

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, May 11, 2009

***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, May 11, 2009 at the hour of 7:30 p.m. Mayor Steve Freedland called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

**ROLL CALL**

Council:

Mayor Steve Freedland  
Mayor Pro Tem Larry Weber  
Council Member Monty E. Fisher  
Council Member Jim Cohen  
Council Member Stuart E. Siegel

Staff:

City Engineer Dirk Lovett  
City Manager Cherie L. Paglia

**APPROVAL OF AGENDA**

Upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried, it was resolved that the agenda for the May 11, 2009 regular meeting be approved as submitted.

## **ANNOUNCEMENTS**

Mayor Freedland made the following announcements:

At 7:30 p.m. on Thursday, May 14<sup>th</sup>, there will be a Las Virgenes Municipal Water District (LVMWD) community workshop at the Hidden Hills Community Center; the water budget program and how it will affect residents will be addressed; water bills will be changing dramatically; there will be time for questions and answers, and information on conservation practices; he would encourage everyone to attend.

Tuesday, May 29<sup>th</sup>, is the State special election; the polls will be open from 7:00 a.m. to 8:00 p.m. at City Hall.

Monday, May 25<sup>th</sup>, is Memorial Day; City Hall, the Community Center, and Building and Safety will all be closed and there will be no inspections.

The Community Association/Parks & Recreation adult welcome party (a casino night) will be held on Saturday, May 30<sup>th</sup>, starting at 7:00 p.m.; call the Association for more details.

## **AUDIENCE**

There were no questions or comments at this time

## **PRESENTATION**

### **A. Los Angeles County Water Quality Initiative/AB139**

Mark Pestrella, Los Angeles County Flood Control District Assistant Deputy Director, and Susan Nissman, Supervisor Yaroslavsky's Field Deputy, were in attendance to provide information, answer questions, and ask for the Council's support for AB139, sponsored by Assemblywoman Julia Brownley. It was pointed out that the legislation would create the ability for the Flood Control District to collect a property related fee to be used for surface water quality improvements, with the fees collected (65% to the Flood Control District and 35% to the City) to be used in the sub-watersheds from which the money came. After the discussion, upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Weber and unanimously carried, it was resolved to authorize the Mayor to send a letter of support for AB139, determining

that the need to take action (the support letter was needed by 5/13/09) arose subsequent to the posting of the agenda.

**B. Crown Castle DAS Project**

Mayor Freedland introduced Pedro Miraz from Crown Castle, Steve Rodriguez, Business Manager for MBS Communications, and Community Association Inspector Bob Coffey. Mr. Miraz and Mr. Rodriguez provided an overview of Crown Castle and the Distributed Antenna System (DAS) that the company was proposing for Hidden Hills (see attached), which would include one Hub location, fourteen RAN (Remote Antenna Mode) locations, and approximately 4.5 miles of fiber optic cable.

In response to Council Member questions, the following information was provided:

The system can provide for multiple carriers on one antenna (panel antennas are being proposed), as opposed to multiple towers for multiple carriers; testing/data sampling has been done throughout the community to determine antenna locations; there would be a power meter and an equipment cabinet at the base of each pole, with the antenna above the existing wires on 50' poles; line-of-sight is not needed between the antennas; the distance can vary between ¼ mile to .6 mile depending on the terrain; the most likely location for the Hub, which would have to be approved by the City and Association, would be on the City owned property at the top of Bonneville, as it is centrally located; a 10' x 20' Hub can accommodate the three carriers who have expressed an interest; for four carriers, as a worst case scenario, the Hub would be 16' x 30'; the Hub is an above ground network source and point of distribution, which does not emit radio frequencies; the fiber optic cable leaves the Hub underground to the first pole, after which the cable is all overhead from pole to pole, of which there are fourteen; carrier BTS units are placed in the Hub, from which the fiber optic cable is fed to a box at each pole; then coaxial cable goes from the pole to the antenna, from which the signal is wirelessly transmitted; they are working with SCE to place the antennas on SCE poles, but if there is a problem with that, they could place their own poles; separate poles might be better as the City begins to underground utilities, since the antennas will always have to stay above ground and thus would not be affected if SCE poles are removed.

Mayor Freedland commented as follows, addressing Mr. Coffey:

He is quite confused by this proposal, as it does not seem to be anything like what Mr. Coffey suggested to the Council in July of 2006; at that time, the Council was told a

system could be provided, on existing poles, using 2' tall antennas to cover 100% of the City; now we are looking at fourteen 50' poles and an approximate 500 square foot structure on Bonneville; this is so different both architecturally and visually, and not what Hidden Hills is all about; everyone wants better cell service, but this is quite unbelievable.

In response to Mayor Freedland and additional Council comments and questions, Mr. Coffey and the two presenters stated the following:

This is what technology has come to; if there was just a single carrier, there would probably be one single 24" omni antenna; but there are three interested carriers to accommodate; the proposed antennas will cover all the different frequency ranges for Verizon, AT&T, and TMobile, including the new 700 megahertz, 850 (which is the typical cellular area), and the 1900 PCS; the antennas would also cover a 4<sup>th</sup> and even 5<sup>th</sup> carrier in the future; this eliminates the need to deal with separate individual applications from the different carriers; only one Hub site is necessary, with Bonneville being the most feasible; there could possibly be room at the Lewis and Clark arena, but that area has not really been studied; the last antenna location can be ten miles from the Hub, so it would be technically possible to locate the Hub somewhere outside the City; that has not been explored, and it may not be economically feasible; there would have to be negotiations with a private landlord, which would then not be under the control of the City; Crown Castle funds the project and then the costs are passed on to the carriers in an up-front fee and a monthly recurring fee; if the price becomes too high, the carriers may not tolerate it; this system would be state of the art, and would bring in wireless Internet through your carrier, along with enhancing cell phone coverage; when they began studying what system could work in Hidden Hills, they started at lower heights, but due to the topography, could not get coverage for the peaks and valleys; in order to stay low on the poles, the number of RAN sites would have to be increased.

The Council continued to ask questions, with the following information being provided in response to those questions:

At the base of each of the fourteen poles would be a 36" tall power meter, which SCE requires, and a 56" tall equipment cabinet; these could be painted or screen planted in an effort to help them blend with the landscape; the Hub at a minimum would be 9'6" tall, and could possibly be built into a hillside, depending on the hill, the retainage required, and again the cost; they prefer to put a slab on grade, and then put the building on the slab; the building could be made to look like a barn or something else to blend in aesthetically; if approval were to be granted, construction would then take three to four months; before construction, the acquisition phase occurs, followed by evaluation, which has already established the fourteen locations (testing data can be provided if needed);

Verizon has verbally committed to the project, although they would like it done by the end of 2009, as would TMobile, although they have not committed to the project; AT&T has not committed, but has expressed extreme interest due to some recent coverage problems during accidents in the City.

Resident Bob Bergstrom addressed the Council:

This is a commercial enterprise to make money, which raises his concern that the building size would need to be increased in the future to accommodate more carriers; would Crown Castle be willing to sign an agreement that the building would not be increased in size if the three interested carriers fill it to capacity; no one wants a large building built next to them; cell phone coverage in the City may not be the best, but it does exist; this is opening a can of worms.

Mr. Miraz stated he would have no problem limiting the usage to three carriers, as their investment is based on the three carriers currently expressing an interest in the project. He added that the number of carriers can be limited if there is no realistic space in which to expand.

Resident Dr. Leon Partamian was next to address the Council:

Hidden Hills is a rural, laid back community where there are not even any street lights; in fact, he had to cut back on the lights leading up to his property, which also leads to the Bonneville site proposed for the Hub; everyone wants improved cell phone service, but it is much better now than it was just a couple of years ago; the proposed Hub property is right next to his, and he, as well as other residents in the area, feel the structure would be ugly and diminish property values; they would at least want compensation, or they would want to litigate the matter; since the Council is talking about wanting to underground utilities, it does not make any sense to him to be adding more poles or more height to existing poles.

Also making comments was resident Bob Wynn:

He would like to see a comparison between using the Bonneville site and using the horse arena; what is the difference in cost and service; what will be lost and gained in using one location over another; what is the cost to put the building in the hillside; this is our home, and 50' poles will devalue our investment in the area; there seems to be concern for the cell phone companies, but there needs to be concern for the homeowners; there needs to be site comparisons and more specifics provided so the carriers and the Council know the facts in order to make a decision.

Council Member Siegel and the City Manager pointed out that there has been no formal application submitted by Crown Castle, which is why many of these questions regarding details have not been addressed; this presentation was to remind the Council of what was being proposed, as the matter had not been discussed for approximately two years, and for the Council to provide feedback to Crown Castle. If a formal application is submitted, public hearings would be held and neighbors notified.

Mayor Freedland stated the following:

The Council is just looking at this as a concept right now; no matter where the building would be placed, someone would be unhappy with that building; there would be a trade-off; cell phone coverage is not ideal right now, but he personally does not feel it would be a good trade-off to have fourteen 50' poles to get better coverage; he was very excited about the original plan suggested years ago, but this new proposal is very different and he is very surprised by it.

Mayor Pro Tem Weber agreed, suggesting that a building could possibly be mitigated, but he does not believe the community would support 50' poles to get better coverage, even though there is no cost to the City for this project.

Mr. Miraz made the following statements:

There is an economic trade-off for the carriers; if they put the antennas lower on the poles, eliminating the need for the 50' poles, this means more poles in additional locations would be necessary; this would add costs to change the Hub, purchase more equipment for each location, etc.; these costs are then passed on to the carriers; TMobile is, at this time, okay with the costs related to this project, but if the economics change, they probably will not be able to go on the system; the same could happen with the other two interested carriers; he understands the concerns of the community; their goal is to bring in a system to bring the carriers to the community; they can design anything, but if the cost is too high, they will not be able to get the carriers; they are trying to find a balance, just as the community is trying to find an aesthetic balance.

Council Member Fisher added his comments:

He admires the engineering and appreciates the efforts put forth by Crown Castle, but this is a unique place; he has TMobile, and cannot get a signal at his house, but he is still not

sure this system would work for Hidden Hills; anything placed in a parkway or on a trail is an obstacle for horses, and the 50' poles are just too high; maybe the technology just does not exist yet for this type of community and its needs; he does like the idea of using fiber optics from the Hub to the poles, but personally he does not believe this system is acceptable.

Mr. Miraz expressed his understanding of the concerns related to the location and size of the Hub, and wondered how the Council would feel if the antennas were dropped from the top of the 50' poles down to around 28' on existing poles, which would of course increase the number of poles required. Mayor Freedland thought that would be better visually, but then there would be more poles, with equipment and power boxes at the bottom of each pole, which would present a problem as the Council moved forward with any undergrounding projects. Mayor Freedland added that based on the discussion, everyone should have an idea of the Council's concerns related to the proposed project, especially based on the uniqueness of the community, and that it would be up to Crown Castle if they wished to return with a revised proposal.

#### **CONSENT CALENDAR**

- A. City Council Minutes – April 27, 2009**
- B. Demand List**

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

#### **MATTERS FROM CITY COUNCIL MEMBERS**

- A. Report from 5/5/09 Las Virgenes Unified School District/Four Cities Meeting**

Mayor Freedland reported that he and the City Manager attended this meeting, at which it was made very clear that the School District will be losing millions of dollars this year; the District will be asking the four area cities for additional funding for technology for the next two years, while they continue to look for an alternate source of funding.

**B. Review of Youth Recognition Program Nominations and Selection of Finalists to Receive Award**

Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Weber and unanimously carried, it was resolved to select the two nominees, Marissa Maliani and Kelsey Freedland, as recipients of the City's Annual Youth Recognition Program award, with the presentations to be made at a later meeting in June when other student awards are given out by the Council.

**MATTERS FROM STAFF**

**A. Undergrounding of Overhead Utilities – Discussion and Direction to Staff**

Council Member Fisher recused himself at this time (9:10 p.m.) and left the meeting, as he lives in one of the areas being considered for the proposed undergrounding.

City Engineer Dirk Lovett provided the following staff report:

He has been working with the utility companies for quite some time to get plans to underground overhead utilities in two different areas; Area 1 is the Long Valley/Round Meadow intersection, including the private section of Round Meadow, while Area 2 is on Jed Smith between Robert Guy and Jacob Hamblin; plans have now been obtained from all of the utility companies, along with rough estimates from those utility companies and a contractor; per the table in the staff report, Area 1 has been divided into two sub-areas; Area 1A represents Round Meadow within the Community Association's right-of-way, generally south of Long Valley Road, with an estimated undergrounding cost of roughly \$312,000; the private portion of Round Meadow north of Long Valley and continuing west along the horse trail (all private property) is Area 1B, at an estimated cost of \$463,500 (all of which would have to be paid by the individual homeowners); the estimated cost for Area 2 is \$858,500; in Area 1A, there are no overhead services to individual homes that would need to be undergrounded; in Area 2, there are four overhead services to homes that would need to be undergrounded, which could cost each resident up to \$20,000; these costs are included in the estimated cost for the entire project.

Mayor Freedland reported that he had talked to some of the residents with properties along the private section of Round Meadow, including Gary Simons, who said they were very interested in



undergrounding the overhead wires, and would be willing to contribute financially for their section. He thought perhaps it was time for staff to contact Mr. Simons to discuss the project.

Mr. Lovett asked the Council for which of the Areas they wished to obtain bids. Due to the water issues and the economy, Mayor Freedland personally thought bids should be obtained for only Area 1A, along with 1B, if the residents in that private area wished to proceed at the same time for economy of scale, as the City already has engineered drawings.

Council Member Siegel stated the following:

He would agree with Mayor Freedland that Area 2 should not be addressed at this time, and that philosophically the undergrounding in the private section should be paid for by the residents, not the City; he believes the City would be committed to Area 1A, at the estimated cost of \$312,000; he would suggest that bids be obtained separately for Area 1A and Area 1B, and then also ask the contractors to bid on Areas 1A and 1B together as a package in hopes that that bid would be less than the two individual bids; if the package bid were less, perhaps that discount could be passed on to the seven affected residents in Area 1B.

Staff was directed to obtain bids per Council Member Siegel's suggestion, with Council Member Cohen reminding everyone that no decisions had to be made until the bids were received. In response to Mayor Pro Tem Weber, Mayor Freedland reported that the City does have over \$800,000 set aside in the reserves for undergrounding.

**B. Consideration of Cancellation of May 25, 2009 City Council Meeting**

Upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried, it was resolved to cancel the May 25, 2009 Council meeting in observance of Memorial Day.

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL**

**Potential Initiation of Litigation Pursuant to Government Code Section 54956.9(c):  
Number of Potential Cases: 1**

At this time, City Attorney Roxanne Diaz and Assistant City Attorney Steve Orr joined the meeting by telephone. Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Weber and unanimously carried, it was resolved to adjourn to closed session at 9:22 p.m., at which time Mayor Freedland announced that the Council in closed session would be discussing the item listed above.

Upon MOTION of Mayor Pro Tem Weber, seconded by Council Member Cohen and unanimously carried, it was resolved to return to open session at 9:58 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 Siegel, seconded by Council Member Cohen and unanimously carried, it was resolved to adjourn the regular meeting of May 11, 2009 at 9:59 p.m.

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Steve Freedland, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk