

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, June 10, 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, June 10, 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
Staff:	City Attorney Roxanne Diaz City Engineer Dirk Lovett Water Quality Consultant Joe Bellomo City Manager Cherie L. Paglia
Absent:	Council Member Stuart E. Siegel Council Member Larry G. Weber

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

### **APPROVAL OF AGENDA**

Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Landon and unanimously carried, it was resolved that the agenda for the June 10, 2013 regular meeting be approved as submitted.

### **ANNOUNCEMENTS**

Mayor Freedland made the following announcements:

Wednesday, 6/12, is the last day of school at Round Meadow; all classes will be dismissed at noon, so drivers should avoid the area and the congestion if possible.

The HHCA/Parks & Recreation kids summer kick-off party will be held at the Community Center on Saturday, 6/15, from 1:00 p.m. - 4:00 p.m.; call the Association for details.

Don't forget Fathers' Day on Sunday, 6/16.

The HHCA/Parks & Recreation BBQs start at the Community Center on Thursday, 6/20; call the Association for more information.

Happy Birthday to Council Member Cohen's wife Joanne on 6/23.

The City Manager, on behalf of the Council, offered wishes for a quick recovery to Mayor Pro Tem Landon's brother-in-law.

### **AUDIENCE**

There were no questions or comments at this time.

## **PRESENTATIONS**

### **A. Introduction of New Agoura Hills High School Principal Brian Mercer**

Las Virgenes Unified School District Superintendent Dr. Dan Stepenosky introduced the new Agoura High School Principal Brian Mercer, who stated he was very excited to be in this District and meet all the students, and was looking forward to a long partnership with Hidden Hills.

### **B. Consideration of Approval of the 2013 Fiesta Budget**

Fiesta chairman Lisa Moriarity provided information and answered Council questions as follows:

The same dinner caterer from last year will be used again; however, she is working on extending the dinner hours a bit longer (perhaps serving until 9:00 p.m. instead of 7:30 p.m.), since many people prefer to eat later and all the food might as well be used since once it is opened and cooked, it cannot be given away; most of the proposed budget is the same, other than she would like to add \$3000 for a live band and a dance floor, which has not been done for several years; she is trying to get the Bubble Rollers again, as that was a big hit last year; since a couple of the game booths were mistakenly not set up last year at the Community Center, that company will be providing an additional ride at no cost this year.

Mayor Freedland pointed out that the estimated costs for the Fiesta did fall within the proposed City budget for the coming year. Upon MOTION of Mayor Pro Tem Landon, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to approve the 2013 Fiesta budget as proposed by Fiesta Chairman Lisa Moriarity and staff, showing income at \$32,550 and expenses at \$99,165.

## **PUBLIC HEARINGS**

- A. Consideration of Approval of 2008-2013 Housing Element, Negative Declaration, and Related Resolution**
- B. Consideration of a Proposed Ordinance Amending the Municipal Code Regarding the 2008-2013 Housing Element - First Reading**
- C. Consideration of Proposed Resolution Regarding a General Plan Amendment**

City Attorney Roxanne Diaz provided the following staff report:

This is the housing element that was before the Council some months ago; state law requires every city to have a General Plan, which is the constitution of the City's land use and planning power; one element of that General Plan is the Housing Element, which has to be updated per the schedule established by the state, with this Housing Element being for the 2008-2013 planning period; the Housing Element includes the RHNA (Regional Housing Needs Assessment) numbers, established through a state mandated process for every city in the state; the state identifies construction numbers that are required to meet housing needs, and those numbers are parceled out to different regions like SCAG (Southern California Association of Governments), and then to COGs and cities; cities are required to show in their Housing Elements how they will accommodate those housing needs assigned to them; the numbers are goals that allow for the planning of construction, not a requirement for cities to build per those numbers; Hidden Hills was allocated the following RHNA housing numbers: extremely low-5, very low-4, low-6, moderate-6, and above moderate-13; the average median income of each county is used to determine eligibility for housing programs; per the federal government and HUD, low income is considered to be 50% of the area median income; in Los Angeles County for a household of four, the median income is \$64,800; but since the cost of living in Los Angeles is so high, HUD actually considers the median income to be \$68,300; a very low income family typically makes \$42,700; in checking the salary schedules for LVUSD, an executive assistant/step 3 makes \$58,816, while a step 3 teacher makes \$53,555; low and moderate income does seem to have a different connotation than years ago, as teachers, entry level policemen, etc. fall into those categories; the City held a public workshop in April to solicit comments on the Housing Element; a public meeting hearing was held on 6/11/12; as required by state law, the Housing Element was sent to HCD; in August the City received a letter from HCD indicating the requirements necessary for a compliant Housing Element; the City revised the Housing Element, which was then addressed by the City Council in March, and submitted again to HCD; HCD then issued a letter stating the City's Housing Element met all the requirements of state law, so upon adoption and submittal, it will be in compliance, which is referred to as certified; the Housing Element includes several programs that are required for certification; the first program is the adoption of an Affordable Housing Overlay (AHO) for the Commercial Restricted (CR) zone; this would allow on any property in the CR zone, housing at a density of 20 units/acre subject to affordability restrictions; the ordinance would require that for any new development other than a lower-income multiple family dwelling, the City must make a finding that the building of that development will not eliminate the capacity of sites to accommodate the City's RHNA housing number; this AHO does not change the underlying zoning, so property owners in that area can still continue with whatever development they want - it just has to come before the Council for a site plan review, and

the Council has to make that finding; the second program involves emergency shelters; under state law, the City is required to permit emergency shelters as a permitted use, meaning no discretionary review is required; the proposed ordinance provides for emergency shelters in the CR zone for up to 6 beds as a matter of right; another program is called housing for persons with special needs; under state and federal law, the City must adopt regulations to allow for housing for persons with special needs as a permitted use; the proposed ordinance adopts regulations to allow for transitional and supportive housing (short term housing, 6 months or less, for those temporarily homeless), small residential care facilities (elderly or disabled for 6 persons or less), and farm worker housing (this is required because the City does allow agricultural uses in all zones), as a permitted use; in addition, the definition of "family" has been revised and updated to meet the legal definition of family and the Supreme Court decisions which define family as people who live together and share common facilities for cooking and eating; the next is a density bonus program; under state law, cities are required to grant a density bonus and other incentives when a developer agrees to provide a certain level (10% or 20%) of affordable or senior housing in a development; this is detailed in the ordinance, but comes right from state law; the last item is a general plan amendment to amend the City's Land Use element to add affordable housing and emergency shelters to the list of permitted uses in the CR zone; staff did an Initial Study, and based on that study, a Negative Declaration was prepared and circulated; no written comments have been received to date; this tonight is a public hearing; notices were mailed to all interested individuals and agencies, to property owners in the CR zone, and to everyone within 300' of the CR zone, and posted on the CR zone properties and at City Hall.

Mayor Freedland opened the public hearing, and asked staff to explain the overlay zone in more detail and where it was located. City Engineer Dirk Lovett stated that the CR zone consisted of those properties within the City right outside of the Long Valley gate, which does not include Boething Treeland as that property is not in the City. City Attorney Diaz added the following information:

The overlay zone is just that - it sits over the top of the underlying existing CR zone; it does not change existing uses; the underlying zone allows for permitted uses and conditionally permitted uses, which are listed in the Municipal Code; it also allows for new buildings, whether permitted or conditionally permitted, with the approval of a site plan review, which is a defined process; the CR permitted uses are allowed, or one can take advantage of the overlay zone; this is one of the items that was thoroughly discussed with HCD; in order to obtain approval of the Housing Element, the City has to have planning in place to allow for that type of housing if a builder so chooses - but no builder is required to build per the overlay zone; the overlay zone is a common tool, which

numerous cities have used, such as Westlake Village and different beach cities, including Hermosa and Seal Beach.

Resident Laura Goldwasser had several questions, which Mayor Freedland answered as follows:

the properties in the CR zone are privately owned; this is just cleaning up some federal and state mandates; any property owner in the CR zone is not compelled to develop the property in any particular way other than being consistent with the zoning, and may or may not take advantage of the overlay zone.

As there were no further comments or questions, Mayor Freedland closed the public hearing.

**A.** Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Landon and unanimously carried, it was resolved to adopt by title only Resolution No. 859 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS ADOPTING THE 2008-2013 HOUSING ELEMENT OF THE GENERAL PLAN AND ADOPTING A NEGATIVE DECLARATION.

**C.** Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Landon and unanimously carried, it was resolved to adopt by title only Resolution No. 860 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS APPROVING A GENERAL PLAN AMENDMENT AMENDING THE LAND USE OVERLAY ON PARCELS WITHIN THE COMMERCIAL-RESTRICTED (CR) ZONE AT 23500 AND 23501 LONG VALLEY ROAD AND ADOPTING A NEGATIVE DECLARATION.

**B.** Upon MOTION of Mayor Pro Tem Landon, seconded by Council Member Cohen 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 AMENDING TITLE 5 OF THE HIDDEN HILLS MUNICIPAL CODE TO IMPLEMENT 2008-2013 HOUSING ELEMENT PROGRAMS, GOALS, AND POLICIES AND ADOPTING A NEGATIVE DECLARATION.

**D. Review and Discussion of Preliminary Draft City Budget for Fiscal Year 2013-2014**

Mayor Freedland stated that he served on the ad hoc budget committee with Mayor Pro Tem Landon, and very much appreciated his knowledge and expertise in budgeting. He was also very happy to report that the draft budget projects an approximate \$150,000 surplus, which is very conservative. Mayor Pro Tem Landon added that he felt it was a good budget, and that staff had done a good job with projections.

Mayor Freedland opened the public hearing. As there were no comments, he closed the hearing, and informed everyone that the budget would be placed on the next agenda for formal approval.

**CONSENT CALENDAR**

- A. City Council Minutes - April 22, 2013**
- B. City Council Minutes - May 13, 2013**
- C. City Council Minutes - May 27, 2013**
- D. Financial/Treasurer's Report - April**
- E. Disbursement List - April**
- F. Demand List**

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

**MATTERS FROM CITY COUNCIL MEMBERS**

- A. Discussion Regarding the Proposed Annexation of Craftsman's Corner by the City of Calabasas**

Mayor Freedland provided the following information:

He and Council Member Siegel, as the annexation ad hoc committee, were recently approached by the City of Calabasas, as that city wants to annex Craftsman's Corner, which is within the Hidden Hills' sphere of influence; LAFCO (the approving body for annexations), does not like to see small islands of County property left when annexations

occur; to prevent this, Calabasas is proposing that two areas, not included in their proposed annexation, be annexed into Hidden Hills; these two areas are a 7.5 acre parcel owned by Mike Ashley and three properties at the end of Oakfield Road which are in the Community Association but not the City of Hidden Hills; Calabasas is offering to pay all of the costs, including staff time and legal fees, for Hidden Hills to annex these properties; to be negotiated will be some type of property tax revenue split, as Calabasas, upon completing the annexation of Craftsman's Center (which includes Hidden Hills West), will be receiving a portion of the property taxes from that area that now go to the County; Calabasas does have a plan for future development of the area, which at this time is not in the best of shape; this is just a point of information, and there is no action to be taken at this time.

Mayor Pro Tem Landon stated he would like to see some of the sales tax come to Hidden Hills, maybe not immediately as Craftsman's Center is not in great shape, but at some point in the future as that area gets improved. He does have concerns that Hidden Hills could be looking at increased expenses in the future related to the NPDES MS4 permit and water issues, and this would help as a revenue source. Mayor Freedland said the ad hoc committee did throw sales tax on the table, and that's an issue that would have to be addressed in the negotiations. He reminded everyone that any proposal would of course come to the entire Council for discussion and approval.

**B. Consideration of Approval of Memorandum of Understanding Between the City of Hidden Hills, City of Calabasas and the Las Virgenes Unified School District for the Provision of Library Services**

City Attorney Roxanne Diaz presented the following staff report:

Before the Council is the final proposed version, with which the ad hoc committee is very pleased, of the agreement between the City of Hidden Hills, the City of Calabasas, and the Las Virgenes Unified School District; Hidden Hills will be receiving approximately \$258,000 annually from the County of Los Angeles (a portion of property taxes) beginning around January of 2014; these funds will go to the City of Calabasas to be used in that city's existing library for supplemental services, mostly in relation to e-collection/digital library type services; Hidden Hills residents will be treated the same as Calabasas residents in relation to all library uses, and will also have input via an ex-officio member of the Calabasas Library Commission; one-half of the funds provided to the Calabasas library will be allocated to the Las Virgenes Unified School District

(LVUSD), again with e-collection/digital library services a priority, with the District and the City of Calabasas to work out the details between them; the proposed agreement is for five years, with a 90-day termination clause; all parties feel this is a win-win situation for everyone.

Mayor Freedland provided some background information as follows:

A bookmobile used to come to Hidden Hills once a week, and that was the only benefit the City received from the County for the \$258,000/year; that bookmobile was recently cancelled, leaving the City to decide what to do with that money to best serve our residents and students in the LVUSD; the ad hoc committee had numerous meetings with the LVUSD, the City of Calabasas, and the County; the committee felt that giving the money to the Calabasas library, which many of our residents already use, and having Calabasas work directly with the LVUSD for its portion of the money, would be the most effective use of the money without duplication of efforts; this is a three-way Memorandum of Understanding (MOU), with which all three agencies are very happy.

Mayor Pro Tem Landon felt this MOU was the perfect solution. Upon MOTION of Mayor Pro Tem Landon, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to approve the Memorandum of Understanding Between the City of Hidden Hills, City of Calabasas and the Las Virgenes Unified School district for the Provision of Library Services, with the understanding that the MOU will not be binding unless signed by all three parties.

LVUSD Board Member Cindy Iser thanked Mayor Freedland and the entire Council, stating they were all very pleased with the MOU, believing it will benefit all three agencies, and all the residents and students of those agencies by providing cutting edge library services.

**C. Report from 5/21/13 Hidden Hills Community Association Board of Directors Meeting**

The following report was provided by the City Manager:

The Association will be publishing in the Round-Up some proposed revisions to the Architectural Standards, including building height increases with increased setbacks, an increase in allowable top floor percentage, and possibly holding residents responsible for

repairing damage they cause to parkways in front of their properties; if the building height limits are increased, the Council will have to look at that from the City's perspective, as those limits will then be different which could cause conflicts for the residents; the Board approved the Kids Welcome Party budget (\$6500); the weekly BBQs will begin on June 20th; due to a lot of late call-downs on Halloween, the Gate Committee is looking at the possibility of returning to more strict regulations; the number of trick-or-treaters at the intersection of Round Meadow/Wingfield/Long Valley has been creating major congestion; the test installation of lights at the Spring Valley Park tennis courts has been tabled for now, as the Association would like to look at possibly creating a plan to update the entire park, which could perhaps provide a parking area for some of the Association vehicles.

Mayor Freedland pointed out that the Spring Valley park property is owned by the City, so any changes or updates to the park would have to be approved by the City Council.

**D. Report from 5/21/13 Las Virgenes Malibu Council of Governments Meeting**

The City Manager presented the following information:

Dave Pedersen, General Manager of the Las Virgenes Municipal Water District, made a presentation (very similar to what Board Member Charles Caspary explained to the Council recently) regarding the ongoing battles with the EPA regarding algae in the Malibu Creek; Measure R projects were discussed, which do not affect Hidden Hills, as we only receive a small amount of per capita Measure R funds; the Board approved the expenditure of \$3000 for a consultant to prepare a grant application (in the \$125,000 - \$150,000 range) to be submitted to SCAG, which if approved, would allow the preparation of a comprehensive bicycle master plan for the COG region; there are no bike routes that pass through Hidden Hills; each of the cities prepared a letter of support for the grant application.

**MATTERS FROM STAFF**

**A. Consideration of Approval of Memorandums of Understanding Regarding Participation in Enhanced Watershed Management Plans as a Compliance Option for the Newly Adopted Municipal Separate Storm Sewer National Pollutant Discharge Elimination Systems Permit, Order R4-2012-0175 (MS4 Permit)**

Water Quality Consultant Joe Bellomo provided background information on the National Pollutant Discharge Elimination System (NPDES) permits, which were first adopted in 1990,

and explained different aspects of the new MS4 permit (effective 12/28/12), which is in excess of 500 pages and contains many new provisions in comparison to past permits, including the incorporation of 33 Total Maximum Daily Loads (TMDLs). Mr. Bellomo listed the four primary compliance options for permittees: 1) the standard approach, per the permit as stated, 2) implementation of an individual Watershed Management Plan (WMP), specific to your own city, 3) implementation of a WMP in combination with neighboring agencies to customize programs for the watershed, and 4) implementation of an Enhanced Watershed Management Plan (EWMP), with agencies working together in the watershed, but also looking at which projects could be implemented for a multi-benefit approach - due to the benefits of the EWMP, many agencies are getting together to combine resources.

Mr. Bellomo provided the following additional information:

Hidden Hills is in two watersheds, with approximately 90% of the City draining to the Upper Los Angeles River Watershed (LARW) and only about 117 acres draining to the Malibu Creek Watershed (MCW); this is important because each watershed has a specific set of TMDLs (pollutant impairments); City staff met with partnering agencies in both watersheds and the Regional Water Quality Control Board (RWQCB) in an attempt to allow Hidden Hills to meet the requirements of just an EWMP in the LARW; however, it will be more cost effective for the City to join the individual EWMPs of each of the two watersheds; an unresolved issue confronting all of these plans when going before the RWQCB is what cities can realistically afford vs. what is actually required; in the next 30 months during which the EWMPs will be developed, cities will try to pare down that difference between what they can afford and what they are responsible for; before the Council at this time is a decision on whether or not to join the Upper LARW EWMP, and also the MCW EWMP; staff would recommend joining both EWMPs.

In response to Mayor Freedland, City Attorney Roxanne Diaz stated the costs for the City to participate in both of the EWMPs:

for the Upper LARW EWMP, the cost is \$5,357.44, which will be invoiced evenly over two fiscal years; the MCW EWMP will be invoiced over two fiscal years, with \$5432.56 in fiscal year 2013-2014 and \$8,148.85 in fiscal year 2014-2015, for a total of \$13,581.41.

Mr. Bellomo explained that these costs will cover the City for the 30 months from the 12/28/12 effective date of the permit, and that staff would be updating the Council on the progress of the plan throughout those 30 months, and then right before the EWMP would be submitted to the RWQCB. He added that the EWMP does not include any mitigating measures.

Council Member Cohen asked about the possibility of diverting all of the City's water to the LARW. Staff explained the following:

that might be possible, but extremely cost prohibitive; all of the water does not run off at one point, so there would be a lot of catching and pumping involved; at some point in the future, there are several strategic locations that could possibly be used to meet the 85% compliance; by infiltrating, capturing and reusing water, you would be reducing the polluted flow, so if there were a violation downstream, our response would be that there was no flow from the City to add to the pollution; the City's plan was to get completely out of the MCW, but instead we would have still been held to those standards; in that case, the risk was higher than actually entering into both EWMPs.

As there was no further discussion, upon MOTION of Mayor Pro Tem Landon, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to 1) authorize the Mayor to sign the MOU with the Upper Los Angeles River Watershed EWMP Group, as well as the Malibu Creek Watershed EWMP Group, for participation in the preparation of the watershed management plans, subject to final approval of the MOUs by the City Attorney, and 2) authorize the Mayor to sign the City's intent letter with accompanying Notice of Intent document informing the Los Angeles Regional Water Quality Control Board of the City's intention to participate in the preparation of an EWMP and Coordinated Integrated Monitoring Plan for both the Upper Los Angeles River Watershed and Malibu Creek Watershed.

**B. Consideration of Approval of Participation in the Coordinated Shoreline Monitoring Program for Compliance with the Santa Monica Bay Beaches Bacteria TMDL**

The following report was provided by Water Quality Consultant Joe Bellomo:

the Santa Monica Bay Beaches Bacteria (SMBBB) TMDL became effective in 2003; it identified several different parties as responsible agencies, including all those that drain to the Malibu Creek, a sub-watershed of the Santa Monica Bay, which includes Hidden Hills; the previous 2001 MS4 permit required the Los Angeles Bureau of Sanitation to monitor several of the identified sites; the monitoring of one of the sites Hidden Hills and the other agencies are responsible for, MC-2, was being paid for solely by the Bureau of Sanitation; however, the new permit does not require the Bureau of Sanitation to pay for MC-2, so the City of Los Angeles is offering to continue its monitoring program based on equitable cost sharing; if Hidden Hills agrees to participate in the shared costs for the monitoring of MC-2, it will cost the City \$57 annually for the three year agreement.

In response to questions from Mayor Freedland and the other Council Members, Mr. Bellomo and City Attorney Diaz stated the following:

MC-2 is right next to the Malibu pier, which does make it very hard to understand how Hidden Hills could be held responsible for something so far away; the closest monitoring site is on Las Virgenes creek above Lost Hills Road; if Hidden Hills chose to conduct its own monitoring at the outfall from the City, it would cost \$75 per test per week; part of the City's strategy is always to try and show that we are not responsible for different pollutants; it is logical that cities should be able to remove themselves from responsibilities to which they do not contribute, but it is just not a reality; the City could choose not to conduct any monitoring, but staff would recommend against that; the City could do its own monitoring, but that results in greater costs, time, and exposure than when the City is part of a larger group; at this point, the City is a responsible party; hopefully, the EWMPs will help to whittle down some of that responsibility and exposure; it would take years of monitoring data before the City could petition the state board to remove the City as a responsible party, but that is not to say it couldn't be done; an industrial permit, which is for a point discharge, is very different from the NPDES permit which is a non-point discharge permit.

Upon MOTION of Mayor Pro Tem Landon, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to 1) approve the City's participation in the SMBBB TMDL required Coordinated Shoreline Monitoring Plan, 2) authorize the Water Quality Consultant to send the required letter of intent, and 3) authorize the Mayor to sign an agreement with the City of Los Angeles to conduct the required monitoring on the City's behalf, subject to final approval of the agreement by the City Attorney.

**C. Charles Abbott Monthly Report - April**

The report was received and filed.

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Landon, seconded by Council Member Cohen and unanimously carried, it was resolved to adjourn the regular meeting of June 10, 2013 at 8:34 p.m.

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Steve Freedland, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk