



**CITY OF BEVERLY HILLS
CITY COUNCIL
SPECIAL MEETING
March 11, 2009**

The Special Meeting of the City Council of Beverly Hills was held in the Council Chambers at 6:00pm.

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

Absent: None

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. Dr. Debra Judelson and AJ Wilmer thanked Vice Mayor Frank Fenton and Councilmember Linda Briskman for their many years of service to the community.

3. REPORT FROM THE CITY MANAGER

None

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

None

E. CONTINUED AND NEW BUSINESS

- 1. SPECIAL CITY COUNCIL REORGANIZATION INCLUDING ELECTION AND INSTALLATION OF MAYOR AND VICE MAYOR.** Comment: Request from Mayor Barry Brucker to offer the relinquishment of his position as Mayor for the duration of his remaining term until the new City Council is installed, and to nominate and elect Frank Fenton as Mayor and Barry Brucker as Vice Mayor.

Mayor Brucker acknowledged Vice Mayor Fenton's many years of outstanding service to the City of Beverly Hills and mentioned the numerous positions Mr. Fenton has held in the community.

Mayor Brucker resigned his position as Mayor for the duration of his term until the new City Council is installed on March 25 and invited a nomination for Vice Mayor Frank Fenton as Mayor.

MOVED by Councilmember Delshad, seconded by Councilmember Briskman to accept Mayor Brucker's resignation of his position of Mayor and to elect Frank Fenton as Mayor and Barry Brucker as Vice Mayor.

Ayes: Councilmember Krasne, Councilmember Delshad, Councilmember Briskman, and Mayor Brucker

Noes: None

Abstain: Vice Mayor Fenton

CARRIED

Mayor Fenton was sworn into office by the Honorable Steven Fenton and made acceptance remarks.

State Assemblyman Mike Feuer presented a certificate from the State to Mayor Fenton on the occasion of becoming Mayor of the City of Beverly Hills and spoke about Mayor Fenton's many achievements in the community.

Mr. Feuer also noted Councilmember Linda Briskman has been an effective leader for Beverly Hills and has demonstrated her integrity and commitment to the Beverly Hills community.

Vice Mayor Brucker was sworn into office by City Clerk Byron Pope.

2. **PROPOSED NAMING OF PLAY FIELD AT LA CIENEGA PARK "FRANK FENTON FIELD", AND REQUESTING THE RECREATION AND PARKS COMMISSION TO RETURN A RECOMMENDATION TO THE CITY COUNCIL ON THE LOCATION AND PREFERRED DESIGN OF THE SIGN.** Comment: Staff seeks direction from City Council to formally name the sports field presently referred to as the "K" field at La Cienega Park to Frank Fenton Field in recognition of Mr. Fenton's many years of dedicated service to the Beverly Hills Community. Other direction includes concept for signage and request for Recreation and Parks Commission to provide the City Council a recommendation on location and design of sign.

Community Services Director Steve Miller presented the staff report. He requested Council direction on the naming of the currently known "K" Field at the La Cienega Park as the "Frank Fenton Field".

MOVED by Councilmember Briskman, seconded by Councilmember Delshad that the proposed naming of a play field at La Cienega Park "Frank Fenton Field" be approved with the signage parameters as recommended by staff outlined in the agenda report and that the Recreation and Parks Commission be requested to return a recommendation to the City Council on the location and preferred design of the sign.

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

Noes: None

Abstain: Mayor Fenton

Carried

Mayor Fenton noted that if the Academy of Motion Picture Arts and Sciences Library vacates the building, he would like to see the building used as an indoor gymnasium for the youth.

ITEM E-2: APPROVED

F. CONSENT CALENDAR

City Manager Roderick Wood noted the revised Agenda Reports for Items F-11 and F-18.

MOVED by Councilmember Briskman, seconded by Councilmember Krasne to remove Items F-3 and F-9 from the agenda and consider Item F-16 separately; approve the remainder of the items on the consent agenda and direct that the appropriate accounts be charged on Item F-1.

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

Noes: None

Carried

MOVED by Councilmember Delshad, seconded by Vice Mayor Brucker to table Items F-3 and F-9 until the City Council has an opportunity to discuss them at a future meeting.

Ayes: Councilmembers Krasne, Delshad, Briskman, Vice Mayor Brucker and Mayor Fenton

Noes: None

Carried

Councilmember Briskman noted that amended reports had been presented to Council to consider on Items F-3 and F-9.

Minutes

None

Demands Paid

1. **REVIEW OF BUDGETED DEMANDS PAID, report dated February 11 - 19, 2009.**

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

2. **AMENDING THE CITY TREASURER'S COMPENSATION AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. For Introduction.** Comment: Adoption of this ordinance would increase the City Treasurer's compensation from \$1.00 annually to \$200.00 monthly.

ITEM F-2: WAIVE FULL READING AND ADVANCE TO THE MEETING OF APRIL 7, 2009 FOR ADOPTION

RESOLUTIONS APPROVING:

3. **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 \$3,184,000 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.

Councilmember Krasne requested that this item be removed from the agenda for additional information and discussion.

ITEM F-3: REMOVED FROM AGENDA

4. **AMENDING THE EXECUTIVE COMPENSATION PLAN FOR DEPARTMENT DIRECTORS, ASSISTANT DEPARTMENT DIRECTORS AND SENIOR DEPARTMENT MANAGEMENT EMPLOYEES.** Comment: The Executive Compensation Plan is being amended to bring consistency to this compensation plan and the other Memorandums of Understanding being approved by the City Council. Additionally selected amendments are proposed that will have long-term cost savings or mitigating impacts for the City of Beverly Hills. APPROVAL OF:

ITEM F-4: ADOPTED RES#09-R-12661 AG#90-09

5. **AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.** Comment: Requests that the City Council authorize the City Manager or designee to apply for and accept federal stimulus grant funding under the American Recovery and Reinvestment Act of 2009 consistent with the project categories contained in this report.

ITEM F-5: APPROVED

6. **AMENDMENT NO. 4 TO AN AGREEMENT WITH THE BEVERLY HILLS CHAMBER OF COMMERCE AND CIVIC ASSOCIATION FOR THE CHAMBER'S CONFERENCE AND VISITORS BUREAU; AND, AUTHORIZATION OF A PURCHASE ORDER IN THE AMOUNT OF \$194,828 FOR VISITOR ATTRACTION AND MARKETING PROGRAMS.** Comment: This item requests approval of Amendment #4 to an agreement with the Beverly Hills Chamber of Commerce, Conference and Visitors Bureau in the amount of \$194,828 for reimbursements and programming requested by the City including: Sister City related China expenses, 2008 Holiday program, and inclusion of a local marketing effort.

ITEM F-6: APPROVED AG#91-09

7. **AMENDMENT NO. 2 TO AN AGREEMENT WITH AON CONSULTING FOR ACTUARIAL SERVICES; AND, APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$78,000 TO THE PURCHASE ORDER FOR A TOTAL OF NOT-TO-EXCEED AMOUNT OF \$150,000.** Comment: This amendment provides for additional actuarial services for calculating City liabilities and estimates under different financial scenarios. This amendment is in the amount of \$150,000 and the total amount of this agreement including the amendments is \$264,000.

ITEM F-7: APPROVED AG#92-09

8. **REAPPOINTING TWO MEMBERS TO THE SOLICITATIONS ADVISORY COMMISSION (JANET BLOCK AND JUDY HENNING).** Comment: Reappoints Janet Block and Judy Henning to the Solicitations Advisory Commission for a four year term.

ITEM F-8: APPROVED

9. **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.

Councilmember Krasne requested that this item be removed from the agenda for additional information and discussion.

ITEM F-9: REMOVED FROM THE AGENDA

10. **NINTH AMENDMENT TO LEASE WITH LUCERNE HARDWARE CO.** Comment: A Ninth Amendment of Lease with Lucerne Hardware Co. has been prepared for City Council approval. The amendment extends the term of the lease by six years with an option to renew for an additional five years.

ITEM F-10: APPROVED AG#93-09

11. **AMENDMENT NO. 2 TO AN AGREEMENT WITH HANSON BRIDGETT LLP FOR LEGAL SERVICES RELATED TO SPECIAL COUNSEL SERVICES.** Comment: This is an agreement for special counsel services related to labor and employee benefits.

ITEM F-11: APPROVED AS AMENDED (INCLUDE PURCHASE ORDER IN THE AMOUNT OF \$100,000) AG#94-09

12. **AMENDED AND RESTATED EMPLOYMENT CONTRACT FOR RODERICK J. WOOD.** Comment: This amended and restated employment agreement with the City Manager results from the annual evaluation and salary review process

provided in the City Manager's Contract. For 2009, the City Manager has agreed to forego any cost of living increase to salary and any performance pay to which he was entitled. The amended agreement does make changes to certain benefits, including retiree health, sick leave payout, and housing.

ITEM F-12: APPROVED AG#95-09

13. **MEMORANDUM OF UNDERSTANDING WITH THE MANAGEMENT & PROFESSIONAL ASSOCIATION OF BEVERLY HILLS.** Comment: The Memorandum of Understanding with the Management & Professional Association expired October 1, 2008. These negotiations have now concluded resulting in a new five year term agreement for Council approval.

ITEM F-13: APPROVED AG#96-09

14. **MEMORANDUM OF UNDERSTANDING WITH THE CONFIDENTIAL EMPLOYEES ASSOCIATION OF BEVERLY HILLS.** Comment: The Confidential Unit petitioned the City during 2008 to achieve certification as a formalized bargaining unit. They are now recognized and their existing compensation plan expired October 1, 2008. These negotiations have now concluded resulting in a new five year term agreement for Council approval.

ITEM F-14: APPROVED AG#97-09

15. **MEMORANDUM OF UNDERSTANDING WITH THE SAFETY SUPPORT ASSOCIATION OF BEVERLY HILLS.** Comment: *The Memorandum of Understanding with the Safety Support Association expired September 30, 2008. These negotiations have now concluded resulting in a new five year agreement for Council approval.*

ITEM F-15: APPROVED AG#98-09

16. **MEMORANDUM OF UNDERSTANDING WITH THE BEVERLY HILLS FIREMEN'S ASSOCIATION.** Comment: The Firemen's Association Memorandum of Understanding expired October 5, 2008. These negotiations have now concluded resulting in a new three year term agreement for Council approval.

Mayor Fenton recused himself from this item due to a financial relationship between the Fenton family and the Firemen's Association and left the room at 6:48pm.

MOVED by Mayor Brucker, seconded by Councilmember Delshad to adopt the Memorandum of Understanding with the Beverly Hills Firemen's Association.

Ayes: Councilmember Delshad, Councilmember Briskman, Councilmember Krasne, and Mayor Brucker

Noes: None

Recuse: Vice Mayor Fenton

Carried

Mayor Fenton returned to the dais at 6:50pm.

ITEM F-16: APPROVED AG#99-09

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

ITEM A AGREEMENT WITH EDGESOFT, INC. FOR INFORMATION TECHNOLOGY CONSULTING SERVICES FOR PUBLIC SAFETY INITIATIVES; AND,

APPROVAL OF A PURCHASE ORDER IN A TOTAL NOT-TO-EXCEED AMOUNT OF \$100,000. Comment: Awards Bid No. 09-16 to Edgesoft, Inc. for Information Technology Consulting Services related to application development in support of the City's UNITE program in the amount not to exceed \$100,000 to be funded by the UNITE grant.

ITEM F-17A: APPROVED AG#100-09

ITEM B TO ISSUE A PURCHASE ORDER TO MOTOROLA INC. FOR THE PURCHASE OF REPLACEMENT RADIOS FOR PUBLIC SAFETY, IN AN AMOUNT NOT-TO-EXCEED \$400,000.

Comment: This purchase is for the replacement of twenty percent of public safety hand held radios.

ITEM F-17B: APPROVED

ITEM C AGREEMENT WITH DELTAWRX, LLC FOR PROJECT MANAGEMENT AND CONSULTING SERVICES RELATED TO UPGRADE OF THE CITY'S PUBLIC SAFETY SYSTEMS; AND,

APPROVE A PURCHASE ORDER IN THE NOT-TO-EXCEED AMOUNT \$400,000. COMMENT: Awards Bid No. 09-17 to DELTAWRX, LLC for professional services related to the planned upgrade of the City's CAD/RMS systems for Police and Fire. The cost includes a fixed fee of \$172,400 to research and develop an RFP for the planned CAD/RMS replacement, as well as a fixed fee of \$169,000 for project management services to manage the bid, selection, and implementation processes through successful completion. \$58,600 in contingency funds are included for use upon City's prior written request.

ITEM F-17C: APPROVED AG#101-09

ITEM D APPROPRIATING FUNDS IN THE AMOUNT OF \$343,800 FOR THE PURCHASE OF THE SCULPTURE, ERRATIC BY ROXY PAINE;

AGREEMENT WITH ROXY PAINE FOR THE SALE AND ASSIGNMENT OF ALL RIGHTS FOR THE ARTISTIC WORK ENTITLED "ERRATIC"; AND,

APPROVAL OF A PURCHASE ORDER FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$342,800. Comment: Requests approval of an agreement with Roxy Paine, an internationally known artist for the purchase of a sculpture entitled "Erratic". The 7 feet by 15 feet stainless steel sculpture will stand on a concrete base. Also requests approval of an appropriation of funds from the Fine Art Fund and a purchase order in the amount of \$342,800.

ITEM F-17D: APPROVED AG#102-09

ITEM E AMENDMENT NO. 1 WITH CALIFORNIA WEST COAST PAINT & BODY SHOP FOR VEHICLE REPAIR SERVICES. Comment: Requests approval of amendment no. 1 to modify agreement to extend the termination date to June 30, 2010, and increase the compensation for additional unanticipated services in the amount of \$5,000 per year. The total amount of this agreement including this amendment is \$106,000.

ITEM F-17E: APPROVED AG#103-09

ITEM F AMENDMENT NO. 5 WITH SCHINDLER ELEVATOR CORPORATION FOR ELEVATOR MAINTENANCE SERVICES. Comment: The amendment is required to comply with the annual union labor wage increase stipulated in the agreement. The current increase is 5.42%.

ITEM F-17F: APPROVED AG#104-09

18. AN ENCROACHMENT AGREEMENT WITH RODEO SANTA MONICA, LLC, OWNER OF THE PROPERTY LOCATED AT 469 N. RODEO DRIVE TO ENCROACH INTO THE PUBLIC RIGHT-OF-WAY ON RODEO DRIVE AND SOUTH SANTA MONICA BOULEVARD. Comment: This item would authorize the City Manager to negotiate and execute an encroachment agreement to allow design elements of the building's new façade located at 469 N. Rodeo Drive, leased by Missoni SPA, to encroach into the public right-of-way.

ITEM F-18: APPROVED AS AMENDED TO APPROVE THE COUNTER-OFFER FROM RODEO SANTA MONICA, LLC

G. COMMISSION SYNOPSIS

1. HEALTH AND SAFETY COMMISSION - regular meeting of January 26, 2009.

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

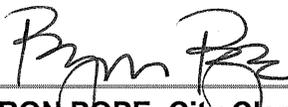
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Fenton, with the consent of Council, adjourned the meeting at 7:15pm.

PASSED, Approved and Adopted
this 7th day of April, 2009.



BYRON POPE, City Clerk

NANCY KRASNE, MAYOR

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