

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, March 11, 2013

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, March 11, 2013 at the hour of 7:30 p.m. Mayor Stuart E. Siegel called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:	Mayor Stuart E. Siegel Mayor Pro Tem Steve Freedland Council Member Jim Cohen Council Member Marv Landon
Staff:	City Attorney Roxanne Diaz City Engineer Dirk Lovett City Manager Cherie L. Paglia
Absent:	Council Member Larry G. Weber

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

APPROVAL OF AGENDA

Upon MOTION of Mayor Pro Tem Freedland, seconded by Council Member Landon and unanimously carried, it was resolved that the agenda for the March 11, 2013 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Siegel made the following announcement:

The Association/Parks & Recreation Committee will be presenting “Magic and Mayhem” on Sunday, 3/17, at 7:00 p.m. and then again at 9:00 p.m.; tickets are now on sale at the Community Center; call the Association for more details; it is going to be quite an interesting sleight of hand show.

Mayor Pro Tem Freedland wished a happy birthday to Mayor Siegel’s grandson Oliver, who will be three on Sunday, 3/24.

AUDIENCE

There were no questions or comments at this time.

PRESENTATION

Introduction of David W. Pedersen, P.E. as the New General Manager of the Las Virgenes Municipal Water District

Mayor Siegel welcomed Las Virgenes Municipal Water District (LVMWD) Board President Charley Caspary, who also happens to be a resident of Hidden Hills, and LVMWD Public Affairs & Communications Manager Jeff Reinhardt.

Mr. Caspary then introduced the new General Manager of the LVMWD, David Pedersen (who started in his position in January), stating that the District was very fortunate to have Mr. Pedersen who was selected from 125 applicants.

Mr. Pedersen addressed the Council, providing information on his background, and stressing his desire to work together with Hidden Hills and the surrounding communities to build partnerships, to work efficiently and cost effectively, and to provide the best possible customer service. Mayor Siegel stated that the City has always had a great relationship with the LVMWD, and thanked them for attending the meeting.

Mr. Reinhardt then discussed with the Council recent water issues related to Malibu Creek involving EPA issued water quality standards arising from a 2010 consent decree and the effect of that decree on the District and the customers it serves.

CONSENT CALENDAR

- A. City Council Minutes – February 25, 2013**
- B. Demand List**

Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Freedland 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. Discussion and Direction to Staff Regarding Proposed Revisions to the Filming Ordinance**

Mayor Pro Tem Freedland stated that he felt the current one-year waiting period to apply for a new permit after a filming permit violation was not an adequate deterrent to prevent additional days of filming (filming is only allowed two days a year at one property); since the permit fees and fines could not be raised, he suggested that the waiting period be increased to five years to encourage those filming to follow the permit regulations.

City Attorney Roxanne Diaz offered a draft ordinance for discussion purposes in which she made some minor clarification changes on page five and increased the waiting period on page six

as suggested by Mayor Pro Tem Freedland. When asked by Mayor Siegel, Mayor Pro Tem Freedland said he was satisfied with the proposed changes, and that he was not looking to punish anyone, but just trying to make sure everyone followed the rules, rather than risk violations resulting in a very minor \$1000 fine, which in most cases would not be a hardship. In response to Mayor Siegel, the City Manager explained that staff does get some calls with questions regarding the City's filming requirements, but the recent permit requested by the Kardashians was the only actual application received in several years.

In response to Council Member Cohen, City Attorney Diaz stated the following:

The fines cannot be increased just because there may be multiple violations; up to \$1000 can be charged for a misdemeanor violation, as regulated by State law; typically the City would go through a code enforcement process for any violations, which would take time and money; every unpermitted day of filming would be considered a violation, which could result in a fine being levied for each of those days; however, if the City is aware that unpermitted filming is occurring, the Sheriff could be called to stop the production.

Council Member Cohen said he agreed with the revision, as that seems to be the only way to add teeth to enforcement of the permit regulations, although personally he was not sure that two days of filming was enough, which could be a discussion for another time. Mayor Pro Tem Freedland pointed out that if there is a permit violation, the five-year waiting period is not automatic, and that the Council would have flexibility regarding the issuance of a new permit – for example, if the Council felt a violation was accidental, rather than intentional, the waiting period might be reduced. Attorney Diaz added that the ordinance does allow for the issuance of a conditional permit.

As there was no further discussion, the draft ordinance will be placed on the next Council agenda for first reading.

B. Review and Consideration of Approval of Proposed Changes to the City's Annual Youth Recognition Program

The City Manager provided the following staff report:

Due to last year's submittal of quite a few nominations (for what is supposed to be a very special award), the Council appointed Mayor Pro Tem Freedland and Council Member Cohen as an ad hoc committee to review the current guidelines; the ad hoc committee is recommending the following several changes: 1) a recipient cannot be a previous recipient of the award; 2) nominations cannot be accepted from a parent or individual teacher; 3) after the submittal of nominations, two Council Members will be appointed as an ad hoc committee to review all nominations before recommending 0-3 recipients to the full Council, which will then make the final decision on those to receive the award; 4) the Council will have the flexibility to select more than three recipients if the Council Members feel there are extraordinary circumstances.

Council Member Cohen had no problem with the revisions, which he helped create, but thought additional language should be added to let teachers and parents know that they could initiate the process (perhaps by talking to a coach or administrator), even though they could not submit the actual nomination, in order to encourage more nominations. Mayor Siegel did not feel any encouragement was necessary, based on the number of last year's nominations, as he did not want to devalue the award; he also felt that there was nothing in the revisions stopping parents or teachers from contacting a coach, administrator, or someone who could actually submit a nomination.

Mayor Pro Tem Freedland saw both points, stating that many of the nominations probably start out that way anyhow (with a parent or teacher suggesting a student), but he wanted the award to be special, not just a participation trophy – so he would rather see two or three nominations as opposed to twelve. Council Member Cohen felt that it was the ad hoc committee that would have to make the decision if there were more than three students nominated. Mayor Pro Tem Freedland liked the idea of just sending the guidelines to the surrounding schools (currently done by staff) and letting the schools determine how any nominations would be handled. Council Member Landon agreed.

As there was no further discussion, upon MOTION of Council Member Landon, seconded by Council Member Cohen and unanimously carried, it was resolved to approve the draft Guidelines for Annual Youth Recognition Program as proposed.

MATTERS FROM STAFF

A. Review and Discussion of the City of Hidden Hills 2008-2014 Draft Housing Element and Direction to Staff

Mayor Siegel introduced the City's housing element consultant John Douglas, after which City Attorney Roxanne Diaz provided the following report:

In May or June of 2012, the Council reviewed the City's draft housing element that was then sent to the State Department of Housing and Community Development (HCD) for review; a letter was received from HCD explaining what changes needed to be made in order to produce a certified element that the Council could adopt; certified means it creates a presumption that the element is compliant with State law; the element can go back and forth numerous times to reach this point; the City has always self-certified its element due to the uniqueness of the community and the interplay with the CC&Rs of the Community Association; this year, with Mr. Douglas' help and his relationship with HCD, staff feels there are things the City can do to gain certification, with an outline of those changes being shown on the available chart; the Regional Housing Needs Assessment (RHNA) is a tool that quantifies the City's anticipated needs for housing, with the City to determine how those needs are to be met; for the 2008-2014 planning period, Hidden Hills is required to provide for the planning of thirty-four new units, with thirteen of those being above moderate, six moderate, six low, and nine very low/extremely low; it is very difficult for a city like Hidden Hills to address these last two categories, and sometimes even the moderate category; over the years the City has tried to facilitate (cities are not required to build the units, but provide the necessary land use) construction of these units by using second units; census data showed that there were units being rented at very low rates, but there was no way to show that they were new units during the planning period; one new program that the City is proposing, to which HCD seemed receptive, is an affordable housing overlay zone in the existing CR zone; the CR zone will always be there, but the overlay zone sort of sits on top of it, allowing someone to provide affordable housing in the zone if certain criteria are met; any project would be required to have a minimum density of twenty units per acre, a minimum of sixteen units on site, be permitted by right (no discretionary review), and have all units, except for one manager unit, be restricted to low income households for thirty years; staff looked at the State income levels for 2012, which vary depending on the different counties and are not always what people think of as low income; for example, for a

family of four, \$67,450 is considered low income in Los Angeles County, while Lassen County is listed at \$49,350 and Marin County at \$88,800; with an overlay zone, a builder can take advantage of the zone or not, which means the land uses for the CR zone are still allowed; however, if something does get built in the zone, the City has to make a finding that there is still enough land available for the overlay zone; the City thus needs to commit, in the housing element, to adopting an ordinance to implement this; there are other areas where the City is required to make changes; a law was passed in 2007 that says every community needs an emergency shelter; in the past we said the school and Community Center could be used; however, someone has to be able to build an emergency shelter as a matter of right; again, the CR zone will be used to allow for this, although the City would be able to regulate what the shelter looks like; the land use in our City is also unique in that agricultural use is allowed in addition to residential; for example, some residents in the City have vineyards; the City has to assure that any single family housing can be used for farm workers as a matter of right, so that has been included in the draft housing element; the City is also required to provide for transitional and supportive housing, where the stay is at least six months but there is turnover (perhaps someone who is homeless, but now has a job and is in transition, trying to get back on their feet); supportive housing has no limit on the length of stay and is targeted by certain types of population (disability, mental disability, chronic health conditions, etc.); per law, this type of housing has to be allowed in any zone where single family housing is allowed so there is no discrimination; HCD also asked the City to provide more notice and outreach in relation to the review of the housing element, which the City has done; a list has been provided showing all those who were notified of the draft housing element being available for review and comment (numerous agencies, all those who attended the public workshop, and the owner of the property in the CR zone).

In response to Mayor Siegel, the City Manager stated that the notices had been sent out on 3/1/13, only one draft element was picked up at City Hall (Mr. Ashley), and no comments were received by staff. Council Member Cohen asked if all of this was being done in hopes of obtaining certification by HCD. City Attorney Diaz reminded the Council that HCD could provide additional comments, but staff is definitely hopeful that any comments will be favorable and result in certification. As there were no further questions, staff was directed to forward the draft housing element to HCD.

B. Consideration of Renewal of Agreement with the County of Los Angeles for Animal Control Services

The City Manager provided the following staff report:

In May of 2010, the Council approved an agreement (through June of 2014) with the L.A. County Department of Animal Care and Control to provide services to the City per the County's Title 10 regulations; in June of that year, the Council adopted Ordinance No. 333 adopting by reference the most recent version of Title 10, amending certain sections to better fit our community; the Council at that time also approved and submitted the 2010-2011 Service Level Request, which specifies which services the City would like the County to provide; in May of 2011, the 2011-2012 Service Level Request was submitted, again referring to Ordinance No. 333; the City was informed by the County at that time that our Ordinance was not acceptable in relation to how it listed the City's changes to Title 10, even though it was done the same as previous years; after many discussions with County Counsel, Ordinance No. 339 was prepared and adopted by the Council in October of 2012; according to the County, that Ordinance and our 2012-2013 Service Level Request are acceptable; however, the County never approved the overall agreement that the City approved in 2010, and is now asking us to approve a new agreement, that will still be effective only through June of 2014; there are only three minor changes to the new agreement, none of which will affect the City; staff is therefore recommending that the Council approve the proposed agreement.

Upon MOTION of Council Member Cohen, seconded by Council Member Landon and unanimously carried, it was resolved to approve the City-County Municipal Services Agreement between the County of Los Angeles Department of Animal Care and Control and the City of Hidden Hills, to be effective immediately and through June 30, 2014

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Freedland, seconded by Council Member Landon and unanimously carried, it was resolved to adjourn the regular meeting of March 11, 2013 at 8:20 p.m.

Stuart E. Siegel, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk