



**CITY OF BEVERLY HILLS  
CITY COUNCIL  
REGULAR MEETING  
July 15, 2008**

The Regular Meeting of the City Council of Beverly Hills was held in the Council Chambers at 7:00 pm.

**PLEDGE OF ALLEGIANCE**

**A. ROLL CALL**

Present: Councilmember Delshad, Councilmember Krasne, Vice Mayor Fenton, Mayor Brucker, and Councilmember Briskman  
Absent: None

**B. PRESENTATIONS**

1. **RECOGNITION** - the Inaugural Members of the Beverly Hills G.R.E.E.N. Team

Mayor Brucker spoke about the City's commitment to a sustainable future and introduced community members Woody Clark, Lauren Cohen, Giles Donovan, Andrea Kune, Jason Lorcher, Linda Newmark and Georgia Pine as the inaugural members of the Beverly Hills Green Team. They each spoke about the ways they contribute to reducing their carbon footprint.

Mayor Brucker mentioned efforts the City has made to become Green which include the recently adopting the Green Building Ordinance for commercial and multi-family construction.

The Mayor presented certificates and gifts to each of the team members.

**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. Amanda Manning, representing the American Cancer Society - spoke about a Cancer Society event on August 9 - 10, 2008 and invited the City Council and community to participate.

3. REPORT FROM THE CITY MANAGER

- Introduction of New City Management Staff:

\* Anne Browning McIntosh, AICP, Interim Director of Community Development and Fred Simonson, Maintenance Operations Manager

City Manager Roderick Wood introduced Anne Browning McIntosh, AICP who has joined the City on an interim basis to continue the progress and initiatives that have been underway in the Community Development Department.

Director of Public Works and Transportation Dave Gustavson introduced Fred Simonson, Maintenance Operations Manager. Mr. Simonson noted some initiatives he will be going forward with.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

- Showcase Beverly Hills:

\* Summer Heat & Sun Safety

Councilmember Delshad provided heat and sun safety tips to follow during the summer season.

**D. PUBLIC HEARING**

TO SET:

None

TO CONSIDER:

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

1. AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY THE REQUEST FOR A CHARACTER CONTRIBUTING DETERMINATION FOR THE CONVERSION OF AN EXISTING APARTMENT BUILDING INTO A COMMON INTEREST DEVELOPMENT FOR THE PROPERTY LOCATED AT 404 NORTH MAPLE DRIVE (BETWEEN ALDEN DRIVE AND BEVERLY BOULEVARD). Comment: At its meeting of January 24, 2008, the Planning Commission reviewed the request and determined that the findings for a character contributing determination could not be made for the subject building due to the building mass and lot coverage in comparison to the other developments in the same block. This item was continued from the May 6, 2008 and the June 17, 2008 City Council meetings, to the Regular Formal City Council Meeting on July 15, 2008.

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

The notice of this hearing was published as required by law and an affidavit to this effect is on file with the City Clerk.

The report of the City Planner and the records of the Planning Commission concerning this matter are made a part of the record of this hearing.

City Planner Jonathan Lait presented the staff report. He noted the prerequisites for consideration as a character contributing building and showed a PowerPoint presentation.

Speaking:

1. Rudy Cole, representing the appellant, spoke about the Planning Commission process and the appellant's proposal.
2. John Rachlin, representing Sanderson Plaza, LLC, made a PowerPoint of the project and presented a number of reasons why the proposed project deserves a character contributing designation.
3. Samuel Freshman, attorney, spoke about what he feels is a misrepresentation of the translation of the statues used to deny the request.

Councilmembers asked questions of the appellant's team and City staff.

Mr. Freshman and Mr. Cole provided closing comments in support of the appeal.

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

There were no further questions or comments of Councilmembers.

MOVED by Councilmember Briskman, seconded by Councilmember Krasne to direct the City Attorney prepare a resolution and findings affirming the decision of the Planning Commission's decision to deny the request for a character contributing determination for the conversion of an existing apartment building into a common interested development for the property located at 404 North Maple Drive (between Alden Drive and Beverly Boulevard).

Ayes: Councilmember Delshad, Councilmember Krasne, Mayor Brucker, and Councilmember Briskman  
Noes: Vice Mayor Fenton

CARRIED

***ITEM D-1: CITY ATTORNEY DIRECTED TO PREPARE A RESOLUTION AND FINDINGS AFFIRMING THE DECISION OF THE PLANNING COMMISSION AND DENY THE REQUEST***

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

2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DECLARING AND IMPLEMENTING WATER CONSERVATION "STAGE A".  
Comment: In light of the recent Governor's Declaration and the Metropolitan Water District's Board of Directors Declaration of a Water Supply Alert, staff is recommending declaring voluntary conservation that encourages the community to change water use behaviors.

The notice of this hearing was published as required by law and an affidavit to this effect is on file with the City Clerk.

The report of the Environmental Utilities Manager and the record of the Public Works and Transportation Department in this matter are made a part of the record of this hearing.

Environmental Utilities Manager Shana Epstein explained water conservation Stage A and spoke about the Governor's drought declaration and MWD's Water supply alert. Ms. Epstein noted the conservations measures being requested.

1. Lauren Meister, West Hollywood West Residents Association, noted that the City of West Hollywood, to her knowledge, did not receive notice of this item in her City.

Ms. Epstein stated the City of Beverly Hills cannot declare a Stage A alert for the City of West Hollywood (they would have to declare their own emergency

conservation) and since it is not affecting the rates, Beverly Hills did not outreach to the West Hollywood residents.

2. Joe Shooshani, Public Works Commissioner speaking on behalf of the Commission, stated support of the staff's proposal.

MOVED by Vice Mayor Fenton, seconded by Councilmember Delshad to adopt Resolution D-2 as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS  
DECALING AND IMPLEMENTING WATER CONSERVATION "STAGE  
A".

Ayes: Councilmember Delshad, Councilmember Krasne, Vice Mayor  
Fenton, Mayor Brucker, and Councilmember Briskman.  
Noes: None

CARRIED

**ITEM D-2: ADOPTED RES#08-R-12616**

**E. CONTINUED AND NEW BUSINESS**

1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ESTABLISHING PREFERENTIAL PERMIT PARKING ZONE "BL" ON THE 400 BLOCK OF SOUTH CAMDEN DRIVE BETWEEN THE ALLEY SOUTH OF OLYMPIC BOULEVARD AND VIRGINIA PLACE. Comment: Establishes a permit parking zone with the existing parking regulation of "2-Hour Parking, 8:00 a.m. to 6:00 p.m., Monday through Saturday, Except by Permit." Residents petitioned for the zone to obtain permit parking privileges.

Deputy Director of Transportation Aaron Kunz acknowledged the Traffic & Parking Commissioners present this evening. Mr. Kunz presented the staff report and noted this is a residential petition signed by 52% of the residents on the 400 block of South Camden Drive between the alley south of Olympic Boulevard and Virginia Place.

Speaking:

1. Steven Smith presented reasons in support of the permit zone.

Mayor Brucker noted Robin Vogel submitted a speaker slip in opposition to this petition but left before the item was discussed.

Dr. Julian Gold, Chair of the Traffic and Parking Commission, provided the Commission's deliberations on the matter and noted they voted unanimously for this item. He explained Mrs. Vogel's concern about approving this item.

MOVED by Councilmember Briskman, seconded by Councilmember Delshad to adopt Resolution E-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS  
ESTABLISHING PREFERENTIAL PERMIT PARKING ZONE "BL" ON  
THE 400 BLOCK OF SOUTH CAMDEN DRIVE BETWEEN THE ALLEY  
SOUTH OF OLYMPIC BOULEVARD AND VIRGINIA PLACE.

Ayes: Councilmember Delshad, Councilmember Krasne, Vice Mayor Fenton, Mayor Brucker, and Councilmember Briskman.  
Noes: None.

CARRIED

***ITEM E-1: ADOPTED RES#08-R-12617***

2. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS REMOVING THE SATURDAY PEAK HOUR STOPPING RESTRICTION ON WILSHIRE BOULEVARD BETWEEN REXFORD DRIVE AND THE EAST CITY LIMITS. Comment: Removes the Saturday peak-hour "No Stopping" regulation on both sides of Wilshire Boulevard between Rexford Drive and the east city limit at San Vicente Boulevard.

Deputy Director of Transportation Aaron Kunz provided the staff report. He noted the Traffic and Parking Commission reviewed the traffic counts and they concluded that Wilshire Boulevard can operate with two lanes all day on Saturdays and recommend removing this restriction.

MOVED by Vice Mayor Fenton, seconded by Councilmember Krasne to adopt Resolution E-2 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS  
REMOVING THE SATURDAY PEAK HOUR STOPPING RESTRICTION  
ON WILSHIRE BOULEVARD BETWEEN REXFORD DRIVE AND THE  
EAST CITY LIMITS.

Ayes: Councilmember Delshad, Councilmember Krasne, Vice Mayor Fenton, Mayor Brucker, and Councilmember Briskman  
Noes: None

CARRIED

***ITEM E-2: ADOPTED RES#08-R-12618***

F. CONSENT CALENDAR

MOVED by Councilmember Krasne, seconded by Councilmember Briskman to approve the items on the consent agenda.

Minutes

1. Consideration of the Minutes of the regular Council meeting of April 15, 2008.
2. Consideration of the Minutes of the special meeting of April 21, 2008.
3. Consideration of the Minutes of the special meeting of April 29, 2008.

Demands Paid

None

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS APPROVING:

4. ON APPEAL, A FAÇADE CHANGE FOR PROPERTY LOCATED AT 190 NORTH CANON DRIVE (FRED HAYMAN). Comment: The City Council considered an appeal of the Architectural Commission's denial of the proposed facade change on June 17, 2008, at which time the Council directed the City Attorney to prepare a resolution approving the facade change proposed by Fred Hayman, the applicant. The approval Resolution is presented for the City Council's consideration. APPROVAL OF:  
  
**ITEM F-4: ADOPTED RES#08-R-12619**
5. SOLICITATIONS ADVISORY COMMISSION APPOINTMENTS. Comment: Appoints Alissa Roston and Lillian Raffel to the Solicitations Advisory Commission for an initial two year term.  
  
**ITEM F-5: APPROVED**

6. AUTHORIZATION TO DIRECT THE CITY ATTORNEY AND CITY MANAGER TO NEGOTIATE AND PREPARE AGREEMENTS FOR COMMUNITY ASSISTANCE GRANT FUNDING WITH JEWISH FAMILY SERVICE, P.A.T.H. (PEOPLE ASSISTING THE HOMELESS), WESTSIDE FOOD BANK AND THE MAPLE COUNSELING CENTER/COMMUNITY COUNSELING; AND APPROVING PURCHASE ORDERS THEREFOR. Comment: Transmits request for City Council approval for the city attorney and city manager to negotiate and prepare agreements for community assistance grant funding allocations over \$50,000 with the following non-profit organizations and in the following amounts: \$50,500 (Jewish Family Service); \$52,000 (P.A.T.H. People Assisting the Homeless); \$72,000 (Westside Food Bank); and \$170,000 (The Maple Counseling Center/Community Counseling). Community assistance grant funding is for organizations providing services vital to the health and welfare of the community and/or providing services that enable the City to meet its regional obligation to ameliorate social problems. Ten additional agreements with agencies receiving under \$50,000 to be executed under the independent authority of the city manager are noted in the report.

***ITEM F-6: APPROVED***

7. AGREEMENT WITH GREINES, MARTIN, STEIN & RICHLAND, LLP FOR SPECIAL LITIGATION COUNSEL SERVICES; AND APPROVING A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$75,000. Comment: This is an agreement for special litigation counsel services in connection with workers compensation litigation.

***ITEM F-7: APPROVED AG#291-08***

8. AGREEMENT WITH THE LAW OFFICES OF MICHAEL R. NEBENZAHL FOR LITIGATION SERVICES. Comment: This contract engages the Law Offices of Michael R. Nebenzahl for tort liability defense services.

***ITEM F-8: APPROVED AG#292-08***

9. AGREEMENT WITH WILLDAN ENGINEERING FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR 9936 DURANT DRIVE. Comment: The contract will hire Willdan Engineering to prepare an Environmental Impact Report for a proposed four-story, 11-unit condominium project proposed on 9936 Durant Drive. The \$78,718 cost of the contract is to be funded by the applicant.

***ITEM F-9: APPROVED AG#293-08***

10. ISSUE A PURCHASE ORDER TO ONE SOURCE FACILITIES GROUP, LLC IN THE AMOUNT OF \$424,967 FOR OFFICE FURNITURE FOR THE CITY HALL GROUND FLOOR REMODEL. Comment: Provides for the purchase order in the amount of \$407,967 and a contingency of \$20,000 to purchase staff office and work station furniture as part of the Ground Floor Remodel of City Hall.

**ITEM F-10: APPROVED**

11. AGREEMENT WITH UTOPIA ENTERTAINMENT, INC. FOR HOLIDAY PROGRAM MANAGEMENT; AND, AUTHORIZATION OF A PURCHASE ORDER IN THE AMOUNT OF \$915,918.50. Comment: This item requests City Council approval of an agreement with Utopia Entertainment for the management, development and implementation of the City's holiday decoration and entertainment program and the implementation of the City's holiday lighting ceremony.

**ITEM F-11: APPROVED AG#294-08; APPROVED**

12. AMENDMENT NO. 1 TO THE AGREEMENT WITH WHITIN DESIGN WORKS FOR CONSULTING DESIGN SERVICES RELATED TO GREYSTONE PARK; AND APPROVE A PURCHASE ORDER IN THE AMOUNT OF \$130,655 TO WHITIN DESIGN WORKS FOR THESE SERVICES. Comment: Provides for an amendment to the agreement to provide Schematic Design Services for Phase III renovation and site improvements of Greystone Park.

**ITEM F-12: APPROVED AG#295-08; APPROVED**

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

ITEM A AGREEMENT WITH ALL LABOR TIRE, INC. (DBA DRIVE SERVICE) FOR TIRE MAINTENANCE SERVICES. Comment: Provides for services related to the maintenance and repair of tires in support of City fleet vehicles and equipment in an amount not to exceed \$45,000 per year. This agreement may be extended for two additional one-year periods.

**ITEM F-13A: APPROVED AG#296-08**

ITEM B APPROVAL OF A BLANKET PURCHASE ORDER TO INNOVATIVE INTERFACES, INC. FOR THE AMOUNT OF \$55,831. Comment: This purchase is for the renewal of annual maintenance and support for the Library's automated system from July 1, 2008 through June 30, 2009, pursuant to the terms and conditions of Agreement No. 142-00, which provides for annual renewal upon mutual agreement of the parties.

**ITEM F-13B: APPROVED**

Vote on Consent Agenda:

Ayes: Councilmember Delshad, Councilmember Krasne, Vice Mayor Fenton, Mayor Brucker, and Councilmember Briskman

Noes: None

CARRIED

**G. COMMISSION SYNOPSIS**

None

**H. OTHER BUSINESS**

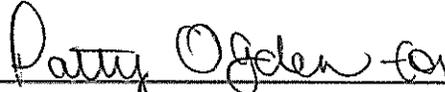
Mayor Brucker highlighted the appointment of Alissa Roston and Lillian Raffel to the Solicitations Advisory Commission.

**I. ADJOURNMENT**

There being no further business, Mayor Brucker with the consent of Council, adjourned the meeting at 9:30 p.m.

Meeting adjourned at 9:35pm.

PASSED, Approved and Adopted  
this 19th day of August, 2008.

  
BYRON POPE, City Clerk

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**BARRY BRUCKER, MAYOR**

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