



**CITY OF BEVERLY HILLS
CITY COUNCIL
REGULAR COUNCIL MEETING
August 17, 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 Brien, Councilmember Krasne, Vice Mayor
Brucker, and Mayor Delshad
Absent: Councilmember Mirisch

B. PRESENTATIONS

1. **PROCLAMATION** - Honoring the 100th Anniversary of the late United States Senator Thomas H. Kuchel.

Mayor Delshad, along with Councilmember Brien, presented a proclamation in honor of the 100th Anniversary of the birth of the late US Senator Thomas H. Kuchel. They were joined by the Senator's wife Betty Kuchel, his daughter Karen Kuchel and Congressman Mel Levine.

2. **FRIENDLY CITY AWARDS RECIPIENTS - Are being recognized for helping to make Beverly Hills a friendlier place.**

Mayor Delshad, accompanied by the entire Council, presented the Friendly City Award to City Clerk Byron Pope (nominated by Brian Rosenstein) for providing exceptional customer service with a friendly and welcoming attitude.

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.)**

1. Rudy Cole mentioned there was a bus accident yesterday on Pico Boulevard and Beverly Drive that added to the traffic congestion generated by the Presidential motorcade.

- 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. AJ Wilmer spoke about the manner in which the City uses Information Technology to push information out to the community.

2. Mayor Delshad referred to a letter submitted by Mark Elliot about bicycle safety in Beverly Hills.

**3. REPORT FROM THE CITY MANAGER
- Health & Safety Awards**

City Manager Kolin asked the City Attorney to report on a closed session matter this evening.

City Attorney Wiener reported that during the closed session the City Council authorized that the City initiate litigation regarding the breach of a contract with the City.

Pamela Mottice-Muller, Director of Emergency Management, introduced the members of the Health and Safety Commission. Dr. Debra Judelson spoke about the new Beverly Hills community Health and Safety Awards.

**4. CITY COUNCILMEMBER AND COMMITTEE REPORTS
- Did you know?**

Councilmember Krasne spoke about receiving numerous calls regarding the closure of Olympic Boulevard yesterday during peak traffic hours for the Presidential motorcade.

Vice Mayor Brucker announced La Cienega Park will be the site of an outdoor movie event this Saturday night, August 21, 2010.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

None

E. CONTINUED AND NEW BUSINESS

1. AN ORDINANCE OF THE CITY OF BEVERLY HILLS ESTABLISHING TOBACCO RETAIL PERMITTING REQUIREMENTS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. First reading - For Introduction.

Comment: The proposed ordinance would establish a tobacco retailer regulatory permit program, which would require retailers that sell tobacco products to obtain an annual permit from the City.

Director of Emergency Management Pamela Mottice-Muller provided a brief staff report. She spoke about details of the ordinance, costs of permits (that will be brought back to the Council in September), compliance monitoring and penalties/fines.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to waive full reading and advance Ordinance E-1 to the meeting of August 31, 2010 for adoption as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ESTABLISHING TOBACCO RETAIL PERMITTING REQUIREMENTS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE.

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

Noes: None

Absent: Councilmember Mirisch

CARRIED

ITEM E-1: WAIVE FULL READING AND ADVANCE TO THE MEETING OF AUGUST 31, 2010 FOR ADOPTION

2. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FIXING THE RATE OF TAXES TO PAY THE BONDED AND OTHER VOTER-APPROVED INDEBTEDNESS OF THE CITY FOR THE FISCAL YEAR 2010/2011. Comment:

This action will fix the rate of taxes for fiscal year 2010-2011 for voter approved indebtedness established in 1974 for public safety retirement benefits.

Assistant Director of Administrative Services Noel Marquis presented a brief staff report on this administrative item that is brought before the City Council every year at this time.

MOVED by Vice Mayor Brucker, seconded by Councilmember Krasne to adopt Resolution E-2 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
FIXING THE RATE OF TAXES TO PAY THE BONDED AND OTHER
VOTER-APPROVED INDEBTEDNESS OF THE CITY FOR THE FISCAL
YEAR 2010/2011.

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

CARRIED

ITEM E-2: ADOPTED RES#10-R-12765

3. AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND DC BERRIDGE LLC D.B.A. BEST EVENTS TO PROVIDE EVENT SERVICES FOR 9.02.10 DAY.

Comment: This agreement sets forth the services to be provided by Best Events and the City for 9.02.10 Day, the City's celebration scheduled for September 2, 2010. Services to be provided for the event will be cost neutral as the City has secured sponsorships for the recovery of its costs.

Deputy City Manager for Public Affairs Cheryl Friedling presented a PowerPoint and update to the City Council regarding details of the 9.02.10 event, including program elements, promotional initiatives, budget updates and ticket sales to date.

Mayor Delshad mentioned there will also be groups providing Persian food and music and contributing to the event.

MOVED by Vice Mayor Brucker, seconded by Councilmember Brien to approve an Agreement between the City of Beverly Hills and DC Berridge LLC D.B.A. Best Events to provide event services for 9.02.10 Day.

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

CARRIED

ITEM E-3: APPROVED AG#339-10

4. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE HAZARD MITIGATION ACTION PLAN, 2010-2015.

Comment: This resolution seeks City Council approval of the updated 2010-2015 Hazard Mitigation Action Plan including mitigation strategies that may assist the City in reducing risk and preventing loss from future hazard events.

Director of Emergency Management Pamela Mottice-Muller presented a PowerPoint and staff report. She spoke about the previous plan (2004-2009), the plan summary, mitigation strategies, 2004 strategies (there were 29 strategies identified), 2010 strategies (27 mitigation strategies), City risk, and staff recommendation.

MOVED by Councilmember Krasne, seconded by Vice Mayor Brucker to adopt Resolution E-4 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE HAZARD MITIGATION ACTION PLAN, 2010-2015.

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

Noes: None

Absent: Councilmember Mirisch

CARRIED

ITEM E-4: ADOPTED RES#10-R-12766

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Vice Mayor Brucker, seconded by Councilmember Brien to approve all items on the consent agenda and direct that the appropriate accounts be charged on Items F-2 and F-3.

Minutes

- 1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the regular meeting of August 3, 2010.**

Demands Paid

- 2. REVIEW OF BUDGETED DEMANDS PAID, report dated July 23 - August 6, 2010.**
- 3. PAYROLL DISBURSEMENT REPORT, report dated August 17, 2010.**

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

APPROVAL OF:

4. **PLANNING COMMISSION APPOINTMENT.** Comment: Appoints Brian Rosenstein to the Planning Commission for an initial two year term.

ITEM F-4: APPROVED

5. **AN AGREEMENT WITH ABLE BUILDING MAINTENANCE COMPANY FOR CUSTODIAL MAINTENANCE SERVICES AND; APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$1,281,759.92 TO ABLE BUILDING MAINTENANCE COMPANY.** Comment: This agreement provides for cleaning and maintenance services of all City owned facilities.

ITEM F-5: APPROVED AG#340-10

6. **AN AGREEMENT WITH A-Z BUS SALES, INC. FOR PROVISION AND INSTALLATION OF DIESEL PARTICULATE FILTERS (DPF) ON NINE SOLID WASTE COLLECTION VEHICLES; AND,**

APPROVAL OF A PURCHASE ORDER TO A-Z BUS SALES, INC. FOR THE PROVISION AND INSTALLATION OF DPF IN THE NOT-TO-EXCEED AMOUNT OF \$184,876.75. Comment: This item is for the approval of an agreement and a purchase order for provision and installation of nine Solid Waste Collection Vehicles.

ITEM F-6: AG#341-10

7. **APPROPRIATION OF FUNDS IN THE AMOUNT OF \$348,610.05 FROM FUND 49, VEHICLE REPLACEMENT BUDGET FOR PURCHASE OF THREE CNG-POWERED REGENERATIVE-AIR STREET SWEEPERS; AND**

APPROVAL OF A PURCHASE ORDER IN THE NOT-TO-EXCEED AMOUNT OF \$855,845.22 TO MAR-CO EQUIPMENT COMPANY FOR PURCHASE OF SUBJECT STREET SWEEPERS. Comment: This is for the approval of an appropriation of funds and a purchase order for the purchase of three (3) CNG-powered Regenerative-air Street Sweepers as replacements for an equal number of obsolete Diesel-powered Street Sweepers.

ITEM F-7: APPROVED

8. **ACCEPTANCE OF THE CONTRACT WORK FOR THE WATER VALVE REPLACEMENTS AND FIRE HYDRANTS INSTALLATIONS WITHIN CITY OF BEVERLY HILLS, BY ATLAS-ALLIED, INC. IN THE FINAL AMOUNT OF**

\$373,000 AND AUTHORIZATION OF CITY CLERK TO RECORD THE NOTICE OF COMPLETION. Comment: Recommendation to City Council to accept the Water Valve Replacements and Fire Hydrants Installation performed by Atlas-Allied, Inc.

ITEM F-8: APPROVED

9. VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN:

ITEM A AN AGREEMENT WITH RUSSELL NEESE D.B.A. GREAT AMERICAN CLEANING FOR CLEANING CITY VEHICLES AND CITY FACILITIES. Comment: This agreement provides for on-site washing of heavy duty vehicles and equipment, Civic Center walkways, The Gardens Building and Parking Facility entries in a not to exceed amount of \$98,310 for three years.

ITEM F-9A: APPROVED AG#342-10

ITEM B AN AGREEMENT WITH CALIFORNIA WATERS, LLC FOR FOUNTAIN CLEANING SERVICES.

Comment: This agreement provides for maintenance of City water fountains to maintain appearance and cleanliness in a not to exceed amount of \$87,624 for three years.

ITEM F-9B: APPROVED AG#343-10

ITEM C TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$1,888,000 FOR LEGAL SERVICES WITH RICHARDS, WATSON & GERSHON, A PROFESSIONAL CORPORATION. Comment: This is a purchase order for Richards, Watson & Gershon to provide legal services to the City under the current agreement.

ITEM F-9C: APPROVED

ITEM D TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$128,000 TO THE DAVIS COMPANY FOR CLASSIFICATION AND COMPENSATION STUDIES. Comment: The agreement allows the City to obtain classification and compensation study services related to the negotiation and implementation of labor agreements.

ITEM F-9D: APPROVED

ITEM E TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$52,100 TO LIEBERT CASSIDY WHITMORE FOR EMPLOYEE RELATIONS AND NEGOTIATION SERVICES. Comment: The agreement provides legal services in the area of labor relation and negotiations.

ITEM F-9E: APPROVED

Vote on Consent Calendar:

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

Noes: None

Absent: Councilmember Mirisch

CARRIED

G. COMMISSION SYNOPSIS

1. ***PLANNING COMMISSION - regular meeting of June 24, 2010.***
PLANNING COMMISSION - regular meeting of July 8, 2010.
HUMAN RELATIONS COMMISSION - regular meeting of July 15, 2010.
PLANNING COMMISSION - regular meeting of July 22, 2010.
RECREATION AND PARKS COMMISSION - regular meeting of July 27, 2010.

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 Delshad, with the consent of the Council, adjourned the meeting at 8:33pm to August 31, 2010.

PASSED, Approved and Adopted
this 31st day of August, 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.