

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, December 9, 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, December 9, 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 Cohen, seconded by Council Member Siegel and unanimously carried, it was resolved that the agenda for the December 9, 2013 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Freedland made the following announcements:

Happy anniversary to Council Member Stuart Siegel and his wife Peggi on 12/12/13 (their 43rd).

Recycling bins for Christmas trees will be located at the Community Center and the upper City Hall parking lot (inside the City) from Sunday, 12/22/12, through Monday, 1/13/14; you can also place old trees in your green waste cart for pick-up on your regular pick-up day any time between 12/26/13 - 1/9/14; any tree taller than 6' must be cut in half.

The City Council meeting scheduled for 12/23/13 and the Public Safety Commission meeting scheduled for 12/31/13 have both been canceled.

City Hall and Building & Safety will close at noon on Tuesday, 12/24/13, and remain closed through Wednesday, 1/1/14, opening for business as usual on Thursday, 1/2/14; there will be no inspections during this time period.

Mayor Pro Tem Landon wished a happy birthday to Mayor Steve Freedland (12/11/13).

AUDIENCE

Las Virgenes Municipal Water District (LVMWD) Board President and Hidden Hills resident Charles Caspary addressed the Council, thanking them for recently adopting a resolution regarding the Bay Delta Conservation Plan, and provided additional information regarding that ongoing process and the review period. He also provided an update on the Mureau-Las Virgenes Road Pipeline project (work can be seen along Mureau Road at this time as large diameter pipes are being installed), and the proposed new water tank in Westlake Village, which does have its proponents and opponents, even on the Board. Mr. Caspary invited anyone with questions to either call him directly or visit the LVMWD website.

Mayor Freedland then introduced L.A. County Sheriff's Department and Lost Hills Station Operations Lt. Matt Squire, who has served for the past two years as the City's Lt. liaison, but is now moving to another position downtown. To thank him for his extraordinary service to the

City and its residents, Mayor Freedland, on behalf of the entire Council and staff, presented a City plaque to Lt. Squire, commenting that we would not mind seeing him back at the Station some day as its Captain, and inviting him to participate in the Fiesta parade at any time in the future. Lt. Squire thanked the Council and staff and the community for always being so supportive of him and the Sheriff's Department, which has been very much appreciated.

2013 FIESTA

A. Recognition of Fiesta Chairman Lisa Moriarity

On behalf of the City Council, Mayor Freedland thanked Lisa Moriarity for again chairing a very successful Fiesta (approximately her 8th), and presented her with a crystal plaque, suggesting that the Council and staff would love to see her again at the helm next year.

B. 2013 Fiesta - Final Report

Mayor Freedland pointed out that a very good job was done with this year's complex Fiesta budget, as the report shows the final numbers coming within \$760 of the original budget. The report was received and filed.

CONSENT CALENDAR

A. City Council Minutes - November 25, 2013

B. Demand List

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

MATTERS FROM STAFF

A. Discussion and Direction to Staff Regarding a Request from Hidden Hills Residents to Revise the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM)

Mayor Freedland announced that a late email was received from resident Jay Ritt, asking the Council to move this item to the next or future meeting to give him and resident Shawn Antin more time to address the issue; however, since the item was already on the agenda, Mayor Freedland suggested that a staff report be provided, and then the Council Members could discuss what they wanted to do regarding the item.

City Attorney Roxanne Diaz stated that the issue before the Council, at least the issue she looked into, was whether or not the City is required under federal law to pay the application and consulting costs for a group of homeowners requesting that the City file an application and pay for those costs on their behalf to change their Flood Insurance Rate Map (FIRM). Attorney Diaz then presented her report to the Council, providing background information on the National Flood Insurance Program and Letter of Map Change process, and discussing the City's role in revising flood insurance maps (see Memorandum from Attorney Diaz dated 12/6/13).

During the discussion on this item, some of the issues raised by the Council and points made were as follows:

FEMA requires the flood insurance, but it is enforced through mortgage lenders, and there may be some lenders, who do not participate in federal programs, that do not require flood insurance; if a homeowner uses one of these lenders that does not require flood insurance, that does not put the City at any risk; if someone does not have a mortgage, there is no requirement to have flood insurance, but then the homeowner is self-insuring against the risk of flooding; the homeowners involved in this request are assuming, from information they obtained from years ago, that they are not in a flood zone, which is why current studies are necessary; there have been cases where studies have been done to remove properties from a flood zone, but those studies have instead determined those properties to be in a flood zone, and in addition, ended up placing additional properties in the area in the flood zone.

Resident Bret Katz did not understand why a portion of the City of Los Angeles was removed from the flood zone when that area, right across the fence from the Hidden Hills properties, was developed years ago. It was pointed out that the development was not in Hidden Hills, which is why new studies are necessary for the Hidden Hills properties. He also wondered if just because

the City did not have to pay for this application and studies, did that mean they would not. Attorney Diaz explained that there is a concept in state law in the constitution regarding the gift of public funds, whereby you have to show a public purpose in spending public funds; when looking at this legally, the issue is whether or not the City can utilize public funds for the benefit of two properties or fourteen properties (that benefit being to reduce the cost of their flood insurance) when there is no public purpose benefitting the City and no mandatory duty for the City to undertake that cost.

Mayor Freedland commented that if the City was being asked to improve public safety for the community by eliminating a flood danger, that would be one thing, but this request is more about saving some property owners money in relation to their flood insurance premiums; however, he is not comfortable making any decisions tonight since Mr. Ritt and Mr. Antin are not in attendance. Council Member Siegel agreed, adding that these properties in question may not be in a flood zone, but this is not about the safety or quality of these property owners' lives, and the issue is whether or not the City should be spending public funds so the homeowners can spend less money on flood insurance. He also pointed out that if the property owners pooled the money that they have been spending on flood insurance premiums (approximately \$28,000 annually for fourteen homeowners, per their estimate at an earlier meeting) over these last five years that this has been an issue for them, they could have paid for studies. Council Member Weber agreed, adding that Mr. Ritt had estimated at an earlier meeting that the studies should cost around \$10,000.

Mr. Katz, who stated he had no personal interest in this matter as his property is not in the flood zone, still had questions regarding the Long Valley drain, as he felt those improvements were not taken into consideration and thus the maps were wrong. City Engineer Dirk Lovett explained that when the Long Valley drain was constructed, there were modifications made to the City's FIRM; however, the receiving waters for the flood plain (for the properties in question) and where the water exits are not associated with or affected by the Long Valley drain. Mr. Lovett

added that it is always possible for some of the flood maps to be incorrect, but that still does not mean that the City has to step in and spend public funds to take care of the error for just a select few individuals. Attorney Diaz again pointed out that this is why new studies are necessary.

In response to Council Member Cohen, Attorney Diaz explained that to change the flood map, the homeowner(s) needs to file a Letter of Map Revision with FEMA, as the City would only be required to do so under very specific circumstances such as physical changes affecting the flow - and there have been no changes of which our City Engineer is aware. She also referred to the 11/8/13 letter to the City from Mr. Ritt and Mr. Antin which made it very clear (#3 Interest of Homeowners on page 3) that the sole reason the homeowners wanted the change in the map was so they would not have to pay for what they believe is unneeded flood insurance every year and have the added burden of complying with the requirements of Chapter 9 of the City's Municipal Code. Attorney Diaz pointed out that another letter provided to the City by Mr. Ritt and Mr. Antin (2/4/09 letter from FEMA to Erick Mason regarding a property on Paradise Valley) shows that four years ago a Conditional Letter of Map Revision based on Fill was incorrectly filed, so this is not something new. She did add that FEMA gets applications like this every day, and that there is a lot of literature available regarding how to file applications, along with many consultants and real estate people who offer services in that regard.

Per the City Manager, Mr. Ritt and Mr. Antin were provided with a copy of Attorney Diaz's memo on 12/6/13, the same day the City Council Members received their copy, and she will provide to them copies of the DVD from this meeting. The City Manager will speak with Mr. Ritt or Mr. Antin to let them know that this matter will be placed back on a future agenda, once they let her know they are ready and provide any additional written comments far enough in advance so the City Attorney will have enough time to review their response and prepare for the Council meeting.

B. Charles Abbott Monthly Report - November

The report was received and filed.

MATTERS FROM CITY COUNCIL MEMBERS

Update, Discussion, and Direction to Staff Regarding the Potential Undergrounding of Utility Poles Near Old Farm and Long Valley Roads

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

as of today, SCE has provided very preliminary plans for the possible undergrounding of utility poles in this area, from which SCE and other utilities and qualified contractors have provided very preliminary cost estimates; the City has already entered into an MOU with the Tenebaums, who have agreed to pay 50% of the construction costs, up to \$100,000, with the remainder to be paid by the City; option 1 involves removing the pole on the Tenenbaum property (pole #2 on the diagram), moving the pole at the southwest corner of Long Valley/Old Farm (pole #3 on the diagram) approximately 50' to the south (to #3A on the diagram) to facilitate a guy wire, and removing the switch equipment from that same pole and relocating it to an above-ground cabinet on the edge of the Tenenbaum property along Paradise Valley, all of which result in the undergrounding of all the wires from the Tenebaum property that cross Long Valley Road at that location; option 2 involves removing the pole on the Tenenbaum property (pole #2 on the diagram), entirely removing the pole (and all the switch equipment on the pole) at the southwest corner of Long Valley/Old Farm (pole #3 on the diagram), and undergrounding all the way to the pole further south on Old Farm near the bridge (pole #4 on the diagram).

A short discussion then occurred during which the following points were made:

the plans do show the vaults and above ground cabinets along Paradise Valley on the Tenenbaum property, not in the parkway; staff will be meeting with Mr. Tenebaum to show him these plans; Mayor Freedland and staff met with the owner of Old Farm Road, Mr. Kirk Watson; after staff explained and discussed the plans with him, Mr. Watson said he has no problem providing the necessary easement to SCE for this proposed project; Mr. Watson does not need the approval of his neighbors, but he has been in discussions with them so they will be aware of what the project involves; with either of the proposed options, all of the switch equipment will be moved from the Old Farm poles and placed in the above-ground cabinets along Paradise Valley; the City has been setting aside funding for the undergrounding of utility poles (whenever a budget year ends with a surplus), and there is enough money in this undergrounding set-aside fund to cover the very rough preliminary costs of either option 1 (\$305,000) or option 2 (\$353,000), with

\$100,000 of those construction costs being paid by the Tenenbaums per the MOU with the City.

As there was no further discussion, upon MOTION of Mayor Pro Tem Landon, seconded by Council Member Weber and unanimously carried on roll call vote, it was resolved to authorize staff to proceed with the final design, obtain cost estimates and easements, and solicit construction bids for option 2, as described above.

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 December 9, 2013 at 8:45 p.m.

Steve Freedland, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk