

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, August 14, 2006

MINUTES

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

A regular meeting of the City Council of the City of Hidden Hills was duly held in the Council Chambers at the City Hall, 6165 Spring Valley Road, Hidden Hills, California 91302 on Monday, August 14, 2006 at the hour of 7:30 p.m. Mayor Jim Cohen called the meeting to order and presided thereover after asking resident Bryan Dunn to lead the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

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

Staff:

City Attorney Roxanne Diaz
City Engineer Dirk Lovett
Building Official Greg Robinson (7:50)
City Manager Cherie L. Paglia

Mayor Cohen announced that Roxanne Diaz, of Richards, Watson & Gershon, has been promoted to the position of City Attorney (she formerly served as the Assistant City Attorney), while former City Attorney Larry Wiener (also of Richards, Watson & Gershon) has been

designated as Special Counsel. Mayor Cohen then asked the City Manager to administer the Oath of Office to Ms. Diaz. After completing the Oath, Attorney Diaz thanked the Council for this opportunity, stating that she has been working with Attorney Wiener on behalf of the City for the last six years, and she is looking forward to many more years to come.

APPROVAL OF AGENDA

Upon MOTION of Mayor Pro Tem Fisher, seconded by Council Member Freedland and unanimously carried, it was resolved that the agenda for the August 14, 2006 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Cohen made the following announcements:

Congratulations to resident Shannon Grier who recently completed the 135 mile Badwater ultra-marathon in her personal best time; the event was covered in numerous articles which mentioned Ms. Grier.

The City received a plaque from the California Joint Powers Insurance Authority (CJPIA) for the lowest average cost of general liability claims for the past five years (zero cost).

The August 28th City Council meeting will be cancelled unless something urgent arises that must be addressed; the next regularly scheduled meeting will be Monday, September 11th.

AUDIENCE

Resident Lisa Moriarity asked if the Council would at some point consider undergrounding utility poles in the City. She was told that item was on the agenda to be discussed later during the meeting.

PRESENTATIONS

A. City Certificates/Recognition of Hidden Hills Residents Who Earned the President's Education Award for Outstanding Academic Excellence in 2006 as Las Virgenes Unified School District Students

Mayor Cohen reminded everyone that the Council has presented certificates at previous meetings to Hidden Hills youngsters who have received this award as students in the Las Virgenes Unified School District, and that tonight he would like to present a certificate to one more such student. Mayor Cohen then presented, on behalf of the entire Council, a City certificate to Round Meadow Elementary School student Bryan Dunn.

B. 2006 Fiesta

1. Consideration of Approval of Proposal from A Rental Connection for Rentals of Tables/Chairs, Electricity/Lights, and Other Miscellaneous Equipment

Fiesta Chairman Lisa Moriarity explained that everything was the same as that provided last year, except for the light power poles in the arena – this company obtains them from another vendor, who raised the cost \$400. The proposal is over the amount budgeted, but the Fiesta budget was approved with an extra \$4000 for possible vendor cost increases. Upon MOTION of Council Member Berg, seconded by Mayor Pro Tem Fisher and unanimously carried on roll call vote, it was resolved to approve the proposal from A Rental Connection in the amount of \$10,175.06 to provide tables/chairs, electricity/lights, and other miscellaneous equipment for the Fiesta, subject to the signing by A Rental Connection of the City's standard agreement.

2. Consideration of Approval of Proposal from Dakota's Steak Mesquite BBQ & Steak House to Provide Saturday Night Dinner

Per Ms. Moriarity, the proposal from Dakota's is incorrect at \$24,710.40, as it was based on \$11.95/person, after being at \$9.95/person last year. She explained that there was an addition mistake in last year's proposal, which resulted in the company losing money, and since no one expects a company to lose money when providing services, she and Dakota's have agreed on

\$10.95/person, but she is still waiting to obtain that proposal. Upon MOTION of Council Member Berg, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve the proposal from Dakota's in the amount of not-to-exceed \$24,710 (subject to the proposal being amended to \$10.95/person) to provide the Saturday evening Fiesta dinner, subject to Dakota's signing the City's standard agreement.

3. Consideration of Approval of Proposal from Pul-Wal Promotions to Provide Special Carnival Ride

Ms. Moriarity pointed out that the original proposal was inaccurate, and had been revised to the expected and agreed upon amount. Upon MOTION of Council Member Berg, seconded by Mayor Pro Tem Fisher and unanimously carried on roll call vote, it was resolved to approve the proposal from Pul-Wal Promotions in the amount of \$8000 to provide the bumper car ride for the Fiesta, subject to Pul-Wal signing the City's standard agreement.

4. Consideration of Approval of Proposal from Mini Melts West to Provide Ice Cream Treats

Ms. Moriarity explained that there is no cost to the City for Mini Melts, as the company will donate 20% of its gross profits from Fiesta sales to the City. Upon MOTION of Council Member Berg, seconded by Mayor Pro Tem Fisher and unanimously carried on roll call vote, it was resolved to approve the proposal from Mini Melts West to provide ice cream treats at the Fiesta, at no cost to the City, with 20% of the company's gross profits from Fiesta sales being donated to the City.

5. Consideration of Approval of Proposal from James Event Productions to Provide Carnival Rides and Games

Ms. Moriarity explained that this proposal also includes the entertainment, and rather than decorations at the entrance, a possible western theme-type show. Upon MOTION of Council Member Berg, seconded by Council Member Freedland and unanimously carried on roll call

vote, it was resolved to approve the proposal from James Event Productions in the amount of \$28,741.94 to provide carnival rides and games and entertainment for the Fiesta, subject to the signing by James Event Productions of the City's standard agreement.

6. Consideration of Approval of Proposal from Sports n' More to Provide Sports and Game Activities at the Community Center

Upon MOTION of Council Member Berg, seconded by Council Member Freedland and unanimously carried on roll call vote, it was resolved to approve the proposal from Sports n' More in the amount of \$409 to provide sports and game activities, as well as lifeguards, for the Fiesta, subject to Sports n' More signing the City's standard agreement.

In response to Mayor Cohen, Ms. Moriarity stated that she may use Dan's Subs for lunch along with the one In 'N' Out Burger truck, unless a second truck becomes available. The Council thanked Ms. Moriarity.

C. Southern California Edison/Rates

Southern California Edison (SCE) Region Manager Rudy Gonzales presented the following information:

He appreciated the opportunity to discuss the rate situation; the rates have increased 15% to date, with a 9% increase in January and a 6% increase in February; there are four main reasons, with the primary cause being the cost of fuel; natural gas is the primary fuel for a majority of electricity generated in California; the cost of natural gas has gone up significantly, but has flattened out somewhat; if SCE finds it has over-collected on rates, there could be rate relief at the beginning of next year; in addition, several years ago the California Department of Water Resources entered into contracts with generator providers when the energy crisis was at its height; the utilities were unable to sign contracts on their own due to their financial situation, so the State stepped in and signed on their behalf; those contracts signed were at a very high cost, for which they will be paying for many years to come; earlier this year San Diego Gas and Electric (SDG&E) petitioned the California Public Utilities Commission (PUC) to release them from some of these contracts, and were successful; as a result, customers of SCE and Pacific Gas and Electric have taken on the burden of that relief SDG&E was able to realize; in addition,

per reserve requirements, SCE must be able to serve its demand at any point in time plus have 15% in reserve; at the beginning of the year, that 15% reserve went to 17%, adding to the power procurement cost; lastly, there is an increase currently pending, which was slated for August 1st, but has been postponed until November 1st; this is primarily for infrastructure replacement, with the overwhelming majority of those dollars to repair the transmission system within our service territory; years ago there were some issues getting electricity from northern to southern California, and they found a need to enhance the transmission system to prevent this in the future; in relation to actual SCE bills, they work on a tiered rate structure to promote conservation – the more you use the more you pay; all customers are given an allocation at the lowest rate, referred to as the baseline allocation; this is the lowest priced electricity on your bill; not in Hidden Hills, but in most of the SCE service territory, it is about 50% - 60% of what a normal household would use on a monthly basis; the summer baseline for Hidden Hills is 462 kilowatt (kw) hours as a part of baseline region 17; the baseline is based on the region and weather patterns for the area; for example, in the Palm Springs area, during the summer when most people run their air conditioning 24/7, the baseline is 1428 kw hours; the baseline allocation is not a goal for what you can survive on for the month, but is rather just the lowest priced electricity for a part of your bill; the baseline rate will stay the same, as will the price from 1-30% more than the baseline; so customers falling in tiers 1 and 2 will see no increase in their rates; tier 3 will see a slight change on 11/1/06; if someone is currently using 31-100% over the baseline, the cost per kw hour will increase from 22.3 cents to 22.8 cents; tier 4, using 101-200% over the baseline, will increase from 31.2 cents to 35.5 cents per kw hour; currently, there are only four tiers, with the 5th tier to be established on 11/1/06; anyone using more than 200% over the baseline allocation will pay 48.2 cents per kw hour; SCE is aware that the homes in Hidden Hills are not typical of those throughout the service area, and that is why he is here to provide some insight into what will happen to many residents' rates starting 11/1/06; there are things customers can do to try to offset the rate increases; a lot of information to save energy and money can be found on SCE.com, which many people take advantage of when building or rebuilding their homes; anyone can call him for information at 805/497-5616; this is a difficult message for SCE to send out to its customers, but they want to make people aware that the more electricity they use, the more it will cost them; they want to provide ample opportunity for people to try and change the ways they use electricity.

Council Member Freedland had several questions: 1) if the average customer baseline allocation represents approximately 50%-60% of expected usage, what is it for Hidden Hills; 2) how many Hidden Hills customers will not hit tier 5; and 3) what percent of an increase will the average customer see on an average bill? Mr. Gonzales responded as follows:

Due to the various size homes in Hidden Hills, it is hard to say without looking at a specific home, but he would guess the baseline allocation would represent more like 10%-20% of expected usage; there will probably be very few Hidden Hills residents who will not reach tier 5; the average SCE customer uses approximately 750 kw hours per month; based on the highest listed usage on his baseline 17 chart, for a 3000 kw usage in one month, a summer 2005 bill of \$542 will jump to \$795 in the summer of 2006 with the new rates, which is about a 47% increase; the baseline is set by the California Public Utilities Commission (CPUC), to which some cities are considering petitioning for an increased baseline allocation.

Mayor Cohen thought that was something the City should look into. Council Member Siegel expressed his disbelief that people who chose to live in areas like Palm Springs, where they have to use their air conditioning all the time, would have a much higher baseline, resulting in customers in those areas being subsidized by others, such as Hidden Hills residents, who have a much lower baseline allocation. He also felt that for anyone living in a larger home, conservation would be impossible since using minimal electricity would still go well over the low baseline. Mayor Pro Tem Fisher said residents are not going to have much of a choice in the future but to purchase higher efficiency appliances.

Council Member Berg asked why SCE did not pursue opting out of the State contracts as SDG&E did, and wondered how SCE's rates compared to those of the City of Los Angeles DWP. Mr. Gonzales replied as follows:

They believe the SCE customers should pay their fair share of the contracts that were signed by the State on SCE's behalf, as that energy is being used; they were disappointed in the decision that released SDG&E, believing that there were not good reasons for the relief they were given; they have looked at the contracts, which appear to be very iron-clad; he does not know what the DWP rates are, but thinks the SCE rates are a little higher.

Council Member Freedland mentioned rebate programs offered by the DWP, and asked if SCE had any such incentives or rebate programs, for instance for the installation of solar panels. Mr. Gonzales stated the following:

As a company, SCE does not get involved with solar installation, but there are contractors who can provide information on payback periods based on existing rates; with the rates

increasing, the payback periods are actually shortening; these types of rebate programs are administered by the California Energy Commission; however, once installed and accepted, SCE would purchase excess power generated by such an installation.

Council Member Siegel added the following comments:

In working with SCE in Pomona, he was very surprised that SCE is basically offering no help with solar installation; the information he tried to obtain online was outdated and useless; in light of all the rate increases, it would seem the least SCE could do would be to assign someone to help coordinate and assist people with these types of conservation efforts.

Mr. Gonzales assured the Council he would take that message back to management.

At this time the Council opted to address agenda item 10B, while Mr. Gonzales was still in attendance.

10B. Undergrounding of Overhead Utilities – Discussion and Direction to Staff

Council Member Freedland presented the following information:

Overhead utility wires are ugly and dangerous; this is a very beautiful City, and he does not understand why we would choose to risk lives, and interfere with views, streetscapes, and property values; overhead wires make it difficult and expensive to maintain attractive trees; this can be seen on Round Meadow and Jed Smith, where trees that normally would have good canopies have been horribly topped; other trees do not get planted because they might grow into the wires or homeowners may not want to deal with the maintenance; in July 2006 a study was conducted by the SCE Electric Institute entitled “Cost and Benefits of Undergrounding Overhead Power Lines”; the study stated that overhead lines have more power outages primarily due to trees coming in contact with the lines; in Hidden Hills, the reliability of electric power has been questionable; the City has lost power when the wind blows; power was out on Jed Smith for a couple of days due to a tree falling on the wires; per a study done by the North Carolina Utilities Commission, underground systems suffer less than half the number of outages of overhead systems; safety is an issue; overhead lines can be dangerous in storms, when sparks from arcing or downed lines can cause fires; an arcing line was the cause of the Calabasas fire that started right next to the 101 freeway several years ago; public safety vehicles (Sheriff, Fire, ambulances) cannot cross downed lines; the overhead lines are hazardous – for example, a child’s kite can get caught in the lines, or the lines can be hit or cut when trees are being pruned; there is also another whole school of thought, which

is open to debate, regarding possible danger from being exposed to electro-magnetic radiation from overhead wires; he believes the Council needs to be proactive in undergrounding the overhead wires; the City has the funds, has the engineering expertise, and has the support of SCE; he loves recognizing students at meetings, but this is something that is at least as important that will have a lasting effect on residents and enhance property values.

Council Member Siegel commented as follows:

There are some engineering questions, but he feels the bigger issue is getting the power from the poles to the individual homes, and that needs to be addressed; the technology exists to underground the poles and figure out the related costs, but how are those costs paid for; some homes will already have their wires to the poles undergrounded, but others will not; he would suggest the City make a commitment, pick an area (reasonable and not too large) to conduct a pilot program, and see what problems are encountered.

The following additional comments were made by Council Member Freedland:

He has talked to our SCE Region Manager Rudy Gonzales and to staff; Mr. Gonzales has offered to have SCE personnel, at no charge to the City, meet in the field with City, cable and phone representatives to identify some poles/areas that might be easier to underground than others; the City already has in its Municipal Code a requirement for homeowners to underground their wires (from the house to the pole) if they are doing any remodels or repairs over 50% (of the replacement cost of the building or of the square footage of the building); this was something he suggested years ago to make it easier to underground throughout the City; maybe it is time for those residents who have invested money in undergrounding wires on their individual properties to reap some benefits; he would suggest a survey be done, and perhaps there are six poles that would be relatively inexpensive to underground in an area where the homes are already done to the street.

Council Member Berg agreed, stating that in his block of six or seven homes, most are already undergrounded to the street. Council Member Siegel had some concerns that once started, this could be a major undertaking and very expensive; he wondered if Council Member Freedland thought the City should subsidize the entire project, because if the City paid for one residence, that might obligate the City to pay for others. Council Member Freedland was not sure that would be the case, especially if the City budgeted a certain amount per year for undergrounding. He added that he was not interested in paying for the undergrounding from an individual home to the pole, since other homeowners have already paid for that; however, in theory he has no

problem offering incentives, as the City of Los Angeles does with its sidewalk replacement (if residents are willing to share in the costs, those sidewalks are put at the top of the list for repairs, rather than waiting for years for the City to complete the repairs). Council Member Freedland felt some people might be interested in that approach, but whatever the case, he wanted to move forward with this, as the Council has been discussing it for some time now.

Council Member Freedland suggested a motion to direct two Council Members and staff to conduct a walking survey with SCE, as well as the telephone and cable companies, to identify some poles for possible undergrounding, to obtain an estimate of the cost involved with the undergrounding of those poles, and to have the City pay for that undergrounding. Council Member Siegel stated he could support a motion to that effect, if instead of saying the City would pay for that undergrounding, that the method of payment or compensation would be determined at a later date when the other information was brought back to the Council.

Mayor Cohen wondered if this was a project just for the City, or for the Community Association, or for both working together, since the undergrounding would be a community wide enhancement. Mayor Pro Tem Fisher felt it might be something to put on the ballot for the residents to decide, and asked if an entire street had to be done, or if it was possible to just remove selected poles. Council Member Siegel stated that was what the survey would determine. Mr. Gonzales explained that any length of street could be done, but that the larger the distance, the more economy of scale would kick in. He added that the distance would have to be at least 600' or one city block to qualify for Rule 20B credits.

Mayor Cohen stated that since the undergrounding would be either in the street or parkway, it would require Community Association approval. Council Member Siegel and City Attorney Roxanne Diaz pointed out that the utility companies most likely already have an easement.

Resident Lisa Moriarity addressed the Council as follows:

She feels the wires should definitely be undergrounded; she met with SCE regarding her property, and determined that undergrounding from the pole to her house was easy; however, she has a pole in her back yard which SCE wanted to replace; if that were to be done, SCE would chop off the top, put the wires onto a new pole, but leave the chopped off pole for the other utilities; so any undergrounding needs to be done in conjunction with all the involved utility companies; she lives next to the Community Association, and when those wires were undergrounded, she ended up with a transformer on a corner pole in her yard; whenever anything is done in relation to undergrounding, it is probably going to affect other homes, so that is an issue that needs to be addressed also.

Mayor Pro Tem Fisher asked Ms. Moriarity, since she felt the poles were a nuisance, if she would be willing to contribute to the cost for their removal. Ms. Moriarity stated it would depend on several factors: would everyone else be paying, how would the costs be divided, would those who had already paid for their own undergrounding from the house to the pole be exempt or have to pay again, would the cost be based on the number of poles in each yard (since some have no poles but only wires crossing the property), etc.

As there was no further discussion, upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved to direct two Council Members and staff to conduct a walking survey with SCE and the other involved utilities to identify some poles for possible undergrounding, to obtain as much information as possible and an estimate of the cost involved with the undergrounding of those poles, and to return to the Council with that information, at which time the method of payment or compensation for the undergrounding could be discussed based on that information and any decisions made by the Council at that time.

Council Member Freedland, stating that he was the one who originally suggested the requirement for residents to underground the wires on their own property when remodeling 50%, suggested the Council consider changing that threshold to 30%. He did not think this was an onerous requirement, and it would make it much easier to eventually eliminate all of the poles in the City. Council Member Siegel suggested that staff be directed to return to the next Council meeting with a proposed ordinance to that effect – the rest of the Council agreed.

PUBLIC SAFETY

A. Consideration of Purchase of Automated External Defibrillator (AED) for City Hall – Update and Demonstration

Marc Kleckner addressed the Council as follows:

He is a master distributor for Zoll, as well as two other companies; from Santa Barbara to San Diego there are 168 cities who use Zoll products, as does the L.A. County Fire Department, which just spent \$300,000 on defibrillators and accessories; other Fire Departments (Riverside, San Bernardino, Orange County, Santa Barbara, and Ventura) all use Zoll for their paramedics; some cities are now putting the AEDs in their police cars; the L.A. County Sheriff's Department has AEDs in their paramedic vehicles, and will hopefully in the near future be putting them in the Sheriff cars; the City of Santa Ana has placed AEDs in the jails, libraries, and other public buildings; the number one cause of death in the U.S. is sudden cardiac arrest, which is a form of a heart attack; there is no pain, no warning, and can happen anywhere anytime; within 10 minutes, and often closer to 8 minutes, a person can be brain dead; the average response time for paramedics is about 8 minutes; if someone goes down with cardiac arrest in the City of Los Angeles or New York City, only 1% of them survive; in Las Vegas, 75% - 80% walk away, since they have multiple AEDs in all the major hotels and cameras on the floors; there is a good relationship between CPR and defibrillators; you cannot save a life with CPR, but you can give time until an AED is in place or the paramedics arrive; compressions are more important than anything else related to CPR; this AED gives live instantaneous feedback on compressions, telling someone if they are doing the compressions correctly or not; Zoll is the only company that gives everything free in terms of the software that provides a record of everything that can be used by the EMS personnel or doctors; Zoll also provides, free of charge, replacement pads and batteries after an incident where these are used; if any AEDs are purchased, the press often likes to run a story about having a "heart safe" City, which he can help arrange if desired.

Council Member Berg commented as follows:

He was the one who suggested some months ago that staff look into the possibility of purchasing one or more AEDs; he thought it would be good for the community to have them in certain locations, such as City Hall, the Community Center, and maybe the riding rings to at least give people a chance; there is no liability if an attempt is made to assist someone in good faith; he belongs to a yacht club, and when someone went down in Catalina, an AED saved that person's life; he thinks the devices would add more safety to the community, and that the Council should be looking out for the residents; perhaps the Community Association would want to purchase one or more also.

Emergency Services Director Jim Doran informed the Council that he and Mr. Kleckner would be giving this same presentation to the Community Association Board Tuesday evening. Mr. Kleckner and his wife then explained the AED and its use to the Council and residents, with the help of an actual demonstration. Mr. Kleckner provided the following additional information:

An AED can be purchased for the price of a laptop computer; batteries check the unit once a week (or every day if desired); the unit and batteries are guaranteed for 5 years, while the pads are guaranteed for 4; the units can be used on boats, as the water cannot penetrate the unit; the Zoll AED will still function in temperatures up to 158 degrees; he provides training for the use of the unit; there are also alarm boxes with strobe lights – but more to inform everyone that an incident is occurring, rather than for theft.

Mayor Cohen felt the Council had to address several questions: 1) how AEDs could effectively be employed throughout the community, 2) how many AEDs would be needed and in what locations, 3) whom should be trained on their use, and 4) can and should this be done in conjunction with the Community Association. Mr. Doran informed the Council of the following:

The California Joint Powers Insurance Authority (CJPIA) does have a sample program/plan for the use of AEDs; the units are mobile, so for example could be moved from City Hall to the Fiesta site; WestMed can provide training – in fact, a CPR/1st aid class including instruction on the AED is scheduled for 9/5/06 for NEAT members and staff; Zoll is also able to provide the necessary documentation for the purchase of an AED (a doctor's prescription is necessary).

Mr. Doran was asked to return to the next Council meeting with recommendations regarding the number of AEDs to be purchased and for what locations.

B. Cell Phone Services/Reception within the City

Mayor Cohen thought this matter should be studied, and that perhaps a broad-based community-wide ad hoc committee should be established to bring back information to the Council. Council Member Siegel asked to hear from resident Bret Katz, who was in attendance, as he had some information at this time. Mr. Katz addressed the Council as follows:

He met with an electrical engineer from Cellular Outlet, who came to the Community Center and assessed the area; some of the original ideas for a citywide system could not meet the specifications; this person did give him a contact for a different system, which

involves an antenna approximately 2' x 1' x 8" deep; the antenna would need to be 10' off the ground to function properly, so could work at the Community Center and City Hall, hopefully without creating tension; he is currently trying to set up meetings with two different carriers; they would actually pay the City to allow them to put in the system, thus providing income to the City.

Mayor Cohen asked Mr. Katz about the system that would not work, which Mr. Katz explained was a 2' antenna (booster type) plus a small box that would work at City Hall and the Community Center, but would not cover the tennis courts and pool area. Council Member Siegel asked for confirmation from Mr. Katz that he would be obtaining a proposal from a company that could install a system to potentially provide service plus income to the City. Mr. Katz answered in the affirmative.

In response to Council Member Berg, Mr. Katz said that there are brokers who manage a number of towers, of which there are three close to Hidden Hills; however, each antenna works with an individual carrier (one per carrier), and that an engineer would have to look at the terrain and look at safety issues. Council Member Berg asked if each carrier, for instance Cingular, would need to make a determination that it would be profitable for them to install an antenna in the City, and that if the company did not think there would be enough traffic, that company might choose not to provide an installation in Hidden Hills. Mr. Katz confirmed that assessment, but did say that one company had expressed a strong interest in the City Hall area, although he would not know about the other areas until after meeting with the companies.

Council Member Siegel thanked Mr. Katz for all his efforts and time spent researching this item, and suggested the Council wait for further information from him. The Council agreed, with Mayor Cohen commenting that there did not appear to be a reason at this time to establish an ad hoc committee as he had earlier suggested.

PUBLIC HEARING

Consideration of Approval of 2006 Congestion Management Program (CMP) Self-Certification Resolution and Adoption of Local Development Plan

Mayor Cohen opened the public hearing, and there being no comments, closed the hearing. Upon MOTION of Council Member Siegel, seconded by Council Member Freedland and unanimously carried (on a 3-0 vote, as Mayor Pro Tem Fisher and Council Member Berg were out of the Council Chambers at the time of the vote), it was resolved to adopt by title only Resolution No. 789 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.

CONSENT CALENDAR

- A. City Council Minutes – July 24, 2006**
- B. Demand List**
- C. Disbursement List – June**
- D. Financial/Treasurer’s Report – June**
- E. Disbursement List – July**
- F. Financial/Treasurer’s Report – July**

Upon MOTION of Council Member Siegel, seconded by Council Member Freedland 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 COUNCIL MEMBERS

- A. Discussion Regarding Landscaping at the Corner of Round Meadow/Mureau Roads**
 - 1. Update**
 - 2. Conceptual Plan Approval**
 - 3. Consideration of Approval of Expenditure for Landscape Design Services**

Council Member Freedland presented the following report:

He and Mayor Cohen recently met with staff at the site to discuss what type of landscaping might be appropriate for that area; City Engineer Dirk Lovett, from that discussion, prepared a very preliminary sketch showing some trees, a pathway, gazebo, bike rack, woodchips, etc.; at this point, he believes the City should hire a professional landscape designer or architect to draw a set of plans, including irrigation, from which bids could be obtained for the actual work; a rough estimate for plans was obtained from a known designer, with the amount being very reasonable according to a designer working for Charles Abbott Associates.

Based on a call from a constituent, Council Member Siegel asked if a right turn lane had been considered for that area, coming from Mureau onto Round Meadow. Council Member Freedland explained that the corner was not looked at from a traffic standpoint, but it did not appear feasible with the location of the utility boxes on that corner.

The City Manager pointed out that the City has approximately \$23,000 in TDA pedestrian/bicycle funds that the MTA confirmed could be used for this project, as it involves bicycle amenities, possibly including the engineering and design. Council Member Freedland reminded everyone that Richards, Watson & Gershon had also promised the City a tree to be planted in honor of their anniversary two years ago, and thought this would be a perfect location for that tree.

As there was no further discussion or suggestions as to changes to the draft sketch, upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to authorize the expenditure of not-to-exceed \$5000 for professional landscape plans, including irrigation, for the southeast corner of the intersection of Round Meadow and Mureau Roads.

MATTERS FROM STAFF

A. Tentative Map 63567 - Update

City Engineer Dirk Lovett reported that he is still working with the developer to complete the application, and that the draft RFP for the Environmental Impact Report is just about ready.

B. Building and Safety Cost Tracking

Building Official Greg Robinson informed the Council of the following:

Prior to October of 2005, the Charles Abbott Associates (CAA) billing was based on 65% of the revenue from the building permit fees; this created a cap, which grew to over \$650,000; the intent of the funds in the cap was to cover any remaining work to be done on the outstanding permits; last October, CAA looked at those outstanding permits to calculate a more realistic number to cover the work left to close out those permits, with that figure being \$164,000; with such a difference in the two numbers, the Council determined that the cap was irrelevant; the CAA contract was redone and the Council created a fund balance of \$164,000 on the City's financial statement to realistically show how much money would be needed to pay CAA for the completion of all the outstanding permits; at the end of June, that fund balance was recalculated, resulting in an amount of \$127,000; CAA also calculated the percent of the billing against the revenue from October through June; CAA during that time period billed 55% of the revenue, which is a good indication of why the cap was increasing so much when CAA was collecting 65% of the revenue; he would recommend, based on the above calculations, that the fund balance on the financial statement be changed from \$164,000 to \$127,000; no action is required by the Council.

Mayor Cohen commented that the \$127,000 figure appears to be more accurate, and that City Treasurer Eddie Bauch agreed. The bookkeeper will be directed to change the fund balance, and the amount will continue to be recalculated approximately every six months.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL:

**Potential Initiation of Litigation Pursuant to Government Code Section 54956.9(c):
Number of Cases: One**

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved to adjourn to closed session at 9:18 p.m., at which time it was announced by Mayor Cohen that the Council, in closed session, would be discussing the item listed above.

Upon MOTION of Council Member Berg, seconded by Council Member Siegel and unanimously carried, it was resolved to return to open session at 9:34 p.m., at which time City Attorney Roxanne Diaz announced that the Council, in closed session, discussed the item listed above, and that no reportable action was taken.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Berg, seconded by Council Member Freedland and unanimously carried, it was resolved to adjourn the regular meeting of August 14, 2006 at 9:35 p.m.

Jim Cohen, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk