



**CITY OF BEVERLY HILLS  
CITY COUNCIL  
REGULAR MEETING  
October 05, 2010**

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

**A. ROLL CALL**

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

Absent: None

Mayor Delshad arrived at 7:25pm.

**B. PRESENTATIONS**

None

**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. Gail Milan and Les Bronte announced the upcoming Maple Counseling Center's Haunted Crystal Ball on Wednesday, October 27, 2010 at the Beverly Hilton. They noted it is the annual major fundraising event for the Center and invited the entire City to attend.

2. Phyllis Bart spoke about issues with business license fees.

Vice Mayor Brucker requested that Chief Financial Officer Scott Miller look into the matter.

3. Bob Weiss introduced Don Gelber who will be speaking on behalf of his family, owners of property located on Gale Drive.

4. Don Gelber spoke about family owned property at 118 1/2 - 122 North Gale, and his concerns with an approved medical office project adjacent to the property. Mr. Gelber indicated there will be an appeal of the decision of the Planning Commission.

5. Ken Blumer, attorney representing the Gelber family, spoke about the proposed project.

#### **4. CITY COUNCILMEMBER AND COMMITTEE REPORTS**

##### ***\* Did you know?***

Councilmembers Brien and Mirisch reported on the League of California Cities annual conference they attended September 15 - 17, 2010 in San Diego.

Councilmember Krasne announced the City Employees Innovations Day on Monday, October 11, 2010 (Columbus Day).

Vice-Mayor Brucker announced the upcoming annual New York Sales Mission trip the week of October 19, 2010.

Mayor Delshad and Councilmember Brien reported on their Washington DC trip September 27-29, 2010 to promote the City's legislative agenda.

#### **3. REPORT FROM THE CITY MANAGER**

##### ***\* Great California Shakeout***

Director of Emergency Management Pamela Mottice-Muller presented a PowerPoint presentation and brief report about the upcoming California Shakeout exercise/drill on October 21, 2010.

#### **D. PUBLIC HEARING**

**TO SET:**

**None**

**TO CONSIDER:**

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

**1A. AN ORDINANCE OF THE CITY OF BEVERLY HILLS MODIFYING ALARM REGULATIONS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. First Reading – for Introduction.**

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 Administrative Services Department and the report of the Director of Administrative Services/Chief Financial Officer concerning this matter shall be entered into the record.

Senior Budget and Financial Analyst Mark Brower presented a PowerPoint presentation and staff report on this item. He noted the number of false alarm responses annually in the City and demonstrated the online Alarm Prevention School for the community to use.

Mr. Brower also presented the staff recommendation to amend the schedule of fees and charges to add new fees regarding false alarm service charges, late fees and fees for administrative review and appeals.

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

There were no further questions or comments of Councilmembers.

MOVED by Councilmember Krasne, seconded by Mayor Delshad to introduce and waive full reading of Ordinance D-1A and advance to the meeting of October 18, 2010 for adoption as follows:

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS MODIFYING ALARM REGULATIONS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE; AND,**

to adopt Resolution D-1B as follows:

**RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO ADD A FALSE ALARM SERVICE CHARGE LATE FEE, A FALSE ALARM SERVICE CHARGE APPEAL FEE, FIRE FALSE ALARM CHARGES, AND AMEND SECURITY FALSE ALARM CHARGES FOR FISCAL YEAR 2010/2011.**

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

CARRIED

**ITEM D-1A: WAIVE FULL READING AND ADVANCE TO THE MEETING OF OCTOBER 18, 2010 FOR ADOPTION**

- 1B. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO ADD A FALSE ALARM SERVICE CHARGE LATE FEE, A FALSE ALARM SERVICE CHARGE APPEAL FEE, FIRE FALSE ALARM CHARGES, AND AMEND SECURITY FALSE ALARM CHARGES FOR FISCAL YEAR 2010/2011.** Comment: The proposed ordinance amends the existing false alarm program to add fire false alarms and makes other revisions to the Municipal Code regarding alarm systems and false alarms. The resolution amends the schedule of fees and charges to add new fees regarding false alarm service charges, late fees and fees for administrative review and appeals.

**ITEM D-1B: ADOPTED RES#10-R-12774**

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

- 2A. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING PROVISIONS REGARDING INTEREST RATES FOR LATE PAYMENTS OF DELINQUENT CITY UTILITY SERVICE BILLS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. First reading – For Introduction.**

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 Department of Administrative Services and the report of the Director of Administrative Services/Chief Financial Officer concerning this matter shall be entered into the record.

Chief Financial Officer Scott Miller presented a PowerPoint presentation and staff report requesting to increase the late fees for utility customers both by amending the ordinance to allow Council to set late fees by resolution, and approving a resolution setting late fees to a certain amount. He reviewed comparable cities late fee structure, current vs. proposed fees, the ordinance change and the resolution suggestion.

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

Following discussion, it was the consensus of the Council to amend Section 5 of the resolution to take effect on January 1, 2011 and amend Exhibit A to read a late

payment charge of 3% per month for commercial, and remain at 1.5% per month for residential.

There were no further questions or comments of Councilmembers.

MOVED by Councilmember Mirisch, seconded by Councilmember Krasne to introduce and waive full reading of Ordinance D-2A and advance to the meeting of October 18, 2010 for adoption; and, adopt Resolution D-2B as amended in Section 5 to take effect on January 1, 2011 and amend Exhibit A to read a late payment charge of 3% per month for commercial and residential to remain at 1.5% per month for residential as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING PROVISIONS REGARDING INTEREST RATES FOR LATE PAYMENTS OF DELINQUENT CITY UTILITY SERVICE BILLS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE; AND,

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & SERVICE CHARGES FOR THE FISCAL YEAR 2010/2011 RELATED TO INTEREST CHARGES FOR DELINQUENT CITY UTILITY BILLS.

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

CARRIED

**ITEM D-2A: WAIVE FULL READING AND ADVANCE TO THE MEETING OF OCTOBER 18, 2010 FOR ADOPTION**

- 2B. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & SERVICE CHARGES FOR THE FISCAL YEAR 2010/2011 RELATED TO INTEREST CHARGES FOR DELINQUENT CITY UTILITY BILLS.** Comment: The proposed ordinance amends the Municipal Code to allow the City to set late payments by resolution. Staff proposes that the late fee be amended from 1.5% to 3% for delinquent utility service bills. The proposed resolution will implement staff's recommendation.

**ITEM D-2B: ADOPTED RES#10-R-12775 AS AMENDED IN SECTION 5 TO TAKE EFFECT ON JANUARY 1, 2011 AND IN EXHIBIT B TO READ A LATE PAYMENT CHARGE OF 3% PER MONTH FOR COMMERCIAL AND RESIDENTIAL TO REMAIN AT 1.5% PER MONTH**

**E. CONTINUED AND NEW BUSINESS**

1. **APPROVAL OF AN AGREEMENT BY AND BETWEEN THE CITY OF BEVERLY HILLS AND THE BEVERLY HILLS CONFERENCE AND VISITORS BUREAU FOR PROMOTION OF THE CITY; AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$1,537,576.** Comment: This item provides the proposed scope of work and funding for the fiscal year 2010-2011 budget for the Beverly Hills Conference and Visitors Bureau ("CVB"). If approved, the proposed agreement engages the services of the CVB for promotional activities and other services for fiscal year 2010-2011.

Deputy City Manager Cheryl Friedling presented the staff report on this item to approve the scope and work and funding agreement for the Beverly Hills Conference and Visitors Bureau for fiscal year 2010-2011 to promote and enhance the marketing of the City of Beverly Hills. Ms. Friedling mentioned the request by staff, approved by the Liaison Committee members, to modify the City's standard termination clause to 90 days and to allow termination only by a majority vote of the City Council.

Ms. Friedling responded to questions raised by the Council.

MOVED by Councilmember Brien, seconded by Vice Mayor Brucker to approve the Agreement by and between the City of Beverly Hills and the Beverly Hills Conference and Visitors Bureau for promotion of the City with the amendment as presented on the dais; and, approval of a purchase order in the amount of \$1,537,576.

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

CARRIED

**ITEM E-1: APPROVED AS AMENDED AG#438-10**

2. **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING AMENDMENT NO. 2 TO THE EMPLOYMENT AGREEMENT BETWEEN JEFF KOLIN AND THE CITY OF BEVERLY HILLS AND APPROVING FORM HOUSING LOAN DOCUMENTS.** Comment: The amendment and housing loan documents provide for a loan to the City Manager to allow him to purchase housing in or near Beverly Hills. The loan would be for a maximum amount of \$1.6 million dollars. The interest rate charged on the loan would be 3% during the first ten years and 3.25% thereafter. Additionally, during the first ten years of the loan, monthly payments would cover all accrued interest and the amount necessary to pay 0.25% of the principal each year.

City Manager Kolin recused himself from this matter and left the Chambers at 9:02p.m.

City Attorney Wiener provided a staff report to the Council detailing the proposed amendment to the employment agreement with the City Manager to provide housing assistance in the form of a low interest loan from the City. In addition, if the City Manager were to find a home to purchase in the area, approval of the form loan documents are to be completed by the City Attorney and executed by the Mayor.

Following discussion, it was the consensus of the Council to move forward with the amendment. Councilmember Mirisch stated his reasons for not voting in favor of this item.

MOVED by Vice Mayor Brucker, seconded by Mayor Delshad to adopt Resolution E-2 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS  
APPROVING AMENDMENT NO. 2 TO THE EMPLOYMENT AGREEMENT  
BETWEEN JEFF KOLIN AND THE CITY OF BEVERLY HILLS AND  
APPROVING FORM HOUSING LOAN DOCUMENTS.

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

CARRIED

**ITEM E-2: ADOPTED RES#10-R-12776 AG#439-10**

City Manager Kolin returned to the dais at 9:09p.m.

**F. CITY COUNCIL CONSENT CALENDAR**

MOVED by Vice Mayor Brucker, seconded by Councilmember Krasne to approve all items on the consent agenda, and direct that the appropriate accounts be charged on Items F-3 and F-4.

**Minutes**

- 1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the special meeting of September 14, 2010.**
- 2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the regular meeting of September 21, 2010.**

### **Demands Paid**

3. **REVIEW OF BUDGETED DEMANDS PAID, report dated September 10 - 23, 2010.**
4. **PAYROLL DISBURSEMENT REPORT, report dated October 5, 2010.**

### **Other Business**

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

**None**

#### **RESOLUTIONS APPROVING:**

**None**

#### **APPROVAL OF:**

5. **AGREEMENT WITH RAFTELIS FINANCIAL CONSULTANTS, INC. FOR CONSULTANT SERVICES RELATED TO PREPARATION OF A WATER RATE STUDY; AND, APPROVAL OF A PURCHASE ORDER TO RAFTELIS FINANCIAL CONSULTANTS, INC. IN THE AMOUNT NOT TO EXCEED \$118,375 FOR THE SERVICES.** Comment: This agreement is for water rate analysis services to evaluate water rates and rate structure consistent with pricing objective to ensure fair and equitable rates for all customers.

#### **ITEM F-5: APPROVED AG#440-10**

6. **AGREEMENT WITH PIPS TECHNOLOGY, INC. FOR PURCHASE OF EQUIPMENT, OVERSIGHT OF INSTALLATION, ON-SITE ENGINEERING AND MAINTENANCE SERVICES FOR POLICE DEPARTMENT DUAL LENS P-382 SPIKE CAMERAS; AND AUTHORIZE A PURCHASE ORDER FOR THIS EQUIPMENT AND SERVICES IN AN AMOUNT NOT TO EXCEED \$89,192.38.** Comment: ALPR cameras will be purchased with federal funds and installed on La Cienega Boulevard in support of the UNITE program

#### **ITEM F-6: APPROVED AG#441-10**

7. **TEMPORARY SITE LICENSE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND NEW CINGULAR WIRELESS PCS, LLC.** Comment: This license agreement allows New Cingular dba AT&T to install 450 feet of fiber optic cable and connect to the existing fiber optic cable installed by the City of Beverly Hills. This is for AT&T's temporary antenna site at Greystone.

#### **ITEM F-7: APPROVED AG#442-10**

8. **ACCEPTANCE OF CONTRACT WORK FOR THE 331 FOOTHILL OFFICE BUILDING BY BAYLEY CONSTRUCTION, A GENERAL PARTNERSHIP, IN THE FINAL CONTRACT AMOUNT OF \$21,944,952.00.** Comment: The General Contractor for the Foothill Office Building shell and core and the Cable TV tenant improvements, has completed the work. This acceptance will allow the Notice of Completion to be filed, and after the appropriate period, final payment to be made.

**ITEM F-8: APPROVED**

Vote on Consent Calendar:

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

CARRIED

**G. COMMISSION SYNOPSIS**

1. **PUBLIC WORKS COMMISSION - special meeting of September 2, 2010.**  
**TRAFFIC & PARKING COMMISSION - regular meeting of September 2, 2010.**  
**CHARITABLE SOLICITATIONS COMMISSION - regular meeting of September 15, 2010.**  
**FINE ART COMMISSION - regular meeting of September 16, 2010.**  
**HUMAN RELATIONS COMMISSION - regular meeting of September 16, 2010.**  
**HEALTH AND SAFETY COMMISSION - regular meeting of September 27, 2010.**

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

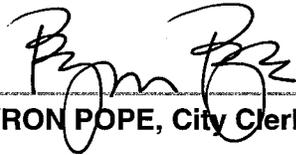
**I. OTHER BUSINESS**

None

**J. ADJOURNMENT**

Mayor Delshad, with the consent of the City Council, adjourned the meeting at 9:15pm to Monday, October 18, 2010 at 7:00p.m.

PASSED, Approved and Adopted  
this 18th day of October, 2010.



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BYRON POPE, City Clerk

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JIMMY DELSHAD, MAYOR

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