

**MINUTES  
REGULAR MEETING OF THE  
AGOURA HILLS CITY COUNCIL AND  
AGOURA HILLS REDEVELOPMENT AGENCY  
Civic Center – Council Chambers  
30001 Ladyface Court, Agoura Hills, California 91301  
Wednesday, August 10, 2011, 6:00 P.M.**

The meeting was called to order at 6:00 p.m. by Mayor Schwarz.

The flag salute was led by Councilmember Weber.

Present were: Mayor Harry Schwarz, Mayor Pro Tem Dan Kuperberg, Councilmember John M. Edelston, Councilmember William D. Koehler, and Councilmember Denis Weber.

Also Present were: City Manager Greg Ramirez, City Attorney Craig Steele, Assistant City Manager Nathan Hamburger, Assistant to the City Manager Louis Celaya, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, Principal Planner Allison Cook, Attorney Gena Stinnett, City Engineer Ramiro Adeva, Attorney Robin Harris, Consultant Donna Snider, Consultant Jean Fares, Director of Finance Christy Pinuelas, Building Official Amir Hamidzadeh, Director of Community Services Amy Brink, and City Clerk Kimberly Rodrigues.

**REPORT OF CLOSED SESSION**

City Attorney Craig Steele reported on the City Council item, pursuant to Government Code Section 54956.9(a) and Redevelopment Agency Closed Session item, pursuant to Government Code Section 54956.8. The City Council and Redevelopment Agency considered the items; direction was given to staff and no reportable action was taken.

**APPROVAL OF AGENDA**

Mayor Schwarz requested the City Council change the order of the Agenda and move Item No. 8 to immediately follow the Consent Calendar. On a motion by Councilmember Koehler, second by Councilmember Weber, the City Council unanimously approved the change in order.

On a motion by Councilmember Koehler, second by Councilmember Weber, the Agenda was approved, as amended, without objection.

## **PUBLIC COMMENTS**

The following person(s) spoke:

Illece Buckley Weber, Agoura Hills

## **PRESENTATIONS**

Mayor Schwarz presented an Employee Service Award to Jay Patel, Engineering Department, in recognition of his five years of dedicated service to the City.

## **INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS**

Jan Smith, Thousand Oaks, Director of Governmental and Economic Affairs, representing the Greater Conejo Valley Chamber of Commerce, provided an update.

Director of Community Services Amy Brink provided an update on the 2011 Reyes Adobe Days, spoke about the various road closures for the event, and announced the Grand Marshal would be Don Most, "Ralph Malph", from Happy Days.

## **CONSENT CALENDAR**

There were no public speakers.

On a motion by Councilmember Edelston, second by Mayor Pro Tem Kuperberg, the Consent Calendar was approved 5-0.

1. Approve Minutes of the Regular City Council and Agoura Hills Redevelopment Agency Meeting of July 13, 2011

ACTION: Approved 5-0

2. Approve Demand Warrant Register No. 653

ACTION: Approved 5-0

3. Approve Treasurer's Investment Report for April 2011

ACTION: Approved 5-0

4. Approve Authorization to Solicit Request for Qualifications/Proposals (RFQ/RFP) for Comprehensive Fee Study

ACTION: Approved 5-0

**CITY COUNCIL DISCUSSION – CHANGE IN ORDER OF AGENDA**

8. Conduct a Prescreen Review for a Proposed Ordinance to Allow Temporary Retail Banner Displays (Case No. 11-PSR-003)

Following presentation of the staff report, Mayor Schwarz opened the floor for public comment.

The following person(s) spoke in support of the item:

Scott Tarnol, Oak Park, representing Majesty Cleaners  
Michael Tuchman, representing Roadside Lumber and Agoura Paint  
Paul Berkovitz, West Hills, representing Camp Bow Wow  
Jerry Wolf, representing the Agoura Hills Business Task Force  
Jan Smith, representing the Greater Conejo Valley Chamber of Commerce

There were no further public comments.

**ACTION:** Following discussion and a question and answer period, the City Council provided comments and directed staff to return with a resolution to extend the temporary retail banner program for an additional nine (9) months.

**Convene the Agoura Hills Redevelopment Agency (RDA) Meeting  
Without Adjourning the Agoura Hills City Council Meeting**

The meeting was called to order at 6:47 p.m. by Agency Chair Kuperberg.

**Present were:** Agency Chair Dan Kuperberg, Agency Vice Chair John M. Edelston, Agency Member William D. Koehler, Agency Member Harry Schwarz, and Agency Member Denis Weber.

**Also Present were:** Executive Director Greg Ramirez, Agency Attorney Craig Steele, Assistant Executive Director Nathan Hamburger, Assistant to the City Manager Louis Celaya, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, Principal Planner Allison Cook, Attorney Gena Stinnett, City Engineer Ramiro Adeva, Attorney Robin Harris, Consultant Donna Snider, Consultant Jean Fares, Building Official Amir Hamidzadeh, Director of Finance Christy Pinuelas, Director of Community Services Amy Brink, and Agency Secretary Kimberly Rodrigues.

### **RDA APPROVAL OF AGENDA**

On a motion by Agency Member Schwarz, second by Agency Vice Chair Edelston, the Agenda was approved without objection.

### **RDA PUBLIC COMMENTS**

There were no public comments.

### **RDA CONSENT CALENDAR**

There were no public speakers.

On a motion by Agency Member Schwarz, second by Agency Member Koehler, the Consent Calendar was approved 5-0.

RDA1. Approve Minutes of the Regular City Council and Agoura Hills Redevelopment Agency Meeting of July 13, 2011

ACTION: Approved 5-0

Agency Chair Kuperberg deferred to Mayor Schwarz to convene the joint meeting.

**Convene Joint Meeting of the Agoura Hills City Council and the  
Agoura Hills Redevelopment Agency (RDA)**

### **JOINT CITY COUNCIL AND RDA DISCUSSION ITEM**

5./RDA2. Discussion of Whether the City/Agency Should Participate in the “Alternative Voluntary Redevelopment Program,” Make the Required Payments to the State of California, and Continue Redevelopment Activities Under AB X1 27

Following presentation of the staff report, Mayor/Agency Member Schwarz opened the floor for public comment.

The following person(s) spoke:

Barbara Murphy, Agoura Hills

There were no further public comments.

**ACTION:** The motion by Mayor Pro Tem/Agency Chair Kuperberg, to support Option 2, determining that the City and Agency will not participate in the Alternative Voluntary Redevelopment Program, and directing staff to return to the August 24, 2011 meeting with resolutions adopting an Enforceable Obligation Payment Schedule and an election regarding the designation of a successor agency in the event the Agency is dissolved, was seconded by Councilmember/Agency Member Koehler and unanimously approved 5-0.

At 6:50 p.m., on a motion by Agency Vice Chair Edelston, second by Agency Member Koehler, the Redevelopment Agency unanimously consented to adjourn the meeting.

**Adjourn the Agoura Hills Redevelopment Agency (RDA) Meeting  
Without Adjourning the Agoura Hills City Council Meeting**

**CITY COUNCIL PUBLIC HEARING/ORDINANCE**

6. Conduct a Public Hearing and Introduce, Read by Title Only, and Waive Further Reading of **Ordinance No. 11-387**; AN ORDINANCE OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADDING A NEW DIVISION 11 ENTITLED "WIRELESS TELECOMMUNICATIONS FACILITIES" TO PART 2, CHAPTER 6 OF ARTICLE IX (ZONING) OF THE AGOURA HILLS MUNICIPAL CODE TO PROVIDE UNIFORM AND COMPREHENSIVE REGULATIONS AND STANDARDS, ALONG WITH PERMIT REQUIREMENTS, FOR THE INSTALLATION OF WIRELESS TELECOMMUNICATIONS FACILITIES, INCLUDING INSTALLATIONS IN THE PUBLIC RIGHT-OF-WAY, MAKING CONFORMING AMENDMENTS TO ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE, AND REPEALING ORDINANCE NO. 09-369U, AN INTERIM URGENCY ORDINANCE RELATING TO WIRELESS COMMUNICATION FACILITIES

Following presentation of the staff report, Mayor Schwarz opened the Public Hearing at 8:10 p.m.

The following person(s) spoke:

Leslie Daigle, Newport Beach, representing Verizon Wireless

There being no further public comments, Mayor Schwarz closed the Public Hearing at 8:13 p.m.

Mayor Pro Tem Kuperberg indicated he had received written comments from a member of the public who was unable to attend the meeting.

Mayor Schwarz reopened the public hearing at 8:13 p.m.

Mayor Pro Tem Kuperberg read the email submitted by Debbie Lopez.

There being no further public comments, Mayor Schwarz closed the Public Hearing at 8:15 p.m.

**ACTION:** Following discussion, the motion by Mayor Pro Tem Kuperberg, to introduce, read by title only, and waive further reading of **Ordinance No. 11-387**, adopt the Initial Study/Negative Declaration prepared for the Ordinance, and make the environmental findings pursuant to the California Environmental Quality Act.

7. Conduct a Public Hearing and Introduce, Read by Title Only, and Waive Further Reading of **Ordinance No. 11-389**; AN ORDINANCE OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING A TRANSPORTATION IMPACT FEE PROGRAM AND AMENDING THE AGOURA HILLS MUNICIPAL CODE and Adopt **Resolution No. 11-1639**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING THE 2011 CAPITAL IMPROVEMENTS PLAN AND ESTABLISHING TRANSPORTATION IMPACT FEES AS AUTHORIZED BY CHAPTER 5 OF ARTICLE VIII OF THE AGOURA HILLS MUNICIPAL CODE

Following presentation of the staff report, Mayor Schwarz opened the floor for public comment.

There were no public speakers.

**ACTION:** Following discussion, the motion by Councilmember Koehler, to introduce, read by title only, and waive further reading of **Ordinance No. 11-389**, as amended, to include the payment plan option and insert the language from paragraph F(1)(2)(3) into Section 8503 “*Transportation Impact Fees – Exemption, Reduction or Installment Payment Options*” as follows:

*“F. Notwithstanding the provisions of this chapter, commercial or industrial development projects required to contribute two hundred thousand dollars (\$200,000) or more in fees under this chapter are eligible to utilize an alternative payment method and pay the fees required by this chapter in the following amount and manner:*

- (1) *In order to be entitled to utilize the alternative payment method provided by this section, the developer or property owner shall enter into a written agreement with the City, in the form required by the City, setting forth the amount of the fees required to be paid and the method of payment. This agreement shall include a promissory note and deed of trust recorded against the subject property, securing the developer's or property owner's obligations under this chapter. In the event of a default by the developer or property owner of its obligations under this section, and the agreement, the City shall have recourse against the deed of trust and shall have the right to exercise any other remedies to which it is entitled under law.*
  
- (2) *The fees required by the transportation impact fee resolution shall be paid within ten (10) days of the executed alternative payment method agreement, and prior to the issuance of a building permit for the commercial or industrial development project, in up to three (3) installments, with the first installment paid prior to the issuance of a building permit and the remaining two installments, subject to the Average Annual Local Agency Investment Fund Monthly Apportionment Rate for the twelve (12) months prior to the date of the agreement, paid annually thereafter.*
  
- (3) *The written alternative payment method agreement required by this section shall be approved by the City Council for any commercial or industrial development project that is required to contribute two hundred thousand dollars (\$200,000) or more in fees under this chapter.”*

and adopt **Resolution No. 11-1639**, was seconded by Mayor Pro Tem Kuperberg, and unanimously approved 5-0.

### **CITY COUNCIL DISCUSSION – CHANGE IN ORDER OF AGENDA**

8. This item was moved to follow the City Council Consent Calendar.

### **CITY COUNCIL, STAFF COMMENTS**

Councilmember Edelston spoke about the grand opening of Stoneground Bakery at 6:00 a.m. this Saturday.

Mayor Schwarz also spoke about Stoneground Bakery and congratulated the new owner.

**ADJOURNMENT**

At 9:07 p.m., on a motion by Councilmember Edelston, second by Councilmember Weber, the City Council unanimously consented to adjourn the meeting to 6:00 p.m., Wednesday, August 24, 2011, for a Regular Meeting of the City Council in the Council Chambers of the Civic Center, with a Closed Session at 5:00 p.m. The Civic Center is located at 30001 Ladyface Court, Agoura Hills, California.

Kimberly M. Rodrigues, MPPA, MMC  
City Clerk/Agency Secretary