CITY OF BEVERLY HILLS
ADJOURNED REGULAR CITY COUNCIL
AND PARKING AUTHORITY MEETING
MINUTES
August 23, 2012

The joint Adjourned Regular City Council and Parking Authority meeting was held in the Council Chambers at 7:00 pm. The Parking Authority met during Closed Session at 5:08 pm. There were no reportable actions.

PLEDGE OF ALLEGIANCE

A. ROLL CALLS

Present: Gold, Brucker, Mirisch, and Brien
Absent: Bosse

B. PRESENTATIONS

None

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/Parking Authority 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/Parking Authority.)

None

2. AUDIENCE COMMENTS. Any person wishing to address the City Council/Parking Authority 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/Parking Authority 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/Parking Authority 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. Randa Alsabeth, MD
2. Najeeb Alshak, MD
3. Don Ward
4. Cat Walshak
5. Danielle, Ella, and Nina Salomon
6. Wesley High
7. Hol Bergman
8. Mark Elliot
9. Daniel Alvarado
10. Chris
11. Jeff Houze
12. Paul Livingston
13. Thau PM Clariett
14. Miguel Avila
15. George Clariett
16. Jenny Takakura
17. Nicholas Valentino
18. Dr. Bob Noushami

Mayor Brien announced the passing of Councilmember Bosse's father-in-law, Sherwin Bosse. On behalf of the City Council, he offered condolences to Councilmember Bosse and the Bosse family.

For the information of the people who commented regarding bicycle safety, Vice Mayor Mirisch announced that the pilot bicycle route program and increasing bicycle safety were discussed earlier at the Study Session.

Vice Mayor Mirisch also asked to commemorate the late actor/dancer Gene Kelly, a Beverly Hills resident, on the occasion of his 100th birthday today.

3. REPORT FROM THE CITY MANAGER * Computer Aided Dispatch (CAD) / Records Management System (RMS) Project Update - Elisabeth Albanese, Police Sergeant

Police Sergeant Elisabeth Albanese provided an update on the software implementation project for Computer Aided Dispatch (CAD)/Records Management System which the Police, Fire and Information Technology departments have jointly undertaken. She discussed the Bureau's annual activities and software needs, current status of the project, and the benefits derived since the transition to the software system.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES RELATED TO CERTAIN FEES PAID BY UTILITIES FOR THE FISCAL YEAR 2012/2013. Comment: This item was continued from the July 24 meeting. Staff recommends that the public hearing related to this item be continued to September 11, 2012

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 Administrative Services Department and the report of the Budget and Revenue Officer concerning this matter shall be entered into the record.

ITEM D-1: BY ORDER OF THE CHAIR, WITH NO OBJECTIONS, HEARING IS CONTINUED TO SEPTEMBER 11, 2012

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

2. AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPROVING THE FIRST AMENDMENT TO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND 9200 WILSHIRE, LLC FOR CONSTRUCTION OF A MIXED-USE RESIDENTIAL AND COMMERCIAL DEVELOPMENT AT 9200 WILSHIRE BOULEVARD. First Reading - For Introduction. Comment: The proposed amendment would allow for the expiration date of the existing development agreement to be aligned with expiration of the project's existing vesting tentative map, and would also allow for up to three, one-year extensions beyond the expiration date of the vesting tentative map. The development agreement is currently set to expire on October 18, 2012 if the amendment is not approved.

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 Community Development Department 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 provided a brief PowerPoint presentation on the project. She noted that the mixed-use project was approved by City Council in 2007. She discussed the development agreement, the timelines, the development agreement amendment, and staff recommendation.

Speaking:

1. Lee Silver
2. Arnold Rosenstein

Vice Mayor Mirisch asked clarification questions regarding the development agreement and vesting map expiration dates, and mutual agreement by both City and applicant. He expressed concerns regarding the unpredictability of extensions. City Attorney Wiener explained the extension process for development agreement and vesting map, and obtaining tentative and final tract maps. Lee Silver and Arnold Rosenstein, applicants, provided the reasons for extending the project. Mayor Brien gave a historical background on how the project discussions started. City Manager Kolin explained that two models (9900 Wilshire and Hilton) were used as reference for this project.

Councilmember Gold commented that the benefits to the City are clear and he is fine with the moving forward with the project. Councilmember Brucker noted that the EMS fees continue in perpetuity notwithstanding the extensions which is very helpful to the community. Vice Mayor Mirisch commented that he is in favor of the project in general except the extensions. Mayor Brien indicated that he is in favor of the project and acknowledged the work done by everyone involved.

MOVED by Councilmember Brucker, seconded by Councilmember Gold to introduce and read by title only and advance to the meeting of September 11, 2012 for adoption Ordinance D-2 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPROVING THE FIRST AMENDMENT TO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND 9200 WILSHIRE, LLC FOR CONSTRUCTION OF A MIXED-USE RESIDENTIAL AND COMMERCIAL DEVELOPMENT AT 9200 WILSHIRE BOULEVARD

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

CARRIED

ITEM D-2: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF SEPTEMBER 11, 2012 FOR ADOPTION

E. CONTINUED AND NEW BUSINESS

1. ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO AMEND THE NUMBER OF NONRESIDENT MEMBERS OF THE HUMAN RELATIONS COMMISSION. First Reading - For Introduction. Comment: Amends the Municipal Code regarding the Human Relations Commission to allow for one nonresident member, rather than two nonresident members, to be consistent with the previous change from seven members to five.

Human Services Administrator James Latta delivered a brief staff report noting that on January 24, 2012, City Council approved the ordinance reducing the Human Relations

Commission membership from seven to five. He explained the amendment being proposed.

MOVED by Councilmember Gold, seconded by Councilmember Brucker to introduce and read by title only and advance to the meeting of September 11, 2012 for adoption Ordinance E-1 as follows:

ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO AMEND THE NUMBER OF NONRESIDENT MEMBERS OF THE HUMAN RELATIONS COMMISSION

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

CARRIED

ITEM E-1: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF SEPTEMBER 11, 2012 FOR ADOPTION

2. ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO INCREASE THE RADIUS REQUIREMENTS FOR LOCATION OF BUSINESS OFFICE OF VEHICLE TOWING SERVICES. First Reading - For introduction. Comment: This ordinance amends the Municipal Code to increase the radius requirement for towing service companies from 5 to 7 miles

Sgt. Michael Foxen provided a brief staff report noting that only one company, Quicksilver Towing, submitted a proposal the last time the Police Department did an RFP. He explained that increasing the radius from five to seven miles will increase the number of companies that will submit proposals thereby promoting a better bidding process.

Councilmember Gold requested an update from City Manager Kolin regarding the status of payment of fees owed by the current provider to the City. He suggested that the present and past performance be made a criterion when making the decision in selecting the provider during the RFP process.

Councilmember Brucker asked whether it will be to the City's advantage to have two authorized tow companies under contract with the City. City Attorney Wiener explained that the Police Chief has the discretion to extend the 7-mile radius coverage if necessary. Councilmember Brucker asked whether the City has the ability to structure out an RFP to choose a primary provider and a backup.

MOVED by Councilmember Gold, seconded by Councilmember Brucker to introduce and read by title only and advance to the meeting of September 11, 2012 for adoption Ordinance E-2 as follows:

ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO INCREASE THE RADIUS REQUIREMENTS FOR LOCATION OF BUSINESS OFFICE OF VEHICLE TOWING SERVICES

Ayes: Councilmember Gold, Councilmember Brucker, Councilmember Mirisch, and Mayor Brien.
Noes: None.
Absent: Councilmember Bosse.

CARRIED

ITEM E-2: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF SEPTEMBER 11, 2012 FOR ADOPTION

F. PARKING AUTHORITY CONSENT CALENDAR

MOVED by Director Gold, seconded by Director Brucker to approve all items on the Parking Authority consent calendar

Minutes

1. CONSIDERATION OF THE MINUTES of the Parking Authority meeting of July 24, 2012. APPROVAL OF:

2. FOURTH AMENDMENT TO LEASE, REAFFIRMATION BY GUARANTORS AND MEMORANDUM OF AMENDMENTS TO LEASE BY AND BETWEEN THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS AND BOUCHON BEVERLY HILLS, L.P. Comment: This fourth amendment to lease restructures the base rent of the Bouchon lease to 6% of the annual gross sales with a guaranteed minimum annual payment of $636,828.00. The amendment is to the currently leased premises with an expiration date of December 31, 2035.

ITEM F-2: APPROVED AG# PA-12-15; AG# PA-12-16; AG# PA-12-17

Vote on Parking Authority Consent Calendar:

Ayes: Director Gold, Director Brucker, and Chair Brien.
Noes: Director Mirisch.
Absent: Director Bosse.

CARRIED

G. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Brucker, seconded by Councilmember Gold to remove Items G-4 and G-5 for discussion and separate vote, approve the remaining items on the City Council consent calendar by reference and direct that the appropriate accounts be charged on Items G-2 and G-3.

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular meeting of August 7, 2012.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated July 28 - August 10, 2012.

3. PAYROLL DISBURSEMENT REPORT, report dated August 23, 2012.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION 10-8-106 REGARDING TROUSDALE VIEW RESTORATION PERMIT PROCEDURES. Second Reading - For Adoption. Comment: This ordinance amends the Municipal Code regarding the notice procedures for Trousdale view restoration permit hearings.

In response to Vice Mayor Mirisch's questions, City Attorney Wiener confirmed that the ordinance is only amending the hearing notice procedures.

MOVED by Councilmember Gold, seconded by Councilmember Brucker to adopt Ordinance G-4 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION 10-8-106 REGARDING TROUSDALE VIEW RESTORATION PERMIT PROCEDURES

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

CARRIED

ITEM G-4: ADOPTED ORD# 12-O-2627

5. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTION 10-3-1618 B. OF THE MUNICIPAL CODE REGARDING PARKING RESTRICTIONS FOR EXERCISE CLUBS. Second Reading - For Adoption. Comment: This ordinance allows exercise clubs located outside the business triangle to request a CUP for the joint use of parking facilities to satisfy code requirements. Currently, only exercise clubs inside the business triangle may request a CUP for the joint use of parking facilities.

Vice Mayor Mirisch expressed concerns on the scope of the project from the First Reading meeting.

MOVED by Councilmember Gold, seconded by Councilmember Brucker to adopt Ordinance G-5 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTION 10-3-1618 B. OF THE MUNICIPAL CODE REGARDING PARKING RESTRICTIONS FOR EXERCISE CLUBS

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

CARRIED

ITEM G-5: ADOPTED ORD# 12-O-2628

RESOLUTIONS APPROVING:

6. FIXING THE RATE OF TAXES TO PAY THE BONDED AND OTHER VOTER-APPROVED INDEBTEDNESS OF THE CITY FOR THE FISCAL YEAR 2012/2013. Comment: This action will fix the rate of taxes for the Fiscal Year 2012/2013 to 0.017509 per $100 of assessed valuation for public safety retirement benefits which can be recovered by the property tax override.

ITEM G-6: ADOPTED RES# 12-R-12891

APPROVAL OF:

7. COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM SITING LIABILITY AGREEMENT WITH THE COUNTY OF LOS ANGELES. Comment: This request is for approval of an agreement between the City and Los Angeles County to hold an annual event for the proper disposal of Household Hazardous Materials including Electronic Waste.

ITEM G-7: APPROVED AG# 381-12

8. AN AGREEMENT WITH UTOPIA ENTERTAINMENT, INC. FOR HOLIDAY DÉCOR AND PROGRAM MANAGEMENT; AND APPROVAL OF A PURCHASE ORDER IN A NOT-TO-EXCEED AMOUNT OF $525,152 TO UTOPIA ENTERTAINMENT, INC. FOR THESE SERVICES. Comment: This agreement between the City and Utopia Entertainment, Inc is for décor and program management services for the City's 2012 holiday program. In addition, Council is requested to authorize a purchase order in the amount of $525,152 for these services.

ITEM G-8: APPROVED AG# 382-12

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

ITEM A: AN AGREEMENT WITH DIEGO CEVALLOS D.B.A BEVERLY HILLS AQUATICS FOR SWIM INSTRUCTION AND PROGRAMS THROUGH THE CITY'S COMMUNITY SERVICES DEPARTMENT; AND

APPROVAL OF A PURCHASE ORDER NOT-TO-EXCEED $150,000.00 FOR DESCRIBED SERVICES. Comment: Staff recommends that the City Council approve an Agreement between the City of Beverly Hills and Diego Cevallos D.B.A. Beverly Hills Aquatics for swim instruction and programs and authorize a purchase order for the services in an amount not-to-exceed $150,000 per year for the term of the 2 year Agreement.

ITEM G-9A: APPROVED AG#383-12

ITEM B: PURCHASE ORDER WITH MUNISERVICES, LLC. FOR REVENUE ENHANCEMENT SERVICES IN THE AMOUNT OF $1,030,016.40. Comment: MuniServices provides revenue enhancement services through discovery of non-compliant entities, revenue enhancement audits, recovery services from non-payment of taxes, compliance audits and information services as tools to enhance local revenue collection.

ITEM G-9B: APPROVED

ITEM C: A PURCHASE ORDER WITH ATHENS INSURANCE SERVICES, INC. DBA ATHENS ADMINISTRATORS IN THE AMOUNT OF $285,000 FOR THIRD PARTY ADMINISTRATION FOR WORKERS' COMPENSATION PROGRAM. Comment: The City has found it to be more cost effective to contract out claims administration and Council approved the agreement at the July 24 Council session. Staff is now requesting approval of a purchase order for the payment of these services.

ITEM G-9C: APPROVED

ITEM D: A CHANGE ORDER FOR RICHARDS, WATSON & GERSHON, A PROFESSIONAL CORPORATION, FOR LEGAL SERVICES IN THE AMOUNT OF $150,000. Comment: Staff recommends that City Council move to approve a change purchase order between the City of Beverly Hills and Richard Watson and Gershon for litigation services not to exceed $1,290,116.

ITEM G-9D: APPROVED

Vote on City Council Consent Calendar:

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

CARRIED

H. COMMISSION SYNOPSIS
NO ACTION TAKEN ON "H" ITEMS

1. CHARITABLE SOLICITATIONS COMMISSION - Regular Meeting of July 11, 2012
ARCHITECTURAL COMMISSION - Regular Meeting of July 18, 2012
HEALTH AND SAFETY COMMISSION - Regular Meeting of July 23, 2012
RECREATION AND PARKS COMMISSION - Regular Meeting of July 24, 2012
PUBLIC WORKS COMMISSION - Regular Meeting of August 9, 2012

I. OTHER BUSINESS

None

J. ADJOURNMENT

There being no further business, Mayor/Chair Brien, with the consent of the Council/Board, adjourned the meeting at 9:00 pm.

PASSED, Approved and Adopted
this 11th day of September, 2012

BYRON POPE, City Clerk/Secretary

WILLIAM W. BRIEN, MD, MAYOR/CHAIR

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