

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, February 14, 2011

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, February 14, 2011 at the hour of 7:32 p.m. Mayor Larry Weber called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:	Mayor Larry G. Weber Council Member Steve Freedland Council Member Larry Goldberg Council Member Stuart E. Siegel
Staff:	City Attorney Roxanne Diaz City Engineer Dirk Lovett City Manager Cherie L. Paglia
Absent:	Mayor Pro Tem Jim Cohen

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

APPROVAL OF AGENDA

Upon MOTION of Council Member Freedland, seconded by Council Member Goldberg and unanimously carried, it was resolved that the agenda for the February 14, 2011 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Weber made the following announcements:

He would like to extend sympathy on behalf of the Council to the family of Guillermo, who worked for the Community Association and recently passed away; he contracted leukemia last year and then pneumonia a few weeks ago.

Mayor Pro Tem Jimmy Cohen had surgery this morning; we wish him well and hopefully will see him back at the next meeting.

City Hall, the Community Center, and Building & Safety will all be closed and there will be no inspections on Monday, 2/21, in honor of Presidents' Day.

The City's General Municipal Election will be held Tuesday, March 8th; the last day to register to vote is Tuesday, 2/22; everyone should have received a sample ballot, and can use the back of that to request a vote by mail ballot; if you are a permanent vote by mail voter, your ballots have already been mailed to you; call City Hall with any questions.

Congratulations to the Community Association, Parks & Recreation Committee/Bret Katz, and the Theater Committee for a very successful Valentine Musicale this past Saturday; it was one of the best.

L.A. County Fire Chief P. Michael Freeman is retiring after 22 years of service; since Chief Freeman was unable to attend a Council meeting, he went to Chief Freeman's office, where he was invited into a staff meeting and was able to present the Chief with a City plaque from the Council; Chief Freeman then gave him commemorative coins for each of the Council Members (which he handed out).

AUDIENCE

There were no questions or comments at this time.

CONSENT CALENDAR

- A. City Council Minutes – January 24, 2011**
- B. Demand List**
- C. Agreement Between the City of Hidden Hills and Michael Blazenski for Accounting Services**

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, and C of the consent calendar as submitted.

MATTERS FROM CITY COUNCIL MEMBERS

Consideration of Request from the Hidden Hills Community Association for a Community Assistance Grant for the Saddle Creek Project

Mayor Weber announced that the Council Members received a lot of emails on this subject in the last twelve hours, and he would like to start out by reading the first one sent by Association Board President John McGinnis, received just before midnight Sunday - and at the same time, clarify the misinformation that is going around. Mayor Weber then proceeded to read the email, a section at a time, providing his responses to each section. That email and Mayor Weber's responses are hereby attached to the minutes for reference.

Mayor Weber then stated the following:

He only had about fifteen minutes to put together his responses to Mr. McGinnis' email, as he does work during the day; it seems this is a dilemma; all the Council has heard from residents is the emails received today asking for approval of the grant request; but it is not known what the residents really want; it seems clear from when the original proposed Saddle Creek arena project was voted down by the residents that they don't want money to be wasted; since there is a prevailing wage law, it will be a waste of money if the City's money is used for an Association project; as this is a lease issue, the Council has had closed session discussions in an effort to figure out how the City could help the Association; he is not sure where to go from here.

Mayor Weber asked for comments from the audience, with Association Board Member Ron Wolfe being the first to speak:

He thinks this might have been characterized the wrong way, with a rebuttal to John McGinnis' email; this is not a matter of having good or bad ideas; everyone is trying to do the best for their entity, and it is an opinion of how best to spend the money; the HHCA has gone through a process and has been studying plans on how to fix the arena for ten years; it has been in disrepair since 1991, so it has been a long standing problem; a large project was turned down by the voters, so then the HHCA made a list of what could be done and they set aside some funds; they could replace the two arenas; the original plan was to fill in the creek, flatten the area to gain property, provide bathrooms and a storage area, and another area for various uses; the problem is, if step B (fixing the arenas) is done first, it would be a waste of money if they came back later and graded the area; it made sense to do it all now, which is why they came to the City which has reserves; the residents and the Association members are all the same people; the Board and some in the community, but not everyone, felt this was the best use to serve the entire community – not to do everything, but to get it ready for the future; yes, there is a prevailing wage issue, but he doesn't know to the dollar how big a problem that is; no one is really interested in formally bidding the project if it will not be finalized; he did provide a spreadsheet of approximate costs based on information provided by some contractors; they are not confirmed bids, but they have a pretty good idea of what it will cost; is this the best use to spend money if it will cost them a premium for prevailing wage; the HHCA feels the premium is for labor, not any of the supplies or equipment, and he's pretty sure that it is not accurate that the costs would be 60% higher; he does not have another solution, but thinks everyone would benefit from this use; he admires the Council for being frugal and building up the City's reserves; yes, the HHCA could keep their dues high and raise more money, but he's not sure that would serve everyone the best way if there is other money available.

Council Member Freedland said when he moved in eighteen years ago the arena was and still is in disrepair (as Mr. Wolfe said it has been for twenty years) and is an embarrassment, and he has gotten feedback from residents who are upset and have a right to be, as he is. He asked why the Association has not maintained the arena to the point that they have now had to close it.

Mr. Wolfe said the Association has worked on this every month for the five years he has been on the Board, and do they want to spend \$50,000 - \$100,000 to fix it up, or is that money ill spent if a solution will be reached. He then asked Council Member Freedland what he did when he was on the Board to fix the problem.

Council Member Freedland informed Mr. Wolfe that he has never been on the Board, but if he had been, he would have addressed this problem; in talking with members of the Equestrian Services Committee (ESC), it is his understanding that there have been several potential fixes and ideas presented to the Board that have been voted down. Mr. Wolfe said that was incorrect, although they did get a list of things to be done, and in which order, that they looked at to see what they could do and afford. He added that they could have gone ahead and fixed the arenas, but that's when they decided to come to the City for a grant to grade and drain first, to make one last attempt at preparing the area before spending lots of money to replace the arenas.

Council Member Freedland commented as follows:

In talking with some members of the ESC, and he will defer to Chairman Eric Toeg, it is his understanding that there is a fix or several potential fixes between \$40,000 - \$100,000 that would allow the area to be safe again; the Association is obligated under the lease to maintain the property in a safe condition; it should never get to the point where an arena has to be closed because it is unsafe and not maintained; it appears that coming to the City is an attempt to make the City somehow responsible for something the Association is responsible for; having said that, the City Attorney tried to work with the Association's attorney to find a way to give money to help the Association without triggering the prevailing wage issue; the magnitude of this issue has been glossed over in the emails and this evening; by the City giving \$600,000 to a \$1.2 million project has the potential of making that a \$1.8 million project; if the City doesn't participate, the Association's share is \$1.2 million; if the City does participate, triggering prevailing wage, the Association's share is still \$1.2 million and the \$600,000 has been wasted; the Council has a fiduciary responsibility, and that would not be a good use of funds; (Mr. Wolfe interjected here that he did not think those numbers were close to being true, and did not think the labor costs could double); the City doesn't have enough information on the actual costs to know the magnitude of the prevailing wage for sure, but those numbers are possible; after the reported child annoyance incident, he and Council Member Siegel went to the Gate Committee meeting, at which Sheriff personnel were asked to look at the gates to see if there were any deficiencies or new technology that might make things safer; at that meeting, he said he personally (and he believes other Council Members would feel the same) would be happy to give a community grant for something like that involving public safety or emergencies, which is exactly what the community grants are for; if the City would provide a grant for something like that, maybe it would free up some of the Association's funds that could then be used at Saddle Creek; our attorney talked to your attorney and suggested a meeting to sit down and figure out how the City could help the

Association with this project; your attorney's response was that he did not want to meet, and the Association wanted all of the \$600,000 or nothing.

Mr. Wolfe said that he had numerous meetings with Mayor Weber and Mayor Pro Tem Cohen, and asked them for other possibilities or solutions that the Association would be more than happy to listen to. He also said he felt what the attorneys had to say was irrelevant. Council Member Freedland did not agree it was irrelevant, and reminded Mr. Wolfe that the City tried to figure out a way to give the Association some money, but the response was the Association wanted all or nothing, and Mr. Wolfe is here tonight asking for all of the money. Council Member Freedland added that as a fiduciary for the City, it does not make sense to waste money due to the prevailing wage issue – granted the City does not have the exact numbers, as the Association never provided those, but there is the potential to lose 100% of the City's money. Mr. Wolfe said he did not believe that was true, as he gave the City probably ten pages of budget items that the City could have looked at, and instead, is just surmising some number; information was provided, there were meetings, and there was a summary sheet of what the Association could and could not do.

Council Member Freedland stated the following:

Perhaps the lease can be revisited, or perhaps there are things to do that will provide value to the City to justify paying something for some concessions that would allow the Association to spend the money how it sees fit without triggering prevailing wages; that would be productive; we instructed our attorney to sit down with your attorney and do that; from what we're hearing tonight, it doesn't sound like your attorney communicated that to the Board; he is not saying the City does not want to help, but the way this is being presented, he cannot support giving \$600,000 for this; however, we as a community do need to fix the area.

Mr. Wolfe replied that Council Member Freedland just complained that it wasn't repaired; the reason it isn't repaired is that the Association does not want to spend the money twice, and he asked Council Member Freedland if he just wanted to sit down and spend time looking at it, or actually repair it. Council Member Freedland said it was his understanding that ESC Chair Eric Toeg would be presenting to the Board a plan to allow for repair of the facility so it could be

made safe and opened for use; he doesn't believe there is anything in that repair plan that would prevent another project from occurring in the future that would cause the Association to tear out everything and put it back – how much of \$40,000 could that affect. Mr. Wolfe concurred that the ESC has been asked by the Board to submit a repair plan, but the arena would be kept closed until it was safe. Council Member Freedland felt it should be a priority of the Board to open it as soon as it was safe to do so, and in the meantime, rather than spending money on attorneys, that the City and Association sit down and figure out what could be done.

Mr. Wolfe said that the Association attorney did talk with the City Attorney, and after that, there were meetings (between the City and Association) and he asked for a solution. Council Member Freedland asked if this was the first time Mr. Wolfe was hearing about the potential of amending the lease. Mr. Wolfe replied as follows:

It was discussed, and maybe there was something, but he didn't know; he wondered if the City had anything in mind other than meetings; they first met in August, and it's now February; he has nothing presented that shows another way to do this; at some point, the Association needs to do the repairs; should they do the repairs and two months later tear it out and build a new arena; he is looking out for the money of the community and does not want to spend the money twice; that's why they came to the City and asked for a vote on this; if the vote is no, then they can go forward and rebuild the arenas.

Board Member Marv Landon thought Council Member Freedland was missing the fact that the property was uneven, but that was not the case as Council Member Freedland said he had visited the property numerous times and knows exactly what it looks like. Mr. Landon then commented as follows:

The Board has authorized Mr. Toeg and the ESC to come up with a quick plan to make repairs and get the arena open, since they did not know what would happen with the grant request; it has not been worked on, as it would be a total waste; if you change the level and fill in the ditch, you would have to tear out what you just put in; until now, there were no reports that it was unsafe, just in disrepair; so it has not been unsafe for years, and once they heard that it was, it was shut down; the Association thought they were on track to get it repaired, as they thought the residents would vote for doing the entire project.

Council Member Freedland and Mayor Weber both pointed out that they voted for the entire project. Mayor Weber said part of the dilemma is that no one knows what the residents really want – do they want a horse facility and a park, or did they vote against the project because they only wanted the horse facility, or only wanted the park. Mr. Landon stated the following:

He has talked to a lot of people, mostly young, and they don't understand why there isn't a park where kids can throw a ball, etc., and would love to see one; the park was incorporated into this project; but you can't fix the arena and then come back and create a park later because of positioning; before he was on the BOD, he argued that they should have been fixing it all along and not letting it get into disrepair; but that is only cosmetics; it is the footing and fencing that is unsafe.

Council Member Freedland wondered if fixing the footing and fencing now would result in 100% of it being lost. Mr. Landon said a majority of the fencing would be lost, and that the Board would be hearing the proposals from the ESC at its meeting tomorrow night. He added that if there was any way to mediate this or get some funding from the City, they would be amenable to that, but the issue of finding another way has not been addressed before. Mayor Weber informed Mr. Landon that the issue was definitely addressed at the last meeting, at which he was not in attendance. Mayor Weber and Council Member Freedland again reminded Mr. Landon that the City would like to help, but not in a way that would involve prevailing wage. Mr. Landon thought there was somewhat of a disconnect, and that the City and Association should get back into the flow to get this done; his concern was whether or not it could be done in a reasonable amount of time so as not to waste money, or should they spend \$40,000 that would be thrown down the drain. Council Member Freedland said he was not interested in wasting any money, and would like to hear from Mr. Toeg about whether or not the footing and fencing could be repaired without losing 100% of it. Mr. Wolfe seemed to think that Council Member Freedland was talking about repairs, while he was talking about rebuilding the arenas, and that money would be wasted if the area had to be regraded. Council Member Freedland said that is exactly why he wanted to hear from Mr. Toeg.

The following information was provided by Mr. Toeg:

They talked to several contractors who told them that if the dirt/sand had to be moved, about 70% - 75% could be saved if it were stored in a pile; he is sure they could salvage almost all of the fencing; what would be lost would be the labor; the arenas are really about drainage and the base; if you have good drainage, it will protect the base; so if you would regrade, you would lose all the labor, and about 25% - 30% of the material that would have to be stored to the side.

Council Member Freedland suggested that maybe the right way to do this is to spend the \$40,000 - \$60,000 for the repairs to provide immediate and safe use of the arenas, even if 30% of the materials may be lost, and at the same time perhaps the Board could poll the community to see if they do want a park or not. Mr. Wolfe said the Board didn't have these figures from the ESC yet, as they were to be presented tomorrow evening. Council Member Freedland said the timing was unfortunate (although Mr. Wolfe had asked that this item be placed on this agenda), but he was trying to do some research before making a decision on spending \$600,000.

Mr. Toeg continued with his comments:

The goal of the ESC is to maintain the arenas in a safe manner; he has been asking to get them repaired; he rides frequently, and they monitor the arenas, so he and the ESC are a good barometer of the horse community; he did approach the Board last month to make a case for repairs of the fencing and footing/base, as the arena had fallen into disrepair and was unsafe; the Board then acted quickly to close the arena; the Board asked the ESC to get bids, which will be provided to the Board Tuesday evening, so they have not yet seen the numbers; this is a band-aid fix, doing just the fencing and footing/base – nothing more; they are doing what the Board asked of them; from both a resident and ESC viewpoint, they are really concerned about maintaining the arenas in a horse community; both facilities are needed and used, and not just by a few people; they know who is using the facilities, and who is complaining, and they believe the arenas need to be fixed and open; he would like to work with the Board and the City to expedite this as soon as possible.

Council Member Freedland asked for an approximate cost for this band-aid fix, to which Mr. Toeg replied it would be under \$50,000 – probably somewhere between \$35,000 - \$45,000. Council Member Freedland then suggested to Mr. Wolfe and Mr. Landon that maybe they should proceed with this band-aid fix to get the arena safe and open, and at the same time the City and

Association can sit down and figure out how the City can provide some money to the extent it can, and participate at a level that the Council Members are comfortable with, which would then allow the Association to develop a budget and decide what they can do with that amount of money.

Mayor Weber then stated the following:

He has lived here about eighteen years and is not a horseman; but the most important thing is that if not for the horses, we wouldn't be Hidden Hills; for all those who have moved into the City, the reason we have what we have is because it's a horse community; first things first, we should get the riding ring right, no matter how long it takes to get the right plan; we shouldn't rush in and make a mistake; the Association doesn't want to use their money twice; the City doesn't want to spend their money that will be wasted; we both have a fiduciary responsibility to our residents and constituents; in one way, the money from both is one and the same, but the City also has some budget issues dictated by the State, and we will need a lot of money to comply with those mandates; this is a very big issue.

Council Member Siegel commented as follows:

He thinks everyone by now has a good sense that the Council Members are not comfortable giving \$600,000 that would be subject to prevailing wage; it is a shame that the lawyer to lawyer communication got derailed, but he feels the Association does need to get the arena opened up; even if the Council would approve \$600,000 this evening, it would take a long time before the Association would decide what to do, get the bids, and get City approval; he would like to schedule a closed session at the next Council meeting, since this is a real estate negotiation, to get hard facts of how we can amend or modify the existing lease and come up with a dollar figure to get the Association further down the road with this project.

Resident Steve Elowitt then addressed the Council:

His intent earlier was to ask the Council Members if they had seen plans for the Saddle Creek equestrian area that represented the \$600,000 the Association was asking them for; he hadn't seen any plans and had no knowledge of how the money was to be used, even though he has followed this project for over two years; he couldn't understand why, at a recent Board meeting, they wanted to do only minor upgrades to the oval riding ring; an email he received this afternoon revealed the Board's final plans, which have not yet been aired at a Board meeting; now he understands why there was only limited work to be done to the large arena – no grading to allow rainwater to flow off the riding surface,

no drainage swales to remove water runoff from the hillside, and mounds of dirt to remain; the email tells him that the large arena will be converted to a large playfield for non-horse resident use; this sounds like what the voters rejected in October of 2009, except what was projected as an equestrian facility only, now the equestrian use will be reduced to a 67' x 200' dressage arena; presently there are two arenas which amount to 48,000 square feet of riding area; by reducing it to one dressage arena brings that down to 13,200 square feet, about a 70% reduction in riding area; the bulk of the property will support a playing field; covering the creek only accounts for 11% of the total acreage in the area; the one bright side is that a large grass area could be used to play polo; this is a backdoor attempt to circumvent the vote of 2009; he would ask the Council Members not to consider this request for four reasons: 1) the Association members have not seen the proposal, 2) the ESC endorsed and created a plan to upgrade the area at a cost of less than \$400,000, which was ignored, 3) requesting funds is putting the cart before the horse, as no plans have been seen, and 4) the lease says that the tenant has to first obtain the City's consent for any change to the type of recreational use, and this property has been used for equestrian purposes for forty years; the Association would have to first request a change from solely equestrian to mixed-use with a playfield; if the Council would vote to give the Association any money now, that could be interpreted to be giving them permission to use Saddle Creek for purposes other than equestrian; he will hold the Council to the terms of the lease and the contract he formed with the City when he moved here 35 years ago – for the schools, security, and horses, including the horse facility at the Saddle Creek arena which should remain equestrian as long as there are horses in Hidden Hills; he attends the Board meetings, and to his knowledge there has never been a request for a recreational field, nor does he think there is community interest in it – it is an invention of a few people; there are two arenas at Saddle Creek, with the dressage being the smaller of the two, and the one that would be left standing; it is used for dressage and for riding on the flat; it is valuable for those who compete in dressage, but also for general riding purposes; however, the large oval has many uses and cannot be dispensed with; it is used for jumping, general riding, lunging of horses, team penning, gymkhanas, and probably other uses he is not aware of; it is not clear to him what is unsafe about the large arena; he rides his horses there and although the footing could be improved, he has no complaints about it and doesn't find it hazardous; he hears more stories about spills due to the footing at Spring Valley, which should be investigated; he is in favor of a park, and is surprised that the Association or City hasn't purchased property for a park, but it is not a key agenda for people; non-equestrian people do like horses being in Hidden Hills; as Mayor Weber said, Hidden Hills is not Hidden Hills without horses; if you take away the large arena at Saddle Creek, what is the next thing to go.

Mr. Landon responded as follows:

There is no plan, nor has there ever been one, to diminish horse use at Saddle Creek; the plan is to increase the use to be multi-purpose; there is no credence in the fact that they want to make it smaller or do away with any horse facility; they have had meetings and put up budgets, but if they want to fix it, they don't have to go to the community for approval; their plan is to repair it as soon as they can, if it can be done effectively.

Mayor Weber commented that it was obvious there is still a lot of confusion about this matter.

Mr. Wolfe had the following additional comments:

Regarding the \$400,000 plan, yes, it was to replace the arenas; all of this was in public, as well as budget items that Mr. Toeg brought to the Board of what the ESC wanted and in what order; we said we could do so many of those items for this much money, but then we wanted to see if we could get the rest of the money; that's when the Association submitted the grant request; if we can do all of this, now is the time; we can't do brand new arenas for \$400,000 and then come back next year to see if we can grade and provide drainage.

Leslie Morse was next to address the Council:

She is an equestrian and believes the arenas are disgraceful; we all spend money to paint out houses, and we can't wait for repairs; it is like dealing with apples and oranges; in a peaceful world, everyone is happy; she feels a band-aid for \$30,000 - \$40,000, no matter what is done, is necessary as the arena is unsafe; the fences have holes, the footing falls away to gopher holes, and it can't be used for a month after a rain; repairs can be done so easily while everyone figures out what the community wants; in 12-13 years, there is still no end result; you need to repaint, just like with the house, and then design the plan and get it voted on; she came to Hidden Hills for the horses, privacy, and gates; speaking as a horseman, it is horrible.

Mayor Weber asked if the Council felt a motion was in order at this time to deny the grant for \$600,000, as that would get it off the table, and the City and Association could move forward to figure out what could be done. Council Member Siegel felt that action would be completely misunderstood by the community, as they would just hear the "no" and not understand the entire situation. He thought the short term fix and the City trying to help in some manner was the way to go, and again suggested that this lease negotiation matter be placed on the next agenda in closed session. The other Council Members agreed, and staff was so directed.

The City Manager wished to elaborate on several points made earlier by the Mayor:

The City has future obligations for which there will be no money coming in, and those expenditures will need to come from the reserves; the City does not have a utility users tax, and relies mostly on property taxes that have gone down; years ago there was a utility users tax, but it was lowered and finally eliminated over the years once reserves were established, as the Council Members did not wish to continue to collect money from the residents if it wasn't necessary; this should explain somewhat why the City is a bit protective of its existing funds; when the Association Board Members decide what they want to do in a year and prepare a budget to do so, they can then set the assessment rate to bring in the necessary money for that budget; the City does not have that ability; if the City wants to impose a tax, that would have to be put to a vote of the residents.

Mayor Weber wished to thank former Councils, as they did continue to lower the utility users tax until it was totally eliminated, once they felt comfortable with the reserve level; if you live outside of the City, on one side you would be paying a 10% utility users tax and on the other side, a 5% tax – with the size of the homes in Hidden Hills, a tax of that size would add quite a bit to each utility bill. He added that to reinstate such a tax, a super majority vote of the residents would be necessary, and that's not likely in this economy.

The City Manager then asked Mr. Wolfe if the entire Board has been involved in discussions regarding this matter, as one of the Board Members had some questions and had never heard of prevailing wage. Mr. Wolfe responded as follows:

Generally there have been updates to the Board, and he did provide a long email discussing prevailing wage; he does appreciate the City going forward with this; the Association put forward an offer, and would like to have an offer back; the Council has had three closed session meetings, and he thought after those meetings the Council would present something to the Association.

City Attorney Roxanne Diaz cautioned the Council against stating anything at this time about the closed session discussions. There was no further discussion, so Mayor Weber moved on to the next agenda item.

MATTERS FROM STAFF

A. Consideration of Approval of Lease for New City Hall Xerox Document Center

The City Manager provided the following staff report:

The City owns an 11-year old outdated and worn document center; staff is suggesting the lease of a new machine that has many additional functions, including color copies and scanning; the monthly lease payment will be \$325.32 plus an additional cost based on the number of color copies (\$0.0885 per copy), which will still result in a lower monthly payment than the current payment; the lease is for five years, after which the lease can be extended for an additional two years, a new machine can be leased, or the machine can be purchased; the City is receiving a \$500 trade-in value for the old machine.

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve a 60 month lease for the Xerox WC7545, as a replacement for the Document Centre 340ST currently in use.

B. Consideration of Adoption of Proposed Resolution No. 835 Regarding Parking Violation Penalty Schedule

The following staff report was provided by the City Manager:

In 1994 cities became responsible for the processing of parking citations; in 1995 the four area cities (Hidden Hills, Agoura Hills, Calabasas, Westlake Village) formed the Las Virgenes Parking Administration (LVPA) and hired Turbo Data Systems to conduct that processing; two Senate bills have been passed, requiring cities to increase the share of parking citation revenues paid to the Los Angeles County Court System by an additional \$4.50 and \$3.00; staff is suggesting that each of the parking citation penalties be increased by \$8.00 to cover this additional cost, so it does not come out of city revenues; this is a pass through, so no additional funds are being gained by the cities; the extra penalties affect only those getting parking citations; the other three cities have already adopted these new penalty fees; all the cities charge the same fees, making it easier for the deputies who issue tickets so there's no confusion over different amounts for each city.

City Attorney Roxanne Diaz added that all of the cities throughout the State are doing the same thing. In response to Council Member Freedland, the City Manager stated the following:

The amount of revenue for the City depends on the number of citations issued and the amount of money collected (amounts are different for different violations); Calabasas

administers the program for all four cities, so a small administrative fee is charged quarterly; every quarter the City receives a very detailed report of all the citations and related charges; for example, for the last quarter, the City received a check in the amount of \$258.57, and paid an administrative fee of \$31.06.

In response to Mayor Weber and Council Member Siegel, the City Manager said she believed the money collected was placed in the City's traffic safety fund, and that the quarterly amounts varied, but that this last quarter was representative of other quarters. Upon MOTION of Council Member Siegel, seconded by Council Member Goldberg and unanimously carried, it was resolved to adopt by title only Resolution No. 835 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS REPEALING RESOLUTION NO. 680 AND ADOPTING A BASE AND LATE FINE PENALTY SCHEDULE FOR PARKING VIOLATIONS.

C. Round Meadow/Long Valley Road Utility Undergrounding Project - Update

City Engineer Dirk Lovett provided the following information:

One pole has been completely removed, and the tops have been cut from the others; Charter and SCE completed all of their work, but AT&T has not quite finished; if SCE finishes its work, and another utility does not, SCE cuts the tops of the poles off, and then the last utility to finish has to remove the remainder of those poles; AT&T continues to claim it will be done by the end of the week; once the poles are gone, the streets will be slurry sealed, and the project will be complete.

D. Charles Abbott Monthly Report - January

The report was received and filed.

E. Consideration of Possible Changes to the Prop 40 Grant Application and Landscape Contract in Relation to the Proposed Round Meadow Road/Mureau Road Project – Northwest Corner

The following staff report was presented by City Engineer Dirk Lovett:

The Council earlier directed staff to look into fixing up the northwest corner of the Mureau/Round Meadow intersection; in December staff obtained estimates and looked at

funding sources; it was thought a portion of the Prop 40 state park grant funds (\$220,000 in total) could be used; these are funds that cannot be used inside the gates, as the area where they are used must be open to the general public; while looking into the corner project, staff also talked to School District personnel to see if any of the grant funds could be used by them on the Round Meadow School property; they did come up with a project, and on 12/13/10 the Council authorized staff to submit applications for the two projects to the State; the Council at that time also approved a contract with New View Landscaping for the City's corner project, and approved an easement agreement and a joint use agreement with the School District; the applications were submitted in January; last week the State said the proposed school improvements were okay, but the City's project did not meet the recreation requirements of the grant funds; staff offered numerous different variations of the project to meet the requirements, but to no avail; so the Round Meadow School application is moving forward; in relation to the proposed corner project, staff is asking permission to proceed by using both gas tax funds and \$10,000+ in TDA bicycle funds, for which the MTA has given an informal approval for use.

In response to Council Member Freedland, staff reported that the City has approximately \$165,000 in gas tax funds, and that neither those funds nor the TDA funds could be sold to other cities. Staff also explained that it was probably easier to use the gas tax funds, as the City only receives \$5000/year in TDA bicycle funds, which do not expire for four or five years. City Engineer Lovett confirmed that the costs would most likely be split in half between the two. Mayor Weber wondered if the School District could use the additional Prop 40 funds that were now available since the City could not use them. Mr. Lovett replied that he had offered the additional funds to the School District, and they are looking into that possibility. Staff asked if the Council would consider approving the use of general funds just in case the TDA bicycle funds were not approved for this project. Council Member Freedland suggested that if general funds were required, that the request come back to the Council at that time, with the other Council Members agreeing since they would like to know the exact amount that would be required, and since there was no deadline or rush to complete the project. Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to authorize staff to utilize both gas tax funds and TDA bicycle

funds to pay for the improvements at the northwest corner of the Round Meadow/Mureau intersection.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Council Member Freedland and unanimously carried, it was resolved to adjourn the regular meeting of February 14, 2011 at 9:00 p.m.

Larry G. Weber, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk