

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, June 27, 2011

***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, June 27, 2011 at the hour of 7:30 p.m. Mayor Jim Cohen called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

**ROLL CALL**

Council:	Mayor Jim Cohen Mayor Pro Tem Stuart E. Siegel Council Member Marv Landon Council Member Larry G. Weber
Staff:	City Attorney Roxanne Diaz Assistant City Attorney Peter Pierce (8:23 p.m.) City Engineer Dirk Lovett City Manager Cherie L. Paglia
Absent:	Council Member Steve Freedland

Upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Weber and unanimously carried, it was resolved to excuse the absence of Council Member Freedland.

### **APPROVAL OF AGENDA**

Council Member Weber asked if item 10C should be done in open session. City Attorney Roxanne Diaz said it was typical and standard practice to conduct labor negotiations in closed session. Upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Landon and unanimously carried, it was resolved that the agenda for the June 27, 2011 regular meeting be approved as submitted.

### **ANNOUNCEMENTS**

Mayor Cohen made the following announcements:

Everyone is invited to stay after the meeting for a small reception and refreshments in honor of all the students receiving awards and certificates this evening; a big thank you to Deputy City Clerk Deana Graybill for all her hard work in relation to the preparations for this evening (she makes a lot of the refreshments herself).

CERT classes will begin here at City Hall tomorrow night (Tuesday, 6/28); call City Hall for more information.

The Public Safety Commission meeting scheduled for tomorrow night has been cancelled.

Don't forget about the Thursday evening BBQs at the Community Center.

City Hall, the Community Center, and Building & Safety will all be closed and there will be no inspections on Monday, July 4<sup>th</sup>.

Happy Birthday to Council Member Larry Weber (Tuesday, 7/5).

The City Manager thanked Council Member Weber's son Connor for videotaping this evening, since the regular videographer, Kelsey Freedland, was unavailable.

### **AUDIENCE**

There were no questions or comments at this time.

## **PUBLIC SAFETY**

### **A. Los Angeles County Fire Department Report - May**

The following report was provided by Battalion Chief Anthony Marrone:

During the month of May there were 8 responses, including 5 snake removals and 3 medical; the Department has started conducting annual brush clearance inspections; they want to get the word out to “Ready, Set, Go”, which is the Department’s brush clearance and brush fire safety program; for questions and brush clearance requirements, check out the Department’s website.

In response to Mayor Pro Tem Siegel, Battalion Chief Marrone explained that if a resident has concerns with a lack of brush clearance on a neighboring property, the resident can either call directly to Station 68 or Station 125, or call City Hall staff who can then notify the Station to send someone out (hopefully that same day) to check on the problem.

Council Member Weber asked about the degree of fire danger for this summer, to which Battalion Chief Marrone stated the following:

The El Nino has ended, and they are looking at a normal fire season; however, when looking around you will see a tall crop of grass, which is curing very quickly; the mustard is still green, but will be dry in a couple of months; their concern is fires starting in the grasslands which move quickly and transition to the brush, which are then more difficult to contain; they will of course be trying to respond as quickly as possible; there are no early Santa Ana winds, so they are probably on track for the Santa Ana’s in October and November, which is the most critical time for them; so we are looking at a normal fire season, but it may be slightly elevated due to the grass problem from all the recent rains.

### **B. Los Angeles County Sheriff’s Department Report - May**

No one was available from the Sheriff’s Department to give the report.

## **PRESENTATIONS**

### **A. Introduction of Incoming Round Meadow School Principal Jeremy Resnick**

Las Virgenes Unified School District Superintendent Dr. Donald Zimring proudly introduced the new Principal of Round Meadow School, Jeremy Resnick, stating that Mr. Resnick is very “kid

centered” (little kids) but with experience in the District at the high school level, which only adds to his qualifications since he has worked at every level K-12. Mr. Resnick addressed the Council, providing some personal background information and thanking the City for being so supportive of the District and Round Meadow School in particular. Mayor Cohen invited Mr. Resnick to contact the City Council Members and/or staff at any time.

**B. City Plaque/Hidden Hills Youth Recognition Program Recipients**

Mayor Cohen announced that every year there are several Hidden Hills students who are nominated for the Youth Recognition Program award based on special accomplishments. He added that several weeks ago an award was presented to Dani Shulman, and tonight both **Grant Feitshans** and **Alexandra Aviv** are being recognized. He then presented City plaques to Mr. Feitshans and Ms. Aviv, who was also presented with a City certificate for recognized accomplishments at Sierra Canyon.

**C. City Certificates/2011 Student Achievement Recipients**

Mayor Cohen stated the following:

There are many Hidden Hills students listed on the agenda, but many were unavailable this evening; there will be one additional recognition night in September for those who can attend that meeting; for those not attending either night, their certificates will be mailed; this is always one of the primary and most enjoyable tasks for the City Council Members; recognition of student accomplishments, academic and otherwise, is the best of the best; names of the students will be called, and they can come up individually to receive their certificates and have their picture taken.

On behalf of the Council, Mayor Cohen presented City certificates to the following students, whose names and accomplishments were read by Mayor Pro Tem Siegel and Council Member Weber:

From A.E. Wright Middle School:

Baylee Blumenthal

Spencer Toeg

From Calabasas High School:	Cassidy Blumenthal Sophia Skaaden Sydney Wolfe	Lauren Deitch Samantha Steinberg
From Chaminade School:	Helena Jacobson	Emma Nairin
From Round Meadow Elementary School:	Gracie Bellissimo Trey Spellman	Adam Kessler
From Sierra Canyon School:	Alexandra Aviv Spencer Sacks	Avery Aviv
From Viewpoint School:	Hunter Gissing Grant Levy	Caitlin Goldstein Shea O'Sullivan

At this time (7:58 p.m.), Mayor Cohen called for a short recess for all those in attendance to enjoy refreshments and congratulate those students being honored. He reconvened the meeting at 8:16 p.m.

#### **CONSENT CALENDAR**

- A. City Council Minutes – June 13, 2011**
- B. Demand List**
- C. Disbursement List**

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

#### **MATTERS FROM CITY COUNCIL MEMBERS**

- A. Consideration of Approval of Improvements by the Hidden Hills Community Association at the Saddle Creek Arena/Property Owned by the City of Hidden Hills Pursuant to the Terms of the Lease Between the Parties and Discussion of Associated Fees**

Community Association Board Member Ron Wolfe presented the following information:

For clarity, this submittal is not instead of Building & Safety and engineering; this is simply an item in the lease between the City and Association that requires any improvements by the tenant (the Association) to be approved by the landlord (City); this is not a new project, but a new revision to something that has been discussed for many years; the proposed project consists of grading, filling in the drainage/creek with a pipe, and replacing the arenas in a slightly different location based on the engineer's suggestion that there should not be a building up against the hill; they left a large flat grassy area for future building on the other side of the creek from the arenas; the creek is being filled in, but only part way so it will not be connecting to the Los Angeles County system; the Association is just presenting these improvements to the Council for approval, after which they will still need Building & Safety approval and permits, engineering, soils reports, etc.

Resident Steve Elowitz addressed the Council, stating the following:

He just saw these plans last Thursday; he would like to give credit to the Board and the designer for the adjustments that have been made, including the elimination of several costly structures that he was opposed to; he likes the new shade structure, which is simple, probably not too expensive, and appropriate for the use there; he likes the grassy area, which acts as a nice buffer for the homes along Long Valley next to the property; there is a redirection of vehicular traffic; about 7-9 years ago when the project was started, residents were asked what they wanted at Saddle Creek; he was joined by several other horse people and riders who did not ask for tangible things like arena size events, toilet facilities, etc., but asked for the abstract notion of safety; he thinks this comes under the umbrella of the City Council; they needed protection from residents chasing horses around in the large arena while they were riding, and protection from vehicles charging down the trails to the arena areas; they don't want any injuries or deaths to either themselves or horses; horses cannot deal with and do not comprehend the threat that horses in an adjoining ring create, or when vehicles are coming at them; the horses abruptly change direction and flee, often putting riders on the ground; they don't want injuries or deaths due to hazards because whomever was in charge of the design did not give any thought to the most important priority – safety; he is working with Ron Heston at the Association to get design changes to protect both riders and horses; until he feels that safety has been built into the design, he would ask the Council not to approve this proposed project.

The following information was provided by City Engineer Dirk Lovett:

He had just a brief period today for a cursory review of the plans; it appears that relative elevations are changing only a few feet; the biggest change is the filling in of the creek, and as was said, the pipe will not connect to the County's system, creating a hole about 8' deep; this has to be protected and fenced if necessary so as not to be an attractive

nuisance; the size of the large arena has been reduced slightly; there are no details yet on the gazebo (such as height), and he cannot find the location of a retaining wall noted on the plans; he is not sure what the shaded colored area is around the round pen, possibly for seating; the gazebo is shown being placed on top of the new storm drain pipe, which is not normally allowed; he has talked to Ron Heston, who said that is a critical location to allow viewing of all the arenas and grassy area; Mr. Heston assured him that the gazebo will be designed so there will be no load on the pipe; there is a concern that if the pipe fails or needs to be worked on, there would need to be access, so there might be a need for an indemnification agreement; there is no landscaping, and not a lot of dimensions, but the gazebo is about 225' from the closest house.

The City Manager pointed out that there will be trees surrounding an area for a possible future maintenance building, but the building is not being built at this time with this plan.

Mr. Wolfe added the following comments:

The gazebo was definitely put in that position to provide a covered area in which temporary seating can be placed to face either arena; it will be engineered and have solar panels so there will be no expense of bringing in power for sprinklers and lights; the maintenance area has been moved to the bottom of the property so trucks do not have to drive past the arenas; the Association is looking for approval of the layout and the basic concept of the plan so they can move forward.

Council Member Landon stated the following:

He has spent a lot of hours on the Saddle Creek arena having been on both the Equestrian Services Committee and the Board of Directors; he thinks this is absolutely the best possible way to use this area and get started on future full use; it satisfies a lot of people's needs; professional arena people will be used so safety will be addressed; from an aesthetic standpoint and use of ground, he thinks the Council should let the Association go forward; it is the best use of the land and the most economical, and would urge the Council to approve the plan, which is a good, solid deal for everyone, providing a nice facility.

Mr. Wolfe wished to make it clear that the proposed project is fully funded. Mayor Pro Tem Siegel pointed out that the Council is not being asked to approve anything structural, but just to approve, as the landlords, a concept presented by the tenants so they can move forward with the plans, engineering, hydrology, etc.

In response to Council Member Weber, Mr. Elowitt said what he believed to be unsafe was the proximity of the dressage ring to the large arena. Mr. Elowitt then asked, with all due respect, if there was a conflict of interest with Council Member Landon that would prevent him from voting on this, since he did serve on the Association Board when this plan was being discussed. City Attorney Roxanne Diaz said that would be a decision for Council Member Landon to make, but that he had no financial interest in this project.

Mayor Cohen thought the plan was fine conceptually, but said since staff has not had enough time to really look over the plans, he would like to continue this to the next meeting to see if there are any problems from staff's viewpoint that the Council should know about. Mayor Pro Tem Siegel reminded everyone that that is what the Council was doing - looking at this conceptually. Mayor Cohen was still concerned that if approved tonight, that was it and the Council would not get this back again to make any additional comments. Mr. Wolfe stated that it is an arena area, with no change of use, that will be graded, engineered, and structurally designed, with all the proper permits obtained. He thought that if there was a safety issue, that would show up in staff's review, not in the concept, and the Association would like to move forward.

A short discussion then occurred, involving the Council Members, Mr. Wolfe, and staff, during which the following issues were raised and points made:

Board Members Mitch Jacobs and Rob Raznick have been working on this and involved with two members of the Equestrian Services Committee (ESC), and they have all signed off on this plan; the Association has been working on this for a very long time, this is their primary responsibility, and they should be able to move forward; perhaps staff should be given two more weeks to conduct further review; the area is a horse facility and will still remain a horse facility; some of the Council Members and staff are not horse people; this is still just a concept review, and staff will be able to review everything from a building and safety standpoint before anything is approved and permits issued; there is already an indemnification provision in the lease agreement that will cover the improvements, including the gazebo.

Mr. Elowitz said not one of the people on the committee uses the Saddle Creek arena or has knowledge of the area, but if the City staff is going to look at safety, and horse and human safety experts will evaluate everything, then it would be acceptable to him. Mayor Cohen suggested the specific design, including safety issues, falls under the jurisdiction of the Association, not the Council. Council Member Landon agreed, reminding everyone the Association has been leasing the property as a horse facility, they will make some modifications that will look good aesthetically, and then the Association and ESC will work through any issues to the satisfaction of everyone. He added that right now the open trench could be considered dangerous, and what the Association is proposing will make it safer. Mr. Elowitz still thought any liability would fall on the City, thus making it the Council's decision regarding the design. In response to Council Member Weber, City Attorney Roxanne Diaz stated the following:

The lease provides for a pretty robust indemnification provision regarding the tenant's possession, use, or occupancy of the property, including any work, activity, or improvements done to the property; the tenant is required to provide insurance; the tenant assumes all risk of damage or injury to anybody on the property, and also waives any claims against the City.

Mr. Elowitz still believed that safety prevention is the responsibility of both the City and Association. As there was no further discussion, upon MOTION of Council Member Landon, seconded by Mayor Pro Tem Siegel and unanimously carried, it was resolved to provide the City's consent, as required by the lease, to the improvements proposed this evening by the Community Association, and to direct the City Manager to send a letter to the Association providing the written consent as required under the lease.

**B. Report from 6/21/11 Hidden Hills Community Association Board of Directors Meeting**

Association Board Member and City liaison Ron Wolfe presented the following report:

He would like to remind everyone of the Thursday night BBQs; they had a presentation (as the City did recently) on the Hidden Terraces Senior Village; it seems like a good project, although the Association has no input, but can just offer advice; there was a discussion regarding new software and hardware for the gates, with the Gate Committee

now looking at a second company; even though the Association does not really have a horsemen group at this time (they are trying to reestablish a group), the Association will make sure that there is a gymkhana for the Fiesta.

Resident Steve Elowitt asked Mr. Wolfe about a very confusing portion of a letter he just received from the Association regarding rule changes. Mr. Wolfe stated that the Association was just clarifying existing language that is unclear regarding those entering the gates and going to other areas of the City.

Council Member Weber said he noticed a lot of swales that seemed to be missed during the recent swale repair and slurry coating work being done by the Association. Mr. Wolfe explained that just as with the roads and based on their budget, the Association makes a list of the worst case areas needing repairs and tries to do those; they work on a schedule, not doing every street all the time. Mr. Wolfe thanked the City for sharing in the cost of the recent repairs.

**C. Report from 6/21/11 Las Virgenes Malibu Council of Governments Meeting**

Mayor Pro Tem Siegel reported the following:

The COG has elected John Sibert, the Mayor of Malibu, as the new COG president, which means the meetings for the next year will be held in Malibu; the Hazard Mitigation Plan was discussed; the main discussion centered on the newly drafted and released maps from the California Citizens Redistricting Commission; the proposed State Senate District includes all five COG cities, although Malibu is separated from Santa Monica and the District goes north to the Kern County line; the proposed State Assembly District includes four of the COG cities, but excludes Malibu; the Congressional District really divides the COG by placing Hidden Hills and Calabasas with the San Fernando Valley, while putting Agoura Hills and Westlake Village with Ventura County; he would suggest the City send a letter asking for all five COG cities to be kept together in all the Districts, but in particular, the Congressional District.

The rest of the Council agreed to have Mayor Pro Tem Siegel and the City Manager draft a letter for the Mayor's signature.

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL:**

**A. Existing Litigation Pursuant to Government Code Section 54956.9(a): Number of Potential Cases - 1**

**Paul Ottosi v. City of Hidden Hills, et. al., Los Angeles Superior Court Case No. LC 089678**

**B. Anticipated Litigation  
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)(3)(E): Number of Cases – 1**

**A statement has been made threatening litigation against the City. A record of that statement is available for public inspection in the office of the City Clerk**

**C. CONFERENCE WITH LABOR NEGOTIATOR  
Government Code Section 54957.6**

<b>City Negotiator:</b>	<b>Mayor/City Attorney</b>
<b>Unrepresented Employees:</b>	<b>City Manager/City Clerk, Deputy City Clerk, Bookkeeper</b>

Upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Landon and unanimously carried, it was resolved to adjourn to closed session at 8:54 p.m., at which time Mayor Cohen announced that the Council in closed session would be discussing the items listed above.

Upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Landon and unanimously carried, it was resolved to return to open session at 9:37 p.m., at which time City Attorney Roxanne Diaz announced that the Council in closed session discussed the items listed above, and that no reportable action was taken.

**MATTERS FROM STAFF**

**Consideration of Approval of City Budget for Fiscal Year 2011-2012 and Related Resolution**

Upon MOTION of Council Member Weber, seconded by Council Member Landon and unanimously carried on roll call vote, it was resolved to approve the proposed budget for the 2011-2012 fiscal year, and to adopt by title only Resolution No. 838 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS TRANSFERRING FUNDS UNAPPROPRIATED AS OF JUNE 30, 2011 TO THE CONTINGENCY RESERVE ACCOUNT, AFFIRMING INVESTMENT POLICY, APPROVING THE CITY'S BUDGET AND ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE FISCAL YEAR COMMENCING JULY 1, 2011.

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Landon and unanimously carried, it was resolved to adjourn the regular meeting of June 27, 2011 at 9:40 p.m.

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Jim Cohen, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk