

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, May 12, 2014

***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 12, 2014 at the hour of 7:30 p.m. Mayor Marv Landon called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

**ROLL CALL**

Council:

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

Staff:

City Attorney Roxanne Diaz  
City Engineer Dirk Lovett  
Building Official Renee Meriaux  
City Manager Cherie L. Paglia

**APPROVAL OF AGENDA**

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved that the agenda for the May 12, 2014 regular meeting be approved as submitted.

## **ANNOUNCEMENTS**

Mayor Landon made the following announcements:

All classes will be dismissed at Round Meadow School at noon on Thursday, 5/15, so please drive very carefully in that area, or avoid the area at that time if at all possible.

The Association's adult welcome party will be held on Saturday, 5/17, from 7:00 p.m. - midnight; call the Association for details.

Happy birthday to his wife Jill on Tuesday, 5/20.

Happy birthday to Association Manager Shannon Moore on Sunday, 4/25.

The City Council meeting scheduled for Monday, 5/26, has been canceled due to the Memorial Day holiday; City Hall will also be closed that day and there will be no inspections.

## **AUDIENCE**

There were no questions or comments at this time.

## **PUBLIC SAFETY**

### **A. Upper Las Virgenes Canyon Open Space Preserve (Formerly Ahmanson) Report**

Chief Ranger Fernando Gomez provided the following information:

he was asked to speak tonight for Chief Ranger Walt Young, who has been deployed back east for a short time; weather has played a key role in keeping the parks very busy; Ahmanson has had a lot of hikers, and often they are not properly prepared, coming without water and bringing pets who can get distressed; they do get a lot of calls for help; he would suggest placing an item in the City's newsletter reminding people who want to hike to be prepared, to not hike in the middle of the day when it is really hot, and to think about their pets if they bring them along; everyone should also stay on the designated trails, as people can quickly get lost or in trouble; he did speak with the brushing coordinators, who spray for brush clearance, and they said most of the brushing has been done; if that is not the case and it needs to be addressed, please let him know.

Council Member Siegel offered some history on this topic:

back when Ahmanson was privately owned, the owners had an agreement with the City that established a 100' buffer zone next to Hidden Hills that needed to be kept clear; he

understands that brush clearing has been contrary to conservation groups, but when the property was transferred to the Conservancy from the private owners, that buffer zone was to be honored and there was a verbal agreement to annually remove the brush; he would like to make it clear that the City's expectation is that brush clearance will always occur in the 100' buffer from the City's boundary fence, as the City has very serious concerns regarding the fire danger.

A short discussion then occurred regarding brush clearance requirements in Ventura and Los Angeles Counties, and the desire to protect sensitive plants and wildlife (that can be affected and require a great deal of rehab after the use of bulldozers), but of course not at the expense of human life. Ranger Gomez stated he would discuss the City's concerns with Chief Ranger Young and make sure the concerns are addressed accordingly.

**B. Consideration of an Ordinance Regarding Adoption of the 2014 Los Angeles County and District Fire Code, Title 32 - First Reading**

City Attorney Roxanne Diaz presented the following report:

every three years the City adopts the Building Standards Code, which includes the Fire Code; the City usually adopts the L.A. County Fire Code by reference in December, but the County just recently adopted the Fire Code; before the Council at this time is the 2013 edition of the California Fire Code as adopted by L.A. County, maintaining the City's local amendments, such as the roofing requirement; the City can establish more restrictive standards based on findings in terms of our local geography, topography, and climate; the new Code is very similar to the one previously adopted.

Upon MOTION of Council Member Siegel, 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 ADOPTING BY REFERENCE TITLE 32 OF THE LOS ANGELES COUNTY CODE, INCORPORATING AND AMENDING THE 2013 CALIFORNIA FIRE CODE; TOGETHER WITH CERTAIN AMENDMENTS, DELETIONS AND ADDITIONS, INCLUDING FINDINGS, FEES AND PENALTIES; AND AMENDING THE HIDDEN HILLS MUNICIPAL CODE, and further resolved to direct the City Clerk to set a public hearing on the adoption of the Ordinance for

Monday, June 9, 2014 at 7:30 p.m. in the Council Chambers and to advertise the public hearing according to Government Code Section 50022.3.

**C. Consideration of Approval of Amendment to Agreement with All City Management Services for Crossing Guards at Round Meadow School for the 2014-2015 School Year**

The City Manager provided the following staff report:

All City Management provides crossing guard services at Round Meadow School; this year they are proposing a \$2.06/hour rate increase, which is probably only the second increase in many years; the City uses three crossing guards who each work 3.5 hours per day for a total of 10.5 hours/day x 180 school days x \$17.78/hour for a total of not-to-exceed \$33,604.20 for the school year; the guards do a very good job, and if there ever are any complaints, the company is very good about addressing those complaints; there are enough funds in the City's traffic safety account (which are restricted funds) to cover this cost, rather than having to take the money from the general fund.

Council Member Freedland pointed out that if this amendment is approved, the company is committing to a four year price freeze. Upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve the Amendment to Agreement between All City Management Services, Inc. and the City of Hidden Hills for Providing School Crossing Guard Services at Round Meadow School for the fiscal year beginning July 1, 2014 through June 30, 2015 at a cost of not-to-exceed \$33,604.20, based on three crossing guards working a total of 10.5 hours/day for 180 school days at \$17.78 per hour.

**PUBLIC HEARING**

**Consideration of a Request to Rescind the Council's Action of Merging Contiguous Parcels Located at 5546 Jed Smith Road (APN 2049-002-33 and APN 2049-002-35), Hidden Hills, California, and Proposed Resolution**

**Consideration of an Application for a Variance for a New Residence, New Patio Cover, and New and Existing Retaining Walls within the Rear Yard Setback, Located at 5546 Jed Smith Road (APN 2049-002-33), Hidden Hills, California, and Proposed Resolution**

At this point, Council Member Freedland recused himself, as he lives within 500' of the subject property.

The following report was presented by City Engineer Dirk Lovett:

the requested action this evening is driven by an agreement the original property owner made with the Community Association (HHCA) in the 1970s whereby both properties were to be treated as one and could not be sold separately; this agreement affects the current owner, who is trying to develop the properties in conformance with the HHCA's wishes, treating the lots as one, even though they are two separate distinct lots; the owner requested a lot merger, which was approved by the City Council in February, so the City could also legally consider the two separate lots as one property; the plans, based on that merger, showed a main house on the lower pad, and a detached servant's quarters and garage on the upper pad; the Fire Department then insisted that there be two addresses for the merged properties, even though both the City and HHCA considered this to now be one property; however, the City cannot allow two addresses on one property; the owner is asking for help to resolve this conflict and fulfill the requirements of all entities; before the Council now is a request to rescind the merger approved in February and return the property to two separate lots; however, by now making it two lots, there will be encroachments into the rear yard and rear yard setback based on the current building plans that were already approved by the HHCA and presented earlier to the Council; the owner is thus asking for a variance for these encroachments; as proposed, there will be a new main residence, pool and garage on the lower pad, and a staff house and detached garage on the upper pad; the main house accessed from Jed Smith would encroach into the required 50' rear yard (different from the rear yard setback), and the new and existing structures (including walls and a shed) would encroach into the 25' rear yard setback; the main residence would be 32'4" from the rear property line (an encroachment of 17'8") and the proposed patio cover would be 28'1" from the rear property line (an encroachment of 21'11"); the existing shed would remain in the 25' rear yard setback near the southeast corner of the lot, about 10' from the rear property line (an encroachment of 15'); in addition, the applicant is proposing to construct steps from the lower parcel to the upper parcel, which would include a 4'9" retaining wall approximately 18' from the rear property line (an encroachment of 7'); again, the HHCA has reviewed and approved the proposed plans and associated encroachments; they are aware the applicant has requested that the merger be rescinded, and have stated that the plans are acceptable to them either with or without the merger; listed in the report are the four findings that must be made by the Council for approval of the variance [he read for the Council both the required findings and why staff felt all those four findings could be made in this case]; notices were sent to all property owners within 500' of the subject property; some of the neighbors are in attendance this evening, but staff received no written comments; based

on the evidence presented, staff would recommend that the required findings be made to approve the variance, and that the Council adopt the two proposed resolutions, one to rescind the merger, and one to approve the variance.

Mayor Landon opened the public hearing, at which time resident Cary Lefton (who lives next door to the subject property) stated that he and his wife supported the variance, but would like the pine trees on the property to be addressed (in relation to safety, as some have fallen in the past), and the possible installation during construction of a perimeter fence, a snake/rodent fence, and a dust screen.

Jeff Aviezer, the applicant's partner, stated the following:

they met with a landscape architect regarding the trees, and discussed which trees and features should remain and which should be removed; pine trees shed a lot and have acid in their needles, affecting any landscaping underneath them; to the best of his knowledge, most of the trees will be coming out or be trimmed; he will verify this and share any landscape plans with the City Engineer; if anyone emails him, he can also share the plans in a PDF format [Council Member Siegel pointed out that the Association deals with trees, so anyone could go to the Association office to view the plans]; they have installed a screen fence on the lower lot, and along the upper lot; since it was also recently called to their attention, and if it is possible and makes the neighbors more comfortable, they will install a screen fence along both sides of the trail that runs through the middle of the property.

Resident David Kellogg (who lives on the other side of this property) expressed his agreement with the comments regarding the trees and fencing, but said he could find no easement for the driveway to the upper parcel that crosses his property where he has solar panels. City Engineer Lovett informed everyone that the owners just today provided a plat with an instrument recorded in the 70s showing a 20' wide easement across the Kellogg property, that runs with the land, for the driveway.

Mr. Aviezer added the following:

their architect provided the survey showing the 20' wide easement which was recorded in March of 1973; they also had a survey done when they bought the property; they believe it shows a majority of the solar panels are not in the way, and they have no problem with

those staying where they are unless the Fire Department wants the full 20' access to the upper lot; if that is the case, they may need to ask Mr. Kellogg to modify or move those solar panels that are in the way.

The City Manager added, in relation to an earlier comment about dust control, that during construction the Building Department can make sure that dust from the project is managed. As there were no further comments from the audience, Mayor Landon closed the public hearing and asked which Council Members had visited the site - Mayor Landon and the other four all reported that they had been to the site.

Council Member Cohen asked if the City could impose a condition, as the HHCA has done, to require and assure that the properties could only be sold together, not separately. This initiated a short discussion during which the following points were made by the City Attorney, Council Members and staff:

there already is an agreement with the HHCA that runs with the land, requiring that the properties be sold as one, although the City is not a beneficiary of the agreement; the application would not be that clean if on the one hand the City is declaring that there are two properties, and then on the other asking that they be sold as one; if the HHCA decided to rescind the agreement, and the lots were sold separately, it really should not matter to the City since both lots meet City requirements except for those being addressed in the variance request; the upper property has access, a house (the City has no minimal house size requirement), and a garage, as does the lower lot; if the lots were sold separately and a new larger house built on the upper lot, they would still have to meet all City building codes and regulations.

As there was no further discussion, upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Weber and unanimously carried, it was resolved to adopt by title only Resolution No. 869 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS SITTING AS THE PLANNING AGENCY RESCINDING THE APPROVAL OF A MERGER OF CONTIGUOUS PARCELS LOCATED AT 5546 JED SMITH ROAD AND REPEALING RESOLUTION NO. 866.

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Weber and unanimously carried, it was resolved to make the four required findings to approve the variance, and to adopt by title only Resolution No. 870 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-380 FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 5546 JED SMITH ROAD, OF WHICH THE REAR PORTION, PATIO COVER, AND RETAINING WALLS, ALONG WITH EXISTING RETAINING WALL AND A SHED, WILL ENCROACH INTO THE REAR YARD SETBACK.

Council Member Siegel suggested that the developers and neighbors might want to chat outside for awhile to address any outstanding issues or questions and to promote harmony in this small community.

At this point, Council Member Freedland rejoined the meeting.

#### **CONSENT CALENDAR**

- A. City Council Minutes - April 28, 2014**
- B. Demand List**

Upon MOTION of Council Member Siegel, seconded by Council Member Freedland 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. Consideration of Approval of an Agreement Between Chris Sundlee and the City of Hidden Hills for Emergency Services Coordinator Services**

The City Manager provided the following information:

the City received six proposals in response to our search for an independent consultant (not an employee); a panel very knowledgeable in relation to emergency services was established, consisting of a representative from both the Fire and Sheriff's Departments,



the City's Emergency Services Director, the Area B DMAC, and the Emergency Services Supervisor from Santa Clarita (the City Manager sat in on but did not take an active role in the interviews); after the interviews and a lengthy discussion, it was decided to offer an independent consultant agreement to Chris Sundlee; some of the noteworthy provisions of the proposed agreement include 1) work not-to-exceed 40 hours/month at the rate of \$50/hour, 2) automobile and liability insurance will be required, 3) the City may terminate the agreement with or without cause upon 30 days written notice, 4) consultant may terminate the agreement upon 90 days written notice, 5) in the event of an emergency resulting in the opening of the EOC, consultant is expected to arrive at the EOC as soon as possible, and shall remain at the EOC or within a 10 mile radius while the EOC remains open, and 6) the agreement would be effective 6/1/14, and expire on 6/30/15, resulting in a cost to the City of \$26,000 for those 13 months; Mr. Sundlee has obtained proposals for insurance (ranging from \$1200 - \$5000), but has not purchased the insurance without yet having a signed contract from the City; if obtaining the insurance does become a problem, rather than possibly losing the consultant, there is the option of obtaining a protected contract for him from the CJPIA, without any additional cost to the City, as we would still be under the minimum payroll; since the next Council meeting is not until June 9th, the City Manager and City Attorney would ask for the authority to work with the CJPIA to obtain a protected contract if necessary, and to make any minor changes to the proposed agreement requested by the CJPIA, which would have to approve the proposed agreement before issuing a protected contract.

City Attorney Roxanne Diaz stated that under the insurance provisions in the agreement, the consultant has five days before his performance begins to provide the necessary insurance documents, which would be reviewed for appropriateness, or the City can terminate the agreement; or the City can then look into the protected contract option. She added that the consultant will not need to provide workers comp insurance (as he has no employees) or errors and omissions insurance, as he is not a licensed professional.

A short discussion then occurred regarding the insurance, the scope of services to be provided, the prioritizing of those services, if enough time was being provided to accomplish the services, how the Public Safety Commission and CERT volunteers would be of assistance, and Mr. Sundlee's previous accomplishments, his qualifications and past experience, and excellent reviews from former employers.

Upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve the Agreement Between Chris Sundlee and the City of Hidden Hills for Emergency Services Coordinator Services, with an effective date of 6/1/14, subject to Mr. Sundlee providing the required insurance documents, and further resolved that if those insurance documents could not be provided, that City staff be authorized to work with the CJPIA to obtain a protected contract for Mr. Sundlee, including the authority to make minor changes to the agreement if required by the CJPIA. Staff will provide an update to the Council after the agreement has been in effect for six months, to allow the Council and staff to determine if any adjustments should be made regarding the scope of services or the hours being expended by the consultant.

**B. Consideration of Proposals and Approval to Provide New Flooring and Carpeting for City Hall**

The City Manager reported that three bids were obtained for this work, which hopefully will be done over the Memorial Day weekend, and that staff is recommending approval of the proposal from Chiurazzi Floorcovering. City Attorney Roxanne Diaz explained that under the City's Municipal Code, since we have adopted the Uniform Cost Construction Accounting Act with respect to these types of projects, the City can negotiate a contract under \$25,000 without having to accept the lowest bid. Upon MOTION of Mayor Pro Tem Weber, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to approve the proposal from Chiurazzi Floorcovering in the amount of \$16,875.00 to provide new flooring and carpeting throughout City Hall, subject to the signing by Chiurazzi Floorcovering of the City's standard agreement.

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved to adjourn the regular meeting of May 12, 2014 at 8:29 p.m.

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Marv Landon, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk