



**CITY OF BEVERLY HILLS
CITY COUNCIL
MINUTES
REGULAR MEETING
May 18, 2010**

The Regular Meeting of the City Council 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. PROCLAMATION - Youth in Government Day

Presentation of proclamation declaring May 27, 2010 to be "Youth in Government Day" in the City of Beverly Hills and recognition of the 16 eighth grade student participants.

Mayor Delshad declared May 27, 2010 as "Youth in Government Day" in Beverly Hills, and along with Vice Mayor Brucker and Councilmember Brien, presented a proclamation in honor of the 26th annual Youth In Government Day to the 16 eighth grade students and teachers for their outstanding community service.

2. PROCLAMATION - 1736 Family Crisis Center

Mayor Delshad presented a proclamation to the staff of the 1736 Crisis Center in recognition of providing 38 years of vital family services and for their essential role in helping families heal and prosper.

The group presented Mayor Delshad with a gift and thanked him for visiting the Center.

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. Lynda Gerber, Beverly Hills Cab Company, presented the Council with a packet of information illustrating the efforts being made to establish a high level of service to all the citizens of Beverly Hills. Ms. Gerber welcomed any feedback from the Council.

2. Les Bronte spoke about the Beverly Hills CPR program, the Maple Counseling Center's annual film screening, and the "Every 15 Minutes" program at the high school.

3. Thomas White announced the Municipal League's Town Hall Meeting on June 17, 2010 at 7pm at Beverly Hills Presbyterian Church. He also expressed the League's opposition to any brush clearance inspection fees.

4. Ilona Sherman spoke in opposition to spending a lot of money on holiday decorations.

5. Barbara Linder, President of the Friends of the Beverly Hills Public Library, asked the Council not to further reduce access to the Library and make the additional cuts to the library that are proposed in the budget. Ms. Linder mentioned on June 9, Whole Foods on Crescent Drive will donate 5% of all proceeds to the Friends of the Library, and urged the community to participate.

6. Martha Galvan, representing Friends of the Library, and her daughter Rachel spoke about the impact of cuts to Beverly Hills Library.

7. Robert Linder commented on his experiences in the Beverly Hills Library.

8. Charlotte Hill-Skura spoke about the Beverly Hills Library funding.

9. Michele Gabai spoke as a resident, parent and educator about the potential additional closures for the Beverly Hills Library.

10. Lee Saltz, member of the Friends of the Beverly Hills Library, spoke about maintaining the Library hours of operation.

11. Jean Rosenblatt spoke in support of the Beverly Hills Library.
12. Marc Saleh read a letter on behalf of his wife Annette Saleh in support of the Library.
13. Mayor Delshad asked Councilmember Krasne to read a letter received from Mary Stone regarding the Library.

3. REPORT FROM THE CITY MANAGER
- Speed Hump Program

Aaron Kunz provided a presentation on the City's speed hump program and explained how it affects traffic management programs.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS
- Did you know?
- Bike to Work Day
- Friendly City Awards

Vice Mayor Brucker announced Bike to Work Day is on Thursday, May 20th as part of the countywide Bike Week LA.

Mayor Delshad announced Beverly Hills Friendly City Awards - a new program to ensure visitors and residents enjoy their Beverly Hills experience whenever they shop, dine or conduct business in Beverly Hills.

Dan Walsh, CEO of the Chamber of Commerce, thanked the Mayor for spearheading this new initiative and mentioned what the Chamber's involvement will be.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. **AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-3-2605 AND 10-3-2650 OF THE MUNICIPAL CODE REGARDING THE HEIGHT OF STRUCTURES IN TROUSDALE ESTATES. First reading - For Introduction.**
Comment: On April 22, 2010, The Beverly Hills Planning Commission approved Resolution No. 1574, recommending that the City Council approve the zone text

amendment described above. Approval would allow existing structures in Trousdale Estates that exceeded 14 feet in height on October 15, 1987 to be rebuilt up to the maximum height of the previously existing structure without otherwise conforming to the envelope (i.e. building footprint and siting) of the previously existing structure. The proposed amendment would require the issuance of a Trousdale R-1 Permit for any such project exceeding 14 feet in height.

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

Director of Community Development Susan Healy Keene presented the staff report and PowerPoint presentation. She noted the ordinance eligibility and requirements, the Planning Commission review, the basis for the Planning Commission recommendation, and the staff recommendation to approve the ordinance.

Speaking:

1. Tom Levyn spoke on behalf of his client in support of the ordinance.
2. Vice Mayor Brucker read a letter from Gregory Goodman and Paul Lugh regarding the 14 foot height limitation.
3. Karen Platt, speaking on behalf of the Trousdale Estates Homeowners Association, noted the reasons they can support this proposed text amendment to the Trousdale ordinance.

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

There were no further questions or comments of Councilmembers.

MOVED by Councilmember Mirisch, seconded by Vice Mayor Brucker to waive full reading and advance Ordinance D-1 to the meeting of June 3, 2010 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-3-2605 AND 10-3-2650 OF THE MUNICIPAL CODE REGARDING THE HEIGHT OF STRUCTURES IN TROUSDALE ESTATES.

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

CARRIED

ITEM D-1: WAIVE FULL READING AND ADVANCE TO THE MEETING OF JUNE 3, 2010 FOR ADOPTION

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

2. **RESOLUTION OF THE 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 19, 2010. This is a continued public hearing from the May 4, 2010 City Council meeting.

Let the record show that the notice of this hearing was published as required by law.

The records and files of the Administrative Services Department concerning this matter shall be entered into the record.

Chief Financial Officer Scott Miller presented the staff report. Mr. Miller noted the majority of the fees and charges that staff is recommending are increases due to the Consumer Price Index (CPI) adjustment of 0.9%. CFO Miller reviewed the fees recommended to be increased above the CPI and the reasons for this recommendation. Mr. Miller mentioned the revised brush inspection fee as previously outlined by Fire Chief Scranton at the budget study session last week, and the youth organized sports fee.

Fire Battalion Chief Greg Barton explained the fee structure for the brush inspections and clarified questions raised by the Council.

Speaking:

1. Karen Platt made comments regarding the brush fee on behalf of Trousdale Estates Homeowner's Association.
2. Jeff Pop, speaking on behalf of AYSO and other youth sports, stated they are in favor of the proposed youth fees rate structure.
3. Rick Wolfen thanked the City Council for the open dialogue that transpired over the past year regarding youth sports fees and the mutual agreement reached.
4. Boris Brezhnev, Dynamo Sports Club, discussed the situation with his wrestling club that is largely made up of Beverly Hills students.

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

As the fees were reviewed, staff was available to answer and clarify questions of Council. Staff was directed to return at a future date to review appeals and ambulance fees.

Council discussed the brush fire, ambulance, alarm, appeal, in-lieu parking, and youth sports fees. It was noted that several of those items will be reviewed after a period of time and revisited by Council.

There were no further questions or comments of Councilmembers.

MOVED by Councilmember Brien, seconded by Councilmember Mirisch to adopt Resolution D-2 as amended adding the ambulance and alarm fees, amending the brush management and youth sports fees as presented this evening as opposed to what was in the resolution as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES &
CHARGES FOR THE FISCAL YEAR 2010/2011.

MOVED by Vice Mayor Brucker, seconded by Mayor Delshad to amend the resolution regarding first non-compliance minor and major fees with respect to the brush inspection fees.

Following Vice Mayor Brucker's suggested amendment, Councilmember Brien mentioned moving forward as was originally motioned, and then staff can report back and, if necessary, the fees can be modified. Vice Mayor Brucker agreed with this suggestion and withdrew his amendment, and Mayor Delshad withdrew his second.

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

Noes: None

Abstain: Councilmember Krasne

Mayor Delshad questioned Councilmember Krasne regarding her vote on the matter.

MOVED by Councilmember Krasne, seconded by 0 to approve that all items that were flagged for reevaluation are brought back within a four month period.

There was no second to Councilmember Krasne's motion. Councilmember Krasne then agreed to vote for the motion as proposed by Councilmember Brien. The Council agreed to bring up the discussion of ambulance fees at a study session as soon as possible.

MOVED by Mayor Delshad, seconded by Vice Mayor Brucker to reconsider the vote that was taken.

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

CARRIED

MOVED by Councilmember Brien, seconded by Councilmember Mirisch to approve Resolution D-2 as amended to include the ambulance and alarm fees to the resolution and amending the brush management and youth sport fees as presented this evening as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES &
CHARGES FOR THE FISCAL YEAR 2010/2011.

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

CARRIED

ITEM D-1: APPROVED AS AMENDED RES#10-R-12748

E. CONTINUED AND NEW BUSINESS

- 1. APPROVAL OF A CONTRACT TO BURST COMMUNICATIONS, INC. FOR THE CITY'S MEDIA FACILITY TELEVISION PRODUCTION SYSTEMS; AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$2,170,774.37 TO BURST COMMUNICATIONS, INC. FOR THE CONTRACT WORK; AND**

AUTHORIZE THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR ADDITIONAL HARDWARE, SOFTWARE AND EQUIPMENT TO SUPPORT THE MEDIA FACILITY IN THE NOT-TO-EXCEED AMOUNT OF \$100,000. Comment:

This item awards Bid No. 10-26 to the lowest responsible bidder, and provides for the technology systems including high definition cameras, post production, and playback equipment to support operational functions for the new Media Facility at 331 N. Foothill Road, as part of the approved fiscal year 09-10 Capital Improvement Program budget. The contract work with Burst Communications, Inc. includes the complete technology backbone. Additional purchases related to the system are authorized under the authority of the City Manager for up to an aggregate of \$100,000, for a not to exceed amount of \$2,270,774.37 for the entire project.

David Schirmer introduced Mark Geddes who made a presentation of the request for full replacement of the City's 20 year old Cable TV infrastructure.

Council suggested staff meet and confer with the Technology Committee and place this item on the next agenda for consideration.

ITEM E-1: BY ORDER OF THE CHAIR, ITEM CONTINUED TO THE MEETING OF JUNE 3, 2010 TO ALLOW STAFF TIME TO MEET WITH THE TECHNOLOGY COMMITTEE

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Vice Mayor Brucker, seconded by Councilmember Mirisch to approve all items on the consent agenda and direct that the appropriate accounts be charged on Items F-1 and F-2.

Minutes

None

Demands Paid

1. **REVIEW OF BUDGETED DEMANDS PAID, report dated April 26 - May 6, 2010.**
2. **PAYROLL DISBURSEMENT REPORT, report dated May 18, 2010.**

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS APPROVING:

3. **APPOINTING REPRESENTATIVES TO THE GROUNDWATER MANAGEMENT PLAN TECHNICAL COMMITTEE OF THE CITY OF BEVERLY HILLS (ANTHONY MAGGIO AND JOSEPHINE AXT).** Comment: Candidates were interviewed for the technical appointment of the Groundwater Management Plan Technical Committee and the panelists' recommendation includes appointing two of the candidates.

APPROVAL OF:

ITEM F-3: ADOPTED RES#10-R-12749

4. **CONSENT TO SUBLEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS, WEG ENTERTAINMENT, INC AND MINDJOLT, INC FOR OFFICE SPACE IN THE 439 N. CANON DRIVE BUILDING.** Comment: This consent to Sublease allows the sublease of office space leased by WEG Entertainment, Inc. from the City of Beverly Hills to Mindjolt Inc. The City's consent to Sublease is for the duration of the original lease term which expires January 31, 2011.

ITEM F-4: APPROVED AG#169-10

5. **AN AGREEMENT WITH NATIONAL URBAN FELLOWS, INC. FOR A CLASS OF 2011 FELLOW; AND APPROVAL OF A PURCHASE ORDER IN A NOT-TO-EXCEED AMOUNT OF \$70,000.00 TO NATIONAL URBAN FELLOWS, INC. FOR THESE SERVICES.** Comment: Requests City Council approve an agreement with National Urban Fellows, Inc. for a class of 2011 fellow and approve a purchase order in the amount of \$70,000 for funding of the position.

ITEM F-5: APPROVED AG#170-10

6. **AN AGREEMENT WITH KEC ENGINEERS, INC. TO PROVIDE ENGINEERING EVALUATION AND REHABILITATION DESIGN SPECIFICATIONS RELATED TO RESERVOIR 4A'S EXISTING CONDITION; AND**

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$127,250 TO KEC ENGINEERS, INC. Comment: This agreement is for a detailed evaluation and seismic analysis of Reservoir 4A and the existing site boundary retaining wall, and in the preparation of contract documents related to the rehabilitation of the reservoir.

ITEM F-6: APPROVED AG#171-10

7. **VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN:** ITEM A A CHANGE ORDER IN THE AMOUNT OF \$25,000 TO THE PURCHASE ORDER TO HARRINGTON INDUSTRIAL PLASTICS LLC FOR WATERWORKS SUPPLIES FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$75,000. Comment: This item requests approval of a change order to the purchase order for the purchase of supplies and parts for maintenance and repair of the water system.

ITEM F-7A: APPROVED

ITEM B A CHANGE ORDER IN THE AMOUNT OF \$14,000 TO THE PURCHASE ORDER TO ALL LABOR TIRE, INC. D.B.A. DRIVE SERVICE FOR TIRE MAINTENANCE SERVICES FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$72,000. Comment: This item requests approval of a change order in the amount of \$14,000 for on-site maintenance services for vehicle tires and provision of heavy-truck recapped tires. The total consideration is not to exceed \$72,000.

ITEM F-7B: APPROVED

Vote on Consent Calendar:

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

CARRIED

G. COMMISSION SYNOPSIS

1. **HEALTH AND SAFETY COMMISSION - regular meeting of March 22, 2010.**
DESIGN REVIEW COMMISSION - regular meeting of April 1, 2010.
ARCHITECTURAL COMMISSION - regular meeting of April 21, 2010.
DESIGN REVIEW COMMISSION - regular meeting of May 6, 2010.

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

H. OTHER BUSINESS

Mayor Delshad announced the budget sessions scheduled for May 19 and May 20 have been cancelled.

I. ADJOURNMENT

There being no further business, Mayor Delshad, with the consent of the Council, adjourned the meeting at 11:45pm.

PASSED, Approved and Adopted
this 22nd day of June, 2010.



BYRON ROPE, 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.