



**CITY OF BEVERLY HILLS
CITY COUNCIL
MINUTES
ADJOURNED REGULAR MEETING
June 03, 2010**

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

PLEDGE OF ALLEGIANCE

A. ROLL CALL

Present: Councilmember Mirisch, Councilmember Brien, Councilmember Krasne, Vice Mayor Brucker, and Mayor Delshad
Absent: None

B. PRESENTATIONS

1. **RECOGNITION** - members from the Teen Advisory Committee for their exemplary service during the 2009-10 school year.

Mayor Delshad, along with Vice Mayor Brucker, recognized this year's Teen Advisory Committee and presented them each with certificates.

Micah Schultz-Akerson, Recreation Specialist, along with Teen Advisory Committee members Sami Galen and Anton Saleh, presented a brief PowerPoint presentation about the Committee and described their activities this past year.

C. ORAL COMMUNICATIONS

1. **TELEPHONE CALL-IN (310.285.1020)**

1. Frances Schloss spoke about the tutoring program at the Maple Counseling Center and asked the Council to continue to support it.

2. **AUDIENCE COMMENTS.**

1. Adrienne Weise, Secretary of The Maple Counseling Center Tutoring Program, spoke in detail about the program, and mentioned it is in jeopardy

because of a lack of funding. Ms. Weise asked the Council for funding to be able to continue to provide services to the students of Beverly Hills.

2. Cameron Weisfeld, student, spoke about his experience with the Tutoring Program at the Maple Counseling Center.

3. Jeff Weisfeld spoke about his son Cameron and the benefits he receives from the Tutoring Program at the Maple Counseling Center.

4. Harold Young, Clinical Director of The Maple Counseling Center, spoke about the programs the Center provides and the Center's needs.

5. Howard Landes, volunteer at the Senior Peer Counseling program, spoke about the merits of the program and the importance of being able to maintain it.

6. Gail Milan, Officer to the Board of Directors, spoke about the important work of the Maple Counseling Center and asked the Council for continued funding of the Center.

7. Sonia Brian Rose, Senior Peer Counselor at the Maple Counseling Center, spoke about the program and asked the Council to continue financially supporting the Center as much as possible.

3. REPORT FROM THE CITY MANAGER
- Teen Programs - Steve Zoet, Assistant Director of Community Services

There was a report earlier during the Teen Advisory Committee presentation and no additional report was given.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS
-Did you know?
***iPhone App**
***Public Art Party**

Councilmember Brien described the planned activities for the Public Art Party to be held this Saturday, June 5th from noon and continued into the evening.

Mayor Delshad announced the availability of an iPhone application called Ask Bev Mobile that is part of the City's online service request system and the latest creation to come out of the Smart City program.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. ***AN ORDINANCE OF THE CITY OF BEVERLY HILLS TO INCREASE WATER AND SOLID WASTE UTILITY RATES BEGINNING IN FISCAL YEAR 2010-2011 AND PROVIDING FOR AN ANNUAL INFLATION ADJUSTMENT. First reading - For Introduction.*** Comment: The City of Beverly Hills is proposing rate increases for solid waste utility and water utility services for FY 10/11 and FY 11/12 effective July 22, 2010 and July 1, 2011 respectively. The Solid Waste Rates are recommended to increase for both years at 8.2% for residential service and 4.2% for commercial service. The Water Utility rates are recommended to increase for both years at 15%.

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 Department of Public Works & Transportation and the report of the Director of Public Works & Transportation concerning this matter shall be entered into the record.

Environmental Utilities Manager Shana Epstein presented the staff report and PowerPoint. She provided an overview, the numbers of meetings held at the Commission and Council level to date, utility overview, the breakdown of the customer's utility bill, solid waste rates, the solid waste rate increases, proposed rate impacts, Metropolitan Water District, water rates, water rate increases, proposed rate impacts, and comparison cost for water choices.

Speaking:

Public Works Commission Chair Joe Shooshani, Commissioner Steven Weinglass, Commissioner Joe Stabler explained why the Commission unanimously supported the rate increases proposed by staff.

1. Michael Dubelko stated he is not pleased with the rate increases proposed and discussed a flat water rate vs. a tier structure.

2. Lauren Meister, resident of West Hollywood, voiced concern about the rate increases for water.

3. Gary Aminoff spoke about the value of real property in Beverly Hills and said he would support raising rates rather than cutting services.

Ms. Epstein answered questions raised by the Council and each of the members gave their points of view on the matter.

Following discussion, it was the consensus of the Council to limit the solid waste rate increase to one year and direct the Public Works Commission to look at the cost structure for both water and solid waste.

There were no further questions or comments of Councilmembers.

MOVED by Vice Mayor Brucker, seconded by Councilmember Krasne to waive full reading and advance Ordinance D-1 as amended to limit the solid waste increase rate to one year, keep the water rate increase at two years, and apply the CPI toward solid waste in 2011 and toward water in 2012, to the meeting of June 22, 2010 to be adopted as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS TO INCREASE WATER AND SOLID WASTE UTILITY RATES BEGINNING IN FISCAL YEAR 2010-2011 AND PROVIDING FOR AN ANNUAL INFLATION ADJUSTMENT.

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

CARRIED

ITEM D-1: WAIVE FULL READING AND ADVANCE AS AMENDED TO THE MEETING OF JUNE 22, 2010 FOR ADOPTION

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 2010/2011 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR: AND,

Budget Officer Don Harrison provided a PowerPoint and staff report. He spoke about the number of public meetings held to date, the budget overview, budget reductions, budget recommendation, completed capital projects FY 09/10, total FY 2010-2011 budget, and next steps (Council Action).

City Librarian Nancy Hunt Coffey presented an alternative proposal for the Beverly Hills Library.

City Manager Jeff Kolin discussed two open operating budget items with the Council, and a third open CIP item.

MOVED by Vice Mayor Brucker, seconded by Councilmember Brien to adopt Resolution E-1A as amended regarding the holiday weekend closure for the Library and adding \$5,000 for the Sabin Clinic from the General Fund as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE OPERATING BUDGET AND FINANCIAL POLICIES FOR THE 2010/2011 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR.

Ayes: Councilmember Brien, Councilmember Krasne, Vice Mayor
Brucker, and Mayor Delshad
Noes: Councilmember Mirisch

CARRIED

ITEM E1-A: ADOPTED AS AMENDED RES#10-R-12750

**1B. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPROVING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR THE
2010/2011 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR; AND**

City Manager Kolin mentioned a liaison meeting is scheduled with the School District for June 9th and staff has requested a report on funds reserved for turf maintenance and on the library operation hours. Mr. Kolin also provided input regarding the Roxbury Community Center.

MOVED by Councilmember Brien, seconded by Vice Mayor
Brucker 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
2010/2011 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR; AND

Ayes: Councilmember Brien, Vice Mayor Brucker, and Mayor Delshad
Noes: Councilmember Mirisch, and Councilmember Krasne

CARRIED

ITEM E-1B: ADOPTED RES#10-R-12751

**1C. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR THE FISCAL YEAR
2010/2011.**

MOVED by Vice Mayor Brucker, seconded by Councilmember Krasne 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
2010/2011.

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

CARRIED

ITEM E-1C: ADOPTED RES#10-R-12752

- 1D. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE SALARY SCHEDULE SET FORTH IN THE COMPENSATION PLAN FOR DEPARTMENT DIRECTORS, ASSISTANT DEPARTMENT DIRECTORS, AND SENIOR MANAGEMENT EMPLOYEES.** Comment: It is recommended that the City Council adopt the resolutions approving the Operating Budget, Capital Improvement Program Budget, Annual Appropriations Limit, Salary Schedule for Executive Employees and appropriate funds for Fiscal Year 2010/2011.

City Manager Kolin explained this is a clean-up item required by PERS regarding two positions.

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

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
AMENDING THE SALARY SCHEDULE SET FORTH IN THE COMPENSATION
PLAN FOR DEPARTMENT DIRECTORS, ASSISTANT DEPARTMENT
DIRECTORS, AND SENIOR MANAGEMENT EMPLOYEES.

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

CARRIED

ITEM E-1D: ADOPTED RES#10-R-12753

- 2. REPORT TO MAKE PUBLIC COSTS ASSOCIATED WITH THE GRANTING OF ANOTHER DESIGNATED PERIOD FOR TWO YEARS OF ADDITIONAL SERVICE CREDIT; AND**

APPROVAL OF AN EXPANSION OF THE ENROLLMENT PERIOD FOR THE ALTERNATIVE RETIREE MEDICAL PROGRAM (ARMP) APPROVAL OF THE CASH-OUT RETIREE INCENTIVE OPTION. Comment: The City is going to offer an early retirement program in an effort to reduce expenses. This report seeks to make public the cost of offering the two components, which are a Cash-Out option (max \$60,000) and 2-years of CalPERS service credit. Staff also seeks approval of the cash-out retiree incentive option and approval to expand the next enrollment window for the Alternative Retiree Medical Program (ARMP).

Personnel Manager Neil Comelo presented the staff report.

MOVED by Vice Mayor Brucker, seconded by Councilmember Krasne to: 1) accept the report regarding future annual costs; two year

additional service credit benefits, 2) authorize the Mayor to execute the certificate of compliance, 3) authorize the expansion of the second enrollment period of the Alternative Retiree Medical Program from June 23, 2010 to November 12, 2010, 4) authorize the cash-out retiree incentive option pursuant to the parameters set forth in the June 3, 2010 agenda report and 5) appropriate from the General Fund and Enterprise Fund balance an amount not to exceed \$2,500,000 to fund the retirement incentive programs.

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

CARRIED

ITEM E-2: APPROVED

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Mirisch, seconded by Vice Mayor Brucker to remove Item F-5 for discussion purposes only, approve all items on the consent agenda 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 May 4, 2010.**

Demands Paid

2. **REVIEW OF BUDGETED DEMANDS PAID, report dated May 12-20, 2010.**
3. **PAYROLL DISBURSEMENT REPORT, report dated June 3, 2010.**

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. **AMENDING SECTIONS 10-3-2605 AND 10-3-2650 OF THE MUNICIPAL CODE REGARDING THE HEIGHT OF STRUCTURES IN TROUSDAL ESTATES. *Second reading - For Adoption.*** Comment: On April 22, 2010, The Beverly Hills Planning Commission approved Resolution No. 1574, recommending that the City Council approve the zone text amendment described above. Approval would allow existing structures in Trousdale Estates that exceeded 14 feet in height on October 15, 1987 to be rebuilt up to the maximum height of the previously existing structure without otherwise conforming to the envelope (i.e. building footprint and siting) of

the previously existing structure. The proposed amendment would require the issuance of a Trousdale R-1 Permit for any such project exceeding 14 feet in height.

ITEM F-4: ADOPTED ORD#10-O-2583

RESOLUTIONS APPROVING:

5. **REVOKING BUILDING PERMIT NO. BS0725308 FOR A SINGLE FAMILY RESIDENCE AT 1201 LAUREL WAY AND MAKING FINDINGS IN SUPPORT THEREOF.** Comment: This resolution sets forth the City Council's findings in connection with revocation of the building permit for the property located at 1201 Laurel Way

This item was removed from the consent calendar only to take comments from Kevin McDonnell, attorney for Papcap Laurel Way.

1. Kevin McDonnell, attorney representing Papcap Laurel Way, spoke about many points of the draft resolution he feels are inaccurate.

City Attorney Larry Weiner noted the public hearing is closed and additional information may not be introduced this evening.

ITEM F-5: ADOPTED RES#10-R-12754

6. **CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE INCORPORATED AREA OF THE CITY IN THE LOS ANGELES COUNTY ENERGY PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES AND ENERGY AND WATER EFFICIENCY IMPROVEMENTS, APPROVING THE REPORT SETTING FORTH THE PARAMETERS OF THE REFERENCED PROGRAM AND CERTAIN MATTERS IN CONNECTION THEREWITH.**

Comment: Los Angeles County is leading the effort to provide an additional financing option for energy efficiency retrofitting, which includes promoting solar power. The program will begin with single family residential.

ITEM F-6: ADOPTED RES#10-R-12755

APPROVAL OF:

7. **A PURCHASE ORDER TO COBRA POWER SYSTEMS, INC. FOR THE PURCHASE OF THREE (3) 125KW TRAILER-MOUNTED GENERATOR SETS IN THE NOT-TO-EXCEED AMOUNT OF \$164,256.24.** Comment: This item requests approval of a purchase order to Cobra Power Systems, Inc. in the amount of \$164,256.24 for the purchase of three (3) 125kW Trailer-mounted Generator Sets which will serve as standby emergency power sources for the City's water-well pumps.

ITEM F-7: APPROVED

8. **AN AGREEMENT WITH JAM FIRE PROTECTION, INC. FOR FIRE LIFE SAFETY MAINTENANCE AND REPAIR SERVICES.** Comment: This contract provides for all local, State, and Federal mandated fire life testing and safety services such as fire alarm, fire extinguisher serving, maintenance and repair of fire alarm panels, smoke detectors, and all other associated equipment for City facilities. The amount of this agreement for three years is \$133,230.00 including parts, materials and subcontractors.

ITEM F-8: APPROVED AG#211-10

9. **FIFTH AMENDMENT TO LEASE BY AND BETWEEN THE CITY OF BEVERLY HILLS AND HENRY KIM DBA KABUKI BEAUTY SALON.** Comment: This fifth amendment extends the term of the lease for Kabuki Beauty Salon at 333 N Crescent Drive by two (2) years. The \$4,006.00 monthly rental rate will remain the same for the extension period.

ITEM F-9: APPROVED AG#212-10

10. **AMENDMENT NO. 2 TO THE AGREEMENT WITH FRANCIS KRAHE & ASSOCIATES, INC. FOR SOLAR ENERGY SYSTEM MASTERPLAN SERVICES RELATED TO CITY FACILITIES; AND APPROPRIATING FUNDS IN THE AMOUNT OF \$50,000 THEREFOR; AND,**

APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$32,000 TO FRANCIS KRAHE & ASSOCIATES, INC. FOR THESE SERVICES. Comment: Provides for continuing consultant services to assist in the implementation of the solar energy project Request For Proposal (RFP) and to evaluate and analyze the responses to the RFP. The total amount of the agreement and amendments is \$82,000.

ITEM F-10: APPROVED AG#213-10

11. **VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN:** ITEM A THE AGREEMENT WITH CHERYL BAYER BRADY D.B.A. CREATIVE SPACE LLC FOR CHILDREN'S CRAFT AND MUSIC INSTRUCTION AND SUMMER CAMP AT A BEVERLY HILLS UNIFIED SCHOOL THROUGH THE DEPARTMENT OF COMMUNITY SERVICES; AND,

APPROVAL OF A BLANKET PURCHASE ORDER FOR A NOT- TO-EXCEED AMOUNT OF \$350,000. Comment: For the second year, Creative Space will return to offer a summer camp for children ages 3-15 years of age. Last summer's Creative Space Camp was the most successful camp Beverly Hills had conducted. With over 303 participants, Creative Space brought in revenue of over \$333,000, netting close to \$124,000 in the City's percentage share. Registration for this year's summer camp has again been positive with over \$100,000 in revenue collected thus far.

ITEM F-11A: APPROVED AG#214-10

Vote on Consent Calendar:

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

CARRIED

G. COMMISSION SYNOPSIS

- 1. HUMAN RELATIONS COMMISSION - regular meeting of January 21, 2010.**
- HUMAN RELATIONS COMMISSION - regular meeting of February 18, 2010.**
- HUMAN RELATIONS COMMISSION - regular meeting of March 18, 2010**
- HUMAN RELATIONS COMMISSION - regular meeting of April 15, 2010.**
- PLANNING COMMISSION - regular meeting of April 22, 2010**
- HEALTH AND SAFETY COMMISSION - regular meeting of April 26, 2010.**
- PLANNING COMMISSION - regular meeting of May 13, 2010**

H. OTHER BUSINESS

None

J. ADJOURNMENT

There being no further business, Mayor Delshad with the consent of Council, adjourned the meeting at 11:06pm to Closed Session for the remaining items on the agenda.

PASSED, Approved and Adopted
this 22nd day of June, 2010.



BYRON POPE, City Clerk

JIMMY DELSHAD, MAYOR

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