

CITY OF HIDDEN HILLS

REGULAR CITY COUNCIL MEETING

City Hall

Monday, April 23, 2007

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, April 23, 2007 at the hour of 7:32 p.m. Mayor Stuart Siegel called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

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

Staff:

City Attorney Roxanne Diaz
Assistant City Attorney Matthew Cohen
City Engineer Dirk Lovett
Environmental Coordinator Kevin Powers
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Upon MOTION of Council Member Freedland, seconded by Mayor Pro Tem Fisher and unanimously carried, it was resolved that the agenda for the April 23, 2007 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Siegel made the following announcements:

He offered congratulations to Kurtis Freedland (son of Council Member Freedland) for receiving the Boy Scouts of America Heroism Medal; an article and picture appeared in the 4/5/07 *Acorn* detailing the event that earned Kurtis the award; one day at the beach he saved his friend, who had been caught in a rip tide, pulling the friend safely to shore.

He extended condolences to the City's bookkeeper Randee Weinberger whose mother passed away last week.

The Calabasas Fine Arts Festival will be held (near the library behind the Commons) on Saturday and Sunday, May 5th and 6th, from 10:00 a.m. – 5:00 p.m.

As an early reminder, do not forget Mothers' Day on Sunday, May 13th.

The Council would like to look into the possibility of using solar energy at City Hall; this item will be placed on a future agenda.

AUDIENCE

There were no questions or comments at this time.

PUBLIC SAFETY

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

Chief Ranger Walt Young provided the following report:

Each month three different programs are offered on the property; two originate from the Victory trailhead, with the other from Mureau; the schedule is available at LAMountains.com; one is a full-moon hike, one an old time campfire, and the other an astronomy hike, with telescopes along the trail; secondly, they have already started brush clearance, either to Ventura County standards or what Ahmanson historically did in the

past; fortunately the ranch's interface with the City is mostly grassland; even though there is a draught, there is not much heavy fuel, primarily because the grass has been mowed; the fire plan is the same this year; they have had preplanning meetings with the Fire Department, and if a wildland fire should break out, the dozer crews will improve the lines adjacent to the homes; this served us well in the past, and with the fuels burned off in the last two years and the brush clearance, they should be in pretty good shape; plus the City does have modern building construction which serves the community well, as opposed to shake roofs.

Mayor Siegel expressed his appreciation for the brush clearance, knowing it is not the general policy of the Conservancy, which he was not fully aware of before. Chief Ranger Young responded as follows:

That is a common feeling because new policies have a hard time gaining public understanding; for the last six years, the Conservancy/MRCA has cleared to local standards; they recently met with the City of Los Angeles Fire Department and elected officials, who publicly recognized that they were satisfied with the brush clearance; in LA. County, starting last year, the Conservancy contracted with County Agriculture to do the brush clearance at the ranch, to County standards, for which they are then billed; by doing this, it lessened their work load, assured the clearance was to County standards, and helped with public perception; this is not the case with all authorities and state agencies; there is a conflict between state standards under the Public Resources Code which requires 100' clearance, and local standards in L.A. County which require 100' with a second 100' modification zone.

Mayor Siegel commented as follows:

At a recent Las Virgenes Malibu Council of Governments (COG) meeting, that was not the understanding by some of the cities, although there was more concern with requirements of the Coastal Commission, especially by Malibu and Agoura Hills; it seems that those requirements are in conflict with some of the L.A. County standards; it appears there have been cases wherein the County asked for certain brush clearance, and then the property owners who completed the clearance were fined by the Conservancy.

Mayor Siegel also raised the issue, which he is considering a public safety issue, of signage in the park, pointing out that one of the Boy Scouts is eagerly waiting to complete his Eagle Scout project involving that signage. Council Member Freedland asked for contact information in order to work with those responsible for the signage, as the Scout (Kurtis Freedland) is ready to proceed with this project. Chief Ranger Young stated the following:

Both the Field Ranger and Supervising Ranger (David and Jodie) work for him; the sign project has definitely languished; the plan was to have all uses of the trails evaluated, and once that study was completed, to put up the signs; it will be discussed at a staff meeting next Monday; if the Council will invite him back in one month, he will have some answers and a plan to move forward with the signs.

The Council agreed, and thanked Chief Ranger Young for his attendance and the update.

B. Los Angeles County Fire Department Report - March

The following report was provided by Community Services Representative Maria Grycan:

During March there were 13 responses: 8 medical, 3 false alarm/good intent, 1 public assist, and 1 fire; the fire was caused by abandoned or discarded products at a construction area, with no property or content damage; there were a total of 910 hydrant inspections (in both Hidden Hills and Calabasas), 5 Fire Prevention Bureau inspections, and no plans checked; CERT training classes in Hidden Hills were completed this past Saturday; graduates included Mayor Pro Tem Fisher and his wife Teri, and Judy Deitch (in attendance); the whole class did a fabulous job during the Saturday drill.

Mayor Pro Tem Fisher thought the class was well done, that Ms. Grycan did a wonderful job of teaching and putting everyone at ease, that the people in the class were enthusiastic, and that everyone learned a lot. When the class was over, there were several people who wanted on-going training. Ms. Grycan informed everyone that in the near future, Emergency Services Director Jim Doran would be sending out an email for NEAT members and the recent graduates of the training class telling them what the next steps would involve and what on-going training would be provided.

Mayor Siegel, who earlier completed the same training, agreed that it was well done, and asked if anyone else had any comments. Resident Judy Deitch addressed the Council as follows:

It was clear from the class that people do not know as much as they think they know; she learned so much, and got much more from the class than expected; she would now like to do more for the community, but also feels that she can better handle emergencies for her own family; it was a lot of information, and she would like to see some of that information provided in an annual three hour class for 10-16 year olds – maybe instruction on how to use a fire extinguisher and other basic emergency precautions; it

would probably be a good idea to give the same type of class to adult residents who do not have the time to complete the entire training.

Mayor Siegel stated the following:

He left the course with a better sense that he could provide for his family during an emergency; emergencies are scary, but the class gave him more confidence; it is very important to understand that during a major emergency, there may be no help from the outside, even when calling 911, so families will have to look out for themselves and then help neighbors; he thought it was a great idea to set up an emergency awareness class, and suggested Ms. Grycan ask those who took the class what impacted them the most, and focus on these items.

Ms. Grycan informed the Council that she did conduct such a survey.

C. Los Angeles County Sheriff's Department Report - March

Lt. John Benedict provided the following report:

In March there were three burglaries from construction site storage containers in the 25000 block of Jim Bridger and the 25000 block of Walker; access was gained by prying or cutting off the locks; construction tools and materials, worth approximately \$5000 for all three burglaries, were taken from the sites; there were six false alarms during the month; 51 hazardous citations were issued, with 32 of those being for failure to stop; there were also 10 non-hazardous and 3 parking citations issued; no collisions or accidents occurred; on April 14th, the equestrian posse patrolled the areas of the burglaries; they talked to residents, checked gates in the area, etc. during their six hour ride; the group tries to ride in the City about once a month; on April 4th around 5:00 p.m., two young adults and two juveniles were stopped on Jim Bridger and cited for possession of marijuana.

D. Consideration of Renewal of Agreement with the County of Los Angeles for Animal Control Services

Mayor Siegel pointed out that the proposed agreement was exactly the same as that approved and in force for the last five years. Upon MOTION of Council Member Cohen, seconded by Council Member Weber and unanimously carried, it was resolved to approve the five-year Animal Control Services Agreement with the County of Los Angeles, commencing July 1, 2007 and continuing through June 30, 2012.

PUBLIC HEARING

Consideration of Minor Accommodation Application for a One Story Addition and Alteration, within the Required 50' Front Yard Setback, to an Existing Nonconforming Single Family Residence Located at 5900 Highridge Road

City Engineer Dirk Lovett provided the following staff report:

The single family residence is an existing nonconforming building, which currently encroaches 24' into the front yard setback; the applicant is asking for a minor accommodation to allow a one-story addition and alteration within the 50' front yard setback without having to correct the current encroachment; the proposed improvements will encroach no closer to the property line than the existing encroachments; notices were sent to residents within a 300' radius and posted; no comments have been received to date; the property is unique, as the road bisects it; the existing structure is on the north side, with the south side being vacant; the proposed improvements include a 38 square foot addition, a new barbecue area, raising a portion of the roof and eave approximately 2', and adding a trellis, of which approximately 100' will encroach into the front yard setback; the applicant has obtained Association approval; in order to approve the minor accommodation, the Council must make one finding, which staff feels can be made, with the exception of the proposed barbecue which will be further into the setback and more visible from the road; he would recommend approval of the minor accommodation with the condition that the new barbecue be no further into the setback; the applicant is in attendance and would like to address the Council.

Mayor Siegel and Mayor Pro Tem Fisher announced that they had not visited the site, with the other three Council Members stating they had. Mayor Siegel then opened the public hearing, at which time the applicant, Mark Sapiro, addressed the Council as follows:

He is very appreciative of Dirk's time and the findings; this is a unique site, with the front yard setback on both the side and rear of the house; there is a significant elevation change from the street at 90' to the patio elevation just over 101'; from the street one cannot see anything lower than about 8'; if the barbecue is not placed where proposed, it would be close to a bedroom and far from the kitchen area; he would ask that the barbecue be allowed beyond the existing encroachments (as shown on the plans), which would enhance the patio and be right off of the kitchen; he could mitigate by covering the barbecue with stone, keeping the countertop at not-to-exceed 36", and adding screen planting; he would appreciate the Council's consider of this proposal.

A short discussion followed during which the Council reviewed pictures provided by Mr. Sapiro, who stated that this was his residence which he just purchased. As there were no further

comments, Mayor Siegel closed the public hearing. Council Member Weber stated he had no problem with the barbecue where requested, as he felt it could not really be seen from the road, and that there was only one nearby home that could even possibly be impacted. Council Member Freedland asked if those things offered by the applicant could be required as conditions of the approval, to which staff responded yes.

Upon MOTION of Council Member Weber, seconded by Council Member Freedland and unanimously carried, it was resolved to: make the required finding; approve the minor accommodation subject to the conditions that the barbecue be constructed with stone veneer, shall not exceed 36" in height, and shall be screened by planting; and approve Resolution No. 798, as amended to reflect the required conditions, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS SITTING AS THE PLANNING AGENCY, APPROVING A REQUEST FOR A MINOR ACCOMMODATION FOR AN ADDITION AND ALTERATION TO AN EXISTING NONCONFORMING RESIDENCE LOCATED AT 5900 HIGHRIDGE ROAD.

CONSENT CALENDAR

- A. **City Council Minutes – April 9, 2007**
- B. **Demand List**
- C. **Disbursement List – February**
- D. **Disbursement List – March**
- E. **Financial/Treasurer’s Report – March**

Mayor Siegel stated the following:

For budget purposes, the committee will need to look carefully at the interest expected for next year; the City has to look into the future when preparing the budget, and with the ever-changing interest rates, we always seem to be trailing the trend; in nine months this year, the City has already collected 128% of the budgeted interest income; he wondered about one line item, the business license fee, that shows 300% already collected; the financial statement looks good.

Upon MOTION of Council Member Freedland, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to approve items A, B, C, D, and E of the consent calendar as submitted.

MATTERS FROM COUNCIL MEMBERS

A. Consideration of Appointment of Public Safety Commissioners

Council Member Weber informed the Council that he and Mayor Pro Tem Fisher recently interviewed all five candidates that applied for the Public Safety Commission. He explained that there was room for all of them on the Commission, since three incumbent seats were up for appointment (for two year terms), along with two vacancies created when both Anne Falotico and he recently resigned (leaving one year of each of those two year terms to be completed).

The City Manager provided the names of all five of the candidates: incumbent Jim Doran, who has served as the Public Safety Commission Chairman and Emergency Services Director for many years; incumbent Gabe Nussbaum, who was recently appointed by Mr. Doran to serve as the new Assistant Emergency Services Director, to replace former Commissioner and newly elected Council Member Larry Weber; incumbent Mark Deitch; new applicant Kimila (Kim) Ulrich; and new applicant Dr. Martin Zane.

Upon MOTION of Council Member Cohen, seconded by Council Member Weber and unanimously carried, it was resolved to reappoint Jim Doran, Gabe Nussbaum, and Mark Deitch to the Public Safety Commission, each to serve a two year term effective May 1, 2007 through April 30, 2009, and to appoint Kimila Ulrich and Martin Zane, each to fill a current vacancy, effective immediately through April 30, 2008.

B. Administration of Oath of Office to Newly Appointed Public Safety Commissioners

All five of the newly reappointed and appointed members of the Public Safety Commission took the oath of office, as administered by City Manager Cherie Paglia.

Mayor Siegel then formally introduced the two new members of the Commission, thanking them for their willingness to serve their community. He also thanked the three incumbents, and Anne Falotico, who has served on the Commission for the past ten years, adding that she has done a great job for the City, and will be honored at a future meeting.

C. Report from 4/17/07 Hidden Hills Community Association Board of Directors Meeting

The City Manager reported the following:

Board President Steve Straub recently resigned as he is moving from the City; within the next 30 days the Board will decide whether or not to appoint someone to fill the vacancy or wait until the next election; the adult welcome party will be held on May 19th; the new overhead sign at the Long Valley gate has been installed, but is not completely finished yet; the Saddlecreek arena was discussed; the plan is to obtain revised hard bids for the grading and drainage; they need preliminary bids for the whole structure; in the future there will be public hearings, and they will investigate financing.

In response to Council Member Cohen, the City Manager stated she did not know if they named a new president, but Board Member Michael Silberman chaired the last meeting.

D. Report from 4/17/07 Las Virgenes Malibu Council of Governments

Mayor Siegel provided the following report from the COG meeting:

A decision was made to schedule a meeting with representatives from the Coastal Commission, the Santa Monica Mountains Conservancy, State and National Parks, the area cities, Sheriff's Department, Fire Department, and Fish & Game in an attempt to resolve conflicting brush clearance requirements; the COG has funded a GPS area-wide public trails map for the region that should be completed in the next few months.

E. Selection of Two Council Members for Ad Hoc 2007 Budget Committee

Mayor Siegel and Council Member Freedland both volunteered to serve on the City's ad hoc budget committee, to which the other Council Members agreed.

MATTERS FROM STAFF

A. Tentative Map 63567 (Ashley) - Update

The following report was provided by City Engineer Dirk Lovett:

The EIR consultant is putting the finishing touches on the draft EIR before it will be submitted to the City staff for review; this draft, which is called a first screen check, should be submitted shortly after 5/1/07; it will take staff approximately 3-4 weeks to review the draft, after which the City's comments will be given to the consultant, who will then revise the document and submit the next draft.

B. Consideration of Approval of Proposed Resolution Regarding Reimbursement in Relation to AB 1234

City Attorney Roxanne Diaz informed the Council of the following:

AB1234 was passed in 2005 and became effective in January of 2006; it requires two things; all members of a legislative body must get ethics training, which the Council has done (new Council Member Weber is in the process); a local agency must have a reimbursement policy if the agency reimburses its members; historically the members of this City Council have not taken reimbursement, but the City does have a Public Safety Commission whose members do get reimbursed from time to time for meals, supplies, etc.; staff believes a reimbursement policy should be adopted to cover the Public Safety Commission and the City Council just in case reimbursement is requested in the future for such things as mileage, conferences, etc.; the law requires that the resolution/policy be very detailed; if reimbursement is requested, an expense report must be filled out (which is public record) and then a report provided at the next Council meeting.

Mayor Siegel pointed out that AB 1234 does not apply to the State legislators, who also are not required to take ethics training, or comply with the Brown Act.

Upon MOTION of Council Member Cohen, seconded by Council Member Freedland and unanimously carried, it was resolved to adopt by title only Resolution No. 799 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS ESTABLISHING A POLICY REGARDING REIMBURSEMENT OF EXPENSES.

C. Charles Abbott Monthly Report - March

The report was received and filed.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL

**A. Existing Litigation:
Government Code Section 54956.9(a)**

Name of Case:

**1. People of the State of California; City of Hidden Hills v. Charles Burtzloff,
Jennifer Burtzloff, et al., Los Angeles Court Case No. LC075623**

**B. Anticipated Litigation:
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)
Number of Potential Cases: 1**

**C. Potential Initiation of Litigation Pursuant to Government Code Section 54956(c):
Number of Potential Cases: 1**

Upon MOTION of Council Member Freedland, seconded by Mayor Pro Tem Fisher and unanimously carried, it was resolved to adjourn to closed session at 8:22 p.m., at which time City Attorney Roxanne Diaz 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 Fisher and unanimously carried, it was resolved to return to open session at 9:10 p.m., at which time the City Attorney announced that the Council, in closed session, discussed the items listed above, and that no reportable action was taken.

NEW BUSINESS

- A. **Consideration of Approval of Participation in the Los Angeles Stormwater Quality Partnership (LASQP) and the Memorandum of Understanding Creating the Partnership**

This item was continued to a future meeting.

- B. **Consideration of Proposed Resolution Regarding Designation of Legally Responsible Official (LRO) for Sanitary Sewer Overflow (SSO) Waste Discharge Regulations (WDRs)**

Upon MOTION of Council Member Freedland, seconded by Council Member Cohen and unanimously carried, it was resolved to adopt by title only Resolution No. 800 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS DESIGNATING DULY AUTHORIZED REPRESENTATIVES FOR COMPLIANCE WITH WATER QUALITY ORDER NO. 2006-0003.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Freedland, seconded by Council Member Weber and unanimously carried, it was resolved to adjourn the regular meeting of April 23, 2007 at 9:11 p.m.

Stuart E. Siegel, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk