CITY OF BEVERLY HILLS
REGULAR CITY COUNCIL MEETING
AND PARKING AUTHORITY MEETING
MINUTES
July 3, 2012

The joint Regular City Council and Parking Authority meeting was held in the Council Chambers at 7:00pm. The Parking Authority met during Closed Session at 5:25pm. There were no reportable actions.

A. ROLL CALLS

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

B. PRESENTATIONS

1. RECOGNITION OF RETIRING COMMISSIONER - Alan Kaye Charitable Solicitations Commission

Mayor Brien congratulated Alan Kaye and thanked him for his service to the community on the Charitable Solicitations Commission. The Mayor presented a plaque and gift to Commissioner Kaye.

2. CERTIFICATE OF APPOINTMENT - Ronit Stone Community Charitable Foundation

Mayor Brien introduced Ronit Stone as a member of the newly formed Community Charitable Foundation, and presented her with a Certificate of Appointment and City pin.

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. Bill Fleischman
2. Stella Sarraf, PhD
3. Thomas White, Municipal League of Beverly Hills

3. REPORT FROM THE CITY MANAGER * Dignitary Protection During Election Year - Michael Hill, Police Lieutenant

This report was postponed until July 24, 2012.

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. A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS TO PROVIDE A SECOND TIER OF RETIREMENT BENEFITS TO APPLICABLE SAFETY EMPLOYEES; AND

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF BEVERLY HILLS AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM. First Reading - For Introduction. Comment: This Resolution and Ordinance approve an amendment to the contract between the California Public Employees' Retirement System and the City Council of the City of Beverly Hills regarding the implementation of a second tier of retirement benefits for Safety employees.

Assistant Director of Administrative Services Noel Marquis presented the staff report. He noted the details of the new PERS retirement offering.

Speaking:

1. City Treasurer - Eliot Finkel, spoke about the proposed savings in the staff report. He asked to see what the cost would be for the program.

   Vice Mayor Mirisch agreed with Mr. Finkel and requested that staff provide the cost for the program and also make it available to the public. Mayor Brien commented that it is a great step forward for the City and thanked the negotiating teams and staff for their hard work.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to adopt Resolution D-1 as follows:

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS TO PROVIDE A SECOND TIER OF RETIREMENT BENEFITS TO APPLICABLE SAFETY EMPLOYEES

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

CARRIED

ITEM D-1A: ADOPTED RES# 12-R-12884

MOVED by Bosse, seconded by Brucker to introduce and read by title only Ordinance D-1 as follows, and advance to the meeting of July 24, 2012 for adoption:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF BEVERLY HILLS AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

CARRIED

ITEM D-1B: INTRODUCED AND READ BY TITLE ONLY; ADVANCE TO THE MEETING OF JULY 24, 2012 FOR ADOPTION

E. CONTINUED AND NEW BUSINESS

1. APPROVAL OF A LIST OF LOCAL MASTER ARCHITECTS. Comment: The List of Local Master Architects would be used as one of the criteria for designating local historic landmarks. The City will also use the List of Local Master Architect to screen development projects as potentially historic resources. The List includes both prominent architects who have designed buildings in the City, and local architects, designers and builders whose buildings have contributed to the historic character of the City.

Speaking:

Director of Community Development Susan Healy Keene presented a PowerPoint staff report presentation. She noted the definition and two types of architects on the list, how the list will be used and applied to historic reviews, the Cultural Heritage Commission recommendation and staff recommendation.

Councilmember Gold asked about the criteria for choosing the architects on the list and whether the criteria is the nationally recognized criteria for the definition of master architect. He asked what the process would be to add or remove names. Cultural Heritage Commission Chair Noah Furie commented that he personally reviewed the architects and properties on the list and the Commission will soon be carrying out a survey to validate the list. Councilmember Gold suggested that the Commission set the criteria to create consistency in selecting architects.

Councilmember Bosse thanked Chair Furie, the Commission and staff for creating the extensive list. Vice Mayor Mirisch inquired why certain architects were not included in the list. Mayor Brien asked why companies were listed instead of individuals.

MOVED by Councilmember Bosse, seconded by Vice Mayor Mirisch to approve Item E-1 as follows:

APPROVAL OF A LIST OF LOCAL MASTER ARCHITECTS

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

CARRIED

ITEM E-1: APPROVED

F. PARKING AUTHORITY CONSENT CALENDAR

MOVED by Councilmember Bosse, seconded by Councilmember Brucker to approve all items on the Parking Authority consent agenda

Minutes

1. CONSIDERATION OF THE MINUTES of the Parking Authority Meeting of June 19, 2012.

APPROVAL OF:

2. RETAIL LEASE AND MEMORANDUM OF LEASE BY AND BETWEEN THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS AND RESTAURANT BUSINESS STRATEGIES, LLC. Comment: This lease is for the last ground floor retail space and one vitrine space at the Gardens Building. The retail space use is a crepe and ice cream shop and the vitrine will be used for advertisement of the shop. The term of the lease is 102 months, with starting rates of $7.50/SF for the retail space and $15/SF for the vitrine space.

ITEM F-2: APPROVED AG# PA-12-09; AG# PA-12-10

3. THE AGREEMENT BETWEEN THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS AND MATT CONSTRUCTION CORPORATION FOR 455 CRESCENT DRIVE GARAGE CONSTRUCTION PART 4 - STREET IMPROVEMENT ON CRESCENT DRIVE, N. SANTA MONICA BOULEVARD, CANON DRIVE, AND S. SANTA MONICA (AROUND THE ANNENBERG PROJECT ONLY), AND RELATED WORK, AND APPROVING PLANS AND SPECIFICATIONS FOR THE WORK THEREFOR. Comment: Provides for the contract work stipulated in the agreement between the City and the Wallis Annenberg Center for the Performing Arts for improvements around the theater project at the Guaranteed Maximum Price of $3,164,476. The contracts total $40,668,330 which is approximately $8 million less than the original contracted amount.

ITEM F-3: APPROVED AG# PA-12-11

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 Councilmember Brucker to remove Items G-4, G-8, G-10 and G-18 for discussion and separate vote, approve remaining items on the consent agenda, 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 June 19, 2012.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated June 2 - June 15, 2012.

3. PAYROLL DISBURSEMENT REPORT, report dated July 3, 2012.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. AN ORDINANCE OF THE CITY OF BEVERLY HILLS REQUIRING CONVENIENCE STORES TO OBTAIN A CONVENIENCE STORE CONDITIONAL USE PERMIT AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. Second Reading - For Adoption. Comment: Currently the City requires new High Impact Convenience Stores to obtain a convenience store conditional use permit. This ordinance would replace the current regulations by amending the City's Municipal Code to include a permanent zoning regulation requiring all new convenience stores regardless of location in the City to first obtain a convenience store conditional use permit.

Vice Mayor Mirisch left the dais at 8:24pm and recused from this item due to the proximity to his residence.

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

AN ORDINANCE OF THE CITY OF BEVERLY HILLS REQUIRING CONVENIENCE STORES TO OBTAIN A CONVENIENCE STORE CONDITIONAL USE PERMIT AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

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

CARRIED

ITEM G-4: ADOPTED ORD# 12-O-2625

RESOLUTIONS APPROVING:

5. THE CONFLICT OF INTEREST CODE FOR THE CULTURAL HERITAGE COMMISSION. Comment: Adopts the Conflict of Interest Code for the newly established Cultural Heritage Commission.

ITEM G-5: ADOPTED RES# 12-R-12885

APPROVAL OF:

6. AMENDMENT OF LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND WALLIS ANNENBERG CENTER FOR THE PERFORMING ARTS. Comment: This amendment extends the term of the lease on a month to month basis for the office space leased at City Hall. Wallis Annenberg will continue to pay $1,500 monthly until such time that the new Performing Arts Center construction is complete. Both the City and Wallis Annenberg will have an option to terminate the lease with 30 Days written notice.

ITEM G-6: APPROVED AG# 265-12

7. MEMORANDUM OF UNDERSTANDING WITH THE FIREMEN'S ASSOCIATION AND IMPLEMENTATION OF THE COMPENSATION PLAN FOR FIRE EMPLOYEES. Comment: Representatives of the Association and the City , having met and conferred in good faith have agreed to the terms presented in the Memorandum of Understanding, therefore, approval is requested.

ITEM G-7: APPROVED MOU# 2012-03

8. AN AGREEMENT WITH PATCH MEDIA CORPORATION TO PROVIDE ADVERTISING AND NOTICES. Comment: Approving an agreement with Patch.com for the publication of City of Beverly Hills advertising for Fiscal Year 2012/2013.

Councilmember Bosse raised several concerns and requested clarification on several aspects of the agreement details with the Patch Media Corporation.

MOVED by Councilmember Gold, seconded by Councilmember Brucker to approve Item G-8 as follows:

AN AGREEMENT WITH PATCH MEDIA CORPORATION TO PROVIDE ADVERTISING AND NOTICES

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

CARRIED

ITEM G-8: APPROVED AG# 266-12

9. AN AGREEMENT WITH STAR, INC. FOR AFTER SCHOOL AND SUMMER CLASS INSTRUCTION SERVICES THROUGH THE CITY?S DEPARTMENT OF COMMUNITY SERVICES; AND

APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF $210,000 FOR THE SERVICES DESCRIBED. Comment: Staff recommends that City Council approve the agreement and purchase order with STAR Inc. for one year service to provide afterschool and summer class instruction services in an amount not-to-exceed $210,000 per year.

ITEM G-9: APPROVED AG# 267-12

10. AN AGREEMENT WITH BRODART CO. FOR THE LEASE OF EXTRA COPIES OF POPULAR, HIGH DEMAND BOOKS TO MEET CUSTOMER DEMAND FOR NEW TITLES AT THE BEVERLY HILLS PUBLIC LIBRARY; AND

APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF $67,425.00 FOR THE SERVICES DESCRIBED. Comment: Staff recommends that City Council approve the agreement and purchase order with Brodart Co. for one year service to provide extra copies of popular high demand titles for an amount not-to-exceed $67,425.00 per year.

Councilmember Bosse asked how many books the City is getting for the requested Purchase Order amount. Vice Mayor Mirisch inquired whether electronic access has affected the demand for paper copies of books.

MOVED by Councilmember Brucker, seconded by Councilmember Bosse to approve Item G-10 as follows:

AN AGREEMENT WITH BRODART CO. FOR THE LEASE OF EXTRA COPIES OF POPULAR, HIGH DEMAND BOOKS TO MEET CUSTOMER DEMAND FOR NEW TITLES AT THE BEVERLY HILLS PUBLIC LIBRARY; AND

APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF $67,425.00 FOR THE SERVICES DESCRIBED

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

CARRIED

ITEM G-10: APPROVED AG# 268-12

11. AN AGREEMENT WITH LIEBERT CASSIDY WHITMORE, A PROFESSIONAL CORPORATION FOR EMPLOYEE RELATIONS AND NEGOTIATION SERVICES; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF $150,000. Comment: This agreement with Liebert Cassidy Whitmore is to provide labor relations and negotiations services for fiscal year 2011-12.

ITEM G-11: APPROVED AG# 269-12

12. A FUNDING AGREEMENT WITH RODEO DRIVE, INC. FOR 2012-2013 SPECIAL EVENTS; AND

APPROVAL OF A PURCHASE ORDER IN A NOT-TO-EXCEED AMOUNT OF $255,000 TO RODEO DRIVE, INC. FOR THESE SERVICES. Comment: This funding agreement

between the City and the Rodeo Drive, Inc is for promotion of Rodeo Drive for Fiscal Year 2012-2013 in a not-to-exceed amount of $255,000. In addition, Council is requested to authorize a purchase order in the amount of $255,000 for these services.

ITEM G-12: APPROVED AG# 270-12

13. AMENDMENT NO. 4 TO AGREEMENT NO. 235-09 WITH OTIS ELEVATOR COMPANY FOR ELEVATOR MAINTENANCE SERVICE FOR ALL CITY ELEVATORS AND LIFTS; AND

APPROVAL OF A BLANKET PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED $260,837.00 INCLUDING A CONTINGENCY OF $19,673.00 TO OTIS ELEVATOR COMPANY. Comment: This purchase order to Otis Elevator Company is for the annual maintenance of elevators and lifts within the City. This is the fourth year of a five year agreement between the City and Otis and is reviewed annually by staff for performance and value and this purchase order will extend through June 30, 2013.

ITEM G-13: APPROVED AG# 271-12

14. MODIFICATION TO THE LOCAL GOVERNMENT MATCH PROGRAM CONTRACT WITH THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT. Comment: This modification to Contract No. ML09033A between the City of Beverly Hills and the South Coast Air Quality Management District will provide for the substitution of two previously listed vehicles for two CNG trash trucks that will better meet our Public Works & Transportation operating needs. The substitutions have no other impact on the agreement and have no fiscal impact on the City.

ITEM G-14: APPROVED AG# 272-12

15. APPROPRIATION OF $965,000 FROM THE SEIZED & FORFEITED PROPERTY FUND TO ENHANCE POLICE DEPARTMENT OPERATIONS. Comment: Seeks appropriation of restricted funds received as a result of asset seizures for overtime narcotics investigations, office supplies, automotive supplies and services, animal supplies, consultant services, wireless services, training, surveillance equipment, safety equipment, computer equipment and software.

ITEM G-15: APPROVED

16. APPROPRIATION OF FUNDS FOR FY 2012-2013 FOR A GILCHRIST & RUTTER PURCHASE ORDER IN THE AMOUNT OF $200,000 FOR SPECIAL COUNSEL SERVICES RELATED TO THE METROPOLITAN TRANSPORTATION AUTHORITY'S WESTSIDE SUBWAY EXTENSION. Comment: This appropriation will transfer funds from the City's Subway fund to pay for special counsel services related to the MTA's Westside subway extension.

ITEM G-16: APPROVED

17. ACCEPTANCE OF CONTRACT WORK FOR LA CIENEGA TENNIS COURT RESURFACING PROJECT BY TRUELINE SURFACING IN THE FINAL CONTRACT AMOUNT OF $164,604. Comment: It is recommended that the City Council accept the

described contract work with TrueLine Surfacing and authorize the recordation of the Notice of Completion.

ITEM G-17: APPROVED

18. AGREEMENTS AND AMENDMENTS TO AGREEMENTS WITH VARIOUS VENDORS FOR PROVISION OF ANNUAL SERVICES; AND

APPROVAL OF BLANKET PURCHASE ORDERS FOR SUPPLIES AND SERVICES FOR THE CITY'S DEPARTMENTS IN THE TOTAL NOT-TO-EXCEED AMOUNT OF $31,231,684.15.

ITEM A: ACCUVANT, INC. TO PROVIDE CONSULTING SERVICES RELATED TO THE CITY'S WIRELESS SYSTEM

ITEM G-18A: APPROVED AG# 273-12

ITEM B: BARTRONICS AMERICA, INC. FOR INFORMATION TECHNOLOGY CONSULTING SERVICES RELATING TO WEB AND MOBILE APPLICATIONS ON AN AS-NEEDED BASIS

ITEM G-18B: APPROVED AG# 274-12

ITEM C: INTEGRATED MEDIA TECHNOLOGIES, INC. TO PROVIDE PROFESSIONAL SERVICES AND EQUIPMENT RELATED TO THE CITY'S NETWORK LAN, WAN, AND MAN NETWORKS ENGINEERING SERVICES

ITEM G-18C: APPROVED AG# 275-12

ITEM D: MAINLINE INFORMATION SYSTEMS, INC. FOR INFORMATION TECHNOLOGY CONSULTING SERVICES

ITEM G-18D: APPROVED AG# 276-12

ITEM E: ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI) FOR INFORMATION TECHNOLOGY CONSULTING SERVICES RELATED TO THE CITY'S ENTERPRISE GIS SYSTEM

ITEM G-18E: APPROVED AG# 277-12

ITEM F: INDEPENDENT TECHNOLOGY GROUP TO PROVIDE PROFESSIONAL SERVICES RELATED TO THE SECURITY OF THE CITY'S NETWORK

ITEM G-18F: APPROVED AG# 278-12

ITEM G: INTERNATIONAL BUSINESS MACHINES CORPORATION FOR ONGOING MAINTENANCE AND SUPPORT SERVICES FOR THE CITY'S DATA CENTER

ITEM G-18G: APPROVED AG# 279-12

ITEM H: TELECOM DESIGN, INC. FOR TELECOMMUNICATIONS RESEARCH, DESIGN, ENGINEERING, SUPPORT AND RELATED SERVICES Comment: This report seeks City Council approval of the annual blanket purchase orders (BPO) (59 various vendors serving all City departments) to cover items or services available from particular vendors ordered by City departments on an "as-needed" basis throughout the fiscal year. By issuing these vendors one purchase order rather than several throughout the year, the City increases its efficiency and saves money. Due to the nature of some of the services provided, agreements are in some cases also required.

ITEM G-18H: APPROVED AG# 280-12

Vice Mayor Mirisch requested a detailed breakdown of the costs.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to approve Item G-18 as follows:

AGREEMENTS AND AMENDMENTS TO AGREEMENTS WITH VARIOUS VENDORS FOR PROVISION OF ANNUAL SERVICES; AND

APPROVAL OF BLANKET PURCHASE ORDERS FOR SUPPLIES AND SERVICES FOR THE CITY'S DEPARTMENTS IN THE TOTAL NOT-TO-EXCEED AMOUNT OF $31,231,684.15.

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

CARRIED

Vote on the City Council Consent Calendar:

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

CARRIED

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

1. PLANNING COMMISSION - Regular Meeting of May 24, 2012
DESIGN REVIEW COMMISSION - Regular Meeting of June 7, 2012
TRAFFIC & PARKING COMMISSION - Regular Meeting of June 7, 2012
CULTURAL HERITAGE COMMISSION - Special Meeting of June 13, 2012
PLANNING COMMISSION - Regular Meeting of June 14, 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 8:27pm.

PASSED, Approved and Adopted
this 24th day of July, 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.