



**CITY OF BEVERLY HILLS
 ADJOURNED REGULAR CITY COUNCIL MEETING
 AND PARKING AUTHORITY MEETING
 AND PUBLIC FINANCING AUTHORITY MEETING
 MINUTES
 January 8, 2013**

The Joint Adjourned Regular City Council, Parking Authority, and Public Financing Authority meeting was held in the Council Chambers at 7:00 pm. The Parking Authority Meeting met during Closed Session at 5:00pm. There were no reportable actions.

PLEDGE OF ALLEGIANCE

A. *ROLL CALLS*

Present: Gold, Bosse, Brucker, Mirisch, and Brien

Absent: None

B. *PRESENTATIONS*

1. RECOGNITION OF RETIRING COMMISSIONER - Howard Szabo, Design Review Commission

Mayor Brien, along with Councilmember Brucker, presented a plaque and gift to retiring Commissioner Howard Szabo, and thanked him for his dedicated service to the City.

2. CITY OF BEVERLY HILLS DESIGN AWARDS - The City's Design Review Commission annually acknowledges architects/designers of completed single-family projects based on exterior appearance and in consideration of quality of materials, colors, landscape and context with neighboring properties. The purpose of the awards is to inspire property owners and architects/designers working in the City to strive for excellence in design. This year the Commission is honoring two projects which demonstrate the high quality design desired in the City through the restoration of the existing residences.

Mayor Brien, along with Councilmember Brucker, invited Urban Designer Bill Crouch, who thanked Design Review Commission Chair Arline Pepp for her leadership. Ms. Pepp gave an overview of the Design Awards program and introduced the Design Review Commissioners. Three awards each were given to the first category for a new single-family residence in the International Style, and the second category for a restoration to a single-family residence.

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/Public Financing 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/Public Financing Authority.)

None

2. AUDIENCE COMMENTS. Any person wishing to address the City Council/Parking Authority/Public Financing 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/Public Financing 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/Public Financing 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

* Joint Narcotic Coordination Between Police Department and School Districts - Joseph Chirillo, Police Lieutenant

Police Captain Mark Rosen presented a PowerPoint and oral report on the Joint Narcotics Coordination between the Beverly Hills Police Department (BHPD) and the Beverly Hills Unified School District (BHUSD). He spoke about the Operation Clean Sweep, and noted that the School Board and the BHPD have agreed on zero tolerance policy. He also spoke about the BHPD K-9 Program, and the BHPD and BHUSD new partnership plan.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

On behalf of the City Council, Mayor Brien wished Community Activist Jerri Heslov a speedy recovery. He also announced that the January 24, 2013 City Council Study Session will begin at 1:30pm, and the Regular Meeting will also begin earlier due to a Beverly Hills Education Foundation event that the City Council will attend that evening.

D. PUBLIC HEARING

TO SET:

1. HEARING DATE FOR AN APPEAL OF THE PLANNING COMMISSION'S DECISION DENYING A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A 7-ELEVEN CONVENIENCE STORE AT 401 SOUTH ROBERTSON BOULEVARD. Comment: The appellant is requesting that the Planning Commission's denial of the Conditional Use Permit and Extended Hours Permit be overturned based on inadequate findings. Staff recommends setting this item for public hearing at the Special City Council Meeting on February 5, 2013 at 7:00pm. TO CONSIDER:

Vice Mayor Mirisch recused from Items D-1, D-3 and E-1, and left the meeting at 9:25pm.

MOVED by Mayor Brien, seconded by Councilmember Brucker to set hearing date for February 5, 2013 at 7:00pm for Item D-1 as follows:

APPEAL OF THE PLANNING COMMISSION'S DECISION DENYING A
CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A 7-
ELEVEN CONVENIENCE STORE AT 401 SOUTH ROBERTSON
BOULEVARD

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

Noes: None.

Recuse: Vice Mayor Mirisch.

CARRIED

ITEM D-1: APPEAL HEARING DATE SET FOR FEBRUARY 5, 2013 AT 7:00PM

TO CONSIDER:

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

2. A REQUEST FOR A HILLSIDE R-1 PERMIT AND GAME COURT LOCATION AND FENCE REVIEW ASSOCIATED WITH THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, ASSOCIATED ACCESSORY STRUCTURES, AND TENNIS COURT ON THE PROPERTY LOCATED AT 911/915 FOOTHILL ROAD. Comment: Game Court Location and Fence Review requires City Council approval; as a result, the associated Hillside R-1 Permit must also be reviewed by 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 records and files of the Department of Community Development and the report of the Senior Planner concerning this matter shall be entered into the record.

Assistant Director of Community Development Jonathan Lait introduced Senior Planner Ryan Gohlich who presented the PowerPoint and oral report. Mr. Gohlich showed the existing property photo, noted the project components, the proposed site plan/landscaping, and staff recommendations.

Mr. Gohlich answered Council questions regarding lighting, property lines, rules regarding combining of lots and building across lot lines, and height limits.

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

A REQUEST FOR A HILLSIDE R-1 PERMIT AND GAME COURT LOCATION AND FENCE REVIEW ASSOCIATED WITH THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, ASSOCIATED ACCESSORY STRUCTURES, AND TENNIS COURT ON THE PROPERTY LOCATED AT 911/915 FOOTHILL ROAD

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

Noes: None.

CARRIED

ITEM D-2: ADOPTED RES # 13-R-12908

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

3. AN ORDINANCE OF THE CITY OF BEVERLY HILLS REVISING THE SEPARATION REQUIREMENTS BETWEEN OIL WELLS AND SENSITIVE USES, REQUIRING REGULAR INSPECTIONS OF OIL WELLS FOR SUBSIDENCE, AND REQUIRING AN ANNUAL REPORT TO THE CITY COUNCIL. First Reading - For Introduction. Comment: Revises the existing oil well ordinance pursuant to City Council direction at its December 4, 2012 meeting.

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 Principal Planner concerning this matter shall be entered into the record.

Principal Planner Michelle McGrath presented the PowerPoint and staff report. She provided a brief background, and discussed the possible revisions, and the Planning Commission findings/review.

Speaking:

1. Greg Brown, Pacific Coast Energy
2. Jody Kleinman

The Councilmembers indicated their support of the item.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to introduce and read by title only Ordinance D-3 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS REVISING THE SEPARATION REQUIREMENTS BETWEEN OIL WELLS AND SENSITIVE USES, REQUIRING REGULAR INSPECTIONS OF OIL WELLS FOR SUBSIDENCE, AND REQUIRING AN ANNUAL REPORT TO THE CITY COUNCIL

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

CARRIED

ITEM D-3: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF JANUARY 24, 2013 FOR ADOPTION

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

4. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE MUNICIPAL CODE TO ESTABLISH A REVIEW PROCESS TO DETERMINE SUBSTANTIAL COMPLIANCE WITH CERTAIN ZONING CODE STANDARDS BASED ON SPECIFIC FINDINGS. First Reading - For Introduction. Comment: This ordinance would amend the City's zoning code to establish a procedure through which the City may approve minor deviations from certain zoning standards on a project specific basis, provided that certain findings can be made.

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 Director of Community Development concerning this matter shall be entered into the record.

Director of Community Development Susan Healy Keene presented a PowerPoint and staff report. She noted five statements for the substantial compliance, the zoning code standards, Planning Commission recommendation, and staff recommendation.

Ms. Healy Keene and Senior Planner Peter Noonan responded to Council questions on the language changes, public notice within a 100 feet, allowable limit deviation, minor accommodation, public notice and comment, trial period and review, list of contractors who deviate, Commission and Director review and approval, inspection violations and penalties.

Council agreed to amend the ordinance to include a provision of a one-year review after effective date, and with the staff recommended language changes.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to introduce and read by title only Ordinance D-4 as amended and with provisions as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE MUNICIPAL CODE TO ESTABLISH A REVIEW PROCESS TO DETERMINE SUBSTANTIAL COMPLIANCE WITH CERTAIN ZONING CODE STANDARDS BASED ON SPECIFIC FINDINGS

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

Noes: Vice Mayor Mirisch.

CARRIED

ITEM D-4: INTRODUCED AND READ BY TITLE ONLY WITH AMENDMENTS AND PROVISIONS; ADVANCE TO THE MEETING OF JANUARY 24, 2013 FOR ADOPTION

E. CONTINUED AND NEW BUSINESS

1. A. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ADOPTING AN ADDENDUM TO A PREVIOUSLY CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSAL TO DRILL TWO NEW WELLS WITHIN AN EXISTING DRILL SITE LOCATED AT 9101 WEST PICO BOULEVARD IN THE CITY OF LOS ANGELES;

City Attorney Wiener provided an oral report.

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

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ADOPTING AN ADDENDUM TO A PREVIOUSLY CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSAL TO DRILL TWO NEW WELLS WITHIN AN EXISTING DRILL SITE LOCATED AT 9101 WEST PICO BOULEVARD IN THE CITY OF LOS ANGELES

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

CARRIED

ITEM E-1A: ADOPTED RES# 13-R-12906

B. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING AN APPLICATION BY PACIFIC COAST ENERGY COMPANY, L.P. FOR A PERMIT TO DRILL TWO NEW OIL AND GAS WELLS FROM THE DRILL SITE LOCATED AT 9101 PICO BOULEVARD. Comment: In accordance with the provisions of Article 3 of Chapter 5, Title 10, Sections 10-5-304, 10-5-305, 10-5-312 and 10-5-316 of the City of Beverly Hills Municipal Code; City Council approval is required for issuance of a directional drilling permit to PCEC to drill and produce from PCEC Well Nos. WP-60H and WP-61. The wells will be drilled from PCEC's West Pico drillsite, located in the City of Los Angeles, to bottom-hole locations within the City of Beverly Hills. PCEC has already filed for and received all the appropriate permits from the City of Los Angeles. If the permit is approved, such approval shall be conditioned upon the effectiveness of "AN ORDINANCE OF THE CITY OF BEVERLY HILLS REVISING THE SEPARATION REQUIREMENTS BETWEEN OIL WELLS AND SENSITIVE USES, REQUIRING REGULAR INSPECTIONS OF OIL WELLS FOR SUBSIDENCE, AND REQUIRING AN ANNUAL REPORT TO THE CITY COUNCIL," which is having its first reading tonight.

MOVED by Councilmember Gold, seconded by Councilmember Brucker to adopt Resolution E-1B as amended as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING AN APPLICATION BY PACIFIC COAST ENERGY COMPANY, L.P. FOR A PERMIT TO DRILL TWO NEW OIL AND GAS WELLS FROM THE DRILL SITE LOCATED AT 9101 PICO BOULEVARD

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

CARRIED

ITEM E-1B: ADOPTED AS AMENDED RES# 13-R-12907

F. PARKING AUTHORITY CONSENT CALENDAR

MOVED by Director Bosse, seconded by Director Gold to approve all items on the Parking Authority consent calendar by reference

Minutes

1. CONSIDERATION OF THE MINUTES of the Parking Authority meeting of December 18, 2012. APPROVAL OF:
2. THIRTEENTH AMENDMENT TO LEASE BY AND BETWEEN THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS AND LUCERNE HARDWARE CO. Comment: This amendment extends the reduced rent of \$7,299.70 until December 31, 2013. Effective January 1, 2014 the rent will increase to \$9,389.27 and all future rent increases shall be reinstated.

ITEM F-2: APPROVED AG# 13-24

Vote on the Parking Authority Consent Calendar:

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

CARRIED

G. PUBLIC FINANCING AUTHORITY CONSENT CALENDAR

MOVED by Director Gold, seconded by Director Bosse to remove Item G-2 for discussion, and approve all items on the Public Financing Authority consent calendar by reference

Minutes

1. CONSIDERATION OF THE MINUTES of the Public Financing Authority Meeting of May 15, 2012. APPROVAL OF:
2. NONDISTURBANCE AGREEMENT BY AND BETWEEN THE CITY OF BEVERLY HILLS PUBLIC FINANCING AUTHORITY AND PARTICIPANT MEDIA, LLC. Comment: This Nondisturbance Agreement is being executed as a part of Participant Media's Second Amendment of Lease for the expansion of their leased premises. This agreement provide that so long as tenant is not in default under the lease, the City will not disturb tenant's possession of the premises leased, to the tenant under the lease and as modified by the first and second amendment to lease.

Acting Director of Administrative Services/Finance Noel Marquis and City Attorney Wiener responded to Director Mirisch's question regarding the need for the nondisturbance agreement.

ITEM G-2: APPROVED AG# PFA-28-13

Vote on the Public Financing Authority Consent Calendar:

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

CARRIED

H. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Brucker, seconded by Councilmember Gold to approve all items on the City Council consent calendar by reference, and direct that the appropriate accounts be charged on Items H-2, H-3, and H-4

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of December 18, 2012.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated December 1 - 14, 2012.
3. REVIEW OF BUDGETED DEMANDS PAID, report dated December 15 - 28, 2012.
4. PAYROLL DISBURSEMENT REPORT, report dated January 8, 2013.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AUTHORIZING A ZONING AMENDMENT THAT WOULD APPLY THE CITY'S TRANSPORTATION OVERLAY ZONE TO THE PROPERTY LOCATED AT 9848 SANTA MONICA BOULEVARD. Second Reading - For Adoption. Comment: Application of the Transportation Overlay Zone to the subject property would allow the property to be used for surface parking purposes, whereas the property's current zoning allows for railroad uses only. The Zoning Amendment was reviewed by the Planning Commission on November 19, 2012, and the Planning Commission has recommended that the City Council approve the Zoning Amendment.

ITEM H-5: ADOPTED ORD# 13-O-2636

RESOLUTIONS APPROVING:

None

APPROVAL OF:

6. AMENDMENT OF LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND FIRST PICKS BREAD COMPANY IX L.P., DBA PANERA BREAD. Comment: This amendment delays the commencement of rent by six (6) months, extends the term of the lease by 12 months and provides an additional tenant improvement allowance of up to \$160,000 for base building improvements. The additional tenant improvement allowance can only be used for the installation of an elevator, and the installation of a sprinkler system throughout the building.

ITEM H-6: APPROVED AG# 02-13

7. SECOND AMENDMENT OF LEASE, BY AND BETWEEN THE CITY OF BEVERLY HILLS AND PARTICIPANT MEDIA, LLC. Comment: This Second Amendment of Lease expands Participant's leased area to the first floor of the 331 Foothill Road Building. With this amendment Participant will occupy space on the 3rd, 2nd and 1st floors of the building. This space will be coterminous with the other leased area and have an expiration date of December 31, 2021.

ITEM H-7: APPROVED AG# 03-13

8. REJECTION OF ALL BIDS FOR CONTRACT WORK PERTAINING TO THE CIVIC CENTER SIGNAGE PROJECT. Comment: Recommends that all bids be rejected and re-advertise the project for bids utilizing the pre-qualification process.

ITEM H-8: APPROVED

Vote on the City Council Consent Calendar:

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

Noes: None.

CARRIED

**I. COMMISSION SYNOPSIS
NO ACTIONS TAKEN ON "I" ITEM**

1. PUBLIC WORKS COMMISSION - Regular Meeting of December 13, 2012
RECREATION AND PARKS COMMISSION - Special Meeting of December 18, 2012
ARCHITECTURAL COMMISSION - Regular Meeting of December 19, 2012
HUMAN RELATIONS COMMISSION - Regular Meeting of December 20, 2012

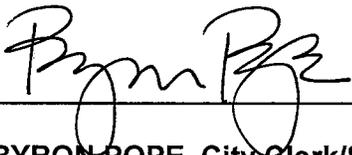
J. OTHER BUSINESS

None

K. ADJOURNMENT

There being no further business, Mayor/Chair Brien, with the consent of the Council/Board adjourned the meeting at 9:58pm.

PASSED, Approved and Adopted
this 19th day of February, 2013



BYRON POPE, City Clerk/Secretary

WILLIAM W. BRIEN, MD, MAYOR/CHAIR

This meeting was broadcast on live television, on City of Beverly Hills municipal government television access Channel BHTV10 Time Warner Cable.