CITY OF BEVERLY HILLS
ADJOURNED REGULAR CITY COUNCIL
AND PARKING AUTHORITY MEETING
MINUTES
September 11, 2012

The Joint Adjourned Regular City Council and Parking Authority meeting was held in the Council Chambers at 4:00 pm. The Parking Authority met during Closed Session at 3pm. There were no reportable actions.

PLEDGE OF ALLEGIANCE

Mayor Brien called for a moment of silence in honor of the 9/11 victims and heroes who saved lives.

A. ROLL CALLS

Present: Gold, Bosse, Brucker, Mirisch, and Brien
Absent: None

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. Quash

3. REPORT FROM THE CITY MANAGER
* Paramedic Internship - Sean Stokes, EMS Coordinator and Scott Stephens, Fire Battalion Chief

EMS Coordinator Sean Stokes provided a brief background on paramedic internship in Los Angeles County and spoke about the City's Paramedic Internship Program.

City Attorney Wiener reported that in Closed Session this afternoon, the City Council approved by a 4-0 vote a construction closeout and settlement agreement with Bernards Contractors for the 9400 Santa Monica construction project.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

Mayor Brien announced that Rodeo Drive is celebrating the 120th anniversary of the ice cream sundae on three September Sunday afternoons on September 16, 23 and 30 from noon to 5pm. Participating Rodeo Drive retailers will offer their customers free ice cream with purchase. On September 16, guests are invited to celebrate The Beverly Hills Hotel's 100th birthday. Complimentary birthday cake with ice cream will be served by hotel chefs and Robert Anderson will sign copies of his book "The Beverly Hills Hotel and Bungalows - The First 100 Years." Sprinkles has generously provided ice cream to the Councilmembers at this evening's meeting.

Vice Mayor Mirisch announced that September is National Preparedness Month and encouraged all residents to prepare themselves by putting together emergency supplies, making an emergency plan, being informed on community threats and getting involved by getting CPR, first aid and emergency response training.

Councilmember Bosse encouraged residents to support the Beverly Hills Education Foundation by going to its annual Harvest Faire on Sunday, October 21 at the Beverly Hills High School. The Faire will offer games, food, a pumpkin patch, music, entertainment and rides for the entire family.

D. PUBLIC HEARING

TO SET:

1. CONTINUANCE OF HEARING DATE FOR AN APPEAL FROM THE ASSESSMENT OF BUSINESS TAXES, PENALTIES AND INTEREST FOR SPECIALTY SURGICAL CENTER, LLC AND SPECIALTY SURGICAL CENTER OF BEVERLY HILLS, L.P. Comment: The City Attorney's office recommends that the hearing on the appeal by Specialty Surgical Center from a tax assessment be rescheduled from the City Council meeting of September 20, 2012 to the City Council meeting of October 23, 2012, or the next available City Council meeting after October 16, depending on the City Council's calendar decisions at the September 11 study session.

Councilmember Gold recused himself from this item and left the dais at 4:58pm.

Speaking:

1. Allan Cooper, Specialty Surgical Center

In response to Councilmember Bosse's query, City Attorney Wiener explained why the initial date of September 20, 2012 to continue the hearing was changed to October 23, 2012, and addressed the time limit to hear the administrative appeal.

ITEM D-1: BY ORDER OF THE CHAIR, WITH NO OBJECTIONS, HEARING IS SET FOR TUESDAY, OCTOBER 23, 2012.

Councilmember Brucker arrived to the dais at 5:00pm.

TO CONSIDER:

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

2. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES RELATED TO SIDEWALK REPLACEMENT FEES AND CERTAIN FEES PAID BY UTILITIES FOR THE FISCAL YEAR 2012/2013. Comment: It is recommended that the City Council consider the proposed changes to the City's fees and charges related to sidewalk replacement fees and certain fees paid by utilities, and adopt the proposed resolution implementing those changes for Fiscal Year 2012/2013.

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/Budget Office and the report of the Budget and Revenue Officer concerning this matter shall be entered into the record.

Budget and Revenue Officer Don Harrison presented the staff report.

Speaking:

1. Mark Olson, Southern California Edison Company
2. Krista Phipps, Southern California Gas Company

MOVED by Councilmember Gold, seconded by Councilmember Bosse to adopt Resolution D-2 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES RELATED TO SIDEWALK REPLACEMENT FEES AND CERTAIN FEES PAID BY UTILITIES FOR THE FISCAL YEAR 2012/2013

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

Noes: None.

CARRIED

ITEM D-2: ADOPTED RES# 12-R-12892

E. CONTINUED AND NEW BUSINESS

None

F. PARKING AUTHORITY CONSENT CALENDAR

MOVED by Director Bosse, seconded by Director Mirisch to remove Item F-1 for separate vote and approve the remaining items on the Parking Authority consent calendar

Minutes

1. CONSIDERATION OF THE MINUTES of the Parking Authority meeting of August 23, 2012.

MOVED by Director Mirisch, seconded by Director Gold to approve the Parking Authority meeting minutes of August 23, 2012

Ayes: Director Gold, Director Brucker, Director Mirisch, and Chair Brien.
Noes: None.
Abstain: Director Bosse.

CARRIED

ITEM F-1: APPROVED

APPROVAL OF:

2. LEASE AND MEMORANDUM OF LEASE BY AND BETWEEN THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS AND ALAN MICHAEL USA CORP. Comment: This agreement is for a lease of retail vitrine space on the 1st floor of the Gardens Building. The lease is for a term of one (1) year at $675.00 per month.

ITEM F-2: APPROVED AG# PA-12-18; AG# PA-12-19

3. CONSENT TO ASSIGNMENT OF LEASE BY AND BETWEEN THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS AND 323 NO CRESCENT DRIVE, INC. DBA BAILEY'S BAKERY. Comment: This consent to assignment is for the lease of the Bailey's Bakery locations at 325 & 327 N. Crescent Drive. The assignment affectively changes the operating name and ownership entity for the lease.

ITEM F-3: APPROVED AG# PA-12-20

Vote on the Parking Authority Consent Calendar:

Ayes: Director Gold, Director Bosse, Director Brucker, Director Mirisch, and Chair Brien.
Noes: None.

CARRIED

G. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Gold, seconded by Vice Mayor Mirisch to remove Items G-1, G-5, G-12 and G-16 for separate vote, approve the remaining items on the City Council consent calendar, 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 Adjourned Regular meeting of August 23, 2012.

MOVED by Vice Mayor Mirisch, seconded by Councilmember Gold to approve the minutes of the Adjourned Regular Council meeting of August 23, 2012

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

CARRIED

ITEM G-1: APPROVED

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated August 11 - August 24, 2012.

3. PAYROLL DISBURSEMENT REPORT, report dated September 11, 2012.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO INCREASE THE VOLUNTARY EXPENDITURE CEILING FOR CITY ELECTIONS. First Reading - For Introduction. Comment: This ordinance increases the voluntary expenditure ceiling for elections from $75,000 to $80,000. The individual contribution limit will remain at $400 if a

candidate accepts the spending limit of $80,000, and $125 if the candidate does not accept the spending limit.

ITEM G-4: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF THURSDAY, SEPTEMBER 20, 2012 FOR ADOPTION

5. 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. Second Reading - For Adoption. 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.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to adopt Ordinance G-5 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 Bosse, Councilmember Brucker, and Mayor Brien.
Noes: Vice Mayor Mirisch.

CARRIED

ITEM G-5: ADOPTED ORD# 12-O-2629

6. AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO AMEND THE NUMBER OF NONRESIDENT MEMBERS OF THE HUMAN RELATIONS COMMISSION. Second Reading - For Adoption. 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.

ITEM G-6: ADOPTED ORD# 12-O-2630

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

ITEM G-7: ADOPTED ORD# 12-O-2631

RESOLUTIONS APPROVING:

None

APPROVAL OF:

8. DESIGN REVIEW COMMISSION APPOINTMENT (EFI HUBSCHMAN). Comment: Appoints Efi Hubschman to the Design Review Commission for an initial two-year term.

ITEM G-8: APPROVED

9. REQUEST TO EXTEND THE TERM OF FINE ART COMMISSIONER CURT SHEPARD THROUGH FEBRUARY 2013. Comment: Fine Arts Commission liaison recommends that the term of Fine Art Commissioner Curt Shepard be extended until the February 2013 commission by which time it is expected that the revision to the Public Art Ordinance will be complete.

ITEM G-9: APPROVED

10. LEASE AND MEMORANDUM OF LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND THE UMRO REALTY CORP. DBA THE AGENCY; AND A COMMISSION AGREEMENT BY AND BETWEEN THE CITY OF BEVERLY HILLS AND AVISION YOUNG - SOUTHERN CALIFORNIA, LTD. Comment: This agreement is for the lease of office space on the 1st floor of the 331 Foothill Road building. The lease is for a term of 10 years, with a starting lease rate of $3.80/SF monthly.

ITEM G-10: APPROVED AG# 402-12; AG# 403-12; AG# 404-12

11. AGREEMENT WITH THE LAW OFFICES OF KUTAK ROCK LLP FOR SPECIAL LITIGATION COUNSEL SERVICES; AND APPROVE A PURCHASE ORDER IN THE AMOUNT OF $75,000. Comment: This agreement engages the services of Kutak Rock LLP to represent the City in a class action lawsuit entitled Fallas v. the State of California, et al. Kutak Rock is also representing the City of West Hollywood in the same lawsuit and fees will be divided between the two cities.

ITEM G-11: APPROVED AG# 405-12

12. THE AGREEMENT WITH KOURY ENGINEERING & TESTING, INC. FOR CONSTRUCTION INSPECTION AND MATERIAL TESTING SERVICES FOR THE PUBLIC WORKS WAREHOUSE AND SHOPS; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF $143,651 TO KOURY ENGINEERING & TESTING, INC. FOR THE WORK. Comment: Provides for construction inspection and material testing work related to the Public Works Warehouse and Site Improvements.

MOVED by Councilmember Gold, seconded by Councilmember Brucker to approve Item G-12 as follows:

THE AGREEMENT WITH KOURY ENGINEERING & TESTING, INC. FOR CONSTRUCTION INSPECTION AND MATERIAL TESTING SERVICES FOR THE PUBLIC WORKS WAREHOUSE AND SHOPS; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF $143,651 TO KOURY ENGINEERING & TESTING, INC. FOR THE WORK

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

CARRIED

ITEM G-12: APPROVED AG# 406-12

13. THE AWARD OF A CONTRACT TO AOS INC. DBA SUPERIOR ROOFING FOR THE FIRE STATION #2 RE-ROOFING PROJECT; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF $60,925 TO AOS INC. DBA SUPERIOR ROOFING FOR THE CONTRACT WORK. Comment: The clay tile roof at Fire Station #2 was installed in 1983 and is in need of replacement. Numerous repairs have been made over the years to stop water intrusion throughout the building. The award of contract in the amount of $55,925 includes a construction contingency of $5,000 for a total amount of $60,925.

ITEM G-13: APPROVED AG# 407-12

14. AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER DOMINGUEZ GENERAL ENGINEERING INC. FOR THE CONSTRUCTION OF EASTSIDE WATER MAIN/HYDRANT REPLACEMENT PROJECT PHASE I WITHIN THE CITY OF BEVERLY HILLS, IN THE AMOUNT OF $2,252,231; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFORE; AND

APPROVAL OF ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF $2,452,231 TO DOMINGUEZ GENERAL ENGINEERING INC. FOR THE PROJECT. Comment: This is a request to Council to award a construction contract to Dominguez General Engineering Inc. for the construction of the proposed Eastside Water Main/Hydrant replacement project Phase I in the amount of $2,252,231.

ITEM G-14: APPROVED AG# 408-12

15. AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER CASTLEROCK ENVIRONMENTAL INC. FOR THE REMOVAL OF HAZARDOUS MATERIALS INCLUDING ASBESTOS CONTAINING MATERIALS IN THE FLOORING, CEILING, ROOF MASTIC, PIPE INSULATION AND STABILIZATION; AND THE REMOVAL OF LEAD BASED PAINT AND WINDOW CAULKING; AND

APPROVAL OF A PURCHASE ORDER TO CASTLEROCK ENVIRONMENTAL INC IN AN AMOUNT NOT TO EXCEED $69,741.75 Comment: This agreement is for the removal of hazardous materials in the 239 S. Beverly Drive building. The removal of these hazards is required in order for Panera Bakery to construct their improvements and occupy the building.

ITEM G-15: APPROVED AG# 409-12

16. AMENDMENT NO. 1 TO THE AGREEMENT WITH RTK ARCHITECTS, INC. FOR CONSULTANT SERVICES RELATED TO THE PUBLIC WORKS WAREHOUSE AND SITE IMPROVEMENTS AT 9357 WEST THIRD STREET; AND

APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF $130,300 TO RTK ARCHITECTS, INC. FOR THE WORK. Comment: Provides for the construction administration work related to the Public Works Warehouse and Site Improvements.

MOVED by Councilmember Brucker, seconded by Councilmember Gold to approve Item G-16 as follows:

AMENDMENT NO. 1 TO THE AGREEMENT WITH RTK ARCHITECTS, INC. FOR CONSULTANT SERVICES RELATED TO THE PUBLIC WORKS WAREHOUSE AND SITE IMPROVEMENTS AT 9357 WEST THIRD STREET; AND

APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF $130,300 TO RTK ARCHITECTS, INC. FOR THE WORK

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

CARRIED

ITEM G-16: APPROVED AG# 410-12

17. A PURCHASE ORDER TO LONG BEACH BMW MOTORCYCLES FOR A TOTAL NOT-TO-EXCEED AMOUNT OF $53,064.40 FOR PURCHASE OF TWO (2) BMW POLICE MOTORCYCLES. Comment: Provides for purchase of two (2) BMW Police Motorcycles from Long Beach BMW Motorcycles to replace an equal number of job-worn police motorcycles assigned to the Police Department's Traffic Bureau.

ITEM G-17: APPROVED

18. A PURCHASE ORDER TO CLYDE ARMOR FOR A TOTAL NOT-TO-EXCEED THE AMOUNT OF $87,361.60 FOR THE PURCHASE OF PATROL RIFLES AND ACCESSORY PACKAGE. Comment: Increasing the number of patrol rifles and accessory packages to equip officers as first responders.

ITEM G-18: APPROVED

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

ITEM A: AN AGREEMENT WITH PACIFIC COAST CABLING, INC. FOR VOICE AND DATA CABLING, AND RELATED SERVICES; AND

APPROVAL OF A PURCHASE ORDER IN A NOT-TO-EXCEED AMOUNT OF $100,000 TO PACIFIC COAST CABLING, INC. FOR THE GOODS AND SERVICES. Comment: Staff recommends that the City Council award an agreement related to Bid No. 13-01 to the lowest responsible bidder, Pacific Coast Cabling, Inc. for voice and data cabling, and related services, approve the 3-year agreement, and authorize a purchase order for the services in an amount not to exceed $100,000.

ITEM G-19A: APPROVED AG# 411-12

ITEM B: A PURCHASE ORDER IN THE AMOUNT OF $135,000 FOR THE DAVIS COMPANY FOR COMPENSATION STUDIES AND CLASSIFICATION ANALYSIS. Comment: This purchase order will provide professional consultant services with the Davis Company to assist the City with classification and compensation studies as required in the various Memorandum of Understanding for the second year of a two year period.

ITEM G-19B: APPROVED

Vote on City Council Consent Calendar:

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

CARRIED

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

1. TRAFFIC & PARKING COMMISSION - Regular Meeting of August 2, 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 5:11pm.

PASSED, Approved and Adopted
this 20th 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.