

**MINUTES
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, CA 91301
September 13, 2006 at 7:00 p.m.**

The meeting was called to order at 7:04 p.m.

The flag salute was led by Councilmember Koehler.

Present were: Mayor Denis Weber, Mayor Pro Tem Dan Kuperberg, Councilmember John Edelston, Councilmember William Koehler, and Councilmember Harry Schwarz.

Also Present were: City Manager Greg Ramirez, Assistant to the City Manager Nathan Hamburger, Assistant to the City Manager Louis Celaya, City Attorney Craig Steele, City Engineer Ken Berkman, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, Senior Planner Allison Cook, Associate Planner Valerie Darbouze, Oak Tree and Landscape Consultant Kay Greeley, Planning Technician Sally Schneider, and City Clerk Kimberly Rodrigues.

REPORT OF CLOSED SESSION

City Attorney Steele reported on the Closed Session pursuant to Government Code Sections 54956.9(a) and 54956.8. The City Council did not discuss the matter under 54956.9(b). Direction was given to staff and no reportable action was taken.

APPROVAL OF AGENDA

On a motion by Councilmember Edelston to change the order of the Agenda and move Item No. 9 to the end of the Agenda, was seconded by Mayor Pro Tem Kuperberg, and the amended Agenda was approved without objection.

ORAL COMMUNICATIONS

There were no speakers.

PRESENTATIONS

Mayor Weber, on behalf of the City Council, presented a Certificate of Appreciation to Thom Bancroft for his years of dedication and service to the City of Agoura Hills and its residents and recognized his leadership in the formation of the Agoura Hills Men's Tennis League.

Captain Jerry Reese and the Fire Station #89 Crew presented the City Council and City Attorney with t-shirts in recognition of their generous donations of a computer and barbecue to the Fire Station and thanked the residents for welcoming them to the community.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE & DEPARTMENTAL REPORTS

Mayor Weber, on behalf of the City Council, recognized five years of outstanding service and dedication to the City of Agoura Hills by City employee, Valerie Darbouze, of the Planning and Community Development Department.

Mayor Weber announced that, preceding the Council meeting, the City Council had attended a training session and completed their certification requirements to take the Federal National Incident Management System (NIMS) training which is incorporated with the State Emergency Management Systems (SEMS) training.

CONSENT CALENDAR

City Manager Ramirez requested an amendment to the recommendation of Item No. 8 to read: *“Staff respectfully recommends the City Council approve the additional expenditures of \$2.5 million in Fiscal Year 2005/2006 rather than in the ~~Fiscal Year 2006/2007~~ adopted budget and reduce the budgeted expenditure by the same amount in Fiscal Year 2006/2007.”*

On a motion by Councilmember Edelston, second by Councilmember Schwarz, the Consent Calendar was approved, as amended, 5-0.

1. Approve Minutes of the Regular City Council Meeting of August 23, 2006

ACTION: Approved 5-0

2. Approve Demand Warrant Register No. 547

ACTION: Approved 5-0

3. Approve Agreement with Southern California Edison for Relocation of Facilities for the U.S. 101/Kanan Road Interchange Project

ACTION: Approved 5-0

4. Approve Rejection of Claim for Damages – Bryan Berri

ACTION: Approved 5-0

5. Approve Rejection of Claim for Damages – Natalie Turner

ACTION: Approved 5-0

6. Approve the Addition of a Non-Voting Student Representative to the Agoura Hills/Calabasas Community Center (AHCCC) Joint Powers Authority

ACTION: Approved 5-0

7. Approve the Installation of Illuminated Street Signs

ACTION: Approved 5-0

8. Receive Update No. 3 and Approve Additional Expenditures for the U.S. 101/Kanan Interchange Project

ACTION: Approved 5-0

PUBLIC HEARING – CHANGE IN ORDER OF AGENDA

9. This item was moved to the end of the Agenda

DISCUSSION/ACTION

10. Approve **Resolution No. 06-1430**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ESTABLISHING CHARGES FOR SERVICES RENDERED IN RELATION TO PROCESSING APPLICATIONS IN THE AGOURA VILLAGE SPECIFIC PLAN AREA

Upon presentation of the staff report and a question and answer period, Mayor Weber opened the floor for public comment.

There were no public speakers on this item.

ACTION: Following discussion, the motion by Councilmember Schwarz, to adopt **Resolution No. 06-1430**, was seconded by Mayor Pro Tem Kuperberg, and approved on a roll call vote of 5-0.

11. Approve the Contract Award for the 2006-2007 Street Resurfacing Project; NIB 06-01

Upon presentation of the staff report and a question and answer period, Mayor Weber opened the floor for public comment.

There were no public speakers on this item.

ACTION: Following discussion, the motion by Councilmember Edelston, to award the 2006-2007 Street Resurfacing Project; NIB 06-01, to Hardy and Harper, Inc., authorize the use of up to \$163,107 from the SB 1132 "Local

Street and Road Improvements” Fund for the project, and authorize the transfer of \$137,603 of Gas Tax funds into the project’s account, was seconded by Councilmember Koehler, and approved on a roll call vote of 5-0.

PUBLIC HEARING – CHANGE IN ORDER OF AGENDA

9. Conduct a Public Hearing Regarding an Appeal of the Planning Commission’s Denial of Conditional Use Permit Case Nos. 03-CUP-010 and 98-CUP-007, Oak Tree Permit Case No. 98-OTP-011, which was a Request to Develop 27 Detached Single-Family Residences on Two Recorded Residential Tracts, to Remove 33 Oak Trees and Encroach within the Protected Zone of 15 Oak Trees for the Proposed Construction on the South Side of Agoura Road, East of Calle Montecillo and West of Liberty Canyon Road, and Adoption of a Mitigated Negative Declaration. (Riopharm USA, Inc., Applicant) – *This Public Hearing was continued from the Regular City Council meeting of June 28, 2006*

City Attorney Steele announced that Councilmember Koehler and Councilmember Schwarz do not have any statutory conflict of interest in this matter and based on the fact that they considered and voted on this particular project while serving as Members of the Planning Commission and out of respect for the due process rights of both the applicants and anyone else interested in the matter, they decided to recuse themselves.

Councilmember Koehler and Councilmember Schwarz left the meeting at this point.

There were no ex parte communications disclosed by the City Council.

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

Charles Cohen, 2801 Townsgate, #215, Westlake Village, representing the applicant, provided an overview of the revised project.

Yair Koshet, 5226 Medina Road, Woodland Hills, architect representing Riopharm, spoke about the revisions to the project.

Joan Yacovone, 27328 Country Glen, Agoura Hills, suggested for the Agoura I tract placing 1-story structures across the front lots and 2-story structures towards the rear and spoke about her concerns related to the front yard setbacks, the liability and maintenance of the landscaping in the common areas, the orientation of the garage doors and access to the garages from the street, and the number of Oak trees proposed to be removed from both tracts.

Rudy C’Dealva, 4062 Jim Bowie Road, representing the Liberty Canyon Homeowners Association, spoke about concerns with the potential impacts on the Oak trees.

There were no further speakers.

The City Council recessed at 9:00 p.m. and reconvened at 9:13 p.m.

ACTION: The motion by Mayor Pro Tem Kuperberg to deny the appeal and direct staff to bring back all documents necessary to effectuate the denial of the project, failed for lack of a second.

ACTION: The motion by Councilmember Edelston, to continue the Public Hearing to October 11, 2006, to allow for the applicant to return to Council and present modifications to the project, and direct staff to bring back draft resolutions for the adoption of the project approval or denial based on the modified project plans presented by the applicant, was seconded by Mayor Weber and approved on a roll call vote of 2-1; with Councilmember Edelston and Mayor Weber in favor, Mayor Pro Tem Kuperberg opposed, and Councilmember Koehler and Councilmember Schwarz abstaining.

COUNCIL, STAFF COMMENTS

City Attorney Steele announced that staff became aware of the fact that a dispensary for medicinal marijuana opened in the community and this type of use is not currently allowed under the City's Municipal Code. Staff is taking steps to address that particular use and recommending that the City Council adopt a temporary moratorium on the establishment of that type of use in the City, while the City takes a study on whether or not the use is legal under existing law and whether or not the City intends to permit or prohibit that type of use, and, if permitted, under what conditions. City Attorney Steele requested authorization, to place on the next Agenda, for the consideration of such temporary moratorium for the purpose of allowing staff the time to compile the information. The motion by Mayor Pro Tem Kuperberg for staff to bring the item forward for consideration on the next Agenda, was seconded by Councilmember Edelston and approved by consensus, with Councilmember Koehler and Councilmember Schwarz absent.

ADJOURNMENT

At 9:35 p.m., on a motion by Mayor Pro Tem Kuperberg, second by Councilmember Edelston, the Council, with Councilmember Koehler and Councilmember Schwarz absent, unanimously consented to adjourn the meeting to 7:00 p.m., Wednesday, September 27, 2006, 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, California.

Kimberly M. Rodrigues, CMC
City Clerk