch trucks on Wilshire, placard in windows for test drives, and a 24-hour hotline. She also commented that she is open to the idea of CCTV camera for consideration.

Councilmember Mirisch suggested making the extra noticing effort on large projects. He expressed concerns about Lexus' "good neighbor" behavior and the traffic signal, and commented about establishing a CUP enforcement policy/fund. He also suggested exploring the possibility for bollards mitigation, and Saturday service hours to begin at 9am.

Councilmember Gold expressed concern about traffic mitigation. He asked Lexus representatives to comment on the "good neighbor" and lunch trucks issues.

Vice Mayor Brien expressed concern on the traffic flow and the unacceptability of food trucks on Wilshire. He liked the concept of bollards south of the alley exit, and for service to start at 9am on Saturdays. He expressed concerns on the aesthetics of the rolling doors for the dealership.

Mayor Brucker asked to have a contact person from the dealership during construction that people can call. He reiterated Council consensus on the additional conditions.

There were no further questions or comments from Councilmembers.

MOVED by Vice Mayor Brien, seconded by Councilmember Bosse to direct the City Attorney to prepare resolutions approving a conditional use permit allowing the construction of a new Jim Falk Lexus Dealership on the property located at 9230 Wilshire Boulevard, amending the streets master plan allowing vacation of the portion of the East-West alley located immediately south of the dealership and establishing a replacement alley segment, approving an encroachment permit allowing dealership loading to occur on Wilshire Boulevard, make environmental findings based on the Final Environmental Impact Report certified by the Planning Commission, and prepare an ordinance amending the parking requirement and calculation of floor area for new or expanded automobile dealerships, to approve proposed project with conditions.

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

CARRIED

ITEM D-2: DIRECTED CITY ATTORNEY TO PREPARE DOCUMENTS TO APPROVE PROPOSED PROJECT WITH CONDITIONS

E. CONTINUED AND NEW BUSINESS

None

F. PARKING AUTHORITY CONSENT CALENDAR

MOVED by Director Gold, seconded by Director Bosse to remove Item F-3 for discussion and separate vote, and approve remaining items on the consent agenda by

reference.

Minutes

1. CONSIDERATION OF THE MINUTES of the Parking Authority meeting of December 6, 2011.

APPROVAL OF:

2. A PROPERTY MANAGEMENT AGREEMENT WITH THE CITY OF BEVERLY HILLS. Comment: Through this agreement the City will operate the Parking Authority's parking facilities on behalf of the Parking Authority and the Parking Authority will pay the City for the services rendered from available operating revenues. The agreement is for a term of 1 year and renews annually thereafter unless cancelled by either party.

ITEM F-2: APPROVED AG# PA-11-05

3. CITY OF BEVERLY HILLS AND THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS ESTOPPEL AND CONSENT IN CONNECTION WITH THE WALLIS ANNENBERG CENTER FOR THE PERFORMING ARTS. Comment: Authorizes a security interest in the Performing Arts Center lease in connection with the Center's construction loan.

Deputy City Manager David Lightner explained the item for the Council.

MOVED by Director Brien, seconded by Director Bosse to approve Agreement F-3 as follows:

CITY OF BEVERLY HILLS AND THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS ESTOPPEL AND CONSENT IN CONNECTION WITH THE WALLIS ANNENBERG CENTER FOR THE PERFORMING ARTS.

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

Noes: None.

CARRIED

ITEM F-3: APPROVED AG# PA-11-06

Vote on the Parking Authority Consent Calendar:

Ayes: Director Gold, Director Bosse, Director Mirisch, Director Brien, and Chairman Brucker.
Noes: None.

CARRIED

G. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Bosse, seconded by Councilmember Gold to remove Item G-11 for discussion and separate vote, approve remaining items on the consent agenda by reference, and direct that the appropriate accounts be charged on Items G-2 and G-3.

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular meeting of December 6, 2011.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated November 26 - December 9, 2011.
3. PAYROLL DISBURSEMENT REPORT, report dated December 19, 2011.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS APPROVING:

None

APPROVAL OF:

4. A PROPERTY MANAGEMENT AGREEMENT WITH THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS. Comment: Through this agreement the City will operate the Parking Authority's parking facilities on behalf of the Parking Authority and the Parking Authority will pay the City for the services rendered from available operating revenues. The agreement is for a term of 1 year and renews annually thereafter unless cancelled by either party.

ITEM G-4: APPROVED AG# 500-11

5. LANDSCAPING EASEMENT AGREEMENT WITH 9336/9346 CIVIC CENTER DRIVE, L.P. Comment: Approves a landscaping easement agreement for a portion of the City property located at 345 Foothill Rd.

ITEM G-5: APPROVED AG# 501-11

6. AMENDMENT NO. 1 TO THE AGREEMENT WITH OSTASHAY & ASSOCIATES FOR ON-CALL HISTORIC PRESERVATION CONSULTING SERVICES. Comment: This amendment is required to ensure that the existing contract amount is adequate to cover the cost of the environmental review anticipated in the future. All costs associated with this contract are paid by applicants. There are no City funds associated with this contract amendment.

ITEM G-6: APPROVED AG# 502-11

7. AMENDMENT NO. 1 TO THE AGREEMENT WITH THE BEVERLY HILLS CONFERENCE AND VISITORS BUREAU FOR PROMOTION OF THE CITY FOR FISCAL YEAR 2011-2012; AND

APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$70,000 TO THE BEVERLY HILLS CONFERENCE AND VISITORS BUREAU FOR THESE SERVICES. Comment: Requests approval of Amendment No. 1 to provide matching funding for Sparkle 90210.

ITEM G-7: APPROVED AG# 503-11

8. AMENDMENT NO. 8 TO THE AGREEMENT WITH TRUGREEN LANDCARE FOR LANDSCAPE MAINTENANCE; AND

APPROVAL OF A PURCHASE ORDER TO TRUGREEN LANDCARE IN A NOT TO EXCEED AMOUNT OF \$188,230.46. Comment: Extension of current agreement with TruGreen Landcare to provide landscape maintenance services in specific areas of the City and approval of a Purchase Order to TruGreen Landcare in the not-to-exceed annual amount of \$376,460.91.

ITEM G-8: APPROVED AG# 504-11

9. REJECTION OF ALL BIDS FOR THE "CONSTRUCTION OF GATEWAY AND STREETScape LOCATED AT WILSHIRE BOULEVARD AND WHITTIER DRIVE", 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 construction of a new Gateway Monument and complementary landscaping at the west city limit on Wilshire Boulevard at Whittier Drive.

ITEM G-9: APPROVED

10. AMENDMENT NO. 1 TO THE AGREEMENT WITH LILLEY PLANNING GROUP FOR AS-NEEDED PLANNING CONSULTANTS, AND;

APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$100,000 FOR THE SERVICES DESCRIBED. Comment: This is to allow consultant to continue providing as-needed planning services to assist staff with planning duties. The cost to perform these services will be covered by salary savings from the department.

ITEM G-10: APPROVED AG# 505-11

11. CITY OF BEVERLY HILLS AND THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS ESTOPPEL AND CONSENT IN CONNECTION WITH THE WALLIS ANNENBERG CENTER FOR THE PERFORMING ARTS. Comment: Authorizes a security interest in the Performing Arts Center lease in connection with the Center's construction loan.

Deputy City Manager David Lightner provided additional information on the item.

MOVED by Vice Mayor Brien, seconded by Councilmember Bosse to approve Agreement G-11 as follows:

CITY OF BEVERLY HILLS AND THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS ESTOPPEL AND CONSENT IN CONNECTION WITH THE WALLIS ANNENBERG CENTER FOR THE PERFORMING ARTS.

ITEM G-11: APPROVED AG# 506-11

Vote on the City Council Consent Calendar:

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

CARRIED

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

1. ARCHITECTURAL COMMISSION - Regular meeting of November 16, 2011.
RECREATION AND PARKS COMMISSION - Regular meeting of November 22, 2011.
HEALTH AND SAFETY COMMISSION - Regular meeting of November 28, 2011.

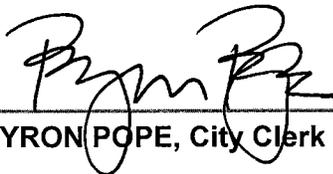
I. OTHER BUSINESS

None

J. ADJOURNMENT

There being no further business, Mayor/Chairman Brucker, with the consent of the Council Board, adjourned the meeting at 1:17 am, December 20, 2011.

PASSED, Approved and Adopted
this 10th day of January, 2012



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.