

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, April 8, 2013

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, April 8, 2013 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 Marv Landon
Council Member Jim Cohen
Council Member Stuart E. Siegel
Council Member Larry G. Weber

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 Landon and unanimously carried, it was resolved that the agenda for the April 8, 2013 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Freedland made the following announcements:

Congratulations and thank you to Deputy City Clerk Deana Graybill who on Wednesday (4/10) will celebrate her 23rd anniversary with the City.

Happy birthday to Building Official Greg Robinson on Monday, 4/15.

The annual spring food drive will be held from Tuesday, 4/16 - Thursday, 4/18; for details call Anne at 818.522.2645.

AUDIENCE

There were no questions or comments at this time.

PRESENTATION

Consideration of Support for the Los Angeles Residential Helicopter Noise Relief Act of 2013

Bob Anderson, President of the Los Angeles Area Helicopter Noise Coalition and Board Member of the Sherman Oaks Homeowners Association, asked the Council to support two bills introduced by Congressman Schiff (H.R. 456) and U.S. Senators Feinstein and Boxer (S.208) directing the FAA to create legislation to try and control helicopter noise (only related to paparazzi, not related to military, emergency, fire or law enforcement) in Los Angeles County. State Senator Lieu has introduced Resolution SJR 7 supporting both of the above bills, so his group has been working with Senator Lieu's office, as well as Congressman Schiff's office, meeting with the FAA and helicopter pilots, and visiting all the cities in Los Angeles County who will have them, continuing to gain more and more support.

In response to questions from Mayor Freedland, Mr. Anderson stated the following:

the legislation asks for regulations on flight paths and altitudes, and a limit on hovering time; enforcement is a problem, as the FAA has no way to track the helicopters or to track the complaints; when the FAA creates the next Gen System (the new air traffic control system being developed), his group would like it to have the capability to track everything so enforcement can occur; they are working to establish a complaint system with a toll free number.

Council Member Siegel pointed out that there are legitimate commercial uses for helicopters (for example, placing an air conditioning unit on top of a building) that he would not want to limit, but thought the Council might be supportive of limiting paparazzi helicopters if possible, since the City does have celebrity residents. Mr. Anderson stated that the City of Los Angeles, when offering its support, exempted DWP helicopters that inspect power lines, and that his group is certainly not trying to limit legitimate uses, but rather those related to paparazzi, tours, etc. Most of the Council Members reported receiving calls in the past regarding paparazzi helicopters.

As there was no further discussion, upon MOTION of Council Member Weber, seconded by Council Member Cohen and unanimously carried, it was resolved to authorize the Mayor to sign a letter of support for the Los Angeles Residential Helicopter Noise Relief Act of 2013, making it clear in the letter that in no way should any legislation affect helicopters used for emergency purposes, fire and law enforcement, the military, or legitimate commercial purposes.

PUBLIC HEARING

Variance No. V-379
5330 Jed Smith Road
Addition and Remodel

All of the Council Members reported visiting the site of the variance, except for Council Member Cohen, who did state he was familiar with the property.

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

notices were posted and sent to all those within 500' of the property, with no comments being received; the property is very unique with almost the entire house in the setbacks; the residents are proposing a remodel to an existing legal non-conforming home; the house currently encroaches 23' into the rear yard setback and 25' into the front yard setback; the proposed additions will stay mostly in the existing footprint, encroaching no further into the setbacks except for a 1'6" further encroachment into the side yard setback; staff feels that the four required findings can be made, and would thus recommend approval of the variance.

Mayor Freedland pointed out that an older woodshake roof would be replaced with a new fire resistant roof; he also wondered if any power lines would be undergrounded, to which the contractor replied yes.

Mayor Freedland opened the public hearing, and then closed the hearing as there were no audience comments. Upon MOTION of Mayor Pro Tem Landon, seconded by Council Member Siegel and unanimously carried, it was resolved to make the four required findings, approve the variance, and adopt by title only Resolution No. 857 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS SITTING AS THE PLANNING AGENCY APPROVING A REQUEST FOR VARIANCE NO. V-379 FOR A REMODEL AND ADDITION IN THE FRONT, SIDE AND REAR YARD SETBACKS AT 5330 JED SMITH ROAD.

PUBLIC SAFETY/EMERGENCY SERVICES

A. Recommendation from the Public Safety Commission and Decision by the Council Regarding the Use of Stallions in the Fiesta Parade

The City Manager explained the following:

This issue was raised after last year's Fiesta parade and was referred to the Public Safety Commission for review; the Commissioners discussed the matter at more than one of their meetings with Eugene Wolver, who provided a lot of back-up material, and also asked for comments from the Hidden Hills Horsemen (HHH); the HHH drafted a letter and were given permission to submit that letter to the Public Safety Commission by the Community Association Board of Directors; the letter expressed opposition to allowing stallions in the Fiesta parade, with a completely opposite view being taken by Mr.

Wolver; the Public Safety Commissioners, and especially Commissioner Gabe Nussbaum, who is also the City's Emergency Services Director, did a lot of research and talked to many experts regarding horses, their behavior, and their use in parades; after a lengthy and very serious discussion, the Public Safety Commission is recommending to the Council that stallions not be allowed to participate in the Fiesta parade.

Commissioner Nussbaum then addressed the Council, stating that he was satisfied with the decision, which was a very difficult one, made by the Public Safety Commissioners, and explained the rationale behind the decision (his letter statement is available at City Hall).

Mayor Freedland thanked Commissioner Nussbaum and the other Public Safety Commissioners for taking this issue so seriously and for spending so much time researching it, adding that he was certainly not a horse expert, but did agree with the decision by the Commission, as he did not feel it was worth the additional potential liability in relation to the stallions.

Council Member Weber appreciated the efforts of the Public Safety Commissioners, but expressed his disagreement with their decision. He explained that he also completed a lot of research and talked to some Hidden Hills residents who owned stallions, and came to the conclusion, after not finding reports of incidents in parades relating to stallions, that the Council is creating a solution for a problem that does not exist and that the onus should be on the horse riders.

Commissioner Nussbaum said he found much of the same information on the Internet that Council Member Weber did, but in making the decision, the Commissioners looked at how our little town and the parade were different, and also noted the Association rules that do not allow stallions in the arenas with other horses. Mayor Pro Tem Landon stated he also spoke to experts who were not concerned with stallions in parades, but he was leaning more towards the Public Safety Commission decision, based on the possibility that stallions could be a problem, especially in our small town with its narrow streets.

The discussion continued for a short time, after which upon MOTION of Council Member Siegel and seconded by Mayor Pro Tem Landon, it was resolved on a 4-1 vote (with Council Member Weber opposed) to accept the recommendation of the Public Safety Commission to not allow stallions to take part in the City's annual Fiesta parade.

B. Emergency Radios and Narrow Banding Upgrades - Update

Emergency Services Director and Public Safety Commissioner Gabe Nussbaum presented the following information:

The City recently upgraded some of the emergency radio equipment, including the repeater on Bonneville Road, and narrowbanded (as required by law) the main transmitting equipment/repeater, the City's handheld radios, the handheld radios at Round Meadow School (that were provided to the school by the City), and the equipment at all three gate houses; the FCC license has been modified to reflect the City's compliance with the narrowbanding; radio equipment at the Community Center was relocated from the maintenance office to a point of connection in the recreation room to serve as a secondary EOC in the event that the main EOC at City Hall cannot be used; during the fires several years ago, the first responders were stationed at the Community Center, and if that should happen again, they can be directly on the City's frequency.

Mayor Pro Tem Landon asked how often the system was tested, to which Emergency Services Director Nussbaum and Council Member Weber responded as follows:

The communication system between the City and the Sheriff, which is based on ham frequency, is tested weekly (by Mr. Nussbaum) through the Interop 22 system; each handheld radio is not tested on a regular schedule, but the gate guards and Round Meadow School use the radios frequently; during the Fiesta and on Halloween, the radios are used by the Public Safety Commissioners, the gate guards, City Hall, and the Sheriff personnel who are hired to patrol; we have upgraded battery storage at the new repeater, which is a better quality, resulting in improved and excellent coverage.

Council Member Siegel suggested that during the Fiesta parade, the Council Members take their handheld radios so they can try transmitting and receiving to make sure the radios do work properly. Mr. Nussbaum said any help from the Council Members during the Fiesta and also on Halloween would be much appreciated.

C. Consideration of Appointment of Public Safety Commissioners

The following report was provided by the City Manager:

Public Safety Commissioners serve two year terms commencing on May 1st of the even numbered years for two members, and May 1st of the odd numbered years for three members; per this schedule, three terms will expire on April 30, 2013; Jim Doran and Gabe Nussbaum reapplied for the Commission, while Commissioner Mark Deitch chose not to reapply; one resident, Michael Bloom, submitted an application for that vacancy; he was interviewed by the Public Safety Commissioners, and they are recommending his appointment, along with the reappointment of Mr. Doran and Mr. Nussbaum; Mr. Deitch will be attending the May 13th Council meeting to be honored for his service; also at that meeting, the newly appointed Commissioners will be administered the oath of office by resident Judge John Doyle.

Upon MOTION of Council Member Weber, seconded by Mayor Pro Tem Landon and unanimously carried, it was resolved to reappoint Jim Doran and Gabe Nussbaum and to appoint Michael Bloom to the Public Safety Commission, each to serve a two year term effective May 1, 2013 through April 30, 2015.

CONSENT CALENDAR

- A. City Council Minutes – March 25, 2013**
- B. Demand List**

Upon MOTION of Council Member Weber, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve items A (with Council Member Cohen abstaining on this item as he was not in attendance) and B of the consent calendar as submitted.

MATTERS FROM CITY COUNCIL MEMBERS

Consideration of Approval of Memorandum of Understanding Between the City of Hidden Hills and the Las Virgenes Unified School District for the Provision of Library Services – *Continued from March 25, 2013*

Mayor Freedland stated that the City was waiting for comments on the draft Memorandum of Understanding (MOU) from the LVUSD. Council Member Cohen felt that when representatives

of the LVUSD appeared earlier before the Council, their proposal for the use of the City's library funds was not very clear, and he wondered why the ad hoc committee now felt the proposal was acceptable.

Council Member Siegel responded as follows:

In the beginning, he and the City Manager also felt, as Council Member Cohen did, that the proposal was vague and questionable; however, it is now much more clear, that the LVUSD plans on taking the money and creating an online library - an e-collection of books, periodicals, and magazines; this material will be accessed and downloaded from computers or smart phones, with a password, at no charge to our residents, who will have the benefit of a library.

Council Member Cohen had numerous questions, which led to a discussion during which the following issues were raised and points made:

Would the e-collection include books that would be of interest to adults, not just children; the MOU would require a survey of Hidden Hills residents to determine their interests and what material should be made available, as well as written reports regarding the cost for services, what community outreach was done, and the number of Hidden Hills residents using the system to the extent possible; the library funds, approximately \$250,000 annually, are provided by the County from property taxes - the money is not coming from the City's general funds; since the Council is considering splitting that money equally between the LVUSD and the City of Calabasas, hopefully there would be coordination with the City of Calabasas to prevent duplication of material; what exactly is the money going to be used for; what if, after several months, it is determined that our residents are not benefitting from the services being provided; if that happens, should the Council consider providing all the funding to the existing Calabasas library; there is no specific schedule in the MOU as to when the funds would be spent; normally there would be costs up front for the purchase of the e-collection material and licenses, etc., and most likely more expenses in the first year due to start-up costs that would not exist in later years; if there are unexpended funds, or improperly used funds, the MOU would specify how those funds would be returned to the City; the LVUSD needs to provide more detailed information regarding what they have now, who can use and access that system/information, and how that will change with the use of the additional funds.

As there was no further discussion, this item was continued to the next Council meeting on 4/22/13.

MATTERS FROM STAFF

A. Consideration of Agreement with Los Angeles County Metropolitan Transportation Authority (LACMTA) to Exchange Federal Surface Transportation Program Local (STP-L) Funds for Flexible LACMTA STP-L Local Transportation Funds

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

Since 1992, federal STP-L Funds have been appropriated to the City for use in improving local transportation; due to the very strict requirements for the use of these funds, it is very difficult for the City to find qualified projects; this year, LACMTA has offered to exchange the unobligated federal STP-L Funds for more flexible LACMTA STP-L Local Transportation Funds; these more flexible funds can be used for traffic safety, street resurfacing, striping, etc. and either inside or outside of the gates; to complete the exchange of the available \$28,502, the City will be required to pay a 2% processing fee of \$570, resulting in a payment to the City of \$27,932; a draft agreement has been provided by the County for the City's signature.

Council Member Cohen stated his approval of the exchange, based on the greater flexibility of the local funds and the fact that the processing fee would come from the funds themselves (not from the City's general fund). Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Landon and unanimously carried on roll call vote, it was resolved to approve the Exchange Agreement and Assignment of Federal Surface Transportation Program - Local Funds between the City of Hidden Hills and the Los Angeles County Metropolitan Transportation Authority (LACMTA) to exchange \$28,502 of the City's federal STP-L Funds for a like amount, less a \$570 processing fee, of LACMTA STP-L Local Transportation Funds, resulting in a payment of \$27,932 to the City.

B. Consideration of an Ordinance Amending the Municipal Code Regarding Motion Picture and Television Productions – Second Reading

Upon MOTION of Council Member Cohen, seconded by Council Member Weber and unanimously carried, it was resolved to give second reading to and adopt by title only Ordinance No. 343 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN

HILLS REGARDING MOTION PICTURE AND TELEVISION PRODUCTIONS AND AMENDING CHAPTER 9 OF TITLE 2 OF THE HIDDEN HILLS MUNICIPAL CODE.

C. Consideration of Approval of City of Hidden Hills Traffic and Engineering Survey for Speed Limits

City Engineer Dirk Lovett presented the following staff report:

State law requires a speed survey if a city wishes to enforce speed limits with electronic devices (such as radar, laser) on particular roads; our surveys were last completed in April of 2008, and will expire on April 14th of this year; in January 2013, radar speed measurements were conducted on the same segments of roads that were evaluated in 2008, those being the following roads - Spring Valley, Jed Smith, Jim Bridger, Long Valley, Round Meadow, and Eldorado Meadow; the traffic engineer evaluated the speed survey data, along with conditions of the roads, and is recommending that each of these roads continue to be posted at 30 mph; on an unrelated note, staff recently had the V-Calm sign moved from Eldorado Meadow to Jed Smith; the sign collected data for two weeks in stealth mode (without the display showing), and then for another two weeks with the display working for comparison purposes, resulting in average speeds dropping roughly 2 mph.

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Landon and unanimously carried, it was resolved to approve the City of Hidden Hills Traffic and Engineering Survey for Speed Limits dated April 2013, and to adopt by title only Resolution No. 858 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS APPROVING PRIMA FACIE SPEED LIMITS AND THE POSTING OF SPEED LIMIT SIGNS ON LOCAL STREETS WITHIN THE CITY OF HIDDEN HILLS.

D. Consideration of Approval of Proposal from In-N-Out Burger to Provide Lunch at the Community Center for the 2013 Fiesta

Upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve the In-N-Out Burger Mobile Unit Agreement to provide two trucks for three hours each for lunch at the Community Center for this year's Fiesta on 9/21/13 at an estimated cost of \$5202 based on the sale of 600 lunch

tickets (minimum cost of \$3400), and to authorize payment at this time of the \$500 deposit to hold the date of the event.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL:

**Potential Initiation of Litigation Pursuant to Government Code Section 54956.9(c):
Number of Potential Cases: 3**

Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Landon and unanimously carried, it was resolved to adjourn to closed session at 8:43 p.m., at which time City Attorney Roxanne Diaz announced that in closed session the Council would be discussing the items listed above.

After discussion of the first two items, Mayor Freedland recused himself from the meeting.

Upon MOTION of Council Member Cohen, seconded by Council Member Weber and unanimously carried, it was resolved to return to open session at 9:15 p.m., at which time City Attorney Diaz announced that the Council in closed session discussed the items listed above, and that the City Attorney was directed, on a 5-0 vote, to initiate litigation against Los Angeles County in relation to the refund of PTAF (Property Tax Administration Fees).

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Landon, seconded by Council Member Weber and unanimously carried, it was resolved to adjourn the regular meeting of April 8, 2013 at 9:16 p.m.

ATTEST:

Steve Freedland, Mayor

Cherie L. Paglia, City Manager/City Clerk