



**CITY OF BEVERLY HILLS
CITY COUNCIL
ADJOURNED REGULAR MEETING
AND
SPECIAL PUBLIC FINANCING AUTHORITY
November 05, 2009**

The Joint Adjourned City Council and Special Public Financing Authority meeting was held in the Council Chambers at 7:00 p.m.

PLEDGE OF ALLEGIANCE

A. ROLL CALLS

Present: Mirisch, Brien, Brucker, Delshad, and Krasne

Absent: None

Roll call was taken for the City Council and the Public Financing Authority.

B. PRESENTATIONS

None

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.)

1. Alma Ordaz spoke of her experience as a poll watcher during the recent election and suggested the City consider conducting a training class to teach people how the voting process works at the polling locations.

Mayor Krasne suggested the Cable TV department could put together some type of training video as a community service.

- 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. Lee Lewis addressed Councilmember Brucker and read a letter into the record from several residents stating Councilmembers should not be involved in school board issues or elections.

Councilmember Brucker responded to Mr. Lewis' comments.

2. Mark Olsen, Manager at SCE, mentioned tonight they are conducting a solar workshop in conjunction with the City at the Public Works facility to help customers of the City learn more, and eventually implement solar power in their home or business. He also spoke about their refrigerator and freezer recycling program.

In response to Mayor Krasne's asking about undergrounding new power lines, Mr. Olsen said they are working with staff on an underground project now.

3. Joe Tilem asked to speak on Item F-2 (regarding legislative advocates and identification badges). Mr. Tilem mentioned there is an inconsistency between the proposed ordinance and the municipal code and urged the Council to put this item over for further discussion.

Mayor Krasne mentioned this item will be pulled from the Consent Agenda and discussed.

4. Marcia Hobbs, speaking in relation to the TNR program, noted there are difficulties in moving forward with the new program with regard to the design of the cat feeders and pocket parks and requested a meeting with a Council liaison committee to clarify these issues.

Mayor Krasne and Vice Mayor Delshad will meet with the interested parties.

5. Ruth Kraft spoke about the recent school board campaign and Councilmember Brucker's involvement.

6. Ilona Sherman mentioned the number of cats in the alley near her home that is across from one of the pocket parks, and said she will also speak on Item E-1 (cat declawing ordinance).

3. REPORT FROM THE CITY MANAGER

* Cable TV Infrastructure Upgrade - Mark Geddes, Multimedia Services Manager

* City Attorney Closed Session Report

Mark Geddes, Multiservices Manager, mentioned the City last made a significant investment in the television production and distribution infrastructure about 20 years ago. Mr. Geddes reported on the planned investment of comprehensive equipment and systems that will support the City's media operations for the next 10-15 years.

Chief Assistant City Attorney Roxanne Diaz reported the City Council accepted a settlement of a debt approved by the U.S. Bankruptcy Court for a debt that the City owed to the Century City Doctor's Hospital in the amount of \$35,000. She noted the hospital has subsequently filed bankruptcy.

4. CITY COUNCILMEMBER AND COMMITTEE REPORTS

- Showcase Beverly Hills:

* Holiday Lighting Ceremony - Saturday, November 21, Rodeo Drive

Councilmember Brucker announced the City will be kicking off the season on Saturday, November 21st at 7pm with the lighting of the UNICEF crystal snowflake and thousands of twinkle lights on Rodeo Drive. He mentioned other activities are also planned.

Mayor Krasne reported, thanks to Councilmember Brucker, the Santa sled will be now be painted green.

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 CITY OF BEVERLY HILLS APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN FINANCING DOCUMENTS AND DIRECTING A RELATED ACTIONS IN CONNECTION WITH FINANCING A PUBLIC CAPITAL IMPROVEMENT.

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 Administrative Services and the report of the Director of Administrative Services/Chief Financial Officer concerning this matter shall be entered into the record.

Chief Financial Officer Scott Miller mentioned that in the Council's ongoing efforts to replace the City's aging infrastructure to implementing its Capital Improvement Program, and to save money in the current debt service, this is the first of a number of financings that will be brought to the Council and the Public Financing Authority over the next several months.

Assistant Director of Administrative Services/Finance Noel Marquis provided details for this evening's report on both resolutions which are refinancing of the 1999 and 2001 debt issues (which will save the City about \$3.5 million in net present value) and an issue of approximately \$9 million to replace 5 existing steel water tanks throughout the City. Mr. Marquis introduced the bond team present in the audience.

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

Mr. Marquis responded to questions raised by the Council. There were no further comments or questions.

MOVED by Brien, seconded by Krasne to adopt Resolution D-1 as follows:

RESOLUTION OF THE CITY OF BEVERLY HILLS APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN FINANCING DOCUMENTS AND DIRECTING A RELATED ACTIONS IN CONNECTION WITH FINANCING A PUBLIC CAPITAL IMPROVEMENT.

Ayes: Mirisch, Brien, Brucker, Delshad, and Krasne
Noes: None

CARRIED

ITEM D-1: ADOPTED RES#09-R-12709

2. **RESOLUTION OF THE CITY OF BEVERLY HILLS PUBLIC FINANCING AUTHORITY AUTHORIZING THE ISSUANCE OF LEASE REVENUE BONDS IN ONE OR MORE SERIES IN THE INITIAL PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,000,000 IN CONNECTION WITH FINANCING A PUBLIC CAPITAL IMPROVEMENT CONSISTING OF WATER TANKS AND IN THE INITIAL PRINCIPAL AMOUNT OF NOT TO EXCEED \$75,000,000 IN CONNECTION WITH REFINANCING CERTAIN OUTSTANDING LEASE REVENUE BONDS OF THE AUTHORITY, AUTHORIZING AND DIRECTING EXECUTION OF AN INDENTURE, A PROPERTY LEASE, A SITE AND FACILITY LEASE, ESCROW AGREEMENTS AND CERTAIN OTHER DOCUMENTS, AUTHORIZING THE NEGOTIATION OF THE SALE OF BONDS, APPROVING AN OFFICIAL STATEMENT, AND AUTHORIZING OTHER RELATED ACTIONS.** Comment: These resolutions allow the City to refund its 1999 and 2001 Debt issues and provide new funding for the replacement of four water storage tanks for the City's Water Enterprise Fund that have reached the end of their lives. The savings from the refinancing are estimated to be between \$5 and \$7 million depending on the interest costs of the day the new bonds are issued.

MOVED by Brien, seconded by Delshad to adopt Resolution D-2 as follows:

RESOLUTION OF THE CITY OF BEVERLY HILLS PUBLIC FINANCING AUTHORITY AUTHORIZING THE ISSUANCE OF LEASE REVENUE BONDS IN ONE OR MORE SERIES IN THE INITIAL PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,000,000 IN CONNECTION WITH FINANCING A PUBLIC CAPITAL IMPROVEMENT CONSISTING OF WATER TANKS AND IN THE INITIAL PRINCIPAL AMOUNT OF NOT TO EXCEED \$75,000,000 IN CONNECTION WITH REFINANCING CERTAIN OUT-STANDING LEASE REVENUE BONDS OF THE AUTHORITY, AUTHORIZING AND DIRECTING EXECUTION OF AN INDENTURE, A PROPERTY LEASE, A SITE AND FACILITY LEASE, ESCROW AGREEMENTS AND CERTAIN OTHER DOCUMENTS, AUTHORIZING THE NEGOTIATION OF THE SALE OF BONDS, APPROVING AN OFFICIAL STATEMENT, AND AUTHORIZING OTHER RELATED ACTIONS.

Ayes: Mirisch, Brien, Brucker, Delshad, and Krasne
Noes: None

CARRIED

CFO Miller reported the City has a reconfirmation of its AAA rating by Moodys Investment Service and thanked the Council for their support with this accomplishment.

ITEM D-2: ADOPTED PFA-09-R-29

E. CONTINUED AND NEW BUSINESS

- 1. AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ADD REGULATIONS REGARDING THE BANNING OF ONYCHECTOMY (DECLAWING) AND FLEXOR TENDONECTOMY PROCEDURES WITHIN THE CITY. For Introduction.**
Comment: This ordinance will define onychectomy, flexor tendonectomy, and bans the declawing of animals within the City.

Assistant Director of Community Development George Chavez presented the staff report which included a background and definition on onychectomy, alternatives available to this procedure, information on what other California cities are doing, a summary and recommendation on how to move forward. Mr. Chavez noted there are only two licensed veterinary practices in Beverly Hills.

Speaking:

1. Dave Weisman, Dax Foundation, stated his opposition to any elective surgery and mentioned possible negative impacts. He urged the Council to support the ban.

2. Daniel Didden, veterinarian for 40 years, stated this ordinance was preempted by the Governor of California with his last SB 760-62 that will go into effect in January, 2010. He submitted a list of people who oppose the ban.

3. Dr. Jean Hofve, veterinarian in Oakland, urged the Council to support the ban. Dr. Hofve spoke about her experience with onychectomy and humane alternatives.

4. Taimie Byrant, UCLA law faculty, speaking in support of the proposed ordinance, noted that the limitation of the exception to therapeutic purposes only enhances the potential enforcement of the ordinance.

5. Willow Evans, working on a documentary on declawed animals, stated her support of the ban.

6. Jackie Reiche, treasurer for the Amanda foundation and speaking on behalf of the Foundation, asked the Council to support the ban. She noted they are one of the two vet hospitals in Beverly Hills and have elected not to perform the procedure.

7. Ruth Olafsdottir gave her support of the ban.

8. Monique Marissa Lukens, speaking as an animal activist, considers declawing a brutal process.

9. James Jensvold, surgeon, spoke in favor of the ban on declawing. He stated it is considered unethical in most parts of the world and urged the Council to follow suit.

10. Angela Flurry expressed support of the ban.

11. Marcia Hobbs stated there are many alternatives to declawing. Ms. Hobbs pointed out recent legislation that is not animal friendly.

12. Mina Suziki, veterinary technician, noted she worked for vets that declaw and spoke about experiences with the procedure.

13. Dr. Jennifer Conrad, veterinarian and founder of the paw project, mentioned her background working on the issue of declawing, the harmful effects of declawing and the risk of cats losing their homes if declawed.

13. William Grant, DVM, gave his credentials and stated this is a very emotional issue. Dr. Grant addressed half truths spoken this evening and suggested the Council listen to their constituency regarding this matter.

14. John Winters, DVM, co-owner of the Beverly Hills Small Animals Hospital in Beverly Hills, stated they are not a proponent of declawing although they have done it in the past. Dr. Winters noted they encourage clients to utilize alternatives but spoke to the need to declaw in certain therapeutic situations.

15. Armaiti May, DVM, Humane Society Veterinary Medical Association, spoke in support of the ban and addressed some of the claims opposing the ban.

16. Phun May expressed support of the ban.

17. Christi Metropole, spay-neuter advocacy organization, stated declawed cats end up in the pound and feral colonies where they have a difficult time. She said they counsel people on alternatives to declawing.

18. Irv Gershenz explained the procedure and how it affects the cat.

19. Jackson Galaxy, cat behaviorist, mentioned he deals with the fallout of declawed cats where they are likely to have litter box problems and bite.

20. Molly Hogan, director of wild cats, spoke about the effects of declawing noting it is cruelty to animals and expressed support for the ban.

21. Ilona Sherman urged the Council to support this ban.

Mayor Krasne closed the public comment.

Councilmember Brien expressed his support of the ban. He noted there could be some unintended consequences of this but there is always the opportunity to revisit some of those specific aspects.

Councilmember Mirisch read into the record his support of the ban against a practice that is cruel and unnecessary, and supports the proposed ordinance that recognizes the need for medical exceptions for the welfare of an animal.

Councilmember Brucker agreed with Councilmember Mirisch's comments and commented on the negative behavior resulting from the procedure. He stated there may be medical reasons to declaw and that must be available and an exception to the rule.

Vice Mayor Delshad expressed his support of the ban and agreed the therapeutic exception is an important addition to the ordinance.

Mayor Krasne supported the ban and mentioned there should be a way for someone to appeal this if it were necessary; she would want there to be a way to respond to an unintended consequence.

City Manager Wood explained the ordinance could be amended at any time if an issue arises that wasn't anticipated or contemplated that needs to be addressed.

MOVED by Mirisch, seconded by Delshad to waive full reading and advance Ordinance E-1 to the meeting of November 17, 2009 for adoption as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ADD REGULATIONS REGARDING THE BANNING OF ONYCHECTOMY (DECLAWING) AND FLEXOR TENDONECTOMY PROCEDURES WITHIN THE CITY.

Ayes: Mirisch, Brien, Brucker, Delshad, and Krasne
Noes: None

CARRIED

ITEM E-1: WAIVE FULL READING AND ADVANCE TO THE MEETING OF NOVEMBER 17, 2009 FOR ADOPTION

- 2. AN ORDINANCE OF THE CITY OF BEVERLY HILLS REGARDING WATER EFFICIENT LANDSCAPING AND PARKWAY SURFACES AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. For Introduction.** Comment: Staff recommends approving a modified version of the state mandated model landscape ordinance. This ordinance needs to be in place prior to January 1, 2010.

Environmental Utilities Manager Shana Epstein provided the staff report. Ms. Epstein explained Assembly Bill 1881 requires cities to adopt a model landscape ordinance as updated by the California Department of Water Resources no later than January 1, 2010.

MOVED by Brucker, seconded by Delshad to waive full reading and advance Ordinance E-2 to the meeting of November 17, 2009 for adoption as follows:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS REGARDING WATER EFFICIENT LANDSCAPING AND PARKWAY SURFACES AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE.

Ayes: Brien, Brucker, Delshad, and Krasne
Noes: Mirisch

CARRIED

ITEM E-2: WAIVE FULL READING AND ADVANCE TO THE MEETING OF NOVEMBER 17, 2009 FOR ADOPTION

F. CONSENT CALENDAR

MOVED by Mirisch, seconded by Brien to remove Item F-2 for discussion, approve all items on the consent agenda, and direct that the appropriate accounts be charged on Item F-1.

Minutes

Demands Paid

1. **PAYROLL DISBURSEMENT REPORT, report dated November 5, 2009.**

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

2. **REQUIRING LEGISLATIVE ADVOCATES TO WEAR IDENTIFICATION BADGES AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. For Adoption.**
Comment: This ordinance enhances disclosure requirements by requiring that lobbyists wear identification badges when they meet with or advocate before elected officeholders or city administrators.

Mayor Krasne requested this item be pulled from the consent agenda because she would like it to be further vetted. Each of the Councilmembers provided comments. Joe Tilem and Brian Rosenstein also provided comments regarding the proposed ordinance.

ITEM F-2: PULLED FOR DISCUSSION - NO ACTION TAKEN

3. **REGARDING THE MODIFICATION OF AN EXISTING PREFERENTIAL PARKING ZONE AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. For Adoption.** Comment: This ordinance would establish the Traffic & Parking

Commission's role in modifying a time restriction in an existing zone in the same manner as establishing a zone.

ITEM F-3: ADOPTED ORD#09-O-2571

RESOLUTIONS APPROVING:

4. **TO JOIN THE LAUNCHING OF THE BRAG ABOUT YOUR BAG® CAMPAIGN THROUGHOUT THE COUNTY OF LOS ANGELES.** Comment: The City joins the County of Los Angeles and other cities in promoting the Brag About Your Bag® campaign to spread public awareness about the benefits of using reusable shopping bags. APPROVAL OF:

ITEM F-4: ADOPTED RES#09-R-12710

5. **REAPPOINTING THREE MEMBERS TO THE FINE ART COMMISSION (JUDITH FRIEDMAN, TERRI SMOOKE AND FIONA CHALOM).** Comment: Reappoints Judith Friedman, Terri Smooke and Fiona Chalom to the Fine Art Commission for a four year term.

ITEM F-5: APPROVED

6. **REAPPOINTING A MEMBER TO THE RECREATION AND PARKS COMMISSION (ALAN BLOCK).** Comment: Reappoints Alan Block to the Recreation and Parks Commission for a four year term.

ITEM F-6: APPROVED

7. **REAPPOINTING A MEMBER TO THE PUBLIC WORKS COMMISSION (FARSHID JOE SHOOSHANI).** Comment: Reappoints Farshid Joe Shooshani to the Public Works Commission for a four year term.

ITEM F-7: APPROVED

8. **REAPPOINTING A MEMBER TO THE ARCHITECTURAL COMMISSION (ZALE RICHARD RUBINS).** Comment: Reappoints Zale Richard Rubins to the Architectural Commission for a four year term.

ITEM F-8: APPROVED

9. **AN AGREEMENT WITH ONE SOURCE FACILITIES GROUP, LLC FOR FURNITURE PURCHASE AND INSTALLATION AT CITY HALL THIRD FLOOR AND OTHER CITY REMODELING PROJECTS; AND, A PURCHASE ORDER IN THE AMOUNT OF \$518,522 TO ONE SOURCE FACILITIES GROUP, LLC FOR THE PURCHASE AND SERVICES.** Comment: Provides for the purchase and installation of staff work stations and office furniture for the third floor as part of the City Hall Phase 2 remodel project, and seating and tables for the Emergency Operations Center expansion project.

ITEM F-9: APPROVED AG#428-09

10. AMENDMENT NO. 1 TO THE AGREEMENT WITH ENERGY INNOVATION GROUP, LLC FOR DEVELOPMENT OF AN ENERGY EFFICIENCY AND, CONSERVATION STRATEGY OF SELECTED CITY FACILITIES; AND,

APPROVAL OF A CHANGE PURCHASE ORDER IN THE AMOUNT OF \$59,000 TO ENERGY INNOVATION GROUP, LLC FOR THESE SERVICES. Comment:

Provides for additional consulting services and fees to perform property assessment services at City properties in preparing the necessary documentation to meet the California Energy Commission or Department of Energy requirements for competitive grants to small cities. Total fees in the amount of \$84,000 for these services will be in the project costs for reimbursement for projects completed through the American Recovery and Reinvestment Act and incentives from Southern California Edison.

ITEM F-10: APPROVED AG#429-09

11. MEMORANDUM OF UNDERSTANDING WITH THE MUNICIPAL EMPLOYEES ASSOCIATION OF BEVERLY HILLS (MEA). Comment: Labor negotiations were concluded with the Full-Time Municipal Employees Association and staff recommends the approval of a five year term effective September 25, 2008 to October 5, 2013 with no salary adjustments for the first two years of the contract. Future salary adjustments to be based on total compensation salary surveys conducted each year.

ITEM F-11: APPROVED AG#430-09

12. MEMORANDUM OF UNDERSTANDING WITH THE PART-TIME MUNICIPAL EMPLOYEES ASSOCIATION OF BEVERLY HILLS (MEA). Comment: Labor negotiations were concluded with the Part-Time Municipal Employees Association and staff recommends the approval of a two year term effective December 20, 2008 to December 31, 2010 with no salary adjustments.

ITEM F-12: APPROVED AG#431-09

13. VARIOUS CITY PURCHASING AND BUDGET TRANSACTIONS AS DESCRIBED HEREIN: ITEM A AN AGREEMENT WITH INFOKALL, INC. FOR INFORMATION TECHNOLOGY CONSULTING SERVICES RELATED TO PROVISION OF NETWORK ADMINISTRATION SERVICES FOR THE BEVERLY HILLS UNIFIED SCHOOL DISTRICT; AND,

A PURCHASE ORDER FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$125,000. Comment: The scope of this project is for information technology consulting services, specifically network administration 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.

ITEM F-13A: APPROVED AG#432-09

ITEM B A RESOLUTION APPROVING AN AGREEMENT WITH XEROX CORPORATION FOR CITYWIDE COPIERS, LICENSE OF SOFTWARE, INSTALLATION AND RELATED SERVICES; AND,

APPROVAL OF THE SERVICES AND SOLUTIONS TERMS AND CONDITIONS ATTACHMENT. Comment: The current agreement between the City and Xerox expires June 30, 2010 unless sooner terminated. In order to realize a significant cost savings in line with the citywide budget reductions, the City negotiated with Xerox to receive new machines at lower rates under a new five year agreement. Consequently, upon approval of this new agreement, the City will issue a termination letter that becomes effective upon removal of the existing equipment and receipt of the new equipment.

ITEM F-13B: ADOPTED RES#09-R-12711 APPROVED AG#433-09 AND AG#434-09

Vote on Consent Calendar:

Ayes: Mirisch, Brien, Brucker, Delshad, and Krasne
Noes: None

CARRIED

G. PUBLIC FINANCING AUTHORITY CONSENT CALENDAR

MOVED by Krasne, seconded by Brucker to approve the minutes of the special Public Financing Authority meeting of August 4, 2009.

Minutes

- 1. CONSIDERATION OF THE MINUTES of the special Public Financing Authority meeting of August 4, 2009.**

Vote on Consent Calendar:

Ayes: Mirisch, Brien, Brucker, Delshad, and Krasne
Noes: None

CARRIED

H. COMMISSION SYNOPSIS

None

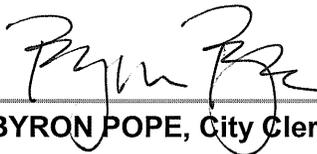
I. OTHER BUSINESS

Angela Flurry spoke about the TNR program, the cleanliness of the alley regarding the cats and the amount of trash in the alleys from other sources.

J. ADJOURNMENT

There being no further business, Mayor/Chair Krasne, with the consent of the Council/Directors, adjourned the meeting at 10:37 p.m.

PASSED, Approved and Adopted
this 1st day of December, 2009.


BYRON POPE, City Clerk/Secretary

NANCY KRASNE, MAYOR/CHAIR

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