



**CITY OF BEVERLY HILLS
MINUTES
CITY COUNCIL
REGULAR MEETING
February 7, 2012**

The 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. PROCLAMATION - Beverly Hills Purim Ball recipients
 - Corinne Verdery
 - Toni and Bruce Corwin

Mayor Brucker invited Michelle Kaye, Chair of the Beverly Hills Purim Ball, to speak about the history of the Ball and introduce the proclamation recipients. Mayor Brucker, along with Michelle Kaye, presented proclamations to Toni and Bruce Corwin (Humanitarian Award) and Corinne Verdery (Community Spirit Award).

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. Les Bronte - spoke about the CERT program and announced that seven individuals recently completed the program.
2. Mark Egerman - spoke on behalf of his clients Mr. & Mrs. Parker and Jean West about rent control stabilization in the City. Council directed staff to review the rent control stabilization policy currently in place and put this item on the next City Council meeting agenda for discussion.

3. REPORT FROM THE CITY MANAGER

* Beverly Hills Sustainable City Plan Display - Peter Noonan, Associate Planner

Associate Planner Peter Noonan presented a brief PowerPoint report regarding the Beverly Hills Sustainable City Plan Display to be displayed in the Beverly Hills Public Library. Council congratulated Mr. Noonan for earning the Certified Environmental Planner designation from the American Planning Association. Mr. Noonan thanked members of the Sustainability Taskforce and all individuals who contributed in putting together the Sustainable City Plan and display.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

- Take A Moment

Mayor Brucker read an information announcement regarding recycling in the City of Beverly Hills.

Mayor Brucker and Councilmember Mirisch spoke about their attendance to the recent ICA Conference winter meeting.

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 ORDINANCE NO. 10-O-2584 AND CHAPTER 1 OF TITLE 6 OF THE BEVERLY HILLS MUNICIPAL CODE TO IMPOSE A REAL PROPERTY LIEN FOR DELINQUENT SEWAGE, WATER AND STORM WATER SERVICE CHARGES AND PENALTIES. First Reading - For

Introduction. Comment: An amendment to the City's Rate Ordinance is presented. This amendment establishes the ability to place a lien on property for delinquent sewage, water and storm water service charges and penalties pursuant to Government Code Section 54354.

The notice of the hearing was published as required by law and an affidavit to this effect is on file with the City Clerk.

ITEM D-1: BY ORDER OF THE CHAIR, ITEM WAS TABLED

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

2. AN ORDINANCE OF THE CITY OF BEVERLY HILLS REQUIRING HIGH IMPACT CONVENIENCE STORES TO OBTAIN A CONVENIENCE STORE CONDITIONAL USE PERMIT AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. First Reading - For Introduction. Comment: This ordinance makes permanent the requirement that new convenience stores meeting the definition of a high impact convenience store obtain a convenience store conditional use permit prior to establishment in the City.

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

Councilmember Mirisch recused himself due to a project within 500 feet of his residence. He left the room at 7:41 pm. He returned to the dais at 8:17 pm.

Speaking:

Director of Community Development Susan Healy Keene presented the staff report along with a PowerPoint presentation. She spoke about the findings of a recent Planning Commission meeting on the subject, the difference between high impact convenience stores vs. neighborhood-serving convenience stores, defined the ordinance changes, new finding regarding gateway locations, and the action before the Council tonight.

There were no members of the audience who wished to comment.

Councilmember Gold asked questions on New Finding # 6 regarding anchor gateway locations and relative to the proposed use (Finding # 1) and hours of operation. Councilmember Bosse expressed her support of the Planning Commission recommendations. Vice Mayor Brien commented that the change is substantial and very restrictive. He pointed out that there is a significant difference between the Planning Commission recommendation and staff's modification. Mayor Brucker suggested that the matter be tabled and sent back to the Planning Commission. Ms. Healy Keene confirmed that a Special Planning Commission meeting will be called on Thursday to discuss the item so that it can be put back on the February 21st Council Formal meeting.

There were no further questions or comments from Councilmembers.

ITEM D-2: STAFF DIRECTED TO REVIEW ORDINANCE LANGUAGE CHANGES WITH THE PLANNING COMMISSION; HEARING CONTINUED TO THE CITY COUNCIL MEETING OF FEBRUARY 21, 2012

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

3. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING A FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS FOR THIRTY-EIGHTH YEAR (2012-2013) FUNDING UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED. Comment: This annual public hearing is conducted to allocate the upcoming year's estimated grant fund in the amount of \$180,307 and to reallocate any unexpended funding from prior allocations.

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 Human Services Administrator and the record of the Community Services Department/Human Services in this matter are made a part of the record of this hearing.

Speaking:

Human Services Administrator Jim Latta presented the staff report. He noted the history of the CDGB program, and reviewed several proposals before the Council this evening.

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

Councilmember Gold asked questions about funding which were answered by Mr. Latta and Michael Neal, Senior Community Development Planner for Willdan Engineering.

There were no further questions or comments from Councilmembers.

MOVED by Councilmember Bosse, seconded by Councilmember Gold to adopt Resolution D-3 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING A FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS FOR THIRTY-EIGHTH YEAR (2012-2013) FUNDING UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED.

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

Noes: None.

CARRIED

E. CONTINUED AND NEW BUSINESS

1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS MODIFYING PREFERENTIAL PARKING ZONE "X" ON THE 8500 BLOCK OF CLIFTON WAY. Comment: Zone "X" has a parking regulation of "2-hour parking, 8am to 5pm, Daily; and No Parking, 5pm to 2am, Daily, Except by Permit." Staff and the Traffic & Parking Commission recommend modifying the regulation to "No Parking Anytime, Permit X Exempt" to address commuter parking intrusion.

Speaking:

Deputy Director of Transportation Aaron Kunz presented the staff report and PowerPoint presentation. He briefly went over the petition, correspondence that staff received and staff recommendation.

1. James Fabe, lead petitioner, urged Council to approve the proposed regulation.

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

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
MODIFYING PREFERENTIAL PARKING ZONE "X" ON THE 8500 BLOCK
OF CLIFTON WAY.

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

Noes: None.

CARRIED

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Mirisch, seconded by Councilmember Gold to remove Item F-8 for discussion and adopt as amended; approve the remaining items on the consent calendar and direct that the appropriate accounts be charged on Items F-3 and F-4.

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Adjourned Regular meeting of January 24, 2012.

2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Special meeting of January 26, 2012.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated January 14 - 27, 2012.
4. PAYROLL DISBURSEMENT REPORT, report dated February 7, 2012.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ADD THE CULTURAL HERITAGE COMMISSION AS CLASS 1 PERMIT USERS. First Reading - For Introduction. Comment: This amendment will revise the Beverly Hills Municipal Code to include members of the newly created Cultural Heritage Commission as Class 1 Permit users.

ITEM F-5: WAIVED FULL READING AND ADVANCE TO THE MEETING OF FEBRUARY 21, 2012 FOR ADOPTION

RESOLUTIONS APPROVING:

6. AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF A GRANT UNDER THE FISCAL YEAR 2009 URBAN AREA SECURITY INITIATIVE (UASI 09) AND APPROPRIATING FUNDS IN THE AMOUNT OF \$47,492.00 FOR THE PURCHASE OF A VIDEO CONFERENCE SYSTEM FOR FIREFIGHTER TRAINING ON BEHALF OF THE REGION. Comment: The City of Beverly Hills, through a collaborative effort between the Beverly Hills Fire and Information Technology Departments, has taken lead in the Los Angeles area Fire Chiefs Association to build a series of smart classrooms for firefighter training throughout the region. The purchase of a video conference system will serve as the backbone for video conferencing and implementation of the core components for video call control and management.

ITEM F-6: ADOPTED RES# 12-R-12860

7. THE CITY'S APPLICATION TO THE STATE OF CALIFORNIA FOR A SUSTAINABLE COMMUNITIES PLANNING GRANT TO IMPLEMENT GOALS AND POLICIES OF THE CITY'S UPDATED GENERAL PLAN BY FUNDING A GREENHOUSE GAS (GHG) EMISSIONS STUDY, A CLIMATE ACTION PLAN AND AN UPDATE TO THE ZONING CODE. Comment: Request to apply for a competitive State planning grant in the amount of \$300,000 to \$500,000 to complete projects that implement the City's General Plan and Sustainable City Plan.

ITEM F-7: ADOPTED RES# 12-R-12861

8. AUTHORIZING THE CITY MANAGER, CITY ATTORNEY AND DIRECTOR OF ADMINISTRATIVE SERVICES/CFO TO EXECUTE AGREEMENTS WITH TYLER TECHNOLOGIES, INC. AND NECESSARY THIRD PARTIES FOR THE PROVISION OF AN INTEGRATED MUNICIPAL ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM, MUNIS SOFTWARE SOLUTION;

APPROVAL OF A PURCHASE ORDER TO TYLER TECHNOLOGIES, INC. IN A TOTAL AMOUNT NOT TO EXCEED \$2,100,000; AND

AUTHORIZING THE CITY MANAGER AND DIRECTOR OF ADMINISTRATIVE SERVICES/CFO TO APPROVE PURCHASE ORDERS TO VARIOUS VENDORS FOR HARDWARE, SOFTWARE, PROFESSIONAL SERVICES AND OTHER NECESSARY EQUIPMENT TO SUPPORT THE ERP SYSTEM IN A TOTAL AMOUNT NOT TO EXCEED \$400,000. Comment: Staff recommends approving a purchase order to Tyler Technologies in an amount not to exceed \$2,100,000 and authorizing the City Manager, City Attorney, and Director of Administrative Services/CFO to: (1) execute agreements between the City and Tyler Technologies, Inc. and necessary third parties for an ERP system; and (2) approve purchase orders to various vendors for hardware, software, professional services and other necessary equipment to support the ERP system in a total amount not to exceed \$400,000.

Councilmember Mirisch voiced concern about the traveling expenses line item included with this item. The Council agreed to remove the travel cost for this portion of the project. Staff will bring back the travel component at a future meeting.

ITEM F-8: APPROVED A PURCHASE ORDER IN A TOTAL AMOUNT NOT TO EXCEED \$2,100,000 MINUS \$210,000 TRAVEL EXPENSES; DIRECTED STAFF TO PRESENT A SEPARATE TRAVEL BUDGET AT A FUTURE CITY COUNCIL MEETING

ADOPTED AS AMENDED RES# 12-R-12862

9. AN AMENDED AND RESTATED EXECUTIVE COMPENSATION PLAN. Comment: This resolution would approve revisions to the City's executive compensation plan that include banding the salary ranges for executive employees so that there are fewer tiers of executive compensation, updating the bands, and making clarifying changes to eliminate references to positions no longer employed by the City and to better explain the process for setting compensation bands. APPROVAL OF:

ITEM F-9: ADOPTED RES# 12-R-12863

10. AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC FOR DEVELOPMENT AND POPULATION OF A GIS-BASED PARKING DEMAND MODEL; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$70,000 TO KIMLEY-HORN AND ASSOCIATES, INC FOR THE PARKING DEMAND MODEL WORK. Comment: This is an agreement based on an RFP for services related to the development of a GIS-based parking demand model and the gathering of the necessary information to begin the population of a Citywide commercial parking database being awarded to the most qualified and lowest responsible proposer in an amount not to exceed \$70,000.

ITEM F-10: APPROVED AG# 35-12

11. A PURCHASE ORDER TO LONG BEACH BMW MOTORCYCLES FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$53,031.78 FOR PURCHASE OF TWO (2) BMW POLICE MOTORCYCLES. Comment: Provides for purchase of Two (2) BMW R1200-RT-P Police Motorcycles as replacements for an equal number of old and job-worn motorcycles assigned to the Police Departments.

ITEM F-11: APPROVED

12. A PURCHASE ORDER TO GALPIN FORD IN THE NOT-TO-EXCEED AMOUNT OF \$105,720.43 FOR PURCHASE OF FOUR (4) FORD VEHICLES. Comment: Provides for purchase of the following Ford vehicles: Two (2) Ford Taurus Sedans, One (1) Ford Edge CUV, and One (1) Ford Explorer SUV as replacements for old and job-worn vehicles assigned to the Fire and Police Departments.

ITEM F-12: APPROVED

13. THE REQUEST OF BEVERLY HILLS LITTLE LEAGUE AND AYSO TO CREDIT FUTURE PAYMENT OBLIGATIONS OF EACH PARTY THE SUM OF \$3,600 (\$7,200 TOTAL) IN RECOGNITION OF THEIR CONTRIBUTION TO FIELD MAINTENANCE COSTS. Comment: Staff recommend approval of the request of Beverly Hills Little League and AYSO of their covering the cost (\$7,200) to hydro-seed certain La Cienega Park athletic fields and for the City to credit each agency equitably with \$3,600 towards their future financial obligations to the City.

ITEM F-13: 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" ITEMS**

1. CHARITABLE SOLICITATIONS COMMISSION - regular meeting of January 11, 2012.
PUBLIC WORKS COMMISSION - regular meeting of January 12, 2012.
ARCHITECTURAL COMMISSION - regular meeting of January 18, 2012.
HUMAN RELATIONS COMMISSION - regular meeting of January 19, 2012.
FINE ART COMMISSION - regular meeting of January 19, 2012.
HEALTH AND SAFETY COMMISSION - regular meeting of January 23, 2012.

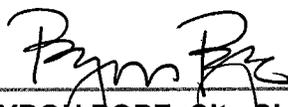
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of the Council, recessed the meeting at 8:41 pm back to the Closed Session for the remaining items on the Closed Session agenda.

PASSED, Approved and Adopted
this 21st day of February, 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.