



**CITY OF BEVERLY HILLS
CITY COUNCIL
MINUTES
REGULAR MEETING
May 04, 2010**

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

PLEDGE OF ALLEGIANCE

A. ROLL CALL

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

B. PRESENTATIONS

**1. RECOGNITION OF RETIRING COMMISSIONER - Fine Art Commission
- Brooke Kanter**

Mayor Delshad, along with Councilmember Krasne, presented Brooke Kanter with a plaque and gift in recognition of her dedicated years of service on the Fine Art Commission.

**2. CERTIFICATE OF APPOINTMENT - Recreation and Parks Commission
- Dr. Julian Gold**

Mayor Delshad, along with Councilmember Brien, presented a Certificate of Appointment and City pin to newly appointed Recreation and Parks Commissioner Julian Gold.

3. OLDER AMERICAN RECOGNITION AWARD - Evelyn Gross, City of Beverly Hills Volunteers in Policing (VIP)

Mayor Delshad, along with Councilmember Mirisch, acknowledged Evelyn Gross as this year's honoree for the City's Older American Recognition Award.

C. ORAL COMMUNICATIONS

1. TELEPHONE CALL-IN (310.285.1020)

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. Mark Olsen, Southern California Edison, provided highlights from the State of the Utility report.

2. Marie Cunningham, editor of Beverly Hills Patch.com, introduced herself to the Council and community and noted they are a new business providing local news and information in Beverly Hills.

3. REPORT FROM THE CITY MANAGER

- Regional 9-1-1

- Discussion of the formation of a Transit and Subway Committee requested by Mayor Delshad

Police Commander Theresa Goldman spoke about the City's regional 9-1-1 program. She noted that the City of Beverly Hills will be live with the program by the end of 2010, and other cities in the region will be live in 2014.

City Manager Kolin lead a conversation, at the request of Mayor Delshad, regarding the potential formation of a Transit and Subway Committee for the City. Former Mayors Allen Alexander, Linda Briskman, Steve Webb and Mark Egerman spoke about the efforts they have been involved in to date on behalf of the City.

It was the consensus of the Council to form the Transit and Subway Committee with the former Mayors referenced above as members.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

-Did you know?

- Herzl Exchange Students

- Food Waste Management

- Passport Lecture Series

Mayor Delshad invited Commissioner Howard Szabo, speaking as President of Beverly Hills Global Partners, to the podium to report on the student exchange program at the end of this month with the City of Herzlia.

Councilmember Brien spoke about the City's food waste recycling program. He noted that each month 900 tons of waste is collected that previously went to a landfill.

Councilmember Krasne announced the upcoming Passport Lecture Series to be held on May 5, 2010 at 2pm in the Library Auditorium.

Councilmember Brucker announced the FITCH rating for the City of Beverly Hills.

Mayor Delshad reminded the community Crescent Drive is closed for construction for the next 18 months, and asked them to support the businesses on Crescent Drive.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

- 1. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES FOR THE FISCAL YEAR 2010/2011.** Comment: The proposed resolution will increase certain City taxes, user fees, and service charges for Fiscal Year 2010/2011. The majority of the fees and charges will be increased by a CPI. In some cases, fees are adjusted to reflect a change in service level or to obtain full cost-recovery. All non-development fees will become effective July 1, 2010. Fees for development applications, per State law, become effective 60 days after adoption of the adjusted fee schedule, on July 5, 2010. Staff recommends this matter be continued to the May 18, 2010 City Council meeting.

ITEM D-1: BY ORDER OF THE CHAIR, THIS ITEM IS CONTINUED TO THE MEETING OF MAY 18, 2010 AT 7:00PM

This being the time and place set, a public hearing was held to consider:

- 2. APPEAL OF THE BUILDING OFFICIAL'S REVOCATION OF BUILDING PERMIT NO. BS0725308 FOR THE PROPERTY LOCATED AT 1201 LAUREL WAY.** Comment: The applicant has filed an appeal of the Building Official's decision to revoke a building permit previously issued to allow the construction of a major addition and remodel of the existing single family residence. This is a continued public hearing from the April 22, 2010 City Council meeting.

The records and files of the Community Development Department and the report of the Assistant Director of Community Development-Building and Safety concerning this matter shall be entered into the record.

Now is also the time for Councilmembers to enter into the record any communications or other evidence not currently in the record that Councilmembers have received before this evening's continued hearing.

City Clerk Byron Pope noted copies of correspondence that had been submitted for the record this evening.

The Council heard public testimony prior to the record being opened to resume the continued public hearing.

Speaking:

1. Ronit Gura, resident on Laurel Way, spoke in opposition to the project.
2. Victor Gura read the continued remarks for his wife Ronit.
3. Mary Levin Cutler, resident, stated this is a nonconforming project and the permit should be denied.
4. Alma Ordaz spoke about accountability and transparency in Beverly Hills.
5. Judy Okun urged the City to hold those responsible for this construction to the laws of the City.

City Attorney Larry Weiner outlined the procedure to resume the continued public hearing that began on March 2, 2010.

Speaking:

Kevin McConnell, Jeffer Mangels Butler & Marmaro, representing the owner, commented on the procedure.

Keith Bae, Project Manager for PCG Construction Inc., was sworn in and provided testimony.

Ben Reznik, Jeffer Mangels Butler & Marmaro, presented questions for David Yelton, Building Inspector Manager.

Richard Papalian, owner of the property, stated that the City's position had been that the project was in compliance as they proceeded with the construction.

Assistant City Attorney David Snow directed questions of Mr. Bae through Mr. Reznik. Mr. Snow then provided staff's final comments in response to what was heard in support of staff's recommendation that the Council uphold the revocation of this building permit.

Staff answered questions raised by the Council.

Mr. McDonnell presented a slide show of evidence as his closing statement.

Following discussion, it was the consensus of the Council to uphold the Building official's revocation of the building permit.

There were no further questions or comments of Councilmembers.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to direct the City Attorney to prepare a resolution of findings revoking the Building Permit for the property located at 1201 Laurel Way.

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember Krasne, Vice Mayor Brucker, and Mayor Delshad

Noes: None

CARRIED

ITEM D-2: CITY ATTORNEY DIRECTED TO PREPARE A RESOLUTION OF FINDINGS REVOKING THE BUILDING PERMIT FOR THE PROPERTY LOCATED AT 1201 LAUREL WAY

E. CONTINUED AND NEW BUSINESS (Item E-1 was considered before Item D-1)

- 1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ESTABLISHING PREFERENTIAL PARKING ZONE "E" ON THE 400 BLOCK OF SOUTH ELM DRIVE BETWEEN THE ALLEY IMMEDIATELY SOUTH OF OLYMPIC BOULEVARD TO WHITWORTH DRIVE, INCLUDING THE ADJACENT SECTION ON THE NORTHEAST CORNER OF WHITWORTH DRIVE.** Comment: Establishes a preferential parking zone on the single-family section of the block with a regulation of "No Parking, 8 a.m. to 6 p.m., Monday - Saturday, Permit "E" Exempt."

Deputy Director of Transportation Aaron Kunz presented a PowerPoint and staff report of the resident initiated petition request. He noted the Traffic and Parking Commission unanimously endorsed the staff recommendation to establish a preferential parking zone on the single-family section of the block with a regulation of "No Parking, 8 a.m. to 6 p.m., Monday - Saturday, Permit "E" Exempt."

Speaking:

1. Olivia Karlin, lead petitioner, spoke in support of the recommendation.
2. Nadine Neiman noted the businesses that would be affected are in Los Angeles, and there would be no negative impact for Beverly Hills.

3. Geoffrey Rendon expressed his support of the passage of the resolution.

4. Tristran Buckley stated his opposition to the recommendation.

MOVED by Councilmember Brien, seconded by Councilmember Mirisch to adopt Resolution E-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ESTABLISHING PREFERENTIAL PARKING ZONE "E" ON THE 400 BLOCK OF SOUTH ELM DRIVE BETWEEN THE ALLEY IMMEDIATELY SOUTH OF OLYMPIC BOULEVARD TO WHITWORTH DRIVE, INCLUDING THE ADJACENT SECTION ON THE NORTHEAST CORNER OF WHITWORTH DRIVE.

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember Krasne, Vice Mayor Brucker, and Mayor Delshad

Noes: None

CARRIED

ITEM E-1: ADOPTED RES#10-R-12745

2. **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS IN SUPPORT OF LEGISLATIVE INITIATIVES TO CURTAIL EXCESSIVE HEALTH INSURANCE PREMIUM RATE INCREASES.** Comment: The Legislative Committee has requested that the City Council offer support for State and Federal legislation on this topic.

Mayor Delshad noted there was discussion on this item at this afternoon's study session and asked if anyone from the public wished to make comments.

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

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS IN SUPPORT OF LEGISLATIVE INITIATIVES TO CURTAIL EXCESSIVE HEALTH INSURANCE PREMIUM RATE INCREASES.

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember Krasne, Vice Mayor Brucker, and Mayor Delshad

Noes: None

CARRIED

ITEM E-2: ADOPTED RES#10-R-12746

3. **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADOPTING A POLICY REGARDING THE RECEIPT OF COMPLIMENTARY TICKETS OR PASSES TO FACILITIES, EVENTS, SHOWS OR PERFORMANCES PURSUANT TO FAIR POLITICAL PRACTICES COMMISSION REGULATION 18944.1.** Comment: This resolution adopts a written policy governing the distribution of complimentary tickets and passes received by the City to facilities, events, shows or performances pursuant to Fair Political Practices Commission ("FPPC") Regulation 18944.1. Under the policy, any distribution of a ticket or pass distributed to a City official shall be documented on FPPC Form 802, which shall be posted on the City website within 30 days of the distribution of the ticket or pass.

Chief Assistant City Attorney Roxanne Diaz presented the staff report highlighting the policy the Council is being asked to approve.

MOVED by Vice Mayor Brucker, seconded by Councilmember Krasne to adopt Resolution E-3 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
ADOPTING A POLICY REGARDING THE RECEIPT OF COMPLIMENTARY
TICKETS OR PASSES TO FACILITIES, EVENTS, SHOWS OR
PERFORMANCES PURSUANT TO FAIR POLITICAL PRACTICES
COMMISSION REGULATION 18944.1.

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

CARRIED

ITEM E-3: ADOPTED RES#10-R-12747

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Mirisch, seconded by Councilmember Krasne to remove Item F-8 from the consent agenda, approve all remaining items on the consent agenda and direct that the appropriate accounts be charged on Items F-3 and F-4.

Minutes

1. **CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the regular City Council Meeting of April 6, 2010.**
2. **CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the adjourned regular City Council Meeting of April 22, 2010.**

Demands Paid

3. **REVIEW OF BUDGETED DEMANDS PAID, report dated April 14 - 22, 2010.**
4. **PAYROLL DISBURSEMENT REPORT, report dated May 4, 2010.**
5. **2009-10 3rd QUARTER PURCHASE ORDER REPORT.** Comment: This report reviews purchase orders between \$10,000 and \$50,000 issued during the third quarter fiscal year 2009-10.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

6. **RELATED TO METERED TAXICAB RATES AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. Second reading - For Adoption.** Comment: This ordinance amends the Beverly Hills Municipal Code relating to metered taxicab rates that were inadvertently adopted in a form that is not consistent with federal standards in September 2007.

ITEM F-6: ADOPTED ORD#10-O-2581

7. **UNCODIFIED ORDINANCE EXTENDING THE TERMS OF THREE MEMBERS OF THE RECREATION AND PARKS COMMISSION (JILL TAVELMAN COLLINS, MICHAEL BLUMENFELD AND KATHLEEN ROTHNER). Second Reading - For Adoption.** Comment: Amending the City of Beverly Hills Municipal Code to extend the Commission terms of three current Recreation and Parks Commissioners - Jill Tavelman Collins (from September 7, 2010 to November 23, 2010), Michael Blumenfeld (from October 21, 2010 to November 23, 2010) and Kathleen Rothner (from October 21, 2010 to April 1, 2011).

ITEM F-7: ADOPTED ORD#10-O-2582

RESOLUTIONS APPROVING:

None

APPROVAL OF:

8. **AN AGREEMENT WITH CITY NATIONAL BANK FOR A LINE OF CREDIT OF UP TO \$20,000,000 TO FUND THE CITY'S ALTERNATIVE RETIREE MEDICAL PROGRAM (ARMP).** Comment: This agreement provides the City with a line of credit of up to \$20,000,000 to fund the Alternative Retiree Medical Program (ARMP). The ARMP is an alternative program being offered to City Employees

eligible for the City's Post Retirement Medical Benefits for continuing health insurance coverage after retirement. The alternative program provides employees an opportunity to receive the current value of their benefit while fixing the cost at the present value for the City.

Vice Mayor Brucker indicated he would like to pull this item from the agenda, and allow the Chief Financial Officer to get the very best rate available to the City of Beverly Hills from any banking institution, and not be restricted to a bank in Beverly Hills.

Chief Financial Officer Scott Miller provided input regarding existing policy.

Kevin McCarthy, Senior Vice President of City National Bank, answered questions and provided comments.

ITEM F-8: PULLED FROM THE AGENDA

9. ***AGREEMENT WITH THE CAPITALIST GROUP, LLC, FOR CONSULTING SERVICES AND FIXED ASSET INVENTORY SITE ASSESSMENT; AND APPROVE A PURCHASE ORDER IN THE NOT-TO-EXCEED AMOUNT OF \$99,110.00.*** Comment: The Capitalist Group will perform new and on-going consulting services to identify, reconcile and value the City's fixed assets and equipment valued over \$25,000. In support of this agreement, request approval of a Purchase Order for the not-to-exceed amount of \$99,110.00.

ITEM F-9: APPROVED AG#149-10

10. ***MEMORANDUM OF LEASE; AMENDMENT OF LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND LAKESHORE ENTERTAINMENT GROUP, LLC.*** Comment: This amendment extends the term of lease at 9268 West Third Street by one year, which is renewable up to five consecutive years.

ITEM F-10: APPROVED AG#150-10

11. ***OFFICE LEASE AND MEMORANDUM OF OFFICE LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND WALLIS ANNENBERG CENTER FOR THE PERFORMING ARTS.*** Comment: This lease is for space in City Hall currently used as an employee lunchroom. It will provide office space for the Cultural Center during the construction of the new Performing Arts Center.

ITEM F-11: APPROVED AG#151-10; AG#152-10

12. ***AMENDMENT NO. 1 TO THE AGREEMENT WITH JEFFREY M. KALBAN & ASSOCIATES ARCHITECTURE, INC. FOR CONSULTANT SERVICES RELATED TO THE DEVELOPMENT OF A THREE-STORY OFFICE BUILDING AT 9400 SOUTH SANTA MONICA BOULEVARD; AND,***

APPROPRIATING FUNDS IN THE AMOUNT OF \$350,000 THEREFORE; AND,

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$247,757 TO JEFFREY M. KALBAN & ASSOCIATES ARCHITECTURE, INC. FOR THESE SERVICES. Comment: Provides for the second phase of the architectural and engineering design services related to the development of the 9400 Santa Monica Office Building project. This amendment includes the preparation of construction documents, and assistance during the bidding phase and the award of the construction contract. Total fees under this agreement are not to exceed \$375,479.

ITEM F-12: APPROVED AG#153-10

13. **AMENDMENT NO. 3 TO THE AGREEMENT WITH STEGEMAN AND KASTNER, INC. FOR PROJECT MANAGEMENT CONSULTANT SERVICES RELATED TO THE 9400 SOUTH SANTA MONICA BOULEVARD PROPERTY; AND**

APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$104,000 TO STEGEMAN AND KASTNER, INC. FOR THESE SERVICES. Comment: Provides for continuing project management services related to the development of the 9400 Santa Monica Office Building project. This amendment includes project management services during the preparation of construction documents, bidding phase and award of the construction contract. Total fees under this agreement are not to exceed \$203,000.

ITEM F-13: APPROVED AG#154-10

14. **AN AGREEMENT WITH C.H.J. INCORPORATED TO PROVIDE SPECIAL INSPECTION AND TESTING SERVICES DURING THE REPLACEMENT OF FIVE WATER RESERVOIR TANKS, AND ON-SITE PIPING AT SITES 3A, 4B, 5, 6 AND 7, AND SEISMIC RETROFIT OF THE ASSOCIATED FIVE PUMP STATIONS; AND**

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$457,890 TO C.H.J. INCORPORATED. Comment: Provides for the special inspection and testing services during the replacement of five City above-ground steel water tanks, replacement of on-site piping and the seismic retrofit of the associated pump stations at sites 3A, 4B, 5, 6, and 7 within the City of Beverly Hills.

ITEM F-14: APPROVED AG#155-10

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

ITEM A A PURCHASE ORDER TO DELL MARKETING L.P. IN THE AMOUNT OF \$58,739.02 FOR THE PURCHASE OF RUGGEDIZED LAPTOPS FOR BUILDING INSPECTORS AND CODE ENFORCEMENT OFFICERS IN COMMUNITY DEVELOPMENT - BUILDING AND SAFETY. Comment: Community Development - Building and Safety requires a mobile computing solution for their Building Inspectors and Code Enforcement Officers. The ruggedized laptops being purchased will increase the efficiency of field operations and ensure that City

officials have access to all relevant and up-to-date data to provide quality customer service to residents and businesses in a timely manner.

ITEM 15A: APPROVED

ITEM B AN AGREEMENT WITH STEGEMAN & KASTNER, INC. FOR CONSULTING SERVICES RELATED TO TENANT IMPROVEMENTS AT THE 331 FOOTHILL ROAD OFFICE BUILDING; AND

APPROVAL OF A PURCHASE ORDER IN A TOTAL NOT-TO-EXCEED AMOUNT OF \$155,000 FOR THESE SERVICES. Comment: This agreement is for consulting services related to tenant improvements which are required for City tenants to construct and occupy their leased premises.

ITEM F-15B: APPROVED AG#156-10

ITEM C A PURCHASE ORDER TO THE WAKEFIELD COMPANY FOR DUMOR STEEL BENCHES AND TRASH RECEPTACLES FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$68,728.58. Comment: This purchase order is for benches and trash receptacles to replace the existing worn out benches and trash receptacles of varying configuration with the specified Dumor products to achieve uniformity in Beverly Gardens Park.

ITEM F-15C: APPROVED

ITEM D AGREEMENT WITH MATRIX IMAGING PRODUCTS, INC. TO PROVIDE DOCUMENT CONVERSION SERVICES; AND

APPROVAL OF A PURCHASE ORDER IN A TOTAL NOT-TO-EXCEED AMOUNT OF \$150,000 FOR THE SERVICES. Comment: This agreement is for records conversion services for the Police Department, Community Development, and any additional as needed services related to the City's document backlog initiative. This consultant won the initial bid for creation of a new document records management system, and related document conversion services, and holds a Master Service Agreement (MSA) contract with the State of California Department of General Services.

ITEM F-15D: APPROVED AG#157-10

ITEM E A PURCHASE ORDER IN THE AMOUNT OF \$102,513.09 TO PLUMBERS DEPOT, INC. FOR THE PURCHASE OF A TRUCK-MOUNTED MECHANICAL RODDER. Comment: This purchase is to replace a job-worn and obsolete machine currently assigned to the Public Works & Transportation Department, Wastewater Maintenance Division. This is a second award for the purchase of this piece of equipment. The original contract was awarded to Municipal Maintenance Equipment on December 12, 2008; however, that contract was canceled due to vendor's breach of delivery period.

ITEM F-15E: APPROVED

Vote on Consent Calendar:

Ayes: Councilmember Mirisch, Councilmember Brien, Councilmember Krasne, Vice Mayor Brucker, and Mayor Delshad

Noes: None

CARRIED

H. COMMISSION SYNOPSIS

None

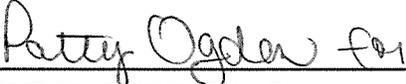
I. OTHER BUSINESS

None

J. ADJOURNMENT

There being no further business, Mayor Delshad, with the consent of the Council, adjourned the meeting at 11:22pm.

PASSED, Approved and Adopted
this 3rd day of June, 2010.



BYRON POPE, City Clerk

JIMMY DELSHAD, MAYOR

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