



**CITY OF BEVERLY HILLS
CITY COUNCIL
REGULAR MEETING
September 02, 2008**

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

PLEDGE OF ALLEGIANCE

A. ROLL CALL

Present: Councilmember Krasne, Councilmember Briskman, Vice Mayor Fenton, and Mayor Brucker
Absent: Councilmember Delshad

Mayor Brucker announced that Councilmember Delshad is traveling in Asia and sends his regards.

B. PRESENTATIONS

1. CERTIFICATE OF APPOINTMENT - Solicitations Advisory Commission
- Alissa Roston

Mayor Brucker spoke about Alissa Roston's dedication to the Beverly Hills community, and presented her with a City pin and a Certificate of Appointment to the Solicitations Advisory Commission.

Ms. Roston thanked the City Council for the honor.

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. Douglas Warner spoke about security issues regarding his residence, and the height of his rear retainer wall.

Mayor Brucker advised that staff will contact Mr. Warner regarding his concerns.

3. REPORT FROM THE CITY MANAGER * National Preparedness Month - Pamela Mottice-Muller, Director of Emergency Management

Director of Emergency Management Pamela Mottice-Muller made a PowerPoint presentation about natural disasters and spoke about September being recognized as National Preparedness Month. Ms. Mottice-Muller introduced Health & Safety Commissioners Dr. Debra Judelson, Vice-Chair David Seidel, and Peter Landau who spoke about being prepared for an emergency. A PSA was shown that was prepared by the Beverly Hills Cable Department and Mayor Brucker suggested tapes be distributed to the schools and City Library.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

- Showcase Beverly Hills:

* Walk to School Program

* Appointment of City Manager, Rod Wood, as chairperson of CAL-ICMA (California Chapter of the International City Managers Association)

Mayor Brucker announced the Walk to School Program and introduced Ellen Lutwak who championed the initial Walk to School Wednesdays program in the City last year. Ms. Lutwak spoke about ways to initiate and communicate the Walk to School Program and the importance and many benefits to the children and the community.

Mayor Brucker announced City Manager Rod Wood's appointment as chairperson of the California Chapter of the International City Manager's Association (CAL-ICMA) this year, noting that Mr. Wood's leadership and vision played a significant role in the recent formation of the California Chapter of ICMA. The Mayor also spoke about the CAL-ICMA organization.

Councilmember Briskman announced the recent passing of George Morgan, the first City Manager of Beverly Hills, who served the City with great distinction from 1971-1978. On behalf of the City, Mrs. Briskman expressed condolences to Mr. Morgan's family.

RECESS CITY COUNCIL MEETING
CONVENE SPECIAL PUBLIC FINANCING AUTHORITY
MEETING (SEE PUBLIC FINANCING MEETING AGENDA)

The Mayor recessed the Council meeting at 7:36 pm to a Special Public Financing Authority meeting.

The Public Financing Authority meeting adjourned at 8:02 pm and the Council meeting reconvened at 8:02 pm with Councilmembers Krasne, Briskman, Fenton and Mayor Brucker present.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS MAKING A FINDING OF PUBLIC BENEFIT IN CONNECTION WITH THE FINANCING FOR THE ACQUISITION AND CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS AT 331 FOOTHILL ROAD. Comment: Adoption of this resolution makes a finding of public benefit in connection with the 331 Foothill project ("Project"), approves the financing for such Project and authorizes the execution of a license agreement or other similar document and use of collateral by the Public Financing Authority in order to obtain the construction and real estate loan necessary for the Project.

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

The records and files of the Administrative Services Department concerning this matter are made a part of the record of this hearing.

Chief Financial Officer Miller acknowledged the representatives from City National Bank in the audience.

There was no additional staff report for this item following the discussion during the Public Financing Authority Special Meeting.

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

There were no questions or comments of Councilmembers.

MOVED by Councilmember Krasne, seconded by Vice Mayor Fenton to adopt Resolution D-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS MAKING A FINDING OF PUBLIC BENEFIT IN CONNECTION WITH THE FINANCING FOR THE ACQUISITION AND CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS AT 331 FOOTHILL ROAD.

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

CARRIED

ITEM D-1: ADOPTED RES#08-R-12626

E. CONTINUED AND NEW BUSINESS

1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ACCEPTING A GRANT AWARDED BY THE UNITED STATES DEPARTMENT OF JUSTICE AND APPROPRIATING FUNDS IN THE AMOUNT OF \$849,631 FOR PURCHASES RELATED TO THE UNITE PROGRAM. Comment: The grant will be used to further the expansion of the UNITE program's homeland security objectives.

Police Commander Theresa Taylor presented the staff report regarding UNITE (Unified Network of Interoperable Technology Enhancements) which is a prevention based homeland security program that the City has developed. Commander Taylor noted the purchases to be made with the grant money.

At the request of Councilmember Briskman, City Council Legislative Liaison, Commander Taylor mentioned other projects that have been funded following the initial grant.

MOVED by Vice Mayor Fenton, seconded by Councilmember Briskman to adopt Resolution E-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ACCEPTING A GRANT AWARDED BY THE UNITED STATES DEPARTMENT OF JUSTICES AND APPROPRIATING FUNDS IN THE AMOUNT OF \$849,631 FOR PURCHASES RELATED TO THE UNITE PROGRAM.

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

Absent: Councilmember Delshad

CARRIED

ITEM E-1: ADOPTED RES#08-R-12627

F. CONSENT CALENDAR

MOVED by Councilmember Briskman, seconded by Councilmember Krasne to remove Item F-10 and continue to the meeting of September 23, 2008, approve all other items on the consent agenda, and direct that the appropriate accounts be charged on Items F-2 and F-3.

Minutes

1. Consideration of the Minutes of the regular meeting of August 5, 2008.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated August 13 - 22, 2008.
3. PAYROLL DISBURSEMENT REPORT dated September 2, 2008.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS APPROVING:

4. FOR PAYING AND REPORTING TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR POLICE SAFETY EMPLOYEES IN THE POLICE MANAGEMENT ASSOCIATION; AND, ADOPTION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE BEVERLY HILLS POLICE MANAGEMENT ASSOCIATION (PMA) AND THE CITY OF BEVERLY HILLS AND IMPLEMENTATION OF THE COMPENSATION PLAN FOR SWORN MANAGEMENT POLICE EMPLOYEES. Comment: Staff recommends approval of the attached resolution and memorandum of understanding between the City of Beverly Hills and the Beverly Hills Police Management Association (PMA) including the implementation of the new pay and report of Employer Paid Member Contributions benefit for sworn police employees in the PMA.

ITEM F-4: ADOPTED RES#08-R-12628 AG#377-08

5. ACCEPTING A GRANT AWARDED BY THE STATE OFFICE OF TRAFFIC SAFETY FOR SOBRIETY ENFORCEMENT AND APPROPRIATING FUNDS IN THE AMOUNT OF \$276,597 FOR POLICE OVERTIME, TRAVEL, EQUIPMENT, AND SUPPLIES. Comment: Resolution accepts funding from OTS to conduct sobriety enforcement operations and appropriates \$276,597 to cover the cost of checkpoints and other grant related activities.

ITEM F-5: ADOPTED RES#08-R-12629

6. DENYING A REQUEST FOR A ZONING CODE AMENDMENT TO CREATE AN OVERLAY ZONE, A VESTING TENTATIVE TRACT MAP, AND A PLANNED DEVELOPMENT PERMIT TO ALLOW CONSTRUCTION OF A MULTI-FAMILY RESIDENTIAL PROJECT WITH 40 CONDOMINIUM UNITS FOR PROPERTY LOCATED AT 120 PECK DRIVE, 125 S. CAMDEN DRIVE, AND 133 S. CAMDEN DRIVE (CASDEN SFA, LLC). Comment: This Resolution of Findings reflects the City Council's decision of August 19, 2008 to deny the development applications.

ITEM F-6: ADOPTED RES#08-R-12630

7. ACCEPTING A DONATION OF \$14,280 FROM FRIENDS OF GREYSTONE TOWARD THE RESTORATION AND INSTALLATION OF AN ORIGINAL PLANTER BASIN AT GREYSTONE ESTATE AND APPROPRIATING FUNDS THEREFOR. Comment: Resolution accepts the donation from Friends of Greystone for the restoration and installation of an original planter basin at Greystone Estate and appropriates \$14,280 to cover the costs of the restoration and installation.

ITEM F-7: ADOPTED RES#08-R-12631

APPROVAL OF:

8. AMENDED AND RESTATED EMPLOYMENT AGREEMENT WITH BYRON POPE. Comment: This amended and restated agreement follows the City Clerk's recent performance review and provides for an increase in base salary of 3.78%, a performance payment of \$11,000 and an adjusted management compensation from \$400 to \$600 a month.
ITEM F-8: APPROVED AG#378-08
9. AN AGREEMENT WITH WECK LABORATORIES, INC. FOR WATER SAMPLING AND ANALYSIS. Comment: Staff requests City Council approval of the agreement with Weck Laboratories, Inc. in the amount of \$75,000 to provide laboratory water testing services to meet State and Federal water regulations.
APPROVED AG#379-08
10. APPROPRIATION OF FUNDS FOR BEVERLY HILLS GLOBAL PARTNERS (BHGP) A SISTER CITY ORGANIZATION IN THE AMOUNT OF \$100,000 OR OTHER AMOUNT AS DIRECTED BY CITY COUNCIL AT ITS STUDY

SESSION ON SEPTEMBER 2, 2008. Comment: This item seeks appropriation of funds for the Beverly Hills Global Partners (BHGP) in the amount of \$100,000 or other amount as directed by City Council at its Study Session on September 2, 2008.

ITEM F-10: REMOVED FROM THE AGENDA AND CONTINUED TO THE MEETING OF SEPTEMBER 23, 2008.

11. AMENDMENT NO. 2 TO AN AGREEMENT WITH FULBRIGHT & JAWORSKI LLP, FOR SPECIAL COUNSEL SERVICES ON INTELLECTUAL PROPERTY MATTERS; AND APPROVAL OF A PURCHASE ORDER FOR FULBRIGHT & JAWORSKI IN THE AMOUNT OF \$100,000. Comment: Amends the agreement to revise the compensation amount for special counsel services for intellectual property matters.

ITEM F-11: APPROVED AG#380-08

12. VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN: ITEM A APPROPRIATING FUNDS IN THE AMOUNT OF \$17,030 FOR THE CONSERVATION TREATMENT AND MAINTENANCE OF PUBLIC ART SCULPTURES.
Comment: Request for funds in the amount of \$17,030.00 to be transferred from the Fine Art Fund to Fine Art Purchase to cover the costs for the conservation treatment and maintenance of seven public art sculptures over a two year period.

ITEM F-12A: APPROVED

ITEM B AMENDMENT NO. 3 TO AN AGREEMENT WITH CADOW SOFTWARE CONSULTING, INC. FOR SUPPORT SERVICES IN DEVELOPING AND MAINTAINING COGNOS IMPROMPTU WEB REPORTS; AND,

APPROVAL OF A CHANGE ORDER TO THE PURCHASE ORDER IN THE AMOUNT OF \$57,600 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$107,600. Comment: This requests approval of an amendment to the agreement to continue with the development of financial, accounting, and human resources web reports for City-wide use, technical support, and staff training.

ITEM F-12B: APPROVED AG#381-08

ITEM C AMENDMENT NO. 1 TO THE AGREEMENT WITH PACIFIC COAST CABLING, INC. D.B.A. PCC NETWORK SOLUTIONS FOR COMMUNICATIONS INFRASTRUCTURE SERVICES RELATED TO CITY HALL GROUND FLOOR REMODEL AT 455 NORTH REXFORD DRIVE; AND,

APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$29,832.24 FOR

A TOTAL NOT-TO-EXCEED AMOUNT OF \$68,220.64. Comment: Provides for an amendment to the agreement for data and voice cabling services for the workstations and offices in the Ground Floor. The total amount of the agreement including the amendment is \$68,220.64.

ITEM F-12C: APPROVED AG#382-08

Vote on Consent Calendar:

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

Noes: None

Absent: Councilmember Delshad

CARRIED

G. COMMISSION SYNOPSIS

1. DESIGN REVIEW COMMISSION - regular meeting of August 7, 2008.

Original, signed minutes are on file in the Office of the City Clerk.

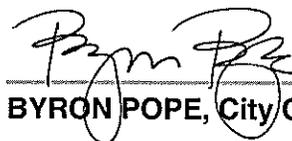
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of Council, adjourned the meeting at 8:23 pm.

PASSED, Approved and Adopted
this 7th day of October, 2008.


BYRON POPE, City Clerk

BARRY BRUCKER, MAYOR

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