

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, October 23, 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, October 23, 2006 at the hour of 7:32 p.m. Mayor Jim Cohen called the meeting to order and presided thereover after asking City Manager Cherie L. Paglia 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
Council Member Stuart E. Siegel

Staff:

City Attorney Roxanne Diaz (8:08 p.m.)
City Engineer Dirk Lovett
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Upon MOTION of Council Member Freedland, seconded by Mayor Pro Tem Fisher and unanimously carried, it was resolved that the agenda for the October 23, 2006 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Cohen made the following announcements:

He wished to thank everyone who helped with the very successful Fiesta, especially Chairman Lisa Moriarity and City staff member Deana Graybill, as well as all those who participated and attended; the winners of the different events will be listed in the next newsletter.

Congratulations to newly elected Community Association Board Member Cindy Goldstein, and to those re-elected – Michael Silberman, Steve Straub, and Pamela Boothe.

He would like to remind everyone to turn their clocks back one hour on Sunday, October 29th; that is also a good time to check batteries in smoke detectors.

The Community Association's Halloween party will be held Sunday, October 29th, from 4:00 p.m. – 8:00 p.m.; call the Community Center for details.

He would encourage everyone to vote at City Hall for the election on Tuesday, November 7th; the polls are open from 7:00 a.m. – 8:00 p.m.

City Hall, the Building Department, and the Community Center will all be closed on Friday, November 10th, in honor of Veterans' Day.

AUDIENCE

There were no questions or comments at this time.

PRESENTATIONS

A. By South Coast Air Quality Management District (AQMD) Governing Board Member and Los Angeles City Councilwoman (9th District) Jan Perry, Regarding Air Quality Issues Facing the City of Hidden Hills

Councilwoman Perry introduced her Senior Environmental Deputy Jeff Catalano, and Consultant Steven Afriat, before addressing local air quality issues with the Council. She provided the toll free number for reducing smog (1-800-cut-smog), and also invited comments on the 2007 Draft Air Quality Management Plan that has been released.

Council Member Siegel stated the following:

An AQMD representative recently attended a COG meeting; it was pointed out that in the mid-70s, air quality was horrible, with approximately 200 days/year having smog levels that exceeded the normally acceptable health standards; today that number is down to about 20 some days per year; but there are still significant problems with small particulates, especially for those who have asthma.

Resident David Freedman agreed that there were dust issues in Hidden Hills, but the City and Association do take different actions, such as watering down trails, to address this issue.

Mayor Cohen thanked Councilwoman Perry, and suggested that she provide to City Hall any air quality information that could be placed in the City's newsletter for the benefit of the residents.

B. Independent Citizens Measure E Oversight Committee Report by Member Patti Samuels

Ms. Patti Samuels reported the following:

In March of 2004, voters approved (with a 73% yes vote) Measure E, a 4-year \$98 per parcel assessment to prevent major cuts and layoffs of teachers and staff; the Measure provided for a Committee to monitor its provisions; for the second consecutive year they can report that during the 2005-2006 school year, every dollar received was spent in compliance with the Measure, with \$2,083,000 saving elementary school reading specialists, librarians, and the 4/5 science program; middle school art, music and drama programs were restored, high school counselors were added, and class size reduction was achieved at the elementary, middle, and high school levels; more money was collected than anticipated, due to a greater number of parcels than what was estimated, and voluntary \$98/year payments (in the amount of \$14,000) from families of permit students who live outside the District; this is expected to continue for the next two years; due to the additional unexpected funding, the Committee recommended, and the Board agreed, to add counselors at the elementary and high school levels; the District is well known for providing high quality educational opportunities and academic programs; the report indicates the substantial benefit Measure E is giving teachers and students, while the positions and programs it is saving help maintain the level of quality education for which the District is known.

Mayor Cohen asked about the additional funding that was received, and also, what would happen at the end of the four years to the personnel that had been added due to Measure E. Ms. Samuels responded as follows:

The original Measure estimated the number of parcels to be assessed; due to new construction, especially in The Oaks, there are more parcels than expected; she would guess the additional funding amounted to approximately \$300,000 - \$400,000; she thinks when the four year Measure expires, they may ask those voters in the District to renew it; that many people were not added with Measure E funding, other than counselors at the elementary level; the Measure was more to preserve people and programs already in place.

PUBLIC SAFETY

A. Los Angeles County Fire Department Report - September

Community Services Representative Maria Grycan provided the following report:

During the month of September, the Department responded to twelve calls; seven were medical, two were false alarm/good intent, two were snake removals, and one was a hazardous condition with no fire (downed power line); the Station conducted twenty-four inspections, with one being done by the Fire Prevention Bureau; one person had his/her blood pressure checked, and two tours were provided for a total of thirty-three people; the brush inspection summary is the same as that from last month; two parcels have been turned over to the Brush Clearance Unit for enforcement, but neither of these parcels is in Hidden Hills.

Mayor Cohen asked staff to continue to work with Ms. Grycan to possibly schedule a special Hidden Hills sponsored tour of the station. Ms. Grycan stated that depending on the response, as the Station can only accommodate so many at one time, tours might have to be staggered.

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

Lt. John Benedict presented the September report:

There were four grand thefts during the month; three were from residences, while one was at a residence under construction; the items taken were jewelry, credit cards, tools, and U.S. currency; no arrests have been made; there was one false alarm in the City at 8:30 a.m. on September 12th; there were no traffic collisions, but twenty hazardous and three non-hazardous citations were issued.

Council Member Freedland asked if any of the thefts were related. Lt. Benedict informed the Council that the thefts were probably related to construction workers or cleaning services, but not the same companies – the detectives are working on the incidents.

In response to Mayor Cohen, Lt. Benedict stated that no arrests have been made on previous incidents, but he could provide an update on a particular case if the Mayor would like to give specifics.

CONSENT CALENDAR

- A. City Council Minutes – October 9, 2006**
- B. Demand List**
- C. Disbursement List – September**
- D. Financial/Treasurer’s Report – September**
- E. Financial Statements Audit – June 30, 2006**

Council Member Siegel commented on the financial statement – the revenues are right on track, while the expenditures are a bit lower than expected; as usual, the City is doing a good job of managing expenses and estimating the cash flow. Upon MOTION of Council Member Siegel, 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 COUNCIL MEMBERS

- A. Report from 10/17/06 Hidden Hills Community Association Board of Directors Meeting/Annual Meeting**

The City Manager provided the following report:

Samantha Kane and Colleen Shapiro are the new Parks & Recreation Committee Chairs; they have nine new members, and are working on a volunteer recognition program; tickets for the Halloween party (dinner from Stonefire Grill, movie, costume contest, haunted house) should be purchased by Wednesday; the Equestrian Services Committee reported that 600 work orders were issued during the last year; all the perimeter fencing is being checked; the Paradise Valley bog is being resolved, with the swale cleaned out and fencing soon to be installed; plans for the archway sign at the Long Valley gate were

submitted to the City, and then returned for corrections; those corrections were just completed, so the plans should be resubmitted to the City very soon, and hopefully a permit can be issued; the Board has not selected its new officers yet; the Gate Committee reminded residents to make sure they call ahead with the names of visitors, and ask their contractors to provide the gates with a list of the sub-contractors.

B. Report from 10/17/06 Las Virgenes Malibu Council of Governments (LVMCOG) Meeting

Council Member Siegel informed the Council that the COG's subregional briefing meeting would be held on Tuesday, November 21st, which the Mayor usually attends along with the COG representative and the City Manager. Since Mayor Cohen will be unavailable, Mayor Pro Tem Fisher agreed to attend with Council Member Siegel.

MATTERS FROM STAFF

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

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

On 9/25/06 the Council reviewed a draft agreement to provide Waste Management with a new 7-year non-exclusive agreement for waste collection services; this was based on a competitive bid from Waste Management that was the only one received after an RFP was circulated; at that time the Council also reviewed a new proposal from Waste Management for a 7-year exclusive agreement, with a mutual 3-year extension option, that would reduce an initial rate increase to residents from \$64/month to \$55/month; the Council took no action at the 9/25/06 meeting; since the existing agreement with Waste Management would expire on 9/30/06, Mr. Mike Smith of Waste Management offered at the 9/25/06 meeting to extend the existing rates until 12/31/06 to give the Council additional time to resolve this issue; in a letter dated 10/2/06, Waste Management asked for a formal contract extension from 10/1/06 through 12/31/06, maintaining the current rates, and also offered one more option – for an exclusive 6-year agreement, with a mutual 4-year extension option, but keeping the same rates as proposed in the 7-year exclusive option; the Council has several choices, but staff would recommend approval of this latest proposal, and suggest that the staff return with a draft agreement reflecting this proposal for approval at the next Council meeting.

The City Manager pointed out that if the newest proposal was accepted by the Council, the new rates would begin on 1/1/07, and would not be increased again until 1/1/08, rather than at the end of this fiscal year.

Mayor Cohen thanked Mr. Smith for extending the current rates through the end of this year, and asked Mr. Smith if he had any comments at this time. Mr. Smith stated the following:

He is hopeful that the Council will make a decision on this matter this evening; in relation to the earlier discussion with Councilwoman Jan Perry regarding AQMD issues, he would like to point out that many trucks in the Waste Management fleet are liquid natural gas, while the rest of the diesel trucks are low sulfur diesel, bio-diesel, or have particulate traps on them; construction and waste collection vehicles are often looked at in relation to air quality; Waste Management is very aware of air quality issues as an environmental leader.

Mayor Cohen thought the latest option from Waste Management was more reasonable and more coordinated than earlier options – he believes the option is a favorable approach and would ask for a motion to accept the 6-year exclusive option as described. Upon MOTION of Mayor Pro Tem Fisher and seconded by Mayor Cohen, it was resolved on a 3-1 vote (with Council Member Siegel voting against) to approve a 6-year exclusive agreement with Waste Management, effective date 1/1/07, with a mutual 4-year extension option, and rates beginning at \$55/month and increasing as stated in the 7-year exclusive option (the original Option 4 rate structure). Council Member Siegel stated that he was not opposed to the agreement, but was unhappy that the Council had not supported a curb-side pick-up option for the residents. Staff will prepare an agreement for the next Council meeting to formally adopt the approved proposal.

B. Tentative Map 63567 - Update

City Engineer Dirk Lovett informed the Council that proposals for the preparation of the EIR for the Ashley project had been received this past Friday, and that he hoped to have the proposals on the next agenda so the Council could select a consultant at that time.

In response to Council Member Siegel, Mr. Lovett explained the following:

There was not a problem obtaining proposals, as seven were received; those seven are now being reviewed and evaluated by staff, with input from the developer (Mike Ashley); staff will then provide a summary of the proposals, and make a recommendation to the Council, whose responsibility it is at that time to select a consultant; the developer pays for the preparation of the EIR, even though the City selects the consultant; the Council has no role in the preparation of the EIR, and will review it only when it is submitted to the Council along with the project for consideration.

C. Consideration of Proposed Resolution Regarding the City's March 6, 2007 Regular Municipal Election

The City Manager informed the Council that this resolution needed to be adopted to begin the election process for the City's general municipal election to be held on Tuesday, March 6, 2007, with the nomination period opening on Monday, November 13, 2006 and running into December. She also reported that three seats would be up for election, with one of those seats being vacant due to a recent Council Member resignation, and invited anyone to call City Hall if they had any election questions and/or were interested in running for the Council. Upon MOTION of Council Member Siegel, seconded by Council Member Freedland and unanimously carried, it was resolved to adopt by title only Resolution No. 791 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS CALLING AND GIVING NOTICE OF A REGULAR MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, MARCH 6, 2007 FOR THE PURPOSE OF ELECTING MEMBERS OF THE CITY COUNCIL AND ESTABLISHING CERTAIN PROCEDURES FOR THE CONDUCT THEREOF.

D. Charles Abbott Monthly Report - September

The report was received and filed.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

Government Code Section 54956.9(a)

The City finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Name of Case: 1. People of the State of California; City of Hidden Hills v. Charles Burtzloff, Jennifer Burtzloff, et al., Los Angeles Superior Court Case No. LC 075623

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Fisher and unanimously carried, it was resolved to adjourn to closed session at 8:08 p.m., at which time Mayor Cohen announced that the Council, in closed session, would be discussing the item listed above.

Upon MOTION of Council Member Siegel, seconded by Council Member Freedland and unanimously carried, it was resolved to return to open session at 8:27 p.m., at which time City Attorney Roxanne Diaz announced that the Council, in closed session, discussed the item listed above, and that no reportable action was taken.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Fisher and unanimously carried, it was resolved to adjourn the regular meeting of October 23, 2006 at 8:28 p.m.

Jim Cohen, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk