

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, December 8, 2008

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 8, 2008 at the hour of 7:35 p.m. Mayor Steve Freedland called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance. Mayor Freedland apologized to those at home, as there were some problems with the video cameras at this time. He added that they were being worked on, and hopefully would be fixed within a few minutes; in the meantime, the audio portion of the meeting was available.

ROLL CALL

Council:

Mayor Steve Freedland
Mayor Pro Tem Larry Weber
Council Member Jim Cohen
Council Member Monty E. Fisher
Council Member Stuart E. Siegel

Staff:

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

APPROVAL OF AGENDA

Upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried, it was resolved that the agenda for the December 8, 2008 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Freedland made the following announcements:

City Hall, Building & Safety, and the Community Center will all be closed for the holidays and there will be no inspections from noon on December 24, 2008 through January 1, 2009.

Terilyn Finders, who has served for some years on the Las Virgenes Unified School District Board, has announced her resignation; to thank Ms. Finders for her service, he as the Mayor, on behalf of the Council, will be presenting a City plaque to her at the Board meeting this Tuesday evening.

Happy anniversary to Council Member Stuart Siegel and his wife Peggi; they will celebrate their 38th anniversary this Friday (12/12).

The Community Association/Parks & Recreation Committee's winter social will be held this Saturday (12/13) at 1:30 p.m. at the Community Center; call the Association office for further details.

All those who have Christmas trees are encouraged to recycle those trees; bins will be located at City Hall and at the Community Center from 12/26/08 through 1/18/09.

Happy birthday to City Manager Cherie Paglia (12/13).

Council Member Fisher and the rest of the Council wished Mayor Freedland a happy birthday (12/11).

AUDIENCE

There were no questions or comments at this time.

PUBLIC HEARING

A Public Hearing Pertaining to the Declaration of a Public Nuisance at 5545 Dixon Trail Road

Assistant City Attorney Steve Orr joined the meeting at this time.

City Engineer Dirk Lovett provided the following staff report:

This item is presented in order for the Council to determine whether or not a public nuisance exists at the property at 5545 Dixon Trail; on November 13, 2008, the City Manager (pursuant to Section 3-7-4 of the Hidden Hills Municipal Code) determined that a nuisance did exist on this property, and notified the property owner by letter, asking that the owner abate the nuisance; the property owner has not responded to the letter or abated the nuisance; as the property currently exists, it is partially constructed with various building materials stored on site; the property sits on a ridge and is visible from many areas of the City including the street; there has been no visible construction activity on the site for at least two years; staff has visually inspected the property and determined that various conditions do exist on the property that would deem it a public nuisance; the owner was given ten (10) days by the City Manager (per the 11/13/08 letter) to abate the nuisance; the owner was asked to do the following: 1) secure the property so it could not be accessed by any person, 2) remove the trash, overgrown weeds, brush or any debris from the property, and 3) obtain a demolition permit to demolish the structure or submit new plans for the completion of the project; there has been no response to the letter from the owner or his representative, and no changes to the property have been observed other than some weed abatement; therefore, the City Council is required to conduct a public hearing and take evidence, including the staff report and any testimony from the property owner or any other members of the public; the Council may then take any of the following actions: 1) terminate the proceedings and determine that no action is necessary at this time, 2) confirm the action of the City Manager and declare the condition to constitute a public nuisance, or 3) modify the decision of the City Manager based upon evidence presented at the hearing; if the Council determines that the property is a public nuisance, action must be taken by resolution, which would contain the findings required by the Municipal Code and also order the abatement of the conditions that constitute a nuisance; the resolution would be presented to the Council for consideration at its meeting on January 12, 2009.

City Attorney Roxanne Diaz informed everyone that a notice was provided to the property owner as required by the Municipal Code, both by certified mail and by posting on the property for the requisite time period. She added that the property owner was also notified by letter dated October 30, 2008 that any of the above mentioned actions could occur.

Mayor Freedland opened the public hearing. As there were no comments, he then closed the hearing.

In response to Mayor Freedland and Mayor Pro Tem Weber, Attorney Diaz explained that the City was required to both post the notice/letter on the property and send it via either certified or registered mail; a signed receipt (which is not required) was not returned to the City, but the City has the post office receipt from the certified mailing.

Mayor Freedland pointed out that the gate to the property in question was wide open this past weekend, as it has been at other times in the past. Council Member Siegel felt this property was the definition of a public nuisance, and that the Council should declare it so. All of the other Council Members agreed. Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Weber and unanimously carried, it was resolved to confirm the action of the City Manager, declare the condition to constitute a public nuisance, and direct staff to prepare a resolution so stating to be presented to the Council for consideration at its meeting on January 12, 2009.

CONSENT CALENDAR

- A. City Council Minutes – November 10, 2008**
- B. City Council Minutes – November 24, 2008**
- C. Demand List**
- D. Disbursement List – October**
- E. Financial/Treasurer’s Report – October**

Upon MOTION of Council Member Siegel, seconded by Council Member Fisher 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. Report from 11/18/08 Las Virgenes Malibu Council of Governments Meeting

Council Member Siegel, who is currently the President of the Las Virgenes Malibu Council of Governments (COG), provided the following report:

At this time the COG is in the process of obtaining more information, including information on related water quality litigation issues; at the last COG meeting a LASQP (Los Angeles Stormwater Quality Partnership) representative was in attendance, along with other water quality experts; Hidden Hills recently joined LASQP, which advocates for its member cities both locally and in Sacramento; in the near future, the COG plans on inviting to its meeting the Regional Water Quality Control Board Executive Director and Board Members to discuss why so many of the cities are having trouble complying with water quality requirements; there will be no finger pointing, but an effort to make it clear what resources the cities have and what can be done.

B. Report from 11/18/08 Hidden Hills Community Association Board of Directors Meeting

The following information was provided by Association Board Member and City liaison Ron Wolfe:

The Board approved a 4.5% increase in the pass-through budget for the gate guards, which is part of a 5 year contract, renewable yearly; resident Mike Zacha was appointed to the Equestrian Services Committee; the winter social budget was approved; new officers were elected: President Ron Wolfe; Vice-President Mitch Jacobs; Treasurer John McGinnis; and Secretary Cindy Goldstein.

MATTERS FROM STAFF

A. Building and Safety Cost Tracking

Building Official Greg Robinson presented the following staff report:

In October of 2005, the Building and Safety Department started tracking the existing workload by funds balance instead of running a cap; the new funds balance is estimated at \$81,000.16, down from the funds balance of \$94,884.36 in March of 2008; he would recommend that the funds balance be changed to reflect the latest estimate, and that staff be directed to recalculate the funds balance based on the existing workload in approximately six months.

In response to Mayor Freedland, Mr. Robinson stated that there was definitely less inventory/workload at this time, thus the reduction in the estimated funds balance amount that would be required to complete that workload. The Council directed staff to reduce the funds balance amount to \$81,000.16 on the next financial statement, and to recalculate the amount in six months.

B. Consideration of Proposed Resolution Regarding Member Paid Contributions to Public Employee Retirement System (PERS)

Upon MOTION of Mayor Pro Tem Weber, seconded by Council Member Siegel and unanimously carried, it was resolved to adopt by title only Resolution No. 818 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS IMPLEMENTING THE PROVISIONS OF THE INTERNAL REVIEW CODE RELATING TO EMPLOYEE CONTRIBUTIONS UNDER THE PUBLIC EMPLOYEES RETIREMENT SYSTEM.

C. Consideration of Proposed Ordinance Regarding Nuisances – First Reading

City Attorney Roxanne Diaz informed the Council of the following:

This ordinance is being proposed to fill a gap discovered when staff was looking at the City's Municipal Code regarding nuisances; the only difference is the addition of a new Section 3-7-2, Nuisances Designated; the Government Code does allow a city to declare what constitutes a public nuisance by ordinance, which many cities in the State do in their property maintenance provisions; all the new section of the ordinance does is indicate what the City believes is a nuisance, whether it be unsightly, hazardous, a devaluation of property values, etc.; there are different items listed from A though P.

Mayor Freedland asked if the only real change was stating more specifically what the City believed constituted a public nuisance. Ms. Diaz said that was correct. Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Weber and unanimously carried, it was resolved to introduce and give first reading by title only to an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS PERTAINING

TO NUISANCES AND PROPERTY MAINTENANCE STANDARDS AND AMENDING
CHAPTER 7 OF TITLE 3 OF THE HIDDEN HILLS MUNICIPAL CODE.

D. Consideration of Proposals for Housing Element Update and Review of General Plan

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

The City is mandated by State law to update its housing element every five years; proposals were sought to update the housing element and to also conduct a review of the general plan to see if anything in the plan is obsolete or deficient; three proposals were received; the Mayor Pro Tem, City Manager, and City Engineer interviewed two of the consultants who submitted proposals, and determined that both had excellent qualifications and references; the Council could hire one consultant to conduct both tasks, or hire one for each task, with the major task being the housing element update; it was felt that one consultant doing both tasks would provide more consistency and continuity, and require less staff time; since the two consultants appeared very equal, based on the cost, the Mayor Pro Tem and staff are recommending that the contract be awarded to Conexus.

Upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried on roll call vote, it was resolved to award the contract for the housing element update and general plan review to Conexus in the amount of \$69,970.00, and to authorize staff an additional 10% contingency for unforeseen costs and expenditures, for a possible total cost of \$76,967.00 for the project.

E. Consideration of Bids to Slurry Seal the City Hall Parking Lots and Public Portion of Spring Valley Road

City Engineer Dirk Lovett provided the following information:

The City Council earlier authorized staff to complete the design and advertise for public bids to slurry seal and restripe the City Hall parking lots (lower and both upper), and the portion of Spring Valley Road outside the Burbank gate; four bids were received, with the low bid coming from American Asphalt South, Inc.; the low bidder was interviewed, has been determined to be qualified, and has positive references; the City currently has over \$40,000 in Flexible LACMTA STP-L local transportation funds which have to be spent within three years, and which can be used for this project.

In response to Council Member Cohen, City Engineer Lovett stated that this area was last slurried at least fifteen years ago.

Mayor Freedland noticed that raised reflectors were missing from some of the main roads. He wondered if these funds could be used to replace them, to replace any graffiti covered stop signs, and to possibly cover the move of the traffic calming device currently on Round Meadow Road. The City Manager informed the Council that just recently, missing reflectors were replaced on all the main roads, and that additional reflectors and striping were added in some locations. She asked that the Council report any stop signs that needed replacing, and also agreed to review the use of these STP-L funds for the relocation of the traffic calming device.

Upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to award the contract for the City Hall and Spring Valley Road Slurry Seal Project to American Asphalt South, Inc. in the amount of \$29,501.00, to be paid from the City's Flexible LACMTA STP-L funds, and to authorize staff a 10% construction contingency for any unforeseen costs and expenditures, for a possible total cost of \$32,451.10 for the project.

F. Selection of New Dates for the 2009 Fiesta

The City Manager informed the Council of the following:

Helm & Sons is unable to provide rides for October 10, 2009, the date earlier selected by the Council for the 2009 Fiesta; it is very hard to obtain appropriate rides from other companies, as most of those companies get rides from Helm & Sons, plus the City has had a very good working relationship with Helm & Sons; the rides are available to Hidden Hills for October 17, 2009; this date has been approved by the Fiesta Co-Chairman; a deposit of \$10,000 will need to be submitted to hold this date, but staff will hold the deposit as long as possible; staff would prefer to schedule the Fiesta earlier, but the 2009 holidays prevent that; in the future, an attempt will be made to schedule the Fiesta in the month of September, the preferred month for the event.

Upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve October 17, 2009 as the date for the next Fiesta, and to authorize the expenditure of \$10,000 as a deposit to reserve that particular date.

G. Charles Abbott Monthly Report - October

The report was received and filed.

H. Consideration of Cancellation of December 22, 2008 City Council Meeting

The Council agreed to cancel the December 22, 2008 City Council meeting due to the holidays.

I. City Clerk Certification that There Are Not More Candidates than Offices to be Elected for the General Municipal Election to be Held on Tuesday, March 3, 2009

The City Manager explained the following:

A general municipal election was scheduled for March 3, 2009 to fill two seats on the Council, those seats being currently held by Mayor Freedland and Council Member Cohen; the filing period for the election closed this past Friday (12/5/08) at 5:00 p.m., with only the two incumbents filing papers; the Council thus has three choices as follows: 1) hold the election, which would cost the City approximately \$10,000, 2) appoint any eligible voter if no one has been nominated, or 3) appoint those who have been nominated, which would be the two incumbents who have successfully and properly filed their papers; a notice of these facts will be published on December 10, 2008; after the fifth day following the date of publication but before December 18, 2008, the City Council needs to meet to either make the appointments or direct that an election be held; therefore on Tuesday, December 16, 2008, staff has scheduled a meeting to allow the Council to adopt the appropriate resolution.

The Council directed staff to prepare a resolution to appoint the two incumbents.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL

**Potential Initiation of Litigation Pursuant to Government Code Section 54956.9(c):
Number of Potential Cases: 1**

Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Weber and unanimously carried, it was resolved to adjourn to closed session at 8:04 p.m., at which time the City Attorney announced that the Council in closed session would be discussing the item listed above.

Upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried, it was resolved to return to open session at 8:14 p.m., at which time the City Attorney announced that the Council in closed session discussed the item listed above, and that no reportable action was taken.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Cohen, seconded by Council Member Fisher and unanimously carried, it was resolved at 8:15 p.m. to adjourn the regular meeting of December 8, 2008 to December 16, 2008 at 6:00 p.m.

Steve Freedland, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk