



**CITY OF BEVERLY HILLS
REGULAR CITY COUNCIL MEETING
November 5, 2013**

The Regular City Council meeting was held in the Council Chambers at 7:00 pm.

PLEDGE OF ALLEGIANCE led by Ray Flade

A. ROLL CALL

Present: Councilmember Krasne, Councilmember Gold, Councilmember Brien, Vice Mayor Bosse, and Mayor Mirisch

Absent: None

B. PRESENTATIONS

1. CERTIFICATE OF APPOINTMENT

- Frances Bilak, Recreation and Parks Commission

Mayor Mirisch presented a certificate of appointment and City pin to newly appointed Recreation and Parks Commissioner Frances Bilak.

2. RECOGNITION OF RETIRING COMMISSIONER

- Judith A. Friedman, Fine Art Commission

Mayor Mirisch presented a plaque of recognition and gift to retiring Commissioner Judith A. Friedman.

3. PROCLAMATION for the Human Relations Commission's winner of the 2013 Embrace Civility Award.

Mayor Mirisch, along with Vice Mayor Bosse, invited Human Relations Commission Chair Rochelle Ginsburg to speak about the award and introduce Ray Flade, recipient of the 2013 Embrace Civility Award. Mayor Mirisch, Vice Mayor Bosse, Ms. Ginsburg and the entire Human Relations Commission presented a proclamation to Mr. Flade for promoting and practicing civility, tolerance, and positive neighbor relations in the community.

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. Frances Shloss
2. Joan Lopatin
3. Mindy Rosario
4. Russell Stuart
5. Amir Asil
6. Kim Smith
7. Levi Illulian
8. Leslie Barnard
9. Bruce Carradine, Christian Science Church
10. Ilona Sherman

3. REPORT FROM THE CITY MANAGER
* Cultural Heritage Commission: First Year Review - Bill Crouch, Urban Designer

Urban Designer Bill Crouch spoke about the various activities and accomplishments of the Cultural Heritage Commission during its first year including the historic preservation program, the 15 historic landmarks in the City, the Mills Act program, and public outreach and education campaign which includes the Citywide historic survey and being designated as a Certified Local Government (CLG).

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

Assistant City Attorney David Snow provided an update and details on the settlement agreement between the City and the property owner of 8767 Wilshire Boulevard.

Councilmember Gold encouraged residents to support local, independently-owned small businesses on November 30th, designated as "Small Business Saturday" by the City and Chamber of Commerce.

Mayor Mirisch and Vice Mayor Bosse reported on their New York Sales Mission trip on October 22-24, 2013.

Mayor Mirisch announced that there will be a Centennial float rider drawing for all residents ages 12 and up. The deadline to submit entries is on December 2, 2013 and the drawing will be held at the December 5, 2013 City Council meeting.

D. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Brien, seconded by Vice Mayor Bosse to approve all items on the City Council consent calendar, and direct that the appropriate accounts be charged on Items D-3 and D-4

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Study Session of October 15, 2013.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of October 15, 2013.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated October 5 - 25, 2013.
4. PAYROLL DISBURSEMENT REPORT, report dated November 5, 2013.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS APPROVING:

5. A. DESIGNATING A CONSULTANT (HDL COMPANIES) AS THE AUTHORIZED CITY REPRESENTATIVE TO EXAMINE SALES AND USE TAX RECORDS; AND B. AGREEMENT WITH HDL COMPANIES FOR REVENUE ENHANCEMENT SERVICES RELATED TO SALES TAX, PROPERTY TAX, TRANSIENT OCCUPANCY TAX AND BUSINESS TAX; AND C. APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$585,000 TO HDL COMPANIES FOR REVENUE ENHANCEMENT SERVICES. Comment: This agreement provides revenue enhancement services for the City's Sales, Property, Transient Occupancy and Business Taxes. The total cost is not to exceed \$485,000 per year plus a contingency of \$100,000 or \$585,000 per year for a period of five years.

ITEM D-5: ADOPTED RES# 13-R-12958; APPROVED AG# 447-13

APPROVAL OF:

6. PUBLIC WORKS COMMISSION APPOINTMENTS (SANDRA ARONBERG, MD AND JEFF WOLFE). Comment: Appoints Sandra Aronberg, MD and Jeff Wolfe to the Public Works Commission for an initial two-year term each.

ITEM D-6: APPROVED

7. AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, STEINY AND COMPANY, INC. FOR THE WILSHIRE BOULEVARD MID-BLOCK PEDESTRIAN CROSSING BETWEEN SWALL DRIVE AND CLARK DRIVE WITHIN THE CITY OF BEVERLY HILLS, CALIFORNIA, IN THE AMOUNT OF \$116,794; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFOR; APPROVAL OF ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$130,000 TO STEINY AND COMPANY, INC. FOR THE PROJECT; AND APPROVAL OF A FUNDING AGREEMENT BY AND BETWEEN THE CITY OF BEVERLY HILLS AND JONES BH ACQUISITION, LLC (AUDI) FOR FUNDING OF WILSHIRE BOULEVARD MID-BLOCK PEDESTRIAN CROSSWALK (SWALL AND CLARK DRIVES). Comment: This project will install a new signalized mid-block pedestrian crossing on Wilshire Boulevard between Swall and Clark Drives. Jones BH Acquisition, LLC (Audi) has agreed to fund half of the design and construction costs for this project.

ITEM D-7: APPROVED AG# 448-13; AG# 449-13

8. APPROPRIATION OF \$574,000 FROM THE SEIZED & FORFEITED PROPERTY FUND TO ENHANCE POLICE DEPARTMENT OPERATIONS. Comment: Seeks appropriation of restricted funds as a result of asset seizures for overtime investigations, mobile computers, uniforms, travel and training, consultant services, and equipment.

ITEM D-8: APPROVED

9. A CHANGE ORDER TO HACH FOR THE PURCHASE OF CHEMICAL REAGENTS REQUIRED FOR WATER QUALITY MONITORING IN THE AMOUNT OF \$80,000 BRINGING THE TOTAL BLANKET PURCHASE ORDER TO \$120,000.00. Comment: The City uses HACH equipment and laboratory supplies that include chemical reagents for water quality monitoring. Due to an increase in water quality monitoring on a daily basis, our costs have increased.

ITEM D-9: APPROVED

Vote on the City Council Consent Calendar:

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

CARRIED.

Councilmember Brien left the meeting to catch a flight and left the dais at 9:19pm.

E. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. A. AN ORDINANCE OF THE CITY OF BEVERLY HILLS INCLUDING ELECTRONIC CIGARETTES WITHIN THE CITY'S SMOKING REGULATIONS AND DECLARING THE URGENCY THEREOF; AND

B. AN ORDINANCE OF THE CITY OF BEVERLY HILLS INCLUDING ELECTRONIC CIGARETTES WITHIN THE CITY'S SMOKING REGULATIONS - First Reading - For Introduction; AND

C. AMENDMENT TO THE CITY OF BEVERLY HILLS PARK RULES AND REGULATIONS TO EXTEND THE PROHIBITION OF SMOKING TO INCLUDE ELECTRONIC CIGARETTES. Comment: The urgency and standard ordinance amends and adds sections to the City's municipal code to include electronic cigarettes within the City's smoking regulations. The amendment to the City's Park Rules and Regulations will extend the No Smoking regulation to include electronic cigarettes.

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 Management Analyst and the record of the Policy and Management Department in this matter are made a part of the record of this hearing.

Items E-1 and E-2 were taken at the same time.

Management Analyst Michelle Tse provided a brief background on federal and state regulations, the proposed ordinance amendments, timeline of the urgency and standard ordinances, park rules and regulations, and pros and cons of the regulations.

Speaking:

1. AJ Willmer
2. Allan Brooks, Al's Newsstand
3. John Cameron
4. Mark Burton
5. Donald Sanders
6. Jeffrey Freeman
7. Chris Rogers

8. Robert Heggie
9. Brian Gage
10. Gary Salvato
11. Joey Mariano
12. David Serber
13. Joshua Krane
14. Christopher Bautista
15. Angela Bigalbal
16. Brian Robles
17. Paul Rock
18. Tanner Bloomfield
19. Paul Allison
20. Richard Shope
21. Jon Laverde
22. Justine Marubay
23. Roy Santos
24. Ben Tanjuakio
25. Alexander Kaplan
26. Sunny Luu
27. Manuel Suarez, Jr.
28. Tia Makowski
29. John (did not submit a speaker slip)
30. Olivia Krane

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

Councilmember Krasne commented that she is not keen on stopping the sale of e-cigarettes. However, she does not support vaping in public.

Councilmember Gold expressed his support on banning both e-cigarettes and tobacco. He also does not support use in public.

Vice Mayor Bosse expressed concern about banning e-cigarettes but not tobacco. At her request, City Attorney Wiener explained the difference between the standard ordinance and urgency ordinance timelines. Ms. Bosse expressed the need for more balanced information and suggested waiting for the Health and Safety Commission's (HSC) findings after their November 25th meeting.

Mayor Mirisch also questioned banning e-cigarettes but not tobacco. He agreed with Vice Mayor Bosse to wait for the HSC findings.

Council remanded the item to the Health and Safety Commission.

MOVED by Councilmember Gold to adopt Ordinance E-1A as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS INCLUDING ELECTRONIC CIGARETTES WITHIN THE CITY'S SMOKING REGULATIONS AND DECLARING THE URGENCY THEREOF

ITEM E-1A: MOTION FAILED FOR LACK OF A SECOND

MOVED by Councilmember Gold to adopt Ordinance E-1B as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS INCLUDING
ELECTRONIC CIGARETTES WITHIN THE CITY'S SMOKING
REGULATIONS

ITEM E-1B: MOTION FAILED FOR LACK OF A SECOND

ITEM E-1C: NO ACTION TAKEN

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

2. AN INTERIM ORDINANCE OF THE CITY OF BEVERLY HILLS DECLARING A MORATORIUM ON THE ESTABLISHMENT AND FURTHER OPERATION OF ANY ELECTRONIC CIGARETTE RETAILER AND DECLARING THE URGENCY THEREOF. Comment: This interim urgency ordinance temporarily prohibits the sale of electronic cigarettes by any smoke shop or retail establishment.

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 Management Analyst and the record of the Policy and Management Department in this matter are made a part of the record of this hearing.

Senior Management Analyst Michelle Tse provided a background on the proposed interim ordinance, pros and cons of the regulation, the impact of the moratorium if or if not approved, next steps which include public outreach and Health and Safety Commission review on November 25, 2013.

ITEM E-2: NO ACTION TAKEN

F. CONTINUED AND NEW BUSINESS

1. CENTENNIAL ARTS OF PALM PROPOSAL. Comment: This item provides an overview on the temporary "Arts of Palm" public art installation to commemorate the Centennial. In addition, staff seeks City Council direction on the locations of the art pieces and additional funding from the Centennial budget to enhance the installation.

Deputy City Manager for Public Affairs Cheryl Friedling introduced the item and provided a brief background on the Centennial "Arts of Palm" art installation and funding.

Arts of Palm Volunteer Centennial Committee Chair Alissa Roston introduced Co-Chairs Jane Liepshutz and Janice Fernandez, and Art Curator Kate Stern. Ms. Roston showed a PowerPoint presentation detailing the budget breakdown for the art pieces being installed as well as the two funding options for artwork on Crescent Drive and the Palm

Court, and the sculptures along the Burton Way median. Ms. Stern presented the art pieces being proposed as well as the locations, and answered questions pertaining to the details of the installation.

Councilmember Krasne asked about the City leasing and option for residents to purchase the sculptures, whether the mosaic is being installed permanently, the traffic impact, lighting for the art pieces, and details about particular artists.

Councilmember Gold inquired about the following: whether the grass is part of the budget, protection from graffiti, and the City's responsibility regarding repair, replacement of the art pieces, and insurance. He also asked whether the City will be issuing a catalog or book about the art pieces. He requested staff to develop the agreement setting forth the value of the pieces, insurance and City responsibility.

Councilmember Brien expressed concern about the lawn on Crescent Drive, and insurance. He proposed taking \$75,000 from the documentary budget surplus to fund the proposal. Ms. Roston assured Councilmember Brien that the Committee will meet with Parks and Urban Forest Manager Ken Pfalzgraf before beginning with the project to talk about grass repair or replacement.

Vice Mayor Bosse asked about the sculpture sizes, consideration of doing it at the Beverly Canon Gardens, and how private sponsorship will interface with City sponsorship.

Mayor Mirisch asked about the possibility of placing Sculpture #5 outside of the echo chamber so as not to impact the acoustics of the area.

MOVED by Vice Mayor Bosse, seconded by Councilmember Brien to approve the location of palm trees as proposed in the Centennial Arts of Palm proposal.

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

Noes: None.

CARRIED

MOVED by Councilmember Brien, seconded by Vice Mayor Bosse, for additional funding from the Centennial Budget, specifically from the documentary area budget, in the amount of \$95,000 be allocated for the Centennial Arts of Palm proposal.

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

Noes: Mayor Mirisch.

CARRIED

ITEM F-1: APPROVED

G. COMMISSION SYNOPSIS

1. PLANNING COMMISSION - Regular Meeting of September 12, 2013
ARCHITECTURAL COMMISSION - Regular Meeting of September 18, 2013
HEALTH AND SAFETY COMMISSION - Regular Meeting of September 23, 2013
RECREATION AND PARKS COMMISSION - Adjourned Regular Meeting of September 26, 2013
DESIGN REVIEW COMMISSION - Regular Meeting of October 3, 2013
CHARITABLE SOLICITATIONS COMMISSION - Special Meeting of October 9, 2013
PLANNING COMMISSION - Regular Meeting of October 10, 2013
PUBLIC WORKS COMMISSION - Regular Meeting of October 10, 2013
HUMAN RELATIONS COMMISSION - Regular Meeting of October 17, 2013

ITEM G-1: NO ACTION TAKEN

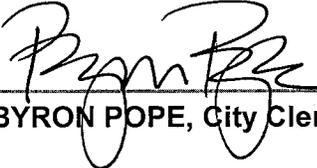
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Mirisch, with the consent of the Council, adjourned the meeting at 11:06pm.

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



BYRON POPE, City Clerk

JOHN A. MIRISCH, MAYOR

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