

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, May 14, 2012

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, May 14, 2012 at the hour of 7:30 p.m. Mayor Stuart E. Siegel called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:	Mayor Stuart E. Siegel Council Member Jim Cohen Council Member Mary Landon Council Member Larry G. Weber
Staff:	City Engineer Dirk Lovett City Manager Cherie L. Paglia
Absent:	Mayor Pro Tem Steve Freedland

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

APPROVAL OF AGENDA

Upon MOTION of Council Member Cohen, seconded by Council Member Landon and unanimously carried, it was resolved that the agenda for the May 14, 2012 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Siegel made the following announcements:

There will be a community Shred-It event this Saturday (to get rid of documents) from 9:00 a.m. - 2:00 p.m. at the Calabasas Commons; it is free and sponsored by Shred-It and the L.A. County Sheriff's Department Identity Task Force; donations will be accepted for the Youth Charities-999 for Kids or Sheriff's Youth Foundation.

Happy birthday to Council Member Marv Landon's wife Jill on Sunday, 5/20.

The next regularly scheduled City Council meeting on Monday, 5/28, will be cancelled in honor of Memorial Day; City Hall, Building & Safety, and the Community Center will all be closed and there will be no inspections that day.

Everyone should visit the new Saddle Creek arena that has new sod, and looks very different and quite beautiful; thanks to the Community Association for a job well done.

AUDIENCE

There were no questions or comments at this time.

PUBLIC SAFETY

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

Chief Ranger Walt Young addressed the Council as follows:

There are really no changes to report since he was here about a year ago; this is a state property acquired under the condition that no state general funds be used, so it is not subject to any changes in the state budget regarding operations and maintenance; but this also means the property has to be self-reliant in relation to fundraising, which has been fairly consistent; trash is still being picked up, trails are being patrolled, and the annual brush clearance will continue every year as it has been; there have been no real serious

calls for service; there are no dollars to make improvements, but the status quo remains the same.

Council Member Cohen asked about the utilization of the property, to which Chief Ranger Young replied as follows:

He would say that utilization is increasing, not so much off of Las Virgenes, but off of the Victory trailhead; coming into the summer months (June – September) visitation does fall off; they did have a busier spring and winter since the rainfall was less; rainfall does affect visitation because the soils are miserable when wet; they will have to wait and see what the summer temperatures bring.

Mayor Siegel then made the following comments:

If anyone has not visited the property, you can just walk in from the end of Long Valley Road; there is a paved trail there, although it is a bit uphill; there are short and longer trails available; this is a real treasure in our own back yard, which is very well kept; the park officials have been good neighbors.

The Council Members all expressed their appreciation for Chief Ranger Young's visit and update.

2012 FIESTA

A. Consideration of Approval of the 2012 Fiesta Budget

Fiesta Co-chairman Lisa Moriarity asked the Council to approve the proposed budget, although the ride company has not yet provided an estimate, and a few other minor changes could be made. Mayor Siegel pointed out that at this point the estimated income was at \$32,400, with the estimated expenses at \$91,175, and asked staff if it was necessary to approve the budget now rather than waiting for the changes.

The City Manager suggested the proposed budget (which should be very close to the final version) be approved now, since the next Council meeting was not scheduled until June. She added that the budget could always be amended in the future to address any changes that might occur.

Mayor Siegel said the budget shortfall did look better than last year's, and asked Ms. Moriarity and staff to try to keep it that way based on the existing economy. Upon MOTION of Council Member Weber, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to approve the proposed budget for the 2012 Fiesta showing an estimated income of \$32,400, and estimated expenses of \$91,175, for an estimated shortfall of \$58,775.

B. Consideration of Approval of Proposal from A Rental Connection for Rentals of Tables/Chairs, Electricity/Lights, and Other Miscellaneous Equipment and Payment of \$3,100 Deposit

Upon MOTION of Council Member Landon, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to approve the proposal from A Rental Connection for rentals of tables/chairs, electricity/lights, and other miscellaneous equipment for the 2012 Fiesta, and to approve payment at this time of a \$1500 deposit.

PUBLIC HEARING

**Variance No. V-377
5523 Paradise Valley Road
New Single Family Residence**

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

The applicant is requesting a variance for a new swimming pool, waterfall, and spa, a portion of which encroaches into the 25' rear yard setback; there is currently a single family home on the property; notices were posted and sent to all those within 500' of the applicant's property, with no comments being received; this is a flag lot located at the northeast boundary of Hidden Hills abutting the City of Los Angeles; the proposed project will encroach approximately 7' into the rear yard setback; the waterfall will be approximately 4' and the spa 1½' above the pool deck; the lot has an irregular shape, a majority of which slopes steeply up to the rear, leaving a very limited building pad; the applicant states that the City of Los Angeles lots abutting his property to the north have 5' setbacks, and many also have pools within that area; the applicant's arguments in favor of the variance request state that due to the steepness of the lot and the poor soil conditions on the slopes and other areas, placing the pool elsewhere would create substantial additional costs and violate the retaining wall standards of the Association; the applicant also stated that the majority of other properties in the City of similar value have

pools; the pool is both for therapy and recreational purposes; it is to be placed in the rear yard, out of view of other Hidden Hills properties; the deck will be 6' lower than the grade of the adjacent property in the City of Los Angeles, which also has a 5' high privacy fence; the project has been approved by the Community Association; staff feels the four required findings can be made (as analyzed in the staff report); staff would recommend that the Council make the four findings and approve the variance with the condition that none of the walls exceed a height of 3' above the deck.

Mayor Siegel stated he was familiar with the site, and asked the other Council Members if they had been to the site – Council Members Landon and Weber stated they had both visited the property, while Council Member Cohen had not. Mayor Siegel then opened the public hearing, expressing his appreciation for the excellent submittal of materials by the applicant, making it much easier for the Council to understand the project.

Ron Aarons, the Architect, stated that it was a very unique site, so he was very pleased that the Council understood the project. He added that he, along with the pool contractor and owner, were all anxious for a favorable vote that would allow them to proceed with the project. In response to Council Member Cohen, Mr. Aarons explained that the previous owners, an older couple, did have plans for a pool, but it was never built due to the poor soil conditions.

The owner of the property, Gary Firestone, then addressed the Council:

They are familiar with Hidden Hills rules and want to abide by them; they did everything they could to try to find another location, including three different soils tests, but this was the only place they really could build the pool; the house is about 7100 square feet, on close to three acres, but most of that land is down below; they are planning an addition to the house to make it close to 9000 square feet, and they feel a house of that size should have a pool, or the property would be devalued; they also made the pool as narrow as possible, but they cannot make it any more narrow without making it unsafe for both swimmers and those walking around the pool.

As there were no further comments, Mayor Siegel closed the public hearing.

In response to questions from the Council, Mr. Aarons explained that the City of Los Angeles neighbors have a solid 5' fence on the crest of the hill (about 6' above the level of the Firestone property), there are trees and shrubs already planted on the Firestone property, and there is no trail in that location.

Richard Swag and Scott Mason from Aqua Concepts (the pool contractor), asked about the slide into the pool, and expressed concern with the proposed condition that none of the walls exceed 3', as the waterfall structure will be 4' high. City Engineer Lovett reminded everyone that the slide has been eliminated, and that the condition was recommended because the Municipal Code allows no walls in the first 15' of the setback, and then allows walls no higher than 3' in the next 10' of the 25' setback. In response to Council Member Landon, who said he personally had no problem with the waterfall structure being 4' high in this instance, Mr. Lovett also said he would have no problem with the variance allowing the 4' high wall, as shown on the plans. The rest of the Council Members agreed that the 3' wall height condition, earlier recommended by staff, should be removed.

Mr. Firestone explained that they were trying to match the look of the house, and that with the 5' fence on top of the hill, the impact of the 4' wall, which needs to be a little higher than the 3' wall to create the waterfall, is very minor. As there was no further discussion, upon MOTION of Council Member Cohen, seconded by Council Member Landon and unanimously carried, it was resolved to approve Variance No. V-377 allowing, as shown on the submitted plans, a new swimming pool, a 4' high waterfall structure wall, a waterfall, and spa to encroach approximately 7' into the rear yard setback at 5523 Paradise Valley Road, and to direct staff to prepare a resolution for the next Council agenda affirming the approval of the Variance.

CONSENT CALENDAR

- A. City Council Minutes – April 23, 2012**
- B. Demand List**

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

MATTERS FROM CITY COUNCIL MEMBERS

A. Consideration of Approval of Amendment to Agreement for Solid Waste and Recycling Collection, Transportation, Processing, and Disposal Services with G.I. Industries and USA Waste of California, Inc.

City Engineer Dirk Lovett presented the following staff report:

In 2006 the City entered into a six-year exclusive waste collection agreement with Waste Management with a termination date of 12/31/12 and an option for a four-year extension; at its 3/12/12 meeting, the City Council, after receiving a letter from Waste Management asking for that four-year extension, appointed an ad hoc committee to review the matter, negotiate with Waste Management, and return to the Council with a recommendation; the ad hoc committee, consisting of Council Members Cohen and Landon, and staff met with Waste Management representatives and expressed satisfaction with the service being provided, but suggested some modifications to the agreement that are acceptable to Waste Management; the suggested changes include: 1) reports are to be submitted quarterly rather than monthly; 2) there will be two annual bulky item pick-up days, one in the spring and one in the fall, rather than just one day; 3) the rates for the basic three container service (trash, recyclables, green waste) will be frozen for one year, resulting in the 2013 rates being the same as those for 2012, and ending with a rate of \$80.91 in 2016 rather than \$84.54; the non-basic rates have not been increased since 2006, other than those for the 10, 25, and 40 yard temporary bins and roll-offs, and those raises fell within the contractual limits; those rates went from \$160 to \$165, plus the landfill gate rate (currently \$43.60), plus the 5% City franchise fee per ton; the ad hoc committee and staff are recommending approval of the draft amendment to the agreement reflecting the above changes.

Council Member Cohen stated he had another thought after the committee meeting. He has no problem with the agreement as proposed, but wondered if it would be psychologically better to have smaller increases over all four years, as opposed to having a freeze for one year, and then somewhat larger increases over the other three years, equating to the same amount in the end. The other three Council Members felt the one-year freeze was more meaningful, especially since the actual amount of the increases per month per year is minimal.

Director of Operations for Waste Management, Mike Smith, speaking on behalf of himself and Marilyn Gallagher, thanked the ad hoc committee and staff for their time, adding that they take the recommendations and suggestions very seriously, and are looking forward to working with the City and serving the community.

In response to Mayor Siegel, the City Manager commented as follows:

The staff receives complaints once in awhile, but any complaints are referred to Ms. Gallagher, and are handled immediately; the company is flexible and works with the neighbors and residents; any price complaints are usually because the residents forget that they are being billed for a two month period, not one; even though residents are required to have just the basic service (three containers), they often have more than that; if they feel they are paying too much during a billing period, Waste Management works with them to see if the number or size of the containers can be adjusted to reduce the cost.

Council Member Cohen agreed, stating that the problems get resolved, and the service is good. As there were no further questions or comments, upon MOTION of Council Member Cohen, seconded by Council Member Landon and unanimously carried, it was resolved to approve Amendment No. 1 to the Agreement for Solid Waste and Recycling Collection, Transportation, Processing and Disposal Services extending the original agreement with G.I. Industries (a Utah corporation) and USA Waste of California, Inc. (a Delaware corporation, a Waste Management company) for an additional four years, terminating on December 31, 2016.

B. Selection of Two Council Members for Ad Hoc Air Quality Management District (AQMD) Funds Committee

Mayor Siegel suggested that since the City has approximately \$41,000 in AQMD funds, which are to be used to improve air quality, that an ad hoc committee be established to investigate the possible use of these funds for the purchase of either an electric or hybrid vehicle, and whether or not such a purchase would be prudent for the City, considering additional costs associated with ownership of a vehicle. Council Members Landon and Weber volunteered to serve on the ad hoc committee.

C. Consideration of Removal of Payphone at City Hall

Since staff suggested removing the unused payphone outside of City Hall, Mayor Siegel wanted to ask the other Council Members if there was any concern with that suggestion. Council Member Landon had no problem with the removal, since there is an emergency phone near the tennis courts, phones in City Hall, and a phone always available at the gatehouse, which is manned twenty-four hours. The rest of the Council agreed. Upon MOTION of Council Member Cohen, seconded by Council Member Weber and unanimously carried, it was resolved to direct staff to arrange for the removal of the payphone right outside of City Hall.

D. Review of Youth Recognition Program Nominations and Selection of Finalists to Receive Award

The City Manager informed the Council of the following:

Once a year the Council gives out certificates to Hidden Hills students whose names are provided by the schools those students attend, based on whatever awards or honors the individual schools give out; the awards are not determined by the City at all; this program is different, as youngsters can be nominated by teachers, administrators, parents, or anyone else, and then the students are selected by the City Council and awarded a City plaque; in the past there were never more than one or two nominations, so there was no need to make a selection and plaques were given to all of the nominees; this year six or seven nominations were received, and of those, three were nominated by one teacher and one received a plaque previously; staff was not sure what the Council would like to do with all of the nominations, as that is quite a few and might diminish the award.

Mayor Siegel made the following comments:

This year, he would suggest giving plaques to all those nominated as has been done in the past, but then appointing an ad hoc committee to review the program to make the award more significant in the future; if a lot of students' names are submitted, they may very well be worthy, but the plaques should not be handed out automatically to anyone just because his/her name was submitted.

Council Member Cohen agreed, but expressed concerns with repeat winners of the award. Council Member Weber did not have a problem with someone being given the award more than

once, nor did Mayor Siegel, as long as high standards were set, and those standards were being met.

At this point, it was agreed that Council Members Cohen and Freedland would serve as the ad hoc committee to review the Youth Recognition Program, and return to the Council with recommendations for any modifications.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Weber, seconded by Council Member Landon and unanimously carried, it was resolved to adjourn the regular meeting of May 14, 2012 at 8:24 p.m.

Stuart E. Siegel, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk