

**MINUTES
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL
30001 Ladyface Court, Agoura Hills, CA 91301
February 23, 2005 at 7:00 p.m.**

The meeting was called to order at 7:06 p.m.

The flag salute was led by Mayor Corridori.

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

Councilmember Kuperberg was absent.

Also Present were: City Manager Greg Ramirez, City Attorney Craig Steele, Director of Planning and Community Development Mike Kamino, Assistant to the City Manager Carol Tubelis, and City Clerk Kimberly Rodrigues.

REPORT OF CLOSED SESSION

City Attorney Steele reported on the Closed Session pursuant to Government Code Section 54956.9 (a) regarding the Agoura Hills/Calabasas Community Center Joint Powers Authority v. Fassberg Construction Co., Inc., LC 067191. The City Council gave direction to staff and took no reportable action.

APPROVAL OF AGENDA

On a motion by Councilmember Reinhardt, second by Councilmember Edelston, the Agenda was approved without objection. Councilmember Kuperberg was absent.

ORAL COMMUNICATIONS

Louis Masry, 14490 Shawnee Street, Westlake, California, incoming President of the Agoura/Oak Park/Conejo Valley Chamber of Commerce, thanked the City for honoring outgoing President Alex Soteras, spoke about membership, and announced upcoming Chamber events.

PRESENTATIONS

There were no presentations.

INTERGOVERNMENTAL AND SPECIAL PURPOSE COMMITTEE REPORTS

There were no reports.

CONSENT CALENDAR

Councilmember Edelston pulled Agenda Item No. 4 for discussion.

On a motion by Mayor Pro Tem Weber, second by Councilmember Reinhardt, Agenda Item Nos. 1, 2 and 3 were approved 4-0, with Councilmember Kuperberg absent.

1. Approve Demand Register No. 510

ACTION: Approved 4-0, Kuperberg absent

2. Approve Minutes of the Regular City Council Meeting of February 9, 2005

ACTION: Approved 4-0, Kuperberg absent

3. Approve Treasurer's Report for January 2005

ACTION: Approved 4-0, Kuperberg absent

DISCUSSION/ACTION

5. Conduct a Pre-Screen Review and Provide Direction Regarding an Amendment to the Ladyface Mountain Specific Plan to Allow Residential Development within the Ladyface Mountain Specific Plan Area (Case No. 04-PSR-007)

Brad Rosenheim, 21800 Oxnard Street, #480, Woodland Hills, California, representing Agoura Hills Center Properties, LLC, provided an overview of the applicant's preferred development scenario for a proposed 35-unit senior housing project. A formal request for a Specific Plan Amendment would have to be filed by the applicant to develop the project.

Steve Rice, 7655 Haskell Avenue, Van Nuys, California, provided an overview of the landscape and design of the project.

ACTION: Following the presentation and discussion, the City Council, with Councilmember Kuperberg absent, provided non-binding comments to the applicant to proceed with the formal request to amend the Ladyface Mountain Specific Plan to allow for senior housing residential development on the parcel.

6. Conduct a Pre-Screen Review to Consider a Zoning Ordinance Amendment Regarding Self-Storage Facilities (Case Nos. 04-PSR-008 and 04-PSR-003)

The applicant for Case No. 04-PSR-003 asked that his request be placed on hold. The City Council conducted a pre-screen review for Case No. 04-PSR-008.

Jack Dwyer, applicant, 641 West Kendle Lane, Thousand Oaks, California, representing Chigaridas family, spoke about the business storage solutions proposed by the applicant.

Neal Scribner, Architect, 4765 Via Don Luis, Thousand Oaks, California, provided an overview of the design of the proposed self-storage facility.

Tom Gesler, 657 Bristol Avenue, Simi Valley, California, representing Canwood Storage and Offices, reported that the intent of the project was to provide a full-scale business resource center for small business entrepreneurs in the City and that in addition to offering storage and executive office space; shipping facilities and printing services would also be provided.

The City Council recessed at 8:57 p.m. and reconvened at 9:04 p.m.

ACTION: Following the presentation and discussion, the City Council, with Councilmember Kuperberg absent, supported the staff recommendations related to expanding the ordinance regarding self-storage facilities and did not express problems with the applicant proceeding with a formal application for a zoning ordinance amendment.

CONSENT CALENDAR ITEM PULLED FOR DISCUSSION

4. Approve Resolution No. 05-1362; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS AUTHORIZING AN AGREEMENT EXTENDING THE TERMINATION DATE OF THE CABLE TELEVISION FRANCHISE AGREEMENT WITH CENTURY-TCI CALIFORNIA, L.P., DBA ADELPHIA CABLE COMMUNICATIONS

Steven Naber, 2323 Teller Road, Newbury Park, California, representing Adelphia, reported that the original data provided to the Council in April 2004 contained several errors; provided an updated comparison sheet of the broadcast and classic cable tiers and the calculated CPI; also provided a comparison analysis related to the varied tier rates throughout the County; mentioned that the difference in tier rates between communities are often affected by previous cable operator contracts; and indicated that Adelphia was on a dual path of either coming out of bankruptcy or selling the company to another cable operator.

ACTION: Following discussion, the motion by Councilmember Edelston to continue the item to the next meeting to have the opportunity to examine the new data presented by Adelphia, was seconded by Mayor Corridori.

City Attorney Steele advised the Council that the City was not a rate regulator in this particular franchise and that, given the uncertain state of Adelphia's business and their potential sale, it was his opinion that there was value and protection to the City to have the franchise in effect at all times.

ACTION: Based on the recommendation by the City Attorney, Mayor Corridori withdrew his second. Councilmember Edelston called for a vote on the motion. Mayor Corridori concurred with his request. Upon a voice vote, Mayor Pro Tem Weber and Councilmember Edelston were in favor and Councilmember Reinhardt and Mayor Corridori were opposed. Councilmember Kuperberg was absent. No action was taken.

City Attorney Steele indicated that by not approving the extension, it creates uncertainty regarding the status of the franchise and the franchisee's obligations to the City and its customers. The City is best protected legally by having the franchise in place given the amount of money involved and the uncertain corporate status of the franchisee. His recommendation was to take action on the extension.

ACTION: Following discussion, Councilmember Reinhardt moved to approve the extension, seconded by Mayor Corridori. Upon a voice vote, Councilmember Reinhardt and Mayor Corridori were in favor and Mayor Pro Tem Weber and Councilmember Edelston were opposed. Councilmember Kuperberg was absent.

By default, the item was continued to the meeting of March 9, 2005.

COUNCIL, STAFF COMMENTS

Councilmember Reinhardt reported on the General Plan Advisory Committee meeting; announced that the DRT (Disaster Response Team) classes would begin on March 8, 2005 at 7:00 p.m. in the Community Room; and commended the Public Works crews for their services during the recent rains.

Councilmember Edelston encouraged public participation in the DRT program and reported that the Junior Paramedic Program is scheduled for the last week of May at Yerba Buena Elementary School.

ADJOURNMENT

At 10:29 p.m., on a motion by Mayor Pro Tem Weber, second by Councilmember Reinhardt, with Councilmember Kuperberg absent, the City Council unanimously consented to adjourn the meeting to 7:00 p.m., Wednesday, March 9, 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