

**MINUTES
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, CA 91301
July 13, 2005 at 7:00 p.m.**

The meeting was called to order at 7:02 p.m.

The flag salute was led by Councilmember Edelston.

Present were: Mayor Ed Corridori, Mayor Pro Tem Denis Weber, Councilmember John Edelston, Councilmember Dan Kuperberg, and Councilmember Jeff Reinhardt.

Also Present were: City Manager Greg Ramirez, City Attorney Craig Steele, Director of Planning and Community Development Mike Kamino, Assistant Director of Community Development Doug Hooper, City Engineer Ken Berkman, Oak Tree/Landscape Consultant Kay Greeley, and City Clerk Kimberly Rodrigues.

REPORT OF CLOSED SESSION

City Attorney Steele reported on the Closed Session pursuant to Government Code Sections 54956.8 and 5496.9(b). Direction was given to staff and no reportable action was taken.

APPROVAL OF AGENDA

On a motion by Mayor Pro Tem Weber, second by Councilmember Reinhardt, the Agenda was approved without objection.

ORAL COMMUNICATIONS

There were no speakers.

PRESENTATIONS

There were no presentations.

INTERGOVERNMENTAL AND SPECIAL PURPOSE COMMITTEE REPORTS

Councilmember Edelston requested Assistant City Manager Thorsen provide clarification on the budget report that was in the City's newsletter which alluded to the City being in deficit spending, which in fact, it is not.

Assistant City Manager Thorsen provided information clarifying that the City is not in deficit spending and, in fact, the General Fund, Special Fund, and Operating Cost revenues all exceed the projected expenditures for this year's budget.

CONSENT CALENDAR

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

1. Approve Minutes of the Regular City Council Meeting of June 22, 2005

ACTION: Approved 5-0

2. Approve Demand Register No. 519

ACTION: Approved 5-0

3. Approve Contract Renewal with All City Management Services for Crossing Guard Service

ACTION: Approved 5-0

4. Approve Agreement with City of Westlake Village for a Community Band Performance

ACTION: Approved 5-0

5. Approve Authorization to Seek Bids in Compliance with Public Contract Code Section 20166 for the Staff Dais Extension Project; NIB 05-03

ACTION: Approved 5-0

6. Approve Authorization to Seek Bids for FY 2005/2006 Street Resurfacing Project; NIB 05-04

ACTION: Approved 5-0

PUBLIC HEARING

7. Conduct a Public Hearing Regarding an Appeal of the Planning Commission's Approval of Conditional Use Permit Case No. 04-CUP-007, Oak Tree Permit Case No. 04-OTP-020, and Tentative Parcel Map No. 62245 which allows for the Construction of a Furniture/Retail Center on the Northeast Corner of Canwood Street and Derry Avenue, adopt a Mitigated Negative Declaration (Adler Realty Investments, Applicant), and approve Resolution No. 05-1379; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT CASE NO. 04-CUP-007 AND OAK TREE PERMIT CASE NO. 04-OTP-020 AND ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, and Resolution No. 05-1380; A RESOLUTION OF THE CITY COUNCIL OF THE CITY

OF AGOURA HILLS UPHOLDING THE PLANNING COMMISSION'S APPROVAL
OF TENTATIVE PARCEL MAP NO. 62245 - *Continued from June 22, 2005*

Following presentation of the staff report and a question and answer period, Mayor Corridori opened the Public Hearing.

The following ex parte communications were disclosed by the City Council:

- Mayor Corridori disclosed that he had spoken with Mr. Adler and Mr. Cohen last week in a meeting with Director of Planning and Community Development Kamino whereby they showed him the changes made in the project subsequent to Planning Commission approval.
- Mayor Pro Tem Weber disclosed that he had spoken with Mr. Cohen who was representing Mr. Adler.
- Councilmember Reinhardt disclosed that he had not spoken with either the applicant or appellant.
- Councilmember Edelston disclosed that he may have spoken with Mr. Cohen.
- Councilmember Kuperberg disclosed that he had not spoken with the applicant and that all communication had been through staff after filing the appeal.

Speaking on behalf of the Appellant:

Councilmember Kuperberg, Appellant, Agoura Hills

Speaking on behalf of the Applicant:

Daniel Chudnovsky, DCA Architects, 1964 Westwood Boulevard, Suite 410, Los Angeles, representing the Applicant, Mr. Michael Adler

Public Comment in Support of the Project:

Gregg Strumwasser, 5642 Rainbow Crest Drive, Agoura Hills
Keith Gertzman, 6072 Lake Lindero Drive, Agoura Hills
Nancy Minicozzi, 5339 Alfonso Drive, Agoura Hills
Tim Keeley, 4550 Via Marina, Apt. 103, Marina Del Rey
Michael Siteman, 5841 Woodglen Drive, Agoura Hills
Scott Litman, 5905 St. Laurent Drive, Agoura Hills

Rebuttals on behalf of the Applicant:

Michael Adler, Applicant, Agoura Hills
Chuck Cohen, 2801 Townsgate Road, Thousand Oaks, representing Mike Adler Realty

The City Council recessed at 8:50 p.m. and reconvened at 9:01 p.m.

Mayor Corridori asked if there were other speakers who wished to be heard. There being none, the Public Hearing was closed.

Director of Planning and Community Development Kamino recommended the following amendments to Resolution No. 05-1379:

Section 8. Based on the aforementioned findings, the City Council hereby upholds the Planning Commission's approval of Conditional Use Permit Case No. 04-CUP-007 and Oak Tree Permit Case No. 04-OTP-020 as shown in the revised plans submitted to the City Council on July 13, 2005, showing 116,216 square feet of total building area, subject to the attached conditions, with respect to the property described in Section 1 hereof.

Under the Conditions of Approval, amend the Standard Conditions as follows:

94. The landscape planter located along the south property line, adjacent to the Canwood Street frontage shall be at least ~~20~~ 24 feet in width in front of Buildings 1 ~~and 2~~, 22 feet in width in front of Building 2, and shall be at least ~~15~~ 19 feet in width in front of Building 3. Additional landscaping adjacent to the buildings, including but not limited to landscape pots, vine pockets and espalier landscaping at trellises, shall be provided, subject to review by the Director of Planning and Community Development. The landscape planters located adjacent to the Lewis Road frontage, at the driveway entrance, shall be at least 20 feet in length.

ACTION: Following discussion, the motion by Councilmember Kuperberg to deny the appeal and approve the project, adopt Resolution No. 05-1379, as amended above, and Resolution No. 05-1380, was seconded by Councilmember Edelston and approved on a roll call vote of 5-0.

CONVENE MEETING OF THE AGOURA HILLS REDEVELOPMENT AGENCY

The City Council recessed to the Agoura Hills Redevelopment Agency meeting at 9:35 p.m. and reconvened at 9:36 p.m.

COUNCIL, STAFF COMMENTS

City Clerk Rodrigues announced that persons interested in running for City Council must be a resident of the City of Agoura Hills and a registered voter in the City at the time nomination papers are issued. The nomination filing period commences Monday, July 18, 2005, ends on Friday, August 12, 2005, and will be extended to August 17, if any incumbent does not file by the August 12 deadline. Nomination papers are issued and filed through the City Clerk's Office.

Mayor Pro Tem Weber spoke about two residents, Buck Wicall and Dave Thornbury, who were featured in a new magazine entitled *805 Living*.

Councilmember Reinhardt congratulated staff on another successful Summer Concert in the Park held at Chumash Park on July 10 and announced that, as he would be attending the League of California Cities Mayors and Councilmembers Academy Executive Forum in Monterey on July 27-29, he would not be attending the next City Council meeting.

Councilmember Edelston spoke about the concert, noting that the tribute band and fireworks show were both outstanding and approximately 2500 people were in attendance.

Councilmember Kuperberg also spoke about the concert, complimented Mr. Adler on a great project, and thanked staff for leading the way.

Mayor Corridori spoke about receiving a call from a resident who expressed concerns related to the lack of cell phone coverage in the Liberty Canyon area and a developer's project proposal which included seeking an access road through Ahmanson Ranch.

Councilmember Kuperberg inquired when the City would switch from Adelphia to Agoura Hills Television (AHTV). City Manager Ramirez reported that staff is working on construction of the station which should be on air within two weeks.

ADJOURNMENT

At 9:43 p.m., on a motion by Mayor Pro Tem Weber, second by Councilmember Kuperberg, the Council unanimously consented to adjourn the meeting to 7:00 p.m., Wednesday, July 27, 2005 for a regular meeting of the City Council in the Council Chambers of the Civic Center with a Closed Session at 6:00 p.m. The Civic Center is located at 30001 Ladyface Court, Agoura Hills.

Kimberly M. Rodrigues, CMC
City Clerk