



**CITY OF BEVERLY HILLS  
CITY COUNCIL  
ADJOURNED REGULAR MEETING  
May 27, 2009**

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

**PLEDGE OF ALLEGIANCE**

**A. ROLL CALL**

Present: Councilmember Mirisch, Councilmember Brien, Councilmember  
Brucker, Vice Mayor Delshad, and Mayor Krasne  
Absent: None

**PRESENTATIONS**

**B.**

**1. PROCLAMATION** - Older Americans Recognition Month to honor Sol H. Stone

Mayor Krasne presented a proclamation to Sol H. Stone in honor of being named the Older American of the Year for Beverly Hills and proclaimed May 2008 as Older Americans Recognition Month.

**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.***

Speaking:

1. Jody Kleinman congratulated the new City Council, and spoke about oil wells, oil drilling and the Beverly Hills Municipal Code.

Vice Mayor Delshad recommended that she appear at the Health and Safety Commission, and he along with Councilmember Brucker suggested this item be placed on a future Study Session agenda.

2. Marty Geimer read a letter from the American Heart Association regarding the City's CPR program.

3. Gloria Seiff read a letter in support of the City's CPR program.

4. Alan Bunnage spoke in support of the City's CPR program.

Mayor Krasne asked to review all the costs associated with the CPR program before the June 2, 2009 budget adoption.

**3. *REPORT FROM THE CITY MANAGER (taken out of order)***

GIS Update - David Schirmer, Chief Information Officer

City Manager Wood mentioned Council directed staff to look at every opportunity to utilize technology to increase productivity of the organization and expand its capabilities at the same time. Mr. Wood noted Geographic Information System (GIS) offers the greatest opportunity for the widest range of uses of any programs.

Chief Information Officer Schirmer introduced Lema Kebede, GIS Integrator for the City of Beverly Hills, and provided a brief overview of the new GIS application that was just launched on the City's website and described the system in detail.

In response to Vice Mayor Delshad's comment regarding the trademark of "Smart City", City Attorney Larry Wiener stated he will return to the Council with information for discussion.

**4. *CITY COUNCILMEMBER AND COMMITTEE REPORTS (taken out of order) -***

Showcase Beverly Hills:

\* Pie Bake ala Beverly Hills and Piesta

Councilmember Brucker announced the annual Pie Bake and Piesta at the Farmer's Market on Sunday, June 14, 2009.

Vice Mayor Delshad mentioned Team Beverly Hills is designed to create an environment that nurtures and encourages leadership, participation and responsibility by the City's citizenry. Mr. Delshad announced the upcoming Team

Beverly Hills application period which ends on June 25, and urged all residents to get involved.

**D. PUBLIC HEARING**

**TO SET:**

None

**TO CONSIDER: (taken out of order)**

1. **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES AND CHARGES FOR THE FISCAL YEAR 2009/2010.** Comment: Comment: On May 13, 2009, the City Council continued the public hearing and discussion on the proposed youth sports fee. The resolution to increase certain City taxes, user fees, and service charges for Fiscal Year 2009/2010 was adopted and becomes effective July 1, 2009 for general fees and July 13, 2009 for development fees. The proposed resolution would pertain to the youth sports fee. The public hearing on the Youth Sports Fee was continued to the meeting of May 27, 2009. Staff is recommending this matter be continued to the meeting of June 16, 2009.

**ITEM D-1: BY ORDER OF THE CHAIR, ITEM CONTINUED TO THE MEETING OF JUNE 16, 2009**

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

- 2A. **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FOR PAYING AND REPORTING TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR LOCAL SAFETY EMPLOYEES IN THE BEVERLY HILLS FIREMEN'S ASSOCIATION.**

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 records and files of the Human Resources Department and the report of the Assistant Director of Administrative Services - Human Resources concerning this matter shall be entered into the record.

Chief Financial Officer and Administrative Services Director Scott Miller pointed out the three resolutions before the Council will implement what was previously negotiated and approved by the City Council and by each one of the associations. Director Miller noted that this is commonly known as PERS on PERS and each of the employees are paying for this benefit and there is no cost to the City.

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

There were no questions or comments of Councilmembers.

MOVED by Councilmember Mirisch, seconded by Councilmember Brucker to adopt Resolution D-2A as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FOR PAYING AND REPORTING TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR LOCAL SAFETY EMPLOYEES IN THE BEVERLY HILLS FIREMEN'S ASSOCIATION.

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember Brucker, Vice Mayor Delshad, and Mayor Krasne

Noes: None

CARRIED

**ITEM D-2A: ADOPTED RES#09-R-12674**

- 2B. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FOR PAYING AND REPORTING TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR MISCELLANEOUS EMPLOYEES IN THE MANAGEMENT AND PROFESSIONAL EMPLOYEES ASSOCIATION OF BEVERLY HILLS.**

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

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FOR PAYING AND REPORTING TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR MISCELLANEOUS EMPLOYEES IN THE MANAGEMENT AND PROFESSIONAL EMPLOYEES ASSOCIATION OF BEVERLY HILLS.

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember Brucker, Vice Mayor Delshad, and Mayor Krasne

Noes: None

CARRIED

**ITEM D-2B: ADOPTED RES#09-R-12675**

- 2C. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FOR PAYING AND REPORTING TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR MISCELLANEOUS EMPLOYEES IN THE BEVERLY HILLS SAFETY SUPPORT ASSOCIATION.** Comment: Approval of the resolutions implementing the new PERS-on-PERS benefit for safety employees in the Firemen's Association, and for miscellaneous employees in the Management and Professional Employees Association and in the Safety Support Association. This benefit was provided to the three bargaining groups on March 11, 2009 as part of the Labor MOU approvals.

MOVED by Councilmember Brien, seconded by Councilmember Brucker to adopt Resolution D-2C as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FOR PAYING AND REPORTING TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR MISCELLANEOUS EMPLOYEES IN THE BEVERLY HILLS SAFETY SUPPORT ASSOCIATION.

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember Brucker, Vice Mayor Delshad, and Mayor Krasne

Noes: None

CARRIED

**ITEM D-2C: ADOPTED RES#09-R-12676**

**E. CONTINUED AND NEW BUSINESS (taken out of order)**

**1. PRESENTATION BY BEVERLY HILLS CONFERENCE AND VISITORS BUREAU.**

Comment: This item is to review and seek City Council approval of the Beverly Hills Conference and Visitors Bureau (CVB) 2009-2010 budget and work plan.

Assistant City Manager Mahdi Aluzri provided a brief introduction outlining the items in the staff report for City Council approval this evening which include the 2009-2010 work program of the Conference and Visitors Bureau (CVB), the CVB FY 2009-2010 budget and appropriation of \$100,000 already budgeted in FY 08-09 for transition purposes that the CVB is working on at this time.

Kathy Smits, Executive Director of the Conference and Visitors Bureau spoke about programming and budget for the upcoming fiscal year. Ms. Smits discussed the current tourism climate, their principles, goals, strategies and tactics, their scope of work and budget and an update on the transition process. The presentation included the scope of work for the CVB, and Ms. Smits walked through the larger programs and where the budget falls.

Ms. Smits responded to questions and comments of the Council.

MOVED by Councilmember Brien, seconded by Councilmember Brucker to approve the Beverly Hills Conference and Visitors Bureau 2009-2010 budget and workplan.

Councilmember Mirisch made a motion to amend the motion on the table to reduce the budget by 10% to use the money for other City programs. No second and motion failed.

Ayes: Councilmember Brien, Councilmember Brucker, Vice Mayor  
Delshad, and Mayor Krasne  
Noes: Councilmember Mirisch

CARRIED

**ITEM E-1: APPROVED**

2. **APPROVAL OF THE AWARD OF A CONTRACT TO AVI-CON, INC. DBA CA CONSTRUCTION FOR THE PUBLIC WORKS FACILITY FIRST FLOOR REMODEL; AND. APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$847,000 TO AVI-CON, INC. DBA CA CONSTRUCTION FOR THE CONTRACT WORK.** Comment: Provides for the contract work to address the addition of the parking enforcement operations from City Hall to the Public Works Facility, additional locker room facilities and operational changes due to the City acquisition of the Water Treatment Plant as part of the approved fiscal year 08-09 Capital Improvement Program budget.

Director of Project Administration Alan Schneider presented the staff report, along with the supplemental staff report which indentified the funding sources. Mr. Schneider noted this item was presented to the City Council earlier today at the Study Session and the direction was to proceed with the award of contract for the project.

MOVED by Councilmember Brucker, seconded by Mayor Krasne that the plans and specifications for the Public Works Facility First Floor Remodel be adopted and approved with respect to design criteria and that a contract for the Public Works Facility First Floor Remodel be awarded to Avi-Con, Inc. dba CA Construction, and a purchase order in the amount of \$847,000 be issued to Avi-Con, Inc. dba CA Construction for the contract work. This motion includes using the 2007 Public Financing bond funds to cover the appropriate costs and anything in addition is to be earmarked for solar.

Ayes: Councilmember Brien, Councilmember Brucker, Vice Mayor  
Delshad, and Mayor Krasne  
Noes: Councilmember Mirisch

CARRIED

**ITEM E-2: APPROVED AG#187-09**

3. **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AWARDING A CONTRACT TO TOWER GENERAL CONTRACTORS, INC. FOR THE CITY HALL SECOND FLOOR / THIRD FLOOR REMODEL AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND APPROVE A PURCHASE ORDER IN THE AMOUNT OF \$2,843,000 TO TOWER GENERAL CONTRACTORS, INC. FOR THE CONTRACT WORK.** Comment: Provides for the contract work to remodel the second and third floors of City Hall as part of the

approved fiscal year 08-09 Capital Improvement Program budget. The first and second lowest bidders failed to provide evidence of at least three completed projects that meet the minimum dollar value specified in the bid documents for Specific Qualifications, and are therefore non-responsive and rejected. The bid submitted by Tower General Contractors, Inc. was fully responsive to the bid requirements.

Deputy City Manager David Lightner noted this item was discussed at this afternoon's Study Session and explained this is the second part of a two-phased remodel of City Hall to perform basic system upgrades in a building that was last updated 20 years ago. Director of Project Administration Alan Schneider identified the criteria for the bidding on this project and pointed out that Tower General Contractors has agreed to a \$50,000 reduction in their bid amount to remove some work that is considered not critical to the project.

MOVED by Councilmember Brucker, seconded by Councilmember Brien to adopt Resolution E-3 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS  
AWARDING A CONTRACT TO TOWER GENERAL CONTRACTORS, INC. FOR  
THE CITY HALL SECOND FLOOR/THIRD FLOOR REMODEL AND  
APPROVING PLANS AND SPECIFICATIONS THEREFOR, and approve a  
purchase order in the amount of \$2,843,000 be issued to Tower General  
Contractors, Inc. for the contract work.

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember  
Brucker, and Vice Mayor Delshad  
Noes: Mayor Krasne

CARRIED

**ITEM E-3: ADOPTED RES#09-R-12677 AG#188-09**

**4. PROCEEDING WITH THE GENERAL PLAN UPDATE (taken out of order)**

Comment: A recommendation to the City Council on proceeding with the update to the City's General Plan, including a suggested two-step process for updating the current general plan, preparation of the necessary environmental analysis, and consideration of additional traffic studies.

City Planner Jonathan Lait and Deputy Director of Transportation Aaron Kunz presented the staff report. Mr. Lait described the two-step process which staff recommends to reach conclusion of the General Plan update which consists of: Step One - Goals and Policies with Broad Community Support, and Step Two - Goals and Policies Related to Scale and Density of Development. Mr. Lait then discussed additional traffic studies.

Mr. Kunz discussed the advantages and disadvantages of a travel demand model vs. a traffic study.

Mr. Lait stated staff is asking for Council direction to move forward with Step One which will be discussed with the Planning Commission and on to the Council with a Final Environmental Impact Report (with the noted caveats concerning land use discussion) and the key travel issues that will be part of Step Two. Also needed is direction to return with a more comprehensive program on what a travel demand model might look like.

Following discussion, it was the consensus of the Council to proceed with the two step process as outlined.

**ITEM E-4: IT WAS THE FULL CONSENSUS OF THE COUNCIL TO PROCEED WITH THE TWO-STEP PROCESS AS OUTLINED.**

**RECESS CITY COUNCIL MEETING**

**Meeting recessed at 9:45pm**

**CONVENE SPECIAL PARKING AUTHORITY MEETING**

**(SEE PARKING AUTHORITY MEETING AGENDA)**

**RECONVENE CITY COUNCIL MEETING**

**Meeting reconvened at 9:55pm with all members present**

**F. CONSENT CALENDAR**

MOVED by Councilmember Mirisch, seconded by Vice Mayor Delshad to approve all 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 April 21, 2009.**

**Demands Paid**

2. **REVIEW OF BUDGETED DEMANDS PAID, report dated April 29 - May 14, 2009.**
3. **PAYROLL DISBURSEMENT REPORT, report dated May 27, 2009.**

**Other Business**

**ORDINANCE OF THE CITY OF BEVERLY HILLS:**

4. **ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-3-2450, 10-3-2451, 10-3-2455, AND 10-3-3601 OF THE MUNICIPAL CODE OF THE CITY OF BEVERLY HILLS REGARDING THE TRANSFER OF DISCRETIONARY REVIEW AUTHORITY OF SPECIFIC TYPES OF APPLICATIONS AND PERMITS IN SINGLE-FAMILY RESIDENTIAL ZONES IN THE CENTRAL AREA OF THE CITY. For Adoption.** Comment: Transfers discretionary review authority on Minor Accommodations for front yard paving and Central R-1 Permits for garage entrance requirements, architectural projections, window heights, and roof eave encroachments in the Central Area of the City from the Planning Commission to the Design Review Commission. This matter was heard at the City Council Meeting on May 13, 2009.

**ITEM F-4: ADOPTED ORD#09-O-2566**

5. **AN ORDINANCE OF THE CITY OF BEVERLY HILLS RELATING TO EMERGENCY WATER CONSERVATION PROCEDURES AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. For Adoption.** Comment: This ordinance amends the municipal code to allow the City Council to establish procedures for appealing water penalty surcharges by resolution.

**ITEM F-5: ADOPTED ORD#09-O-2567**

**RESOLUTIONS APPROVING:**

None

**APPROVAL OF:**

6. **AMENDMENT NO. 1 TO THE AGREEMENT WITH ACS STATE AND LOCAL SOLUTIONS, INC. FOR INSTALLATION AND PURCHASE OF EQUIPMENT AND SERVICES RELATED TO THE AUTOVU SYSTEM FOR USE IN THE CITY'S PARKING ENFORCEMENT PROGRAM, AND; A PURCHASE ORDER TO ACS STATE AND LOCAL SOLUTIONS, INC. FOR A TOTAL NOT TO EXCEED AMOUNT OF \$210,000.** Comment: This amendment will complete the purchase of the parking enforcement AutoVu License Plate Recognition/Global Position System (LPR/GPS) system for deployment in scofflaw and time zone enforcement in residential and commercial parking areas. This amendment will provide for the purchase of three (3) units in a total amount not to exceed \$210,000.

**ITEM F-6: APPROVED AG#189-09**

7. **AMENDMENT TO LEASE WITH HEIDI NOVIAN, AN INDIVIDUAL.** Comment: An Amendment to Lease with Heidi Novian dba Pascal's Barber Salon at 311 N. Crescent Drive has been prepared for City Council approval. This Amendment to Lease reduces the monthly base rent from \$1,485 monthly to \$1,197 monthly for a period of 12 months.

**ITEM F-7: APPROVED AG#190-09**

8. **LEASE WITH JAE IN LEE DBA CALIFORNIA COFFEE SELECTO.** Comment: A Lease and Memorandum of Lease with Jae In Lee dba California Coffee Selecto, for property at 434 N. Camden Drive, has been prepared for City Council approval. This agreement is for five (5) years with a starting rate of \$2.86 per square foot monthly and increased annually thereafter by CPI.

**ITEM F-8: APPROVED AG#191-09, MOL #192-09**

9. **ACCEPTANCE OF THE CONTRACT WORK FOR THE WATER MAIN REPLACEMENTS IN BENEDICT CANYON DRIVE AND ADDITIONAL STREETS NORTH OF WILSHIRE BOULEVARD BY WILLIAMS PIPELINE CONTRACTORS, INC. IN THE FINAL AMOUNT OF \$2,187,969.41, AND AUTHORIZATION OF CITY CLERK TO RECORD THE NOTICE OF COMPLETION.** Comment: Williams Pipeline contractors, Inc. installed approximately 11,000 linear feet of water main for various size, fire hydrants, water services and control valves for this water infrastructure CIP. The project was completed under the contract bid price with no change order.

**ITEM F-9: APPROVED**

10. **ACCEPTANCE OF THE CONTRACT WORK FOR THE SEWER PIPELINE REHABILITATION FOR VARIOUS LOCATIONS BY WILLIAMS PIPELINE CONTRACTORS, INC. IN THE FINAL AMOUNT OF \$418,190.08, AND AUTHORIZATION OF CITY CLERK TO RECORD THE NOTICE OF COMPLETION.** Comment: Acceptance of the contract which repaired 1360 linear feet of sewer pipelines repaired 3 sewer manholes and inserted 2793 linear feet of Cured in Place Pipe (CIPP) lining inside the existing sewer pipeline.

**ITEM F-10: APPROVED**

Vote on Consent Calendar:

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember Brucker,  
Vice Mayor Delshad, and Mayor Krasne  
Noes: None

CARRIED

**G. COMMISSION SYNOPSIS**

1. **PUBLIC WORKS COMMISSION - regular meeting of March 12, 2009.**  
**HEALTH AND SAFETY COMMISSION - regular meeting of March 23, 2009.**  
**DESIGN REVIEW COMMISSION - regular meeting of April 2, 2009.**  
**HEALTH AND SAFETY COMMISSION - regular meeting of April 27, 2009.**  
**DESIGN REVIEW COMMISSION - regular meeting of May 7, 2009.**

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

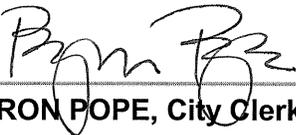
**H. OTHER BUSINESS**

None

**I. ADJOURNMENT**

There being no further business, Mayor Krasne, with the consent of Council, adjourned the meeting at 10:05 pm to the Closed Session for the items remaining on the Closed Session agenda.

PASSED, Approved and Adopted  
this 16th day of June, 2009.

  
BYRON POPE, City Clerk

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NANCY KRASNE, MAYOR

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