



**CITY OF BEVERLY HILLS
CITY COUNCIL
REGULAR MEETING
November 17, 2009**

The regular Meeting of the City Council of Beverly Hills was held in the Council Chambers at 7:00 p.m.

PLEDGE OF ALLEGIANCE

A. ROLL CALL

Present: Councilmember Mirisch, Councilmember Brien, Councilmember
Brucker, Vice Mayor Delshad, and Mayor Krasne
Absent: None

B. PRESENTATION

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.)

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. Bunni Ellen Kulick spoke about Southern California Edison blackouts in her neighborhood.

Mayor Krasne said she will discuss the issue with the SCE representative.

2. Darian Bojeaux, standing with a few of her neighbors, commented on the cat feeding in her neighborhood.

3. Jay Houle voiced concern about a recent incident regarding feral cat feeding.

4. Angelica Kulch spoke about problems in her alley because of the feral cat feeding.

5. Joseph Dabby reported that, as of last night, the conditions behind his house are still outside of the adopted ordinance for feral cat feeding.

6. Anthony Shale spoke about the construction of the feral cat feeders.

7. Lee Pasternak spoke about an experience he had this morning with the feral cat feeders.

8. Robert Weisman asked the Council to enforce the feral cat ordinance law.

9. Ilona Sherman spoke about the modifications to the ordinance that still need to be addressed.

10. Marcia Hobbs spoke about events that have taken place since the feral cat ordinance has been in effect.

3. *REPORT FROM THE CITY MANAGER*

* SCAG: What is it and How does that Relate to Beverly Hills?

- Peter Noonan, Associate Planner

Associate Planner Peter Noonan presented a PowerPoint presentation and report on SCAG. He spoke about the planning area, the federal, state and regional funding, the regional mission, regional planning, and current and future Westside cities projects.

4. *CITY COUNCILMEMBER AND COMMITTEE REPORTS*

- Showcase Beverly Hills:

* Holidays in Beverly Hills

Councilmember Brucker announced this weekend marks the official opening of the holiday season in Beverly Hills and highlighted the planned holiday events.

Councilmember Brien invited the community to attend the dedication of the Frank Fenton Field at La Cienega Park on Sunday, November 22, 2009 at 2:30pm.

Mayor Krasne announced the Library's five star rating by the Library Journal and congratulated the City Librarian Nancy Hunt Coffey and staff on this wonderful honor.

D. *PUBLIC HEARING*

TO SET:

None

TO CONSIDER:

None

E. CONTINUED AND NEW BUSINESS

- 1. ORDINANCE OF THE CITY OF BEVERLY HILLS ADOPTING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF BEVERLY HILLS WHICH WILL PROVIDE TWO YEARS ADDITIONAL SERVICE CREDIT FOR LOCAL MISCELLANEOUS MEMBERS PER GOVERNMENT CODE SECTION 20903. For Second Reading and Adoption.** Comment: Staff recommends approval of the ordinance to amend the City's contract with the California Public Employee's Retirement System (CALPERS) to provide Government Code Section 20903 (two years additional service credit) for local miscellaneous members as part of the City's effort to reduce costs.

Personnel Manager Neil Comelo provided a brief report regarding the second reading and adoption of this ordinance.

MOVED by Councilmember Brien, seconded by Mayor Krasne to adopt Ordinance E-1 as follows:

ORDINANCE OF THE CITY OF BEVERLY HILLS ADOPTING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF BEVERLY HILLS WHICH WILL PROVIDE TWO YEARS ADDITIONAL SERVICE CREDIT FOR LOCAL MISCELLANEOUS MEMBERS PER GOVERNMENT CODE SECTION 20903.

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

Noes: None

CARRIED

ITEM E-1: ADOPTED ORD#09-O-2572

- 2. EMPLOYMENT AGREEMENT BETWEEN CITY OF BEVERLY HILLS AND JEFF KOLIN.** Comment: This Agreement will employ Jeff Kolin as City Manager.

City Attorney Lawrence Wiener provided a brief report on the nationwide search for the new City Manager. He noted the final candidate is Jeff Kolin, the current City Manager in the City of Santa Rosa California. The agreement on the agenda is for

a five-year term with a start date of January 25, 2010, and there is also a residential lease in the contract.

MOVED by Vice Mayor Delshad, seconded by Councilmember Mirisch to approve the Employment Agreement between the City of Beverly Hills and Jeff Kolin.

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

Noes: None

CARRIED

ITEM E-2: APPROVED AG#440-09

F. CONSENT CALENDAR

MOVED by Councilmember Mirisch, seconded by Councilmember Brucker to remove Items F-3 and F-6 and consider separately, approve the items on the consent agenda and direct that the appropriate accounts be charged on Item F-1.

Minutes

None

Demands Paid

1. **REVIEW OF BUDGETED DEMANDS PAID, report dated October 21 - November 5, 2009.**

Other Business

ORDINANCE OF THE CITY OF BEVERLY HILLS:

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

ITEM F-2: ADOPTED ORD#09-O-2573

3. **REGARDING WATER EFFICIENT LANDSCAPING AND PARKWAY SURFACES AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE. For Second Reading and Adoption.** 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.

Councilmember Mirisch noted he pulled this item because he voted no on it during the first reading and objects to the State usurping local power.

MOVED by Councilmember Brien, seconded by Councilmember Brucker
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.

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

Noes: Councilmember Mirisch

CARRIED

ITEM F-3: ADOPTED ORD#09-O-2574

RESOLUTIONS APPROVING:

4. **ACCEPTING A GRANT AWARDED BY THE STATE OFFICE OF TRAFFIC SAFETY FOR TRAFFIC ENFORCEMENT AND APPROPRIATING FUNDS IN THE AMOUNT OF \$18,782 FOR POLICE OVERTIME.** Comment: Grant funds will be used to conduct seat belt enforcement operations.

ITEM F-4: ADOPTED RES#09-R-12712

APPROVAL OF:

5. **REJECTION OF ALL BIDS FOR CONTRACT WORK PERTAINING TO THE GREYSTONE PARK PHASE 3 SITE IMPROVEMENTS.** Comment: Requests that all bids be rejected due to the non-responsive bids received for the three lowest bidders, and authorize the rebidding of the work for phase 3 of the site improvements to Greystone Park at the southern portion of the park from the Gatehouse to the Stables.

ITEM F-5: APPROVED

6. **AMENDMENT NO. 1 TO THE AGREEMENT WITH THE BEVERLY HILLS WEEKLY TO PROVIDE ADVERTISING AND NOTICES.** Comment: This amendment adjusts the rates for the Beverly Hills Weekly for the remainder of Fiscal Year 2009 - 2010.

Vice Mayor Delshad explained he pulled this item for discussion because the amendment as written does not reflect his original intention.

Speaking:

1. Rudy Cole provided a historical view of community newspapers in Beverly Hills.
2. Josh Gross, CEO of the Beverly Hills Weekly, voiced concern about the revised rates in the amendment.

Councilmembers Mirisch and Brucker stated their support for the amendment as written.

Councilmember Brien stated he agrees with Tier 2 and Tier 3 going into effect now, but the newspaper would need some defined time before Tier 1 would go into effect.

Mayor Krasne was in favor of leaving Tier 1 as is for the period through March 31, 2010.

MOVED by Vice Mayor Delshad, seconded by Mayor Krasne to leave the Tier 1 rate structure for the Beverly Hills Weekly as is through March 31, 2010, and use the rates on the amendment for Tier 1 for the period from April 1, 2010 through June 30, 2010. Add text below the Tier 1 box to allow the Beverly Hills Weekly to submit increased circulation numbers to the Chief Financial Officer if they want the Council to consider a higher percentage in April.

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

CARRIED

ITEM F-6: APPROVED AG#441-09

7. MEMORANDUM OF LEASE AND SECOND AMENDMENT TO LEASE BETWEEN THE CITY OF BEVERLY HILLS AND THRIFTY PAYLESS, INC.

Comment: Staff recommends approval of the Memorandum of Lease and Second Amendment to Lease with Thrifty Payless dba Rite Aid at 463 N. Bedford Drive. This amendment extends the term of the lease for three (3) years at \$40,243.50 per month.

ITEM F-7: APPROVED AG#442-09

Vote on Consent Agenda:

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

CARRIED

G. COMMISSION SYNOPSIS

1. PUBLIC WORKS COMMISSION - regular meeting of September 10, 2009.
FINE ART COMMISSION - regular meeting of September 17, 2009.
PUBLIC WORKS COMMISSION - regular meeting of October 8, 2009.
FINE ART COMMISSION - regular meeting of October 15, 2009.

Original, signed minutes are on file in the office of the City Clerk.

H. OTHER BUSINESS

Mayor Krasne announced the change to her standing committee appointments for the remainder of her term as Mayor.

I. ADJOURNMENT

There being no further business, Mayor Krasne, with the consent of Council, adjourned the meeting at 8:55 p.m.

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



BYRON POPE, City Clerk

NANCY KRASNE

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