

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, July 13, 2009

***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, July 13, 2009 at the hour of 7:30 p.m. Mayor Steve Freedland called the meeting to order and presided thereover after asking Boy Scout Ben Pilosoff to lead the Council and audience in the Pledge of Allegiance.

**ROLL CALL**

Council:

Mayor Steve Freedland  
Mayor Pro Tem Larry Weber  
Council Member Monty E. Fisher  
Council Member Jim Cohen  
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 Weber and unanimously carried, it was resolved that the agenda for the July 13, 2009 regular meeting be approved as submitted.

### **ANNOUNCEMENTS**

Mayor Freedland made the following announcements:

Happy Birthday to his son Kurtis, to Emergency Services Director Jim Doran, and to Deputy City Clerk Deana Graybill.

Las Virgenes Municipal Water District is offering free landscape and irrigation management classes on Saturday, 7/18, at the District headquarters; call City Hall for the information/registration number.

There is some very sad news to report; he would like to extend deepest condolences from the Council to his friend and LVUSD Board President Dave Moorman for the tragic loss of his 6<sup>th</sup> grade daughter Alanna, who was killed in an auto accident in Italy this past weekend; our thoughts and prayers are with Dave, his wife Kristy, and their son Ryan; a memorial service will be held at 6:00 p.m. Friday at King Gillette Ranch.

Mayor Pro Tem Weber added a belated birthday wish for Public Safety Commissioner Gabe Nussbaum.

### **AUDIENCE**

There were no questions or comments at this time.

### **PRESENTATION**

#### **A. Consideration of Request from the Las Virgenes Unified School District for a Community Assistance Grant for Technology**

Las Virgenes Unified School District (LVUSD) Superintendent Dr. Donald Zimring asked the Council to continue to monetarily support, for the next two years if possible, the technology program that all four area cities have contributed to for the last several years. Mayor Freedland

was in favor of supporting the program this year from the City's community grants, but explained that the City only does a one year budget, and cannot commit a future Council to the second year expenditure, especially without knowing what the City's financial condition will be in one year. The rest of the Council Members agreed, but did express a desire to support the program next year if able to do so. Upon MOTION of Mayor Pro Tem Weber, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to approve the expenditure to the LVUSD of \$17,875 from the City's community grant funds to support the ongoing technology initiative, and to include a letter with the check stating that the City's intent was to also support the program for the 2010-2011 school year if the City's financial condition at that time would allow such support.

**B. City Certificates/2009 Achievement Recipients**

Mayor Freedland presented a City certificate for achievement to A.E. Wright Middle School student Rachel Snyder.

**C. Crown Castle DAS Project**

Mayor Freedland provided the following background information:

The City was approached some time ago by Bob Coffey, who works for the Community Association; he represented to the Council that, in his opinion, he could get a company to provide not perfect but significantly better cell phone coverage in the City; he believed it could be accomplished with three 12" antennas, perhaps placed on City Hall, the Community Center, and one existing power pole; since none of the Council Members were against improving cell phone coverage in an unobtrusive way, they were not opposed to him moving forward; he contacted Crown Castle (Crown), and that company appeared at a Council meeting last month and said the service could not be provided with three antennas; the new proposal suggested fourteen antennas on 50' tall poles, which received negative feedback; again, everyone would like better cell phone coverage, but at what cost is the question; Crown is here to make another presentation tonight, after which the Council will take any comments; this is for information purposes only, so Crown can receive feedback from the community to see what kind of support is there before deciding whether the company wants to spend a lot of time and money to proceed; the Council will not be voting on anything this evening.

The Business Manager representing Crown Castle, Steve Rodriguez, made the following presentation:

He thanked the Council Members for the opportunity to again appear before them; Crown has significant challenges to cover the community due to topography and existing foliage; there are many carriers who would like to build sites within the City, but this would result in a lot of individual systems; Crown is proposing one system that all carriers could use; the state has rules regulating construction on utility poles; the CPU has approved placing antennas above power lines; the original proposal last month was to minimize the number of sites, which meant the height of the poles had to be increased; the Council felt the poles were too tall, so Crown went back to the drawing board and conducted more studies; Crown is a public utility and has a right, as a member of the Joint Use Commission, to use the poles for equipment; now Crown is suggesting that the antennas be placed below the power lines, but that means, by regulation, the antennas cannot hug the pole but have to extend out from it; that also means that if the poles are lower, the antennas cover less area, so the number of poles with antennas will be increased; the last proposal included fourteen poles; that number will have to be increased to twenty; Crown is looking at a possible hub location near the Emergency Operations shed in the upper City Hall parking lot, which is owned by the City; Crown would mimic the look of the existing shed, although a specific size shed would be needed to hold enough equipment for three or more carriers; an extensive fiber network does need to be built by Crown, but it would be state of the art and have enough band width to support future growth; there would be another cable on the pole approximately 1' below the existing cable; Crown would try to use existing structures and poles, keep sites away from homes, and try to paint and blend in structures, understanding the community's concern with visual blight; other possible sites for the hub are the City owned property at the top of Bonneville, and the Lewis and Clark arena (property also owned by the City); this proposal should meet the need for years to come; the system seems big and the antennas are necessary, but it will bring better service, stability, security, and technology needs for the future to the community.

In response to questions from Mayor Freedland, Mr. Rodriguez stated the following:

At the base of each pole with an antenna, there is a power meter cabinet that cannot be placed on the pole; the other cabinet, which is about 50" tall and 48" wide, houses the radio equipment; no frequency is emitted from here, only from the antennas; Crown will try to find areas to hide the cabinets as best they can; they should be mostly in the parkways or right-of-ways (next to the street and open space) as opposed to the trails; Crown has submitted drive test studies to the Council showing that there is spotty coverage in the community; residents will get service in different locations, with better service closer to the freeway, but it drops off as you get further into the City; the carriers do studies themselves annually, as they are always trying to optimize their systems.

Pedro Miraz, Crown Castle, stated that the anchor tenant is Verizon, as that company wants to be in this community to increase its coverage; Verizon has spent a lot of money for the 700 megahertz, to which the company will be transitioning its data and usage.

Mayor Freedland then invited those in the audience to speak if they wished, stating that they would each have to come to the podium so everyone at home could hear them.

The first to address the Council was resident and Gate Committee Chairman Jeff Korchek:

He is a physician, and if anyone would need cell coverage on an emergency basis, he would fall into that category; but in twelve years, he has not had a problem that couldn't wait for one minute until he could go into the house or to another location for a landline if necessary; more and new is not always better, and he does not think everyone needs to be emailing, conference calling, etc. from the trails; we do not need extra poles in the City, especially when there is a desire to underground overhead utilities; service is already getting better, and satellite service will eventually eliminate the need for cell coverage and towers; he is opposed to any action to bring this proposed change to the community.

Emergency Services Director Jim Doran expressed concerns with the possible reduction of space in the upper City Hall parking lot if the hub were placed in that location (it was confirmed at this time that the parking lot is indeed owned by the City), as the existing shed is very important during any emergency and for daily maintenance vehicles. Mr. Rodriguez informed everyone that the hub had not yet been designed, and the location not yet determined.

Resident Gary Simons had the following questions and comments:

Will there be an additional cable added to the poles, or can it be bundled with other cable; is the design tailored to serve just Hidden Hills, or could it serve surrounding communities; the exhibit shows crossbar antennas – how many antennas would be hanging on the pole to serve the different carriers; he would echo Mr. Korchek's concerns; he does not think the community wants or needs this; he has had coverage, other than a dropped call once in awhile, but he would rather call again than have this project; one pole is projected for the corner of Long Valley and Round Meadow, where he lives; he and his neighbors are looking into helping the City to pay for undergrounding in that area, which has been talked about for some time; he is already concerned with how the area looks now, and he already has three phone cabinets in front of his house;

what clearance would be needed for access; with the need for clearance and screening, it would block the trails, which are used by pedestrians, horses, for parking of vehicles, etc.; this City has no lights and no sidewalks, so if the project is going to be considered, a photo simulation should be provided for each proposed location; if there is not enough space between the facilities on a pole, and SCE says more space is needed, does that then mean the height of the pole can be increased; he hopes this proposed project goes no further, but if it does, it will raise the specter of litigation because he has a big issue with it; he does appreciate the efforts, but does not want this.

Mr. Rodriguez responded as follows:

Per state regulations, the cable cannot be bundled, so there would definitely be a separate cable, placed either 1' above or below existing cables; the objective is to design a system to serve just Hidden Hills, which is a big enough challenge in itself; Crown is not placing any poles to reach another community; the antennas are directional, and need to be aimed to hand off the signal to another site in the community; there are three sections, each pointing to a different area; what is shown on the exhibit is all that is needed; there is not a separate antenna for each carrier, as the one antenna covers the spectrum for all of the carriers; that is why the equipment is a little larger, and why there is an equipment enclosure at the bottom of the pole; these cabinets, which are about 36" deep, would be landscaped and screened, but would need clearance of about 3' all around, unless designed to open on only one side; if Crown proceeds with the proposed project, they would need creative solutions at each location and would provide photo simulations; regarding the height of the poles, the original proposal had poles that were 15' higher to get 6' from SCE up to the bottom of the Crown equipment; he is familiar with the GO95 standard, which requires the 6' of clearance from the power line to the antenna arm, and 2' from the bottom of the antenna to the next cable; the arm and the antenna total approximately 4'.

Mayor Freedland had several questions:

He spoke to SCE regarding the GO95 rule; it is his understanding that if placing the equipment on the pole does not maintain safe spacing, Crown could request that SCE install taller poles to accommodate the required spacing; are all the poles Crown is going to use tall enough, or will they need to ask SCE to put in some poles that are 40' – 50' tall; in locations where the utilities are already underground, such as Eldorado Meadow Road, would they need to add poles and string cable above ground on those poles.

Mr. Rodriguez responded as follows:

It is possible that some taller poles would be needed in some locations, but Crown is trying not to do that; the cost and time involved to have SCE install taller poles would not

be beneficial; there are definitely some guy wire poles that would have to be replaced; in areas where the utilities are already underground, they could build the fiber underground; if they added poles, the wires would be placed underground and the structure would look very clean; above ground wires would only be added to existing poles where the antennas have to be mounted below the power.

Next to address the Council was resident Rob Raznick:

He has a lot of concerns with this proposal, especially regarding the boxes; he already has an old phone box in front of his house, and there is always someone working on that box; he wondered if the boxes had footings, and how wide the parkways were; he doesn't believe any boxes should be allowed in the parkways or trails, as there is not enough room for horses, etc.; he heard that the Malibu fire was caused by the tops of the poles snapping off.

Mr. Rodriguez explained the following:

Crown has more flexibility than some utilities, and would design each location individually; if there is not enough space on the parkway, maybe the access can be changed, or the boxes relocated; he is actually with the engineering company representing Crown, and has done many of these systems in other communities; Crown is willing to work with the community to find creative solutions; in relation to the Malibu fire, there has been a lot of speculation as to what happened; the state is looking at the standards for structural integrity of poles; before adding any equipment, Crown does load studies to make sure the pole can support that equipment.

Mr. Raznick had several additional comments:

There are a lot of issues with this proposal; if the system could be modernized so it was not an eyesore, it would be okay; but he would ask the City Council not to approve this type of application; it would diminish property values, and he would fight it in any way possible; people survived for a long time without cell phones; there have been several emergencies in the community, some of which were at horse events; but there is an emergency phone at the Lewis and Clark arena, and one at the tennis courts; in the future there will probably be one at the Saddle Creek arena; it would be better to wait until technology catches up to us, and until then, he is adamantly opposed to this project.

Resident Jan Hollins asked about the rights of the Association or the individual homeowners in relation to these large boxes being placed in front of homes. Mr. Rodriguez explained that he did a lot of field studies and researched City records to make sure that sites were not proposed for

private property. He stated, and it was confirmed by City staff, that the sample site shown at the top of old Eldorado Meadow Road was on City owned property.

In response to Mayor Freedland, Mr. Rodriguez again said Crown was willing to come up with creative solutions for the placement of the boxes, and would work with residents, but normally a resident would not be asked to “sign off” on the design and placement of equipment.

Resident Linda Raznick wondered if the City had to approve this project, and also wondered if it might be necessary in the future to have to increase the number of poles or size of boxes, etc. from what might originally be installed if the project were approved at this time. Mr. Rodriguez stated that Crown does very sophisticated studies to design a system to avoid changes later, and that this system is designed to support four carriers; however, he could not guarantee that there would not have to be additional or larger equipment in the future.

Next to address the Council was resident Bret Katz:

He has been in favor of this whole cell phone process, but originally it was supposed to be approximately five small whip antennas and no cabinets; he has had two personal emergency experiences, one on a trail with his daughters and one at an arena when someone was crushed by a horse, during both of which there was a problem getting cell phone coverage to call for help; so he does not agree that coverage is adequate, and he would like better coverage for safety; however, the size of the cabinets is an issue, plus he is in favor of undergrounding overhead utilities; he wondered if Crown would underground its fiber optic lines at no cost to the City, and also asked if the proposed cabinets could be any smaller; if not, based on the size of the cabinets, he would have to oppose this project.

Mr. Rodriguez stated the following:

If undergrounding does occur in an area, all of the utilities share in the cost of that undergrounding; the original proposal, with smaller and fewer antennas, was most likely based on one carrier; it is now based on four carriers, which requires larger equipment; based on the equipment available for this system today, he has minimized the footprint of the equipment as much as possible.

In response to Mayor Pro Tem Weber, Mr. Rodriguez explained that it would not be a good idea to try to place the boxes underground, as it would have to be a controlled environment with air conditioning, and this would create a noise problem as well as a size problem.

Mr. Simons, who spoke earlier, had several additional questions relating to undergrounding costs and possible water issues, noise from the cabinets, and concerns with needing more equipment in the future. Mr. Rodriguez stated that the noise in the above ground cabinets was minimal, while noise in underground cabinets would be louder due to blowers needed for ventilation. Mayor Freedland and City Engineer Dirk Lovett added the following comments:

If the City wants to underground overhead utilities, certain improvements and conduits are put in by the City to the specifications of the utility companies; the utilities then pull their own wires through; this does result in costs to the City; SCE has new regulations that will place all cabinets above ground rather than underground in the future; per the original plan for this system, the cabinets were to be smaller and placed on the poles.

Resident Bob Wynn presented a lot of his history and his many travels to point out that he would not live anywhere else but in Hidden Hills, which has been his home for many years. He then stated the following:

The utilities in his area are already underground, and he has beautiful views from his property; at a previous meeting, he heard about two small towers, with the location of one proposed for Bonneville; this has now turned into twenty RAN locations, with many poles, antennas, and boxes at the base of the poles; he runs a world-wide business with his cell phone, and there is nothing he cannot do now that more phone service would improve, and that is without having all the proposed equipment; we have high winds at times in this area, and those winds could cause fire damage if the poles are knocked over; once Crown gains access to the City, the company would be able to do whatever it wants under the guise of "fixing service"; it could be left up to the courts to decide if Hidden Hills needs this service; the City is working to underground utilities, which is a great idea; he is a cancer survivor, and he does not believe that there is no cancer risk from all of this equipment; we should keep Hidden Hills the way it is now, until it is decided for sure whether or not cell phones cause cancer; he spoke to his neighbors, who stated they bought their house for the view and general atmosphere of Hidden Hills.

Next to address the Council was Dr. Leon Partamian:

This proposal suggests installing twenty antennas on existing and new poles around the community; four of the RANs will require the installation of new poles, and there may be additional new poles in the future; each of the antenna poles will have two units on the ground, about the size of a refrigerator; a hub (approximately 16' x 20') will be placed at some location in the City, near some residence; he has several distressing concerns; the installation of all this equipment will depreciate the value of homes, especially those near the equipment; this is a pastoral community - this equipment will make it look unsightly and ugly; electric equipment added to poles will just be an added fire hazard; if this extra coverage is being offered under the premise of safety and health, the City does not even have lights or pavement for walking at night; he has health concerns relating to over exposure of radio frequency waves, and believes anyone with children would have those same concerns; any of this equipment would present hazardous obstacles for horses; today's technology will most likely be replaced in the near future with new equipment, so it doesn't make any sense to put in equipment that will soon be obsolete; cell phone usage is illegal while driving, and even when using hands free cell phones, drivers are distracted; once Crown has access to the community, they will probably have the right to increase the height of poles and add additional poles and antennas when needed; the City is looking at undergrounding overhead utilities at great cost, so how can this be achieved if Crown is adding or replacing removed poles with other poles; he is all for improving coverage, but not at any cost.

In response to resident and Community Association Board Member Mitch Jacobs, Mr. Rodriguez explained that standard operating procedures would normally require monthly maintenance, mainly at the hub; in relation to the RANs, there might be more maintenance in the beginning when the system is being tuned, but after that maintenance would only be on an as needed basis.

Mr. Jacobs then stated the following:

For all the reasons stated by earlier speakers, he is adamantly opposed to this project; a lot of the equipment, including the hub and a tower could end up by his house; he will do anything in his power to make sure this project does not go forward, including bringing in his own law office with any litigation that might be necessary; the City does not need this; he drives one hour each way every day to live in this bucolic setting; this project would diminish the enjoyment of his home and the community.

Council Member Siegel reminded everyone that this discussion regarding cell phones began some years ago when a cell phone site was opposed, but then moms and horse riders demanded

the installation of a better cell phone system because of concerns with poor coverage when children were riding horses, etc. He wondered if this had changed, and if Emergency Services Director Jim Doran still felt better coverage was necessary for safety purposes in relation to accidents and emergency and evacuation issues. Resident Marv Landon, who is very involved with the Hidden Hills Horsemen, felt the community had to look at the cost involved to achieve that goal, and whether or not it was worth it. Mr. Doran thought the system might help from an emergency services standpoint, but as an individual, he would prefer to keep the sense of peace that this unique community offers.

Council Member Siegel had additional comments as follows:

He wished to make it clear that this issue was not pushed by the Council, but driven by the community for public safety reasons; if the community feels that aesthetic concerns outweigh public safety concerns, the Council is hearing that, as Council Members are here to serve the community; Crown Castle was invited by the Community Association, which received continued complaints about lack of cell phone coverage, to come into the community and look at this issue, and their efforts are appreciated; if a vote of the community was taken, he feels that vote might show residents would want better coverage for convenience and public safety; however, if these public safety issues no longer exist, then we are back where we started.

The following statements were made by Mayor Freedland:

If a magic switch could be flipped, he believes everyone would want better cell phone coverage, but the question is the cost benefit; going back to a point made by Council Member Fisher at an earlier meeting, maybe the technology is just not there yet for this community; many have noticed that coverage has gotten significantly better over the last couple of years; the City does benefit from towers placed in surrounding communities; he is not saying that nothing should be done; he would like to thank Crown Castle for their efforts and time put into this matter, and if technology changes to the point that they can provide better coverage in an unobtrusive and aesthetically pleasing manner, he would welcome them back; again, perhaps the technology just isn't right yet to provide the type of system and coverage that this community would want.

In response to Council Member Fisher, Mayor Freedland stated the following:

There are emergency phones, that just dial 911, located at the Community Association pool and tennis courts, at the Lewis and Clark riding ring, and at the Spring Valley tennis courts; he would certainly be willing to install additional emergency phones at other locations; he suggested that Mr. Landon work with the Hidden Hills Horsemen to review this matter and recommend several other locations where they felt an emergency 911 phone would be beneficial for public safety.

Council Member Fisher agreed with Mayor Freedland that additional 911 emergency phones should be added in strategic locations if that would help. He also stated that he was not aware of the current existing phone locations, and suggested that this information be provided to all residents. Staff will make sure that information is made available in the City's newsletter and on cable TV channel 3.

Mr. Wynn, who spoke earlier, suggested that since horses were not very smart animals and you could not always count on them, that horsemen need to educate adult and young riders for safety purposes.

**CONSENT CALENDAR**

- A. City Council Minutes – June 22, 2009**
- B. Demand List**

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

At this time (9:11 p.m.), Mayor Freedland called for a short recess, then reconvened the meeting at 9:23 p.m.

## **MATTERS FROM STAFF**

### **A. Discussion Regarding the Possible Purchase of a Generator for City Hall**

City Engineer Dirk Lovett presented the following staff report:

The City's two existing generators are rated at 6.6 kw, are old, require manual start-up, and would run not much more than the phone system and some lights during an emergency; it is estimated that a 45 kw generator would be required during peak loads to run City Hall and the Emergency Operations Center (EOC); the most viable fuels for a generator here would be propane, natural gas, or diesel; staff feels a hybrid system would be the best type of generator for City Hall and the EOC during an emergency; this hybrid system generator would run full time off of natural gas with a propane backup; it has benefits such as 1) an unlimited supply of natural gas, which if interrupted, could be manually switched to propane, 2) no need to recharge the propane as it does not spoil, 3) all tests would be run off of the natural gas, and 4) the system requires less maintenance than diesel or straight propane; the propane cylinder is 36" x 96"; the cost with one week of fuel (499 gallons) would be \$46,000, which would increase to \$55,000 for two weeks of fuel (998 gallons); the costs include everything including installation; the generator would be placed right outside the City Hall back door, and would be screened.

A short discussion occurred among the Council Members, Emergency Services Director Jim Doran, and staff, during which the following questions were raised and comments made:

Is there a need for 45 kw generator, or should it be less; the estimate to run everything in City Hall and the EOC (air conditioning, lights, computers, phones, etc.) was approximately 39 kw, and since they do not make a generator that size, the next size up was 45 kw; during an emergency, if the EOC is operational, it would be open 24 hours a day; it is recommended that a City plan for the EOC, during an emergency, to be able to function for two weeks; the generator should do its own test cycles, but there would most likely be a need for some type of maintenance on the system; the bids should include a proposal for quarterly maintenance checks; the hybrid system would run on the natural gas, unless the gas lines were destroyed, at which time the generator would be manually switched to the propane, with both running off the same carburetion system; you could not set the system up to run for just one week, and then switch the cylinders out, as they are too large; and during an emergency when everyone needs help, propane would most likely not be readily available for refilling a tank, so you would want the two tanks; why is there a \$9000 difference between having one or two tanks; the tank would be owned by the City, and have an additional 499 gallons of propane in it; this cost difference can be reviewed once actual bids are obtained, as the costs the City now has are just estimates after speaking with contractors; what happens if the valve is tripped, and how long would batteries last; these questions can be addressed in connection with a maintenance proposal.

After the discussion, staff was directed to obtain formal bids for the suggested hybrid generator system, which would use both natural gas and a propane backup, including a maintenance contract.

**B. Consideration of Approval of Amendment to Agreement with All City Management Services for Crossing Guards at Round Meadow School for the 2009-2010 School Year**

The City Manager pointed out the following:

The proposed amendment extends the existing contract for one year, from July 1, 2009 through June 30, 2010; for the first time in many years, the hourly rate per guard has been increased from \$14.98/hour to \$15.42/hour; the annual contract cost for the estimated 1890 hours of service shall not exceed \$29,144; the amendment has been approved by the Public Safety Commission.

Upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve the Amendment to Agreement between All City Management Services, Inc. and the City of Hidden Hills for Providing School Crossing Guard Services at a cost for providing 1890 hours of service (3.5 hours per day for each of the three guards for 180 school days in the year) of not to exceed \$29,144 (\$15.42 per hour per guard).

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried, it was resolved to adjourn the regular meeting of July 13, 2009 at 9:36 p.m.

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Steve Freedland, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk