CITY OF BEVERLY HILLS
CITY COUNCIL,
SPECIAL PARKING AUTHORITY AND
SPECIAL PUBLIC FINANCING AUTHORITY
August 04, 2009

The Joint Regular City Council, Special Parking Authority and Special Public Financing Authority meeting was held in the Council Chambers at 7:00pm.

A. ROLL CALLS

Present: Mirisch, Brien, Brucker, Delshad, and Krasne
Absent: None

Roll call was taken for the City Council, Parking Authority and the Public Financing Authority.

B. PRESENTATIONS

1. PROCLAMATION - to Dr. Emanuel Wasserman, DDS, MSD for his service to the community

Mayor Krasne presented a proclamation to Dr. Wasserman in recognition of his distinguished career as an orthodontist and his outstanding dedication to his patients and to the entire community.

2. PRESENTATION - Appointment by City Treasurer Eliot Finkel of Daniel M. Yukelson as Deputy City Treasurer

City Treasurer Eliot Finkel made the formal announcement of the appointment of Daniel Yukelson as Deputy City Treasurer.

3. PRESENTATION - Quarterly Investment Reports - City Treasurer Eliot Finkel

City Treasurer Finkel presented the quarterly investment reports for the quarters ending December 31, 2008 and March 31, 2009.

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/Parking Authority/Public Financing Authority 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/Parking Authority/Public Financing Authority.)

Mayor Krasne asked trivia questions and noted a Mont Blanc Pen and two tickets to the Disney Hall Concert Hall for a performance by iPalpiti Orchestra will be given to the first caller to correctly answer the questions.

No calls were received.

2. ***AUDIENCE COMMENTS.*** Any person wishing to address the City Council/Parking Authority/Public Financing Authority 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/Parking Authority/Public Financing Authority 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/Parking Authority/Public Financing Authority 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. Cheryl Feldman voiced concerns regarding construction of a project at 225-233 South Hamilton Drive.

The Mayor directed that staff look into this problem and follow-up.

3. REPORT FROM THE CITY MANAGER

* Overview of Pavement Management Program (PMP) - Ara Maloyan, Deputy City Engineer

Deputy City Engineer Ara Maloyan provided a PowerPoint presentation and report on the City's Pavement Management Program (PMP). Mr. Maloyan explained the program and the decision making process for street and alley repaving. He noted this information will be posted on the City's website for the public to access.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

- Showcase Beverly Hills:
  * Mass Notification System
  * Update on City Manager recruitment process

Vice Mayor Delshad provided a report on his recent trip to the United Nation offices in New York City regarding the response to human rights issues in Iran.

Councilmember Brien provided an update on the City Manager recruitment process.

Councilmember Brucker encouraged all residents and businesses to be sure to register their phone and email addresses in the new Mass Notification System that was launched by the City last month.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

None

E. CONTINUED AND NEW BUSINESS

1. ***ADOPTION OF THE STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2009/2010.*** Comment: The City is required by state law to formally approve its investment policy annually. As in the case of other financial policies, it is also prudent to evaluate this policy regularly to assess whether circumstances have changed.

   ITEM E-1: BY ORDER OF THE CHAIR, THIS MATTER WAS CONTINUED TO THE MEETING OF AUGUST 18, 2009

2. ***RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADOPTING THE CITY OF BEVERLY HILLS MASS TRANSIT COMMITTEE RECOMMENDATIONS DATED JANUARY 2007 AND SUPPORTING THE PLANNING, DEVELOPMENT AND CONSTRUCTION OF THE WESTSIDE SUBWAY EXTENSION BY THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY.*** Comment: This resolution adopts the 2007 Mass Transit Committee recommendations supporting a Wilshire Boulevard alignment of the Westside Subway Extension through Beverly Hills with stations at La Cienega Boulevard and Beverly/Rodeo Drives. The adoption of the resolution will serve as part of the Westside Cities Council of Governments advocacy efforts to promote the construction of the subway and seek federal funding for the project.

   Deputy Director of Transportation Aaron Kunz noted the presentation this evening is to update the Council on the Westside Subway extension and, for their consideration, a resolution adopting the Mass Transit Committee's recommendation and supporting the Westside Subway Extension through Beverly Hills. Mr. Kunz introduced members of the committee in attendance and provided the staff report which included the recommendations.

   Speaking:

   1. Allan Alexander, Co-Chair of the Mass Transit Committee, speaking on behalf of

all 18 members of the Mass Transit Committee, urged the Council to adopt the recommendations as outlined by Mr. Kunz.

2. Mark Egerman, Co-Chair of the Mass Transit Committee, spoke about the diversity of the residents that made up this committee, and noted that they unanimously agreed on the Wilshire alignment with stations at La Ciengea Boulevard and Beverly Drive.

3. Linda Briskman discussed the methane issue that delayed the mass transit project for the past 20 years and emphasized the need to keep supporting this effort and keeping the community engaged in this project.

4. Dan Walsh, CEO and President of the Beverly Hills Chamber of Commerce, presented the Chamber's position in support of this matter and urged the Council to adopt the recommendations to strategically position Beverly Hills' future economic growth.

MOVED by Delshad, seconded by Krasne to adopt Resolution E-2 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADOPTING THE CITY OF BEVERLY HILLS MASS TRANSIT COMMITTEE RECOMMENDATIONS DATED JANUARY 2007 AND SUPPORTING THE PLANNING, DEVELOPMENT AND CONSTRUCTION OF THE WESTSIDE SUBWAY EXTENSION BY THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY.

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

CARRIED

ITEM E-2: ADOPTED RES#09-R-12692

3. ***APPROVAL OF AN AGREEMENT BETWEEN THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS AND MATT CONSTRUCTION CORPORATION FOR PRECONSTRUCTION SERVICES FOR THE 455 CRESCENT GARAGE PROJECT, GENERAL CONDITIONS AND GUARANTEED MAXIMUM PRICE FOR THE UTILITY RELOCATION WORK IN CONNECTION WITH THE 455 CRESCENT GARAGE PROJECT, AND APPROVING PLANS AND SPECIFICATIONS FOR THE UTILITY RELOCATION WORK THEREFOR; AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF $3,765,000 TO MATT CONSTRUCTION CORPORATION FOR THESE SERVICES AND CONTRACT WORK.*** Comment: This agreement is to provide the construction services for implementation of the 455 Crescent Garage project, in conjunction with development of the Wallis Annenberg Center for the Performing Arts. The agreement covers the preconstruction services for the entire project, business points including contractor fees, general condition costs and a guaranteed maximum price (GMP) for construction of utility relocations necessary for the

subterranean structure beneath Crescent Drive and the lawn of City Hall. Subsequent amendments to this agreement will be submitted for approval for the garage construction and street improvements. The GMP form of contract is predicated on the transfer of the subsurface area of the garage to the City's Parking Authority, which was approved by the City Council and accepted by the Parking Authority at the July 7, 2009 joint meeting. This item is continued from the Joint City Council and Special Parking Authority Meeting of July 21, 2009.

Councilmembers Brucker and Mirisch reported on the Ad Hoc Committee's meeting held last week with staff and members of the Planning Commission.

Director of Project Administration Alan Schneider provided a brief staff report.

MOVED by Delshad, seconded by Krasne to adopt the Agreement between the Parking Authority of the City of Beverly Hills and Matt Construction Corporation for preconstruction services for the 455 Crescent Garage Project, general conditions and guaranteed maximum price for the utility relocation work in connection with the 455 Crescent Garage project and approving plans and specifications for the utility relocation work therefor; and approval of a purchase order in the amount of $3,765,000 to Matt Construction.

Ayes: Mirisch, Brien, Brucker, Delshad, and Krasne
Noes: None

CARRIED

ITEM E-3: ADOPTED AG#PA-09-06

4. ***RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF BEVERLY HILLS PUBLIC FINANCING AUTHORITY DECLARING INTENTION TO REIMBURSE EXPENDITURES RELATING TO PUBLIC WORKS WATER PROJECT FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS OF THE AUTHORITY.*** Comment: It is recommended that the Board of Directors of the City of Beverly Hills Public Financing Authority approve the attached Resolution declaring the intention to issue Bonds and to use a portion of the proceeds thereof to reimburse expenditures made by the Authority or the City for the replacement of above ground steel water reservoirs (the Project) before the date of issuance of the Bonds, and not more than 60 days before the date of the adoption of this Resolution. The Authority anticipates that the Bonds will be issued in an aggregate principal amount which is sufficient to raise funds for the Project in the approximate amount of $8,500,000.

City Attorney Wiener explained, on behalf of the Chief Financial Officer, that adoption of this resolution will allow, if the project goes forward and bonds are issued, reimbursement for the preconstruction expenses from the bond proceeds.

MOVED by Brucker, seconded by Delshad to adopt Resolution E-4 as follows:

RESOLUTION OF THE BOARD OF DIRECTOR OF THE CITY OF BEVLERY HILLS PUBLIC FINANCING AUTHORITY DECLARING INTENTION TO REIMBURSE EXPENDITURES RELATING TO PUBLIC WORKS WATER PROJECT FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS OF THE AUTHORITY.

Ayes: Mirisch, Brien, Brucker, Delshad, and Krasne
Noes: None

CARRIED

ITEM E-4: ADOPTED RES#PFA-09-R-28

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Brucker, seconded by Delshad to remove Items F-3 and F-4 from the agenda, remove Item F-5B and consider separately, and direct that the appropriate accounts be charged on Item F-1.

Minutes

None

Demands Paid

1. REVIEW OF BUDGETED DEMANDS PAID, report dated July 15 - 23, 2009.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS APPROVING:

2. ACCEPTING A GRANT AWARDED BY THE STATE OFFICE OF TRAFFIC SAFETY FOR TRAFFIC ENFORCEMENT AND APPROPRIATING FUNDS IN THE AMOUNT OF $158,000 FOR POLICE OVERTIME, TRAVEL, AND SUPPLIES. Comment: Grant funding will be used to conduct sobriety enforcement and other traffic safety operations.

ITEM F-2: ADOPTED RES#09-R-12693

APPROVAL OF:

3. ***AGREEMENT WITH THE FERGUSON GROUP, LLC FOR FEDERAL REGULATORY REPRESENTATION AND LEGISLATIVE SERVICES; AND AUTHORIZATION OF A PURCHASE ORDER IN THE AMOUNT OF $75,000 TO FERGUSON GROUP, LLC FOR THESE SERVICES.*** Comment: An agreement with The Ferguson Group, LLC. for legislative advocacy services in Washington, D.C. to promote the City's legislative agenda and key initiatives, in the amount of $75,000.

ITEM F-3: REMOVED FROM AGENDA

4. ***AGREEMENT WITH SHAW/YODER/ANTWIH, INC. FOR LEGISLATIVE ADVOCACY SERVICES; AND AUTHORIZATION OF A PURCHASE ORDER IN THE AMOUNT OF $75,000 TO SHAW/YODER/ANTWIH, INC. FOR THESE SERVICES.*** Comment: An agreement with Shaw/Yoder/Antwih, Inc. for legislative advocacy services in Sacramento, CA to promote the City's legislative agenda and key initiatives, in the amount of $75,000.

ITEM F-4: REMOVED FROM AGENDA

5. VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN: ITEM A AN AGREEMENT WITH DIEGO CEVALLOS D.B.A. BEVERLY HILLS AQUATICS FOR SWIM INSTRUCTION AND PROGRAMS THROUGH THE CITY'S COMMUNITY SERVICES DEPARTMENT; AND,

APPROVAL OF A BLANKET PURCHASE ORDER IN AN AMOUNT NOT-TO-EXCEED $140,000. Comment: Request approval of a three year agreement for vendor to provide aquatic instruction and programs for youth and adults at the Beverly Hills High School Swim Gym in the amount not to exceed $140,000 per year.

ITEM 5-FA: APPROVED AG#306-09

ITEM B A BLANKET PURCHASE ORDER TO MONTAGE BEVERLY HILLS IN A TOTAL NOT-TO-EXCEED AMOUNT OF $135,070 FOR THE REIMBURSEMENT OF GARDEN MAINTENANCE. Comment: This Blanket Purchase Order complies with the terms of Agreement#420-06 (section 4.2) to provide reimbursement of funds for garden maintenance at the Montage Beverly Hills. Total amount not-to-exceed is $135,070.

At the Mayor's request, City Manager Roderick Wood provided a brief response to a letter received regarding the agreement with the hotel. Staff was directed to respond to the questions raised by the author of the letter.

MOVED by Brucker, seconded by Delshad to approve a blanket purchase order to Montage Beverly Hills in a total not-to-exceed amount of $135,070 for the reimbursement of garden maintenance.

Ayes: Brien, Brucker, Delshad, and Krasne
Noes: Mirisch

CARRIED

ITEM F-5B: APPROVED

Vote on Consent Agenda:

Ayes: Mirisch, Brien, Brucker, Delshad, and Krasne
Noes: None

CARRIED

G. PARKING AUTHORITY CONSENT CALENDAR

MOVED by Brien, seconded by Brucker to approve Item G-1 on the consent agenda.

APPROVAL OF:

1. ***AN AGREEMENT BETWEEN THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS AND GEOTECHNOLOGIES, INC. FOR GEOTECHNICAL OBSERVATIONS AND TESTING SERVICES FOR THE 455 CRESCENT GARAGE PROJECT; AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF $168,578 TO GEOTECHNOLOGIES, INC. FOR THESE SERVICES.*** Comment: This agreement is to provide code required geotechnical inspections and soils testing services for the 455 Crescent Garage project.

ITEM G-1: APPROVED AG#PA-09-07

Vote on Consent Agenda:

Ayes: Mirisch, Brien, Brucker, Delshad, and Krasne
Noes: None

CARRIED

H. PUBLIC FINANCING AUTHORITY CONSENT CALENDAR

MOVED by Mirisch, seconded by Brucker to approve the minutes of the Special Public Financing Authority meeting of February 17, 2009.

Minutes

1. ***CONSIDERATION OF THE MINUTES of the special Public Financing Authority meeting of February 17, 2009.***

Vote on Consent Agenda:

Ayes: Brucker, Delshad, and Krasne.
Noes: None
Abstain: Brien and Mirisch

CARRIED

I. COMMISSION SYNOPSIS

1. ***DESIGN REVIEW COMMISSION - regular meeting of July 2, 2009.***
   ARCHITECTURAL COMMISSION - regular meeting of July 15, 2009.
   FINE ART COMMISSION - regular meeting of July 16, 2009.

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

J. OTHER BUSINESS

None

K. ADJOURNMENT

There being no further business, Mayor Krasne, with the consent of the Council and the Directors, adjourned the meeting at 9:35pm.

PASSED, Approved, and Adopted
this 15th day of December, 2009.

BYRON POPE, City Clerk/Secretary

NANCY KRASNE, MAYOR/CHAIR

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