

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, April 25, 2016

***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, April 25, 2016 at the hour of 7:32 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 Council Member Steve Freedland Council Member Marv Landon Council Member Larry G. Weber
Staff:	City Engineer Dirk Lovett City Manager Cherie L. Paglia
Absent:	Mayor Pro Tem Stuart E. Siegel

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

### **APPROVAL OF AGENDA**

Upon MOTION of Council Member Freedland, seconded by Council Member Landon and unanimously carried, it was resolved that the agenda for the April 25, 2016 regular meeting be approved as submitted.

### **ANNOUNCEMENTS**

Mayor Cohen made the following announcements:

The City Council and staff would like to wish Council Member Stuart Siegel the best of health and quick recovery; hope to see him back soon.

The Community Association/Parks and Recreation Committee sponsored Adult Welcome Party will be held at 6:30 p.m. on this Saturday, 4/30; call the Association for details.

Happy Anniversary to Council Member Larry Weber and his wife Nanette; they are celebrating their 31st anniversary on Tuesday, 5/1.

### **AUDIENCE**

There were no questions or comments at this time.

### **PUBLIC SAFETY**

#### **A. Los Angeles County Sheriff's Department Report - March**

The following report was provided by Lt. Anthony J. Rotella on behalf of our liaison Lt. Christina Baker:

during March there were two Part I crimes; one was a residential burglary on Oakfield Road with furniture being taken; there were no signs of forced entry, but the victim stated there were numerous movers in the home during the time of the incident; the second was a misdemeanor traffic warrant arrest, of a Van Nuys resident, in the area of Round Meadow Road and Jed Smith Road.

**B. Los Angeles County Fire Department Report - March**

Community Services Representative Maria Grycan reported only three responses during the month of March, with two of those being medical, and one gas leak on Round Meadow that resulted in no damage.

At this time, the Council, staff, and audience entered into a fairly lengthy discussion with the Sheriff's and Fire Departments regarding possible public safety, noise, and filming issues on Bill Cody Road (a private driveway) related to the behavior of resident Scott Disick and his visitors.

Resident Steve Eglash was first to address the Council, as follows:

he has lived here 17 years, but now his new neighbor, Scott Disick, is terrorizing him and the other neighbors; Mr. Disick begins loud parties, very late, often after the club hours; the neighbors have been trying to work with law enforcement, whom he is very supportive of, but the responses have been very inconsistent; his wife has given up trying to call the Sheriff as she feels like nothing is going to be done, especially since the last time she called she was told that this was a homeowners' association issue; the loud noise and screaming and yelling often cannot be heard from Bill Cody, but can be heard from the neighboring back yards; when the Sheriff personnel respond, they usually cannot hear anything from the road so they feel there is nothing they can do; this situation is very frustrating for the neighbors and the Sheriff personnel who do respond; at one point he himself spoke to Mr. Disick, who stated that it wouldn't do any good to call the Sheriff; Mr. Disick seems very skilled at dealing with the Sheriff, as he even has doormen that watch for the Sheriff; he and the other neighbors are not delusional - they are often woken up during the night or early morning, but they feel it will not help to call the Sheriff; he'd like to thank the Council for listening.

Next to address the Council was resident Michael Adler:

he agrees with everything that Mr. Eglash said; he'd like to tell the Council about an incident that occurred this past Thursday morning (4/21); the noise at Mr. Disick's started around 1:00 a.m., and since it was still going very loudly at 3:00 a.m., his family called the Sheriff and asked them to come to his house first where they could hear the noise, but the Sheriff said they could only do that if he filed and signed a complaint; the Deputies did respond fairly quickly, going to Mr. Disick's, but of course the noise was shut off by then; however, about 15 minutes after the Sheriff personnel left, the music was turned back on and the noise started again; at 4:18 a.m. his family called the Sheriff again and he said he would sign a complaint; about 5-6 officers responded, but the situation turned

somewhat adversarial, and he felt like he was the one doing something wrong; the Deputies couldn't hear any noise, wondered why he was calling again, and suggested he go to the Disick door and file a citizen's arrest; he was also told that if he did that, the Deputies could not support it, as they did not hear any noise; he finally was able to convince the Deputies to go into his back yard, where they were able to see lights and hear the noise; when he called the Sheriff the next day, he was told that a report was filed and would be presented to the DA; he did feel much better after that, but he and the neighbors really don't know what to do because the problems are just not stopping.

Jeff Costell, who stated the following, was the next resident to speak:

he lives across the street from the Disick house, and his family is definitely experiencing the inability to sleep; they hear what's going on behind the Disick house to some degree from their bedroom higher above the street, and understand that the Deputies cannot usually hear the noise from the street level; but their bedroom window also is only a few feet from the Disick driveway, where there is constant coming and going throughout the night, mostly between 3:00 a.m. - 5:00 a.m., and sometimes later; the Disick house is a party house, and there are people in the driveway and on the street loudly yelling, laughing, and cursing, with his little daughter often hearing these obscenities; Mr. Disick walks around in his underwear or swim trunks inebriated and cursing; limos come to pick Mr. Disick up, but they honk and he comes out yelling about not being able to find his "f...ing" phone; they understand this is a private driveway, but there is constant parking overnight, and there are ordinances regarding disturbing the peace; they just don't know what to do; the parties are random, maybe twice a week, and can be during the week or on the weekends; even if Mr. Disick isn't there, he has an entourage which is there; when Mr. Disick first moved in, his family went over with a basket to welcome them to the neighborhood, but no one would answer the door, even though they could see them; the neighbors are not calling the Sheriff just because they are annoyed or have a vendetta - they just want peace and quiet, and their quality of life returned; there is also filming going on, which they do very discreetly; he called the gate guard on 4/18 regarding filming, and was able to get some pictures of production type movie equipment being loaded into a rental van; however, by the time the roving guard arrived, along with City Engineer Dirk Lovett and Building Inspector Steve O'Hara, the filming crew was gone and no one would answer the door; they also use some type of a light globe which lights up the entire back yard and makes the night look like daytime; but mostly for his family, it's the noise coming from the house, and noise from people loitering in the driveway and street.

Sheriff's Department Lieutenant Anthony J. Rotella addressed the Council and the concerned residents:

he would like to apologize to the residents if they have been given incorrect information either by the Deputies answering the phone or the Deputies responding to a call; this is not an Association problem, but a law enforcement issue since the Sheriff does deal with public nuisances and disturbing the peace incidents; the Sheriff personnel did take a report after the second call on 4/21; if the residents are ever not satisfied with the response, they should ask for a Sergeant to come out to the location; Watch Commanders are on duty 24 hours a day; he usually works Sunday through Wednesday, while Lt. Tina Baker works Thursday through Saturday, both of them at night (Lt. Rotella at this point gave the residents both his and Lt. Baker's email addresses); the residents also have the resources of Deputy Mike Woodard (who was in attendance); Sheriff personnel have been out to the home in question several times in the last few months; the response times look pretty reasonable (8-15 minutes), which is not bad considering that Hidden Hills does not have an assigned car, and any car responding will have to come from another area if there doesn't happen to be a car in the City at that particular time; Sheriff personnel are speaking with the homeowner, Mr. Disick, and counseling him; it does appear that there have been times when Deputies responding to a call from a neighbor have not been able to hear any noise or music; the City does have a noise ordinance, but it classifies a violation as an infraction, which is like a parking ticket; for this last incident, a misdemeanor complaint was written against the homeowner, and it will be presented to the DA for possible filing.

In response to several questions from the Council Members, Lt. Rotella stated the following:

this City might want to look at Santa Clarita's social host ordinance which allows the homeowner to be fined for repeated visits; in Hidden Hills, the Sheriff already has the ability to shut down this type of activity on the basis of it being a disturbance, and it will help if there are repeated calls to the Sheriff about a particular property; no one knows if this particular property owner is being tipped off that the Sheriff personnel are on their way, giving the homeowner time to turn down the music; he will make sure Lt. Baker and all the night shift Sergeants are aware of what is going on; when the Deputies respond, they can go on someone else's property (the neighbors) for a better vantage point if that property owner allows them to; typically, since this is a misdemeanor, they do need someone to file a citizen complaint and they need a victim, whereby a person says this is a nuisance to him/her to allow law enforcement action; he understands no one really wants to do a citizen's arrest, but it is all done with the Sheriff, not on your own; in this case, a report was written, so hopefully the DA will file it; the Deputies deal with a lot of different gated communities, and those communities may handle things a little differently, but no one in the Sheriff's Department should ever be discouraging residents from calling when they have a problem.

Council Member Landon provided the following information:

his son is now on the Homeowner's Board in Mt. View because of this same type of issue - a very noisy neighbor; their Board started assessing very steep fines on noisy neighbors; in addition, an attorney has told them that not only can they remove names from a resident's permanent list and force those people to use the guest lane, but they can also take all visitors off of a resident's gate list and force that resident (each and every time) to come down to the gate and pick up any visitors to escort them through the gate into the community.

Council Member Freedland felt it might take the Hidden Hills Community Association many months to get to the position where they could levy very high fines, which may not even be a disincentive to some residents, and he would rather use the City's ordinance and the full force of the Sheriff's Department and District Attorney to deal with the problems more quickly. Council Member Landon said he was suggesting that all possible avenues be used, with which Council Member Freedland agreed. Council Member Weber added that the Association is able to levy fairly good sized fines for illegal filming, whereas the City's fines are much lower, and that it would really help if the neighbors could provide pictures of any filming, which would be illegal since no filming permits have been issued (or even requested) for that property.

The City Manager provided the following information:

the Association Manager has been waiting for some pictures of recent filming and affidavits from the neighbors who did see that filming; if that evidence is available, the City can levy fines, although they are very minimal; the Association also has the ability, with evidence of illegal filming, to call residents in for a hearing and to levy much greater fines; in relation to noisy parties, if the Sheriff is called and warns a resident (or someone at the site) about the noise, the City has in its Municipal Code the ability to charge a resident the full cost for the Sheriff's time if they are called out a second time to that same residence.

Council Member Freedland suggested that some of the Sheriff personnel may need to be educated further on the City's Municipal Code, and also suggested that the homeowners who live on Bill Cody may want to consider some type of civil action, since Bill Cody is a private driveway.

Deputy Mike Woodard then spoke, stating the following:

he does community relations and crime prevention, so is available every day; if there is an incident during the night, please call him so he can follow up right away the next morning (at this point, Deputy Woodard handed out his cards, which include his email address); he did run the incidents to date that have occurred at this property, and he will send out a briefing tomorrow morning to make everyone aware of this discussion here tonight; there are often different Sheriff personnel that respond to the calls for service, so a person responding one night may not be aware that there was a response the night before; it is very important that the residents do call when there is a problem, as it is beneficial to have as much documentation as possible; any photos or videos would certainly help, as it is hard for the responding Deputies when they can't see or hear anything going on.

Mr. Eglash wanted to make sure that if the neighbors called the Sheriff, the responding Deputies would go into their back yards, as that is usually where the noise can be heard from. Lt. Rotella responded that if the Deputies were invited onto the neighbors properties, they should go onto those properties, and he will address this with his team and the dispatchers to make sure that is what happens if that is what the neighbors request. Lt. Rotella added that the Sheriff's service should be better, and he will address these concerns and better educate the Sheriff personnel to help resolve these issues.

Lt. Rotella then read from the City's Municipal Code the section regarding unruly assemblies, which did not seem to place a time limit between a first and second Sheriff response before a homeowner could be billed for the Sheriff's time and equipment used for that second response. He suggested it might be possible, the way the Municipal Code is written, for the City to put Mr. Disick on notice that he would be billed for any future responses, especially since the Sheriff has already responded numerous times (and those times and related costs could be provided to the City). The City Manager said she would check with the City Attorney, and if the wording is not clear, that perhaps the ordinance should be amended to specify a certain time period. Lt. Rotella offered to provide samples of other cities' ordinances in relation to this matter.

Mr. Eglash felt the most effective way to deal with some of these issues was to control guests, which it was pointed out, would be an Association matter. Association Board Member Bret Katz asked Mr. Eglash if parking on Bill Cody and blocking emergency access was still a problem, as that was something Mr. Eglash raised at the last Board meeting. Council Member Freedland pointed out that the Fire Department inspected Bill Cody before the meeting, and would address that issue shortly.

Mr. Costell wished to make it clear that the problem was not just loud noise, but also very raucous parties, sometimes with only a few people. He also asked for clarification on a citizen's arrest. Lt. Rotella explained the following:

if a misdemeanor is not committed in the presence of the Sheriff, a victim is needed, which in certain cases requires a citizen's arrest; the Sheriff can bring the victim to the door of the offending party, and the victim states they want to make a citizen's arrest, and then the Sheriff makes the actual arrest; if no one answers the door, a report can be generated and then submitted to the District Attorney; since the City's Municipal Code only considers a noise problem as an infraction (which is like a parking ticket), in this case the Sheriff used the Penal Code and issued a misdemeanor citation for disturbing the peace; if the District Attorney would decide to file, the person receiving the citation would get a letter in the mail from the District Attorney telling him to appear in court.

The City Manager suggested that the Council may want to look at making these violations misdemeanors rather than infractions, and further strengthening the Municipal Code if possible. She also pointed out that changing the Municipal Code does take some time, as there is a first reading of the ordinance, followed by a second reading, usually two weeks later, with the ordinance to take effect 30 days after that. Lt. Rotella again said he could provide some sample ordinances from other cities.

In response to Mayor Cohen, Lt. Rotella stated the following:

if three homeowners would get together to make a citizen's arrest, they would all be listed as co-victims, and yes, that could help show a larger scope of nuisance; he again urged the residents to please call the Sheriff - that's what they get paid for; if the responding Sheriff personnel do not hear the noise and the neighbor wants to press the issue, then



that would fall under the citizen's arrest; but it would help the Deputies, if they can hear the noise, if the City could possibly elevate this from an infraction to a misdemeanor.

Council Member Landon assured the neighbors that everyone is very sympathetic to their cause, with Council Member Freedland encouraging them to keep calling the Sheriff whenever there is a problem. Council Member Weber wanted to make sure that the neighbors knew they were not the nuisance or the problem. The entire Council wanted to make it very clear that the Sheriff and the City were here to help in any way possible. Lt. Rotella reminded everyone that there is a report (a 415.2 disturbing the peace misdemeanor complaint) already going to the District Attorney, as the Sheriff wants to resolve these problems so the neighbors can all enjoy peace and quiet. He again told the neighbors that they could call him at any time during the night, and then Deputy Woodard would be available in the morning for follow-up.

At this time, Mayor Cohen asked the Fire Department if they had any comments. Acting Assistant Fire Chief Anthony Williams addressed the Council:

he had some of his personnel look at and measure Bill Cody, which is a private road, this evening; it is 20' wide of asphalt; per the California State Fire Code, roads 20' to less than 28' in width are fire apparatus access roads, and can be designated as a fire lane with posted no parking signs; this roadway is not designated as such; if the City would want Bill Cody designated as a fire lane, no parking would be allowed on either side of the road.

Council Member Freedland wished to make it perfectly clear, that this would mean no parking at any time by anyone along Bill Cody.

Chief Williams further stated the following:

they have made concessions in other parts of the County that have similar situations regarding fire access by limiting parking to just one side of the road; it is within the discretion of the Fire Department to allow this, as long as there is still enough room for access, even though it might be marginal; but the Fire Code itself is very specific about the fire lane designation for roads between 20' - 28' wide; the Fire Department can work with the City, depending on what they want to do.

Mr. Costell stated the following:

if parking was allowed on just one side, Mr. Disick and his guests would use up all the space, and the rest of them would not be able to park there anyway; they just want to be left alone from a noise standpoint; they feel completely safe up on Bill Cody; the fire response up there has been tremendous; during the evacuations, when there were cars parked along one side of the road, the Fire Department vehicles were able to maneuver to get everywhere they needed to get; they do not feel like the parking has to be addressed.

Council Member Freedland said this is only a discussion, and if the neighbors are just concerned with the noise issues, that is okay with the Council, and that is what everyone will continue to try to resolve.

#### **CONSENT CALENDAR**

- A. City Council Minutes - April 11, 2016**
- B. Demand List**
- C. Disbursement List - March**
- D. Financial/Treasurer's Report - March**

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

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

- A. Report from 4/19/16 Hidden Hills Community Association Board of Directors Meeting**

Community Association Board Member and City liaison Bret Katz informed the Council of the following:

the Welcome Party is this Saturday evening; the Board has been implementing guest passes for workers; they're trying to get the subcontractors to get bar code passes in order to get them through the gate quicker and alleviate some of the traffic back-up; in relation to construction hours, a motion was passed to move the morning start time from 7:00 a.m. to 8:00 a.m. Monday through Friday, and to not allow major construction on Saturdays; however, maintenance and gardening would be allowed on Saturdays; they will have to draft the wording in relation to that motion, with legal review, and then finalize it; there

was a very large turnout of residents for that discussion; placement of political signs was again another topic, with the Board deciding that one sign (no larger than 3'x3') could be placed on a property, but behind the 3-rail fence, which would allow a sign to be attached to the back side of the fence, but not the front.

**B. Report from 4/19/16 Las Virgenes Malibu Council of Governments Meeting**

Council Member Landon, who attended the COG meeting on behalf of Council Member Siegel, reported the following:

there were many people there from Metro, discussing Measure R projects and the possible ballot measure (Measure R2) for an additional 1/2 cent sales tax; the new tax would be for 40 years, but a lot of the funds would be pulled out in the earlier years; the sad thing is that there are no plans at all to expand, widen, or improve the 101 freeway; the COG pushed for this about ten years ago, but it was stopped by those in the Encino area; there is no point in trying to widen it in our area, just to have it bottleneck in that area, which accomplishes nothing.

The City Manager added that Measure R is a 1/2 cent sales tax through 2039, and if Measure R2 is passed, it would extend that 1/2 cent tax through 2057, and add another 1/2 cent tax from now through 2057. She also reported that the COG Board agreed to send a letter of support for AB 2403 (a League sponsored bill proposed by Malibu), which would help residential areas completely taken over by alcohol and drug recovery homes, by ensuring that any two such facilities would be separated by at least 300', prohibiting over-concentration.

**MATTERS FROM STAFF**

**A. Selection of Two Council Members for Ad Hoc 2016-2017 Budget Committee**

Mayor Cohen and Council Member Freedland volunteered to serve on this year's budget committee.

**B. Consideration of Appointment of Public Safety Commissioners**

The following report was provided by the City Manager:

there is one vacant seat on the Commission, with one year remaining of that term; per the regular schedule spelled out in the City's Municipal Code, there are two terms that will

expire on 4/30 of this year; one incumbent, Martin Zane has chosen not to reapply for the Commission, while the other incumbent, Kim Ulrich, has reapplied; three other residents also submitted applications; all four applicants were interviewed by Commission Chairman Gabe Nussbaum, and outgoing Commissioner Martin Zane; the recommendation is to reappoint Ms. Ulrich and appoint Keith Christian for new two year terms, and to appoint Camille Stoddard to fill the vacant seat.

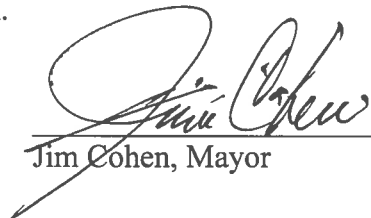
Upon MOTION of Council Member Freedland, seconded by Council Member Landon and unanimously carried, it was resolved to reappoint Kim Ulrich and appoint Keith Christian to the Public Safety Commission, each to serve a two year term effective May 1, 2016 through April 30, 2018, and to appoint Camille Stoddard to fill the current vacancy, effective immediately through April 30, 2017.

**C. Charles Abbott Monthly Report - March**

The report was received and filed.

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Council Member Freedland, seconded by Council Member Landon and unanimously carried, it was resolved to adjourn the regular meeting of April 25, 2016 at 8:40 p.m.

  
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Jim Cohen, Mayor

ATTEST:

  
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Cherie L. Paglia, City Manager