



**CITY OF BEVERLY HILLS  
CITY COUNCIL  
ADJOURNED REGULAR MEETING  
December 18, 2007**

The Adjourned Regular Meeting of the City Council of the City of Beverly Hills was held in the Council Chambers at 4:00 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. RECOGNITION OF RETIRING COMMISSIONER - Architectural  
Commission  
- Susan Strauss

Mayor Delshad, with the assistance of Councilmember Nancy Krasne, presented Ms. Strauss with a gift and plaque in honor of her six years of distinguished service to the community.

2. PROCLAMATION - Mr. Parviz Nazarian

Mayor Delshad presented Dr. Nazarian with a proclamation in recognition of his continuous commitment to the Jewish communities in Los Angeles, Israel and around the world, and for being a community leader.

Dr. Nazarian expressed his appreciation for this recognition.

**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. Darian Bojeaux commented on the beautiful holiday decorations in Beverly Hills. Ms. Bojeaux also spoke about: the oral communications process at the Council meetings, the projects presentation at the Farmers' Market, and the noticing for the William Morris public hearing.

At the request of the Mayor, City Attorney Wiener responded to Ms. Bojeaux's comments by explaining the Brown Act and the legal process.

3. REPORT FROM THE CITY MANAGER  
-Status Report on New Performance Evaluation

City Manager Wood mentioned staff will be providing a brief update on the status of the analysis of Santa Monica Boulevard at the January 8, 2008 Informal Meeting, and also will be discussing with the Council a pilot project for a grant program for the video camera digital traffic control systems.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS  
- Did you know? :  
\* Legislative Updates from Councilmember Briskman

Mayor Delshad noted Councilmember Briskman will present this report at the January 8, 2008 Council meeting.

**D. PUBLIC HEARING**

**TO SET:**

1. AN APPEAL FROM THE DECISION OF THE HEARING OFFICER UPHOLDING AN ASSESSMENT FOR UNPAID BUSINESS TAXES, PENALTIES AND INTEREST FOR NRT, INC. (COLDWELL BANKER RESIDENTIAL BROKERAGE COMPANY) ON REMAND FROM CITY COUNCIL APPEAL. Comment: The Assistant Director of Administrative Services - Finance issued a decision upholding the assessment for unpaid business taxes, penalties and interest for NRT, Inc. (Coldwell Banker) in the amount of \$1,059,377.77. NRT, Inc. has filed an appeal objecting to the amount of the assessment. Staff recommends this matter be set for hearing on Tuesday, January, 8, 2008 at 7:30p.m. TO CONSIDER:

**BY ORDER OF THE CHAIR, HEARING IS SET FOR TUESDAY, JANUARY 8, 2008 AT 7:30 P.M.**

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

2. APPEAL OF THE ARCHITECTURAL COMMISSION'S DECISION DENYING THE EXTERIOR DESIGN OF A NEW CONDOMINIUM BUILDING AT 9255 WHITWORTH DRIVE ALSO KNOWN AS 462 SOUTH REXFORD DRIVE. Comment: On October 10, 2007 the Architectural Commission denied a proposal to construct a seven-unit, four-story condominium at 9255 Whitworth Drive, also known as 462 South Rexford Drive. This property is located at the corner of Whitworth and South Rexford Drives. The proposed building design had a relatively flat facade along Whitworth Drive, did not have a street-side entrance and included external hallways on each floor. An elevator would have opened directly onto these external hallways. The Commission requested that the building be redesigned to provide more articulation of the building facade along Whitworth Drive, a street-side entrance and internal hallways and elevator entrances. Upon hearing the Commission's direction, the applicant requested that the Commission deny the project.

The notice of this hearing was published as required by law and an affidavit to this effect is on file with the City Clerk.

The report of the Director of Community Development and the record of the Community Development Department in this matter are made a part of this hearing.

Community Development Director Vince Bertoni provided the staff report. Mr. Bertoni noted the project description (existing apartment building and proposed condominium building), project reviewing authority, the Planning Commission concerns, the Architectural Commission concerns, the Architectural Commission revisions requested, the Architectural Commission reason for denial, the basis for the appeal and the analysis of the appeal.

NOTE: City Manager Wood left the Chambers at 4:35pm and returned at

4:50pm, Mayor Delshad left the Chambers at 4:36pm and returned to the dais at 4:44pm, Councilmember Krasne left the dais at 4:37pm and returned at 4:40pm.

Speaking:

Paul Lanh, Chair of the Architectural Commission, noted the reasons for the Commission's denial of the project.

1. Marla Kochba spoke in favor of the project as is.
2. Murray Fischer, attorney representing the applicant, spoke about the impasse between his client and the Architectural Commission. Mr. Fischer noted: what the building looked like in 2006, the 25 changes made as requested by the Planning Commission and the Architectural Review Board, the parking for the project, the courtyard/gardens for the project, the revisions requested at the October 10, 2007 Architectural Commission meeting; pointing out the only revision not made is the redesign of the exterior hallway (north side of the building).

Mayor Delshad asked Councilmember Briskman to read a letter of support from resident Lyle Weisman into the record.

3. Daniel Weedon, landscaper, mentioned that he worked closely with the developer to make sure all the plant material was oversized and the landscape was approved by the Architectural Commission.
4. Robert Ives, applicant, stated the project is an architecturally significant building and the improvement will substantially add to and improve the character and style of the neighborhood.

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

Councilmember Krasne provided the reasons she would uphold the findings of the Architectural Commission which included the size of the building and amount of parking spaces.

Councilmember Briskman mentioned the elevator door area could be enhanced and suggested some minor changes to complete the recommendations from the Architectural Commission. Ms. Briskman stated she would like this matter to return to the Architectural Commission for further review.

Vice Mayor Brucker said he would like the applicant to consider some type of wrought-iron trellising around the elevators.

Mayor Delshad and Councilmember Fenton both were in favor of the changes suggested by Councilmember Briskman.

It was the consensus of the Council that a material redesign of the building is not necessary, but the matter should be remanded back to the Architectural Commission for a refinement that will change the aesthetics of the building to make it more in line with the Architectural Commission wishes.

Following discussion, it was decided there should be a subcommittee meeting with the Architectural Commission and developer prior to the matter going back to the full Commission for review.

There were no further questions or comments of Councilmembers.

MOVED by Councilmember Briskman, seconded by Vice Mayor Brucker to send the matter back to the Architectural Commission for further review based on the direction given to the Commission by the City Council.

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

Noes: Councilmember Krasne

CARRIED

***ITEM D-2: REFER THE MATTER BACK TO THE ARCHITECTURAL COMMISSION FOR FURTHER REVIEW BASED ON THE DIRECTION GIVEN TO THE COMMISSION BY THE CITY COUNCIL***

***E. CONTINUED AND NEW BUSINESS***

- 1A.** AN ORDINANCE OF THE CITY OF BEVERLY HILLS CREATING THE ENTERTAINMENT OFFICE PLANNED DEVELOPMENT OVERLAY ZONE (E-O-PD) ZONE, AMENDING THE BEVERLY HILLS MUNICIPAL CODE, AND APPLYING THE ENTERTAINMENT OFFICE PLANNED DEVELOPMENT OVERLAY ZONE TO PROPERTY KNOWN AS 231-265 NORTH BEVERLY DRIVE IN CONJUNCTION WITH CONSTRUCTION OF A HEADQUARTERS OFFICE FOR WILLIAM MORRIS AGENCY. For Adoption.

Director of Community Development Vince Bertoni provided the staff report for this item. Mr. Bertoni noted this meeting is for the 2nd readings of the two ordinances related to the relocation of the William Morris headquarters to 231-265 North Beverly Drive.

MOVED by Councilmember Briskman, seconded by Councilmember Fenton to adopt Ordinance E-1A as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS CREATING THE ENTERTAINMENT OFFICE PLANNED DEVELOPMENT OVERLAY ZONE (E-O-PD) ZONE, AMENDING THE BEVERLY HILLS MUNICIPAL CODE, AND APPLYING THE ENTERTAINMENT OFFICE PLANNED DEVELOPMENT OVERLAY ZONE TO PROPERTY KNOWN AS 231-265 NORTH BEVERLY DRIVE IN CONJUNCTION WITH CONSTRUCTION OF A HEADQUARTERS OFFICE FOR WILLIAM MORRIS AGENCY.

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

CARRIED

***ITEM E-1A: ADOPTED ORD#07-O-2542***

- 1B.** AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS, BEVERLY WILSHIRE OWNER, LP AND WILLIAM MORRIS AGENCY, LLC FOR PROPERTY LOCATED AT 231-265 NORTH BEVERLY DRIVE IN CONJUNCTION WITH CONSTRUCTION OF A HEADQUARTERS OFFICE FOR WILLIAM MORRIS AGENCY. For Adoption. Comment: The ordinances pertain to the construction of a headquarters office for the William Morris Agency ("project"). The first ordinance establishes the Entertainment Office Planned Development Overlay zone and applies that to the project located at 231-265 North Beverly Drive. The second ordinance approves the development agreement for the project. First reading of the ordinances occurred at the December 5, 2007 City Council meeting.

Vice Mayor Brucker voiced his concerns about the new language placed into the Development Agreement at the last minute regarding a clause inserted in the event of bankruptcy on the part of William Morris that was discussed during the first reading. Mr. Brucker asked several questions of the City Attorney for clarification.

City Attorney Wiener explained the clauses on page 6 of the Development Agreement.

Vice Mayor Brucker proposed this ordinance be approved with the deletion of the entire second paragraph in section (y) starting with "notwithstanding the above" from the Development Agreement and for a first reading.

Mayor Delshad and Councilmembers Briskman and Fenton explained why they are in support of moving forward with the adoption of this ordinance.

They indicated this new language was not last minute.

Councilmember Krasne stated she does not want to approve the Development Agreement with the new, "last minute" language.

MOVED by Councilmember Krasne, seconded by Vice Mayor Brucker to reintroduce Ordinance E-1B with the deletion of the second paragraph of section (y) Transfer Premium at the bottom of page 6 from the Development Agreement and not come back for a second reading for adoption until there has been some vetting of that language.

Councilmember Krasne withdrew her motion.

MOVED by Vice Mayor Brucker to reintroduce Ordinance E-1B with the deletion of the last paragraph on page 6 of the Development Agreement starting with the words "notwithstanding the above" and ending with the words "and court costs" as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS, BEVERLY WILSHIRE OWNER, LP AND WILLIAM MORRIS AGENCY, LLC FOR PROPERTY LOCATED AT 231-265 NORTH BEVERLY DRIVE IN CONJUNCTION WITH CONSTRUCTION OF A HEADQUARTERS OFFICE FOR WILLIAM MORRIS AGENCY.

There was no second to this motion and motion failed.

MOVED by Councilmember Briskman, seconded by Councilmember Fenton to adopt Ordinance E-1B as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS, BEVERLY WILSHIRE OWNER, LP AND WILLIAM MORRIS AGENCY, LLC FOR PROPERTY LOCATED AT 231-265 NORTH BEVERLY DRIVE IN CONJUNCTION WITH CONSTRUCTION OF A HEADQUARTERS OFFICE FOR WILLIAM MORRIS AGENCY.

Ayes: Councilmember Fenton, Councilmember Briskman, and Mayor Delshad

Noes: Councilmember Krasne and Vice Mayor Brucker

CARRIED

**ITEM E-1B: ADOPTED ORD#07-O-2543**

**F. CONSENT CALENDAR**

MOVED by Councilmember Briskman, seconded by Councilmember Krasne approve all items on the consent agenda by reference and direct that the appropriate accounts be charged on Items F-4 and F-5.

**Minutes**

1. Consideration of the Minutes of the special meeting of November 7, 2007
2. Consideration of the Minutes of the adjourned regular meeting of November 13, 2007.
3. Consideration of the Minutes of the regular meeting of November 20, 2007.

**Demands Paid**

4. REVIEW OF BUDGETED DEMANDS PAID, report dated November 28 - December 6, 2007.
5. PAYROLL DISBURSEMENT REPORT, report dated December 18, 2007.

**Other Business**

**ORDINANCE OF THE CITY OF BEVERLY HILLS:**

None

**RESOLUTIONS APPROVING:**

6. THE REGISTRATION AND PARTICIPATION OF THE CITY OF BEVERLY HILLS IN THE 2010 CENSUS LOCAL UPDATE OF CENSUS ADDRESSES (LUCA) PROGRAM. Comment: Enlists the City in the U.S. Census' Local Update of City Addresses program in preparation for the 2010 Census.

**ITEM F-6: ADOPTED RES#07-R-12468**

7. AN AGREEMENT WITH SENTRY CONTROL SYSTEMS FOR THE PURCHASE, INSTALLATION AND MAINTENANCE OF THE CITY'S PARKING ACCESS AND REVENUE CONTROL SYSTEM; AND APPROVE A PURCHASE ORDER TO SENTRY CONTROL SYSTEMS IN THE AMOUNT OF \$2,130,000 TO COMPLETE THE WORK. Comment: This agreement will provide for the replacement of the City's parking access and revenue control system used in the City's off-street parking facilities with Sentry Control Systems, using Skidata equipment, in an amount not to exceed \$2,130,000.

**ITEM F-7: ADOPTED RES#07-R-12469**

8. THE FINAL MAP FOR TRACT MAP NO. 062714, (149-185 SOUTH RODEO DRIVE). Comment: Approval of the final map of Tract No. 62714 located at 149-185 South Rodeo Drive.

***ITEM F-8: ADOPTED RES#07-R-12470***

**APPROVAL OF:**

9. AN AGREEMENT WITH HF&H CONSULTANTS, LLC (FORMERLY HILTON FARNKOPF AND HOBSON, LLC) FOR SOLID WASTE CONSULTING SERVICES; AND APPROVAL OF A PURCHASE ORDER TO HF&H CONSULTANTS, LLC IN THE AMOUNT OF \$50,000 FOR FY 07-08 FOR THE SERVICES. Comment: The Public Works staff desires to hire consultant to provide financial analysis of the City's current solid waste rates and assist in the negotiation of extension agreement and other solid waste related consulting services.

***ITEM F-9: APPROVED AG#490-07***

10. AMENDMENT NO. 2 TO AN AGREEMENT WITH BACCARAT, INC. FOR STORAGE OF COMPONENTS OF THE HOLIDAY DISPLAY. Comment: This item is to request approval of an amendment to the Baccarat Inc. storage agreement to continue storage of the functional and installation elements of the Baccarat chandeliers through November 2008.

***ITEM F-10: APPROVED AG#491-07***

11. AGREEMENT WITH JEWISH FAMILY SERVICE OF LOS ANGELES FOR THE SERVICES OF A GERONTOLOGIST. Comment: Transmits a contract between the City and Jewish Family Service for a gerontologist to provide service and implement programs to increase services to seniors and their caregivers.

***ITEM F-11: APPROVED AG#492-07***

12. AGREEMENT WITH ARIAS & LOCKWOOD FOR SPECIAL COUNSEL SERVICES FOR LITIGATION MATTERS. Comment: This agreement engages the services of a special counsel for litigation matters.

***ITEM F-12: APPROVED AG#493-07***

13. APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT WITH MACTEC ENGINEERING AND CONSULTING, INC. FOR GEOTECHNICAL ENGINEERING SERVICES FOR 331 FOOTHILL ROAD OFFICE BUILDING AND 9333 WEST THIRD STREET PARKING STRUCTURE; AND

APPROVE A CHANGE ORDER TO THE PURCHASE ORDER TO MACTEC ENGINEERING AND CONSULTING, INC. IN THE AMOUNT OF \$12,200 FOR GEOTECHNICAL ENGINEERING SERVICES. Comment: Requests approval of an amendment to the agreement with Mactec Engineering and Consulting, Inc. in the amount of \$12,200 to provide required additional geotechnical engineering services related to the design of the 331 Foothill Office Building and 9333 West Third Street Parking Structure.

**ITEM F-13: APPROVED AG#494-07**

14. AMENDMENT NO. 3 TO THE AGREEMENT WITH ABM ENGINEERING SERVICE; AND APPROVE A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$41,348 TO ABM ENGINEERING SERVICE TO EXPAND THE SCOPE OF WORK. Comment: Requests approval of an amendment to the agreement with ABM Engineering Service in the amount of \$41,348 to provide for the replacement of the return air fan and related equipment at the City Council Chambers.

**ITEM F-14: APPROVED AG#495-07**

15. AMENDMENT NO. 3 TO THE AGREEMENT WITH RBF CONSULTING FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR 231-265 NORTH BEVERLY DRIVE (WILLIAM MORRIS PROJECT). Comment: The proposed amendment is to modify the scope of work and schedule of payment as outlines in the agreement to include additional work to complete response to comments document including additional scope of work regarding visual simulations issues not included in the original scope of work. It is also requested an authorization for issuance of purchase order totaling \$683,332.90. The costs of the contract would be funded by the applicant.

**ITEM F-15: APPROVED AG#496-07**

16. ACCEPTANCE OF THE CONTRACT WORK FOR STORM DRAIN REHABILITATION LINING PROJECT AT 624 DOHENY ROAD BY SOUTHWEST PIPELINE AND TRENCHLESS CORP. IN THE FINAL AMOUNT OF \$80,770.50. Comment: It is recommended that the described work with Southwest Pipeline be accepted and authorization be given for the recordation of the Notice of Completion.

**ITEM F-16: 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 - FINE ART COMMISSION - regular meeting of November 15, 2007. Synopsis - PLANNING COMMISSION - regular meeting of November 29, 2007.**

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

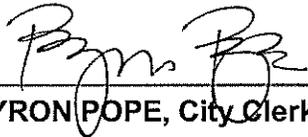
**H. OTHER BUSINESS**

None

**I. ADJOURNMENT**

There being no further business, Mayor Delshad, with the consent of Council, adjourned the meeting at 6:35 p.m. to Closed Session to discuss the items on the Closed Session agenda.

PASSED, Approved and Adopted  
this 5th day of February, 2008.

  
\_\_\_\_\_  
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.**