

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, June 26, 2006

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, June 26, 2006 at the hour of 7:30 p.m. Mayor Jim Cohen called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

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

Staff:

City Treasurer Eddie Bauch (8:10 p.m.)
City Attorney Larry Wiener (8:20 p.m.)
City Engineer Dirk Lovett
Building Official Greg Robinson
City Manager Cherie L. Paglia
Bookkeeper Randee Weinberger
Deputy City Clerk Deana Graybill

APPROVAL OF AGENDA

Upon MOTION of Council Member Freedland, seconded by Council Member Berg and unanimously carried, it was resolved that the agenda for the June 26, 2006 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Cohen made the following announcements:

There will be a short recess after the presentations, during which everyone is invited to join the Council at a reception, including refreshments, for the honorees.

On behalf of the Council and staff, he would like to extend condolences to Public Safety Commissioner Mark Deitch, whose mother Julie passed away Thursday evening.

He wished a very happy birthday to Mayor Pro Tem Fisher, celebrating his birthday today.

City Hall, the Building & Safety Department, and the Community Center will all be closed and there will be no inspections on Tuesday, July 4th, in honor of Independence Day.

The City will be hosting a Red Cross blood drive here at City Hall on Thursday, July 13th; participation would be very much appreciated; contact Deana for more information.

AUDIENCE

There were no questions or comments at this time.

PRESENTATIONS

A. City Plaques/Youth Recognition Program Recipients

Mayor Cohen announced that two residents were being presented with Hidden Hills City plaques, as recipients of the City's Annual Youth Recognition Program – **Danielle Gersh** and **Marissa Jaffe**. He explained that applications for this award could be made on behalf of any

young person in the City who has made significant contributions or accomplishments, in any number of categories, including but not limited to academics.

Council Member Siegel made the presentation to Danielle Gersh, a personal friend. He stated how proud he was of Ms. Gersh, who had just finished a remarkable High School career with a great GPA and academic achievements, contributed many hours over the years to public service, and would be attending Berkeley in the fall.

Mayor Cohen presented the plaque to Marissa Jaffe, who will be entering her senior year in high school, commenting that even though he did not personally know her, her credentials were terrific.

B. City Certificates/Recognition of Hidden Hills Residents Who Earned the President's Education Award for Outstanding Academic Excellence in 2006 as Las Virgenes Unified School District Students

Mayor Cohen announced that the Council had the great pleasure of honoring all the young Hidden Hills residents who have earned the President's Education Award this year, all of whose names have been provided by their respective schools. He added that if the City has inadvertently missed anyone, to please call City Hall and the error will be corrected.

Mayor Cohen, with assistance from other Council Members, presented City certificates to the following:

from Calabasas High School: **Christopher Doran**
Danielle Gersh

from Alice C. Stelle Middle School: **Morgan Hyman**
Brandon Katz
Shauna Shakiban

Mayor Cohen introduced the Principal of Round Meadow School, Rose Dunn, who presented certificates to the following students:

from Round Meadow School: **Danielle Bush**
Kendra Gregory
Courtney Kotal
Eden Rubel
Moriah Stapf

Mayor Cohen and Council Member Berg presented certificates to the following:

from Sierra Canyon: **Mikaela Gilbert-Lurie**
from Viewpoint: **Cole Metzger**

Cindy Iser, Las Virgenes Unified School District Board President, was then introduced, and presented certificates to the following students:

from A.E. Wright Middle School: **Kurtis Freedland**
Joshua Langer
Jason Rosenberg
Zachary Stapf
Stephen Stewart
Austin Tochner
Jordan Yasgoor

(Note: Additional students from each of the above schools who received the President's Education Award and who were not able to attend tonight's meeting will be invited to a future Council meeting for certificate presentations.)

Mayor Cohen suggested that these awards should not be taken lightly, as they are very credible accomplishments by all of these young people. He also announced that there were other Hidden Hills students who made honor rolls in their respective schools or received other miscellaneous awards, and that all of these students would receive a certificate in the mail from the City, and have their names listed in a future City newsletter, along with all of those honored above.

Mayor Cohen then called a short recess, and invited all those in attendance to join the Council and honorees for refreshments. Mayor Cohen reconvened the meeting at 8:09 p.m.

C. Consideration of Approval of Community Assistance Grant Application from the Hidden Hills Community Association

This item was tabled at the request of the Community Association.

PUBLIC SAFETY

A. Los Angeles County Sheriff's Department Report - May

Sergeant Tracy Palmer presented the following report:

There were two Part I crimes in May; one was a residential burglary in the 5200 block of Round Meadow, which possibly may involve a former housekeeper; the second was a theft from two unlocked vehicles parked in a driveway in the 5800 block of Clear Valley; one misdemeanor domestic violence incident occurred during a scuffle between a boyfriend/girlfriend; all of these are still under investigation; there were 91 citations issued, with 76 of those being hazardous, and 48 of those being for seat belt violations; these are in direct correlation to the nationwide "Click It or Ticket" campaign, which was extremely successful; no collisions occurred during the month, but there was one drunk driving arrest (not a Hidden Hills resident).

Mayor Cohen stated it was hard to believe that so many people still do not use seat belts, adding that he has heard that visitors at the gates, who have to show identification, remove their seat belts to access that identification, and then enter the City without refastening the belts. He wondered if there was any way to track that problem. Sgt. Palmer stated that those people were required, before they put the car back into gear, to put the belts back on, but she was not aware of how that situation could be monitored.

Council Member Siegel asked that the Council be kept updated on the investigation into the vandalism which occurred at the Community Center in the very early morning hours of Friday, 6/30/06.

B. Report on Nationwide Click It or Ticket Mobilization

Mayor Cohen pointed out that due to this campaign enforcement, according to the report received from Captain Tom Martin, the safety belt usage rate increased from 93% to 94% in the City. The report was received and filed.

C. Los Angeles County Fire Department Report - May

Community Services Representative Maria Grycan provided the following report:

There were 25 calls in May, a very high number, which tells her it is snake season; 15 of the calls were for snake removals; there was a dumpster fire on John Fremont, with no damage, and five false alarm/good intent calls; two animal rescues occurred; she has no information on one, but the other involved a horse lying on its side with its back legs caught under the fence; the Firefighters removed the fence, and freed and fed the horse, which had no apparent signs of injury; however, the horse's owner did call the vet; there were 25 station inspections, one Fire Prevention Bureau inspection, and no plans checked; brush inspections just started on June 1st, so there will be numbers to report in July.

Council Member Freedland asked if the brush clearance had been done on the Ahmanson property, as it did not look like it. Ms. Grycan responded as follows:

She was not aware if the clearance had been done yet on that property (which is in Ventura County); the deadline for clearance in Ventura County is the same as Los Angeles County – June 1st; once the property owners clear their brush, then the Park Service will clear on Ahmanson whatever distance is left to total a 200' clearance; they usually alert the Park Service if it needs to be done; she will contact Ranger Walt Young and share whatever information she obtains with the City staff.

D. Discussion Regarding the Possible Purchase of a Generator for City Hall

The following report was provided by City Engineer Dirk Lovett:

The City currently has two small outside generators that total 6.6 kw; no appliances are hardwired to these generators, which need to be manually started; there are orange sockets throughout City Hall that are energized by these generators, into which extension cords are plugged during an outage to run the phones and some portable lights, but that is about the extent of what can be powered; staff is offering for discussion some options to allow the City Hall to be completely functional during a long outage or during an emergency when the Emergency Operations Center (EOC) would need to be activated; a

table has been included showing what the current generators could handle if hardwired – water heater, telephones, interior lights, and maybe the audio-video room; those things that could not be run would be the computers, copier, printers, satellite antenna system, air conditioning, lights, and other appliances; to effectively run the entire City Hall as well as the EOC, the City would need a 40,000 kw generator, which would not leave many kws to spare; a full load would not always be needed, but in certain emergencies during which the City may be on its own for some time without the benefit of public utilities, a generator of that size would be necessary; staff has also provided a mid-range option, which would allow the operation of interior lights, phones, etc., but not the air conditioning in the EOC or the upstairs portion of City Hall; as a rough estimate, a 40,000 kw generator would cost approximately \$35,000 plus wiring, installation, etc.; if the Council is interested, staff would recommend the purchase of a generator of this size, and will obtain actual bids in the future; the matter was raised at this time, since the Council is discussing the City's budget.

Emergency Services Director Jim Doran added the following information:

During a declared emergency, the City is required to have sustained operations for an extended length of time; the City now has five new computers to use in the EOC; the new generator would give the capacity to do the job we are supposed to do, which cannot be done with the two existing generators; however, these two generators would not be sold, but kept for field operation use.

Council Member Berg asked if it might be prudent to look at a larger generator, if the cost was not prohibitive, since the 40,000 kw generator would be close to the limit and he would rather err on the side of caution. Mayor Pro Tem Fisher wondered about the capacity of the existing power panel, suggesting that the City might need a 60,000 – 100,000 kw generator, which along with maintenance and fuel costs might double the total cost. He also asked about the type of fuel to be used. Mr. Lovett responded that the estimated costs were based on natural gas, but diesel or propane could also be considered.

Council Member Siegel commented as follows:

If the generator is to be used during an extreme emergency, he does not think it is a good idea to use natural gas, as that is one of the first things that will be unavailable; the diesel option would be most efficient, but again it would be difficult to get any quantity of diesel during a significant emergency; he himself just purchased a 15 kw gas generator for \$3500, which included the subpanel, automatic start, and the exercise mode which

turns the generator on, runs it through a cycle, and then turns it off; there would always be cars around for a supply of gas; he would not want to get too large of a generator, as the bigger it is, the larger supply of fuel that is needed, for which you need a tank for storage; he definitely thinks the City should budget for the purchase of a generator, but that the Council Members need to look at the pros and cons of the different fuel and generator size options.

In response to Mayor Cohen and Council Member Berg, City Treasurer Eddie Bauch and Bookkeeper Randee Weinberger stated that there is \$139,000 in unexpended funding in the capital improvement budget that should cover the generator costs, and that staff could investigate whether or not there would be any type of grant funding to help with those costs. Mr. Doran volunteered to check with the Disaster Management Area Coordinators (DMACs) for the different Disaster Management Areas to see if any of them were aware of any available funding for this type of purchase. Mayor Cohen asked if the need for fuel tanks triggered any environmental concerns. Mr. Doran responded that if more than a certain amount of fuel was stored, there would be EPA requirements.

The Council agreed to discuss this at a future meeting once more information was provided regarding different size generators, fuel possibilities, installation and maintenance requirements, the costs, and possible funding sources other than the City's general fund.

Mr. Doran informed the Council that the Disaster Management Area B Board of Directors has been established, and interviews are being conducted for a DMAC; since this is a new entity, it is possible the Board may decide to join the California Joint Powers Insurance Authority, which could cost each of the member cities approximately \$1000. City Treasurer Bauch confirmed this cost could be absorbed into the Emergency Services budget.

PUBLIC HEARING

A. Consideration of Minor Accommodation Application for the Proposed Rebuilding of an Existing Nonconforming Fire Damaged House, Located at 23537 Long Valley Road

City Engineer Dirk Lovett presented the following staff report:

The home on this property on Long Valley Road was recently damaged by fire; the owners wish to rebuild the home, a nonconforming building, in its existing location; there is an existing 5' encroachment into the front yard setback, and an existing 3' encroachment into the side yard setback; with a construction job of this size, the Municipal Code requires that the building be brought into conformance with the codes or that a minor accommodation be requested; the applicant is requesting a minor accommodation to allow the damaged portion of the house to be rebuilt in the same location without having to correct the current encroachments; the portion of the house that encroaches into the front and side yard setbacks is not proposed for construction with this application, so the proposed building will encroach no further into the setbacks than the existing building; notices of the public hearing were mailed to all property owners within 300' and appropriately posted; no comments have been received; all construction has been approved by the Community Association; the minor accommodation can be granted if the Council finds that there will be no material adverse impact on the public welfare or adjacent property; staff believes the finding can be made and is recommending approval.

Mayor Cohen opened the public hearing, at which time Mrs. Miller, the owner of the property, stated that she just wanted to come back to her home. All of the Council Members reported visiting the site, except for Council Member Siegel. Council Member Freedland asked if the Meyerstein property was located between the subject property and the freeway, to which the answer was yes. As there were no further comments, Mayor Cohen closed the public hearing. Upon MOTION of Council Member Berg, seconded by Council Member Freedland and unanimously carried, it was resolved to approve the minor accommodation and adopt by title only Resolution No. 787 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS SITTING AS THE PLANNING AGENCY, APPROVING A REQUEST FOR A MINOR ACCOMMODATION FOR THE REBUILDING OF AN EXISTING NONCONFORMING FIRE DAMAGED HOUSE, LOCATED AT 23537 LONG VALLEY ROAD.

B. Consideration of Approval of City Budget for Fiscal Year 2006-2007 and Related Resolution

City Treasurer Eddie Bauch stated that as a result of the budget committee meeting, a surplus of \$40,000 is anticipated based on being somewhat conservative with income estimates, and estimating the expenses a bit higher. Mayor Cohen opened the public hearing.

Council Member Freedland expressed the following thoughts regarding the possible undergrounding of overhead wires within the City:

He has been interested in addressing this for some years; staff has been talking with SCE to obtain rough cost estimates; several years ago the City adopted an ordinance that required homes with construction projects of a certain size to underground their wiring from pole to panel in anticipation of undergrounding the utilities in the future; he would like to see the City determine costs and accumulate funds, some of which could possibly be used every year to begin undergrounding the wires in a small area or to remove several poles at a time – not to do it all at once, but to at least start accumulating funds and earmark them; there is no line item in the budget for undergrounding, but the City does have money to do this, and it would be a great service to the residents; he would not be opposed to having some of the residents or the Community Association participate or share in the costs; due to much of the wiring still being above ground, there are power outages, especially when it rains or there are strong winds; this should not be a problem in an affluent community.

Council Member Siegel expressed his thoughts:

He thinks the idea of the community taxing itself makes more sense than having the City pay for it; in some parts of the community, it may be very easy to underground, while in other areas it may be almost impossible; the City could be divided into areas for which estimates could be obtained, and then a plan created; he believes the expenditure involved is way beyond a City of our size and income, as it would cost millions; he does agree with the end result, but just not the method to get there; perhaps an electrical engineer could give the City an idea of the magnitude of such a project and the related costs; if only a portion of the City were to be done, residents in other areas may complain that it is not being done for them; the City could pay for an analysis, and then go back and look into some type of bonding or assessment district; it is possible the City could contribute some funding, but the residents should step up if they want the undergrounding.

In response to Council Member Freedland, City Engineer Dirk Lovett stated that a rough estimate of \$2 million was provided by SCE for the undergrounding along Round Meadow and Jed Smith Roads, but this did not include the costs to residents to upgrade their panels and underground from the poles to the houses, if that had not yet been done on their properties. Council Member Siegel was not opposed to setting aside funding to complete an analysis, engineering, and a plan to figure out what could be done (where, when, and how). Council Member Freedland recalled talking to a consultant several years ago, who suggested that an assessment district could be set up with as few as eight homeowners, but the City did not pursue it at that time. He wants to get serious and try to move forward with this. In response to Mayor Cohen, City Treasurer Bauch stated that money for such a study would come from the general fund, but not the operating budget as it would be a future capital improvement. Council Member Berg mentioned that some of his neighbors had talked to Mr. Lovett and SCE about removing the existing poles on their property, but he was not sure what was decided. Council Member Freedland felt there would be a great deal of interest from many residents. Mayor Pro Tem Fisher asked if there would be any easement issues. City Attorney Larry Wiener stated that typically utility easements were general in nature and would allow wires above or beneath the ground. Mayor Cohen thought the consensus was to conduct some type of comprehensive study that would answer a lot of the questions that had been raised.

Council Member Siegel then expressed his concerns that the revenue side of the proposed budget was understated, and he would like to see it based more on reality; he could not understand how the expected property taxes could be less than last year when homes are constantly being sold and escalating in value, and how the expected interest income could be less when interest rates were rising. Treasurer Bauch and Bookkeeper Randee Weinberger both agreed that the estimates were conservative and could be increased if the Council so desired, but they were basing the numbers on what had been received thus far this year.

Mayor Cohen informed the Council that two of the Las Virgenes Unified School District Board Members would like to meet with two Council Members to discuss a proposal for new technology in the District, and the possible funding from area cities to help provide that technology. Mayor Cohen and Council Member Berg volunteered – staff will schedule the meeting.

As there were no other comments at this time, Mayor Cohen continued the public hearing on the budget until after the closed session, stating that there was one item in relation to personnel compensation that needed to be discussed during the closed session.

CONSENT CALENDAR

- A. City Council Minutes – May 22, 2006**
- B. City Council Minutes – June 12, 2006**
- C. Demand List**
- D. Disbursement List – May**
- E. Financial/Treasurer’s Report – May**

Upon MOTION of Council Member Berg, seconded by Council Member Freedland and unanimously carried on roll call vote, it was resolved to approve items A, B, C, D, and E of the consent calendar as submitted.

MATTERS FROM CITY COUNCIL MEMBERS

- A. Report from 6/19/06 Las Virgenes Malibu Council of Governments General Assembly Meeting**

Council Member Siegel reported that the COG Board (one Council Member from each of the five cities of Hidden Hills, Agoura Hills, Calabasas, Malibu, and Westlake Village) meets once a month to discuss matters of mutual concern, and then has one annual general assembly meeting to which all five Council Members of each City are invited. That meeting is to share events and items of interest from each City, and to also give the Council Members an opportunity to meet

and socialize with those from the other cities that they do not normally see. This meeting was held on 6/19/06 at the Agoura Hills/Calabasas Community Center.

B. Report from 6/20/06 Hidden Hills Community Association Board of Directors Meeting

The City Manager reported the following:

The Board recognized Jerry Weston's 20th anniversary working for the Association; some residents had questions on the Ashley project; on behalf of the residents, the Board agreed to raise their issues in relation to the EIR when it is completed and released by the City; two variances were approved; Doug Lucas was thanked for his 6 ½ years of service on the Architectural Committee; he will be replaced by Mike Kotal; the summer program has begun, as have the Thursday night BBQs.

Deputy City Clerk Deana Graybill left the meeting at this time, and was thanked by all of the Council Members for planning and handling the reception provided this evening.

Mayor Cohen announced that since he has been approached by several residents regarding cell phone service in the City, this matter would again be discussed at the Council meeting on 7/24/06. In response to Council Member Berg, Mayor Cohen stated that no action would be taken, as everything would still be in the information stages.

MATTERS FROM STAFF

A. Tentative Map 63567 - Update

City Engineer Dirk Lovett informed the Council that the application was still not complete, but that staff was working with the developer and would be meeting with him in the near future; staff is still preparing the request for proposal (RFP) for an EIR consultant.

Resident Gordon Gregory read into the record a letter, signed by 34 individuals from 20 different properties, commenting on the proposed Ashley project. Copies of those letters are available at City Hall.

Council Member Siegel asked developer Mike Ashley how that portion of his property, which was not in either the City or the Community Association, was legally accessed at this time, and if there was any access through the Pet Cemetery. Mr. Ashley responded as follows:

The only portion of the proposed tentative map not currently in the City is 7.5 acres, which have been accessed off of both Lasher and Bridle Trail; it has no other legal access, as it is landlocked except from those two streets; the Gonens had a construction easement to only their property through the Pet Cemetery; the Pet Cemetery was the original seller to the previous owners who sold the property to the Gonens; that easement had no access to any other property.

B. Charles Abbott Monthly Report - May

The report was received and filed.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL

**A. CONFERENCE WITH LABOR NEGOTIATOR
Government Code Section 54957.6**

**Agency Negotiator: City Manager
Unrepresented Employee: City Attorney**

**B. CONFERENCE WITH LABOR NEGOTIATOR
Government Code Section 54957.6**

**Public Employee Negotiator: City Attorney and City Treasurer
Unrepresented Employees: City Manager, Deputy City Clerk, Bookkeeper**

Upon MOTION of Council Member Berg, seconded by Council Member Siegel and unanimously carried, it was resolved to adjourn to closed session at 9:12 p.m., at which time it was announced by Mayor Cohen that the Council, in closed session, would be discussing the items listed above.

Upon MOTION of Council Member Berg, seconded by Mayor Pro Tem Fisher and unanimously carried, it was resolved to return to open session at 10:21 p.m., at which time the City Attorney announced that the Council, in closed session, discussed the items listed above, and that no reportable action was taken.

PUBLIC HEARING

B. Consideration of Approval of City Budget for Fiscal Year 2006-2007 and Related Resolution (cont'd from earlier in the meeting)

Mayor Cohen informed the staff that he and Mayor Pro Tem Fisher would meet with them to discuss the PERS retirement program and other possible options. As there were no further comments, Mayor Cohen closed the public hearing. Upon MOTION of Council Member Berg, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve the 2006-2007 budget showing revenues at \$1,328,800 and expenditures at \$1,319,350, resulting in \$9450 excess revenues over expenditures, and to adopt by title only Resolution No. 788 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS TRANSFERRING FUNDS UNAPPROPRIATED AS OF JUNE 30, 2006 TO THE CONTINGENCY RESERVE ACCOUNT, AFFIRMING INVESTMENT POLICY, APPROVING THE CITY'S BUDGET AND ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE FISCAL YEAR COMMENCING JULY 1, 2006.

CONSIDERATION OF APPROVAL OF AGREEMENT FOR CITY ATTORNEY SERVICES

The City Manager pointed out that the proposed agreement would name Roxanne Diaz as the City Attorney and name Larry Wiener as Special Counsel. Upon MOTION of Council Member Berg, seconded by Mayor Pro Tem Fisher and unanimously carried on roll call vote, it was resolved to approve the "Agreement Between the City of Hidden Hills and Richards, Watson & Gershon, a Professional Corporation, for Legal Services".

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Berg, seconded by Council Member Freedland and unanimously carried, it was resolved to adjourn the regular meeting of June 26, 2006 at 10:28 p.m.

Jim Cohen, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk