

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, September 25, 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 25, 2006 at the hour of 7:30 p.m. Mayor Jim Cohen called the meeting to order and presided thereover after asking Mayor Pro Tem Monty Fisher to lead the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council: Mayor Jim Cohen
Mayor Pro Tem Monty E. Fisher
Council Member Steve Freedland (8:00 p.m.)
Council Member Stuart E. Siegel

Staff: City Engineer Dirk Lovett
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Fisher and unanimously carried, it was resolved that the agenda for the September 25, 2006 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Cohen made the following announcements:

Yom Kippur begins at sundown on Sunday, 10/1.

City Hall, the Building Department, and the Community Center will all be closed on Monday, 10/9, in observance of Columbus Day; however, contractors may enter the City and conduct work on that day.

By now everyone should have received the Fiesta brochure in the mail; if not, there are extras at City Hall; the Fiesta will be held on Saturday, 10/14, and Sunday, 10/15; tickets for the event will go on sale Monday, 10/2.

The Community Association's annual meeting is scheduled for Tuesday, 10/17; be sure to vote for the Board candidates of your choice, or at least submit your ballot for a quorum; if any questions, call the Community Center.

The Calabasas Pumpkin Festival will be held at Juan Bautista de Anza Park on Sunday, 10/22, from 10:00 a.m. – 5:00 p.m.; call 222-5680 for details.

He would like to extend condolences on behalf of the Council, staff, and residents to Kitty Andrews and her family on the passing of Kitty's husband Andy last Friday; Andy was a friend or acquaintance to so many; visitation will be Thursday evening, followed by services Friday evening, both at Pierce Brothers on Lindero Canyon; everyone is invited to the Andrews home after the Friday services; he personally has known Andy since moving to Hidden Hills; Andy was very bright, and a man very dedicated to his community in many different capacities; Andy was respected and loved by all who knew him, and he will be missed.

AUDIENCE

Carl Olson introduced himself as the Chairman of an organization called State Department Watch. Mr. Olson read from a handout he provided to the Council regarding eligibility of employees to work in this country and the issue of illegal aliens. He then asked the Council to consider enrolling in a "Basic Pilot Program". The Council thanked Mr. Olson for his presentation.

PUBLIC SAFETY

A. Los Angeles County Fire Department Reports – July and August

Assistant Fire Chief Reggie Lee reported the following:

During the month of July there were five service calls (all snake removals) and two good intent calls, but no emergency rescues and no fires; there were nine station inspections, and two completed by the Fire Prevention Bureau; two station tours were conducted for a total of 43 adults; in August, there were no fires but thirteen calls – three emergency response, five service (four snake removals and one flooding), one good intent, and four false alarms; the station conducted 24 inspections, while the Fire Prevention Bureau completed two; the station began preplanning for an areawide earthquake scenario tabletop drill, hosted a pre-fire season multi-agency workshop, and hosted 30 adults for a tour; to date, 2,166 parcels have been inspected for brush clearance, with only two being turned over to the Brush Clearance Unit for enforcement.

Mayor Cohen reminded everyone that the City is working with Community Services Representative Maria Grycan to see if a City-sponsored tour of the station can be arranged.

Mayor Pro Tem Fisher asked about the fire threat level this year from Ahmanson and the surrounding area. Fire Chief Lee replied that the threat is bad, since all the grass has grown back, and grass is a flashy fuel; when it is windy and there are embers in the air with dry timber, that is definitely a threat.

Council Member Siegel pointed out that the City would be involved in a multi-agency tabletop earthquake exercise on Wednesday, November 29th, which allows area cities and agencies to work together and provides coordination. He reminded everyone that last year's tabletop fire exercise proved to be very beneficial, as the exercise occurred shortly before the actual Topanga fire.

B. Los Angeles County Sheriff's Department Reports – July and August

Sergeant Tracy Palmer provided the following report:

In July, there was a grand theft from an unlocked vehicle in a driveway; in the September report, there will be two similar incidents listed; residents feel safe within the City and

leave items in their vehicles, but vehicles should still be locked as a precaution; 36 citations were issued during the month, with 23 being hazardous, 8 non-hazardous, and 5 for parking violations; no Part I crimes occurred in August; juveniles who were lighting fireworks at the Community Center were picked up and taken by Deputies to the grandparents' home; the parents have been in contact with the JIT; juveniles have also confessed to vandalism at the Community Center several months ago; the Detectives are continuing the investigation.

C. Introduction of New Lost Hills Sheriff Station Law Enforcement Fingerprint Technician Phil Lucio

Sergeant Tracy Palmer introduced Phil Lucio, the new Law Enforcement Fingerprint Technician recently assigned to the Lost Hills Sheriff Station. Mr. Lucio provided two handouts and addressed the Council as follows:

The "Latent Print Investigations" sheet explains what he does and what he looks for at a crime scene; he contacts the victim, determines what was taken, looks for smooth surfaces, and the point of entry, which is the most important item; due to the CSI shows, many suspects now wear gloves, and he has not noticed any forced entry into residences or vehicles, so it is hard to find prints; in Hidden Hills, many residents leave vehicle doors unlocked; it is not until after they get in the vehicle and drive away that they realize something is missing – by then, fingerprints are smeared or the car has been through a car wash, etc.; often when items are taken from a residence, it involves domestic help, or construction workers who watch when people come and go; when burglary reports are filed, he has asked the Deputies to give the victims a handout which tells how to preserve locations where there might be prints; since he is assigned to the Lost Hills Station, he can provide same-day response, and can also get prints to the downtown Crime Lab and read quickly so information can be forwarded to the Detectives working the case; many of the crimes are done by local youngsters who have never been fingerprinted, and thus nothing shows up at the Crime Lab if their prints are run through the system; the Juvenile Intervention Team (JIT) is working on a program to have problem youngsters consensually fingerprinted, with those prints to be kept at Lost Hills, not sent to the FBI database; if he then gets prints from a crime scene, he could use those at the Station for comparison purposes; in general, his job is to look for prints and any other information he can find and pass that on to the Detectives.

Council Member Siegel stated that this was a good example of why it benefits the City to be a member of the Las Virgenes Malibu Council of Governments (COG) – no one City wanted to fund the cost of the needed Law Enforcement Technician (LET) separately, but Captain Tom

Martin was able to come to one COG meeting to disseminate information to all the cities together, and in a very short time, the cities agreed to share the cost, with Mr. Lucio already assigned to the Station, to the benefit of everyone.

Mayor Cohen at this time introduced and welcomed the City's new videographer Connor Weber, and the alternate Camille Balsamo-Gillis.

CONSENT CALENDAR

- A. City Council Minutes – September 11, 2006**
- B. Demand List**
- C. Disbursement List – August**
- D. Financial/Treasurer's Report – August**

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. Undergrounding of Overhead Utilities – Discussion and Direction to Staff

As Council Member Freedland had not yet arrived, the Council agreed to hold this item until the end of the meeting.

B. Consideration of Proposed Ordinance Regarding Utility Undergrounding Requirements – Second Reading

Mayor Cohen explained that this ordinance would change the percentage for the cost of alteration or the square footage of an alteration from 50% to 30% as the trigger which would require the utilities to be undergrounded. Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Fisher and unanimously carried, it was resolved to give second reading and adopt by title only Ordinance No. 320 entitled: AN ORDINANCE OF THE CITY COUNCIL

OF THE CITY OF HIDDEN HILLS AMENDING THE CITY'S REGULATIONS
REGARDING THE UNDERGROUNDING OF UTILITIES.

C. Report from 9/19/96 Hidden Hills Community Association Board of Directors Meeting

The following report was provided by the City Manager:

There are five candidates for the upcoming Board election, which is on Tuesday, 10/17; the new archway sign for the Long Valley gate was approved; plans are currently in plan check with the City; the sign will say "Happy Trails" as one leaves the City; the purchase of a tuff shed was approved for storage at the theater; \$6800 was approved to repair termite damage at the Spring Valley snack shack, while \$17,050 was approved for a perimeter fence at Paradise Valley; the assessment rate was reduced from \$0.36 to \$0.33; a contract was approved for election monitoring (\$2800); a not-to-exceed \$10,000 budget was approved for the Halloween party, which will include a haunted house, movie, and dinner.

D. Report from 9/19/06 Las Virgenes Malibu Council of Governments (LVMCOG) Meeting

Council Member Siegel reported the following:

Water quality issues in the Malibu Creek Watershed could require a massive outlay of funds for this region, including Thousand Oaks and Ventura County; State agencies are assessing different strategies to prevent contaminants from getting into the streams; there are many questions about the science being used to determine contaminate levels; per Section 6 Subwatershed Specific Plans of the Integrated Regional Water Management Plan (IRWMP), there could be a five-year cost for non-structural and structural BMPs of \$72 million; for Westlake Village and Agoura Hills, their shares could amount to approximately 20% of their budgets; and there are other TMDLs (trash, metals, etc.) for which these same types of costs could be required, which could bankrupt cities; Hidden Hills represents only .2 of one percent of the Malibu Creek Watershed; the City is looking into the best ways to address these issues, including the possible elimination of existing septic tanks.

Council Member Freedland joined the meeting at this time.

MATTERS FROM STAFF

A. Consideration of New Proposal/Agreement with Waste Management for Solid Waste Collection Services

City Engineer Dirk Lovett provided the following staff report:

At the last Council meeting, staff was directed to prepare an agreement for solid waste collection services based on a 7-year non-exclusive proposal from Waste Management; that agreement has been provided to the Council for consideration; since that proposal was approved, Waste Management offered an alternative proposal for a 7-year exclusive agreement, with a mutual option for an additional three years, based on the rates provided in the Waste Management proposal for a 10-year exclusive; the Council can approve the 7-year non-exclusive agreement, or approve the 7-year exclusive proposal which would lower the initial rate increase (from \$64/month to \$55/month), and also delay the rate increase until January 1, 2007, which Waste Management has agreed to do while the City drafts a new agreement.

Council Member Freedland commented as follows:

The downside is locking the City into an exclusive agreement, which he is not comfortable doing; however, there are no other competitors who submitted proposals and not a lot of options; the Council and staff did everything possible to encourage and solicit other proposals, but Waste Management was the only company to respond; he has nothing negative to say against Waste Management or the service the company provides, but in general, he is uncomfortable with an exclusive agreement, which the City has not done in the past; therefore, he is leaning toward the original 7-year non-exclusive agreement.

Mayor Cohen added his comments:

In reality, there is only one company that responded with a proposal, and the likelihood of another company coming into the City in the next three to five years is not great; the 7-year exclusive agreement would provide a significant reduction in the rates initially and then over the seven years, compared to the 7-year non-exclusive agreement, making it worthwhile for the residents; he also, like Council Member Freedland, does not like the idea of offering an exclusive agreement, which is not a desirable way to conduct business, but he has to look at reality.

Mayor Pro Tem Fisher also did not like the idea of an exclusive agreement, but had to agree with Mayor Cohen's comments, stating that it would be better for the residents in the long run with the lower rates.

Council Member Siegel was still upset that the residents were not being offered the choice of curbside service (as opposed to the backyard service), and would therefore not support the 7-year exclusive proposal.

Mike Smith, Vice-President and District Manager for G.I. Rubbish/Waste Management, addressed the Council:

Since the Council approved a 7-year non-exclusive proposal at the last meeting, Waste Management realized that all its customers had already been billed at the current rates for September and October; with the new agreement, the new rates would be effective October 1st; this would create a confusing situation with retro-active billing and not enough time for Waste Management to inform the residents of the new rates, why those rates had increased, and what services and options were now available; he fully understands that the Council could choose either of the proposals, and the Council's reluctance to grant an exclusive agreement; he believes Waste Management has a proven track record, and the City already has the means to take action against the company if they do not perform; even though for the most part the agreement is by nature exclusive, Waste Management does not act like it is an exclusive agreement; he believes the phase in, with the initial and continuing lower rates over the seven years, is beneficial to everyone.

Council Member Freedland MOTIONED to approve the agreement ratifying the proposal approved by the Council at the last meeting for a 7-year non-exclusive agreement with Waste Management at the rates quoted in the proposal. As there was no second, the MOTION died. A MOTION was then made by Mayor Pro Tem Fisher and seconded by Mayor Cohen to approve the proposal from Waste Management for a 7-year exclusive agreement, with the rates as stated in the 10-year exclusive proposal. That MOTION was defeated with Mayor Cohen and Mayor Pro Tem Fisher voting in favor, and Council Members Freedland and Siegel opposed.

The City Manager reminded the Council that with no approved agreement, the current agreement would expire on September 30, 2006. Mayor Cohen then asked Mr. Smith if he would agree to extend the rates from the current contract through December 31, 2006, while the Council continued to work on a resolution to this matter. Mr. Smith agreed. Upon MOTION of Council

Member Siegel, seconded by Council Member Freedland and unanimously carried, it was resolved to accept the offer by Mike Smith of G.I. Rubbish/Waste Management to extend the waste collection service rates of the current franchise agreement through December 31, 2006.

B. Consideration of Design Proposals for Landscape Plans for Round Meadow/Mureau Road Corner

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

On 8/14/06, the Council reviewed conceptual plans to landscape this corner property; at that time the Council authorized the expenditure of not-to-exceed \$5000 for professional landscape plans including irrigation; proposals were solicited (the City contacted four companies, and the Association gave the RFP to two additional companies), with only two being received, both of which were over the approved \$5000 amount, plus reimbursable expenses; the higher proposal, which is more complete, is from a licensed landscape architect with general liability and auto insurance, but not professional liability (errors and omissions); the other bidder has only auto insurance; the Council has two options; the contract could be awarded to either bidder, waiving some of the insurance requirements, or the Council could reject both bids and direct staff to obtain additional proposals.

A short discussion ensued, during which the following points were made and issues raised:

The licensed landscape architect, who previously worked for the City of Los Angeles, has an office in Los Angeles, even though headquartered in Las Vegas; the City's projects often fall in between companies – the projects are too small for the larger companies, while the smaller companies have trouble meeting the City's requirements; this is a rather small project, and perhaps the City's insurance requirements are too strict for the risks involved; it seems that many companies, especially the smaller ones, do not carry professional liability; both companies in this instance do not have professional liability, and did not think it was worth obtaining, as the cost could be more than the project itself; workers comp would be required, unless it is a one-person operation, with no additional employees; the company chosen should have insurance, but for this type of project, which just includes the design at this point, the question is what type of insurance would provide the best coverage; the project includes very little grading and most likely a prefab gazebo, rather than one that needs to be engineered.

As there were so many questions regarding insurance, Mayor Pro Tem Fisher suggested that additional bids be obtained, with staff looking more thoroughly at the types of insurance being offered by each of the companies submitting proposals. The other Council Members agreed.

C. Tentative Map 63567 - Update

City Engineer Dirk Lovett informed the Council that staff was receiving calls and quite a bit of interest in the request for proposal (RFP) that was circulated for the EIR for this Ashley project, and that proposals would most likely start arriving in a few weeks.

D. Consideration of Cancellation of October 9, 2006 City Council Meeting

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Fisher and unanimously carried, it was resolved to cancel the October 9, 2006 City Council meeting in honor of Columbus Day.

E. Charles Abbott Monthly Report - July

The report was received and filed.

At this time, the Council returned to **MATTERS FROM COUNCIL MEMBERS**, item A, which had been set aside until the end of the meeting, when all of the Council Members were available for the discussion.

A. Undergrounding of Overhead Utilities – Discussion and Direction to Staff

Council Member Freedland informed the Council of the following:

He and Mayor Cohen recently met in the field with Dan Hochevar (SCE), City Engineer Dirk Lovett, and City Manager Cherie Paglia; the group tried to identify several areas that would be relatively easy and perhaps less expensive than other areas from which to remove unsightly utility poles, based on how many homes in the area had already undergrounded to the street, and what kind of equipment there was on the existing poles; one area studied was the corner of Long Valley and Round Meadow; several homes in that area have already undergrounded their utilities, and some of the homeowners on the

private portion of Round Meadow have been talking to SCE about the possibility of removing perhaps 4-5 poles within that private area; there is a benefit to undergrounding 600' or more, as SCE will provide a rebate of approximately \$600 per pole plus additional funds for transformers and other equipment removed; to move forward with an undergrounding project, the City would pay SCE for the engineering for the project, the cost of which would be approximately \$1000 per pole; any money spent on engineering would be credited toward the actual undergrounding project if it went forward; he would really like to see the Council select an area, authorize SCE to complete the engineering, and then obtain proposals to complete the project; this would give the City some information and experience regarding what all is involved and possible costs.

Council Member Siegel had numerous questions, to which Council Member Freedland responded as follows:

Private areas are shown separately on the map; to encourage homeowners on private streets who might be interested in undergrounding the utilities, he would suggest the City pay for the engineering (including the private areas), since that money would be reimbursed if the project moves forward, and then have the homeowners pay for the actual undergrounding within their private area; it is very difficult to know how much the undergrounding will actually cost, as a lot of it depends on how many transformers, switchers, and other equipment are on the poles to be removed; there may be one transformer on a pole that serves only one home, and that transformer, if relocated during the undergrounding, may end up serving two or more homes; if there are seven transformers now, they may not all be needed; plus it is almost impossible to tell how many homes are serviced from each of the existing poles – that is why it is so important to have the engineering plans drawn – to answer all these questions; if the City chooses to have the engineering plans done, that work is completed by SCE, resulting in construction plans; these construction plans are then put out to bid, and the company selected does most of the construction, with SCE pulling the wires and reconnecting them after the construction is completed; he is suggesting the City pay for the engineering and the undergrounding construction per the engineered drawings, but that the individual homeowners pay for any costs related to the undergrounding from the home's panel to the pole; that is why he believes the Long Valley/Round Meadow corner is an attractive area to consider, since some of those homeowners are already undergrounded to the pole, and there might be just one telephone line to one home that would need to be undergrounded by the homeowner.

A fairly lengthy discussion then occurred, during which the following points were made and issues raised:

Will the residents participate; a consensus of the homeowners in any chosen area would be needed in order to proceed; if some of the homeowners in a particular area are not willing to participate, perhaps there would be incentives to encourage them, or another area could be chosen; if those in private areas do not want to underground their poles, those poles could be left and the City would just address those in the public areas; the idea is to find the easiest area, with the most cooperation; if several possible areas are chosen, the homeowners could be advised of the intent to measure their interest; hopefully the City Engineer, while working with SCE, will become well versed in undergrounding and will be able to estimate costs after looking at a particular area; if one area gets done, then it should become easier and easier to underground other areas; initially, the City would need to pay for a survey of a chosen area (showing property lines, easements, etc.); that survey would be forwarded to SCE, and the City would pay for SCE to prepare engineering drawings, at approximately \$1000 per pole to be removed; those engineering plans would be put out for bid to determine costs for the actual construction; the City would then determine, based on the proposed costs, whether or not the City wished to proceed and expend general funds for the actual construction, including trenching, conduit, dropping the transformers (to an above ground position, not underground), vaults, etc.

Council Member Freedland thought the Long Valley/Round Meadow corner would be a good area to concentrate on, as there are a lot of poles, it is a very visible area, and would probably provide the most “bang for the buck”. Mayor Cohen felt the area right inside the Round Meadow gate might be better, as it is also very visible, with Council Member Siegel pointing out that the area on Jed Smith was very ugly and a good candidate for undergrounding.

Council Member Siegel suggested, with Council Member Freedland agreeing, that more information be obtained by staff for all three of the areas mentioned – which homes are served by the poles (names, addresses), which of those homes are already undergrounded from the panels to the poles, an estimated range of what it might cost each of the homeowners to underground (if they have not already done so) – and then the interest of the affected homeowners could be assessed. City Engineer Lovett stated he would contact contractors for cost estimates, but pointed out that those estimates would be very “ballpark”, as there are many

unknown factors until the actual engineering drawings are completed. Mayor Cohen also asked staff to obtain estimates for conducting the surveys that would be required by SCE before they would begin work on the engineering drawings.

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 25, 2006 at 9:03 p.m.

Jim Cohen, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk