

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, April 10, 2006

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, April 10, 2006 at the hour of 7:30 p.m. Mayor Jim Cohen called the meeting to order and presided thereover after asking Public Safety Commissioner Mark Deitch's son Daniel Deitch to lead the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

Mayor Jim Cohen
Mayor Pro Tem Monty E. Fisher
Council Member Ron Berg
Council Member Steve Freedland
Council Member Stuart E. Siegel

Staff:

City Attorney Larry Wiener
City Engineer Dirk Lovett
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Mayor Cohen announced that an item needed to be added to the agenda under Closed Session, which would be Item No. 10.C – Existing Litigation Pursuant to Government Code Section 54956.9(a), with the name of the case being Hampton vs. City of Hidden Hills, et. al. (Case No. LAV 05V04296). City Attorney Larry Wiener stated that this item came to the attention of the Council after the posting of the agenda, as the City was served just today (4/10/06), and that there was a need to take immediate action since there is a hearing scheduled within approximately fifteen days. Upon MOTION of Council Member Freedland, seconded by Council Member Berg and unanimously carried, it was resolved that the agenda for the April 10, 2006 regular meeting be approved as amended.

ANNOUNCEMENTS

Mayor Cohen made the following announcements:

Passover will begin at sundown on Wednesday, April 12th.

April 14th is Good Friday, with Sunday, April 16th being Easter.

Today (4/10/06) is Deputy City Clerk Deana Graybill's sixteenth anniversary with the City.

AUDIENCE

There were no questions or comments at this time.

PUBLIC HEARING

Consideration of Minor Accommodation Application for a One Story Addition, Within the Required 50' Front Yard Setback, to an Existing Nonconforming Single Family Residence Located at 5594 Jed Smith Road.

At this time, Council Member Freedland recused himself and left the Council Chambers for this item, as he lives within 300' of the property being discussed.

The City Manager asked the Council Members if any of them had visited the property in question, with each of them stating the following: Mayor Cohen – is familiar with the property; Mayor Pro Tem Fisher - recently visited the property; Council Member Berg - visited the property previous to this application; Council Member Siegel did not visit the site.

City Engineer Dirk Lovett provided the following staff report:

The applicant wants to construct a one-story addition within the required 50' front yard setback; the existing single family residence is nonconforming (encroaching approximately 30' into the front yard setback), so a minor accommodation would be required for the addition; the proposal is to enclose a 70 square foot existing covered patio in the setback at the rear of the house; notices were posted in the required locations and sent to those within 300' of the property; no comments have been received; the applicant feels the addition would be in conformance with the neighborhood characteristics; per the City's Municipal Code, the Council must make one finding in order to approve this application, that being that the addition will not have a material adverse impact on the public welfare or on adjacent properties; staff feels the finding can be made, as the addition will encroach no further into the required setback than the existing encroachment, other properties in the area have similar encroachments, and the area being enclosed is very small and already exists as a covered patio; it is staff's recommendation to approve the minor accommodation application.

Mayor Cohen opened the public hearing, and then closed the hearing as there were no comments. Council Member Berg wished to point out that this was an unusual situation, as the entire existing home is within the 50' front yard setback, and adding 70 square feet, at the rear of the property, would not be detrimental.

As there were no further comments, upon MOTION of Council Member Berg, seconded by Mayor Pro Tem Fisher and unanimously carried, it was resolved to approve the minor accommodation and adopt by title only Resolution No. 781 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 FOR AN ADDITION TO AN EXISTING NONCONFORMING RESIDENCE LOCATED AT 5594 JED SMITH ROAD.

CONSENT CALENDAR

- A. City Council Minutes – March 27, 2006**
- B. Demand List**

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

MATTERS FROM CITY COUNCIL MEMBERS

- A. Consideration of Approval of Proposed Resolution Regarding the South Coast Air Quality Management District**

Council Member Siegel provided the following information:

The way the current South Coast Air Quality Management District (SCAQMD) Board is configured presents some problems; the cities of Malibu and Calabasas are in the Eastern Sector voting block, rather than the Western Sector with the other cities in this area, so have no representation for themselves; due to the size of the City of Los Angeles, the Western Sector is always represented by a sitting member of that City; proposed legislation, AB 2015, would move Malibu and Calabasas to the Western Sector, and provide additional seats on the Board to give our area representation; the SCAQMD is opposing this legislation; the Las Virgenes Malibu Council of Governments (COG) has already taken a support position on AB 2015, as have many other governmental agencies; he is asking the Council to also express support for this legislation by adopting the proposed resolution and sending a support letter.

Upon MOTION of Council Member Berg, seconded by Council Member Siegel and unanimously carried, it was resolved to send a letter of support for AB 2015, and to adopt by title only Resolution No. 782 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS SUPPORTING AB 2015 (LIEU) WHICH ENHANCES MUNICIPAL REPRESENTATION ON THE SCAQMD BOARD OF DIRECTORS.

- B. Discussion Regarding Construction Vehicles Parking on or Unloading from the Street**

Council Member Berg stated the following:

When he was the Mayor, he noticed and became concerned with the number of large trucks loading and unloading in the streets and blocking traffic; he is aware of some things being done by another community in Calabasas that he thought might work here, especially since there is a lot of construction going on within the City; since lots in Hidden Hills are large enough, he thought it might be possible to require vehicles to park on the lots themselves when loading and unloading; he also would like to see some mechanism by which the tires of construction vehicles would be cleaned as they leave the lots, preventing the vehicles from carrying the dirt out onto the streets; he believes measures such as these would help alleviate some of the parking, traffic and aesthetic problems these vehicles are causing; he wondered if the rest of the Council would be interested in implementing any of these suggestions, in conjunction with the Community Association and the Architectural Committee Consultant Ron Heston, who also happens to serve as the outside consultant to the community in Calabasas who already imposes some of these conditions.

Council Member Siegel commented as follows:

He thought the Council should look at some of these ideas, other than the parking; even with the size of the lots in Hidden Hills, he does not believe it would be practical or enforceable, even though it would be nice, to require all trucks and construction vehicles to park on the lots themselves; he thought that most contractors would park on the lots if they could, as that would provide better protection for their equipment, and also be much more convenient; he agreed that the dirt is definitely a problem, and that flagmen should be required when vehicles are blocking traffic.

Council Member Freedland added his comments:

At the Oaks in Calabasas, it is all brand new construction, so it is a little different than here in Hidden Hills; if the Council were to move in that direction, it would seem that some type of formula would be necessary depending on how much work was to be done; would it just be required for tear downs, or remodels – there would be too many variables and issues; he would like to see the vehicles off the street, but even though the lots are large, sometimes it is just not possible or practical to get the vehicles on the lot itself; he also felt if there was going to be enforcement, it should be against the general contractor, not the individual contractors, and he is not sure how that could be done.

Mayor Pro Tem Fisher thought this would be a good idea, but many of the vehicles do not have a choice and have to park on the street; if they park on the lots, they could possibly cause damage there also. He just was not sure these measures would be practical, but thought they should be given some thought. Mayor Cohen also raised the issue of which vehicles would be affected –

would the rules, if adopted, apply to UPS, Federal Express, moving vans, etc. The City Manager reminded the Council Members that they previously adopted regulations requiring that flagmen be used when the street is being blocked, and if this was not being done, the Building Inspector would be sent to the site if notified of the problem. She pointed out that the Sheriff could be called if vehicles were creating a hazardous traffic problem, but also expressed concerns that it would be difficult to enforce these types of measures. Council Member Freedland felt that many drivers were not familiar with the City and unaware that they could park in the parkways so they would not be so far into the roadway. Mayor Pro Tem Fisher agreed, but added that parking in the parkway may not always be a good idea either, as vehicles could get stuck there.

Mayor Cohen suggested that this matter be tabled for now, and that the Council Members give some thought to the suggestions and issues raised to see if they could come up with some practical solutions to be considered at a future meeting.

MATTERS FROM STAFF

A. Sale and Transfer of Consolidated Disposal Service's Existing Solid Waste Disposal and Recycling Collection Accounts to Waste Management, Inc. (G.I. Rubbish)

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

At the last City Council meeting, a representative from Consolidated Disposal Service (CDS) mentioned that his company was in negotiations with Waste Management, Inc. (WM) to sell its accounts; the City has now received a formal letter, from both haulers, stating that they have entered into an agreement by which CDS will sell all of its accounts to WM effective 4/28/06; CDS has requested that the City either acknowledge the termination of its agreement with the City, or approve the assignment of CDS's accounts to WM until the agreement terminates; the current City agreements with both haulers expire on 9/30/06; last November, because of the upcoming expiration of the agreements, staff was directed to create an updated agreement and request for proposal (RFP), and to solicit bids from qualified haulers; staff will send both haulers a letter acknowledging that the CDS accounts can be sold to WM, per their current agreements with the City, but that CDS will not be released from its current agreement with the City, or any potential liability arising from its actions during the term of the agreement, until the agreement

officially expires on 9/30/06; staff will proceed as directed to solicit bids from any qualified haulers.

Council Member Freedland stated that it was very important for the residents to have a choice of waste haulers, and that when there is only one hauler, there is no competition to keep the rates down and to force better service. He asked about the timeline for obtaining bids. Mr. Lovett explained that the City would advertise for proposals in the next couple of weeks, but that there would be only one hauler from 4/28/06 until 10/1/06, at which time, hopefully, the City would be able to enter into agreements with numerous qualified companies. Council Member Freedland wondered if a resident could use any hauler during that time period, and if rates could be frozen. Mr. Lovett and the City Manager responded as follows:

A hauler cannot work in the City without having a franchise agreement, so a resident could not hire just anyone to provide these services; regular trash rates cannot be frozen, to allow for competition, but certain recycling rates are set per the current agreements; staff understands the desire to have a choice of haulers, and there is hope that more than one company will submit proposals to enter into franchise agreements starting 10/1/06; however, if only one bid is received, there is nothing the City can do about that; the City cannot force companies to service the City if they do not want to; staff will aggressively pursue proposals.

In response to Mayor Pro Tem Fisher, Mr. Lovett explained that roll-off bins can be provided by the two current haulers, but also by Looney Bins, who does have an agreement with the City to provide construction and demolition removal – if other unauthorized bins are seen by the Building Inspector, notice is provided to remove those bins.

Resident Jim Doran commented that it is too late to freeze rates, as he has already been notified by CDS, his hauler, that he now must have his dumpster picked up every week, rather than every other week, and the cost has increased for that additional pick-up by about \$90/month.

Council Member Siegel stated that since staff will be advertising for proposals in the next two weeks, the process will be moving forward as quickly as possible, and the City can only hope that there will be numerous proposals received. Council Member Freedland just wanted to

assure that bids would be aggressively pursued, as he knows the nature of the business is to try to obtain a monopoly in a certain area. Mayor Cohen agreed, stating that he has had the experience of not having a choice of haulers, which does happen in many locations.

Mayor Cohen asked if rates charged by the haulers could be capped. Mr. Lovett thought that the new agreement was structured in such a manner that all rates, not just those for recycling, would be limited each year by a certain formula, not to exceed a certain percentage, based on the CPI, landfill costs, etc.

B. Consideration of Establishment of “No Passenger Unloading” Zone near Round Meadow School

Public Safety Commission Chairman Jim Doran stated the following:

The Council began this discussion at the last meeting, after which staff had further discussions with the Sheriff’s Department; it is being recommended that the proposed zone be extended on Round Meadow Road all the way from Mureau Road to John Colter Road; to eliminate any confusion about whether or not passengers can be unloaded if a car pulls off onto the parkway, the signs can say “No Passenger Unloading in Street”.

Council Member Siegel wanted to make sure it was clear that a car could park on the parkway, and people could exit the vehicle. Staff assured him that was the case, as long as the vehicle was not in a “No Stopping Anytime” zone. Council Member Siegel also wanted the unloading zone to only be in effect during school hours, so no one could be issued a ticket at other times.

In response to Mayor Cohen, the City Manager stated that no action was required of the Council, as the Municipal Code allows the Building Official to determine locations for no stopping and no parking areas, as long as the proper signs are installed. She added that staff just wanted to confirm that the Council was comfortable with the unloading zone as suggested by staff. The Council Members all agreed the unloading zone was a good idea, and thought it should cover the area as designated by staff.

C. Update on AB 1234/Ethics Training

City Attorney Larry Wiener informed the Council of the following:

Last year the State Legislature passed AB 1234 which mandates that all local elected officials, who receive a salary or request reimbursement from their cities for expenses incurred, must receive two hours of ethics training before 1/1/07; this applies to anyone who will still be in office after 3/1/07; he is aware that the Hidden Hills Council Members do not receive a salary or compensation, and that requests for reimbursement are few and far between; however, if a Council Member chooses to take the training, on those rare occasions, that Council Member could then be reimbursed; without the training, there would be no reimbursement; if the COG chooses to organize regional training, his firm would provide that training at no cost; his firm is also preparing DVDs for self-study, which is acceptable as long as the training is completed and the proper form signed.

Attorney Wiener was asked by the Council Members to provide those DVDs when available.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL

A. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8

Property: City Right-of-Way Outside of the Burbank, Long Valley, and Round Meadow Gates
City Negotiators: City Attorney and City Manager
Negotiating Parties: City of Hidden Hills and Charter Communications
Under Negotiation: Price and Terms of Payment

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

C. Existing Litigation Pursuant to Government Code Section 54956.9(a):

Name of Case: Hampton vs. City of Hidden Hills, et. al.
Case No. LAV 05V04296

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved to adjourn to closed session at 8:11 p.m., at which time it was announced that the Council, in closed session, would be discussing the items listed above.

Upon MOTION of Council Member Siegel, seconded by Council Member Berg and unanimously carried, it was resolved to return to open session at 8:42 p.m., at which time the City Attorney announced that the Council, in closed session, discussed the items 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 Berg, seconded by Council Member Siegel and unanimously carried, it was resolved to adjourn the regular meeting of April 10, 2006 at 8:43 p.m.

Jim Cohen, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk