CITY OF BEVERLY HILLS
CITY COUNCIL REGULAR MEETING
MINUTES
December 4, 2012

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

A. ROLL CALL

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

B. PRESENTATIONS

1. PROCLAMATION for local author and resident Megan Worthy for the children's book Bronte & Frank Go to Beverly Hills

Mayor Brien, together with Councilmember Gold, presented a proclamation to Megan Worthy, author of "Bronte and Frank Go to Beverly Hills," and her daughter Bronte.

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. Former Mayor Les Bronte

3. REPORT FROM THE CITY MANAGER
* Update Regarding Restoration Efforts of the City's Public Art Collection - Brad Meyerowitz, Recreation Services Manager and Patty Acuna, Recreation Supervisor

Recreation Services Manager Brad Meyerowitz and Recreation Supervisor Patty Acuna, presented a PowerPoint report on the Beverly Hills Public Art Conservation Program.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

Mayor Brien reported on his trip this past week to Boston to attend the National League of Cities Conference.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DESIGNATING THE LILIORE GREEN PALMER RAINS ESTATE AT 603 DOHENY ROAD AS A LOCAL LANDMARK AND PLACING THE PROPERTY ON THE REGISTER OF HISTORIC PROPERTIES; AND

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING A MILLS ACT CONTRACT FOR THE LILIORE GREEN PALMER RAINS ESTATE AT 603 DOHENY ROAD, BEVERLY HILLS Comment: The City Council will consider designation of 603 Doheny Road as a local landmark on the City's local register of historic resources and the property owner's request to participate in the City's Mill Act Pilot Program.

ITEM D-1: ITEM PULLED AT THE AFTERNOON STUDY SESSION

E. CONTINUED AND NEW BUSINESS

1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AUTHORIZING THE ISSUANCE AND SALE OF SPECIAL TAX REFUNDING BONDS AND APPROVING RELATED DOCUMENTS AND ACTIONS IN CONNECTION WITH COMMUNITY FACILITIES DISTRICT NO. 2002-A (BUSINESS TRIANGLE) OF THE CITY OF BEVERLY HILLS. Comment: Staff recommends the City Council of the City of Beverly Hills approve, authorize and execute certain bond (financing) documents and direct related actions in connection with the refinancing of previously issued Community Facilities District (CFD) bonds. These bonds were issued on behalf of, and are paid for by CFD members within the Business Triangle. This refinancing is projected to save CFD members an estimated $3,395,800 over 15 years with a net present value of $1,554,000. There is no cost to the City to refinance these bonds. The total not-to-exceed amount is $14,000,000.

Budget and Revenue Officer Don Harrison presented a PowerPoint and oral report. He spoke about the formation of the Community Facilities District (CFD), refunding of the bonds, options, and the City's obligations concerning the bonds. Accounting Manager Sharon Rahban presented the current bond market conditions, the current CFD interest, and the projected savings estimates. Senior Budget and Financial Analyst Mark Brower discussed the two options: 1) refunding or 2) refunding + additional improvements.

Council discussed the options and their preferences, and directed staff to reach out to the CFD community to find out what they want and bring the item back at a future Council meeting. Mayor Brien urged staff to complete this matter by March 2013.

ITEM E-1: BY ORDER OF THE CHAIR, WITH NO OBJECTIONS, ITEM WAS TABLED

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Gold, seconded by Councilmember Bosse to remove Item F-7 for discussion and separate vote, approve the remaining items on the consent calendar by reference, and direct that the appropriate accounts be charged on Items F-2 and F-3

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular meeting of November 20, 2012.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated November 3 - November 16, 2012.

3. PAYROLL DISBURSEMENT REPORT, report dated December 4, 2012.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH PROCEDURES FOR DISABLED PERSONS TO REQUEST A REASONABLE ACCOMMODATION FROM THE CITY'S ZONING AND LAND USE REGULATIONS. Second Reading - For Adoption. Comment: This ordinance is consistent with requirements under State law and the City's Housing Element requiring the City to establish a procedure within the Municipal Code by which disabled persons, their representatives, or a builder of disabled housing may request a deviation from the City's codes in order to assure that the disabled person will be able to use and enjoy their home.

ITEM F-4: APPROVED ORD# 12-O-2634

5. UPDATING THE CITY'S MASSAGE REGULATIONS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. Second Reading - For Adoption. Comment: This ordinance updates the City's massage regulations to be consistent with recent changes to State law.

ITEM F-5: APPROVED ORD# 12-O-2635

RESOLUTIONS APPROVING:

6. ACCEPTING A DONATION FROM THE FRIENDS OF THE BEVERLY HILLS PUBLIC LIBRARY FOR LIBRARY OPERATIONS IN THE AMOUNT OF $20,070 AND APPROPRIATING FUNDS THEREFOR. Comment: This report asks the City Council to accept and appropriate funds donated to the Library by the Friends of the Beverly Hills Public Library in support of the Senior Library at the Roxbury Community Center, delivery of materials to homebound seniors and pick up materials that are donated to the Library.

ITEM F-6: APPROVED RES# 12-R-12902

7. MAKING FINDINGS CONCERNING AN APPLICATION BY PACIFIC COAST ENERGY COMPANY, L.P. FOR A PERMIT TO DRILL TWO NEW OIL AND GAS WELLS FROM THE DRILL SITE LOCATED AT 9101 PICO BOULEVARD. Comment: At its meeting of November 13, 2012 the City Council directed the City Attorney's Office to draft a resolution of findings reflecting that the City Council was unable to approve the application filed by Pacific Coast Energy Company requesting permission to drill two new oil and gas wells into Beverly Hills from the existing drill site located at 9101 Pico Boulevard in the City of Los Angeles.

Vice Mayor Mirisch recused and left the room at 7:58pm.

Mayor Brien announced that there was a request from the Pacific Coast Energy Company representatives to continue the item to December 18, 2012. There was also additional information that was submitted to Council over the past few weeks.

Director of Public Works and Transportation David Gustavson reported the need to revise Municipal Code 10-5-316 C11. Mayor Brien announced that the ordinance revision will be discussed at the December 18, 2012 Council Formal meeting

Speaking:

1. Bill Weldon
2. Pierre Berg
3. Rick Shpall
4. George Puhalovich
5. Charle Mulry
6. Javid Shalom
7. Mrs. Schuber – did not speak, Mayor Brien read opposition into the record
8. Ann Martayan – did not speak, Mayor Brien read opposition into the record

The Councilmembers discussed their opinions in light of new information they have received.

The Mayor announced that no decision will be made tonight, and the item will be continued to the meeting of January 8, 2013.

ITEM F-7: ITEM CONTINUED TO THE MEETING OF JANUARY 8, 2013

APPROVAL OF:

8. MEMORANDUM OF UNDERSTANDING BETWEEN THE PART-TIME MUNICIPAL EMPLOYEES ASSOCIATION OF BEVERLY HILLS MEA AND THE CITY OF BEVERLY HILLS. Comment: The last Memorandum of Understanding (MOU) expired on December 31, 2010. These negotiations have now concluded resulting in a new three-year term agreement for Council approval.

ITEM F-8: APPROVED MOU# 2012-05

9. REAPPOINTING A MEMBER TO THE DESIGN REVIEW COMMISSION (ARLINE PEPP). Comment: Reappoints Arline Pepp to the Design Review Commission for a four year term.

ITEM F-9: APPROVED

10. REAPPOINTING A MEMBER TO THE PLANNING COMMISSION (BRIAN ROSENSTEIN). Comment: Reappoints Brian Rosenstein to the Planning Commission for a four year term.

ITEM F-10: APPROVED

11. REAPPOINTING TWO MEMBERS TO THE RECREATION AND PARKS COMMISSION (SUSAN GERSH AND ROBERT S. ANDERSON). Comment: Reappoints Susan Gersh and Robert S. Anderson to the Recreation and Parks Commission to serve four-year terms each.

ITEM F-11: APPROVED

12. THE AWARD OF A CONTRACT TO 1st CALIFORNIA CONSTRUCTION INC. FOR THE MURAL AT CIVIC CENTER PARKING STRUCTURE PROJECT; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF $273,440 TO 1st CALIFORNIA CONSTRUCTION INC. FOR THE CONTRACT WORK. Comment: Provides for the contract work to install and restore the Millard Sheets mural at the west elevation of the Civic Center garage above the vehicular entry.

ITEM F-12: APPROVED AG# 514-12

13. ACCEPTANCE OF CONTRACT WORK FOR THE INFORMATION TECHNOLOGY INTERIOR IMPROVEMENTS PROJECT AND AC UNIT REPLACEMENT PROJECT BY UNITED MECHANICAL CONTRACTORS, INC. IN THE FINAL CONTRACT AMOUNT OF $419,999.35. Comment: It is recommended that the City Council accept the described contract work with United Mechanical, Inc. and authorize the recordation of the Notice of Completion.

ITEM F-13: APPROVED

14. RATIFICATION OF AN AGREEMENT WITH WILLY BIETAK PRODUCTIONS, INC. FOR A HOLIDAY ICE SKATING RINK IN A NOT-TO-EXCEED AMOUNT OF $285,580.00. Comment: Staff recommends that the City Council move to ratify an agreement and purchase order that was executed by the City Manager between the City of Beverly Hills and Willy Bietak Productions, Inc. for a holiday ice skating rink for a not-to-exceed amount of $285,580.00.

ITEM F-14: APPROVED AG# 515-12

15. AMENDMENT NO. 2 TO THE AGREEMENT WITH LILLEY PLANNING GROUP FOR AS-NEEDED PLANNING CONSULTANTS; AND

APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF $90,000 TO THE PURCHASE ORDER FOR A NOT-TO-EXCEED AMOUNT OF $250,000 TO LILLEY PLANNING GROUP. Comment: This is to request an approval of an amendment to add $100,000 to the current agreement's consideration amount of $150,000 for a total-not-to-exceed amount of $250,000 and a change-order of $90,000 to the purchase order for a not-to-exceed total of $205,500 for the planning consultant services. The cost to perform these services is paid from salary savings.

ITEM F-15: APPROVED AG# 516-12

16. A PURCHASE ORDER TO "TRANSWEST TRUCK CENTER, LLC" FOR A TOTAL NOT-TO-EXCEED AMOUNT OF $238,327.06 FOR PURCHASE OF TWO (2) 6 CUBIC YARD (CY) REAR LOADER SOLID-WASTE-COLLECTION VEHICLES. Comment: Provides for purchase of two (2) 6CY rear-loading solid-waste-collection trucks to replace two flatbed trucks, which are assigned to the Department of Public Works & Transportation, Solid Waste Division and are used for collecting bulk waste from residential areas and the business district.

ITEM F-16: APPROVED

17. TWO-YEAR EXTENSION OF PURCHASE ORDER COMMITMENT FOR IMPORTED WATER SUPPLIES PROVIDED BY THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA. Comment: This is a two-year extension of the agreement to purchase water from the Metropolitan Water District of Southern California which is due to expire on December 31, 2012. The agreement benefits the City by allowing it to purchase its supply needs at the lower Tier 1 Supply Rate and providing MWD a level of financial guarantee by its member agencies.

ITEM F-17: APPROVED

Vote on the Consent Calendar:

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

CARRIED

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

1. TRAFFIC & PARKING COMMISSION - Regular Meeting of November 1, 2012
DESIGN REVIEW COMMISSION - Regular Meeting of November 1, 2012
PUBLIC WORKS COMMISSION - Regular Meeting of November 8, 2012
ARCHITECTURAL COMMISSION - Regular Meeting of November 14, 2012
HUMAN RELATIONS COMMISSION - Regular Meeting of November 15, 2012

H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brien, with the consent of the Council, adjourned the meeting at 8:27pm.

PASSED, Approved and Adopted
this 18th day of December, 2012

BYRON POPE, City Clerk

WILLIAM W. BRIEN, MD, MAYOR

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