

MINUTES
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
Wednesday, August 28, 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 Mayor Pro Tem Sylvester.

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, Assistant City Manager Ramiro Adeva, Deputy City Manager Louis Celaya, Communications Manager Mary Haddad, Executive Assistant Michele Hubbs, Community Development Director Denice Thomas, Principal Planner Robby Nesovic, Associate Planner Katrina Garcia, Director of Finance Diego Ibañez, Director of Public Works/City Engineer Jessica Forte, and City Clerk Kimberly M. Rodrigues.

REPORT OF CLOSED SESSION

No Closed Session was held.

APPROVAL OF AGENDA

ACTION: Mayor Pro Tem Sylvester 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, Klein Lopez, and Wolf.

NOES: None.

ABSTAIN: None.

ABSENT: None.

PRESENTATIONS

Mayor Buckley Weber presented a Certificate of Recognition, honoring Agoura Village Bakery as Business of the Month, to Shahnám Ebrahimi.

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: Councilmember Klein Lopez 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, Klein Lopez, and Wolf.

NOES: None.

ABSTAIN: None.

ABSENT: None.

1. Approve Minutes of the Regular City Council Meeting of August 14, 2024
2. Approve Demand Warrant Register No. 917
3. Approve Treasurer's Report for June 2024
4. Approve Rejection of Bids for the Chumash Park Restroom Rehabilitation Project; NIB 24-04 and Authorize Staff to Seek Formal Bids for the Project
5. Adopt **Resolution No. 24-2080**; Adopting the 2023 Multi-Jurisdictional Hazard Mitigation Plan of the Las Virgenes-Malibu Council of Governments and Finding that the Proposed Action is Exempt from the California Environmental Quality Act
6. Approve Agreement for Contractor Services, with Bryco Plumbing, Inc., to Perform Emergency Repairs on Chumash Park Restroom

PUBLIC HEARING / APPEAL

7. Conduct a De Novo Public Hearing to Consider an Appeal (Case No. APCC-2024-0003) of the Planning Commission's Approval of Site Plan/Architectural Review Permit Case No. SPR-2022-0020 and Oak Tree Permit Case No. OAK-2022-0056

for 5066 Chesebro Road (AIN 2062-013-033), A Request to Construct a New Office Building (*Applicant: Kor-ten, LLC, Appellant: Old Agoura Homeowner's Group*)

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

City Attorney Lee made the following announcement: *"Thank you, Mayor. I thought it would be helpful to provide a summary of the framework of the proceedings this evening to assist the Council and to give the public an idea of what to expect this evening. First, the Council will hold a "De Novo" Public Hearing on the 5066 Chesebro Road Project. In the City of Agoura Hills, all appeals of the Planning Commission are heard "De Novo" at the Council level. A "De Novo" land use hearing is a completely new hearing where the City Council takes a fresh look at the project and is not limited to the 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 weight or deference to what the Planning Commission decided. The Council may consider what the Planning Commission thought about the project, but, the Council is not bound to follow Planning Commission's decision. Next, I'd like to summarize the order of proceedings for the hearing this evening. First, the Mayor has already opened the Public Hearing, thank you. Next, we will have the staff report followed by City Council questions to staff. At that time, Council should avoid commenting on the project, please do stick to questions of staff. Next will be Council disclosure of ex parte communications. As this is a quasi-judicial matter, if Councilmembers received relevant information about this matter outside the Public Hearing, they should publicly announce that information that they obtained before testimony begins. We will then move to the Applicant's presentation. They will be allotted 15 minutes and then the Council will then again have opportunity to ask questions of the Applicant. We will then move to the Appellant's presentation. They will also be allotted 15 minutes and the Council will then yet have another opportunity to ask the Appellant questions. We will then move to the public comment portion of the Public Hearing. As usual, each speaker will be allotted three minutes and Council may also ask questions of the public during public comment. We will then move to Appellant's rebuttal. The Appellant will receive five minutes and that's for the Appellant to respond to any questions or concerns brought up during public comment and then we will move to Applicant's rebuttal, they will also receive five minutes. And then we will have a last call for Council questions. The Council must conclude questions prior to the close of the Public Hearing. Then the Mayor will close the Public Hearing and we will move to Council discussion and deliberation. During deliberation it would be appropriate and necessary for the Council to explain why they can or cannot make certain findings required for approval of the proposed project so that staff can prepare a resolution of approval or denial based on Council's direction. And, that concludes my comments, thank you, Madame Mayor."*

Following presentation of the staff report, and a question and answer period with staff, Mayor Buckley Weber inquired if any Councilmembers had any ex parte communications to disclose.

- Councilmember Anstead disclosed that he had not had any communications with either party.
- Mayor Pro Tem Sylvester disclosed she had not had any communications with either party, had visited the site, walked onto the DIOJI site, met with staff to clarify some issues, and watched the Planning Commission meetings.
- Councilmember Wolf disclosed he had not met with either of the parties and had visited the site.
- Councilmember Klein Lopez disclosed she had not met with either party, had visited the site, watched all three Planning Commission meetings, and spoke with staff.
- Mayor Buckley Weber disclosed she had watched the (Planning Commission) meetings and *“at some point in July, I received a courtesy phone call from Danny Farkash that the (Old Agoura) HOA was filing an appeal to the Planning Commission’s decision. I also was leaving an event with Mr. Farkash and Ron Troncatty and, it wasn’t about the project, specifically, but I remember Danny talking about that there has got to be a better way to do this so that a project does not get to the Planning Commission before Old Agoura Homeowners Association had a chance to look at it. I remember Mr. Troncatty saying at the same time that we really need an Old Agoura resident to be on the Planning Commission and I pointed out we do have one, Brit Sharon, and the Applicant’s attorney reached out to me two days ago to see if I would have a phone conversation or a meeting with them and I thought it best not to do that.”*

Mayor Buckley Weber invited the Applicant to make their presentation.

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

Sheri Bonstelle, JMBM, Los Angeles, representing the Applicant
Juan Garcia, Los Angeles, Architect representing the Applicant
Robert Schutz, Agoura Hills, Applicant

Following a question and answer period with the Applicant, Mayor Buckley Weber announced there would be a quick break before moving on to the next presentation.

Mayor Buckley Weber recessed the City Council meeting at 7:56 p.m. and reconvened at 8:06 p.m.

Mayor Buckley Weber invited the Appellant to make their presentation.

The following person spoke on behalf of the Appellant:

Danny Farkash, Old Agoura, Appellant

Following a question and answer period with the Appellant, Mayor Buckley opened the floor for public testimony.

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

*Tom Alleeson
Cory Anttila
Sheri L. Bonstelle, JMBM, representing the Applicant
George Colman, Old Agoura
Maria DiMaggio, Agoura
R. Gerson
Sheryl Phelps
Jess Thomas, Old Agoura
Ron Troncatty, Old Agoura
Dana Walker, Agoura Hills*

The following persons submitted in-person written public comments:

Heidi Pajoy
Sofia Schutz, Thousand Oaks
Cristina Schutz, Thousand Oaks/Agoura Hills
Iris Rivas, Thousand Oaks/Agoura Hills
Chris Nitz, Old Agoura
Laila Biscaldi, Agoura Hills
Esmeralda Rivas, Thousand Oaks
Alex Friedland, Agoura Hills
Susan Morris, Agoura Hills
Jean McCann, Agoura
Julie Thornbury, Agoura
Dave Thornbury, Agoura
Lea McCann, Agoura
Richard Stann, Tavares, Florida (*Owner of Property in Old Agoura*)
Dr. Elizabeth Kolve, Agoura Hills
Jenilee Harrison, Old Agoura
Tina Barns, Old Agoura
Kelly Morris, Agoura Hills
Gerald N. Silver, Agoura Hills
Jim and Ricki Clark, Agoura Hills
Patrick Kolve, Old Agoura
Janet Lietsch

The following person(s) spoke:

Lisa Ford, Agoura Hills
Steve Heinze, Santa Barbara, representing DIOJI
George Colman, Agoura, representing Old Agoura Homeowners
Tara Farkash, Agoura Hills, representing Maria D. Maggio

Nilly Smith, Agoura, representing Old Agoura Homeowners
Philip Ramuno, Agoura
Michael Colabella, Agoura
Gary R. Buzza, Agoura, representing Old Agoura Homeowners
Ron Troncatty, Old Agoura
Stacey Goldstein, Old Agoura
Jean McCann, Agoura
Marianne Perls, Old Agoura

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

Danny Farkash, Old Agoura, Appellant

There being no further questions of the Appellant, Mayor Buckley Weber invited the Applicant to present their rebuttal.

Sheri Bonstelle, JMBM, Los Angeles, representing the Applicant

There being no further questions of the Applicant, nor any further questions of staff by the City Council, Mayor Buckley Weber closed the Public Hearing at 9:25 p.m.

Following discussion, Mayor Pro Tem Sylvester and Councilmembers Klein Lopez and Wolf disclosed they could make all the findings. The following Councilmembers disclosed they could not make all the findings: Mayor Buckley Weber (*AHMC § 9677.5(B), § 9677.5(E), § 9677.7(G) Findings 3 and 6, and General Plan Consistency LU-4 and LU-30*) and Councilmember Anstead (*AHMC § 9677.5(C)*).

Mayor Buckley Weber reopened the Public Hearing at 10:23 p.m. for the City Council to hold a question and answer period with the Applicant. There being no further questions, Mayor Buckley Weber closed the Public Hearing at 10:25 p.m.

Based on further discussion, City Attorney Lee offered the following change to Condition No. 17:

17. A construction chain link fence with green mesh fabric screening no **higher less** than eight feet ***in-height, but no higher than 10 feet, in height based on feasibility*** shall be installed on-site along the perimeter of the site prior to construction, no closer than five feet from the property line or at the extent of grading activity. The fence shall allow for vehicle access to the site and be installed such that the line-of-sight for vehicles entering or exiting the site is clear and unobstructed. The fence and screening shall be installed prior to construction and shall remain in good working condition and free from disrepair and vandalism for the duration of the construction period. The fence shall be removed upon construction completion.

ACTION: Following deliberations, Councilmember Klein Lopez moved to approve Option 1 of the staff recommendation, to affirm the Planning Commission's original decision and approve the project as presented, and direct staff to draft and bring back a Resolution based on the City Council's decision, with the amendment to Condition No. 17. Mayor Pro Tem Sylvester seconded. The motion carried 5-0, by the following roll call vote:

AYES: Mayor Pro Tem Sylvester and Councilmembers Klein Lopez and Wolf.

NOES: Mayor Buckley Weber, Councilmember Anstead.

ABSTAIN: None.

ABSENT: None.

CITY COUNCIL, STAFF COMMENTS

Mayor Buckley Weber announced Senior Civil Engineer Charmaine Yambao's Mother, Vicentica de Guzman Yambao, passed away last Friday, read a personal tribute written by Charmaine (a family photo was displayed on the projection screen), and requested the meeting be adjourned in "Lola's" name.

ADJOURNMENT

At 10:40 p.m., Mayor Buckley Weber announced the next Regular City Council Meeting would be held at 6:00 p.m., on Wednesday, September 11, 2024, in the Council Chambers of the Civic Center and adjourned the meeting in memory of Vicentica de Guzman Yambao.

Kimberly M. Rodrigues, MPPA, MMC
City Clerk