



**CITY OF BEVERLY HILLS
CITY COUNCIL
ADJOURNED REGULAR MEETING
November 05, 2008**

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

PLEDGE OF ALLEGIANCE

A. ROLL CALL

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

B. PRESENTATIONS

1. PRESENTATION - Summer Reading Program Recognition

Mayor Brucker mentioned during the summer of 2008, 1182 children signed up for the Summer Reading Club at the Beverly Hills Public Library. The Mayor acknowledged the participants this year and took photos with each group of participants present.

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. Chris Bushee, teacher at Beverly Hills High School and representative for members of the Beverly Hills Education Association, spoke about the turn over rate of the superintendent position. Mr. Bushee asked for a new hiring model for the next superintendent.

Councilmember Briskman mentioned four years ago the City created a new model for hiring a Chief Executive Officer (City Manager). Mrs. Briskman stated the Council would be happy to discuss the details of the process with those responsible for the search for a new superintendent.

2. Marty Geimer and Claudia Deutsch, Board members of the Beverly Hills Women's Club, announced a lecture tomorrow night on the "Legendary Estates of Beverly Hills" by Jeff Hyland at the Women's Club, and invited the City Council to attend.

3. Eliot Finkel referred to an article in last Friday's Beverly Hills Courier, and requested clarification from the City Council.

Mayor Brucker introduced Armita Ariano who is representing the City of Beverly Hills in the Miss Teen California USA pageant and presented her with a certificate of recognition.

4. Dr. Lori Travis and Rose Clements, representing the Beverly Hills Optimist Club, presented a crystal award to Mayor Brucker for his outstanding service to the Beverly Hills Community.

3. REPORT FROM THE CITY MANAGER
* Permit Center - Anne Browning McIntosh

City Manager Wood mentioned the ribbon cutting this evening for the new entrance to City Hall and reopened first floor of City Hall.

Interim Director of Community Development Anne Browning McIntosh spoke about the new Permit Center on the first floor of City Hall and provided a PowerPoint presentation of the Permit Center's operations.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS
- Showcase Beverly Hills:
* Holiday Lighting Ceremony
* New York Sales Mission

Councilmember Briskman spoke about "The Great House" at Greystone Estate, hosted by the City of Beverly Hills, Friends of Greystone and Veranda Magazine which opened on November 1 and runs through November 16, 2008. Mrs. Briskman described the events planned and ticket information.

Mayor Brucker briefly spoke about the recent annual Sales Mission trip to New York with the Chamber of Commerce and noted a full report will be presented at the next Study Session on November 18, 2008.

Mayor Brucker also spoke briefly about his recent trip to China with the Sister City Committee.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

NONE

E. CONTINUED AND NEW BUSINESS

1. AN INTERIM ORDINANCE OF THE CITY OF BEVERLY HILLS REGARDING THE APPLICABILITY OF PARKING AND LOADING STANDARDS TO CERTAIN NONCONFORMING COMMERCIAL STRUCTURES LOCATED IN THE C-3T-2 ZONE ON OLYMPIC BOULEVARD BETWEEN REXFORD DRIVE AND ROBERTSON BOULEVARD, AND DECLARING THE URGENCY THEREOF Comment: Interim urgency ordinance would require nonconforming structures located in the City's commercial-residential transition areas to meet current parking and loading requirements if an intensification in use is proposed. The ordinance would provide a Planning Commission hearing process which could accommodate situations where current parking and loading requirements are difficult to satisfy in existing development. The interim ordinance would take effect immediately while the City considers permanent legislation. It addresses a concern that new uses introduced into older buildings with inadequate facilities could impact residential neighborhoods behind the commercial corridors as well as nearby businesses. This item was continued from the regular City Council Meeting of October 7, 2008.

City Planner Jonathan Lait presented the staff report along with a PowerPoint presentation. Mr. Lait referred to a letter that was provided from the Chamber of Commerce. He recommended that Council approve the urgency ordinance, and discussed two recent projects that have intensified land uses that have insufficient parking and loading facilities.

Speaking:

1. Dan Walsh, Executive Director and CEO of the Chamber of Commerce, registered the Chamber's position in opposition to the urgency ordinance in the form as presented by staff. Mr. Walsh noted Allan Alexander will address a letter from the Chamber that states the objections and inserts the changes the Chamber of Commerce recommends.
2. Allan Alexander mentioned the Chamber set up an urgency ordinance subcommittee to review this matter. Mr. Alexander spoke about issues related to residential parking in areas of the City that abut the commercial areas of town. He suggested two changes to the urgency ordinance if adopted.
3. Joe Tilem commented on the proposed urgency ordinance and suggested that the ordinance needs to be further evaluated before implementation.
4. Brian Rosenstein, a recent new owner of a commercial property on Olympic Boulevard, spoke about the difficulties of renting the smaller commercial spaces with the proposed urgency ordinance.
5. Stacy Brenner, The Charles Company representing 9321 Olympic (formerly the Ford dealership), shared her concerns with the ordinance in light of their position to find a viable Beverly Hills tenant.
6. L J Mismas spoke on behalf of a larger property (the current BMW dealership) and is concerned about potential future tenants for the property with this proposed ordinance.

Planning Commission Chair Noah Furie referred to the redline version of the proposed ordinance from the Chamber with the requested changes. Mr. Furie stated the changes are appropriate and will solve the immediate problem, and when the permanent ordinance is reviewed by the Planning Commission all of the issues can be addressed. He strongly urged the City Council to adopt the ordinance this evening. Mr. Furie clarified questions raised by Council.

Following discussion, the Council decided to enact the interim ordinance with the terms the Chamber of Commerce provided which will allow time for further review to decide if this should become a permanent ordinance.

MOVED by Councilmember Briskman, seconded by Councilmember Delshad to adopt Interim Ordinance E-1 with changes as presented in the redline copy in the Chamber of Commerce's letter as follows:

AN INTERIM ORDINANCE OF THE CITY OF BEVERLY HILLS REGARDING THE APPLICABILITY OF PARKING AND LOADING STANDARDS TO CERTAIN NONCONFORMING COMMERCIAL STRUCTURES LOCATED IN THE C-3T-2 ZONE ON OLYMPIC BOULEVARD BETWEEN REXFORD DRIVE AND ROBERTSON BOULEVARD, AND DECLARING THE URGENCY THEREOF.

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

CARRIED

**ITEM E-1: ADOPTED AS AMENDED TO INCLUDE REDLINE CHANGES
IN CHAMBER'S LETTER ORD#08-O-2556**

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-2 and F-3.

Minutes

1. Consideration of the Minutes of the regular meeting of October 7, 2008.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated October 8 - 23, 2008.
3. PAYROLL DISBURSEMENT REPORT dated November 5, 2008.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. URGENCY ORDINANCE INCREASING THE VOLUNTARY EXPENDITURE CEILING FOR CITY ELECTIONS, INCREASING CONTRIBUTION LIMITS, MODIFYING RULES REGARDING AGGREGATION OF CONTRIBUTIONS, AMENDING THE BEVERLY HILLS MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF. Comment: This ordinance is effective immediately and expires on December 20, 2008. It raises the voluntary spending limit for regular municipal elections to \$75,000, and the individual

contribution limits to \$300 if a candidate accepts the spending limit and \$125 if the candidate does not accept the spending limit.

ITEM F-4: ADOPTED ORD#08-0-2557

5. INCREASING THE VOLUNTARY EXPENDITURE CEILING FOR CITY ELECTIONS, INCREASING CONTRIBUTION LIMITS, ELIMINATING THE APPLICATION OF CONTRIBUTION AND EXPENDITURE LIMITS IN RECALL ELECTIONS, MODIFYING RULES REGARDING AGGREGATION OF CONTRIBUTIONS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. For Introduction. Comment: This ordinance raises the voluntary spending limit for regular municipal elections to \$75,000, and the individual contribution limits to \$300 if a candidate accepts the spending limit and \$125 if the candidate does not accept the spending limit.

ITEM F-5: WAIVE FULL READING AND ADVANCE TO THE MEETING OF NOVEMBER 18, 2008 FOR ADOPTION

RESOLUTIONS APPROVING:

6. THE FINAL MAP FOR TRACT MAP NO. 062388 (304 SOUTH ELM DRIVE). Comment: Approval of Final Map of Tract No. 062388 located on 304 South Elm Drive. APPROVAL OF:

ITEM F-6: ADOPTED RES#08-R-12642

7. CHANGE ORDER NO. 1 TO THE CONTRACT WITH BAYLEY CONSTRUCTION, A GENERAL PARTNERSHIP, FOR THE CONSTRUCTION OF THE 331 FOOTHILL ROAD OFFICE BUILDING; AUTHORIZE THE CITY MANAGER TO SIGN CHANGE ORDER NO. 1; AND, APPROVE A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$376,271 TO BAYLEY CONSTRUCTION, A GENERAL PARTNERSHIP FOR THIS WORK. Comment: This change order will provide a design-build photovoltaic solar panel rooftop system for the generation of electrical power, including the engineering services, fabrication, and installation on the 331 Foothill Road Office Building.

ITEM F-7: APPROVED

8. APPROPRIATION OF \$28,000 FROM THE SEIZED & FORFEITED PROPERTY FUND TO THE FEDERAL SEIZED & FORFEITED PROPERTY PROGRAM TO FUND POLICE TRAINING. Comment: Funds from the Federal Asset Forfeiture program will be used to fund training for the Police Department's Detective Bureau.

ITEM F-8: APPROVED

9. APPROPRIATION OF FUNDS FOR GREEN COMMUNITY OUTREACH IN THE AMOUNT OF \$20,000 AS DIRECTED BY CITY COUNCIL AT ITS STUDY SESSION ON OCTOBER 7, 2008. Comment: Staff seeks funding from City Council to proceed in promoting an ongoing platform of environmental and energy efficient outreach programs to the Beverly Hills community.

ITEM F-9: APPROVED

10. MEMORANDUM OF LEASE AND SECOND AMENDMENT OF LEASE FOR WILLIAMS-SONOMA STORES, INC. Comment: A Memorandum of Lease and Second Amendment of Lease with Williams-Sonoma Stores, Inc. has been prepared for City Council approval. The second amendment extends the term of lease by six (6) years.

ITEM F-10: APPROVED AG#462-08

11. ACCEPTANCE OF CONTRACT WORK FOR THE CONSTRUCTION OF THE VEHICLE SHOP BY FORD E. C., INC. IN THE FINAL CONTRACT AMOUNT OF \$9,560,101. Comment: Requests acceptance of the contract work and authorizes the recording of the Notice of Completion with the County Recorder.

ITEM F-11: APPROVED

12. AGREEMENT WITH MERCEDES BENZ OF BEVERLY HILLS FOR LOAN OF A MERCEDES BENZ VEHICLE FOR USE IN THE POLICE DEPARTMENT'S DRUG ABUSE RESISTANCE EDUCATION (DARE) PROGRAM. Comment: Mercedes Benz of Beverly Hills has offered to loan a vehicle to the Police Department to support and increase student interest in the DARE program.

ITEM F-12: APPROVED AG#463-08

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

ITEM A APPROVAL OF AMENDMENT NO. 4 TO THE AGREEMENT WITH ABM ENGINEERING SERVICE. Comment: Provides for an amendment to the agreement for mechanical-electrical services, heating, ventilation & air conditioning system to extend the term and increase the compensation due to union labor contract and material costs as called for in contract with the City. The amount of the contract including amendment is \$53,561.01 per month.

ITEM F-13A: APPROVED AG#464-08

ITEM B AN AGREEMENT WITH AVALON COMMUNICATIONS, A DIVISION OF TECHNOLOGY TRAINING CORPORATION FOR PRINTING AND MAILING SERVICES. Comment: Provides for three years of service and two (2) two-year extensions to conduct City wide printing and mailing services.

ITEM F-13B: APPROVED AG#465-08

ITEM C APPROVAL OF A PURCHASE ORDER TO AVAYA INC. IN THE AMOUNT OF \$121,428.93 FOR SUPPORT AND MAINTENANCE OF THE CITY'S TELECOMMUNICATION SYSTEM. Comment: This purchase is for the renewal of annual maintenance and support for the City's telecommunication system from November 1, 2008 through October 31, 2009, pursuant to the terms and conditions of Agreement No. 175-07.

ITEM F-13C: APPROVED

ITEM D AWARD OF BID NO. 09-09 TO PURCHASE NETWORKING EQUIPMENT AND SUPPORT, BID NO. 09-10 TO PURCHASE PASSIVE TELEMETRY EQUIPMENT AND SUPPORT AND BID NO. 09-11 TO PURCHASE NETWORK MONITORING EQUIPMENT AND SUPPORT TO DATA SYSTEMS WORLDWIDE FOR THE MUNICIPAL AREA NETWORK (MAN); AND,

APPROVAL OF A PURCHASE ORDER FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$797,498.22. Comment: The Bids are awarded to DSW for the purchase of equipment and support for Phase Two of the MAN project, including the electronics, optics and end systems wiring necessary to activate the South Ring of the MAN. Additionally, the necessary telemetry and support components for both the North Ring and the South Ring are included in the overall project to allow for a unified networking system that is centrally managed, monitored, controlled and administrated.

ITEM F-13D: APPROVED

Vote on Consent Calendar:

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

Noes: None.

CARRIED

G. COMMISSION SYNOPSIS

None

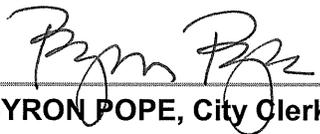
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brucker with the consent of Council, adjourned the meeting at 9:50 p.m.

PASSED, Approved and Adopted
this 18th day of November, 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.