

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, September 27, 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, September 27, 2010 at the hour of 7:30 p.m. Mayor Larry Weber called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

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

Staff:

City Attorney Roxanne Diaz (7:45)
Building Official Greg Robinson
City Engineer Dirk Lovett
Environmental Coordinator Kevin Powers
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Cohen and unanimously carried, it was resolved that the agenda for the September 27, 2010 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Weber made the following announcements:

Don't forget that the Fiesta is this weekend; meal tickets are on sale at City Hall (from 9:00 a.m. – 5:00 p.m.) until 5:00 p.m. on Wednesday (9/29); call City Hall with any questions; the Spring Valley arena is now closed and will remain closed until Monday, 10/4.

City Hall will be closed, and there will be no inspections and no City Council meeting on Monday, 10/11, in honor of Columbus Day; the next City Council meeting is scheduled for Monday, 10/25.

Happy Birthday to Bookkeeper Randee Weinberger (10/13) and Building Inspector Steve O'Hara (10/15).

The last day to register to vote for the 11/2 election is Monday, 10/18.

We have a very special presentation tonight to Bookkeeper Randee Weinberger, who celebrated her 20th anniversary with the City on August 31st.

Ms. Weinberger was presented with a gift from Mayor Weber, on behalf of himself and the rest of the Council Members.

AUDIENCE

There were no questions or comments at this time.

PUBLIC SAFETY

A. Los Angeles County Fire Department Reports – July and August

Community Services Representative Maria Grycan provided the following information:

Chief Burden and our Battalion Chief were both at the current brush fire in Thousand Oaks; L.A. County had a helicopter at the fire, which was released about 1½ hours ago; there is still one camp crew there helping out; she is not aware of the containment at this point, but the fire was approximately 15-20 acres, with no threat to L.A. County; for the regular monthly report of July, there was one cooking fire with no damage, 4 medical calls, 1 service call (smoke or odor removal), 2 false alarms, and 5 Fire Prevention Bureau inspections; during August, there were no fires, 4 medical calls, 3 false alarms, 7 Fire Prevention Bureau inspections, and no plans checked; in Hidden Hills, 570 parcels have received their brush inspections; of those, 46 were written up for non-compliance; of those 46, 40 have been brought into compliance, the Station is working with 1 outstanding, and the remaining 5 have been turned over to the brush clearance unit for enforcement; these are the same 5 from the last round of inspections, for which she can provide the addresses if the City does not have them; once parcels are turned over to the brush clearance unit, they are out of their hands, so she is not aware of the status.

The City Manager reported that at least one of those parcels on John Colter was recently cleared.

B. Los Angeles County Sheriff's Department Reports – July and August

The City Manager announced that there would be a free shredding event on 10/9/10 at the Agoura Hills City Hall from 9:00 a.m. – 3:00 p.m. Anyone can take any documents they want and have them shredded at no cost.

City Attorney Roxanne Diaz joined the meeting at this time.

Sgt. Mark Bock provided the following report:

During the month of July there were four residential burglaries, those being on Whitman Road, Jed Smith Road, Round Meadow Road, and Jim Bridger Road; a probation search was conducted on one suspect, an adult West Hills resident; some stolen property was recovered, and through this suspect two other suspects were identified; one was from West Hills and one from Calabasas; today three counts of burglary were filed on two of the suspects, and two counts were filed on the other suspect; residents will be contacted to see if they can identify any of the stolen property; he does not know anything about the person who gave the suspects access to the community, but he will check with Lt. Benedict; it is possible that person, if identified, could be charged as an accomplice if there is any proof; also during July, there were 5 false alarms and 24 citations, including

13 hazardous/moving violations, with the rest being non-hazardous equipment or parking citations; 3 drivers were reported to the STTOP program.

Council Member Freedland asked if the Bike Safety City would be used at the City's Fiesta this year. The City Manager reported that Deputy Woodard and staff investigated its possible use at the Community Center during the Fiesta morning activities, but it was too large and would have taken too much time to set up after the parade passed through the area; instead, it will be used at some point in the future at a special event, perhaps at Round Meadow School.

Sgt. Bock then provided the report for the month of August:

There were no crimes, which puts the total amount of crimes down 7% year-to-date from this time last year; there were 4 false alarms and 30 traffic citations issued, with 24 of those being hazardous, 2 non-hazardous, and 4 parking violations; no drivers were reported to the STTOP program, although information on this program will be redistributed to the gate guards to remind them of the program and that they can report dangerous drivers.

PUBLIC HEARING

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

Council Member Goldberg recused himself at this time. City Attorney Roxanne Diaz stated the following:

The last time the City Council extended this ordinance, a discussion was held with Council Member Goldberg; he recused himself on this item simply because of the fact that although this is an ordinance of general applicability, when staff determined there was a "hole" in the City's Municipal Code regarding the grading of ridgelines, the property that prompted this ordinance was within 500' of Council Member Goldberg's property; we felt, out of caution, he should recuse himself; to be consistent with that previous recusal, we are asking him to do the same tonight.

Attorney Diaz then presented the following staff report:

The Council Members have in their packets what is called the Ten Day Report; in February of this year, the City Council adopted an Interim Ordinance Restricting the Grading of Ridgelines; that ordinance expired on April 8, 2010; the purpose for the ordinance was, in part, to address an application that was submitted for a permit to grade

a ridgeline; when staff received that application, staff determined there was no zoning mechanism to review that application for a grading permit and apply the City's General Plan policies to protect the City's ridgelines; there was no mechanism to ensure that the application was reviewed by the City Council essentially to ensure that grading occurs in conjunction with a pending development project; on March 22, 2010, the City Council held a public hearing to determine whether or not to extend the ordinance; under the Government Code, the City can adopt an interim ordinance that lasts (the first time) 45 days; the City can then extend it for an additional 10 months and 15 days; this is on the agenda tonight for the second extension, which can be up to one year; since the adoption of the Interim Ordinance, she has been working with City Engineer Dirk Lovett, who has been working on initiating some studies; he has reviewed ordinances from similar communities with ridgelines; we are analyzing those ordinances and putting together a draft of our own; what is important to both the staff and the City Council is to determine whether there will be an impact, and if so, what type of impact on existing homes and permits in the future; therefore staff is requesting an extension up to a maximum of one year; staff does not expect to take all that time; it could probably be ready in the next couple of months, depending on the meeting schedule; the ordinance does expire on 10/8/10, so this is the last opportunity to extend that Interim Ordinance; because we have one opportunity for another extension which could last for one year, staff is asking the Council to extend it for that full maximum period; the findings are made in the ordinance, which needs a 4/5 vote to pass; she would suggest that the Council take any comments from the public at this time.

Mayor Weber opened the public hearing, at which time Jocelyn Ryder stated that she was the duly appointed representative charged with delivering Ashley Construction's written objectives to the Interim Ridgeline Ordinance and its extension. Ms. Ryder then handed out copies of the letter. Mayor Weber pointed out that the Council did already have copies of the letter, which was faxed to staff shortly before the meeting. As there were no further comments, Mayor Weber closed the public hearing.

Mayor Pro Tem Cohen said that since he had just received the letter shortly before the meeting, he did not have time to read or analyze it. He asked the City Attorney if there was any reason why this could not be extended.

Attorney Diaz responded as follows:

In just briefly perusing the letter, she does not know of any reason that is set forth in the letter to cause the Council to not move forward; zoning is a concept that is elastic; this Council and every Council in the State of California has the authority to change zoning and to apply new zoning to property; it is one of the City's police powers; in briefly looking at the letter, there is nothing that bothers her from a legal perspective; she does not see any merit in the arguments with regard to takings because the ordinance does not prohibit ACI from moving forward with an application; the Interim Ordinance requires anyone wanting to grade a ridgeline to submit an application and go through a site plan review process; she can find no legal reasoning to support any kind of taking argument; regarding the issue of the ordinance being invalid due to lack of proper quorum when enacted – the letter indicates two other Council Members live on ridgelines and are affected by the ordinance and therefore must dismiss themselves - that is not required by law; and she explained earlier that the recusal of Council Member Goldberg was done out of an abundance of caution; we are just keeping it consistent because that is the way we started; she has no concerns regarding what is in the letter about any other Council Members taking part in this; the City is not selectively enforcing rules against ACI; the rules apply to everybody across the board; she does not see an issue with a breach of contract; that is all she could quickly read from the four page letter.

As there was no further discussion, upon MOTION of Council Member Siegel, seconded by Council Member Freedland and unanimously carried on roll call vote (4-0), it was resolved to adopt by title only Ordinance No. 334-U entitled: AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS EXTENDING INTERIM ORDINANCE NO. 332-U RESTRICTING THE GRADING OF RIDGELINES AND DECLARING THE URGENCY THEREOF.

Council Member Goldberg rejoined the meeting at this time.

CONSENT CALENDAR

- A. City Council Minutes – September 13, 2010**
- B. Demand List**
- C. Disbursement List – August**
- D. Financial/Treasurer's Report – August**

Mayor Weber informed everyone that the September 13, 2010 minutes were not yet completed, so Item A would be tabled. Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve items B, C, and D of the consent calendar as submitted.

MATTERS FROM COUNCIL MEMBERS

A. Report from 9/21/10 Las Virgenes Malibu Council of Governments Meeting

Council Member Siegel stated there was nothing to report, as there was no quorum for the meeting.

B. Report from 9/21/10 Hidden Hills Community Association Board of Directors Meeting

Community Association Board President Ron Wolfe informed the Council of the following:

They have some proposed changes to the Architectural Standards that will be published in the Round-Up for comments; there are still concerns regarding cut-throughs, for which procedures were discussed; for violators, the resident will be called and asked to restrict their guest; if the problem continues, there will be a discipline hearing before the Board; even though the assessed value was up less than 2%, the Board voted to lower the assessment rate by one cent; he would urge the Council to move forward with the Association's grant application; there are residents who wish to speak on this issue, so they would like to be notified when this item will be on the agenda.

Mayor Weber commented on the excellent free concert this past weekend, stating he would like to see more of them.

MATTERS FROM STAFF

A. Consideration of Approval of the Los Angeles River Metals TMDL Site Specific Objectives Studies

Environmental Coordinator Kevin Powers provided the Council with information as detailed in his September 14, 2010 memorandum. There was a short discussion regarding the fact that Calabasas was not participating in these studies, although that City is involved in the coordinated

monitoring plan. Upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to authorize the Mayor to sign the Memorandum of Agreement (MOA) with the Gateway Cities Council of Governments (GCCOG) as fiduciary agent to secure services to conduct scientific studies and prepare an analysis of Site Specific Objections (SSO) to direct implementation of the Los Angeles River and Tributaries Metals Total Maximum Daily Load (TMDL), and to authorize the expenditure over the next three years of \$15,663.56 from the general fund to support the Los Angeles River Metals TMDL SSO studies.

B. Building and Safety Cost Tracking

The following staff report was provided by Building Official Greg Robinson:

Prior to October 2005, the cap increased to over \$650,000, which was determined to be irrelevant; at that time, staff estimated the Building and Safety Department costs to complete its outstanding workload at \$164,000, a figure that has varied since then; last June, the outstanding workload amount was approximately \$99,000; based on plan check and permit revenues received to date, through January 2010, the outstanding workload is estimated at \$72,575.94, a decrease that generally reflects less building activity; he would recommend that the funds balance (estimated costs to complete the current workload) be revised to \$72,575.94, and that staff be directed to review the fund balance in approximately six months.

The Council so directed.

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

City Engineer Dirk Lovett provided the following update:

By the end of the day Thursday, before the upcoming Fiesta (this weekend), we should see the completion of the City's portion of the work; after that the utilities will be pulling their wires and removing the poles; this will take until approximately January, after which the street will be slurried.

D. Cancellation of October 11, 2010 City Council Meeting

As there was no objection, Mayor Weber announced that the October 11, 2010 Council Meeting would be cancelled as City Hall would be closed in honor of Columbus Day.

CLOSED SESSION

Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8

Property: 5208 Saddle Creek Road
APN 2049-16-900, APN 2049-16-901
City Negotiators: City Attorney
Negotiating Party: Hidden Hills Community Association
Under Negotiation: Price and Terms of Payment

Upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Freedland and unanimously carried, it was resolved to adjourn to closed session at 8:15 p.m., at which time City Attorney Roxanne Diaz announced that the Council in closed session would be discussing the item listed above.

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved to return to open session at 9:11 p.m., at which time City Attorney Diaz announced that the Council in closed session discussed the item listed above, and that no reportable action was taken.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Goldberg, seconded by Council Member Siegel and unanimously carried, it was resolved to adjourn the regular meeting of September 27, 2010 at the hour of 9:12 p.m.

ATTEST:

Larry G. Weber, Mayor

Cherie L. Paglia, City Manager/City Clerk