

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, November 14, 2016

*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, November 14, 2016 at the hour of 7:30 p.m. Mayor Jim Cohen called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

**ROLL CALL**

Council:

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

Staff:

City Attorney Roxanne Diaz  
Building Official Greg Robinson  
City Engineer Dirk Lovett  
City Manager Cherie L. Paglia  
City Manager Designate Kerry Kallman

**APPROVAL OF AGENDA**

Upon MOTION of Council Member Freedland, seconded by Council Member Landon and unanimously carried, it was resolved that the agenda for the November 14, 2016 regular meeting be approved as submitted.

## **ANNOUNCEMENTS**

Mayor Cohen made the following announcements:

Happy belated birthday wishes to Mayor Pro Tem Stuart Siegel's wife Peggi (10/31) and to Council Member Steve Freedland's daughter Kelsey (11/12).

Congratulations to Mayor Pro Tem Stuart Siegel's son Ben (one of our former videographers) and his wife Lauren, who were married Saturday, 11/5.

We'd like to invite everyone to City Manager Cherie Paglia's retirement party on Sunday, 11/20, from 1:00 p.m. – 5:00 p.m. at the Community Center; call Deana for details and to RSVP.

City Hall, the Community Association, and the Building & Safety Department will all be closed and there will be no inspections on Thursday and Friday, 11/24-25, for the Thanksgiving holiday.

There will be no Council meeting on Monday, 11/28; the next regularly scheduled meeting will be held on December 12<sup>th</sup>.

Happy anniversary to Council Member Marv Landon and his wife Jill on Sunday, 12/4 – it is their 53<sup>rd</sup> anniversary.

Mayor Pro Tem Siegel, on behalf of the Council, wished Mayor Jim Cohen a belated happy birthday (11/11).

## **AUDIENCE**

There were no questions or comments at this time.

## **PUBLIC HEARING**

### **Minor Accommodation 5422 Jed Smith Road Renovation**

Council Member Freedland recused himself from the meeting at this time, due to a possible conflict of interest.

Council Members Landon and Weber reported that they had visited the minor accommodation site, with Mayor Pro Tem Siegel stating that he was familiar with the site, while Mayor Cohen had not visited the site.

City Engineer Dirk Lovett presented the following staff report:

a recent fire destroyed a pre-existing nonconforming barn in the rear yard setback on the subject property; the applicants want to demolish what is remaining of the barn and rebuild it in the same footprint, not encroaching any further into the setback than the damaged barn; the rear yard setback will be roughly 15'; all property owners within 300' of the property were notified, and notices posted as legally required, with no comments being received; the Community Association has approved the project; a minor accommodation may be granted to allow "any alteration, expansion or extension of a nonconforming encroachment into a setback provided that the alteration, expansion or extension encroaches no closer to the property line than the existing encroachment"; staff feels the finding can be made, as the proposed improvements would not encroach any further into the required rear yard setback and the size and the height of the building will remain the same; staff would thus recommend the minor accommodation be approved and the proposed resolution be adopted.

Mayor Cohen opened the public hearing. As there were no comments, he closed the hearing, at which time Council Member Landon said he could see no issue with the minor accommodation request, with Mayor Pro Tem Siegel adding that he was very happy to see a barn rebuilt.

Upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Landon and unanimously carried, it was resolved to approve the minor accommodation and to adopt by title only Resolution No. 898 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS SITTING AS THE PLANNING AGENCY, APPROVING A REQUEST FOR A MINOR ACCOMMODATION TO REBUILD AN EXISTING NONCONFORMING BARN LOCATED AT 5422 JED SMITH ROAD.

Council Member Freedland rejoined the meeting at this time.

## **PRESENTATIONS**

### **By Las Virgenes Municipal Water District Regarding Jed Smith Road Water Main Replacement Project**

Mayor Cohen introduced the following representatives from the Las Virgenes Municipal Water District (LVMWD): General Manager Dave Pedersen; Board Member Charles Caspary; and Director of Facilities and Operations Dave Lippman.

Mr. Pedersen addressed the Council, providing the following details for a proposed Jed Smith pipeline replacement project:

there were two recent very similar breaks/failures in close proximity to each other, the first one in late August and the second in early October, to an existing 8" asbestos cement pipe on the west side of Jed Smith Road under the parkway and driveways; in looking back at the history, it appears that this water main has reached the end of its useful life, with five breaks in the last three years, and eight breaks in the last twenty years; all the breaks were within an approximate 1/3 mile segment between Round Meadow and Lewis & Clark; the original main was probably installed around 1962 (with one type of ACP pipe made of asbestos that is no longer used), and they believe this is the right time to not only replace that segment of pipe, but to also upsize it from an 8" to a 10", which is shown on the master plan; the LVMWD Board recently approved a services agreement with Cannon Corporation for the design of this project; Cannon has been asked to look at the pros and cons of two options – placing the new pipe on the same side of the street, offset from the existing location, or placing the new pipe on the opposite side of the street; the new pipe would be plastic PVC called C900, which would be much stronger; they are looking at an expedited schedule, asking that the design be completed by the end of this year, to allow for the call for bids in January 2017; that would hopefully result in construction beginning around May and lasting approximately 8-10 weeks; they would certainly welcome input regarding traffic control and maintaining accessibility for those living in the area; in the interim, they are changing some of their operating procedures to minimize pressure fluctuation on the existing pipe.

Mr. Lippman then provided the following additional information in response to questions from the Council and audience:

the current pipe is in the DG parkway and under driveways, very close to the swale; if the pipe is put on the opposite side of the road, they will have to come back across the road to tie in to the laterals on that side; to accomplish this without tearing up the entire road, they can most likely use the boring method, in which they tunnel under the street; they

are still investigating the locations of other utilities; the current pipe will most likely be abandoned in place; there are other old pipes in the City, but they do keep track of breaks and look for patterns; there is no other location in the City with this frequency of breaks; by replacing this pipe, it is possible that could push breaks to another weaker area, but other pipes in this area are newer; there will certainly be some water interruptions and traffic interruptions, but they will make every effort to make both as least disruptive to the community as possible; the District will of course replace everything as they found it (DG, street, etc.); their recent policy has been to use the same contractor that the Association uses so the material and methods will be the same and acceptable to the Association and City; that will certainly be a requirement attached to the contract; the District would not recommend replacing more than the proposed 1/3 mile of pipe, as they are not seeing the same failure rates beyond that area, although this is not an exact science; the design contractor will give the District an estimate so they can properly budget, but the cost will probably be \$200 - \$250/foot.

#### **CONSENT CALENDAR**

- A. City Council Minutes – October 10, 2016**
- B. City Council Minutes – October 24, 2016**
- C. Demand List**
- D. Disbursement List – September**
- E. Financial/Treasurer’s Report – September**

Mayor Pro Tem Siegel raised the following issue with the reporting on the financial statement of the Charles Schwab account: the asset page is correct, showing what the account is worth today, compared to the beginning of the fiscal year, and what the City would receive if everything was sold today; however, the interest income on the September revenue page should not show a loss, but rather should show the income revenue from the Schwab report. The rest of the Council agreed. Staff will work with the City Treasurer to determine how to separate and clearly show on the monthly financial statement the fund value and the revenue.

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

**MATTERS FROM CITY COUNCIL MEMBERS**

**A. Update on Proposed Boething Treeland Project at 23475 Long Valley Road**

Mayor Pro Tem Siegel provided the following information:

he, Council Member Landon, City Manager Designate Kerry Kallman and City Engineer Dirk Lovett recently met with Bruce Pherson, son-in-law of the original Boething owners, and planning facilitator Brad Rosenheim regarding this proposed project; very little of the project, which they are hoping to have done in two or three years (very unlikely) actually abuts Hidden Hills; the project is low rise and low density, with no access from Long Valley Road; there is the possibility of pedestrian access across the property to Valley Circle and the use of a fitness trail (park course) in the middle of the property; Hidden Hills is also very interested in having three lanes coming down the 101 on-ramp to the freeway, so one of those lanes could be dedicated for access into our City which could hopefully help ease the bottleneck in that area; this is a very complicated area, as there are numerous agencies involved – the City of Los Angeles, Caltrans, and potentially Fish & Game; most of the area to the right coming down the ramp would be open space; the City could also ask for a mature tree barrier to protect the entrance to Hidden Hills and the few neighbors that would be affected; the project consists of the following: a two-story (30') assisted living/memory care facility with 72 rooms and 87 beds, near the corner at the bottom of the ramp; three-story low density garden units in the middle of the property and in the smaller area across Valley Circle; and 26 single family homes up the hill.

Council Member Landon thought it might be a possibility in the future, if a third right turn lane was added, to have visitors stay on the right side entering the gate, and let the residents use the left lane, so as not to be caught up in any back-up. Mayor Pro Tem Siegel thought the middle lane could actually be used for either going straight or turning right towards Hidden Hills.

Community Association Board Member and City liaison Bret Katz wondered if the Meyerstein property at the front gate was connected in any way to this proposed project. Mayor Pro Tem Siegel stated that at this time there is no connection, but that the property has been offered for sale.

Resident Britt Aaronson had several questions regarding the current zoning of the Boething property, whether or not a zone amendment would be needed, if the City of Calabasas was

involved, and if the project would affect the City's trails. She also thought the Council should take into consideration lighting and noise issues that might affect Hidden Hills, adding that even though she believes in development, this is within the City's sphere of influence and an opportunity for the City to ask for mitigating measures. The Council and staff pointed out that this project is totally in the City of Los Angeles, and not in the City of Hidden Hills sphere of influence, but that Hidden Hills would receive notifications regarding this project, and there would be plenty of opportunities for the City and residents to comment on all aspects of the project through the EIR process. Just to make sure that Hidden Hills receives all notifications, City Attorney Roxanne Diaz stated she would send a CEQA notice to the City of Los Angeles to assure that we are officially on the list for all notifications.

Council Member Weber pointed out that a lot of the City of Los Angeles residents were organizing against the project, especially since the already horrendous traffic on Valley Circle will only get worse.

**B. Report from 10/18/16 Las Virgenes Malibu Council of Governments Meeting**

Mayor Pro Tem Siegel reported the following:

the COG is now realizing that water run-off is a major problem; it is going to be very difficult for all cities to meet water quality standards, so much so that many cities could go bankrupt; Hidden Hills has to be aware of the run-off into both the Malibu Creek watershed and the upper Los Angeles River watershed; the consensus seems to be that if we are all actively doing something, that we might be able to avoid the \$10,000/day fines for next year; we as a City will begin sampling and testing water, which, depending on the results, will help the City determine what mitigation measures might be necessary.

Council Member Freedland added the following additional information:

he, along with Mayor Pro Tem Siegel, City Manager Designate Kerry Kallman, City Engineer Dirk Lovett, and Water Quality Consultant Joe Bellomo and his assistant Kelsey Erisman from Willdan, all took a recent tour of the City looking for potential sampling sites; some of these sites will be tested to provide baseline information to see what the City is discharging into the storm water system; collecting data from these sites

will provide starting point data for comparison purposes later and to show that the City is acting in good faith to get a handle on how and to what degree the City might be contributing contaminants to water run-off; however, during the tour, there was not much water running anywhere to be tested; they even looked at what used to be a swamp area behind the tennis courts north of City Hall, but there was no water there either.

Mayor Pro Tem Siegel said there was one spot that had a lot of running water, with City Engineer Lovett stating he later determined that the water was coming from Craftsmen's Corner. As Council Member Freedland pointed out, that area has industrial uses, so our City needs to definitely make sure that we are not getting blamed for whatever contaminants may be in the water coming from that area. City Manager Designate Kallman informed the Council that Mr. Bellomo should have a proposal ready for the 12/12/16 Council meeting to test water leaving the City in two different locations; if those tests show any discharge problems, then further testing could be done upstream of the City to see if the contaminants are coming into the City from somewhere else. Council Member Weber reminded everyone that this City does have a lot of underground water and a high water table in many areas.

#### **MATTERS FROM STAFF**

##### **A. Consideration of Proposed Ordinance Regarding Adoption of Revised Building Codes – First Reading**

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

every three years the California Building Standards Commission updates their standards to reflect changes in the new building codes; the City has adopted the codes in the past with amendments in relation to pool safety fencing, roofing material, and grading; staff is proposing that these amendments continue along with one additional amendment in relation to grading bonds; staff would recommend that the Council introduce and give first reading by title only to the proposed ordinance, with the amendment, and direct staff to schedule a public hearing.

City Engineer Dirk Lovett explained that the amendment in relation to grading bonds just provides more information to developers on how and when they can submit bonds.

Upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Weber and unanimously carried, it was resolved to introduce and give first reading by title only to an ordinance, as amended by Section J104.5 Grading Bonds, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS ADOPTING BY REFERENCE PART 2 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2016 CALIFORNIA BUILDING CODE; PART 2.5 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2016 CALIFORNIA RESIDENTIAL CODE; PART 3 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2016 CALIFORNIA ELECTRICAL CODE; PART 4 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2016 CALIFORNIA MECHANICAL CODE; PART 5 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2016 CALIFORNIA PLUMBING CODE; PART 11 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDING TITLE 5 OF THE HIDDEN HILLS MUNICIPAL CODE, and further resolved to schedule and notice, as required per law, a public hearing for Monday, December 12, 2016, for second reading and adoption of the ordinance.

**B. Consideration of Proposed Interim Ordinance Declaring a Moratorium and Prohibiting the Issuance of Building Permits and Other Land Use Entitlements that Would Allow the Establishment of Housing in the Affordable Housing Overlay in the Commercial Restricted Zone**

City Attorney Roxanne Diaz presented the following report:

in 2013 the City Council adopted an ordinance creating an Affordable Housing Overlay (AHO) designation in the Commercial Restricted (CR) zone to obtain, for the first time, certification of its Housing Element, and to provide land use capacity to accommodate the City's Regional Housing Needs Assessment (RHNA) numbers; since that time there has been no interest in the development of housing in the CR zone; however, due to the potential new Boething project, and Mr. Meyerstein's property being so close to the proposed project, there has been more interest in seeing what can be done in that area with respect to residential use; a portion of the Meyerstein property is already entitled,

but there have been some questions as to what type of housing could be built there; to clarify, when looking back at the code, the AHO allows for lower income middle family dwellings, which are permitted by right and subject to development standards set forth for the CR zone; all that is necessary in terms of a discretionary approval is approval of a site plan or architectural review from the Planning Agency with respect to design criteria only; the criteria in the CR zone is applicable to commercial uses but not necessarily to residential uses; for example, the criteria sets out parking for office use, but not for housing use; there is criteria for setbacks of 25' and a height envelope of not-to-exceed 30', which could possibly be applied to housing, but staff thought it would be better to make sure we have standards in place applicable to affordable housing development; this moratorium allows staff the time to do some research on possible applicable standards and to bring information back to the Council for review before any application might be submitted that would be permitted by right; the City Council needs to make certain findings that are set forth in the proposed ordinance; it is an urgency ordinance that needs a 4/5 approval vote; the urgency ordinance would stay in effect for 45 days, after which the Council can extend it if additional time is needed; if so, there would have to be a noticed public hearing and a report filed to let the public know what action has been taken by the Council.

In response to Mayor Cohen, Attorney Diaz stated that this moratorium covers the entire CR zone, not just one property in the zone. Mayor Pro Tem Siegel pointed out that no particular housing is being proposed for this area at this time, but the AHO provides an area for low income housing as required by law.

Upon MOTION of Council Member Freedland, seconded by Mayor Pro Tem Siegel and unanimously carried on roll call vote, it was resolved to adopt by title only Resolution No. U-359 entitled: AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS DECLARING A MORATORIUM AND PROHIBITING THE ISSUANCE OF BUILDING PERMITS AND OTHER LAND USE ENTITLEMENTS THAT WOULD ALLOW THE ESTABLISHMENT OF HOUSING PURSUANT TO THE AFFORDABLE HOUSING OVERLAY IN THE COMMERCIAL RESTRICTED ZONE DURING THE PENDENCY OF THE CITY'S REVIEW OF THE AFFORDABLE HOUSING OVERLAY ZONE, FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND DECLARING THE URGENCY THEREOF AND IMMEDIATE

EFFECTIVENESS OF THIS ORDINANCE PURSUANT TO GOVERNMENT CODE SECTIONS 65858, 36934 AND 36937.

**C. Consideration of Approval of a Resolution Regarding the City's Retiree Health Benefits**

At this time, the City Manager recused herself from the meeting.

City Attorney Roxanne Diaz explained that the proposed resolution memorializes a discussion that the Council Members had during a previous meeting closed session regarding the provision of dental and vision coverage to not only active employees, but also to retirees (individuals only, not family members) who had been employees of the City of Hidden Hills for at least 20 years. She added that the cost for each individual is \$42.88/month for dental, and \$23.66/month for vision.

Upon MOTION of Council Member Weber, seconded by Council Member Freedland and unanimously carried on roll call vote, it was resolved to adopt by title only Resolution No. 899 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS RESTATING THE CITY'S RETIREE HEALTH BENEFITS.

The City Manager rejoined the meeting at this time.

**D. 2016 Fiesta – Final Report**

The report was received and filed.

**E. Consideration of Re-appointment of Emergency Services Director**

City Manager Designate Kerry Kallman reminded the Council that Gabe Nussbaum was appointed as the Emergency Services Director in 2012, with that term expiring on 11/26/16. As Mr. Nussbaum has done a great job in this position, staff is recommending that he be reappointed

for another four year term. Upon MOTION of Council Member Weber, seconded by Council Member Landon and unanimously carried, it was resolved to reappoint resident Gabe Nussbaum as the City's volunteer Emergency Services Director for a four year term beginning November 26, 2016 and extending through November 26, 2020.

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Landon and unanimously carried, it was resolved to adjourn the regular meeting of November 14, 2016 at 8:41 p.m.

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Jim Cohen, Mayor

ATTEST:

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Cherie L. Paglia, City Manager