

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, October 24, 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, October 24, 2005 at the hour of 7:32 p.m. Mayor Ronald Berg called the meeting to order and presided thereover after asking resident Jay Ritt's daughter Ella Ritt to lead the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

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

Staff:

City Attorney Larry Wiener
City Treasurer Eddie Bauch
City Engineer Dirk Lovett
Building Official Greg Robinson
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Upon MOTION of Council Member Fisher, seconded by Council Member Siegel and unanimously carried, it was resolved that the agenda for the October 24, 2005 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Berg made the following announcements:

The coyote trapping has begun; as of last Friday (10/21/05), there are sixteen traps out and four coyotes have been caught, all towards the west end of Long Valley; we should have a full report on the program at an upcoming meeting.

He welcomed the City's new videographer, Chris Doran, the son of Emergency Services Director Jim Doran.

In the Sunday (10/30/05) "Daily News", there will be a recognition notice thanking all firefighters, law enforcement, and other agencies who were involved in fighting the Topanga fire; the ad/notice is being sponsored by all four area cities – Hidden Hills, Agoura Hills, Calabasas, and Westlake Village.

Daylight saving time ends this Sunday (10/30/05); everyone is reminded to turn their clocks back one hour.

The Community Association/Parks & Recreation Committee Halloween party will be held this Sunday (10/30/05) from 4:00 p.m. – 8:00 p.m. at the Community Center; call the Association for details; everyone is encouraged to have a safe and happy Halloween, which is actually Monday evening (10/31/05).

City Hall, the Building Department, and the Community Center will all be closed and there will be no inspections on November 11th, in honor of Veterans' Day.

AUDIENCE

Resident Randy Gale made the following announcement:

He earlier informed the Council of a fundraiser for the National Center for Missing and Exploited Children to help children from hurricane Katrina; the event was originally scheduled for 10/9/05, but due to the fire and evacuations right before that date, it was postponed until 12/4/05, to be held at the Calabasas Country Club; local resident Sinbad

will be appearing, and they will be auctioning items including an autographed guitar from Melissa Ethridge and a pure-bred Labrador puppy with vet services and training; approximately 40% of the children are still in the process of being reunited with their families; please attend as any help will be appreciated.

Residents Jacqueline Stanford (former professional iron woman competitor) and Jay Ritt announced the following:

The Hidden Hills Parks & Recreation Committee is sponsoring a Hidden Hills Triathlon Tour on Sunday, 11/6/06, beginning at 8:00 a.m.; the event is open to all residents who may enter as individuals or as teams, in which case each team member will only have to do one of the running, biking, or swimming segments; there will be both a long and a short course, with the objective being to promote physical activity; volunteers are needed; T-shirts will be provided; there will be a potluck brunch at the Community Center afterwards; brochures are available with all the details and a release form.

At the request of Mayor Berg, resident Robert Bergstrom provided the following information:

The recent fire made him aware of a situation happening all over the country; the state of California is now making it mandatory for government buildings to have a stand-by electrical service; there are several companies doing this, one of which is Blue Point that is putting in a system at a hotel in Orange County in conjunction with Southern California Edison (SCE); the system is set up in such a way that one unit would supply electricity for all of Hidden Hills, and would be done in conjunction with the company that provides service to Hidden Hills, although it is completely independent from the existing electrical service; it is the same type of system that is used in hospitals, but the only one environmentally in compliance with the Southern California Air Quality Management District's requirements up through 2007; he thought the community might be interested in investigating this, and he and the CEO of the company could provide additional information if that is the case.

Mayor Berg thought this was well worth pursuing, and invited Mr. Bergstrom and the CEO of the company to contact City Engineer Dirk Lovett for further discussion.

PRESENTATIONS

To Andrea Lascoe and Lisa Moriarity, 2005 Fiesta Co-Chairmen

On behalf of the Council, Mayor Berg presented thank you gifts to the 2005 Fiesta Co-Chairmen Andrea Lascoe and Lisa Moriarity, after making the following comments:

Both Ms. Lascoe and Ms. Moriarity did a great deal of work and spent a lot of time resulting in a phenomenal event, for which the feedback has been nothing but good; they had to be a bit creative due to the Topanga fire, which caused the cancellation of only one event, that being the parade (due to air quality and the need to keep all roads open for those Fire Department personnel still in the City); they suggested that additional Fiesta dinners be ordered to feed any of the fire or law enforcement personnel still in the area, which was done, resulting in the attendance of an estimated 200-300 at the dinner; they always work very well with the City staff, who provide assistance.

2006 Fiesta – City staff, after speaking with the Co-Chairmen, suggested that the 2006 Fiesta be held the weekend of October 7-8, which is after the holidays (Rosh Hashanah – September 22-23 and Yom Kippur – October 1-2). The Council had no problem with those dates, as long as Ms. Lascoe and Ms. Moriarity approved of them.

PUBLIC SAFETY

A. Los Angeles County Fire Department Report – September

Mayor Berg stated that the Council Members were able to visit earlier with Assistant Fire Chief Reggie Lee and Community Services Representative Maria Grycan, at which time they expressed gratitude to them and all other fire agencies involved with the Topanga fire. Mayor Berg added that he had also been asked by residents to thank the Fire Departments on their behalf for the outstanding service as well as courteous behavior shown while in our community.

Assistant Chief Lee, on behalf of all the firefighters, thanked the Council and the entire community for their acceptance (especially of those from outside the area), cooperation and hospitality, both at their individual homes and at the Fiesta dinner, which was enjoyed by many. Chief Lee then presented the September report, as follows:

There was one outside rubbish fire, three emergency medical responses, three snake removals, and three false alarms, for a total of ten incidents; two fire prevention inspections occurred, and the station provided a tour for 40 people; the Fire Department also conducted a five-city tabletop exercise on September 19th, utilizing a wildfire scenario, which turned out to be very timely.

B. Los Angeles County Sheriff's Department Report - September

Mayor Berg expressed gratitude to the other Department instrumental during the fire, that being the Sheriff's Department, whose Deputies and other personnel were all very knowledgeable and courteous while working within the City. Captain Tom Martin stated the following, and also gave the September report:

He wished to thank the City for its hospitality and generosity during the fire; Deputies were here from over twenty other stations throughout the County, and they were all readily welcomed by residents who not only fed them, but opened their homes and facilities to them as well; the Deputies were extremely grateful, as they do not often experience that; as far as the September report, there were no crimes, one false alarm, and no traffic accidents; as the Council had asked for stepped-up enforcement regarding hazardous driving in the City, 53 traffic violation tickets were written during the month.

Mayor Pro Tem Cohen asked where the majority of those tickets were written, so the City would be more aware of where the existing problems were. Captain Martin said that information was not readily available, but he could provide it in the near future.

C. Sheriff's Teen Traffic Offender Program (STTOP) Report

Deputy Michael Woodard presented the following report:

Through the STTOP program, the Sheriff is continuing to pursue traffic offenders within the City; the process usually begins with a report of a violation being made to City Hall, with that information then being forwarded to him; he runs the license plate and gathers pertinent information, after which action is taken to correct the behavior, which could include a visit to the home of the owner of the involved vehicle; he handles every call, no matter the age of the driver involved, even though the program is geared toward youngsters; in that case, they work with the parents to give them the tools to handle the behavior of their children; several of the recent complaints have involved adults, whom they attempt to contact; there is one particular case, involving an adult, whom he is going to deal with personally; they try to resolve an issue before it gets out of hand, but if not resolved, he will inform the traffic officers for enforcement; there was one incident reported in September, and two in October; he will leave brochures that have the toll free number to make reports directly to the STTOP program.

D. Upper Las Virgenes Canyon Open Space Preserve (Formerly Ahmanson) Report

Mayor Berg wished to recognize what Chief Ranger Young and his personnel did during the fire, as they were an integral part in the group effort to protect this City and other surrounding communities.

The following report was provided by Chief Ranger Walt Young:

Case studies show that pre-planning does work; through Assistant Fire Chief Reggie Lee, there were two pre-planning meetings held this past year both at the Battalion Chief and heavy equipment levels of the L.A. County Fire Department, the Ventura County Fire Department, and the L.A. City Fire Department; it was pre-planned and agreed upon that a north/south mechanical dozer line could be constructed in the Park if necessary from Hidden Hills to Victory in the case of a west to east fire; this was exactly the fire that was experienced, and through the unified command, this assignment was carried out, leaving a south to north dozer line that can be seen along our common border; one can also see a 100-200 yard section of unburned fuel, where the fire never got to that clearance area; there were no injuries or property damage in the Park or on any of the surrounding properties; the Park is again open, starting to turn green and with another rain, should resprout; he met with L.A. County Public Works to assess the burned areas, and at this point they are not calculating any large problem areas; the biggest concern is at the end of Las Virgenes Canyon, but they will also monitor the end of Long Valley; they do not anticipate any large flow; this was a low intensity fire overall, and as long as the rainfall this season is medium or average, the areas will weather quite well.

Council Member Freedland asked Ranger Young to explain the amount of clearance required between the Park and Hidden Hills structures, and also asked how close the fire actually came to any Hidden Hills structures. Ranger Young responded as follows:

When they took over the Park, the promise they made and kept was to conduct the same amount of clearance that was done when it was the Ahmanson Ranch, so there has been absolutely no change; the Park is in Ventura County, which requires 100' of clearance, and that is not from the property line, but from any structure; the clearance varies, and may be 100' at the minimum, but is generally 200', which is the L.A. County requirement; he does not know how close the fire came to structures in Hidden Hills, but from what he saw, it was hundreds of yards; and again, they could have put the mechanical dozer line all the way to Victory if needed, as that was planned and preapproved, so they would not prevent that.

Mayor Berg stated that he happened to be out on the Park with Sheriff personnel when there was an attempt to unload two bulldozers, with the operators supposedly being told they could not unload them or they would be arrested. Ranger Young commented as follows:

He has discussed this with Assistant Fire Chief Lee, and this is categorically not true; he himself was there the whole time for the fire and had the advantage of seeing where the flanks were in the daytime, which the mechanical operator did not; the operator thought he was looking at a hot flank and trying to do some good; actually, the fire was burning down in fingers, and the hot flank was ¼ mile away; he asked the operator what his assignment was, and that was to build a north/south line; so he told him to go and do that assignment, which the operator did; the line is there and can be seen; this was a nothing situation that was totally blown out of proportion.

Council Member Siegel made the following statements:

The Council comments are meant to be complimentary, not accusing, as everything that happened was almost perfect; all we are looking for is that self-correcting process; he was there, and he saw how many people from the Conservancy were fighting the fire as well as the Fire Department; he is satisfied that this problem was figured out; there may have been one individual slightly misinformed, but the net result was no structures lost; by his assessment, the flames came reasonably close to one house in Hidden Hills at the top of Eldorado Meadow, but he has photos that contradict those who were saying that the fire was real close to other homes, as it was hundreds of feet away; Ranger Young should be thanked for all his work.

Chief Ranger Young had additional comments as follows:

There is always a lesson to be learned; frankly, five to ten years ago the relationship between the Fire Department, mechanical operators, and the Conservancy was not as good as it is today; now they have resource specialists at the Command Post, and they pre-plan; for this fire, the dozer captain was actually on vacation and not available; as he said, the operator was dropped off at the bottom and was going out to do a job, having no local knowledge, on what appeared to be a flank of the fire; he provided the pre-plan and the local knowledge; it is not true that you cannot bulldoze on Conservancy property; this was a good operator who just had to be redirected per the plan; he would encourage everyone to go out and look at the property to see exactly how close the fire came to homes.

Council Member Siegel thanked Ranger Young for providing the facts to eliminate the misconceptions. In response to a question from the audience, Ranger Young confirmed that all the trails were now open in the Park.

E. Review and Discussion of Topanga Fire

Mayor Berg wished to publicly thank Emergency Services Director Jim Doran and the rest of the Public Safety Commissioners for being very instrumental in the City's response to the fire, as they spent time both at the area Command Post and the City's Emergency Operations Center.

Mr. Doran provided the following report:

This was a learning experience for everyone, as every event is different; the area was fortunate to have had a meeting with the L.A. County Fire Department and other agencies pertinent to a fire response on 8/30/05, which was followed by a five-city tabletop exercise on 9/19/05; this exercise happened to cover a wildfire scenario very similar to what actually occurred; communications for this fire were vastly improved, thanks to Assistant Fire Chief Reggie Lee and Community Services Representative Maria Grycan; we were able to get continuous updates from Ms. Grycan's information line, and we also had her cell phone for direct contact; there were a few communication problems, as there always are; a state of emergency was declared at 5:30 p.m. on 9/28/05, with that information being sent both verbally and in writing to the L.A. County Emergency Operations Center; the City Council ratified the declaration at 11:00 a.m. on 10/1/05; Cheryl Morris, Chairman of the Equestrian Services Committee (ESC) did a great job with the horse/large animal evacuation; Animal Control provided volunteers and trailers, taking most of the animals to Pierce College, which worked very well; however, it is the responsibility of the animal owners to bring those animals home; in the future, the ESC will be brought into the EOC for better coordination; we used email/fax notification and the Community Alert Network (CAN) several times, which does need to be updated (including the removal of those who have moved from the City); CAN will be adding GIS capabilities in the near future; Board President Todd Bernstein also provided the use of the Association's telephone notification system, and hopefully the Association will provide that list for comparison with the City's list; due to the fire and with the help of the City Council, approximately 46 people have expressed an interest in receiving CERT training (a nationwide program) for the City's volunteer Neighborhood Emergency Assistance Team (NEAT), including members of the ESC; an orientation meeting for all those interested will occur Tuesday evening at the Public Safety Commission meeting; some additional lessons learned: 1) establish better communications between the five area cities, 2) share radio frequencies, 3) share satellite phone numbers (the City has ordered two satellite phones), 4) develop training for those City representatives who go to the area Command Post, 5) share already available printed material between all the cities, 6) redo the phone system in the EOC, 7) purchase a laptop with wifi capability for the Command Post liaison, 8) with the email/fax notification system, use only the email addresses during an emergency (the fax numbers take too long making the information

outdated by the time it arrives), and 9) develop a City Hall “how to” book containing directions for certain procedures that might be of use during an emergency.

Mayor Berg commented that there were always two or three Council Members, staff, and Public Safety Commissioners at City Hall throughout the entire event (even during the night) fielding many, many calls, and of all those calls, there was not one complaint – just people thankful for the information being provided.

Mayor Berg also asked Gate Committee Chairmen Jeff Korchek if it would be possible when negotiating a new gate guard contract, that the company be required to provide extra guards during an emergency, especially to help with traffic control and turn people around before they enter the gate. He added that the Sheriff’s Department may also provide personnel to help with this if possible.

Council Member Siegel suggested that the CERT training be made as available as possible to everyone, and that it be provided more often, in several series and on different nights, because if someone misses just one class, they cannot be certified. Mr. Doran responded as follows:

There are several possibilities for different schedules; those who attend the orientation meeting will select the schedule that works best for most of them; if someone misses one or more classes, those classes can be made up at any time; all five area cities are involved with this training at different times, so residents can attend any class in any other city; after the first course in Hidden Hills, a second course will be scheduled, most likely on different days of the week than the first course; it is too expensive and the Fire Department personnel are not available to provide classes every night for just a few people, plus the classes need the dynamics of having more people involved in the training; he wants to see as many people trained as possible; with a more prolonged problem during an earthquake, we are definitely going to need help.

Council Member Siegel stated that he hoped the rest of the Council Members would take the training and lead by example.

Mayor Berg thanked Equestrian Services Committee (ESC) Chairman Cheryl Morris, and asked her for her comments on the horse evacuation. Ms. Morris provided the following report:

This was an extreme learning experience; the ESC has been talking about horse evacuation, but only in more general terms, thinking that horses to be evacuated could be walked to the two arenas for pick-up there; this should only be done as a last resort, as some horses do panic; on Wednesday afternoon when residents were asked to evacuate their horses, most people did not heed the request because it is very time consuming and a hassle; she herself was hesitant and thought she could wait until the last minute; everyone found out this was not the case, since when the order came to evacuate, there were bumper to bumper trailers on Long Valley and Round Meadow, which would have been a complete disaster if the fire would have entered the City or the fire equipment needed to get through; now it is very clear why the horses should be moved in the beginning; the ESC members will take the CERT training, and they will push to make a mandatory evacuation exactly that; the Animal Control response was incredible (even though it was a little slow in the beginning), as they preferred to go to individual homes to pick up horses; there were some private trailers available to help, but horses in other disasters have gone missing when private trailers were used; they need to work out a way to identify Animal Control volunteers, who are very well trained and have liability; the facilities both at Pierce (where each horse was checked twice a day) and Ventura County fairgrounds were excellent; they also took other large animals, like the two alpacas from Hidden Hills; the ESC will work with Mr. Doran to put the whole process in place in great detail.

Mayor Berg suggested that with so many Fire Department personnel, Animal Control, etc. coming into the City from other areas, that laminated City/trails maps need to be available.

Council Member Fisher stated the following:

An Animal Control volunteer picked up his horses, and they called first to get directions; but there was confusion over where the horses would be taken, as even the volunteers might be directed to another facility if one is full; when his horses arrived at Pierce, it was not full, although he believes they may have some type of regulation requiring so many vets or techs per horse; this needs to be worked out, but he cannot say enough good things about that facility.

Mayor Berg asked about those properties in the City where a large number of horses are being boarded, and how those were handled. Ms. Morris did get a call from one of those property owners, and forwarded the name to Animal Control, but she does not know if those horses were

evacuated or not. She added that there were enough trailers, and some of them were definitely large enough for 8-9 horses, but that no horse should be picked up without the owner giving permission. Mayor Pro Tem Cohen wondered if there should be some policy requiring that horses of residents be evacuated with the volunteer trailers before horses being boarded.

Mr. Doran explained that, according to Chief Lee, the main reason for evacuating early is to clear the way for the fire fighters and equipment, and they do not need the streets blocked with lots of horse trailers.

Cell Phone Reception – Mayor Berg explained that this issue was raised in relation to the fire when people were outside trying to evacuate, and could not reach anyone on their cell phones, as the reception is bad throughout much of the City. He added that the City has not been contacted in many years by any cell phone company wishing to come into the City to improve service, and we cannot force a company to come in. Mayor Berg asked City Attorney Larry Wiener what the City's obligations would be if contacted by a company. Attorney Wiener replied as follows:

As Mayor Berg said, the City cannot force a private company to provide service, but if a company contacted the City, the City would review any application and process it per federal guidelines; the City could try to encourage a company, if that was the desire, and could try to provide incentives to ease the process; companies often run into resistance, which discourages them and increases costs.

Mayor Berg then commented as follows:

He does not believe the Council Members are interested tonight in hearing about whether or not cell sites are harmful, as this was a major discussion some months ago; the issue is just being raised in the context of the fire, when it might have been beneficial and served a useful purpose to have better service when residents were outside trying to move horses; there is nothing pending at this time, no interest has been expressed by any cell site provider, nor has the Council solicited any.

Council Member Freedland made the following statements:

From a cell phone company's point of view, Hidden Hills is probably unattractive and technically difficult; if there is no active interest, but someone wants to pursue better coverage from a public safety standpoint, he would think the company would not want to

deal with opposition and possibly a legal fight, so should take certain areas where there is known opposition off of the table; technology has changed enough that if this is pursued, the “pain” should be spread around to numerous locations away from homes; one site identified in the past was at the top of Bonneville, and it is well known that there is much opposition to that location, as also noted by so many Bonneville residents in the audience.

Council Member Siegel had several comments:

Those in favor of cell sites have to understand that the solution will be newer technology of some type, rather than the large tower; this will not happen, as there is no company that wants to come in, and if they did, would leave due to the opposition; maybe the City should look at different technologies to achieve at least enhanced coverage on the main streets in the City.

Dr. Leon Partamian addressed the Council:

He is in attendance with numerous others who live on Bonneville; they are concerned with the health issue, but also the possibility of property values plummeting; he appreciates the direction suggested by Council Members Freedland and Siegel; everyone is concerned with public safety in Hidden Hills, but he does not want to replace public safety with a health hazard; in the future, he is sure there will be better technology and a better solution.

Bob Coffey, Architectural Inspector for the Community Association, stated the following:

He has been working on a solution more from a personal view as his cell phone does not work in the City; new technology already exists; there are now antennas (about the size of the small microphones) that could be placed in locations where no one would notice, as opposed to a large tower with only one carrier, which would not solve the problem (there are probably at least six carriers being used in the City); however, this is a demand driven service, as a company is going to be looking at how it can recover its costs for the infrastructure; his proposed solution would be to go to a tower company with technology that uses one BTS (an equipment cabinet) and ten antennas (which can each handle multiple carriers) scattered over a ten mile radius; these antennas could probably be placed on existing telephone poles and be connected by fiber optics running along the existing lines; he is already working on this, but needs the community to generate demand, since a cellular company needs to know it will make a profit; since the ten antennas could be spread out over ten miles, if our City only needed four or five antennas, the potential service area could extend beyond Hidden Hills with the other five or six antennas, giving the company the opportunity to expand its market; it would not work to service Hidden Hills from antennas outside of the City, since the technology is line of sight; the problem in this City is the hills, which cause shadowing; antennas would be needed inside the City to fill in those shadows where there is poor or no coverage.

In response to Council Member Fisher, Mr. Coffey said he did not know exact measurements, but thought the radiation or wattage from these antennas would be similar to that from a walkie-talkie.

Mayor Berg reminded everyone that there was no proposal before the Council, and that if a carrier was interested, that company should submit a proposal, after which the Council would hold public hearings to discuss the aesthetics and health issues.

Final comments were expressed by Council Member Freedland:

If these antennas are typically put on top of telephone poles, the possibility of a rental fee being required should be looked into; and again, in looking at the opposition in the room this evening, he would suggest that any interested company exclude Bonneville and look instead at areas that would not be controversial.

Mr. Coffey felt that Hidden Hills residents needed to produce a demand or perception of a demand for improved service, and that can be done by calling and complaining (to your particular carrier) each time a call is dropped or cannot be made, as all of those complaint calls will be logged on a map, eventually showing an area that needs attention.

As there were no further comments, Mayor Berg called for a five minute recess, and then reconvened the meeting at 9:15 p.m.

PUBLIC HEARING

Consideration of Proposed Ordinance Regarding Tree Removal Regulations – First Reading

Mayor Berg opened the public hearing, and hearing no comments, closed the public hearing. Upon MOTION of Council Member Fisher, seconded by Council Member Freedland and unanimously carried, it was resolved to give first reading by title only to an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS

AMENDING THE CITY'S REGULATIONS REGARDING TREES AND LIMITING THE APPLICATION OF THE CITY'S TREE REMOVAL REGULATIONS TO THE COMMERCIAL ZONE.

CONSENT CALENDAR

- A. City Council Minutes – September 26, 2005**
- B. City Council Minutes – October 1, 2005 Special Meeting**
- C. City Council Minutes – October 10, 2005**
- D. Demand List**
- E. Disbursement List – September**
- F. Financial/Treasurer's Report – September**
- G. Financial Statements Audit – June 30, 2005**

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

MATTERS FROM CITY COUNCIL MEMBERS

- A. Report from the 10/18/05 Hidden Hills Community Association Board of Directors Meeting**

The report was received and filed.

- B. Report of Charles Abbott Associates Services/Billing Procedures/City Fees**

The Council, staff, and City Treasurer discussed the financial statement and the best way to show the estimated cost to complete open permits for which fees have been collected at permit issuance. The following points were made:

Charles Abbott Associates (CAA) estimated the cost to complete all remaining open permits to be \$164,000; the Council wants to assure that it is clear on the financial statement that this amount may need to be spent in the next year and therefore would not be available for other general fund purposes; the money has been collected and the work does need to be done; according to the auditors, who have 40-45 cities as clients, per generally accepted accounting principles, none of those cities show an outstanding amount due for open permits; the money is collected and then placed in their general

funds, from which bills are paid; cities who have in-house employees do not defer part of their salaries to pay for their time spent on these open permits in later years; it is not a liability, but rather a fund balance designation or set-aside; it could be shown on the financial statement as a line item under "Fund Balance – Reserved for:", just as "Future Capital Improvements" is shown; it is not necessary to show this amount, but it is not a problem to do so; it could also be shown as a footnote; the estimated amount should be recalculated once or twice a year; the amount is immaterial to the budget at only 3%-4%, but can still be set aside.

At the end of the discussion, the Council Members agreed with City Treasurer Eddie Bauch's recommendation to show the estimated amount to complete open permits on the financial statement as a fund balance line item, and to have that amount recalculated by CAA in June and December of each year to adjust the amount accordingly.

C. Consideration of Approval of Agreement with Charles Abbott Associates (CAA) for City Engineering, Traffic Engineering, Building & Safety, Planning, and Environmental Services

Mayor Berg reminded everyone that CAA recently asked for an increase in their hourly rates, which were competitive, but since the agreement itself had not been revised for many years, the City Attorney was asked to update it. Mayor Berg then asked City Attorney Larry Wiener for any comments on the proposed agreement, which he provided as follows:

The City has been using a guideline for CAA on capital projects – that the CAA fees would not exceed 23% of the total cost of the project; at the suggestion of the Mayor, this was incorporated into the agreement; CAA raised a very valid point; occasionally, a capital project may have a fairly low capital component; for example, the installation of a stop sign, whereby the cost of the sign and its installation would be very low, but depending on where that sign had to be installed, it could be very labor intensive; this is exactly what happened when a new stop sign was added outside the Long Valley gate, for which a great deal of CAA time was spent dealing with the City of Los Angeles and also Caltrans, with the labor costs far exceeding the 23% of the project itself; the agreement was changed to require the 23% unless the City approves, in writing beforehand, a higher cap.

In response to Mayor Pro Tem Cohen, City Engineer Dirk Lovett stated that CAA has reviewed and approved in general concept the draft agreement, and is just waiting to hear from the

insurance agent. The City Manager pointed out that this agreement removes any further use of a cap on Building and Safety fees. Council Member Siegel asked what the City was gaining by removing the cap, to which Attorney Wiener responded as follows:

As a practical matter, the cap was not serving any true function, and could give a false sense of entitlement; a more effective procedure will be to require reporting and to monitor that reporting of the fees charged by CAA against the permit fees being collected, so that there is no draw-down at will; if the permit fees collected from the residents do not match what the City is paying out to process the permits, that will cause more immediate attention as to whether or not the fees are too low or CAA is taking too much time with the processing of the permits.

Council Member Siegel had several other questions relating to what the report would look like, how often it would be provided, if it would be clear what percentage of the fees CAA was collecting, and if there were fees not covering costs, as he would not be comfortable raising any fees at this point. The City Manager pointed out that CAA would provide on their monthly invoice a report showing what percentage of fees they were billing the City, and that the Bookkeeper would be matching the fees collected with the CAA report, as she always does. The Building and Safety fees collected each month are also shown on the monthly financial statement. City Engineer Lovett explained that there were some fees being charged to the residents that did not cover the expenses involved (such as with the tree permit, although the tree enforcement should soon become a function of the Architectural Committee), but these are not Building and Safety fees.

As there was no further discussion, upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Fisher and unanimously carried on roll call vote, it was resolved to approve the Agreement Between the City of Hidden Hills and Charles Abbott Associates for Professional Services. Mayor Pro Tem Cohen also commented on the audit conducted by CAA, which he thought was very informative and should be done periodically.

MATTERS FROM STAFF

A. Lasher Development - Update

Mayor Berg announced that the City Attorney and staff met earlier in the evening with the Gonens and their counsel, but that the City Council was not present. City Attorney Larry Wiener reported the following:

The meeting was with staff to review procedures for processing the application; the draft EIR (DEIR) has been available for over two months, and still can be reviewed at City Hall or purchased there in either hard copy or on a CD; notices were posted, placed in the newsletter, and also sent via the email/fax notification system, as well as being announced at every City Council meeting; the official written comment period has concluded; anyone who submitted written comments during that time is entitled to a written response to the comments, with both being incorporated into the final EIR; as the EIR is still available, comments can still be provided to the City Council in writing or at the public hearing; these later comments may not get specific written responses and will not be included in the final EIR; the final EIR consists of the DEIR, the comments, the responses to the comments, and any changes to the DEIR in response to the comments; it is anticipated that package, the final EIR, will be available in the next two to four weeks for public review, with the public hearing hopefully to be scheduled no later than 12/12/05; the public hearing is the opportunity for the public to talk about the project, both pro or con; anyone interested can come and speak or submit written comments before the meeting (so the Council has time to read those comments); at the end of the public comments, the matter will be submitted to the Council for discussion and deliberation; at the end of the deliberation, the City Council may approve the project, not approve the project, or continue discussions on the project to resolve any outstanding issues; it is up to the City Council whether the public hearing is continued to more than one meeting; the public notice announcing the public hearing will be posted ten days before the hearing; a notice will also be placed on cable TV channel 3, and sent by email/fax notification; anyone wishing to speak should attend the first scheduled public hearing, as there is no guarantee that the public hearing will be continued.

B. Selection of Dates for 2006 Fiesta

This item was addressed earlier in the meeting, during the presentation to the Fiesta Co-Chairmen.

C. Consideration of Proposed Resolution Regarding Extension of Charter Cable Franchise

Upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried, it was resolved to adopt by title only Resolution No. 777 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS EXTENDING THE TERM OF ITS CABLE TELEVISION FRANCHISE AGREEMENT WITH FALCON CABLEVISION, DBE CHARTER COMMUNICATIONS, TO MAY 31, 2006, TO FACILITATE THE CITY'S CONTINUED NEGOTIATIONS WITH THE CABLE OPERATOR REGARDING RENEWAL OF THAT FRANCHISE AGREEMENT.

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 October 24, 2005 at 9:51 p.m.

Ronald S. Berg, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk