

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, March 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, March 22, 2010 at the hour of 7:30 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 (7:52 p.m.)
City Engineer Dirk Lovett
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried, it was resolved that the agenda for the March 22, 2010 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Freedland made the following announcements:

He would like to invite everyone to stay after the meeting for an informal reception and refreshments in honor of the reorganization; the Council will also take a short recess right after the reorganization for those who cannot stay for the whole meeting; a big thank you to Deputy City Clerk Deana Graybill for organizing the reception and preparing the refreshments.

Happy Birthday to Council Member Siegel this coming Thursday.

The 10th annual food drive for the West Valley Food Pantry will continue through this Thursday (3/25); bins are located at each gate; call City Hall for more information.

Passover begins at sundown on Monday, 3/29.

Easter will be celebrated on Sunday, 4/4.

AUDIENCE

There were no questions or comments at this time.

REORGANIZATION OF CITY COUNCIL

A. Presentations to Outgoing Mayor Freedland

Certificates were presented to outgoing Mayor Steve Freedland by the following:

Kara Seward, Field Representative – representing State Senator Fran Pavley's Office and State Assemblymember Julia Brownley's Office

Dave Moorman, Board Member – representing the Las Virgenes Unified School District

Jeff Reinhardt, Public Affairs Manager – representing the Las Virgenes Municipal Water District

Mayor Pro Tem Weber read and presented to Mayor Freedland a letter from Congressman Henry Waxman and a certificate from Los Angeles County Supervisor Zev Yaroslavsky, neither of whom had a representative in attendance. Mayor Pro Tem Weber, on behalf of the entire Council, then presented a clock to Mayor Freedland.

B. Remarks by Outgoing Mayor Freedland

Mayor Freedland commented as follows:

He would like to begin by thanking everyone for coming, and asking for a moment of silence in honor of our friend and colleague, Monty Fisher, who passed away on 12/24/09; he would like to thank the entire staff, all of whom are continually looking out for the best interests of the City and its residents; it has been an honor working with the staff for the past two years as Mayor and for the last nine years total; he would like to thank the rest of the Council Members, whom it has been a pleasure to work with, and for whom he has the utmost respect; the last two years have passed very quickly, but he would like to reflect on some of the accomplishments of the City Council during that time; while many other cities in California and throughout the country are struggling financially, we have consistently balanced our budget and have a record reserve; he is very proud that this Council has supported education in the Las Virgenes Unified School District, continuing contributions for the technical grant, recognizing high achieving students through the City's recognition and awards program, and providing other grants for such programs as the Every 15 Minutes Program regarding the consequences of drunk driving; he is also very proud of the City's relationship with the Fire Department and the Sheriff's Department, and support of programs such as the Bike Safety City, which will hopefully be unveiled at this year's Fiesta; the first phase of the utility undergrounding is underway, with construction to hopefully begin in the next several months; the Council has upgraded some of its ordinances (ridgeline, filming, telecommunications), all designed to protect the rural character of the City; the City's roof requirements have reduced the number of woodshake roofs in the City, improving fire safety; a beautification project was completed at the corner of Round Meadow and Mureau Roads; for all of these accomplishments, the entire City Council and staff should be proud; last but not least, he would like to thank his family – wife Susan, son Kurtis, and daughter Kelsey (who is currently the City's videographer) – for supporting him in his volunteer efforts.

C. Remarks by Other Council Members

All of the other Council Members expressed their gratitude and appreciation to Mayor Freedland, thanking him for his leadership, dedication, knowledge, genuine concern for the City, and his control and brevity of meetings.

D. Selection of Mayor

Upon MOTION of Council Member Siegel and seconded by Council Member Cohen, it was resolved to nominate Mayor Pro Tem Weber to serve as the next Mayor. As there were no other nominations, a unanimous vote was cast, naming Mayor Pro Tem Larry Weber as the new Mayor. Outgoing Mayor Freedland handed the ceremonial gavel to new Mayor Weber.

E. Selection of Mayor Pro Tem

Upon MOTION of Council Member Siegel and seconded by Council Member Freedland, it was resolved to nominate Council Member Cohen to serve as the next Mayor Pro Tem. As there were no other nominations, a unanimous vote was cast, naming Council Member Jimmy Cohen as the new Mayor Pro Tem.

F. Remarks by Incoming Mayor and Mayor Pro Tem

Mayor Weber stated the following:

It has been an interesting three years since he came on the Council; when he was elected he promised to do the best he could for the City, and he believes he has done that; this next year should be even better; there are still some things to do, including the undergrounding; it may be a bit difficult to stay on budget due the poor economy, but he feels the Council can accomplish that together; he did promise one of the other Council Members he would keep the meetings as short as possible, although former Mayor Freedland's record will never be beaten.

Mayor Pro Tem Cohen thanked the other Council Members for the opportunity, suggesting he would be ready to help whenever and wherever he was needed.

At this time (7:52 p.m.), City Attorney Roxanne Diaz joined the meeting, and Mayor Weber called for a short recess for refreshments.

Mayor Weber reconvened the meeting at 8:13 p.m.

PUBLIC SAFETY

A. Los Angeles County Fire Department Report - February

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

During the month of February there were 9 responses including 5 medical calls, 1 false alarm/good intent, and 3 public assists (2 invalids and 1 person in distress); there were no fires and no inspections; as of the end of February, all fire hydrants within the City have been inspected; if there is a problem with a hydrant, the LVMWD is notified and that agency takes care of the problem; she has one announcement regarding earthquakes; in the aftermath of the recent devastating earthquakes in Haiti and Chile, people are starting to get better prepared, which is the good thing; however, the bad thing is that some bad information starts getting passed around, especially via emails; if you get the “triangle of life” email, you should delete it, as it contains bad information; any respectable public safety agency subscribes to the “drop, cover, and hold” direction; that is what everyone should do during an earthquake, which means getting under something sturdy and holding on throughout the earthquake.

B. Los Angeles County Sheriff’s Department Report - February

Lt. John Benedict provided the following information:

There were two crimes during the month of February; a bicycle left unattended was stolen from the front yard of a residence in the 24800 block of Jacob Hamblin; personal items were stolen from an unlocked vehicle in the 25100 block of Eldorado Meadow; there were no collisions in the City, but 43 traffic citations were issued with 33 of those being hazardous, 7 non-hazardous, and 3 parking; one dangerous driver was reported to the STTOP program; it was a Hidden Hills resident who was contacted and warned about not stopping at stop signs within the City.

Resident Britt Aaronson asked if the Sheriff or the Council had any comments on a “drug bust” last week on Bridle Trail Road. Lt. Benedict explained that if there was one, it did not involve the Sheriff’s Department, but was most likely the LAPD. He and the City Manager further explained that other agencies do come into the City at times, and they usually give the Sheriff’s Department a courtesy call about the visit into the City, but do not tell them the purpose or result of the operation.

PUBLIC HEARING

Consideration of Approval of an Ordinance Regarding the Grading of Ridgelines – Urgency

At this time, City Council Member Goldberg recused himself. City Attorney Roxanne Diaz explained that Council Member Goldberg lives within 500' of a particular property for which an application was submitted that started this discussion regarding the ridgeline matter, and that after discussion with Council Member Goldberg, it was determined that he should recuse himself from the discussion. Attorney Diaz then went on to provide the following staff report:

This item was publicly noticed; on 2/22/10, the City Council adopted an Interim Ordinance Restricting the Grading of Ridgelines, which is set to expire on 4/8/10; the Interim Ordinance came about because of an application that was submitted for a permit to grade a ridgeline; upon receipt of that application, City staff determined that there was no zoning mechanism to review the application for a grading permit and essentially apply the General Plan policies we have that protect the City's ridgelines; in addition there was no mechanism to ensure that the application was reviewed by the City Council so that grading occurs in conjunction with a pending development project; the Interim Ordinance that was adopted is in effect for 45 days and 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; there is one application for a grading permit of a ridgeline which is subject to the Interim Ordinance; the staff has had some back and forth communication with that applicant (those letters were provided to the Council), but the applicant has not yet submitted a Site Plan Review application for a development project; staff has indicated that to the applicant several times; since the adoption of the Interim Ordinance, the City Engineer has initiated various studies to review the issue; staff has contacted neighboring cities to determine how they treat the grading of ridgelines, and she has provided sample ordinances to the City Engineer; staff is currently compiling and evaluating that information to determine how best to address the grading of ridgelines here in Hidden Hills; this is a unique city and we want to make sure that whatever ordinance is adopted on a permanent basis, it does not have any unintended consequences; for example, if a lot is already developed and it is on a ridgeline or in close proximity to a ridgeline and the owner wants to apply for an accessory structure, such as a barn or a pool, we need to determine how this ordinance would be applied to that particular property; so we want to take a careful look at those issues as well; what staff has for the Council today is an extension of the Interim Ordinance; this extension would be for a period of six (6) months past the initial expiration date of 4/8/10; we believe this is adequate time for staff to be able to complete its review and analyze the issue; we have

included the urgency findings in the extension Interim Ordinance, which is in the Council packets; the ten day report was issued timely and has been made available to the public; this is a requirement under the Government Code.

In response to a question from Mayor Pro Tem Cohen, Attorney Diaz responded as follows:

The Government Code allows the Council to adopt an extension for a period up to ten months and 15 days; staff selected a shorter time; when staff returns with a draft ordinance for consideration, on that ordinance's effective date, it would supersede the Interim Ordinance; should six months not be enough time, the Government Code allows an extension for an additional one year; staff's goal is to get this done in an expeditious manner, but to also make sure that there is comfort with the proposed ordinance.

Mayor Weber then opened the public hearing, at which time resident Britt Aaronson asked what properties the Interim Ordinance would currently affect. Mayor Weber replied that all properties within the City with a ridgeline would be affected. Ms. Aaronson then asked what specific site plan application prompted this process, and asked that the specific address be read into the minutes, since the public hearing notice stated that no legal action could be taken against that property unless the address was stated in the minutes. City Attorney Diaz explained the following:

An application was received from Ashley Construction, Inc. (ACI) for a grading permit to grade what staff determined was a ridgeline on a property on Jim Bridger Road; the notice Ms. Aaronson referred to provides that because this is a public hearing, if anyone decided to challenge this matter in court, they may be limited to raising only those issues raised at the public hearing; this is a legislative matter, and though it may have been prompted by a certain application, the Interim Ordinance applies citywide, so the address is somewhat irrelevant; the Interim Ordinance applies to every property within 50' of a ridgeline or every property that is undeveloped that desires to grade a ridgeline or to grade within 50' of a ridgeline.

Ms. Aaronson wondered if the Interim Ordinance would also apply to properties with an Environmental Impact Report (EIR) on the table but that has not yet been reviewed. Attorney Diaz stated that if an EIR is on the table, there is not a pending application at this time; if it is a vesting tentative map, she would have to conduct further review to see whether or not this is applicable to that vesting tentative map.

Ms. Aaronson stated the following:

Even though this is an extension of the Interim Ordinance for only six months, she is sure that all the residents who came out in droves regarding the mentioned EIR project would want to receive written notice of any ordinance related to ridgeline protection that would come before the Council, since this is a vision of the general plan; she spent all weekend reading the general plan, and it is lacking in ridgeline protection; she appreciates that this is an amazing start, but would want more residents notified before anything was adopted.

Council Member Freedland explained the following:

If you read the City's General Plan, there is very specific language regarding the protection of ridgelines; he is not taking offense, but would like to correct Ms. Aaronson's perception that the City is somehow lacking in ridgeline protection; there is language in place, and in the spirit of what is very specific in the General Plan, that is what prompted, along with an application on a very specific property, the Council to take a look at the ordinances.

Ms. Aaronson had additional comments as follows:

To correct herself, the general plan is very specific; but she is more worried about the actual review process and application process in place; she appreciates the extension of the Interim Ordinance, which is a step in the right direction; but before anything is approved, it should be made clear what properties it affects, and made clear if the Bridle Trail and Lasher projects would be affected by the ordinance.

City Attorney Diaz again explained the following:

That project is not before the City Council, and has not been before this body for at least a year; if that project does come before the City Council in some form or fashion, the legally required notice will be provided; to clarify for the record, the legally provided notice for this Interim Ordinance was posted as required by law, and the agenda is on the City's website; she wants to clarify, so there is no misunderstanding, that this was properly and legally noticed.

Ms. Aaronson stated that she lives within 500' of the project, and the notice was posted here at City Hall, and not at the red bus stop.

The City Manager addressed the following comments to Ms. Aaronson:

Because you (Ms. Aaronson) had expressed an interest in a ridgeline ordinance some months ago, you received a specific telephone call from the City Engineer (at the

direction of the City Manager) about this proposed interim ridgeline ordinance; you can always check for information on the City's website, as the agendas are available the Friday before a Council meeting; you can call staff at City Hall at any time with any questions; but the City is not going to send a letter to every resident about an ordinance being considered; since this ordinance is citywide and covers all the properties in the City, there would be no notices sent to property owners within 500', as there is no specific project.

Ms. Aaronson expressed some confusion over the notification, since Council Member Goldberg recused himself, but she was very happy that ridgeline protection was being addressed by the Council and that she was notified of the matter – she would like to continue to be notified of any future Council discussions on the matter.

Mayor Weber asked for confirmation that if any Site Plan Review application was approved, that this Interim Ordinance would not supersede that approval. Attorney Diaz stated that the Interim Ordinance does not apply to any project already approved.

Mayor Pro Tem Cohen wondered if it would be appropriate to notify all residents of this Interim Ordinance, since it was effective citywide and might affect some of them. Attorney Diaz responded as follows:

If this extension is approved, and if the timing works out, it would be included in the newsletter; passage of all ordinances is listed in the newsletter (under actions taken by the City Council), which goes to all residents, thus providing notification to all those residents; anyone is welcome to look at the website; anyone who develops property in the City knows that the City is very informal and that staff is readily available; an Association Board Member is here tonight, so he can share the information with that entity.

Although it is not always possible and there is no requirement to do so, the City Manager pointed out that when anyone has expressed an interest in a particular item at a Council meeting or to the staff, an effort is made to personally notify that person when that item may be before the Council. She added that residents can request that the City Council agenda be emailed or sent to

them once it is available on the Friday afternoon before a meeting. Mayor Weber again reminded everyone that they should check the City's website frequently.

Wes Myers addressed the Council:

He is with Ashley Construction, Inc. (ACI); we have been in town for forty years, and he thinks doing a good job; we have been responsible at development and kept the best interests of the community at the forefront of any development; ACI objects to this ordinance; the language is vague and overreaching; enforcement is arbitrary and capricious; the ordinance is aimed solely at us and properties affiliated with us; the City Council does not understand the full long-term affects this ordinance could have on this community; we have been going back and forth with the City for some time now about a project that triggered this ordinance at the end of Jim Bridger; we received the last City letter from Dirk dated 3/16/10 which said "that no permit or even a plan check comments can be issued until a Site Plan Review has been made by the City Council per the new Interim Ordinance, more or less"; in reading that, I thought that was odd; I've seen a lot of building going around; so took a drive around today, talked with the City, and got some copies of some permits that were issued; I've got a packet for each Council Member and staff – just some examples; now this language is so vague that these are examples that I think most people would interpret as ridgelines according to the language of the ordinance; we can go over that definition right now and you guys can go along with me and see if you agree; "grading shall mean any scraping, excavating or filling of the earth's surface or a combination thereof"; this is from Ordinance No. 331-U Definitions; "ridgeline shall mean any hill, ridge or promontory which drops on either side of the top of this landform feature characterized by any one or more of the criteria specified below: a. ridgeline that surrounds or visually dominates the surrounding valley landscape either through its size or in relation to the hillside or mountain terrain of which it is a part. b. ridgeline is visually dominant as characterized by a silhouetting appearance against the sky"; or, now this could be any one or more "c. the ridgeline is visually dominant due to proximity and view from existing streets or highways"; that being said, I'm sorry, I wish I had more packets for the audience; we can go through these; these are all examples along with photos on the back of each permit or plan check issued; these were only issued after Ordinance 331-U was adopted; so these are nothing that happened before, but since the ridgeline has been in affect; as you can see, I'd agree whether or not some of these – there could be an argument that it's not a ridgeline, but other ones are clearly ridgelines; that being said, we don't have any language – I don't think this ordinance, and ACI doesn't believe this ordinance, is specific enough to actually produce results that the Council or staff is intending on this; and I think it has some side effects that were not intended; for example, some of the side effects – the last page of the report is actually a photo; it is a lesser scale, but none the less, this is in violation of this

ordinance; the photo actually shows Council Member Freedland's house with landscaping work being done; this could also be possibly in violation of emergency Ordinance 329-U enacted in December, but I don't know that for a fact.

Council Member Freedland informed Mr. Myers that he had actually torn out his lawn in an effort to save water, but he appreciated the photo. Council Member Freedland added that he did not do any grading, but just pulled up the grass.

Mr. Myers responded as follows:

I appreciate your position that this was not any scraping, excavating, or filling of the earth's surface; is that your position?; because this is exactly what we're talking about; you don't have a response for that because the ordinance is so vague in that; this could include trail work – trails on top of ridgelines – the tractor going back and forth; these are some of the things this Council needs to address before they decide to enact the ordinance and then extend it for a period of time which could affect people in this community; I'll continue; so to show who is affected, this town consists of mostly hillsides and ridges; three of the five Council Members sitting on this Council live on ridgelines; Council Member Siegel's property would be considered a ridgeline in my view and I think in the majority's view; Council Member Freedland's property as discussed; and Council Member Goldberg's property; there are some serious inconsistencies ACI believes with the fact that Goldberg was excused for having a conflict with this issue and other Council Members were not while living on a ridgeline if this is indeed a legislative ordinance and if the ordinance applies to "all properties in the City"; the fact that the Council chooses to shoot from the hip, and this is an opinion, with an emergency ordinance admittedly due to an application made by ACI, and not enforcing any other applications since the ordinance has been in effect, having inconsistencies in voting practices, and then choosing to extend this ordinance without any discussion as to adverse effects the ordinance has had over the past month makes this ordinance discriminatory towards ACI and nothing more than an attempt to curtail our rights as property owners in this town; I trust that because this ordinance is intended to be unbiased and "legislative", pending applications or other work being performed that could even be remotely interpreted as falling under this ordinance are to be immediately terminated and stop work notices should be issued until the language and intent of this ordinance is cleaned up to a point that everyone can agree on what it actually means; thank you very much; no further comments for now.

Council Member Siegel commented as follows:

He appreciates Mr. Myers coming in, other than the fact that he was a little hostile; the Council has been very concerned about unintended consequences; he has no idea if

anything Mr. Myers said is valid; but the point is, the Council would much rather have these issues to discuss now in this interim period than if it was already the law and someone came in with other interpretations later; now the Council has something to take a look at.

As there were no other comments, Mayor Weber closed the public hearing.

Mayor Pro Tem Cohen stated the following:

He does not remember Mr. Myers' precise wording, but in order to determine the consequences, validity, and specific language is probably why the City Attorney came to the Council and asked for an extension rather than bringing to the Council something that was not adequate; what the Council is doing is extending it in order to get that review and input; obviously as Council Member Siegel said, it is very important to know what is happening before the Council passes a final ordinance.

Mayor Weber agreed, suggesting that what ACI would probably be more concerned about would be the final ordinance rather than the Interim Ordinance. As there were no further comments, upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried (4-0), it was resolved to adopt by title only urgency Ordinance No. 332-U entitled: AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS EXTENDING INTERIM ORDINANCE NO. 331-U RESTRICTING THE GRADING OF RIDGELINES AND DECLARING THE URGENCY THEREOF.

Council Member Goldberg returned to the Council Chambers and rejoined the meeting at this time.

CONSENT CALENDAR

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

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

MATTERS FROM CITY COUNCIL MEMBERS

Report from 3/16/10 Hidden Hills Community Association Board of Directors Meeting

Board President and City liaison Ron Wolfe congratulated incoming Mayor Weber, and expressed his appreciation to outgoing Mayor Freedland for always being prepared and knowing what was going on, and for vastly improving the relationship between the Council and Community Association, which was not always great in the past.

MATTERS FROM STAFF

A. Consideration of Bid for the City Hall Emergency Generator Project

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

Previously, the Council discussed different options to improve the City's antiquated backup generator system; plans and specs were completed, and the project was put out for bid and advertised in the usual trade and construction journals; this year's budget does include \$60,000 for a 45 kw generator; only one bid was received for \$64,000, with that bidder being qualified, having good references, and ready to start if awarded the project; staff contacted potential bidders whom had picked up the plans and specs to see why they did not bid on the project; the answer was either the company was too busy at the time or missed the advertised bid opening; one of those not bidding was actually the person who helped with the specs and the estimate; it is customary to authorize staff a 10% contingency when approving a project, which would increase the estimated cost to \$70,400; the Council could choose to award the project at this time, or reject the one bid and readvertise the project due to the lack of response; hopefully more bids would be received, and they would come in somewhat lower, although there is no guarantee of that.

Even though Council Member Siegel felt sympathy for the one responsible bidder, he thought the project should be rebid, especially since the cost was over the budgeted amount and the Council has a responsibility to spend City funds wisely. Mayor Weber and Mayor Pro Tem Cohen expressed agreement with Council Member Siegel, with Mayor Weber adding that this

kind of thing happens all the time; when a project is rebid the original bidders are often disappointed, with some willing to rebid and others not willing to do so. Council Member Goldberg asked if this was a unique project, or if there should be many potential bidders. City Engineer Lovett thought the City should receive more bids, especially since six companies picked up the plans and specs originally. The City Manager explained that often the City falls in between the smaller and larger companies – as a public agency our projects are too big and insurance requirements too extensive for the small companies, yet the projects are often too small for the larger companies. As there was no further discussion, upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Freedland and unanimously carried, it was resolved to reject the one bid and to direct staff to readvertise and rebid the project, in hopes of receiving a larger number of bids that also might be more in line with the estimate and budget.

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

City Engineer Dirk Lovett informed the Council that the City is pretty much in the same position, waiting for completed plans and easement documents from the utility companies. In response to Mayor Weber, City Engineer Lovett and the City Manager stated the following:

One set of plans was received from Southern California Edison (SCE) that has been shared with the contractor and the other utility companies; we are still waiting for SCE easement documents, and revised plans and easement documents from AT&T; hopefully easements will only be needed from one or two individual property owners plus the Community Association; the City is also working with one property owner on an extension he wanted, for which he will be signing a City agreement and providing a check for that portion of the work (expected on Tuesday).

C. Charles Abbott Monthly Report - February

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 Freedland and unanimously carried, it was resolved to adjourn the regular meeting of March 22, 2010 at 9:02 p.m.

Larry G. Weber, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk