

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, August 22, 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 22, 2005 at the hour of 7:32 p.m. Mayor Ronald Berg called the meeting to order and presided thereover after asking resident Kitty Andrews 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 Engineer Dirk Lovett
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Cohen and unanimously carried, it was resolved that the agenda for the August 22, 2005 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Berg made the following announcements:

He reminded everyone of the blood drive this Wednesday, 8/24, from noon to 6:00 p.m. at the Community Center; anyone who has not yet made an appointment can call City Hall.

He extended a thank you to Bookkeeper Randee Weinberger, who will celebrate her 15 year anniversary with the City on August 31st; she has been a great asset to the City, and will be presented with a City certificate.

City Hall, the Building & Safety Department, and the Community Center will all be closed and there will be no inspections on Monday, September 5th, in honor of Labor Day.

AUDIENCE

Resident and Las Virgenes Municipal Water District (LVMWD) Board President Charles Caspary addressed the Council:

He is here representing the LVMWD; there are issues regarding sewage treatment facilities and the permitting of same before the Regional Water Quality Control Board (RWQCB); if the RWQCB continues on its current path, basing permit criteria on questionable science without sufficient public input, it is conceivable that sewer rates could triple or double for all residents; if the rates just double, Hidden Hills residents alone would be paying ¼ million dollars more per year in sewer fees; our concerns have been heard by the RWQCB, and the Board has delayed adopting Total Maximum Daily Loads (TMDLs) for a number of years; however, the RWQCB is hearing the Water Board's permit at a public hearing on September 9th at 1:00 p.m. at the Agoura Hills City Hall; it is important for the Mayor or any other Council Members to attend, as well as any interested residents; for additional information, he will leave copies here and at the Community Center of the Water District's newsletter, "Steps to the Creek", or residents can call the Water District or call him directly, or visit the website at www.yourwater.com; the Water District is concerned that the RWQCB has gotten a bit distressed with the District's efforts to make them prove that the regulations they are proposing make sense, and it is just not happening; it is very important for the coalition of interested parties, which includes and is often lead by the Water District, to stay together to protect the health of the entire Malibu Creek system; the coalition should be given time to complete other studies so there is mutual agreement on how to solve the problems; the RWQCB is not taking that approach; this is not the last of the issue, but

just the beginning, and it is important to show the RWQCB that the actions they take are important to all of us; he again asked everyone to attend the public hearing on September 1st.

Mayor Berg said he would attend the hearing if at all possible, and asked Mr. Caspary to meet with him before the hearing. Mayor Pro Tem Cohen asked if a letter from the City would help at this time, to which Mr. Caspary responded as follows:

The Water District is committed to spending whatever it takes to improve the health of the Malibu Creek watershed; the impairment in the watershed is mainly algae in the creek in the summer time; the Hidden Hills newsletter does a great job of educating the residents regarding proper irrigation, prevention of horse manure run-off, etc.; a letter from the City would be very helpful, and would be needed this week.

The Mayor directed staff to work with Mr. Caspary to assure that a letter is provided to the RWQCB this week.

Dave Moorman then addressed the Council as follows:

He lives in Agoura Hills, is running for the Las Virgenes Unified School District (LVUSD) Board in the 11/8/05 election, and would like support from the residents of Hidden Hills; when he moved to this area, his children moved from private schools to the public schools, and he made a commitment to do what he could to help the schools and his community.

Mr. Moorman then provided information on his background, what he has done for the School District thus far, and his ideas and plans for the future if elected, inviting each and every resident to call him or visit his website.

PRESENTATION

Consideration of Approval of \$2000 Expenditure to the Las Virgenes Unified School District to Undertake Feasibility Study to Assess New Revenue Options

Assistant Superintendent Dr. Donald Zimring provided the following information:

Before the Council for consideration is a proposal that has also been presented to the other three cities in the Las Virgenes Unified School District (LVUSD), borne out of a desire to protect our local schools; the truth is that the State is failing to support public

education in the same manner as other states do; the Hidden Hills community has always rallied behind the schools; staff from the four cities and the School District have been working together in an attempt to find long term support for the schools; many people move to this area because of the School District, and the students deserve better than what they have been getting; he is asking the four communities to join with the District to have a common focus, since public schools really are a part of the essential fabric of a community; knowing that this would have a price tag, no one wanted to do anything that would harm or take funds from the cities; a Council Member in Westlake Village raised the issue of identifying revenues from each of the cities that could be dedicated to the schools, and suggested looking at the property transfer tax, which is paid any time a property changes hands; with that Council Member's admitted limited knowledge, he thought the rates for that transfer tax in each of the four area cities was relatively low compared to other cities; it seemed like a unique approach that no one else had previously looked at, so a law firm specializing in the nature of tax law was identified; what he is proposing is that the District and the four cities together share the cost for a feasibility study (at \$2000 apiece) to see if this is a possibility that would work and not harm the cities in any way; the three other cities have approved the expenditure.

Mayor Berg explained the following:

The County currently collects 55 cents per \$500 on each transfer of property, which is usually paid by the seller; one-half of that (27.5 cents per \$500) is remitted back to Hidden Hills; for the first eleven months of this last fiscal year, the City received \$50,330 as a result of this transfer tax; he believes the District is not suggesting that any of these funds be given to the schools, but is looking to see if there could be additional funds related to that tax that could be provided to the schools; there are some charter cities that do collect an additional amount over the amount of the transfer tax collected by the County; for example, Los Angeles collects over \$5.00, while Santa Monica collects over \$3.00.

Dr. Zimring confirmed that there is no intent to reduce the amount of tax now being received by each of the four cities, but to look for new income streams. Mayor Berg stated that on behalf of the City, he recently met with both Red Godfrey of the Las Virgenes Education Foundation (LVEF) and LVUSD Board Member Terilyn Finders, who were talking about fundraising in connection with the cities. He wondered how their efforts were tied to this proposal. Dr.

Zimring commented as follows:

Originally, when representatives of the cities met with the LVEF and were asked to consider providing funding, the cities expressed concern that the School District would not be involved; he thinks this is money well spent, which is why he is suggesting that all

four cities plus the District provide money for this study; the LVEF will not be coming to the cities for funding in relation to such a study, however, that does not mean they will not ask for other help in the future.

Council Member Siegel asked if it was contemplated with this study that the people who live in the cities would have the option to vote on any proposed tax, or if it would be the Councils. Dr. Zimring stated that he is not an attorney, but since none of the four cities is a charter city, it appears that a vote of the residents would be required. Since no one has looked at this, the study would look at that issue and a legal opinion would be obtained.

Council Member Freedland wanted to know if the rates were the same for each of the cities, and if not, if the rates were known. Dr. Zimring thought the tax was collected for each City by the County, but that the rates were different, although he did not know what the rates were.

Mayor Pro Tem Cohen did not wish to reinvent the wheel, and found it difficult to believe that no one had ever looked at this possibility before. Dr. Zimring responded that there seemed to be information for charter cities related to the transfer tax, but not for other cities, and that after asking for references, this one firm was selected but had no knowledge of anyone looking into this proposal, although they found it very intriguing. Dr. Zimring added that the attorneys from both Westlake Village and Calabasas were not aware of any such studies. Mayor Berg thought City Attorney Larry Wiener should be contacted to at least determine if anyone in his firm had ever studied this tax and how it related to general law cities, or knew of any existing studies by anyone else.

Mayor Pro Tem Cohen was also concerned that there was no guarantee that the cost would be limited to the proposed amount of \$10,000. Dr. Zimring assured the Council, that as the lead agency, the School District would monitor the costs so they would not exceed the \$10,000.

Council Member Siegel wished to add the following comments:

He does not find the fact that taxes are low to be a bad thing; he would support this only to the extent that any additional taxes would go to a vote of the residents; Hidden Hills has reduced its taxes, and he does not believe that the Council should be imposing more taxes; if the people choose to tax themselves, that is acceptable.

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve the expenditure of not to exceed \$2000 for the Las Virgenes Unified School District to undertake a feasibility study to assess new revenue options, subject to first checking with the City Attorney to determine that the study will not be duplicating any previous efforts. The total cost of the study is not to exceed \$10,000, with the cost being shared by the LVUSD and the four cities in the region. The Mayor and City Manager will contact the City Attorney, and will then share any information obtained with Dr. Zimring.

2005 FIESTA – Co-Chairmen Andrea Lascoe and Lisa Moriarity

Consideration of Approval of Proposal from A Rental Connection for Rentals of Tables/Chairs and Electricity

Co-Chairman Lisa Moriarity presented the following report:

The proposal received from A Rental Connection is for \$9278.78, a little less than the budgeted \$9500 amount, although that extra amount has actually been spent in other areas that are slightly over budget; in talking with personnel from A Rental Connection, it was suggested that two additional bathrooms be rented, at a cost of \$561, as the four last year became full and stopped working; however, no complaints about the bathrooms have ever been received, so she and the other Co-Chairman do not think it is necessary to add the two extra bathrooms; it may also be possible to use the bathroom this year that is under the announcing/refreshment stand, since the pop-out tent is not being used in that area.

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 A Rental Connection to provide tables, chairs, other equipment, and electricity for the 2005 Fiesta at a cost of \$9278.78, subject to A Rental Connection signing a City agreement.

PUBLIC SAFETY

A. Los Angeles County Sheriff's Department Reports – June and July

Captain Tom Martin provided the following report:

During the month of June, there were two felonies, both grand thefts; jewelry and cash valued at around \$60,000 were taken from a home in the 5500 block of Paradise Valley by a person hired to watch the home while the residents were on vacation; in the 6000 block of Spring Valley Road, tools were taken sometime during a seven day period from an unlocked garage; he would again, as he always does, remind everyone that even though this is one of the safest cities, homes, garages and cars need to be locked; during June there was also one case of domestic violence, and one traffic collision; youngsters were driving on a trail and destroyed some fencing; they did confess and paid for the fencing repair; during the month of July, there was one theft, which he would consider a preventable incident, since it involved an unlocked car; a laptop computer was taken from a vehicle in the driveway between 7:00 p.m. and 8:00 a.m. on 7/26-27 in the 5600 block of Jed Smith; from 5/16/05 – 6/5/05, a transportation grant was used in the City for the “Click-it or Ticket” program, which was established to increase compliance within the State for seat belt usage; even though the statewide level of usage is around 90%, that still leaves many people not wearing their seat belts; in Hidden Hills, there were 43 violations, with compliance increased from 81% to 86%; he would encourage everyone to wear seat belts to increase that percentage; Deputies have also been monitoring vehicle traffic at Long Valley gate due to construction vehicles lining up to enter the City before 7:30 a.m.; they have been keeping the inconvenience low and the safety level up; three citations have been written, with several others being warned; he believes they are now getting cooperation; he has scheduled a significant enforcement level for the opening days of Round Meadow School to try to provide early education regarding traffic patterns, drop-off areas, safety, etc.; the Department will be highly visible, and he would ask everyone driving in that area to comply with the law and traffic flow patterns.

Mayor Berg announced that he just signed a letter that will be provided to Round Meadow School for distribution to all parents that provides directions, encouragement for carpooling, etc., along with a diagram showing the traffic flow patterns. He suggested the letter be emailed to Captain Martin for distribution to any Deputies working at Round Meadow School.

B. Los Angeles County Fire Department Reports – June and July

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

During the month of June, there were a total of ten responses; these included five emergency medical, two false alarms/good intent, two snake removals, and one public assist; there were also three Fire Prevention Bureau inspections as well as three plan checks; during July there were two fires, one being a vehicle fire on Long Valley Road resulting in \$500 in property damage; the other was a grass fire covering 1/10 of an acre on Long Valley Road, caused by an electrical short; there were also seven emergency medical responses, one false alarm, and four snake removals; the brush inspections are conducted jointly between Station 68 and Station 125, so include both Hidden Hills and Calabasas; in total, there are 2147 parcels to inspect, with 2128 having been inspected by the beginning of August; of those, 159 (or 7%) were issued 410s, which means something was wrong with the brush clearance that needs to be brought into compliance; of those 159, 129 have already complied, 29 are still in the process of working with the station on compliance, and one has been turned over to the brush clearance unit for enforcement (in Calabasas).

Council Member Freedland asked Ms. Grycan to briefly explain the difference between using a cell phone and a land line when calling 911 (this information will also appear in the City's next newsletter). Ms. Grycan provided the following information:

When you need to call 911, it is preferable to call from a land line, as the call is routed directly to your local law enforcement agency and your location is immediately pinpointed; even if the call is lost, they will know where you are and can dispatch resources; put simply, if you call on a land line from Hidden Hills, the call goes to the Lost Hills Station; if you call on a land line from Long Beach, the call goes to the Long Beach police station; if you call on a land line from Pomona, the call goes to the Pomona police station, etc.; if you call on a cell phone anywhere in L.A. County, the call goes to the California Highway Patrol (CHP) dispatch center in downtown Los Angeles, creating an enormous volume of calls, often resulting in a busy signal; she would suggest that you always try to find a land line closest to where you are; if you have to use a cell phone, you should program into your phone the local numbers; if you are in this area and need to call 911 for law enforcement, have your phone programmed to call the Lost Hills Station direct; if you are in this area and need to call 911 for fire or medical, have your phone programmed to call the Los Angeles County Fire Department direct; these numbers will be provided in the City's newsletter; the CHP is currently working with cell phone providers and cell sites to remedy this problem; when you call from a cell phone and hit the send key, you get attached to a particular cell site so the call can go through; the effort is being made to associate all cell sites with local law enforcement agencies so when a 911 call comes from a cell phone and is attached to a cell site, the call will go to the local agency rather than the CHP dispatch center; in other words, the cell phone call will act just like a land line call, except your location will not be immediately known; the target date for completion of this change is January 1, 2006.

In response to a question from the audience, Assistant Fire Chief Reggie Lee stated that if a resident calls for a snake removal, the Fire Department considers all snakes venomous, and they will be exterminated. Chief Lee then provided the following additional information:

The Fire Department will be using a house in Hidden Hills for approximately two weeks for training purposes in the near future; the residents need to demo the house and offered its use; training is always better when an actual home can be used; the Department will practice forcible entry, ventilation, and possibly search and rescue; there will be no fires, but to obscure vision, they will probably bring in smoke machines, which produce a cool fog that dissipates; the residents will have to provide a letter indemnifying the Fire Department; on August 18th, there was a controlled burn in Chesebro Canyon Park; it was a 30 acre burn for the National Park Service, but the Fire Department had its resources there.

Mayor Berg suggested to the Architectural Committee consultant, who was in attendance, that he might want to notify residents when they submit plans for a demo, that they can contact the Fire Department if interested in offering their homes for training purposes.

C. Discussion Regarding Coyotes

Mayor Berg stated that some people have been complaining about coyotes lately, and that coyote trapper Troy Spillman had met with at least one of them and directed her to contact the City. Mayor Berg then asked Mr. Spillman for his comments, which he provided as follows:

He did meet with Ms. Kaye and spoke to a couple of other people, as well as looked at the complaint list provided by the City staff; out of twenty complaints, he saw only three and one more possibly that would meet the criteria for coyotes being threatening or posing a public safety issue; as a businessman, he would be glad to provide a trapping program for the City, but he did not feel the behavior reported was in line with what the City had set for conducting a trapping program; he did tell Ms. Kaye that if she had a problem, she should communicate that to the City; even though many residents have his phone number, he has not heard from anyone else and does not feel that twenty complaints throughout the entire City are very many; he believes the work that was done before has helped.

In response to several questions from Mayor Berg, Mr. Spillman replied as follows:

If complaints are not filed with the City, he does not know about them; based on the complaints he has seen, he would not suggest a trapping program at this time; the yipping

does not always mean that the coyotes are involved in a kill; the City will always have resident coyotes; there is not nearly the problem that the City had some time ago; yes, individuals can hire him or another company to trap on their property; it is not necessary, as one resident suggested, to get a depredation permit from the Department of Fish & Game; however, residents can get this type of permit and license if they themselves want to trap on their own property; he does not know about Hidden Hills, but some cities allow the discharge of a weapon within their city boundaries; California law allows you to kill an animal on your property if it is a public safety issue or a threat to your personal safety; if complaints come from people in close proximity to each other, it is probably the same coyotes that they are all seeing; neighbors could get together to hire a trapper; if more people are complaining that live further away from each other, it gives him a better picture of what is happening in the City.

Mayor Berg wished to point out that the Council was not encouraging residents to shoot coyotes. Council Member Fisher then asked Mr. Spillman if he told Ms. Kaye to call the City, and if he was saying that the City did not need a trapping program at this time. Mr. Spillman responded as follows:

He did tell Ms. Kaye that she should contact the City to communicate her feelings; the coyotes do not seem to be threatening; there have been only a couple people who have reported behavior that appears threatening; there have not been a lot of attacks on dogs; from the number and type of complaints he has seen from the City, he cannot say that he thinks the City needs a trapping program.

The City Manager pointed out that Mr. Spillman did tell Ms. Kaye to call the City to voice her complaints, but he also offered his services to her individually.

Mayor Berg invited anyone in the audience to speak at this time.

Resident Bob Sullivan asked what criteria would cause the City to hire the trapper, to which Mr. Spillman responded as follows:

He looks at the number of complaints, and how many attacks have occurred on pets; if a coyote is coming close to a person who is holding a pet, that is not normal; if a pet is free-roaming, it is normal for a coyote to come after that pet; in previous years when the Council chose to conduct a trapping program, there was very aggressive behavior; coyotes were looking into windows at pets, and following children to bus stops; if many more coyotes are being seen in the daytime, and they are coming into garages or through

doggie-doors, this is not normal; it is normal for coyotes to come to pools for water; on the list provided by the City, there were three and possibly one more report that represented aggressive behavior; for example, #16 reported coyotes on the trail that would not run away when yelled at; if you yell, and the coyotes circle around or follow you and will not leave, this is aggressive behavior; most of the complaints are just seeing or hearing the coyotes, which will always happen in Hidden Hills; there was one dog attack reported from ten days ago; the dog will recover, but this is definitely aggressive behavior.

Resident Kitty Andrews wanted to know if the Council Members were going to wait for something to happen before they did anything, to which Mayor Berg replied that the Council Members had asked for comments from residents, were listening, and would then make a decision.

Resident Paul Bryson addressed the Council:

His family has lived on Round Meadow Road since 1959; he has kept chickens most of the time since 1970, and also had sheep from 1994-2002, so has experience with local predators; there were few or no coyotes in the area during the 1970s and 1980s even though there were many chickens, cats wandered freely, and there were no daytime coyote attacks; more recently he lost lambs and ewes, and caught as many as three coyotes working together in a group to take the chickens; the coyote problem subsided after the first round of trapping, but now the problem is back; this past Tuesday, five of his hens in the open field were killed in the daytime; he has a 6' chain link fence and knows it could only be coyotes, as dogs cannot jump the fence; he confirmed it was coyotes, as they returned for the remains; something has changed and there are more coyotes now; he did some research, with the opinion being that the area is greener now, as opposed to the dry, dusty ranch land it was before; now there are more rabbits and rats, and prey species attract the coyotes; the research (which he handed out) also documented an increasing pattern of coyote attacks on human beings, usually small children, but even on adults; these are not sick animals but healthy coyotes looking for a meal; he believes attacks on pets precede and predict attacks on humans; if he has caught them attacking sheep, that is just one step away from a child being killed.

Council Member Freedland asked Mr. Bryson when the attacks on the sheep occurred, and reminded everyone that a trapping program is not an eradication program, as it is impossible to eliminate all coyotes, especially with Ahmanson Ranch right here. Mr. Bryson responded as follows:

The last round of attacks on the sheep was in January of 2002, when he observed the coyotes working in threes and climbing his 6' fence; Ahmanson has always been there, and Crummer Ranch had a large sheep operation, but no coyote problem; the aggressive behavior criteria may make sense when considering if coyotes should be removed, but the baseline from a couple of decades ago should be looked at, as the current acceptable level seems much higher now; coyotes can expand in the face of human habitation rather than go extinct; coyotes are very much like rats that need a continuous control program.

Mayor Berg asked Mr. Spillman to respond to the above comments, which he did as follows:

He is not opposed to anything Mr. Bryson said; as a businessman, he could easily tell the City they should do a trapping program, but he does have ethics and does not want to trap coyotes just to trap them; it is definitely greener in this area now and there are more rabbits; if residents are not controlling the rabbits in their yards, the rabbits provide food for the coyotes; more people live in the area than years ago, and with more homes there are more swimming pools and more water, more fruit trees, more pet food left out, and more rabbits and rats; coyotes are very opportunistic and will come for the food if it is available; he has not seen a lot of aggressive behavior, not to say that a coyote might not become aggressive tomorrow; if he lived in this area, he would never allow his young child to play alone in the yard.

Both Mayor Berg and Council Member Siegel asked Mr. Spillman if he would allow his young child, a pet, or chickens alone in the yard once another trapping program was completed, to which Mr. Spillman replied "no", stating that due to the dynamics in this area – with Ahmanson, the pet cemetery, the riding arenas, etc. – even if some coyotes are removed, new generations will move in and there will be continuous replacements.

Council Member Freedland asked Mr. Spillman if he had been compensated in any way to attend this meeting, and if other than for trapping programs, the City of Hidden Hills paid him for anything. Mr. Spillman responded "no" to both questions. Council Member Freedland then commented that he found it very compelling to hear someone who makes his living trapping coyotes, to give his professional opinion that a trapping program is not necessary at this time based on the conditions as they exist now and the reports not showing a lot of aggressive behavior.

Mr. Spillman stated that he tries to work with any individuals in the City, and when he suggested that Ms. Kaye call the City, he wanted her to network to see if there were other complaints, as hers was the only call he had received, and he cannot draw a valid conclusion from just one call. Council Member Freedland agreed that no one on the Council wanted to wait until an accident happened or wait too long until things get out of control. Mr. Spillman pointed out that there was an attack on a little girl in Northridge, but that area had coyotes every day and night showing aggressive behavior. He also said that people feeding coyotes help create the monster.

Jane Trotman was the next resident to address the Council:

She thinks she has seen aggressive behavior; across the street and behind her property, there are empty areas and a lot of brush; her husband leaves early in the morning, and two weeks ago, he saw six coyotes at the end of their driveway; he honked and they did nothing but stare; she sees coyotes on the Worth property during the day, and on the Purcell lot from which they just sit and look at you; they have grandchildren that spend time at their house, and they are terrified of the coyotes; they hear them every night between 7:30 p.m. – 9:30 p.m., and everyone has seen them; she will not let the grandchildren walk alone from the house to the guest house, as they do not feel it is safe; they could hire the trapper, and they might catch two or three on their property, but what about all the rest; it seems the coyotes are in the whole neighborhood, and she does not feel it is her responsibility to take care of all of them; she thinks the coyotes are very smart and cunning, and they will sit and wait for a long time; they have seen cat body parts, and the people next door lost a dog (last year); she knows from the sounds at night that the coyotes are very close; during the last trapping program, the trapper caught three on their lot alone, and then they did not see any for several years; the coyotes are being seen all over, including on Long Valley and near the school; she believes the coyotes come in phases, and that she is now seeing aggressive behavior.

Mayor Berg reminded everyone that even if the City authorized a trapping program, it was not an eradication program, and that it was a fact of life in Hidden Hills that there are going to be coyotes. He also reminded Ms. Trotman that she could hire the trapper herself, and perhaps if he were able to catch three on her property, they would not see any more for some time, as that is what she just said happened the last time three were caught on her property.

Council Member Siegel asked Ms. Trotman if she would be willing to hire the trapper herself, if the City chose not to do a program at this time. Ms. Trotman responded that she did not know, as it was very expensive, and perhaps she might talk to her neighbors. She then asked the Council what a life was worth. Council Member Siegel stated that the cost would not matter to him, and that is what he is not understanding – if Ms. Trotman is so afraid for her grandchildren, why would she not be willing to spend the money to hire the trapper herself rather than wait for someone else to do it. Council Member Fisher felt that this was a public safety issue, and that the Council should not be telling residents to take care of it themselves if they are afraid, which would be like telling residents to hire their own police force. Mayor Berg pointed out that many people, for extra protection, do hire their own security companies. Ms. Trotman thought maybe the residents should just shoot the coyotes, with Mayor Berg again suggesting this was not something to be encouraged.

Next to speak was resident Charlie Caspary:

Ten years ago a coyote took a dog right from his garage in broad daylight; last year, he was working in the barn and when he walked outside under the floodlights, saw two coyotes charge down his driveway at his dog; they stopped when they saw him and took off; in the last year he has not seen any aggressive behavior, but he is serenaded every night; he has heard that there have been some gunshots at night (although he did not hear them), so it appears someone may be taking action on their own.

Resident Kim Ulrich spoke next:

She lost six cats at her old address on Jed Smith where they lived for 8-9 years; they moved to a new house, and hearing that there was a coyote den on the back hillside, they installed an 8' chain link perimeter fence; in November of 2004 she saw two coyotes sitting on her pool deck, both of which ran away when she yelled and screamed; she called animal control, who said they could not do anything unless the animals were sick; she then called the City and was told not to leave pet food outside, and to yell and scream at them as she did before; for the next couple of weeks, that is what she did and they did run away; in June, one was back again, sitting at the pool, which frightens her old dog; at 6:30 a.m. she sees coyotes at the end of her driveway, and hears them every night, to which she has become accustomed; but she does see them periodically in her back yard and fears for the safety of her outside dog; she has never come to the Council before, but would like to encourage the Council to do something; she did call several numbers and

got quotes for a trapper, but it was expensive and she chose not to contract with anyone; she did not see any coyotes for six months, but just coincidentally has started seeing them again; someone told her to wait to see if the City received enough complaints to do another program, as she would rather have the City pay.

Long Valley resident Dan Gross was next to address the Council:

He does not know what the definition of aggressive behavior is, but five days a week his wife walks the Jed Smith loop and is being followed half way around by a coyote; she had the dog with her, but was afraid; he heard the coyotes last night around 3:00 a.m., and they were very loud; the coyotes do have a source of food here, and it is not just garbage, but many rabbits; this brings the coyotes, and perhaps there needs to be some type of rabbit reduction program.

Council Member Freedland wished to provide a little history, as follows:

When the Council last authorized a trapping program, which was very successful, we went a long time without even any sightings; not that many coyotes were removed, as only the aggressive ones were targeted; the trapper knew where to place the traps, as the City had good data listing aggressive behavior (coyotes not leaving when yelled at, coyotes in garages, coyotes looking in windows, etc.); a consequence of the trapping program was an explosion in the rabbit population; the question is, which came first, the rabbits or the coyotes; this is the delicate balance the Council is trying to maintain; after the trapping, there were many complaints that not only were there too many rabbits, but also rats, gophers, etc. – the food for the coyotes.

Dr. Gross agreed that the Council would need to get rid of both, as it did not make sense to trap coyotes as long as there is food available for them. Council Member Fisher stated that he might be on the other side of this issue, if there was a guarantee that the coyotes would kill the rabbits, but he has not seen that on his property.

Resident Richard Cassidy then addressed the Council:

During the last four to five years, they have lost cats and dogs, with one small dog being bitten three times, but he survived and is doing well; nightly, the coyotes walk between his house and the Ulrich's house; he has a fenced in dog run, but he still goes out to check as they did lose one small dog that got under the fence, which really affected his daughter; rabbits may be a problem, but they will not kill anything; if the Sheriff said there was some type of danger on the street and we should stay away from the street, the Sheriff would then provide law enforcement for that problem; two weeks ago he saw a

coyote ready to jump the fence in his back yard at 9:00 a.m.; he threw a stone at it and it ran away; if they know there is food, they will keep coming; if he has a bug problem, he gets an exterminator for the bugs; the Council needs to make a decision; you may not be able to get rid of the coyotes, but they need to be kept under control so his granddaughter can play in the back yard; why do the residents have back yards if they cannot use them; the first time a coyote kills someone, then we will say we should have done something.

Mayor Berg again pointed out that even if a trapping program is done, that does not mean that back yards will be safe for unattended children and pets.

Ms. Kaye made the following additional comments:

She remembers something that was said when the last program was authorized; it was pointed out that if you trap a few coyotes from each pack, the others will sense fear and back off; so if two of the four could be removed, the others will know they are gone and be afraid; two weeks ago, as she was standing in her back yard, she heard three rifle shots; she does not want to see people forced to use guns to get rid of the coyotes; it should be done legally.

Resident Anita Wolver added her comments:

She has lived here a long time, and years ago, they did not lose pets to coyotes; to solve the problem now, because they are afraid of losing them, they have decided they cannot have small pets; every day she sees a coyote walking across her front hill by the stable into the corral, where she assumes he is drinking the horse's water; no, she did not contract with a private trapper, as she does not need his services since she has no pets.

Kitty Andrews was next to speak:

She does not understand why, if the program worked so good before, the Council will not do it again; even if the trapper says it is not necessary, he does not live here; everyone sees coyotes now, and the trapping should be done again now, and every couple of years; when it was done before, no one saw coyotes for awhile and they did not complain; she wondered if the Council was waiting until someone got hurt.

Mayor Berg replied "clearly not", and reminded Ms. Andrews that there was nothing stopping her from hiring the trapper if she had concerns for her property. Ms. Andrews stated that she did not need the trapper, as she does not have any pets.

Next to address the Council was Helen Kuehn:

She is a neighbor of the Andrews and was asked by Ms. Andrews to come to the meeting; she can verify that there has been an increase in coyote sightings; she is an early riser and sees coyotes around 5:30 a.m.; the coyotes look at her and then turn around and go the other way; she does see them in her back yard, even in the afternoon, as they jump the 6' fence; she does not consider the coyotes aggressive, as they have not come after her; she does not have small pets, but her daughter brings a small dog to visit; they will not let the dog run loose in the back yard, but put it on a leash; something is happening, maybe because of all the rain, as there are more rodents, rats, and coyotes; if she had small children, she would be concerned leaving them alone; she does not want to disturb the balance of nature, and believes the coyote does serve a useful purpose; however, there are too many of them, and people are getting edgy; she knows the Council Members do not get paid, and are doing a good job, but it would make everyone feel better and feel like the Council cares if they did a trapping program.

Mayor Berg commented that the Council Members do care about the residents, no matter what decision they make on this issue.

Council Member Freedland stated again that even if the Council chooses to do another trapping program, he does not want anyone to believe that will make it safe to leave children or small pets alone in the yard.

Mr. Bryson wished to make additional comments:

If there were a ring of burglars operating in a neighborhood, he wondered if the Council would contract with a police force at the expense of the people who were burglarized or say the whole neighborhood should pay as a public safety issue; why should only the people who have been threatened or have had pets attacked have to pay for a trapper when at least in theory, coyotes threaten everyone; if someone has lots of money, that is okay if they want to pay for the trapper, but it puts others in a vulnerable position if the government does nothing; he does not want people shooting guns in the City either.

Mayor Berg, with all due respect to Mr. Bryson, stated he did not draw the same analogy between burglars and coyotes, and stated again that all he is saying is that if residents have a concern about coyotes on their own property, there is nothing to stop them from taking precautions, no matter what the City might do or not do.

Council Member Siegel wanted to make it clear that there was no evidence, only hearsay, that anyone fired a weapon at a coyote; someone just said they heard shots. Just because something gets repeated over and over does not make it fact.

Mr. Spillman said that he looks at the community as a whole and tries to be realistic, but would do whatever the Council Members wanted, and if they wished to move forward with a program based on just one aggressive complaint, that was alright with him. He added that out of the 20 complaint calls, there were three that met the aggressive criteria. Mayor Berg asked Mr. Spillman if he were to make a proposal at this time for a trapping program, what that program would involve and what it would cost. Mr. Spillman replied as follows:

The cost would be \$4500; he would investigate every call or complaint for legitimacy; he would look at the different yards and locations to determine if trapping could occur on the property, as he has to assure that no people or domestic pets would be affected; the trapping would normally take two – four weeks, with a six month guarantee.

Mayor Pro Tem Cohen stated the following:

He has listened, and believes that everyone has a legitimate point of view; he does not believe that the standard should be set at one complaint, which is not realistic, as there could be a complaint every week; however, it has been a minimum of 1 ½ - 2 years since the last program was done, and he thinks the residents would feel comfortable if it were done again; he does think the Council should do a periodic reduction program.

Council Member Fisher commented as follows:

He did not agree with some of the earlier statements made by Mayor Berg; residents can hire their own security companies to protect their homes, which he does; however, coyotes are animals that roam freely, so they are public animals; if coyotes were living on his property and he knew he could have them removed, he would do that; but he cannot take care of all of them; the coyotes are a public enemy.

Council Member Siegel made the following statements:

He believes people are talking about eradication, and that the Council would just be lowering the bar; when he moved here some 16-17 years ago, it was clear even then that residents should not leave cats unattended outside; he lost all his cats; he realizes that now people either have big dogs or keep dogs in the house; with the size of the Ahmanson Ranch, there is an abundant supply of coyotes that will keep coming into the

City; initially he was opposed to trapping, but then became a major proponent of the initial program due to the reports of extraordinary aggressive behavior on the part of the coyotes; the City has not recently received those same types of complaints; people are complaining that they are hearing or seeing the coyotes; it is not possible to eradicate them; if you reduce the number of coyotes, you create a vacuum that continues to be filled; coyotes self-regulate their numbers to a degree; he does not want to wait for something to happen, but the City has been very proactive; he has a problem authorizing a program just because people do not want to see and hear coyotes; ethically, the trapper does not want to take the City's money unless there is a need.

Council Member Freedland added his comments:

He also has some of the same problems, especially when the expert is saying that the known reports do not warrant a program at this time; however, \$4500 is not a lot of money, and it is obvious that many people feel uncomfortable; he does not want to get to the point where people expect not to hear and see coyotes in the City; there were some complaints provided this evening, some mentioning aggressive behavior, that were not provided to the City previously, so Mr. Spillman did not have those complaints earlier to give him a full picture of what is happening; he would like to ask Mr. Spillman for a proposal for the next meeting, and in the meantime, encourage residents to report any coyote activity, no matter what the nature; he takes his role as a public servant very seriously, and does not like to see so many people feel afraid in their own community; he feels an obligation to try and do what the City can; his personal belief is that this is a road to eradication, which is not feasible; once the proposal is received and reviewed at the next meeting, and any additional coyote activity reports obtained, the Council can make its decision.

Based on the above discussion, Mayor Berg asked Mr. Spillman to prepare and submit a formal proposal for a trapping program similar to those done in the past – it will not be an eradication program, but one to remove only the aggressive or more troublesome coyotes, which might only be a few. The Council will consider the proposal at its next meeting.

Council Member Fisher asked if there was a way to determine how many coyotes there actually are in the City. Mr. Spillman said that although he is in the City at different times, he has not been continually in the City to conduct any monitoring, but he would be able to locate packs in the evenings with the use of a siren or coyote howling.

Mayor Berg wished to again point out that any trapping program authorized is not an eradication program, as there will always be coyotes in the City no matter what the Council does, and residents are always welcome to contract directly with a trapper if they have concerns on their individual properties.

At this point, the Council took a ten minutes recess, with the meeting being reconvened at 9:20 p.m.

NEW BUSINESS

A. Consideration of Application for Tree Permit at 24960 John Fremont Road and Proposed Resolution

Mayor Berg and Council Members Freedland and Siegel reported visiting the site, while Mayor Pro Tem Cohen and Council Member Fisher had not. City Engineer Dirk Lovett provided the following staff report:

This is an application for an after-the-fact removal of four pine trees; there are presently 16 native oak and historic trees remaining on the site; the owner desires to remodel the existing house and plant new landscaping plus replacement trees; the City's arborist has visited the site and is recommending that two 24" box trees be planted for each tree removed, for a total of eight replacement trees; staff believes the three required findings can be made.

Council Member Freedland asked if the Community Association allowed palm trees, which are stated on the plans as the replacement trees. Architectural Consultant Ron Heston was not familiar with the plans, but Mr. Lovett pointed out that Condition No. 1 of the proposed resolution requires approval of the tree replacement plan by the Community Association prior to the issuance of a tree permit. Upon MOTION of Council Member Fisher, seconded by Council Member Siegel and unanimously carried, it was resolved to adopt by title only Resolution No. 773, subject to it being made perfectly clear to the applicant that the Council was not approving the type of replacement trees, which must be approved by the Community Association per condition #1 of the Resolution, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF HIDDEN HILLS CONDITIONALLY APPROVING A REQUEST FOR A TREE PERMIT AT THE PROPERTY LOCATED AT 24960 JOHN FREMONT ROAD.

Mayor Berg pointed out that the City is interested in meeting with the Community Association to discuss the possible shifting of the tree removal process from the City to the Association as a part of the Architectural Committee review of landscaping plans. Mayor Pro Tem Cohen volunteered to attend any related meetings, as did Council Member Fisher, if the meetings are scheduled during the evenings. If not, Council Member Freedland will attend.

B. Consideration of Application for Tree Permit at 5824 Jed Smith Road and Proposed Resolution

The Mayor and all Council Members except for Council Member Siegel reported visiting the site. The following staff report was presented by City Engineer Dirk Lovett:

This is an application for the removal of 26 historic trees and the relocation of 3 native oaks and 1 historic tree to facilitate a new home and landscaping; currently there are 56 historic and native oak trees on the lot; staff believes the three required findings can be made; in addition to the standard conditions, a minimum of 26 replacement trees are to be planted, along with the 4 trees to be relocated (one 24" oak, two 4" oaks, and one 20" sycamore).

Resident Susan Opas addressed the Council with the following comments:

She has lived in the City a long time and has seen the mansionization of the area, although it is helpful for property values; the one major eucalyptus tree to be removed (in the far left near the front) has been the home for a redtail hawk for over ten years; she does not think the tree is in the way of the new home; she is concerned with the removal of this tree in particular, and concerned with the total number of trees being removed, which will leave a barren piece of land; she realizes that new plans often take up a majority of the land, but the nature of the area is changing, and there is no set-aside for horses.

Council Member Siegel wished to know if the Council approved this proposal as is, if, when it goes back to the Association for approval, the Association can then decide which trees can or cannot be removed.

Architectural Committee Consultant Ron Heston responded as follows:

This is currently being reviewed by the Architectural Committee; the Architectural Committee requires that a landscape plan be approved; if a tree removal permit is required by the City, the Association knows the resident will be removing trees; but a resident cannot get a landscape plan approved until the Association knows what they are replanting and what the requirement is for tree replacements as part of the process.

Mayor Berg asked if the Association could prevent the resident from removing the 60" eucalyptus tree if the City approved this tree permit application as submitted, or if the only responsibility of the Association is to approve the replacement tree plan rather than the actual removals. Mr. Heston felt that the tree permit allowed the removal of the trees, and that the Association then just reviewed the tree replacement plan in conjunction with the landscape plan.

Resident Mike Ashley stated the following:

This property owner asked him to speak on his behalf; the site is 3 ½ acres; the old house was tucked back 200' right against the hill; the owner tried, with his design, to save as many trees as possible; there are 56 historic trees on the property, but well over 100 total trees; based on the way the Association interprets setbacks, the house cannot go further forward, as it has to stay even with or behind the homes on either side; the house cannot be moved further back without having grading problems; he agrees that the large eucalyptus is a great tree, but the house has already been rotated to save a lot of trees; the soils report says the dirt has to come out and be recompacted, but it is all balanced on site, so there will be no trucks in and out; there will be replacement trees planted; the owner would, however, like the impound fees waived, as it could cost them over \$50,000 just for the 4-5 trees being moved and replanted.

Mayor Berg pointed out that an impound fee is required from everyone for the replacement trees, which he knows from first hand experience - he had to put up a large amount even though the landscaper provided a warranty. He added that the Council is in the process of reviewing the tree permit ordinance, but currently it is what it is. Per Mr. Ashley, the owner will pay what is required, but wanted to raise the issue.

In response to Mayor Pro Tem Cohen, Mr. Ashley stated that eucalyptus trees do not transplant, and especially one this large. Council Member Siegel suggested that the Council approve the

removal of all the other trees, but approve the removal of the large eucalyptus tree only if its removal was also approved by the Architectural Committee.

Mayor Pro Tem Cohen felt the Council should delay approval of the tree permit until the Architectural Committee approved the final plans. Mr. Heston explained that part of the approval by the Architectural Committee is the landscape plan, which is contingent upon the tree permit, as they need to know how many trees are coming out and what type of replacement trees would be planted in which locations (a catch 22).

Council Member Freedland wondered if the garage or driveway could be moved to accommodate the eucalyptus tree. Mr. Heston felt that could very easily cause other problems with soil or grading issues, etc. He assured the Council the Architectural Committee would work with the owner to try to save the large eucalyptus tree if possible, and invited anyone interested to attend the next Architectural Committee meeting on 9/7/05 at 7:30 p.m., at which time this matter would most likely be addressed, or to call him. As there was no further discussion, upon MOTION of Council Member Siegel and seconded by Council Member Fisher, on a 4-1 vote with Mayor Pro Tem Cohen opposed, it was resolved to adopt by title only, as amended to allow the removal of the 60" eucalyptus tree only if that removal is also approved by the Community Association's Architectural Committee, Resolution No. 774 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS CONDITIONALLY APPROVING A REQUEST FOR A TREE PERMIT AT THE PROPERTY LOCATED AT 5824 JED SMITH ROAD.

PUBLIC HEARING

Consideration of Approval of 2004 Congestion Management Program (CMP) Self-Certification Resolution and Adoption of Local Development Report

Mayor Berg opened the public hearing, and not hearing any comments, closed the hearing. Upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Siegel and unanimously

carried, it was resolved to adopt by title only Resolution No. 775 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.

CONSENT CALENDAR

- A. City Council Minutes – August 8, 2005**
- B. Demand List**
- C. Disbursement List – July**
- D. Financial/Treasurer’s Report – July**

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel 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. Report on 8/16/05 Hidden Hills Community Association Board of Directors Meeting**

Mayor Berg reported that he attended the meeting, at which the Board discussed many items, including repairs to some of the parkways and flood control design.

- B. Consideration of Approval of Community Assistance Grant to the Hidden Hills Community Association for Flood Control Design Expenditures**

Architectural Committee Consultant Ron Heston explained that the Association had hired a civil engineer to conduct research in relation to a drainage issue to determine where the water was coming from and the scope of the problem, and that the Association was asking for a community assistance grant in the amount of \$8900 in relation to the costs for that research. Civil Engineer Steve Smith provided the Council with some of his findings after completing a conceptual drainage study of the area. The Council, Mr. Heston, Mr. Smith, and the City staff then engaged

in a short discussion regarding the study and the areas affected. Some of the Council Members were concerned that the City had already assigned \$5000 of the budgeted \$15,000 for community assistance grants, and that this request would almost totally deplete the grant funds, not leaving anything for additional requests for the remaining ten months of the fiscal year. Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve a community assistance grant to the Community Association in the amount of \$4450 (one-half of the requested amount) to help cover research costs in relation to a drainage issue.

MATTERS FROM STAFF

Lasher Development – Update

Mayor Berg provided the following update:

The Draft Environmental Impact Report (DEIR) is available for public comment; written comments will be received on the DEIR up until 5:00 p.m. on September 8th; the DEIR can be purchased at City Hall in written form for \$50, or on a CD for \$10; it can also be viewed at no cost at City Hall or at the Calabasas library; it is also on the City's website; the developers recently sent a very informative, helpful, and well done mailer about the project to the entire community.

City Engineer Dirk Lovett added that some comments had been received, from both residents and agencies, and that those comments had been forwarded to both the EIR consultant and the developers.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Freedland, seconded by Mayor Pro Tem Cohen and unanimously carried, it was resolved to adjourn the regular meeting of August 22, 2005 at 9:00 p.m.

ATTEST:

Cherie L. Paglia, City Manager/City Clerk

Ronald S. Berg, Mayor