

MINUTES
REGULAR MEETING (IN-PERSON AND VIDEO CONFERENCE)
AGOURA HILLS CITY COUNCIL
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
Wednesday, May 25, 2022
6:00 p.m.

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

The Pledge of Allegiance was led by Councilmember Weber.

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

Also Present were: City Manager Nathan Hamburger, City Attorney Candice K. Lee, Assistant City Manager Ramiro Adeva, Deputy City Manager Louis Celaya, Administrative Analyst John Treichler, Media Analyst Ericka Diaz, Director of Public Works/City Engineer Jessica Forte, Community Development Director Denice Thomas, Associate Planner Valerie Darbouze, Director of Finance Christy Truelsen, Director of Community Services Amy Brink, and Executive Assistant/Recording Secretary Amber Victoria.

REPORT OF CLOSED SESSION

City Attorney Lee reported on the City Council Closed Session item pursuant to Government Code Section 54957. The City Council considered the item, direction was given to staff, and no reportable action was taken.

APPROVAL OF AGENDA

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

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

NOES: None.

ABSENT: None

PRESENTATIONS

There were no presentations.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORT

Greater Conejo Valley Chamber of Commerce Director of Government Affairs & Tourism, Adam Haverstock, provided a Chamber update and congratulated Councilmember Northrup on her Chamber Gala Award as Woman of the Year.

Councilmember Weber provided a Las Virgenes/Malibu Council of Governments Update.

In celebration of the City of Agoura Hills 40th Anniversary – 40 Facts for 40 Years, Mayor Lopez presented two facts about Agoura Hills including: 1) the City of Agoura Hills has had only seven City Managers over its 40 year history; 2) and Laura La Plante Drive was named after a 1920's silver screen actress who starred in over 70 films at Universal and successfully transitioned from silent films to audible cinema.

PUBLIC COMMENTS

The following person(s) provided live (in-person) testimony:

Gary Hartung, Thousand Oaks

Lieutenant Roman Foss, Calabasas, representing the Lost Hills Sheriff's Station, introduced himself and provided an update on public safety

CONSENT CALENDAR

There were no public comments.

Councilmember Buckley Weber inquired about the location of the charging stations listed in Item No. 6. City Manager Hamburger responded they would be located in the City Hall parking lot.

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

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

NOES: None.

ABSENT: None.

1. Approve Demand Warrant Register No. 872
2. Approve Agreement with Mountains Recreation and Conservation Authority for Habitat Mitigation Associated with the Agoura Road Widening Project

3. Approve Second Amendment to the Agreement for Consultant Services, with m6 Consulting, Inc., for Additional Engineering Design Services for the Palo Comado Creek Linear Park Project
4. Approve Agreement for Consultant Services, with Willdan Engineering, for Geographic Information System Services
5. Approve Agreement for Consultant Services, with Willdan Engineering, for Professional Water Quality Services
6. Approve Easement Agreement, with Southern California Edison, for the Charge Ready Vehicle Charging Station Project

PUBLIC HEARING

7. Conduct a De Novo Public Hearing to Consider an Appeal of the Planning Commission's Approval of Conditional Use Permit Case No. CUP-2021-0005 and Site Plan/Architectural Review Case No. SPR-2021-0008 to Build a Single-Family Residence at 28439 Foothill Drive, (Mustafa Bengali, Applicant and Steven Ackrich, Appellant)

Mayor Lopez opened the Public Hearing at 6:28 p.m. and deferred to City Attorney Lee for a summary of the proceedings.

City Attorney Lee made the following announcement: "Thank you, Madam Mayor. I'd like to provide a summary of the framework of the proceedings for this evening to give the Council and the public an idea of what to expect this evening. First, the Council will hold a "De Novo" Public Hearing on the 28439 Foothill Drive project. In the City of Agoura Hills, when a Planning Commission decision gets appealed, the Council will hear that appeal "De Novo" and what that means is it's a brand new hearing where the Council gets to take a fresh look at the project. The Council need not give any particular weight to the Planning Commission's decision. It may certainly consider what the Planning Commission decided, but the Council's not bound to follow the Planning Commission's decision. Next, I'd like to summarize the order of the proceedings for the hearing this evening. First, the Mayor has opened the Public Hearing, thank you. Next, we will have a staff report and then we'll have time for Council questions of staff. During Council questions, the Council should avoid commenting on the project, avoid providing opinions on the project, it really should stick to questions of staff at this point. After that, we will call for Council disclosure of ex-parte communications because this is a quasi-judicial hearing, if the Councilmembers have received relevant information outside the Public Hearing, they should publicly announce the information that they learned during the Public Hearing and before testimony begins. After that, we will move to the Applicant's presentation and will be allotted 15 minutes. Then, we will move to the Appellant's presentation and they will be allotted 15 minutes. Then we will move to the public comment portion of the Public Hearing and, as is the standard case in the City, each speaker will be allotted three (3) minutes to provide their comments after which the Council can ask questions of any one of the public. We'll then follow that time with Apellant rebuttal, that will be five (5) minutes, and that's

for the Appellant to respond to any questions or concerns brought up during the hearing and then we will allot five (5) minutes for the Applicant to have rebuttal time and then we will turn to last call for questions for the Council and the Council must conclude all questions before we enter the deliberations portion of the public hearing. The Mayor will then close the Public Hearing, the Council will deliberate, and that concludes my comments. Thank you, Madam Mayor.”

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

- Councilmember Buckley Weber disclosed that she had watched the Planning Commission meeting, drove by the project, and had spoken with staff.
- Councilmember Northrup disclosed that she had watched part of the Planning Commission meeting and had spoken with Community Development Director Thomas.
- Councilmember Weber disclosed that he had spoken with Associate Planner Darbouze, and when he drove by the Applicant’s property, *“as I stopped my car, the gentleman approached my car, and it happened to be the Appellant, so I introduced myself and had a few words and that’s basically all we talked about, no other discussion.”*
- Mayor Pro Tem Anstead had no ex parte communications to disclose.
- Mayor Lopez disclosed that she had watched the Planning Commission meeting, drove by the property, and had spoken with City Manager Hamburger.

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

Matt Steele and Jane Kim, Los Angeles, Architecture JHK, representing the Applicant, provided a presentation, noted two minor adjustments, and requested the approval of Option 1 with the new adjustments

Mustafa Bengali, Westlake Village, Applicant

Following a question and answer period with the Applicant’s representatives, Mayor Lopez moved on to the Appellant.

The following person spoke on behalf of the Appellant:

Steven Ackrich, Agoura Hills, Appellant

Following a question and answer period with the Appellant, Mayor Lopez called for a five-minute break.

The City Council recessed at 7:26 p.m. and reconvened at 7:31 p.m.

Following the break, Mayor Lopez opened the floor for public comments.

There were no public comments.

Mayor Lopez invited the Appellant to present their rebuttal; there were no further comments from the Appellant.

Mayor Lopez invited the Applicant to present their rebuttal and the following persons spoke on behalf of the Applicant:

Mustafa Bengali, Westlake Village, Applicant, reported that he and the Appellant had spoken during the break regarding the privacy and safety issues.

Matt Steele and Jane Kim, Los Angeles, Architecture JHK, representing the Applicant, proposed the City Council approve Option 1 with the minor adjustments of the solid screening be allowed to be obscuring, but perforated, and moving the hedge down to the area of concern.

There being no further questions from the City Council, Mayor Lopez closed the Public Hearing at 7:46 p.m.

City Attorney Lee requested the Applicant confirm, on the record, that they are prepared to submit a revised site plan and a revised landscape plan to show the location of the new screened perforated fence within ten (10) business days. Mr. Steele confirmed, on behalf of the Applicant, the documentation would be provided.

ACTION: Following discussion, Councilmember Northrup moved that *“the Applicant shall maintain the screened fence, with permeability to account for winds, as shown on the architectural plans, in perpetuity to protect the privacy of the adjacent neighbor.”*

ACTION: Councilmember Northrup further moved, *“that the City Council uphold the Planning Commission’s decision, reject the appeal, and adopt a resolution of approval, Resolution No. 22-2006, with the attached conditions, as submitted by staff, including revised Condition No. 87, using the language I just read into the record.”* Councilmember Buckley Weber seconded. The motion carried 5-0, by the following roll call vote:

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

NOES: None.

ABSENT: None.

DISCUSSION / ACTION

8. Status Update and Discussion on Assembly Bill 1944 and Assembly Bill 2449 Regarding Proposed Amendments to the Brown Act for Teleconference Meetings

Following presentation of the staff report, Mayor Lopez opened the floor for public comment.

There were no public comments.

Following discussion, feedback was provided to staff by the City Council.

No formal action was taken or required on this item.

COUNCIL, STAFF COMMENTS

Mayor Pro Tem Anstead reminded everyone Memorial Day was next Monday and “*to honor the people that gave the ultimate sacrifice for our country.*”

Mayor Lopez announced the adjournment of the meeting “*in memories of the victims of yesterday’s mass murder at a Texas elementary school and I request this with full knowledge that an ‘adjourn in memory’ is not an adequate response to this tragedy. Thoughts and prayers are also wildly inadequate. And, while I do pray for these families, I pray that the deaths of their children and their teachers are not in vain. I pray that these senseless deaths, and those before them, add a weight to the shoulders of our leaders that make it too heavy to bear. I pray that our national leaders, the ones who are holding up sensible reform on gun laws that the vast majority of Americans want, somehow, now, despite decades of inaction, find a shred of courage, a shred of humanity, and a shred of strength to stand up and do the right thing for justice for these families. And, so, with those prayers, with the call to action, I ask to adjourn this meeting in honor of the innocent lives lost yesterday, and I will defer to other Councilmembers who want to add any additional comments before we make that motion.*”

Councilmember Buckley Weber announced that she was involved with the Ventura County Chapter of BRADY Against Gun Violence and reported on several bills that have passed in the Senate and are heading to the Assembly, including SB 915, prohibiting the sale of firearms and ammunition on State property, and SB 1384, that strengthens gun dealer training standards and oversight in California, and encouraged anyone who wanted to do something and make a difference to contact the Chapter.

Mayor Pro Tem Anstead expressed his personal thoughts and hoped that “*both sides can get together to come up with solutions for this problem.*”

Councilmember Weber expressed his personal thoughts, sharing a story about the Borderline shootings, and stated that he prayed for everyone and hoped this would never happen again.

Councilmember Northrup shared that she was a survivor of gun violence and stated that she also prayed for the thousands of people's lives that are forever changed, committed to *"call and write letters to every single member of our Federal legislature,"* and encouraged this be a call to action for people to get involved and write one letter or make one phone call to make a difference *"so we can put a stop to this."*

Mayor Lopez noted that the meeting could not be ended without acknowledging this terrible tragedy, the State of California has done a lot to do what it can for sensible gun controls and *"we all need to advocate at the Federal level for reasonable controls."*

ADJOURNMENT

Mayor Lopez announced the Special Meeting of the City Council Budget Workshop would be held at 4:00 p.m., followed by the Regular Meeting of the City Council at 6:00 p.m., on Wednesday, June 8, 2022, in the Council Chambers of the Civic Center. It is anticipated that members of the public will have the opportunity to participate in-person in the Council Chambers or by remote video conferencing (Zoom).

ACTION: At 9:12 p.m., Councilmember Buckley Weber moved to adjourn the meeting *"in memory of the children that died in yesterday's mass murder, along with their teachers."* Mayor Pro Tem Anstead seconded. The motion carried 5-0, by the following roll call vote:

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

NOES: None.

ABSENT: None.