

**MINUTES**  
**REGULAR MEETING OF THE**  
**AGOURA HILLS CITY COUNCIL**  
Civic Center – Council Chambers  
30001 Ladyface Court, Agoura Hills, California 91301  
**Wednesday, August 10, 2016**  
**6:00 P.M.**

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

The Pledge of Allegiance was led by Boy Scout Troop 775.

Present were: Mayor Harry Schwarz, Councilmember Illece Buckley Weber, Councilmember William D. Koehler, Councilmember Linda Northrup, and Mayor Pro Tem Denis Weber.

Also Present were: City Manager Greg Ramirez, City Attorney Candice K. Lee, Assistant City Manager Nathan Hamburger, Deputy City Manager Louis Celaya, Planning Director Doug Hooper, Planning Consultant Michelle D'Anna, Public Works Director/City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Director of Community Services Amy Brink, and City Clerk Kimberly M. Rodrigues.

### **REPORT OF CLOSED SESSION**

City Attorney Lee announced that Legal Advisor Scott Tiedemann had provided the report of Closed Session at the conclusion of the City Council Closed Session.

### **APPROVAL OF AGENDA**

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

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

NOES: None.

ABSENT: None.

### **PRESENTATIONS**

Mayor Schwarz presented an Employee Service Award to Louis Celaya, City Manager's Department, for 10 years of dedicated service to the City, and also congratulated Karen Sanders, who was not present, from the Building and Safety Department, for 15 years of dedicated service to the City.

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

Greater Conejo Valley Chamber of Commerce President/CEO, Jill Lederer, provided a Chamber update.

Las Virgenes-Malibu Council of Governments Executive Director, Terry Dipple, provided an update on Measure R.

## **PUBLIC COMMENTS**

The following person(s) spoke:

Shepha Vainstein, representing Conejo Valley Peace Heroes Walk

## **CONSENT CALENDAR**

There were no public speakers.

**ACTION:** Councilmember Linda Northrup moved to approve Consent Calendar Item Nos. 1-3, as presented. Mayor Pro Tem Weber seconded. The motion carried 5-0, by the following voice vote:

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

**NOES:** None.

**ABSENT:** None.

1. Approve Minutes of the Regular City Council Meeting of July 13, 2016
2. Approve Demand Warrant Register No. 752
3. Approve Treasurer's Report – June 2016

## **CONTINUED OPEN PUBLIC HEARING/APPEAL**

4. Conduct a Continued Open Public Hearing (from July 13, 2016); to Consider the Appeal of the City Planning Commission's Denial of Conditional Use Permit Case No. CUP-01019-2014, which is a request to Construct a 4,374-Square Foot, Single-Story, Single-Family Residence with Roof Terrace and 1,530-Square Foot Basement, 800-Square Foot detached garage with 575-Square Foot Second-Story Storage Room, 700-Square Foot second Dwelling Unit, 1,160-Square Foot Storage Room 1,160-Square Foot Basement, 300-Square Foot Tack Room, and Swimming Pool, at 6000 Lapworth Drive and Direct Staff to Bring Back the Appropriate Resolutions to Uphold or Overturn the Decision of the Planning Commission (Agoura Hills City Council, Appellant / Shahnaz Brigitte Bina, Applicant) *(Continued from July 13, 2016)*

Following presentation of the staff report, Mayor Schwarz deferred to City Attorney Lee who announced that she and staff thought it would be helpful to the City Council and to the audience to describe the basic parameters of the appeal hearing. She explained that the City Council would be reviewing this item “de novo” and the Applicant had presented minor revisions to their application and plans. As long as the City Council, in conjunction with staff, deem these proposed changes to be minor enough, these types of revisions are appropriate for City Council review and do not require remand back to the Planning Commission.

Following presentation of the staff report and a question and answer period, Mayor Schwarz noted the Public Hearing had been opened and continued from July 13, 2016, and asked for any public speakers.

*After the distribution of the agenda packet and prior to the meeting, Tom Cohen, representing the Applicant, submitted written correspondence.*

*The following person(s) submitted written comments, in opposition to the project, after the distribution of the agenda and prior to the meeting:*

*Russ and Andrea Diamond, Agoura Hills  
Jon Levin, Agoura Hills  
Andrea Lux, Agoura Hills  
Daniel Maltese, Agoura Hills (two email submissions)  
Adam Mehr, Agoura Hills (email submission)*

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

Tom Cohen, Main Presenter  
Carl Welty, Architect  
Erick Mason, Civil Engineer  
Richard W. Campbell, Landscape Architect  
S. Brigitte Bina, Applicant

The following person(s) submitted a Speaker’s Card in favor of the project:

Babak Bina, Agoura Hills

The following person(s) submitted written comments in opposition to the project:

Paul Brent, Agoura Hills  
Michael Papanicolaou, Agoura Hills

The following person(s) spoke in opposition to the project:

Gerry Carroll, Agoura Hills  
Jon Levin, Agoura Hills  
Laurie Turner, Agoura Hills  
Brant Turner, Agoura Hills

The following person(s) spoke in opposition to the project, *continued*:

Asher Mehr, Agoura Hills  
Adam Mehr, Agoura Hills  
George Colman, Agoura Hills  
Jess Thomas, representing the Old Agoura Homeowners Association

**The City Council recessed at 7:23 p.m. and reconvened at 7:30 p.m.**

The following person(s) spoke in opposition to the project:

Phil Ramuno, Agoura Hills  
Daniel Maltese, Agoura Hills (showed map)  
Tara Farkash, Agoura Hills  
Vineet Sharma, Agoura Hills  
Donald Walt Chandler, Agoura Hills  
Daniel Farkash, Agoura Hills

**The City Council recessed at 7:47 p.m. and reconvened at 7:55 p.m.**

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

Erick Mason, Civil Engineer  
Carl Welty, Architect  
Tom Cohen, Main Presenter  
Richard W. Campbell, Landscape Architect  
Babak Bina, Agoura Hills  
S. Brigitte Bina, Applicant

There being no further public testimony, Mayor Schwarz closed the Public Hearing at 8:26 p.m.

Councilmember Koehler disclosed that the Applicant's attorney had shown him the changes in the plans that were submitted to the Planning Commission and no comments were solicited, nor did he make or share any decisions with him.

Councilmember Buckley Weber disclosed that she had visited the site with staff and several neighbors had approached her and expressed their concerns about the hearing, and also reported that she had reviewed the: Planning Commission meeting; letter submitted by the Applicant's attorney; Planning Commission agenda packet; City Council agenda packet from the July meeting; and the City Council agenda packet for this meeting with the new proposed changes.

Councilmember Northrup disclosed that she had reviewed the: Planning Commission meeting; everything submitted to the Planning Commission and subsequent to the City Council meeting in July; everything submitted since that time, including the letter from the Applicant's attorney; all the submissions of the community members; and had also visited the site and surrounding area numerous times, including viewing other flat roof homes in Old Agoura.

Mayor Pro Tem Weber disclosed that he had: met with the Applicant's attorney; visited the project site; and reviewed the Planning Commission meeting.

Mayor Schwarz presented several photographs.

Following City Council deliberations, Planning Director Hooper offered several amendments to the draft resolution, primarily to address the correct pool and terrace size that was proposed, as well as the changes in materials that were proposed to the City Council.

City Attorney Lee also suggested the resolution title be revised to read: "...*Upholding the Planning Commission's Denial...*" and to include references to preserve the unique character of Old Agoura (i.e., rustic, rural, country, fails to minimize boxiness, massing, lack of privacy, insufficient articulation, etc.) as noted by the City Council during their deliberations.

**ACTION:** Following discussion, Councilmember Buckley Weber moved to uphold the Planning Commission's denial of the project and adopt **Resolution No. 16-1822**, as amended, including the revisions proposed by the Planning Director and City Attorney. Councilmember Northrup seconded. The motion carried 5-0, by the following roll call vote:

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

**NOES:** None.

**ABSENT:** None.

### **PUBLIC HEARING/ORDINANCE**

5. Conduct a Public Hearing, Introduce, Read by Title Only, and Waive Further Reading of **Ordinance No. 16-424**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA MOVING THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTION DATE TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN-NUMBERED YEARS BEGINNING IN NOVEMBER OF 2018

Following presentation of the staff report, Mayor Schwarz opened the Public Hearing at 9:14 p.m.

There being no public speakers, Mayor Schwarz closed the Public Hearing at 9:15 p.m.

**ACTION:** Following discussion, Mayor Schwarz moved to introduce, read by title only, and waive further reading of **Ordinance No. 16-424**. Councilmember Buckley Weber seconded. The motion carried 5-0, by the following roll call vote:

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

**NOES:** None.

**ABSENT:** None.

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

There were no comments.

### **ADJOURNMENT**

Mayor Schwarz announced the next Regular Meeting of the City Council would be at 6:00 p.m., Wednesday, August 24, 2016, 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.

**ACTION:** At 9:17 p.m., Councilmember Linda Northrup moved to adjourn the meeting. Councilmember Buckley Weber seconded. The motion carried 5-0, by the following voice vote:

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

**NOES:** None.

**ABSENT:** None.

Kimberly M. Rodrigues, MPPA, MMC  
City Clerk