

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, February 22, 2010

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 22, 2010 at the hour of 7:35 p.m. Mayor Steve Freedland called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

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

Staff:

City Attorney Roxanne Diaz
City Engineer Dirk Lovett
City Manager Cherie L. Paglia

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 February 22, 2010 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Freedland made the following announcement:

On behalf of the Council, staff, and residents, he would like to extend condolences to Mayor Pro Tem Weber on the loss of his mother, who passed away 2/12/10.

AUDIENCE

There were no questions or comments at this time.

PRESENTATION

In Honor of Former Council Member Monty Fisher

Mayor Freedland stated the following:

Council Member Monty Fisher passed away in December; he was a friend and mentor, and will be missed; the City has created a plaque in honor of Monty that will permanently be displayed here at City Hall (he read the plaque); for Monty's wife Teri the Council has two photos, Monty's Council Member portrait and a group Council picture; the Council also has for Teri, Monty's Mayor, Mayor Pro Tem, and Council Member badges encased in Lucite.

Mayor Freedland presented the photos and badges to Council Member Fisher's wife Teri Fisher, after which Council Member Siegel added his comments:

It was a pleasure to sit next to and to serve with Monty all these years; besides being on the Council together, they were friends and business acquaintances; he will miss him.

Assistant Fire Chief Gary Burden and Community Services Representative Maria Grycan also presented to Ms. Fisher a plaque, signed by Fire Chief P. Michael Freeman, on behalf of the L.A. County Fire Department family, expressing their deepest sorrow for her loss.

PUBLIC SAFETY

A. Los Angeles County Fire Department Report - January

Community Services Representative Maria Grycan presented the following report:

During the month of January, there were 7 responses, including 4 medical, 1 hazard condition (a power line down on Bridle Trail with no fire), 1 false alarm, and 1 trash fire on Oakfield, with no property damage; 130 hydrant inspections were conducted, but that number includes both Hidden Hills and Calabasas; there were 8 Fire Prevention Bureau inspections.

B. Los Angeles County Sheriff's Department Report - January

The following report was presented by Lt. John Benedict:

In January there were 3 Part I crimes; 2 of these were residential burglaries, both on Jed Smith, with a back door being pried open at one and the back door being kicked in at the other; jewelry, a safe, and photo albums were taken; the third crime was an assault on Wingfield, with the host of a party being assaulted by an uninvited guest; as a part of this assault, there was also an injury collision; during the month there were 36 traffic citations issued, including 23 hazardous, 5 non-hazardous, and 8 parking citations; 1 person was reported to the STTOP program for passing a stopped school bus on Round Meadow; that person was contacted, warned, and advised.

Mayor Freedland, based on the break-ins that are pretty unusual for our City, asked if there was anything the residents could do to help protect themselves. Lt. Benedict said the most important thing residents can do is to be aware of surroundings, and to call the Sheriff if anything looks suspicious to them. The Sheriff will definitely respond and investigate.

Mayor Freedland wished to point out again that residents should call the Sheriff directly, for anything suspicious or crime related, rather than calling the gate guards or the roving patrol.

C. Consideration of Issuance of Proclamation for Safe Communities Month March 1 – 31, 2010

Lt. John Benedict informed the Council of the following:

The Sheriff's Department is asking cities they serve to issue a proclamation to promote safe communities; this is a program that started eighteen years ago in a sister station

(Walnut) to bring the community together to look at what things could be done to promote safety; the program has now grown into an entire month throughout the whole area served by the Sheriff's Department; they are asking cities to work together as partners with Sheriff personnel to encourage residents to be good citizens and to help deter crime; a perfect example is what he just talked about regarding residents reporting suspicious activity.

Mayor Freedland read the proclamation, and then presented it to Lt. Benedict.

D. Presentation to Outgoing Lost Hills Sheriff's Captain Tom Martin

Mayor Freedland commented as follows:

This is a very bittersweet moment; this City has had a seven year relationship with former Captain Tom Martin, who has received a very well deserved promotion to Commander; while Captain of the Lost Hills Station, now Commander Martin was very instrumental in reducing crime not just in Hidden Hills but in the region; on behalf of himself, his family, the residents, the City Council and staff, he would like to thank Commander Martin for being so responsive to the City's needs and for taking care of all of us above and beyond what was expected; Commander Martin leaves a very well-trained friendly but tough Department, and also leaves very big shoes for the new Captain to fill; he would hope that Commander Martin has given the new Captain some incites as to how Hidden Hills works; on behalf of everyone, he would like to wish Commander Martin well in his new position, although everyone here will miss him.

Mayor Freedland then presented a plaque (which he read) to Commander Martin.

Commander Tom Martin addressed the Council with the following comments:

He would like to thank everyone for this honor; it has been a pleasure to work in Hidden Hills, which is a very unique area; things the Sheriff's Department gets involved in here are different than most other stations; what they do could not be done without the support of the City Council and the community, all of whom have been very supportive; this City does not have that much crime, but in the seven years he has been here, this City is the only one that had a crime solved by DNA evidence, at the urging of himself and the City Manager; this is definitely bittersweet, as he lives in the area and loves it; he is appreciative for all the support he has received, and is grateful for the opportunity to have served Hidden Hills.

PUBLIC HEARING

Consideration of Approval of an Ordinance Readopting the City of Hidden Hills Zoning Map – First Reading

City Engineer Dirk Lovett provided the following staff report:

Amendments to the zoning map are required from time to time as lots, addresses and zones may change; staff felt there were enough changes since the last zoning map was adopted to warrant a revision at this time; the zoning map needs to be approved by the City Council and kept on file by the City Clerk; the proposed map is displayed on the wall, with all the lot line adjustments highlighted.

Mayor Freedland opened the public hearing. As there were no comments, he closed the hearing. Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Weber 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 READOPTING THE ZONING MAP AND AMENDING ARTICLE B OF CHAPTER 2 OF TITLE 5 OF THE HIDDEN HILLS MUNICIPAL CODE.

CONSENT CALENDAR

- A. **City Council Minutes – January 25, 2010**
- B. **City Council Minutes – February 8, 2010**
- C. **Demand List**
- D. **Disbursement List – January**
- E. **Financial/Treasurer's Report – January**

Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Weber 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 CITY COUNCIL MEMBERS

- A. **Report from 2/16/10 Hidden Hills Community Association Board of Directors Meeting**

Association Board President and City liaison Ron Wolfe announced that the adult welcome party, a casino night, would be held on 5/15/10. He also said the Board approved parkway spraying and other repairs, and he wished to thank everyone who participated in or attended the very successful Valentine Musicale.

B. Report from 2/16/10 Las Virgenes Malibu Council of Governments Meeting

Council Member Siegel provided the following information:

The primary focus of the meeting was a presentation from Jaime de la Vega, Deputy Mayor of Transportation for the City of Los Angeles, on the Mayor's proposed 30/10 Initiative; Measure R, a \$40 billion thirty-year ½ cent transportation sales tax, was recently approved by the voters of L.A. County; the Mayor of Los Angeles decided that if the construction projects were front-loaded in the first ten years, more jobs would be created now and the construction costs would be less due to the poor economy; the Mayor would like the COG's support, which the COG Board agreed to, as long as none of the Measure R funds promised to this COG are lost in that process.

C. Consideration of Approval of Proposal to Provide Accounting Services to the City

Mayor Freedland explained that this proposal was obtained based on an observation that the City's auditors provided after the last audit. He then asked Council Member Siegel for his comments, which he provided as follows:

The City's auditors have been wearing two hats, in both closing the books at the end of the year and then auditing the books; this is no longer an acceptable accounting procedure, as two different companies should provide those services; the auditors recommended a company (that works with cities) to help the City with what is really a very small job to provide year-end closing and general advice, after which the auditors would then audit the books once the closing is complete; he and staff interviewed Michael Matsumoto/Governmental Financial Services; it was felt he was very qualified, along with having a working relationship with the existing auditing firm; he would recommend that Mr. Matsumoto be hired, at \$110/hour; it is not known how many hours would be required (although it would probably be a few hours for meetings and perhaps one day to close), but we will have a much better idea once the work is completed this first year; City Treasurer Eddie Bauch continues to check the financials every month, and the Council will continue to see the monthly financial statements at public meetings.

The City Manager reported that she spoke with the City of Malibu, which also uses Mr. Matsumoto, and that City gave him a very glowing and strong recommendation. Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Weber and unanimously carried on roll call vote, it was resolved to approve the proposal from Michael Matsumoto/Governmental Financial Services to provide accounting services to the City, as detailed in his 2/13/10 letter, at \$110 per hour.

D. Discussion and Direction Regarding Application for Participation in Google's Super High Speed Internet Program

Mayor Freedland provided the following information:

Some of you may have read in the paper that Google is planning on building a high speed broadband service that will be 100 times faster than what most people have today; they are looking for test sites for this fiber optic network which could include anywhere from 50,000 – 500,000 people; to be considered as a test site, a City must complete an online application, which he thinks Hidden Hills should do; he has already talked to resident Todd Bernstein regarding some of the technical questions on the application; if the City should be selected, the Council could make the decision of whether or not to be involved; applications must be submitted by March 26th, so he would like to direct staff to submit an application on behalf of the City by that deadline.

In response to questions from Council Member Cohen, Mayor Freedland stated the following:

The service provided would be fee-based; if individual residents did not want the service, he believes those residents would not be required to subscribe; however, Google is going to be looking for a high percentage of participation, and they are not going to lay a fiber network for a small number of people; however, he believes that if such a service were offered in this community, most of the residents would want that service; the service is expected to be competitively priced; he thinks it would certainly help and show a lot of community support if many people in the community could submit applications, as there is a separate application for individuals on behalf of their community.

Council Member Cohen suggested that individual Council Members should send letters, and that the City should encourage residents to do the same, with the City possibly helping them with their applications. Council Member Siegel thought the Community Association Board and individual Board Members could also submit applications. Mayor Freedland and Mayor Pro

Tem Weber asked if information about the applications could be placed in both the City and Association newsletters.

The City Attorney pointed out that the application for individuals is very simple, but must be completed online. The City Manager explained the following:

All of the applications, from both local government and individuals, must be filled out online; from what we have seen, Google will not accept letters; the City cannot give specific information to each of the residents, as they all have different services, and the questions revolve around those particular services (what kind of services, the speed, the amount they pay, are the services bundled, are they happy with their services, etc.); it is too late to put something in the next City newsletter, but we can certainly ask the Association to put an article in its newsletter; the City can encourage residents to complete the application by also putting information on cable TV channel 3, and by sending out an email/fax notification.

Upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried, it was resolved to direct staff to complete the local government application before the March 26, 2010 deadline to become a Google test site for new high speed broadband services, and to also encourage and help residents as much as possible in completing individual applications on behalf of the City.

MATTERS FROM STAFF

A. Consideration of Approval of an Ordinance Regarding the Grading of Ridgelines - Urgency

As a prelude to this discussion, City Attorney Roxanne Diaz explained the following:

Legislative matters are those that apply to everyone generally, as opposed to quasi-judicial matters such as variances or conditional use permits; with legislation, rules are made that apply to everyone, and therefore, as a general rule, the issue of conflict does not exist; this proposed ordinance was prompted by a certain application for a particular property that was submitted to staff; it has been determined that Council Member Goldberg lives within 500' of that particular property; as the ordinance is a legislative matter, there is no conflict in relation to Council Member Goldberg; but if a Site Plan Review for this particular property does come before the Council, Council Member

Goldberg would have to abstain and recuse himself from the matter; therefore, she would recommend that he abstain and recuse himself at this point.

Council Member Goldberg recused himself and left the Council Chambers.

City Attorney Diaz then presented the following staff report:

In the City's General Plan there is a Land Use Element that has policies and goals to preserve the rural equestrian character of the City and to protect the natural ridgelines and hillside areas; she was informed by staff that an application was recently submitted for a grading permit to grade a ridgeline, which the Land Use Element preserves and protects; staff determined that there was no zoning mechanism to review this application for a grading permit and apply these policies or to even review the permit in light of these policies; and there was no mechanism to ensure that this application or grading occurs in conjunction with a pending development project; this is really quintessential zoning – it is what cities do and why cities exist; there is a provision in the Government Code that says the City can adopt as an emergency measure, an interim zoning ordinance that would prohibit or regulate any uses that may be in conflict with a contemplated zoning proposal that we may be looking at; this is certainly one area that staff would like to study; that is the purpose of the interim zoning ordinance, which would last for 45 days; it provides staff an opportunity to study the issue and determine which way to move forward, and determine if there are future code amendments that we need to apply regarding ridgelines; the interim ordinance would be exempt from CEQA pursuant to Regulations 15050(c)(3), and does require a four-fifths vote of the Council for adoption (it would need 4 yes votes to pass); the interim ordinance provides that no grading permit shall be issued for the grading of a ridgeline or within fifty feet (50') of a ridgeline except in conjunction with a development project that has received Site Plan Review approval from the City Council; this would be at a noticed public hearing, and certain findings would have to be made by the Council to approve the Site Plan Review application; she has included the urgency findings that are required by law; she is available to answer any questions.

Council Member Siegel wished to confirm his understanding that this is an existing lot with no plans to build a house on the lot, and the pending application is to grade or remove a ridgeline with no idea of what is to be built on the property. The City Attorney agreed with that statement. Council Member Cohen said he was not sure that was what the Council should be concentrating on; he thought the Council should look at and study the situation rather than imposing a

moratorium. He felt the 45 days of the interim ordinance would provide time to look at how this would affect any lot in the City.

Wes Myers of Ashley Construction Inc. (ACI) asked if it was the ACI application for the property at the end of Jim Bridger that prompted this interim ordinance, and if there was any other application other than theirs. City Attorney Diaz responded that the application submitted on behalf of ACI, and that application only, is what prompted this, as staff was going through the normal plan check process and contacted her about the issue.

Mr. Myers posed the following question: If it is determined per the 500' rule that Council Member Goldberg did have an opportunity or there was an adequate site plan review via the Association or other means, what is the process for ensuring there is proper representation on the City Council? Mr. Myers added, in response to Mayor Freedland, that there may or may not have been a site plan review, and since ACI just received this information late Friday afternoon, he was wondering if there was another means that the Council is using for a site plan review. City Engineer Dirk Lovett stated that there may be a misunderstanding by Mr. Myers of what a Site Plan Review is. Engineer Lovett explained that a Site Plan Review is a specific review stated in the Municipal Code for projects that need to come before the City Council at a public hearing (more along the lines of a variance), not a simple site plan that is submitted to staff.

Mr. Myers then asked another question: We have a 45 day interim period to make a decision – how many Council meetings will there be, is this the final reading for the code or will the code be modified, or will there be more testimony and hearings?

City Attorney Diaz responded as follows:

With an interim ordinance, there is no requirement to have a publicly noticed hearing since it is an urgency measure; it is something cities are allowed to do pursuant to the Government Code; this is not a moratorium; guidelines are provided by the interim ordinance to process applications within the 45 day period; before that 45 day period

ends, the City is required to notice a public hearing (the timing will depend on the scheduled Council meetings, but it cannot be after the 45 days); if it is determined that the 45 days is not enough time to review the issue, look at how other municipalities handle grading and ridgelines, and determine what impact this would have on other projects in the area, staff can ask the Council to extend the interim ordinance; the first extension can be for a period of 10 months and 15 days, and if that is not enough time to address the issue, the interim ordinance can be extended for another year; she is not saying that would be necessary, but that is the process; there is no second reading for an urgency ordinance, and it takes effect immediately upon adoption by a 4/5 vote.

Mr. Myers asked if this ordinance is the exact ordinance verbatim that will be voted and acted upon if it is determined that it is appropriate. City Attorney Diaz stated the following:

Not necessarily; the purpose of an interim ordinance is to give staff time to review the situation without the pressure of knowing that an application is coming through; this application is pending, and staff can continue with the application and provide plan check comments in light of the interim ordinance if it should be adopted; staff may determine that other measures may be necessary to process grading permits; for example, the City of Calabasas has a 10-12 page grading ordinance; other cities like Rancho Palos Verdes (looking at cities that have similar site and topography issues) have very detailed grading ordinances; she is not saying that is what this City would look at adopting, but it is something to study and review.

One last question was asked by Mr. Myers: Assuming that this interim ordinance does get passed today, would their plan check process continue as normal, taking into account the interim ordinance? Attorney Diaz responded as follows:

The plan check process will continue; if the interim ordinance passes, staff would provide comments that will reflect this particular ordinance; if the interim ordinance passes, what ACI would probably expect to see would be your plans returned to you indicating the process that ACI will need to follow.

As there were no further questions or comments, upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried (on a 4-0 vote), it was resolved to adopt by title only Ordinance No. 331-U entitled: AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS RESTRICTING THE GRADING OF RIDGELINES AND DECLARING THE URGENCY THEREOF.

At this time, Council Member Goldberg rejoined the meeting.

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

City Engineer Dirk Lovett reported that the project is getting closer, but there is still a long way to go, as the utilities are still making some changes to the plans, one resident asked for an extension, and cost estimates are being worked on. In response to Mayor Freedland, Engineer Lovett stated that the right-of-way issue is still being looked at, and that we would hopefully have an answer from Southern California Edison within a week.

Council Member Goldberg asked if this undergrounding project could impact or help Google in any way with that company's proposed project, as having undergrounding already completed and ready for use may make a community more desirable for selection as a test site. Mayor Freedland added that one of Google's strategies was trenching and undergrounding fiber, and thought the Association already had utility easements that would allow this.

Engineer Lovett stated the following:

The Association does have easements that include utility purposes; however, one of the utilities is questioning whether those easements allow them to place the overhead wires underground; he is not sure how much this particular project could benefit Google, since it is a very small area (only a few hundred feet) right in the middle of the City; however, staff could, without much trouble, lay an extra conduit in the trench during the undergrounding project; he will look into this.

Mayor Freedland thought one of Google's main concerns would be with regulatory roadblocks, and having the Association on board with the City would be a very good selling point when selecting a test site. In response to Council Member Cohen, Engineer Lovett said that some of the cable company fiber is underground, but most of it is still on the overhead poles.

C. Consideration of Approval of Proposal from In-N-Out Burger to Provide Lunch at the Community Center for the 2010 Fiesta

The City Manager informed the Council of the following:

The proposed contract is the same as the one signed every year; In-N-Out is holding the selected date for us; as soon as we sign the contract and submit the \$500 deposit, the date will be confirmed; the contract is for two trucks for two hours each; we authorize, and then sell tickets for, 600 burger meals.

Upon MOTION of Council Member Goldberg, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve the contract with In-N-Out Burger to provide lunch at the Community Association at this year's Fiesta with two trucks for two hours each at a minimum cost of \$2700, and to approve a deposit of \$500 to be paid at this time.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Council Member Goldberg and unanimously carried, it was resolved to adjourn the regular meeting of February 22, 2010 at 8:28 p.m.

Steve Freedland, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk