

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, February 11, 2008

MINUTES

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

A regular meeting of the City Council of the City of Hidden Hills was duly held in the Council Chambers at the City Hall, 6165 Spring Valley Road, Hidden Hills, California 91302 on Monday, February 11, 2008 at the hour of 7:30 p.m. Mayor Stuart Siegel called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:	Mayor Stuart E. Siegel Council Member Jim Cohen Council Member Steve Freedland Council Member Larry G. Weber
Staff:	City Engineer Dirk Lovett Building Official Greg Robinson City Manager Cherie L. Paglia
Absent:	Mayor Pro Tem Monty E. Fisher

Upon MOTION of Council Member Cohen, seconded by Council Member Freedland and unanimously carried, it was resolved to excuse the absence of Mayor Pro Tem Fisher.

APPROVAL OF AGENDA

Upon MOTION of Council Member Freedland, seconded by Council Member Cohen and unanimously carried, it was resolved that the agenda for the February 11, 2008 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Siegel made the following announcements:

Congratulations to the Community Association and the entire cast of the Valentine's Charity Musicale for a very successful event this past weekend; aside from the fact that his wife was in the cast, he thought this was one of the best performances; it was a lot of fun and a very good community event.

City Hall, the Community Center, and the Building and Safety Department will all be closed and there will be no inspections on Monday, 2/18, in honor of President's Day.

The Council extended congratulations to Mayor Siegel and his wife Peggi, as they just became new grandparents.

AUDIENCE

There were no questions or comments at this time.

PUBLIC HEARINGS

A. Consideration of an Extension to the Filing of Final Map Number 54063, EGC Luxury Homes

Mayor Siegel reminded everyone that this hearing was continued from the 1/28/08 Council meeting, and then asked City Engineer Dirk Lovett for a staff report, which he provided as follows:

In January, 2006, the City Council approved a Vesting Tentative Map (VTM) for eleven lots near the end of Lasher Road; one of the conditions in the approval was that the final map be recorded within 24 months; the developer has asked for a three year extension; the two years lapsed on 1/23/08, but due to the request, there is an automatic 60 day extension per the Subdivision Map Act; the City's Municipal Code allows a three year

extension, and the Subdivision Map Act allows extensions up to five years; all property owners within 500' of the project were notified of this public hearing; no written comments have been received although there are several people in the audience here to speak on the subject; staff believes the developer has worked diligently on this project, and that there would be no adverse impacts due to the granting of the requested extension; a resolution has been prepared to grant the three year extension for VTM 54063, and staff would recommend approval of that resolution.

Resident John McGinnis was the first to address the Council:

His property is not contingent to this project, but about 100' away; visually from his property they will see a ridge lowered 30', and developed with water and aesthetic mitigations; per the VTM, it appears the mitigations will not be required until building permits are issued; there is concern that especially with the slowing economy, permits may not be issued for years, and thus the mitigation measures would not occur for years; there is a drain that is shown at the top of the pad, with a corrugated metal pipe; they want to know that this pipe will be buried and not visible; soon after the grading is completed, they want assurances that hardscape (swales, walls, etc.), landscape, and any other mitigation measures are completed in a timely manner, perhaps within six months of grading completion; the VTM asks for hydroseeding at the conclusion of grading, which may not be enough for erosion control and to protect from mud slides.

Mayor Siegel asked what the developers are now required to do after the grading is completed, to which Mr. Lovett responded as follows:

All cut and fill slopes are to be hydroseeded immediately upon completion of rough grading; regular landscaping must be completed before the building permit is finalized; one of the standard plan check requirements (as part of the geotechnical review and erosion control) is that any cut and fill slope over 15' has to be landscaped (just for graded slopes, not pads), and this would be done before the grading permit is finalized; drains and swales are part of the rough grading.

Next to address the Council was resident Francis Gyermek:

They have a similar issue to that of Mr. McGinnis, with cut and slope, swales, water, and drainage from this project above their property; the main concern is with timing; if the grading permit is issued, grading occurs, and hydroseeding occurs (there is a plan), he still sees no specific time table for the bushes and trees to be planted on the cut and fill slopes; if he is reading the material correctly, this has to occur prior to issuing a building permit, which could take years; Ron Gonen has said the planting of the bushes and landscaping would take place sooner, but it is not documented; he realizes the hydroseeding will occur, so the slopes will look green; but his concern is not so much

with the cosmetics but with the structural stability of the slopes; the planting of the trees and bushes helps hold the hillsides; they are also concerned with noise, again related to timing; once the grading occurs, if the noise level increases more than the 3dB, there does not appear to be a time frame to mitigate that increase; they are hoping the noise level does not increase, but if it does, they would like to see the mitigation measures tied to something other than the building permits.

Resident Charlie Goldwasser suggested the following:

As he understands it, the Gonen and Ashley projects were originally connected; once they separated, Mr. Ashley proposed his project stating he no longer had the same access as when they projects were one; he thought this would be a perfect time to go back and look at the cumulative impacts of these two projects, which he felt was required by CEQA; if the Council would look at the projects together, it might be possible to avoid the significant reduction in the hillside as proposed by the Ashley project; he did not recall during the Gonen discussions anyone saying that if it were approved how that would affect the future Ashley project.

Mayor Siegel replied as follows:

Per the advice the Council is getting, that would not be possible; what Mr. Goldwasser is asking is to reopen the entire process again for the Gonen project; short of fraud, or a significant health and safety issue, the conditions for the project cannot be changed; when the Gonen project was approved, all of those living off of Lasher became aware of what they would be experiencing with traffic issues; if you now asked all of those residents to take additional traffic from the Ashley project, they would be complaining to the Council; when the Council approved the Gonen project, they had to look at the plans for that project alone, as there was no other project; the Council cannot act on one project based on what might theoretically happen in the future; this is a very structured, long and painful process.

Council Member Freedland added his comments:

Mr. Goldwasser is trying to link a project that has already been approved to one that has not been approved; once the Gonen and Mr. Ashley parted ways, the Gonen project stood on its own as an independent project, as is the Ashley project now; he understands the access issue, but this was thoroughly discussed during public hearings and approved; this is not what the extension is about; he is sympathetic, but he does not see how the Council can reopen an already approved issue and try to combine the projects; each project brought before the Council is what they have to look at; if residents have concerns with the new Ashley project because of something they perceive from the Gonen project, they have a chance to ask for mitigation measures while the Ashley project is being reviewed.

Attorney David Adelman from Greenberg and Bass, representing David and Donna Casem, stated the following:

His clients are immediately downslope from the project; as mentioned by the Mayor, the Council is unable to entertain changes unless there is a significant health and safety issue, which he does believe is facing his clients at this time; when the Gonen project was approved, his clients were unable to attend the hearings due to hospitalization; the Casems have owned their house for twelve years; before they bought their property, they had an engineering study done on the hillside and neighboring properties, which did not disclose any significant or imminent dangers, so they purchased the house; when the Gonen project was in its infancy, a developer representative visited the Casems, stating in his opinion that the project would have no impacts on their property; the developer then did some brush clearance and took some soil samples (he is not aware of whether or not his clients saw the soils samples being taken and where they were); after that, some very large cracks have appeared in the retaining wall protecting their pool; the cracks are significant and according to his clients, getting worse; the cracks are the visible ramifications, but there could be other latent problems not visible; after seeing the cracks, his clients called the developer to express their concerns, but the calls were not returned; he does not believe the cracks are coincidental, as this hillside is a tentative area probably requiring immediate attention; there is a detailed statutory scheme set forth in Civil Code Section 832 which states an excavating landowner is liable to an adjoining property owner regarding lateral support unless the excavating landowner takes certain steps in advance of the excavation; such steps include 1) giving the neighbor reasonable prior notice and an opportunity to address possible implications of the excavation, 2) using reasonable care in making the excavation, 3) taking reasonable precautions to sustain the adjoining property during the excavation, and 4) if the excavation exceeds certain depths, taking even more onerous precautions; if these are not followed, the excavating property owner is liable; he and his clients have not commissioned a study to understand the nature and depth of the excavation, but he understands from one of the other gentlemen here this evening, that the ridgeline will be lowered 30'.

In response to Mayor Siegel, City Engineer Dirk Lovett replied as follows:

All of the work to be done in conjunction with the grading on this tentative map was reviewed by the geotechnical engineer and the City's consultant; there is an extensive set of conditions from the geotechnical engineer in the resolution, and hopefully all of these conditions address all of these issues; there is always a concern when grading occurs, but this is not a large grading project; grading is done all the time near other properties; he cannot say for sure how far outside of the boundaries of the project the geotechnical review covers, but the current code takes into consideration all of these safety factors for protection of the onsite and offsite properties.

Mr. Adelman continued with his comments:

He would hope that the EIR did address soils issues and take into account appropriate mitigation measures for any possible problems; however, the problem with his clients is real and immediate given the tenuous nature of land in southern California; the threat of possible damage to property and his clients is real; this is not an issue that should be buried in an EIR on the shelf; he wants to register his objections to and/or have the Council place reasonable conditions on the extension of the tentative parcel map; his clients do not want the hillside to come down into their pool, possibly with injury to pets and/or the owners; he does not want to disparage the developer, but he is concerned that his clients' attempts to reach the developer went unanswered; this is a real problem with no recent dialogue with the developer; his clients do not object to the process moving forward, but want to make any progress conditioned on everyone paying attention to this current problem; there will be nothing worse than for this issue to be ignored, and several years down the line, find out the problem is real and then his clients' only recourse is to try and halt the development or drag the developer into court; he believes some simple things can be done; first, the Council should require the developer, as a condition of approval of the extension, to meet immediately with his clients and sign an agreement to take action to ensure the hillside does not fall on property or persons; this should not be at his clients' expense, or done only if the clients deed some of their land to the developer; he wants to reserve his clients' rights appropriately, if nothing is done by the Council to place conditions on the extension or to delay this entitlement until an agreement is reached to make his clients feel safe and comfortable; he is reserving all rights regarding the issues that he has presented, as well as the timing, erosion, aesthetics, and other issues stated by the other speakers this evening.

Mr. Gyermek then presented a letter to the Council (he read a small portion of it) regarding storm run-off/drainage and erosion, stating that his family would like to be protected from any negative impacts. Mayor Siegel explained that that was the purpose of the process, the public hearings, and EIR – to address all of these issues so there hopefully will not be problems.

Developer Ron Gonen then spoke:

He has spoken with probably everyone who spoke here this evening; the only thing that Mr. Adelman said that offended him was that he did not respond to the Casems' phone calls; he has always made himself available to everyone, and often pre-phones people before they call him; if he missed a message, he would be very surprised, but if so, he apologizes; it seems one of the main concerns is timing in relation to landscaping and completion of grading (including swales, drainage, etc., which are all part of the grading plan); there is a note regarding landscaping on the grading plan; they have already

submitted a landscape plan, which includes not only hydroseeding, but also the planting of trees, bushes, and plants; the plan is very detailed and has been thoroughly reviewed three times by the City's landscape consultant; it is in their (the developers) best interest to plant and landscape the slopes as soon as possible, as they want them to become a mature part of the community, and it is their intent to do so.

Mayor Siegel pointed out that things do happen, and in such a case, the developers are not obligated to complete the landscaping by a certain time. Mr. Gonen answered as follows:

There is a note on the grading plan (not in the conditions), which is now going through its fourth review by the City; note #3 says that planting and irrigation plans for slopes greater than 20' in height must be prepared and signed by a licensed landscape architect or registered engineer; note #1 states that plans for an irrigation system for the slopes must be submitted and approved by the City Engineer prior to rough grading; note #2 says all cut slopes over 5' and all fill slopes over 3' must be planted with approved ground cover and provided with an irrigation system as soon as practical after rough grading; he is not sure what "as soon as practical" means, but to him it is pretty immediate, and that is the plan; after the grading, some will see concrete swales, with the color of the concrete matching the ground and landscaping around it; some will see hydroseeding, or more likely the planting of small plants, which will grow much faster than the seeds if hydroseeded; some will see trees and graded slopes; slopes that have been altered will have trees and plants, as detailed on the plans; he envisions trees and planting immediately after grading.

Mayor Siegel wished to know how the City and staff can assure that this happens. Mr. Lovett stated the following:

The rough grading has to be completed before any building permits can be pulled, so the landscaping must be done by then; the City does take in a security for the landscaping and grading improvements; if the developer does not complete those improvements, the City has the money to physically complete them; the plans say hydroseeding must occur upon grading completion, but the developer can fully plant at that time; "as soon as practical" seems to be the issue; there are no set standards; if any work is abandoned for six months, the permit can be expired per the building code.

Council Member Cohen added his comments:

He believes the Gonens will do what they say, and it is in their best interest, but the residents are concerned with the timing; if he understands this correctly, the Gonens could obtain a grading permit, and then keep working for two or three years without finishing the grading, as long as some work is done every six months; there is no official obligation to complete what the developer says will be completed, and that is the concern.

Mr. Gonen commented as follows:

He met with the neighbors and has given them assurances; he knows they have concerns and respects that; per grading condition #4, slopes shall be improved with drainage and erosion control features and shall be hydroseeded immediately following completion of rough grading per the satisfaction of the City Engineer; hydroseeding is groundcover, and that is what holds the hillside and prevents erosion; if the City wants to say the landscaping per the plan needs to be completed upon grading completion, that is okay with him.

Council Member Cohen asked when the grading would be completed. Mayor Siegel stated the following:

Yes, the developers could go bankrupt and the property could sit there, but there is no way to protect against every eventuality; we are trying to do what is normal and customary; this is going way beyond that; the developer is willing to modify the note on the plans to say that landscaping will be done at the grading completion; we need to figure out how best to do that.

City Engineer Lovett said he could work with the developer to establish agreed upon wording. Mr. Gonen also expressed confidence that the galvanized pipe would be buried, not left above ground. In response to Council Member Freedland, Mr. Lovett explained that a bond will be collected equivalent to the engineer's estimate to complete work on the grading, drainage, erosion control, landscaping, and irrigation, so the money will be there if the developer is not.

Council Member Freedland, being a mechanical engineer as opposed to a soils engineer, was not sure brush clearance could cause cracks in a retaining wall; soils samples were taken, and if that caused damage, that is a civil matter, but he did wonder where those samples were taken and how close they were to the Casem property. Mr. Gonen responded as follows:

Because of the thoroughness of the City's soils engineer, there were a significant number of samples taken throughout the property; without discussing the quality of the small retaining wall, knowing there was a retaining wall and concern for the slope, extra research and care was taken at the top of the Casem property; there may be one pit there, but the pits are immediately backfilled; the research is done by soils engineers, and the work is done by professionals, not a layman standing there with a shovel.

In response to Mayor Siegel's questions regarding noise issues, Mr. Gonen explained the following:

At the completion of grading, secondary measurements will be taken; they will be compared to prior measurements, and if the sound has increased more than 3 dB on the neighboring properties, the sound consultant will recommend mitigation measures; the mitigation measures will be done by them at their expense prior to the issuance of a building permit; he has told the Gyermeks that they will complete the sound mitigation measures, if any are required, within 12 months; their intent is to pull permits way sooner than that, and they cannot start to build houses until they get beyond that condition; they know this is a concern to the residents, so are committing to complete any required sound mitigation measures within 12 months of the sound study; they need 12 months because they first need the recommendations from the consultant, and then need approval by the City and the HHCA; he would prefer to have this commitment documented as a part of the grading permit.

Mayor Siegel agreed that the 12 months was more than reasonable, and asked the residents to trust that the City would figure out the best way to make sure this happens. Mayor Siegel was not sure there was anything the City could do to help Mr. Adelman and the Casems with their concerns with the retaining wall.

Latham and Watkins attorney David Goldberg, representing the Gonens, addressed the Council:

He appreciates all the comments; everyone has heard from the City Engineer that the EIR analyzed the geotechnical and soils stability impacts; the EIR was certified with a condition of overriding consideration; all of that information was in the record; the City Council conducted three public hearings, analyzing the impacts of the project, taking into account a host of testimony from the community; the EIR concluded that the project would not have significant geotechnical or soils stability impacts with the incorporation of mitigation measures including conditions of approval in the VTM approval; these include in large part compliance with state and municipal grading requirements; under the Subdivision Map Act, the Council is limited in its discretion to further condition a VTM already approved when the applicant seeks an extension, except as Mayor Siegel correctly noted, in cases of significant health and safety issues or significant changes in circumstances relating to the project; what he is hearing from Mr. Adelman are allegations and observations that may or may not be accurate regarding impacts related to existing conditions; Mr. Adelman is asking for a condition to be imposed on a VTM requiring the applicant to negotiate an agreement in good faith relating to existing conditions wholly unrelated to the project; he does not believe the Council has the

authority to require an applicant to do that; there is no nexus to the impacts of the project; but he is sure the Gonens would be more than happy to meet and discuss this issue with the Casems; as pointed out by Council Member Freedland, there are civil remedies available to them.

Mr. Gonen stated there are many ways to get in touch with him, confirmed that he would be happy to meet with the Casems first thing in the morning, and would bring along a soils engineer, if the Casems would give him permission to come on the property. This is the first he has heard of this, and it is a concern.

Mayor Siegel invited Mr. Adelman back to the podium, as he had additional comments:

Since the 60 day extension is not up yet, the Council does have the power and opportunity to postpone its vote and continue this matter until his clients and the Gonens can meet; he cannot give authority tonight for the Gonens to come onto the Casem property, but his clients are most anxious to meet with the Gonens; his clients are trying to avoid further impacts on this development process down the line if what they see as the inevitable eventually happens; it would be in everyone's best interest to attempt to address this situation now to see if a mutually acceptable agreement can be reached regarding mitigation of a problem which in his clients' minds and with physical evidence is inevitable; they bought the property twelve years ago, and the wall has not failed until the activity performed on the Gonen property; he toured his clients' property, and no other property appears to be as close to the boundary line of this project; his clients are living with this threat on a daily basis; he would reiterate his request to condition the approval of the extension on a mutually agreeable agreement being reached between his clients and the Gonens; if the Council feels it is unable to do that, he would strongly request that the Council table this matter until its next meeting.

Eitan Gonen then addressed the Council:

He objects to the tabling of this matter; the experts on all sides looked at this project very thoroughly; they took into account what happens when excavation occurs, and they took into account the condition on the neighbor's property; they are required to do this work without causing the neighbors any harm; the City approved this project after all the experts reviewed and approved it; they could sit and talk with the neighbors, but nothing will be solved as they and the neighbors are not experts; to wait two weeks will not solve any technical problems; the neighbors are hoping that this will solve some other financial problems; they met with these people before even coming to the Council; the neighbors had two years and three public hearings in which to raise these issues; they mailed them information; now they appear, and he objects to this.

Mr. Goldberg had final comments as follows:

He appreciates Mr. Adelman's efforts to use this process to bring their clients together; however, he can assure the Council this is not necessary, as the Council Members have heard Mr. R. Gonen state he is willing to meet with the Casems first thing tomorrow morning; he does not believe the Council can condition the extension on this type of request from Mr. Adelman; he does not believe the Council has the authority or jurisdiction to postpone its deliberations based on a meeting between all their clients because the end result is not within the Council's purview; although the Council always has discretion on how to handle its matters, he feels a postponement is not warranted; it would be somewhat unusual if not unprecedented for the City to get involved in what looks like a civil dispute and use its process to mediate this dispute when it is unrelated to the project itself.

As there were no further comments, Mayor Siegel closed the public hearing at 8:57 p.m., adding that he agreed with Mr. Goldberg that the Council had no right to do what Mr. Adelman had asked. Mayor Siegel pointed out that since everyone had outlined their concerns, and rights had been reserved, it was clear that there could be liability if there is a slope failure, and that no one could say they were not aware of the concerns. Council Member Freedland expressed his appreciation of Mr. R. Gonen's willingness to meet immediately with the Casems, and would hope that the Gonens' soils engineer could attend and help ease the concerns of the Casems.

Upon MOTION of Council Member Freedland, seconded by Council Member Cohen and unanimously carried, it was resolved to grant the three year extension for the filing of the final map requested by the applicants, and to adopt by title only Resolution No. 807 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS APPROVING A TIME EXTENSION FOR VESTING TENTATIVE MAP NO. 54063 FOR THE HIDDEN RIDGE PROJECT.

Council Member Weber, who was not on the Council for the original hearings on the EIR for this project, suggested that the Council consider amending any relevant codes to assure that in the future specific time frames can be imposed for mitigation measures to eliminate this type of confusion.

B. Consideration of an Ordinance Amending the City Requirements for Repair/Replacement of Wood Shake Roofs – First Reading

Building Official Greg Robinson presented the following staff report:

The proposed ordinance states that if during a 12 month period, any alteration, addition, or repair greater than 50 square feet is made to an existing wood shake roof, the entire roof must be upgraded to a non-wood Class A roof; the current ordinance allows roof repairs and additions to existing shake roofs, without replacement of the entire roof, when the repair or addition does not exceed 25% of the existing roof area; the proposed ordinance also states that if a repair or addition is less than 50 square feet, the repair may be wood shake, but only Class A wood shake, not Class B, as is currently allowed.

When asked his opinion, Assistant Fire Chief Reggie Lee commented as follows:

It is a good idea to make the loop smaller, especially with Class B roofs; during the last fire, embers even got under tile roofs, so anything that will help eliminate wood shake roofs will help the neighbors; having wood shake is like having kindling on a roof; and the problem is not just during fire season; during regular house fires, embers have been emitted; if there is a wood shake roof next door, it will catch fire, especially if it is Class B.

At this point, Mayor Siegel opened the public hearing. Council Member Freedland asked Chief Lee if there was anything else the City could do to increase fire safety. Chief Lee stated the following:

The more you can close up a roof, the better; in Malibu during the last fire, there were high winds that were taking palm fronds and shooting them over 500' into a commercial area; this was one of the first times he saw commercial buildings on fire from a brush fire; enclosing the eaves is part of the new building code requirements for new construction; anything that can reduce the kindling is helpful.

Mayor Siegel pointed out that usually there is concern that a roof will fail and affect the people inside the home, but these roofs endanger the entire neighborhood. In response to Council Member Weber, Chief Lee explained that in a wind driven fire, if a house is already burning, they will not waste resources on that home, but will go to the house that has not started to burn yet, even if it is a wood shake roof; however, the wood shake makes it much more difficult.

Mr. Robinson then asked the Council Members if they wished to consider a possible appeal process for unreasonable hardship, which could be added to the ordinance. Council Member Cohen thought that was a good idea, for either financial hardship, or for the size of the repair, as he felt 50 square feet was too limited. Council Member Freedland was fine with a financial hardship, but not for something larger than 50 square feet, which is actually twice as much as what is allowed in Calabasas, especially since the City still has over 120 wood shake roofs. Mayor Siegel agreed, stating that the Council has an obligation to attempt to get rid of the wood shake roofs, most of which are at least 18 years old. Council Member Weber also agreed, referencing concern for the neighbors, but also for those living under the wood shake roofs. Council Member Freedland informed the Council that when he asked both Captain Hill (Station 68) and his brother (Station 99) what they would recommend to protect the City from fires, they both immediately said to do something about the wood shake roofs.

Mayor Siegel closed the public hearing. There was a short discussion on whether or not the appeal process should be stated as being just for financial hardship, or should be stated as “unreasonable” hardship, allowing the Council to make the decision based on each individual case. Upon MOTION of Council Member Freedland, seconded by Council Member Weber and unanimously carried, it was resolved to introduce and give first reading by title only to an ordinance, including an appeal process for unreasonable hardship, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS REGARDING ROOF COVERING REQUIREMENTS, AND AMENDING CHAPTER 5G OF TITLE 5 OF THE HIDDEN HILLS MUNICIPAL CODE.

CONSENT CALENDAR

- A. City Council Minutes – January 28, 2008
- B. Demand List

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

MATTERS FROM STAFF

A. Consideration of Approval of Community Assistance Grant to Round Meadow Elementary School for Landscape Improvements

The City Manager provided the following staff report:

City Engineer Dirk Lovett determined that the area to be landscaped with the synthetic grass does fall within the right-of-way of Round Meadow Road (owned by the City); per Sacramento, the City can use gas tax funds for landscaping in the right-of-way; per Ms. Wasserman, who originally made the request for a community grant, the PFA would be more than happy to have the City take over this project; however, they do want the synthetic grass as opposed to real grass or concrete; Mr. Lovett spoke with the vendor who provided the low bid to Ms. Wasserman, and the vendor confirmed that they pay prevailing wage; she would recommend that the Council approve not-to-exceed an expenditure of \$15,000, and staff will attempt to obtain other bids to compare with the existing bid.

Council Member Cohen did not want to approve an expenditure without obtaining more bids, and still thought perhaps concrete or real grass should be used. Mr. Lovett explained that if the cost is under \$25,000, formal bids were not required, although as the City Manager said, staff will try to obtain additional informal bids. Both Mayor Siegel and Council Member Freedland pointed out that the City has one legitimate bid, so staff knows the project can be completed for that amount, if not less. They also thought the City should install what the PFA and Round Meadow School wanted, which is the synthetic grass. Upon MOTION of Council Member Freedland and seconded by Council Member Weber, it was resolved on a 3-1 vote, with Council Member Cohen opposed, to approve an expenditure of not-to-exceed \$15,000 in gas tax funds to purchase and install approximately 2500 square feet of synthetic grass in the dirt strip between the curb and sidewalk on Round Meadow Road, immediately in front of Round Meadow School.

B. Consideration of Approval of Support Letters for the Las Virgenes Municipal Water District's Request for Federal Funding Regarding Wastewater Treatment and Reclaimed Water Distribution

General Manager John Mundy informed the Council of the following:

The request tonight is in conjunction with activities the District has been working on for the last couple of years; last year Congress overrode a bill that the President vetoed called the Water Resources Development Act; this Act authorized and appropriated significant amounts of money for water projects across the country; the LVMWD and its JPA member Triunfo Sanitation District were successful in getting \$3 million authorized, so they are now going back to Washington to ask Congress to fund an appropriation for that authorization; the money will be used on existing projects and will ultimately benefit the rate payers; they will be meeting with Senators Boxer and Feinstein on 2/29/08, and it always looks better when requesting money to have the support of the communities the District serves.

In response to Mayor Siegel, Mr. Mundy said that none of the projects related to this funding involve reclaimed water into Hidden Hills for landscaping, but Hidden Hills would be a good candidate to look at in the future.

Upon MOTION of Council Member Cohen, seconded by Council Member Freedland and unanimously carried, it was resolved to approve letters in support of the Las Virgenes Municipal Water District's request for federal funding regarding wastewater treatment and reclaimed water distribution.

C. Vesting Tentative Map 63567 (Ashley) - Update

City Engineer Dirk Lovett stated that there was nothing new to report at this time - the consultant is still working on the responses to the EIR comment letters received.

ADJOURNMENT

There being no further comments to come before the Council, upon MOTION of Council Member Weber, seconded by Council Member Freedland and unanimously carried, it was resolved to adjourn the regular meeting of February 11, 2008 at 9:15 p.m.

Stuart E. Siegel, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk