

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, September 11, 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, September 11, 2006 at the hour of 7:30 p.m. Mayor Jim Cohen called the meeting to order and presided thereover after asking Hidden Hills Boy Scout Troop #642 to present the colors and lead the Council and audience in the Pledge of Allegiance. Assistant Senior Patrol Leader Jared Erman directed the Color Guard to advance, lead the Pledge of Allegiance, asked for a moment of silence for those who perished five years ago to the day, and then lead the Scouts in the recitation of the Scout Oath and Scout Law, before directing the Color Guard to retreat.

ROLL CALL

Council:

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

Staff:

City Engineer Dirk Lovett
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved that the agenda for the September 11, 2006 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Cohen made the following announcements:

He recognized this as the five year anniversary of 9/11/2001; he was not sure there was much more to say than what everyone had been hearing or reading all day on television, on the Internet, and in the newspapers.

Congratulations were offered to resident Bonnie Frank for sponsoring and organizing the “Jazz on the Green” concert Sunday evening (9/10), which was very successful.

On Sunday (9/16) the Hidden Hills Horsemen are presenting a West Nile Virus Clinic; it will start at 9:00 a.m. at the Long Valley gate, and finish at the Round Meadow gate; there is a flyer available at City Hall; call Claudette Rice for details.

Rosh Hashanah begins at sundown on Friday, 9/22.

The Fiesta is coming up very soon (10/14-15); there will be a new event this year on Sunday evening, in addition to the wine tasting/box dinner – a movie will be shown from 8:00 p.m. – 10:00 p.m.; Fiesta brochures should arrive in the mail within the next two weeks; this brochure has information on all of the events, the schedule, ticket sales, etc.

Council Member Freedland had an announcement:

He wished to thank the City’s videographer Chris Doran for doing such a good job; this is his last meeting as he will be going to college in San Diego very shortly; the City is therefore in need of a replacement person; anyone who might be interested in this position, which requires videotaping of two Council meetings per month, should contact City Hall.

AUDIENCE

There were no questions or comments at this time.

PRESENTATIONS

To Hidden Hills Boy Scout Troop #642

Mayor Cohen, on behalf of the Council, staff, and residents, presented a City plaque to Hidden Hills Boy Scout Troop #642, accepted by Assistant Senior Patrol Leader Jared Erman, thanking the Troop for its “assistance, dedication and commitment to the Hidden Hills community”.

Council Member Freedland, Assistant Scoutmaster, provided the following information regarding Troop #642:

This is a new Boy Scout Troop chartered in Hidden Hills at the end of last year; the Troop consists of boys who live both in Hidden Hills and the surrounding communities; meetings are held every Tuesday evening; once a year there is a very large competition (about 800 boys participated last year) called a Camporee, which is attended by Troops and Patrols from all over the area; the competition involves both physical and mental challenges; this year, Troop #642 was the best overall Troop, and his son Kurtis was in the best overall Patrol; for a brand new Troop to accomplish this is almost unheard of and very unusual; it is something that the Troop should be very proud of.

Jason Ponoroff, Past Senior Patrol Leader, addressed the Council:

On behalf of all the boys in Troop #642, he would like to thank the City for allowing them to meet every week at the Community Center; in April of this year, Troop #642 participated in a council-wide event called Camporee; approximately 600+ boys competed to see who best knows their scouting skills; the Troop’s leaders, guided by Past Scout Master Bruce Ponoroff (who was unable to attend this evening), started preparing them for this event several months in advance; with many hours of training, he is pleased to announce that Troop #642 took home six first place plaques for Emergency Transport, Smoke in Your Eyes, Signaling, First Aid, Rescue Rope, and Electric Rescue; in addition, their Wolf Patrol won the best overall Patrol; the last plaque speaks for itself; every year one Troop is selected as the best overall Troop, based on different criteria including overall performance, event scoring, and best campsite.

Members of the Troop individually presented the plaques to Mayor Cohen, who expressed his appreciation and commended the Troop on their skills and achievements. Scoutmaster Dr. Russ Erman then addressed the Council:

He wished to thank the community for its continued support, which is greatly appreciated; he expressed the Troop’s desire to help the City on an ongoing basis, and

asked the community to help the Troop by sending boys anywhere from 11-18 years of age to join the Troop; Scouting is a wonderful organization, which is non-political and non-partisan; they just want to teach boys to be honorable adults.

The Council thanked all of those from Troop #642 in attendance: Scoutmaster Dr. Russ Erman, Assistant Scoutmaster Doug Fidler, Craig Bohrson, Kevin Downey, Jake Engoian, Jared Erman, Evan Fidler, and Julian Mascioni.

The Mayor called for a five minutes recess at this time for refreshments and photo opportunities.

PUBLIC SAFETY

Consideration of Purchase of Automated External Defibrillator (AED) for City Hall

Public Safety Commission Chairman and Emergency Services Director Jim Doran provided the following information:

At the last meeting, the Council asked for a recommendation from the Public Safety Commission regarding possible placement of AEDs within the City; the Commission would recommend that an AED be placed 1) inside City Hall, 2) at the Spring Valley Park (tennis courts/riding ring), 3) at the Community Center tennis courts/pool area, 4) at the Community Center building (inside or outside?), and 5) at the Saddle Creek arena; the cost for an AED unit is \$1895, which would drop down to \$1595 if four or more are purchased; some residents have expressed an interest in buying a unit for their individual homes; the law requires that a prescription be provided by a physician for the purchase of an AED; the company selling the AEDs can provide that prescription in the name of the purchaser; the total purchase price, including the box to hold the unit, adult pads, pediatric pads, and back-up pads, would be \$2141.47, if four or more are purchased at one time.

In response to Mayor Cohen, Mr. Doran stated that if a unit is placed outside, it is in a box with a strobe light and an alarm that goes off when the door is opened, but it cannot be locked which would defeat the purpose of its immediate availability. He added that AEDs do save lives. Mr. Doran also informed the Council that a First Aid/CPR class, including instruction on the use of AEDs, was provided last week to 18 people, consisting of NEAT members, the City Manager, and Deputy City Clerk.

Council Member Freedland asked how the Community Association Board of Directors responded to the AED presentation/demonstration. Mr. Doran thought the Board's reaction was favorable, and they also asked for suggested placements. Council Member Freedland stated he had no problems with the proposed locations, and would be willing to approve the purchase of one unit by the City for City Hall, but felt units for the other locations would more appropriately be purchased by the Community Association.

Council Member Siegel had no problem with the City purchasing one unit for inside City Hall, but was concerned that any units placed outside, due to the frequent vandalism in the City and the fact that the AEDs would be unlocked, would be too easy to steal or destroy, and thus a waste of money. He suggested that the City consider purchasing a second unit for the Association, which could be placed inside the Community Center. Mayor Pro Tem Fisher and Council Member Freedland asked if there were special funds or any community grants that could be used for this purpose. The City Manager explained that the City would not want to directly purchase a unit for the Association, as then the City would be responsible for that unit and the required training, and also be the name on the prescription; however, the Association could purchase the unit, and then ask the City for a community grant (which does come out of the City's general funds).

Mayor Cohen raised the issue of insurance coverage for the units, with Council Member Freedland commenting that the Association would need to check their insurance to see if coverage would be provided for vandalism or theft on Association owned property or property leased from the City, and the City would have to assure that the AED at City Hall was added to its property listing with the California Joint Powers Insurance Authority. The City Manager informed the Council that the CJPIA has a sample "Automatic External Defibrillator Program" that the City will review and bring back to the Council for consideration at a future meeting.

In response to Mayor Pro Tem Fisher, Council Member Freedland explained that the unit in City Hall could only be accessed during normal City Hall hours and during public meetings, with Mr. Doran adding that the unit was portable and could be transported to different locations for special events, such as the Fiesta. The City Manager also suggested that the Hidden Hills Horsemen might want to consider purchasing a unit that could be carried to any of their events at any of the riding rings.

Upon MOTION of Council Member Siegel, seconded by Council Member Freedland and unanimously carried on roll call vote, it was resolved to authorize the purchase by the City of one AED for City Hall, and to authorize the issuance of a community grant to the Community Association if the Board of Directors decides to purchase an AED for placement somewhere inside of the Community Center. Mayor Cohen was assured that the purchase of the AED for City Hall would not take place until the Association determined whether or not they wished to purchase a unit, and until the residents were notified (via newsletter, cable TV, email/fax notification) that this was also an opportunity for them to purchase an AED for their homes.

CONSENT CALENDAR

- A. City Council Minutes – August 14, 2006**
- B. City Council Minutes – August 24, 2006 Special Meeting**
- C. Demand List**
- D. Annual Financial Report of the Proposition A and Proposition C Local Return Funds for the Fiscal Years ended June 30, 2005 and 2004**

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Fisher and unanimously carried on roll call vote, it was resolved to approve items A, B, C, and D of the consent calendar as submitted.

MATTERS FROM COUNCIL MEMBERS

A. Consideration of Proposed Ordinance Regarding Utility Undergrounding Requirements – First Reading

City Engineer Dirk Lovett explained that the proposed ordinance was a duplicate of the existing ordinance, other than changing the limits for valuation that would trigger the required undergrounding from a house to the street, from 50% to 30%. Council Member Freedland pointed out that the proposed ordinance still contained language allowing discretion for a possible exemption from the requirement under unusual circumstances. Council Member Siegel suggested that at some point in the future, as discussions on undergrounding continue, that the Council address the possibility of establishing some type of a set-aside fund for undergrounding. Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved to give first reading by title only to an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS AMENDING THE CITY'S REGULATIONS REGARDING THE UNDERGROUNDING OF UTILITIES.

B. Report from 8/15/06 Hidden Hills Community Association Board of Directors Meeting

The report was received and filed.

MATTERS FROM STAFF

A. Consideration of Solid Waste Collection Services Proposal

The following staff report was provided by City Engineer Dirk Lovett:

The current agreement for waste collection services lapses at the end of September; staff was directed to solicit bids and revise the agreement; a request for proposal (RFP) was circulated for a 7-year non-exclusive agreement; staff made every effort to obtain proposals from numerous vendors, but only received one proposal from Waste Management (WM), the current hauler; when staff asked other companies why they did not submit proposals, several answers were provided – they did not service this area, there was too much wear and tear on equipment due to the terrain, and the needs and

demands of the City would result in low profit margins; the proposal from WM is before the Council for consideration; WM has been a hauler in the City since 1994, and until last year, shared collection services in the City with Consolidated; at this point, WM is the only hauler; WM has not raised their rates since 1999, with the new proposal requesting a 61% increase in the basic service rate (one 96 gallon container each for trash, green waste and recyclables) from \$39.70 to \$64.00; proposed rates for other bins and larger containers could increase at an even higher percentage; in attendance are Mike Smith and Marilyn Gallagher from WM, both of whom recently met with Mayor Cohen, Council Member Freedland, and staff; WM has stated the increases are due to numerous factors – not having raised the rates in so long, increased fuel costs, City fees, inflation, higher disposal fees, staffing, and insurance; however, the main reason for the higher costs is providing the backyard/on premises service (containers are brought to the street and returned by WM, rather than the residents); the only other agency in the area that receives similar backyard/on premises service is Bell Canyon, which recently negotiated a new contract for \$59.25/month; the City's current rates could be maintained (and thus be comparable to other area cities) if the backyard/on premises service was discontinued; WM was asked to provide other options, which are summarized in the staff report; these included the original 7-year non-exclusive, two separate 5-year exclusives, and one 10-year exclusive; from staff's perspective, only the first and last options would be viable, with better rates for the residents; as stated above, the rates could be reduced from the new proposed rates if curbside service was provided, rather than the backyard/on premises service; WM would be willing to provide residents this option, but staff had concerns with containers being left on the street or trails for long periods of time; as it is now, WM is required to remove the containers from the main streets within 2-4 hours; the requirement by the City for WM to collect a \$1.00 surcharge per month, to help cover the City's administrative costs, could be eliminated, for a small savings to the residents.

Mr. Lovett continued, listing some options available to the City:

- 1) accept the original proposal from WM for a 7-year non-exclusive agreement, which would have limitations annually on rate increases
- 2) select one of the other options provided by WM
- 3) reduce or eliminate the \$1.00/month surcharge
- 4) provide curbside service, rather than backyard/on premises service, to all residents or just those who requested it
- 5) negotiate with WM to further amend their proposal
- 6) reject the bid and re-release the RFP with modified requirements, but the end result would probably be no different, and that would allow WM to raise their rates now

Mr. Lovett then recommended that staff be directed to return to the next meeting (since the current contract lapses on 9/30/06) with a final draft agreement incorporating either the first

option for the 7-year non-exclusive agreement, or the fourth option with a 10-year exclusive agreement.

Mayor Cohen invited Mike Smith or Marilyn Gallagher from WM to speak, at which time Mr. Smith addressed the Council as follows:

He thanked the Council and staff for the additional meetings, adding that this has been a tough process; they too are concerned with the impact of the increased rates on the residents; they did provide additional options that they thought would be helpful; they are proud to say they do their best to give good service; they are looking forward to a resolution this evening; this is a challenging area, and the residents do like the backyard/on premises service, which seems to work well.

Mayor Cohen stated in general WM is appreciated and that the City has received very good service from the company, with any existing complaints being addressed; however, the 61% increase is very hard to accept.

Council Member Freedland commented as follows:

He thanked WM for providing good service, which the Council does recognize; in analyzing the different proposals and listening to staff, he does not see any benefit to locking the City into a 10-year exclusive agreement, when those rates in year six and seven are not much better in the 10-year exclusive compared to the 7-year non-exclusive; he would like to have a better relationship with WM, and is aware that the area is unique and that there are not many (if any) competitors in the area; he would feel at this time the 7-year non-exclusive would be better for the residents, but would not be opposed to looking at an exclusive agreement in the future that would make sense for both the City and WM; he just does not feel that now is the best time based on the rates proposed in the different options.

Mayor Cohen stated the following:

In the meetings with WM, he believed the consensus was to maintain the backyard/on premises service, rather than having different homes with different service; giving the option of curbside could result in some residents leaving the containers out, or forgetting to put them out in the first place; now the community seems to have an aesthetically clean service, as much as one can expect for trash collection, and to keep it that way, he would rather mandate one service, that being the backyard/on premises; he would also agree that the 7-year non-exclusive seems to be the best option at this time.

Council Member Siegel disagreed, commenting as follows:

Residents should have the option of choosing between the backyard/on premises and the curbside; no one should spend someone's money when there is an option not to have to spend it; not allowing the option would send a bad message; with the curbside, it would only be a minimal rate increase, and although there might be some problems, there would not be that many; most residents will probably stay with the backyard/on premises service, but will complain if they do not have the choice.

In response to Council Member Freedland, Mr. Smith stated the following:

If curbside was an option, the rates would remain as they are currently; he understands the concern about locking the City into an exclusive agreement for 10 years, but the 10-year rates are economically the best for phasing in the increase; WM has been servicing the City for twelve years; from their experience, he would like to add a word of caution regarding the curbside option; when residents do have the option, some handle it well, but others do leave containers out, and the inconsistency in levels of service does create neighborhood problems.

Council Member Freedland wondered who would get the complaint calls if containers were left out for several days. Council Member Siegel pointed out that there are very few communities that have the backyard/on premises service, and felt there must be millions of people who take their containers out and return them every day with no problem. Mr. Smith replied as follows:

They pick up 100,000 customers per week; there are only about three communities in their service area that have the backyard/on premises service; when people have the option, some do leave the containers out, and it does create confusion; when there is no option, everyone is getting the same service and it all looks the same; he is not saying what is right and what is wrong; the curbside service is provided in the more traditional neighborhoods, where the driveways are much shorter and there is different topography.

Mayor Pro Tem Fisher had some concerns about the curbside service – if containers are left on the street, they are heavy and hard to deal with, draw flies, and could cause problems for horses – so he would be opposed to providing the option. He also expressed displeasure with the large increase and the fact that there was no competition, which just encouraged WM to raise the rates.

Mr. Smith had the following additional comments in response to Mayor Pro Tem Fisher:

WM shares his concerns, but over 50 RFPs were sent out and staff even called many people to ask for bids; this is a small neighborhood requiring a certain level of service, which is a challenge; when they acquired this area, they added the green waste service, a tractor, and automation, all without a rate increase since 1999; with the landfill and fuel increases alone, they have been upside down for quite some time; even when there was another hauler and competition, giving the residents a choice, the other company only had 70 accounts, which WM has since acquired; a small unique area like this with not that many homes requires a lot of resources, so the economy of scale is not there and it is not profitable; WM is disposal driven; the landfill is a huge percentage of their costs; there is also a risk involved with the very expensive driveways in the City.

Mayor Cohen pointed out that no one is happy with the amount of the increase, and there were negotiations, but the competition was not there. Council Member Freedland asked how many companies were contacted by staff. The City Manager stated that RFPs were sent to approximately 50 companies, and each of those was called and encouraged to attend the pre-bid meeting and to submit a proposal. She added that Agoura Hills is in the process of negotiating a 7-year exclusive agreement with WM, and although Westlake Village does not have a stated exclusive agreement with WM, they are the exclusive hauler in that City. Mr. Smith stated that WM has an exclusive agreement with Simi Valley and also Thousand Oaks, and that it is not uncommon for haulers to have a 7-year or 10-year exclusive agreement. Council Member Freedland agreed with Mayor Pro Tem Fisher's earlier comments, but again pointed out that the City did not have a choice since WM is the only company in this area providing service.

As there was no further discussion, upon MOTION of Council Member Freedland and seconded by Mayor Pro Tem Fisher, it was resolved on a 3-1 roll call vote, with Council Member Siegel opposed, to approve the 7-year non-exclusive proposal from Waste Management to provide backyard/on premises service (with no option for curbside), and to direct staff to return to the next meeting with a draft agreement reflecting this decision.

B. Tentative Map 63567 - Update

City Engineer Dirk Lovett reported that staff has been working with and has received comments from the developer regarding the form of the RFP for the EIR. He added that it is his intent to put that RFP out for bid as soon as possible. On another note, plans have been received for the Gonen project, and those plans are in plan check now for grading, drainage, etc.

C. Consideration of Proposed Resolution Regarding the City's Conflict of Interest Code

The City Manager provided the following staff report:

The City is required to review its conflict of interest code every two years to determine if it is accurate or needs to be amended; this year, since Roxanne Diaz was promoted to the City Attorney position, and Larry Wiener elevated to Special Counsel, the conflict of interest code has to be amended to add Special Counsel to the designated positions; the law was also changed to increase the total value of gifts allowed from a single source in a calendar year, so the code has been revised to reflect that increase from \$320 to \$360.

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved to adopt by title only Resolution No. 790 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS ADOPTING AN UPDATED CONFLICT OF INTEREST CODE CONTAINING REVISED DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES AND REPEALING RESOLUTION NO. 701.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Council Member Freedland and unanimously carried, it was resolved to adjourn the regular meeting of September 11, 2006 at 8:40 p.m.

Jim Cohen, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk