

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, August 8, 2005

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, August 8, 2005 at the hour of 7:30 p.m. Mayor Ronald Berg called the meeting to order and presided thereover after asking Caila and Jenna Gale to lead the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

Mayor Ronald S. Berg
Mayor Pro Tem Jim Cohen
Council Member Monty E. Fisher
Council Member Steve Freedland
Council Member Stuart E. Siegel

Staff:

City Attorney Larry Wiener
City Engineer Dirk Lovett
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved that the agenda for the August 8, 2005 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Berg encouraged everyone to sign up for the City sponsored blood drive to be held at the Community Center on Wednesday, August 24th. He added that additional information or appointment times could be obtained by calling Deana at City Hall.

Council Member Fisher proudly announced that his daughter, who has been running Starbucks Western Europe, has been promoted and will now be on the Board of Starbucks and also the President of Seattle Coffee Company.

PRESENTATION

City Certificate/Recognition of Hidden Hills Resident Jenna Gale, Berkeley Hall Student, for Receipt of Academic Excellence Awards for 2004-2005

Mayor Berg announced the following:

The City Council has been recognizing Hidden Hills students who have achieved academic excellence during the year at their respective schools; we were lucky to discover that Jenna Gale, who attended Berkeley Hall School this past year as a 6th grader, received the Headmaster's Citizenship Award and High Honors in 2004-2005; the Council would like to recognize Jenna with a City certificate, and encourage her to keep up the good work.

Mayor Berg then read the certificate and presented it to Jenna, who was congratulated by the Council and all those in attendance.

AUDIENCE

Mayor Berg introduced Gordon Whitehead, the Las Virgenes Unified School District (LVUSD) Board President, who stated the following:

On August 1, 2004, the LVUSD had no Superintendent, and conducted a search for the ideal candidate; while that search was being conducted, the District was very ably served by Interim Superintendent Dr. Donald Zimring; as a result of the search, Dr. Sandra Smyser was hired as the new Superintendent, bringing lots of experience to the job; they were looking for fresh ideas and approaches, and feel that she has that to offer.

Mr. Whitehead then introduced the new LVUSD Superintendent, Dr. Sandra Smyser, who addressed the Council as follows:

She came from Santa Barbara County, where she was the Superintendent for seven years; she really does enjoy the job, and is excited to be here; her teaching experience is in special education, where she obtained her doctorate, but she has chosen to do general administration; coming from outside the District makes it easier for her to talk about how great the District is; LVUSD is known throughout the state for its high test scores, and for its supportive communities and families; she has heard the District touted as what a school district should be like; of course they have their problems as everyone does, but she is very proud of the District, as the parents should be to have their children attend the District schools; support from a community is one of those things that help make a good school district; she would like to thank the City for its partnership, which is much appreciated; communities can ignore a district if they choose, but this community has not chosen to do that, and she hopes to continue the partnership.

Mayor Berg stated that the Council is well aware that the Board and the Las Virgenes Education Foundation are working to raise funds for the District, and that the Council looked forward to working with the District in this regard to the extent possible. Dr. Smyser, knowing that school districts and cities alike share in the pain when the state is not doing well financially, expressed her appreciation for the Council's willingness to do what it could to help.

Council Member Siegel commented as follows:

Dr. Smyser does have a big responsibility, as this is a great School District; the Council has been supportive of the District and especially of Round Meadow Elementary School, since it is within our City; for the protection and public safety of the children that attend Round Meadow, the City does provide crossing guards, extra Sheriff patrols, and

continually works on traffic problems and congestion, all with the cooperation of the District.

Mayor Berg and the Council wished Dr. Smyser well in her new position, and asked that she not be a stranger to the City.

2005 FIESTA - Co-Chairmen Andrea Lascoe and Lisa Moriarity

A. Consideration of Approval of Proposal from Dakota's Mesquite BBQ & Steakhouse to Provide Saturday Night Dinner

Ms. Lascoe pointed out that the proposal was more than the approved budget due to sales tax. Mayor Pro Tem Cohen asked how the contract could be approved based on 1193 people, when the exact number would not be known until right before the event. City Attorney Larry Wiener explained that the cost is originally based on an estimate, with the contract stating that a final guest count will be provided no later than two days before the event (most catering contracts are worded in such a manner). Ms. Lascoe added that if the count increased, the cost to the City would increase, but so would the income proportionately. She also stated that she would have the proposal revised to eliminate one sentence stating "The guaranteed amount will be charged for even if fewer guests attend", as that is not accurate. Upon MOTION of Council Member Freedland, seconded by Council Member Fisher and unanimously carried on roll call vote, it was resolved to approve the proposal from Dakota's Mesquite BBQ & Steakhouse to provide the Fiesta dinner at a cost of \$23,389.10, subject to Dakota's signing a City agreement.

B. Consideration of Approval of Proposal from Pul-Wal Promotions to Provide Special Carnival Ride

Ms. Moriarity and Ms. Lascoe informed the Council that in addition to the rides being provided by James Events, they would like to obtain a bumper car ride from Pul-Wal Promotions, at a cost of \$8000. In response to Council Member Freedland, the Co-Chairmen explained that the ride was quite expensive due to the fact that it is an individual ride rather than a package deal, and that there are many fundraisers/events occurring the same weekend as the Fiesta; however, the

cost was discounted from what it was quoted last year. Mayor Pro Tem Cohen pointed out that the Fiesta budget approved at the last Council meeting would be exceeded with the addition of this ride. The Co-Chairmen stated that one of the rides listed on the James Events proposal would be eliminated, which should bring the costs into or very close to compliance with the approved budget, with the exception of the extra amount approved earlier for the dinner. Mayor Pro Tem Cohen also wished to know if a small section of the bumper car ride could be divided off for smaller children. The Co-Chairmen did not ask about that possibility, believing that there were plenty of other rides for the younger children. Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Cohen and unanimously carried on roll call vote, it was resolved to approve the proposal from Pul-Wal Promotions to provide a bumper car ride for the Fiesta at a cost of \$8000, subject to the signing of a City agreement.

C. Consideration of Approval of Proposal from Mini Melts West to Provide Ice Cream Treats

Upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Fisher and unanimously carried, it was resolved to approve the proposal from Mini Melts to provide ice cream treats at the Fiesta from 11:00 a.m. – 3:00 p.m. and at the evening carnival, with 20% of the gross profits from all sales being provided to the City, subject to the signing of a City agreement.

D. Consideration of Approval of Proposal from James Event Productions to Provide Carnival Rides and Games

The Co-Chairmen reported that one ride, most likely the Roc-O-Plane, would be removed from the proposal from James Event Productions, reducing the cost by \$2,700. Upon MOTION of Council Member Siegel, seconded by Council Member Freedland and unanimously carried on roll call vote, it was resolved to approve the proposal from James Event Productions, minus the Roc-O-Plane, to provide attractions, games, fun foods, and entertainment for the Fiesta at a cost of \$29,481.94, subject to the signing of a City agreement.

Mayor Berg reminded everyone that the dates of this year's Fiesta are October 1st and 2nd, and asked the Co-Chairmen if volunteers were still needed. Ms. Moriarity informed the Council that a meeting with all the Chairmen of the different events would be held soon, and after that meeting, they should know where help might still be needed. The City Manager reported that Mayor Berg sent a letter to LTC Justin Gubler, United States Army, asking permission for Michael Spirtos, a resident of Hidden Hills who recently returned from Iraq, to attend the Fiesta and serve as the Grand Marshall.

PUBLIC SAFETY

VCalm Radar Speed Display Sign/Traffic Calming Device – Report, Discussion and Consideration of Approval of Recommendations from Public Safety Commission for Future Use of Sign

Public Safety Commissioner Gabe Nussbaum presented the following report:

A follow-up study was done over three separate random one week periods, at the present location of the sign, from January 17-24, June 5-12, and June 13-19; the studies showed the average daily volume around 1200 cars, with the peak volume being approximately 140 cars in one hour; the peak volumes are very random, with no pattern; the average speed is very consistent at 30 mph, although it is hard to tell if the peak speeds are realistic or an anomaly, since they range from 60 – 80 mph; the traffic speed histogram consistently indicates that 50% of the vehicles are traveling more than 31 mph.

Council Member Freedland did not feel that the results of the histogram meant that the sign was ineffective, since a vehicle's highest speed gets recorded, even if that vehicle then slows down when the sign flashes that speed. Mr. Nussbaum agreed, continuing with his report as follows:

In terms of traffic studies, it is the 85th percentile that is usually looked at, and these studies consistently indicate the 85th percentile at 35 mph or less, showing generally good compliance with the 30 mph speed limit; the Public Safety Commission was asked to review the sign's use and its hours; there was a problem originally with the solar panel not receiving enough sun, which depleted the batteries, preventing the sign from working the set hours; the settings were then modified, and the sign seems to be charging enough to operate properly; the brightness of the display was also modified to reduce the draw on the batteries; he is proposing additional modifications at this time to extend the operating hours over the weekend; from Monday through Sunday the hours would be set from 5:00 a.m. – 12:00 a.m., with additional operating hours on Saturday and Sunday from 12:00

a.m. – 3:00 a.m.; the Commission discussed several other possible locations for a sign, including 1) Long Valley between Hilltop and Lasher traveling toward the front gate, which is a slight down slope, 2) Jed Smith between Fitzpatrick and Round Meadow, traveling toward Round Meadow, another slight down slope, 3) new Eldorado Meadow toward Spring Valley, and 4) Round Meadow between Mureau and the school parking lot; in addition, Spring Valley coming down the hill toward the stop sign on new Eldorado Meadow and the Burbank gate could be considered; besides moving the sign to another location, there are several other things that could be considered, including 1) upgrading the solar panel, 2) purchasing additional signs, 3) hardwiring the sign to a utility pole (this should probably be deferred until we have more experience with the system), and 4) returning the sign to the manufacturer; he would not like to see that happen, as he feels there is merit in keeping the sign based on observation and feedback from residents; the sign does seem to be helping; the report discusses costs obtained from the manufacturer related to the different options; he would also suggest an implementation plan, in terms of using a new location; first the Sheriff should be asked to monitor the proposed site for approximately two weeks, and then provide input based on his observations and hopefully the use of radar; the sign should then be installed to collect data, without turning the display on, to provide a baseline of data; at that time it would also be helpful to send a letter to the neighbors in the immediate area to promote community involvement, telling them when the sign is going to be activated and asking them to observe it and let the City know if they like the sign in that location, if it seems to help, if they notice vehicles slowing, etc.; then actually activate the sign; there are some disadvantages to the wood pole, as it is very visible and obtrusive, and it cannot be easily moved, as it is set in concrete; per Fortel, they often put the signs on a 14' pole, 4" in diameter, that is bolted to a base; the wires could run down inside of the pole, and there could be multiple bases/sleeves located throughout the City, that could just be covered when not in use for safety purposes; one existing pole could be moved to different locations at different times, extra poles could be purchased, or an entire additional sign could be purchased; perhaps the Association's maintenance crew could move the poles, with Fortel then moving the actual sign, which would probably be the most cost effective.

Council Member Freedland stated the following:

He believes the sleeve/pole idea makes sense; he always thought that one location would be used until perhaps people became desensitized to it, and then another location would be selected; he would like to see the new hours implemented immediately; when the existing location was selected, it was not clear if there would be enough sunlight, but he thinks the other suggested locations may actually have more sunlight; if that is the case, a new solar panel might not be necessary.

Mr. Nussbaum stated that the manufacturer recommends 8-10 hours of sunlight, and it would be possible to add a larger solar panel to the existing sign, if necessary, or consider a newer panel and controller that the manufacturer will have available sometime next year. However, he suggested that the proposed locations be checked to see how many hours of sunlight occur at each of the locations.

Council Member Freedland said that would be his preference, to study the locations first, before looking into a larger solar panel. He added that he was comfortable with Mr. Nussbaum investigating the proposed locations and working with the Sheriff to determine the suitability of each, and also wanted to make sure baseline numbers would be established, as that was not done before the existing sign was installed.

Council Member Siegel suggested that letters be sent to residents in the areas of the proposed locations, asking for their input, in order to perhaps find one location that would make everyone happy. Mayor Pro Tem Cohen was not sure that was a good idea, but did want to make sure that baseline numbers were obtained in order to judge the effectiveness of the sign after it was installed at a particular location.

Council Member Siegel stated that even though proposed costs were provided by the manufacturer, the City could still obtain other estimates from contractors for the purchase of poles and sleeves and their installation. Council Member Freedland wished to point out that the sign itself, however, should always be moved by the manufacturer.

The Council thanked Mr. Nussbaum, and directed him and staff to proceed with investigations of the different proposed locations, work with Sheriff for input, observation, and data, and to return to the Council when ready with specific recommendations and related costs.

CONSENT CALENDAR

- A. City Council Minutes – July 11, 2005**
- B. City Council Minutes – July 25, 2005**
- C. Demand List**
- D. Disbursement List – June**
- E. Financial/Treasurer’s Report – June**

Council Member Siegel had the following comments regarding the financial statement:

Per the report, which represents the end of the fiscal year, the City has close to \$300,000 more than expected; there was a vehicle license fee (VLF) windfall, whereby the City received an unexpected \$100,000; the property taxes, which one would expect to be more, were actually 15% less; the budgeted income was approximately \$266,000 more than expected, even with the \$80,000 less in property tax; the expenses were 98% of the budgeted amount; overall, it was a good job all around.

Mayor Pro Tem Cohen pointed out a \$50,000 liability still on the books after quite a few years (it had been set aside for a community grant related to gate cameras), and suggested the accountants be asked to remove that liability. The Council agreed. 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 CITY COUNCIL MEMBERS

- A. Discussion Regarding Tree Permit Ordinance/Regulations/Procedures**

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

He has provided a memo that discusses the history and existing tree permit procedures; the attached table, covering this past fiscal year, shows the following: 1) 25 applications were processed, 2) 7 applications were submitted to the Council, 3) 50 trees were subject to tree permits, with 27 of those being pine trees, 4) 6 major permits were issued, 5) 15 minor permits were issued, 6) 9 applications required replacement trees and a security deposit, 7) 5 applications were submitted after-the-fact (after the trees were already removed), and 8) 4 letters of non-compliance were sent; during the year \$8442 in fees were collected, with the City’s costs at roughly \$14,000, not including City Attorney and City Manager costs; staff continues to receive comments and suggestions, regarding the tree permit process, from residents, applicants, the Community Association staff, and members of the Association’s Architectural Committee; staff would like to make the entire process less onerous, and would like the Council’s input; in summary, 1) the costs

related to the administration and issuance of tree permits exceed the fees collected, 2) staff spends a large amount of time related to tree permits, 3) most of those providing comments and suggestions regarding the process feel it is to onerous and costly in most circumstances, and that the security deposits are unnecessary, other than for oak trees; the Association presently has the responsibility to approve all landscaping within the City; the Association staff and members of the Architectural Committee feel the Association could regulate tree removals in lieu of the City (if the Council chose to reduce or eliminate any of the regulations), but the Association would most likely have to make some changes to its regulations; staff has provided several options for the Council's consideration, but would recommend that the current ordinance be amended to apply to oak trees only, with other trees not being subject to the ordinance, and that the costs be assessed in order to draft and adopt a new fee resolution; the Association has asked to be involved in this revision process, and to be given advanced warning before any changes are made that might shift some of the responsibility to them.

Mayor Pro Tem Cohen stated the following:

He is sensitive, if at all, to two things – possibly oak trees (although he does not feel they are that valuable), and street frontage, if the Council wants to maintain some control; he is not at all concerned with back or side yards; he would like to make this a very minimal supervisory and compliance process, as he feels trees grow abundantly in the City; he definitely does not want to collect security deposits, as is presently done, to assure survival of replacement trees.

Council Member Siegel added his comments:

He would generally agree with Mayor Pro Tem Cohen; historically, the reason the City originally got involved with tree permits was because the Community Association did not have the ability to enforce such a permit; he does not feel the City should be regulating tree removals, and would like to see as much of the permit process as possible phased out, other than for oak trees; he would definitely like the sureties removed, and any control over trees in the back or side yards; there does need to be some sensitivity to the issue of aesthetics, as the way someone's property looks is important to the entire community.

Mayor Pro Tem Cohen suggested that the City find out from the Association exactly what they are willing and able to do regarding enforcement of tree removals. Council Member Fisher wondered if there was some means by which the City could provide enforcement for the Association if they took over the process, but Mayor Berg did not feel that was something the City would want to do even if possible.

Council Member Freedland made the following statements:

He agrees that the City should not be in the tree business, but would be against relinquishing control to the Association unless they have in place a way to enforce tree permits; the City cannot enforce their rules, but the Association does have ways to enforce the Architectural Standards; if the City retains control, he would like to take some steps to make the ordinance more reasonable and would agree with the following: 1) there be no increase in fees to the residents, 2) the sureties should be eliminated unless the Council wants to discuss security deposits only in connection with oak trees, 3) possibly increase the number of trees from 5 to 10 that could be removed under the authority of the staff, rather than the Council, so the residents do not have to wait for Council meetings, and 4) perhaps increase the number of trees from 2 to 5 that could be removed in a five year period with a minor permit; staff could meet with the Association to see if they could put some mechanics in place to control tree removal; people do value trees, and even though people have rights on their own properties, what they do on those properties does affect the neighbors.

In response to Council Member Fisher, City Engineer Lovett explained that the Association did not raise this issue with the City, but staff did speak with the Association staff and members of the Architectural Committee, all of whom felt the Association could take on this responsibility and would be happy to do so, subject to review by the Board of Directors, for whom they could not speak. Council Member Siegel was not convinced that the Association was set up to enforce tree regulations, but thought the City should “whittle away” at the present ordinance while ongoing discussions were held with the Association regarding the process. Mayor Pro Tem Cohen pointed out, after seeing some enforcement letters from the City that spanned a fairly long time period, that perhaps the City was not always effective with enforcement either. Council Member Siegel thought that was a different discussion, with the City Manager stating that staff would establish a better “tickler file” to hopefully eliminate those time periods in the future.

Council Member Siegel felt staff should begin discussions with the Association regarding the following possible changes to the City’s ordinance: 1) eliminate sureties and security deposits for replacement trees, 2) leave permit costs as they currently exist, 3) continue to treat oak trees per the current ordinance, and 4) continue to treat all trees on street frontages per the current ordinance, but exclude all trees in the side and back yards, where there is no street frontage, from

the requirements of the current ordinance. Council Member Freedland felt the requirements could be eased for the side and back yard trees, but should still be regulated to protect the privacy of neighbors. Council Member Fisher did not agree that one's privacy should have to be protected by the neighbors.

Council Member Freedland thought there was some disconnect between the City and Association regarding what was expected of the Association once the City approved a tree permit resolution, and thought that any discussions and better communication could be helpful. Council Member Siegel again stated that he thought the Association should be the governing body for tree removals, but only if the Association is able and willing to enforce the issue. He added that if, after discussions with the Association, they decided this was something they could and would do, then the Council could possibly agree to relinquish control.

Staff was directed to meet with the Community Association, based on the above discussion.

B. Report on 7/19/05 Hidden Hills Community Association Board of Directors Meeting

Council Member Siegel reported that he attended the Board meeting just long enough to provide information on the availability of the draft EIR for the Lasher project.

C. Report on 7/19/05 Las Virgenes Malibu Council of Governments (LVMCOG) Meeting

Council Member Siegel presented the following information:

From the 101 Corridor Study, there is now a push to add one mixed flow lane on the 101 freeway traveling west from Topanga Canyon to the Ventura County line; this is under discussion; there are also discussions with the Sheriff's Department for the possible placement of signs on Las Virgenes/Malibu Canyon and Kanan Road during certain emergency situations; the signs would warn vehicles exiting the freeway not to use the canyons due to traffic problems that could result in them being turned back; the Sheriff's Department costs to contract cities is an ongoing issue; the COG met with the County

auditors and took a strong position that there were inequities in the formulas being used to determine additional costs they thought the cities could be billed for; the COG asked for a meeting with County Supervisor Zev Yaroslavsky, but he declined; the COG is also working with emergency personnel from each of the cities to schedule and plan an emergency related tabletop exercise in the future; the cities now have some sophisticated satellite equipment that will hopefully allow all the COG members to better communicate with each other and the County during emergencies.

D. Discussion Regarding Coyotes

Council Member Fisher stated that he has been getting calls from residents complaining about coyotes, and wanted to discuss the problem to see if the Council thought another trapping program might be appropriate at this time. He added that he has not seen any on his property, but that there were people in the audience who had and would like to address the Council.

Sandy Kaye was the first to speak:

She has lived on a high hill on Round Meadow for a long time; she knows there is a coyote situation; she does not have a problem with one or two coyotes, or seeing a mother coyote with an offspring, but there are now four of them in a pack; they come up from Round Meadow between 6:30 a.m. – 7:30 a.m. and go along her fence where she can see them from her window; they stand and look at her, and then leave when they are bored; school starts in two weeks, and children will be on the street; coyotes are on her front lawn and hill every night whooping and hollering, sometimes two – four times a night; it is not unusual to hear screaming at night when there is a kill, but this is in the morning when it is light; she believes this shows a change in their pattern; when she called City Hall, she was told that the City normally does not do a trapping program unless the coyotes are threatening; the evening before, there was a coyote sitting on the hill (it was dark so she could not see it), behind her pool on the other side of her fence; she was concerned for her dog that was on her side of the fence; even though she yelled and clapped her hands, the coyote sat there barking for 40-45 seconds; it was not afraid of her, and she was driven into the house; there is a coyote that sleeps on her hill behind the pool, which is right in her back yard behind the garage; she thinks this is a threat and would like to see the City take responsibility; she has not had any sleep for five weeks; there are other neighbors that agree with her.

Michele Licht was next to address the Council:

She agrees with Ms. Kaye; she lives on Round Meadow and has been here about ten years; she walks with her two large dogs on the trails, probably about twelve hours a week; she has seen a change in the coyote behavior; before she would see them and they would just disappear; now they just stand on the trail and are not at all intimidated by her large dogs, so she just turns around and goes the other way; she yells at them and they do not move; she has seen them right on Round Meadow early in the morning, and on the trail between the two Jed Smith Roads; she hears them at night and thinks there is definitely an increase in the coyote population.

Judy Kaufman stated the following:

She lives on Robert Guy; for the last two weeks they have heard a great deal of screeching during the night; she lives at the end of a cul-de-sac, with a back yard and a hill on the side; during the day the coyotes are running up the hill; there are a lot of them and they are getting hungrier; she is concerned and very uneasy, especially when her grandchildren visit and are out on their bikes, etc.

Council Member Siegel commented as follows:

The City staff spoke with Troy Spillman, the coyote trapper, just today; Mr. Spillman did visit with Ms. Kaye and reviewed the situation; Mr. Spillman said that even though he would not mind the business from the City, he had not seen anything that would justify in his mind the conducting of another trapping program at this time; he is the professional, and knows better than the Council; he wondered why Ms. Kaye, if she were that afraid and felt that threatened, and had not been able to sleep for five weeks, would not hire the trapper herself; Mr. Spillman said he was available to her as a private trapper on her property.

Ms. Kaye responded as follows:

Mr. Spillman did come to her house; he told her she should go to the City Council meeting since it is the Council's responsibility to do the trapping; he said the Council would be reviewing the issue, and he hated to see her have to do this as there are coyotes all over and undoubtedly she had a pack on her property.

Council Member Siegel made the following additional comments:

Since there seems to be some discrepancy in what was said by whom, he thinks Mr. Spillman should be invited to attend the next Council meeting so everyone can get together and discuss the matter; the City cannot be in a position to hire the trapper for every complaint received; when the Council originally decided to conduct a trapping program, it was because of a very dangerous situation; coyotes were taking pets from

yards, they were on people's patios, they were standing and looking in windows at pets inside, there was a large number of dead animals, etc.; a lot of coyotes were removed, and we are not now seeing that same coyote behavior; the program is not to eradicate coyotes, which would not happen; the only complaints staff has been receiving are for sightings and hearing the coyotes, not for aggressive behavior.

Council Member Fisher asked that a notice be placed on Cable TV channel 3 asking residents to call with any coyote complaints, with Mayor Pro Tem Cohen suggesting the message also inform everyone that the trapper will be at a particular meeting, once his attendance is confirmed. Council Member Siegel agreed, stating that a notice should also be sent via the City's email/fax notification program to let as many people as possible know, as there are also residents in the City who do not approve of the trapping programs, since the coyotes are not relocated but destroyed. He pointed out that the trapper is very knowledgeable and can discuss coyote behavior with those in attendance at the Council meeting.

Mayor Berg wished to remind everyone that individual residents could hire the trapper themselves, no matter what the City chose to do, to address coyote problems on their own property. The City Manager stated that staff takes coyote complaints on an ongoing basis, and will notifying residents by cable and the email/fax notification program that they should continue to call with any complaints; that notification will also include the date of the meeting Mr. Spillman will attend.

MATTERS FROM STAFF

A. Lasher Development - Update

City Engineer Dirk Lovett provided the following update:

The draft Environmental Impact Report (DEIR) has been completed and is available for public review and/or purchase; staff is awaiting any written comments that can be submitted through September 8, 2005; staff has been approached with some questions regarding the DEIR and the project, but nothing has been received in writing to date; any written comments received will be forwarded to the consultant for a response; the document was circulated to all required and interested agencies; the developers sent a brochure to all the City residents.

Mayor Berg reminded everyone that the DEIR could be purchased at City Hall, either in print or on a CD, downloaded from the website, or viewed at City Hall, the Community Center, or the Calabasas library. He then asked City Attorney Larry Wiener to once again explain the process.

Attorney Wiener stated the following:

The DEIR is available and can be picked up at City Hall; written comments on the DEIR will be accepted through the close of business on September 8, 2005; written comments submitted by that time will be submitted to the consultant who will respond to the comments in writing, with the help of the City staff; the DEIR, which is currently in circulation, plus the written comments received by September 8, 2005, plus the responses to those comments, plus any DEIR revisions made in response to the comments, will all be put together to become the final EIR; the final EIR is then brought to the City Council with the project, later in the year at a public hearing, the date of which has not yet been set; at that time, the Council will have a description of the project, the final EIR with all the comments and responses, and will hold a public hearing to determine whether to go forward with the project; at that time, at the public hearing, the developer will have an opportunity to speak to the City Council to state why the project should be approved; any residents or others may also speak for the project, against the project, or for the project to be approved with conditions; the City Council will listen to all the comments, consider the EIR, and consider any other material presented; after that public hearing, the Council has the opportunity make a decision on the project – to move forward on the project or not, or to move forward with changes.

Council Member Siegel reminded everyone that the Community Association would be working on a track parallel to the City's, as the Lasher project has to be approved by and accepted into the Association, and that their conditions should also be finalized as soon as possible. As there was some question as to how the Association's conditions might relate to the City's conditions, Mayor Berg asked Attorney Wiener for some direction. Attorney Wiener explained as follows:

The Community Association has the DEIR; he believes they will develop and provide conditions to the City indicating their desires for the project; their conditions will not automatically become City conditions; the City can take them into account and incorporate any conditions the City Council feels are appropriate for the City to impose as City conditions; it would be in everyone's best interests – the Association, the developers, the residents, and the City – to make sure this process is coordinated; there is no requirement for the City to begin and end the public hearing for this project on the same night; the public hearing can be continued.

Council Member Siegel informed the Council that he talked to the Association, and he believes they are aware that they need to begin the process and move along. The City Manager stated that she had also talked to the Association Manager and Board President, offering to schedule a meeting with them to discuss the DEIR and possible conditions for the project.

In response to Mayor Berg, developer Ron Gonen informed the Council of the following:

They are communicating with the Association Board of Directors; he thinks the Board will be providing comments on the DEIR where necessary; as he understands it, the Board believes it might be appropriate to handle this project in the same manner as a previous project, whereby the City conditions included a condition that the developers reach an agreement with the Association, negotiated directly with the Association; the Association was waiting for the DEIR before beginning any negotiations, but he thinks the process for both the City and Association will run very parallel.

As there was still some confusion over any possible coordination of conditions, Attorney Wiener was directed to further investigate the matter. Council Member Siegel asked the City Manager to provide an update at all future Council meetings regarding any progress being made by the Association in relation to their conditions, as he wanted to assure that the City did not have any conditions that might conflict with Association requirements for such things as roads and trails. Mr. Gonen informed the Council that the trails, as shown on the project plans, had been reviewed by the Association Board of Directors and approved by the Equestrian Services Committee.

Mayor Berg asked staff to look into the possibility of using the Round Meadow multi-purpose room in the future for any public hearings that might have a large audience. Council Member Siegel thought it might not be necessary, and that the City could wait to see how many comments were received on the DEIR. The City Manager also wished to point out that the project property needed to be accepted into the Community Association, but that it was already in the City, so there would be no City annexation required.

B. Consideration of Approval of Resolution Regarding the Southern California Association of Governments

Upon MOTION of Council Member Siegel, seconded by Council Member Freedland and unanimously carried, it was resolved to adopt by title only Resolution No. 772 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS COMMEMORATING THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) FOR FORTY YEARS OF SERVICE TO THE SOUTHERN CALIFORNIA REGION.

At this time (9:15 p.m.), the Council took a fifteen minutes recess. Mayor Berg reconvened the meeting at 9:30 p.m.

STUDY SESSION REGARDING HOUSING ELEMENT ISSUES

The City Council and staff discussed the process leading up to the adoption and certification of the City's housing element, the comments received by the State Department of Housing and Community Development (HDC) in relation to the adopted housing element, and possible future meetings with HCD to discuss ongoing and future programs per the housing element.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Siegel and unanimously carried, it was resolved to adjourn the regular meeting of August 8, 2005 at 9:48 p.m.

Ronald S. Berg, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk