

MINUTES
REGULAR MEETING – VIDEO CONFERENCE
AGOURA HILLS CITY COUNCIL
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
Wednesday, September 8, 2021
6:00 p.m.

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

The Pledge of Allegiance was led by Mayor Pro Tem Lopez.

Present were: Mayor Denis Weber, Mayor Pro Tem Deborah Klein Lopez, Councilmember Chris Anstead, Councilmember Illece Buckley Weber, and Councilmember Linda L. Northrup.

Also Present were: City Manager Nathan Hamburger, City Attorney Candice K. Lee, Assistant City Manager Ramiro Adeva, Deputy City Manager Louis Celaya, Community Development Director Denice Thomas, Assistant Planning Director Allison Cook, Planning Consultant Karen Warner, Acting City Engineer Charmaine Yambao, Finance Manager Melinda Brodsky, Director of Community Services Amy Brink, Administrative Analyst John Treichler, Executive Assistant Amber Victoria, and City Clerk Kimberly M. Rodrigues.

REPORT OF CLOSED SESSION

No Closed Session was held.

APPROVAL OF AGENDA

ACTION: Councilmember Buckley Weber moved to approve the Agenda, as presented. Mayor Pro Tem Lopez seconded. The motion carried 5-0, by the following roll call vote:

AYES: Mayor Weber, Mayor Pro Tem Lopez, and Councilmembers Anstead, Buckley Weber, and Northrup.

NOES: None.

ABSENT: None.

PRESENTATIONS

There were no presentations.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS

There were no reports.

PUBLIC COMMENTS

Written public comments were received by email and forwarded to the City Council prior to the meeting by the following person(s):

Heather Robinson, Agoura Hills
Larry Brown, Agoura Hills
Bobby Catania, Agoura Hills, representing Infinity Real Estate Services

CONSENT CALENDAR

There were no public comments.

ACTION: Councilmember Buckley Weber moved to approve Consent Calendar Item Nos. 1-6, as presented. Councilmember Northrup seconded. The motion carried 5-0, by the following roll call vote:

AYES: Mayor Weber, Mayor Pro Tem Lopez, and Councilmembers Anstead, Buckley Weber, and Northrup.

NOES: None.

ABSENT: None.

1. Approve Demand Warrant Register No. 857
2. Approve Award of Agreement for Consultant Services, with Kimley-Horn and Associates, Inc., for the Preparation of a Local Roadway Safety Plan
3. Approve Second Amendment to Agreement for Consultant Services, with Kimley-Horn and Associates, Inc., for Additional Engineering Design Services for the Kanan Road/Agoura Road Ultimate Intersection Improvements Project
4. Approve Agreements for Wireless Telecommunications Consultant Services, with Telecom Law Firm, P.C., for 1) Non-City-Initiated (Reimbursable) Projects, and, 2) City-Initiated (Non-Reimbursable) Projects
5. Approve Notice of Completion for Fiscal Year 2021-22 Annual Concrete Repair Project; NIB 18-05(4)
6. Adopt **Resolution No. 21-1985**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ESTABLISHING THE CLASSIFICATIONS OF MANAGEMENT ANALYST AND PLAN CHECKER, INCLUDING SALARY RANGES FOR BOTH POSITIONS

PUBLIC HEARING / APPEAL

7. Conduct a De Novo Public Hearing to Consider the Appeal of the Agoura Hills Planning Commission's Denial of The AVE Project, Located at the Southeast Corner of Agoura and Kanan Roads (AIN 2061-031-020) (Case Nos. ADVP-01161 and VTTM 73881), and Adoption of **Resolution No. 21-1986**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, DENYING AGOURA VILLAGE DEVELOPMENT PERMIT NO. AVDP-1161-2015 AND VESTING TENTATIVE TRACT MAP NO. 73881 FOR THE DEVELOPMENT OF THE MIXED-USE RESIDENTIAL AND COMMERCIAL AVE PROJECT AT THE SOUTHEAST CORNER OF AGOURA AND KANAN ROADS AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (*California Commercial Investment Companies (CCI), Applicant/Appellant*)

Mayor Weber opened the Public Hearing at 6:08 p.m.

City Attorney Lee made the following announcement: *"Good evening Honorable Mayor and Members of the Council. I'd like to provide a summary of the framework of the proceedings this evening to assist the Council and give the public an idea of what to expect this evening. First off, the City Council will hold a "De Novo" Public Hearing on The AVE project this evening. In the City of Agoura Hills, all appeals of Planning Commission decisions are heard "De Novo" at the City Council level. A "De Novo" land use hearing is a completely new hearing where the City Council can take a fresh look at a project and is not limited to issues raised in the appeal application. This allows the Council to look at all the components or individual entitlements for a project and make a decision on the project as a whole. The Council need not give any particular deference to the Planning Commission or what they decided. And, the Council may consider what the Planning Commission thought about this project, but the Council is not bound to follow the Planning Commission's decision. Next, I'd like to summarize the order of proceedings for the hearing this evening. So, the Mayor has already opened the Public Hearing, thank you, Mayor. And, after that, we will have the staff report and then we will have City Council questions of staff. At that time, the Council should avoid commenting on the project and just stick to questions of staff. Next will be Council disclosure of ex parte communications as this is a quasi-judicial proceeding, if Councilmembers have received relevant information about this matter outside the public hearing, they should publicly announce the information obtained and before testimony begins. After that, the Applicant will have 15 minutes to present their case and then the Council will have the opportunity to ask the Applicant questions. Next, we will move to the public comment portion of the public hearing. As is the custom of this City Council, each speaker will have three minutes to speak and the Council may feel free to ask questions of the public as well. Next, we will move to Applicant's rebuttal and they will receive five minutes and then we will have a last call for Council questions and Council must conclude their questions prior to the close of the Public Hearing. Then the Mayor will close the Public Hearing and then the Council will discuss and deliberate on the project. And, during deliberation this is the time it would be appropriate for the Council to explain why they can or cannot make certain*

findings required for the project. And, at this time, I will defer to staff for their staff presentation. Thank you, Mayor.”

Following presentation of the staff report and a question and answer period of staff, Mayor Weber announced this was the time for the City Councilmembers to disclose any ex parte communications.

- Councilmember Anstead disclosed that he had not had any discussions with the Applicant other than when he was first elected to Council and “*he had met with the group to understand what their project was.*”
- Councilmember Buckley Weber disclosed: when she was first elected, she met with the Applicant’s team once or twice in 2012-13 and did not recall if it is the same team or if the same plan that is being reviewed today; she had met with Brad Rosenheim in 2016-17; she had run into Mr. Mellman, but they had not spoken about the project; and, she had met with Steve Hess several times over the years and “Ray” and they had shared their concerns with her about traffic impacts, the Woolsey Fire, and evacuation routes.
- Councilmember Northrup disclosed: in the time that she has been on the Council since 2015, she had encountered members of the Applicant team at various events and she could not remember any specific conversations about anything of substance; her participation on the Land Use / Economic Development Subcommittee and Agoura Village Policy committee were all matters of public record and were open to the public; she had a meeting with staff before this presentation to go through the materials and get some questions answered; all the written public comments, including the document submitted by the Applicant, were reviewed by her and are part of the public record; and, she had reviewed the Planning Commission meeting and reports, which are also part of the public record.
- Mayor Pro Tem Lopez disclosed: after being elected, she was invited to meet with two members of CCI in early 2019 for general discussions about the project; she had met up with Brad Rosenheim and Mr. Mellman at events, but did not have any conversations specific to their projects; she had conversations with staff to receive clarifications; and, over the years, she had met with community members, including Steve Hess, regarding very general concerns that were not project specific.
- Mayor Weber disclosed that he had met and had conversations with the principals on/off over the years and had also met with Brad Rosenheim, but could not recall if it was about the project.

The following person spoke on behalf of the Applicant:

Dave Rand, Armbruster Goldsmith & Delvac, LLP, representing the Applicant (*requested additional time*)

The City Council recessed at 8:05 p.m. and reconvened at 8:20 p.m.

Following a question and answer period with the Applicant's representative, Mayor Weber opened the floor for public comments.

Public comments were received by email and forwarded to the City Council prior to the meeting by the following person(s):

Larry Brown, Agoura Hills (3)
Kathi and George Colman, Agoura Hills
Joanne Ventresca, Agoura Hills (3)
Patricia Rasmussen
Mike Monteleone
Dave Rand, Armbruster Goldsmith & Delvac, LLP, representing the
Applicant, California Commercial Investment Group (CCI)
Paul Edelman, on behalf of Mountains Recreation and Conservation
Authority (MRCA) Chairperson George Lange
Alyse M. Lazar, Thousand Oaks, representing Save Open Space, Santa
Monica Mountains
Cristina Lopez
Steve Littlejohn, Agoura Hills
Steve Hess, Cornell, representing Save the Agoura Cornell Knoll (STACK)
Wendy Wright
Mike Simmons
Angela Chodorow, Agoura Hills
Rae Greulich, Agoura Hills, representing PRISMM
Jess Thomas, Agoura Hills

There being no further public comments, including any live testimony via Zoom, Mayor Weber invited the Applicant to present their rebuttal and the following person spoke on behalf of the Applicant:

Dave Rand, Armbruster Goldsmith & Delvac, LLP, representing the
Applicant

There being no further questions, Mayor Weber closed the Public Hearing at 8:59 p.m.

MOTION: Following deliberation, Councilmember Anstead moved to deny the appeal. Councilmember Buckley Weber seconded.

City Attorney Lee recommended the motion be amended to deny the project and adopt Resolution No. 21-1986.

ACTION: Councilmember Northrup moved to amend the motion to deny the project and adopt Resolution No. 21-1986. Councilmember Buckley Weber seconded the motion, with the amendment. The motion carried 4-0 by the following roll call vote:

AYES: Mayor Pro Tem Lopez, and Councilmembers Anstead, Buckley Weber, and Northrup.

NOES: Mayor Weber.

ABSENT: None.

PUBLIC HEARING

8. Conduct a Public Hearing Regarding the Sixth Cycle Housing Element 2021-2029 – Update of Identification of Potential Housing Sites and Actions to Meet the Regional Housing Needs Allocation (RHNA)

Following presentation of the staff report, **the City Council recessed at 9:56 p.m. and reconvened at 10:10 p.m.**

Following discussion, Mayor Weber opened the Public Hearing at 10:40 p.m.

Public comments were received by email and forwarded to the City Council prior to the meeting by the following person(s):

David Brody, President of Dale Poe Real Estate Group, representing
Agoura Business Center North, LLC
William and Joan Margolin, Agoura Hills
David Walusis and Claudia Zieve, Agoura Hills
Brad Rosenheim, Agoura Hills, representing Rosenheim & Associates,
Inc. (2)
Mary Wiesbrock, Agoura Hills, representing Save Open Space, Santa
Monica Mountains
Joan Yacovone, Agoura Hills
Cristina Lopez
Steve Hess, Cornell, representing Save the Agoura Cornell Knoll (STACK)
Snowy Dodson, representing the Los Angeles/Santa Monica Mountains
Chapter – California Native Plant Society
Beatrice Elliott, Agoura Hills
Brian R. Poliquin, representing pk:architecture
Angela Chodorow, Agoura Hills
Rae Gruelich, Agoura Hills, representing PRISMM

The following person(s) provided live testimony (via Zoom):

William Margolin, Agoura Hills
David Brody, Agoura Hills
Brad Rosenheim, Agoura Hills

There being no further public speakers, Mayor Weber closed the Public Hearing at 10:52 p.m.

ACTION: Following deliberation, Mayor Pro Tem Lopez moved to provide direction to staff on the proposed housing site inventory, re-zoning program, and design development objective standards outline to meet the City's RHNA and Housing Element requirements and remove Sites 38 and 10. Councilmember Anstead seconded. The motion carried 5-0, by the following roll call vote:

AYES: Mayor Weber, Mayor Pro Tem Lopez, and Councilmembers Anstead, Buckley Weber, and Northrup.

NOES: None.

ABSENT: None.

COUNCIL, STAFF COMMENTS

Councilmember Northrup encouraged everybody, after they were done with the Creek Cleanup on September 18th, to head over to the Conejo Creek Park for the annual Relay for Life, noting that she was honored to be giving some comments and participating at the event and that she was *“really happy to be a survivor and going out to support other people.”*

Councilmember Buckley Weber spoke about and encouraged everyone to get out to vote.

Mayor Weber spoke about remembering 9/11 on Saturday and stated that he hoped that *“none of us ever, ever, forget what happened that day.”*

ADJOURNMENT

Mayor Weber announced the next Regular Meeting of the City Council would be held at 6:00 p.m., Wednesday, September 22, 2021, in the Council Chambers of the Civic Center. It is anticipated the meetings will be held by video conference and in-person attendance by the public in the Council Chambers will not be permitted.

ACTION: At 11:22 p.m., Councilmember Anstead moved to adjourn *“in memory of everyone that we lost on 9/11.”* Councilmember Northrup seconded. The motion carried 5-0, by the following roll call vote:

AYES: Mayor Weber, Mayor Pro Tem Lopez, and Councilmembers Anstead, Buckley Weber, and Northrup.

NOES: None.

ABSENT: None.

Kimberly M. Rodrigues, MPPA, MMC
City Clerk