

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, October 26, 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, October 26, 2009 at the hour of 7:30 p.m. Mayor Steve Freedland called the meeting to order and presided thereover after introducing Alan Solursh, leader of Cub Scout Webelos Pack #333. Mr. Solursh then introduced Mathew Snyderman, who with the help of other members of Pack #333, lead the Council and audience in the Pledge of Allegiance.

ROLL CALL

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| Council: | Mayor Steve Freedland Mayor Pro Tem Larry Weber Council Member Jim Cohen Council Member Stuart E. Siegel |
| Staff: | City Engineer Dirk Lovett City Manager Cherie L. Paglia |
| Absent: | Council Member Monty E. Fisher |

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

APPROVAL OF AGENDA

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Weber and unanimously carried, it was resolved that the agenda for the October 26, 2009 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Freedland made the following announcements:

Happy birthday to Council Member Siegel's wife Peggi on October 31st, which also happens to be Halloween.

Congratulations and thanks to the Community Association, the Parks & Recreation Committee, and Bret Katz for a very successful Halloween party this past Saturday.

Daylight saving time ends this Sunday (11/1); don't forget to turn all of your clocks back one hour (officially done at 2:00 a.m. Sunday morning); this is also a good time to check all your smoke detectors.

Don't forget to vote on Tuesday, 11/3, at City Hall, which is the only polling place within the City; and also don't forget to submit your ballots for the Community Association election to be held on 11/17.

Thanks to those who attended the Fiesta; we hope everyone had a good time, even though the rides had to be relocated due to the rain and wet arena.

AUDIENCE

There were no questions or comments at this time.

PRESENTATIONS

A. Consideration of Approval of Community Assistance Grant to Calabasas High School for Support of the *Every 15 Minutes Program*

Tracey Arnold, fundraising and video Chair, addressed the Council Members, reminding them of the purpose and benefits of the *Every 15 Minutes Program* and asking for a substantial increase

in the amount of financial support from Hidden Hills compared to the amount provided two years ago, which was \$1800 (to cover the cost of the T-shirts).

Mayor Freedland stated his belief that this was a very worthwhile program, but explained that the requested amount was in excess of the available funding in the City's budget for community assistance grants, and disproportionate for the size of the City in comparison to Calabasas, which was being asked for the same amount.

Council Member Cohen also believed this was a wonderful program that he himself has attended, and would recommend that every parent attend. However, he, like Mayor Freedland, could not support the dollar amount, especially knowing that there would be other requests for community assistance grants during the rest of the year. Mayor Pro Tem Weber agreed.

Council Member Siegel asked if Ms. Arnold would like to return with a revised application at a future meeting. Ms. Arnold and resident Mary Tochner said they would prefer a decision at this time from the Council if possible, and asked if the Council Members could look at the budget and select a particular item or category that they would be willing to support. Upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to approve a community assistance grant to Calabasas High School PFC in the amount of \$1700 to provide the T-shirts for the "Walking Dead and Crew" for the *Every 15 Minutes Program* to be presented at the school in March, 2010.

B. Las Virgenes Education Foundation (LVEF) - Update

Jamie Alcroft, Executive Director of the LVEF (the non-profit arm of the Las Virgenes Unified School District), showed a three minute video of this year's Benefit for the Arts concert (which raised \$102,000), and updated the Council on the past, current, and future projects of the

Foundation, including another fundraising concert on March 26, 2010, summer school, possible on-line registration for the District, and a College Application and Acceptance Program.

Mayor Freedland thanked Mr. Alcroft, stating that he and the Foundation were a godsend to the District, helping to provide much needed financial assistance during these very difficult economic times. He also suggested the City could place an announcement on Cable TV channel 3 asking for any resident artists and musicians who may want to help with the 2010 concert.

PUBLIC SAFETY

A. Los Angeles County Fire Department Reports – August and September

Community Services Representative Maria Grycan provided the following report:

During the month of August there were no fires, but 11 responses, including 5 medical, 3 false alarm/good intent, 1 snake removal, and 2 public assists; there were 2 Fire Prevention Bureau inspections, with no plans checked; the Department provided ongoing CERT training for both Hidden Hills and surrounding area residents; in relation to brush inspections, there are 4 outstanding (property owner is working with the Station) and only 1 parcel that was referred to the Brush Clearance Unit for enforcement.

In September, there was 1 fire listed on the report, but it was actually right outside of the City near Valley Circle Boulevard and the onramp to the 101 freeway, possibly caused by a discarded cigarette; there were 9 responses, including 5 medical and 3 false alarm/good intent calls; the Fire Prevention Bureau conducted 4 inspections; the CERT training was completed; there are now no outstanding parcels in relation to brush clearance, but 3 additional parcels were turned over to the Brush Clearance Unit for enforcement, for a total of 4; once a parcel is turned over to the Brush Clearance Unit, that Unit makes one final attempt to get compliance from the property owners, giving them an additional seven days; if the required clearance is not done by then, it is turned over to County Agriculture, which schedules a crew to complete the work; the cost of doing that work along with a fine is then added to the property taxes of the owner; as there are now no outstanding parcels, the numbers for brush clearance will stay the same for the rest of the year.

B. Los Angeles County Sheriff's Department Reports – August and September

The following report was provided by Lt. John Benedict:

During the month of August there was one petty theft on Oakfield, with bill statements being taken from a kitchen counter during a party; one grand theft of a motorcycle occurred on Long Valley; this is still outstanding and they continue to look for it; two thefts occurred from unlocked vehicles; a wallet, license, and credit cards were taken from a vehicle on Kit Carson, and then found on the ground on Jed Smith; credit cards and other items were taken from the glove box of a vehicle on Paradise Valley; shortly after, the credit cards were fraudulently used; follow-up continues on this theft; there were 6 false alarms, but no collisions in the City during the month; 40 citations were issued, with 25 being hazardous, 6 non-hazardous, and 9 parking; one dangerous driver was reported to the STTOP program; a letter was sent and then the vehicle owner contacted, being warned and advised.

In September a shed on Round Meadow Road was burglarized, with two saddles being taken; on Paradise Valley, two bicycles were taken from a driveway and a GPS unit was taken from an unlocked vehicle; jewelry was reported stolen from a house on Penland, with the owners believing movers may be possible suspects; an Ipod and GPS unit were taken from a vehicle on Penland, with no signs of forced entry; there were 7 false alarms during the month, and 35 citations were issued, including 28 hazardous, 5 non-hazardous, and 2 parking; one collision occurred when someone backing from a driveway ran into a vehicle passing on the street, but there were no injuries; one adult driver reported to STTOP was warned and advised.

C. Consideration of Assignment of 2009-2010 Brulte/COPS Funds

Lt. John Benedict informed the Council of the following:

Every year a letter is provided by Captain Tom Martin suggesting expenditures for the Brulte/COPS funds (\$100,000) received by the City; he has proposed \$63,787.41 for Motorcycle Traffic Enforcement Deputies (Motors); each of the five area cities pays the same amount to receive 16 hours per week; \$2,000 is set aside for the Parental Resource Program (PRP), which is a very successful program provided by members of the Juvenile Intervention Team (JIT) to educate parents; the Sheriff's Teen Traffic Offender Program (STTOP) is shared equally by all five of the area cities, with the cost for each city being \$30,198.55; this is another very beneficial program whereby anyone can anonymously report dangerous drivers, both juvenile and adult; it is being suggested that the remainder of the funds, \$4,014.04, be categorized as Crime Impact Funds which can be utilized to provide additional personnel to address specific crime problems or trends within the community as needed.

Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Weber and unanimously carried on roll call vote, it was resolved to allocate \$100,000 in Brulte/COPS funds for the following, as recommended by the Sheriff's Department: \$63,787.41/Motorcycle Enforcement Officers (Motors); \$2,000/Parental Resource Program; \$30,198.55/Sheriff's Teen Traffic Offender Program (STTOP); and \$4,014.04/Crime Impact Funds.

Council Member Cohen expressed his support for the STTOP program, but asked again (as he has in the past) if it would be possible for the Association to notify residents if any of their guests are those being reported to the program. Mayor Freedland thought residents would like to know if their guests are driving recklessly or violating traffic regulations within the community, although as Council Member Siegel pointed out, some of the violators are the residents themselves. The Council suggested that perhaps the Association could discuss this topic. The City Manager informed the Council that copies of any of the letters sent by the Sheriff's Department to those reported to the program are being provided to the Association.

D. Update Regarding InterOp22, the City's Participation in the Disaster Communications System for Area B, and Receipt of Certificate from the L.A. County Sheriff's Department

Assistant Emergency Services Director Gabe Nussbaum informed the Council that at a recent InterOp22 meeting, before the guest speaker (an expert from JPL on earthquakes) was introduced, the Captain of the Malibu Lost Hills Sheriff Station presented certificates to area cities, including Hidden Hills, for community volunteer service. Mr. Nussbaum presented that certificate to Mayor Freedland, and then provided the following report:

InterOp22 is what the City does as part of our Emergency Operations Center and emergency preparedness in relation to radios; it is a common theme that how well a city is prepared for an emergency or disaster determines the recovery period, and the communication determines how well prepared a city is; land-based communication is usually one of the first casualties of a disaster; with communications, redundancy and diversity is the key, so the City tries to maintain that key with telephones, satellite, cellular, 2-way radios, and ham radios; the InterOp22 net is hosted under the jurisdiction

of the Malibu Lost Hills Sheriff Station; radio service is coordinated through the Malibu Lost Hills Disaster Communications Service (DCS) through repeaters on Castro Peak in Malibu; InterOp22 includes representatives from Hidden Hills, Agoura Hills, Calabasas, Malibu, Westlake Village, Topanga Canyon, Thousand Oaks, and Oak Park; some representatives are staff members and others volunteers (as in our City); other participants include Arson Watch, Ventura County VCS, the Area B DMAC (Disaster Management Area Coordinator), and Malibu Search & Rescue; recently participants have been enlisted from the LVUSD and the Santa Monica Mountains Recreation and Conservation Authority; having all these cities and agencies on a common communication platform, such as the Interop22 net and radios through DCS22, allows for interoperability and communication when other forms of communication may fail; this is an informal group that shares a common interest through reliable communication; monthly meetings are held, with weekly radio communication tests; all the agencies check in, with the net control being rotated so everyone has that experience.

Mayor Freedland wished to thank Emergency Services Director Jim Doran and Assistant Emergency Services Director Gabe Nussbaum, on behalf of the Council, the City, and his own family, for the combined decades they have spent volunteering for the benefit of all of the City's residents. He added that people just do not realize what they do and the amount of time they give to help protect the City.

PUBLIC HEARING

Consideration of Approval of an Ordinance Regarding Adoption of Telecommunications Regulations – First Reading

The City Manager explained that this is the same ordinance adopted recently as an urgency ordinance to update the City's Municipal Code to assure it is in compliance with the Telecommunications Act and any other laws regulating wireless communications. On the advice of the City Attorney, when an urgency ordinance is adopted, it is also adopted as a regular ordinance with a first and second reading.

Mayor Freedland opened the public hearing, at which time resident and Association Board President Ron Wolfe addressed the Council, asking why a seventeen page ordinance would be

adopted, making it more difficult for companies to provide cellular coverage at a time when the community is attempting to improve coverage.

Mayor Freedland responded as follows:

The Council's intention is not to make anything more or less difficult for anyone; the City has existing ordinances, and as explained to him by the City Attorney, as telecommunications and other laws and regulations change, those ordinances become outdated; the City could choose to review and update all of its ordinances on a regular basis, but what is probably more common is review of ordinances in relation to an issue that has come before the City, and in reviewing that issue, it is discovered that the ordinances need to be updated; some cities, such as Agoura Hills, are adopting moratoriums on wireless applications to study their ordinances and the existing laws; this is commonly done, but he personally did not feel comfortable with a moratorium, as that would seem to end the process of discussions with carriers and prevent the submittal of any applications during the moratorium; if the intent was to stop the process, the Council would have looked at imposing a moratorium; the ordinance was scheduled to be addressed at the last regularly scheduled Council meeting, but the attorneys did not have the ordinance ready at that time, thus resulting in the urgency ordinance being adopted at an adjourned regular meeting several days later; he does not believe it is fair to suggest the City was trying to impede any carriers, and in fact, he has already instructed the City Manager to schedule a meeting with Crown in the next week or so to continue discussions with that company on what the City needs and what they may be able to provide in response to that need.

Mr. Wolfe wished to make it clear that he was not implying the City was trying to stop the process, but that perhaps the ordinance was more geared for a larger city, and not appropriate for this small of a city.

Mayor Freedland stated the following:

That is not the case or the effect; Crown Castle was invited to the meeting at which the ordinance was adopted, and was given a copy of the proposed ordinance; that company must have felt comfortable with the ordinance as no one from the company attended the meeting; from his understanding, this ordinance is based on common sense and is very standard, including reasonable requirements that allow the City to protect its interests and control aesthetics, while still allowing providers to add infrastructure and service the City.

Council Member Siegel commented that the City was presented with a situation, at which time it became clear that the codes were antiquated and needed to be updated. He would guess that more often than not, ordinances are modified under these circumstances – an issue comes up so a city addresses the issue. Council Member Siegel added that it was not clear that Crown Castle, even before the adoption of this ordinance, felt they could provide what the City needed.

Mayor Freedland made the following additional comments:

In reading portions of the ordinance, it is really very innocuous; for example, it requires that colors and materials for facilities be chosen to minimize visibility, that all visible exterior surfaces be constructed with non-reflective material, that facilities be painted or textured using colors to match or blend with the surrounding background, and that facilities not bear any signs or advertising devices other than those required as warnings; and if he remembers right, the ordinance was adopted unanimously by the Council – it was not a split decision; since a meeting is being set up with Crown Castle, that would be a good time for them to express their concerns with any sections of the ordinance that they might think are too onerous; the City is not trying to stop any company from providing better coverage, but what a company proposes needs to be sensitive to the needs of the community.

Mr. Wolfe felt someone in the industry should be contacted to discuss certain of the requirements, such as those related to engineering and bonds. He suggested that the requirements were just too difficult for companies to come into our small City, and that those requirements should be reduced or not apply due to the size of the City. The City Manager pointed out that the Telecommunications Act and other laws apply the same to all cities, large or small, and that the City cannot just decide to ignore, change, or adjust laws that we don't like because we are small.

As there was no further discussion, Mayor Freedland closed the public hearing. Upon MOTION of Council Member Cohen, seconded by Council Member Siegel 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 REVISING REGULATIONS APPLICABLE TO THE INSTALLATION AND OPERATION OF WIRELESS

COMMUNICATIONS FACILITIES AND AMENDING TITLE 5 OF THE HIDDEN HILLS
MUNICIPAL CODE.

CONSENT CALENDAR

- A. City Council Minutes – September 14, 2009**
- B. City Council Minutes – September 22, 2009**
- C. City Council Minutes – September 28, 2009**
- D. City Council Minutes – October 12, 2009**
- E. Demand List**
- F. Disbursement Lists – August and September**
- G. Financial/Treasurer’s Reports – August and September**
- H. Annual Financial Audit – June 30, 2009**

Council Member Siegel asked that item H be pulled from the consent calendar and placed on the next agenda for further discussion. Upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve items A (with Mayor Pro Tem Weber abstaining on this item as he was not in attendance at the meeting), B, C, D, E, F, and G of the consent calendar as submitted.

MATTERS FROM CITY COUNCIL MEMBERS

- A. Report from 9/15/09 and 10/20/09 Hidden Hills Community Association Board of Directors Meetings**

The following information was presented by Association Board President Ron Wolfe:

Ballots have been sent out for the November 17th annual election of Board Members; residents will also be voting on the proposed Saddle Creek Park Project; he would really like to see everyone vote, as the decision will affect all residents; he and the rest of the Board Members are available to answer any questions relating to the proposed project; they really need ballots to be returned to guarantee a quorum; the Board approved a budget for the upcoming Halloween party; the winter social will be held on December 6th; in closed session the Board discussed personnel issues.

- B. Report from 9/15/09 Las Virgenes Malibu Council of Governments Meeting**

Council Member Siegel stated that there was nothing to report at this time.

C. Report from 10/21/09 Las Virgenes Unified School District/Four Cities Meeting

Mayor Freedland provided the following information:

The District is looking for alternative funding for technology and many other things, since it is losing so much funding from the State; the Las Virgenes Education Foundation is very creative in raising money, but there is only so much the Foundation can do; possible funding sources being looked at are a Transient Occupancy Tax (TOT), and a document transfer tax, which is applied when a home is sold; three of the four cities in the District use the same attorney firm, so that firm is being asked to look at the legalities of these possible funding sources; Calabasas is conducting a drive-through flu shot clinic on November 1st, but it is only open to Calabasas residents or School District personnel; however, there is a five-city Point of Distribution (POD) exercise on November 14th at the Agoura Hills/Calabasas Community Center at which free flu shots will be given in the drive-through format; Hidden Hills residents are welcome at this event; as of now, the shots will be only for seasonal flu.

Emergency Services Director Jim Doran stated there was still the possibility that H1N1 shots could be provided, but it is not known yet whether or not that will happen due to availability.

Mayor Pro Tem Weber informed everyone that he is on the LVUSD/Four Cities sub-committee that is looking into alternative funding. He added that the main focus has been on possible public funding sources, but he is afraid it could take years to change state laws, so has suggested the sub-committee should also be looking at the private sector for more immediate funding sources.

MATTERS FROM STAFF

Charles Abbott Monthly Reports – August and September

The reports were received and filed.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL

Anticipated Litigation:

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b):

Number of Potential Cases: 2

At this time, City Attorney Roxanne Diaz joined the meeting by telephone. Upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried, it was resolved to adjourn to closed session at 8:41 p.m., at which time Mayor Freedland announced that the Council in closed session would be discussing the items listed above.

Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Weber and unanimously carried, it was resolved to return to open session at 9:03 p.m., at which time City Attorney Roxanne Diaz announced that the Council in closed session discussed the items 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 October 26, 2009 at 9:04 p.m.

Steve Freedland, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk