

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 24, 2011, 6:00 P.M.

The meeting was opened by Mayor Pro Tem Kuperberg in honor of the birth of Chloe Chanel Adeva, daughter of City Engineer Adeva, and called to order at 6:00 p.m. by Mayor Schwarz.

The flag salute was led by Mayor Pro Tem Kuperberg.

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, Assistant City Attorney Candice Lee, Assistant City Manager Nathan Hamburger, Assistant to the City Manager Louis Celaya, Public Works Project Manager Kelly Fisher, Public Works Project Manager Chris Dodd, Building Official Amir Hamidzadeh, Director of Planning and Community Development Mike Kamino, Associate Planner Valerie Darbouze, Landscape/Oak Tree Consultant Ann Burroughs, Director of Finance Christy Pinuelas, Director of Community Services Amy Brink, Recreation Manager Zach Miller, Community Services Coordinator Xochitl Castillo, and City Clerk Kimberly Rodrigues.

REPORT OF CLOSED SESSION

Assistant City Attorney Candice Lee reported on the two City Council items, pursuant to Government Code Section 54956.9(a). City Council considered the items; direction was given to staff and no reportable action was taken.

Assistant City Attorney Candice Lee further reported on the joint City Council and Redevelopment Agency Closed Session item, pursuant to Government Code Section 54956.9(c). The item was not discussed and no action was taken on the item by either the City Council or Redevelopment Agency.

APPROVAL OF AGENDA

At the request of Councilmember Edelston, Mayor Schwarz requested the City Council pull Consent Calendar Item No. 3 for discussion and move the item to the end of the Agenda. The City Council unanimously approved the change in order.

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

PUBLIC COMMENTS

The following person(s) spoke:

Holiday Reinhorn, Agoura, representing the Bahai Community of Conejo Valley
Bruce Boyer, Agoura Hills

PRESENTATIONS

Mayor Schwarz presented a Proclamation to Ron Kaiser recognizing his retirement, as Principal, from Lindero Canyon Middle School

Mayor Schwarz presented Employee Service Awards to Xochitl Castillo, Community Services Department (five years); Patricia Wiley, City Manager's Department (five years); and Valerie Darbouze, Planning Department (ten years), in recognition of their years of dedicated service to the City.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS

Councilmember Weber reported he attended the Gateway Church 30th Anniversary celebration and presented, on behalf of the City Council, a certificate of recognition in their honor.

Recreation Manager Zach Miller provided an update on the 2011 Reyes Adobe Days, including an overview of the activities scheduled for the event.

CONSENT CALENDAR

Item No. 3 was pulled for consideration following Item No. 9.

There were no public speakers.

On a motion by Councilmember Koehler, second by Councilmember Edelston, the Consent Calendar was unanimously approved, 5-0, with the exception of Item No. 3.

1. Approve Minutes of the Regular City Council and Agoura Hills Redevelopment Agency Meeting of August 10, 2011

ACTION: Approved 5-0

2. Approve Demand Warrant Register No. 654

ACTION: Approved 5-0

3. **This item was pulled and deferred to the end of the Agenda for discussion.**

4. Adopt **Resolution No. 11-1640**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, TEMPORARILY ALLOWING, FOR BUSINESS ENHANCEMENT PURPOSES, THE DISPLAY OF A MAXIMUM THIRTY-SQUARE-FOOT RETAIL BANNER ON PRIVATE PROPERTY THROUGH MAY 24, 2012

ACTION: Approved 5-0

5. Adopt **Resolution No. 11-1641**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AUTHORIZING AND DIRECTING THE CITY CLERK TO DESTROY CERTAIN CITY RECORDS AND DOCUMENTS PURSUANT TO THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA (ADMINISTRATION/CITY MANAGER, ADMINISTRATION/ PERSONNEL, ADMINISTRATION/RISK MANAGEMENT, COMMUNITY DEVELOPMENT/ BLOCK GRANTS, COMMUNITY DEVELOPMENT/ PLANNING, AND PUBLIC WORKS/ BUILDING & SAFETY

ACTION: Approved 5-0

6. Adopt **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

ACTION: Approved 5-0

7. Adopt **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

ACTION: Approved 5-0

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

The meeting was called to order at 6:27 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 Assistant Attorney Candice Lee, Assistant Executive Director Nathan Hamburger, Assistant to the City Manager Louis Celaya, Public Works Project Manager Kelly Fisher, Public Works Project Manager Chris Dodd, Building Official Amir Hamidzadeh, Director of Planning and Community Development Mike Kamino, Associate Planner Valerie Darbouze, Landscape/Oak Tree Consultant Ann Burroughs, Director of Finance Christy Pinuelas, Director of Community Services Amy Brink, Recreation Manager Zach Miller, Community Services Coordinator Xochitl Castillo, and Agency Secretary Kimberly Rodrigues.

RDA APPROVAL OF AGENDA

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

RDA1. Approve Minutes of the Regular City Council and Agoura Hills Redevelopment Agency Meeting of August 10, 2011

ACTION: Approved 5-0

RDA DISCUSSION/ACTION

RDA2. Discussion to Consider the Adoption of **Resolution No. 11-59**; A RESOLUTION OF THE AGOURA HILLS REDEVELOPMENT AGENCY, ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO

PART 1.8 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

Executive Director Ramirez presented an amendment to the *Enforceable Obligation Payment Schedule*, for Redevelopment Agency consideration, regarding the omission of carrying \$280,000 from row 1 to the 'Total' column, reflecting changes to the *Total* (\$1,666,480), *Totals – Other Obligations* (\$2,519,500), and the *Grand Total* (\$3,685,980).

Following presentation of the staff report, Agency Chair Kuperberg opened the floor for public comment.

There were no public speakers.

ACTION: Following discussion, the motion by Agency Member Schwarz, to adopt **Resolution No. 11-59**, as amended, was seconded by Agency Member Koehler, and unanimously approved 5-0.

At 6:35 p.m., on a motion by Agency Member Koehler, second by Agency Vice Chair Edelston, 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/APPEAL

8. Conduct a Public Hearing Regarding an Appeal of the Planning Commission's Denial of Proposed Construction of Two Single-Family Residences on Two Adjacent Lots on Renee Drive (Conditional Use Permit Case No. 03-CUP-022/Oak Tree Permit Case No. 05-OTP-011, and Conditional Use Permit Case No. 03-CUP-023/Oak Tree Permit Case No. 05-OTP-012) and, if the City Council Votes to Approve the Projects, Adopt **Resolution No. 11-1642**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT, CASE NO. 03-CUP-023, AND OAK TREE PERMIT CASE NO. 05-OTP-012 and **Resolution No. 11-1643**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT, CASE NO. 03-CUP-022, AND OAK TREE PERMIT CASE NO. 05-OTP-011(Ashoor Pirouti, Appellant/Applicant)

Planning and Community Development Director Kamino noted that copies of the amended resolutions were placed on the dais for City Council consideration.

Following presentation of the staff report and a question and answer period, Mayor Schwarz opened the Public Hearing at 6:59 p.m.

The following documents were received after the distribution of the Agenda packet and prior to the City Council meeting. Copies were placed at the dais for City Council consideration and in the Council Chamber foyer for public review:

Email Correspondence in Opposition:

*Michelle Barbour, Agoura Hills, series of email (4) correspondence
Patti Merrill, Agoura Hills, email correspondence*

Letters of Support:

*Keith Blinkinsoph, Agoura Hills
David Kersey, Agoura Hills
Eric Mahler, Agoura Hills
Dan J. Motta, Agoura Hills
Randall Ralston, Agoura Hills
Becky Salan-Motta, Agoura Hills
Thomas E. Swift
Vladimir Zlatkov, Agoura Hills*

The following written correspondence was submitted by David E. Moss at the meeting:

Email correspondence with David Freedman, dated May 5, 2011
Letter to Michelle Barbour, dated August 24, 2011
Letter to Steve Oshiro, dated August 11, 2011
Letter to Valerie Darbouze, dated May 5, 2011
Letter of Support from Keith Blinkinsoph (*duplicate, previously submitted*)
Letter of Support from David Kersey (*duplicate, previously submitted*)
Letter of Support from Eric Mahler (*duplicate, previously submitted*)
Letter of Support from Dan J. Motta (*duplicate, previously submitted*)
Letter of Support from David Kersey (*duplicate, previously submitted*)
Letter of Support from Randall Ralston (*duplicate, previously submitted*)
Letter of Support from Thomas E. Swift (*duplicate, previously submitted*)
Letter of Support from Vladimir Zlatkov (*duplicate, previously submitted*)

The following person(s) spoke on behalf of the applicant, Ashoor Pirouti:

David E. Moss, Santa Monica, David Moss & Associates, Inc.
Ramson Piro, Consultant
Ty Harrison, BTA, Biological Consultant

The following person(s) spoke:

Michelle Barbour, Agoura Hills
Patti Merrill, Agoura Hills
Terry Ahern, Agoura
David Freeman, Agoura Hills

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

Deborah Rahm, Agoura Hills
Steve Oshiro, Agoura Hills

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

Dan Motta, Agoura Hills

The following person(s) spoke on behalf of the applicant (rebuttal):

David E. Moss, Santa Monica, David Moss & Associates, Inc.

There being no further speakers, Mayor Schwarz closed the Public Hearing at 8:02 p.m.

Mayor Schwarz re-opened the Public Hearing at 8:04 p.m. for further discussion and comment.

The following person(s) spoke:

David E. Moss, Santa Monica, Project Manager, representing the applicant.

There being no further speakers, Mayor Schwarz closed the Public Hearing at 8:10 p.m.

Following deliberation and a question and answer period, the City Council directed staff to take a break to address the feasibility of the six proposed conditions in the David Moss & Associates, Inc. letter, dated May 5, 2011, addressed to Associate Planner Valerie Darbouze, as follows, including Item No. 7 regarding the consideration to plant tree(s) along the driveway, an item agreed upon between neighbors.

- 1. Prior to the start of construction the applicant will provide (i) a construction schedule, (ii) the name and contact information of the contractor(s), and (iii) a staging plan for construction vehicles, to neighbors along Renee and Laura La Plante Drives, and will post a sign on the property with an emergency – 24/7 contact number.*

2. *The applicant will cease noise - generating construction if notified in advance by a neighbor with a short-term affair, i.e, a wedding or party – that would otherwise be disrupted.*
3. *The applicant will notify neighbors in advance of any temporary disruption to any utility service.*
4. *The applicant will voluntarily commit to a reduction of construction hours to 8 AM – 6 PM Mon- Sat.*
5. *The applicant will utilize street parking along Renee Drive consistent with the rights of any and all reciprocal access easements, and will avoid parking in locations along Renee Drive that create a restriction in the roadway that is demand by the Fire Department to create inadequate or unsafe passage for emergency vehicles.*
6. *The applicant will install cutouts for location of trash cans along the curbface of Rene Drive subject to approval by the City.*
7. *The applicant agrees to plant a tree on each side of the driveway of each lot.*

The City Council recessed at 8:25 p.m. and reconvened at 8:57 p.m.

Planning Associate Valerie Darbouze reported back to the City Council regarding the seven proposed conditions, recommending Item Nos. 1, 3, 4, and 7 be maintained as conditions, as amended, and excluding Item Nos. 2, 5, and 6 as follows:

1. **Maintain as a condition;** with the addition that the language and format of the posted sign will be approved by City staff.
2. Not appropriate condition; covered by the construction schedule.
3. **Maintain as a condition.**
4. **Maintain as a condition.**
5. Not appropriate condition; private street and conditions are enforced by the Fire Department.
6. Not appropriate condition; private street and trash cans are temporary and regulated by the Agoura Hills Municipal Code, including specific requirements from the trash companies regarding accessing trash cans.
7. **Addition of condition;** applicant volunteered to plant trees on each side of the driveway, recommendation to plant a small tree.

Council also requested a condition be included regarding trash container cutouts, but left it up to the Director of Planning and Community Development to determine the feasibility.

ACTION: Following further deliberation, the suggestion, due to potential privacy issues to the neighbors, to remove the proposed second story balcony or create an architectural feature only, was opposed 3-2 with Councilmember Koehler and Councilmember Edelston in favor.

ACTION: Following discussion and a question and answer period, the motion by Mayor Pro Tem Kuperberg, to adopt **Resolution No. 11-1642** and **Resolution No. 11-1643**, including the proposed conditions, as amended, was seconded by Councilmember Weber and approved 5-0.

CITY COUNCIL DISCUSSION/ACTION

9. Discussion to Consider the Adoption of **Resolution No. 11-1644**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA MAKING AN ELECTION IN CONNECTION WITH SERVING AS A SUCCESSOR AGENCY UNDER PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

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

There were no public speakers.

ACTION: Following discussion and a question and answer period, the motion by Councilmember Koehler, to adopt **Resolution No. 11-1644**, was seconded by Councilmember Weber and approved 5-0.

CONSENT CALENDAR ITEM – PULLED FOR DISCUSSION

3. Approve Award of Design and Architectural Services Consultant Agreement for the New Recreation Center to Roesling Nakamura Terada Architects (RNT)

Assistant City Manager Hamburger presented an amended agreement for City Council consideration.

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

There were no public speakers.

Following discussion, Councilmember Edelston recommended the City Council approve the agreement with the proposed changes to Item Nos. 3 and 8, as referenced in bold below, with a further recommendation that legal counsel consider the changes for inclusion in any future agreement templates.

3. **PERFORMANCE.** *Consultant shall at all times faithfully, competently and ~~to the best of his or her ability~~ consistent with industry standards, experience, and talent, perform all tasks described herein. Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Consultant hereunder in meeting its obligations under this Agreement.*

8. **Indemnification, Hold Harmless, and Duty to Defend.**
 - A. *Indemnity for Design Professional Services. In connection with its design professional services, Consultant shall hold harmless and indemnify City, and its elected officials, officers, employees, servants, designated volunteers, and those City agents serving as independent contractors in the role of City officials (collectively, "Indemnitees"), with respect to any and all claims, demands, damages, liabilities, losses, costs or expenses, including reimbursement of attorneys' fees and costs of defense (collectively, "Claims" hereinafter), including but not limited to Claims relating to death or injury to any person and injury to any property, which arise out of, pertain to, or relate to in whole or in part to the negligence, recklessness, or willful misconduct as determined by final arbitration or court decision or by the agreement of the parties, of Consultant or any of its officers, employees, subcontractors, or agents in the performance of its design professional services under this Agreement.*

ACTION: Following discussion and a question and answer period, the motion by Councilmember Edelston, to approve the agreement, as amended, was seconded by Councilmember Koehler and approved 5-0.

CITY COUNCIL, STAFF COMMENTS

Councilmember Edelston noted that school was in session and wished everyone a good school year.

Mayor Schwarz reported he had the opportunity to present a certificate of recognition to Madelyn Perry, in recognition of her 105th birthday, and congratulated City Engineer Adeva on the birth of his daughter.

ADJOURNMENT

At 10:13 p.m., on a motion by Mayor Pro Tem Kuperberg, second by Councilmember Edelston, the City Council unanimously consented to adjourn the meeting, in honor of the birth of Chloe Chanel Adeva, to 6:00 p.m., Wednesday, September 14, 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