CITY OF BEVERLY HILLS
CITY COUNCIL
AND
SPECIAL PUBLIC FINANCING AUTHORITY
December 15, 2009

The Joint Regular Meeting of the City Council and the Special Meeting of the Public Financing Authority was held in the Council Chambers at 7:00 p.m.

PLEDGE OF ALLEGIANCE

A. ROLL CALLS

Present: Mirisch, Brien, Brucker, Delshad, and Krasne
Absent: None

Roll call was taken for both the City Council and the Public Financing Authority.

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 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. Luke Jones, Tourism Australia, spoke about an event they are hosting in Beverly Hills at the Paley Center for Media on January 16 and 17, 2010 in conjunction with KCRW.

3. REPORT FROM THE CITY MANAGER

- Emergency Response/New EOC - Director of Emergency Management Pamela Mottice-Muller

City Manager Roderick Wood noted that Emergency Management Director Muller is out of town for an Emergency Directors conference. He provided a brief update on the status of the remodel of the City's Emergency Operations Center currently scheduled to open January 12, 2010.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

- Showcase Beverly Hills:

* Shop local for the holidays

Mayor Krasne noted with the current economic climate, it is more important than ever for residents to support the local businesses for the holidays and encouraged the community to shop in Beverly Hills.

D. PUBLIC HEARING

TO SET:

1. APPEAL OF THE PLANNING COMMISSION'S DECISION DENYING A REQUEST FOR AMENDMENT OF A DEVELOPMENT PLAN REVIEW PERMIT FOR THE PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD.
Comment: The applicant has filed an appeal to revise conditions of approval to allow medical uses on the site and eliminate 52 parking spaces that are currently required to be made available to the public. Staff recommends setting this item for public hearing at the Regular City Council Meeting on February 2, 2010 at 7pm. TO CONSIDER:

Mayor Krasne requested that all information from the very first time this project was ever presented to the City be made available to the Council at least a week prior to the February 2, 2010 meeting.

ITEM D-1: BY ORDER OF THE CHAIR, HEARING IS SET FOR THE MEETING OF FEBRUARY 2, 2010

2. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO ADJUST THE PARKING FACILITY RATES AFTER THE FREE

PARKING PERIOD FOR FISCAL YEAR 2009/2010. Comment: At the request of the City Council, staff is returning with rate proposals for off-street parking fees after the 1 and 2 hour free parking periods. Rate proposals will include the hourly rate and time increment after the free parking periods, the after 6pm flat rate, and a pay-as-you-go parking and validation program at the Civic Center and Bedford garages. Staff requests the public hearing be continued to the City Council meeting of January 5, 2010.

ITEM D-2: BY ORDER OF THE CHAIR, HEARING IS CONTINUED TO THE MEETING OF JANUARY 5, 2010

E. CONTINUED AND NEW BUSINESS

1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS TO MODIFY PREFERENTIAL PERMIT PARKING ZONE "YY" ON THE 1200, 1300 AND 1400 BLOCKS OF PARK WAY. Comment: Per City Council direction at the October 6 City Council meeting, this item is to reconsider modification of the 8:00 p.m. to 2:30 a.m., daily, Except by Permit YY on the south side of these blocks. The proposed modification would be to change the regulation to 10:00 p.m. to 2:30 a.m., daily, Except by Permit YY.

Deputy Director of Transportation Aaron Kunz provided a PowerPoint presentation and staff report for this item.

Speaking:

1. Thomas White commented the Beverly Hills Presbyterian Church is looking forward to complying with the ordinance and to return in six months to report on how well it is working.

Traffic and Parking Commissioner Ira Friedman expressed support for staff's recommendation.

MOVED by Councilmember Brucker, seconded by Councilmember Brien to adopt Resolution E-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS TO MODIFY PREFERENTIAL PERMIT PARKING ZONE "YY" ON THE 1200, 1300, AND 1400 BLOCKS OF PARK WAY.

Ayes: Councilmembers Mirisch, Brien, Brucker, Delshad, and Mayor Krasne
Noes: None

CARRIED

ITEM E-1: ADOPTED RES#09-R-12719

2. ***FISCAL YEAR 2009/10 1ST QUARTER BUDGET STATUS REPORT AND ECONOMIC UPDATE.*** Comment: An overview of the City's revenues and expenditures for the first quarter of fiscal year 2009/10 and an overview of projected future economic conditions.

Director of Administrative Services/Chief Financial Officer Scott Miller introduced the new Budget and Revenue Officer Don Harrison who presented the first part of the Fiscal Year 2009/10 Budget Status Report. Mr. Harrison noted staff will continue to monitor very closely and by mid-February will have better assumptions based on preliminary holiday sales and preliminary business tax data.

Dr. Miller provided an economic outlook for the remainder of Fiscal Year 2009/10 and discussed economic considerations that might impact the City's finances.

City Manager Wood provided insight on the remainder of this fiscal year, and recommendations on adjustments to the budget shortfall expectation of $2-3 million. He then made projections about next year's budget and the things the Council needs to look at during the upcoming budget cycle.

Dr. Miller pointed out other long-term financial and budget issues that Beverly Hills will have to deal with in the next few years.

3. ***APPROVAL OF THE ALTERNATIVE RETIREE MEDICAL PROGRAM INCLUDING SHORT TERM FINANCING FOR THE PROGRAM.*** Comment: Staff proposes Council implement an alternative retiree medical program (ARMP) that would allow current employees to choose from the alternative retiree medical program or the existing retiree medical benefits program. This program would result in significant costs savings for the City over a 40 year period.

Dr. Scott Miller provided the PowerPoint and presentation. He spoke about a five-program plan to achieve Council's goal. Tonight the Council is looking at Program 4 for an alternative retiree medical program. He talked about a future Program 5 for a two-tier employee retirement program for new employees that was briefly discussed at this afternoon's Study Session.

MOVED by Vice Mayor Delshad, seconded by Mayor Krasne to approve the Alternate Retiree Medical Program including Short Term Financing for the program.

Ayes: Councilmembers Mirisch, Brien, Brucker, Delshad, and Mayor Krasne
Noes: None

CARRIED

ITEM E-3: APPROVED

F. PUBLIC FINANCING AUTHORITY CONSENT CALENDAR

MOVED by Director Mirisch, seconded by Director Brucker to approve the items on the consent agenda.

Minutes

1. ***CONSIDERATION OF THE MINUTES of the special Public Financing Authority meeting of August 4, 2009.***

APPROVAL OF:

2. ***NONDISTURBANCE AGREEMENT AND SUBORDINATION AGREEMENT - LEASE BY AND AMONG THE CITY OF BEVERLY HILLS PUBLIC FINANCING AUTHORITY AND PARTICIPANT MEDIA, LLC.*** Comment: Approval is requested for the Nondisturbance Agreement and Subordination Agreement with Participant Media for their leased space at 331 Foothill Road. The lease was approved on December 1, 2009.

ITEM F-2: APPROVED AG#PFA-23-09; AG#PFA-24-09

Vote on consent agenda:

Ayes: Mirisch, Brien, Brucker, Delshad, and Krasne.
Noes: None

CARRIED

G. CONSENT CALENDAR

MOVED by Councilmember Mirisch, seconded by Councilmember Brien to remove Items G-8 and G-9 from the consent agenda and consider separately, approve all remaining items on the consent agenda and direct that the appropriate accounts be charged on Items G-2 and G-3.

Minutes

1. ***CONSIDERATION OF THE MINUTES of the regular meeting of December 1, 2009.***

Demands Paid

2. ***REVIEW OF BUDGETED DEMANDS PAID, report dated November 19 - December 4, 2009.***
3. ***PAYROLL DISBURSEMENT REPORT, report dated December 15, 2009.***

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. ***AMENDING THE SOLICITATIONS ORDINANCE, THE NAME OF THE SOLICITATIONS ADVISORY COMMISSION AND THE BEVERLY HILLS MUNICIPAL CODE. Second reading - For Adoption.*** Comment: The Commission recommends certain changes to improve and simplify the administration of the charitable solicitation rules, and to clarify the Commission's role for the community.

   ITEM G-4: ADOPTED ORD#09-O-2575

5. ***UPDATING REFERENCES IN THE BEVERLY HILLS MUNICIPAL CODE TO DEPARTMENTS, TITLES AND AREAS OF RESPONSIBILITY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. Second reading - For Adoption.*** Comment: Updates of position titles and department names included within the Beverly Hills Municipal Code.

   ITEM G-5: ADOPTED ORD#09-O-2576

6. ***AUTHORIZING THE CITY COUNCIL TO ADOPT BY RESOLUTION A PARKING TICKET FORGIVENESS PROGRAM FOR INDIVIDUALS WHO ARE HOMELESS, FORMERLY HOMELESS, OR AT-RISK OF HOMELESSNESS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. Second reading - For Adoption.*** Comment: The proposed ordinance allows for a resolution to waive parking penalties issued by the City for applicants who successfully complete the set criteria of the Parking Tickets Forgiveness Program.

   ITEM G-6: ADOPTED ORD#09-O-2577

RESOLUTIONS APPROVING:

7. ***ACCEPTING A DONATION OF $10,000 FROM THE WILBUR MAY FOUNDATION FOR THE D.A.R.E. PROGRAM.*** Comment: Funds donated by the Wilbur May Foundation will be used by the Police Department's D.A.R.E program.

   ITEM G-7: ADOPTED RES#09-R-12720

8. ***THE FINAL MAP FOR TRACT MAP NO. 60824 (131 NORTH GALE DRIVE).*** Comment: This is a request for City Council adoption of the findings that Tract Map 60824 located at 131 N. Gale Drive is consistent with the General Plan.

   Councilmember Mirisch asked questions about information that was not provided with the materials for Items G-8 and G-9. City Engineer Ara Maloyan and City Attorney Laurence Wiener explained the process involved and the action taken when these type of items come before the City Council.

The Council voted on Items G-8 and G-9 together in one motion.

MOVED by Vice Mayor Delshad, seconded by Mayor Krasne to adopt Resolutions G-8 and G-9 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE FNAL MAP FOR TRACT MAP NO. 60824 (131 NORTH GALE DRIVE); AND,

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE FINAL MAP FOR PARCEL MAP NO. 70466 (8536 WILSHIRE BOULEVARD).

Ayes: Councilmembers Brien, Brucker, Delshad, and Mayor Krasne
Noes: None
Abstain: Councilmember Mirisch

CARRIED

ITEM G-8: ADOPTED RES#09-R-12721

9. ***THE FINAL MAP FOR PARCEL MAP NO. 70466 (8536 WILSHIRE BOULEVARD).*** Comment: This is a request for City Council adoption of the findings that Parcel Map 70466 located at 8536 Wilshire Boulevard is consistent with the General Plan.

ITEM G-9: ADOPTED RES#09-R-12722

APPROVAL OF:

10. ***ASSURANCES AND UNDERSTANDING AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY REGARDING RECEIPT AND USE OF MEASURE R LOCAL RETURN FUNDS.*** Comment: Authorize the City Manager to execute the Assurances and Understandings agreement with Metro for receipt of annual Measure R Local Return funds. City will receive approximately $185,000 in FY2009-10 and $315,000 in FY10/11 for use on local transportation projects. This agreement is required to ensure that the City complies with the Measure R Local Return Guidelines. Eligible uses include pothole repairs, major street resurfacing, pedestrian improvements, traffic signal upgrades, local transit services and the 'local agency contribution' for the Westside Subway Extension.

ITEM G-10: APPROVED AG#485-09

11. ***AN AGREEMENT WITH RINCON CONSULTANTS, INC. FOR THE PREPARATION OF ENVIRONMENTAL DOCUMENTATION FOR A PROPOSED MEDICAL OFFICE/GENERAL OFFICE/RETAIL BUILDING LOCATED AT 121 SAN VICENTE BOULEVARD AND APPROVAL OF A PURCHASE ORDER FOR $142,731.00.*** Comment: Requests approval of an agreement with Rincon

Consultants, Inc. in the amount of $142,731.00 for consulting services to prepare environmental documentation for a proposed project located at 121 San Vicente Boulevard.

ITEM G-11: APPROVED AG#486-09

Vote on Consent Calendar:

Ayes: Mirisch, Brien, Brucker, Delshad, and Krasne
Noes: None

CARRIED

H. COMMISSION SYNOPSIS

None

I. OTHER BUSINESS

After City Council discussion, City Attorney Wiener suggested placing an item on a future Study Session agenda for the Council to discuss delegating the approvals of the tract map to the staff.

J. ADJOURNMENT

There being no further business Mayor/Chair Krasne, with the consent of the Council/Public Financing Authority, adjourned the meeting at 9:30 p.m.

PASSED, Approved and Adopted
this 2nd day of March, 2010.

BYRON POPE, City Clerk/Secretary

NANCY KRASNE, MAYOR/CHAIR

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