



**CITY OF BEVERLY HILLS
CITY COUNCIL
ADJOURNED REGULAR MEETING
January 22, 2009**

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

PLEDGE OF ALLEGIANCE

A. ROLL CALL

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

B. PRESENTATIONS

1. PROCLAMATION - BHHS Robotics Team for participation in the FIRST Robotics program.

Mayor Brucker invited Eileen Kahn, spokesperson for the Beverly Hills High School Robotics Team and a student representative, to the podium for the presentation of the Proclamation to the BHHS Robotics Team. On behalf of the Council, Mayor Brucker commended the team's dedication to achieving excellence in science and technology and to service to the community.

2. PROCLAMATION - to Noah Furie for his service to the community.

Mayor Brucker presented a proclamation to Noah Furie, former Traffic and Parking Commissioner, and current member and past Chair of the Planning Commission, for his service on the Planning Commission and his exceptional commitment to the City of Beverly Hills. Mayor Brucker also mentioned the exceptional service of all the other Planning Commissioners.

Mr. Furie thanked his fellow Commissioners, Planning staff, City Council and family for all the support they provide.

**3. RECOGNITION OF RETIRING COMMISSIONER - Traffic and Parking Commission
- Gail Silver**

Mayor Brucker presented Gail Silver with a plaque and gift in recognition of her service to the City for the past six years on the Traffic and Parking Commission.

**4. CERTIFICATE OF APPOINTMENT - Fine Art Commission
- Brenda Potter**

Mayor Brucker welcomed Brenda Potter to the Fine Art Commission, and presented her with a certificate of appointment and City pin.

5. PRESENTATION - from American Heart Association to City for Leadership in CPR Training

Not presented this evening.

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. Joe Hirt spoke about Measure P and suggested a way to offset expenditures.

With the consent of the Council, Councilmember Briskman noted that Measure P will be placed on the February 3 Study Session for discussion to answer questions that have come to the attention of the Council regarding the measure.

2. Ben Reznik, attorney representing George Kobor, commented on a development project under construction on the corner of Robertson and Wilshire Boulevards.

Mayor Brucker suggested staff schedule a Liaison Committee meeting to arrive at a solution.

3. P G Curtis spoke about various issues of concern regarding doing business in the City and being treated fairly.

3. REPORT FROM THE CITY MANAGER
** Report on City Staff regional involvement*
** Community Preservation: An overview of its enforcement program - Community Development*

City Manager Wood acknowledged various City staff involvement in local, state and regional committees and noted positions held and awards received.

Building Official George Chavez introduced Code Enforcement Manager Nestor Otazu for the presentation on Community Preservation. Mr. Otazu introduced the members of his team and described what the code enforcement program consists of, what they do, and how it impacts the community.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS
- Showcase Beverly Hills:
** Music in the Mansion 10th Season*

Councilmember Briskman announced details of the Music in the Mansion concert series at Greystone Mansion, currently in its 10th Season, which will hold performances on Sunday afternoons during the months of February - June 2009 in the Living Room at Greystone Mansion.

Mayor Brucker spoke about his recent trip to Washington DC to attend the US Conference of Mayors, and his experience at the Presidential Inauguration.

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 BEVERLY HILLS HOTEL SPECIFIC PLAN. Comment: An Amendment to the Beverly Hills Hotel Specific Plan to allow construction of two (2) one-story hotel bungalows with three hotel rooms each (total of six hotel rooms) and a new 8 ½ foot wall for the Beverly Hills Hotel located at 9641 Sunset Boulevard.

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 Community Development and the report of the Interim Director of Community Development concerning this matter shall be entered into the record.

City Planner Jonathan Lait introduced Principal Planner David Reyes to present the PowerPoint presentation and staff report. Mr. Reyes explained the details of the proposed project which includes construction of two new bungalows.

Speaking:

1. Lee Silver, representing the Beverly Hills Hotel, thanked the Planning staff for their assistance and introduced Alberto Lima, architect of the project, who will present the project.
2. Alberto Lima, architect of the project, made a detailed PowerPoint presentation of the proposed project.

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

Alberto Del Hoyo, General Manager of the hotel, responded to questions raised by Councilmember Delshad.

The Council agreed this will be a beautiful addition to the hotel.

There were no further questions or comments of Councilmembers.

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

**RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS HOTEL SPECIFIC PLAN.**

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

Noes: None

Absent: Councilmember Krasne

CARRIED

ITEM D-1: ADOPTED RES#09-R-12653

E. CONTINUED AND NEW BUSINESS

- 1A. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE WALLIS ANNEBERG CENTER FOR THE PERFORMING ARTS BEVERLY HILLS AND CITY PARKING STRUCTURE PROJECT; ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM.**

Comment: This resolution certifies the Environmental Impact Report (EIR) prepared for the Wallis Annenberg Center for the Performing Arts and the City's subterranean

parking structure and makes appropriate environmental findings in connection with the approval of the project.

Deputy City Manager David Lightner presented the staff report and PowerPoint presentation. Mr. Lightner noted that the EIR comment period closed on January 8, 2009 and no further comments were received, as noted in the staff report, other than the letters of support included in the report.

Principal Planner David Reyes provided a time line for key events regarding this project and presented the CEQA findings and a PowerPoint presentation on the Final EIR results.

City Manager Roderick Wood clarified the City's position in relationship to the Wallis Annenberg Center for the Performing Arts. Mr. Wood spoke about the parking garage component of the project, and the City and Center's relationship in terms of the parking garage.

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

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
WALLIS ANNENBERG CENTER FOR THE PERFORMING ARTS BEVERLY
HILLS AND CITY PARKING STRUCTURE PROJECT; ADOPTING
FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS,
AND ADOPTING A MITIGATION MONITORING AND REPORTING
PROGRAM.

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

Noes: None

Absent: Councilmember Krasne

CARRIED

ITEM E-1A: ADOPTED RES#09-R-12654

- 1B. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE AMENDED AND RESTATED LEASE BY AND AMONG THE CITY OF BEVERLY HILLS, THE WALLIS ANNENBERG CENTER FOR THE PERFORMING ARTS, AND THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS.** Comment: This resolution approves an amended and restated lease of the former Post Office site to Wallis Annenberg Center for the Performing Arts. The amended lease will allow development of an expanded performing arts center at that site while preserving the historic status of the former Post Office building.

Deputy City Manager David Lightner provided the staff report for this item and he noted information on the environmental component regarding the gas soil testing completed in response to questions raised during earlier hearings.

Speaking:

1. Justin Gershuny expressed his support of the Center.
2. Kathy Reims, speaking as Chair and on behalf of the entire Planning Commission, spoke in support of the project.

In response to Councilmember Delshad's question, City Manager Wood clarified the proposed parking garage will not be designated as 2 hour free parking to ensure all operational expenses are covered.

MOVED by Councilmember Delshad, seconded by Councilmember Briskman to adopt Resolution E-1B as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPROVING THE AMENDED AND RESTATED LEASE BY AND AMONG
THE CITY OF BEVERLY HILLS, THE WALLIS ANNENBERG CENTER
FOR THE PERFORMING ARTS, AND THE PARKING AUTHORITY OF
THE CITY OF BEVERLY HILLS.

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

CARRIED

ITEM E-1B: ADOPTED RES#09-R-12655 AG#24-09

RECESS CITY COUNCIL MEETING

CONVENE SPECIAL PARKING AUTHORITY MEETING

(SEE PARKING AUTHORITY MEETING AGENDA)

RECONVENE CITY COUNCL MEETING

Meeting recessed at 9:00pm to the Parking Authority Meeting.

Meeting reconvened at 9:05pm with Mayor Brucker, Vice Mayor Fenton and Councilmembers Briskman and Delshad present.

2. **PRESENTATION OF THE FY 2007-2008 COMPREHENSIVE ANNUAL FINANCIAL REPORT.** Comment: Present the FY 2007-2008 CAFR for the Council's review, acceptance, and filing. The Administrative Services department has worked diligently

in conjunction with the auditors to complete the yearly audit and to put this report together. This is the third year of the City's use of the audit firm Mayer Hoffman McCann P.C.

Assistant Director of Administrative Services - Finance Noel Marquis explained the process the City undertakes during the annual audits. He introduced Accounting Manager Sharon Rahban to present the CAFR results.

Ms. Rahban provided highlights in the report for Fiscal Year 2007/2008.

3. AN ORDINANCE OF THE CITY OF BEVERLY HILLS RELATING TO PARKING METER ZONES AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE.

Comment: This ordinance will amend the municipal code section of the Beverly Hills Municipal Code relating to the hours of operation for on-street parking meters. Such hours of operation will be extended from 8am to 6pm to 8am to 9pm except in anti-gridlock zones. This item was continued from the meeting of December 2, 2008 and staff is recommending this item be continued to the meeting of April 7, 2009.

With the concurrence of the City Council, this matter was continued to April 7, 2009.

ITEM E-3: BY ORDER OF THE CHAIR, MATTER CONTINUED TO THE MEETING OF TUESDAY, APRIL 7, 2009

F. CONSENT CALENDAR

MOVED by Councilmember Delshad, seconded by Councilmember Briskman 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 December 16, 2008.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated December 30, 2008 - January 8, 2009.

3. PAYROLL DISBURSEMENT REPORT, report dated January 22, 2009.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. **ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-3-2409, 10-3-2509, and 10-3-2610 OF THE BEVERLY HILLS MUNICIPAL CODE REGARDING PERMISSIBLE ENCROACHMENTS INTO SIDE YARDS, STREET SIDE YARDS, AND REAR YARDS IN SINGLE-FAMILY RESIDENTIAL ZONES AND AMENDING SECTION 10-3-3600 REGARDING MINOR ACCOMMODATIONS THAT MAY BE GRANTED For Adoption.** Comment: Proposed amendment to the Zoning Code to allow encroachments of home elevators into single-family residential side and rear yard setbacks.

ITEM F-4: ADOPTED ORD#09-O-2563

RESOLUTIONS APPROVING:

5. **APPLYING FOR THE NATIONAL INSTITUTE OF JUSTICE FY 2009 ELECTRONIC CRIME AND DIGITAL EVIDENCE RECOVERY TECHNOLOGY GRANT.** Comment: If awarded, this grant program will fund purchases for the Police Department's Computer Forensics Unit. APPROVAL OF:

ITEM F-5: ADOPTED RES#09-R-12656

6. **REAPPOINTING A MEMBER TO THE FINE ART COMMISSION (CURTIS SHEPARD).** Comment: Reappoints Curtis Shepard to the Fine Art Commission for a four year term.

ITEM F-6: APPROVED

7. **APPROPRIATION OF \$3,000 FROM THE INMATE WELFARE FUND TO THE INMATE WELFARE PROGRAM TO FUND THE PURCHASE OF SUPPLIES FOR THE POLICE DEPARTMENT'S JAIL FACILITY.** Comment: Funds obtained from the operation of pay telephones used by incarcerated inmates will be used to purchase needed Jail supplies.

ITEM F-7: APPROVED

8. **AMENDMENT NO. 1 TO THE AGREEMENT WITH INTERNATIONAL PARKING DESIGN, INC. FOR CONSULTANT SERVICES RELATED TO THE PARKING STRUCTURE LOCATED AT 455 NORTH CRESCENT DRIVE; AND, APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$1,831,400 TO INTERNATIONAL PARKING DESIGN, INC. FOR THESE SERVICES.** Comment: This amendment is to provide consulting services in the amount of \$1,771,400 and a contingency of \$60,000 to complete the architectural and engineering design and provide construction administration services for the three-level subterranean parking structure beneath Crescent Drive and City Hall lawn. The total amount of the agreement including Amendment No. 1 is \$1,978,400.

ITEM F-8: APPROVED AG#25-09

9. **AMENDMENT NO. 1 TO THE AGREEMENT WITH TWINING LABORATORIES OF SOUTHERN CALIFORNIA, INC. FOR GEOTECHNICAL ENGINEERING CONSTRUCTION INSPECTION AND MATERIAL TESTING SERVICES FOR THE 9333 THIRD STREET PARKING STRUCTURE; AND, APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$90,000 TO TWINING LABORATORIES OF SOUTHERN CALIFORNIA, INC. FOR THESE SERVICES.**

Comment: This amendment is to provide an increase to the testing and inspection services due to the rapid rate of the Third Street parking structure construction that significantly exceeded the manpower assumptions in the original proposal for services, including construction activity on weekends and extended hours that has required considerable inspection overtime. The total amount of the agreement including Amendment No. 1 is \$272,000.

ITEM F-9: APPROVED AG#26-09

10. **AN AGREEMENT WITH MWH AMERICAS, INC., FOR THE DESIGN OF FIVE WATER RESERVOIR TANKS, REPLACEMENT OF ON-SITE PIPING AT SITES 3A, 4B, 5, 6, AND 7, AND SEISMIC RETROFITTING OF THE ASSOCIATED FIVE PUMP STATIONS; AND, APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$788,600 TO MWH AMERICAS, INC.** Comment: Requests approval of an agreement with MWH Americas, Inc. to provide design services related to the development of contract bid documents for the design of the replacement of 5 City water tanks, on-site piping and the seismic retrofit of the associated pump stations at sites 3A, 4B, 5, 6, and 7.

ITEM F-10: APPROVED AG#27-09

11. **AMENDMENT NO. 3 TO AN AGREEMENT WITH RBF CONSULTING FOR PLANNING AND TECHNICAL CONSULTING SERVICES FOR THE 231 NORTH BEVERLY DRIVE PROJECT; AND, APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$322,875 TO THE PURCHASE ORDER FOR A NOT-TO-EXCEED TOTAL OF \$924,681 FOR THE CONTRACTED SERVICES.** Comment: Staff recommends that an amendment to extend the contract term until December 2009 and increase the agreement amount by \$322,875 be approved by City Council to allow RBF Consulting to continue their construction monitoring services for the 231 North Beverly Drive Project. The cost to perform the consultant services will be covered by the developer creating no fiscal impact to the City.

ITEM F-11: APPROVED AG#28-09

12. **AN AGREEMENT WITH DONALD D. CLARKE, CONSULTING PETROLEUM GEOLOGIST, FOR OIL RELATED CONSULTANT SERVICES; AND, APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$35,000 FOR THESE SERVICES.** Comment: This agreement is to provide petroleum geology consulting services related to oil drilling in the City.

ITEM F-12: APPROVED AG#29-09

- 13. A CHANGE ORDER TO THE CONTRACT WITH PARK WEST LANDSCAPE, INC. FOR THE BEVERLY GARDENS & WILL ROGERS MEMORIAL PARK RENOVATIONS PROJECT; AUTHORIZE THE CITY MANAGER TO SIGN THE CHANGE ORDER; AND, APPROVE A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$62,900 TO PARK WEST LANDSCAPE, INC. FOR THIS WORK.**

Comment: Requests approval of a change order to perform additional fountain, paving and arbor replacement work at Will Rogers Park and multiple blocks of Beverly Gardens. The new total purchase order amount is \$1,318,124.

ITEM F-13: APPROVED

- 14. VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN: ITEM A APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT WITH PACIFIC COAST CABLING, INC. D.B.A. PCC NETWORK SOLUTIONS FOR COMMUNICATIONS INFRASTRUCTURE SERVICES RELATED TO CITY CAPITAL IMPROVEMENT PROJECTS; AND APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$45,000 FOR THESE SERVICES FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$90,000.**

Comment: This amendment is to provide additional data cabling services for upcoming remodeling projects at the Police Facility for the expansion of the Emergency Operations Center and other City capital improvements projects. The total amount of the agreement including Amendment No. 1 is \$90,000.

ITEM F-14: APPROVED AG#30-09

Vote on the Consent Calendar:

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

Noes: None

Absent: Councilmember Krasne

CARRIED

G. COMMISSION SYNOPSIS

- 1. PUBLIC WORKS COMMISSION - special meeting of November 20, 2008. PUBLIC WORKS COMMISSION - regular meeting of December 18, 2008. FINE ART COMMISSION - regular meeting of December 18, 2008. DESIGN REVIEW COMMISSION - regular meeting of January 12, 2009**

H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of the Council, adjourned the meeting at 9:16pm to Closed Session for the remaining items on the Closed Session agenda.

PASSED, Approved and Adopted
this 17th day of February, 2009.



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.