CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
November 20, 2012

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

A. ROLL CALL

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

B. PRESENTATIONS

1. PROCLAMATION to One Billion Rising

Mayor Brien, along with Councilmembers Brucker and Bosse, presented a proclamation to actress, activist and exercise guru Jane Fonda, and V-Day California Outreach Coordinator and former West Hollywood Councilmember Lindsey Horvath. Ms. Fonda and Ms. Horvath spoke briefly about "One Billion Rising," a global activist movement to end violence against women and girls, and the V-Day's worldwide campaign to call attention to the tragedy and injustice of widespread violence against women.

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. Heidi Novian, Pascal's Barber Salon
2. Ira Rad, Pascal's Barber Salon

3. REPORT FROM THE CITY MANAGER
* Community Development's New Development Services Program - Goals, Highlights, and Successes - Ray Balderas, Principal Planner

Principal Planner Ray Balderas presented a report on the City's development services program and services offered, and streamlining of the development approval process. Council acknowledged the team for a job well done.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

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 THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH PROCEDURES FOR DISABLED PERSONS TO REQUEST A REASONABLE ACCOMMODATION FROM THE CITY'S ZONING AND LAND USE REGULATIONS. First Reading - For Introduction. Comment: This ordinance is consistent with requirements under State law and the City's Housing Element requiring the City to establish a procedure within the Municipal Code by which disabled persons, their representatives, or a builder of disabled housing may request a deviation from the City's codes in order to assure that the disabled person will be able to use and enjoy their home.

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.

Director of Community Development Susan Healy Keene presented a PowerPoint and oral report. She noted the state requirements, program basics, application requirements, and summarized the ordinance.

Councilmember Gold commented on the broadness of the definitions. Councilmember Bosse inquired whether a new owner is required to keep a ramp or is allowed to remove it. City Attorney Wiener addressed Vice Mayor Mirisch's question to remove the provision that the Director or the designee can make an exception, and for it to say that the accommodation can be made for the individual but once the individual leaves it must be returned to its original code compliant state.

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

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH PROCEDURES FOR DISABLED PERSONS TO REQUEST A REASONABLE ACCOMMODATION FROM THE CITY'S ZONING AND LAND USE REGULATIONS

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

CARRIED

ITEM D-1: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF DECEMBER 4, 2012 FOR ADOPTION

E. CONTINUED AND NEW BUSINESS

1. BACKGROUND ON THE NPDES PERMIT AND LA COUNTY FUNDING INITIATIVE. Comment: Summary of the NPDES permit and of the LA County funding measure to discuss operational and financial impacts to the City.

Senior Management Analyst Christian Di Renzo provided a PowerPoint and oral report providing an in depth history/background on the NPDES permit process.

Council discussed steps the City can take to mitigate impacts. Councilmembers Gold and Bosse, and Vice Mayor Mirisch asked about the costs and financial impacts, and any lobbying efforts that can be undertaken to influence the state's decisions.

ITEM E-1: NO ACTION TAKEN

2. SUMMARY REPORT FROM CITY COUNCIL RETREAT HELD ON OCTOBER 21, 2012. Comment: The City Council held a workshop on October 21, 2012. As a result of the workshop, expectations and roles were developed for City Council and staff. Staff is recommending City Council adopt the norms developed at the workshop and direct staff to incorporate into the City Council Policy and Operational Manual.

Councilmember Gold suggested that a strategic exploration be done first before doing the strategic planning. Councilmember Bosse suggested that the community/residents need to be a third key component to the discussion of norms in the future. She also emphasized that all Councilmembers should be provided information from staff at the same time. Councilmember Brucker suggested that any staff criticisms be directed to the City Manager as head of the organization. He also noted the diversity of opinions expressed by Councilmembers during Council meetings be respected and not viewed as personal. Vice Mayor Mirisch stressed the importance of the community when making plans and suggested that the Council be involved in selecting key staff such as

Department Heads and senior management. Mayor Brien agreed that the community should be the key focus and agreed with Councilmember Brucker's comments.

No motion or action taken on this item to memorialize the norms to include in the Council policy handbook. Consensus was reached by Council to hold another meeting after the Municipal Election when the new Council is seated, and to hold workshops after every election.

ITEM E-2: NO ACTION TAKEN

3. APPROPRIATING FUNDS IN THE AMOUNT OF $10,240,000 FROM FISCAL YEAR 2011/2012 REVENUES. Comment: During preparation of the FY 2012/13 budget reductions were made in internal service fund replacement funding and in salary accounts were numerous vacancies were present to avoid more significant service level cuts, in addition, various one-time needs have arisen which would benefit from the use of non-recurring funds. Staff recommends the City Council appropriate funds to restore reduced replacement funding, to fund other needs and to increase the budget stabilization designation in the General Fund.

ITEM E-3: ITEM TABLED TO THE MEETING OF DECEMBER 18, 2012

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Bosse, seconded by Councilmember Brucker to remove Items F-4, F-6, F-8, and F-9 for discussion and separate vote, approve the remaining items on the consent calendar by reference and direct that the appropriate accounts be charged on Item F-3.

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Adjourned Regular meeting of October 23, 2012.

2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Adjourned Regular meeting of November 13, 2012.

Demands Paid

3. PAYROLL DISBURSEMENT REPORT, report dated November 20, 2012.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. UPDATING THE CITY'S MASSAGE REGULATIONS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. Comment: This ordinance updates the City's massage regulations to be consistent with recent changes to State law.

City Attorney Wiener answered Councilmember Gold's questions on impact to home businesses and home visits, certification and disclosure requirements, and clarification on Section 4-2-1103.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to introduce and read by title only Ordinance F-4 as follows:

UPDATING THE CITY'S MASSAGE REGULATIONS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

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

CARRIED

ITEM F-4: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF DECEMBER 4, 2012 FOR ADOPTION

RESOLUTIONS APPROVING:

None

APPROVAL OF:

5. AMENDMENTS TO CONFLICT OF INTEREST CODES FOR VARIOUS CITY DEPARTMENTS. Comment: Amends Conflict of Interest Codes to reflect new and deleted positions, and position title changes.

ITEM F-5: APPROVED

6. A. AGREEMENT WITH ROLEX WATCH USA, INC. FOR SPONSORSHIP OF THE BEVERLY HILLS CENTENNIAL.

Comment: This is an agreement between the City of Beverly Hills and Rolex for exclusive sponsorship in the timepieces category for the Beverly Hills 2014 Centennial Celebration.

B. LICENSE AGREEMENT WITH TJB GEARY'S, LLC FOR USE OF THE BEVERLY HILLS SHIELD CENTENNIAL TRADEMARK.

Comment: This license agreement authorizes TJB Geary's, LLC to use the City Centennial logo as part of the sponsorship agreement.

Deputy City Manager Cheryl Friedling clarified the exclusivity requirements requested by Rolex Watch USA, Inc.

MOVED by Councilmember Bosse, seconded by Councilmember Brucker to approve Item 6A and 6B as follows:

A. AGREEMENT WITH ROLEX WATCH USA, INC. FOR SPONSORSHIP OF THE BEVERLY HILLS CENTENNIAL.

Comment: This is an agreement between the City of Beverly Hills and Rolex for exclusive sponsorship in the timepieces category for the Beverly Hills 2014 Centennial Celebration.

B. LICENSE AGREEMENT WITH TJB GEARY'S, LLC FOR USE OF THE BEVERLY HILLS SHIELD CENTENNIAL TRADEMARK.

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

CARRIED

ITEM F-6: APPROVED AG# 504-12; AG# 505-12

7. THE AWARD OF A CONTRACT TO VENTURA CONSTRUCTION CORPORATION FOR THE LA CIENEGA PARK EXERCISE AREA PROJECT; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF $85,000 TO VENTURA CONSTRUCTION CORPORATION FOR THE CONTRACT WORK. Comment: This is an agreement between the City of Beverly Hills and Ventura Construction Corp. to install a designated exercise area at La Cienega Park that includes 9 pieces of exercise equipment that can serve 23 people at a time.

ITEM F-7: APPROVED AG# 506-12

8. STATEMENT OF DECISION AND FINDINGS REGARDING APPEAL OF HEARING OFFICER'S BUSINESS TAX ASSESSMENT DECISION BY SPECIALTY SURGERY CENTER, LLC, AND SPECIALTY SURGERY CENTER OF BEVERLY HILLS, L.P. Comment: The City Council, at its October 23, 2012, held a hearing on the appeal of the Hearing Officer's business tax assessment decision filed by Specialty Surgical Center, LLC, and Specialty Surgical Center of Beverly Hills, L.P. and concluded that the Appellants' business activities do not fall within Tax Classification F. A statement of decision and findings memorializing the Council's disposition of the appeal is presented for Council consideration and adoption.

MOVED by Councilmember Bosse, seconded by Vice Mayor Mirisch to approve Item F-8 as follows:

STATEMENT OF DECISION AND FINDINGS REGARDING APPEAL OF HEARING OFFICER'S BUSINESS TAX ASSESSMENT DECISION BY SPECIALTY SURGERY CENTER, LLC, AND SPECIALTY SURGERY CENTER OF BEVERLY HILLS, L.P.

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

CARRIED

ITEM F-8: APPROVED

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

ITEM A: AGREEMENT WITH TEGNER-MILLER INSURANCE BROKERS FOR INSURANCE BROKER SERVICES; AND,

APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF $3,800,000 TO PAY FOR SERVICES AND THE PURCHASE OF INSURANCE. Comment: This agreement provides for brokerage services for the placement of insurance coverage and for the purchase order to cover the cost of purchasing insurance.

Risk Manager Karl Kirkman answered Vice Mayor Mirisch's questions about the fee and breakdown of the $3.8 million total amount. Vice Mayor Mirisch suggested that a comparison of vendor rates should be obtained in the future to secure more competitive pricing.

MOVED by Councilmember Brucker, seconded by Councilmember Gold to approve Item F-9A as follows:

AGREEMENT WITH TEGNER-MILLER INSURANCE BROKERS FOR INSURANCE BROKER SERVICES; AND,

APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF $3,800,000 TO PAY FOR SERVICES AND THE PURCHASE OF INSURANCE

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

CARRIED

ITEM F-9: APPROVED AG# 507-12

Vote on Consent Calendar:

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

CARRIED

G. COMMISSION SYNOPSIS
NO ACTION TAKEN ON "G" ITEMS

1. TRAFFIC & PARKING COMMISSION - Regular meeting of November 1, 2012.

H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brien, with the consent of the Council, adjourned the meeting at 9:24pm.

PASSED, Approved and Adopted
this 4th day of December, 2012

BYRON POPE, City Clerk

WILLIAM W. BRIEN, MD, MAYOR

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