

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, January 12, 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, January 12, 2009 at the hour of 7:32 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 Council Member Jim Cohen Council Member Monty E. Fisher Council Member Stuart E. Siegel
Staff:	City Attorney Roxanne Diaz City Engineer Dirk Lovett City Manager Cherie L. Paglia
Absent:	Mayor Pro Tem Larry Weber

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

### **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 January 12, 2009 regular meeting be approved as submitted.

### **ANNOUNCEMENTS**

Mayor Freedland made the following announcements:

Welcome back and a happy new year to everyone.

City Hall, the Building and Safety Department, and the Community Center will all be closed and there will be no inspections on Monday, January 19<sup>th</sup>, in honor of Martin Luther King, Jr. Day.

Also on Monday, 1/19, the City will be slurry sealing the City Hall parking lots (upper and lower) and Spring Valley Road outside the Burbank gate, which will be closed all day (from 7:00 a.m. – 5:00 p.m.).

### **AUDIENCE**

There were no questions or comments at this time.

### **PRESENTATION**

**By the Las Virgenes Education Foundation – Executive Director Jamie Alcroft**

Mr. Alcroft stated the following:

The Las Virgenes Education Foundation (LVEF) was started around 1992 by Dr. Donald Zimring; the organization now is changing plans and tactics, and trying to gain a bigger presence in the community, especially since schools are losing funding from Sacramento resulting in the cutting of arts programs; the LVEF is trying to put together an endowment that the public schools can rely on, modeled after the Santa Monica/Malibu Education Foundation which has been doing concerts with well known artists; that organization now has \$2 million in its endowment fund, of which \$80,000 - \$100,000 can be used every year for programs; he became the Executive Director in October, replacing Stuart Selter, who is now the President of the Board, with Ned Davis (Council Member in Westlake Village) serving as the Vice-President; he has teamed up with Artists for the Arts Foundation to put together a concert at the Thousand Oaks Civic Arts Plaza on

February 27<sup>th</sup>, to raise money for the art programs in all the schools throughout the District; some of the high school students will get to play on stage with the artists, who will be playing with the orchestra from Agoura High School and the acappella choir from Calabasas High School; there will also be presentations in the lobby by the middle schools, and an elementary schools art show; these are desperate times, and the LVEF is determined to create an independent source of funding for the public schools to protect theater, dance, arts, bands, chorus, etc.; (at this point, Mr. Alcroft showed a video); there are many talented people in this area; Howie Mandel was going to host, but will now be out of town; he has asked Kevin Nealand and Gary Brian from KEarth 101 to guest host, and they will also help promote the concert; if anyone has any suggestions for the project or knows of any possible corporate sponsorships, let him know; tickets for the concert can be purchased through Ticketmaster at a cost of \$30 and up, which should be affordable to families.

Mayor Freedland commented as follows:

He wished to remind everyone that Hidden Hills entered into a four city agreement along with Agoura Hills, Calabasas, and Westlake Village to support the District, and this support was basically in the form of a check from each of the cities; the State is cutting millions of dollars from education, so the importance of the LVEF is to find corporate sponsorships and other sources of funding for the District, in lieu of the District coming to the cities begging for funds; if there is anything the City can do to help, such as placing information on cable TV channel 3 or placing flyers in City Hall or the Community Center, the City would be more than happy to do that.

Mr. Alcroft thanked Mayor Freedland for his words of encouragement, adding that the LVEF would continue to show the community what was being done with any funds raised.

#### **CONSENT CALENDAR**

- A. City Council Minutes – December 8, 2008**
- B. City Council Minutes – December 16, 2008 (Adjourned Regular Meeting)**
- C. City Council Minutes – December 22, 2008**
- D. Demand List**
- E. Disbursement List – November**
- F. Financial/Treasurer’s Report – November**

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

## **MATTERS FROM CITY COUNCIL MEMBERS**

### **Report from 1/7/09 Las Virgenes Unified School District/Four Cities Meeting**

Mayor Freedland stated the following:

He along with Council Member Cohen and City Manager Paglia attended the meeting, which was a bit depressing, due to the discussion of the amount of money the State is cutting from education; enrollment is down in the District; they will be conducting some marketing to attract additional students; Board Member Terilyn Finders recently resigned; there are eleven possible candidates being interviewed for appointment to fill the vacant position.

Council Member Cohen added the following:

We always hear that the State's first responsibility is to education, but they are still cutting a great deal of money this year, and even more next year; they are in a planning mode to adjust and to find other sources of income; the District is committed to building two performing art centers, one at Agoura Hills High School and one at Calabasas High School; they are still going forward with these projects, as the funds are dedicated for this purpose and cannot be moved into the general fund; even the recent bond that was approved has very specific purposes for which the funds can be used.

## **MATTERS FROM STAFF**

### **A. Consideration of Proposed Ordinance Regarding Nuisances – Second Reading**

Upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried, it was resolved to give second reading and adopt by title only Ordinance No. 327 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS PERTAINING TO NUISANCES AND PROPERTY MAINTENANCE STANDARDS AND AMENDING CHAPTER 7 OF TITLE 3 OF THE HIDDEN HILLS MUNICIPAL CODE.

### **B. Consideration of Proposed Resolution Regarding Public Nuisance at 5545 Dixon Trail Road**

City Attorney Roxanne Diaz informed the Council of the following:

Staff was directed at the last Council meeting to prepare a resolution regarding this property at 5545 Dixon Trail; around August of 2008, staff determined that a permit for this property was set to expire; a letter was mailed to the property owner in August 2008

stating that the permit would expire if no work was initiated on the property in relation to that permit; at that time, no work had been conducted on the property for approximately two years; as there was no response and no work initiated, the permit expired; the City was contacted by a representative of the property owner, asking for the permit to be reinstated; the City Attorney's office sent a letter to the property owner stating the City would be willing to reinstate the permit if certain conditions were met; the City received no response; the property still exists as a partially constructed site with various building materials stored on site; the property sits on a ridge and is visible from many areas of the City including the street; there has been no visible construction activity; the conditions that existed at the time of the public hearing still exist and are listed in the resolution; the City Manager, in accordance with the Municipal Code, determined that a nuisance existed on the property and sent a letter by certified mail to the property owner on November 13, 2008, with that letter also posted on the site; there was no response; the notice indicated the hearing date of December 8, 2008, at which time the hearing was held; again no response; staff was thus directed to return with a resolution setting forth the findings that indicate the nuisance on the property; with her this evening to discuss this matter is another attorney from her office, Steve Orr.

Susan Tregub introduced herself and stated the following:

She is an attorney representing the property owner, Mr. Bergstein; they met earlier today with the Community Association to discuss progress on the property; Mr. Bergstein is in attendance to provide background regarding factual problems that have arisen with the property; regarding the proposed resolution, they would ask that in lieu of demolition, plans be resubmitted and progress on the property begin as soon as possible; they would like to resubmit the same plans.

Mayor Freedland commented as follows:

To him, it is an extreme sign of disrespect for the property owner to have ignored all the letters sent from the City; it is disconcerting to have someone appear now as opposed to when the City attempted to work this out amicably and proposed to negotiate some type of settlement; this has caused the City to incur legal fees, which is not fair to the residents; however, the Council will certainly listen to what Mr. Bergstein has to say.

Ms. Tregub replied as follows:

She appreciates the Mayor's comments, and is not expecting to be given the Council's blessing for past behavior; whether or not there is a reason to pass a resolution for demolition, and whether or not they then might think they have a basis upon which to oppose that, could just lead to more problems, more time wasted, and more money spent; they are here now and are willing to move forward.

Mr. Bergstein then addressed the Council, providing what he felt was the timeline of the plans submitted, the permits issued, the work conducted on the property, and everything that he felt he did to comply with all the requirements. A rather lengthy discussion then followed among the Council Members, Mr. Bergstein, and staff relating to all the property issues. Towards the end of the discussion, Mr. Bergstein stated that he now had a builder who could start in mid-February, that he again had a construction loan in place, that he did not need any changes to the plans, and that he would like a reasonable period of time to begin construction.

Mayor Freedland then read five conditions from the 10/30/08 letter to Mr. Bergstein from Assistant City Attorney Steve Orr, which if met, would allow the City to consider reinstating the expired building permit. He then added the following comments:

He believes that the five conditions are very reasonable; if new plans were required to be prepared at this time, they would be subject to the latest building codes, which would most likely be more stringent and result in additional costs to the property owner; the Council is not unreasonable, and has no interest, if not necessary, in demolishing the buildings on the property or battling the property owner in court; he would like to see the City's legal fees regarding this project paid immediately, to show good faith.

City Attorney Diaz said she would obtain an accounting of those fees in the next few days (which would be more than stated in the 10/30/08 letter), and also reminded everyone that the property owner would also have to pay any required additional permit and penalty fees, as allowed per the building code. City Engineer Dirk Lovett informed the Council Members that they could, if desired, reinstate the current permit; however, the building code requires new permit fees, which would be around \$12,000 from the previous permit, and another \$9,300 for the new permit, in addition to whatever other fees are required.

Mayor Freedland pointed out what seemed to be the two choices – allow the property owner to build from the existing plans, paying all legal, permit and building fees (to be determined), or require the owner to submit new plans and start the process all over again per the latest building codes.

Council Member Siegel wondered if approving the resolution at this time would preclude the City and property owner from negotiating an agreement based on the conditions per the 10/30/08 letter. Along those lines, Mayor Freedland thought the resolution, which allows 30 days for the property owner to comply, could be approved, while at the same time Mr. Bergstein could prepare and submit a draft agreement by 1/21/09, to allow placement of this item on the next Council agenda on 1/26/09.

In response to Council Member Cohen, Mr. Bergstein said that he thought all of the conditions were fine, and his intent was to proceed if allowed by the Council.

Council Member Siegel expressed his thoughts as follows:

He would like the Council to pass the resolution, and then separately direct staff to, in the spirit of the 10/30/08 letter, come back to the next Council meeting with an agreement with all the minute details such as permit costs, legal fees, and anything else that needs to be incorporated; the Council earlier was looking at a verbal agreement, but that time has passed; he feels the adoption of the resolution is necessary at this time, but is still hopeful that the property owner will agree to the conditions as stated in the 10/30/08 letter; he does not feel that anyone would be opposed to that.

City Attorney Diaz confirmed the following:

The Council can proceed on both paths; the resolution can be adopted and the Council can still move forward towards an agreement; the code requires the property owner to abate the nuisance within 30 days; there are several options in the resolution, one being to pursue submission of new plans; but at the same time, the Council can stipulate to a later date to seek an amicable resolution with the property owner; the Council can adopt the resolution, move forward, and address a possible agreement at the next Council meeting.

Mr. Bergstein's attorney Ms. Tregub wished to make it clear that the resolution refers to submitting new plans, but they are talking about extending the guidelines for the existing plans, rather than the submittal of new plans. Ms. Diaz and the Council explained that the wording of the resolution would stand, and that new plans would be required per that resolution, unless the property owner and Council can reach an agreement at the 1/26/09 Council meeting or as soon thereafter as possible.

Mayor Freedland added that the Council would not hold the property owner to an unreasonable schedule, but that would be in the details of the agreement, which needs to also reflect the conditions stated in the 10/30/08 letter. He added that staff would provide to Mr. Bergstein and his attorney, in the next couple of days, all the necessary fees that need to be incorporated into the agreement, and also the amount of the legal fees that are to be paid by the property owner by 1/21/09. Assistant Attorney Orr suggested that Ms. Tregub draft an agreement, which will have to be very detailed with milestones, terms of performance, etc., and that she can contact him with questions. Once the draft is submitted, by 1/21/09, Ms. Diaz and Mr. Orr will review the draft and make any necessary revisions.

Council Member Siegel was sure everyone in the room would prefer that the project get completed as quickly as possible, and as inexpensively as possible for everyone involved. As there was no further discussion, upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried, it was resolved to adopt by title only Resolution No. 820 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS DECLARING THE PROPERTY AT 5545 DIXON TRAIL ROAD TO BE A PUBLIC NUISANCE AND ORDERING THE ABATEMENT THEREOF.

**C. Consideration of Bids to Landscape Property at the Southwest Corner of Round Meadow School Parking Lot**

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

This is the only remaining property fronting Round Meadow Road in the area of the school that looks barren; the City received bids from three different companies; there is no specific landscape plan other than a general plan to compliment the wall landscaping; the costs for the project will be split proportionately between general funds and gas tax funds (which can be used in the street right-of-way); the low bid of \$6186.00 was received from New View Landscape, Inc., which includes the design, construction, and irrigation; he would recommend the contract be awarded for the amount of the low bid, along with a 20% contingency; normally staff asks for a 10% contingency, but since there are not specific plans and there may be unknown factors, the 20% would be appropriate.

Several of the Council Members had questions, which Mr. Lovett answered as follows:

There is no specific inventory of the types of plants by name, but quantities are listed; in case those quantities do not cover the area properly, the 20% contingency will cover any extras needed; irrigation is included; there is already a water meter in that location, so a new one will not be installed, although a new controller will need to be added; the low bidder comes highly recommended, and will provide all the required insurance, etc.; the drinking fountain at the other corner, that was damaged in a recent accident, will be repaired; as soon as the Sheriff's report on the accident is obtained, the insurance company of the driver involved in the accident will be presented with a invoice to cover the damages; an estimate has already been prepared to cover those damages.

Upon MOTION of Council Member Fisher, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to award the contract for the landscaping project to New View Landscape, Inc. in the amount of \$6,186.00, and to authorize staff an additional 20% contingency for any unforeseen costs and expenditures.

**D. Charles Abbott Monthly Report - November**

The report was received and filed.

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried, it was resolved to adjourn the regular meeting of January 12, 2009 at 8:34 p.m.

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Steve Freedland, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk