



**CITY OF BEVERLY HILLS
CITY COUNCIL
ADJOURNED REGULAR COUNCIL MEETING
August 07, 2007**

The Adjourned Regular Meeting of the City Council of the City of Beverly Hills was held in the Council Chambers at 7:30 p.m.

PLEDGE OF ALLEGIANCE

A. ROLL CALL

Present: Councilmember Krasne, Councilmember Fenton,
Councilmember Briskman, Vice Mayor Brucker, and Mayor
Delshad
Absent: None

B. PRESENTATIONS

1. "MEET THE STAFF" - Community Development - David Reyes, Senior Planner

Community Development Director Vince Bertoni introduced Senior Planner David Reyes in the Planning Division.

Mr. Reyes mentioned he just celebrated his eighth wedding anniversary and has three children. Mr. Reyes spoke about his background as a teacher, working as a land use consultant and lobbyist in the private sector, and as a Planner for the Cities of Malibu and Santa Monica prior to working for the City of Beverly Hills. He acknowledged the great team of employees in the Community Development Department, and spoke about the projects he is currently working on.

2. LEGISLATIVE UPDATE
- Assemblyman Mike Feuer

Mayor Delshad introduced 42nd District Assemblyman Mike Feuer who apprised the Council on some key issues in Sacramento as well as matters concerning Beverly Hills and offered suggestions on how to work as a team

to promote those goals. Assemblyman Feuer thanked the Mayor and the City Council for their support of AB 221 regarding divestiture of resources from Iran.

The Council thanked Assemblyman Feuer for his accessibility and partnership in working on such items as a state-wide ban on smoking in outdoor eating establishments.

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. Cristina Vazquez, Regional Manager for Unite Here, mentioned the City contracts with Prudential Overall Supply Company and spoke about a potential issue regarding the industrial laundry workers, throughout the state, seeking to improve their wages and overall working conditions. Ms. Vazquez asked the Council to contact the owner of the company regarding contract negotiations with the employees.

2. Lili Villanueva, a 14 year Prudential employee, stated the current contract expires on October 14, and requested Council support in calling the owner of Prudential Supply to negotiate the new contract fairly with the workers.

City Manager Wood advised that he would have the appropriate staff look into this request.

3. Dr. Woodrow Clark spoke about the green building standard issues discussed at today's afternoon Study Session. Dr. Clark noted that Beverly Hills is in a key position to be a leader in the nation and globally with regards

to this issue and urged the Council to set a higher LEED standard on green buildings.

3. REPORT FROM THE CITY MANAGER

None

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

- Did you know? :

Councilmember Krasne asked the City Attorney about City policy regarding the City Council giving individual comments to the press versus a statement on behalf of the entire Council.

**D. PUBLIC HEARING
TO SET:**

None

E. CONTINUED AND NEW BUSINESS

1. CITY COUNCIL DISCUSSION OF WHETHER TO TRANSLATE FUTURE SAMPLE BALLOTS INTO MULTIPLE LANGUAGES. Comment: City Council to discuss whether to have future sample ballots translated into multiple languages. This item was continued from the adjourned regular Council meeting of May 29, 2007.

City Clerk Byron Pope provided the staff report, and advised the Council of three preferred options for Council consideration/direction.

After Council discussion, the City Council unanimously chose option 2 to provide all residents with an English only main sample ballot; make Spanish and Farsi translations available upon request and place them in the polling locations on Election Day. The Council also concurred to provide a page in the sample ballot noting the additional languages that will be made available in the languages of Spanish and Farsi.

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

2. REQUEST TO SUBSTITUTE A SUBCONTRACTOR IN ACCORDANCE WITH THE PUBLIC CONTRACT CODE RELATED TO THE PUBLIC WORKS VEHICLE SHOP PROJECT. Comment: Ford E.C., Inc., the prime contractor for the construction of the Public Works Vehicle Shop has requested permission to substitute another masonry contractor for Ron Shoffeitt Masonry, who was the listed subcontractor in their bid on the

grounds that Ron Shoffeitt Masonry will not execute a contract for the price listed in the bid. This request has been protested by Ron Shoffeitt Masonry, and according to the Public Contract Code, a hearing is required. Based on the information supplied by the parties to date and the Public Contract code, staff's recommendation is that the City Council accepts the request.

The report of the Director of Public Works and Transportation and the record of the Public Works and Transportation Department in this matter are made a part of the record of this hearing.

David Gustavson, Director of Public Works and Transportation introduced Project Manager Allen Rubenstein, who provided the staff report.

Speaking:

Michael Peters, representing Ron Shoffeit Masonry (RSM), provided the reasons this request should not be granted. Mr. Peters contended there is no basis under the contract code to substitute RSM on this project.

Rafik Ayvazi, representing Ford EC, noted that Ron Shoffeit Masonry provided a quote to Ford EC on the bid date, and is now unwilling to honor the awarded bid.

Councilmembers asked questions of both parties and the City staff.

There were no other persons in the Council Chambers wishing to speak and Mayor Delshad closed the hearing.

Following discussion, it was the consensus of the Council that there was a bid that the subcontractor is now refusing to honor.

As a point of clarification, City Attorney Wiener confirmed that regardless of the decision the Council makes, the City's contract price will not change, even if the general contractor has to pay more.

There were no questions or comments of Councilmembers.

MOVED by Councilmember Briskman, seconded by Vice Mayor Brucker that the City Council approve the request of the prime contractor, Ford E.C. to substitute the masonry subcontractor, Ron Shoffeitt Masonry as authorized by Public Contract Code section 4107, and the City Attorney be directed to prepare a resolution and findings in support of this decision.

Ayes: Councilmember Krasne, Councilmember Fenton, Councilmember Briskman, Vice Mayor Brucker, and Mayor Delshad.

Noes: None

CARRIED

ITEM E-2: APPROVE THE REQUEST TO SUBSTITUTE A SUBCONTRACTOR AS AUTHORIZED BY PUBLIC CONTRACT CODE SECTION 4107; CITY ATTORNEY TO PREPARE A RESOLUTION AND FINDINGS IN SUPPORT OF THIS DECISION

3. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS PUBLIC ART ORDINANCE. For Introduction. Comment: The proposed ordinance increases the value or fine art required to be installed when constructing or reconstructing a commercial or industrial building that exceeds \$1,000,000 in construction cost to 1.5%. The previous cap placed on the maximum value of fine art, including the cap on the optional in lieu fee has been eliminated, for new or reconstructed commercial or industrial buildings that exceed \$500,000 or above in construction cost.

Recreation Services Manager Brad Meyerowitz acknowledged the Fine Art Commissioners in attendance this evening and provided the staff report. Mr. Meyerowitz noted at the July 24 Study Session, the Council gave unanimous consent to the proposed amendments that are being presented this evening. He explained the three amendments, and stated the staff and Fine Art Commission request adoption of this ordinance.

MOVED by Councilmember Briskman, seconded by Councilmember Fenton to adopt Ordinance E-3 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS PUBLIC ART ORDINANCE.

Ayes: Councilmember Krasne, Councilmember Fenton, Councilmember Briskman, Vice Mayor Brucker, and Mayor Delshad.
Noes: None

CARRIED

ITEM E-3: WAIVE FULL READING AND ADVANCE TO AUGUST 21, 2007 FOR ADOPTION

F. CONSENT CALENDAR

MOVED by Vice Mayor Brucker, seconded by Councilmember Krasne to remove Item F-8 for discussion, 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 July 17 - 26, 2007.
2. PAYROLL DISBURSEMENT REPORT, report dated August 7, 2007.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

3. REGARDING CHARITABLE SOLICITATIONS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. For Introduction. Comment: The proposed ordinance updates the current charitable solicitations ordinance and adds a new provision to allow the issuance of a permit for monetary drives that do not exceed 12 months and a provision to require hotels that lease or rent facilities for charitable solicitation purposes to provide renters a city-issued charitable solicitations packet that describes the City's permit requirements.

ITEM F-3: WAIVE FULL READING AND ADVANCE TO AUGUST 21, 2007 FOR ADOPTION

4. ESTABLISHING A HEALTH AND SAFETY COMMISSION AND AMENDING THE MUNICIPAL CODE. For Adoption. Comment: Recommends adoption of an ordinance establishing a new Health and Safety Commission.

ITEM F-4: ADOPTED ORD#07-O-2523

5. APPOINTING AN INTERIM COMMISSIONER TO THE BEVERLY HILLS HUMAN RELATIONS COMMISSION. For Adoption. Comment: Transmits an ordinance appointing Rabbi Laura Geller as interim Human Relations Commissioner for a term of six months or until Rabbi Harvey J. Fields is able to serve, whichever is sooner.

ITEM F-5: ADOPTED ORD#07-O-2524

RESOLUTIONS APPROVING:

6. AMENDMENT NO. 1 TO THE AGREEMENT WITH MACTEC ENGINEERING AND CONSULTING, INC. FOR GEOTECHNICAL

ENGINEERING SERVICES FOR THE PROPOSED CITY DEVELOPMENT AT FOOTHILL ROAD AND THIRD STREET CONSISTING OF A VEHICLE SHOP, WAREHOUSE, RETAINING WALL, OFFICE BUILDING AND PARKING STRUCTURE; AND APPROVE A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$42,865 TO MACTEC ENGINEERING AND CONSULTING, INC. FOR THE WORK. Comment: Requests approval of an amendment in the amount of \$42,865 for a total agreement of \$77,765 to MacTec Engineering and Consulting, Inc. for additional geotechnical engineering services necessary for the Public Works campus.

ITEM F-6: ADOPTED RES#07-R-12412 AG#319-07

7. AMENDMENT NO. 1 TO THE AGREEMENT WITH THE COUNTY OF LOS ANGELES TO EXECUTE A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR THE 2007-2008 FISCAL YEAR UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. An agreement for reimbursement to the City in the amount of \$266,568.00 in federal CDBG funds for programs provided by the City to eligible low and moderate income residents in Fiscal Year 2007-2008.

ITEM F-7: ADOPTED RES#07-R-12413 AG#320-07

8. 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 AUTHORIZATION OF A PURCHASE ORDER IN THE AMOUNT OF \$253,012.00 FOR PROFESSIONAL CONSULTING SERVICES. Comment: Requests approval of agreement for preparation of an environmental impact report for a proposed general plan amendment and zone change to three former railroad right-of-way properties.

Councilmember Krasne requested that this item be pulled for discussion.

Speaking:

Joy Shefter suggested the City considering purchasing this property through eminent domain.

Mayor Delshad noted that this item is only awarding a contract for the preparation of an Environmental Impact Report that is controlled by the City, and the applicant will reimburse the City for its cost; there is no cost to the City.

ITEM F-8: ADOPTED RES#07-R-12414 AG#321-07

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

ITEM A AN AGREEMENT WITH AVALON COMMUNICATIONS, A DIVISION OF TECHNOLOGY TRAINING CORPORATION FOR PRINTING AND MAILING SERVICES. Comment: This action will approve an agreement and with Avalon Communications, a division of Technology Training Corporation for printing and mailing services to be used by various City Departments throughout fiscal year 07/08. Each department will issue purchase orders appropriate to their needs throughout the year. If any purchase order exceeds the City Council approval level, that item will be brought before the City Council for approval. Presently the total amount estimated to be spent under this agreement in fiscal year 07/08 is between \$75,000 and \$80,000.

ITEM F-9: ADOPTED RES#07-R-12415 AG#322-07

APPROVAL OF:

10. ACCEPTANCE OF CONTRACT WORK FOR PAINTING OF CRESCENT DRIVE PARKING STRUCTURES BY TONY'S PAINTING, INC. IN THE FINAL CONTRACT AMOUNT OF \$216,890.00. Comment: Requests acceptance of the contract work and authorization to record the Notice of Completion with the County Recorder.

ITEM F-10: APPROVED

Vote on Consent Agenda:

Ayes: Councilmember Krasne, Councilmember Fenton, Councilmember Briskman, Vice Mayor Brucker, and Mayor Delshad.
Noes: None

CARRIED

G. COMMISSION SYNOPSIS

1. Synopsis - DESIGN REVIEW COMMISSION - regular meeting of July 9, 2007.
Synopsis - FINE ART COMMISSION - regular meeting of July 19, 2007.

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

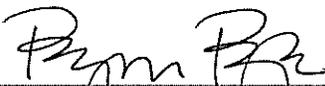
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Delshad with the consent of the Council, adjourned the meeting at 10:07 p.m.

PASSED, Approved and Adopted
on September 17, 2007.



BYRON POPE, City Clerk

JIMMY DELSHAD, MAYOR

This meeting was broadcast on live television, on City of Beverly Hills municipal government television access Channel BHN/10 Time Warner Cable.