

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, October 22, 2007

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, October 22, 2007 at the hour of 7:30 p.m. Mayor Stuart Siegel called the meeting to order, after which Council Member Steve Freedland introduced Cub Scout Webelos Pack #333, led by Cub Master Alan Solursh and Boy Scout Den Chief from Hidden Hills Troup #642 Andrew Compton, who presented the colors and lead the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

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

Staff:

City Engineer Dirk Lovett
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Upon MOTION of Council Member Cohen, seconded by Council Member Freedland and unanimously carried, it was resolved that the agenda for the October 22, 2007 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Siegel made the following announcements:

The Community Association Parks and Recreation Halloween Party will be held this Sunday (10/28) from 3:00 p.m. – 7:00 p.m.; call the Association for more information.

On Saturday (11/3), Calabasas will be conducting a POD (Point of Distribution) exercise at A.E. Wright Middle School during which free flu shots will be given in a drive-through format.

Mayor Siegel introduced Las Virgenes Unified School District Superintendent Dr. Donald Zimring, who provided additional information as follows:

The School District is just facilitating this regional exercise; it is being done for training purposes to see how quickly emergency personnel can mobilize for mass distribution in case of a pandemic; the City started working on this about nine months ago, and planned the drive-through clinic for flu shots.

Mayor Siegel continued with the announcements:

Daylight saving time ends on Sunday (11/4); clocks need to be turned back one hour.

The City had a lot of help from the community for the Fiesta, and he would like to thank all those who volunteered, participated in, and attended the event.

At this time, those subscribing to Charter Communications have no cable or Internet services (due to the Malibu fire which damaged fiber optic lines); the City sent an email/fax notification today, which included directions on how to temporarily obtain local channels; Charter is hoping to get into certain areas in Malibu Tuesday morning (10/23) at 6:00 a.m. to begin repairs; permission must be granted by the Fire Department once it deems those areas safe; when that occurs, it will take approximately 15-24 hours for Charter to complete the repairs.

AUDIENCE

Jill Gaines, a Calabasas resident, introduced herself as a candidate for the Las Virgenes Unified School District Board. She provided background information and her qualifications, encouraging everyone to vote on November 6th and to support the extension of the Measure E parcel tax.

PRESENTATIONS

A. Introduction of New Round Meadow Elementary School Principal Dr. Keith Tomes
Las Virgenes Unified School District Superintendent Dr. Donald Zimring expressed his pleasure and honor in introducing Dr. Keith Tomes, who is now serving as the new Principal of Round Meadow School. Dr. Zimring added that Dr. Tomes is about one core value, and that is always looking at what is best for the children.

Dr. Tomes stated the following:

He is very proud to be a part of this District; this is his eighth year in the District after spending the last seven years at Chaparral Elementary School in Calabasas, where he received great support from that City; he is now getting the same support and backing from the Hidden Hills community; he lives in Agoura Hills and has five children in the District, with the youngest in kindergarten and the oldest in 9th grade; those at Round Meadow want to be community partners and to do what is best for the students; anyone is welcome to call or come by to see him; he would like for everyone to always work together to make Round Meadow the best it can be.

Mayor Siegel commented as follows:

The main point of intersection between our responsibilities has a lot to do with traffic safety; the Council Members are not that concerned that parents may have to wait a little extra time, but are concerned with the safety of the children; in talking with Hidden Hills resident and President of the PFA Mathy Wasserman, there is concern that the current traffic flow pattern may have some problems; the Council Members are not traffic engineers, but will be happy to facilitate any traffic flow pattern that is a consensus of the school, the PFA, the City's Public Safety Commission, City staff, and the Sheriff's Traffic Sergeant; nothing is set in stone, and the Council will make any necessary changes that everyone agrees will help the situation.

The City Manager reported that an on-site meeting had already been scheduled with all of the above named parties.

B. Consideration of Approval of Community Assistance Grant to Calabasas High School for Support of the *Every 15 Minute Program*

Tracy Arnold, the Fundraising and Video Chairperson, explained the program and provided the following information after introducing Chairperson Sue Leon and the Counseling and Walking Dead Chairperson Mary Tochner, a Hidden Hills resident:

Hidden Hills supported this national educational program two years ago; when the program began twelve years ago, someone was killed by a drunk driver every 15 minutes, thus the name of the program; now that has dropped to about every 29 minutes; the application includes a survey that was given to the students after they experienced the program in 2005, showing that the program was overwhelmingly accepted and understood by those students; everyone shares the same roads, and everyone wants to protect youngsters, so the program is presented every two years at Calabasas High School; 50-75 parents get involved, as well as the CHP, LAPD, and L.A. County Sheriff and Fire Departments; there is an open invitation for the Council Members to attend the program, which will be held on 3/17-18, 2008.

Council Member Cohen, who attended both days of the program two years ago, encouraged the other Council Members to attend, as he felt it was an exceptional experience which had to be beneficial to the students.

Upon MOTION of Council Member Freedland, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to approve a Community Assistance Grant to the Calabasas High School Every Fifteen Minutes Program in the amount of \$1800 to cover the cost of the T-shirts for the program.

**C. Recognition of Lisa Moriarity, 2007 Fiesta Co-Chairman
Selection of Dates for the 2008 Fiesta**

This item will be addressed at a future meeting.

D. Recognition of Former Public Safety Commissioner Anne Falotico

Mayor Siegel stated that this evening the Council had the pleasure of thanking Anne Falotico, a long serving member of the Public Safety Commission, which plays a very important role in this community. Public Safety Commission Chairman Jim Doran presented Ms. Falotico with a City plaque, informing everyone that she had served on and been a valued member of the Commission from 9/30/97 – April, 2007. He added that Ms. Falotico brought a lot of good common sense to the issues they addressed, and he enjoyed working with her, as did all the other Public Safety Commissioners and Council Member Weber, who previously served on the Commission.

Ms. Falotico thanked the City Council, Mr. Doran, all the Public Safety Commissioners, and the City staff, stating it had been a great pleasure and an opportunity for her to serve on the Commission, where she learned a great deal.

E. Recognition of New Community Emergency Response Team (CERT) Members

Mayor Siegel stated that in the event of an emergency, when the City may have to be self-reliant for several days or longer, the City's CERT members are the ones on call who will be providing assistance if possible. Los Angeles County Fire Department Community Services Representative Maria Grycan reminded everyone that during an emergency, Fire and Sheriff first responders may not be able to respond to a City's needs for days; this is when the CERT members' very valuable training comes into play, but CERT members can also be used to help in many other ways and at other times. For example, CERT members are not specifically trained to respond to fires, but during this Malibu fire, they have been manning information centers.

At this time, Mayor Siegel introduced four residents who all recently completed the CERT training: Robert Bergstrom, Pat Bergstrom, Anita Langer, and Marv Landon. Emergency Services Director Jim Doran issued the oath of office to all four, after which they were presented with Certificates by Ms. Grycan and CERT backpacks by Mayor Siegel on behalf of the Council.

PUBLIC SAFETY

A. Los Angeles County Fire Department Report - September

Mayor Siegel thanked Community Services Representative Maria Grycan for attending the meeting, which was totally unexpected due to her involvement with the current fires. He explained that Ms. Grycan, in any emergency, serves as the City's point of contact and has such an incredibly important and responsible job. Ms. Grycan then gave an update on the Malibu fire, which at the time was only 8% contained, having grown from 2400 acres this morning to 3800 acres at 6:00 p.m. this evening. The regular monthly report was received and filed.

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

The report was received and filed.

C. Discussion Regarding Golf Carts

Mayor Siegel provided the following information:

The City has been working with the Sheriff's Department and the DMV to establish a procedure to help residents legalize their golf carts; Deputy Mike Woodard, by appointment, has volunteered to meet with residents at their homes to sign VIN verification forms for the golf carts; before making an appointment, a resident needs to confirm that the golf cart is equipped with all of the following: headlights, taillights, brakes/brake lights, horn, turn signals, seat belts, and rear view mirror; the VIN verification is only part of the registration process; cart owners also need to show proof of ownership to the DMV; staff does have the name of one company (used by one of our residents) that can help with the registration process (pick up the cart, add any needed equipment, and handle everything with the DMV); there are a few other items to report to bring everyone up to date on this issue; there are several people who suggested Hidden Hills do the same with golf carts as other cities like Palm Desert and Palm Springs; after talking with those cities, it was apparent that their regulations and situations are irrelevant to our City; those cities have created special routes to get to and from adjacent golf courses, and even then, have more stringent equipment requirements than what we are requiring; on a more personal note, when the accident with the four teenagers was first discussed, the Council talked about two things – the accident itself, and then the fact that this was a parent rather than a kid problem, and that parents needed to be more careful and responsible; he wished to make it clear that this was not directed at the parents of the youngsters involved in the accident; most teenagers do things that can get them in

trouble; those in the accident were not drinking, but cruising around in a golf cart, a vehicle that is inherently dangerous and tips over easily; the Council did not intend to make those particular parents feel irresponsible; the Council comments were directed at parents who knowingly allow their teenagers to engage in illegal and dangerous activity.

In response to resident Lonna Weber, Mayor Siegel explained that the Council could not grant a grace period, as this has been called to the attention of the Sheriff Deputies, and they have to enforce the law. The Council also explained to Ms. Weber that Sheriff personnel will be looking for the DMV issued registration plate on golf carts, but will also be looking for unlicensed drivers, as no cart, even a registered cart, can be driven by someone without a license – and in fact, a cart can be impounded if being driven by an unlicensed driver (whether the cart is registered or not), or if being driven by a licensed driver if the cart is not registered.

Resident Dave Dworsky thought the carts should be allowed on the City's 30 mph streets, since the carts could go no faster than 15-20 mph. All of the Council Members contributed to the following explanation as to why that was not accurate:

Per the Vehicle Code, which is enforced in Hidden Hills, the speed of the cart is not what matters; they are not allowed on streets where the speed limit is over 25 mph, unless they are street legal; the lower speed of the cart makes them no match for bigger vehicles traveling at higher rates of speed, unless they have all of the safety features discussed above; in Palm Desert, for example, the carts are only allowed on streets with speed limits 25 mph or less, which is why that City does not require them to be registered; Sheriff personnel have spent a great deal of time trying to facilitate the registration process for residents, and are going out of their way to come to a resident's house; if a resident does not want to address this issue alone, there are companies that take care of everything involved in the registration, including adding the proper equipment to the cart.

D. Consideration of Assignment of 2007-2008 Brulte/COPS Funds

The City Manager informed the Council of the following:

The City receives \$100,000 every year in Brulte/COPS funds, which are separate from the City's general funds, and are restricted in their use; the Sheriff's Department has recommended that the funds be spent on five different items: 1) motorcycle enforcement – the motors are shared equally, with each of the five cities in the region receiving 16 hours of traffic enforcement per week; 2) parenting class – to educate and assist parents

of at-risk children; 3) Community Alert Network (CAN) – this is a shared cost to provide emergency notification calls (this system was used to notify residents about evacuations, etc. during the fires that threatened Hidden Hills); this cost could increase in the future, as the system is being re-evaluated and may need to be upgraded; 4) Sheriff's Teen Traffic Offender Program (STTOP) – this is a shared cost for a Deputy to address reckless teen drivers, although it is also used for adults; letters are sent to those seen violating laws and driving recklessly, with a visit to the home of the violator if they do not respond to the letter; 5) crime impact funds – used for unexpected crimes or unusual events that might require additional investigation.

Upon MOTION of Council Member Weber, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to allocate \$100,000 in Brulte/COPS funds for the following, as recommended by the Sheriff's Department: \$60,160/Motorcycle Enforcement Officers (Motors); \$2,000/Parenting Class; \$2,000/Community Alert Network (CAN); \$28,492/Sheriff's Teen Traffic Offender Program (STTOP); and \$7,348/Crime Impact Funding.

E. Consideration of Approval for the Purchase of New Emergency Radios

Council Member Weber recused himself at this time, as he conducts business with the companies that provided proposals for the purchase of new radios. Emergency Services Director Jim Doran asked the Council to consider the purchase (from Nida, the low bidder) of thirty emergency radios at a total cost of \$11,252.59, plus the purchase of two battery chargers (each which can charge six units at one time) at a cost of \$495 plus tax. A discussion then occurred during which the following points were made and issues raised:

Some new radios are needed, as the old wide band radios need to be replaced with narrow band, due to new FCC regulations related to interoperability; 25 radios were recently purchased – are these 25 narrow band, or do they also need to be replaced; how many radios are needed in total, and who would be assigned a radio; with the power outage over this past weekend, none of the radios worked; was this a problem with the radios, which perhaps are not properly connected to the generators at the gatehouses; was there a problem with the repeater at the Bonneville site, which is supposed to have battery backup for 72 hours; would a generator be better at the repeater site, or the batteries which are much simpler; a maintenance contract should be considered, during which the system would be checked on a regular basis – monthly or quarterly; the purchase of new

radios and chargers is a great idea, along with a maintenance agreement, as this is all critical for emergency response; however, before any purchase, the system and the recent problems need to be evaluated, and perhaps a more comprehensive plan established.

The Council asked Mr. Doran if this item could be addressed at a future meeting, once all of these questions were answered and a more detailed plan developed for what should be done. Mr. Doran readily agreed, as he had already scheduled a Nida representative to come Tuesday morning to look at the entire system, determine what went wrong, and determine what could be done to fix the problem – after which Nida will provide a proposal, based on that evaluation, for the number of radios needed, the chargers, a maintenance agreement, and any equipment necessary to correct any problems.

Council Member Weber rejoined the meeting at this time (8:32 p.m.).

PUBLIC HEARINGS

**A. Variance No. V-372
25081 Lewis and Clark Road
New Single Family Residence**

City Engineer Dirk Lovett provided the following staff report:

This item was continued from the last meeting due to the failure of one neighbor to be properly notified; the variance is for a new single family residence which would encroach 25' into the front yard setback; there are also existing and new retaining walls that will encroach into the front, rear, and side yard setbacks; all neighbors within a 500' radius have been notified, with no comments being received; to grant a variance, four findings must be made by the Council; this is an unusually shaped lot, both topographically and geometrically; the building pad is toward the front of the property; other properties in the area have similar setbacks; the property abuts conservancy property; staff feels that the four findings can be made for this variance.

Mayor Pro Tem Fisher, Council Member Freedland, and Council Member Weber all reported visiting the site, while Mayor Siegel and Council Member Cohen stated they were familiar with the site. Mayor Siegel opened the public hearing, and there being no comments from the audience, closed the hearing. He then asked for any comments from the Council Members.

Mayor Siegel commented as follows:

To facilitate this proposed house would require a lot of grading and retaining walls; there was a house on this property previously; a smaller house could have been built than what is being proposed; it seems the applicant is asking the Council to allow all of this work that would require a variance in order to facilitate a considerably larger home; he wondered if his assessment was correct.

City Engineer Lovett stated that the proposal was for a three story home, with one of those stories being subterranean – the proposed house will fit on the existing pad, but the house could certainly be built smaller and with a larger setback.

The applicants, Linda and Cyrus Sacket, addressed the Council as follows:

A lot of grading will not be required; less than 500 cubic yards of dirt will be exported; the previous owner dumped and left dirt on the property, after his attempt to purchase the street did not happen; the previous house was built with a number of retaining walls; there is an approximate 1500 square foot guest house up on the hill and the slope is washing away; the Architectural Committee agreed that the guest house should be removed and the hill graded to stabilize it; an easement on the property must remain in order to provide the neighbors access to their barn; that is the driveway shown on the right hand side of the property; because the lot and the pad are so small, they decided to do a subterranean garage; the previous house was approximately 5000 square feet, and with the subterranean garage, the new proposed house above ground will look about that size (5000 square feet); they are proposing to keep the retaining walls that are okay, and to rebuild those necessary to meet code requirements; the area currently does not look very good, so the neighbors are very happy with the proposed house which will be beautiful; the Architectural Committee has approved the proposed project; the new house would be in line with where the old house was, and also in line with other houses in the neighborhood.

Council Member Freedland, who was familiar with the previous owner's proposed project, agreed that this is a very difficult lot, but thought the attempt to purchase the street to change the position of the house, would be a much better and more elegant project. Council Member Freedland added that even though he recognized the lot was difficult, he was still having a problem with the setback and what appeared to be overbuilding on the lot – he asked for the square footage of the different areas.

Mr. and Mrs. Sacket responded as follows:

That would be a much better project, but it is not possible to purchase the street, as there are too many agencies involved; they would need an easement from the property owner on Dixon Trail; they did offer to buy that land, but there was no interest from the other party; the grading would require drainage onto the conservancy property; all the water from Dixon Trail would come down the street and empty out onto the public land; they could not afford to purchase the street from the Community Association at a cost of \$400,000; in relation to square footage, the subterranean area is approximately 2500 square feet, the first floor is approximately 4000 square feet, plus there is the second story.

The Council asked Mr. Lovett if he had the exact square footage of the different areas. Mr. Lovett gave the following square footages, as provided by the Community Association: first floor – 4475 square feet; second floor – 2784 square feet; garage and basement – 3979 square feet; and covered patio – 1580 square feet.

Council Member Cohen had several questions regarding the size of the second floor, the trash area, and the access to the garage. Mayor Siegel and Council Member Freedland explained that the first floor area and the covered patio area were added together, and then the second story could be 40% of that size, per the Association regulations – the proposal does fit within that percentage. The Sackets stated that the trash area, due to the topography, was right outside the garage, but on that level, as directed by the Association. They also explained that the subterranean garage could not be accessed from the other side of the property, again due to topography – the entrance to the garage is on the back side, as that is where the property is the lowest. Council Member Cohen expressed concerns regarding overbuilding of the lot, although it was more acceptable to him that the lot abutted conservancy property rather than being between two neighbors, where the size of the house for the lot would be totally unacceptable. Mrs. Sacket reminded everyone that both the guest house and the current two car garage on the property would be demolished.

In response to Mayor Pro Tem Fisher, it was pointed out that a new barn/storage facility would be built, but the required easement across the property was not to that barn, but for use by the neighbors to access their barn. Council Member Weber wondered if the proposed setback matched that of the previous house, but Mr. Lovett did not know what the previous setback was. Mr. Sacket thought it was less than 25', but no variance to allow that lesser setback was found in the files. Council Member Weber suggested the setback required at that time may have been different, and added that he had talked to the next door neighbors, who were very pleased with the proposed project.

City Engineer Lovett wished to point out that throughout the discussion, when everyone has referred to the neighboring property on the west as belonging to the conservancy, that the property actually belongs to Mountain View – it is dedicated open space, so will always remain open space.

As there was no further discussion, Council Member Weber motioned to approve the variance. However, the MOTION died for lack of a second, and the variance was not approved.

B. Consideration of Minor Accommodation Application for an Addition to an Existing Nonconforming Trash Enclosure, Within the Side Yard Setback, Located at 5571 Hoback Glen Road

Council Members Freedland and Weber reported visiting the site, while Mayor Siegel, Mayor Pro Tem Fisher, and Council Member Cohen had not. The following staff report was provided by City Engineer Dirk Lovett:

The owners are proposing an addition to an existing, nonconforming trash enclosure on this property; the current trash enclosure is 2' from the property line and can be seen from Hoback Glen; the proposed addition will encroach no further into the setback than the existing structure, although it will double in size to meet the City's requirements; all the neighbors within 300' have been notified, and no comments have been received; the Council has to make only one finding; staff believes the finding can be made as the proposed improvements will be further from the property line than the existing trash

enclosure, will be lower than the adjacent home to the north, and will appear as a typical fence and gate when viewed from the street.

Mayor Siegel opened the public hearing, and there being no comments, closed the hearing.

Council Member Freedland stated that the area has some very heavy vegetation and cannot be seen from the adjacent property – he just wished to confirm that it would look like an extension of the existing fence that can already be seen from the street. This was confirmed by Mr. Lovett. As there were no further questions, upon MOTION of Council Member Freedland, seconded by Council Member Cohen and unanimously carried, it was resolved to approve the minor accommodation and adopt by title only Resolution No. 805 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS SITTING AS THE PLANNING AGENCY, APPROVING A REQUEST FOR A MINOR ACCOMMODATION FOR AN ADDITION TO AN EXISTING NONCONFORMING TRASH ENCLOSURE LOCATED AT 5571 HOBACK GLEN ROAD.

CONSENT CALENDAR

- A. City Council Minutes – September 24, 2007**
- B. City Council Minutes – October 8, 2007**
- C. Demand List**
- D. Disbursement Lists – August and September**
- E. Financial/Treasurer's Reports – August and September**

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

MATTERS FROM CITY COUNCIL MEMBERS

- A. Report from 10/16/07 Hidden Hills Community Association Board of Directors Meeting**

Community Association Board Member and City Council liaison Ron Wolfe stated that Mayor Siegel provided an update on the golf cart issues, the Board approved Marv Landon as the new Chair of the Equestrian Services Committee, approved the draft audit, and discussed drainage issues on private property, which they are still investigating. Mayor Siegel added that when asked, he commented on the Polidoro property drainage issue.

B. Report from 10/16/07 Las Virgenes Malibu Council of Governments (LVMCOG) Meeting

There was nothing new to report at this time.

C. Discussion Regarding Commercial Use of City Owned Property Leased to the Hidden Hills Community Association

Mayor Siegel stated the following:

He has had a number of residents ask him about the use of City owned property, in particular the riding rings, by non-resident instructors providing lessons to non-residents; there was concern that this was commercial activity not for the benefit of residents; a second issue raised was the boarding of horses that belong to non-residents, who then use the riding rings and trails; the Community Association leases and manages all City owned property (other than the City Hall property), with the requirement that the use continue to benefit the residents; some non-residents have interfered with residents' use of the properties, and also interfered with Fiesta preparation; he has no objection to lessons being provided by non-residents to residents, and would encourage that use of the facilities; the Association spends a great deal of money to maintain the riding rings and trails, and is planning on spending a large amount of money to improve the Saddlecreek arena; the residents pay dues to the Association for these purposes, but why should they be paying money to benefit non-residents conducting a commercial activity; he wished to bring these concerns to the attention of the City Council, and then hopefully obtain an opinion from the Association Board Members on what they believe is beneficial to the residents; he does not wish to tell the Association what to do, but rather express the City's concerns as to whether or not the activities meet the intent of the lease, and have the Association respond to those concerns.

Council Member Freedland pointed out that there is a tennis pro who gives lessons to non-residents, which has prevented him and other residents from getting on the courts to play basketball. He was also concerned that this exposed the City and Association to liability.

Association Board Member Ron Wolfe commented as follows:

The tennis instructor does provide insurance; he felt this issue had gray areas, and suggested the Council send some type of memo or letter to the Association Board so they could address the matter; a non-resident giving lessons to a non-resident should be mentioned; another question seems to evolve around a resident and commercial use of the leased property, such as a resident renting stalls to board horses, and then those boarders using the riding rings and trails; what if a resident grandmother wants lessons in the City for her non-resident granddaughter; this does need to be discussed and some clarifications established; there do appear to be some clear violations.

Council Member Cohen suggested that no action be taken until the City get an opinion on whether or not this is a violation of the lease.

Equestrian Services Committee (ESC) Chairman Marv Landon stated the following:

The ESC discussed this issue recently, and he shares some of the Council's concerns, although not all of the Committee Members could agree on their positions; they did not know what the lease called for, but the lease should be used for direction; there is a liability issue; a horse trainer may not actually be a horse trainer; perhaps they could sign a release if they have no insurance policy; they might be on a resident's gate list; he would not want to discourage people with horses, but felt it was a good idea to discuss the issue and get some direction from the Council.

The Council agreed that the Mayor should send a memo, along with a copy of the lease, to the Community Association Board of Directors, expressing the City's concerns (as discussed above) and asking the Board Members to review the matter and provide some information on their position.

D. Review and Discussion of the City's Filming Ordinance/Fees

Mayor Siegel informed the Council that the City's filming ordinance was adopted in 1991, before reality television, and was out-dated. He wondered if there was really any reason or benefit to continue to allow filming in the City, and if so, suggested that at least the costs for the filming permit be adjusted.

The Council Members and Association Board Member Ron Wolfe then engaged in a short discussion regarding filming within the City, during which the following points were made and questions raised:

Some residents have allowed their homes to be featured in magazines; does or should the filming permit allow this; should filming be allowed at all; does this benefit the City in any way; rather than preventing filming, maybe the amount of time allowed for the filming could be limited; how often should filming be allowed at one property; are inside shots considered filming; permits could be denied if certain conditions and restrictions are not met; the number of vehicles and parking could be limited; what type of enforcement can be used for violations; a homeowner's rights cannot be taken away; perhaps the fee structure should be adjusted; should there be a differentiation between still pictures, movies, inside, outside, one-time filming, reality shows, etc.; how often does filming occur within the City; even high permit costs would not affect a major studio, but the costs could be substantial for low budget filming or small crews.

After the discussion, the Council Members directed staff to obtain the Community Association filming regulations and samples from other cities. The Council and staff will then review those regulations to see if the City could support and adopt them as they exist, or would want to make adjustments or amendments. This item will be placed on a future agenda for further discussion.

MATTERS FROM STAFF

A. Tentative Map 63567 (Ashley) - Update

City Engineer Dirk Lovett informed the Council that the draft EIR had been completed, and would be circulated as required, hopefully by the end of the week.

B. Charles Abbott Monthly Report - September

The report was received and filed.

C. Consideration of Cancellation of November 12, 2007 City Council Meeting

The Council agreed to cancel the November 12, 2007 City Council meeting due to the observance of the Veterans Day holiday.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Fisher, seconded by Council Member Cohen and unanimously carried, it was resolved to adjourn the regular meeting of October 22, 2007 at 9:25 p.m.

Stuart E. Siegel, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk