

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, September 12, 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, September 12, 2016 at the hour of 7:33 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
Mayor Pro Tem Stuart E. Siegel
Council Member Steve Freedland
Council Member Larry G. Weber

Staff:

City Attorney Roxanne Diaz
Special Counsel Jennifer Petrusis
City Engineer Dirk Lovett
Emergency Services Coord. Kevin Ryan
City Manager Cherie L. Paglia

Absent:

Council Member Marv Landon

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

APPROVAL OF AGENDA

Upon MOTION of Council Member Freedland, seconded by Mayor Pro Tem Siegel and unanimously carried, it was resolved that the agenda for the September 12, 2016 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Cohen made the following announcements:

Happy Birthday to Council Member Larry Weber's son Connor (9/14), to my daughter Dana (9/16), and to City Manager Designate Kerry Kallman's son Brett (9/18).

The Spring Valley arena will be closed from Saturday, 9/17, through Monday, 9/26, for this year's Fiesta; please honor the closed signs and use the other arenas.

The HHCA's annual magic show is scheduled for Saturday, 9/17, with two shows – one at 4:00 p.m. and one at 7:30 p.m. (for adults only); call the HHCA for more information.

Condolences to Emergency Services Director and Planning Commission Chairman Gabe Nussbaum whose mother passed away 8/29.

All tickets for the Fiesta are now on sale at City Hall; please get your tickets as soon as possible, as they will not be sold after Wednesday, 9/21.

Welcome to our new videographer Kitt Stoddard, who is taking Perry Wasserman's place, as he went back to school.

AUDIENCE

There were no questions or comments at this time.

EMERGENCY SERVICES

Emergency Services Report/Update

Emergency Services Coordinator Kevin Ryan provided a complete inventory of all the City's emergency equipment and medical supplies (all of which have been inspected, updated, and

replaced if necessary), and updated the Council on his latest activities including CERT meetings, Area B meetings, monthly communications testing, and attendance at the three-day 30th Anniversary National CERT Conference at Universal Studios. Mr. Ryan also set up a display in the Council Chambers to showcase and explain the uses of some of the City's emergency equipment, much of it obtained through grants to Area B, and much of which would serve to establish a remote command post in case City Hall was destroyed during a disaster.

Mayor Pro Tem Siegel thought most of this equipment should be stored in the emergency shed, in case City Hall was destroyed, and that it might be a good idea for staff to look into providing electric power to the shed. Mr. Ryan agreed that would be beneficial, as the shed could serve as a command post once the trailer was removed. Council Member Freedland, with the other Council Members agreeing, asked City Engineer Dirk Lovett to speak with some local contractors for their suggestions and proposals for how best to provide electricity to the shed.

Mr. Ryan stated that one of the main topics at the CERT conference that he was interested in was large animal evacuation and rescue, and that for some time now he has been working with and sharing information with Eric Toeg, the Chairman of the Association's Equestrian Services Committee. That Committee is looking into ways to encourage individual residents to be prepared and responsible for their large animal evacuations (training your horses to trailer, working with your neighbors, knowing the importance of early evacuations, having an inventory of available horse trailers, etc.). Per Mr. Ryan, the City has provided to Mr. Toeg and has available a large number of L.A. County Department of Animal Care and Control brochures entitled "Are you and your Horses Prepared for an Emergency Event", and he will continue to work and share information with Mr. Toeg and the Committee.

CONSENT CALENDAR

- A. **City Council Minutes – August 22, 2016**
- B. **Demand List**

Upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Weber and unanimously carried on roll call vote, it was resolved to approve items A and B of the consent calendar as submitted.

MATTERS FROM STAFF

- A. **Consideration of Proposed Resolution Regarding the City's Conflict of Interest Code**

The City Manager stated that per the Political Reform Act, each City has to review its conflict of interest code biennially and notify the City Council if amendments are necessary. She added that the code did need to be amended at this time to include a new position (City Manager Designate), to delete a no longer existing position (Deputy City Clerk), and to make other minor administrative changes as required by law. Upon MOTION of Council Member Weber, seconded by Council Member Freedland and unanimously carried, it was resolved to adopt by title only Resolution No. 896 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS ADOPTING AN UPDATED CONFLICT OF INTEREST CODE CONTAINING REVISED DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES AND REPEALING RESOLUTION NO. 790.

- B. **Consideration of Approval of Response to the 2015-2016 Los Angeles County Civil Grand Jury Appointed Commissions: Transparency Will Maintain the Public Trust Report**

The City Manager provided the following information:

earlier in the year the Grand Jury studied websites and requested information from all 88 incorporated cities in the County to examine transparency for all the commissions in each of those cities; the Grand Jury then issued a report with findings and recommendations that the cities have to respond to within 90 days; the report provided two lists of either

acceptable or non-acceptable websites; the Hidden Hills website was acceptable, thus requiring the City to respond to only three of the recommendations; the staff has prepared a response to those recommendations and made two very slight changes to the website to comply with those recommendations; the Mayor and City Council are required to review the responses, which then need to be submitted to the presiding Judge of the Superior Court.

Upon MOTION of Council Member Freedland, seconded by Mayor Pro Tem Siegel and unanimously carried, it was resolved to approve the staff's draft reply to the Grand Jury's findings and recommendations regarding the transparency of appointed Commissions, and to direct the City Manager to submit the responses to the presiding Judge of the Superior Court as required by law.

At this time, the Council chose to address item D, with Item C to follow that discussion.

D. Long Valley Road/Valley Circle/US-101 On-Ramp Improvements Project Status Report (Measure R)

The following staff report was provided by City Engineer Dirk Lovett:

in January of 2015, the Council authorized staff to pursue a study and conceptual designs for possible improvements at the Long Valley Road/US 101 on-ramp that would include a traffic signal at the intersection and a sidewalk from Hidden Hills up the ramp to Valley Circle Boulevard, and then along that street to the crosswalk at Ventura Boulevard; the purpose of the improvements is to reduce morning traffic congestion and decrease potential conflicts with cross traffic and pedestrians; the signal would hopefully allow traffic to enter the freeway much quicker, while the sidewalk would provide a pathway to the Commons, bus stops, etc.; through the COG, the City had the opportunity to obtain Measure R funds, the ½ cent sales tax approved by Los Angeles County voters in 2008; even though these improvements are not actually in the City of Hidden Hills (and would involve Caltrans, the City of Los Angeles, MTA, Metropolitan Water District, and Boething Treeland), the COG recognized the regional significance of the proposed project and approved \$1 million in Measure R funds for the project; staff has prepared a conceptual design (which was in the packet) along with traffic studies required by Caltrans and the City of Los Angeles; these studies show that a signal at the intersection does not meet the Caltrans signal warrant requirements (not enough cross traffic or traffic over an eight hour period), but a signal at this location would increase the level of service

from E to B and reduce vehicle delays from 41 seconds to 12 seconds during the morning peak hour; staff has been meeting and will continue to meet with Caltrans and the City of Los Angeles, who both see merit in the project, but have some concerns; Caltrans does not want an increased rate of traffic onto the freeway, and might then require a meter past the intersection to slow traffic down, which is counterproductive; the City of Los Angeles would like a third lane coming down the ramp dedicated to Hidden Hills traffic, which would be very costly, involve retaining walls, and involve the use of additional Boething property; the City has asked for an additional \$1 million for this project from the Measure R funds allocated to Hidden Hills through the COG; the Measure R funds would cover compensation, if necessary, for the purchase of necessary rights of way; staff will continue to meet with all the parties and keep the Council updated.

C. Continued Discussion and Direction to Staff Regarding Code Enforcement and Civil and Criminal Penalties

City Attorney Roxanne Diaz conducted a poll in her office to see which cities used the District Attorney for code enforcement, with most cities using their City Attorney rather than the DA, except for certain special areas such as Animal Control. She has had no luck contacting the DA's office, but it is unlikely that the DA would want to handle our noise and filming complaints.

Mayor Cohen at this time introduced Lt. A.J. Rotella and Deputy Mike Woodard who were in attendance to take part in this discussion, and then asked Special Counsel Jennifer Petrusis for her comments. Attorney Petrusis stated the following:

to file a criminal complaint, you have to look at probable cause that a violation has occurred, and you need specific dates and to be able to meet the beyond a reasonable doubt standard; you need an eye witness who is willing to come forward; that could be a civilian, City staff, or the Sheriff, who could make an arrest, issue a citation, or prepare a report that could be used as evidence in support of a criminal complaint; if there is no eye witness, it is very hard to meet the beyond a reasonable doubt burden to obtain a conviction.

Attorney Diaz added that one of the problems with filming is that by the time City staff or the Sheriff arrives at a location, those filming have cleared out or removed the cameras, and there is

nothing to witness. Council Member Freedland asked if it was enough to see on a television show that filming did occur at a particular location in the City that is recognizable, and it is known that no filming permit was issued for that location. Attorney Petrusis responded as follows:

viewing it on TV would be circumstantial evidence or hearsay at best; you need evidence to prove that the filming occurred at that particular location and on a particular date; it could have been filmed on a sound stage; again, you need the witness; seeing it on TV may not be irrelevant, but it is not enough; the footage would need to be authenticated with live testimony (this is a true and correct copy of footage taken on a specific date).

Council Member Freedland asked if the Community Association would have more leeway and more teeth to enforce filming violations. Attorney Diaz felt they would, since the HHCA is not a public agency and is not held back by the Government Code; they can levy higher fines within their rules, whereas the City is limited and already imposes the highest fine allowed. When asked by Council Member Freedland, Board Vice-President and City liaison Bret Katz said the Association is looking at increasing the fines to not-to-exceed \$25,000/day, but they have the same concerns regarding whether or not they have enough evidence so as not to put the Association in jeopardy.

Lt. Rotella then addressed the Council:

in speaking with Lt. Baker and Deputy Woodard, they thought one idea might be to create a unit order which would tell the Deputies what to do in these situations in Hidden Hills; the Sheriff personnel could create a report to document a second call for service in violation of the City's Municipal Code; in this case it would be better not to issue a citation or conduct an arrest (unless it was something egregious); the reports, creating a public record, could be sent to the detective unit, and then forwarded to the City Attorney's office, which could lead to a possible office hearing so an offender would realize the seriousness of the situation and be warned of future consequences; because of the City's contract with the Sheriff, they respond 24/7 to problems in the City; if they are called to respond to illegal filming for instance, they can take photos, talk to witnesses, and gather evidence, which can all be turned over to the City Attorney; at the same time, the Association should also follow whatever path they can to help address the problem; the City recently revised its Municipal Code making these matters misdemeanors instead

of infractions, and also made it clear that the cost for a second Sheriff response to a particular location could be billed to the homeowner anytime within one year of the first response.

The Council Members all agreed that they were not interested in collecting fines, but want to make sure the illegal activity stops, and they would really like it if enough of a record could be established so the information could be sent by Sheriff detectives to the DA so the DA could hold an office hearing when appropriate, as that seems to be very effective.

The discussion continued for a short time, during which the following points were made or issues raised:

if the Sheriff does not see any filming when responding to a call regarding suspected filming, they could still write a report if the informant is willing to talk with the Deputies; there has to be some way to notify a homeowner, during a first response to a complaint, that they could be billed for a second response; the Sheriff needs to keep track of all the responses to a property, even if they do not see anything (or hear anything in the case of a noise complaint), and then provide that incident history to the City; if there are two or three responses to a particular property in a short time period, the City Manager should be notified right away; even if an official report is not written, there is a record of the calls and responses that can be used to notify the City of the recurring incidents.

As there was a question as to whether or not the City's Municipal Code allows for cost recovery for a second response for filming (as it does for noise), the City Attorney will look at the latest ordinance to see if any changes should be made. City staff will continue to work with the Sheriff's Department in relation to a unit order and notifications to the City in relation to Sheriff responses regarding noise and filming complaints.

E. Consideration of Cancellation of September 26, 2016 City Council Meeting

Upon MOTION of Council Member Freedland, seconded by Mayor Pro Tem Siegel and unanimously carried, it was resolved to cancel the September 26, 2016 City Council meeting due to the Fiesta weekend preceding it.

F. Consideration of Declaration of September 23, 2016 as Vin Scully Day in the City of Hidden Hills and Issuance of Proclamation

Upon MOTION of Council Member Weber, seconded by Mayor Pro Tem Siegel and unanimously carried, it was resolved to issue a proclamation declaring September 23, 2016 as Vin Scully Day in the City of Hidden Hills.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL:

**Conference with Labor Negotiator
Government Code Section 54957.6**

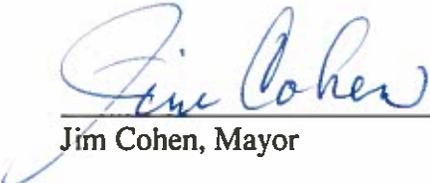
**City Negotiator: Roxanne Diaz, City Attorney
Unrepresented Employee: City Manager**

Upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Weber and unanimously carried, it was resolved to adjourn to closed session at 8:45 p.m. to address the item listed above, as read by City Attorney Roxanne Diaz.

Upon MOTION of Council Member Weber, seconded by Council Member Freedland and unanimously carried, it was resolved to return to open session at 9:04 p.m., at which time City Attorney Diaz announced that in closed session the Council discussed the item listed above, and that no reportable action was taken.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Weber and unanimously carried, it was resolved to adjourn the regular meeting of September 12, 2016 at 9:05 p.m.



Jim Cohen, Mayor

ATTEST:



Cherie L. Paglia, City Manager