



**CITY OF BEVERLY HILLS
CITY COUNCIL
ADJOURNED REGULAR MEETING
MINUTES
July 22, 2010**

The Adjourned Regular Meeting of the City Council 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

None

C. ORAL COMMUNICATIONS

None

- 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.

None

**3. REPORT FROM THE CITY MANAGER
- Hansen Demonstration**

City Manager Kolin introduced Maintenance Operations Manager Fred Simonson, with the Public Works and Transportation Department, who will present an overview of the Hansen program used in the City.

Fred Simonson presented a PowerPoint presentation on how the project has been implemented and provided a brief status report on the Hansen 8 program. Mr. Simonson noted the system went live on March 1, 2010 and showed a demonstration of the system in use.

**4. CITY COUNCILMEMBER AND COMMITTEE REPORTS
- Did you know?**

Councilmember Brien reported on the Interagency Communications Interoperability System (ICIS), a radio system that provides emergency communications for public safety officers. He noted that \$200,000 for the project is included in the 2011 fiscal year, federal Commerce-Justice-Science Appropriations bill.

Mayor Delshad provided an update on the Westside Subway Extension. He mentioned that the City currently supports the recommendations of the Mass Transit Committee to tunnel under Wilshire and Santa Monica Boulevards.

Councilmember Krasne spoke about the recent power outages and its effects. She suggested it is time and appealed to community to support an upgrade of codes requiring medical facilities to have a power source backup to prevent voltage surges resulting from power outages.

Mayor Delshad directed staff to request the attendance of Mark Olsen, from Southern California Edison, at a future Council meeting to provide the community an update on power upgrade and reliability.

Vice Mayor Brucker briefly commented about his vacation.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

1. **ACCEPTANCE OF CITY OF BEVERLY HILLS WATER UTILITY PUBLIC HEALTH GOAL REPORT.** Comment: The California Health and Safety Code §116470 requires a water system serving more than 10,000 service connection prepare the Public Health Goal (PHG) report once every three years. The report identifies constituents in drinking water that exceeds the public health goal limit defined by California Office of Environmental Health Hazard Assessment (OEHHA) and USEPA. The PHG limits are non-enforceable standards and are not required to be met by any public water system.

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 and the report of the Water Quality Specialist concerning this matter shall be entered into the record.

Josette Descalzo, Water Quality Specialist, made a PowerPoint presentation and oral report regarding the final draft of the Public Health Goal Report. He mentioned the purpose of the report and discussed the maximum contaminant levels (MCLs) versus public health goals (PHGs), constituents with PHG exceedances, the best available treatment technology (BATs) for constituents and a summary of findings.

There were no members of the audience who wished to comment. Mayor Delshad closed the public hearing.

There were no further questions or comments of Councilmembers.

MOVED by Vice Mayor Brucker, seconded by Councilmember Krasne to accept the Beverly Hills Water Utility Health Goal Report.

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

Noes: None

CARRIED

ITEM D-1: APPROVED

Councilmember Mirisch had been away from the dais when City Councilmember and Committee Reports were given. He spoke about the City's Friendly Award program.

E. CONTINUED AND NEW BUSINESS

- 1A. **AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND THE BEVERLY HILLS CHAMBER OF COMMERCE AND CIVIC ASSOCIATION FOR PURCHASE AND SALE OF 239 S. BEVERLY DRIVE AND ESCROW INSTRUCTIONS.**

Deputy City Manager David Lightner presented the staff report and a PowerPoint presentation on this item which included a summary of the major business points.

Dan Walsh, CEO of the Beverly Hills Chamber of Commerce, thanked the Council Subcommittee (Councilmember Brien and Vice Mayor Brucker) and City team for their hard work in this process.

Councilmember Krasne expressed her comments regarding the process and the project.

MOVED by Councilmember Brien, seconded by Councilmember Krasne to approve the AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND THE BEVERLY HILLS CHAMBER OF COMMERCE AND CIVIC ASSOCIATION FOR PURCHASE AND SALE OF 239 S. BEVERLY DRIVE AND ESCROW INSTRUCTIONS.

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

Noes: None

CARRIED

ITEM E-1A: APPROVED AG#291-10

- 1B. AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND THE BEVERLY HILLS CHAMBER OF COMMERCE AND CIVIC ASSOCIATION FOR PURCHASE AND SALE OF INTEREST IN 9400 SANTA MONICA BOULEVARD AND ESCROW INSTRUCTIONS.** Comment: These agreements would implement the City's purchase of the Chamber of Commerce building for future public parking development; a subsequent short term lease in that building to the Chamber of Commerce; and sale of a tenancy-in-common interest through which the Chamber of Commerce would relocate to the second floor of the City's pending development at 9400 Santa Monica Boulevard.

MOVED by Vice Mayor Brucker, seconded by Councilmember Krasne to approve the AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND THE BEVERLY HILLS CHAMBER OF COMMERCE AND CIVIC ASSOCIATION FOR PURCHASE AND SALE OF INTEREST IN 9400 SANTA MONICA BOULEVARD AND ESCROW INSTRUCTIONS.

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

Noes: None

CARRIED

Mr. Todd Johnson, General Manager of Lawry's and the volunteer Chair for the Chamber of Commerce, thanked the Mayor, City Council and staff on behalf of the Beverly Hills Chamber of Commerce Board of Directors.

ITEM E-1B: APPROVED AG#292-10

2. **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADOPTING THE PARS TRUST, INCLUDING THE PARS SUPPLEMENTARY RETIREMENT PLAN AS PART OF THE CITY'S RETIREMENT PLAN, AND;**

APPOINTING THE CHIEF FINANCIAL OFFICER AS THE PLAN ADMINISTRATOR, AND;

APPROVAL OF AN AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND PHASE II SYSTEMS TO PROVIDE A SUPPLEMENTAL RETIREMENT PROGRAM. Comment: This phase of the early retirement incentive program will be administered by PARS (DBA Phase II Systems). This program is adopted under the condition that it meets the fiscal, managerial, and operational goals of the City.

Personnel Manager Neil Comelo presented a PowerPoint presentation and oral report on this item. He provided an early retirement incentive program overview of Phase I and Phase II, details of Phase II, eligibility criteria, implementation, and review of the three items needing approval tonight by the City Council.

MOVED by Councilmember Krasne, seconded by Vice Mayor Brucker to adopt Resolution E-2 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADOPTING A SUPPLEMENTAL RETIREMENT PROGRAM THROUGH THE PUBLIC AGENCY RETIREMENT SYSTEMS; THAT THE AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS PHASE II SYSTEMS TO PROVIDE A SUPPLEMENTAL RETIREMENT PROGRAM BE APPROVED; AND THAT THE CHIEF FINANCIAL OFFICER BE APPOINTED AS THE PLAN ADMINISTRATOR AND BE AUTHORIZED TO EXECUTE THE REQUIRED DOCUMENTS TO IMPLEMENT THE PROGRAM.

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

Noes: None

CARRIED

ITEM E-2: ADOPTED RES#10-R-12758; APPROVED AG#293-10

3. **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPLYING FOR THE FY 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM.** Comment: If awarded, grant funds will be used to fund the additional analysis of DNA evidence.

Police Captain Mitchell McCann presented the staff report and noted the grant money will be used for additional DNA testing and analysis. Captain McCann responded to questions raised by the Council.

MOVED by Councilmember Mirisch, seconded by Mayor Delshad to adopt Resolution E-3 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPLYING FOR THE FY 2010 EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE GRANT PROGRAM.

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

Noes: None

CARRIED

ITEM E-3: ADOPTED RES#10-R-12759

4. **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DESIGNATING A VOTING DELEGATE AND ALTERNATE FOR THE 2010 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE.** Comment: The City Council must delegate its voting delegate for the League of California Cities Annual Conference from September 15-17, 2010.

Deputy City Manager Cheryl Friedling presented the staff report and noted Councilmember Mirisch could serve as the voting delegate and City Manager Kolin could serve as the alternate voting delegate to represent the City at the League of California Cities Annual Conference.

Mayor Delshad recommended Councilmember Brien as the voting delegate and Councilmember Mirisch as the alternate. Because of the religious holiday, it was agreed that City Manager Kolin would be an additional alternate.

MOVED by Mayor Delshad, seconded by Councilmember Krasne to adopt Resolution E-4 as amended to provide Councilmember Brien as the voting delegate and Councilmember Mirisch and City Manager Kolin as the alternates as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
DESIGNATING A VOTING DELEGATE AND ALTERNATE FOR THE 2010
LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE.

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

Noes: None

CARRIED

ITEM E-4: ADOPTED AS AMENDED RES#10-R-12760

5. **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDEMNING IRAN'S PRACTICE OF STONING AND REQUESTING A HALT TO THE EXECUTION OF SAKINEH MOHAMMADI-ASHTIANI.** Comment: Councilman Mirisch has requested that the City Council approve a resolution regarding the plight of an Iranian woman who could be executed by stoning.

Councilmember Mirisch provided the background for his request for this resolution.

Deputy City Manager Cheryl Friedling provided the staff report to adopt a resolution to condemn the stoning and urge Iranian authorities to stay the execution.

MOVED by Councilmember Mirisch, seconded by Mayor Delshad to adopt Resolution E-5 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
CONDEMNING IRAN'S PRACTICE OF STONING AND REQUESTING A HALT
TO THE EXECUTION OF SAKINEH MOHAMMADI-ASHTIANI.

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

CARRIED

ITEM E-5: ADOPTED RES#10-R-12761

6. **AN INTERIM ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING THE ESTABLISHMENT OF MARIJUANA DISPENSARIES, STORES, CO-OPS, OR MARIJUANA CULTIVATION OPERATIONS IN ANY ZONING DISTRICT OR OVERLAY ZONING DISTRICT WITHIN THE CITY, AND DECLARING THE URGENCY THEREOF.** Comment: The City Council will consider adoption of an interim ordinance to explicitly prohibit the establishment of marijuana dispensaries in any zoning district within the City. Staff recommends that Council approve the urgency ordinance and direct staff to return with a permanent ordinance within 45 days.

Community Development Director Susan Healey Keene presented the staff report on this item.

Speaking:

1. Ed Brown expressed his support of the interim ordinance.

MOVED by Councilmember Brien, seconded by Councilmember Mirisch to adopt Interim Ordinance E-6 as follows:

AN INTERIM ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING THE ESTABLISHMENT OF MARIJUANA DISPENSARIES, STORES, CO-OPS, OR MARIJUANA CULTIVATION OPERATIONS IN ANY ZONING DISTRICT OR OVERLAY ZONING DISTRICT WITHIN THE CITY, AND DECLARING THE URGENCY THEREOF.

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

CARRIED

ITEM E6: ADOPTED ORD#10-O-2585

F. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Mirisch, seconded by Councilmember Krasne to remove Item F-7 and vote on separately, approve all remaining items on the Consent Agenda and direct that the appropriate accounts be charged on Items F-2 through F-4.

Minutes

1. **CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the adjourned regular meeting of July 8, 2010.**

Demands Paid

2. **REVIEW OF BUDGETED DEMANDS PAID, report dated June 18 - July 1, 2010.**
3. **REVIEW OF BUDGETED DEMANDS PAID, report dated July 2 - 7, 2010.**
4. **PAYROLL DISBURSEMENT REPORT, report dated July 22, 2010.**

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS APPROVING:

5. **AMENDING THE PROPOSED LIST OF ENERGY EFFICIENT PROJECTS IN CONNECTION WITH THE SUBMITTAL OF A FUNDING APPLICATION TO THE CALIFORNIA ENERGY COMMISSION TO IMPLEMENT ENERGY EFFICIENCY IMPROVEMENTS AT VARIOUS CITY FACILITIES.** Comment: Amends the resolution approved in January 2010 to reflect the proposed City locations for implementing the various energy projects under the grant funding awarded the City by the California Energy Commission.

ITEM F-5: ADOPTED RES#10-R-12762

6. **AUTHORIZING SUBMISSION OF A REGIONAL USED OIL PAYMENT PROGRAM ONLINE APPLICATION ON BEHALF OF THE CITIES OF BEVERLY HILLS, WEST HOLLYWOOD AND CULVER CITY TO DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CalRecycle) FOR FISCAL YEAR 2010-2011; AND** Comment: Funding will be used to promote the Westside Cities Used Oil Recycling Program. It is estimated that the Westside Cities will receive an amount not to exceed \$33,000 for fiscal year 2010-2011. APPROVAL OF:

ITEM F-6: ADOPTED RES#10-R-12763

7. **AN AGREEMENT WITH D.C. BERRIDGE, LLC. DBA BEST EVENTS TO PROVIDE TALENT FOR 9.02.10 DAY; AND APPROPRIATION OF FUNDS IN THE AMOUNT OF \$75,000 FOR TALENT PROCUREMENT SERVICES FOR 9.02.10 EVENT; AND APPROVAL OF A PURCHASE ORDER IN A NOT-TO-EXCEED AMOUNT OF \$75,000 TO D.C. BERRIDGE, LLC. FOR THESE SERVICES.** Comment: This item requests approval of a purchase order for D.C. Berridge, LLC. to procure marquee talent for 9.02.10 Day on September 2, 2010.

Mayor Delshad pulled this item for discussion.

Deputy City Manager Cheryl Friedling provided a report on this item.

MOVED by Councilmember Krasne, seconded by Vice Mayor Brucker to (i) AUTHORIZE THE APPROPRIATION OF FUNDS IN AN AMOUNT OF \$75,000 IN ORDER TO SECURE THE TALENT FOR THE 9.02.10 EVENT; (ii) AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DC BERRIDGE LLC DBA BEST EVENTS OR DAVID MARTIN MANAGEMENT TO SECURE THE TALENT FOR THE 9.02.10 EVENT SUBJECT TO REVIEW AND APPROVAL OF THAT AGREEMENT BY THE CITY ATTORNEY'S OFFICE. THE AGREEMENT WILL PROVIDE THAT THE TALENT SHALL BE SUBJECT TO THE DEPUTY CITY MANAGER FOR PUBLIC AFFAIRS' PRIOR APPROVAL; (iii) AUTHORIZE THE APPROPRIATION OF FUNDS IN AN AMOUNT UP TO \$50,000 TO SECURE THE TALENT FOR THE 9.02.10 EVENT AS LONG AS THE SOURCE OF SUCH FUNDS IS DERIVED FROM THE 9.02.10 EVENT SPONSORSHIP MONEY PROVIDED TO THE CITY; (iv) AUTHORIZE THE APPROVAL OF

A PURCHASE ORDER WITH DC BERRIDGE LLC DBA BEST EVENTS OR DAVID MARTIN MANAGEMENT (AS DETERMINED BY THE CITY MANAGER) IN AN AMOUNT UP TO \$125,000 TO SECURE THE TALENT.

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

CARRIED

ITEM F-7: APPROVED AS AMENDED

8. **ACCEPTANCE OF CONTRACT WORK FOR THE BRIDLE PATH AT COLDWATER CANYON PARK BY TROPICAL CREATIONS INC. IN THE FINAL CONTRACT AMOUNT OF \$104,242.** Comment: Requests acceptance of the contract work and authorizes the recording of the Notice of Completion with the County Recorder.

ITEM F-8: APPROVED

9. **ACCEPTANCE OF CONTRACT WORK FOR THE LA CIENEGA TENNIS CENTER LOCKER ROOM RENOVATION PROJECT BY CORNERSTONE CONSTRUCTION GROUP, INC. IN THE FINAL CONTRACT AMOUNT OF \$389,569.52.** Comment: Requests acceptance of the contract work and authorizes the recording of the Notice of Completion with the County Recorder.

ITEM F-9: APPROVED

Vote on Consent Agenda:

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

Carried

G. COMMISSION SYNOPSIS

1. PUBLIC WORKS COMMISSION - regular meeting of June 10, 2010.

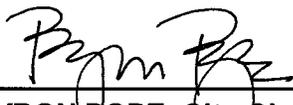
Original, signed minutes are on file in the Office of the City Clerk.

H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Delshad, with the consent of the Council, adjourned the meeting at 8:55pm to Closed Session for the remaining items on the Closed Session agenda.



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.