

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, September 26, 2005

MINUTES

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

A regular meeting of the City Council of the City of Hidden Hills was duly held in the Council Chambers at the City Hall, 6165 Spring Valley Road, Hidden Hills, California 91302 on Monday, September 26, 2005 at the hour of 7:33 p.m. Mayor Ronald Berg called the meeting to order and presided thereover after asking resident Casey Apregan and Jessica Mairose to lead the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

Mayor Ronald S. Berg
Mayor Pro Tem Jim Cohen
Council Member Monty E. Fisher
Council Member Steve Freedland
Council Member Stuart E. Siegel

Staff:

City Attorney Larry Wiener
City Engineer Dirk Lovett
Building Official Greg Robinson
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Cohen and unanimously carried, it was resolved that the agenda for the September 26, 2005 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Berg made the following announcements:

The Las Virgenes Municipal Water District (LVMWD) will be sending its latest issue of "Steps to the Creek", the Malibu Creek watershed newsletter, to all residents; advance copies are available here at City Hall.

The L.A. Regional Water Quality Control Board (RWQCB) will be conducting a continued hearing on the LVMWD's Tapia permit on Thursday, October 6th, at the Metropolitan Water District's headquarters near Union Station; the LVMWD may be arranging transportation for the public to the hearing; call Carol Palma at 818/251-2100.

City Hall, the Building & Safety Department, and the Community Center will all be closed and there will be no inspections on Monday, October 10th, in honor of Columbus Day.

Just a reminder that Rosh Hashanah begins at sundown on Monday, October 3rd, with Yom Kippur beginning at sundown on Wednesday, October 12th.

The City received a letter from the Superior Court asking for names of those who might want to serve on the 2006-2007 grand jury; if anyone is interested, call City Hall.

AUDIENCE

Resident Randy Gale provided the following information:

He and his family are sponsoring an event at their home on Sunday, October 9th, for the National Center for Missing & Exploited Children; its primary purpose is to reunite over 2000 youngsters separated from their families due to hurricane Katrina; they like this charity in particular because it is dealing with an immediate problem, and the fact that 94 cents of every \$1.00 goes directly to help the investigators reunite these children; they are asking for donations from both adults and children attending the event, at which there will be great auction items; he hopes the community will support the event; he will leave flyers at City Hall that have all the necessary information.

PRESENTATIONS

A. To Residents Casey and Cameron Apregan, Jessica Mairose, Aaron Lefton, and Connor Weber for Fundraising Efforts for Victims of Hurricane Katrina

Mayor Berg stated that it is always a pleasure for the Council to acknowledge the young residents of the community, four of whom are here this evening to be recognized for their fundraising efforts in relation to hurricane Katrina. Mayor Berg then presented certificates to Casey Apregan (Cameron Apregan was unable to attend), Jessica Mairose, Aaron Lefton, and Connor Weber.

Ms. Apregan and Ms. Mairose announced that they collected \$151.73 at their lemonade stand for the cats and dogs affected by hurricane Katrina. Mr. Lefton and Mr. Weber stated they had collected clothing for children in New Orleans who had lost their parents.

Mayor Berg reminded everyone to let City Hall know of any other young residents that should be recognized for their activities.

B. Report on Las Virgenes Unified School District (LVUSD) Measure E Parcel Tax

Jeffrey A. Toder, a member of the independent Measure E Parcel Tax Oversight Committee, presented the following report:

In March of 2004 the voters in the School District showed support of education and the District by passing Measure E with a vote of almost 73%; Measure E provided for a \$98 parcel assessment for four years; the independent oversight committee was provided for in Measure E to monitor the District's adherence to the provisions of the Measure; he is pleased to report that every dollar received in the 2004-2005 fiscal year has been spent in compliance with Measure E, preventing cuts and layoffs, and saving and adding programs; he has provided the report and budget for the 2005-2006 fiscal year; more money was actually collected than anticipated, due to more parcels than expected being assessed, and a letter being sent by Dr. Zimring to the parents of those students living outside the District, who were not required to pay the parcel tax; they were asked to voluntarily donate the \$98, resulting in the collection of \$20,000+; the Oversight Committee is recommending a resolution to reserve 3% of the additional monies collected to be used for anticipated increases in cost over the next three years; the

increased revenue will also be used to fund new counselor positions for at-risk students, and to expand a program for at-risk students entering middle school; the LVUSD is known for providing the highest quality of educational opportunities and academic programs; families move to this area because of the schools within the District; he believes the report indicates the substantial benefits of Measure E.

C. 2005 Fiesta - Update

Mayor Berg reminded everyone that tickets for this weekend's Fiesta could be purchased no later than 5:00 p.m. on Wednesday, October 28th. Fiesta Co-chairman Andrea Lascoe provided the following update:

Volunteers will be selling tickets at several different corners this Tuesday and Wednesday, which is when probably 70% of the tickets are sold; to date only 397 adult and child tickets have been sold for the dinner, along with 177 lunch tickets, 124 pancake breakfast tickets, and 26 wine tasting/car show tickets; there was an issue regarding insurance with a company that wanted to provide a ride for the Fiesta at no cost to the City; this has been resolved, and the City should be receiving the required insurance in the morning.

PUBLIC SAFETY

A. Los Angeles County Fire Department Report - August

Community Services Representative Maria Grycan presented the following report:

Assistant Fire Chief Reggie Lee has returned from a 21 day deployment in Louisiana; indications from him and some of the Battalion Chiefs are that there are many lessons to be learned in the aftermath of hurricane Katrina that would relate to any type of disaster; October is National Fire Prevention Month, with the theme being "Using Candles with Care"; candles are lovely, but are very dangerous and cause a surprising number of fires; one should never leave a burning candle unattended in a room, or use one as a night light; the Fire Department discourages the use of candles in bedrooms where people can easily fall asleep; during the month of August, there were seven emergency responses, including two emergency medical, four false alarm/good intent, and one snake removal; there were two inspections by the Fire Prevention Bureau, and three plan checks; two adults from Hidden Hills received brush clearance education; every parcel within the jurisdiction of Stations 68 and 125 has now been inspected for brush clearance; of the 181 written notices of non-compliance issued (410s), 159 have been brought into compliance; 121 are still outstanding, with the homeowners working with the Station; of the total 2161 parcels

inspected, only one has been referred for enforcement, and that one is not in Hidden Hills.

Emergency Services Director Jim Doran asked if the Upper Las Virgenes Canyon Open Space Preserve (formerly Ahmanson) had been cleared of brush. Ms. Grycan responded as follows:

From what she understands, the brush clearance in the park has been completed; she reminded everyone that the Park will only clear 200' from any structure, not the entire Park; for example, if a Hidden Hills home is 50' from the Park, the Park would only clear 150' on the Park side.

B. Los Angeles County Sheriff's Department Report - August

Lt. Crystal Miranda provided the following report:

During the month of August there was a burglary at the Community Association, during which \$110 was taken, with entry being gained through a faulty door; four rims and tires were removed from a vehicle that was parked in a driveway while the owner was on vacation; there was also a grand theft in the 23000 block of Long Valley, with the loss at over \$400; bags left next to a vehicle for loading were taken when the person returned to the home, leaving the bags unattended for a short time.

Mayor Berg reminded everyone to always keep doors to their homes and vehicles locked.

C. Consideration of Request from Los Angeles County Sheriff's Department for Purchase of Mobile Digital Computer (MDC) for Travel Trailer Command Post

The City Manager informed the Council that a letter had been received from Captain Martin asking the four area cities to each contribute \$1000 for the purchase of a Mobile Digital Computer (MDC) for the mobile command post trailer. Agoura Hills and Calabasas have already approved the expenditure, and she would recommend approval by the Council, with the expenditure to come from either CLEEP or COPS funds. Upon MOTION of Council Member Siegel, seconded by Council Member Freedland and unanimously carried on roll call vote, it was resolved to approve the expenditure of \$1000 from either CLEEP or COPS funds for the purchase of a Mobile Digital Computer for the Malibu/Lost Hills Sheriff Station's mobile command post trailer.

D. Emergency Services Update

The following report was provided by Emergency Services Director Jim Doran:

Round Meadow School - There are now 595 students, which is less than last year; opening day went rather well, helped by the presence of a motor officer; he met with staff to discuss emergency issues; he will be meeting with the School Safety Committee on 9/28/05 to discuss critical issues such as evacuations, lock-down drills, etc.; he met with Captain Floyd of Fire Station 68 to discuss a special fire training event for the students; it has been discovered that children are often afraid of firemen who try to rescue them in a smoky house, since the firemen look very scary, causing the children to hide from them; they are planning to gather all the students in the multi-purpose room, and to use a smoke machine on the stage through which firemen in full gear will walk to show the students what they look like, hopefully erasing some of that fear; the school psychologist thought this was a good idea.

Meeting at Secret Service Office in Los Angeles – Training sessions were held to discuss soft targets, including schools, churches, malls, etc.; he attended the school session covering everything from terrorism to school specific problems; he provided a copy of the information to Ted Maddox, the Emergency Incident Manager for the LVUSD.

Round Meadow Parent Faculty Association (PFA) – He held a meeting with the PFA and room parents, discussing the need for them to be sworn in as Hidden Hills disaster emergency workers; approximately 30 were sworn in, and he is expecting another five to join; in case there should be an emergency declared, they are there ready to help; it also allows them to be covered by California workers compensation if they should be injured during a drill or real event.

Community Alert Network (CAN) – Representatives from all the agencies involved in CAN recently met to evaluate the program; hopefully in the near future the CAN system will be using GPS to identify evacuation areas via computer; the Public Safety Commission will be discussing downloading this GPS material to one computer in the office, to the satellite computer in the Emergency Operations Center, and the laptop for field use; there would be a licensing cost of \$160 for this.

Satellite Computer – The City has the dish, but we have not yet received the computer; if the power goes down, this satellite computer system would allow access to the Internet and to the County Office of Emergency Management.

City Preparedness Status – He is in the process of reviewing the City's emergency operations plan; it will be necessary for some to update their Standardized Emergency

Management System (SEMS) training; the seven computers for the EOC/AEOC should be obtained shortly; he would still like the Council's help in recruiting the 35-40 people necessary for the Neighborhood Emergency Assistance Team (NEAT); when properly trained (about 20 hours of training), these people can report back to the EOC on damage assessment and the locations of those needing assistance; he would like the City Attorney to check on whether or not 16-17 year olds can become NEAT members with the consent of their parents; the emergency supplies on hand will be checked; the City needs to obtain new red/yellow/green flags and send a set again to every residence in the City; these are square pieces of material with a small hole that fits over the flag on a mailbox; a red flag means someone needs help immediately, while a yellow flag means someone needs help, but it is not urgent; the green flag means everyone is okay; these flags save time, as the responders only need to check those houses where there is a red flag or no flag, which helps the EOC prioritize responses; if anyone knows someone in the clothing business that could provide additional flags, that would be helpful; on 9/19/05 staff attended a tabletop exercise (participants sit at tables, questions are posed regarding what would be done in certain emergency situations, and responses are provided and evaluated) with the other four cities in the region and other agencies that would be involved in a fire event; the exercise was led by the L.A. County Fire Department; he hopes to conduct a tabletop exercise in the City in October, and then a functional exercise (which actually utilizes the EOC and field personnel) in February; residents will be reminded to check their emergency supplies (through email/fax notification, newsletter, cable), lists of which Council Member Siegel is working on; all families should have an idea of what they want to take if they need to evacuate, and should conduct a drill to see if that evacuation can be done in ten minutes; it is not easy – first the family should plan, and then actually practice evacuating, knowing where to go and how to get there; further attempts need to be made to identify residents with special needs so they can be assisted during an evacuation; in the past, these people have been hesitant to share that type of information; the Council Members will help man a NEAT booth during the Fiesta, both at the Community Center during the day and at the Spring Valley arena during dinner, to hopefully obtain volunteers.

County Fire Department Meeting – City, county, state, and federal agencies who would be involved during a fire were present at the meeting on 8/30/05; important issues were raised, including animal evacuations; American Medical Response has the new contract for ambulance service in the area, and they have offered to provide some free CPR training.

Mr. Doran added some comments on earthquake preparedness:

The San Andreas fault is the major fault in our area; per Lucy Jones, earthquake expert at Cal Tech, if the area experienced a 7.9 quake such as that in 1817, the ground movement would last for two minutes within 30 miles of the fault; Hidden Hills is within 40 miles of

the fault; there could be very serious problems since the aqueduct (bringing our water supply from the north), railroads, highways, and power lines all cross the San Andreas fault; there is water storage on this side of the fault, but it is not known if the pipes would hold up; there are concerns with houses, and how well they would hold up; houses are as good as the building codes in effect when they were built; older houses can be reinforced; rather than the 72 hours, it is now recommended that everyone should have a two week supply of food and water (one gallon per person per day); for those who have children, they should be aware of the school's emergency plan, and where the children would be taken if the school is evacuated; those who work should be aware of the company's emergency plan; everyone should have emergency supplies in their cars, including walking shoes; 55 gallon plastic water barrels can be purchased for \$61.90, including pump, wrenches, plugs, and preservative (that lasts for 5 years); water can be used from the water heater; if there are horses, more water is necessary (suggested 5 gallons per horse per day); everyone should also have an out of state contact, and make sure there is a regular phone in the house, since cell phones may not work; as soon as Council Member Siegel completes his lists and suggestions, all the information can be coordinated and distributed to the residents.

L.A. Fire Department Community Services Representative Maria Grycan made the following comments:

Exit drills in the home (EDITH) are very important, as Mr. Doran has explained; one of the most important things is to figure out how everyone is going to get out of the house, and the plan should include two exits; equally important is where the family will meet once out of the house; that location should be determined beforehand, and everyone should go directly to that location.

Council Member Siegel added his thoughts:

Emergency response and preparedness were discussed at the last Las Virgenes Malibu Council of Governments (COG) meeting; even though other things the COG and this Council do are important, this should be the number one priority; public safety is this Council's number one job, and each Council Member should make a commitment to become CERT trained, as he did, and lead the way for the rest of the community; during a disaster, he would hope that all the Council Members understand that they are in charge, and that people will look to them for help when the Fire and Sheriff Departments are not available; during the last fire, it was disconcerting to have to get information from the news stations, although much of that communication problem has been resolved by the Fire Department; each Council Member needs to know what to do, and that starts with training; he thought it was a very good idea to have a booth at the Fiesta to encourage residents to sign up for NEAT; he feels that forming and activating NEAT should occur as soon as possible; if a major earthquake hits our area, this City needs to be

ready, as it will be much like hurricane Katrina, where everyone had to rely on neighbors when the police and fire personnel were not available.

Mr. Doran stated the following:

During the fire, communication was a problem with the County Emergency Operations Center, which was not activated soon enough; after that fire, Assistant Chief Lee held a great meeting during which all the problems were discussed and what would be done to correct those problems; the cities now have an information line that Ms. Grycan updates every 15 minutes whenever possible; all the cities have been invited to send a person to the command post, and have been provided with an identifying jacket to wear when there; the EOC will have a laptop that can be taken to the command post, as well as the satellite computer system; the Public Safety Commission is getting bids for satellite phones, one for the EOC and one to be taken to the command post; he would like to congratulate Chief Lee and Ms. Grycan for addressing the problems.

Ms. Grycan commented as follows:

During the latest tabletop exercise, she purposely added to the exercise questions regarding false media reports; the news reports can certainly be watched, but there can often be contradictory information from what is being provided by the Fire Department; before anyone panics, she should be called and told what is being reported on the news; she can then either confirm or deny the reports or check on them to see if they are accurate or inaccurate.

Mr. Doran added the following comments:

It is built into the SEMS program that the Public Information Officer (PIO) will check rumors, which can now be done through Ms. Grycan; all the five cities are now working together to share the frequencies for ham radios and the numbers of the satellite phones; through the use of laptops, cities can get information directly from the person at the command post; during the beginning stages of an emergency situation, the Sheriff opens a command post at the Lost Hills Station, to which each city can send a representative; as the emergency grows, and the Fire Department opens an area command post, each city can move its representative to that location.

Council Member Siegel pointed out that satellite phones do not always work inside (or in smoke, per Mr. Doran), so he would recommend that when purchasing the phones, an external antenna capability be investigated.

Council Member Fisher suggested that realtors might be interested in providing the emergency flags if allowed to advertise on them, and also stated that since he works outside of the City and could have a problem getting to the City in an emergency, he has an earthquake pack in his car. He also thought it was very important for the Council Members to receive training, as they do need to know what to do. Mr. Doran reminded everyone that the training does take quite a bit of time, but having the training not only helps the City, but would also help each person know what to do for his/her own family. Mr. Doran added that he would like at least four people trained for each of the six City regions, and with the proper training, they can do damage assessment to help prioritize the buildings for inspections by our Building & Safety Department. Ms. Grycan suggested those that sign up for the training be asked what days are more convenient for them, as they can try to schedule training classes when more people are available.

Council Member Fisher thought help would be needed from the Community Association, as they have manpower and equipment that the City does not. Mr. Doran stated that he does have a list from the Association of the supplies, equipment, personnel, and services that they might be able to provide and at what cost. Mr. Doran wished to point out that first responders might also be victims during a disaster, so back-up help will be necessary. However, he wished to make it clear that proper training is necessary before anyone can help with emergency response. Ms. Grycan stated that the last thing they want to see is volunteers attempting rescues and becoming victims themselves, and that no amount of training is going to make the volunteers qualified for certain responses and activities – people can be trained to identify whether a building is too damaged to enter, or mildly damaged where they could quickly enter and then get out, but should only respond at their own comfort level. Mr. Doran agreed, commenting that no one should be doing anything they are not trained for, but they can be better prepared to assist wherever possible.

CONSENT CALENDAR

- A. City Council Minutes – September 12, 2005**
- B. Demand List**
- C. Disbursement List – August**
- D. Financial/Treasurer’s Report – August**

In response to Mayor Pro Tem Cohen, the City Manager explained that the parking tags on the demand list were parking permits given each year to school personnel to park in the reserved parking spots in the Round Meadow School parking lot – additional permits were needed and ordered in bulk to save money. Upon MOTION of Council Member Fisher, seconded by Mayor Pro Tem Cohen and unanimously carried, it was resolved to approve items A (with Council Member Siegel abstaining on this item as he was not in attendance at the meeting), B, C, and D of the consent calendar as submitted.

MATTERS FROM CITY COUNCIL MEMBERS

- A. Report from the 9/20/05 Hidden Hills Community Association Board of Directors Meeting**

There was no one from the Association in attendance to provide the report.

- B. Report from the 9/20/05 Las Virgenes Malibu Council of Governments (LVMCOG) Meeting**

Council Member Siegel provided the following report:

Hidden Hills is in the County’s Area B for purposes of emergency services, which includes the cities of Palmdale, Lancaster, and Santa Clarita besides the five local cities in the COG; the County has finally said it would include its share of funding for the unincorporated areas into the funding pot for Area B, which can now hire a Disaster Management Area Coordinator; he is very excited that once this person is hired, Area B will have a professional to supervise the coordination and standardization of all of the cities’ emergency services; if any of the cities in Area B have a problem, there needs to be communication with the other cities for mutual aid; he believes this person will definitely raise the professionalism in dealing with emergencies; the COG is also interviewing for its Executive Director position; the current Director plus two additional people will be interviewed by the COG Board.

Council Member Siegel then asked City Attorney Larry Wiener to explain a recent Attorney General opinion regarding housing and compliance with certain aspects of the assigned regional housing needs assessment (RHNA). Attorney Wiener stated that the question was whether or not cities could consider the availability of federal and state funds when deciding whether or not they could meet their RHNA allocations assigned by the state and then ultimately distributed by the local COGs. He added that to his knowledge, this City has never indicated that federal or state funds would be a primary means by which the City would meet its RHNA, so the opinion would not have an application for Hidden Hills.

C. Consideration of Rescission of Approval of \$2,000 Expenditure to Las Virgenes Unified School District (LVUSD) for Feasibility Study to Assess New Revenue Options

Mayor Berg reminded the Council of the following:

At the August 22nd Council meeting, Dr. Don Zimring of the LVUSD requested the expenditure of \$2000 from Hidden Hills (total of \$10,000, with \$2000 from each of the four local cities and the LVUSD) for a law firm to conduct a feasibility study regarding the imposition by each of the cities of a document transfer tax; the Council approved the expenditure at that time, but wanted the City Attorney to investigate whether or not this was even possible; he authorized the City Attorney to spend one to two hours looking into this matter, as it did not look like a very good use of \$10,000.

Mayor Berg then asked City Attorney Larry Wiener to comment, which he did as follows:

The conventional wisdom is that a general law city may not adopt a real estate transfer tax, which was prohibited first by Prop 13 and then later (1986) by Prop 62; charter cities, which have taken upon themselves the ability to make their own laws regarding strictly municipal affairs, are able to adopt a real estate transfer tax, since the courts have held that a real estate transfer tax is not a concern of the state but rather a municipal affair; there is not a lot of doubt that Prop 13 and Prop 62 apply to general law cities and that the prohibition of a real estate transfer tax would apply; there are a few unanswered questions, but he does not think it is likely that those questions would be answered in such a way as to allow a general law city to impose a document transfer tax.

Mayor Berg suggested, in light of this information, that perhaps the Council, instead of spending \$2000 for a feasibility study that it seems will not yield any positive results, should rescind the

approval of the expenditure. Upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to rescind the expenditure of \$2000, approved at the August 22, 2005 City Council meeting for a feasibility study by the LVUSD in relation to the possible imposition by the four area cities of a document transfer tax, as it did not appear the study would yield any positive results that would allow the imposition of such a tax. The City Manager was directed to inform Dr. Zimring of this decision and why it was made, adding that the City would rather approve a \$2000 expenditure to the LVUSD for a better purpose (for example, the purchase of books, or specific programs, etc.).

MATTERS FROM STAFF

A. Lasher Development - Update

The following update was provided by City Engineer Dirk Lovett:

Staff and the EIR consultant are in the process of developing responses to the written comments received on the draft EIR (DEIR); an individual response in writing is required for all public agencies that commented; other comments and the responses to those comments are added to the DEIR to form the EIR; when all the responses are completed, a public hearing will be scheduled; this should hopefully occur in November.

B. Discussion Regarding Tree Permit Ordinance/Regulations/Procedures

Repeal – Mayor Berg made the following comments:

At the last meeting, the Council discussed repealing the tree preservation ordinance once the Community Association has adopted its tree regulations and is ready to begin implementing them; once this occurs, the Association has been notified that for all properties owned by the City but leased and maintained by the Association, that permission must still be obtained from the City before any trees are trimmed or removed from those particular properties; during the earlier discussion, no mention was made of the Restricted Commercial (CR) zone, for which he believes the tree preservation ordinance should remain in effect.

The rest of the Council Members agreed, with staff being directed to draft an ordinance repealing the City's tree preservation ordinance, except for the CR zone, with the provisions of the

ordinance to take effect upon notification from the Association that its procedure is in place, and subsequent notification to the City Council by the City Manager at a public meeting.

Sureties - At this time, Mayor Berg recused himself from the meeting and left the Council Chambers, as he has a surety on file with the City in relation to a tree permit he obtained. Mayor Pro Tem Cohen then pointed out that at the last meeting, the Council discussed several options related to the sureties on file – keeping the sureties until they expire; transferring the sureties to the Association, although he was not sure if that was even possible; or returning all sureties being held, once the ordinance is repealed. City Attorney Larry Wiener stated he would not recommend a direct transferring of funds in trust with the City to another entity. The Council and staff then engaged in a discussion, during which the following questions were raised and points made:

Is there any reason to not return the sureties; when a surety would expire (usually after three years), the staff would have to make a subjective decision on whether or not the trees were healthy enough to release the surety; is that really necessary when many residents spend large sums of money on landscaping that they then maintain; there are eleven sureties being held at this time, none of which involve any issues; there are a few who have not yet pulled their required permits or submitted the sureties; what should be done with these residents who have not complied with their requirements - for example, someone who has cut down trees without a permit and would be required to come before the Council for a permit and directed to plant replacement trees requiring a surety; there may be a few of these situations, but if the Council repeals its ordinance (which will not be done until the Association is ready to proceed), that should be the time to move on and let the Association decide if those situations should be addressed; the Association and Architectural Committee do have enforcement power if they want to use it; no one wants to see anyone caught in the middle during the transition; there are probably two cases in which an after-the-fact permit is needed, and those residents are complying with the process and may come to the Council before the ordinance is repealed; in one case a resident did get a tree replacement plan approved by the Association, as required, but the plan shows trees smaller than what the City approved; in another case, there has been City Council approval, but the tree replacement plan has not been approved by the Association yet, so no surety has been imposed; the Association does not know yet how it wants to address sureties, if at all; perhaps for those few being processed by the City during the transition period, the sureties could be waived; those sureties already being held could be returned once the City's tree preservation ordinance is repealed.

City Attorney Larry Wiener commented as follows:

There is no provision in the City's current tree preservation ordinance that would allow the waiver of a surety; staff could decline to enforce the surety provision pending the decision by the Association to adopt a substitute tree permit procedure; if the Association never adopts such a procedure and therefore the City's ordinance is not repealed, at that point staff could resume enforcement of the surety requirement; until the repeal becomes effective, the existing sureties could continue to be held; based on the above discussion, the direction as he understands it from the Council is the following: 1) staff will draft an ordinance to repeal the current tree provisions except in the CR zone; 2) the repeal of the City's ordinance will become effective upon notification from the Association that it has adopted a substitute procedure, and that information is provided to the Council by the City Manager at a Council meeting; 3) when the ordinance is repealed, any sureties being held by the City will be returned; and 4) during the interim period before the ordinance is repealed, staff will not enforce the surety requirement.

All of the Council Members agreed with Attorney Wiener's assessment of the direction being provided to staff, and asked that the draft ordinance be presented at the next Council meeting.

C. Los Angeles County Proposed Condominium Project Located at 24141 and 24121 Ventura Boulevard, Calabasas (The Pointe at Calabasas)

City Engineer Dirk Lovett provided the following information:

This project has been addressed by the Council before; it is in the unincorporated L.A. County area, but in the Hidden Hills sphere of influence; at a previous meeting, the Council gave permission for the Mayor to send a letter to the County in response to an Initial Study that was circulated; the letter asked the County to consider the extension of Parkway Calabasas to Las Virgenes Road; the County is now circulating a Notice of Intent to adopt a Negative Declaration for this 66 unit senior condominium project; the City of Calabasas will be sending a letter of support for the project, with the understanding the developers will provide certain traffic, landscaping, and lighting mitigation; since the City's comments regarding the development and traffic are already on record with the County, he would recommend that no action be taken at this time.

The Council agreed no further action was necessary at this time; however, Council Member Siegel raised an issue in relation to emergency discussions. He asked the Council's permission to send a letter (along with some additional information) to both Los Angeles County Supervisor Zev Yaroslavsky and Los Angeles City Council Member Dennis Zine to remind them (especially

in light of evacuation problems during hurricane Katrina even with many open roads) that this area between Valley Circle and Las Virgenes Road has no alternate road system if the freeway is blocked, other than Mureau Road. The Council authorized Council Member Siegel to proceed per his request.

D. Consideration of Cancellation of October 10, 2005 City Council Meeting

The Council agreed to cancel the October 10, 2005 City Council meeting due to the Columbus Day holiday.

At this time, the Council took a short five minute recess.

STUDY SESSION REGARDING CHARLES ABBOTT CONTRACT/RATES

Mayor Berg informed the Council that after the last meeting when Charles Abbott Associates (Abbott) asked for a 13% increase in their hourly rates, which was tabled, he and Mayor Pro Tem Cohen met with City Engineer Dirk Lovett, Building Official Greg Robinson, and City Manager Cherie Paglia to discuss the current Abbott contract with the City, Abbott's performance, the proposed hourly rate increase, billing procedures, fees, etc. He and Mayor Pro Tem Cohen left that meeting feeling that an hourly rate increase was reasonable, with the Abbott rates being at the low end of the scale, even with the proposed increase, but also directed Mr. Lovett and Mr. Robinson to conduct several studies and reviews and prepare reports for a Council discussion.

The Council, staff, and Charles Abbott President Rusty Reed then proceeded with the study session, during which the following topics were discussed: the existing contract between the City and Charles Abbott Associates; hourly rates; the pros and cons of in-house vs. contract employees; City fees and the percentage of fees paid to Abbott; effective use of Abbott employees, ways to increase productivity, and the best means to measure both; review of Building & Safety procedures; the cap and how best to show any existing liability associated

with that cap. At the end of the discussion, City Attorney Larry Wiener was asked to prepare a revised agreement with Charles Abbott Associates for consideration at the next Council meeting.

OLD BUSINESS

Consideration of Amendment to the Charles Abbott Associates Contract to Increase Hourly Rates for Professional Services

Based on the discussion during the study session, upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried on roll call vote, it was resolved to approve Amendment Number One to the Agreement Between the City of Hidden Hills and Charles Abbott Associates, Inc. for Professional Services to approve a new schedule of hourly rates, with those rates to become effective October 1, 2005.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried, it was resolved to adjourn the regular meeting of September 26, 2005 at 9:53 p.m.

Ronald S. Berg, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk