



**CITY OF BEVERLY HILLS
ADJOURNED REGULAR CITY COUNCIL MEETING
MINUTES
April 11, 2013**

The Adjourned Regular City Council meeting was held in the Council Chambers at 7:00 pm.

A. ROLL CALL

Present: Councilmember Krasne, Councilmember Gold, Councilmember Brien, Vice Mayor Bosse, and Mayor Mirisch
Absent: None

B. PRESENTATIONS

1. RECOGNITION OF RETIRING COMMISSIONER - Fine Art Commission - Curtis F. Shepard

Mayor Mirisch, along with Vice Mayor Bosse, presented a plaque of recognition and gift to retiring Fine Art Commissioner Curtis F. Shepard.

2. PROCLAMATION - Andrea Grossman

Mayor Mirisch, along with Vice Mayor Bosse, presented a proclamation to Andrea Grossman, founder of the Writers' Block, in honor of her service on the Southeast Task Force.

3. PROCLAMATION - Dr. Mason Sommers and Donate Life Month

Mayor Mirisch, along with Councilmember Gold, presented a proclamation to Dr. Mason Sommers, and designated April 2013 as Donate Life Month.

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.)

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. John Walsh
2. Jake Manaster, Beverly Hills Unified School District Board President

3. REPORT FROM THE CITY MANAGER

- * Latest Additions to the Paramedic Scope of Practice, Intraosseous Cannulation, and Continuous Positive Airway Pressure (CPAP) - Ralph Mundell, Deputy Fire Chief

City Manager Kolin requested Council for a special session date for labor negotiations briefing to be scheduled before mid-May. He also requested Council to review the dates sent by staff for a City Council workshop session.

Deputy Fire Chief Ralph Mundell presented an oral report providing information on the latest additions to the paramedic scope of practice - Intraosseous Cannulation (IO) and Continuous Positive Airway Pressure (CPAP).

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

None

E. CONTINUED AND NEW BUSINESS

1. ORDINANCE OF THE CITY OF BEVERLY HILLS REPEALING SECTION 604C OF ARTICLE 6 OF CHAPTER 2 OF TITLE 4 OF THE BEVERLY HILLS MUNICIPAL CODE WHICH REQUIRES PAWNBROKERS TO MAINTAIN A SIGN STATING "LICENSED PAWNBROKER." First Reading - For Introduction. Comment: This ordinance removes the requirement that pawnbrokers post a sign stating "licensed pawnbroker".

Director of Community Development Susan Healy Keene presented an oral report, noting that Council directed staff to return with an ordinance repealing the current requirement that pawnbrokers maintain a sign that's visible from the sidewalk stating "Licensed Pawnbroker."

Speaking:

1. Thomas White, Municipal League of Beverly Hills

Ms. Healy-Keene, City Attorney Wiener and Principal Planner Michele McGrath answered Council questions regarding the legal definition of a pawnbroker, the difference between a pawnbroker and a secondhand store selling antiques and jewelry, location of signage, and risk to consumers.

Council agreed to keep the current rules in place.

ITEM E-1: ITEM FAILED FOR LACK OF MOTION

2. APPROVAL OF A MASTER LICENSE AGREEMENT FOR INSTALLATION AND USE OF TELECOMMUNICATIONS ANTENNAS AND SUPPORTING EQUIPMENT ON LIGHT STANDARDS AND POLES. Comment: This report transmits a request to the City Council for approval of a Master License Agreement (MLA) between the City and AT&T for installation of 76 Distributed Antenna System (DAS) nodes as part of their network reception and coverage enhancement throughout the City.

Assistant City Manager Mahdi Aluzri presented a PowerPoint and oral report. He defined Outdoor Distributed Antenna System, provided a project overview and discussed the benefits of the system, coverage improvements, proposed node locations, agreement with AT&T, public outreach, and recommendation.

Speaking:

1. Pam Meadow
2. Nancy Blumenfeld
3. Eli Blumenfeld
4. Peter Landau
5. Jordan Bernhard
6. Thomas White, Municipal League of Beverly Hills
7. Jay Schapira
8. Ray Flade
9. Ken Goldman
10. Zac Holland
11. Marilyn Gallup
12. AJ Willmer
13. Linda Briskman
14. Kevin Lipton

Mr. Aluzri, Police Chief David Snowden, Police Commander Erick Lee, Police Officer Ron Derderian, Health and Safety Commissioner Peter Landau, City Manager Kolin, AT&T

representatives, and Chief Information Officer David Schirmer answered Council questions pertaining to health risks, construction impacts, Health and Safety Commission input, underground access, contract duration, and use of the infrastructure for access by other vendors and to provide Wi-Fi services. Council concurred with Mayor Mirisch's idea and directed staff to look into the possibility of adding Wi-Fi capability to the telecommunications equipment that will be installed.

MOVED by Councilmember Krasne, seconded by Councilmember Gold to approve Item E-2 as follows:

APPROVAL OF A MASTER LICENSE AGREEMENT FOR INSTALLATION
AND USE OF TELECOMMUNICATIONS ANTENNAS AND SUPPORTING
EQUIPMENT ON LIGHT STANDARDS AND POLES

Ayes: Councilmember Krasne, Councilmember Gold, Councilmember Brien, Vice Mayor Bosse, and Mayor Mirisch.

Noes: None.

CARRIED

ITEM E-2: APPROVED AG# 104-13

3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS STATING THE CITY'S POSITION CONCERNING METRO'S CHOICE TO ROUTE THE WESTSIDE SUBWAY EXTENSION BENEATH BEVERLY HILLS HIGH SCHOOL. Comment: Mayor Mirisch is requesting that the City Council consider adopting the attached draft resolution he prepared clarifying the City's position regarding the Westside Subway extension project and Metro staff's recommendation of their preferred local alternative route of tunneling under Beverly Hills High School.

City Attorney Laurence Wiener provided an oral report, noting the matter was requested by Mayor Mirisch. He read the concluding paragraph of the resolution. Mayor Mirisch briefly explained the purpose of the resolution.

Speaking:

1. John Walsh
2. Lisa Korbatov
3. Damien Goodman, Crenshaw Subway Coalition
4. Alma Ordaz
5. George Bozzetti, CORE-CA
6. Sybil Goldrich
7. Thomas White, Municipal League of Beverly Hills
8. Celes King IV
9. Dr. Brian David Goldberg
10. Ken Goldman, Southwest Home Owners Association
11. Nancy Blumenfeld
12. Mr. Nourafshan

The Councilmembers individually explained the reasons for their support/non-support of the resolution.

Council agreed to Councilmember Krasne's suggestion to add "any portion thereof of" to Section 12 of the resolution.

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
STATING THE CITY'S POSITION CONCERNING METRO'S CHOICE TO
ROUTE THE WESTSIDE SUBWAY EXTENSION BENEATH BEVERLY
HILLS HIGH SCHOOL

Ayes: Councilmember Krasne, Vice Mayor Bosse, and Mayor Mirisch.

Noes: Councilmember Gold, and Councilmember Brien.

CARRIED

ITEM E-3: ADOPTED AS AMENDED RES# 13-R-12928

4. CITY COUNCIL SUMMARY OF APRIL 11 SITE VISIT TO GATEWAY PROPERTIES (9900 SANTA MONICA BOULEVARD, 9848 WILSHIRE BOULEVARD, 9817 WILSHIRE BOULEVARD), AND TO THE SITE OF THE KENQUEST BUILDING (499 NORTH CANON DRIVE); QUESTIONS TO STAFF REGARDING THE PROPERTIES. Comment: This is an opportunity for Councilmembers to provide questions to staff that staff would answer during a future public hearing, that will be separately noticed, regarding the Gateway properties and proposed Gateway Project.

Assistant Director of Community Development Jonathan Lait provided an oral report/update from the site visit this afternoon at the Study Session.

Speaking:

1. Jeff Kalban

Council brought up the issues and questions they had pertaining to height measurement, zoning, traffic flow and impact, T1 lot, parking requirements and code spaces, view obstruction, re-zoning and MTA, traffic threshold and volumes, public benefit for Parcel 3, comparison of widths of several streets, public benefit and value to developers.

ITEM E-4: STAFF TO PREPARE RESPONSES TO COUNCIL QUESTIONS AND PROVIDE ADDITIONAL INFORMATION WHEN THE MATTER IS BROUGHT BACK TO COUNCIL FOR CONSIDERATION AT A FUTURE MEETING

5. A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS PROVIDING A ONE YEAR COMPENSATION ENHANCEMENT TO THE CITY MANAGER. Comment: Pursuant to Section 3 of the City's agreement with the City Manager, this proposed resolution provides the City Manager with a onetime compensation enhancement of \$7,500. This compensation enhancement will not affect the City Manager's base salary nor otherwise amend his employment agreement with the City. This item was continued from the April 2, 2013 meeting.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to continue Item E-5 to the Council meeting of May 7, 2013, as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS PROVIDING A ONE YEAR COMPENSATION ENHANCEMENT TO THE CITY MANAGER

Ayes: Councilmember Krasne, Councilmember Gold, Councilmember Brien, Vice Mayor Bosse, and Mayor Mirisch.

Noes: None.

CARRIED

ITEM E-5: ITEM CONTINUED TO THE COUNCIL MEETING OF MAY 7, 2013

6. A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS PROVIDING A COST OF LIVING ADJUSTMENT PURSUANT TO AGREEMENT NO. 266-07 WITH RICHARDS WATSON AND GERSHON FOR CITY ATTORNEY SERVICES. Comment: The resolution provides for the City Council to set July 1, 2013 cost of living adjustment pursuant to Section 2 of the Agreement at 1% plus a onetime payment \$10,000 which equals less than an additional one percent. This item was continued from the April 2, 2013 meeting.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to continue Item E-6 to the Council meeting of May 7, 2013, as follows:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS PROVIDING A COST OF LIVING ADJUSTMENT PURSUANT TO AGREEMENT NO. 266-07 WITH RICHARDS WATSON AND GERSHON FOR CITY ATTORNEY SERVICES

Ayes: Councilmember Krasne, Councilmember Gold, Councilmember Brien, Vice Mayor Bosse, and Mayor Mirisch.

Noes: None.

CARRIED

ITEM E-6: ITEM CONTINUED TO THE COUNCIL MEETING OF MAY 7, 2013

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Vice Mayor Bosse, seconded by Councilmember Krasne to approve all items on the consent calendar by reference, 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 Special Meeting of March 27, 2013.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular Meeting of April 2, 2013.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated March 23 - April 3, 2013.
4. PAYROLL DISBURSEMENT REPORT, report dated April 11, 2013.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING PUBLIC WORKS CONTRACTS. Second Reading - For Adoption. Comment: Amends the Beverly Hills Municipal Code to make it consistent with recent changes in State law.

ITEM F-5: ADOPTED ORD# 13-O-2641

6. AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING THE TERM OF FINE ART CHAIR. Second Reading - For Adoption. Comment: This ordinance removes section 2-2-804 of the Beverly Hills Municipal Code which provides that the Chair of the Fine Art Commission serve a 2 year term. This change would allow the Fine Art Commission Chair to serve a 1-year term like every other commission Chair.

ITEM F-6: ADOPTED ORD# 13-O-2642

RESOLUTIONS APPROVING:

7. REAUTHORIZING A CIVILIAN RANGEMASTER POSITION AND THE PURCHASE OF POLICE SUPPLIES TO BE FUNDED BY THE CITY'S COPS ALLOCATION. Comment: State funds will be used to ensure officers maintain firearms proficiency and allow the Police Department to purchase safety supplies.

ITEM F-7: ADOPTED RES# 13-R-12929

APPROVAL OF:

8. APPOINTMENTS TO THE BOARD OF THE CITY OF BEVERLY HILLS COMMUNITY CHARITABLE FOUNDATION. Comment: Ratification by the City Council of the Mayor's selection of Councilmember Nancy Krasne as a Boardmember of the City of Beverly Hills Community Charitable Foundation per the bylaws.

ITEM F-8: APPROVED

9. AMENDMENT NO. 1 TO AN AGREEMENT WITH JAS PACIFIC (FORMERLY KNOWN AS JAS PACIFIC, INC) FOR PLAN REVIEW AND OTHER AS-NEEDED CONSULTING SERVICES, AND; APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$200,000 FOR THE SERVICES DESCRIBED FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$250,000. Comment: This increases the consideration amount from \$50,000 to \$250,000 of a five-year agreement with JAS Pacific for plan review and other as-needed consulting services. Staff also requests approval of a change order in the amount of \$200,000 for a total not-to-exceed amount of \$250,000. The cost to perform these services for FY2012-13 has been approved as part of the Council-approved budget for Community Development Department.

ITEM F-9: APPROVED AG# 105-13

10. AMENDMENT NO. 3 TO 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 CHANGE ORDER IN THE AMOUNT OF \$194,435 TO THE PURCHASE ORDER TO KEC ENGINEERS, INC. FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$498,975. Comment: Staff is recommending approval by Council of Amendment No. 3 which will cover the additional design services required to satisfy California Department of Public Health's (CDPH) February 1 and March 1, 2013 requests.

ITEM F-10: APPROVED AG# 106-13

11. A CONSTRUCTION CONTINGENCY INCREASE IN THE AMOUNT OF \$128,840 TO THE EXISTING PURCHASE ORDER FOR UNITED ENGINEERING AND CONSTRUCTION INC. FOR THE REHABILITATION OF RESERVOIR 4A. Comment: Staff requires an additional \$128,840 increase to the existing United Engineering purchase order to cover the additional construction costs required to satisfy California Department of Public Health's (CDPH) February 1 and March 1, 2013 requests.

ITEM F-11: APPROVED

12. AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, ALL AMERICAN ASPHALT, FOR THE "2012-2013 STREET RESURFACING - VARIOUS LOCATIONS" PROJECT IN THE AMOUNT OF \$2,970,000; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFORE; AND APPROVAL OF ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$3,267,000 TO ALL AMERICAN ASPHALT FOR THE PROJECT. Comment: As part of the City's 5 year Street Resurfacing Capital Improvement Program (CIP), streets and alleys with PI (Pavement Index) below 55,

showing deteriorated condition and having a high traffic index but not in need of total reconstruction, were selected for the FY2012-2013 resurfacing project.

ITEM F-12: APPROVED AG# 107-13

13. VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN: ITEM A AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$242,881 TO NEW WORLD SYSTEMS CORPORATION FOR YEAR-3 MAINTENANCE FOR THE COMPUTER AIDED DISPATCH, POLICE RECORDS, AND RELATED PUBLIC SAFETY INFORMATION SYSTEMS. Comment: Staff recommends that the City Council move to approve a purchase order to New World Systems in the amount of \$242,881.

ITEM F-13A: APPROVED

Vote on the Consent Calendar:

Ayes: Councilmember Krasne, Councilmember Gold, Councilmember Brien, Vice Mayor Bosse, and Mayor Mirisch.
Noes: None.

CARRIED

G. COMMISSION SYNOPSIS

1. CHARITABLE SOLICITATIONS COMMISSION - Special Meeting of March 13, 2013
HUMAN RELATIONS COMMISSION - Regular Meeting of March 21, 2013
RECREATION AND PARKS COMMISSION - Regular Meeting of March 26, 2013
PLANNING COMMISSION - Regular Meeting of March 28, 2013

ITEM G-1: NO ACTION TAKEN

H. OTHER BUSINESS

The following Study Session items were discussed:

A-8 – Request by Mayor Mirisch for City Council Review of the Planning Commission Decision Regarding 9031 Olympic Boulevard (Infiniti).

Speaking:

1. Bradley Gibbons
2. Gabriel Hertzberg
3. David Iny
- 4.

Ayes: Mayor Mirisch.
Noes: Councilmember Krasne, Councilmember Gold, Councilmember Brien, and Vice Mayor Bosse.

Council decided 4-1 not to call up the item for a de novo hearing.

A-10 – Request by Councilmember Krasne for Review of Council Decision to Install Bollards on Crescent Drive in Front of City Hall.

Director of Project Administration Alan Schneider presented the oral report.

Ayes: Councilmember Gold, Councilmember Brien, Vice Mayor Bosse, and Mayor Mirisch.
Noes: Councilmember Krasne.

Council decided 4-1 to move forward with the bollards on Crescent Drive.

A-2 – Confirming City Council Meeting Dates Through December 2013.

All dates were confirmed except July 16, 2013. Staff will leave the date for now and no major topics will be scheduled on this date because the date may be cancelled.

A-3 – Update to City Council on Status of the Roxbury Community Center Project, Including Program Relocation and Preparations for Construction.

Assistant Director of Community Services/City Librarian Nancy Hunt-Coffey presented a PowerPoint and staff report. She noted key project dates, program and staff relocation timeline, and the senior transportation plan. Council commented and thanked staff for the report.

I. ADJOURNMENT

There being no further business, Mayor Mirisch, with the consent of the Council, adjourned the meeting at 12:01am April 12, 2013.

PASSED, Approved and Adopted
this 7th day of May, 2013



BYRON POPE, City Clerk



JOHN A. MIRISCH, MAYOR

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