

MINUTES
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
Wednesday, April 10, 2024
6:00 p.m.

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

Mayor Buckley Weber announced the Land Acknowledgement.

The Pledge of Allegiance was led by Cub Scout Pack 227.

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

Also Present were: City Manager Nathan Hamburger, City Attorney Candice K. Lee, City Prosecutor Eric Markus, Deputy City Manager Louis Celaya, Executive Assistant Michele Hubbs, Director of Community Development Denice Thomas, Senior Code Compliance Officer Trinece Bandy, Director of Public Works/City Engineer Jessica Forte, Director of Finance Diego Ibañez, Finance Manager Brenda Cho, and City Clerk Kimberly M. Rodrigues.

REPORT OF CLOSED SESSION

No Closed Session was held.

APPROVAL OF AGENDA

ACTION: Councilmember Lopez moved to approve the Agenda, as presented. Mayor Pro Tem Sylvester 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

Mayor Buckley Weber presented a Certificate of Recognition, honoring the Santa Monica Mountains Fund as Business of the Month, to Executive Director Deanna Armbruster.

Mayor Buckley Weber presented a Proclamation, declaring April 19, 2024, as Education and Sharing Day, to Rabbi Moshe Bryski.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS

Mayor Buckley Weber announced: “as we continue to celebrate our National Heritage Months, this month the City of Agoura Hills celebrates Earth Month. April is the month where we raise environmental awareness and create consciousness around issues that affect our community like the environment. This year, the City will be celebrating Earth Day, which falls on April 22nd each year, with two events – the first will be **Arbor Day**. The City will be hosting children from Mariposa Elementary School at Sumac Park, to participate in planting a tree in the park. For the second event, the City is gearing up for a robust **Community Service Days** on Saturday, May 4th. This event hosts hundreds of volunteers who come out to clean up the parks, paint fences, pick up trash, clean the creeks, and take part in a host of other projects geared towards City beautification,” and encouraged residents to sign up on the City’s website.

Agoura Library Manager Nina Hull provided an Agoura Hills Library Quarterly Update.

Director of Operations Josh Gray provided a Conejo Valley Tourism Improvement District Update.

Mayor Buckley Weber provided a Santa Monica Mountains Conservancy Advisory Committee Update.

PUBLIC COMMENTS

Following distribution of the Agenda Packet, and prior to the City Council meeting, written correspondence was received from the following person, forwarded to the City Council, and made available for public review.

Carolyn Trocino, Agoura Hills, representing Poison Free Agoura

The following person(s) spoke:

Sherry Ferber, Agoura Hills

Carolyn Trocino, Agoura Hills, representing Poison Free Agoura

CONSENT CALENDAR

There were no public comments.

ACTION: Mayor Pro Tem Sylvester moved to approve Consent Calendar Item Nos. 1-3, 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 March 27, 2024
2. Approve Demand Warrant Register No. 910
3. Approve Authorization to Purchase Soil Products from Agromin

PUBLIC HEARING

4. Conduct a Public Hearing to Consider the Adoption of **Resolution No. 24-2060**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, REVOKING BUSINESS LICENSE NUMBER 006982 (NEW ERA PERFORMANCE AND TUNING, LLC), PURSUANT TO § 6819 OF THE AGOURA HILLS MUNICIPAL CODE AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Mayor Buckley Weber announced: *“I will now open the Public Hearing (6:34 p.m.) to consider the revocation of Business License No. 006982 for New Era Performance and Tuning, LLC for violations of the Agoura Hills Municipal Code and other applicable laws and regulations. Madam City Clerk, has the Business Owner been duly noticed of this hearing?”*

City Clerk Rodrigues responded: *“Yes, City staff notified the Business Owner of tonight’s Public Hearing by postcard on March 27, 2024, and by United States Postal Service, Certified Mail, on March 29, 2024, and it was signed for on April 1, 2024.”*

Mayor Buckley Weber announced: *“Thank you. I just want to confirm, I’m seeing people in the room, is the Business Owner here (Business Owner acknowledged presence). Thank you. City staff and the City Prosecutor have the burden of proof by the preponderance of the evidence. This means the evidence demonstrates that the proposition is more likely true than not true. Please note that the formal rules of evidence and procedure do not apply to this hearing. However, the Mayor, in consultation with the City Attorney, will make rulings on objections and evidence. Irrelevant and/or unduly repetitious evidence shall be excluded. The City Council reserves the right to allow evidence and consider the weight of the evidence during deliberations. There are no official time limits on staff’s or the Business Owner’s presentation, but we ask that the testimony not be redundant. Could all legal counsel for City staff, the Business Owner, and the City Council state their appearances for the record. Is there legal counsel for anybody here?”*

Mayor Buckley Weber requested all legal counsel for City staff, the Business Owner, and the City Council state their appearances for the record. City Prosecutor Eric Markus stated he would *“be representing (City of Agoura Hills) staff this evening”* and City Attorney Candice Lee stated she would *“be serving as legal counsel to the City Council*

in their capacity as fact finder and decision maker this evening. There was no announcement from the Business Owner.

Mayor Buckley Weber inquired if the business owner and legal counsel reached any stipulations as to facts and/or evidence. City Prosecutor Markus reported there was no communication with the Business Owner.

City Attorney Lee made the following announcement: *“Any Exhibits submitted by staff’s Counsel will be identified sequential letters (i.e., A, B, C, etc.) and any Exhibits submitted by Business Owner’s Counsel will be identified by sequential numbers (i.e., 1, 2, 3, etc.) All identified and relevant exhibits will be deemed admitted into evidence absent a sustained objection. I also want to note that the Council should disregard the resolution that was included in the agenda packet. The resolution was included as a matter of habit. The Council should listen to and consider the evidence presented during the public hearing and make its decision and base its findings solely on the evidence presented in the record this evening. I’d also like to remind the Council to ensure that they ask all their questions prior to deliberation to ensure that any information and evidence you rely upon is part of the official record. If you ask any questions during deliberation, we will have to reopen the public hearing, which may further prolong the process. We can then prepare a new resolution per Council’s direction.”*

In regards to any ex parte communications, Mayor Buckley Weber disclosed that she *“drove by the business to check out the location today and did not discuss it with anyone.”* There were no further ex parte communications from the City Council.

Mayor Buckley Weber deferred to City staff and the City Prosecutor for their presentation.

At this time the Business Owner’s representative, Francis Stewart, interjected and requested a continuance, based on the letter the Business Owner received on April 1, 2024. Mr. Stewart indicated that the Business Owner, Mr. Alexander Esparza, *“only received the actual link for the documentation today,”* and *“we need time to review it, to be able to produce, exhibits and evidence to rebut this information.”*

Candice - see below for what he actually stated. Will remove green when finalized.

Mr. Francis: *“In the letter that he (Business Owner Alexander Esparza) received, I believe it was April 1st, it says that one of the options is to seek a continuance. Since he only received the actual link for the documentation today, when I called Ms. Thomas and asked her where it was she said it was on the website, but the link he received in the email is inoperable. It would not open. So, she was kind enough to send me a link to the documentation. We need time to review it, to be able to produce, exhibits and evidence to rebut this information. That’s why we wanted to stop before we continued on because the letter clearly states we could seek a continuance on this matter.”*

Mr. Francis: *“I did not. We just came to this right now. That’s why I’m asking to continue this matter for Mr., Esparza so that he can provide this information since he had only just now seen this and only able to open the website as we were driving over here.”*

Mayor Buckley Weber inquired what letter he was referring to and requested he hand the letter to the City Clerk to make copies for the City Council.

The City Council recessed at 6:45 p.m. and reconvened at 6:56 p.m.

The City Clerk distributed copies of the documentation to the City Council (the documents were a copy of the Public Hearing notice that had been distributed to the Business Owner).

Mayor Buckley Weber noted the City Council did not have a second meeting in April and offered the date of May 8, 2024, for the continuance. In addition, she requested any public comments be reserved for May 8, 2024.

The Business Owner agreed with the proposed date of the continuance.

Candice - see below for what she actually stated. Will remove green when finalized.

Mayor Buckley Weber: "Okay. We don't have a second meeting in April, just so you know, we meet on the second and fourth Wednesday of the month, so, we would be look...so, we, I need to discuss with staff availability and all of that, but, just so you know, it wouldn't happen in April. This is our only meeting in April."

Mr. Francis: "That would be fine."

Mayor Buckley Weber: "Okay, we're, we're back and we were looking at all the different dates and we have such a busy calendar, so, um, I think that we decided May 8, we would continue this to May 8th, but I want you to know that's going to be a long night, just so, you know, know that, going into it just because we have a full Agenda already for May 8. We, we, will grant your request for a continuance to May 8."

ACTION: Following discussion, Councilmember Lopez moved to continue the (Open) Public Hearing to May 8, 2024. 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.

CITY COUNCIL, STAFF COMMENTS

Councilmember Lopez announced a Community Meeting on the U.S. 101 Full Closure and Detours (related to the Wildlife Crossing construction) would be held at 6:00 p.m., on Thursday, April 11, 2024, in the Community Room to address any questions or concerns from the public.

Mayor Pro Tem Sylvester announced the Conejo Valley Student Art Show would be held at 5:00 p.m. on Thursday, April 11, 2024, at Agoura Hills Recreation and Event Center.

Mayor Buckley Weber reported watching the eclipse from outside the Agoura Hills Recreation and Event Center and thanked all involved in the building of the facility, announced the Governor's Office released the "Golden State Plan to Counter Antisemitism" and recommended reading the report available on the State's website noting it serves as a reminder to all of us to *"get along with our neighbors and work together...it's all about love and getting along and trying not to have so much hate in the world...and just honor everybody, we're all the same."*

ADJOURNMENT

At 7:03 p.m., Mayor Buckley Weber announced the Regular Meeting of the City Council for April 24, 2024, had been canceled. The next Regular City Council Meeting will be held at 6:00 p.m., on Wednesday, May 8, 2024, in the Council Chambers of the Civic Center and adjourned the meeting.

Kimberly M. Rodrigues, MPPA, MMC
City Clerk

The Regular Meeting of the City Council for April 24, 2024, has been canceled.
The next Regular City Council Meeting is scheduled for May 8, 2024.