CITY OF BEVERLY HILLS
CITY COUNCIL
REGULAR MEETING AND
SPECIAL PARKING AUTHORITY MEETING
December 01, 2009

The Regular Meeting of the City Council and the Special Meeting of the Parking Authority was held in the Council Chambers at 7:00 p.m.

PLEDGE OF ALLEGIANCE

A. ROLL CALLS

Present: Councilmember Mirisch, Councilmember Brien, Councilmember Brucker, Vice Mayor Delshad, and Mayor Krasne
Absent: None

Present: Director Mirisch, Director Brien, Director Brucker, Director Delshad, and Chair Krasne
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/Parking 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.)

   None

2. ***AUDIENCE COMMENTS.*** Any person wishing to address the City Council/Parking 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 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 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. Gary Greene, Conductor of the Junior Philharmonic Orchestra, invited the Council and the community to attend their holiday concert on Wednesday, December 9th at 7:00 p.m. in the K.L. Peters Auditorium at Beverly Hills High School. He mentioned the tickets are free of charge and gave the contact information for reservations.

2. Brian Teacher spoke regarding a dispute he had with a proposal he submitted for operating the tennis concession at the City's La Cienega Tennis Center.

Mayor Krasne asked him to submit material and staff will look into this matter.

Vice Mayor Delshad wished his wife Lonnie a Happy 41st Anniversary.

3. REPORT FROM THE CITY MANAGER
****Food Waste Program - Solid Waste Manager John Garcia***

Solid Waste Manager John Garcia reported on the recycling program with the commercial solid waste hauler to increase the City's diversion. He noted there are 108 businesses and 5 hotels participating in the program and approximately 588 tons of food is diverted on a monthly basis.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS
- Showcase Beverly Hills:
****Senior Computer Lab Volunteers***
****Holiday Events***

Councilmember Brien provided information on upcoming holiday events.

Mayor Krasne asked for volunteers for the senior program at Roxbury Park computer lab.

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 FOR FISCAL

YEAR 2009/2010 TO ESTABLISH A FEE FOR THE INSPECTION AND CERTIFICATION OF CORRECTABLE CITATIONS. Comment: The proposed resolution will establish a fee for the Police Department's certification of correctable citations. The new fee becomes effective on December 31, 2009.

The notice of this 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 Police Department and the report of the Chief of Police concerning this matter are made a part of the record of this hearing.

Police Lieutenant/Traffic Bureau Commander Mark Rosen explained the program to offer a service to the community that will allow police officers to inspect vehicles that have been cited for correctable traffic violations and certify that the corrections have been made.

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

There were no questions or comments of Councilmembers.

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

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES FOR FISCAL YEAR 2009/2010 TO ESTABLISH A FEE FOR THE INSPECTION AND CERTIFICATION OF CORRECTABLE CITATIONS.

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember Brucker, Vice Mayor Delshad, and Mayor Krasne
Noes: None

CARRIED

ITEM D-1: ADOPTED RES#09-R-12713

E. CONTINUED AND NEW BUSINESS

1A. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AUTHORIZING THE CITY COUNCIL TO ADOPT BY RESOLUTION A PARKING TICKET FORGIVENESS PROGRAM FOR INDIVIDUALS WHO ARE HOMELESS, FORMERLY HOMELESS, OR AT-RISK OF HOMELESSNESS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. First reading - For Introduction.

James Latta, Human Services Administrator, explained the program which would be a one-time opportunity for carefully screened individuals who meet the criteria and

have demonstrated commitment to a 90-day program through a recognized provider. He mentioned Beverly Hills will be the first city in Los Angeles County to adopt such a program.

Speaking:

David Daniels, Public Counsel, the Directing Attorney of the Homelessness Law Prevention project, explained the significance of Beverly Hills taking the leadership in adopting this program and how the implementation in Beverly Hills would make a difference for his program.

MOVED by Councilmember Brien, seconded by Councilmember Mirisch to waive full reading and advance Ordinance E-1A to the meeting of December 15 2009 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AUTHORIZING THE CITY COUNCIL TO ADOPT BY RESOLUTION A PARKING TICKET FORGIVENESS PROGRAM FOR INDIVIDUALS WHO ARE HOMELESS, FORMERLY HOMELESS, OR AT-RISK OF HOMELESSNESS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. First reading - For Introduction.

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

CARRIED

ITEM E-1A: WAIVE FULL READING AND ADVANCE TO THE MEETING OF DECEMBER 15, 2009 FOR ADOPTION

1B. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE CREATION OF A PARKING TICKET FORGIVENESS PROGRAM FOR INDIVIDUALS WHO ARE HOMELESS, FORMERLY HOMELESS, OR AT-RISK OF HOMELESSNESS. Comment: The proposed ordinance and resolution waive parking penalties issued by the City for applicants who successfully complete the set criteria of the Parking Tickets Forgiveness Program.

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

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE CREATION OF A PARKING TICKET FORGIVENESS PROGRAM FOR INDIVIDUALS WHO ARE HOMELESS, FORMERLY HOMELESS, OR AT-RISK OF HOMELESSNESS.

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

CARRIED

ITEM E-1B: ADOPTED RES#09-R-12714

F. PARKING AUTHORITY CONSENT CALENDAR

MOVED by Director Brucker, seconded by Director Delshad to approve all items on the consent agenda.

Minutes

1. ***CONSIDERATION OF THE MINUTES of the special Parking Authority meeting of August 4, 2009.***

APPROVAL OF:

2. ***LEASE AND MEMORANDUM OF LEASE BY AND BETWEEEN THE CITY OF BEVERLY HILLS AND SHE'S USA, INC.*** Comment: Parking Authority approval is requested for a lease between the City of Beverly Hills and She's USA, Inc. to lease approximately 45 square feet of vitrine space at the City of Beverly Hills Gardens Building - 240 N. Beverly Drive.

City Attorney Larry Wiener noted for the record, there was an exhibit missing from the Council's packet for Item F-2 that has since been provided and the motion includes Exhibit A.

ITEM F-2: APPROVED AG#PA-09-07; AG#PA-09-08

Vote on Consent Calendar:

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

CARRIED

G. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Mirisch, seconded by Councilmember Brien to remove Items G-14 and G-16 for discussion and return to the consent agenda, approve all items on the consent agenda and direct that the appropriate accounts be charged on Items F-4 and F-5.

Minutes

1. ***CONSIDERATION OF THE MINUTES of the adjourned regular meeting of October 27, 2009.***
2. ***CONSIDERATION OF THE MINUTES of the adjourned regular meeting of November 5, 2009.***
3. ***CONSIDERATION OF THE MINUTES of the regular meeting of November 17, 2009.***

Demands Paid

4. ***REVIEW OF BUDGETED DEMANDS PAID, report dated November 10 - 18, 2009.***
5. ***PAYROLL DISBURSEMENT REPORT, report dated December 1, 2009.***

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

6. ***AMENDING THE SOLICITATIONS ORDINANCE, THE NAME OF THE SOLICITATIONS ADVISORY COMMISSION AND THE BEVERLY HILLS MUNICIPAL CODE. First reading - For Introduction.*** Comment: The Commission recommends certain changes to improve and simplify the administration of the charitable solicitation rules, and to clarify the Commission's role for the community.

   ITEM G-6: WAIVE FULL READING AND ADVANCE TO THE MEETING OF DECEMBER 15, 2009 FOR ADOPTION

7. ***UPDATING REFERENCES IN THE BEVERLY HILLS MUNICIPAL CODE TO DEPARTMENTS, TITLES AND AREAS OF RESPONSIBILITY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. First reading - For Introduction.*** Comment: Updates of position titles and department names included within the Beverly Hills Municipal Code.

   ITEM G-7: WAIVE FULL READING AND ADVANCE TO THE MEETING OF DECEMBER 12, 2009 FOR ADOPTION

RESOLUTIONS APPROVING:

8. ***AMENDING THE COMPENSATION PLAN FOR DEPARTMENT DIRECTORS, ASSISTANT DEPARTMENT DIRECTORS, AND SENIOR MANAGEMENT EMPLOYEES.*** Comment: This amendment to the Executive Compensation Plan addresses issues that were raised by PERS during a recent audit of the City. The amendment adds a salary schedule to the compensation plan and defines and adjusts provisions regarding Management Incentive Pay.

   ITEM G-8: ADOPTED RES#09-R-12715

9. ***ACCEPTING A GRANT AWARDED BY THE US DEPARTMENT OF HOMELAND SECURITY FOR THE 2008 ASSISTANCE TO FIREFIGHTERS GRANT (AFG 08) AND APPROPRIATING FUNDS IN THE AMOUNT OF $73,076 FOR PURCHASE OF FIFTEEN (15) MOBILE DATA TERMINALS.*** Comment: It is recommended that the City Council adopt the resolution accepting grant funding from the 2008 Assistance to Firefighters Grant program (AFG 08) and appropriating funds in the amount of $73,076 for Emergency Response Services first responder vehicles.

ITEM G-9: ADOPTED RES#09-R-12716

10. ***ACCEPTING A DONATION OF $10,000 FROM PRINCE SAUD FAHAD ABDULAZIZ AND APPROPRIATING FUNDS FOR USE BY THE POLICE DEPARTMENT.*** Comment: Staff recommends that funds donated to the City be used by the Police Department to ensure the safety of the community.

ITEM G-10: ADOPTED RES#09-R-12717

11. ***AWARDING A CONTRACT TO CORNERSTONE CONSTRUCTION GROUP, INC. FOR THE LA CIENEGA TENNIS CENTER LOCKER ROOM RENOVATION AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND,***

APPROVE A PURCHASE ORDER IN THE AMOUNT OF $364,742 TO CORNERSTONE CONSTRUCTION GROUP, INC FOR THE CONTRACT WORK. Comment: Provides for the contract work to renovate the locker rooms and restrooms at the Tennis Center to upgrade the 20 year old facility as part of the fiscal year 09-10 Capital Improvement Program budget. The first and second low 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 Cornerstone Construction Group, Inc. was fully responsive to the bid requirements.

ITEM F-11: ADOPTED RES#09-R-12718 AG#464-09

APPROVAL OF:

12. ***REAPPOINTING SEVEN MEMBERS TO THE HEALTH AND SAFETY COMMISSION (SANDRA ARONBERG, DEBRA JUDELSON, STACIA KOPEIKIN, PETER LANDAU, GAIL MILLAN, DAVID SEIDEL AND KARÉN SETIAN).*** Comment: Reappoints Sandra Aronberg and David Seidel for a three year term; Debra Judelson, Peter Landau and Karén Setian for a four year term; and Stacia Kopeikin and Gail Millan for a five year term to the Health and Safety Commission.

ITEM G-12: APPROVED

13. ***AMENDMENT NO. 1 TO THE AGREEMENT WITH GRUEN ASSOCIATES FOR CONSULTING DESIGN SERVICES RELATED TO IMPROVEMENTS TO CITY GATEWAYS; AND, APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF $12,650 TO GRUEN ASSOCIATES FOR THESE SERVICES.*** Comment: Provides for additional design services to provide study models of three proposed City gateway designs.

ITEM G-13: APPROVED AG#465-09

14. ***A MEMORANDUM OF UNDERSTANDING WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR FUNDING OF THE DESIGN AND CONSTRUCTION OF TEN TRAFFIC SIGNALS UPGRADE AND SYNCHRONIZATION ALONG NORTH SANTA MONICA BOULEVARD.*** Comment: Approval of this Memorandum accepts $1,308,000 for design and upgrade of the existing traffic signal system along North Santa Monica Boulevard in conjunction with a local share of $561,000. This project is independent of other rehabilitation projects for this boulevard.

Vice Mayor Delshad confirmed that the upgrade of the existing traffic signals in this MOU are in line with the Council's plan with Smart City concepts.

15. ***OFFICE LEASE AND MEMORANDUM OF LEASE WITH PARTICIPANT MEDIA, LLC.*** Comment: Council approval is requested for a lease between the City of Beverly Hills and Participant Media, LLC to lease approximately 24,331 square feet, for ten years at the 331 Foothill Road building.

City Attorney Wiener noted for the record that Exhibit A and Exhibit F for Participant Media had been missing from the Council's packet, and since provided, and the motion includes these Exhibits.

ITEM G-15: APPROVED AG#467-09; AG#468-09; AG#469-09

16. ***AMENDMENT NO. 3 TO AN AGREEMENT WITH RINCON CONSULTANTS, INC. FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED GENERAL PLAN AMENDMENT AND ZONE CHANGE TO THREE FORMER RAILROAD RIGHT-OF-WAY PROPERTIES; AND***

APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF $115,746.00 TO THE PURCHASE ORDER TO RINCON CONSULTANTS, INC. FOR A NOT-TO-EXCEED TOTAL OF $385,368.00. Comment: This amendment is required in conjunction with a change in the scope of work set forth in the City's existing agreement with the consultant to include an environmental analysis of a museum project alternative.
Speaking:

1. Brian Rosenstein expressed concern this item is for approval of an expenditure from the General Fund without any assurance a museum is coming to the City of Beverly Hills.

City Manager Wood and City Attorney Wiener responded to Mr. Rosenstein's comments noting the concern that caused the staff to place the item on the agenda for Council consideration.

ITEM G-16: APPROVED AG#470-09

17. ***VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN:*** ITEM A APPROPRIATING FUNDS IN THE AMOUNT OF $19,349.69 RECEIVED FROM THE CANON DRIVE MERCHANTS ASSOCIATION IN SUPPORT OF THE 2009 HOLIDAY MARKETING PROGRAM. Comment: This item requests City Council appropriate $19,349.69 received from the Canon Drive Merchants Association to sponsor additional holiday decorations for Canon Drive.

ITEM G-17: APPROVED

Vote on Consent Calendar:

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember Brucker, Vice Mayor Delshad, and Mayor Krasne
Noes: None

CARRIED

H. COMMISSION SYNOPSIS

None

I. OTHER BUSINESS

None

J. ADJOURNMENT

Mayor Krasne, with the consent of the Council adjourned the meeting at 7:55 p.m. The Council returned to closed session to discuss the remaining items listed on the agenda.

PASSED, Approved and Adopted
this 2nd day of March, 2010.

BYRON POPE, City Clerk

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.