



**CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
October 7, 2014**

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

PLEDGE OF ALLEGIANCE led by Zale Richard and Brenda Rubins

A. ROLL CALL

Present: Councilmember Krasne, Councilmember Mirisch, Councilmember Brien, Vice Mayor Gold, and Mayor Bosse
Absent: None

B. PRESENTATIONS

1. PRESENTATION - Beverly Hills Days Centennial Art Piece Unveiling

Mayor Bosse, along with the entire City Council, unveiled the Beverly Hills Days Centennial photo collage, and presented certificates to Zale Richard and Brenda Rubins.

2. RECOGNITION - Customer Service Week

Mayor Bosse and the entire City Council proclaimed October 6th through October 10th as National Customer Service Week, and presented a proclamation to Customer Service Committee members Karine Shirinian and Michelle Tse.

3. 60 SECOND BUSINESS SHOUT-OUT - Toppings Yogurt

Mayor Bosse, along with the entire City Council, presented a 60-Second Business Shout-Out recognition certificate to Toppings Yogurt owner Jay Navas, and thanked Jean Rosenblatt for nominating this business for a shout-out.

4. TEXT BH -Text messages on any City-related topic may be sent to 310-596-4265. City staff will acknowledge receipt of the text message within one business day, however, resolution of issues may take longer.

Councilmember Brien announced that text messages on any City-related topic may be sent to (310) 596-4265.

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. Phil Savenick
2. Jim Lissner

3. REPORT FROM THE CITY MANAGER

* City's Municipal Election & Nomination Period - Byron Pope, City Clerk

City Clerk Byron Pope presented a PowerPoint report showing important dates and information regarding the March 3, 2015 election such as the nomination period and candidate qualifications.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Krasne, seconded by Councilmember Brien, to remove Item D-6 for public comment, discussion and separate vote, approve the remaining 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 September 23, 2014.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of September 23, 2014.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated September 13 - September 29, 2014.
4. PAYROLL DISBURSEMENT REPORT, report dated October 7, 2014.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING THE WATER CONSERVATION STAGES. Second Reading - For Adoption. Comment: This ordinance amends the municipal code to provide for an exemption for Tier 1 single family and multi-family users from the requirement to reduce water usage imposed by Stages B, C, and D of the City's water conservation plan, as well as the applicable penalty surcharges.

ITEM D-5: ADOPTED; ORD# 14-O-2665

RESOLUTION:

None

APPROVAL OF:

6. AGREEMENT WITH XEROX STATE & LOCAL SOLUTIONS, INC. FOR PHOTO RED LIGHT ENFORCEMENT PROGRAM SERVICES. Comment: The agreement transitions the operation of the program to a new vendor with reduced costs and provides for system expansions.

Speaking:

1. Jim Lissner
2. Jay Beeber

Lieutenant Michael Foxen responded to Councilmember Mirisch's questions pertaining to the previous agreement with Redflex, bids submitted, and the intersections covered in the program.

MOVED by Councilmember Brien, seconded by Vice Mayor Gold, to approve Item D-6 as follows:

AGREEMENT WITH XEROX STATE & LOCAL SOLUTIONS, INC. FOR PHOTO RED LIGHT ENFORCEMENT PROGRAM SERVICES

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

Noes: None.

CARRIED

ITEM D-6: APPROVED AG# 531-14

7. AN AGREEMENT WITH DAVID ZWIRNER INC., AS AGENT FOR CAROL BOVE, FOR THE CREATION, SALE AND ASSIGNMENT OF CERTAIN RIGHTS IN THE ARTISTIC WORK ENTITLED "IO," FROM THE WHITE STEEL GLYPH SERIES; AND, APPROVAL OF A PURCHASE ORDER AND APPROPRIATION OF \$235,000 FROM THE FINE ART FUND FOR THIS PURPOSE AND FOR INSTALLATION COSTS. Comment: Provides for the purchase of "Io" by Carol Bove as recommended by the Fine Art Commission and approved by the City Council at the April 22, 2014 Study Session. Funding will come from the Fine Art fund which is reserved for art related expenses.

ITEM D-7: APPROVED AG# 532-14

8. AMENDED AND RESTATED AGREEMENT FOR POLICE AND CITY TOWING SERVICES, LIEN SALE PROCESSING SERVICES AND VEHICLE AUCTION SERVICES BY AND BETWEEN THE CITY OF BEVERLY HILLS AND CLASSIC TOW, INC. DBA TIP TOP TOW SERVICE Comment: Recommends an amended and restated agreement to authorize Vendor to provide heavy and medium tow services and establishes rates for the additional services.

ITEM D-8: APPROVED AG# 533-14

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

ITEM A: AMENDMENT NO. 1 TO THE AGREEMENT WITH TOWN & COUNTRY EVENT RENTALS, INC. FOR SPECIAL EVENT SERVICES; AND,

APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$88,000 TO THE PURCHASE ORDER TO TOWN & COUNTRY EVENT RENTALS, INC. FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$95,450. Comment: This Amendment to the Agreement between the City of Beverly Hills and Town & Country Event Rentals, Inc. is for rental equipment for various City-wide special events.

ITEM D-9A: APPROVED AG# 534-14

E. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

None

F. CONTINUED AND NEW BUSINESS

1. A: AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING TRANSACTIONS IN WHICH COMPENSATION IS PAID FOR THE PURPOSE OF FACILITATING A CHANGE IN THE OCCUPANCY OF A PUBLICLY OWNED PARKING SPACE, AND DECLARING THE URGENCY THEREOF

B: AN ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING TRANSACTIONS IN WHICH COMPENSATION IS PAID FOR THE PURPOSE OF FACILITATING A CHANGE IN THE OCCUPANCY OF A PUBLICLY OWNED PARKING SPACE. First Reading - For Introduction. Comment: This ordinance prohibits the payment or receipt of compensation (whether monetary, in-kind, or in any other form) for reserving or vacating any public parking space in the City of Beverly Hills, and prohibits the facilitation of such transactions.

Assistant Director of Public Works Services Chad Lynn provided a PowerPoint and staff report providing a brief background on the item. He spoke about mobile applications, impacts to the public, the proposed ordinance, and the recommendation.

Councilmember Krasne expressed her support for the ordinance. Councilmember Mirisch suggested working with the company to have a fully integrated system that allows anybody on the app to see where public and private parking are available. Councilmember Brien asked about the real downside of the concept and whether there will be something that would preclude the City from stopping the company in the future if the ordinance is passed tonight. Vice Mayor Gold asked about the laws in holding parking spots. He indicated his support for the ordinance. Mayor Bosse asked whether there are apps being currently used that allow people to know where there are parking spaces available in the City. She expressed concern that the company is advertising the app being available in the City, which requires the urgency in passing the ordinance.

MOVED by Vice Mayor Gold, seconded by Councilmember Krasne, to adopt Item F-1A as F-1A as follows:

AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING TRANSACTIONS IN WHICH COMPENSATION IS PAID FOR THE PURPOSE OF FACILITATING A CHANGE IN THE OCCUPANCY OF A PUBLICLY OWNED PARKING SPACE, AND DECLARING THE URGENCY THEREOF

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

ITEM F-1A: MOTION FAILED

MOVED by Councilmember Krasne, seconded by Vice Mayor Gold, to introduce and read by title only, advance to the meeting of October 21, 2014 for adoption, Item F-1B as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING TRANSACTIONS IN WHICH COMPENSATION IS PAID FOR THE PURPOSE OF FACILITATING A CHANGE IN THE OCCUPANCY OF A PUBLICLY OWNED PARKING SPACE

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

CARRIED

ITEM F-1B: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF OCTOBER 21, 2014 FOR ADOPTION

2. AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADDING SECTION 5-6-604 TO THE BEVERLY HILLS MUNICIPAL CODE TO PROHIBIT THE USE OF UNMANNED AIRCRAFT THAT TRANSMIT OR RECORD VISUAL IMAGES AND/OR AUDIO RECORDINGS OF PERSONS OR PRIVATE PROPERTY LOCATED IN THE CITY OF BEVERLY HILLS. First Reading - For Introduction. Comment: Moratorium prohibiting the use of private unmanned aircraft / drones within the City of Beverly Hills.

Lieutenant Lincoln Hoshino presented a PowerPoint and staff report discussing what an unmanned aerial system (UAS) or "drone" is, federal law/Federal Aviation Administration (FAA), FAA 4910-13 and FAA Advisory Circular AC 91-57 covering the commercial use of drones and finding, state legislation/Assembly Bill 1327 and Assembly Bill 2306, local municipal ordinances (cities of Rancho Mirage and Berkeley), use of drones in Beverly Hills, the draft ordinance and exemptions, and recommendation to add Section 5-6-604 to the Municipal Code.

Councilmember Krasne expressed concern on invasion of privacy and suggested the removal of the "exemption of model aircrafts so long as they do not transmit or record visual images or audio recordings of any person or real property." City Attorney Wiener agreed to the removal of the exemption and explained that the draft ordinance may need to be revised as the law evolves and FAA continues to pass additional regulations. In response to Councilmember Mirisch's question, Lt. Hoshino explained that public places such as parks are not subject to regulations. Councilmember Brien suggested taking out the phrase "exigent circumstances." City Manager Kolin stated that he wanted to make sure that in revising the language, the City keep the ability to survey areas during a state of emergency. Vice Mayor Gold asked for an explanation of "air space" and the responsibility for the air space. He suggested that the use of drones in committing crimes and if they create an accident should have a greater penalty attached and asked about the liabilities involved. Mr. Wiener said that he will study the possibility of enhancing penalties for violations of state laws and whether the City has authority to do it. Mayor Bosse commented that the ordinance should be made as restrictive and conservative as possible to protect privacy.

MOVED by Councilmember Krasne, seconded by Vice Mayor Gold, introduced and read by title only as amended, advance to the meeting of October 21, 2014 for adoption, Item F-2 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADDING SECTION 5-6-604 TO THE BEVERLY HILLS MUNICIPAL CODE TO PROHIBIT THE USE OF UNMANNED AIRCRAFT THAT TRANSMIT OR RECORD VISUAL IMAGES AND/OR AUDIO RECORDINGS OF PERSONS OR PRIVATE PROPERTY LOCATED IN THE CITY OF BEVERLY HILLS

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

Noes: Councilmember Mirisch.

CARRIED

ITEM F-2: INTRODUCED AND READ BY TITLE ONLY AS AMENDED; ADVANCE TO THE MEETING OF OCTOBER 21, 2014 FOR ADOPTION

G. COMMISSION SYNOPSIS

1. PLANNING COMMISSION - Regular Meeting of September 11, 2014
PUBLIC WORKS COMMISSION - Special Meeting of September 11, 2014
FINE ART COMMISSION - Regular Meeting of September 18, 2014
FINE ART COMMISSION - Special Meeting of September 18, 2014
HUMAN RELATIONS COMMISSION - Regular Meeting of September 18, 2014
RECREATION AND PARKS COMMISSION - Special Meeting of September 22, 2014
HEALTH AND SAFETY COMMISSION - Regular Meeting of September 22, 2014

ITEM G-1: NO ACTION TAKEN

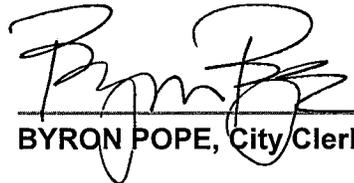
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Bosse, with the consent of the Council, adjourned the meeting at 9:15pm.

PASSED, Approved and Adopted
this 21st day of October, 2014



BYRON POPE, City Clerk

LILI BOSSE, MAYOR

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