

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, January 10, 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, January 10, 2005 at the hour of 7:30 p.m. Mayor Steve Freedland called the meeting to order and presided thereover after asking his daughter, Kelsey Freedland, to lead the Council and audience in the Pledge of Allegiance.

**ROLL CALL**

Council:

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

Staff:

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

**APPROVAL OF AGENDA**

Upon MOTION of Mayor Pro Tem Berg, seconded by Council Member Fisher and unanimously carried, it was resolved that the agenda for the January 10, 2005 regular meeting be approved as submitted.

## **ANNOUNCEMENTS**

Mayor Freedland made the following announcement:

City Hall, the Building Department, and the Community Center will all be closed on Monday, January 17, 2005 in honor of the Martin Luther King, Jr. holiday.

## **AUDIENCE**

There were no questions or comments at this time.

## **CONSENT CALENDAR**

- A. City Council Minutes – December 13, 2004**
- B. City Council Minutes – December 16, 2004 Adjourned Regular Meeting**
- C. City Council Minutes – December 27, 2004**
- D. Demand List**
- E. Disbursement List – December**
- F. Financial/Treasurer’s Report – November**

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

## **MATTERS FROM CITY COUNCIL MEMBERS**

### **Discussion Regarding Traffic Calming Device Gabe Nussbaum, Public Safety Commissioner**

Mayor Freedland personally and on behalf of the Council thanked Gabe Nussbaum for all the work and time he has expended in relation to the demonstration traffic calming device, which has resulted in a very much appreciated and very professionally prepared report to the Council. Mr. Nussbaum then provided the following information, based on his report:

It is a pleasure for him to serve the community; just as a reminder, the traffic calming device was installed on November 16, 2004, as part of a one-month trial period; this time period was extended by the manufacturer for a variety of reasons, so the unit is still in place today; basically, it is a solar powered sign that provides vehicle speed information in relation to the community’s posted speed limit of 30 mph; the unit has various

operating modes, and records data that can be acquired from the sign for particular time periods using a PDA; the data can be exported and manipulated; he imported data, collected during a three week period from 11/23/04 – 12/14/04, into Excel to generate the charts and graphs in his report; Exhibit A in the report is a graph of vehicle counts, plotting the vehicle counts against the time of day for each day in the period; during the three week period data was collected, there was a total of 8660 vehicles recorded, averaging approximately 845 vehicles per day; he was somewhat surprised at the volume in that location; the highest volumes appeared to be between 2:00 p.m. – 4:00 p.m.; speed data is shown on Exhibit B; it provides the average speed for any given day in the period, showing trends over time for the average speeds as well as the peak speeds; for the three week period, the average speed was 30.4 mph, with the peaks ranging from 34 mph to 72 mph; he cautioned that this was just raw data, which he has not delved deeply into to determine whether or not the 72 mph, for example, is valid or an anomaly; this is one of the things that should be addressed with the manufacturer; Exhibit C is a histogram of traffic speeds; it provides information regarding vehicle counts vs. particular speeds in that range; per the graph, a majority of the traffic occurs around 35 mph, but 50% of vehicles are traveling more than 31 mph in that area, with 25% exceeding 33 mph; the numbers indicate that 85% (the 85<sup>th</sup> percentile is a common measure for traffic studies) of the vehicles are traveling 35 mph or less; he would suggest that a target speed profile be established to look at the impact of the sign over time to see if the speed of 85% of the vehicles can be reduced from 35 mph to closer to the 30 mph speed limit; he also conducted an observation study, looking at the number of vehicles that showed brake lights (not just deceleration) after the sign displayed their speeds; at 11:00 a.m. on 12/5/04, 60% of approximately 90 cars applied their brakes when the sign was activated; also, as the Council is aware, the City staff compiled comments received from residents regarding the sign, with 75% of the 44 comments favoring the sign; he has offered some recommendations; he has noted some problems and other considerations that may have an impact on the Council's decision to purchase one or more signs; he felt before that decision was made, the Council might want some explanations and assurances from the manufacturer.

Mayor Freedland asked if the sign would continue to collect data if the display was turned off for a time. He also noted that, due to some software problems, the sign was purposely turned off for a period, but wondered if there was a problem with the battery not charging properly, or if the battery had been fully discharged beyond repair due to those software problems, as the sign has been off unintentionally during other time periods. Mr. Nussbaum replied as follows:

The unit should continue to log data, even if the display is turned off; this would be a way to establish a base line, to help determine if the sign, once commissioned, has a positive impact on speeding; however, he has seen some problems related to the solar power and

the recovery time for the battery; he is concerned that the charging system and solar cells are sized inappropriately for the power draw of the display; it is the display itself, not the inner workings of the unit, that draws the most power; one problem that was identified early on was that the display was set at a 60% illumination level, which drew a great deal of current from the batteries; that problem, coupled with what appeared to be software problems, resulted in the manufacturer sending a new set-up program, which did reduce the illumination level of the display from 60% to 30%; from that time, the sign has appeared to stay on longer, but there were also quite a few days where there was no sun; he is definitely concerned that the unit is not collecting data when the display shuts down, and this needs to be addressed with the manufacturer; the sign should continue to log not only data when the display is off, but also the voltage from the sunshine hours, so we would know if the sign should be relocated to an area that is exposed to more sunshine; he does believe that the data gathered to date is good information, but it could be slightly skewed due to gaps if information was not being collected at times when the display shut down; even though these problems need to be addressed with the manufacturer, he still wanted to submit this report to give the Council an idea of what prospects existed with the unit and what types of data could be obtained from it.

Mayor Freedland asked Mr. Nussbaum for his personal and professional opinion of the traffic calming device. Mr. Nussbaum stated the following:

He believes it is a good product; its utility depends on what the Council sees as its purpose, whether it is to be used strictly for information purposes or in conjunction with law enforcement; if it is just for information purposes, people could very easily get used to it, and either ignore it or just slow down right at the sign's location and then speed up again; if the Council wants to go beyond that and look at other possibilities, perhaps data could be forwarded to the Sheriff's Department or incorporated into closed circuit TV monitoring, which in itself could raise other issues.

Mayor Freedland announced that the manufacturer was tentatively scheduled to attend the next Council meeting, which Mr. Nussbaum also agreed to attend, to answer questions about the unit and the possible purchase of one or more units by the City. Mayor Freedland then asked the Council Members if there were any additional questions for Mr. Nussbaum.

Council Member Fisher commented as follows:

Based on his personal observation, the unit is not reliable, and he is not in favor of it; there have been days it has not worked, and it should work 24 hours a day, 365 days a year; if a vehicle was registered at 72 mph, the sign does not seem to be a deterrent; the

sign cannot issue a ticket; the unit is not mechanically ready for the market; it is just another obstruction in the parkway, so what good is it; people might pay attention to the sign for about one week, and that is all; it is a waste of time and money.

Mr. Nussbaum pointed out that the unit could be hard wired to a power source if the Council was not happy with the solar unit, and that he had earlier suggested either working something out with the Sheriff's Department for use of the data or possibly using a closed circuit camera for pictures of speeders that could be placed in the City's newsletter or shown on cable, but not used in conjunction with the issuance of tickets. Council Member Fisher did not feel anyone in the City would like to see that occur.

Mayor Pro Tem Berg added his comments:

He lives on Round Meadow close to where the sign was installed, and he can verify that vehicles pass his house at a very high rate of speed; he would like to see numerous of the signs installed throughout the City, and used in conjunction with the Sheriff's Department in whatever manner might be possible, including the issuance of tickets if legal.

Council Member Siegel pointed out the following:

If the 85<sup>th</sup> percentile is 35 mph, it does not appear that there is much of a speeding problem in that location; since a study was not conducted before the sign was installed, there is no way to tell if that speed is the result of the installation of the unit or not; in the past, the City has had a problem with a few individual speeders, but they have been relatively easy to catch; the City gathered traffic information and looked at the average speed for each hour of the day, and if there was an anomaly, then placed traffic enforcement officers at the problem location at those specific times; for example, this was done on Penland some years ago; after about one week and the issuance of tickets, the problem went away; but that is how the information from this unit could be used; in relation to the present operating modes of the demonstration unit, he wondered if there was any significance to changing from mode 4 to mode 5 at midnight.

Mr. Nussbaum provided the following explanation:

There is no significance whatsoever to changing modes at midnight; there was a problem with the original setup, so a new PDA was sent by the manufacturer; that just happened to be the time set by the manufacturer, and he used that without modification to gather the data; but the programming and setup is entirely up to the City's discretion; he also

wished to point out that he has no vested interest in this product, and is just trying to give the Council Members information to help them make a decision on whether or not to purchase one or more of these units.

Mayor Freedland had additional comments as follows:

To be fair to the manufacturer, he thought the sign would work in this particular location, but he did express concerns due to the limited amount of sunlight; we were aware of this; we also should have done an initial study before activating the sign; if 60% of drivers passing the sign applied their brakes when shown their speed, that means the sign is doing something; in theory, he would agree that people could become desensitized over time, but the information provided by the sign would allow targeted enforcement based on the data; one reason the radar trailers have been effective is that they are mobile and can be moved around; we have somewhat the same capabilities with this sign; the sign could be moved to different poles in different locations where there are speeding problems after certain periods of time if it does appear people are becoming used to the sign in one location; we have asked the manufacturer for a proposal to relocate the sign to another pole in another location; that can be coupled with law enforcement being asked to target particular areas and times when the sign data shows there are problems; this would allow us to be more efficient; he is not convinced yet, one way or the other, regarding the purchase of the sign or signs; he is concerned with the reliability, and this must be worked out with the manufacturer.

Council Member Fisher felt the sign was high maintenance and not 100% reliable, and wondered if another collector could be added in that location for the same sign, or if there was some other means of making sure it had enough power, as there were going to be numerous days when there would be no sunlight. Mr. Nussbaum thought adding another collector could create a whole new set of problems, but pointed out that the manufacturer also has signs available that can be hard wired into a power source.

Council Member Cohen had several questions and comments:

He was not sure that those braking in that location were doing so because of the sign, since that is a downslope approaching a speed hump, which would cause braking normally; the sign does have reliability problems; it seems as if at least seven signs, or one portable one, would be required; maybe it would be better to have a portable radar trailer to gather information, as he felt it would be ludicrous to have seven signs throughout the City; there are other cities using these signs, and he wondered if they were having the same problems we were; he also wondered if there were any competitors

making the same signs, or any other products that would be more mobile or portable; maybe the City really is not looking for a deterrent to the speeding, but rather a means to gather information to identify certain areas and times for ticket issuance by law enforcement.

Council Member Fisher agreed that it might be better to purchase a radar trailer, and asked what the cost would be. The City Manager responded as follows:

The City did purchase one radar trailer in conjunction with Agoura Hills and Westlake Village, but she will have to research the cost information; one problem with the radar trailer is that someone is always needed to move it from one location to another; the sign is also fairly large and needs frequent repairs and downtime for calibration; it does collect data, but she was not sure how detailed that data was in comparison to what is provided by the new sign; she will attempt to get copies of studies completed by several other cities that show a reduction in speeding after the installation of the unit provided by Fortel; she was also told that those cities with solar signs did not appear to be having the same problems that we are having with our sign.

Mayor Freedland had the following additional comments:

He observed the sign for about an hour one afternoon, and thought it was obvious that drivers braked when the sign came on, not just because it was a downslope with a speed hump; he does not know where the number of seven signs came from, as the intent has always been to purchase no more than three units, if the decision was indeed made to purchase any; the City of Moorpark has had a great deal of success with these units, and Calabasas has either installed one or two; he would hope that Emery Dyer, the owner of Fortel Traffic, would come out to observe the sign, test the batteries, and address the City's reliability concerns with the understanding that the City would be afraid to purchase any units if the problems were not resolved; he would suggest another trial of the same sign in another location, with more sunlight, with the sign remaining dark for a time to collect data before being activated, to allow for a comparison later; it would be possible to install units that could be hard wired to a power source, such as near the school or the Community Association, but he would rather choose the locations based on traffic problems, not based on where there might be power sources; he thought Mr. Dyer himself had provided some information regarding competitors, but the units offered did not have the same type of programming and information capabilities.

Mayor Freedland also wished to make it clear that speeding tickets could not be issued from this unit, or from any similar unit, as the law only allowed the issuance of radar checked speeding tickets when the radar unit was held and operated by a qualified officer. Council Member Fisher

thought other cities were issuing tickets based on photos taken by radar units. Assistant City Attorney Roxanne Diaz confirmed that speeding tickets could not be issued from a radar unit unless that unit was operated by a qualified officer, and that perhaps what Council Member Fisher was referring to was the ability to issue tickets for running red lights based on photos taken by cameras at traffic signals. She further explained that there is specific legislation that allows for the red light cameras, and that there are many safeguards built into the process by the legislation – for example, the camera takes a picture of the license plate, the face of the driver, and the car as it passes the light, with all of this information being reviewed by an officer before a ticket can be mailed.

The Mayor and Council Members thanked Mr. Nussbaum for all his work on this project and for his very well written report.

### **MATTERS FROM STAFF**

#### **A. Lasher Development - Update**

City Engineer Dirk Lovett informed the Council that staff was expecting shortly a revised screen check draft environmental impact report (EIR), which would have to be reviewed by staff, and if additional changes are still needed, it would be returned to the consultant preparing the document to address those changes.

Mayor Freedland asked from this point today, what steps would occur before the public would have an opportunity to review the draft EIR. Mr. Lovett stated the following:

City staff and the City Attorney will review the document once received, and then provide comments and required changes to the consultant preparing the draft EIR; that consultant must address those comments and then return the screen check draft again to the City for review; this process continues until all of the comments have been properly addressed and all necessary changes made; at that time, the draft EIR will be circulated to the public for a 45 day review period.



Mayor Freedland and Mayor Pro Tem Berg wished to point out that the Council Members have not seen this screen check draft, and will not see it until it is determined by staff to be ready for the 45 day circulation period. Assistant City Attorney Roxanne Diaz confirmed this statement, adding the following:

The process at this time is an internal review between the consultant, City staff, and City Attorney; during the 45 day circulation period, the draft EIR will be available at City Hall for review; a copy can be purchased by anyone once the copying costs are paid; staff will provide a copy to each of the Council Members at the same time as the document is made available to the public; the Council Members will not see the draft EIR before that time.

Mayor Pro Tem Berg wished to know what happened at the end of the 45 day public review period. Assistant Attorney Diaz responded as follows:

At the end of the 45 day review period, the project will be brought to the City Council for consideration; staff will schedule a noticed public hearing; notices will be posted just as they are for all public hearings; at the public hearing, the public is given an opportunity to provide comments on the draft EIR; the public, during the 45 day review period, is also encouraged to submit written comments; the statutes allow the City to respond to any written comments; any written comments and the City's responses to those comments are made a part of what is called the final EIR; all the information is bound together to form the final EIR, which thus consists of the draft EIR, any written comments, and the City's responses to those written comments; the final package is then presented to the Council at the noticed public hearing at which testimony can be provided by the public; the Council then deliberates the project at that time.

**B. Discussion of Possible Amendments to Hidden Hills Municipal Code Regarding Commercial Restricted (CR) Zone**

City Engineer Dirk Lovett summarized the previous discussions at November and December Council meetings on this topic. In response to Mayor Freedland, Assistant City Attorney Roxanne Diaz stated that City Attorney Larry Wiener would be attending the next Council meeting and would have some additional information for the Council at that time.

Mayor Freedland did express his desire to have a 25' setback on any property in the CR zone where that property abutted a residential property. He added that if such a setback presented

hardships for a particular property, there would be variance procedures to allow exceptions to the setback, if the Council deemed it appropriate. Mayor Pro Tem Berg agreed, stating that he would rather see more restrictions and then consider the granting of a variance, rather than see fewer restrictions.

Council Member Cohen asked if the 25' setback could be used for landscaping, parking, or driveways. Attorney Diaz responded that typically a setback is unusable except for landscaping. Council Member Siegel agreed that the setback should be used for nothing other than landscaping, and that the Council is attempting to prevent a 30' two-story building from looming over a residential property. He also suggested the Council Members review the information provided on the Calabasas CL zone, which is very similar to what is being discussed.

Mr. Lovett added several comments:

In his November staff report, he did a comparison table with the Calabasas CL zone; he also pointed out that the Hidden Hills handicapped parking requirements are not as strict as the California Building Code requirements, so he would recommend that the City code be updated to conform; he did provide some exhibits showing a typical self-storage layout; for this type of building, the City's code would require one parking space for every 300 square feet of building, while the Calabasas code requires only three parking spaces for a 5000 square foot self storage or warehouse facility.

This item will be further discussed at the next Council meeting. Mayor Pro Tem Berg again thanked Mr. Lovett for his helpful information and exhibits.

### **C. Notice of Completion/Round Meadow and Long Valley Road Improvements**

City Engineer Dirk Lovett presented the following staff report:

This project began over two years ago and is now complete; it involved street improvements to both Long Valley and Round Meadow Roads outside the gates; a contract was awarded to Excel Paving in the amount of \$573,344; the utility undergrounding was a separate project, and thus not included in this report; the Council's total authorization to staff, including contingencies, was \$630,678.40, with the total construction costs well under budget at \$487,156; the City had to spend only \$11,800

from its general funds, as the other costs were covered by the Las Virgenes Unified School District, Charles Abbott, gas tax, and Prop A and C; he is recommending acceptance of the work as complete.

Upon MOTION of Mayor Pro Tem Berg, seconded by Council Member Siegel and unanimously carried, it was resolved to: accept the work as complete; authorize the City Clerk to file and record a Notice of Completion; and authorize the release of the retention upon satisfactory clearance of the thirty-five (35) day lien period.

In response to Mayor Freedland, Mr. Lovett stated that the Water District would be installing for the City a new meter at the corner of Round Meadow and Mureau Roads, but the installation would not happen for three to four months due to their work load.

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried, it was resolved to adjourn the regular meeting of January 10, 2005 at 9:18 p.m.

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Steve Freedland, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk