

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, February 11, 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, February 11, 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

Staff:

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 February 11, 2013 regular meeting be approved as submitted.

### **ANNOUNCEMENTS**

Mayor Siegel made the following announcements:

Congratulations to the cast of the Valentine Musicale for a very successful event this past weekend; they raised quite a bit of money, including \$5000 for Calabasas High School/LVUSD, \$4200 for the National Charity League, and \$700 for The Talbert Foundation (Beau Lucas).

Don't forget Valentine's Day on 2/14, which also happens to be his son Ben's 30<sup>th</sup> birthday.

City Hall and the Building & Safety Department will be closed, and there will be no inspections on Monday, 2/18, in honor of Presidents' Day.

Condolences to Deputy City Clerk Deana Graybill, whose grandfather passed away Saturday.

Mayor Siegel asked Association Board Member Bret Katz if he had any additional comments or announcements, as he was a performer in the Valentine Musicale. Mr. Katz stated the following:

The Valentine Musicale was a very successful event, for which he would like to extend a special thanks to Bonnie and David Frank, Natalie Blossom, and all the actors who volunteered their time; thanks for everyone's support, as they did raise quite a bit of money as Mayor Siegel pointed out; there will be a new event, a magic show, with the help of resident Rob Gould, to take place on March 17<sup>th</sup>; the tentative date for the new resident party is 4/27.

### **AUDIENCE**

There were no questions or comments at this time.

**CONSENT CALENDAR**

- A. City Council Minutes – January 28, 2013**
- B. Demand List**

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

**MATTERS FROM CITY COUNCIL MEMBERS**

**Discussion of Use and Expenditure of Air Quality Management District (AQMD) AB2766 Funds and Direction to Ad Hoc Committee and Staff**

Council Member Landon provided the following information:

The City receives approximately \$2000 a year in AB2766 funds, which have accumulated over the years to a total of \$43,000; these funds are to be used to improve air quality; the Committee (he and Council Member Weber) discussed the possibility of obtaining a City car, but there was not much need, nor any vehicles to replace; the next thought was to help the Association by possibly replacing one of their old pick-ups with a fuel efficient hybrid pick-up; the Committee found only one hybrid pick-up, that being a 4-wheel drive Chevy Silverado; he has obtained one bid thus far, with the cost being a bit more than the existing City funds; however, if the Association could make up the difference, they could get a new truck for a very small amount of money; the old truck would have to be retired to assure the air quality would be improved by replacing it with a hybrid; the oldest pick-up truck is a 2002; there was concern expressed by the Association Manager about a new hybrid truck not having the necessary custom tool boxes, but the Committee will look into the possibility of transferring those boxes to a new vehicle; representatives from the AQMD were kind enough to meet with the Committee; there are some different matching funds that were discussed in relation to the purchase of mules, but they are competitive funds that are only available during certain windows, so that is not a possibility at this time; plus the mules are gas powered with small engines, and replacing them would not be as helpful in reducing emissions; mention was also made by the Association of the desire for charging stations, but there are not enough funds for these in addition to a truck, although the funds do continue to accumulate every year; by possibly replacing a pick-up truck, the Committee felt this was a good opportunity to use the money effectively in the community, to help air quality and help the Association at the same time.

Council Member Weber added that other ideas were explored, but replacing an older pick-up truck would probably be the best in relation to improving air quality, as it is probably one of the bigger contributors of exhaust.

Leeor Alpern, AQMD Senior Public Information Specialist, addressed the Council:

The use of the AB2766 funds is left to the discretion of the cities, in pretty wide categories, as long as the requirements are met; other cities have used the funds for replacement of vehicles, bicycle programs, public transportation programs, etc.; for a city like Hidden Hills that does not have heavy or medium duty fleets, the replacement of the pick-up truck would seem to be a good fit, although it might be possible to use these funds for mules in the future; for the competitive matching Moyer and MSRC funds, the categories and requirements are more strict and focus on the “biggest bang for the buck” in emission reduction; they would be happy to continue working with the City staff and Council regarding the use of these funds; if the AB2766 funds were used to purchase a pick-up truck, title could be transferred to the Association, which could also contribute to the cost of the truck if necessary; however, if the Association would sell that vehicle in the future, any revenues would need to be returned to the City’s AB2766 fund to be used for eligible projects.

Several questions were asked, which resulted in a short discussion during which the following points were made:

The MSRC funds would not be available until sometime later this year; there is no deadline or timeline for the use of the AB2766 funds, which can be used anytime; if a vehicle is purchased with the AB2766 funds, a report must be provided at the end of the year (for which the Association would need to provide information) regarding mileage, fuel used, etc., to see how much emission reduction occurred; the hybrid truck being looked at will be discontinued in the future; the Association may want to look at the replacement of an old dump truck, but there may not be any hybrid trucks of that nature to replace it; if the pick-up were purchased, that would save the Association money which they could then use toward a new dump truck if the need arose; if the pick-up truck were purchased, the Association would then be responsible for insurance, maintenance, fuel, etc.; matching funds can only be obtained for one project; the City could not purchase the pick-up truck, and then get matching funds to be used for another project, such as the purchase of mules or charging stations.

Resident and Association Board Member Bret Katz addressed the Council:

If possible, he would like to see the City support electric vehicles, as it is good for the environment and good for the City to promote these vehicles; he would like to see a charging station or two at the Community Center; they are very inexpensive, with the highest cost being the pulling of the electric to the unit; the J1772 seems to be the universal model; other cities such as Malibu and Santa Monica are installing these stations; the cost for a commercial charging station is around \$2500; he personally would support the Association paying for any electric charges connected to a charging station, but would have to discuss that with the Board of Directors.

In response to Council Member Cohen, Council Members Landon and Weber explained that the pick-up truck being looked at is a hybrid, which does not need to be plugged in; however, the mules, which the City is not looking at at this time, are fully electric.

The City Manager explained that no specific project had been selected by the Committee, but suggested the Council, if they were in favor of the direction being taken, give authority to the Committee to continue working with the Association and the AQMD to determine a particular project; once the details of that project are worked out, then the Committee can return to the full Council for consideration of approval of the project. The Council agreed.

Mr. Alpern then provided a general introduction to the AQMD, and information regarding the AQMD newsletter, a special program for high school students being presented on 3/13/13, and two exchange programs for electric lawn mowers and electric leaf blowers. More information on these exchange programs will be provided in the future.

Mayor Siegel pointed out, to those who may not be familiar with the City's very small budget, that the City does receive funds from the State and other agencies (such as these AQMD funds) that can only be used for certain specialized projects. He just wanted to make it clear that the City's general funds are not used on these special projects, such as the outside playground/ball field improvements that were recently made at Round Meadow School, the funds for which came from a State grant.

### **MATTERS FROM STAFF**

#### **Consideration of Request from the Community Association for Installation of Test Lights on the Spring Valley Park Tennis Courts**

Ron Heston, representing the Community Association, informed the Council of the following:

A tennis club was formed through the Association several months ago; the club has requested the addition of lights on the two tennis courts at the Spring Valley park; the courts are down low, up against the City of Los Angeles/Woodland Hills, and adjoining a couple of homes in the Association; the Association at this time is just asking for a test to see if there is any light pollution and any effect on members of the Association; he personally feels there would be little or no effect; it would take twelve lights to light both courts, but they are asking for a test of only two lights, placed where they feel would represent the worst case scenario – close to the northerly and southerly ends of the court on the Woodland Hills side; the lights would be aimed and focused downward, with little light spillage; LED lights would be used, which conserve electricity; the small existing panel would have the capacity for these lights; the test would only run for probably two nights, with a day to put the lights up and another to take them down – no more than a week total; the courts could be used during the test.

The Council Members had several questions relating to the effect on the Woodland Hills neighbors that directly abut the courts, the chosen location (as opposed to the courts at the Community Center), the noise factor, the cost, and how a test of only two lights could give a clear picture of what twelve lights would look like. Mr. Heston responded as follows:

He is considering the needs of the Woodland Hills residents to an extent, but no more than they would consider ours; if they wish to put up tennis court or flood lights, they don't need to discuss that with the Association; there is no light pollution issue that the City of Los Angeles is enforcing; his request is geared to Association members and residents of Hidden Hills; he does not wish to extend to the Woodland Hills residents any more privilege than those residents extend to us; he believes this location is a very low area, and a unique place that would infringe upon the least amount of people in the least obnoxious way; the neighbors should not be affected by light spillage; he has not gotten that far yet to think about notifying the Woodland Hills residents of the test; the cost for the test is \$3000; even if they only put up two lights, the lights will be focused down, lighting the surface but not the surrounding neighborhood; the lighting should only extend a couple of feet off the court, and he doesn't think this will disturb the neighbors in Hidden Hills or Woodland Hills; they would need rules of operation and photo cells to control the time of lighting; the noise should not be any different than what it is in the

day, and again would come down to hours of operation; in the worst case scenario, there might be noise until 9:00 p.m.

In attendance with Mr. Heston was Ricc Bieber, a tennis court lighting specialist who provided the proposal to the Association to install the test lighting. Mr. Bieber provided the following information to the Council:

He and his family have been in lighting for years and ship world-wide; the Porter Valley Club is probably the closest to here that he has done; 70% of the lit courts in the San Fernando Valley over the last forty years have been done by his company (many by him personally); the Council Members are probably used to seeing metal halite fixtures, which have a lamp and reflector which pushes the light out and around the court surface; the City of Los Angeles does have lighting requirements which his company meets; he can limit light to the surface with no more that ½ foot-candle spillage outside the tennis court line; this means the court would be lit, but a couple of feet off the court would be dark; you can see reflective light off of the court, but you don't have light; he is recommending LED lighting, which is directed light controlled by the lens of the fixture; with the LED lighting, you are used to seeing an array of 20-30 diodes in a fixture; the City of Los Angeles is using or converting many of their street lights to LED, but he believes they are using the wrong ones since the manufacturers recommend no more than a 20' height for the fixture and they are placing them at 27', resulting in the street not being lit; his fixture is designed to push light from a 35' pole, but that is not what he is recommending; the normal mounting height is about 20'; it would be a 150 watt fixture (which is only 50 watts more than a lot of house lamps that use 100 watts) that creates the equivalent of about a 750 watt halite lamp; the 150 watt fixture is very well controlled by the lens, very unobtrusive, approximately 15"-16", weighs about 25 pounds, has a clean bright white light, is long lived, and comes with a commercial warranty of five years; the metal halite weighs about 65 pounds, is 1000 watts, is larger, and burns hotter.

Council Member Weber noted that the City has a pretty restrictive lighting policy, and asked staff to elaborate. City Engineer Dirk Lovett said that no spillage or glare is allowed onto adjacent properties, and he thought that visible lights (like on pilasters) could have no more than 3 foot-candles at a 5' distance (he was not sure about the exact numbers as he did not have the Code in front of him).

Mr. Heston said he certainly understood the night-sky ordinance, which the Association supports, but he thought this was a unique application for lighting in a City-owned park

administered by the Association, and should not be compared to the residential areas; however, he felt that the spillage on the courts would be so negligible that a measurement from the property line would still fall within the City's requirements.

Mayor Siegel asked if there was a lit path of travel to and from the courts, and what the Woodland Hills people would see in relation to the court lights. Mr. Heston said currently there is no lit path, but in any lighting scenario, he would include a safe path of low wattage lighting during reasonable hours of operation (and probably ½ hour beyond that) to both the parking lot and up to Eldorado Meadow Road. Mr. Bieber felt this test would work because the courts are lower than the adjoining properties, there is a significant tree line on the Hidden Hills side of the courts, and the fixtures are aimed at an angle and down so there would be no spillage – all the Woodland Hills residents would see would be people playing tennis if they looked over their back fence (and the City of Los Angeles permits playing up until 10:00 p.m. and no spillage within 5' of the property line). In response to Council Member Weber, Mr. Bieber and Mr. Heston said they did not believe there was any wind screen on the courts, but that could be added, as well as perhaps some green planting.

Resident Boris Ratiner addressed the Council:

As a resident and part of the tennis club (10 or so members), he is in support of the lighting, and thanks the Council for its consideration; if this is done, it is very dark in that area, and LED lighting is definitely needed; regarding noise, he appreciates that people live close, but in the summer they have been playing tennis on these courts until 8:30 p.m. – 8:45 p.m.; so the noise should be the same; they are only asking for the lights until 9:00 p.m.; the tennis club has been around for about a year; they played all this past summer, and they have had no complaints from the neighbors.

Resident Jeff Harris stated his support for the lights, and thanked the Council for listening and considering the request.

Resident Brian Campbell spoke next:

They are a group of guys who play regularly; to play tennis they have to become a member of the Calabasas Swim and Tennis Center or poach courts after hours; they don't want to intrude, but it would be nice to play in their own community; they have been playing from 5:30 p.m. – 8:30 p.m. in the summer, but can only play until about 6:00 p.m. in the winter; he appreciates the Council's consideration.

Mayor Siegel stated the following:

Even though Mr. Heston is not concerned with the Woodland Hills residents, and technically the City does not have to care either, as a good neighbor he has a hard time saying he does not care; it is very difficult to say we would not put lights on the courts at the Community Center because the neighbors would object, and then turn around and put the lights over here even though the Woodland Hills residents, who live in a nice quiet cul de sac, might object; he is more than happy to be convinced otherwise, but it is not a very nice thing to do to any neighbors.

Mayor Pro Tem Freedland then added his comments:

He is not excited about the Association spending \$3000 for a test if the Council is not seriously going to consider allowing this project to proceed; the Council should give some guidance; he is not sure a test of two lights would be representative of twelve lights; if there truly is no spillage 2' off the court, that does not sound bad, but then again Mr. Bieber has some vested interest in installing the lights; he does have a problem saying that just because the Woodland Hills neighbors do not have to worry about us, we should not have to worry about them; those houses are very close to the courts; at best this is un-neighborly, and at worst offensive if there is spillage and additional noise; so he does have a problem with this.

Council Member Cohen asked if there were lights at the Calabasas Swim and Tennis Center, if they were similar to those being proposed, and if there were any of the same lights nearby that could be looked at. Mr. Bieber said there were lights at the Swim and Tennis Center, but they were the metal halites; however, he recently completed a roof-top playground at an academy located at La Cienega and Olympic.

Mayor Pro Tem Freedland had the following additional comments:

At La Cienega and Olympic they have street lights; we do not have street lights, so lighting is a very big deal here; he also believes this is somewhat of a slippery slope; the City and Association would have some liability as people travel to and from the courts in the dark; now additional lighting has to be added for the pathways, and the amount of lighting will grow; this is a concern.

Mr. Bieber stated that he has lighting for all occasions, inside and outside, and would have low impact and low level lighting for pathways directed at the ground.

Council Member Weber was concerned that if lights are allowed on these courts, other residents may want lights on their courts. Mr. Heston argued that since this is a City park, it is different and lighting should be allowed without affecting other properties in the City. Mayor Siegel agreed.

Mr. Campbell noted that the lights would not be on all the time until 9:00 p.m., but only when someone was playing. He suggested that the test be done and the Woodland Hills neighbors be invited to a Council meeting. Mr. Campbell also agreed that this was a special situation involving a park, and that the location would have the least impact on everyone, including both the Hidden Hills and Woodland Hills residents.

Mayor Pro Tem Freedland stated the following:

He has no problem with the test, but if the Council has real reservations regarding permanent lighting, he is not sure the money should be spent on the test; he also does not think a test with two lights will be representative of the full twelve lights that would be installed permanently; it would be better if a test of twelve lights could be conducted, and then we could see what people had to say, from both Hidden Hills and Woodland Hills; even if the court lighting is controlled by a photo cell or timer, it would seem that the rest of the lighting leading to the courts would have to be left on in case someone did come to use the courts; there will always be a need for ingress and egress lighting.

Council Member Landon thought the neighbors should be involved to some degree, and also thought the noise might be more of a problem than the lighting, although that could probably be

mitigated somewhat with more foliage or screening. Mayor Siegel pointed out that the Council Members are not professional politicians, but your neighbors, and if the Woodland Hills residents attended a Council meeting asking why the lighting could not be placed on the Long Valley courts, he would have a problem saying it is our City and we will put the lights where we want to put them.

Mayor Siegel asked if it would be possible to use more lights for the test, but was told that it would cost more. A short discussion then occurred during which the following points were made:

Just the surface of the courts will be lit, with no spillage into the yards; anyone who can see the surface will see the lights; the courts are in a bowl like area, which is protected by trees; if lighting were to be added in the future, the Association could use some landscaping toward the Woodland Hills side and add wind screening to the 12' fence that surrounds the courts; pathway lighting would also need to be added; there is a grassy area between the courts and the chainlink perimeter fence, which is estimated to be 20'-30'; the height of the perimeter fence is not known, but there is a lot of foliage along the fence; no one wants the Association to waste money on a test, but if they want to spend the money, that is their choice; it is quite possible that some or all of the problems could be mitigated; the four Woodland Hills residents should be notified of the test and invited to make comments; putting only two lights up is not really representative of what twelve lights will look like; it would be better to see six lights on one court, or at least three lights on one court, rather than two scattered lights.

The City Manager wished to point out the following:

The Council at this time is just deciding whether or not to approve a lighting test; even if the test results are very good and show no problems, that still does not obligate the Council to approve permanent lighting in the future; if the test is approved, and the Association requests permanent lighting at a later date, this would require a public hearing per the lease; for a public hearing, all those within a certain distance would have to be notified of the hearing, and that would include the Woodland Hills residents; but the Council is also saying at this time, that if the test is going to go forward, the Association should notify the four Woodland Hills residents that about the area of the test before it occurs.

The Council all agreed that three test lights should be installed on the one court closest to City Hall, but asked the lighting expert if it would be better to place those lights on the Woodland Hills side or the opposite side. Mr. Bieber responded as follows:

He has been doing this work for forty years, knows what he is doing, and has a reputation to uphold; if the Association chooses not to do the test, or does the test and doesn't like the results, that is okay; for the test, nothing would be put into the ground; bolts would be temporarily placed on existing poles; the court can be lit from either side, as it will not make a difference; he will make as fair a representation of the product as possible, and can have his service person adjust the lighting if necessary; there are numerous ways to control the timing of the lights, so that is not an issue; the fixtures do not require warm-up time.

As there was no further discussion, upon MOTION of Council Member Cohen, seconded by Council Member Landon and unanimously carried, it was resolved to authorize the Community Association to conduct a test of tennis court lights at the Spring Valley Park if they so desire, as long as the Association notifies the four Woodland Hills residents abutting the area before the test is conducted, installs three lights on the one court closest to the City Hall on the Woodland Hills side, and understands that the Council is under no obligation to approve permanent lights in the future no matter what results are obtained from the test.

### **CLOSED SESSION**

#### **CONFERENCE WITH LEGAL COUNSEL**

#### **Potential Initiation of Litigation Pursuant to Government Code Section 54956.9(c): Number of Potential Cases: 1**

At this time, Mayor Pro Tem Freedland recused himself from the meeting, and City Attorney Roxanne Diaz joined the meeting by telephone.

Upon MOTION of Council Member Cohen, seconded by Council Member Landon and unanimously carried, it was resolved to adjourn to closed session at 8:58 p.m., at which time City Attorney Roxanne Diaz announced that in closed session the Council would be discussing the item listed above.

Upon MOTION of Council Member Weber, seconded by Council Member Landon and unanimously carried, it was resolved to return to open session at 9:07 p.m., at which time City Attorney Diaz announced that the Council in closed session discussed the items 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 Weber, seconded by Council Member Landon and unanimously carried, it was resolved to adjourn the regular meeting of February 11, 2013 at 9:08 p.m.

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Stuart E. Siegel, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk