

MINUTES
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
Wednesday, January 24, 2024
6:00 p.m.

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

The Pledge of Allegiance was led by Councilmember Wolf.

Present were: Mayor Illece Buckley Weber, Mayor Pro Tem Sylvester, Councilmember Chris Anstead, Councilmember Deborah Klein Lopez, and Councilmember Jeremy Wolf.

Also Present were: City Manager Nathan Hamburger, City Attorney Candice K. Lee, Assistant City Manager Ramiro Adeva, Deputy City Manager Louis Celaya, Management Analyst Amber Victoria, Executive Assistant Michele Hubbs, Director of Community Development Denice Thomas, Principal Planner Robby Nesovic, Planning Consultant Adam Probolsky, Director of Public Works/City Engineer Jessica Forte, Director of Finance Diego Ibañez, Finance Manager Brenda Cho, Director of Community Services Amy Brink, Recreation Manager Nick Newkirk, Management Analyst Stephanie Pozos, and City Clerk Kimberly M. Rodrigues.

REPORT OF CLOSED SESSION

City Attorney Lee reported on the two City Council Closed Session items pursuant to Government Code Sections 54956.9 (*Paragraph (1) of Subdivision (d)*) and 54956.8. The City Council considered the items, no reportable action was taken and direction was given to staff.

APPROVAL OF AGENDA

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

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

PRESENTATIONS

There were no presentations.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS

Mayor Pro Tem Sylvester provided a Las Virgenes/Malibu Council of Governments Update.

Mayor Buckley Weber announced the Santa Monica Mountains Conservancy Advisory Committee meeting was canceled and she would report back next month.

PUBLIC COMMENTS

There were no public comments.

CONSENT CALENDAR

There were no public comments.

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

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

1. Approve Minutes of the Regular City Council Meeting of January 10, 2024
2. Approve Demand Warrant Register No. 905
3. Approve Treasurer's Report for November 2023
4. Approve Notice of Completion for the Fiscal Year 2023-24 Pavement Rehabilitation Project; NIB 23-01
5. Approve Agreement for Contractor Services, with Avidex Industries, LLC, for Purchase of Audio/Visual Equipment for the Agoura Hills Recreation and Event Center
6. Approve Agreement for Contractor Services, with Spare Labs, Inc., for Enhanced Transportation Services – Dial-A-Ride

CONTINUED PUBLIC HEARING / APPEAL

7. Conduct a Continued Public Hearing to Consider the Agoura Hills Planning Commission's Denial of Conditional Use Permit Case No. CUP-01533-2018 and Oak Tree Permit Case No. OAK-01534-2018 for 28340 Balkins Drive (AIN 2055-021-044), a Request to Construct a 4,180 Square-Foot, Two-Story, Single-Family Residence and a 730 Square-Foot Attached Garage (*Arvind Aurora, Applicant/Appellant*) *Continued from August 12, 2020*

Mayor Buckley Weber deferred to Councilmember Wolf who announced he would be recusing himself from the Public Hearing, as he had heard the item as a former Planning Commissioner, and exited the Council Chambers at 6:09 p.m.

Mayor Buckley Weber opened the Public Hearing at 6:10 p.m.

Mayor Buckley Weber deferred to Mayor Pro Tem Sylvester who announced that she was not on the City Council when the item was first heard on August 12, 2020, and reported that she had *"watched the recording of City Council and I am up-to-date on everything that happened on that evening."*

City Attorney Lee made the following announcement: *"Thank you, Honorable Mayor. I thought it would be helpful to provide a summary of the framework of the proceedings for this evening to assist the Council and also to give the public an idea of what to expect this evening. First, the Council will hold what is called a "De Novo" Public Hearing, it's actually a continued "De Novo" Public Hearing. As you recall, the first hearing was held on August 12, 2020. In the City of Agoura Hills, all appeals of Planning Commission decisions are heard "De Novo" at the Council level. So, what does "De Novo" mean? It's, basically, a completely new hearing where the City Council takes a fresh look at a project and is not limited to the issues raised in an appeal application. This allows the Council to look at the project as a whole and look at all the components of the project. The Council need not give any particular weight or deference to the Planning Commission's decision. It certainly may consider what the Planning Commission decided or thought about the project, but, the City Council is not bound to follow Planning Commission's decision. Next, I'd like to summarize the order of the proceedings for the hearing this evening. The Mayor has already opened the Public Hearing, thank you. Next, we will have the staff report and then, City Council questions of staff. And, at this time, the Council should avoid commenting on the project, how they feel about it, their opinions, it is really, strictly, questions of staff about the project. Next will be Council disclosure of ex parte communications. Since this is a quasi-judicial matter, where the Council is, basically, sitting as a judge on this particular project. If the Councilmembers have received any relevant information about this matter outside the Public Hearing, they should publicly announce that to the public. Any particular information they obtained and before testimony begins. Next we will have the Applicant/Appellant's presentation; they will be given 15 minutes and then the Council will have an opportunity to ask the Applicant any questions. We will then move forward to the public comment portion of the Public Hearing. As the Mayor announced previously, each speaker will have three minutes to speak and cannot transfer their time to*

another speaker. Again, Council may ask questions of the public during public comment. Then we will turn to the Applicant's rebuttal, they will get five minutes for rebuttal. Then a last call for Council questions and, as a friendly reminder, the Council should conclude all questions prior to the close of the Public Hearing. Then the Mayor will close the Public Hearing and we will turn to Council discussion and deliberation. Also, as a friendly reminder, during deliberation it would be appropriate for the Council to explain why they can or cannot make the findings required to be made for all the entitlements as part of the project so that staff can prepare a resolution of approval or a denial based on Council's direction. At the conclusion of this hearing, the idea is that the Council would give direction to staff. They close the Public Hearing, they give direction to staff whether to move forward with the resolution of approval of the project or resolution of denial of the project. And, that concludes my summary. Thank you Mayor."

Following presentation of the staff report, Mayor Buckley Weber inquired if any Councilmember had any ex parte communications to disclose.

- Councilmember Lopez disclosed that she had formerly visited the site with the last hearing, had watched the City Council meeting (video) from August 2020, and did not need to revisit the site.
- Councilmember Anstead disclosed that he had visited the site prior to the last hearing and this hearing, had not spoken with the owner, and had spoken with City staff.
- Mayor Pro Tem Sylvester disclosed she had visited the site and spoken with staff.
- Mayor Buckley Weber disclosed that she had watched the Planning Commission Meetings of June 2, and June 18, 2020, and the City Council Meeting of August 12, 2020, and had visited the property in 2020 and prior to today's meeting.

Following a question and answer period with staff, Mayor Pro Tem Buckley Weber opened the floor for public testimony from the Applicant/Appellant.

The following person spoke on behalf of the Applicant/Appellant:

Arvind Aurora, Applicant/Appellant

Following a question and answer period with the Applicant/Appellant, Mayor Buckley Weber opened the floor for public comments.

Following distribution of the Agenda Packet, and prior to the City Council Meeting, written correspondence was received from the following persons (listed in the order received), forwarded to the City Council, and made available for public review.

*Donald Walt and Pamela Knuth Chandler, Agoura Hills (2)
Maayan and Adi McAbian, Agoura Hills
David Sack, Agoura Hills*

Russ and Andrea Diamond, Agoura Hills
Karen Marriott, Agoura Hills
Jon Levin, Agoura Hills
Brant Turner, Agoura Hills
Laurie Turner Agoura Hills
Mr. and Mrs. Dark, Agoura Hills
Howard Stutz, Agoura Hills
Tim Feehan, Agoura Hills
Amy Blatt, Agoura Hills

The following person(s) spoke:

Brant Turner, Agoura Hills
Jon Levin, Agoura
Michael Papanicolaou, Agoura
David Sack, Agoura

There being no further public comment, Mayor Buckley Weber invited the Applicant/Appellant to present his rebuttal.

Arvind Aurora, Applicant/Appellant

Mayor Buckley Weber requested information from staff related to when the Old Agoura Overlay and the Hillside Ordinance came into effect.

The City Council recessed at 7:31 p.m., to afford staff the opportunity to gather the information requested, and reconvened at 7:38 p.m.

Following the break, staff reported back that Ordinance No. 92-211 was adopted in 1992 and established the Old Agoura Overlay, and Ordinance No. 45 was adopted on December 7, 1983, and established the Hillside Grading Ordinance.

There being no public comments or further questions of staff or the Applicant/Appellant by the City Council, Mayor Buckley Weber closed the Public Hearing at 7:39 p.m.

During deliberations, the City Council did not reach consensus. Following further discussion, Mayor Buckley Weber reopened the Public Hearing at 8:13 p.m. to ask further questions of the Applicant/Appellant.

Following a question and answer period with the Applicant/Appellant, Mayor Buckley Weber closed the Public Hearing at 8:23 p.m.

Mayor Buckley Weber noted the City Council tried to come up with some sort of consensus and recommended *“we ask staff to bring back a resolution reflecting our inability for the City Council to approve or reach consensus.”*

City Attorney Lee recommended the City Council “*make a motion one way or the other*” so there is something reflecting there is not consensus and then the Council could take the next step(s).

Councilmember Lopez inquired, if the Applicant/Appellant would be open to a continuance, if the City Council were able to continue the Public Hearing one more time. City Attorney Lee affirmed that the City Council could have another Public Hearing if staff and the Applicant/Appellant were amenable to that option.

Mayor Buckley Weber inquired if staff was amenable and staff affirmed they would work with the Applicant/Appellant and bring something back for Council consideration.

Upon further deliberations, Mayor Buckley Weber re-opened the Public Hearing at 8:29 p.m. for further discussion with the Applicant/Appellant to see if he was amenable to a short continuance to work with staff and his architect and bring the project back for consideration. The Applicant/Appellant was amenable to a continuance.

Mayor Buckley Weber also suggested to the Applicant/Appellant that if the Old Agoura Homeowners Association approves the new design to include that information (letter) in the record with his presentation to the City Council.

Following a question and answer period with the Applicant/Appellant, Mayor Buckley Weber inquired of staff if they were clear about the findings that could not be made and staff affirmed. She then inquired if the Applicant/Appellant was open to a continuance and recommended a six-month continuance to which the Applicant/Appellant and City Council concurred.

MOTION: Mayor Buckley Weber called for a motion to continue the Public Hearing to consider the Agoura Hills Planning Commission’s denial of Conditional Use Permit Case No. CUP-01533-2018 and Oak Tree Permit Case No. OAK-01534-2018 for 28340 Balkins Drive (AIN 2055-021-044), a request to construct a 4,180 square-foot, two-story, single-family residence and a 730 square-foot attached garage.

City Attorney Lee flagged the issue that six months from now the City Council did not have a second meeting in July and inquired, as part of their recommendation, if the City Council wanted to continue the open Public Hearing off calendar to be re-noticed for a date within six months.

Mayor Buckley Weber suggested extending the open Public Hearing to the first meeting in August.

City Attorney Lee suggested, as part of the City Council’s recommendation, to include: “*to continue the open Public Hearing off calendar to be re-noticed for a continued Public Hearing no later than the first meeting in August, 2024.*”

ACTION: Mayor Pro Tem Sylvester moved to approve the recommendation to continue the open Public Hearing, as amended. Councilmember Lopez seconded. The motion carried 4-0, by the following roll call vote:

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

NOES: None.

ABSTAIN: Councilmember Wolf.

ABSENT: None.

Councilmember Wolf returned to the Council dais at 8:39 p.m.

DISCUSSION / ACTION

8. Discussion Regarding Commercial Cannabis Survey Results

Following a presentation from Planning Consultant Adam Probolsky, and a question and answer period, Mayor Buckley Weber opened the floor for public comments.

The following person spoke:

Captain Jennifer Seetoo, representing the Lost Hills Sheriff's Station

Following deliberations, feedback and direction were provided to staff to bring this item to the (Budget) Goal Setting Workshop in 2025 for Council consideration.

Mayor Buckley Weber called for a motion to receive and file the survey results.

ACTION: Councilmember Lopez moved to approve the staff recommendation. Councilmember Anstead seconded. The motion carried 5-0, by the following roll call vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

9. Discussion Regarding Land Acknowledgement Statement

Following presentation of the staff report, and a question and answer period with staff, Mayor Buckley Weber opened the floor for public comments. There were no public comments.

Following deliberations, including feedback and direction from the City Council, Mayor Buckley Weber called for a motion and second to approve the staff recommendation, including working collaboratively with the local indigenous and

native groups on the land acknowledgement statement, and bring back information for City Council consideration.

ACTION: Mayor Pro Tem Sylvester moved to approve the staff recommendation. Councilmember Lopez seconded. The motion carried 5-0, by the following roll call vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

COUNCIL, STAFF COMMENTS

Mayor Pro Tem Sylvester and Councilmember Wolf thanked staff for their time and guidance with the 2024 Greater Los Angeles Homeless Count.

ADJOURNMENT

At 9:29 p.m., Mayor Buckley Weber announced the next Regular City Council Meeting would be held at 6:00 p.m. on Wednesday, February 14, 2024, in the Council Chambers of the Civic Center and adjourned the meeting.

Kimberly M. Rodrigues, MPPC, MMC
City Clerk