



**CITY OF BEVERLY HILLS
CITY COUNCIL
REGULAR COUNCIL MEETING
October 02, 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 - Fine Art Commission
- Terri Smooke

Mayor Delshad presented a certificate of appointment to new Fine Art Commissioner Terri Smooke, and thanked her for her willingness to serve the City.

Ms. Smooke thanked the City Council for this honor and wished her husband a Happy Birthday today.

2. CERTIFICATE OF APPOINTMENT - Design Review Commission
- Susan A. Strauss

Mayor Delshad presented Susan Strauss a Certificate of Appointment to the Design Review Commission, and thanked her for continued willingness to serve the community.

3. **PRESENTATION** - Beverly Hills Little League All-Stars recognition

Mayor Delshad, along with Councilmembers Fenton and Briskman, presented the Certificates of Recognition to the managers of the Beverly Hills Little League All-Stars in recognition of their successful 2007 season and acknowledged each division team.

4. **PRESENTATION** - California Arts Day recognition
Mayor Delshad presented School Board Member Alissa Roston with a proclamation in honor of California Arts Day this Friday. Ms. Roston thanked the City for its support of the various art programs coordinated with the School District.
5. **"MEET THE STAFF"** - Administrative Services
- Neil Comelo, Personnel Manager

Chief Financial Officer Scott Miller introduced Personnel Manager Neil Comelo.

Mr. Comelo mentioned that he works for the Human Resources division of the Administrative Services Department and explained his primary responsibilities.

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. Syrus Rasmi spoke about his business located next to the construction of the Montage Hotel and the condition of the sidewalk and available parking.

Council requested staff meet with Mr. Rasmi and explain the construction schedule and care of the sidewalk.

3. REPORT FROM THE CITY MANAGER
- CCTV update

Assistant Division Commander Theresa Taylor reported Phase 2 of the Closed Circuit TV (CCTV) program is now functional and on its way to being fully operational. Ms. Taylor reported on the issues being addressed in the current phase and spoke about the pending policy and use procedures for the security and proper use of the cameras.

Mayor Delshad mentioned the ending of the STEM Committee and announced the new Technology Committee.

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

Vice Mayor Brucker announced that as of yesterday Beverly Hills now offers a smoke-free outdoor dining experience, and explained that this effort is to make the environment healthier so all can enjoy and improve their dining experience.

Mayor Delshad presented Ehud Danoch, Israeli Consultant General, with the Key to the City and congratulated him on the birth of his daughter. Mr. Danoch spoke about his experience in Beverly Hills these past three years representing the State of Israel in the Western Region of the United States and invited all to visit Israel.

Councilmember Linda Briskman introduced Kathy Van Osten, GCG Rose & Kindel, who provided an update on the status of the bills being signed in Sacramento, the State budget and the status of the City's sponsored legislation.

Councilmember Briskman mentioned the City is also represented by the lobbying firm Manatt Phelps Phillips who is working on behalf of the City in Washington, DC.

D. PUBLIC HEARING

TO SET:

None

TO CONSIDER:

A continued public hearing was held to consider:

- 1A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED MIXED USE PROJECT GENERALLY LOCATED AT 8600 WILSHIRE BOULEVARD; MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING A MITIGATION MONITORING PROGRAM.
- 1B. AN APPLICATION FOR A PLANNED DEVELOPMENT APPROVAL AND VESTING TENTATIVE TRACT MAP FOR A MIXED USE PROJECT AT 8600 WILSHIRE BOULEVARD.
- 1C. A GENERAL PLAN AMENDMENT TO ACCOMMODATE MIXED USE DEVELOPMENT AT THE HEIGHT AND DENSITY PROPOSED FOR THIS PROJECT.
- 1D. AN ORDINANCE OF THE CITY OF BEVERLY HILLS ESTABLISHING A MIXED-USE PLANNED DEVELOPMENT OVERLAY ZONE AND REGULATIONS PERTAINING THERETO. For Introduction.
- 1E. AN ORDINANCE OF THE CITY OF BEVERLY HILLS APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND THE PROJECT APPLICANT FOR DEVELOPMENT OF A MIXED-USE PROJECT. For Introduction. Comment: At the July 24, 2007 meeting, the City Council reviewed this project and directed that the hearing be continued to October 2, 2007 and that Staff bring back the resolution certifying the EIR, the resolution amending the General Plan, the resolution approving a planned development and vesting tentative tract map, the ordinance approving the development agreement and the ordinance establishing a mixed-use planned development overlay zone.

City Attorney Laurence Wiener noted he lives in close proximity to the project site and recused himself from discussion of this matter. Mr. Wiener left the Chamber at 8:45 p.m. and Chief Assistant Attorney Roxanne Diaz provided legal counsel.

Senior Planner Donna Jerex provided the staff report. Ms. Jerex began with a review and project history to date and noted the recommendations that staff is requesting the City Council approve.

1. Eileen Finizza, speaking on behalf of herself and her neighbor Amy, discussed changing the zoning of their property from R-1 to R-4.

Chief Assistant Attorney Diaz explained why this issue can not be considered this evening as requested by Ms. Finizza.

2. Joe Hirt commented on the mixed use concept in relation to existing zoning laws.

3. Jim Simon spoke about the overlay zone and mixed.
4. Mitch Dawson, speaking on behalf of the applicant, noted what has transpired and what issues are remaining.
5. Edward Levin, applicant, presented a PowerPoint presentation of the revised project drawings. Mr. Levin explained the 33' pitched roof concept versus the 30' flat roof concept and spoke about the landscaping that will buffer the residential and soften the Wilshire frontage. He showed the Wilshire facade of the project and spoke about the affordable housing units.
6. Dr. Woodrow Clark asked specific questions about the project which staff responded to.

Chief Assistant Attorney Diaz explained that as a Planning Commissioner, Councilmember Krasne participated in this matter, which involves both legislative and quasi-judicial matters, and she will not be able to participate in the quasi-judicial matters this evening and recommended the legislative matters (Development Agreement, mixed-use overlay zone and the General Plan Amendment) be considered first.

The Council asked questions of staff and then the Mayor asked for a consensus of the Council to move the following items forward for approval at the next Council meeting: 1) Resolution certifying the final EIR, 2) Resolution for a General Plan Amendment, 3) Ordinance establishing a mixed-use planned development overlay zone, and 4) Ordinance approving a Development Agreement between the City and the project applicant. It was the consensus of the Council to move forward with certifying the final EIR, amending the General Plan and establishing a mixed-use planned development overlay zone. Councilmember Krasne was not in favor of these. It was the consensus of the entire Council to move forward with the development agreement between the City and the project applicant.

Councilmember Krasne recused herself from the quasi judicial matters and left the dais at 9:32 p.m.

It was the consensus to move forward to prepare a resolution approving a planned development permit and vesting tentative tract map for the project.

Councilmember Krasne and City Attorney Wiener returned to the dais at 9:35pm.

ITEMS D-1A THROUGH D-1E IT WAS THE CONSENSUS OF THE COUNCIL TO MOVE FORWARD WITH THE ITEMS AND CONSIDER AT THE OCTOBER 16, 2007 MEETING

E. CONTINUED AND NEW BUSINESS (taken out of order)

1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS MODIFYING PREFERENTIAL PERMIT PARKING ZONE "BD" ON THE 300 BLOCK OF ALPINE DRIVE AND DESIGNATING THE ZONE "G". Comment: Proposal to modify the permit parking regulation on 300 block of Alpine Drive to "No Parking, 8am to 6pm, Daily, Except by Permit" and to change the zone designation from "BD" to "G".

Deputy Director Aaron Kunz provided the staff report.

1. Sandra Walder, lead petitioner for this permit zone, spoke to the need for this approval, and the need to champion the effort for a subsidized parking program for restaurant staff.
2. Mayor Delshad acknowledged a letter in support for this approval.

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

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
MODIFYING PREFERENTIAL PERMIT ZONE "BD" ON THE 300 BLOCK OF
ALPINE DRIVE AND DESIGNATING THE ZONE "G".

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

Noes: None.

CARRIED

ITEM E-1: ADOPTED RES#07-R-12433

With the City Council meeting remaining open, Mayor Delshad opened and called to order the special joint meeting of the City Council and the Disaster Council at 11:58 p.m. The Council reconvened the Regular meeting at 12:15 a.m. with all members present.

2. ***PARKING RATE OPTIONS FOR THE CITY'S OFF-STREET PARKING FACILITIES.*** Comment: Provides the City Council with information related to the financial and operational impacts of off-street parking rates

Mayor Delshad pointed out this item is for discussion purposes only and the Council will not be voting on it this evening.

Chief Financial Officer Scott Miller reviewed a report from the State Board of Equalization on the latest sales tax data.

The City Council requested staff provide comparables in sales tax between Beverly Hills, Santa Monica, Culver City and West Hollywood (Westside COG members).

Councilmember Fenton also provided figures and questioned the data and percentage change/direction.

Speaking:

1. Robert Wood stated he would rather speak to this item at a future meeting.
2. Sharon McCall said the City should provide parking for the revenue base it generates.
3. Larry Larson spoke in support of the 2-hour free parking.
4. Steve Webb, former Mayor, explained the reason the previous City Council and the business community supported the change from 2-hour to 1-hour free parking was to raise the necessary funds to rehabilitate the parking structures, and to upgrade the ingress-egress equipment.
5. Joe Hirt noted that every patron he spoke with in the business triangle wants to reinstate 2-hour free parking.
6. Victor Bardack, member of the BH North Homeowners Association, expressed strong support for the return of 2-hour free parking.
7. Paul Bernstein suggested a 3-hour free parking on a six month trial period.
8. Dan Walsh, Beverly Hills Chamber of Commerce, stated the Chamber continued to support the one-hour free parking.
9. Darian Beaujeaux spoke in support of 2-hour free parking.
10. Ruth Kraft stated she supports 2-hour free parking.
11. AJ Wilmer compared the ease of parking with 1-hour free parking, and supported continuing it.
12. Dr. Woodrow Clark stated he supports 3-hour free parking and free parking for residents.
13. Thomas White, BH Municipal League, stated his support of restoring 2-hour free parking.

Mayor Delshad stated he would not have a problem with 2-hour free parking for the residents if the data supports it. Councilmember Fenton would like 2-hour free parking for everyone. Councilmember Linda Briskman would prefer the study continue for a full year as originally intended.

Councilmember Krasne said she is in favor of bringing back two hour free parking. Vice Mayor Brucker suggested this item be remanded back to the sub-committee to study a two-tiered rate structure for a resident and non-resident fee.

It was the consensus of the Council to send this item back to the sub-committee to discuss the two-tier parking option.

With the City Council meeting remaining open, Mayor Delshad recessed to a Special Meeting of the Parking Authority at 11:20 p.m. The City Council meeting reconvened at 11:48 with all members present.

F. CONSENT CALENDAR (taken out of order)

MOVED by Councilmember Briskman, seconded by Vice Mayor Brucker to approve all items on the consent agenda by reference and direct that the appropriate accounts be charged on Items F-1 through F-3.

Minutes

1. Consideration of the Minutes of the regular meeting of September 4, 2007.

Demands Paid

2. REVIEW OF BUDGETED DEMANDS PAID, report dated September 11-19, 2007.
3. PAYROLL DISBURSEMENT REPORT, report dated October 2, 2007.

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

4. AMENDING THE MINIMUM FRONT YARD SETBACK FROM 75 FEET TO 65 FEET FOR PROPERTY LOCATED ALONG THE WEST SIDE OF THE 800 BLOCK OF ALPINE DRIVE. For Adoption. Comment: This Ordinance amends the required front yard setback along the west side of the 800 block of Alpine Drive to reflect the existing average setback of the homes in this

area. Currently, the official setbacks of all properties in the City are maintained in the official records of the Community Development Department and are not codified. Therefore, approval of the ordinance would amend these records, but would not alter the Beverly Hills Municipal Code.

ITEM F-4: ADOPTED ORD#07-O-2531

RESOLUTIONS APPROVING:

5. AWARDING A CONTRACT TO RAGLAND CONSTRUCTION CO., INC. FOR THE PUBLIC WORKS FACILITY OFFICE IMPROVEMENTS PHASE 2 AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND APPROVE A PURCHASE ORDER IN THE AMOUNT OF \$65,495 TO RAGLAND CONSTRUCTION CO., INC. FOR THE CONTRACT WORK.
Comment: Requests approval of a contract to Ragland Construction Company in the amount of \$57,495 and a contingency of \$8,000 to remodel the second floor offices (Phase 2) in the Public Works Facility to facilitate the relocation of staff from City Hall.

ITEM F-5: ADOPTED RES#07-R-12434 AG#398-07

6. AWARDING A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, SOUTHWEST PIPELINE AND TRENCHLESS CORP., FOR STORM DRAIN REHABILITATION LINING PROJECT AT 624 DOHENY ROAD IN THE AMOUNT OF \$75,670, APPROVING THE PLANS AND SPECIFICATIONS THEREFOR, AND APPROPRIATING FUNDS IN THE AMOUNT OF \$85,670; AND APPROVE ISSUING A PURCHASE ORDER TO SOUTHWEST PIPELINE AND TRENCHLESS CORP. IN THE AMOUNT OF \$85,670 FOR THE PROJECT
Comment: This project mitigates damage to an existing storm drain that runs in an easement through 624 Doheny Road. The rehabilitation method will be cured-in-place lining.

ITEM F-6: ADOPTED RES#07-R-12435 AG#399-07

7. ACCEPTING A DONATION OF \$2,000 FROM THE BEVERLY HILLS ROTARY COMMUNITY FOUNDATION FOR A POLICE BICYCLE AND APPROPRIATING FUNDS FOR PURCHASE OF THIS EQUIPMENT.
Comment: Rotary Club President Michael Blumenfeld presented this donation to the City on behalf of the community service organization, for purchase of a fully-equipped Police bicycle.

ITEM F-7: ADOPTED RES#07-R-12436

8. THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT FOR THE WESTSIDE CITIES COUNCIL OF GOVERNMENTS. Comment: Amends the COG JPA to add the County of

Los Angeles to the current membership consisting of Beverly Hills, West Hollywood, Culver City, Santa Monica and West Los Angeles.

ITEM F-8: ADOPTED RES#07-R-12437 AG#400-07

9. THE WASTE DISCHARGE REQUIREMENTS COMPLIANCE AUDIT.
Comment: Request to approve the Waste Discharge Requirement Compliance Audit which includes establishing goals for the Sanitary Sewer Management Plan for submission to the State Water Board.

ITEM F-9: ADOPTED RES#07-R-12438

10. AMENDMENT NO. 1 TO A LEASE WITH SPRINT PCS ASSETS, LLC.
Comment: City Council approval of an amendment to lease extending the Sprint PCS Assets, LLC lease term for five (5) years and increasing the annual rental rate by 4%. APPROVAL OF:

ITEM F-10: ADOPTED RES#07-R-12439 AG#401-07

11. VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN:

ITEM A APPROVAL OF AMENDMENT NO. 3 TO AN AGREEMENT WITH THE DAVIS COMPANY FOR THE DESIGN AND IMPLEMENTATION OF EMPLOYEE PERFORMANCE STANDARDS AND MEASURES; AND

APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$230,000 FOR IMPLEMENTATION OF EMPLOYEE PERFORMANCE STANDARDS AND MEASURES. Comment: Approval of this amendment and purchase order will allow continuation of the development and implementation of the Employee Performance Standards and Measures.

ITEM F-11A: AG#402-07; APPROVED

ITEM B APPROVAL OF AN AGREEMENT WITH HUGHES CONSULTING FOR ADVANCED SUPERVISOR'S ACADEMY AND LEADERSHIP & MANAGEMENT COLLEGE TRAINING SERVICES; AND,

APPROVAL TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$64,000 FOR ADVANCED SUPERVISOR'S ACADEMY AND LEADERSHIP & MANAGEMENT COLLEGE TRAINING SERVICES. Comment: Approval of this agreement and purchase order will allow continuation of the Advanced Supervisor's Academy and Leadership programs.

ITEM F-11B: AG#403-07; APPROVED

12. AN AGREEMENT WITH RAFTELIS FINANCIAL CONSULTANTS, INC. FOR CONSULTANT SERVICES RELATED TO PREPARATION OF A WASTEWATER RATE ANALYSIS; AND APPROVING THE ISSUANCE OF

A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED \$74,980.
Comment: Requests approval of an agreement with Raftelis Financial Consultants, Inc. for wastewater rate analysis services in the amount not to exceed \$74,980 for the performance of a rate analysis to evaluate wastewater rates and rate structure consistent with pricing objective to ensure fair and equitable rates for all customers.

ITEM F-12: AG#404-07; APPROVED

13. AN AGREEMENT WITH CREATIVE PROJECT MANAGERS, INC. FOR DISASSEMBLY, RELOCATION, AND INSTALLATION SERVICES FROM CITY HALL TO MODULAR BUILDINGS LOCATED AT 9357 THIRD STREET; AND APPROVE A PURCHASE ORDER IN THE AMOUNT OF \$70,000 TO CREATIVE PROJECT MANAGERS, INC. FOR THE SERVICES. Comment: Requests approval of an agreement with Creative Project Managers, Inc. in the amount of \$64,000 and a contingency of \$6,000 to relocate furniture, workstations and move boxes and equipment to the temporary modular buildings as part of the relocation of staff from the ground floor of City Hall during the remodeling project.

ITEM F-13: AG#405-07; APPROVED

14. AN AGREEMENT WITH REDFLEX TRAFFIC SYSTEMS, INC. FOR PHOTO RED LIGHT ENFORCEMENT PROGRAM. Comment: Approval of an agreement for red light photo enforcement services in an amount not-to-exceed \$6,228,860 over the full term. Revenues generated from court imposed fines will off-set this expenditure. This agreement has a one-year pilot phase with an optional four-year extension.

ITEM F-14: AG#406-07

Vote on Consent Calendar:

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

CARRIED

G. COMMISSION SYNOPSIS

None

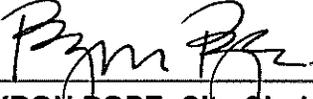
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Delshad, with the consent of the Council, adjourned the meeting at 12:17 a.m.

PASSED, Approved and Adopted
This 20th day of November, 2007.



BYRON POPE, City Clerk

JIMMY DELSHAD, MAYOR

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