

MINUTES
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
Wednesday, April 9, 2014
6:00 P.M.

The City Council meeting was called to order at 6:00 p.m. by Mayor Koehler.

The Pledge of Allegiance was led by Cub Scout Pack 227.

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

Also Present were: City Manager Greg Ramirez, City Attorney/Eminent Domain Attorney Candice K. Lee, Assistant City Manager Nathan Hamburger, Deputy 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, Director of Public Works/City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Director of Community Services Amy Brink, Director of Finance Christy Pinuelas, and City Clerk Kimberly Rodrigues.

REPORT OF CLOSED SESSION

City Attorney Lee reported on the two City Council Closed Session items, pursuant to Government Code Sections 54957.6 and 54956.9 (*Paragraph (4) of Subdivision (d)*). The City Council considered the items, direction was given to staff, and no reportable action was taken.

APPROVAL OF AGENDA

ACTION: Councilmember Edelston moved to approve the Agenda. Councilmember Weber seconded. The motion carried 5-0, by the following voice vote:

AYES: Mayor Koehler, Mayor Pro Tem Buckley Weber, and Councilmembers Edelston, Schwarz, and Weber.

NOES: None.

ABSENT: None.

PRESENTATIONS

Mayor Koehler presented a Proclamation, recognizing April 26-27, 2014, as Relay for Life Days, to Relay for Life representatives Jenni Campbell and Jen Decunha. Ms. Campbell provided a brief update on the event and invited everyone to participate.

Mayor Koehler presented a Proclamation, recognizing April 13-19, 2014, as National Library Week, to Agoura Hills Community Library Manager Nina Hull.

Mayor Koehler read a brief thank you note from Joan Bransfield Graham, acknowledging receipt of, and thanking the City for, a Proclamation recognizing April as National Poetry Month.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS

Las Virgenes Municipal Water District (LVMWD) Directors Barry Steinhardt and Glen Pedersen provided a water update and presented books, on behalf of the LVMWD to the Agoura Hills Library, in observance of Water Awareness Month.

Agoura Hills Community Library Manager Nina Hull presented the State of the Library.

Greater Conejo Valley Chamber of Commerce Manager of Government & Economic Affairs, Adam Haverstock, provided a Chamber update.

PUBLIC COMMENTS

The following person(s) spoke:

Larry Brown, Agoura Hills
Joan Yacovone, Agoura Hills
Pat MacGregor, Agoura Hills
Dr. Meril S. Platzer, Agoura Hills, (*submitted documents*)

CONSENT CALENDAR

There were no public speakers.

ACTION: Councilmember Schwarz moved to approve Consent Calendar Item Nos. 1-8, as presented. Councilmember Buckley Weber seconded. The motion carried 5-0, by the following voice vote:

AYES: Mayor Koehler, Mayor Pro Tem Buckley Weber, and Councilmembers Edelston, Schwarz, and Weber.

NOES: None.

ABSENT: None.

1. Approve Minutes of the Regular City Council Meeting of March 26, 2014
2. Approve Demand Warrant Register No. 705
3. Approve Treasurer's Investment Report for February 2014
4. Approve Award of Contract for Cornell Road Pavement Improvements Project; NIB 14-02
5. Approve Consultant Services Agreement, with Nichols Consulting Engineers, for Citywide Preparation of a Concrete Infrastructure Assessment Study
6. Approve Rejection of Claim for Damages – Jon R. Hughes
7. Approve Rejection of Claim for Damages – Tracey Hughes
8. Approve Termination of Emergency Action for Roof Repairs, with Statewide Roofing, Inc., at Agoura Hills Civic Center and Recreation Center

CONTINUED PUBLIC HEARING - ORDINANCE

9. Conduct a Continued Open Public Hearing, Introduce, Read by Title Only, and Waive any Further Reading of **Ordinance No. 14-406**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE ZONING ORDINANCE (ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE) AND ADOPTING NEW DEFINITIONS FOR SMALL EMPLOYEE HOUSING, CONGREGATE HOUSING AND RESIDENTIAL CARE FACILITIES FOR THE ELDERLY, AND ADOPTING NEW STANDARDS FOR SMALL EMPLOYEE HOUSING AND SECOND DWELLING UNITS (CASE NO. 14-ZOA-001) (CITY OF AGOURA HILLS, APPLICANT) *Continued from March 26, 2014*

Following presentation of the staff report, Mayor Koehler announced the Public Hearing was re-opened at the Regular City Council Meeting of March 26, 2014, and asked for any public speakers.

The following person(s) spoke:

Dr. Meril S. Platzer, Agoura Hills

There being no further public speakers, Mayor Koehler closed the Public Hearing at 6:44 p.m.

Councilmember Edelston announced that since he was absent from the last meeting, he would be abstaining from any discussions on this item.

ACTION: Councilmember Schwarz moved to introduce, read by title only, and waive further reading of **Ordinance No. 14-406**. Councilmember Weber seconded. The motion failed 2-2, by the following vote:

AYES: Councilmembers Schwarz and Weber.
NOES: Mayor Koehler and Mayor Pro Tem Buckley Weber.
ABSENT: None.
ABSTAIN: Councilmember Edelston.

Following further discussion, Mayor Koehler requested an amendment to the motion to allow for screening of the parking spaces from public view.

ACTION: Councilmember Schwarz moved to introduce, read by title only, and waive further reading of **Ordinance No. 14-406**, as amended. Councilmember Weber seconded. The motion passed 3-1, by the following vote:

AYES: Mayor Koehler and Councilmembers Schwarz and Weber.
NOES: Mayor Pro Tem Buckley Weber.
ABSENT: None.
ABSTAIN: Councilmember Edelston.

PUBLIC HEARING - RESOLUTION OF NECESSITY

10. Consideration of Adoption of a Resolution of Necessity for the Acquisition in Eminent Domain of Certain Real Property for Public Purposes, namely two permanent easements from the property identified as Los Angeles County Assessor's Parcel No. 2061-031-020 and located at the southeast corner of Agoura Road and Kanan Road in the City of Agoura Hills, California, 91301, and, in connection with the Agoura Road Widening and Canwood Street Improvements Project

Staff and the City Attorney recommended the City Council:

- (1) Open and conduct a hearing on the adoption of the proposed Resolution of Necessity, receive from staff the evidence stated and referred to in this Report to City Council, take testimony from any person wishing to be heard on issues a, b, c, and d below, and consider all evidence to determine whether to adopt the proposed Resolution of Necessity, each of which requires the City Council's separate consideration and determination.

- a. The public interest and necessity require the proposed Project;

- b. The proposed Project is planned and located in the manner that will be most compatible with the greatest public good and least private injury;
 - c. The Subject Property Interests described in the Resolution of Necessity are necessary for the proposed Project; and
 - d. The City has made an offer as required by Government Code section 7267.2 to the owner of record of the real property it seeks to acquire.
- (2) Separately consider the following Resolution, which is a Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition thereof in connection with the Agoura Road Widening and Canwood Street Improvements Project:
- a. **Resolution No. 14-1744** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project - the property located at the southeast corner of Agoura Road and Kanan Road in the City of Agoura Hills, California 91301, and further identified as Los Angeles County Tax Assessor's Parcel Number 2061-031-020.
- (3) These real property interests are referred to as Subject Property Interests are described more particularly in the Exhibits attached to the Resolution of Necessity. The Resolution also contains a drawing depicting the location of the real property interests in relation to the Agoura Road Widening and Canwood Street Improvements Project. Said Resolution together with the Exhibits is attached hereto and incorporated in this Report by this reference.
- (4) If the Resolution of Necessity is approved, authorize the City Attorney's office and City staff to take all necessary steps to deposit with the Office of the State Treasurer, the amount of probable compensation required by law for issuance of an Order for Possession, including complaints in condemnation.
- (5) Authorize the City Manager to execute all necessary documents.

Following presentation of the staff and Eminent Domain Attorney reports, Mayor Koehler opened the Public Hearing at 7:06 p.m.

There being no public speakers, Mayor Koehler closed the Public Hearing at 7:07 p.m.

Eminent Domain Attorney Lee noted that the City Council would need to determine, based upon the evidence contained in the *Report to City Council*, that the evidence warrants the necessary findings (below) with respect to the proposed Resolution of Necessity.

- A. The public interest and necessity require the Project;
- B. The Project is planned and located in the manner that will be most compatible with the greatest public good and least private injury;
- B. The Subject Property Interests described in the Resolution of Necessity are necessary for the Project; and
- D. The City has made an offer as required by Government Code Section 7267.2 to the owner of record of the real property it seeks to acquire.

ACTION: Councilmember Weber moved that the Council makes the necessary four (4) findings with respect to the proposed Resolution of Necessity. Councilmember Edelston seconded. The motion carried 5-0, by the following voice vote:

AYES: Mayor Koehler, Mayor Pro Tem Buckley Weber, and Councilmembers Edelston, Schwarz, and Weber.

NOES: None.

ABSENT: None.

ACTION: Mayor Pro Tem Buckley Weber moved to adopt **Resolution No. 14-1744** and authorize the City Attorney's office to file eminent domain proceedings to acquire the real property interest for portions of the real property located on the southeast corner of Agoura Road and Kanan Road, Agoura Hills, CA 91301 (Assessor's Parcel Number 2061-031-020), consisting of two permanent easements (155 square feet and 100 square feet) (Shuman Associates, LLC). Councilmember Weber seconded. The motion carried 5-0, by the following roll call vote:

AYES: Mayor Koehler, Mayor Pro Tem Buckley Weber, and Councilmembers Edelston, Schwarz and Weber.

NOES: None.

ABSENT: None.

DISCUSSION - ACTION

11. County of Los Angeles' Santa Monica Mountains Local Coastal Program

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

The following person(s) spoke:

Deborah Lopez, Agoura Hills
Jess Thomas, representing the Old Agoura Homeowners Association
Joan Yacovone, Agoura Hills

There were no further speakers.

ACTION: Councilmember Edelston moved to direct staff to submit a letter in support of the Local Coastal Plan with the exception of taking a position on the equestrian impacts, as Council does not have sufficient information to opine on this item. Mayor Pro Tem Buckley Weber seconded. The motion carried 4-1, by the following roll call vote:

AYES: Mayor Koehler, Mayor Pro Tem Buckley Weber, and Councilmembers Edelston and Schwarz.

NOES: Councilmember Weber.

ABSENT: None.

CITY COUNCIL, STAFF COMMENTS

Deputy City Manager Celaya announced the upcoming Community Service Days, scheduled to begin at 8:00 a.m., May 3, 2014, at Chumash Park, and invited the residents to participate in the city beautification event.

Councilmember Schwarz announced and wished resident, Mary Rossi, a happy 100th birthday.

Councilmember Edelston announced Relay for Life would be held April 26-27, 2014, and invited everyone, including staff, to support the event through participation or donations.

Councilmember Weber wished everyone a Happy Passover and Easter.

Mayor Pro Tem Buckley Weber reported that she had attended the Agoura High School musical, "Into the Woods", at the Performing Arts Education Center (PAEC) and invited everyone to attend.

Mayor Koehler joined Councilmember Edelston in encouraging support for the upcoming Relay for Life event.

ADJOURNMENT

ACTION: At 7:50 p.m., Mayor Pro Tem Buckley Weber moved to adjourn the meeting to 6:00 p.m., Wednesday, April 23, 2014, 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. Councilmember Weber seconded. The motion carried 5-0, by the following voice vote:

AYES: Mayor Koehler, Mayor Pro Tem Buckley Weber, and Councilmembers Edelston, Schwarz and Weber.

NOES: None.

ABSENT: None.

Kimberly M. Rodrigues, MPPA, MMC
City Clerk