

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, December 13, 2010

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 13, 2010 at the hour of 7:30 p.m. Mayor Larry Weber called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

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

Staff:

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

APPROVAL OF AGENDA

Upon MOTION of Council Member Siegel, seconded by Council Member Freedland and unanimously carried, it was resolved that the agenda for the December 13, 2010 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Weber made the following announcements:

The City's general municipal election will be held on March 8, 2011; the filing period has been extended until 5:00 p.m. on Wednesday, 12/15/11; three seats are up for election; call City Hall if you have any questions.

City Hall and the Building Department will be closing for the holidays at noon on Thursday, 12/23/10, and will remain closed until Monday, 1/3/11.

Saturday was Council Member Steve Freedland's birthday, and today is City Manager Cherie Paglia's birthday.

There are two 40th anniversaries to announce – Council Member Stuart Siegel and his wife Peggi celebrated yesterday, while residents Gene and Anita Wolver are celebrating today.

To everyone - a belated Happy Hanukkah, Merry Christmas, and happy holidays.

AUDIENCE

Resident Eric Toeg addressed the Council Members, asking them to make the Saddle Creek renovation a top priority if possible.

PRESENTATION

Consideration of Issuance of Proclamation for Childhood Cancer Awareness Week December 19 – 25, 2010

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved to issue a proclamation proclaiming December 19-25, 2010

as Childhood Cancer Awareness Week. The proclamation will be mailed to the Chairman of the American Cancer Fund for Children, Inc., Steven Firestein, who sent his apologies for not being able to attend the meeting this evening as planned.

PUBLIC HEARING

Consideration of:

- A. A Final Environmental Impact Report for Proposed Vesting Tentative Map 63567, Including a General Plan Amendment, Pre-Zoning, and City Annexation of Approximately 7.8 Acres of Property from the County of Los Angeles; and**
- B. A General Plan Amendment and Pre-Zoning of Approximately 7.8 Acres of Property Proposed to be Annexed; and**
- C. An Application for Vesting Tentative Map 63567, Including 7.8 Acres Proposed to be Annexed to the City**

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

An application was filed on 4/24/06 by Ashley Construction, Inc. (ACI) requesting approval of a Vesting Tentative Map (VTM) and other entitlements; the City held public hearings on 7/28/08, 8/25/08, 9/8/08, and 9/22/08; at the last meeting on 9/22/08, the applicant's attorney submitted an email requesting that the City Council take no further action and that the item be tabled so they could explore other options or alternatives; the application was tabled at that time indefinitely; on 4/26/10, approximately four years after the application was filed and a year and one-half since it was tabled, the City Council requested that the applicant provide an update on the project; the Council at that meeting directed the applicant as follows: 1) within 90 days, the developer was to demonstrate to the City reasonable progress in developing options or alternatives, for which he indicated he needed the time to do so when the project was tabled, 2) staff was directed to schedule this matter for an August or September Council meeting at which time the developer was to attend and report on his progress, 3) at that meeting, if it was demonstrated that the developer had made reasonable progress developing options or alternatives, the City Council was to discuss providing him with a limited period of time (such as 90 days) to either move forward with the project as proposed, withdraw the application, or submit a revised or new application, and 4) if at that meeting it was determined that the developer has not made a good faith effort in developing options or alternatives, then the project is to be noticed for a public hearing so that a decision can be made; at the 9/13/10 meeting the developer did share several potential conceptual modifications to the application, along with the context of meetings he held with

residents in the area; however, the applicant did not state or commit that he would either withdraw or submit a different plan at that time after the Council specifically asked; the Council directed staff to schedule a public hearing for 12/13/10, which is now five years since the application was filed; as of this date, the developer has not submitted to the City a formal application for revisions to the application; accordingly, the only item for the Council's consideration this evening is the application that was originally submitted for the VTM and the accompanying General Plan Amendment and request for Pre-Zoning; some of the issues and concerns that were raised in the past and stated in both the EIR and at the public hearings are the following: 1) that the scale of the project was too large and the feeling that the grading and lots should be reduced, 2) construction and residual long term noise, 3) removal of a ridgeline; several people had a desire to protect the existing ridgeline, 4) air quality due to construction, 5) maintenance of landscaping, 6) traffic control and safety, 7) repair/restoration of adjacent properties due to required improvements, 8) access to a portion of the site from Lasher Road, rather than Bridle Trail Road exclusively, 9) access rights/easement to property to be annexed, 10) timeframe for construction (grading/landscape/construction of homes), and 11) construction hours and days; in addition to those items, the major issues the Council will have to be making a decision on are the annexation of 7.8 acres into the City, removal of a currently County designated significant ridgeline, and access to a portion of the project from Lasher Road; as stated previously, at its meeting of 9/13/10 the Council did discuss the developer's progress and follow-up; since that meeting, there has been no formal submission to the City of any revisions to the original application; however, the developer stated he would like to discuss a new conceptual design with the Council, which is provided in the Council packets for review and is also shown on the board; the developer asked that it be submitted to the Council along with the letter that was attached to the conceptual plan (provided in the packet); at this meeting, the Council should continue to receive public testimony on the EIR, General Plan Amendment, Pre-zoning, and VTM, ask questions and comment on the project, and make the following determinations before making a decision on the project: 1) determine whether or not the final EIR is adequate and complete for purposes of the California Environmental Quality Act, and if the final EIR is deemed complete or adequate, 2) determine whether the potentially significant impacts of the project have been mitigated to the extent feasible and whether any unavoidable impacts are outweighed by the benefits of the project, 3) determine whether by reason of circumstances peculiar to the proposed subdivision for the use proposed to be made of the property in the subdivision, the public peace, health, safety and welfare will be protected adequately by lots of lesser pad area than that specified in the Hidden Hills Municipal Code, 4) determine whether the VTM conforms with the Hidden Hills General Plan, 5) determine whether to incorporate the 7.8 acres, proposed for annexation, into the General Plan by designation of RA-1; this action will be contingent upon the approved annexation by LAFCO; should the annexation be denied, the General Plan Amendment of course would be voided, and 6) determine

whether to pre-zone the 7.8 acres to be annexed as residential agricultural suburban (RA-S), as are the other properties in the area; this action would be contingent upon the approved annexation by LAFCO; should the annexation be denied, the Pre-zoning would be voided; it is staff's recommendation, based on the entire record of the project and for the reasons outlined in this report, that the Council may deny the project based on the fact that determinations 2, 3 and 4 cannot be made; in conclusion, the Council's options are 1) make the determinations and approve the project, 2) deny the project, or 3) provide the applicant until the meeting of 1/10/11 to submit a formal application for a revision to the VTM; if a decision is made this evening, staff will prepare the necessary resolutions and documents for the next meeting to reflect the Council's action.

At this time, Mayor Weber opened the public hearing, asking for comments from ACI, to be followed by comments from the Community Association if any, and then comments from the audience.

Resident Ron Berg addressed the Council, stating he was appearing on behalf of ACI in relation to VTM 63567:

He did not believe it was necessary to review the history, other than to recognize that the proposed development is of significant concern to both ACI and the residents as expressed in various meetings before the City Council and Board of Directors; on 11/18/10 the developer submitted what he intended to be a "not to exceed" revision to the application, and what he believed was consistent with the obligations stated in the 9/13/10 minutes to move the VTM and application forward; he believes, based on the staff report, and as Dirk confirmed, that the 11/18/10 correspondence and conceptual plans were provided to the Council for consideration; he understands from Dirk's correspondence to the applicant dated 11/22/10 that Dirk did not view the same as a revision or modified application, with one of the issues being non-payment of an additional \$20,000+; he would note that the significance of the revision is it allows the application to continue subject to the current ordinances and rules, and is based upon a model of a neighboring development recently approved; the new conceptual plan is consistent with those of other developments that have been approved and is more environmentally friendly as will be explained shortly; we believe the new conceptual drawing meets substantially all of the concerns and issues expressed by residents, and understand that the new conceptual plan has had a favorable response from the Equestrian Services Committee (ESC) and many of the Bridle Trail neighbors; as he understands, one of the issues was that the fees were not paid; this is not a financial issue – they can be paid, but from a practical standpoint it needs to be done based upon an indication that the conceptual drawings will be considered and not simply rejected by this

Council; in quoting from the minutes of 11/13/10 (page 18), Larry Wiener stated “He would guess that before staff embarked on a substantial revision to the environmental document, the staff would bring the proposed revision forward to the Council to determine whether or not it made sense to do that and spend the applicant’s money and time, or whether the Council simply wished to take action on the original application”; Larry Wiener (on page 18) further stated “He would suggest rather than try and anticipate what the developer might submit and when, that the Council schedule the public hearing; if there is a revision submitted or requested by the applicant, the Council, at the time that the public hearing is scheduled, can look at that proposed revision and determine whether it merits any further consideration and further delay in the process, or whether the Council wishes to move forward on the application as submitted”; on page 17 of the minutes, again quoting Larry Wiener “The application will likely stand as it was originally submitted; prior to the public hearing the developer may suggest a revision to the application that the Council would have an option of adopting as part of its decision to approve or deny that project; as would be the case with any application”; the applicant has submitted what it deemed to be a revision of the original application for consideration by this Council which we hope will facilitate some discussion resulting in the application as revised receiving a favorable review from staff and recommendation for approval; however, as Larry Wiener noted and was earlier quoted, before additional expenses are incurred, the staff would bring the proposed revision forward to the Council to determine whether or not it made sense to do that and spend the applicant’s money and time; that is what we are hoping to accomplish this evening, to determine whether or not there is a basis for spending the applicant’s money and time, and your time; to date with the original application, the applicant has paid to the City \$316,211.41; all that is being requested through the revision that was submitted of the revised conceptual drawings is the guidance of the Council as suggested by its Counsel on 9/13/10; if we get a favorable response, we will be happy to write a check to cover any fees and perform any other obligations necessary for the revision to be considered; if you determine the conceptual plan merits review, we ask that the process of moving same forward will occur without delay which would include the establishment of a subdivision committee as provided for by law together with a budget for the work that needs to be performed so this revision can be timely and fully considered and voted upon by this Council; the applicant believes the new conceptual plan represents a significant compromise on its part and is reflective of concerns addressed during public hearings before the Council, the Community Association, and other venues; the applicant is open to discussion concerning a pre-annexation based upon a negative declaration or anything else that would permit this to move forward under the original application subject to revision; if the Council finds that the conceptual drawing does not address previously expressed concerns or would not be acceptable, then submittal of the revision and payment of additional fees would not be in the best interest of either the developer or the City, leaving you to simply make a decision

this evening and for the developer to consider other development alternatives; we are here to work with you and to look for guidance.

Since Mayor Weber said he would like to hear more about the new conceptual plan, Mike Ashley provided additional information:

The original plan for development was approximately 10 acres that would result in the creation of 5 lots; Bridle Trail Road, when developed in the 1980s, consisted of 30 acres and was divided into 20 lots; currently, 5 of those 20 lots are unbuilt, but are legal and could be built on tomorrow; the first plan submitted took the adjacent 10 acres and divided it into 5 lots accessed off of Bridle Trail; we are proposing a new not-to-exceed plan; the intent, if it is approved, is to build this project out in this manner or less; we will not grade or cut more or build more lots than shown on the plan, and it could be less lots [Mr. Ashley displayed a plan, using it to point out areas and items he was discussing]; it is difficult in today's real estate situation to read what will be desirable or marketable tomorrow; we want to try to address problems that exist with Hidden Hills today; one problem is access to the 7.8 acres that is in the County but surrounded by Hidden Hills on all three sides; the idea is to annex this property into both the City and Community Association; he is not sure of the configuration, but will stipulate that it will not exceed this particular plan; when the original plan was first submitted, access was from Bridle Trail, it had an extension of Bridle Trail, it had grading out on the knoll of approximately 52', and they were moving 177,000 yards of dirt; that sounds like a lot of dirt, but the Gonen property previously approved, which is almost the exact same size, is moving 500,000 yards of dirt; when the plan was first submitted, there were concerns by many people on different levels; the first concern we were aware of was traffic, as Bridle Trail residents didn't want five more homes on that street; people need to understand that there will be five more homes on Bridle Trail no matter what happens, as those lots are completely done (utilities are in, taxes are paid, Association dues are paid), just not built on yet; the question is how many homes over and above those five lots will be built; on the original plan, there would be five additional two-acre lots; we have dropped one lot totally out of this project; more importantly, we brought two lots off of Lasher, close to the existing bridge and before the turns; so this new plan will result in a total of two more lots besides the five already legal on Bridle Trail; some of Dirk's stated concerns were in the EIR and were resolved; there will not be a noise issue; there will not be an air quality issue other than minimal during grading, and there are provisions for watering, etc.; the big concern after traffic that came up later was the grading; people objected to the amount of cut on top, and the look of the existing hill and how much it would change; another concern was what the development would look like from the 101 freeway; he has before and after pictures of the property from the 101 [which he showed] which are based on actual dimensions, not artist ideas; anyone going north on the 101 freeway at 60 mph, with his head turned 90 degrees, will see the property for only 1.5 seconds; plus it will be

heavily planted with trees; in Hidden Hills, grading was a big issue for the Bridle Trail residents, looking at the existing hill; the hill comes up to the ridge, which was going to come down 52'; this has been modified to come down 36'; the grading changes (by dropping a lot, etc.) will reduce the yards of dirt from 177,000 to 140,000, which will also shorten the grading time; the ridge, in the original plan – you would have seen homes on top of the hill; we've tried and believe we've accomplished bringing the ridge up higher than the homes behind it, so you will see from the end of the cul-de-sac the existing hill vastly improved but the same general configuration; we have done a couple of things; we've left Bridle Trail exactly as it is, added a dog park/park/green belt area between the bridle trail and the street, and when looking up you won't see any houses on the hill; we have a reduction in grading, a reduction in volume, a reduction in the amount of traffic from five to two, and added landscaping; when you look at the present configuration of Bridle Trail, the lot across from the cul-de-sac is very shallow due to the hill, and if a house were built on it, it would have the usual 50' setback; if the new plan is approved, from the end of the cul-de-sac to the closest house is 320' and behind the ridge; Wes will address other advantages of this conceptual plan, but we believe the main changes address most if not all of the expressed concerns.

Wes Myers of ACI then addressed the Council:

Mike was talking about access problems, but he would like to clarify there were no access problems until recently; also, most of the concerns were expressed by residents on the street, so that is why we focused very hard as to aesthetics and the layout of the project to give it the same feel and increase open space at the bottom of the street; in relation to the bridle trails as they exist now, there is a loop issue, as the 7.5 acres in the County has a perimeter trail around it; there is no way to get from Hidden Hills trails to Hidden Hills trails without going around it or over a steep hill; this creates an erosion, liability, and maintenance issue for the Association; the Association requested that we maintain trails of less than 3:1 when possible, and instead of having parkway and trail dual uses, like most of the City, when appropriate we can put a separate fenced bridle trail independent of the parkway, essentially doubling the size of the parkway; we have been able to add double parkway trails and also maintain steep trails for the more experienced riders; there is a full 60' wide easement coming up the street which wraps around the back side of the hill; we also have aside from the 60' street a separate bridle trail on the right at less than 3:1 bringing access all the way over to the top end of the development and back into the Saddle Creek arena area; we have been able to manipulate some of the trails to prevent the roller coaster effect; we have discussed this with the ESC and they came up with some good ideas that have been integrated into this plan; this gives us full access at less than 3:1 from Bridle Trail Road to Lasher Road and across the existing County property into the Gonen property; we also resolved the issue of the constant bog at the end of Bridle Trail road at the existing perimeter of the 7.5 acres; by this plan, we can bridge that and create dry access on both sides of the stream from the

south end of the development to the north end of the development; we got a favorable review from the ESC and presented same to the Association; we worked hard to satisfy the equestrian nature of the community and outdoors feel as well as aesthetics, and maintain traffic to a minimum on both streets while reducing grading.

Board Member Ron Wolfe stated that the Association has not taken a formal voted position on this. He added that normally the Association presents criteria for a development, regarding trails, the grading and width of the trails, and the width of the roads and parkways, and he cannot vouch that all of this criteria has been met as the Association has not yet reviewed everything.

In response to Board Member Marv Landon, Mr. Myers explained that the new road on the plan feeds the existing lot 15 (next to the Goldwassers), both lots on the polo field which exist today, and three lots on the top; the elevation at the end of the street is 1130', while the pad below that is at 1050' – so there is a huge drop down to the two pads accessed off of Lasher.

Next to address the Council was Bridle Trail resident Britt Aaronson:

A lot of the information given tonight is confusing and detailed, with history, and affects many of us; unfortunately the conceptual plan is not the one on the table tonight, as it has not been submitted or paid for; she is here for the same reason that she has appeared for the last three years; she is asking the City Council to please deny the tabled VTM 63567 commonly known as Mike Ashley's Bridle Trail Road West subdivision; as we understand it, currently ACI has entitlements to build five homes on Bridle Trail Road within Hidden Hills; before the City Council tonight is a tabled application that adds three more homes and grades 56' or 52' off of the ridgeline; as a City, Community Association, street, community, and individuals we have met for years with Mike Ashley to figure out a plan to allow ACI to develop his land while maintaining the open space that makes Hidden Hills special; we are at a standstill today because ACI insists on grading a ridgeline that is State protected and part of a regional scenic corridor; ACI could satisfy their newly requested building of seven homes by using their current entitlements and seeking approval of a plan that would include obtaining a legal easement and/or annexation and building two homes on their L.A. County property; instead we have gotten threats of litigation, a non-submitted reconfigured not-to-exceed plan with lot line changes, differing amounts of ridgeline grading, and little response to concerns of the EIR in an environmentally satisfactory manner; in our opinion it is not the residents, but ACI who has delayed and distracted from their ongoing development process; since September of 2010, we have photographs showing that ACI has damaged Hidden Hills

property and violated both the City and Association governing documents with their actions of bulldozing down perimeter fences, challenging the security of our residents, animals, and community; ACI has endangered our environment by driving construction vehicles through our bridle trails and State protected ridgelines, streamlines, and marsh areas; the properties involved have been untouched for decades, not to mention part of a tabled application for over four years; on 12/7/10, fifteen homeowners on Bridle Trail Road were named as defendants in a copy of a complaint that Mike Ashley and Louis Wescott Myers filed against the Community Association; this was not from Ron Berg's office, who represented himself to us in meetings as a mediator, and tonight says he is representing ACI; Mike Ashley says the purpose of the lawsuit is to try to confirm an easement he can't prove exists on Bridle Trail Road; because of this pending litigation, we can't speak on the absence of this recorded easement, but she wanted the Council to know that they have been named; the City's General Plan states that Hidden Hills is a community of people drawn together by a shared vision and respect for the original concept; there are currently 15 homes on Bridle Trail Road; Mike Ashley graded and constructed almost our entire street over twenty years ago; he now wants to develop the remainder, which we don't object to; but he wants to develop it differently than he originally planned, got approved and got entitlements for; we have a developer who obtained entitlements to build five homes but continues to present unacceptable revised plans to more than double the amount of homes and add more acreage to our City; we are again asking the City to deny the current tabled application and deny any request for annexation of ACI's County property until the Association and the City agree on terms of development and various mitigation measures that will protect the rights of Hidden Hills and the residents; she also has some questions on the newly proposed conceptual plan; how many total homes will be constructed on the entire property owned by ACI at the easterly end of Bridle Trail Road?; what is the definition of a not-to-exceed site plan?; specifically, how many homes will be accessed from which streets for the entire plan?; do the modifications eliminate the scenic corridor impacts as seen from the 101 and Calabasas?; these are also concerns from the EIR; how will the biological resources referred to in the EIR be protected – the ridgeline, wetlands, streambed, and oak trees?; how does the current plan protect the cultural resources referred to in the EIR?; is the grading net zero?; how does ACI accessing adjoining properties outside of Hidden Hills and using Hidden Hills streets affect the rest of the community and its perceived secure borders?; has a chain of title search for the County parcel and adjoining parcels happened to determine if this property was granted a recorded easement and if it is indeed landlocked?; she is not trying (nor does she believe anyone else is) to keep Mr. Ashley from building homes he is entitled to build; we are trying to keep him from unnecessarily taking down a ridgeline and damaging an environment that is vital to what makes Hidden Hills, Hidden Hills.

Bridle Trail resident Laura Goldwasser stated the following:

She is surprised that this issue is still being talked about, since the original draft EIR came out in October of 2007, and the application was tabled two years ago; so many people came out and spoke strongly about their objections, and there were many objections to this project because people were reacting to what was contained in the EIR; probably one of the strongest ones was the destruction of the protected ridgeline, which is considered significant at this time in the County; the depictions are interesting; if the plan is to still take down the original ridgeline, the top 50' and 50' around it are protected; the tabled plan took the whole thing off; if the new plan is taking 36' off, which may not be accurate, that is still 72% of the protected ridgeline gone; the depiction of this does not look accurate; the main point is, the top of the ridge is gone, which is one of the biggest objections we had to the original project; Mr. Ashley himself has already carved out the five lots on Bridle Trail, and there is no objection to building there, yet he still wants to slice off the top of the mountain; there used to be two lots on Lasher before, and now there are actually three with the existing lot that's being left out of the project; why build a whole new road which involves a lot of construction and movement; there are already the five lots, plus the two or three on Lasher – why can't he just build two more toward the bottom of the property; we never saw this new plan presented, and since it still has the same issues, she can't see why it would be accepted; if we are going back to the original plan, we would encourage the City Council to deny the existing tabled application and he can then submit this new plan or something else in the future.

Mr. Myers submitted to the City one of the pictures that was being circulated, with Special Counsel Larry Wiener suggesting that all of the pictures being shown be submitted for the file.

Mr. Berg had several additional comments:

We believe a proper submittal of a revision did occur in conformity with the suggestion and statements of the City's Special Counsel; the only item we were aware of was non-payment of the fees; we didn't pay them based on the suggestion that there would be a determination by Council first as reflected in the minutes as to whether or not it was a good use of the developers funds and City time; we are prepared to render and make payment of fees if the Council deems it to be appropriate.

Council Member Steve Freedland asked, with the exception of the fees not paid, if everything else was properly submitted, and if staff had the plans and other documents that any developer submitting to the City would have to provide. He also wondered if there was a way of submitting a not-to-exceed plan or document. Mr. Lovett responded as follows:

The answer to the first question is no; the plans required for a VTM are a lot more complex and do require dimensions, all proposed improvements, etc.; these are just conceptual plans and do not qualify as a tentative map; also, once staff works with the EIR consultant, the consultant would direct the City as to what would be required of the applicant for any additional studies or addendums to what was previously submitted for the EIR; and he is not aware of any way to submit a not-to-exceed plan.

Addressing Mr. Berg, Council Member Freedland stated that he was confused, because it is not just the fees that were not submitted – in looking over the conceptual drawing, it is hard to tell the accuracy of it as it looks like just a sketch.

Mr. Berg replied as follows:

If the Council would like, we would be happy to do further work in connection with it; he was only advised of a non-payment of fee related issue; the 11/22/10 cover letter from Dirk did not seem to address this; it just indicated it was an incomplete submittal which we understood related to fees.

Council Member Freedland asked if that was accurate, with the City Manager stating that the letter contained a lot more than that and Mr. Lovett explaining that the letter referred to the guidelines of all the things that needed to be submitted.

Council Member Freedland said he assumed that Mr. Berg was the attorney for ACI, and was also the attorney of record for the litigation against both the Association and the residents. Mr. Berg confirmed that he was the attorney for ACI, but felt it was not a concern of the Council this evening whether or not he was the attorney for the litigation. Council Member Freedland just wanted to make sure Mr. Berg was clear about the actual deficiencies, and that it was not just the money that was missing from the incomplete submittal.

The following comments were made by Mr. Myers:

This plan is a cad drawing to scale; the Council has just an 8 ½ x10, but staff has a plan scale of the larger size; everything is of accurate slopes and dimensions and everything that would be required for any proper submittal; we were under the impression that this submittal or the rendering here would give the Council better direction as to advise us if

we should proceed further with an official submittal following the regulations and all the list points required; this is a 100% accurate configuration.

Mr. Ashley provided the following additional comments:

When the Ashley Ridge area was requested to be annexed into Hidden Hills due to an easement problem approximately twenty some years ago, that 102 acres had a tentative map which was discussed prior to approval, which was standard at that time as there was a Planning Commission and a committee that overlooked both the City and Association; we haven't had that at any time on this project; when that 102 acres was requested by the City to be annexed to resolve an easement problem, that property was submitted with a tentative map with the understanding that the map could, would, and has been modified over the years, as long as it did not exceed certain situations – exactly what we're proposing here including the number of lots and the slope angle; so this is not the first time that this type of proposal has been submitted; that was a preannexation agreement that brought the property into Hidden Hills; the preannexation agreement was at the request of the City Attorney at that time because the preannexation agreement and the annexation resolved the easement problem on the 102 acres prior to the property being developed.

Council Member Freedland said he did not doubt that what Mr. Ashley said was true and accurate, but maybe the Code and procedures have changed since that time, and he was still asking if there was a way for the developer to submit a not-to-exceed project. Mr. Lovett replied that there was not per our current Municipal Code.

Mr. Ashley asked Special Counsel Wiener if there was anything he was aware of that would preclude the City from entering into a preannexation agreement with a developer setting forth certain standards for development of a piece of property at some time in the future.

Special Counsel Wiener responded as follows:

He is not sure that we are talking about the same thing; Dirk was answering a question about a subdivision and if someone could have a not-to-exceed subdivision; he thinks the fundamental problem with a not-to-exceed subdivision is that the Subdivision Map Act provides that any final map must substantially conform to the tentative map; if there are substantial changes to grading, access, or something like that, that matter, under the State law, he believes would have to come back before the community and before the Council to be evaluated; one could not simply make those changes after having a tentative map

approved and expect a final map to be approved; that said, he thinks there is still a possibility of doing a preannexation agreement, whether that's in the form of a development agreement or not; he supposes that would depend on what the terms were, but thinks the basic concept could be achieved; he is not sure if that relates directly to the question asked, and maybe he is not completely understanding the question if he has not answered it.

Mr. Ashley then commented:

He thinks the question was answered, and took the answer as positive – that a developer could stipulate that certain aspects on a map, say those covered by an EIR, City codes, etc., would not exceed those items or categories – and also stipulate in a contractual standpoint that certain things, like the number of lots, the steepness of slopes, etc., would not exceed what was on the map; he understands there are always technical requirements of how a city has to address that so it can be legally done; but it has been his understanding (and this has happened more than once), that because a piece of property may not be developed for a number of years, it may want to be actually reduced in density; the City in the past has said fine, we'll grant you this, but you can't do any more than this – if you want to reduce it, bring back a map and we'll look at it under those circumstances; this is how it has been done in the past.

In response to a question from Mayor Weber, Special Counsel Wiener said yes, once a final map is approved, the land may then be sold in accordance with the final map – it may be divided and could be sold to other parties.

Ms. Aaronson wanted to clarify something, stating that Ron Berg was not the attorney of record on the lawsuit; she did not want the Council to be confused with the litigation, as it has not been formalized or filed technically – rather they were just handed copies, and Louis Wescott Myers was the attorney. Council Member Siegel pointed out that Mr. Berg was telling her that he actually is the attorney. Ms. Aaronson asked Mr. Berg if that was true, because originally he told them he was the mediator. Mr. Berg replied that he will be one of the attorneys of record for the pending litigation, and that he originally was not a mediator, but an observer. Ms. Aaronson then commented that there was a tabled application that needed to be voted on, and that it seemed like the developer was stating that the tabled application was not to his liking – she would then ask the City Council to deny it. Mayor Weber said the developer has already tentatively proposed

changes, probably based on what happened two years ago. He added that there are different ramifications to denying the project in its entirety or allowing changes to be proposed, possibly monetary. Ms. Aaronson implored upon the Council to not enter into any preannexation agreement where there is no definition to the project that is going to be spoken about tonight, and to not accept that as a confusing submittal.

Council Member Siegel commented as follows:

The Council was tasked with waiting to hear from Mike to see if he came forward with a different proposal, and to see if the proposal submitted was significantly different and would address the concerns of the community; he is not technically sure that happened; when this drawing was dropped off, a letter dated 11/22/10 from Dirk was sent to Mike; it was very clear to him in his reading of the letter that says "Please be advised that this submission is not a revised or modified application for Tentative Map 63567 and without doubt not a complete application. In order to submit a complete application to revise or modify your proposed Vesting Tentative Map 63567, please refer to the packet of information that was provided to ACI Vice President Wes Meyers on November 18th. I have enclosed another copy for your reference. This information packet includes the requirements for revising or modifying a vesting tentative map application."; he doesn't see that the Council was given anything to look at other than a drawing that says not-to-exceed; there has been plenty of time to submit something that would satisfy a modification; it is hard to imagine that this drawing constitutes a modification to anything; it is nothing more than a drawing.

Council Member Freedland then stated the following:

In relation to Ron's comments in the beginning, he does not think the Council (and he himself personally) has any interest in wasting anyone's time or money; it is difficult for the Council to judge or make a ruling on a project that has not been submitted; you [this was addressed to Ron Berg] have been on the other side of the table and understand this intimately; if you're looking for feedback, and it appears you are, to say that you're thinking about submitting a project and want to know that the Council is going to say yes before you pay any fees to submit it, is a chicken and egg situation; we can't rule on something that has not been officially submitted, and you know that; personally, he can say that he sees an improvement in this plan vs. the plan tabled, but this plan is not in front of the Council; hopefully that gives you some guidance or benefit.

Mr. Berg again addressed the Council:

Then he would like to request on behalf of the developer one of the options that the Council has, to continue the hearing to allow us to complete the submittal; he would request a reasonable amount of time to submit a plan similar to if not identical to this that has been presented this evening and was submitted back on 11/18/10 as a revision which we, my client, thought at the time was in conformance with the comments made by Larry Wiener at the 9/13/10 City Council meeting.

The following comments were made by Mayor Pro Tem Cohen:

He is greatly disturbed by what he would call insincerity; there was something dropped off on 11/18/10 – this drawing; there was a discussion on 11/18/10 in which it was said this is not a revision; on 11/22/10, staff wrote a letter that said this is not a revision; now here we are on 12/13/10, about 25 days later, and you're saying that you relied on something and that you didn't know this or that; he is having trouble with this; he is also having trouble with the plan that was dropped off at the counter which says it is conceptual; conceptual does not mean it is a submittal or a proposed revision; it is a concept that maybe somebody is thinking about; if you are given more time, is this what is going to be submitted, or something completely different; so far we've heard there were seven plans we saw at a previous meeting, and seven more in the office that were not submitted to us.

Mr. Berg said his understanding is that the submittal, if they are given an opportunity and if the Council doesn't deem what's been done to be a revision or modification, will be substantially similar if not identical to this. Mayor Pro Tem Cohen asked if there would be a submittal and if there was any reason to continue this. After speaking privately with his clients, Mr. Berg said yes, they would prepare a formal revision or submittal as required. In response to Mayor Pro Tem Cohen, who asked if staff could take the time to look at a proposed revision, the City Manager explained that the applicant would have to make a formal application with fees and everything else that the application requires. Mr. Berg then referred back yet again to a quote by Special Counsel Wiener from the 11/13/10 minutes (page 18, regarding time and money), stating that's all they were asking for, and that they did not mind doing the work, but they did not want to needlessly spend money and needlessly take staff and Council time if on a conceptual basis it is not acceptable.

Special Counsel Wiener then spoke:

If you take those comments in context, the idea was that there would be a formal application submitted, and before we incurred the very substantial cost of doing additional environmental review, the staff would bring it back to the Council and say here is a formal application – the significant cost is the environmental review - should we go down that path and is this something you are interested in; he doesn't think those comments contemplated in the context of the conversation at that time (and he is aware that Mr. Berg was not present at that meeting) that there would be something less than an application submitted and then a request for some direction absent a formal application.

Mr. Ashley added the following comments:

This is hard to understand; when we started this procedure, we brought this (original) plan to the City Council; the Council numerous times said it would not look at this and would not comment until ACI went through the EIR procedure in total, and it says this many times in the minutes; we did not have a Planning Commission to discuss it with; we had no input from the Council; we did not have a subdivision committee in your own ordinance; we were totally in a vacuum until we brought the plan in and asked what the Council thought of it; it has less impact than what the City (including some of the current Council Members) approved right next door; it is modeled after that, to be less of a disturbing environmental situation; we requested time after time what the Council thought; we didn't get it; we asked for a subdivision committee to review – we didn't get it; the night the City Council disbanded the Planning Commission (he was in the audience), they asked the City Attorney if they could disband it because they didn't like some of their decisions; the City Attorney said yes, but now you need to fill that position; the problem in filling that position is if someone doesn't agree with the Planning Commission, which is now the City Council, they can appeal to the City Council; the City Attorney at the time said he didn't recommend it, but it was disbanded and there hasn't been a Planning Commission since; what we have done is exactly what we were asked to do two years ago – bring back some ideas; someone said we had 7-8 plans in the other room, some of which you saw and some you didn't; he totally agrees with that, but no one would look at them; now we're saying this would have been looked at prior to the EIR being revised; nothing on this plan would modify the EIR in a negative way; it is less grading, less street, the water goes the same way; the only difference is there are two houses on Lasher and three less houses on Bridle Trail.

In response to a question from Mayor Weber, Special Counsel Wiener explained the following:

There would need to be work done on the EIR in a couple of ways; while he believes that Mike knows more about the plan than anyone, it is the City's responsibility to make sure there is an independent evaluation done of the potential impacts of the plan; we would have to ask the environmental consultant to provide that independent evaluation, which

might very well verify everything Mike just said; in that situation, even if this has reduced the impacts identified in the previous EIR, then we have to evaluate if the impacts were reduced to a level of now being insignificant, or have the impacts only been moderately reduced and thus remain significant; so there is still work that needs to be done; he's not sure that he and Mike are saying anything much differently; to make that evaluation, one would need a complete application and a set of drawings having sufficient detail to do that evaluation; he does not believe that these modified plans were ever provided to the City before 11/18/10, or that the City has ever evaluated those plans or said they wouldn't look at them absent a full EIR, because at this point we have an EIR that evaluated the original application; that is a substantially different situation than when an application initially comes in and there has been no environmental review done at all.

Mr. Ashley had additional comments:

We understand that in those categories where the EIR would be no longer accurate, that there would be changes and a cost, and it would need to be recirculated to certain agencies; talking about this plan, we tried to respond to the objections of the neighbors to see if it was going to go so then we could submit it in a manner so the EIR could be modified; we understand it will take some work and time, but we got no feedback before; we are trying to get what the City said and bring in a plan.

Council Member Freedland, who was very surprised by this last comment, asked Mr. Ashley how many public hearings the Council held on the original tabled plans, and how he could stand there and say that he got no feedback.

Mr. Ashley replied as follows:

We looked at the original plan and there were problems with it; we brought in seven or eight other plans that have not been looked at, and we've spent \$316,000, all of which has been paid to the City; the City, in going through this original situation, was late and the EIR was put off; we have demonstrated that we've been listening, not only with this plan but six others; we've demonstrated that we're giving the City what they asked for.

Mayor Weber wondered, since the Council asked ACI to make progress, if it would have been considered progress if they had formally submitted this as a real plan, as it is a scaled down number of lots, which he believed was going from ten to nine.

Mr. Ashley stated that originally they had included the lot (on Lasher) with the existing house in the old plan, but it is not included now and they are leaving it as it is, and if you take the overall acreage, it is now divided into seven instead of eight, so everything grew. The City Manager pointed out that the lot in question has been taken out of the conceptual plan, but the lot still exists (with a house on it) and could be further developed in the future.

Council Member Goldberg asked Mr. Ashley when this concept was conceived. Mr. Ashley said they started working on it after they were notified that the City wanted them/demanded that they submit something within this last 90 day period. Council Member Goldberg then asked how long it had been since Mr. Ashley was told about the significant problems with the original plan, and when did he first understand about the ridgeline and other issues, to which Mr. Ashley replied two years. Council Member Goldberg commented that it had therefore taken Mr. Ashley that long, between two years and within the last 90 days, to come to this modified proposal. Mr. Ashley claimed it had taken that long to develop six, seven, or eight different plans for this property, which led Council Member Goldberg to ask Mr. Ashley what his intentions were and what he wanted people to do.

Mr. Ashley responded to Council Member Goldberg as follows:

We wanted to see how we could get the property to pencil out financially with meeting as many of the concerns of the neighbors as possible, and we did it by exploring lots of different concepts; we came back to this one and not the other seven because we believe this plan addresses more of the concerns than anything else; we have a plan that will not cut that ridge down.

When Council Member Goldberg asked why that plan had not been submitted, Mr. Ashley continued to speak:

Because people we have talked to don't like what that plan has; it has the 7.5 acres being developed out of Hidden Hills; it has the 2.5 acres, which is the only piece of property in the City and not in the Association, that was going to be developed to satisfy the housing problems the City has; people really didn't like that, so we said okay, we've done other different plans; and we've spent thousands of dollars over the last year and a half to

develop these different plans; we would have loved to have a committee, like he's had in forty years, on every single subdivision he's done, to sit down and discuss with to get feedback; the Association, up until 90 days ago, did not want to discuss this, so they went to the trails people who said they couldn't have trails over 3:1, they had to have trails to every lot, and they had to connect the parts of Hidden Hills; they said no problem, they would grade the trails like that, but they were told not to grade the property; so they went back to the Association; the City's geologist, when the Gonen property was being developed, stated in their EIR that this slope was unstable and was in danger of coming down on Lasher Road; this project was approved with that statement by the City's geologist, and the way it was going to be handled, was if there was any dirt that came down, the City would get them to clean it up; this geology that this handles in here, by grading this section that we have to grade by the City's geologist, solves that problem on Lasher; we have a whole list of things that had to be addressed from different people; everyone says leave the hills, and you don't have to grade; this doesn't solve the problem; this is an unstable area and it has to be graded; to address all of these concerns, every time we work up a plan, it addresses some of them; it would be nice to talk to somebody to find out if these are the real concerns or they're not as important as something else; we had to guess what everybody was concerned about and how to technically solve it at the same time; we have accomplished that with this plan; we believe we can satisfy 90% of the concerns expressed.

Mr. Myers then addressed the Council:

He would like to refer to the 11/22/10 letter from Dirk to ACI, which had a packet attached entitled Information for Filing an Application for a Tentative Map, and look at page 4; it is so rare that these maps actually happen in a small city that we forget our own rules; we are now in #2, public hearings, but he thinks #1 was forgotten, which says "Whenever a property is to be subdivided into 5 or more parcels, the Subdivision Committee shall make recommendations on tentative maps within thirty (30) days subsequent to the submission thereof"; he didn't notice this until he received it on 11/22/10; he would request, on behalf of ACI, that we establish a subdivision committee as we have paid in full application materials and submitted a complete application for the tabled VTMap, prior to continuing any of these public hearings; so he would recommend and formally request per the rules, which we should all follow, that we follow Section E-1. Subdivision Committee under Hearings and Action from the Information for Filing an Application for a Tentative Map, the City's direction to do so prior to going any further; he thinks it's only fair, they have paid a lot of fees, and a lot of questions would be answered.

Mr. Lovett explained the following:

The Subdivision Committee as defined in the Code is not a development review committee, as he thinks the applicant thinks it is; the Subdivision Committee is comprised of the Building Official, the City Engineer, the Planning Director, the Fire Department, staff, and consultants; it was circulated to all of these people, and comments were received.

Mr. Myers commented as follows:

Maybe before we go any further we should refresh ourselves with receiving and reading some of those written comments from the Subdivision Committee that was put together and apparently addressed this project, and address these concerns because that may address some of our concerns.

In response to Council Member Freedland, who asked Mr. Myers if he was speaking about the original project and if that was what Mr. Myers really wanted the Council to do, Mr. Myers replied yes, we would like some input.

At this point, Mr. Berg took a few minutes outside the Chambers to speak with his client, ACI, after which he addressed the Council:

We would like to see the recommendations, which we believe were mandatory (the provision said shall) as to the original application; but what is of more importance to us are the comments of the Subdivision Committee with respect to either the conceptual plan or more formal submittal of the revision of that.

Council Member Freedland asked Mr. Berg if he recognized and understood that there can be no comments from the Subdivision Committee until a formal plan is actually submitted. Mr. Berg said that yes, he could read what it said. Council Member Freedland wanted to be sure that Mr. Berg understood what the Subdivision Committee was and who was on that Committee. Mr. Berg said yes he did, and who was on the Planning Commission, and the distinction between the two. Mayor Weber asked if the fact that the Council was the Planning Commission caused any problems, to which Special Counsel Wiener responded as follows:

Technically, the City Council is not the Planning Commission; the City Council functions as the planning agency; there is no Planning Commission in the City of Hidden Hills, which is common in many smaller cities; it is generally viewed as a matter of efficiency

in a smaller city so that an applicant and the community as well do not have to go through the process of sitting through the deliberations of two separate bodies when one body will do just fine; that's the conventional wisdom as to why many smaller cities do not have a Planning Commission per se and the City Council functions as the planning agency rather than the Planning Commission.

As there was no further discussion, Council Member Freedland presented a MOTION, which was seconded by Mayor Pro Tem Cohen, to direct staff to prepare a resolution of denial for the tabled application to be considered at the next Council meeting on 1/10/11, and to continue the public hearing to that 1/10/11 Council meeting. Council Member Freedland added that if between now and that time (the 1/10/11 Council meeting) the applicant decides to submit a formal application, that would be acceptable, and if not, the Council will be ready to approve the denial resolution.

Mr. Berg stated that due to the holidays, they were really only being given two weeks to get this done, and something less than 30 days does not work in reality. He asked that if the motion was going to be approved, that the time frame be extended to 3/1/11. Mayor Pro Tem Cohen stated that he would not object to extending the time period to 45 days. This led to a short discussion during which Special Counsel Wiener explained the process of withdrawing or amending the original motion. Since no one chose to do either, Mayor Weber called for the question. The MOTION, as stated above, was approved on a roll call vote of 4-1, with Mayor Weber voting against. Special Counsel Wiener wished to point out again, just so everyone is aware, that it is possible a formal application to revise the project will be submitted between now and 1/10/11.

At this point (9:30 p.m.), Mayor Weber called for a short recess. He then reconvened the meeting at 9:46 p.m.

CONSENT CALENDAR

- A. City Council Minutes – November 8, 2010**
- B. City Council Minutes – November 22, 2010**
- C. Demand List**
- D. Disbursement List – October**
- E. Financial/Treasurer’s Report – October**
- F. Annual Financial Audit – June 30, 2010**

Upon MOTION of Council Member Freedland, seconded by Mayor Pro Tem Cohen and unanimously carried on roll call vote, it was resolved to approve items A (with Mayor Weber abstaining on this item as he was not in attendance at the meeting), B, C, D, E, and F of the consent calendar as submitted.

MATTERS FROM CITY COUNCIL MEMBERS

Report from 11/16/10 Hidden Hills Community Association Board of Directors Meeting

Board Member and City liaison Ron Wolfe had nothing to report at this time.

MATTERS FROM STAFF

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

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

Every three years the State mandates the adoption of the revised building codes; this time two new building codes have been adopted by the State; they have now pulled the residential from the regular building code, creating a separate residential building code document; the other is a totally new green building code, unique to California; as a City we already enforce a lot of the requirements such as the energy code and the construction and demolition (C&D) recycling; however, there are also some new items required such as low VOC paint/carpet, but only mandated for the construction of new buildings; as a City, we can make amendments to the codes, and he is recommending that we keep the same amendments we already have, which would be in relation to pool fencing, grading, Class A roof requirements, and foundation requirements; to keep these local amendments, they must be adopted by January 1, 2011, so staff is requesting that in addition to the adoption of the ordinance using the normal process, that the ordinance also be adopted as an urgency ordinance effective immediately; staff would also

recommend that a public hearing be set and advertised for Monday, January 10, 2011 for the second reading of the ordinance.

Upon MOTION of Council Member Siegel, seconded by Council Member Freedland and unanimously carried, it was resolved to introduce and give first reading by title only to an Ordinance entitled: AN ORDINANCE OF THE CITY OF HIDDEN HILLS ADOPTING BY REFERENCE PART 2 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA BUILDING CODE; PART 2.5 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA RESIDENTIAL CODE; PART 3 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA ELECTRICAL CODE; PART 4 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA MECHANICAL CODE; PART 5 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA PLUMBING CODE; PART 11 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE; TITLE 32 OF THE LOS ANGELES COUNTY CODE, INCORPORATING AND AMENDING PART 9 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA FIRE CODE; THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDING TITLES 4 AND 5 OF THE HIDDEN HILLS MUNICIPAL CODE, and further resolved to direct the City Clerk to set a public hearing for the second reading and adoption of the proposed ordinance for Monday, January 10, 2011 and to advertise the public hearing according to Government Code Section 50022.3.

B. Consideration of Ordinance Regarding Adoption of Revised Building Codes - Urgency

Upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Siegel and unanimously carried, it was resolved to adopt by title only Ordinance No. 335-U entitled: AN

URGENCY ORDINANCE OF THE CITY OF HIDDEN HILLS ADOPTING BY REFERENCE PART 2 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA BUILDING CODE; PART 2.5 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA RESIDENTIAL CODE; PART 3 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA ELECTRICAL CODE; PART 4 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA MECHANICAL CODE; PART 5 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA PLUMBING CODE; PART 11 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE; TITLE 32 OF THE LOS ANGELES COUNTY CODE, INCORPORATING AND AMENDING PART 9 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2010 CALIFORNIA FIRE CODE; THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDING TITLES 4 AND 5 OF THE HIDDEN HILLS MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF.

C. Consideration of: Approval of Conceptual Design and the Award of a Landscape Contract for the Northwest Corner of Round Meadow Road and Mureau Road; Prop 40 Grant Project Applications; a Joint Use Agreement Between the City of Hidden Hills and the Las Virgenes Unified School District; and, an Easement for Construction and Maintenance of Landscape Improvements

City Engineer Dirk Lovett presented the following staff report:

On August 9th, the City Council directed staff to look at the northwest corner of the Round Meadow/Mureau Road intersection regarding possible landscaping and potential funding sources for any such landscaping; staff did determine that the City has a \$220,000 Prop 40 grant obligated from the State that must be spent by March 31, 2011; the grant can only be used for park and recreational uses and facilities within the City that would be available for public use; staff obtained conceptual plans and estimates of approximately \$20,000 for improvements at the subject corner; since that area is mainly part of the Round Meadow School property, the City needs permission and an easement

from the School District; during discussions regarding those needs, staff asked the School District if there were any projects for which they could use the remainder of the restricted funding, meeting all of the requirements of the grant; the District did come up with some ideas at an estimated cost of \$100,000 that would include a softball infield, running track, exercise equipment, drinking fountain, and reseeding of the playing field; staff is asking the Council to consider the design concept and awarding of a contract for the improvements at the corner, and agreements with the School District for both the new school improvements and the necessary easement for the corner.

The City Manager pointed out that the School District did not have funds to maintain the corner improvements, and that responsibility would fall to the City; however, the costs should not be excessive due to the use of drought resistant plants and artificial turf, and that it might be possible to use the City's TDA funds.

Mayor Pro Tem Cohen, who said he favored the project, wanted to assure that the improvements did not extend into the ditch and cleared area (sometimes used unofficially for parking), and that no general fund monies would be spent on the project. He also thought it would look nice with a 3-rail fence along the road, if that were possible. City Engineer Lovett explained that even though the grant funds covered the design costs and staff time for the project, there would be some staff time involved with the preparation and submittal of the grant for which general fund monies would be required. The City Manager pointed out that a 3-rail fence right along the road in a curved area like that was not a good idea, as it would not allow any room for driving error.

As there was no further discussion, upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to: 1) approve the New View Landscape, Inc. design for the corner improvements and award a construction contract to New View Landscaping, Inc. in the amount of \$13,133.00, plus a 10% contingency, with all costs for the actual project to be paid from the Prop 40 grant funds, not general funds; 2) direct staff to submit specific project applications to the State of California to utilize Prop 40 grant funds for both the City improvements at the corner and the Round Meadow School site improvements (with this application to be completed by the School District and submitted to the

City for submittal to the State); 3) approve the “Joint Use Agreement Between the City of Hidden Hills and the Las Virgenes Unified School District Regarding Development and Use of Recreational Facilities Under the State of California Per Capita Grant Program”, in its current form or modified, as deemed necessary by staff, and approved by the City Attorney; and 4) approve the “Easement for Construction and Maintenance of Landscape Improvements”, in its current form or modified, as deemed necessary by staff, and approved by the City Attorney.

D. Possible Cancellation of December 27, 2010 City Council Meeting

The Council Members agreed to cancel the December 27, 2010 Council meeting as City Hall would be closed at that time for the holidays.

E. Round Meadow/Long Valley Road Utility Undergrounding Project - Update

City Engineer Dirk Lovett reported that Charter Cable pulled its wiring, with the other two utilities still hoping to complete their work by the end of January.

F. Charles Abbott Monthly Reports – October and November

The reports were received and filed.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Council Member Goldberg and unanimously carried, it was resolved to adjourn the regular meeting of December 13, 2010 at 10:05 p.m.

Larry G. Weber, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk