

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, September 12, 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, September 12, 2005 at the hour of 7:30 p.m. Mayor Ronald Berg called the meeting to order and presided thereover after asking resident Jessica Shandler 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
Staff:	City Engineer Dirk Lovett City Manager Cherie L. Paglia
Absent:	Council Member Stuart E. Siegel

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

### **APPROVAL OF AGENDA**

Upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Fisher and unanimously carried, it was resolved that the agenda for the September 12, 2005 regular meeting be approved as submitted.

### **ANNOUNCEMENTS**

Mayor Berg made the following announcements:

The Fiesta packet has been mailed out; if you have not received yours, there are extra copies available at City Hall; this year's theme is "Traveling Through Dixieland"; meal tickets are available at City Hall during normal hours from 9:00 a.m. – 5:00 p.m.; Saturday night dinner tickets, each of which includes a wristband for the rides and games, are \$22 for adults, and \$15 for children; pancake breakfast tickets are \$5.00, while the Sunday night wine swap/picnic dinner tickets are \$16.00 or \$18.00, depending on which dinner you order; the last day to purchase meal tickets for the October 1-2 Fiesta is Wednesday, September 28<sup>th</sup>; tickets will not be sold after that date with no exceptions.

The Community Association (HHCA) is currently slurry sealing numerous roads within the City; if you have any questions regarding this project, call the HHCA.

The City has received requests regarding what, if anything, the City can do for hurricane Katrina victims; per legal counsel, the City cannot make charitable contributions, as that would be an illegal gift of public funds; however, there are at least two Hidden Hills residents who are planning fund raising events for the near future, with one possibly occurring on Sunday, October 9<sup>th</sup>; once the dates are confirmed, the information will be placed on cable TV channel 3 and announced at the next Council meeting.

Tonight is the last night that cameraman Michael Nussbaum will be videotaping the Council meetings; he is a junior in college and will be leaving tomorrow for UCSD; as the Council and staff would like to publicly thank him for a job well done, Mr. Nussbaum was asked to step into the meeting room for a bow.

At the last meeting, the Council authorized the expenditure of \$2000 to the Las Virgenes Unified School District (LVUSD) (an amount also approved by the other three cities in the District), to look at the issue of a possible funding source from an increase in the document transfer tax; before that money was expended, he was asked to talk to the City Attorney, who did have some preliminary information suggesting that this may not be feasible; the issue is being further investigated, and if not feasible, the study can be cancelled; in that case, the LVUSD and the cities will save a total of \$10,000 which could

then be used in another manner for the benefit of the students; the City certainly would like to help the LVUSD, but not if money is being wasted to study an issue that is pretty clearly not possible.

The Council also recently approved a community assistance grant to the Community Association (HHCA) for a study regarding erosion control; the HHCA rescinded that request, so those funds will be placed back into the budget for consideration in connection with other community assistance grant requests during the rest of the fiscal year.

### **AUDIENCE**

Resident Margaret Hampton addressed the Council as follows:

She has lived in this wonderful community for 40+ years; she would like to thank the City staff for responding to her questions regarding a mudslide from a property above hers that affected her property during the rains; she is aware of what the City can and cannot do, and she herself is attempting to obtain compensation from the property owners; however, it has been seven months, and she is concerned that if the erosion problem is not fixed before the next rainy season, that she could be further affected; she has seen a lot of trucks going up and down the road, and wondered if geology studies have been completed now or if they were done in the past, and if there is a deadline for the repairs.

Mayor Berg pointed out that the Council could not take any action at this time on this issue, as it is not on the agenda, but assured Ms. Hampton that the Council was aware of the situation and that staff, which had already sent three letters (in March, April and August) to the property owners involved, had been directed to continue working with those owners to resolve the matter.

He then asked City Engineer Dirk Lovett for an update, which was provided as follows:

The City does not do active geotechnical studies of currently developed properties, as those studies are done before properties are developed; he has contacted the two property owners at the end of the driveway; they have stated that they have entered into a contract with a geotechnical engineer; his work should be finished later this month with plans to follow shortly thereafter; they understand there is an October 15<sup>th</sup> deadline (when the rainy season officially begins) for either repairs or protection against any future rains; if repairs are not completed in time, they will either have to keep the existing plastic or replace it with new plastic if necessary to assure that no additional soil is eroded and to prevent a concentration of water from pouring down the driveway.

Mayor Berg stated the City would continue to monitor the situation and keep Ms. Hampton informed.

### **PRESENTATIONS**

#### **A. To Jessica, Carly and Samuel Shandler Regarding Fundraising Efforts for Victims of Hurricane Katrina**

Mayor Berg announced that there have been a number of groups in Hidden Hills exercising various efforts (mostly lemonade stands) to raise funds for the victims of Hurricane Katrina, and although the Council does not yet know who all of them are, there are four here this evening of which the Council is aware. He added that ABC did a live remote at their lemonade stand, with the segment ending up on the evening news. Mayor Berg then presented, on behalf of the Council, city certificates to Jessica, Carly, and Samuel Shandler, and Adam Isaacs.

Jessica Shandler informed everyone that with the help of their mother, other youngsters, many generous people, and a company that matched the money they collected, their lemonade stand made \$21,000. Mayor Berg was told that another person would soon be contributing \$1250, which would also be matched, raising the total to almost \$25,000. Mayor Berg extended congratulations to the parents for instilling in their children the value of helping others.

#### **B. Consideration of Approval of Community Assistance Grant to Calabasas High School for Support of the *Every 15 Minute Program***

Las Virgenes Unified School District (LVUSD) Board Member Cindy Iser addressed the Council as follows:

She wished to thank the Council for consideration of support for the feasibility study in relation to the document transfer tax, and does appreciate the letter from the City's legal counsel, which will provide a basis for further important discussions on this issue; she is here to discuss character education in the schools, and thought it very appropriate to see these students honored this evening who have demonstrated the highest level of community service and shown good character; a lot of attention is focused on outstanding test scores; the District's API scores, which are used to measure academic achievement

throughout the state, increased this year over last year at every school in the District; the District's schools are in the top 7% - 10% statewide; however, academic scores are only one indication of how well the schools are succeeding in educating children to become responsible adults; another equally important part of their education is development of character; students need to learn to make good choices and become responsible members of society and good citizens; every year there are car crashes involving local teens; they thought the importance of being a safe driver was a very important character lesson; after researching, they found the *Every 15 Minute Program*, which is sponsored by the California Highway Patrol in California and by the Lost Hills Sheriff Station in our communities; the name of the program refers to the frequency of fatal car crashes in the U.S.; the goal of the program is to illustrate to teen drivers the consequences of drinking and driving, of driving too fast, and of being distracted while driving; it is a very unique, powerful and emotional program which unfolds over two days, using a staged fatal car crash on campus; the program was presented earlier this year at Agoura High School and last year at Calabasas High School; it involves the L.A. County Sheriff and Fire Departments and AMR, all of which use this as a training exercise, as well as local businesses, insurance companies, and the cities of Agoura Hills, Westlake Village, and Calabasas; there is no hard data or any test scores to prove the program has an impact, but they know it does based on the comments by both students and parents; students say they now think about the importance of human life, how lives can be changed in a split second, and how they can impact the lives of others, both negatively and positively; parents say it helps them to speak more openly with their children about family bonds, love for each other, and the importance of making mature decisions; they will be presenting the program again this year at Calabasas High School on November 21-22, and they would hope the Council can help support this character education.

Ms. Iser then introduced Hidden Hills residents Meir and Melissa Isaacs and their daughter Nicole, who participated in the *Every 15 Minute Program* at Calabasas High School. Nicole gave her impressions of the program:

Taking part in this program was one of the best decisions she ever made, as it changed her as a person, and she could see how everyone at the school was affected; her friend was "paralyzed" and she was "killed" in the accident while riding with a drunk driver, with people in the other car also "dying" and being "paralyzed"; even though people knew it was not real, it seemed that way to everyone; it was very intense with real Sheriff personnel and paramedics responding to the staged accident; the prom was three weeks later, and students were afraid to drink, let alone drink and drive.

Mrs. Isaacs added her comments:

The program is very heart-wrenching, effective and emotional; the Sheriff actually came to their door to tell them that their daughter “had been killed”, and they had to react emotionally for the video camera; even though they knew it was not real, nothing could prepare them for what it felt like; Nicole was asked to participate because the principal felt she could make an impact on the rest of the student body; she was actually isolated for three days and could not talk to anyone, even them as her parents; Nicole also had to write a letter saying “good-bye” to the family; she was in the auditorium when the video was shown, and it was very obvious from the reactions that it was very effective; they feel the program does a lot of good, and are very supportive of it.

Mayor Berg stated that in the six years his two daughters were at Calabasas High School, they attended four funerals, so this is taken very seriously at his house, as it is in the community. He added that he was very glad to see there is recognition that drinking and driving and speeding do present a problem that needs to be addressed.

Co-chairmen Tracey Arnold and Leslie Hirschman made the following comments:

This event requires donations, both cash and in-kind, from cities and vendors in the community to cover the estimated \$16,600 budget for the program; they are asking for financial support from Hidden Hills, and just suggested anywhere from \$500 to \$1600 as a guideline; there are roughly 2000 students at Calabasas High School, and even though there are only 90 who live in Hidden Hills, we all share the roads on a regional basis; that is why they ask all the area cities and businesses to participate; every driver that can be convinced to drive safely makes the roads safer and benefits everyone.

In response to several questions from Mayor Pro Tem Cohen, the Co-chairmen provided the following additional information:

The program was last done in the spring of 2004 for 11<sup>th</sup> and 12<sup>th</sup> graders, but they are considering adding 10<sup>th</sup> graders; they wanted to do the program early this year to create more bonding of the students throughout the whole year, during which there are parties; they would also like to spend more time doing follow-up and surveys to document the results of the program; they will see how it works, and if they like the results, will keep the program in the fall; they have asked Calabasas for \$5000, and that city also provides its media department crew to produce the video that is shown to the students during a funeral-like assembly; the video shows the collision, plus follows each of the involved students to wherever they go – morgue, hospital, jail, courthouse; they are just beginning their fundraising efforts, but normally get \$5000 from cities (on average) and \$250 -

\$5000 from businesses; if anyone has a business and would like to become a sponsor, they would be more than happy to contact that person/business.

Council Member Freedland stated that he talked to Captain Tom Martin and several officers from the Lost Hills Station, all of whom felt the program was very effective. Upon MOTION of Council Member Freedland, seconded by Council Member Fisher and unanimously carried on roll call vote, it was resolved to approve a community assistance grant to Calabasas High School in the amount of \$1600 to purchase T-shirts for the “walking dead”, other crash victims, volunteer crews, and emergency personnel for the *Every 15 Minute Program*.

**C. L.A. Regional Water Quality Control Board/Tapia Water Reclamation Facility National Pollutant Discharge Elimination System (NPDES) Permit**

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

Approximately 120 people, including Mayor Pro Tem Cohen and many Hidden Hills residents, attended the public hearing on 9/1/05; at the meeting, the letter submitted by the City was admitted into the public record; there were many supporters of the LVMWD, as well as many environmental groups and the EPA; a great deal of testimony was heard, but no decision was reached and the hearing was continued to 10/6/05; the Regional Board asked a lot of questions, showing a good command of the issue; the LVMWD would accept the EPA’s recommendations, but the Regional Board staff has asked for changes that will make the permit unworkable and set the District up for failure; the permit issue is about algae in the creek, not about health issues or bacterial contamination, as there is no bacteria released in the creek by Tapia; it is about nitrogen content in the Tapia discharge during five months of the year; the Regional Board staff wants the LVMWD to reduce the nitrogen to 1 part per million, when the standard for drinking water is at 10 parts per million; to comply, the LVMWD has projected \$160 million in capital costs and \$200 million in operating costs over 20 years, which would be borne by sewer customers; the LVMWD seeks collaborative problem solving approaches and considers environmental stewardship as a priority of District operations, but there is also a responsibility to the public; the LVMWD is a source of water into the creek, but there is also runoff from streets, driveway washing, rainfall, etc. that goes into the creek untreated; the bacterial count in water from Malibu Creek is 500X – 1000X higher than the water, after being treated, discharged from Tapia; it is very important to monitor irrigation systems and to not allow run-off from lawns, as it all goes into the creeks untreated carrying bacteria, metals, etc. that wind up in the ocean; he urged everyone to

attend the next public hearing, and to call him, call the LVMWD, or visit the website at [www.yourwater.org](http://www.yourwater.org) for more information.

## **PUBLIC SAFETY**

### **A. Continued Discussion Regarding Coyotes and Consideration of Approval of a Coyote Trapping Program**

Mayor Berg announced that the Council would take further testimony this evening, but asked that testimony provided at several previous meetings not be repeated, as it is already in the record. He added that the Council has a new (updated to the moment) summary of 25 calls to City Hall relating to coyotes, with not all of them being complaints.

The first resident to address the Council was David Lawrence:

He just recently heard about the coyote discussions; he chose to live here in this rural atmosphere for the quality of life; he respects where he lives and the environment in which he lives, and has a concern for the wildlife; he has made sure his property is fenced for the safety of his children and animals; he understands the City conducted a trapping program several years ago, which he would consider more of a slaughter; the inhumanity of a trapping program, as well as possible legal issues, concern him; his heart goes out to those adversely affected by the coyotes, but we all occupy the same space and should all be treated fairly.

Mayor Berg answered as follows:

The Council has previously approved trapping programs to limit the number of coyotes, with the purpose being to eliminate only the aggressive coyotes; to the Council's understanding, the programs have been done with legal traps and in accordance with all laws; the Council would never knowingly adopt a program otherwise; it appears that the previous program was successful, to the point that one of the trappers here this evening has recommended that nothing further be done at this time.

When Mr. Lawrence asked if the coyotes were relocated, Mayor Berg asked trapper Troy Spillman to respond. Mr. Spillman reported that it is not legal to relocate coyotes – those trapped are destroyed, which is legal.



Cherie Ballard was next to speak:

One of her cats was attacked two days ago and is now in the hospital; the cat would have died if she had not sprayed the coyotes with the hose; she has seen three coyotes abreast walking down Long Valley Road; she has lived here almost 37 years and has seen coyotes tear apart the foreleg of a horse and bring it down to the ground to grab its throat; coyotes are not an endangered species, and this is a substantial problem; the coyotes come from the back trail of her house, and run across her roof chasing her animals; maybe if a child is attacked and maybe killed, then the Council will know it should have done something.

Mayor Berg asked Ms. Ballard, since she was very concerned with the coyotes on her property, if she had personally done anything to protect her property. Ms. Ballard replied that she could not afford to do anything, and that perhaps she and her neighbors, as a collective group, could do something, but they have not. She added that she does have chain link fencing on her property and hot wire, but that the coyotes can scale that.

Resident Keith Trotman spoke in favor of the Council approving a coyote trapping program, reiterating the same comments made by his wife Jane Trotman at the previous Council meeting. He did add that he thinks there has been a boost in the number of coyotes at this time, and that they are using the trails and the streets to migrate through the community, making them everybody's problem.

Council Member Freedland commented as follows:

He was a proponent and voted in favor of the last trapping program; that program was not to thin the coyote population, as they are very adaptable; if coyotes are thinned out, they can respond by breeding more and having more pups; what the Council tried to do with the last program, being respectful of the wildlife concerns since the trapped coyotes are euthanized, was to address the problem of those coyotes that had lost their fear of man; resident complaint calls were logged, and at that time, the complaints were not just about howling coyotes, but about coyotes entering garages or doggie doors, and staring through windows into living rooms; the nature of the complaints back then showed an aggressive behavior problem; this time, the calls are different; aside from several that do not want coyotes trapped, or think the trapping interferes with the food chain, many complaints are just sightings; as an example, one complaint said a coyote was sighted daily, but when

the person went outside, the coyote ran away; that is exactly what is supposed to happen; he is worried that we are trying to eliminate the coyotes from Hidden Hills, not because he likes coyotes (he does not), but because it is impossible; no matter what the City does (trap or not trap), residents should not feel safe leaving their grandchildren out in the yard alone; there is no way the City can eradicate coyotes, especially being right next to the Ahmanson Ranch; then there are unintended consequences of a trapping program; when there are less coyotes, there are more rats, gophers and rabbits; since the last meeting, he called numerous people to solicit comments or complaints about coyotes, asking if they had seen them, if they were aggressive, etc.; mostly the people told him they were seeing more rabbits; the Council never tried to thin the number of coyotes, as that is not effective per the experts, but only went after those showing aggressive behavior; it is also very compelling to hear from a person who makes his living trapping coyotes tell us, from the nature of the complaints received by the City, that in his mind, there is not evidence of the same aggressive behavior seen in earlier years.

Mr. Spillman was asked to comment at this time:

Since the last meeting, he looked at the complaints and then looked at some areas himself, and now does believe that there are a few individual coyotes that should be removed; he does think it is a public safety issue; he is in the City a lot in the evening and early morning, and he looks at what he reads, sees and hears.

Council Member Freedland asked Mr. Spillman what the cost would be if an individual homeowner wished to hire him to trap a particular coyote on his/her property, to which Mr. Spillman replied "\$300 - \$600 per coyote".

Council Member Fisher then spoke:

He said the Council Members did not want to hear anyone talk about what was already said, but all he is hearing is what has been said before; he thinks there is a problem and it needs to be solved; he did not understand what the other Council Members were thinking, and if they were waiting for someone to get killed, it is going to happen; he has a rabbit problem, as does everyone, and has had it since he has lived here; he has not had a problem with a horse being taken down yet; it is a bad idea to shoot the coyotes, as someone suggested, as bullets go a long way; he wondered why this was happening.

Mayor Berg responded as follows:

People were asked not to repeat what was already said, as it is already on the record; the Council Members are dealing with this issue, so he does not agree with Council Member Fisher saying they are not, and takes offense at such a statement; the Council has

obtained proposals for a trapping program, has taken testimony at several meetings, and is trying to become educated; all of these things have been done so the Council Members can take action if they choose.

Mayor Pro Tem Cohen also stated he did not agree with Council Member Fisher, as what they were hearing tonight from Mr. Spillman was different than what was said at earlier meetings; he also wanted to hear from anyone else who had not had an opportunity to speak yet.

Resident Kim Ulrich, who spoke at the last meeting, stated that she was quoted a \$1000+ price for trapping, and that Linda Greenhut, who could not be here tonight, had the same problem as the Trotmans.

Mr. Lawrence expressed his respect of the observance of aggressive behavior, but wanted clarification that this was a City issue rather than having residents act individually. Mayor Berg explained that residents can hire trappers to do what they want on their own properties, and that is not regulated by the City. He added that the Council is not aware of anyone having done this.

Resident Paul Bryson reiterated some of his comments from the previous meeting, adding that he did not believe there were coyotes in the City up until the late 1990s, and that the rats and rabbits were controlled by the cats in the City until the coyotes came and killed the cats. Mrs. Wolver, who also spoke at the last meeting, presented a letter to the Council that her husband had written three years ago, stating that "this is a clear and present danger to the safety and well-being of our City".

Council Member Freedland pointed out that three years ago he agreed with her husband, based on documentation showing that there were aggressive coyotes, and that is why he voted at that time for the trapping program.

Mayor Berg then asked both Troy Spillman, representing Wildlife Management Professionals, and Dan Fox, representing Animal Pest Management Services, Inc., to address the Council, to discuss the proposals each had submitted for a trapping program.

Mr. Spillman provided the following information and responses to questions posed by Mayor Berg:

Usually the trapping program is a two week program; it takes a lot of ground work to define the areas for trapping; he would recommend off of Long Valley behind the pet cemetery and along Round Meadow, which represent some of the same haunts as before, as well as some new areas; there would be a six month guarantee; the cost would be \$4500, which he cannot lower; the Council knows he would do his best, but the other gentleman is highly qualified, also; he would guess that approximately 5-7 coyotes would be removed; this would reestablish some fear in those coyotes showing some aggressive behavior; the coyotes are savvy enough to know when some of their own disappear that something is going on; coyotes would still be seen in the City, but probably more at night.

Mayor Berg asked if Mr. Spillman had changed his mind from the last meeting and now thought a trapping program was necessary and would recommend that the Council approve such a program. Mr. Spillman stated the following:

To be fair, at the last meeting, he was going on the complaints that had been received by the City; if the Council does want to be proactive, instead of waiting until something happens, a trapping program should be done every other year or so; the City will always have coyotes, but the programs would establish that fear in the coyotes; the rabbit population will be influenced by rainfall and yards being always green, which draws the coyotes in; once there, the coyotes may take anything slower than the rabbits if available; he would recommend a trapping program at this time; he uses leg or trail snares, which are the only traps legally allowed; he is very careful not to catch domestic pets; traps should be checked twice a day, in both the morning and evening, as you do not want a trapped animal to be in the trap for long periods of time and be stressed; he normally would ask the homeowner to let them know if an animal is trapped.

Mr. Fox then addressed the Council:

His company did the trapping two years ago next month; seven were trapped at that time, when the problem was much more severe than it is now; he did review a list of the complaints provided by the City; from those complaints, it looks like last year the coyotes

behaved exactly as expected – the coyotes ran away from humans; in the last 90 days, you could see a significant increase in aggressive behavior towards humans and animals; that is when you would want to reinstitute a program; if he were to do the trapping program, traps would be placed in areas where the homeowners have reported aggressive behavior; but again, they would only be targeting those coyotes causing problems; there is no way to eliminate all the coyotes; coyotes do get more active when more and more homes are built and there is more food; in a natural area, there is usually one coyote per square mile; in an urban area, there are more like 20-30 per square mile; you will still see coyotes, but they will not be causing a problem; the food chain will not be affected if only 3-5 coyotes are removed; it is a two week program with a six month guarantee, and traps set for 24 hours a day; usually a coyote has a ten mile radius, but in this area the range is probably a three to four mile radius, meaning the coyotes will probably come around every two to three days; his company has Jimmy Rizzo, who is one of the premiere trap experts on the west coast (he caught 288 last year, and 150 this year); the traps are totally safe and humane; he would recommend a program every year or every other year, depending on the calls received and behavior reported; the cost for his recommended trapping program is \$2500.

Council Member Fisher asked whether or not coyotes actually do go after rabbits, since there are still so many in the City, and if Mr. Fox knew of any horses being taken down by a coyote. Mr. Fox replied as follows:

Coyotes go after the easiest food; rabbits are quick and fast, a cat or dog will often stand and look, and a chicken is very easy; horses may have been attacked, but he has never seen any documentation of a coyote taking down a horse; last month there was a report in Orange County of a child being bitten by a coyote; June and October are peak coyote activity periods, when the pups are leaving the parents.

Mayor Berg then closed the audience comment period and asked the Council Members for their views. Council Member Freedland stated the following:

He is not an expert, but is not seeing evidence of aggression in the reports made to the City or in his discussions with residents; he is worried that the Council will be lowering the bar from the initial program, the purpose of which was to remove only those coyotes showing aggressive behavior; he feels a program at this time would be moving toward an eradication program, and he is not comfortable with that.

Mayor Pro Tem Cohen, even though expressing his respect for Council Member Freedland's comments, stated he did not hear anything that changed his mind from the last meeting, and in fact what Mr. Spillman said confirmed his thoughts; he does think it is a public safety issue, and

even though the bar is probably being lowered, would rather have people feel safe than possibly having something happen.

Council Member Fisher was not sure there should be a program every two years – he would rather do one now, and then wait and see what happens from there.

Mayor Berg added his comments:

Up until several minutes ago, he would have agreed with Council Member Freedland, in large part based on Mr. Spillman's comments from the last meeting; he hates the idea of lowering the bar, and thinks the expectation of the residents is that the Council is moving toward an eradication program, which is not true; but he feels the Council should come down on the side of safety and help alleviate what people think is a problem, whether it is an actual or perceived problem.

Mayor Pro Tem Cohen pointed out that Mr. Fox's company was based in Chino, and wondered if that would be a problem for someone to check traps twice a day. Mr. Fox assured the Council that with 38 employees and an office in Thousand Oaks, it would not be an issue or a problem to check the traps at least once and up to twice a day, handling the program just as they did before.

Per Mayor Pro Tem Cohen, he would have to support Animal Pest Management based on the company's credentials, the proposed cost, and the fact that they did the program the last time. Upon MOTION of Mayor Pro Tem Cohen and seconded by Council Member Fisher, it was resolved on a 3-1 vote, with Council Member Freedland opposed, to authorize the expenditure of \$2500 to Animal Pest Management Services, Inc. to provide a two week coyote trapping program within the City, with a six month guarantee.

At this point, the Council took a seven minute recess, with Mayor Berg reconvening the meeting at 9:07 p.m.

**B. Emergency Services Update**

Mayor Berg thanked Emergency Services Director Jim Doran for the report he prepared for the meeting, which the Council Members have all read, but due to the late hour of the meeting, asked Mr. Doran if he could give a very short report now and then attend the next Council meeting to give a more detailed report at that time, especially regarding the City's preparedness in light of recent events with Hurricane Katrina.

Mr. Doran gave the following report:

From newspaper reports, everyone is being reminded that when a major disaster occurs, people who normally respond to those disasters are often victims themselves, which will impact cities; the City also needs 35-40 people to join and train for the CERT team, which we call the Neighborhood Emergency Assistance Team (NEAT) in Hidden Hills; he would challenge the Council Members to recruit people for NEAT – anyone 18 and older can be recruited, as well as 16 and 17 year olds with parental permission; he would also challenge the Council Members to conduct a drill in which they try to evacuate their entire family from their home in 10 minutes (in the car and backing out of the driveway in that amount of time); after the drill, evaluate what went well and what did not.

Mayor Pro Tem Cohen thought there was no better time than now to ask for volunteers, with Mayor Berg suggesting that a booth be set up at the Fiesta, both at the Community Center after the parade, and in the evening at the Spring Valley arena. Mayor Pro Tem Cohen thought a "Can You Evacuate in 10 Minutes" would be a good banner for the booth. Mayor Berg volunteered all of the Council Members to help man the booth.

Mayor Berg admitted that sometimes enough attention is not paid to emergency services reports, but with the events of 911 and more recently Hurricane Katrina bringing back the importance of emergency services, he would like to thank Mr. Doran for what he does for the City, as he is not recognized enough.

### **CONSENT CALENDAR**

- A. City Council Minutes – August 22, 2005**
- B. Demand List**

Upon MOTION of Council Member Freedland, seconded by Council Member Fisher 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. Lasher Development - Update**

Mayor Berg provided the following update:

The time for public comments closed last Thursday, September 8<sup>th</sup>; comments were received from various organizations and individuals; these were sent to the outside consultant, the City Attorney, and the developers; responses to the comments are being prepared, with the comments and responses, along with the draft EIR, all to become the final EIR; once that is ready, a public hearing or hearings will be held regarding the final EIR and the project itself.

Ron Gonen stated that they are very happy to have arrived at this stage, and are looking forward to proceeding as swiftly as possible to the next phase. He asked the Council and staff to let him know if anything was needed from the developers.

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

**Repeal** – Mayor Berg provided the following information:

The Council recently discussed the question of whether or not the City wanted to continue in the tree business, to which the general consensus seemed to be no; staff has worked with the Community Association (HHCA) on this issue; per the HHCA, they would like to take over the responsibility for trees, and have confirmed that by email; the tree removals would most likely become a part of the landscape approval by the Architectural Committee.

City Engineer Dirk Lovett added that the HHCA has asked the City to repeal its tree preservation ordinance, stating that the Board would revise and amend its standards, a process which should take approximately three months. In light of this, Mr. Lovett stated he would recommend that



the tree preservation ordinance be repealed once it is confirmed that the HHCA has its regulations and standards in place.

Upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Freedland and unanimously carried on roll call vote, it was resolved: to direct staff to prepare an ordinance to repeal the current tree preservation ordinance, once notification is received from the Community Association that all necessary standards and regulations are in place for them to assume responsibility for tree preservation; to direct staff to prepare a letter notifying the Community Association of the City's intent; and to direct staff to prepare a letter to the Community Association directing them to obtain permission from the City before removing any trees from City owned property that the Association maintains.

**Sureties** – At this point, Mayor Berg recused himself from this discussion and left the Council Chambers, as he himself does have a surety on file with the City and would be affected by any decision made on this subject.

City Engineer Dirk Lovett informed the Council that there are presently eleven surety deposits on file, with the sureties to be held a total of three years to guarantee the survival of required replacement trees. He added that the question is whether or not those sureties should be held for the entire three years, or released once the tree preservation ordinance is repealed.

Council Member Freedland felt the sureties should be released when the ordinance was repealed and the transfer of responsibilities to the Association completed, and that the matter could be addressed in the repealing ordinance. Council Member Fisher asked if the Association planned on collecting sureties, and if so, should those on file with the City be transferred to them. Mr. Lovett stated that the Association was not sure what they would do regarding sureties, but it did not look like that was something the Association wished to do, especially since they have other tools for enforcement, including the revoking of gate privileges and fines.

A short discussion then took place during which the following questions were raised and points made:

Should sureties continue to be collected until the tree ordinance is repealed, since they might be returned shortly after being submitted, based on the timing of the repeal; before any sureties are released, could and should staff inspect the replacement trees for compliance; if the sureties are going to be released, when should that occur; since there are some who have not yet paid their sureties under the current ordinance (the permit has not been pulled yet; the Council has approved the tree removal or an after-the-fact removal, but the replacement plan has not been approved yet by the Association; the applicants have just not shown any interest, especially if the trees have already been cut down, to comply), how should those be addressed; if someone has not complied, they could fall through the cracks if the City's ordinance is repealed and those people have no further contact with the Association; the consensus seems to be that the City does not want to hold the sureties for three years, especially once the City is no longer in the tree business, but what should be done with those who have not complied with the current requirements, as it is not fair to those who have complied; is it possible to hand the existing sureties over to the Association and then let them decide what to do once they have the responsibility for trees; should those who have not complied be turned over to the City Attorney; how can the timing best be handled for both the adoption of the ordinance to repeal the current tree preservation ordinance and the possible return of the sureties; should the existing sureties just be held until the three years run out; the current ordinance will not be amended to make smaller changes as suggested earlier by the Council, as those changes were to be made only if the Association was not interested in taking over the entire tree removal process.

As there were so many unanswered questions, staff was asked to look into the questions, and to place this matter on the next agenda for further discussion.

**C. Review and Consideration of Approval of Preliminary Flood Insurance Rate Map (FIRM) for the City of Hidden Hills**

City Engineer Dirk Lovett provided the following report:

He has been working with the Federal Emergency Management Agency (FEMA) to revise the City's flood insurance rate map (FIRM) to include documentation that staff felt was pertinent based on the installation of the Long Valley and Jed Smith storm drains; because of the installation of these two storm drains, City staff thought some of the flood hazard zones should be eliminated from the City's FIRM; FEMA finally agreed and submitted to the City a revised map; FEMA is asking for comments before they complete

the final map, which should become effective six months from June 2 (December 2, 2005); staff believes the new FIRM accurately shows the City's boundaries and reflects the flood zone along Long Valley Road, even though there are still some undetermined areas; staff would recommend approval.

Upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Fisher and unanimously carried, it was resolved to approve the changes to the FIRM as shown in the preliminary FIRM dated June 2, 2005 prepared by FEMA. The City Manager pointed out that this should help lower flood insurance rates for some residents in the affected areas.

**D. Request from Charles Abbott Associates to Increase Hourly Rates for Professional Services**

Mayor Berg reported the following:

A request was received from Charles Abbott Associates (CAA) to raise the hourly rates they charge the City for their services related to Building & Safety, Planning, and Engineering; there has not been an increase since 1996; even though the cost of living since then has increased 27%, they are asking for a 13% increase; before seeing this request, he had also asked if it would be better for the City to hire someone like the City Engineer as an actual City employee; per the City Manager, the City would not be better off, as it would cost more; he would suggest the Council conduct a study session at the next meeting to give the Council time to think about this and to review the current CAA agreement.

Council Member Freedland asked if the City could get a competitive bid from another company to see what others are charging for the same services. Mayor Berg felt that an hourly price list should be obtained for comparison purposes, as he agreed with Council Member Freedland that there is an obligation to the residents to make sure the City is paying competitive prices. The City Manager agreed that a comparison price sheet of hourly rates would be very beneficial, but suggested that the study session be held before the City obtained full-blown competitive bids, to first review the contract and decide what the City wanted in order to provide a proper request for proposal (RFQ), which would take some time to prepare and would not be ready for the next meeting. Council Member Freedland stated the hourly rates would be interesting, and he was not

opposed to conducting the study session first, but still wanted to determine what the City was being billed for services

Mayor Berg suggested this matter be tabled for two weeks, but wanted assurance from City Engineer Dirk Lovett that the services being provided by CAA would not be affected by this delay. Mr. Lovett stated that would not be a problem, and that he would, as Mayor Berg suggested, invite CAA President Rusty Reed to attend the study session.

Mayor Pro Tem Cohen wondered if there was someone who could be hired to independently look at the utilization of staffing and services, as perhaps it might be more beneficial to hire one or two people in-house, although he did not find the requested increase in hourly rates to be unreasonable. Council Member Fisher commented that in studying this matter, fees to residents could also be affected.

The City Manager explained that the current CAA agreement was very old and definitely in need of an update, and then provided several reasons why it is normally not beneficial for a small city to hire in-house employees to handle these types of services: benefits for City employees are very expensive; if an employee is sick or on vacation, there is no one to cover for that person; a City loses the expertise and benefits of having an entire company with many employees providing services that an in-house employee cannot provide individually.

Mayor Berg stated that CAA had done very well for the City, but there is still an obligation to review the services and not just roll over a contract year after year. He added that he and Council Member Freedland looked at the services two or three years ago, but that it was certainly time to look again, and to possibly have someone analyze and review the use of CAA personnel. This matter will be further addressed in a study session at the next meeting.

**E. Charles Abbott Monthly Reports – June and July**

The monthly reports for June and July were received and filed.

**F. Consideration of Proposals for Removal of Four Pine Trees and One Acacia Bush at the Corner of Round Meadow and Mureau Roads**

Upon MOTION of Council Member Freedland, seconded by Council Member Fisher and unanimously carried on roll call vote, it was resolved to approve the expenditure of \$3000 to Trees 'N Things for the removal of four pine trees and one acacia bush from the property at the corner of Round Meadow and Mureau Roads, in preparation for future landscaping that is being planned for that location.

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Council Member Fisher, seconded by Mayor Pro Tem Cohen and unanimously carried, it was resolved to adjourn the regular meeting of September 12, 2005 at 9:42 p.m.

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Ronald S. Berg, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk