



**CITY OF BEVERLY HILLS
CITY COUNCIL
REGULAR MEETING
August 05, 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 Krasne, Councilmember Briskman, Vice Mayor Fenton, and Mayor Brucker
Absent: Councilmember Delshad

B. PRESENTATIONS

1. PRESENTATION - to the Beverly Hills Unified School District regarding the City and District Partnership through the 2008-2012 Joint Powers Agreement

Mayor Brucker invited the School Board members and the City Council to join him at the podium for the presentation of a representative check in the amount of \$45,000,000 acknowledging the new JPA four year agreement between the City and the School District.

Dr. Myra Demeter, School Board President, thanked the City and City Council on behalf of the administration and school board.

2. RECOGNITION OF RETIRING COMMISSIONER - Solicitations Advisory Commission
- Julie Steinberg

Mayor Brucker thanked Commissioner Julie Steinberg for her commitment to the City for the past six years and presented her with a plaque and gift recognizing her distinguished service on the Solicitations Advisory Commission.

3. CERTIFICATE OF APPOINTMENT - Solicitations Advisory Commission
- Lillian Raffel

Mayor Brucker invited Vice Mayor Frank Fenton to join him at the podium to present a Certificate of Appointment and City pin to Lillian Raffel (Solicitations Advisory Commission).

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. Darian Bojeaux commented on the City's Impartial Analysis for the Beverly Hilton referendum item.

2. Stefan Dahlerbruch spoke about the parking conditions on Olympic Boulevard between Beverly Drive and Bedford. Mr. Dahlerbruch requested a two-hour parking restriction on Saturdays.

3. REPORT FROM THE CITY MANAGER * Introduction of new City Management staff:
 - Steve Zoet, Assistant Director of Community Services/Recreation and Parks
 - Jim Latta, Human Services Administrator* Presentation to the Building & Safety Division of a Class 1 Grade by the Insurance Service Office (ISO) - City Building Official, George Chavez.

Director of Community Services Steve Miller introduced Steve Zoet, Assistant Director of Community Services/Recreation and Parks and Jim Latta, Human Services Administrator, the newest members to join the Community Services team. Both gentlemen briefly spoke about their previous work experience.

City Manager Roderick Wood introduced Building Official George Chavez who introduced Ralph Toreo, Technical Coordinator and Tim Perella, Local Field Representative from Insurance Services Office (ISO). Mr. Toreo spoke about the criteria to receive a Class 1 rating and noted Beverly Hills is one of only two cities in the country with this rating for the Fire Department and Building and Safety. Mr. Toreo presented Mr. Chavez with a commemorative plaque in recognition of this accomplishment. Mr. Chavez introduced the Building and Safety team present this evening that helped achieve this distinction.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS
 - Showcase Beverly Hills:
 - * Status of General Plan

Councilmember Briskman provided an update on the City's General Plan process and noted the draft General Plan will be released to the public on Thursday, August 7 and on Tuesday, August 26 at 7:00 pm the City will host a Community Meeting regarding the General Plan at the Beverly Hills High School - K.L. Peters Auditorium. Mrs. Briskman added that a list of community meetings will be posted on the City's website.

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 AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO ADJUST THE IN-LIEU PARKING FEE. Comment: The proposed resolution would increase certain City's in-lieu parking fee to more accurately reflect actual construction costs.

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 report of the Director of Community Development and the record of the Community Development in this matter are made a part of the record of this hearing.

Principal Planner David Reyes provided the staff report and a PowerPoint presentation. He spoke about the background over the past 30 year history of the In-Lieu Parking Program in the City. Mr. Reyes reviewed fees on Rodeo Drive, Beverly Drive, other locations within the Business Triangle and

the Restaurant Expansion Fee. Principal Planner Reyes reviewed future policy considerations for Council consideration. He then reviewed the options for Council consideration.

Speaking:

1. Tom Heymann, owner of Maestro's Steakhouse, stated he is in the middle of constructing a third floor for the restaurant and requests the fees remain as is, or grandfather projects that are already in the pipeline.
2. Ken Goldman requested that the City apply the fees that were in effect when the application was submitted to the City and the payment for review was made to the City and formally exempt any projects that have done so.
3. Susan Strauss, Design Review Commissioner, supported Mr. Heymann's comments and stated this matter should be restudied and more needs to be spent on the entire issue.
4. Hamid Gabbay, Design Review Commissioner, spoke about his time on the Planning Commission when this item was being considered in the 1990s, and the recession being one of the driving factors in keeping the fee low. He spoke about the impact of the fee, asked that projects in the pipeline be exempt and asked the Council to further study the issue before making a decision.
5. Anita Zussman Eddy, Vice President of Economic Development of the Beverly Hills Chamber of Commerce, speaking on behalf of the business community and the Chamber, requested that this item be delayed so the community can be given more notice regarding an increase in in-lieu parking fees.

Councilmember Briskman supported grandfathering applications previously submitted. She suggested a possible tiered schedule based on the street and size of the lot and supported further study of this matter.

City Manager Roderick Wood explained the methodology derived for the pricing/cost factor.

Councilmember Krasne expressed concerns regarding the proposed fee and suggested tabling the matter for further study.

Vice-Mayor Fenton supported grandfathering previously submitted applications and to further study of the matter.

Mayor Brucker concurred that previously submitted applications and projects in the pipeline should be grandfathered. Mr. Brucker suggested tabling this matter and appointed Councilmembers Briskman and Krasne (two former Planning Commissioners) to serve on an Ad Hoc Committee to study this

item and return with a report to the entire Council in September.

Council concurrence (4-0, Delshad absent), to continue the public hearing to the City Council Meeting on September 23, 2008 at 7pm.

ITEM D-1: PUBLIC HEARING CONTINUED TO THE MEETING OF SEPTEMBER 23, 2008 AT 7:00 PM

2. AN APPEAL FROM THE DECISION OF THE HEARING OFFICER UPHOLDING AN ASSESSMENT FOR UNPAID BUSINESS TAXES, PENALTIES AND INTEREST FOR NRT, INC. (COLDWELL BANKER RESIDENTIAL BROKERAGE COMPANY) ON REMAND FROM CITY COUNCIL APPEAL. Comment: The Assistant Director of Administrative Services - Finance issued a decision upholding the assessment for unpaid business taxes, penalties and interest for NRT, Inc. (Coldwell Banker) in the amount of \$1,059,377.77. NRT, Inc. has filed an appeal objecting to the amount of the assessment. Staff recommends this matter be removed from the August 5, 2008 meeting. This item may be rescheduled at a later time.

Assistant Director of Administrative Services Noel Marquis indicated the City Attorney and staff are working with Coldwell Banker and requested tabling the matter at this time, and if necessary, will return to reset the hearing date.

ITEM D-2: BY ORDER OF THE CHAIR, MATTER WAS REMOVED FROM THE AGENDA AND A NEW HEARING DATE WILL BE SET, IF NECESSARY.

E. CONTINUED AND NEW BUSINESS

- 1A. APPROVAL OF AMENDMENT NO. 3 TO AN AGREEMENT BY AND BETWEEN THE CITY OF BEVERLY HILLS AND THE BEVERLY HILLS CHAMBER OF COMMERCE AND CIVIC ASSOCIATION FOR THE CHAMBER'S CONFERENCE AND VISITORS BUREAU IN THE AMOUNT OF \$1,545,192; AND AUTHORIZATION OF A PURCHASE ORDER IN THE AMOUNT OF \$1,545,192 FOR VISITOR ATTRACTION AND MARKETING PROGRAMS.

Items E-1A and E-1B will be continued to the meeting of August 19, 2008.

Chamber of Commerce CEO Dan Walsh noted in June 2008 two months of funding and three months of programming were approved by the City Council and noted the funding for operations will expire on August 31. The City Council authorized the City Manager to bridge any funding issues, if necessary.

- 1B. APPROVAL OF AMENDMENT NO. 2 TO AN AGREEMENT BY AND BETWEEN THE CITY OF BEVERLY HILLS AND THE BEVERLY HILLS

CHAMBER OF COMMERCE AND CIVIC ASSOCIATION FOR THE CHAMBER'S ECONOMIC DEVELOPMENT PROGRAM IN THE AMOUNT OF \$344,642; AND AUTHORIZATION OF A PURCHASE ORDER IN THE AMOUNT OF \$344,642 FOR ECONOMIC DEVELOPMENT PROGRAMS. Comment: This item requests Council approval to amend the contracts with the Chamber of Commerce for the Conference and Visitors Bureau and the Economic Development Division to provide continuance of services and programs through the end of June 2009.

ITEM E-1A AND E-1B: BY ORDER OF THE CHAIR, CONTINUED TO THE MEETING OF AUGUST 19, 2008

2. APPROVAL OF THE AWARD OF A CONTRACT TO BAYLEY CONSTRUCTION, A GENERAL PARTNERSHIP FOR THE CONSTRUCTION OF THE 331 FOOTHILL ROAD OFFICE BUILDING; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND APPROVE A PURCHASE ORDER IN THE AMOUNT OF \$21,907,000 TO BAYLEY CONSTRUCTION, A GENERAL PARTNERSHIP FOR THE CONTRACT WORK. Comment: Provides for the contract work in the amount of \$20,607,000 and approval of the construction contingency of \$1,300,000 to construct the Office Building at 331 Foothill Road.

Director of Marketing and Economic Development Alison Maxwell provided a brief introduction of the project and Project Manager Allen Rubenstein spoke about the bid process. Mr. Rubenstein stated staff is recommending the Council accept all of the alternatives and the base bid, but defer the solar panel alternative at this time (to allow staff to further evaluate and return to Council) and award the contract to Bayley Construction.

MOVED by Councilmember Briskman, seconded by Vice Mayor Fenton that the contract for the construction of the 331 Foothill Road Office Building be awarded to Bayley Construction. Additionally, based on the testimony of the Director of Project Administration, I move that the Plans and Specifications for the Project be approved and that a Purchase Order in the amount of \$21,907,000 be issued to Bayley Construction.

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

Noes: None

Absent: Councilmember Delshad

CARRIED

ITEM E-2: APPROVED AG#336-08

F. CONSENT CALENDAR

MOVED by Councilmember Briskman, seconded by Councilmember Krasne to approve the items on the consent agenda, and direct that the appropriate accounts be charged on Items F-7 through F-9.

Minutes

1. Consideration of the Minutes of the regular meeting of May 6, 2008.
2. Consideration of the Minutes of the adjourned regular meeting of May 12, 2008.
3. Consideration of the Minutes of the regular meeting of May 20, 2008.
4. Consideration of the Minutes of the regular meeting of June 3, 2008.
5. Consideration of the Minutes of the regular meeting of June 17, 2008.
6. Consideration of the Minutes of the regular meeting of July 8, 2008.

Demands Paid

7. REVIEW OF BUDGETED DEMANDS PAID, report dated June 30 - July 14, 2008.
8. REVIEW OF BUDGETED DEMANDS PAID, report dated July 16 - 25, 2008.
9. PAYROLL DISBURSEMENT REPORT, report dated August 5, 2008.
10. 2007-08 4th QUARTER PURCHASE ORDER REPORT.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS: None

None

RESOLUTIONS APPROVING:

11. ACCEPTING A DONATION OF \$20,000 FROM FRED HAYMAN TOWARD RECONSTRUCTION OF THE FRED HAYMAN PLACE WITH DECORATIVE STAMPED CONCRETE AND APPROPRIATING FUNDS THEREFOR; AND APPROVAL OF THE AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, GRIFFITH COMPANY FOR RECONSTRUCTION OF FRED HAYMAN PLACE (DAYTON TO RODEO) USING DECORATIVE STAMPED CONCRETE, IN THE CITY OF BEVERLY HILLS, CALIFORNIA IN THE AMOUNT OF \$99,723; APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE PROJECT; AND APPROVAL OF THE PURCHASE ORDER TO GRIFFITH COMPANY IN THE AMOUNT OF \$110,000. Comment: Requests an award of contract to Griffith Company, in the amount of \$99,723 for the reconstruction of Fred Hayman Place (north of Wilshire, between Dayton Way and Rodeo) with stamped concrete.

ITEM F-11: APPROVED RES#08-R-12620 AG#337-08

APPROVAL OF:

- 12A. AN AGREEMENT WITH VETERANS IN COMMUNITY SERVICE (VICS), INC., FOR CONTINUATION OF THE HANDYWORKER SERVICES PROGRAM FOR SINGLE-UNITS IN 2008-2009.

ITEM F-12A: APPROVED AG#338-08

- 12B. AN AGREEMENT WITH VETERANS IN COMMUNITY SERVICE (VICS), INC., FOR CONTINUATION OF THE HANDYWORKER SERVICES PROGRAM FOR MULTI-UNITS IN 2008-2009; AND, APPROVAL TO ISSUE A PURCHASE ORDER IN THE TOTAL AMOUNT OF \$190,000 TO VETERANS IN COMMUNITY SERVICE. Comment: Staff recommends that the City Council approve the two Agreements with Veterans in Community Service (VICS) for provision of the Handyworker Program for Single- and Multi-Family Units through June 30, 2009, to be reimbursed with federal CDBG funds in an amount not to exceed \$190,000.00 for both agreements.

ITEM F-12B: APPROVED AG#339-09

13. SIDE LETTER AGREEMENT WITH CONFIDENTIAL EMPLOYEES ASSOCIATION REGARDING AGENCY SHOP. Comment: The Side-Letter between the City of Beverly Hills and the newly formed Beverly Hills Confidential Employees Association establishes an "Agency Shop". This requires that as a condition of continuing employment, employees in the bargaining unit must either join the Association or pay to the Association a service fee in lieu thereof.

ITEM F-13: APPROVED AG#340-08

14. GROUNDWATER MANAGEMENT PLAN TECHNICAL COMMITTEE APPOINTMENTS. Comment: The panel of two City Council Members and two members of the Groundwater Management Plan Technical Committee are recommending to fill the two technical vacancies on this committee (Arnold Epstein and Marvin Katz).

ITEM F-14: APPROVED

15. THE AGREEMENT WITH HIRSCH & ASSOCIATES, INC. FOR CONSULTANT SERVICES RELATED TO THE ROXBURY PARK DEVELOPMENT; AND APPROVE A PURCHASE ORDER IN THE AMOUNT OF \$546,000 TO HIRSCH & ASSOCIATES, INC. FOR THESE SERVICES. Comment: Provides for an agreement to provide schematic and design development consultant services in accordance with the approved Master Plan for development of Roxbury Park including the Community Center and related structures and park site improvements.

ITEM F-15: APPROVED AG#341-08

16. THE AGREEMENT WITH TWINING LABORATORIES OF SOUTHERN CALIFORNIA, INC. FOR GEOTECHNICAL ENGINEERING, CONSTRUCTION INSPECTION AND MATERIAL TESTING SERVICES FOR THE 331 FOOTHILL ROAD OFFICE BUILDING; AND APPROVE A PURCHASE ORDER IN THE AMOUNT OF \$194,000 TO TWINING LABORATORIES OF SOUTHERN CALIFORNIA, INC. FOR THESE SERVICES. Comment: Provides for an agreement to provide both geotechnical services, and material testing and inspection services during the construction of the 331 Foothill Road Office Building. These services are required by the Building Code.

ITEM F-16: APPROVED AG#342-08

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

ITEM A AN AGREEMENT WITH ERIKA D. SAFCHIK FOR LET'S MAKE A SCENE ACTING INSTRUCTION THROUGH THE DEPARTMENT OF COMMUNITY SERVICES. Comment: Provides for one year of service and two (2) one-year extensions to conduct youth acting class instruction.

ITEM F-17A: APPROVED AG#343-08

ITEM B AN AGREEMENT WITH STEP UP ON SECOND FOR OUTREACH AND ENGAGEMENT PROGRAM IN SUPPORT OF THE CITY'S CLASP PROGRAM; AND

APPROVAL OF A PURCHASE ORDER FOR A NOT-TO-EXCEED AMOUNT OF \$85,000. Comment: Transmits agreement for a one-year program at a cost of \$85,000 to continue to build on the success of the six-month pilot program (January 1-June 30, 2008) for outreach and engagement of homeless individuals in the City.

ITEM F-17B: APPROVED AG#344-08

ITEM C AN AGREEMENT WITH MAINLINE PROFESSIONAL SERVICES, LLC FOR INFORMATION TECHNOLOGY CONSULTING SERVICES; AND

APPROVAL OF A PURCHASE ORDER FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$500,000. Comment: The Consultant will provide information technology consulting services, on an as needed basis, for a broad range of department requirements in support of citywide technology initiatives.

ITEM F-17C: APPROVED AG#345-08

ITEM D AN AGREEMENT WITH TIMOWENS.COM FOR AS-NEEDED PERSONNEL TRAINING IN SOFT SKILL AND MICROSOFT SOFTWARE

PROGRAMS.

Comment: Tim Owens will provide as-needed training in Microsoft Software Programs and Soft Skill/Personal Development Programs and will also provide one-on-one instruction to staff at staff's request.

ITEM F-17D: APPROVED AG#346-08

18. ACCEPTANCE OF THE CONTRACT WORK FOR SEWER REHABILITATION IN BEVERLY DRIVE FROM COLDWATER CAÑON DRIVE TO 1052 BEVERLY DRIVE ("PROJECT") WITHIN THE CITY OF BEVERLY HILLS, CALIFORNIA BY INSITUFORM TECHNOLOGIES, INC. IN THE FINAL AMOUNT OF \$70,066. Comment: Requests acceptance of the sewer rehabilitation in Beverly Drive (adjacent to Coldwater Reservoir) in the amount of \$70,066 and authorization to record the Notice of Completion with the Los Angeles County Recorder.

ITEM F-18: APPROVED

19. ACCEPTANCE OF THE CONTRACT WORK FOR WATER VALVE REPLACEMENTS ON WATER LINES BY WILLIAMS PIPELINE CONTRACTORS, INC. IN THE FINAL AMOUNT OF \$197,785.48 Comment: Acceptance of the emergency repair of the water line performed by Williams Pipeline Contractors, Inc. and authorization to record the Notice of Completion.

ITEM F-19: APPROVED

20. ACCEPTANCE OF THE CONTRACT WORK FOR THE 2007-2008 ANNUAL INFRASTRUCTURE REPAIRS AND REPLACEMENTS - VARIOUS LOCATIONS BY PORTSMOUTH CONSTRUCTION, INC. IN THE FINAL AMOUNT OF \$544,152.53. Comment: In accordance with the contract documents, this report requests City Council acceptance of the contract work by Portsmouth Construction, Inc. and requests authorization to record the Notice of Completion with the County Recorder.

ITEM F-20: APPROVED

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 - special meeting of July 2, 2008. FINE ART COMMISSION - regular meeting of July 19, 2008.

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

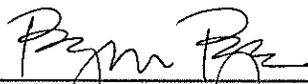
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of Council adjourned the meeting at 9:06 pm.

PASSED, Approved and Adopted
this 2nd day of September, 2008.



BYRON ROPE, 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.