

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, January 28, 2013

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, January 28, 2013 at the hour of 7:30 p.m. Mayor Stuart E. Siegel called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council: Mayor Stuart E. Siegel
Mayor Pro Tem Steve Freedland
Council Member Jim Cohen
Council Member Marv Landon
Council Member Larry G. Weber (7:38 p.m.)

Staff: City Attorney Roxanne Diaz
City Engineer Dirk Lovett
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Upon MOTION of Mayor Pro Tem Freedland, seconded by Council Member Landon and unanimously carried, it was resolved that the agenda for the January 28, 2013 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Siegel made the following announcements:

He wished a Happy Birthday to L.A. County Fire Department Community Services Representative Maria Grycan, and to his granddaughter Zoe (both on 2/5).

The Valentine Musicale will be held the weekend of February 8-9; call the Community Association for details and/or to purchase tickets.

Mayor Pro Tem Freedland had several announcements:

He wished to offer condolences to Mike Resnick on the recent loss of his father.

He would also like to offer condolences to former residents Joan and Doug Lucas; their son had a skateboarding accident some years ago, hitting his head; they thought he was okay, but this past weekend he suffered a seizure and passed away; as a reminder, parents should have their children wear helmets when skateboarding or bike riding.

This past weekend he attended the grand opening of the Agoura High School Performing Arts Education Center (AEC); this AEC is spectacular, as is the one at Calabasas High School, both of which were paid for with bond money, not general fund money; they are both state-of-the-art, and will be offering great entertainment, along with programs for learning to be grips, stage hands, etc.; he will try to get a schedule that can be placed in the City newsletter; there is also a naming opportunity for both the AECs; if anyone is interested, give him a call.

AUDIENCE

There were no questions or comments at this time.

PUBLIC SAFETY

A. Los Angeles County Fire Department Reports – November and December

The following report was provided by Community Services Representative Maria Grycan:

During the month of November, there were 9 responses, including 4 EMS calls, 2 false alarms, 2 public assists, 4 Fire Prevention Bureau inspections, and 2 plan checks; there was also one small spot brush fire in the backyard of a home on Eldorado Meadow; it burned only 1/8 of an acre, and was probably related to a BBQ; in December, there were 14 responses which included 1 snake removal (a bit odd at this time of the year), 6 medical calls, 7 false alarms, and no fires; she did meet with the Principal at Round Meadow Elementary School regarding the school's emergency preparedness.

B. Los Angeles County Sheriff's Department Reports – November and December

Lt. Matt Squire presented the following information:

In November, there was one Part I crime, that being a petty theft on Jim Bridger; a sweater ordered was taken by a housekeeper, who was arrested; in relation to traffic, there were 24 citations issued, including 15 hazardous, 6 non-hazardous, and 3 parking; there were no collisions and no DUIs; during the month of December, there was also one Part I crime, that being a grand theft of a safe and its contents from a home on Wingfield; from 2011-2012, the City went from 15 Part I crimes, down to 5, a 66.67% reduction; this is an amazing statistic for a year, especially when none of those were violent crimes such as rapes, robberies, etc.

The Council was very happy to hear about the crime reduction.

CONSENT CALENDAR

- A. City Council Minutes – January 14, 2013**
- B. Demand List**
- C. Disbursement List – December**
- D. Financial/Treasurer's Report – December**

Upon MOTION of Mayor Pro Tem Freedland, seconded by Council Member Landon 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 CITY COUNCIL MEMBERS

A. Discussion and Direction Regarding Utility Undergrounding Opportunity Near Long Valley Road and Paradise Valley Road and Possible Memorandum of Understanding Between City and Howard Tenenbaum

Mayor Pro Tem Freedland provided the following history and information:

There was a bit of miscommunication at the last meeting when he asked the Tenenbaums' Civil Engineer, Erick Mason, if the pole in the middle of the merged Tenenbaum lots was going to be removed, and the wires from that pole undergrounded to the opposite side of the street (Long Valley); the answer appeared to be yes, but that was not exactly accurate; he and Mayor Siegel then met with the Tenenbaums (Howard and Jodi) on site to look at the property and the configuration of the utility poles; the pole on the opposite side of Long Valley (the "mother" pole) has a great deal of equipment on it, which means a conduit/wire cannot be run up that pole; it is a very onerous pole which would be very expensive to do anything with; as he still thinks it is in the spirit of the City's ordinance to underground utilities/poles wherever possible, he is looking for a solution to resolve all the issues related to these poles and the required undergrounding; he does not believe the City is interested in making the Tenenbaums pay a huge sum of money due to the complexity of the mother pole, so he and Mayor Siegel asked City Engineer Dirk Lovett to come up with some options; there are some right-of-way issues which will have to be investigated, at a cost to someone, which may make the undergrounding to the mother pole legally impossible; the City does have some money set aside for undergrounding; if you drive in the Long Valley gate, these wires crossing Long Valley to the mother pole are the first ones you see, and they are significant; he believes it would be in everyone's best interests, including the Tenenbaums, to eliminate these wires if possible; he would like to see the Council discuss the costs and the options, and consider entering into a cost sharing agreement with the Tenenbaums to achieve the City's goals and still have the Tenenbaums comply as required with the City codes.

Mayor Siegel added the following comments:

This is a very complicated issue; the Tenenbaums are undergrounding their entire site (the merged lots) and installing an underground vault on the Paradise Valley side of the property; the goal of the City is to try and underground as many poles/wires as possible; however, if this does become too expensive and too onerous, with all the easement issues and the unknown legal location of the mother pole, the fall back option is to do what the Tenenbaums originally had planned – putting a support pole at the front of their property on Long Valley Road (the #2 pole position on the Exhibit A diagram); the Council should discuss all the options.

The following options were explained by City Engineer Dirk Lovett and the City Manager:

All estimates from Southern California Edison (SCE) are very rough and do not include crossing under the street or the costs involved with AT&T and Charter Communications; SCE usually does the design, and then the other utilities just add their design to the SCE plans; the options being discussed are shown on Exhibit A; Option 1 involves undergrounding to the mother pole, which will have to be moved back about 30' to allow for new guy wires; all the large equipment on the mother pole would be removed and placed in two above ground vaults on Paradise Valley (one large vault 5' x 7' and another smaller vault); referring to the diagram, the #1 pole would be removed, the #2 pole would not be installed, and the #3 mother pole would be moved to the 3A location; the estimated cost for the design of Option 1 is \$5000, with construction costs roughly estimated at \$150,000; Option 3 on Exhibit A would be the same as Option 1, except the #3 mother pole would be moved to the 3B location; this Option 3 results in alignment and tension issues, so could be more complicated with additional guy wires and easements; the design costs for Option 3 are estimated at \$20,000; with Option 2 on Exhibit A, the #1 pole would be removed, the #2 pole would not be installed, the #3 mother pole would be totally removed, and the wires undergrounded further back on Old Farm Road (crossing over a bridge) to pole #4; this #4 pole is a major pole, and is not in very good shape, so would probably have to be replaced also; the design costs for Option 2 are also estimated at \$20,000; there is no guarantee, but Options 2 and 3 are probably pretty comparable in design and construction costs.

In response to questions from Council Member Cohen, the following information was provided:

by City Attorney Roxanne Diaz - SCE does have programs for replacing poles over time, and they do replace them periodically; there is nothing wrong with the existing poles right now, but if the opportunity presents itself, and work is going to be done on those poles, they will take the opportunity to replace them if necessary; regarding easements, SCE has its own right-of-way department, so SCE may already have easements or will be responsible for obtaining those easements before the construction phase of a project can move forward.

by Mayor Pro Tem Freedland – that part of the road where poles #3, #3A, #3B, and #4 are located (or would be located) is a private road; if it were not private, the right-of-way issues would be much clearer; the City had this same issue when doing the undergrounding project at the corner of Round Meadow and Long Valley; the project went back onto the private portion of Round Meadow at the expense of one of the homeowners in that area, but the cooperation of the owner of the road was still needed to complete the project; in relation to the current proposed options, the extent of the right-of-way issues will not be known until the design is completed, and someone is going to have to pay for that design beforehand; after the design is completed, it may be clear that

the only viable option is to install pole #2 and leave the overhead wires crossing the street; if any of the other options are selected, the cost of the design will be applied to the project.

by Mayor Siegel – the Tenenbaums did go over all of these options with SCE before; those conversations resulted in the plan to install pole #2; they believed the other options were not feasible and too expensive.

by Mayor Pro Tem Freedland – the project would add value to the community and to the Tenenbaums, but how much is it worth, and how much can one homeowner be expected to pay; the mother pole is a very expensive pole to deal with, but at some number, it would be worth doing, and possibly splitting the costs; he just does not know what that number is; it is an important enough project that perhaps the exposure of the Tenebaums could be limited, while having the City take on some additional risk.

Council Member Cohen thought the City's responsibility should also be limited, and stated he was not that concerned with aesthetics, since he believed shortly after wires and poles were removed, the residents do not even notice - but if the mother pole could be removed for safety reasons, that would be good for the community. Mayor Siegel felt the mother pole represented a safety issue, due to all the equipment on it and the fact that it serves such a large part of the community, with the other Council Members agreeing. However, Mayor Pro Tem Freedland strongly disagreed with Council Member Cohen's belief that residents do not even notice the difference shortly after removal of wires and poles.

Council Member Landon added his comments:

He has looked at the property; in talking to the City Engineer, he thinks the cost could go up enough to make this a \$250,000 project (adding the costs for Charter Communications, AT&T, etc.), but he is all for it; he believes any time the community can be improved, it should be, although there does need to be some type of ceiling placed on the City's costs; he does not like the idea of installing a pole on Long Valley (pole #2), but certainly understands that a temporary pole would be needed in that location for the project to proceed while this issue is resolved; he is in favor of Option 2 on Exhibit A (removal of pole #1, no installation of pole #2, complete removal of pole #3, and undergrounding under the street and all the way back to pole #4), and thinks everyone should work toward that goal; in the meantime, the temporary pole could be installed, an amount should be agreed upon, and perhaps the Tenenbaums could pay a deposit.

Council Member Weber agreed with Council Member Landon, as did Mayor Pro Tem Freedland, who felt that there should be a capped dollar amount for the Tenenbaums, with the City having the ability to look at the total cost and determine whether or not to move forward to cover the difference. He added that if the City chose not to go forward, then the plan would revert back to the original, whereby pole #2 would be installed on Long Valley and the overhead wires, crossing over the street, would remain.

Mayor Siegel asked City Attorney Diaz if the draft Memorandum of Understanding (MOU) allowed the scenario just described by Mayor Pro Tem Freedland, to which she replied as follows:

Yes, there are stop-gaps in the draft MOU; the draft is put forth for discussion purposes, with nothing having been determined; Section 2 speaks to the different options in Exhibit A, in relation to the design costs; all three design options would be completed, with the approximate costs of \$45,000 split between the two parties; in Section 3, the developer would pay one-half of all costs invoiced to the City by the utilities; in Section 4, once the estimated construction costs of the entire project are known, then the parties would select the desired option; the two parties determine an amount not to be exceeded for the project, with each party paying 50% of that predetermined amount; this amount includes all third party costs, outside contractors, etc. but does not include City staff time costs; at the end of Section 4 and in Section 5, if the option selected exceeds the agreed upon limit, the City has the option to limit the developer's contribution (with that amount to be determined), and then to decide whether or not to absorb the additional costs.

Mr. Howard Tenenbaum, the developer, then addressed the Council:

He thanked everyone for the neighborly demeanor in addressing this issue; they started looking into this back in 2007, and certainly do not want a pole in front of the new house, but can deal with it if the cost to do something else is too expensive; he is concerned with the 50% split of costs; he is already spending approximately \$175,000 to do the undergrounding according to the original plan; this would be worth something to him, but he is not really concerned with undergrounding the rest of Old Farm Road; he is willing to pay X amount, and then the City can pay whatever it desires; he is okay with a cap for him, and is willing to explore that; time is very important to him, since he is planning on moving into the house in September of 2014; it would probably cost him another \$30,000 - \$40,000 to put in a temporary pole on Long Valley.

The following information was provided by Wayne Moss, the general contractor:

He was involved with the exploration with SCE in 2007, and one of the main hurdles at that time was that SCE would not accept the P&E easements put in place when the property was originally developed; when undergrounding, SCE wanted new easements from whoever owns the private street; the line alignment was also very important to SCE; if the Tenenbaums can put in a permanent/temporary pole on Long Valley while the options are being explored, that would allow them time to build the house; according to SCE, it would cost approximately \$30,000 - \$40,000 to remove a temporary pole and proceed with one of the other options.

A fairly lengthy discussion then occurred, during which all the following items were covered: proposed options, estimated design costs, estimated construction costs, who would be responsible for what, timing, permits, spending and spending caps, City ordinance requirements, benefits of the undergrounding, etc. At the end of the discussion, everyone agreed on the following: 1) the City will pay the costs for the design of Options 1 and 2 (estimated at \$25,000); 2) if one of those Options is chosen, the project will be capped at \$200,000; 3) if a project is chosen, the Tenenbaums' cost for the construction will be capped at \$100,000; 4) if the cost of the project chosen exceeds \$200,000, the City will have the option of paying the additional costs (with the Tenenbaums' cost still capped at \$100,000); 5) if the City decides the extra costs are too high and chooses not to pay the extra costs, the MOU will be terminated; 6) while the design plans are being prepared for the different options, the Tenenbaums will be allowed to place a temporary pole on Long Valley Road so they can proceed with the grading, drainage, and construction of their home, upon issuance of all required permits; 7) if the MOU is terminated, the temporary pole on Long Valley Road will remain in that location.

Upon MOTION of Council Member Landon, seconded by Council Member Weber and unanimously carried on roll call vote, it was resolved to approve the draft Memorandum of Understanding (MOU) between the City and Howard Tenenbaum in its current form with the salient terms as noted by the City Attorney subject to final negotiation and review of the MOU by the ad hoc committee consisting of Mayor Siegel and Mayor Pro Tem Freedland, and to authorize the execution of the MOU by the Mayor.

Mr. Mason apologized to the City Council for the miscommunication at the last meeting, as he certainly did not mean to mislead the Council Members.

B. Report from 1/15/13 Hidden Hills Community Association Board of Directors Meeting

The following report was provided by the City Manager:

The Association renovated the round pen at the Spring Valley park; the City does have a resolution that requires that round pen to be removed every year for the Fiesta; the Valentine Musicale budget was approved, with the three charities chosen being Calabasas High School Performing Arts, A.E. Wright Middle School, and National Charity League; they will be drafting a new rule for consideration that will the allow the Association to take care of name sign replacement and bill the residents for the work if the residents ignore the letters requiring them to take care of it themselves; they raised the issue of possibly closing to vehicular traffic the Round Meadow/Long Valley/Wingfield intersection on Halloween, as it gets extremely crowded with foot traffic; if that is something they want to do, since they own the streets, they have been asked to submit a request to the City that can be addressed by the Public Safety Commission; the Gate Committee will also look at the possibility of tightening up the gate admit rules for Halloween; they were very pleased that the City paid for additional enforcement by the Sheriff's Department on Halloween night; they approved the expenditure of \$3000 for a lighting test of the tennis courts at the Spring Valley park; since the City owns that property, which is leased to the Association, they were reminded that approval for the test would have to be obtained from the City Council.

C. Report from 1/15/13 Las Virgenes Malibu Council of Governments Meeting

Mayor Siegel reported that there was a legal opinion given that the posting of the COG agendas was only required at the City Hall location of the COG meeting, and not required at each of the other individual City Halls of the COG cities.

MATTERS FROM STAFF

Charles Abbott Monthly Report – December

The report was received and filed.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Freedland, seconded by Council Member Landon and unanimously carried, it was resolved to adjourn the regular meeting of January 28, 2013 at 8:55 p.m.

Stuart E. Siegel, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk