



**CITY OF BEVERLY HILLS
CITY COUNCIL
REGULAR COUNCIL MEETING
September 04, 2007**

The Regular Council meeting of the City Council of the City of Beverly Hills was held in the Council Chambers at 7:30 p.m.

PLEDGE OF ALLEGIANCE

A. ROLL CALL

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

B. PRESENTATIONS

1. CERTIFICATE OF APPOINTMENT - Public Works Commission
- Dr. Peter Foldvary

Mayor Delshad presented Dr. Foldvary with his certificate of appointment to the Public Works Commission.

Dr. Foldvary thanked the Mayor and City Council for this honor, and noted that he is looking forward to serving the community.

Mayor Delshad introduced another Public Works Commissioner appointee Farshid Joe Shooshani, and congratulated him on his upcoming term beginning in November 2007.

2. RECOGNITION - Beverly Hills Little League Senior Baseball All-Stars

Mayor Delshad presented Certificates of Recognition to Jay Herzog for outstanding achievement as the Manager of the 2007 Beverly Hills Little League Senior Baseball All-Stars and to David Corwin for outstanding achievement as the Coach for the same. Councilmember Fenton acknowledged the fine job they performed and certificates were presented to each of the team members.

3. "MEET THE STAFF" - Public Works, Transportation and Engineering
- Gregory Routt, Parking Enforcement Supervisor

Director of Public Works, Transportation and Engineering David Gustavson introduced Parking Enforcement Supervisor Gregory Route.

Mr. Routt noted that he is the Parking Enforcement Supervisor of the swing shift for the Public Works Transportation and Engineering Department and spoke about his 12-year career with the City, his family and hobbies.

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. Todd Warden introduced himself as the new representative of the South Coast AQMD for the City of Beverly Hills, updated the Council on upcoming Assembly Bills and advised of a Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning.

2. Mayor Delshad requested Vice Mayor Brucker read a letter into the record from Lawrence and Adina Small regarding the increase in preferential permit parking fees.

3. REPORT FROM THE CITY MANAGER - Update on recent upgrades to the Building Inspection Request System (Smart City Initiative) - George Chavez, City Building Official

City Building Official George Chavez announced the completion of one of the Smart City Initiatives regarding the new Building Inspection Request System.

Mr. Chavez explained how the new system works and reported on what will be coming in the future.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

- Did you know? :

Mayor Delshad announced the newly created Health & Safety Commission and noted the Security Technology and Emergency Management (STEM) Committee will now be disbanded. The Mayor mentioned the formation of a new Ad Hoc Technology Committee lead by him and Vice Mayor Brucker and comprised of Jim Krasne, AJ Wilmer, Alan Gruschow and Allan Alexander.

Vice Mayor Brucker announced that September is National Preparedness Month, and encouraged the community to be informed, get involved, prepare now for any upcoming emergency (make a plan for evacuation, supplies, contacts, etc.)

Councilmember Briskman provided an update regarding the annual Halloween Carnival held in West Hollywood. She noted a temporary parking restriction will be enforced and a temporary permit will be issued to the designated area to protect the residents and children that evening.

D. PUBLIC HEARING

TO SET:

None

1A. AN ORDINANCE ESTABLISHING A MIXED-USE PLANNED DEVELOPMENT OVERLAY ZONE AND REGULATIONS PERTAINING THERETO.

Community Development Director Vince Bertoni provided the staff report and a background for this evening's hearing presentation. Mr. Bertoni reviewed the public hearing process to date (which began in September 2006) and noted three items for Council direction are; 1. Reintroduce the mixed-use overlay zone ordinance (first reading), 2. Reintroduce the ordinance-adopting the Development Agreement and 3. Review the proposed Resolution approving the project to be approved on September 17, 2007.

City Attorney Laurence Wiener explained that since there were technical changes to the agreement a re-introduction and first reading of the ordinance is required. Mr. Wiener reviewed the substance of the changes that are highlighted in the revised Development Agreement distributed to the Council and made available for the public.

Speaking:

1. Darian Bojeaux spoke about the staff report and voiced a concern to have as much of a setback as possible with this project.
2. Roberta White spoke about the number of units proposed and the number of cars that will be coming to and through this area.

City Attorney Wiener noted that Councilmember Krasne is entitled to participate on the legislative matters which include the Development Agreement and the zoning ordinance, however she will need to recuse herself on the quasi judicial matters.

MOVED by Councilmember Briskman, seconded by Councilmember Fenton to waive full reading and advance Ordinance D-1A to September 17, 2007 for adoption as follows:

AN ORDINANCE ESTABLISHING A MIXED-USE PLANNED DEVELOPMENT OVERLAY ZONE AND REGULATIONS PERTAINING THERETO.

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

CARRIED

ITEM D1A: WAIVE FULL READING AND ADVANCE TO SEPTEMBER 17, 2007 FOR ADOPTION

- 1B.** AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND 9200 WILSHIRE, LLC AND LEGACY PARTNERS 2485 LLC FOR DEVELOPMENT OF A MIXED-USE PROJECT.

MOVED by Vice Mayor Brucker, seconded by Councilmember Briskman to waive full reading and advance Ordinance D-1B to September 17, 2007 for adoption as follows:

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND 9200 WILSHIRE, LLC AND LEGACY PARTNERS 2485 LLC FOR DEVELOPMENT OF A MIXED-USE PROJECT.

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

CARRIED

ITEM D-1B: WAIVE FULL READING AND ADVANCE TO SEPTEMBER 17, 2007 FOR ADOPTION

- 1C.** A RESOLUTION CONDITIONALLY APPROVING A VESTING TENTATIVE TRACT MAP AND A PLANNED DEVELOPMENT PERMIT TO ALLOW CONSTRUCTION OF A MIXED USE PROJECT AT 9200 WILSHIRE BOULEVARD. Comment: At its meetings of September 5, and October 9, 2006, the City Council discussed and approved in concept a mixed use development project on this site. At its meeting of April 26, 2007, the City Council held a public hearing on the project and certified the Final Environmental Impact Report. At the July 24, 2007 meeting, the City Council adopted a resolution approving a General Plan Amendment for this project, considered first reading of an ordinance approving a Development Agreement between the City and applicant Legacy Partners for development of a mixed-use project at 9200 Wilshire Boulevard and reviewed project revisions. At the September 4, 2007 meeting, the City Council will consider the final proposed project plans and the three actions above.

Councilmember Krasne left the Chambers at 8:41pm.

Dale Goldsmith, attorney representing Legacy Partners noted that the firm will work with the Architectural Commission regarding the beams on the top Wilshire Boulevard setbacks. After discussion, the Council decided not to send this item to the Commission because the Council and developer came to an agreement regarding removing the beams. It was noted the item will return to the Council for adoption on September 17, 2007.

ITEM D-1C: ITEM WILL RETURN TO THE COUNCIL ON SEPTEMBER 17, 2007

E. CONTINUED AND NEW BUSINESS

- 1.** AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS PUBLIC ART ORDINANCE PERTAINING TO MIXED-USE BUILDINGS. For Introduction. Comment: The proposed ordinance would include mixed-use developments as a project subject to the requirements of the Public-Art Ordinance.

Councilmember Krasne returned to the dais at 8:50 p.m.

Recreation Services Manager Brad Meyerowitz provided the staff report and requested the Council waive full reading and introduce the ordinance this evening.

MOVED by Councilmember Briskman, seconded by Councilmember Krasne to waive full reading and advance Ordinance E-1 to September 17, 2007 for adoption as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS PUBLIC ART ORDINANCE PERTAINING TO MIXED-USE BUILDINGS.

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

CARRIED

ITEM E-1: WAIVE FULL READING AND ADVANCE TO SEPTEMBER 17, 2007 FOR ADOPTION

F. CONSENT CALENDAR

MOVED by Vice Mayor Brucker, seconded by Councilmember Krasne to 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 adjourned regular meeting of July 10, 2007.
2. Consideration of the Minutes of the adjourned regular meeting of July 24, 2007.

Demands Paid

3. REVIEW OF BUDGETED DEMANDS PAID, report dated August 15 - 23, 2007.
4. PAYROLL DISBURSEMENT REPORT, report dated September 4, 2007.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

5. RELATED TO INCREASE OF METERED TAXICAB RATES AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. For Adoption. Comment: Increases the taxi metered rate structure similar to the City of Los Angeles. The Metered rate has not been raised since 2005.

ITEM F-5: ADOPTED ORD#07-O-2527

RESOLUTIONS APPROVING:

6. SETTING FORTH THE DECISION OF THE CITY COUNCIL APPROVING THE SUBSTITUTION OF SUBCONTRACTOR PURSUANT TO THE PUBLIC CONTRACT CODE IN CONNECTION WITH THE PUBLIC WORKS VEHICLE SHOP PROJECT. Comment: This resolution sets forth the City Council's decision to approve the substitution of a masonry subcontractor in connection with the Public Works Vehicle Shop project.

ITEM F-6: ADOPTED RES#07-R-12427

7. AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS, AMENDMENTS AND AUTHORIZE PURCHASE ORDERS ON BEHALF OF THE CITY PERTAINING TO CITY'S HOLIDAY PROGRAM. Comment: This item requests authorization for the City Manager to sign agreements and amendments relating to the Holiday Program, in particular the Holiday Lighting Ceremony.

ITEM F-7: ADOPTED RES#07-R-12428

APPROVAL OF:

8. PUBLIC WORKS COMMISSION APPOINTMENTS. Appoints Dr. Peter Foldvary to the vacant Public Works Commission position for an initial two year term, and appoints Farshid "Joe" Shooshani and Steven Weinglass to the Public Works Commission positions of Tom Korey and Daniel Yukelson respectively upon retirement. Farshid "Joe" Shooshani and Steven Weinglass are required to attend all Public Works Commission meetings leading up to their appointments.

ITEM F-8: APPROVED

9. FINE ART COMMISSION APPOINTMENTS. Appoints Judith A. Friedman and Terri Smooke to the vacant Fine Art Commission positions for an initial two year term, and appoints Dr. Fiona Chalom to the Fine Art Commission position of Nan Corman in October 2007. Dr. Fiona Chalom is required to attend all Fine Art Commission meetings leading up to her appointment.

ITEM F-9: APPROVED

10. ACCEPTANCE OF THE CONTRACT WORK FOR THE STREET IMPROVEMENTS FOR THE URBAN DESIGN PROJECT BY GRIFFITH COMPANY, IN THE FINAL AMOUNT OF \$11,557,406.07 Comment: Requests acceptance of the contract work, with the noted changes in work and authorization to record the Notice of Completion.

ITEM F-10: APPROVED

11. REJECTION OF ALL BIDS FOR CONTRACT WORK PERTAINING TO THE CITY HALL CUSTOMER SERVICE CENTER PROJECT. Comment: Requests that all bids be rejected for the contract work pertaining to the City Hall Customer Service Center project at the ground floor, and authorize the re-bidding of the project due to a bid irregularity with the low bid and excessively high bid with the other bids received.

ITEM F-11: APPROVED

Vote on Consent Calendar:

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

CARRIED

G. COMMISSION SYNOPSIS

1. Synopsis - FINE ART COMMISSION - meeting of August 16, 2007.

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 Council, adjourned the meeting at 9:00 p.m. to September 17, 2007.

PASSED, Approved and Adopted
this 2nd day of October, 2007



BYRON POPE, City Clerk

JIMMY DELSHAD, MAYOR

Minutes
September 4, 2007
Page 9

This meeting was broadcast on live television, on City of Beverly Hills municipal government television access Channel BHN/10 Time Warner Cable.