



**CITY OF BEVERLY HILLS
CITY COUNCIL
REGULAR MEETING
August 18, 2009**

The 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 Brucker, Vice Mayor Delshad, and Mayor Krasne
Absent: None

B. PRESENTATIONS

1. RECOGNITION - Welcome Los Angeles City Councilmember Paul Koretz

Due to a scheduling conflict, Councilmember Koretz was unable to attend this evening and will be recognized at a future meeting.

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.)

Mayor Krasne asked two trivia questions and noted a Mont Blanc Pen and two tickets to the Disney Hall Concert for a performance by the iPalpiti Orchestra will be given to the first callers to correctly answer the questions.

1. Benjamin Swinehart answered the question for the Mont Blanc Pen.
2. Tom Roberts answered the question for the tickets to the Disney Hall Concert.

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. Brian Rosenstein commented on recent matters before the Council and spoke to the need of handling issues in an expedient manner.

Councilmember Brucker provided an update on one of these matters.

2. Tom Roberts spoke about billboards on the City's bus shelters.

Assistant City Manager Katie Lichtig stated an update on this matter will be provided to the Council.

3. Deedy Oberman cited the reasons she is requesting the Council consider closure of the alley behind Cinthia Street.

4. Nick Grouf spoke about the development taking place along the border of West Hollywood and Beverly Hills and asked the Council to consider closure of the alley behind Cinthia Street due to the impacts on the neighborhood.

5. Marie Gordon spoke about concerns regarding the lighting of a nearby office building and the impacts of traffic in her neighborhood.

6. Martin Gordon commented on the City of West Hollywood Council meeting held last evening and stated the reasons he would like the alley closed behind Cinthia Street.

3. **REPORT FROM THE CITY MANAGER**

*Update on Impacts in Beverly Hills from Operations and Leadership Changes at Los Angeles City Fire and Police Departments – Police Chief David Snowden and Fire Chief Timothy Scranton

Police Captain Ed Kreins noted the departure of Los Angeles Police Chief Bratton will not have an impact on the City of Beverly Hills Police Department. He explained there are no formal agreements with the City of Los Angeles and mentioned the mutual aid relationship the City has with other Westside cities. Fire Chief Timothy Scranton stated the City of Los Angeles' modified closure plans could have an impact on the City and he mentioned the steps the Fire Department will take to ensure the safety of Beverly Hills.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

- Showcase Beverly Hills:

* City's Cable Station Nominated for Two Emmy Awards

* Water Conservation Update

Councilmember Brien provided an update on the recruitment for the new City Manager. Councilmember Brucker introduced Heather Renchler, CEO of the recruiting firm Ralph Anderson and Associates.

Council recognized members of the Health and Safety Commission, who provided an update on the success of the recently launched Mass Notification System.

Councilmember Brucker announced that the City, in order to help residents achieve a 10% water savings, will be offering free classes in September on efficient irrigation, in both English and Spanish, for professional and home gardeners.

Councilmember Brien announced that the City of Beverly Hills has recently received a Los Angeles Area Emmy Award nomination for two videos, "The Threat is Real: Wildlife Awareness in Beverly Hills" and "Tour of the City", both produced in-house.

D. 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 FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.** Comment: This resolution satisfies the annual self-certification requirement of conformance with the CMP program established by the Los Angeles County Metropolitan Transportation Authority.

The notice of this 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 Public Works Department concerning this matter shall be entered into the record.

Assistant Director of Transportation Aaron Kunz reported state law requires that the City annually submit a report of new development activity in order to retain State Gas Tax funds. Mr. Kunz noted state law also requires that the resolution finding the City to be in conformance with the CMP requirements be adopted at a public hearing.

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

There were no questions or comments of Councilmembers.

MOVED by Vice Mayor Delshad, seconded by Councilmember Brucker to adopt Resolution D-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND AOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.

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

Noes: None

CARRIED

ITEM D-1: ADOPTED RES#09-R-12694

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

2. ***AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ADD REGULATIONS REGARDING THE FEEDING AND CARE OF FERAL CATS. For Introduction.*** Comment: The ordinance will define feral cats, feral cat colonies, and establish and regulate a trap, neuter and release program in an effort to monitor feral cat feeding and care, and control feral cat populations. This item is continued from the July 7, 2009 City Council Meeting.

The notice of this 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 Community Development and the report of the Director of Community Development concerning this matter shall be entered into the record.

Assistant Director of Community Development George Chavez provided the staff report which included discussion about the collaborative effort and meetings,

program highlights, permit types and process, requirements and responsibilities, notice and comment period, and the complaint process. Mr. Chavez thanked the citizens and the animal and feral cat community members that have been involved in this process. He noted staff's recommendation was to move forward with the adoption of the ordinance but mentioned that late this afternoon, a 100 plus page document was received from the Los Angeles Audubon Society that raised some legal issues.

Chief Assistant City Attorney Roxanne Diaz stated the letter and accompanying documents that were received question the issue of the CEQA determination that was made for the ordinance and would recommend that the Council take public comment this evening and continue the matter to the next meeting to allow the City Attorney's office the opportunity to work with staff and review the letter and the studies.

Speaking:

1. Nick Escatto, student at Beverly Hills High School, spoke about successfully finding his lost cat and offered a solution to the feral cat problem.
2. Ellen Melton mentioned there are a number of stray cats in her neighborhood and is opposed to feeding in the alleys.
3. Darien Bojeaux stated she does not agree with all the provisions in the proposed ordinance and prefers feeding stations over alley feedings. Ms. Bojeaux mentioned points of the ordinance that need to be spelled out.
4. Lee Pasternak asked that the Council allow residents to be heard before non-residents. He addressed issues regarding the trap, neuter, release (TNR) program.
5. Anthony Shale provided a photograph of insects in food left in an alley. He raised health issues in this regard.
6. Marcia Hobbs, Beverly Hills Pet Care, spoke about the role of volunteers that will be doing the work and stated some of the regulations in the ordinance are onerous.
7. Ilona Sherman commented that insects and coyotes exist regardless of alley feedings.
8. Angelica Kulch spoke about the impacts of the feral cats in her neighborhood.
9. Beverly Houwing said she is concerned about the ordinance having too many restrictions and noted how the trapping is helping to minimize the cat population.
10. Kathryn Varjian, certified feral cat caretaker, spoke about her training in the program and her rescue efforts. She offered to help the City and supported the TNR program as a humane and effective solution.
11. Ari Arom mentioned his cat was attacked by a coyote and that he doesn't think this program should be handled by civilians.
12. Marlene Goodman, President of a senior citizens group, spoke about the program used in the valley.
13. Shannon Maraghy supports TNR as a way to reduce the feral cat population.
14. Audrey Oglan said she visited the alleys last week and reported on what she saw. She is in favor of feeding the cats until they can find homes for them.
15. Karen Pedersen stated she has been trapping and doing TNR for 30 years and suggested streamlining the ordinance so it is not so intimidating.
16. George Klabin mentioned he has a company that has developed a cure for leukemia in cats and commented on the costs associated with conforming to the ordinance.

17. Sharon Lippman spoke about her success with trapping cats through Feral Cat Alliance.
18. Alex Kwechansky spoke about the program and stated he hopes the Council will agree to be humane towards the trappers.
19. Bill Dyer thanked Mr. Chavez for his efforts on this matter, and spoke to this issue as an animal rights activist.
20. Christi Metropole stated she was on the committee to draft the ordinance and raised issues that need to be addressed for the ordinance to be successful.
21. Elizabeth Oreck, Best Friends Animal Society, reported they have helped local communities embrace the programs because they know that it works.
22. Ben Lehrer, President of Kitten Rescue, commented on some of the provisions of the ordinance and asked the Council to visit a management colony to gain understanding of how it works.
23. Christine Montgomery spoke as a supporter of animal rights, offered suggestions for a successful program and urged the Council to adopt the ordinance.
24. Bill Crone, Director of Beverly Hills Pet Care Foundation, stated their support of the TNR ordinance and said they could be the source for the feral cat feeding stations without any cost to the City.
25. Julie Webb spoke about the 10 day notice and addressed some issues raised this evening.
26. Sheryl Greene thanked Mr. Chavez and the Council for their humane work and stated this ordinance could be a paradigm for the rest of the country. She also addressed specific points in the ordinance and offered assistance in rebuttal to the Audubon Society report.
27. Tina Varjian spoke about the TNR program and the volunteers that are working so hard for the cats.
28. Patty Shenker stated she supports the ordinance and spoke about solutions.
29. Hugh King mentioned his respect for cat caretakers.
30. Mark Dodge stated TNR will solve the problem, not make it worse. He recommended building flexibility into the ordinance.
31. Kerry Linnell spoke to the effectiveness of TNR in her area.
32. Wendy Wiseman stated her support of the ordinance and mentioned she does have some concerns with the ordinance being too restrictive.
33. Rich Linnell spoke about his experience with the feral cat situation and additional burdens placed on the caretakers by this ordinance.
34. Sheldon Caris stated he would like to see an article about this program in a Beverly Hills newspaper.
35. Electra, pet detective, spoke about using feeding stations.
36. Emma Sutherland mentioned there are some issues and language in the ordinance that need to be worked out, but this is going in the right direction.
37. Angela Flurry, feral cat colony person, stated they are just trying to help.
38. Joseph Dabby thanked the Council and staff for their efforts to limit the trapping and feeding to private property. He asked that the ordinance allow the residents to refuse feeding behind their property.
39. Missy Woodward stated she supports an ordinance but would like to see some of the restrictions lifted.
40. Cheri Shankar supports the ordinance and mentioned some areas that could be revised.
41. Jeff Fleiss, Animalnews.info, etc., rejected the interference of the Audubon Society and the current draft ordinance.

42. Aaron Liver stated his support of the ordinance and the work of the cat caretakers.

43. A. J. Wilmer agreed with needing to reduce the cat population in the City and hopes this ordinance will be successful. He suggested presenting the issue to the Health and Safety Commission to determine if feral cats are disease carriers.

44. Cindy Crawford addressed the issue of feral cats transferring disease to domestic cats and details of the ordinance.

There were no more members of the audience who wished to comment. Mayor Krasne mentioned if the Council decides to continue the hearing it will be to only address the CEQA issues raised in the letter received by the Audubon Society.

Chief Assistant City Attorney Roxanne Diaz and staff offered clarification and responded to questions raised by the Council.

Each of the Councilmembers offered their comments and recommendations regarding the TNR and feeding program and agreed it is necessary to find the balance between the programs and the residents' quality of life.

Following Council comments, the following issues are to be addressed in the ordinance: 1) a process for residents to be able to reject or revoke the placement of feeders and/or traps in the alley, 2) a shortened notice (3 days) for placing of traps versus the 10 days notice for the feeders, 4) once the permit is issued, a process for property owners and/or the City to revoke the approval of the location of the feeders and/or traps either on their property or adjacent to their property, 5) flexibility on the six foot barrier, 6) insurance requirement, 7) to better define the complaint process to have less onus on the resident to define the colony, 8) a difference in times for the feeding and trapping, 9) return in six months with a report on the ordinance with close monitoring, 10) TNR people should have identification cards they carry with them while performing the activities, 11) limit the number of TNR partners in a given area (staff to manage this number), 12) TNR caregivers in attendance when trapping or check on the cats in a certain amount of time, 13) traps and feeders have some kind of identification on them, 14) certify caregivers and, 15) have the Health and Safety Commission review the health issue.

It was the consensus of the Council to continue the matter to the meeting of September 1. Staff was directed to bring back a revised ordinance to be considered for first reading and provide comments or further information on the issues raised in the Audubon letter. Public comment will be continued and limited to the CEQA issues raised in the letter and the modifications to the ordinance this evening.

In the meantime, the Council gave direction that the feeding of the feral cats will be allowed as long as it is done in a clean and sanitary way and supervised by an appropriate TNR person.

MOVED by Councilmember Mirisch, seconded by Mayor Krasne to continue the matter to the meeting of September 1, 2009 and limit the public hearing comments to the CEQA issues that were raised in the letter submitted by the Audubon Society and to the items that were modified in the ordinance.

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

CARRIED

ITEM D-2: CONTINUE THE MATTER TO THE MEETING OF SEPTEMBER 1, 2009 AND TO LIMIT THE PUBLIC HEARING COMMENTS TO THE CEQA ISSUES THAT WERE RAISED IN THE LETTER SUBMITTED BY THE AUDUBON SOCIETY, AND TO THE ITEMS THAT WERE MODIFIED IN THE ORDINANCE

E. CONTINUED AND NEW BUSINESS

None

F. CONSENT CALENDAR

MOVED by Councilmember Brucker, seconded by Councilmember Mirisch to remove Item F-5 and consider separately, remove Item F-13 for discussion and return to the consent agenda, 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 joint regular City Council meeting and the special Parking Authority meeting of July 7, 2009.**
2. **CONSIDERATION OF THE MINUTES of the regular City Council meeting of July 21, 2009.**

Demands Paid

3. **REVIEW OF BUDGETED DEMANDS PAID, report dated July 29 - August 6, 2009.**
4. **PAYROLL DISBURSEMENT REPORT, report dated August 18, 2009.**

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

None

RESOLUTIONS APPROVING:

5. **CONDITIONALLY APPROVING A CENTRAL R-1 PERMIT TO ALLOW A GARAGE ENTRANCE TO FACE THE STREET AND BE LOCATED LESS THAN 38-FEET FROM THE FRONT SETBACK LINE FOR PROPERTY LOCATED AT 305 SOUTH RODEO DRIVE.** Comment: A Resolution approving an application for a Central R-1 Permit to allow a garage with vehicle access facing the street at 305 South Rodeo Drive, subject to conditions of approval, as directed at the July 21, 2009 City Council meeting.

This item was pulled for discussion and will be voted on separately. Councilmember Brien clarified that his intent when he previously made the motion for adoption at the July 21, 2009 was the applicant should utilize the garage to park two vehicles in the garage during the hours of 8:00pm to 8:00am the next day before parking vehicles in the driveway. Provision 7 of the conditions in the resolution will be amended to reflect this clarification.

MOVED by Councilmember Brien, seconded by Vice Mayor Delshad to adopt the Resolution conditionally approving a Central R-1 Permit to allow a garage entrance to face the street and be located less than 38-feet from the front setback line for property located at 305 south Rodeo Drive as amended regarding Provision 7.

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

Noes: Councilmember Mirisch

CARRIED

ITEM F-5: ADOPTED AS AMENDED RES#09-R-12695

6. **SELECTING AND DESIGNATING AN ALTERNATE MEMBER OF THE BOARD OF DIRECTORS OF COUNTY SANITATION DISTRICT NO. 4 OF LOS ANGELES COUNTY.** Comment: City Council requests Councilmember Brien to serve as the alternate on the Board of Directors for Sanitation District No. 4.

ITEM F-6: ADOPTED RES#09-R-12696

7. **SELECTING AND DESIGNATING A VOTING DELEGATE AND ALTERNATE FOR THE 2009 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE.** Comment: This item provides formal City Council designation for the City's delegate and alternate(s) to the League of California Cities Annual Conference, as required by the League's voting procedures.

ITEM F-7: ADOPTED RES#09-R-12697

8. **FIXING THE RATE OF TAXES TO PAY THE BONDED AND OTHER VOTER-APPROVED INDEBTEDNESS OF THE CITY FOR FISCAL YEAR 2009/2010.**

Comment: Sets the rate of taxes for fiscal year 2009/2010 for voter-approved indebtedness at 0.014700 per \$100 of assessed valuation.

ITEM F-8: ADOPTED RES#09-R-12698

APPROVAL OF:

9. **EXTENDING THE TERMS OF TWO MEMBERS ON THE GROUNDWATER MANAGEMENT PLAN TECHNICAL COMMITTEE (GLORIA SEIFF AND MELVIN BLEVINS).** Comment: Approval of this item extends the terms of Groundwater Management Plan Technical Committee members Melvin Blevins and Gloria Seiff for a one-year period to begin July 1, 2009 and end on June 30, 2010.

ITEM F-9: APPROVED

10. **REVISION OF CITY'S 2009 STATE AND FEDERAL LEGISLATIVE PLATFORM.** Comment: This item proposes a new addition to the City's 2009 Legislative Platform on the topic of 'Electoral Process' as approved by the Legislative Committee.

ITEM F-10: APPROVED

11. **AGREEMENT WITH THE FERGUSON GROUP, LLC FOR FEDERAL REGULATORY REPRESENTATION AND LEGISLATIVE SERVICES; AND AUTHORIZATION OF A PURCHASE ORDER IN THE AMOUNT OF \$75,000 TO FERGUSON GROUP, LLC FOR THESE SERVICES.** Comment: An agreement with The Ferguson Group, LLC. for legislative advocacy services in Washington, D.C. to promote the City's legislative agenda and key initiatives, in the amount of \$75,000.

ITEM F-11: APPROVED AG#321-09

12. **AGREEMENT WITH SHAW/YODER/ANTWIH, INC. FOR LEGISLATIVE ADVOCACY SERVICES; AND AUTHORIZATION OF A PURCHASE ORDER IN THE AMOUNT OF \$75,000 TO SHAW/YODER/ANTWIH, INC. FOR THESE SERVICES.** Comment: An agreement with Shaw/Yoder/Antwih, Inc. for legislative advocacy services in Sacramento, CA to promote the City's legislative agenda and key initiatives, in the amount of \$75,000.

ITEM F-12: APPROVED AG#322-09

13. **AGREEMENT WITH NETWORLd SOLUTIONS, INC. FOR INFORMATION TECHNOLOGY CONSULTING SERVICES RELATED TO PROVISION OF SYSTEMS ARCHITECTURE, ADMINISTRATION AND DESIGN SERVICES TO BEVERLY HILLS UNIFIED SCHOOL DISTRICT; AND, AUTHORIZATION TO ISSUE A PURCHASE ORDER TO NETWORLd SOLUTIONS, INC. FOR THESE SERVICES IN AN AMOUNT NOT TO EXCEED \$125,000.** Comment: The scope of this project is for information technology consulting services, specifically systems architecture, administration and design, and related services, to be performed on

behalf of the City of Beverly Hills for the benefit of the Beverly Hills Unified School District (BHUSD) pursuant to an existing agreement between the City and BHUSD.

Mayor Krasne confirmed that the City is being reimbursed for this expense.

ITEM F-13: APPROVED AG#323-09

Vote on Consent Calendar:

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

Noes: None

CARRIED

G. COMMISSION SYNOPSIS

None

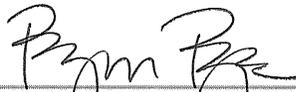
H. OTHER BUSINESS

None

I. ADJOURNMENT

There being no further business, Mayor Krasne, with the consent of Council, adjourned the meeting at 11:50pm.

PASSED, Approved and Adopted
this 15th day of September, 2009.



BYRON POPE, City Clerk

NANCY KRASNE, MAYOR

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