

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, February 25, 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, February 25, 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
Council Member Larry G. Weber

Staff:

City Engineer Dirk Lovett
City Manager Cherie L. Paglia
City Attorney Roxanne Diaz

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 February 25, 2013 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Siegel made the following announcements:

Daylight saving time begins at 2:00 a.m. on Sunday, 3/10; don't forget to set your clocks ahead one hour on Saturday night; this is also a good time to check batteries in your smoke detectors.

Happy birthday to Council Member Cohen's son Brian on Sunday, 3/10.

AUDIENCE

There were no questions or comments at this time.

PUBLIC SAFETY

A. Los Angeles County Fire Department Report - January

The following report was provided by Community Services Representative Maria Grycan:

There were no fires during the month of January, but 8 responses, including 5 EMS calls, 1 public service call, 1 false alarm/good intent call, and 1 haz mat call, which was a gas leak on Wingfield with no injuries or damage; 112 fire hydrants were inspected (this includes Hidden Hills and Calabasas), although that is probably a lower number than actual inspections; by 2/28/13, all hydrants will have been inspected, as they are done annually, and usually in January and February in this area; during the inspections, they look for any faults or problems, which are then reported to and corrected by the Las Virgenes Municipal Water District.

In response to Council Member Cohen, Ms. Grycan stated the following:

There are many different types of public service calls, which are not emergencies, but involve the Fire Department helping out; several examples of a service call are checking a carbon monoxide detector going off for no reason, assisting an invalid, or getting a cat out of a tree; good intent calls relate to someone calling with good intentions, but it turns

out that there is no actual emergency; an example would be someone calling about smoke coming from the neighbor's yard, which turns out to be the BBQ; false alarm calls are very similar, but might be more malicious, such as someone setting off a fire alarm for no reason.

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

Lt. Matt Squire presented the following report:

In January, there were no Part I crimes, 6 false alarm calls, and 21 traffic citations, including 18 hazardous and 3 non-hazardous; there was one minor collision with minor injuries involving a vehicle vs. pedestrian; the female driver was very diligent, exchanged all the proper information, and took the gentleman home; he declined emergency assistance and sought medical attention on his own; the accident occurred at night, and the driver said she was blinded by the lights of another vehicle and did not see the pedestrian.

PUBLIC HEARINGS

A. Consideration of Approval of Application/Request for Filming Permit at 25115 Eldorado Meadow Road

The City Manager provided the following staff report:

"Keeping Up with the Kardashians" is again requesting a filming permit; as only two days per year are allowed at a residence, they would like to film on Tuesday, 3/26/13, and Wednesday, 5/8/13; the surrounding property owners were notified as required, all the proper paperwork, insurance documents, and a check in the amount of \$2300 have been submitted.

Mayor Siegel opened the public hearing. Farnaz Farjam, the executive producer of the show, introduced herself and Bruce Jenner, who were in attendance to answer any questions anyone might have. Resident Nancy Porter, who for ten years has lived near the house where the filming would occur, expressed some concerns regarding access and noise impacts on her small street, with only five homes on it.

Mayor Siegel thought it might be possible that Ms. Porter had not previously noticed the filming, since the filming has been occurring for eight seasons of the show, the filming does not occur

outdoors, and two vans bring the crew to the property so there is no parking on either Eldorado Meadow or William Bent. Ms. Farjam concurred, stating that they have two mini-vans, but usually only bring one in through the gate which parks in the driveway, and that they are a very low-impact film crew with no filming at night or with any lights.

Council Member Landon stated that the Kardashians in the past filmed at the house across from his on Jed Smith, and his family never even knew when the filming was occurring. Mayor Siegel added that there were some filming issues years ago, resulting in the Council revamping the ordinance to address concerns regarding parking, traffic, noise, and outdoor filming.

At this point, Mayor Siegel closed the public hearing and asked the other Council Members for comments.

Mayor Pro Tem Freedland asked Ms. Farjam, since she was aware that there was to be no outdoor filming, if they did film outdoors, and aired the show on television, showing Hidden Hills homes, all in violation of the permit. He also asked if they had filmed more than the two days allowed per the permit, again violating the permit.

Ms. Farjam responded as follows:

The outdoor filming was not done by her crew, but accidentally by one of the cast members with a car cam; it did appear on the show (on television) for about a week, and then they recalled those tapes so it has not been shown since; she is aware that this was a violation, and apologizes; it was not done on purpose – it was an oversight and she just did not notice it when editing the tapes; it will never happen again; however, they did not film more than the two days.

In response to Mayor Pro Tem Freedland, the City Manager stated the following:

In a conversation she had with Kris Jenner last year, it was clear that there was at least one and perhaps two additional days of filming at the property in relation to Oprah Productions, in violation of the permit; in a conversation with Ms. Farjam at that time,

Ms. Farjam claimed that she had no connections to Oprah Productions, so was not responsible for the extra day or two of filming.

Mayor Pro Tem Freedland, based on the fact that additional filming was done without a permit, and that the producer (especially after eight seasons) knew that filming outdoors was not allowed and should not be shown on television (it is not shown live, but can be edited), both of which were permit violations, said he could not support the issuance of the permit currently being requested.

Mayor Pro Tem Freedland then called attention to Section 2-9-10:D of the City's Municipal Code which states "If a person engages in Filming Activity without a required permit, in addition to any other remedies permitted by law, no permits shall be issued to the person, corporation, or other entity found engaged in the illegal Filming Activities and or for that Filming Location for a period of one (1) year." He would recommend that since the violations occurred last June, that no permit be issued for this filming until June of 2013, which is really a fairly minor inconvenience, and hopefully the Kardashians will realize that there are consequences to violating an ordinance and a permit, and make certain that the next time they have a permit, they comply with all the regulations.

Council Member Landon again stated that he had no issues when the Kardashians filmed across the street from him, but suggested that perhaps they be fined for the day they illegally filmed.

In response to Council Member Cohen, City Attorney Roxanne Diaz explained that there is a section in the Municipal Code (2-9-8) that allows for the establishment of a penalty fee for filming without a permit, which has been done by the Council by resolution – and that fee is \$1000. Ms. Farjam offered to pay for the extra day of filming and a penalty fee, to move the permit forward, even though her company was not responsible for what Oprah Productions did.

Mayor Pro Tem Freedland made the following comments:

He does not feel that \$1000 is appropriate, and does not really want the money from them; if they're allowed to write a check for \$1000 every time they violate the permit, it is meaningless; the Council needs to be serious about enforcing this ordinance, which clearly says a permit should not be issued for a year after a violation; they have violated their permits, not only once, but several times; they violated one of their permits when filming at the Jed Smith house by shooting at night; at one point they filmed and showed the gate house and entry sign; they have a record of ignoring the terms of the permit; he does feel they should not be allowed to film before June, which is a short time and will not put them out of business; maybe the Council should consider changing the ordinance to not allow a permit for five years after a violation.

Council Member Cohen said he was not disagreeing with Mayor Pro Tem Freedland, but feels a fine is in order, and perhaps the fine could be levied and the issuance of the permit delayed, since the \$1000 fine is pretty meaningless.

Mayor Siegel respectfully disagreed, as he felt that was too onerous. He added that the Code was written to allow the fines, and that the earlier problems had been remedied, without those issues occurring recently. As Mayor Pro Tem Freedland felt it would be a minor inconvenience, he made a MOTION to not levy a fine, but to deny the permit up until 6/1/13. As there was no second, the MOTION died.

After a short discussion, upon MOTION of Council Member Cohen, seconded by Council Member Landon and unanimously carried on roll call vote, it was resolved to levy a \$2000 fine on the property owners at 25115 Eldorado Meadow Road (they are the ones that sign for the permit) for the two violations (\$1000 per violation) that occurred in or around June of 2012. Mayor Pro Tem Freedland felt that this was allowing the Kardashians to violate the ordinance anytime and then just pay a small \$1000 fine.

Ms. Farjam addressed the Council as follows:

She would like to truly apologize, as she does not want anyone to be upset with the family; she was listening to the dialogue and editing and just did not catch the fact that the filming was conducted outside with a car cam; she made the mistake once, but will not make it again; when they were filming on Jed Smith, no one was even aware that the filming was occurring; she has nothing to do with Oprah Productions and was not even there that day, but is willing to pay the fine in order to get the new permit processed.

Council Member Landon stated that the Council is not going to want to have another hearing like this, and that everyone (it does not matter who is involved with what) needs to comply with the permit that is issued. Mayor Siegel added that if there are future violations, the fine will not be the issue, as there will just not be any more filming.

Ms. Farjam said she fully understood and would speak with Kris Jenner.

Upon MOTION of Council Member Landon and seconded by Council Member Cohen, it was resolved on a 4-1 vote, with Mayor Pro Tem Freedland voting against, to issue a filming permit to Kris Jenner/Keeping Up with the Kardashians to allow filming at the property located at 25115 Eldorado Meadow Road on two separate days, those days being March 26, 2013 and May 8, 2013.

City Attorney Roxanne Diaz wished to make clear the following:

Ms. Farjam should get a copy of the ordinance to read the conditions of approval; the permit is granted to the owner of the house/property, no matter who is doing the filming; the onus is on the Jenner/Kardashian family to get the permit regardless of which production company is involved with the filming; regarding "family" filming, there is an exception for this, but only for a non-commercial use; once that film is placed or shown on television, it is a commercial use for which a permit is required, and it would be a violation of that permit to show any streets in Hidden Hills; the City also has the authority to shut down any production if it is in violation, no matter whose company is filming, to remedy the violation.

Mayor Pro Tem Freedland asked Mr. Farjam to make sure Ms. Porter was made aware of the filming dates. He also asked staff to place the filming ordinance on the next agenda for a

discussion of possibly amending the time period for which a permit can be denied after a violation. City Attorney Roxanne Diaz excused herself from the meeting at this time.

**B. Minor Accommodation
24960 Kit Carson Road
BBQ and Fireplace within the Front Yard Setback**

Mayor Pro Tem Freedland, Council Member Landon, and Council Member Weber all reported visiting the site, while Council Member Cohen and Mayor Siegel did not.

City Engineer Dirk Lovett provided the following staff report:

This application is for a minor accommodation to install a patio cover and fireplace within the 50' front yard setback, without having to correct any of the existing encroachments; the house currently encroaches 31'5" into the front yard setback; the patio cover will encroach 17'11", while the fireplace will encroach 31'5", the same as the existing house; notices were sent to all property owners within 300', with no comments being received; the Applicant's argument in favor of this request is that the existing residence and the proposed improvements in the setback are in conformance with the neighborhood characteristics; pursuant to Section 5-2I-1-C of the Hidden Hills Municipal Code, the Council may grant the minor accommodation if the Council finds that the minor accommodation will not have a material adverse impact on the public welfare or adjacent property; it is staff's determination that the finding can be made in this case for both the proposed patio cover and fireplace because the encroachments will be located no further into the setback than the existing house, and the proposed patio cover and fireplace will be screened by new plants and 36" box trees; other homes in the vicinity have similar encroachments into the setbacks; as such, the proposed improvements would create no material adverse impacts; it is staff's recommendation that the City Council make the above required finding and approve the minor accommodation and proposed resolution.

Mayor Siegel opened the public hearing.

Resident Bret Katz informed the Council that he had looked at the proposed plans and visited the site, and could not see how these improvements would have any impact based on the way the lot is laid out and the fact that most of the houses in that area are all in the setback.

As there were no other comments, Mayor Siegel closed the public hearing. Council Member Weber explained that this property is on the private portion of Kit Carson, which is just like a wide driveway, and that setbacks were established after this neighborhood was built. As there were no further comments, upon MOTION of Mayor Pro Tem Freedland, seconded by Council Member Weber and unanimously carried, it was resolved to make the required finding, approve the proposed minor accommodation, and adopt by title only Resolution No. 856 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 A PATIO COVER AND FIREPLACE WITHIN THE FRONT YARD SETBACK LOCATED AT 24960 KIT CARSON ROAD.

CONSENT CALENDAR

- A. City Council Minutes – February 11, 2013**
- B. Demand List**
- C. Disbursement List – January**
- D. Financial/Treasurer’s Report – January**

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, B (with Council Member Weber abstaining on request #2 on the list), C, and D of the consent calendar as submitted.

MATTERS FROM CITY COUNCIL MEMBERS

- A. Discussion Regarding Recent Coyote Activity and Consideration of Approval of a Coyote Trapping Program**

The City Manager provided the following staff report:

City staff has not received very many complaints recently, until just last week; two residents (friends) called, one whose dog was killed by a coyote when it accidentally got out, and the other complaining that she is seeing packs of three or four coyotes going right down the middle of the street on Long Valley, showing no concern when honked at; another resident on Fitzpatrick had coyotes in his back yard, but they were chased away

by his dogs after a short time; staff explained to these residents that the City was not currently conducting a trapping program, but that they were free to contact a trapper either on their own or with neighbors; that is a benefit since the trapper can concentrate on those individual properties, rather than looking at the activity throughout the entire City; the resident who lost her dog did take the name and phone number of the trapper that the City uses; all three of these residents were invited to attend the meeting this evening; if the Council is interested in conducting a trapping program at this time, a proposal was obtained for a two week (10 business days) program at a cost of \$2500; according to the trapper, late February/early March is an optimal time for trapping as it is just prior to the birth of young coyotes in the spring.

Mayor Siegel commented as follows:

In looking at the history, in the past the City received a significant number of complaints of dogs lost; no one is here tonight to complain, and it would be difficult to tell the trapper where to possibly trap since there was only one dog lost; it would seem a personal trapping program at that property might be more effective.

Council Member Weber pointed out that in 2012, there were only six complaint calls with one dog being killed earlier in the year, and then no complaints from July until now; he does not think the City has a coyote problem at this time, and that it seems to have helped when some of the residents got together and hired the trapper for their own area.

Resident Nancy Porter told the Council that a coyote killed her dog last year, but she did not report it, and just recently, she almost hit a lone coyote when driving right inside the Round Meadow gate in the early evening.

Additional comments were made by Mayor Siegel:

The City is not in the coyote eradication business, and people are always going to hear and see coyotes in the City; the Council and staff always encourage everyone to report any incidents whereby pets are attacked; once it appears that numerous attacks are occurring, the City can hire the trapper to trap those aggressive coyotes; the Council is very sorry about the loss of her dog; she should let us know if anything further happens.

Council Member Cohen felt there were not enough complaints to warrant the initiation of a trapping program, but suggested that residents be reminded of the coyote problem and to report

aggressive coyote behavior. Council Member Weber pointed out that there really was not a coyote problem based on only six calls received in 2012, with one being a coyote being chased away with noise, four being reports of coyote sightings, and one small dog being killed after being left outside by itself. He also pointed out that coyotes are seen everywhere, including Woodland Hills, Calabasas, Canoga Park, and even in downtown Los Angeles. Council Member Cohen agreed, stating he was just suggesting that residents be reminded to report incidents. Mayor Siegel thought it was worthwhile to remind residents to report aggressive behavior and confrontational incidents, not just sightings, with Mayor Pro Tem Freedland agreeing, recalling previous articles that were placed in the City's newsletter that could be reprinted. Mayor Siegel felt that, hopefully based on some of those articles, residents were getting smarter and changing their behavior in dealing with the urban coyotes, which are different from those in the wild that are more inclined to stay away from humans.

At this time, the Council Members agreed that no trapping program was warranted.

B. Report from 2/19/13 Hidden Hills Community Association Board of Directors Meeting

Board Member Bret Katz informed the Council of the following:

The Board approved the following: a variance at 5330 Jed Smith, a budget for the magic show on 3/17, a budget for the 3/16 gymkhana, a 2% cost of living increase for the gate guards, crack filling and swale repairs, and the appointment of Dayna Shulman and Lilian Holt as new members of the Horsemen Committee; the Board discussed the City's AQMD funds, and appreciated Council Members Landon and Weber being at the meeting to offer the possible use of those funds for a vehicle for the Association.

Mayor Pro Tem Freedland asked for more details on the variance, which were provided by Council Member Landon. Mayor Siegel wondered what the Board did regarding the tennis court light test, with Mr. Katz stating that it was tabled until the next meeting so they could obtain more information. This led to a short discussion regarding the possible test and installation of lights in the future, during which the following points were made and issues raised:

The Board wanted to see data from a third party showing light patterns; some did question the cost of the test and permanent lighting, and whether that was a good use of Association money for just a few people; an item will be placed in the "Round-Up" asking for interest in lighted tennis courts for night use; is it beneficial to do the test if the Council might deny permanent lighting; even though it was not mentioned at the Board meeting, the Council conditioned the test on the notification of the affected Woodland Hills residents, which could give the Board and Council some indication of their response before an official public hearing would be scheduled if the Board requested permanent lighting in the future; if the Board decided to conduct the test differently than what was specifically approved by the Council, the Board would have to return to the Council for approval of any changes; for those who actually visited the site, they thought the lights would not have an impact on the Woodland Hills neighbors, as the distance between them and the courts was greater than it appeared on maps, and there is quite a bit of foliage; there could be more reflective light from the court surface than from the actual lights; if lights are placed on the court, there also has to be pathway lighting to and from the courts, which could also be very expensive.

C. Report from 2/19/13 Las Virgenes Malibu Council of Governments Meeting

Mayor Siegel provided the Council with the following update from the COG meeting:

Most of the discussion at the meeting centered around water issues, especially related to the Malibu Creek Watershed; agencies can join together to prepare an Enhanced Watershed Management Plan (EWMP) which would allow more time (until 2015) to complete some of the required tasks in the MS4 permit; it was suggested that Hidden Hills might be able to opt out of the Malibu Creek Watershed EWMP, and just join the Upper LA River Watershed EWMP due to the City's size and the fact that most of the City's drainage goes into the LA river; otherwise, it will be very expensive for the City to be a part of both; however, if the City is not a part of the EWMP in the Malibu Creek Watershed, that leaves more of a burden on the City to complete different tasks on its own; staff will be contacting the Regional Water Quality Control Board (RWQCB) to discuss some of these issues; on a different note, he and Council Member Landon will be attending the City Selection Committee meeting on Thursday evening in Monterey Park to vote on the confirmation of this area's representative to the MTA Board, which has become very political.

MATTERS FROM STAFF

A. Consideration of Approval of Second Amendment to the Malibu Creek Bacteria TMDL Coordinated Monitoring Plan Implementation Agreement

The following staff report was provided by the City Manager:

The Council previously approved the Malibu Creek Bacteria TMDL Coordinated Monitoring Plan Implementation Agreement, and then approved an amendment to that Agreement, which will expire on 3/10/13; staff is now asking for approval of a second amendment to extend the Agreement for another two years, until 3/10/15 to allow for more monitoring that is needed for the newly adopted MS4 Permit; the cost to Hidden Hills is very minimal, under \$400 for each of the two years; the amendment is being reviewed by Richards, Watson & Gershon on behalf of numerous of its cities, so the cost for that will be shared.

Upon MOTION of Council Member Cohen, seconded by Council Member Weber and unanimously carried on roll call vote, it was resolved to approve the Second Amendment to the Malibu Creek Bacteria TMDL Coordinated Monitoring Plan Implementation Agreement, subject to final approval by the City Attorney.

B. Charles Abbott Monthly Report - January

The report was received and filed.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Freedland, seconded by Council Member Weber and unanimously carried, it was resolved to adjourn the regular meeting of February 25, 2013 at 8:42 p.m.

Stuart E. Siegel, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk