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Issue 530 • November 26 - December 2, 2009

Giving Thanks



**Beverly Hills jeweler Jacques Mouw
gets a second chance at life**

cover story • page 8



letters & email

“Brucker Criticized at Council Meeting” [Issue 528]

Diane Jacobs’ letter [in Issue 529] says, “To claim that he (Councilman Barry Brucker) lost the election for Nooshin Meshkaty is ridiculous and abhorrent, to say the least.”

Rather than Brucker to blame, it seems to me that the election was decided by the informative dialogue between our two local papers on the qualifications and activities of the candidates, and the results revealed which side the voting public believed to be the truth.

Garth Bishop
Beverly Hills

Last week’s letter in the Beverly Hills Courier issue of November 20 is the latest repetition of the claim that Beverly Hills is a racist community because Nooshin Meshkaty was defeated in her bid for re-election to the school board. Mrs. Meshkaty herself started beating that drum on the day after the election, and it has been echoed by many of her supporters. Worst of all, the Courier has jettisoned journalistic integrity by falling lock-step under the direction of Meshkaty’s campaign manager, city councilmember Barry Brucker. A post-mortem article in the November 13 issue contained the following

unfounded statement: “Meshkaty was the focus of multiple attacks from both media and citizens focusing largely on her heritage as an Iranian immigrant, religion and her residency status.”

This slanderous depiction of our community warrants a response. The claim that race or religion was a factor in the election is unsupported by even a shred of evidence. In fact, race and religion were never mentioned by the other candidates or their supporters during the course of the campaign, covertly or otherwise. To ascribe loss of the election to bigotry and racism is an inexcusable slur upon the community. Unless they can bring some specific evidence to light, the perpetrators of this outrage, and especially the Courier, owe an abject apology to the residents of Beverly Hills.

This election campaign was one of the most issues-driven in memory. Those issues need not be re-hashed in this letter. The detrimental results of Mrs. Meshkaty’s four-year voting record on the school board were exposed, and they were the determining factor in the election, despite the near-heroic efforts by Barry Brucker to shield her from confronting her record. A prime example of that was his delaying of the candidate forum until late in the campaign, and his insistence upon limiting questions to those that could be put to all the candidates.

Mr. Brucker has since defended his involvement in the Meshkaty campaign by stating that it is common for city councilmembers to endorse candidates. In fact, his involvement was far beyond an endorsement. In addition to campaign chairman, he was the active, identifiable manager of the campaign. He arm-twisted, bullied, and engaged in “quid

pro quo” to garner support. That is a first in the history of Beverly Hills. Many residents were repulsed by Brucker’s heavy involvement, and believe that he misused and cheapened the office of city councilmembers.

To complete this response to Mr. Sarokin, be advised that serving on innumerable committees, selling programs at football games, engaging in other activities in support of our schools, and being a nice person, while admirable, are not qualifications for service on the Board of Education. Independent judgment and common sense are the paramount qualifications, and they were not to be found in Mrs. Meshkaty’s voting record.

Herbert J. Young
Mel Spitz
Beverly Hills

“Letters and E-mail” [Issue 529]

We respond to the open letter to the community (Issue 529) from the five-member executive committee of the Beverly Hills North Homeowners Association (BHNHA), concerning Board of Education member Dr. Brian Goldberg.

We, the undersigned, represent many facets of our community. Some of us are members of BHNHA, its board, members of the Municipal League of Beverly Hills, parents, PTA parents, community activists and residents who are unaffiliated with any group. We wish to reiterate our continued support of Dr. Brian Goldberg in his position as school board member.

Dr. Goldberg has explained the circumstances surrounding the still-pending civil

letters cont. on page 7

WHAT’S ON YOUR MIND?

You can write us at:
140 South Beverly Drive #201
Beverly Hills, CA 90212

You can fax us at:
310.887.0789

email us at:
editor@bhweekly.com



SNAPSHOT



FENTON FAMILY FETE OLYMPIC BLVD.

The Fenton family gathers around the plaque at the dedication of Frank Fenton Field at La Cienega Park Sunday, Nov. 22. Former Mayor and Board of Education member Frank Fenton was instrumental in having the area converted from a parking lot to a sports field in the 1970s. (left to right: Dennis Samuels, Ryan Smiley, Steven Fenton, Frank Fenton, Kelly Fenton Samuels, Donna Goldstein, Jennifer Fenton Smiley and Judie Fenton)

Beverly Hills Weekly

Issue 530 • November 26 - December 2, 2009
Beverly Hills Weekly Inc.

Founded: October 7, 1999
Published Thursdays

Delivered in Beverly Hills, Beverlywood, Los Angeles

ISSN#1528-851X

www.bhweekly.com

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Unsolicited materials will not be returned.
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1 year
subscriptions
are available.
Sent via US Mail
\$75 payable in
advance

Adjudicated as a
newspaper of general
circulation for the County
of Los Angeles. Case #
BS065841 of the Los
Angeles Superior Court,
on November 30, 2000.



briefs

Beverly High Journalism Students Meet Under Secretary of Defense in D.C.

Students from Beverly High's three journalism classes recently traveled to Washington, D.C., and met 1979 Beverly graduate and current Under Secretary of Defense for Policy Michèle Flournoy.

Highlights, Norman News and Watchtower students attended the Journalism Education Association Convention during the week of Tuesday, Nov. 10, and were introduced to Flournoy during a tour of the Pentagon.

A total of 28 students participated in the convention, with eight students winning awards for their work. Highlights Editor-in-Chief Eitan Arom took home second place for newspaper layout. Jordan Klein won first place for editorial writing. News Editor Adam Brook placed third for news writing. Staff Writer Liana Gergely took home first place for literary magazine: poetry and Business Manager James Cha also placed first for computer design: advertising.

Norman News' Annie Ackerman won third place in the category of short documentary. Zoe Chait placed first for on-air reporting, and Chelsey d'Adesky won third place for broadcast commentary.

The students, however, did not place in the overall "best of show" category.

"The one disappointment was that none of the classes placed in 'best of show' but that disappointment was certainly offset by the stellar performance in the individual awards," said Beverly High journalism teacher Lisa Rodriguez. "I was very

pleased with individual awards, and I was very proud of the kids. The students learned so much from observing the publications that did place. They got a lot of great ideas to improve highlights and improve Norman news."

In addition to their trip to the Pentagon, students also toured the Capitol.

Flournoy could not be reached for comment.

Courier Commended by Meshkaty



The Board of Education presented a commendation to the Beverly Hills Courier during Tuesday's meeting.

Both Vice President Myra Lurie and President Nooshin Meshkaty said the publication is "better read" than any newspaper citywide.

"People depend on it for the local news," Meshkaty said. "It's the only local paper that [residents look to] for public notices."

Courier Publisher Clif Smith was recognized for his unwavering support of public education.

"We're proud to do it," Smith said. "Our job as a newspaper is to promote as much as we can the benefits and the value of our



Hawthorne Helps

Service-Learning Coordinator Mary Montague dressed in costume with fourth and fifth-grade Hawthorne students to launch the Trick or Treat for UNICEF campaign. The fundraiser donated a total of \$2,089.31 to UNICEF. (back row: Mary Montague, Brendan Eastman, Alessandro Casalino, Alex Movaghar; middle row: Leon Izumi, Jonathan Perez, Rachel Neydavood; front row: Justin Partiyeli, Alan Bennett)



NOTICE OF PUBLIC HEARING

- DATE:** December 10, 2009
- TIME:** 2:30 pm, or as soon thereafter as the matter may be heard
- LOCATION:** Commission Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210
- ITEM:** Amendments to the City's General Plan – Planning
Commission Recommendation to the City Council to Adopt the
Step One General Plan Amendments and to Adopt a Negative
Declaration.

Project Description: Amendment of the City of Beverly Hills General Plan Land Use, Open Space, Circulation, Conservation, Noise, Safety, and Seismic-Safety Elements (combined with the Safety Element); deletion of the Scenic Highway Element; and adoption of Public Services and Economic Sustainability Element policies and programs. The amendments apply to the City as a whole but they do not contemplate changes in development pattern, or changes in the pattern of land uses established in the existing general plan - including land use designations, development envelopes, street infrastructure, or increased traffic. No development projects are contemplated at this time. Full copies of the amendments are available at the City's website: <www.beverlyhills.org/generalplan>, at the City's library, the permit center located on the first floor of City Hall and in the City Clerk's office located on the second floor of City Hall @ 455 North Rexford Drive.

Reviewing the Documents: Copies of the Negative Declaration and general plan amendments are available for review at the following locations:

The City's Website: www.beverlyhills.org/generalplan

Beverly Hills City Hall, 455 North Rexford Drive Permit Center or City Clerk's Office	Beverly Hills Public Library 444 North Rexford Drive Beverly Hills, California 90210
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For additional information and assistance, contact Peter Noonan, AICP at 310-285-1127 or by email at pnoonan@beverlyhills.org

Submitting Comments: Any interested person may provide written comments. Written comments must be submitted before 5:00 p.m. on the closing date of the public comment period which ends on December 4, 2009. Please Submit Written Comments to:

Peter Noonan, AICP
Community Development Department
455 North Rexford Drive
Beverly Hills, CA 90210



NOTICE OF PUBLIC HEARING

The Council of the City of Beverly Hills, at its meeting to be held on Tuesday, December 1, 2009, at 7:00 p.m., in the Council Chambers of the City Hall, 455 N. Rexford Drive, Beverly Hills, CA 90210, will consider:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES FOR FISCAL YEAR 2009/2010 TO ESTABLISH A FEE FOR THE INSPECTION AND CERTIFICATION OF CORRECTABLE CITATIONS

The proposed resolution will amend the Comprehensive Schedule of Taxes, Fees & Charges to establish a fee for the inspection of vehicles that have been cited for correctable traffic violations and certification that corrections have been made. The new fee would become effective on December 31, 2009.

All interested persons are invited to attend and speak on this matter. Written comments may also be submitted and should be addressed to the City Council, c/o City Clerk, 455 N. Rexford Drive, Beverly Hills, CA 90210. The comments should be received prior to the hearing date. If you need more information, please contact Lieutenant Mark Rosen of the Beverly Hills Police Department at 310.285.2190.

Please note that if you challenge the Council's action in regards to this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

BYRON POPE, CMC
City Clerk



New Board, New Start

Notes on people and events

By Rudy Cole

Thanksgiving is really our most ecumenical holiday. It does not relate to a war or any separate religious date – it is a celebration of appreciation for arrival in the New World and at first, welcoming of the “immigrants” by Native Americans.

As for the turkey, **Ben Franklin** was so enamored of our native bird that he wanted it, not the eagle, to become our national symbol. Ben might certainly be displeased to learn that the turkey has also

become a derisive word for clueless.

Which brings us to the board of education.

If the recent election was a voter revolt against the school board majority, the message delivered was not a roar, but a mild whisper. The leading candidate, who campaigned hard for change, received less than 10 percent of the eligible vote! Not precisely a mandate for a revolution.

However, much of the bitterness and

recriminations continue unabated, and that hardly serves the interests of our schools, much less the need to restore community confidence in school leadership.

Although I strongly support the right, even the obligation, of the teacher’s union (BHEA) to make endorsements of candidates for school board and to work for their election, the union should have led the way for conciliation once the election was over. That didn’t happen.

Instead, the union newsletter unleashed an attack on the board president, **Nooshin Meshkaty** – although without mentioning her name, for allegedly using influence to change her child’s grades. Unfortunately, the only real victim in this is the student. It should have been a deterrent. These are teachers, and kids should have come first, not political revenge.

As to the validity of the “disclosures,” an investigation will be conducted, but there are also issues of student privacy that may well have been violated.

The futility of all of this is that it was post-election, the union-supported candidates had won, and what purpose was served in a possible breaking of rules by everyone involved?

There have also been some very nasty allegations of racist issues being raised in the campaign. First, I reject the notion that this community would tolerate any form of bigotry. Any candidate for office who would play the nationality card would be totally rejected. However, a very small portion of our voters may have been exposed to and allowed themselves to be influenced by whispers of Meshkaty’s Iranian, Muslim heritage. For the record, Meshkaty’s religious preferences were never secret nor was her support of Israel, if that should matter, and her deep ties to the Jewish community.

Since this issue is not likely to disappear and because there continues to be a very small vocal minority who simply can’t resist the calls of bigotry, I would strongly urge our Human Relations Commission to look into the election and continue efforts to bring even greater understanding on the positive values of diversity. Our cultural history supports and demands tolerance.

Now, another challenge faces this new board: the selection of a board president. If they played by the current rules, it would be **Myra Lurie**.

But Lurie, in the middle of her second term as a member of the school board, is obviously now in a minority – she supported Meshkaty, and along with **Myra Demeter**, who did not seek re-election, the three were often in sharp disagreement with board members **Brian David Goldberg** and **Steven Fenton** on many highly divisive issues, including out-of-district permits.

Although our school board has sometimes changed the rules in the middle of

the game for often highly personal infighting reasons, this has almost always led to hard feelings and continuing distractions. A case-in-point was passing over **Gerald Lunn, Jr.** when it was really his turn to be president of the board: even though many in the community differed strongly with his views on priorities, including this writer.

Newly elected board member **Jake Manaster** has said he wants to “bring glue” to board meetings to fix divisiveness, and **Lisa Korbatov** has said she also wants to make a new start; continuing battles, which the passing over of Lurie would perpetuate, is not a step in the right direction. The bitterness of the Lunn experience continued to divide the board and the education community for many years. That’s the last thing we need now.

It also seems reasonably obvious that considering all the very public problems the recent board faced, from law suits to a loss of administrators to constant bickering, it would have been very difficult for any member of this board to have won election. There was a strong mood in the community to place blame on the whole board for these problems, and not just those whose names would appear on the ballot.

Individually, this past board was very talented and should have been able to come together on areas of agreement. Actually, the district has some successes, including major improvements in test scores and in bringing **Dr. Jerry Gross** in as acting school superintendent.

Now, the board’s first goal should be not only to come together as a board, but to restore confidence in our educational leadership. The community needs to be assured that this board can be trusted to responsibly move forward on voter approved bonds which will make our school buildings safer and more usable.

Politically, continued strife will not only harm our schools, but impair whatever hope any board member has for other elective offices, and that would be bad for our city. Meshkaty lost an election and Lurie lost her allies – they now need to accept the realities and move on. They too need to halt their anger. Brian David Goldberg and Steven Fenton should be gracious winners. All four are very able, very committed to our schools; that should never be in doubt.

Although predicting political loyalties and alignments is never an exact science, and it is never possible to know how any elected officials will align themselves on issues or even the selection of a new school superintendent, clearly Fenton could be the healer. He has great communication skills, he has a strong political heritage and name and he can, if he chooses, reach across the dividing education lines. Now, he can and should be a force for unity in the whole education community.

Interestingly, although Goldberg has often been the most militant critic of recent board and administration programs, he has become, for whatever reasons, a less strident voice and less contentious than some of his board col-



NOTICE

NOTICE OF ADOPTION OF AN ORDINANCE OF THE CITY OF BEVERLY HILLS REGARDING WATER EFFICIENT LANDSCAPING AND PARKWAY SURFACES AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

PLEASE TAKE NOTICE that on November 17, 2009 the City Council of the City of Beverly Hills adopted an Ordinance entitled “An Ordinance of the City of Beverly Hills Regarding Water Efficiency Landscaping and Parkway Surfaces and Amending the Beverly Hills Municipal Code.” Mayor Nancy Krasne, Vice Mayor Jimmy Delshad, Councilmember William W. Brien, M.D., Councilmember Barry Brucker voted for adoption of the ordinance. Councilmember John A. Mirisch voted against adoption of the ordinance. A summary of the Ordinance follows:

Summary of Ordinance

An Ordinance of the City of Beverly Hills Regarding Water Efficiency Landscaping and Parkway Surfaces and Amending the Beverly Hills Municipal Code

Assembly Bill 1881 requires cities to adopt the California Department of Water Resources State Model Landscape Ordinance no later than January 1, 2010. The City has opted to adopt its own ordinance, which is intended to be as effective in conserving water as is the Model Landscape Ordinance.

The ordinance establishes a structure for planning, designing, installing and maintaining water efficient landscapes. The ordinance requires an applicant to submit a landscape documentation package for review and approval by the City prior to installing any new landscape area of 2,500 square feet or more. This applies to all landscape areas of new residential or commercial development projects, including city projects and facilities and landscape areas which are altered by more than fifty percent (50%). It also applies to new installation of landscape area irrigation systems. Applicants must complete a worksheet that addresses soil conditions, grading plan, irrigation plan, and plant material in order to fit into a prescribed water budget. The ordinance also makes an additional amendment to the provision regarding parkway landscape. The ordinance now allows the abutting property to plant and maintain the parkway with grass or other plant material that is maintained at no more than six inches in height as approved by the City’s Arborist.

A certified copy of the entirety of the text of Ordinance is available in the office of the City Clerk, Beverly Hills City Hall, 455 N. Rexford Drive, Room 290, and is available for public inspection at that location.

Dated: November 24, 2009

Byron Pope, City Clerk

leagues. He too can help the healing.

No matter the difference, the in-fighting, the personal agendas and real challenges, this is still one of the best and desirable school districts anywhere. That's true because we do have excellent teachers and school administrators, involved parents through PTA and community support including our city council, mostly, however, because of the children who make this so viable and productive. Sometimes we forget. It is for the kids.

There was a feel-good event last Sunday, and it was good to see our community recognize contribution and involvement by someone as deserving as **Frank Fenton**.

Sunday the city dedicated the field at La Cienega and Olympic with his name. Some 300 community leaders made it a standing-room-only event. Participants included not only almost all of our city's leadership, but rank and file members of the police and fire departments, city staff and the education community.

Mayor **Nancy Krasne** did a really fine job in her introductions and comments as

did Community Service Director **Steve Miller** who presided. Speakers included **Bruce Corwin**, Assemblyman **Mike Feuer** and Rec and Parks Commission Chair **Jill Tavelman Collins** and longtime friend, **Mike Roberts**.

The audience included 50 of Frank's former Little League coached teams. Among others I spotted were former school superintendent **Sol Levine**, **Beny Alagem**, **Dr. Julian Gold**, Commissioners **Brian** and **Arnold Rosenstein**, **Nina (Honeybear) Brien**, **Joyce** and Commissioner **Jeff Levine**, **Paula Kent Meehan**, **Lili** and **Jon Bosse**, **Toni Corwin**, **Bernie Nebenzahl**, **Tanis** and **Artie Harris** (she is a former Beverly High assistant principal, and he is a former UCLA baseball captain and Dodge scout), **Fran** and **Moshe Cohen**, **Judi Henning** and **Richard Rosenzweig**, Police Chief **David Snowden**, **Sgt. Joe Chirillo**, **Francis Silvera** (widow of the late Al, a former Cincinnati Reds catcher), **Jake** and **Linda Manaster**, **Dena** and **Irv Schechter**, **Lisa Korbatov**, **Wendy** and **Bruce Smiley**, **Josette Cole**, **Clif Smith**, **Linda Roberts**, **Brian David Goldberg**, **Nooshin** and **Yar**

Meshkaty and, of course, school board member **Steven Fenton** and **Judie Fenton**.

Fenton not only served with great distinction on the city council and during his last weeks, thanks to a very gracious move by then Mayor **Barry Brucker**, as mayor. He is the only person in our history who has held all our elected offices: school board, city council and city treasurer. I had the pleasure of welcoming Frank to the Recreation and Parks Commission when I served as commission chair.

Mayor **Krasne** asked Councilmembers **John Mirisch**, **Barry Brucker**, **Dr. Willie Brien** and **Jimmy Delshad** to join her in the welcoming recognition.

We are not now the only community with a Nate 'n Al's. With almost no public notice, the venerable Beverly Hills institution has opened its first ever satellite in Thousand Oaks, with partner **Al Mendelson** doing the managing duties. I had no idea the far end of the Valley was that into their great chicken soup and brisket of beef.

My Independent Citizen's Oversight Committee colleague, **Linda Lewis**, had a valid reason for leaving a recent meeting early: Her son, **Barton Lewis**, a high school senior, was portraying the child psychiatrist, father character in the high school play, "Kringle's Window" which was extremely well received.

Final Note: Monty Hall, the television icon and the guy who makes giving time and leadership to charities a lifetime commitment, will make a guest appearance on the show he created, "Let's Make a Deal" in Las Vegas in January. Wife Marilyn's feature film, "The Little Traitor" based on the book by **Amos Oz** and adopted by **Lynn Roth**, "Partner in the Basement" has opened to very positive reviews. Well worth seeing.

Rudy Cole served for eight years as a member and chair of the city's Recreation & Parks Commission. He was also President of the Greystone Foundation and served on three other city committees. Rudy can be reached at: Rudy@bhweekly.com.

briefs cont. from page 3

school district. Honesty is always the best policy."

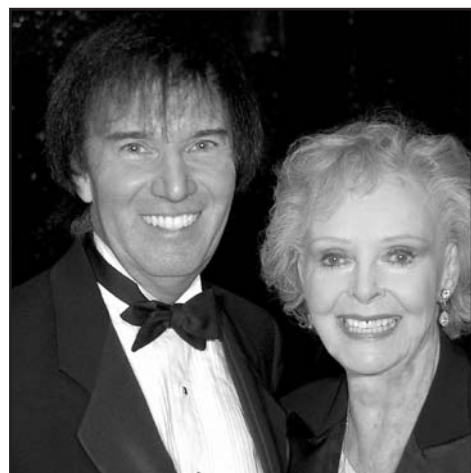
Beverly Hills Sells Out Bond Offering in Three Hours

The City of Beverly Hills sold out approximately \$75 million of 2009 Lease Revenue Bonds Tuesday in the first three hours of a two-day offering.

The bonds were all purchased in the retail period by Beverly Hills investors and brokers on behalf of businesses and residents in Beverly Hills. The bonds would have been offered to all investors in the open market if it didn't sell out in the retail period. Retail bond sale periods are made in smaller amounts, as low as \$5,000 per transaction.

"We actually had many more offers to buy our bonds than we had bonds to sell," said Beverly Hills Chief Financial Officer Scott Miller. "It's further recognition from investors of Beverly Hills' fundamental economic strength and sound fiscal management."

Beverly High and Jr. Philharmonic Host Holiday Concert



Gary S. Greene and June Lockhart

BHUSD and the Jr. Philharmonic Orchestra will present a free holiday con-

cert for the community at the K.L. Peters Auditorium at Beverly High Dec. 9 at 7 p.m.

Conducted by Gary S. Greene, the program includes Mendelssohn's *Fingal's Cave Overture*, Beethoven's *Seventh Symphony*, Copland's *Variations on a Shaker Melody*, Stephen Schwartz' *Wicked* and Young's *When I Fall in Love*. Special guest June Lockhart will be the evening's emcee.

The Jr. Philharmonic is one of the oldest and most prestigious youth symphony orchestras, and has performed concerts in Beverly Hills since the 1940s. They use Horace Mann School as their rehearsal site.

Those interested in free tickets can send a self-addressed stamped envelope to the JPO, Box B10, 157 South Fairfax Ave., Los Angeles, California, 90036 or send an e-mail to tickets@jrphil.org.

For more information, visit www.jrphil.org.

Give Blood to Save Lives

The Beverly High Senior Row invites everyone to donate blood at the 2009 Winter Blood Drive Thursday, Dec. 3 from 8 a.m. to 1 p.m. in the high school's faculty cafeteria.

Blood Drive sign-ups are due Friday, Nov. 27. The senior row has set a sign-up goal of 300 people. They hope to exceed last year's collection of 154 units.

Those who sign-up during the high school's lunch period from 12:12 to 1 p.m. will receive a Chipotle lunch. All donors will receive a Chipotle gift card. Those who sign up between 8 a.m. and 10 a.m. will receive a movie ticket.

Those who would like to participate should contact Beverly High Senior President Jason Bellet at jasonbellet@gmail.com.

GEARYS to Open First Los Angeles Rolex Store in Century City

GEARYS President and Chief Executive

Officer Thomas J. Blumenthal recently announced the opening of the 79-year-old California icon's inaugural Rolex store in the Westfield Century City Shopping Center tomorrow.

The Black Friday grand opening follows the official ribbon-cutting ceremony which took place Wednesday, Nov. 25.

The 1,600 square-foot store — with designs similar to Rolex boutiques in Beijing, Geneva, Rome and Tokyo — will house the most complete assortment of Rolex timepieces in Los Angeles.

"We are thrilled to bring this incredible collection of Rolex watches to Los Angeles," said Blumenthal, whose family has owned and operated GEARYS for over 50 years, and showcases Rolex in its two existing stores in Beverly Hills.

BHPD Begins 2009 Holiday Click It or Ticket Campaign

The Beverly Hills Police Department will be out in force looking for anyone not wearing a seatbelt as part of the 2009 holiday Click It or Ticket campaign from Nov. 17 through Nov. 30.

No warnings will be given out.

"There is absolutely no question that seat belts save lives," Police Chief David Snowden said. "Buckling up will not only



Beverly Hills Chamber and Mayor Krasne Cut Ribbon for Bouchon

Bouchon Chef and Owner Thomas Keller and Mayor Nancy Krasne

Beverly Hills Chamber of Commerce conducted a ribbon-cutting ceremony for the city's new restaurant Bouchon, while Mayor Nancy Krasne presented a proclamation to the venue on Monday, Nov. 16.

Bouchon's Beverly Hills location is chef and owner Thomas Keller's third site opening. The restaurant features a French pewter bar, a vibrant mosaic floor, antique light fixtures and an expansive mural, handpainted by French artist Paulin Paris. Next month, Bouchon will introduce Bar Bouchon, a French-wine bar with an extensive wines-by-the-glass selection and small-plate offerings.

save you a heavy fine, it can also save your life."

California currently has a seatbelt usage rate of 95.4 percent, which means more than 1.5 million people in the state are not buckling up. More than 175 local law enforcement agencies statewide and the California Highway Patrol will be participating in the campaign, which was funded by a grant from the California Office of Traffic Safety through the National Highway Traffic Safety Administration.

For more information, please contact the city's Police Traffic Bureau at (310) 285-2190.

sports & scores



BHHS Winter Teams Set To Begin Seasons

Injured Normans girls' basketball star expected to return to action in February.

By Steven Herbert

The Beverly High girls' basketball team is scheduled to open its season Monday by facing Sun Valley Poly in a first-round game of the Inglewood City of Champions Holiday Classic at 3 p.m. at St. Bernard High School without its best player, Morgan Mason.

Mason, first-team All-Southern Section Division II-A forward last season who helped lead the Normans into the division's championship game, underwent surgery in late August to repair a torn anterior cruciate ligament in her right knee, an injury sustained July 18 in a San Diego Classic game against Chino Hills Ayala.

Mason is expected to begin participating in non-contact practices Monday and is expected to begin play the first week of February "if all goes according to plan," Normans assistant coach Charles Solomon said.

With Mason, "we're a top five team in state," Solomon said. "Without her, we're a top 25 team."

"She just adds another dimension of speed and easy baskets," Solomon said. "Now we have to work for everything. With her, it was 25 points per game of easy baskets."

Beverly Hills lost starting shooting guard

Sophie Payson and starting center Javonna Young to graduation off a team that was 24-10. Lisa Kliman will start at shooting guard and Chelsea Austin will start at center.

"She's really improved a lot since last season," Solomon said of Austin.

The Normans return two starters – guard-forward Miranda Abdul-Mansour and point guard Natalie Moy. Abdul-Mansour's twin sister, Jaina Abdul-Mansour, will replace Mason as a starting guard-forward, Solomon said.

If Beverly Hills wins Monday, it will face the St. Bernard-South Torrance winner in a second-round game Tuesday at 4:30 p.m. A victory Tuesday would advance the Normans into a quarterfinal Wednesday at 7:30 p.m. Both games would be played at St. Bernard.

The five-round, 28-team tournament will conclude Dec. 5.

"I think 3-2 would be a good tournament," Solomon said.

Boys' Basketball

The Normans will begin their attempt to bounce back from last season's 4-22 record and end a 16-game losing streak when they

play host to Newhall Hart Tuesday in a non-league game at the Swim-Gym beginning at 7 p.m.

"We will be better," said Beverly Hills coach Derek Boldon, who based his optimism in part on his team's 6-4 record in fall play, despite the absence of injured center Bo Abrams (sprained ankle) and forward Greg Townsend, who was playing football.

"We're looking a lot more competitive and we're doing a better of executing plays and a better job of defending and rebounding."

During the spring, summer and fall, the team "got in a lot more" weight training and conditioning, Boldon said.

The players "understand a little better what I'm looking for, what my expectation is," said Boldon, who is starting his second season as the team's coach.

When asked what the returning players learned from last season's record, Boldon replied, "that they're not as good as they think they are and that they've got to work and no one is going to hand them anything."

Offensively, the Normans "to run a lot more," and "try to get to the basket as much as possible," Boldon said.

"We're not going to live and die by the jump shot," Boldon said.

Expected to join Abrams and Townsend as starters are forward Kian Alam and shooting guard Trevor Walters and either Austin Mills or Aurash Jamasbi at point guard, Boldon said.

Hart, the Normans' season-opening opponent, was 21-9 during the 2008-2009 season, advancing to the Southern Section Division III-AA quarterfinals, losing to eventual champion Anaheim Canyon.

Beverly Hills also figures to face a challenge Wednesday when it plays host to Valley Village Valley Torah in a nonleague game at the Swim-Gym beginning at 7:30 p.m. The Wolfpack was 18-4, sharing the Westside

League championship and advancing to the second round of the Division V-A playoffs.

Wrestling

The Normans are scheduled to begin their season Saturday by competing in the Chaminade Tournament.

Girls' Water Polo

The Normans are scheduled to begin their season Monday with a game in the Magnolia/Santa Ana Valley Tournament.

Boys' Soccer

The Normans are scheduled to begin their season Tuesday by playing at Playa Del Rey St. Bernard in a South Bay/Westside Tournament game beginning at 3 p.m.

Girls' Soccer

The Normans are scheduled to begin their season Wednesday by playing at Lawndale Leuzinger in a South Bay/Westside Tournament game beginning at 3 p.m.

Girls' Tennis

Beverly Hills 10, Chino Hills Ayala 8

The Normans won the final four sets to win a Southern Section Division 2 first-round playoff match Nov. 12 at Beverly High.

Trailing 8-6 Beverly Hills got 6-1 victories in singles from Brianna Morgan and Amanda Zalameda, as both completed sweeps, along with a 7-5 victory from its No. 1 doubles team of Allison Isaacman and Erica Lee and a 7-6 (5) victory from its No. 2 doubles team, Nicole Levy and Hillary Monroy.

Both teams won three sets in the first round, with Morgan (6-3), Zalameda (7-6) and No. 3 singles player Megan Margolin (6-0) winning for the Normans.

In the second round, Morgan won 6-0, Zalameda 6-2 and the Isaacman-Lee team 6-1. Anaheim Esperanza 9, Beverly Hills 9

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(Esperanza wins on games, 77-73)

The Normans season ended with a loss in a second-round match Nov. 14 at Esperanza, after reaching Southern Section finals eight of the previous nine years.

The match concluded with Beverly Hills getting a 7-6 victory from the Levy-Monroy team over the Aztecs No. 1 team of Alyssa Kramer and Bianca Quesada, and a 6-2 victory by Margolin over Esperanza's No. 2 singles player, Katherine Higashida, in a set she won the final six games.

"We just came up a little short," said Normans coach Mike Margolin, the father of Megan Margolin.

Mike Margolin said the early elimination was, "not disappointing at all."

The match was tied, 6-6, entering the final round. Beverly Hills also got a 6-0 victory from Morgan in the third round to complete a sweep.

The Normans led 4-2 at the end of the first round, getting victories from Morgan (7-5), Zalameda (6-4) and Megan Margolin (6-0) and the Isaacman-Lee doubles team (7-6).

Morgan (6-0) and Zalameda (6-0) won their sets in the second round.

Girls' Volleyball

Redondo Varsity Classic

Beverly Hills lost to Carson in the third-place match of the Bronze Division 25-15, 25-21, Oct. 31.

The Normans began Bronze Division play earlier in the day by defeating Azusa, 25-5, 25-13, in a match it played "very good volleyball" where they were strong on both offense and defense, according to coach Marla Weiss, then lost in the semifinals to Palisades, 25-21, 22-25, 15-10.

In pool play matches Oct. 30, Beverly Hills lost to Flintridge Sacred Heart, 25-9, 25-21, and South Torrance, 25-10, 25-21.

"Both of those teams are ranked in their divisions very high," Weiss said. "Although our first game scores didn't show it, we definitely improved from the first to the second game. I thought we played competitive volleyball."

The Normans lost to Bakersfield Independence, 12-25, 25-19, 15-12, in its final pool play match.

The tournament was played at Redondo High School.

Beverly Hills def. Culver City, 25-18, 25-16, 25-22

Tamara Skootsky had six kills, seven blocks and two service aces and Emily Rosen 18 digs and four service aces in what Weiss called an outstanding match as the Normans completed the regular season with a victory at Culver City Nov. 5, sharing the Ocean League championship with Santa Monica, with a 9-1 record in league play.

"My team played, very, very well with a lot of passion and desire and really stepped it up when they needed to," Weiss said.

Girls' Cross Country

Southern Section Division II Prelims

The Normans ended their season with an eighth-place finish in their 14-team heat Nov. 14 at Mount San Antonio College in Walnut.

Senior Raquel Hefflin was Beverly Hills' top finisher, finishing 10th, completing the three-mile course in 18 minutes, 48 seconds, one second behind the eighth- and ninth-place finishers, Michelle Pittman of Redondo and Lindsey Meng of Anaheim Canyon. Redondo Rachel Bush won in 18:05.

The Normans had 211 points, 48 more than

seventh-place Beaumont. Redondo won with 24.

Boys' Cross Country

Southern Section Division II Prelims

The Normans ended their season with a 13th-place finish in their 14-team heat Nov. 14 at Mount San Antonio College in Walnut.

Senior Ali Hatcher was Beverly Hills' top finisher, finishing 58th in 17:16. Hatcher was one second behind the 57th-place finisher, Andrew Herrick of La Mirada. Anthony Castro of Glendora won in 15:17.

The Normans had 370 points, three fewer than 14th-place finisher Santa Maria. San Bernardino Pacific was 12th with 339. Glendora won with 36.

In both the girls' and boys' races, the top four qualified for the Southern Section Finals, as did the top six individual finishers.

Steven Herbert has covered Beverly High sports for the Beverly Hills Weekly since 1999. He welcomes feedback and suggestions. He can be reached by e-mail at StvHerbert@aol.com, by telephone at (310) 275-7943 or by fax at (310) 273-4519.

letters cont. from page 2

lawsuit pertaining to the sale of a family business. Rather than focus on a family matter best left to the San Bernardino courts, and we reiterate, *still pending*, we choose to focus on Dr. Goldberg's record on the school board. That record is sterling. Dr. Goldberg has shown the utmost concern and has worked tirelessly for BHUSD, the students, faculty, residents and the greater good of Beverly Hills. We are very grateful to Dr. Goldberg, and we stand firmly behind him.

Allyce Balson, Nancy Barth, Deborah Blum, Darian Bojeaux, Esther Lerner Brenner, Amie Deutsch, Marlene Dobkin, Jerry Dobkin, Donna Flade, Ray Flade, Matthew Finerman, Ardyth & Sam Freshman, Cami & Morris Gasmer, Norm Gallup, Marilyn Gallup, Cassia Geilim, Denise Geller, Arny Gilberg, Julie Gilberg, Marilyn Granas, Mandi & Steve Dyner, Adi & Isabel Hacker, Yvonne Hatherill, Dale Herd, Dorothy Kamins, Phillip Kamins, Dori Kenneally, Ruth Kraft, Kari Kramer, Laurie Lande, Larry Larson, Lee Lewis, Gina Mandel, Eleanor Nankin, Dr. Pablo Nankin, Ben & Rose Norton, Todd Okum, Alma Ordaz, Lee Pasternak, Tom Pease, Frank Pizzurro, Red Richmond, Jennifer Schwartz, Mitchell Schwartz, Joy Shefter, Milton Shefter, Malka Shooshani, Bob Tedeschi, Sherry Tedeschi, Terre Thomas, Rosemary Weinglass, Robert Wood, Joy Zaki, Sylvia Zekaria, Doreece Elihu Artal, Roy Artal, Luz Esther Avila, Robert Kyncl, Lyle & Pamela Kurtz, Bob Sternshein, Leslie Sternshein, Andrea & Rick Grossman and Mary Levin Cutler

Beverly Hills

I love the North Homeowners Association. They have been on the correct side of almost every issue relating to our city. However, I respectfully disagree with the position of their executive committee calling for the resignation of Brian Goldberg from the Beverly Hills Board of Education.

The litigation against Brian was a civil case. In a civil case, the standard of proof is very

low — a preponderance of the evidence (more than 50 percent). In a criminal case, the standard of proof is very high — beyond a reasonable doubt. All too often, innocent people lose civil cases. Sometimes such cases are decided by who the jury likes best or who has the better attorney. It's just not fair to judge someone's character based on the result in a single civil trial.

I met with Brian when he was running for the school board. I have no doubt that Brian decided to plunge into the morass of our school district for an honorable reason — to do what he could to reduce the incompetence and corruption that have resulted in inexcusable mediocrity.

I suppose that everyone needs to make their own judgments as to whether Brian is a good and honest person. Based on the hours that I have spent with Brian, I believe that there is too much good in this man to leave room for evil.

Gerald Lunn

Board of Education member, 1997-2001
Beverly Hills

"Chaos on the Human Relations Commission?" [Issue 529]

As members of the Beverly Hills Human Relations Commission, we are writing to express our disappointment in the article about the commission published last week. [Issue 529]. We are proud of our recent accomplishments including a Persian-American Roundtable, Celebrate Your Heritage Week, and the creation of a year-long Donation Calendar that solicits specific items during each month in 2010 to benefit the disadvantaged.

A primary objective of the Human Relations Commission is to *actively work to establish our city as a model of a just and equitable society. The Commission recognizes the benefits inherent in a diverse community, fosters understanding and acceptance of all of its citizens, and promotes civil discourse and conduct.*

We are six members of the community who

bring valuable, individual perspectives to the commission, and work diligently together until we can speak with one voice. We invite all interested members of the public to attend our meetings and bring *their* voices to the challenging human relations issues that arise in our community.

The Human Relations Commission meets the third Thursday of each month at 9:15 a.m. in room 280-A of City Hall. The agenda is posted at City Hall and on the city's website,

www.beverlyhills.org, 72 hours prior to the meeting. The packet is available in the City Clerk's office and library.

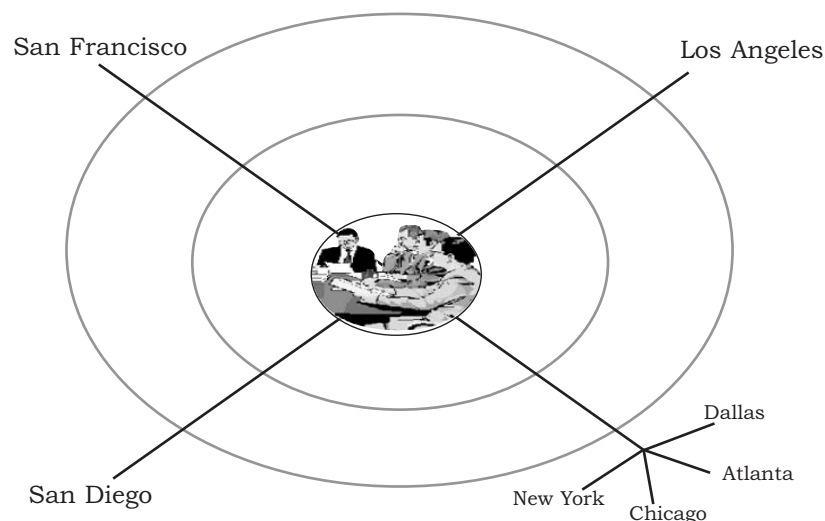
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coverstory

GIVING THANKS

Beverly Hills jeweler Jacques Mouw gets a second chance at life

By Kimberly Cheng

Many of us know at least one cancer survivor. Few know someone who battled four types of cancer — kidney, brain, bladder and liver — and are still alive to tell the tale.

Jacques Mouw is living proof that miracles do happen.

Mouw habitually tackled the Los Angeles Times crossword puzzle — until he woke up one morning three years ago and couldn't understand the garbled words in front of him. He could barely even speak.

He thought he was having a stroke. But when Mouw was rushed to the UCLA Medical Center, he learned he would be tackling something far more challenging.

Doctors diagnosed him with stage-four metastatic renal cancer, starting in his kidney and slowly seeping into his brain, and performed emergency brain surgery.

The 30-year Beverly Hills resident was given six to 18 months to live.

"It was a death sentence," said Mouw, who was told to move his daughter's wedding, scheduled for June 2007, three months earlier because he wouldn't live that long.

But the 65-year-old jeweler refused to give up. He sought opinions from several doctors, all with the same gloomy prognosis. Then, after sifting through five different doctors, he found the nearly-unde-

tectable silver lining at Cedars-Sinai Medical Hospital. His name was Dr. Christopher Ng.

"He was the first real positive person I met," Mouw said. "He said, 'Let's take it step by step. Maybe we can keep this under control.'"

Ng performed a nephrectomy on Mouw to remove his kidney, and then introduced him to oncologist Edward Wolin, who, unlike most doctors, refused to use chemotherapy to treat Mouw.

"He said, 'If you take those drugs, they're going to kill you,' Mouw said. "And he was right. If I had taken those drugs, I would not be here."

But the battle was far from over.

Mouw couldn't speak. He couldn't write, and he could barely move. With the help of his four children, he underwent speech and motor therapy for about three months. He

forced himself to get out of bed every day and go to work at his eponymous Beverly Hills jewelry store.

"Even if it was just a half hour or an hour," Mouw said. "My therapy was forcing myself to be active and not just lying in bed saying, 'It's over. It's finished.' I had to try to communicate with people, and it was very difficult."

It took him about eight months to regain his strength, ability to write, speech and motor skills.

Soon after, Mouw went under the knife again. Doctors operated on his prostate due to a previous surgery Mouw had in which multiple tumors were removed from his bladder.

The transurethral resection of the prostate (TURP) removed a section of the gland to unblock urine flow.

Then, doctors found another lesion in his brain.

"I wasn't shocked at all," Mouw said. "The oncologist said the lesions would keep popping up."

Mouw went to Cedars for a Gamma Knife procedure — a knifeless procedure using highly concentrated radiation to pinpoint and destroy the tumor. From then on, Mouw was required to have MRI scans every two months, sometimes leaving him in the machine for two to three hours.

The year-long hits kept coming. About four months later, doctors discovered a tumor in Mouw's liver.

"And I don't drink," Mouw said.

Both Ng and Wolin introduced Mouw to

Dr. Steven Colquhoun, who specializes in liver transplants. Although Colquhoun conducted a successful radiofrequency ablation to remove the lesion, he later found a larger lesion in the porta hepatis — the liver's Grand Central Station for major blood vessels.

Mouw underwent open liver surgery.

"Most surgeons said there's no hope," Mouw said. "All the other opinions from other hospitals said it's very bad. [They] wouldn't perform the surgery. When the cancer moves to the porta hepatis, it's not even years, it's just months. But Colquhoun said he's going to do the surgery."

And though the situation seemed dire, the six to seven hour surgery was a success. It was the last major surgery Mouw had.

"Every surgery I had, the next day I was walking," Mouw said. "I was always getting up, always walking. It's a state of mind. If you say, 'I'm going to beat it,' then I'm going to."

Mouw has been cancer free for more than a year.

"But of course, it's a sleeping illness," Mouw said. "It's in remission, and it can rear its ugly head in any time or maybe never."

But Mouw is more than optimistic about his health, and even more with his diamond business amid a dwindling economic environment.

"I'm so confident in myself that I'm going to live another 20, 30, 40 years," Mouw said. "You just have to be positive. Even in the recession, my wife says to close the store. I'm not going to close the store. I'm going to keep going."

A fifth-generation diamond trader born in South Africa, Mouw has been married to his wife Pauline for 42 years, and has four successful children. Allan, 40, is a Beverly Hills attorney. Graham, 39, is a neurosurgeon. Steven, 36, is currently living in Israel for the research development and marketing of medical devices, and Leanne, 32, is also an attorney.

The famous and rare Premier Rose Diamond was named after his mother Rose, whose husband Jacob is the founder of Mouw Diamond Cutting.

Mouw credits his family, Cedars Sinai doctors and his staff, who have been with him for more than five years, for his victory against the disease.

"I'm not somebody who blows it on a horn and says, 'Look what I did,'" he said. "I'm just very happy to be alive, and I'm very happy the family's together."

Mouw said his Thanksgiving plans include dinner at his Beverly Hills residence with his wife, children and three grandchildren. He said he has always had an appreciation of life and of family moments. Thanksgiving is no exception.

"I can't say all of a sudden I woke up and said I'm changing my thinking, life is now worth living and everything has changed," Mouw said. "It's not true. Life doesn't change. Life carries on, and you have to adapt to the circumstances. I adapted to having cancer, and I adapted to living with it and fighting it. This is a story where somebody has really disproved the statistics."

Update on Past Participants

James Brubaker, featured in Thanksgiving issue 373, is finally back to normal after his 2006 kidney and liver transplant.

"The doctors are saying if they didn't know I had a transplant, they'd never be able to tell from the blood tests," Brubaker said.

Brubaker is currently only taking 20 percent of the immunosuppressant drugs given to him after the surgery. The results of the drastic cut, he says, have been profound.

"I'm much more active," he said.

Brubaker has much to be thankful for. In 2006, he was down to his last 30 days before Cedars Sinai doctors agreed to perform a transplant UCLA doctors refused to do because of his age.

At 71-years-old, Brubaker was asked by Cedars doctors why he was so adamant in undergoing the transplant.

"If it were just me, I'd probably just take my medicine, live another couple of years and call it a day," Brubaker said. "But it's not just me. It's my family."

Brubaker was in the intensive care unit for several days after the operation, and doctors didn't know whether he would make it — until Dr. Andrew Klein came into his room and briefly spoke with him.

"He said, 'Listen up, you old bastard. You're in trouble. You want to live so bad, now's the time to prove it,'" Brubaker said.

And he certainly proved it.

Brubaker is currently living with his wife Joyce and grandson Brian on the Chesapeake Bay in Havre de Grace, Maryland. He is in the process of writing a cookbook of worldwide cuisines, which he collected first-hand from his travels.

When asked if he was cooking Thanksgiving dinner for his wife and grandson, Brubaker said, "I sure am."

Elaine Lerner Schreiber, profiled in Thanksgiving issue 217, was diagnosed with stage-three ovarian cancer in 2001, but today, is still reeling from her husband's death almost two years ago.

"Life has been challenging these last couple years," Schreiber said. "It's been lonely without [Arthur]."

Schreiber is taking it day-by-day with the help of a bereavement support group for women and men who have lost their spouses.

"They've been life-saving," Schreiber said. "They let you know you're not alone."

Schreiber's children and grandchildren have been a firm backbone to her recovery. She recently celebrated her eighth cancer-free anniversary, though she still visits her doctor every three months for check-ups.

"[Arthur] would not have wanted me to sit down and stop living," Schreiber said. "I know he's up there watching out for me."

Arthur's favorite Thanksgiving meals will be at the top of Schreiber's cooking list: stuffing and cranberry sauce. Schreiber is thankful for her children, her friends and her good health.

"If you have your health, you can do anything," she said. "Somehow, it all works out."



Leanne Mouw's wedding was moved up to March 2007 after doctors told her father he wouldn't live past June. (top row: Dr. Graham Mouw, Jacques Mouw, Leanne Mouw, Andre Leb, Pauline Mouw, Steven Mouw and Allan Mouw; bottom row: Gavin Mouw, Raina Mouw, Tessa Mouw, Rose Mouw and Joe Mouw)

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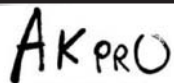
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tions together with advances, and estimated costs and expenses, is \$6,744,176.55.

THAT notice of breach of this obligation and election to sell said real property was recorded as instrument No. 20090508450, on April 8, 2009, of Official Records in the office of the County Recorder of Los Angeles County, State of California

This transaction is exempt from the provisions of California Civil Code Sections 2923.5 and subdivision(s) of 2923.52. Melvin H. Malat, Esq. may be acting to collect a debt. Any information obtained will be used for that purpose.

Date: November 17, 2009

Address: 270 North Canon Drive, Suite 300, Beverly Hills, California 90210-5311

Phone: (310) 278-8700

Fax: (310) 273-4107

Melvin H. Malat, Esq., substituted Trustee

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

On November 17, 2009, before me, Christine M. Paul, Notary Public, personally appeared Melvin H. Malat, Esq., who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Christine M. Paul

My Comm. Expires Oct. 3, 2010

11/19, 11/26, 12/3/09

CNS-1742241#

**NOTICE OF PETITION TO ADMINISTER ESTATE OF:
JUSTIN J. GERSHUNY AKA JUSTIN JOSHUA GERSHUNY
CASE NO. BP119589**

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the WILL or estate, or both of JUSTIN J. GERSHUNY AKA JUSTIN JOSHUA GERSHUNY.

A PETITION FOR PROBATE has been filed by DOREEN D. GARCIA AND FREDERICK B. DENITZ in the Superior Court of California, County of LOS ANGELES.

THE PETITION FOR PROBATE requests that DOREEN D. GARCIA AND FREDERICK B. DENITZ be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act with limited authority. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A HEARING on the petition will be held in this court as follows: 12/15/09 at 8:30AM in Dept. 5 located at 111 N. HILL ST., LOS ANGELES, CA 90012

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney. IF YOU ARE A CREDITOR or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code Section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for Petitioner
GARY M. RUTTENBERG
BLOOM & RUTTENBERG
11111 SANTA MONICA BLVD #1840
LOS ANGELES CA 90025
11/26, 12/3, 12/10/09
CNS-1742529#

ORDINANCE NO. 09-O-2572

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADOPTING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF BEVERLY HILLS WHICH WILL PROVIDE TWO YEARS ADDITIONAL SERVICE CREDIT FOR LOCAL MISCELLANEOUS MEMBERS PER GOVERNMENT CODE SECTION 20903

The Council of the City of Beverly Hills does hereby ordain as follows:

Section 1. That an amendment to the contract between the City Council of the City of Beverly Hills and the Board of

Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked "Exhibit", and by such reference made a part hereof as though herein set out in full.

Section 2. The Mayor of the City of Beverly Hills is hereby authorized, empowered, and directed to execute said amendment for and on behalf of the City; and to certify the City Council's compliance with Government Code Section 20903.

Section 3. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted: November 17, 2009

Effective: December 18, 2009

NANCY KRASNE

Mayor of the City of Beverly Hills, California

ATTEST:

(SEAL)

BYRON POPE

City Clerk

ORDINANCE NO. 09-O-2573

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ADD REGULATIONS REGARDING THE BANNING OF ONYCHECTOMY (DECLAWING) AND FLEXOR TENDONECTOMY PROCEDURES WITHIN THE CITY

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS ORDAINS AS FOLLOWS:

Section 1. A new Article 6 (Ban on Onychectomy (Declawing)) is hereby added to Chapter 2 of Title 5 of the Beverly Hills Municipal Code to read as follows:

"Article 6. Ban on Onychectomy (Declawing)

5-2-600: Findings.

A. There is a widespread misunderstanding in the community regarding a commonly performed surgical procedure known as onychectomy, or "declawing." Contrary to most people's understanding, declawing consists of amputating not just the claws but the whole phalanx (up to the joint), including bones, ligaments, and tendons.

B. Declawing is not a simple cosmetic procedure akin to a manicure or a pedicure. On the contrary, to remove a claw, the bone, nerve, joint capsule, collateral ligaments, and the extensor and flexor tendons must all be amputated. Thus, declawing is not a "simple," single surgery but ten separate, painful amputations of the third phalanx up to the last joint of each toe. In human terms, this is akin to cutting off the last joint of each finger.

C. Declawing robs an animal of an integral means of movement and defense. Because they cannot defend themselves adequately against attacks by other animals, declawed animals that are allowed outdoors are at increased risk of injury or death. Likewise, animals subjected to flexor tendonectomy, a procedure in which the animal's toes are cut so that the claws cannot be extended, are also robbed of an integral means of defense and thus imperils its health and safety.

D. Research has demonstrated that the rate of complication with onychectomy is relatively high compared to other procedures considered "routine." Complications can include excruciating pain, damage to the radial nerve, hemorrhage, bone chips that prevent healing, painful re-growth of deformed claw inside of the paw which is not visible to the eye, necrosis, lameness and chronic back and joint pain as shoulder, leg and back muscles weaken.

E. Although there is a widespread belief that declawing makes cats more "house-friendly" and, therefore, less likely to be abandoned and subsequently euthanized, a survey conducted by Forgotten Felines and Friends of Caddo Parish in Louisiana found that approximately 70% of cats surrendered to the city shelter were declawed. Declawed cats are generally not adoptable from shelters because of their behavioral and other problems, and they are therefore usually euthanized.

F. There are a number of alternatives to onychectomy (declawing) and flexor tendonectomy that involve no physical harm to the animal. Harmless alternatives include training the pet to use a scratch post, use of deterrent pheromone sprays, covering furniture, restricting the pet's access to certain areas of the home, use of plastic nail covers, and more.

G. In addition to the harm these procedures cause to cats, they also have detrimental consequences for humans. Declawing unnecessarily increases public health and safety risks. Research indicates that a substantial number of declawed cats become more prone to biting as a form of defense. Research has also shown that declawed cats tend to avoid use of litter boxes because the rough surface hurts their paws, and this causes sanitation problems.

H. Considering the wide array of alternatives, the City Council finds that the mere convenience of the onychectomy (declawing) and/or flexor tendonectomy procedures to the pet's guardian does not justify the unnecessary pain, anguish and permanent disability caused the animal.

I. The City of Beverly Hills enacts this ordinance pursuant to the authority vested in the City by article XI, section 7 of the California Constitution allowing a city to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. At present, the law of the State of California does not prohibit the City from acting to prohibit onychectomy and flexor tendonectomy and therefore the City is not preempted by Business and Professions Code Section 460 from adopting this ordinance. See also, California Veterinary Medical Ass'n v. City of West Hollywood, 152 Cal.App.4th 536 (2007)(Court of Appeal held that the City of West Hollywood's ordinance prohibiting onychectomy and flexor tendonectomy was within the City's police power to prevent animal cruelty and such an ordinance was not preempted by state law.)

J. The City Council finds that prohibiting these procedures will protect and promote the general health, safety and welfare of cats and humans alike.

5-2-601: Onychectomy (Declawing) Prohibited

No person, licensed medical professional or otherwise, shall perform or cause to be performed, assist in the performance of, or procure the performance of an onychectomy (declawing) or flexor tendonectomy procedure by any means on any cat or other animal within the City of Beverly Hills, except when necessary for a therapeutic purpose. "Therapeutic purpose" means the necessity to address the medical condition of the animal, such as an existing or recurring illness, infection, disease, injury or abnormal condition in the claw that compromises the animal's health. "Therapeutic purpose" does not include cosmetic or aesthetic reasons or reasons of convenience in keeping or handling the animal. In the event that an onychectomy or flexor tendonectomy

procedure is performed on any cat or other animal within the City of Beverly Hills in violation of this Section, each of the following persons shall be guilty of a violation of this section: (1) the person or persons performing the procedure, (2) all persons assisting in the physical performance of the procedure, and (3) all persons or entities that procured the procedure, including but limited to any animal guardian, owner or other person that ordered, requested or paid for the procedure."

Section 2. The City Council finds that it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment. The proposed ordinance regulates certain procedures used to declaw cats and other animals and bans declawing of cats and other animals within the City. A ban on declawing animals in the City will not result in any physical changes in the environment. The proposed ordinance is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that this ordinance will have a significant impact on the environment.

Section 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 4. The City Clerk is directed to forward a certified copy of this ordinance to the Director of the City of Los Angeles Department of Animal Services.

Section 5. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED, APPROVED and ADOPTED this 17th day of November, 2009.

NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:
(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:
LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:
RODERICK J. WOOD, ICMA-CM
City Manager

SUSAN HEALY KEENE, AICP
Director of Community Development

VOTE:

AYES: Councilmembers Mirisch, Brien, Brucker, Delshad, and Mayor Krasne
NOES: None
ABSENT: None
CARRIED

ORDINANCE NO. 09-O-2574
AN ORDINANCE OF THE CITY OF BEVERLY HILLS REGARDING WATER EFFICIENT LANDSCAPING AND PARKWAY SURFACES AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Article 4 (Water Efficient Landscaping") of Chapter 4 (Water Regulations) of Title 9 (Building and Property Health and Safety Regulations) is hereby amended in its entirety to read as follows:

"Article 4. Water Efficient Landscaping

9-4-401: PURPOSE: Water is a precious commodity of limited supply. In accordance with the Water Conservation in Landscaping Act ("Act"), the purpose and intent of this ordinance is to:

A. Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;

B. Establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new residential or commercial development projects and when landscape areas are altered by more than 50 percent in total area;

C. Promote water management practices and water waste prevention for existing landscapes; and

D. Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

Accordingly, this ordinance is intended to be as effective in conserving water as is the Department of Water Resources State Model Landscaping Ordinance set forth in Government Code Section 65595 and shall be known as the "Water Efficient Landscaping Ordinance."

9-4-402: APPLICABILITY:

Except as set forth in section 9-4-404, this article shall apply to all Landscaped Areas of new residential or commercial development projects, including City projects and facilities, all new installations of Landscaped Area irrigation systems, and all Altered Landscaped Areas, whether proposed as part of projects subject to plan reviews by any design or other reviewing body, or as part of projects not subject to review.

9-4-403: DEFINITIONS:

Unless the context otherwise requires, the following definitions shall govern the construction of this article:

ALTERED LANDSCAPED AREA: A Landscaped Area, including landscape areas of public property or facilities, that has been altered by more than fifty percent (50%) in total area.

CERTIFICATE OF COMPLETION: The document required under Section 9-4-411.

CERTIFIED LANDSCAPE IRRIGATION AUDITOR: A person certified to perform landscape irrigation audits by a recognized professional trade organization or other educational organization.

DEPARTMENT: The Department of Community Development.

DIRECTOR: The Director of the Department of Community Development or his/her designee.

ESTIMATED TOTAL WATER USE ("ETWU"): The total water used for the landscape subject to this Article determined pursuant to the formula set forth in the Landscape Regulations. The ETWU is based upon such factors as the local evapotranspiration rate, the size of the Landscaped Area, the types of plants and the efficiency of the irrigation system.

IRRIGATION AUDIT: An in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An Irrigation Audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

LANDSCAPE DOCUMENTATION PACKAGE: The documents required under Section 9-4-405 required to be submitted to the Department of Community Development for review and approval.

LANDSCAPE REGULATIONS: Rules and regulations adopted by the Director of Community Development for the implementation and enforcement of provisions of this Article, and when duly promulgated, such rules and regulations shall be in full force and effect.

LANDSCAPED AREA: The entire lot, including, water features such as pools, spas, ponds, and fountains. "Landscaped Area" shall not include the building footprint, driveways, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other nonporous areas.

MAXIMUM APPLIED WATER ALLOWANCE ("MAWA"): The upper limit of annual applied water for the established Landscaped Area or Altered Landscaped Area determined pursuant to the formula set forth in the Landscape Regulations. The MAWA is based upon the local reference evapotranspiration rate, the ET_c Adjustment Factor and the size of the Landscaped Area or Altered Landscaped Area.

PROJECT APPLICANT: The person or entity submitting a Landscape Documentation Package. A Project Applicant may include the property owner and/or an agent of the owner.

SMART IRRIGATION CONTROLLER: A weather-based device that automatically controls an outdoor irrigation system by using weather, site or soil moisture data as a basis for determining an appropriate watering schedule or utilizing prevailing weather conditions, current and historic evapotranspiration, soil moisture levels, and other relevant factors to adapt water applications to meet the actual needs of the plants.

WATER EFFICIENT LANDSCAPE WORKSHEET: The document described in Section 9-4-410.

9-4-404: EXCEPTIONS:

This article shall not apply to:

A. Projects which involve alterations or additions to, or retrofits of, existing residential, commercial or public structures or facilities, unless the Landscape Area is altered as defined in Section 9-4-403.

B. Projects with a Landscaped Area of less than two thousand five hundred (2,500) square feet.

C. Landscaping that is part of a property listed on any applicable local, state or national register of historic places.

D. Plant collections as part of gardens and arboretums open to the public.

9-4-405: REVIEW AND APPROVAL REQUIREMENTS.

A. Prior to issuance of a building permit for any project that involves Landscaped Areas or Altered Landscaped Areas subject to this Article, the Project Applicant must submit a Landscape Documentation Package for review and approval by the Community Development Department ("Department"). The Landscape Documentation Package shall include the following:

1. Project information as required by the Landscape Regulations;
2. Landscape design plan as described in Section 9-4-406;
3. Irrigation design plan as described in Section 9-4-407;
4. Water Efficient Landscape Worksheet as described in Section 9-4-410
5. A soils management report as described in Section 9-4-409;
6. Grading design plan as described in Section 9-4-408; and
7. Payment of the fee as prescribed by City Council upon submittal of the Landscape Documentation Package.

If the Landscaped Area or Altered Landscaped Area subject to this Article is a stand-alone project or does not otherwise require a building permit or formal planning or other commission approval or review, the Landscape Documentation Package shall be submitted to the Department for review and approval prior to the commencement of landscape improvements.

B. The documents listed in paragraph A shall be prepared and signed by a landscape architect, landscape designer, or irrigation designer, as appropriate, except that the soils report shall be prepared by a qualified soil and plant laboratory.

9-4-406: LANDSCAPE DESIGN PLAN:

A. Landscaped Areas or Altered Landscaped Areas subject to this Article shall be carefully designed and planned to ensure the efficient use of water. The Project Applicant shall submit to the Department a landscape design plan that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.

B. The landscape design plan shall comply with or include the following:

1. A description of the plant material. Any plant may be selected for the landscape provided that the Estimated Applied Water Use in the Landscaped Area or Altered Landscaped Area does not exceed the Maximum Applied Water Allowance.

2. Landscape design plans for projects in the City's Very High Fire Hazard Severity Zones areas shall address fire safety and prevention. The Project Applicant shall ensure that the defensible space required by the Municipal Code is maintained and shall avoid fire-prone plant materials and mulches.

3. Invasive species of plants shall be prohibited near parks, buffers, greenbelts and open spaces and are generally discouraged for landscape use.

4. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

5. Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 + slope percent).

6. Recirculating water systems shall be used as a source for water features.

7. The surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

8. Pool and spa covers are highly recommended.

9. A minimum two inch (2") layer of Mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications where Mulch is contraindicated.

10. Stabilizing mulching products shall be used on slopes.

11. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

12. Soil amendments shall be incorporated according to recommendations of the soil report, if any, and what is appropriate for the plants selected.

9-4-407: IRRIGATION DESIGN PLAN.

A. An irrigation system and its related components for Landscaped Areas and Altered Landscaped Areas subject to this Article shall be carefully designed and planned to allow for proper installation, management, and maintenance. The Project Applicant shall submit to the Department an irrigation design plan that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.

B. An irrigation design plan shall comply with or include the following:

1. Smart Irrigation Controllers or other self-adjusting irrigation controllers, shall be required for all irrigation systems. The controller must be able to accommodate all aspects of the landscape and irrigation design plans.
2. All irrigation systems shall be designed to avoid excessive pressure. Water pressure regulators are required. Static water pressure, dynamic or operating pressure and flow reading of the water supply shall be measured at the time of day the system will operate. These pressure and flow measurements shall be conducted at the design stage, if available, or prior to installation, if not available at the design phase.

3. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulators, or booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

4. Sensor (rain, freeze, wind, etc.), either integral or auxiliary, that suspend irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions.

5. High-flow check valves, or other technology to interrupt operations in high-flow conditions created by irrigation system damage or malfunction, shall be required.

6. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

7. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

8. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

9-4-408: GRADING DESIGN PLAN.

A. Grading of a project site that contains a Landscaped Area or Altered Landscaped Area subject to this Article, shall be designed to minimize soil erosion, runoff and water waste. The Project Applicant shall submit to the Department a grading design plan that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.

B. The landscape grading plan shall indicate finished configurations and elevations of the landscape area including: (i) height of graded slopes; (ii) drainage patterns; (iii) pad elevations; (iv) finish grade; and (v) stormwater retention improvements, if applicable.

C. To prevent excessive erosion and runoff, grading shall avoid disturbing natural drainage patterns and avoid soil compaction in Landscaped Areas or Altered Landscaped Areas subject to this Article. All irrigation and normal rainfall should remain within the property lines so as not to drain onto non-permeable hardscapes.

D. A comprehensive grading plan prepared by a civil engineer for a project which includes Landscaped Areas or Altered Landscaped Areas subject to this Article, can satisfy this requirement.

9-4-409: SOIL MANAGEMENT REPORT.

The Project Applicant shall submit to the Department a soil management plan that meets the criteria set forth in the Landscape Regulations.

9-4-410: WATER EFFICIENT LANDSCAPE WORKSHEET.

A. The Project Applicant shall complete and submit to the Department a Water Efficient Landscape Worksheet that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.

B. The Water Efficient Landscape Worksheet shall contain two sections; (i) a hydrozone information table and (ii) a water budget calculation for the Landscaped Areas or Altered Landscaped Areas subject to this Article. The water budget calculation shall include the Maximum Applied Water Allowance and the Estimated Total Water Use.

9-4-411: CERTIFICATION OF COMPLETION.

A. Upon completion of the installation of the Landscaped Areas or Altered Landscaped Area subject to this Article, the Project Applicant shall submit a Certificate of Completion, in the form provided by the City, for review and approval by the Director. The Certificate of Completion shall be executed by either the licensed landscaped architect, licensed landscape contractor or the certified irrigation designer that signed any of the documents submitted as part of the

Landscape Documentation Package.

B. The Certificate of Completion shall certify and/or include the following:

1. The Landscaped Areas or Altered Landscaped Areas subject to this Article has been installed in conformance with the Landscaped Documentation Package, the Water Efficient Landscaping Ordinance and the Landscape Regulations;

2. The automatic controller has been set according to the irrigation schedule described in Section 9-4-412;

3. Documentation that the soil management report recommendations, if any, have been implemented;

4. The Irrigation Audit Report; and

5. The landscape and irrigation maintenance schedule.

C. The Director shall approve the Certificate of Completion if it is determined the project conforms to the provisions of this Section. If the Director determines that the Certificate of Completion is incomplete or does not conform to the provisions of this Section, the Director shall:

1. Notify the Project Applicant in writing that the Certificate of Completion has been denied and include a statement of reasons; or

2. Notify the Project Applicant in writing that the Certificate of Completion is incomplete with an indication of additional information necessary. The Project Applicant may re-submit the Certificate of Completion for review by the Director.

D. The Project Applicant shall provide a copy of the approved Certificate of Completion to the property owner within 7 days of its approval.

9-4-412: IRRIGATION SCHEDULE

The Project Applicant shall prepare an irrigation schedule in accordance with the Landscape Regulations that evaluates and manages the amount of water required to maintain plant health.

9-4-413: LANDSCAPE AND IRRIGATION MAINTENANCE

The Project Applicant shall prepare a landscape and irrigation maintenance plan in accordance with the Landscape Regulations to ensure the efficiency of water use.

9-4-414: IRRIGATION AUDIT

A. For Landscaped Areas or Altered Landscaped Areas subject to this Article, the Project Applicant shall prepare an Irrigation Audit Report as set forth in the Landscape Regulations.

B. For all existing Landscaped Areas installed prior to January 1, 2010, irrigation audits shall be prepared as set forth in the Landscape Regulations.

9-4-415: IRRIGATION EFFICIENCY

A. New irrigation systems installed, whether or not part of a Landscaped Area or Altered Landscaped Areas subject to this Article, shall be designed, maintained and management to meet or exceed the average irrigation efficiency set forth in the Landscape Regulations.

B. New irrigation systems installed as stand-alone project shall comply with Section 9-4-407, 9-4-410, 9-4-411, 9-4-412, 9-4-413 and 9-4-414 of this Article.

9-4-416: ALTERNATIVE WATER-EFFICIENT USE

Alternative methods of using water efficiently such as the use of potable water, rain water or other alternative water systems are encouraged.

9-4-417: STORMWATER MANAGEMENT

A. Landscape and grading design plans shall be developed in accordance with the applicable provisions of the Stormwater and Urban Runoff Control provisions set forth in Article 5 of Chapter 4 of Title 9 of this Municipal Code.

B. Rain gardens, cisterns, and other landscape features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are encouraged.

9-4-418. WATER WASTE PREVENTION.

Water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, overspray or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots or structures is prohibited.

9-4-419. AUTHORITY TO PROMULGATE RULES AND REGULATIONS.

The Director of Community Development shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this Article, and when duly promulgated, such rules and regulations shall be in full force and effect.

9-4-420: ADMINISTRATION AND APPEAL PROCESS.

The Director shall have the duty and authority to administer and enforce this Article. The Project Applicant or property owner may appeal any other decision made by the Director pursuant to this Article by filing with the Director within 15 days of the date of written notification of the action at issue. The appeal shall be held pursuant to the applicable provisions of the Uniform Administrative Code set forth in Section 9-1-103 of this Code.

9-4-421. PENALTIES.

Violation of any provision of this Article shall be punishable as provided for in Chapter 3 of Title 1. In addition, the City Building Official may deny any project subject to this Article its certificate of occupancy or equivalent until the Certificate of Completion has been submitted, reviewed and approved by the City.

Section 2: Section 8-4-1 of Chapter 8 of Title 8 of the City of Beverly Hills Municipal Code is hereby amended to read as follows: "The abutting property owner shall plant and maintain the parkway with grass or other plant material that is maintained at no more than six inches in height as approved by the City's Arborist with the following exception: the parkway area abutting commercially zoned property may be surfaced in concrete in lieu of grass."

Section 3. The City Council has considered this Ordinance and finds that this project is exempt from the requirements of the California Environmental Quality Act ("CEQA"). The project is exempt pursuant to State CEQA Guidelines, 14 Cal. Code Regs. Sec. 15307 as an action taken to assure the maintenance, restoration, or enhancement of a natural resource, specifically water, where the regulatory process involves procedures for protection of the environment. This Ordinance does not con-

template any construction activities, and there is no evidence to suggest that the ordinance will result in a significant impact on the environment, including impacts due to unusual circumstances. The adoption of this Ordinance will result in the enhancement and protection of water resources in the City, and there is no evidence to suggest that the ordinance would in cumulative adverse environment impacts. Based on the foregoing and other substantial evidence in the record, the City Council hereby finds and determines that the Ordinance is exempt from the provisions of CEQA, pursuant to State CEQA Guidelines Section 15307. Further, as a separate and independent ground, the City Council finds that the Ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment, the Ordinance is not subject to CEQA pursuant to State CEQA Guidelines Section 15061 (b)(3).

Section 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 5. The City Clerk is directed to forward a certified copy of his ordinance to the Department of Water Resources.

Section 6. This Ordinance shall go into effect and be in full force and effect on 12:01 a.m. on January 1, 2010.

PASSED, APPROVED and ADOPTED this 17th day of November, 2009.

NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:
(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:
LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:
RODERICK J. WOOD, ICMA-CM
City Manager

DAVID GUSTAVSON
Director of Public Works & Transportation

SUSAN HEALY KEENE, AICP
Director of Community Development

VOTE:

AYES: Councilmembers Brien, Brucker, Delshad, and Mayor Krasne
NOES: Councilmember Mirisch
ABSENT: None
CARRIED

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