



**CITY OF BEVERLY HILLS
CITY COUNCIL
ADJOURNED REGULAR COUNCIL MEETING
January 10, 2012**

The Adjourned Regular Meeting of the City Council of the City of Beverly Hills was held in the Council Chambers at 7:00 pm.

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 RETIRING COMMISSIONER - Planning Commission - Noah Furie

Mayor Brucker presented a plaque of recognition and gift to retiring Planning Commissioner Noah Furie, and thanked him for his years of service to the community.

2. CERTIFICATE OF APPOINTMENT - Planning Commission - Howard Fisher

Mayor Brucker presented a certificate of appointment and City pin to newly appointed Planning Commissioner Howard Fisher.

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. Liora Shily

3. **REPORT FROM THE CITY MANAGER** * Update on the CCTV Program - Police Division Commander Theresa Goldman

Police Commander Theresa Goldman presented a PowerPoint update on the City's CCTV Program. She provided a program overview, and reported on the CCTV network today, deployment and prioritization strategy, operational considerations, technical considerations, video analytics and expansion plan.

4. **CITY COUNCILMEMBER AND COMMITTEE REPORTS - Take A Moment**

Vice Mayor Brien invited the community to attend a community meeting on January 26, 2012 at 6:30 pm in the City Hall Council Chambers to discuss Roxbury Park.

Mayor Brucker invited Beverly Hills Education Foundation (BHEF) President Annette Saleh, Vice President for Marketing Marc Saleh and Vice President for Business Development Franny Rennie to speak about the recently launched BHEF sponsorship program.

Mayor Brucker spoke about the recent one year anniversary of the tragic shootings in Tucson, Arizona and reminded the community about the importance of civility. He read a portion of a civility accord document signed by more than 250 mayors nationwide. He also encouraged the community to nominate fellow citizens for a Civility Award which recognizes citizens who demonstrate civility by acting as a role model for positive civic behavior, taking a stand in support of respect and responsible actions or promoting positive neighbor-to-neighbor relations. Civility Award nomination forms may be obtained from the Human Services Offices by calling (310) 285-1006.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. **A. ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ADOPT A HISTORIC PRESERVATION PROGRAM AND REVISE NOTICING RELATED TO DEMOLITION, RELOCATION, OR MAJOR ALTERATION OF BUILDINGS.** First Reading - For Introduction. Comment: This is first reading of an ordinance revising the City's Municipal Code to establish a Historic Preservation Program.

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

Speaking:

Community Development Director Susan Healy Keene presented a PowerPoint presentation and oral report. She spoke about the changes to the demolition process and major alterations, defined what a master architect is, exemptions to the 30-day review, proposed ordinance, landmark designation criteria, the Cultural Heritage Commission, certificate of appropriateness, enforcement and penalties, public awareness, request for an Urban Designer position, fiscal impact, appointing a Founding Chair to the Cultural Heritage Commission, and proposed refinements to the ordinance.

1. Franny Rennie
2. Marcello Vavala, Los Angeles Conservancy
3. Rich Waldow
4. David Siegel
5. Michael Libow
6. Hamid Gabbay
7. Walter Meyer
8. Mayor Brucker read a letter from Woody Clark into the record
9. Dan Yukelson, Planning Commission Chair
10. Brian Rosenstein, Planning Commissioner

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

Councilmember Gold requested more information on the criteria for major alterations, maintenance of properties, contesting or appealing a designation, overlap among the Architectural, Design Review, Planning and Cultural Heritage Commissions, un-designation process, and non-contributing properties. Councilmember Bosse requested to review the ordinance language addressing the plan for the Beverly Hills Hotel and wood shake roofs. She also asked about the liaison between the Planning and Cultural Heritage Commissions, potential landmark properties, substantial alteration, designation of schools, and historical property markers.

Vice Mayor Brien inquired about the definitions of major alteration, substantial alteration, potential landmarks, designation process timeline, significant personages, and illegal alterations. He also asked about how many residential and commercial properties will potentially qualify for designation, who pays for the designation review, appeal to Council, cap on the number of homes to be evaluated, estimated cost per property, landmark predetermination process, and Director discretion on determination of ineligibility to designation.

Councilmember Mirisch commented on the issue of disclosure of potential landmarks, Mills Act qualification, correcting alterations done on a designated landmark, penalties on unintentional alterations to designated properties,

Councilmember Bosse asked if the determination will be discussed with the Urban Planner.

Mayor Brucker asked how upgrades to older buildings will be addressed. He also asked about designation of houses of significant personages.

Historic preservation consultant Jan Ostashay, along with City staff, provided clarifications and answered City Council questions.

There were no further questions or comments from Councilmembers.

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

ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ADOPT A HISTORIC PRESERVATION PROGRAM AND REVISE NOTICING RELATED TO DEMOLITION, RELOCATION, OR MAJOR ALTERATION OF BUILDINGS.

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

Noes: None.

CARRIED

ITEM D-1A: INTRODUCED AND READ BY TITLE ONLY AS AMENDED; ADVANCE TO THE MEETING OF JANUARY 24, 2012 FOR ADOPTION AS AMENDED

- B. AUTHORIZATION TO CREATE AND APPROPRIATION OF GENERAL FUND REVENUE TO FUND, A NEW URBAN DESIGNER POSITION. Comment: This would be a new position to support the Cultural Heritage, Architectural, and Design Review Commissions and manage the City's architectural and historic review processes.

MOVED by Councilmember Gold, seconded by Councilmember Mirisch to authorize creation of a new Urban Designer position and appropriate General Fund Revenue as necessary to fund the position.

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

Noes: None.

CARRIED

ITEM D-1B: AUTHORIZED CREATION OF A NEW URBAN DESIGNER POSITION AND APPROPRIATION OF GENERAL FUND REVENUE AS NECESSARY TO FUND THE POSITION

- C. CONSIDERATION OF THE APPOINTMENT OF A FOUNDING CHAIR OF THE CULTURAL HERITAGE COMMISSION. Comment: If the City Council introduces the historic preservation ordinance, the Mayor and Vice-Mayor request that the City Council consider nominating and approving former Planning Commissioner Noah Furie, who was instrumental in crafting this first historic preservation ordinance, as the founding Chair of the Cultural Heritage Commission. Mr. Furie would be asked to work with a newly appointed Cultural Heritage Commission Council Liaison to form application questions and participate in interviews for the four remaining Commission seats, which would be selected through the standard public posting process.

MOVED by Councilmember Mirisch, seconded by Councilmember Bosse to appoint Noah Furie as the Founding Chair of the Cultural Heritage Commission.

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

Noes: None.

CARRIED

ITEM D-1C: APPOINTED NOAH FURIE AS THE FOUNDING CHAIR OF THE CULTURAL HERITAGE COMMISSION

E. CONTINUED AND NEW BUSINESS

1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ACCEPTING A GRANT AWARD UNDER THE FISCAL YEAR 2008 STATE HOMELAND SECURITY GRANT PROGRAM, AUTHORIZING EXECUTION OF AN AGREEMENT WITH MOTOROLA SOLUTIONS, INC. AND APPROPRIATING FUNDS FOR THE PURCHASE OF EQUIPMENT AND SERVICES TO UPGRADE THE CITY'S RADIO SYSTEM. Comment: This resolution accepts a grant that the City has secured under the FY2008 SHSGP program to strengthen its interoperable communications system.

Police Commander Theresa Goldman presented a PowerPoint report discussing the ICIS interoperability upgrade strategy, funding opportunity, project implementation plan, and staff recommendation.

MOVED by Vice Mayor Brien, seconded by Councilmember Gold to adopt Resolution E-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ACCEPTING A GRANT AWARD UNDER THE FISCAL YEAR 2008 STATE HOMELAND SECURITY GRANT PROGRAM, AUTHORIZING EXECUTION OF AN AGREEMENT WITH MOTOROLA SOLUTIONS, INC. AND APPROPRIATING FUNDS FOR THE PURCHASE OF EQUIPMENT AND SERVICES TO UPGRADE THE CITY'S RADIO SYSTEM.

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

Noes: None.

CARRIED

ITEM E-1: ADOPTED RES# 12-R-12853

2. AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND THE BEVERLY HILLS UNIFIED SCHOOL DISTRICT FOR THE PROVISION, USE AND MAINTENANCE OF EDUCATIONAL, RECREATIONAL AND COMMUNITY FACILITIES AND PROGRAMS FOR THE FISCAL YEARS 2012-13 THROUGH 2015-16. Comment: This item executes a new Joint Powers Agreement between the City of Beverly Hills and the Beverly Hills Unified School District effective July 1, 2012 through June 30, 2016 and includes modifications discussed with and agreeable to representatives from both parties.

Mayor Brucker acknowledged the presence of School Boardmembers Vice President Jake Manaster and newly elected member Lewis Hall.

Speaking:

Mr. Manaster announced that the School Board unanimously accepted and approved the agreement at its recently concluded Board meeting tonight and thanked the Council for its consideration of the agreement.

Community Services Director Steve Zoet presented the staff report noting that \$125,000 is allotted for Crossing Guard expenses.

Council liaisons Councilmember Bosse and Vice Mayor Brien thanked their School Board counterparts and for the experience serving on the committee.

Councilmember Mirisch asked whether the \$125,000 Crossing Guard allotment is separate from the \$1.3 million JPA, the reason for a contract of 4-year duration, and fees being paid per hour for use of facilities.

MOVED by Vice Mayor Brien, seconded by Councilmember Bosse to approve Agreement E-2 as follows:

AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND THE BEVERLY HILLS UNIFIED SCHOOL DISTRICT FOR THE PROVISION, USE AND MAINTENANCE OF EDUCATIONAL, RECREATIONAL AND COMMUNITY FACILITIES AND PROGRAMS FOR THE FISCAL YEARS 2012-13 THROUGH 2015-16.

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

Noes: None.

CARRIED

ITEM E-2: APPROVED AG# 04-12

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Bosse, seconded by Councilmember Gold to remove Items F-4 and F-8 for discussion and separate vote; approve the remaining items on the consent calendar 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 December 19, 2011.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated December 10 - December 30, 2011.
3. PAYROLL DISBURSEMENT REPORT, report dated January 10, 2012.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO REDUCE THE TRAFFIC AND PARKING, FINE ART, HUMAN RELATIONS AND ARCHITECTURAL COMMISSIONS FROM SEVEN MEMBERS TO FIVE MEMBERS. First Reading - For Introduction. Comment: This Ordinance codifies the previous direction of the City Council to reduce the Traffic and Parking Commission, Fine Art Commission, Human Relations Commission and Architectural Commission from seven members to five members.

Councilmember Mirisch explained the reason for his opposition.

MOVED by Councilmember Gold, seconded by Councilmember Bosse Comment: This Ordinance codifies the previous direction of the City Council to reduce the Traffic and Parking Commission, Fine Art Commission, Human Relations Commission and Architectural Commission from seven members to five members.

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

Noes: Councilmember Mirisch.

CARRIED

ITEM F-4: WAIVED FULL READING AND ADVANCE TO THE MEETING OF JANUARY 24, 2012 FOR ADOPTION

5. AMENDING SECTION 10-3-3801 OF THE MUNICIPAL CODE REGARDING THE PARKING REQUIREMENTS AND CALCULATION OF FLOOR AREA FOR NEW OR EXPANDED AUTOMOBILE DEALERSHIPS APPROVED PURSUANT TO A CONDITIONAL USE PERMIT. First Reading - For Introduction. Comment: This ordinance amends parking and floor area standards applicable to new and expanded automobile dealerships. The City Council held a public hearing concerning the ordinance on December 19, 2011.

ITEM F-5: WAIVED FULL READING AND ADVANCE TO THE MEETING OF JANUARY 24, 2012 FOR ADOPTION

RESOLUTIONS APPROVING:

6. A. ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM;

ITEM F-6A: ADOPTED RES # 12-R-12854

- B. CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF THE EXISTING JIM FALK LEXUS DEALERSHIP AND CONSTRUCTION OF A NEW DEALERSHIP ON THE PROPERTY LOCATED AT 9230 WILSHIRE BOULEVARD

ITEM F-6B: ADOPTED RES # 12-R-12855

- C. AMENDING THE MASTER PLAN OF STREETS, ALLEYS AND HIGHWAYS AND ORDERING THE CONDITIONAL VACATION OF AN ALLEY LOCATED ADJACENT TO THE PROPERTY LOCATED AT 9230 WILSHIRE BOULEVARD.

Comment: These resolutions approve the Lexus project at 9230 Wilshire Boulevard and the relocation of the alley immediately south of that address as directed by the City Council at the conclusion of the public hearing on December 19, 2011.
APPROVAL OF:

ITEM F-6C: ADOPTED RES # 12-R-12856

7. AMENDMENT NO. 2 TO THE AGREEMENT WITH KOURY ENGINEERING & TESTING, INC. FOR CONSTRUCTION INSPECTION AND MATERIAL TESTING SERVICES FOR THE 9400 SOUTH SANTA MONICA BOULEVARD OFFICE BUILDING; AND APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$30,889 TO KOURY ENGINEERING & TESTING, INC. FOR THESE SERVICES. Comment: Requests approval of Amendment No. 2 in the not to exceed amount of \$30,889 for additional testing and inspection services due to extension of the construction period resulting from delays in the steel erection. City intends to seek full monetary recovery of the costs related to these services under the construction contract.

ITEM F-7: APPROVED AG# 05-12

8. AMENDMENT NO. 3 TO THE AGREEMENT WITH MDA JOHNSON FAVARO FOR DESIGN SERVICES RELATED TO THE PUBLIC LIBRARY RENOVATION PROJECT; AND, APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$160,250 TO MDA JOHNSON FAVARO FOR THESE SERVICES. Comment: Requests approval of Amendment No. 3 for Construction Administration services related to the Library renovation project. The total fee for the services are \$657,005.

Councilmember Mirisch explained the reason for his opposition.

MOVED by Councilmember Bosse, seconded by Councilmember Gold Comment: Requests approval of Amendment No. 3 for Construction Administration services related to the Library renovation project. The total fee for the services are \$657,005.

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

Noes: Councilmember Mirisch.

CARRIED

ITEM F-8: APPROVED AG# 06-12

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

ITEM A TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$87,025 WITH RICHARDS WATSON GERSHON FOR LEGAL SERVICES RELATED TO PARCEL 13 MEDIAN ACQUISITION FROM CIP BUDGET 08-01080919. Comment: The City is in the

process of acquiring the median of Parcel 13 for a City gateway. This item seeks City Council approval to utilize funds, previously budgeted for this purpose in the Policy and Management 2011-2012 CIP Budget 08-01080919, to pay related legal fees for eminent domain proceedings being prepared for the City.

ITEM F-9: APPROVED

Vote on the 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***

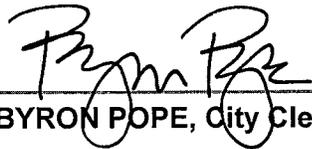
1. ARCHITECTURAL COMMISSION - Regular meeting of December 14, 2011.
HUMAN RELATIONS COMMISSION - Regular meeting of December 15, 2011.
TRAFFIC & PARKING COMMISSION - Regular meeting of December 15, 2011.
HEALTH AND SAFETY COMMISSION - Special meeting of December 19, 2011.

H. OTHER BUSINESS

I. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of the Council, adjourned the meeting at 11:37 pm.

PASSED, Approved and Adopted
this 24th 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.