



**CITY OF BEVERLY HILLS
ADJOURNED CITY COUNCIL MEETING
AND PARKING AUTHORITY MEETING
MINUTES
June 7, 2012**

The joint Adjourned City Council and Parking Authority meeting was held in the Council Chambers at 7:00pm.

A. ROLL CALLS

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

B. PRESENTATIONS

1. RECOGNITION OF RETIRING COMMISSIONER - Ira Friedman Traffic and Parking Commission

Mayor Brien, along with Councilmember Gold, presented a plaque of recognition and gift to retiring Traffic and Parking Commissioner Ira Friedman. Mr. Friedman thanked the City for the opportunity to serve.

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. Jody Kleinman
2. Justin Lanning
3. Thomas White, Chairman of the Municipal League of Beverly Hills

3. REPORT FROM THE CITY MANAGER

* Fire Prevention Bureau Services and Successes - Chris Heyer, Deputy Fire Marshal

Deputy Fire Marshal Chris Heyer discussed the services offered by the Beverly Hills Fire Department and the fire prevention systems used by the Fire Prevention Bureau inspectors. He noted the successes of the program.

* Preventing Auto Break Ins - Gregg Mader, Police Sergeant

Police Sergeant Gregg Mader showed a PowerPoint presentation and spoke about how the department handles auto thefts and burglaries. He provided statistical data, crime prevention hints and principles of crime prevention through environmental design such as lighting, landscaping and natural surveillance. He encouraged residents to report suspicious activity immediately to the Police Department.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

None

D. CITY COUNCIL PUBLIC HEARING

TO SET:

None

TO CONSIDER:

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

1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2012/2013; AND,

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE OPERATING BUDGET AND FINANCIAL POLICIES FOR THE 2012/2013 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR; AND

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR THE 2012/2013 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR. Comment: It is recommended that the City Council adopt the resolutions approving the Annual Appropriations Limit,

Operating Budget and Financial Policies, and the Capital Improvement Program Budget for the 2012/2013 Fiscal Year.

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 report of the Budget and Revenue Officer and the record of the Administrative Services Department in this matter are made a part of the record of this hearing.

Speaking:

Budget and Revenue Officer Don Harrison presented the staff report. He provided a brief overview of the budget process this year and noted the budget reductions over the past few years. He spoke about the staff's structural budget approach going forward.

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

Councilmember Bosse requested Mr. Harrison to identify and explain each of the line item budget reductions, and the impact and actual cost savings on each line item. She asked about Section 6 on the Capital Improvement Program budget resolution pertaining to the transfer and appropriation of funds by the City Manager and Chief Financial Officer. She requested clarification on the Operating and Capital Budget Fund 81 transfer.

Vice Mayor Mirisch asked for the total headcount after the staff reductions.

The Councilmembers thanked staff for their hard work and for the effort in reducing the budget. They individually commented on the items they can and cannot support. Councilmember Bosse commented that the documents were not provided in a timely manner to Council. Vice Mayor Mirisch commented that a major systemic change needs to be made. He supported the overall reductions in budget such as reduction in overtime and headcount but not lesser quality service. Mayor Brien commented that he trusts and supports the reduction decisions made by the City Manager and Department Heads as they know best which areas need to be cut without sacrificing service to the public.

Council agreed to amend the Capital Improvement Program budget to add \$200,000 from the IT Fund to fund the audiovisual improvements for Room 280-A.

Council agreed to reduce the Operating budget by \$899,104.

Councilmember Bosse requested that the amended budget documents be provided to Council tomorrow morning.

There were no further questions or comments from Councilmembers.

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

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR THE FISCAL
YEAR 2012/2013

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

CARRIED

ITEM D-1A: ADOPTED RES# 12-R-12878

MOVED by Councilmember Gold, seconded by Councilmember Brucker to adopt
Resolution D-1B as amended as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPROVING THE OPERATING BUDGET AND FINANCIAL POLICIES
FOR THE 2012/2013 FISCAL YEAR AND APPROPRIATING FUNDS
THEREFOR

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

CARRIED

ITEM D-1B: ADOPTED AS AMENDED RES# 12-R-12879

MOVED by Councilmember Gold, seconded by Councilmember Brucker to adopt
Resolution D-1C as amended as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPROVING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR
THE 2012/2013 FISCAL YEAR AND APPROPRIATING FUNDS
THEREFOR

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

CARRIED

ITEM D-1C: ADOPTED AS AMENDED RES# 12-R-12880

E. PARKING AUTHORITY PUBLIC HEARING

TO SET:

None

TO CONSIDER:

1. RESOLUTION OF THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS APPROVING THE OPERATING BUDGET AND FINANCIAL POLICIES FOR THE 2012/2013 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR. Comment: It is recommended that the Parking Authority adopt the resolution approving the Operating Budget for the 2012/2013 Fiscal Year.

The notice of the hearing was published as required by law and an affidavit to this effect is on file with the Secretary.

The report of the Budget and Revenue Officer and the record of the Administrative Services Department in this matter are made a part of the record of this hearing.

Speaking:

Budget and Revenue Officer Don Harrison presented the staff report.

There were no members of the audience who wished to comment. Chair Brien closed the public hearing.

Director Bosse requested staff for an explanation of the non-cash expenditures depreciation of \$6,399,200.

There were no further questions or comments from the Directors.

MOVED by Director Brucker, seconded by Director Bosse to adopt Resolution E-1 as follows:

RESOLUTION OF THE PARKING AUTHORITY OF THE CITY OF BEVERLY HILLS APPROVING THE OPERATING BUDGET AND FINANCIAL POLICIES FOR THE 2012/2013 FISCAL YEAR AND APPROPRIATING FUNDS THEREFOR

Ayes: Director Gold, Director Bosse, Director Brucker, Director Mirisch, and Chair Brien.

Noes: None.

CARRIED

ITEM E-1: ADOPTED RES# PA-R-12-142

F. CONTINUED AND NEW BUSINESS

None

G. PARKING AUTHORITY CONSENT CALENDAR

MOVED by Director Bosse, seconded by Director Brucker to approve all items on the Parking Authority consent calendar

Minutes

1. CONSIDERATION OF THE MINUTES of the Parking Authority Meeting of May 15, 2012.
APPROVAL OF:
2. AUTHORIZE THE GENERAL COUNSEL, CHIEF FINANCIAL OFFICER AND TREASURER TO EXECUTE AN AGREEMENT WITH WELLS FARGO BANK TO PROVIDE THE BEVERLY HILLS PARKING AUTHORITY BANK DEPOSITORY SERVICES. Comment: Staff recommends that the Board of Directors of the Parking Authority move to authorize and direct the City Attorney, Director of Administrative Services/Chief Financial Officer and the Treasurer to negotiate and execute an agreement between Wells Fargo Bank and the Beverly Hills Parking Authority to provide bank depository services.

ITEM G-2: APPROVED

Vote on the Parking Authority Consent Calendar:

Ayes: Director Gold, Director Bosse, Director Brucker, Director Mirisch, and Chair Brien.
Noes: None.

CARRIED

H. CITY COUNCIL CONSENT CALENDAR

MOVED by Councilmember Bosse, seconded by Councilmember Brucker to remove Items H-7 and H-9 for separate vote; remove Items H-10, H-12 and H-16 for discussion and separate vote; approve the remaining items on the City Council consent calendar including an amendment to Item H-13, and direct that the appropriate accounts be charged on Items H-3, H-4 and H-5

Minutes

1. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Special meeting of April 17, 2012.
2. CONSIDERATION BY THE CITY COUNCIL OF THE MINUTES of the Regular meeting of May 15, 2012.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated May 5 - May 18, 2012.
4. REVIEW OF BUDGETED DEMANDS PAID, report dated May 19 - June 1, 2012.
5. PAYROLL DISBURSEMENT REPORT, report dated June 7, 2012.
6. PORTFOLIO REPORT - QUARTER ENDING DECEMBER 31, 2011. Comment: Summary of portfolio balances and activities showing investment holdings as of December 31, 2012.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

7. DELETING THE REQUIREMENT TO ACCEPT DEDICATED PROPERTY WITHIN ONE YEAR AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. Second Reading - For Adoption. Comment: Construction projects can last longer than one year and the City's current requirement that dedication of land be accepted within one year can obligate the City to accept land before construction activities have ended. Accepting land before the end of a construction project could expose the City to lawsuits if an injury was to occur during construction. This ordinance deletes the current requirement to accept land within one year.

MOVED by Councilmember Bosse, seconded by Councilmember Brucker to adopt Ordinance H-7 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS DELETING THE REQUIREMENT TO ACCEPT DEDICATED PROPERTY WITHIN ONE YEAR AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

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

Noes: Mayor Brien.

CARRIED

ITEM H-7: ADOPTED ORD# 12-O-2622

8. AMENDING CERTAIN DEVELOPMENT STANDARDS FOR SINGLE FAMILY PROPERTIES IN THE CENTRAL AREA OF THE CITY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. Second Reading - For Adoption. Comment: The ordinance would amend the City's municipal code to allow more flexibility in the design of additions to existing single family homes in the Central Area of the City.

ITEM H-8: ADOPTED ORD# 12-O-2623

9. TO INCREASE WATER RATES IN FISCAL YEARS 2012-2013 AND 2013-2014. Second Reading - For Adoption. Comment: The City is proposing to increase water utility rates for FY 2012/13 and 2013/14 so that it may continue providing a high quality and reliable water supply. The proposed water rate increases are necessary to adequately fund increasing O&M expenditures, continue investing in infrastructure maintenance and replacement, and maintain adequate operating reserves.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to adopt Ordinance H-9 as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS TO INCREASE WATER RATES IN FISCAL YEARS 2012-2013 AND 2013-2014.

Ayes: Councilmember Gold, Councilmember Bosse, Councilmember Brucker, and Mayor Brien.

Noes: Vice Mayor Mirisch.

CARRIED

ITEM H-9: ADOPTED ORD# 12-O-2624

RESOLUTIONS APPROVING:

None

APPROVAL OF:

10. AN AGREEMENT WITH J.K. MIKLIN DBA YAMADA ENTERPRISES FOR FURNITURE PURCHASE AND INSTALLATION AT BEVERLY HILLS PUBLIC LIBRARY IN THE AMOUNT OF \$225,983.82; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$225,983.82 TO J.K. MIKLIN DBA YAMADA ENTERPRISES FOR THE WORK. Comment: Provides for purchase and installation of furniture as part of Library Facility capital improvement project.

Associate Project Manager Donielle Kahikina responded to Vice Mirisch's question on whether the item is related to the remodel of the Children's Library section.

MOVED by Gold, seconded by Brucker Comment: Provides for purchase and installation of furniture as part of Library Facility capital improvement project.

Ayes: Councilmember Gold, Councilmember Bosse, Councilmember Brucker, and Mayor Brien.

Noes: Vice Mayor Mirisch.

CARRIED

ITEM H-10: APPROVED AG# 195-12

11. AUTHORIZE THE CITY ATTORNEY, DIRECTOR OF ADMINISTRATIVE SERVICES/CFO AND THE TREASURER TO EXECUTE AN AGREEMENT WITH WELLS FARGO BANK TO PROVIDE THE CITY OF BEVERLY HILLS BANK DEPOSITORY SERVICES. Comment: Staff recommends that the City Council move to authorize and direct the City Attorney, Director of Administrative Services/Chief Financial Officer and Treasurer to negotiate and execute an agreement between Wells Fargo Bank and the City of Beverly Hills to provide bank depository services.

ITEM H-11: APPROVED

12. AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AN ADDENDUM WITH AT&T CORPORATION TO STATE AGREEMENT CALNET 2, AMENDMENT 8, MSA 2 NO. 5-06-58-21 FOR THE REPLACEMENT OF EXISTING 9-1-1 EQUIPMENT. Comment: City Council authorizing the City Manager or his designee to negotiate and execute an Addendum to the State Agreement for replacement of the 911 system which is funded by the State of California.

Police Communications and Property Bureau Manager Dona Norris, City Manager Kolin, and City Attorney Wiener provided clarification to Vice Mayor Mirisch's question on the need to authorize the City Manager to negotiate and execute the addendum, and the 911 system upgrades.

MOVED by Councilmember Gold, seconded by Councilmember Bosse to approve Item H-12 as follows:

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AN ADDENDUM WITH AT&T CORPORATION TO STATE AGREEMENT CALNET 2, AMENDMENT 8, MSA 2 NO. 5-06-58-21 FOR THE REPLACEMENT OF EXISTING 9-1-1 EQUIPMENT

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

Noes: None.

CARRIED

ITEM H-12: APPROVED

13. AGREEMENT WITH THE LAW OFFICES OF SHUTE, MIHALY & WEINBERGER LLP FOR SPECIAL COUNSEL SERVICES RELATED TO THE METROPOLITAN TRANSPORTATION AUTHORITY'S WESTSIDE SUBWAY EXTENSION. Comment: This agreement will engage Shute, Mihaly & Weinberger, LLP to provide special counsel services in connection with California Environmental Quality Act (CEQA) issues and National Environmental Policy Act (NEPA) issues concerning the Westside Subway Extension.

City Attorney Wiener clarified that the motion should include an appropriation of funds for fiscal years 2011-12 and 2012-13 and a purchase order.

ITEM H-13: APPROVED AS AMENDED AG# 196-12

14. AMENDMENT NO. 1 TO THE AGREEMENT WITH GRUEN ASSOCIATES FOR CONSULTING DESIGN SERVICES RELATED TO IMPROVEMENTS TO CITY GATEWAY AT DOHENY DRIVE AND SANTA MONICA BOULEVARD; AND

APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$121,509 TO GRUEN ASSOCIATES FOR THESE SERVICES. Comment: Provides for the design services to prepare plans and specifications based on the City Council's approved design concept for the City gateway.

ITEM H-14: APPROVED AG# 197-12

15. AMENDMENT NO. 1 TO THE AGREEMENT WITH GILCHRIST & RUTTER, A PROFESSIONAL CORPORATION, FOR SPECIAL COUNSEL SERVICES. Comment: This amendment to the agreement with Gilchrist and Rutter expands the scope of services provided by Gilchrist and Rutter to include litigation services related to the Westside Subway Extension.

ITEM H-15: APPROVED AG# 198-12

16. AMENDMENT NO. 5 TO THE EMPLOYMENT AGREEMENT WITH JEFF KOLIN. Comment: The amendment provides a 2% cost of living adjustment to the base salary of City Manager, Jeff Kolin.

Councilmember Bosse and Vice Mayor Mirisch stated their reasons for not supporting the item.

MOVED by Councilmember Gold, seconded by Councilmember Brucker to approve Item H-16 as follows:

AMENDMENT NO. 5 TO THE EMPLOYMENT AGREEMENT WITH JEFF KOLIN

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

CARRIED

ITEM H-16: APPROVED AG# 199-12

17. REJECTION OF BID FOR CONTRACT WORK PERTAINING TO THE 221 N. CRESCENT BRICK FAÇADE REPLACEMENT PROJECT. Comment: It is recommended that the City Council reject the single bid for contract work pertaining to the 221 N. Crescent Brick Façade Replacement Project, and authorize the rebidding of the work.

ITEM H-17: APPROVED

Vote on the City Council Consent Calendar:

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

CARRIED

**I. COMMISSION SYNOPSIS
NO ACTION TAKEN ON "I" ITEMS**

1. PLANNING COMMISSION - Regular meeting of April 12, 2012
ARCHITECTURAL COMMISSION - Regular meeting of April 18, 2012
RECREATION AND PARKS COMMISSION - Special meeting of April 24, 2012
PLANNING COMMISSION - Regular meeting of April 26, 2012
DESIGN REVIEW COMMISSION - Regular meeting of May 3, 2012
PUBLIC WORKS COMMISSION - Regular meeting of May 10, 2012
HUMAN RELATIONS COMMISSION - Regular meeting of May 17, 2012
FINE ART COMMISSION - Regular meeting of May 17, 2012

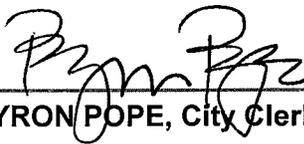
J. OTHER BUSINESS

Mayor Brien recommended the community read The Beverly Hills Courier's editorial tomorrow morning for a great insight about decisions that were made prior to the close of the public hearing tonight.

K. ADJOURNMENT

There being no further business, Mayor Brien, with the consent of the Council, adjourned the meeting at 8:50pm.

PASSED, Approved and Adopted
this 19th day of June, 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.