

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, February 28, 2005

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, February 28, 2005 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 Ronald S. Berg
Council Member Jim Cohen
Council Member Monty E. Fisher
Council Member Stuart E. Siegel

Staff:

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

APPROVAL OF AGENDA

Upon MOTION of Mayor Pro Tem Berg, seconded by Council Member Siegel and unanimously carried, it was resolved that the agenda for the February 28, 2005 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Freedland made the following announcements:

He congratulated the Theater Committee on a very cute and successful show – Damn Yankees – that was presented Thursday through Sunday nights; he was privileged to attend all four performances, as his daughter was in the play.

The Community Association has scheduled a Teen Casino Night for this Friday evening, if there are enough participants; for more information call the Association or Samantha Kane.

AUDIENCE

There were no questions or comments at this time.

PRESENTATION

Request for Written Support from the City of Hidden Hills for Heschel West Day School Building Project

Mayor Freedland introduced resident Kim Cavallo and asked her to explain the project. Ms. Cavallo provided the following information:

As residents of Hidden Hills, they are asking Councils in the area and this Council to endorse the project so it can move forward with broad community support; Heschel West is an eleven year old Jewish day school operating from a leased property off of Liberty Canyon; there are currently 187 pre-K through 5th grade students enrolled at the school; next year the school will be adding 6th graders, and will add students until eventually the school covers through 8th grade; the proposed project would be built on a 72 acre parcel, owned by the school, off of Chesebro; the permit process has been going on for some years, with the main opponents being the homeowners of Old Agoura; many of their complaints have been addressed with the second round of an environmental impact report

(EIR), which has been very well received; the school is in the unincorporated area of Los Angeles County, so there are no other jurisdictions involved.

Mayor Freedland pointed out that was one of the reasons the Hidden Hills City Council was considering support for the project – that no other cities were involved in the approval process, just Los Angeles County.

Ms. Cavallo continued with her presentation:

There are currently three Hidden Hills families who have students attending Heschel West, although there have been others in the past; it is a very unique school, and it seems that parents who no longer have students attending continue to support the school; the project has been endorsed by a number of corporations, large employers in the area, etc.

At this point, resident Ellie Sambol provided additional information:

The Board of the Agoura/Oak Park Chamber of Commerce, Supervisor Zev Yaroslavsky, Council Member Bernard Parks, and Mayors and Council Members from Westlake Village, Calabasas and Agoura have all spoken on behalf of the project; they have letters of support from Countrywide Financial, Arks Mortgage, Oaks Christian School, Westminster Presbyterian Church, and a number of other local organizations.

In response to Council Member Siegel, Ms. Cavallo stated the following:

The newest Council Member from Agoura Hills has expressed his support for the project, as have Ed and Louis Masry; it appears the neighboring communities are beginning to understand that community is not defined by just the 400 homes that are in the immediate area.

Mayor Freedland informed everyone that he spoke in support of the project at a public hearing approximately three years ago, at which there was a small but very vocal group of homeowners from Old Agoura who spoke against the project. He did not know if the opposition was based on the “not in my backyard” syndrome, traffic issues, or other issues. Ms. Sambol felt legitimate concerns had been expressed, but that all those concerns have now been addressed. She pointed out that they are adding a traffic signal to help alleviate traffic congestion. Ms. Cavallo added that the drainage and fire evacuation plans have been improved, which will actually be a benefit to those homes in the area.

As there was no further discussion, upon MOTION of Mayor Pro Tem Berg, seconded by Council Member Siegel and unanimously carried, it was resolved to authorize the Mayor, on behalf of the City Council, to sign a letter of support for the building of the new Heschel West Day School on property owned by the school off of Chesebro.

PUBLIC SAFETY

A. Los Angeles County Fire Department Report - January

Assistant Fire Chief Reggie Lee presented the following report:

During the month of January, there were 4 rescues, 1 hazardous condition (a downed power line), 5 service calls (4 related to water/flooding), 1 good intent call, and 3 false alarms, for a total of 14 calls; there were also 15 hydrant inspections (which include both Fire Stations 68 and 125) and 1 plan check; because of the many road closures, extra staffing was brought in, similar to what is done during the fire season.

Council Member Siegel asked about the long term impacts of the recent heavy rains, while Mayor Freedland wondered about any effects on the brush clearance schedule. Assistant Chief Lee responded as follows:

The heavy rains cause the grass to grow more, which then dries and creates more fuel; also, when the earth is saturated and then dries, it works somewhat like a sponge, causing more fissures, and more falling rocks; fires will not get as much out of control due to having more moisture in the heavy fuels; normally when a fire spreads and hits those heavy fuels, it tends to die down; in the last several years when it has been dry, the fires would continue to burn when hitting the heavy fuels; so the moisture will help in that respect; as far as the brush clearance, they can make adjustments to the schedule and work with the customers, so they are not having to cut brush too early which will just grow back if the rains continue.

B. Los Angeles County Sheriff's Department Report - January

Captain Tom Martin provided the following report:

During the month of January there was one residential burglary in the 25700 block of Ashley Ridge; it was particularly disturbing as it occurred when the residents were home during the middle of the night, somewhere between 2:30 a.m. – 4:00 a.m.; the residents did have an excellent video camera system, so the suspect is on tape; they have not been able to identify him yet; one preventative measure is to lock all doors at night; this thief

did enter through an unlocked door, and was probably familiar with the house; he entered one hobby room and stole a variety of camera equipment, cell phones, a wallet and cash; they are not seeing a trend in this area, but would ask for extra vigilance in the neighborhoods, and again, suggest that everyone lock their doors, even though this is a very safe community; there was one traffic collision during the month; it occurred at Round Meadow School when an individual backed into another when parallel parking, causing minor damage to a bumper; there were also three false alarms.

C. Consideration of Proclamation for Safe Communities Week March 7 – 12, 2005

Captain Martin addressed the Council as follows:

Safe Communities Week actually began on the east side, in the Walnut Station area, in 1992; they were having gang problems and decided to try to bring communities together to combat the rise in crime; they did this through a variety of education and outreach programs, community events, etc.; the L.A. County Board of Supervisors liked the idea and expanded it throughout the County; the Sheriff's Department also embraced the idea; in this area, we have a variety of outreach programs, especially to deal with youth, such as the Juvenile Intervention Team and STAR program; tours of the station are provided to local youth groups to provide positive interaction between Sheriff personnel and youngsters; the parenting classes also provide adult education; he would ask that the Council approve the supporting proclamation.

Mayor Freedland read the proclamation, after which upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Berg and unanimously carried, it was resolved to approve the Proclamation declaring March 7 – 12, 2005 as Safe Communities Week in the City of Hidden Hills.

Council Member Cohen, referring back to the January Sheriff's report, asked about the reserve hours for January, as it appeared there were no activities within Hidden Hills. Captain Martin responded with the following information:

They have a very active reserve program; the activity sheet lists significant events that occurred during the month; the reserves do come into Hidden Hills from time to time; even though there were no events in Hidden Hills in January, the reserves did spend an hour in the City just driving around and observing.

D. Discussion Regarding Youth Equestrian Helmets

Claudette Rice, Equestrian Services Committee Member, addressed the Council:

When she moved in some 20+ years ago and got her first horse, she was told that if someone could ride in Hidden Hills, that person could ride anywhere; because the City is a very condensed, small area, riders are exposed to so much, such as buses, trash trucks, dogs, delivery trucks, etc.; it can be quite trying and dangerous; the Equestrian Services Committee (ESC) would like the Council to consider the adoption of an ordinance requiring children under 18 to wear a safety helmet when riding a horse on the common parkways, trails, streets, arenas, and anywhere else other than on private property; the Hidden Hills Horsemen (HHH) require children to wear helmets during HHH events, but they are not required to do so at any other time; it is a long way to the ground from the top of a horse; according to an article she read, the most common reason among riders for hospital admission or death is head injuries; helmets cannot prevent a rider from breaking his/her neck, but they do help to eliminate head injuries.

Mayor Pro Tem Berg commented as follows:

He is very much in favor of children wearing helmets when horseback riding; however, he does not know what the adoption of an ordinance will accomplish, as being practical, there would be no way to enforce it; none of the areas that Ms. Rice mentioned are City owned, but rather are maintained by the Community Association; perhaps it would be better if the ESC adopted some type of regulation that if ignored, would cause riding privileges to be withheld.

Council Member Siegel wondered why the horse community would not want to require all horseback riders to wear helmets, not just those under 18, as it would seem to be just as dangerous for everyone. He agreed with Mayor Pro Tem Berg that it would be very difficult for the Sheriff to enforce an actual law related to helmets, as you cannot pull over a horse and rider and ask for identification like you would someone riding a motorcycle without a helmet (which is a State law).

Mayor Freedland asked Captain Tom Martin how the Deputies could logistically handle the enforcement of such an ordinance. Captain Martin replied as follows:

It would be very difficult to enforce; it would be a City ordinance to be enforced on private property, and he was not sure of the legal requirements, but thought the Association might have to post signs; the Deputies are always very careful to not scare

horses in the community with their vehicles, so it would be difficult to pull over a horse and ask the rider for identification; they would certainly need the cooperation of the rider who would have to dismount; nor would they be able to pursue a rider onto a trail.

Assistant City Attorney Roxanne Diaz stated the following:

City ordinances can be enforced in two ways; citations can be issued, with the process then moving through the criminal court system; or the matter could be handled civilly; in this case, the City would need to set up an administrative penalty program; citations would be provided with fines being paid to the City; however, this would require staff resources, someone would have to be authorized to issue the citations, and the City would have to deal with the problems related to non-payment of fines.

Council Member Fisher added his comments:

He too was concerned with how a helmet ordinance would be enforced; he also thought there would be problems determining what types of helmets would be allowed, and just thought the ordinance was not a very good idea; instead, he suggested that perhaps the City could use funds to educate people regarding the benefits of using helmets.

Mayor Freedland stated he would be willing to use City funds for education and to even purchase helmets and give them away to residents, but he was not sure that would guarantee people would use them. He added that in theory, he would support the idea of the ordinance, but it just is not practical. Mayor Freedland wondered if the Association or the ESC had a mechanism by which to require the use of helmets.

Council Member Cohen agreed that perhaps the Association could do something, as they have rules and regulations, hearings, and provisions for violations. In response to Council Member Cohen, Ms. Rice stated again that during HHH events, only those under 18 are required to wear approved helmets, not the adults.

Council Member Siegel pointed out that children learn by example, and that if the parents would wear helmets, the youngsters would also. The City Manager suggested that the HHH be asked to consider requiring all participants in any of their events to wear approved helmets. Ms. Rice

stated that she would go back to the ESC and also talk to the Board of Directors and the HHH about the Council's comments and suggestions.

E. Consideration of Placement and Costs Related to Emergency Antenna at/near Round Meadow Gatehouse

Mayor Freedland provided the following background information:

When the Association remodeled the Round Meadow gatehouse, they took down and threw away the existing antenna, which was part of the City's emergency operations system; there is a member of the Gate Committee that does not want the antenna put back on the gatehouse, but rather moved to another location, for aesthetic reasons; he would like to see the antenna replaced immediately, as there presently is no coverage for that area; the antenna is not large (he showed the actual antenna, which is 20" in length and approximately 1¼" in diameter); he felt there were certain requirements for the installation of the antenna which he did share with Ron Heston, Kim Gagnier, and the Board of Directors; the installation at any alternate location should not result in a lot of extra costs, but must provide as good or better service; the antenna should be installed as soon as possible, and he would like to know that the Board, the Gate Committee, and Equestrian Services Committee all approve of the alternate location; as the Gate Committee was not meeting again until after this meeting, they asked that the matter be continued to the 3/14/05 City Council meeting, at which time a decision needs to be made.

Council Member Fisher was very concerned that there was no coverage in case of an emergency, which is a serious public safety issue. He also wondered if it would be possible to put the antenna inside of the cupola at the top of the gatehouse. Staff will investigate that possibility. The City Manager pointed out that it was felt the antenna could be placed at the back peak of the gatehouse roof, with the wiring almost invisible, as it would run under the eave and then inside of the gatehouse through the vent. Mayor Pro Tem Berg suggested that if the antenna were placed in that location, it is so small, most people would not even realize it was there. Council Member Siegel stated that it was mainly one member of the Gate Committee that had expressed major concerns with the aesthetics of placing the antenna on the gatehouse, which he agreed would not be very noticeable. He added that the antenna could be placed on the gatehouse, even

though technically it is not City property, but the Council would prefer to have agreement on the antenna placement.

The other Council Members agreed with Mayor Freedland to continue this item until the next City Council meeting on 3/14/05, at which time, per Mayor Freedland, a decision will need to be made.

NEW BUSINESS

Consideration of Application for Tree Permit at 5501 Round Meadow Road and Proposed Resolution

City Engineer Dirk Lovett presented the following staff report:

This application is for the removal of 14 historic trees to facilitate the construction of a new house; the existing house will be demolished; the majority of the trees will interfere with the new house, while others are diseased, unsightly, or in the utility line; the applicant will plant replacement trees; the Council needs to make three findings to approve the tree permit, and he believes all those findings can be made; he would recommend approval of the tree permit and resolution, with certain conditions as listed.

Mayor Pro Tem Berg raised the issue of the surety and the \$100 maintenance fee per tree, as did the applicant, Linda Sacket, who commented as follows:

Since they would be submitting a full landscape plan, which had to be approved by both the Community Association and the City, she did not understand why a \$100 three year maintenance fee had to be provided for each tree; they will be planting 157 trees in total on the property, as she and her husband like trees very much; she also pointed out that many of the trees to be removed are diseased or have not been watered or taken care of.

The Council, staff, and applicant then engaged in a discussion, during which the following issues were raised and points made:

The applicant provides a cost estimate of the replacement trees, which is considered when determining the surety; this is in addition to the \$100 maintenance fee per replacement tree; for example, if a tree is valued at \$700, the surety for that tree is \$700 + \$100 maintenance for a total of \$800 for that particular tree; in the case of a previous tree permit, the number of replacement trees was not specified, resulting in a surety being collected for each tree shown on the landscape plan when it was approved by the

Council; in this case, the applicant is required to do a replacement plan showing the 30 replacement trees as required by the resolution; since there is a specific number of replacement trees being required, the surety will be collected only on those 30 replacement trees, not on the remainder of the trees being planted per the landscape plan; the applicant may submit two separate plans – one being the replacement plan and the other being the full landscape plan; or the applicant can combine the two plans into one, as long as 30 of the trees are designated as the replacement trees and they fulfill the requirements; the surety can be in the form of a letter of credit, cashier's check, surety, or cash; since the Council has not seen a plan for the new house, how can the finding be made that the trees to be removed actually interfere with the construction; as the footprint of the new house was hand drawn on the plans provided, it did show that many of the trees were within that footprint, while others were in the area of the proposed swimming pool; one tree was in the utility line; there are eucalyptus trees in the back of the property that are very tall, unpruned, and have a tendency to fall; the utilities on the property will be undergrounded during construction of the new home; 24" box trees vary in height and diameter, and are sometimes pretty small; maybe the height and age of the tree should be considered rather than the box size; it is often better to plant 24" box trees rather than 48" box trees, which are not as likely to survive; is it better to require a certain amount of replacement trees that might end up being very small, or require less trees of a larger size; per the resolution, the size, type and location of all the replacement trees must be shown on the replacement plan; once the resolution is approved, the Council does not see the actual replacement plan, which goes to the Association for approval; the tree ordinance was adopted because people would cut down trees, build their new homes, and then not replace the trees; should the City really be that involved with tree removals and replacement plans, or should it be left more to the Association; it is hard to understand how unwanted or unsightly pine or eucalyptus trees can be considered historic trees, just because they happen to be a certain size; this is a very complicated process, which does need to be reviewed in the future.

As there were no further comments, upon MOTION of Mayor Pro Tem Berg, seconded by Council Member Siegel and unanimously carried, it was resolved to adopt by title only Resolution No. 758 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS CONDITIONALLY APPROVING A REQUEST FOR A TREE PERMIT AT THE PROPERTY LOCATED AT 5501 ROUND MEADOW ROAD.

CONSENT CALENDAR

- A. City Council Minutes – February 14, 2005**
- B. Demand List**
- C. Disbursement List – January**
- D. Financial/Treasurer’s Report – January**

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

MATTERS FROM CITY COUNCIL MEMBERS

Report on 2/15/05 Hidden Hills Community Association Board of Directors Meeting

There was nothing to report at this time.

MATTERS FROM STAFF

A. Lasher Development - Update

City Engineer Dirk Lovett provided the following update:

Staff is still working with the consultant on the screen check draft environmental impact report (EIR); staff just finished another round of comments which were provided to the consultant earlier this evening; we are a little behind schedule; the consultant should return the document within thirty days, addressing this last round of comments; at that point, it will again be reviewed by staff to assure that all the necessary revisions were made based on the comments.

Council Member Cohen questioned why this was behind schedule, to which Mr. Lovett replied as follows:

The developers submitted some items near the holidays, when the consultant’s staff was not available to review them; a hydrology report and vesting tentative map were just received from the developers about two weeks ago; he has also talked to the developers regarding deficiencies in some of their reports; everyone is working together to move forward.

In response to Mayor Pro Tem Berg, Assistant City Attorney Roxanne Diaz again outlined the procedure involved with this project:

At this time, we are working on a screen check draft EIR; the consultant provides a draft to the City staff and City Attorney for an internal review; comments have been provided back and forth; the document is not a draft EIR at this time, and is not ready yet for public circulation, nor has it been provided to the Council Members; when the internal review is completed, the project will move forward; the application has not been deemed complete, as there is still additional information needed from the developers; once the draft EIR is finalized, there will be a 45 day public review period, at which time the draft EIR will be provided to the City Council and made available to the public; the public can provide comments to the City during this time; there will then be a public hearing at which the project and draft EIR will be provided, and comments can still be made; if comments are received, the City is required by law to respond to those comments; the draft EIR, the comments, and the responses to those comments then become the final EIR; this final EIR and the project will be presented to the City Council for consideration at a public hearing which will be publicly noticed.

B. Proposed Ordinance Regarding Building Height Cap – Second Reading

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Berg and unanimously carried, it was resolved to give second reading and adopt by title only Ordinance No. 317 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS REGARDING THE DEFINITION OF BUILDING HEIGHT CAP AND AMENDING THE HIDDEN HILLS MUNICIPAL CODE.

C. Right-of-Way Survey for Front Gate Area - Update

The following update was provided by City Engineer Dirk Lovett:

The first draft of the survey was received last week, at which time a copy was delivered to the Community Association; staff reviewed the survey, and provided comments to the consultant for revisions; he will be meeting with the surveyor in the morning to review those comments; as soon as the survey is completed, a copy will again be provided to the Community Association.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Berg and unanimously carried, it was resolved to adjourn the regular meeting of February 28, 2005 at 8:31 p.m.

Steve Freedland, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk