



**CITY OF BEVERLY HILLS
CITY COUNCIL
REGULAR MEETING
June 03, 2008**

The Regular Meeting of the City Council of Beverly Hills was held in the Council Chambers at 7:00 p.m.

PLEDGE OF ALLEGIANCE

A. ROLL CALL

Present: Councilmember Delshad, Councilmember Krasne,
Councilmember Briskman, Vice Mayor Fenton, and Mayor
Brucker
Absent: None

B. PRESENTATIONS

1. PROCLAMATION - In recognition of former Mayor MeraLee Goldman as 'Cultural Ambassador' in support of the City's 'Beverly Hills Forum' Program

Mayor Brucker recognized former Mayor MeraLee Goldman for her years of dedicated service to the community, and congratulated her on being appointed the City's Cultural Ambassador.

A DVD presentation was shown to showcase the Beverly Hills Forum Series. Mayor Brucker presented MeraLee Goldman with a proclamation in recognition and appreciation for creating the Beverly Hills Forum Series and enriching the cultural life of the community. Ms. Goldman provided brief remarks.

2. CERTIFICATES - Beverly Hills Teen Advisory Committee
- recognition of the outgoing BHTAC members

Mayor Brucker spoke about the creation of the Beverly Hills teen Advisory Committee, introduced the leaders of the Committee and presented certificates to the committee members.

Mayor Brucker announced that Vince Bertoni, Director of Community Development will be leaving the City to assume the position of Deputy Director of City Planning for the City of Los Angeles. Mayor Brucker

mentioned Mr. Bertoni was honored and recognized at this afternoon's study session for his exemplary service to the City.

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. Paul Bernstein spoke about the history of Cable television in the City, and voiced concerns about the service provided to the City by Time Warner.

Mayor Brucker requested the Council Liaisons (Delshad and Krasne) set up a meeting to discuss the concerns raised.

City Manager Roderick Wood and City Attorney Laurence Wiener spoke about the California Public Utilities Commission's role, and City's ability to make changes in cable programming for their individual cities.

2. John Mirisch spoke about the 9900 Wilshire project agendized this evening.
3. Tony Sikavi spoke in support of an increase to the JPA funding.
4. Lori Gordon spoke about the significance of the JPA funding to the School District for the entire City.
5. Myra Gabbay asked the City Council to substantially increase the JPA funding.
6. Councilmember Briskman read a letter into the record from Edward Brown asking the Council to increase the JPA.

7. Councilmember Briskman read a letter into the record from Michael Sayek in support of increased funding to the JPA.

8. Mayor Brucker read a letter into the record from Oreet Smith asking the Council to increase the JPA.

3. REPORT FROM THE CITY MANAGER
* Graphic Services Showcase

Art Director Aram Chobanian presented a Graphics Showcase PowerPoint presentation of the services provided to the City departments by the Graphic Services division of the Information Technology Department.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS
- Showcase Beverly Hills:
* Beverly Hills G.R.E.E.N. (Green Renewable Energy Efficient Neighborhoods) Initiatives

Mayor Brucker reported on the Beverly Hills GREEN initiatives and upcoming GREEN events. Councilmember Briskman announced the deadline for Team Beverly Hills applications is June 12, 2008.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

None

E. CONTINUED AND NEW BUSINESS

1A. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE OPERATING BUDGET AND FINANCIAL POLICIES FOR THE 2008/2009 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR; AND

Chief Financial Officer Dr. Scott Miller presented the staff report for items E-1A, B, and C. He acknowledged the Budget Team (Teri Escolar, Lucy Gonzalez, Gabriella Yap, Noel Marquis and Chu Thai) that worked on the budget. Dr. Miller briefly reviewed: how the budget document is created each year, the five City Council approved Vision Statements, the economic outlook for fiscal year 2008-2009, and then reviewed the budget assumptions for 2008-2009. He also spoke about the Enterprise Funds.

Budget Officer Chu Thai spoke about the General Fund Revenues and Expenditures for 2008-2009. He mentioned the revisions to the budget since the proposed budget was presented to the City Council at the Budget Study Sessions and reviewed the number of meetings held to date leading up to tonight's adoption of the budget.

Staff answered questions raised by the Council.

MOVED by Vice Mayor Fenton, seconded by Councilmember Krasne to adopt Resolution E-1A as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPROVING THE OPERATING BUDGET AND FINANCIAL POLICIES
FOR THE 2008/2009 FISCAL YEAR AND APPROPRIATING FUNDS
THEREFOR.

Ayes: Councilmember Delshad, Councilmember Krasne,
Councilmember Briskman, Vice Mayor Fenton, and Mayor
Brucker
Noes: None

CARRIED

ITEM E-1A: ADOPTED RES#08-R-12606

- 1B. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPROVING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR
THE 2008/2009 FISCAL YEAR AND APPROPRIATING FUNDS
THEREFOR; AND,

MOVED by Vice Mayor Fenton, seconded by Councilmember
Delshad to adopt Resolution E-1B as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPROVING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR
THE 2008-2009 FISCAL YEAR AND APPROPRIATING FUNDS.

Ayes: Councilmember Delshad, Councilmember Briskman, Vice Mayor
Fenton, and Mayor Brucker
Noes: None
Abstain: Councilmember Krasne

CARRIED

ITEM E-1B: ADOPTED RES#08-R-12607

- 1C. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR THE FISCAL

YEAR 2008/2009. Comment: It is recommended that the City Council adopt the resolutions approving the Operating Budget, Capital Improvement Program Budget, and Annual Appropriations Limit and appropriate funds for Fiscal Year 2008/09.

MOVED by Vice Mayor Fenton, seconded by Councilmember Briskman to adopt Resolution E-1C as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR THE FISCAL
YEAR 2008-2009.

Ayes: Councilmember Delshad, Councilmember Krasne,
Councilmember Briskman, Vice Mayor Fenton, and Mayor
Brucker

Noes: None

CARRIED

ITEM E-1C: ADOPTED RES#08-R-12608

F. CONSENT CALENDAR

Moved by Councilmember Delshad, seconded by Councilmember Krasne to remove Items F-5A and F-5B for discussion, return Item F-5A to the consent agenda and vote separately on Item F-5B, approve all items on the consent agenda, and direct that the appropriate accounts be charged on Items F-3 and F-4.

Minutes

1. Consideration of the Minutes of the special meeting of April 8, 2008.
2. Consideration of the Minutes of the special meeting of April 9, 2008.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated May 7-16, 2008.
4. PAYROLL DISBURSEMENT REPORT, report dated June 3, 2008.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

- 5A. ADDING THE 9900 WILSHIRE SPECIFIC PLAN ZONING TO THE CITY OF BEVERLY HILLS MUNICIPAL CODE, AND APPLYING THE 9900

WILSHIRE SPECIFIC PLAN ZONING IN CONJUNCTION WITH THE PROPOSAL TO DEVELOP LUXURY RESIDENTIAL CONDOMINIUMS, PUBLIC GARDENS, AND ANCILLARY COMMERCIAL USES, FOR THE PROPERTY LOCATED AT 9900 WILSHIRE BOULEVARD (THE FORMER ROBINSONS-MAY DEPARTMENT STORE SITE). For Adoption.

No discussion took place on Item F-5A.

- 5B.** APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND PROJECT LOTUS, LLC FOR CONSTRUCTION OF LUXURY RESIDENTIAL CONDOMINIUMS, PUBLIC GARDENS AND ANCILLARY COMMERCIAL USES, IN ACCORDANCE WITH THE 9900 WILSHIRE SPECIFIC PLAN FOR PROPERTY AT 9900 WILSHIRE BOULEVARD (THE FORMER ROBINSONS-MAY DEPARTMENT STORE SITE). For Adoption. Comment: In order to address a procedural question concerning the adoption of the ordinances for the 9900 Wilshire Project, the City Attorney is recommending that the ordinances be readopted. The readoption will not affect the validity of the original adoption that took place on April 9, 2008.

Councilmember Krasne requested that the Development Agreement be tabled for further review.

City Attorney Laurence Wiener clarified the Development Agreement was adopted at the meeting of April 9, 2008 and it is being readopted this evening to address a procedural question. He noted the readoption does not affect the validity of the original adoption on April 9, 2008.

MOVED by Councilmember Krasne, seconded by Councilmember Delshad to table Ordinance F-5B that reads as follows:

APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND PROJECT LOTUS, LLC FOR CONSTRUCTION OF LUXURY RESIDENTIAL CONDOMINIUMS, PUBLIC GARDENS AND ANCILLARY COMMERCIAL USES, IN ACCORDANCE WITH THE 9900 WILSHIRE SPECIFIC PLAN FOR PROPERTY AT 9900 WILSHIRE BOULEVARD (THE FORMER ROBINSONS-MAY DEPARTMENT STORE SITE). For Adoption.

Ayes: Councilmember Delshad, and Councilmember Krasne.
Noes: Councilmember Briskman, Vice Mayor Fenton, and Mayor Brucker

FAILED

MOVED by Councilmember Briskman, seconded by Vice Mayor Fenton to adopt Ordinance F-5B as follows:

APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND PROJECT LOTUS, LLC FOR CONSTRUCTION OF LUXURY RESIDENTIAL CONDOMINIUMS, PUBLIC GARDENS AND ANCILLARY COMMERCIAL USES, IN ACCORDANCE WITH THE 9900 WILSHIRE SPECIFIC PLAN FOR PROPERTY AT 9900 WILSHIRE BOULEVARD (THE FORMER ROBINSONS-MAY DEPARTMENT STORE SITE).

Ayes: Councilmember Briskman, Vice Mayor Fenton, and Mayor Brucker

Noes: Councilmember Krasne and Councilmember Delshad

CARRIED

ITEM F-5B: ADOPTED ORD#08-O-2551

6. AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES AND CHARGES TO ADJUST UTILITY RATES BEGINNING IN FISCAL YEAR 2008-2009. For Adoption. Comment: The City of Beverly Hills is proposing to increase several residential and commercial utility rates for FY 08/09 and 09/10 effective July 15, 2008 and July 1, 2009 respectively so that it can continue to provide reliable and extraordinary service in the face of rising energy costs. The increases include water, sewer, and solid waste utilities, and are necessary to maintain a the quality of service you have come to expect, invest in maintenance and replacement of aging infrastructure, and maintain adequate operating reserves in case of emergency. In addition, staff is recommending that for future years if rising expenses stay within the Consumer Price Index that rates would automatically increase annually by CPI.

ITEM F-6: ADOPTED ORD#08-O-2552

7. AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO ENACT EMERGENCY WATER CONSERVATION RATES. For Adoption. Comment: The City is having a hearing to communicate with the public that emergency conservation rates may have to go into place over the next three years due to hydrology and protecting the habitat of the State Water Project. This process is an important step to allow the City to act quickly in case a water allocation is determined by the City's wholesaler Metropolitan Water District.

ITEM F-7: ADOPTED ORD#08-O-2553

8. REQUIRING THE DESIGNATION OF VERY HIGH FIRE HAZARD SEVERITY ZONES, AMENDING THE 2007 CALIFORNIA FIRE CODE, AND

AMENDING PORTIONS OF TITLE 9 OF THE BEVERLY HILLS MUNICIPAL CODE. For Adoption. Comment: The City of Beverly Hills currently has a Very High Fire Hazard Severity Zone map on file designating the area North of Sunset. This new ordinance replaces the existing Very High Fire Hazard Severity Zone map with an updated map from the California Department of Forestry and Fire Protection (CAL FIRE) and the Office of the State Fire Marshal. The new map is exactly the same as the existing map.

ITEM F-8: ADOPTED ORD#08-O-2554

9. ADOPTING A GREEN BUILDING ORDINANCE AND AMENDING TITLE 10 OF THE BEVERLY HILLS MUNICIPAL CODE. For Adoption. Comment: The Planning Commission reviewed and recommends adoption of an ordinance amending the City's Zoning Code (Title 10) to establish a Green Building Program and new building standards for certain commercial, mixed-use and multi-family housing projects. The new building standards would exceed California Energy Code (Title 24) requirements by 15% and require photovoltaic panels on new construction projects and substantial renovation projects. The Planning Commission also recommends adoption, by resolution, of a green building checklist and thresholds for application of the new green building standards.

ITEM F-9: ADOPTED ORD#08-O-2555

RESOLUTIONS APPROVING:

10. THE GREEN BUILDING STANDARDS RATING SYSTEM AND THE GREEN BUILDING/SUSTAINABILITY CHECKLIST. Comment: This resolution establishes the green building rating system for projects covered under the Green Building Ordinance as well as the Green Building/Sustainability Checklist.

ITEM F-10: ADOPTED RES#08-R-12609

11. AUTHORIZING SUBMISSION OF A REGIONAL APPLICATION ON BEHALF OF THE CITIES OF BEVERLY HILLS, WEST HOLLYWOOD AND CULVER CITY FOR A MULTI-YEAR USED OIL RECYCLING BLOCK GRANT. Comment: This resolution will authorize the City, as lead agency, on behalf of the Cities of Beverly Hills, West Hollywood, and Culver City to submit a regional application to the California Integrated Waste Management Board for the Used Oil Recycling Block Grant.

ITEM F-11: ADOPTED RES#08-R-12610

12. APPLYING FOR THE UNITED STATES DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES FY2008 COPS SECURE OUR SCHOOLS GRANT. Comment: The COPS grant will

be used to fund security enhancements in the area of the community's schools.

ITEM F-12: ADOPTED RES#08-R-12611

APPROVAL OF:

13. AN AGREEMENT WITH CITY OF WEST HOLLYWOOD FOR PARKING REVENUE COLLECTION AND VERIFICATION SERVICES. Comment: Provides for parking revenue collection and verification services to the City of West Hollywood for their on-street inventory of meters.

ITEM F-13: APPROVED AG#190-08

14. AN AGREEMENT WITH JEWISH FAMILY SERVICES FOR ADMINISTRATION OF THE CITY'S TAXI COUPON PROGRAM. Comment: Approves a one-year contract with Jewish Family Services to administer the sale and distribution of discounted taxi coupon books to qualified senior or disabled Beverly Hills residents.

ITEM F-14: APPROVED AG#191-08

15. THE AWARD OF A CONTRACT TO BOMEL CONSTRUCTION CO., INC. FOR THE CONSTRUCTION OF THE 9333 THIRD STREET PARKING STRUCTURE; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND, APPROVE A PURCHASE ORDER IN THE AMOUNT OF \$11,800,000 TO BOMEL CONSTRUCTION CO., INC. FOR THE CONTRACT WORK AND AUTHORIZE THE CITY MANAGER TO APPROVE A SUBSEQUENT PURCHASE ORDER FOR THE BALANCE OF THE AMOUNT. Comment: Requests an award of contract to Bomel Construction Co., Inc. in the amount of \$13,189,000 and approval of a change order contingency of \$1,100,000 to construct the parking structure at 9333 West Third Street for the Public Works Facility.

ITEM F-15: APPROVED AG#192-08

16. AMENDMENT NO. 2 TO AN AGREEMENT WITH RBF CONSULTING FOR PLANNING AND TECHNICAL CONSULTING SERVICES FOR THE 231 NORTH BEVERLY DRIVE PROJECT; AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT NOT-TO-EXCEED \$151,670. Comment: Staff recommends the City Council approves Amendment No. 2 to the Agreement with RBF Consulting for construction coordination services of the 231 North Beverly Drive Project and approve to issue a purchase order in the not-to-exceed amount of \$151,670 to cover cost of services.

ITEM F-16: APPROVED AG#193-08

17. AMENDMENT NO. 3 TO AN AGREEMENT WITH CIVIC SOLUTIONS, INC. FOR SERVICES OF ON-CALL PLANNING CONSULTANTS; AND, APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$200,000 TO THE PURCHASE ORDER FOR A NOT-TO-EXCEED TOTAL OF \$840,000 FOR THE CONTRACTED SERVICES. Comment: It is recommended that the City Council adopt the resolution approving a \$200,000 amendment to the agreement between the City of Beverly Hills and Civic Solutions, Inc. for on-call planning consultants and a change order in the amount of \$200,000 to the purchase order for a not-to-exceed total of \$840,000 for the contracted services.

ITEM F-17: APPROVED AG#194-08

18. AMENDMENT NO. 1 TO AN AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND ARIAS & LOCKWOOD FOR SPECIAL COUNSEL SERVICES FOR LITIGATION MATTERS. Comment: This amendment revises the insurance requirement with Arias and Lockwood who provide special counsel services to the City.

ITEM F-18: APPROVED AG#195-08

19. APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF \$45,360 TO ACCOUNTEMPs FOR TEMPORARY STAFFING FOR A NOT-TO-EXCEED TOTAL OF \$93,360. Comment: This approval is to increase amount of purchase order by \$45,360 for a total not to exceed \$93,360 for two accounting positions through the remainder of the fiscal year.

ITEM F-19: APPROVED

Vote on Consent Calendar:

Ayes: Councilmember Delshad, Councilmember Krasne,
Councilmember Briskman, Vice Mayor Fenton, and Mayor
Brucker

Noes: None

CARRIED

G. COMMISSION SYNOPSIS

None

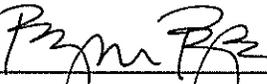
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Brucker, with the consent of Council, adjourned the meeting at 9:20 p.m.

PASSED, Approved and Adopted
this 5th day of August, 2008.



BYRON POPE, City Clerk

BARRY BRUCKER, MAYOR

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