

MINUTES
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
Wednesday, July 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 Councilmember Anstead.

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, Public Safety Liaison Officer JT Manwell, Management Analyst Amber Victoria, Executive Assistant Michele Hubbs, Community Development Director Denice Thomas, Principal Planner Robby Nesovic, Director of Public Works/City Engineer Jessica Forte, Administrative Analyst Brian Woodworth, Director of Finance Diego Ibañez, Director of Community Services Amy Brink, and City Clerk Kimberly M. Rodrigues.

REPORT OF CLOSED SESSION

No Closed Session was held.

APPROVAL OF AGENDA

At request of the Applicant, the City Council agreed to change the order of the Agenda and move Item No. 11 to be heard prior to Item No. 10.

ACTION: Mayor Pro Tem Sylvester moved to approve the Agenda, as amended. 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 DIY Home Center as Business of the Month, to Store Manager Michele Borowski.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS

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

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. 1-9, as presented. Councilmember Wolf 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 June 26, 2024
2. Approve Demand Warrant Register No. 915
3. Approve Rejection of Bids for the Chumash Park Restroom Rehabilitation Project; NIB 24-04; and Make a Finding of Exemption Under the California Environmental Quality Act for the Chumash Park Restroom Rehabilitation Project NIB No. 24-04
4. Approve Award of Contract, with CERCO Engineering, for the Chumash Park ADA Path of Travel Improvements Project, NIB 24-01B, Community Development Block Grant Project No. 602577-22
5. Approve First Amendment to Contractor Services, with Granicus, LLC, for Web Streaming Services
6. Approve First Amendment to Agreement for Consultant Services, with National Utility Locators, LLC, for Utility Locating Services for Fiscal Years 2024-26
7. Approve Fifth Amendment to Agreement for Design Professional Consultant Services, with Kimley-Horn and Associates, Inc., for a Term Extension for the Kanan Road/Agoura Road Ultimate Intersection Improvements Project

8. Approve Agreement for Consultant Services, with Jensen Hughes, Inc., for Community Wildfire Risk Assessment Services 2024-25
9. Approve Final Tract Map 83518 for Commercial Condominium Purposes (Ladyface Vista, LP)

(CHANGE IN ORDER OF AGENDA – ITEM 11, FOLLOWED BY ITEM 10)

CONTINUATION – PUBLIC HEARING / REVOCATION

11. Continuation of a Public Hearing to September 11, 2024, to Consider a Resolution to Suspend or Revoke Business License Number 00692 (New Era Performance and Tuning, LLC), Pursuant to § 6819 of the Agoura Hills Municipal Code and Make a Determination of Exemption Under the California Environmental Quality Act *(Continued from May 8, 2024)*

Following a brief update from staff, regarding the continuance of the Public Hearing, Mayor Buckley Weber respectfully requested that all public testimony be withheld until the Public Hearing on September 11, 2024.

There were no public comments or comments from the owner.

Mayor Buckley Weber called for a motion and second to approve the staff recommendation to continue the Public Hearing to September 11, 2024.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

CONTINUED DE NOVO PUBLIC HEARING / APPEAL

10. Conduct a Continued De Novo Public Hearing to Consider an Appeal of the Planning Commission's Denial of Conditional Use Permit Number CUP-2023-0026, a Request for a Type-47 Alcohol License to Allow the Sale of Distilled Spirits, Wine, and Beer *(Continued from May 22, 2024)*

Mayor Buckley Weber deferred to Councilmember Anstead.

Councilmember Anstead made the following announcement: *"I received a contribution for my political campaign in the past 12 months from one of the owners of the Applicant in the next proceeding that amounted to over \$250, as such, I will*

be recusing myself from this item based on California law” stepped down from the Council dais, and exited the Council Chambers at 6:19 p.m.

Mayor opened the Public Hearing at 6:20 p.m. and deferred to City Attorney Lee.

City Attorney Lee made the following announcement: *"Thank you, Mayor. Good evening Honorable Mayor and members of the City Council, I thought it would be helpful to provide a summary of the framework of the proceedings this evening to assist both the Council and the members of the public, as well as the Applicant, to give an idea of what to expect this evening. First, the City Council will be holding a continued "De Novo" Public Hearing on CUP-2023-0026. 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 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 components of the project and make a decision on the project as a whole. The Council need not to give particular weight or deference to what the Planning Commission decided. Now, you can consider what the Planning Commission decided, certainly, 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. So, first, the Mayor has opened the Public Hearing already, thank you. Next, we will be having the staff report and then, City Council disclosure of ex parte communications. As this is a quasi-judicial matter, if Councilmembers have received relevant information about this matter outside the Public Hearing, they should publicly announce this information obtained before testimony begins. Next, we will have City Council questions of staff. At this time, the Council should avoid commenting on the project or deliberating. Please, just stick to questions of staff. Next, we will move to the Applicant/Appellant's presentation; they will have 15 minutes and then the Council will have opportunity to ask the Appellant questions. Then, we will move to public comment portion of the Public Hearing. Each public speaker will have three minutes and the Council may also ask the public questions, as necessary. Then, we will move to Applicant's rebuttal and they will get five minutes for rebuttal. Then, we will have last call for Council questions and the Council should conclude their questions prior to the close of the Public Hearing. Then, the Mayor will close the Public Hearing and then we will have Council discussion and deliberation. And, during deliberation it would be appropriate for the Council to explain why they can or cannot make findings required for the approval of the project so that staff can prepare the appropriate resolution of approval or denial based on Council's direction. 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.

- Mayor Pro Tem Sylvester disclosed that she had met with City staff and watched the Planning Commission meetings.
- Councilmember Klein Lopez disclosed that she had met with City staff and watched the Planning Commission meetings.

- Councilmember Wolf disclosed that *“on July 8, 2024, at 12:00 p.m., I spoke with Matt Guthrie who told me he was helping with the appeal and he had first reached out to me on email, he reached out to see if I had any questions. I didn’t have any questions, we discussed hours for about five minutes and that was the duration of the call.”*
- Mayor Buckley Weber disclosed she had watched the Planning Commission meetings and had received an email from Matt Guthrie on behalf of Cronies, but had not met or communicated by email.

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:

Stephen Jamieson, Solomon Saltsman & Jamieson

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.

Michael Teitelbaum, Agoura Hills

Stephen Allen Jamieson, Playa del Rey, Solomon Saltsman & Jamieson, representing Cronies Sports Grill

Fan Long, Agoura Hills, owner of the Kumon Learning Center

Larry Horn, Agoura Hills, owner of Love’s Pets

Michael De Giosa, Agoura Hills, business owner of Italia Deli & Bakery

Manny Bujold, Agoura Hills, owner and chief instructor of Agoura Hills World Champion Karate

Sheldon Kuna, Agoura Hills, owner/operator of PrintASign

Raul Reynoso, Agoura Hills, owner of Raul’s Barbershop

Mick Mahan, Agoura Hills, owner/operator of Parma’s Pizzeria

Traci and Danny Greenberg, Agoura Hills, representing the Great Race

Betsie Cray, Agoura

Brian McGowen, Agoura Hills

Matt Wiltshire, Agoura Hills

Corey Harpole, Agoura

Ken Corney, Ventura

Richard Kloch, Agoura Hills

Daniel P. Akemon, Agoura Hills

Charlie Smith, Westlake Village

Angela Giacobbe, Westlake Village

Mike Macias

Pat Wilkison, representing Agoura Meadows, LLC

Brad Snyder, Co General Partner, Agoura Meadows, LLC

Kevin Kowalczyk, Agoura Hills

Linda L. (Opposed)
Ted Hunter, Agoura Hills
Brad Gordon, Agoura Hills
David Jaureguy, Agoura Hills
Stan Helfand, Agoura Hills
Emilie Helfand, Agoura Hills
Karen Zak Kent, D.D.S., Agoura Hills
Scott Koerner, Agoura Hills
Brad Golden
Brian Whalen, Business Owner, Agoura Hills
Terri Dawson

The following person(s) submitted written public comments in-person:

Mollie, Agoura
Unidentified

The following person(s) spoke:

Charles Smith, Thousand Oaks
Steve Reid, Agoura Hills
Kimmy Chierichetti, Moorpark, representing Cronies
Daniel Akemon, Agoura Hills
Ken Corney, Ventura
Christine Foldes, Newbury Park, representing Cronies
Dean Ladell, representing Cronies
Brooke Gerig, representing Cronies Sports Grill
Dustin Croick, Agoura, representing Cronies
Emilie Helfand, Agoura Hills
Aaron Roth, Thousand Oaks
Casey Webb, Oak Park
Mollie Helfand, Agoura

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

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

Stephen Jamieson, Solomon Saltsman & Jamieson

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 7:51 p.m.

During deliberations, the City Council did not reach consensus. Following further discussion, Mayor Buckley Weber reopened the Public Hearing at 8:16 p.m. to ask further questions of the Applicant/Appellant.

The City Council recessed at 8:29 p.m., to afford the Applicant/Appellant the opportunity to discuss whether or not they wished to consider a continuance of the public hearing and/or a reduction of the hours of operation. City Attorney Lee suggested the Councilmembers leave the dais one at a time.

Mayor Buckley Weber reconvened the meeting at 8:41 p.m. and announced the Public Hearing was open.

Following further discussion regarding the reduction of the hours of operation and the Applicant/Appellant agreeing to the hours of 8:00 a.m. to 10:00 p.m., seven days a week, Mayor Buckley Weber inquired if Councilmember Klein Lopez could now make the findings with the change in the hours.

Councilmember Klein Lopez stated: *“for the Municipal Code Sections that I read, is really, as you mentioned 41-47, even taking out the high crime disproportionate number, if we decided to do that, I would still not be able to make the findings on the first six which was: compatible with surrounding properties, noise louder than ambient level, increased vehicular pedestrian traffic detrimental to public health and safety welfare, harmful secondary nuisances school or similar use buffered by topographical conditions, and beverage sales restricted to be compatible with quiet enjoyment of the neighborhood and I can always withdraw my, for now, or we can discuss it if we continue it, the disproportionate number of police calls. I still would not be able to make those first findings because of my concerns with 41-47.”*

Mayor Buckley Weber stated: *“I can make the findings with the change of the hours from 8:00 (a.m.) to 10:00 (p.m.), seven days a week, because my biggest concern, everything stemmed from the late night hours, and if Cronies really is not going to stay open past 10:00 (p.m.), I am more comfortable and can make those findings.”*

Mayor Buckley Weber closed the Public Hearing at 8:46 p.m.

Mayor Buckley Weber called for a motion and second *“to approve the project, that all the old conditions of approval will apply and the only change in the conditions of approval would be that the hours would now be 8:00 a.m. to 10:00 p.m., seven days a week, and we would instruct staff to come back with a resolution of approval with those new hours.”*

ACTION: Mayor Pro Tem Sylvester moved to *“approve the upgrade to Permit 47 with the condition that the hours are now changed from 8:00 a.m. to 10:00 p.m., seven days a week, and direct staff to bring back a resolution (approving the project) at the August 14, 2024, meeting”*. Councilmember Wolf seconded. The motion carried 3-1, by the following roll call vote:

AYES: Mayor Buckley Weber, Mayor Pro Tem Sylvester, and Councilmember Wolf.

NOES: Councilmember Klein Lopez.

ABSTAIN: None.

ABSENT: None.

Councilmember Anstead returned to the Council dais at 8:48 p.m.

DISCUSSION / ACTION

12. Discussion to Consider the Approval of the Fourth Amendment to the City Manager's Employment Agreement and the City Manager's Performance Bonus

Following presentation of the staff report, Mayor Buckley Weber opened the floor for public comments.

There were no public comments.

Following deliberations, Mayor Buckley Weber called for a motion and second to approve the staff recommendation to approve the Fourth Amendment to the City Manager's Employment Agreement and the City Manager's performance bonus.

ACTION: Councilmember Klein 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.

CITY COUNCIL, STAFF COMMENTS

Director of Community Services Brink announced the Summer Art Show would be held from 5:00-7:00 p.m. tomorrow at the Event Center and invited everyone to attend.

Councilmember Wolf spoke about the drone show and, with the current heat wave, the City's messaging on available cooling centers.

Councilmember Lopez and Mayor Pro Tem Sylvester also spoke about the drone show.

Mayor Buckley Weber noted that July 26, 2024, marks the 34th Anniversary of signing the Americans with Disability Act.

ADJOURNMENT

At 9:02 p.m., Mayor Buckley Weber announced the Regular Meeting of the City Council for July 24, 2024, has been canceled. The next Regular City Council Meeting would be held at 6:00 p.m. on Wednesday, August 14, 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 July 24, 2024, has been canceled.
The next Regular City Council Meeting is scheduled for August 14, 2024.