

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, June 23, 2008

MINUTES

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

A regular meeting of the City Council of the City of Hidden Hills was duly held in the Council Chambers at the City Hall, 6165 Spring Valley Road, Hidden Hills, California 91302 on Monday, June 23, 2008 at the hour of 7:32 p.m. Mayor Steve Freedland called the meeting to order and presided thereover after asking former Council Member Ron Berg's daughter Macy Berg to lead the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

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

Staff:

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

APPROVAL OF AGENDA

Upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried, it was resolved that the agenda for the June 23, 2008 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Freedland made the following announcements:

Happy Birthday to Council Member Cohen's wife Joanne (today).

Today was the first day of summer camp at the Community Association; call the Community Center with any questions.

Tomorrow night is the last CERT class before Saturday's final class and training exercise.

Happy Birthday to Council Member Fisher (6/26) and Mayor Pro Tem Weber (7/5).

The first summer BBQ will be held at the Community Center this Thursday; call the Community Association or new Parks & Recreation Committee Chairman Bret Katz.

The City Hall, Community Center, and Building & Safety will all be closed and there will be no inspections on Friday, July 4th.

Thanks to Deputy City Clerk Deana Graybill for planning and organizing this evening's reception.

Council Member Cohen offered congratulations to Council Member Siegel who was just elected as the Las Virgenes Malibu Council of Governments President for the upcoming year.

AUDIENCE

There were no questions or comments at this time.

PRESENTATIONS

A. Possible Implementation of Mandatory Conservation Measures by the Las Virgenes Municipal Water District

Mayor Freedland mentioned LVMWD General Manager John Mundy (who was unable to attend the meeting), and introduced Manager of Public Outreach Jeff Reinhardt, and Director of Facilities and Operations David Lippman.

Mr. Reinhardt provided an update on the state's water supply shortage and the consideration of adoption by the LVMWD Board of the following mandatory conservation measures to become effective 7/1/08: 1) prohibiting irrigation between the hours of 10:00 a.m. and 5:00 p.m., as nearly 70% of water delivered by the LVMWD is used outdoors; 2) banning the use of hoses to clean hardscape; 3) directing restaurants to only serve water if requested; and 4) having the hotels in the service area extend to guests the option of reusing/retaining towels and linens during multiple-night stays. Mr. Reinhardt provided the water saver hotline (818.251.2180) and asked for the public's help in changing the way people think in order to make water conservation a way of life.

All of the Council Members then had questions, which were answered by Mr. Reinhardt and Mr. Lippman as follows:

The District is looking into providing reclaimed water to Hidden Hills, but infrastructure is needed along with backflow protection; following proper regulations, reclaimed water can be provided to residential areas (it is currently used at the District's Headquarters building); as reclaimed water cannot be provided via the same line as potable water, funding would have to be found to build a whole new parallel system; the cost for reclaimed water is usually 10% less than for potable water; at this time of the year, the District can use 100% of its recycled water; this is not only a good use of an existing water supply, but also reduces dependence on the state water source by about 20%; groundwater in the area (such as that coming out of Council Member Fisher's hillside 24 hours a day) is very poor quality (full of minerals and salts) and is not regulated or used by the District, as it would take a lot of treatment to possibly turn it into potable water; even though their first objective is to inform and educate, they will have people in the field noting non-compliance with mandatory measures; hopefully if anyone notices water being wasted, neighbors can approach neighbors politely, or call the water saver hotline, which will result in non-compliant residents being contacted; residents can also request, free of charge, a water audit on their properties.

Resident Lee Black informed the Council that the District did conduct a whole day audit of his property, but he wondered if the District and/or the City would allow him to pay for and build a well on his own property and use that groundwater for landscaping and in his arena. Mr. Lippman again stated that the District does not regulate groundwater in this area, but would

regulate backflow protection. Since the Council Members thought the use of groundwater could be beneficial to residents, the Mayor directed the City Engineer to look into this issue.

B. Round Meadow School

Introduction of New Round Meadow Elementary School Principal Tom Spence – Las Virgenes Unified School District Superintendent Dr. Donald Zimring introduced the newly appointed Principal at Round Meadow School, Mr. Tom Spence, informing the Council that Mr. Spence is not a newcomer to the District, recently serving as the coordinator of all efforts to train new teachers.

Mr. Spence addressed the Council and audience as follows:

This is his first Council meeting; he felt a very down-home, warm welcome feel in the room, as well as at Round Meadow School, where he has been able to spend the last few weeks meeting the students, parents, and teachers; he is very excited about this new phase in his career, at what he believes is a great school, and a great community; his door will always be open, like that of the people he learned the most from and respected the most in his past; he believes in an open line of communication.

Consideration of Approval of Community Assistance Grant to Round Meadow Elementary School for Emergency Radios - Mayor Pro Tem Weber recused himself at this time, as the proposal obtained by Round Meadow School for emergency radios was provided by a company with which he conducts business. Outgoing Round Meadow School PFA Co-president Mathy Wasserman then addressed the Council:

Round Meadow School is asking for a \$4400 community assistance grant for the purchase of 16 emergency radios; 6 radios would be for Search & Rescue, 1 for the Principal, 1 for the Teacher in Charge, 6 for the Grade Line Leaders (Kindergarten through 5th grade), 1 for the Leader, and 1 for the Specialist/Busses; during an emergency, the radios would hopefully allow for communication among those on the school site, with the City, and with the District; one of the evacuation routes for Round Meadow School is to physically walk all of the students to the Community Center within the City, and radios would be necessary for that evacuation; the City's and School's mutual safety expert Jim Doran helped her with this proposal and plan; she would also

like to thank the City for providing, as both a beautification and water conservation project, the artificial turf that was installed between the sidewalk and street all along the school; the turf, totally paid for with gas tax funds, not general funds, looks wonderful, and she has received many compliments.

Upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried (4-0, as Mayor Pro Tem Weber recused himself), it was resolved to approve the request from Round Meadow School for a community assistance grant in the amount of \$4400 to be used for the purchase of 16 emergency radios for the school.

C. To Steve Rosentsweig, Retiring Principal from A.E. Wright Middle School

Mayor Freedland stated the following, and then presented a City plaque on behalf of the Council:

He served as Principal for a day with Steve Rosentsweig at A.E. Wright, and really got an appreciation for what it is like to interact with the teachers and students; his two children both went through A.E. Wright, as have thousands of other students who have been remarkably influenced by Mr. Rosentsweig; there will be a large hole left at the school, as Mr. Rosentsweig will be greatly missed.

Mr. Rosentsweig then commented as follows:

He very much appreciates the very positive relationship that has existed between the school and the City; this is a wonderful City full of down-to-earth people who do wonderful things; there are benches throughout A.E.Wright that were provided by Hidden Hills; some of the City residents host parent evenings, and the future A.E. Wright PFC President is a Hidden Hills resident, Mathy Wasserman; what the City is doing tonight, recognizing its students, is one of the nicest things the City does, and he has enjoyed coming to this event every year; it is a real tribute to a City which takes the time to recognize successful youngsters; on behalf of the District and the kids, he would like to thank the Council.

D. City Plaque/Hidden Hills Youth Recognition Program Recipient

As Ms. Grogin was unable to attend this evening, she will be invited to attend the 8/25/08 Council meeting.

E. City Certificates/2008 Academic Achievement Recipients

Mayor Freedland introduced Las Virgenes Unified School District (LVUSD) Board President Cindy Iser, Board Vice-President Dave Moorman, and Superintendent Dr. Donald Zimring, who were in attendance to congratulate all the students receiving awards. Mayor Freedland also wished to apologize to those students who might not have been invited this evening, as the lists of students receiving awards are provided by each individual school – sometimes the schools accidentally omit students, and in the case of Calabasas High School, only provided the list of seniors receiving awards. He encouraged any Hidden Hills students who received awards but were not contacted by the City, to please call the City staff, and those students would be invited to a future meeting. The City Manager added that Calabasas would be providing a listing of those non-senior students who received awards, and that everyone on that list, along with any other students who were inadvertently left off of the original lists, would be invited to the August 25th Council meeting for presentations and another reception.

Mayor Freedland then presented City certificates to the following students:

- | | |
|--------------------------------------|---------------------------------------------------|
| From A.E. Wright Middle School: | Veronica Black
Lauren Deitch
Kyle Wasserman |
| From Calabasas High School: | Jaclyn Gersh
Maurice Grierfer
Meghan Sanett |
| From Round Meadow Elementary School: | Sean Glavin
Alex Resnick
Caroline Resnick |
| From Sierra Canyon School: | Jenna Griffith |
| From Viewpoint Upper School: | Macy Berg
Ryan Goldstein
Marissa Jaffe |

At the end of the presentations, Mayor Freedland again asked anyone who should have been recognized tonight that was not, to please call City Hall, and also congratulated all those who did receive awards from their individual schools, as they all bring honor to themselves, their parents and families, and the community.

At this time (8:20 p.m.), Mayor Freedland called for a short recess to allow everyone time to congratulate the students, and to enjoy some refreshments. The meeting was then reconvened at 8:38 p.m.

PUBLIC SAFETY

A. Los Angeles County Fire Department Reports – April and May

Community Services Representative Maria Grycan presented the following reports:

During the month of April, there were a total of 9 calls; these included 6 medical calls, 1 false alarm/good intent, 1 snake removal, and 1 brush fire on Round Meadow on 4/28/08 caused by weed whacking; there were 3 Fire Prevention Bureau Inspections, and no plans checked; the report shows 238 fire hydrants inspected in both Hidden Hills and Calabasas; the City can be assured that by the end of February, all hydrants in both cities were checked; during the month of May there was another brush fire on Round Meadow (5/18/08), again caused by workers clearing brush with a weed whacker and hand tools; there was 1 false alarm, 3 snake removals, 1 water problem (hydrant), 6 Fire Prevention Bureau Inspections, and 1 plan check; they also provided CERT training for area residents which started in May and has continued through June; the last class will be Tuesday night, followed by a disaster simulation drill with the students on Saturday morning from 9:00 a.m. – noon; there have been around 20 people in the class, with probably 15-16 who have completed every class and will graduate after the drill; anyone, including Council Members are invited to attend the drill, either serving as victims or just observing.

B. Los Angeles County Sheriff's Department Reports – April and May

The following report was provided by Lt. John Benedict:

During the month of April there were no crimes, no arrests, and no traffic collisions; 37 citations were issued, which included 27 hazardous violations, 6 non-hazardous, and 4 parking citations; the largest number of citations was 13 for stop sign violations; 2 drivers

were reported to STTOP; two residents reported each other, both of whom the STTOP Deputy spoke to, resolving the issue; another was a non-resident who was speeding on Long Valley; that person was warned and advised; there was 1 crime in the month of May, which involved a theft (computer bag and contents worth approximately \$200) from an unlocked vehicle; this should again serve as a reminder to everyone that vehicles should be locked; as in April, there were no arrests and no collisions; however, 52 citations were issued, 46 of which were hazardous, 4 non-hazardous, and 2 parking; May was the Click-it or Ticket month, so 28 of the citations were for seat belt violations, while 13 were for speeding and signs; 3 drivers were reported to STTOP; a young lady was reported speeding on Long Valley, but due to the submittal of an incorrect license plate, could not be contacted; a 9-10 year old girl (resident) was reported driving an electric cart on Jim Bridger, with the family being contacted and warned; the third report involved a non-resident driving dangerously near the Burbank gate; this person was also contacted and advised.

Council Member Siegel pointed out that the City's crime was up 70%, from seven total crimes last year to twelve in the first five months this year, with the numbers of course being somewhat skewed due to the low crime numbers involved. Mayor Freedland added that the crime rate could be almost zero if residents would lock their vehicles, as most of the thefts are from unlocked vehicles in driveways. Lt. Benedict agreed, stating most crimes are those of opportunity.

Council Member Fisher and Mayor Pro Tem Weber then had several questions relating to cell phone usage in vehicles beginning July 1st, which were answered as follows by Lt. Benedict:

All cell phone usage by adult drivers must be hands free only beginning 7/1/08; the use of a Blue Tooth or any similar device is okay, as long as it is hands free; no warnings will be given, as this new law has been highly publicized; adult drivers can be pulled over just for illegal cell phone usage, without there being any other violation noted; for those drivers under eighteen, there is to be no cell phone usage, including texting, whether hands free or not; passengers may use a cell phone; drivers may use a cell phone for 911 or emergency calls; otherwise, if drivers need to use a cell phone, they should pull over and stop before doing so.

PUBLIC HEARING

Consideration of Conceptual Approval of Proposed Site Improvements to the Saddle Creek Arena by the Hidden Hills Community Association

Mayor Freedland announced that the Community Association asked that this item be continued to July 14, 2008, but since the public hearing was scheduled and noticed for this evening, anyone who was here to speak on the matter would be heard. He then asked City Engineer Dirk Lovett for a staff report, with Mr. Lovett providing the following information:

These are proposed conceptual plans for improvements submitted by the Association; the property, roughly 3½ acres, is owned by the City and leased to the Association; the Association Board Members would like direction on the appropriateness of the improvements before they spend money for a hard design that would be submitted for plan review; all those within 500' of the property received public hearing notices, which were also posted as usual; one written comment letter was received, which was included in the Council packets; as additional Board Members were not able to attend this meeting, the Association did ask that the public hearing be continued to the next Council meeting; the plans show the creek being filled in with a pipe underneath, the arena being shifted slightly to the north and west, and a decomposed granite road leading to the parking area from Saddle Creek.

Mayor Freedland opened the public hearing, at which time resident Steve Elowitt addressed the Council regarding the letter he had submitted in relation to this proposed project. He raised several issues related to the project, including 1) use of groundwater (which is good for sand) at the arena if possible, 2) exposure of the dressage arena to activity from a nearby steeply graded trail (not shown on the plans) that could scare horses, 3) no round pen which is essential to training, 4) no shade for spectators at the dressage arena, and 5) drainage from the hillside.

Mayor Freedland explained that the proposed plans were just conceptual at this point, and as such would not address most of the concerns raised by Mr. Elowitt. Mayor Freedland suggested Mr. Elowitt stay actively involved in the evaluation of the project, and especially by raising his concerns with the Association.

Evelyn Lundin, who stated she owns two properties above the current arena, then addressed the Council, raising issues regarding a trail and fencing cutting through her properties. She wanted the City to relocate the trail to its proper position to increase safety. Mayor Freedland and other Council Members explained to Ms. Lundin that she had a valid issue, but the City had nothing to do with the trails and fencing on her properties; she would have to address those matters with the Community Association. Ms. Lundin then complained that she just received the public hearing notice today. The City Manager informed the Council that the notices had been properly and legally mailed on June 13th, and that Ms. Lundin had told her that she just picked the notice up today from her post office box.

Ms. Lundin's daughter Marie Lundin, stating her background in architecture and design, raised two issues regarding the proposed project – the covering of the creek, which she deemed a significant engineering issue, and whether or not the budget for the project would be an assessment on the residents (if not, where would the money come from).

Mayor Freedland responded as follows:

There seems to still be confusion with both Ms. Lundin and her daughter regarding the difference between the Association and City; the funding question is a good one, but the City will not make any decisions relating to funding; the City does own the property, but it is leased to the Association; if approval is given by the City for the Association to move forward with improvements, the Association will pay for those improvements, not the City; they should attend an Association meeting and ask the Board Members how they intend to pay for the improvements; and again, these are conceptual plans only; if the Lundins would like to be involved in the planning of the improvements, they should express their views to the Association.

Mayor Freedland then asked Association Board Member Ron Wolfe if he had any comments.

Mr. Wolfe stated the following:

This is just a rendering – just a design; these are not working drawings which would allow full bids; since this is just a design, they are talking about a wide budget range with estimates from \$2.5 million to \$3.5 million; they are coming to the City at this time just to see if this proposed plan would be an allowable use under the lease; the Association is

the only lessee for the property; regarding funding, the community would probably be asked to vote on this matter; the money will not just come out of reserves, but will probably include financing; no decisions have been made, as they are a long way from the approval process; the Board of Directors will have hearings at a later time regarding design, budget, and financing.

Council Member Siegel reminded everyone that the Association would have to follow all the regulations that everyone else does when building in the City – they will have to hire engineers and architects, and submit plans to be checked by the City to make sure they comply with all building codes and grading, hydrology, drainage, etc. requirements. Right now the City is just looking at the general usage to see if it complies with the lease requirements, and all the questions that are being asked will be debated and discussed later. Mayor Pro Tem Weber and Council Member Fisher encouraged the Lundins to attend future Board meetings when this project would be discussed.

In response to Evelyn Lundin, Council Member Siegel stated that the question of who would be using the arena, whether or not people could make money by giving lessons in the arena, and liability are all issues that will also be discussed in the future. He then added the following:

Last year he raised with the President of the Association Board of Directors the issue of people in the community running private for-profit stables for nonresidents and his impression that people were giving riding lessons to nonresidents; he thought the City Council informally agreed that the HHCA should be allowed to use City property for the benefit of the community, and by definition, this would not include guests of for-profit businesses; it just does not work and he would like the Council to address this in the near future; he does not believe the Council should be issuing building permits for property being used in a manner potentially in violation of the lease; if residents want to offer stables for other residents, he would see that as a benefit to the community; but if it is a for-profit business for nonresidents, this is not right; residents are paying a large amount of money for the maintenance of the arenas and trails; as a resident, he does not want to see his dues being used to repair those arenas and trails for people using them for a for-profit business.

In response to Mayor Pro Tem Weber, Mayor Freedland read the following section 7.(iv) of the lease between the City and Association, which he believed was the point Council Member Siegel

was making: “Tenant shall refrain from any use of any of the City Property that contravenes any applicable covenant, condition or restriction and shall refrain from using the City Property in any way which is not for the benefit of the residents of the City of Hidden Hills.” Mayor Pro Tem Weber just wished to make it clear that this only applied to the property in question owned by the City, not any individual properties, with Council Member Fisher adding that the lease does apply to all properties owned by the City and leased to the Association, as there are others.

Mr. Wolfe announced that this matter would not be scheduled at a Board meeting in July, and that information on when the matter would be discussed would be in the Association’s *Round-Up*, with Mayor Freedland adding that residents could always comment under the public portion of the Board meeting.

The City Manager suggested that the public hearing be continued to the 7/14/08 meeting so the Council could give direction to the Association on the conceptual plans, as the Association did not want to proceed and spend a lot of money on actual hard design plans without that conceptual approval. Marie Lundin asked how she and her mother would be notified of the Council meeting and public hearing, as she did not feel they were properly noticed for this meeting. City Attorney Roxanne Diaz stated again that notices were properly sent well ahead of the hearing pursuant to legal requirements, and that the hearing was now going to be continued to a date certain, of which everyone in the room was being notified. She added that there would be no further notices sent to property owners. Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Weber and unanimously carried, it was resolved to continue the public hearing on this matter to the 7/14/08 City Council meeting.

CONSENT CALENDAR

- A. City Council Minutes – May 12, 2008**
- B. City Council Minutes – June 9, 2008**
- C. Demand List**
- D. Disbursement List – May**
- E. Financial Treasurer’s Report – May**
- F. Annual Financial Report of the Proposition A Local Return Fund, Proposition C Local Return Fund, and Transportation Development Act (TDA) Article 3 Fund for the Fiscal Year Ended June 30, 2007**

Upon MOTION of Mayor Pro Tem Weber, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve items A, B (with Council Member Cohen abstaining on this item as he was not in attendance at the meeting), C, D, E, and F of the consent calendar as submitted.

MATTERS FROM CITY COUNCIL MEMBERS

- A. Discussion Regarding City’s Filming Requirements and Proposed Draft Ordinance**

The following staff report was presented by City Attorney Roxanne Diaz:

At the last Council meeting, staff was directed to return with a draft ordinance for discussion; the proposed ordinance provides that no person shall use any street, public or private property, facility or residence for the purpose of producing, taking or making any motion picture or television show without a permit; to obtain a permit, the owner or lessee of a property must file an application with the City Clerk thirty days in advance of the filming; after the application is completed, a public hearing would be scheduled before the Council, with notices of the public hearing being sent to all property owners within 1000’; the ordinance as presented would allow a maximum of two days of filming per property in a calendar year (Section 2-9-4); listed are certain criteria and findings that must be met (Section 2-9-9); the ordinance details certain conditions and restrictions that may be imposed once a permit is approved (Section 2-9-14); several changes have been made from the last version seen by the Council, including 1) the removal of still photography from the ordinance, 2) the exemption of student films if being done for a class activity, and 3) the inclusion of a requirement preventing the property owner from receiving anything of value (Section 2-9-9); she would recommend that this last provision be deleted (the receipt of anything of value) since it would be hard to enforce and regulate.

Resident Kris Jenner provided information and answered some questions from the Council as follows:

She is a resident but also the Executive Producer of a reality show called “Keeping up with the Kardashians”; about one year ago, they were given permits to film the first season of the show in Hidden Hills; the show has been very successful and is seen world-wide; a lot went into the production and planning of the show; they created a few problems in the beginning but learned quickly how to make everyone happy; the first day they added lights to film in the back yard that were very bright, causing complaints and direction to stop; they did not do that again, and tried to follow all the rules; they are aware that the Hidden Hills gate/gate area was shown in one episode, and they do not use that anymore; they were given a permit to film the second season, which established their family life and the rooms in their home, with the living room being the central focus of the show; most of their ten children are involved in the show; they are getting ready for the third season, and now to be told that they may not be able to film again would be a major disaster for their production; since they were originally allowed to begin filming the show in the City, they would like to at least be grandfathered in to continue for maybe one or two more seasons and not lose their audience; they would agree to film only inside, with no exterior shots on the property or anywhere else on the streets or in the City; they would only need one minivan to shuttle a crew of 8-10 people to their house so no one would be parking in the City; their home is set way back from the street with a long driveway, so no one would even see the minivan parked in the back; they are asking for permission to continue filming what they were allowed to begin; a season is eight episodes, with each episode being 22 minutes, although they did ten episodes the last time; it is probably a total of ten filming days inside the house, but they also use other locations with probably six of the eight episodes being out of town; they, with pleasure, pay a lot of money to the City for each day of filming, so are a source of income; they would probably like to begin shooting again in October for possibly twenty days in a two month period; they could try to condense the days, but this is an unscripted reality show so it is going to take as long as it takes.

Mayor Freedland commented as follows:

This is not the only filming operation in town, and the City cannot selectively enforce the rules; the Kardashian show did break some of the filming regulations and conditions of their permit, and even though they were probably accidental, this generated complaints from residents; he himself watched an episode of the Richards show and saw other Hidden Hills houses, which is not allowed; he certainly appreciates that the Kardashians are trying to play by the rules, but there has been an overwhelming outpouring of complaints (unusual for this small community) regarding filming in general, which is an activity contrary to the allowed land use; the City is in no way picking on the Kardashian

show, but the Council has to look at the activity of filming without differentiating between the different filming properties or productions.

Mayor Freedland read aloud some of the comments received from the residents regarding filming in the City, and then commented that it was hard for him to find in the filming a benefit to the rest of those who live in the community. In response to Mayor Freedland, the City Manager reported that City filming fees were \$1000 per day, plus a one-time \$300 processing fee, which were in addition to the Community Association fees (which are about the same).

Council Member Siegel stated that this is not an issue of money; they have created a successful franchise, and he does not believe that there are not other options for filming, such as creating a set somewhere else or filming in another house in another city, even though that might be an inconvenience and added expense.

Mayor Freedland added the following comments:

By Ms. Jenner's own admission, there was a learning curve and violations of the permit terms; during recent filming, the other production violated terms of its permit; the same thing is liable to happen during the next production, and the next production, and so on; the residents who live next to the filming properties should not have to tolerate these violations, and there is no benefit to the neighbors; filming is not a home occupation, but a commercial adventure, as the home is being used as a sound stage; that is very different than someone trading on-line or selling on eBay; the Council cannot allow the Kardashians to film, even if they are following all the rules, and then prevent others from doing the same thing.

Evelyn Lundin then addressed the Council:

She has been a property owner in Hidden Hills for thirty-two years; she respects what Ms Jenner said, but she is totally against filming, especially adult filming which occurred here in the early years; this is supposed to be a private residential community, and people pay a lot of money to live here in privacy; the residents carry the tax burden; if any filming is allowed, it should not be allowed outside or on the streets, as there might be liability if a child or someone's house is accidentally filmed; the City should have insurance; a lot of people are not here, and this should be put to a vote of the residents; how can this Board possibly allow filming, and if it does, the Board better take full liability.

Attorney Diaz explained the following:

Cities all the time adopt rules and regulations in the form of ordinances that become laws; for this type of activity, regulated on a land use basis, the courts give a great deal of deference to cities on drawing a fine line regarding what uses are or are not appropriate.

Mayor Freedland further explained to Ms. Lundin that she was not understanding that the proposed ordinance would severely restrict filming, and that the Council was well within its rights to determine what activities occur within the City. He then suggested that staff return with the proposed ordinance for first reading at the next meeting, just deleting the section regarding compensation, as discussed earlier.

Mayor Pro Tem Weber had several questions regarding the possibility of grandfathering in this one reality show, especially since they were willing to film only inside from this point on.

Attorney Diaz stated the following:

The short answer to grandfathering is “no”; a permit is only good for the time it is issued, and once the filming is done, that permit is no longer valid; with a new ordinance, any new filming would be subject to that ordinance; the Council cannot pick and choose what activities to provide dispensation for; the Council has to look at this from a regulatory context and treat everyone equally; the proposed ordinance provides a definition for reality based filming and indicates certain restrictions and conditions, including items discussed earlier this evening – all of which are listed on pages 6-8; the ordinance already defines the scope for both reality and general productions; she will bring back an ordinance as directed by the Council; at this point, she has been directed to make one change in the proposed ordinance, which will eliminate the wording regarding compensation.

Council Member Cohen wished to add the following comments:

He was not at the last meeting when this matter was discussed, and in now reading the proposed ordinance, is unhappy with it; staff should be the deciding party for the issuance of the permit, with the Council serving as the appeal body; filming has been permitted for a long time within the City, and there have not been significant problems until recently, and he is not sure the recent problems have been significant; the outpouring of emails, mostly addressed to the Association (after the Board requested comments), are not necessarily specific complaints about the recent productions, but more like feelings against filming in general; most residents have not been adversely affected and do not even live close to the productions; he does believe the ordinance should be tightened up,

as he does not want to see this go on endlessly; he was not happy with the compensation wording (the Council earlier directed that this be removed from the ordinance), or the extension procedure, which he thought would be impossible; he felt more could be done with bonds and/or deposits; some of the definitions may not be accurate, as he is not sure every reality show is unscripted; regarding the student exemption, do they have to show evidence that they are enrolled in a class, or could there be an occasion when a student could film even if not currently enrolled; asking for a permit thirty days ahead of a shoot might be very difficult; he believes the proposed ordinance is somewhat abusive and overkill, and he would not be in favor of the same ordinance coming back to the Council; he would like to see a whole new ordinance.

Mayor Pro Tem Weber stated he had some concerns with the ordinance as proposed, but thought the Council did need to move forward and have a specific ordinance proposed at the next meeting on which the Council could vote.

Upon MOTION of Council Member Siegel and seconded by Council Member Fisher, it was resolved on a 4-1 roll call vote, with Council Member Cohen opposed, to direct the City Attorney to return to the next Council meeting with a draft ordinance, with the only change being the striking of wording regarding compensation.

Attorney Diaz explained that the amended draft ordinance would be presented at the next Council meeting for first reading; if it is passed with at least three affirmative votes, the ordinance will be placed on the following Council agenda for second reading, and then become effective thirty days later.

In response to Council Member Siegel, Attorney Diaz confirmed the following: if someone applied for a permit before the new ordinance became effective, that permit would be addressed under the current ordinance; there are no restrictions in the current ordinance stating how far in advance of filming a permit can be requested; and there is no limit in the current ordinance on the number of days that can be requested for filming.

B. Consideration of Approval of City Budget for Fiscal Year 2008-2009 and Related Resolution

The City Manager pointed out that several changes, some suggested at the last Council meeting, were made to the proposed budget (additional funding for COG dues, LASQP, and satellite phones), but the bottom line shows slightly more expected income than expenses. Upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve the proposed budget for the 2008-2009 fiscal year and to adopt by title only Resolution No. 811 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS TRANSFERRING FUNDS UNAPPROPRIATED AS OF JUNE 30, 2008 TO THE CONTINGENCY RESERVE ACCOUNT, AFFIRMING INVESTMENT POLICY, APPROVING THE CITY'S BUDGET AND ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE FISCAL YEAR COMMENCING JULY 1, 2008.

C. Report from 6/17/08 Hidden Hills Community Association Board of Directors Meeting

Association Board Member and City liaison Ron Wolfe reminded the Council that as earlier stated in the meeting, Bret Katz has been appointed as the new Parks & Recreation Committee Chairman, and the first BBQ will be held Thursday night. He added that the Board has approved some changes to the Architectural Standards, all of which have been published in the *Round-Up*.

D. Report from 6/17/08 Las Virgenes Malibu Council of Governments Meeting

Council Member Siegel provided the following report:

The five cities in the COG rotate leadership annually, resulting in his election as the new President of the COG for this upcoming fiscal year; the COG dues have been raised slightly; the COG will continue to direct its resources and efforts to water quality issues and how the COG and its member cities can improve water quality and satisfy requirements imposed by the NPDES permit and the Water Boards; he and the Mayor will be meeting soon with Special Counsel Larry Wiener to discuss the City's membership in LASQP, an intergovernmental organization to better address water quality

issues and working relationships with Water Boards and environmental groups; this will be a politically difficult issue.

MATTERS FROM STAFF

Tentative Map 63567 (Ashley) – Update

City Engineer Dirk Lovett informed the Council that the City staff is working diligently to get this matter before the Council as soon as possible.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Weber, seconded by Council Member Siegel and unanimously carried, it was resolved to adjourn the regular meeting of June 23, 2008 at 10:10 p.m.

Steve Freedland, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk