

**MINUTES**  
**REGULAR MEETING OF THE**  
**AGOURA HILLS CITY COUNCIL**  
**Civic Center – Council Chambers**  
**30001 Ladyface Court, Agoura Hills, CA 91301**  
**February 22, 2006 at 7:00 p.m.**

The meeting was called to order at 7:02 p.m.

The flag salute was led by City Attorney Steele.

Present were: Mayor Denis Weber, Mayor Pro Tem Dan Kuperberg, Councilmember John Edelston, Councilmember William Koehler, and Councilmember Harry Schwarz.

Also Present were: City Manager Greg Ramirez, Assistant City Manager Jim Thorsen, Assistant to the City Manager Nathan Hamburger, Director of Planning and Community Development Mike Kamino, Assistant Community Development Director Doug Hooper, Code Compliance Officer Mike Gonzales, Environmental Analyst Steve Craig, Oak Tree/Landscape Consultant Kay Greeley, City Engineer Ken Berkman, Director of Community Services Amy Brink, and City Clerk Kimberly Rodrigues.

**REPORT OF CLOSED SESSION**

The Closed Session was canceled due to the lack of business to transact.

**APPROVAL OF AGENDA**

Mayor Weber requested the City Council change the order of the Agenda and move Public Hearing Item No. 6 to the end of the Agenda. On a motion by Mayor Pro Tem Kuperberg, second by Councilmember Edelston, the Agenda was approved, as amended, without objection.

**ORAL COMMUNICATIONS**

Ruth Gerson, P. O. Box 345, Agoura Hills, representing the Santa Monica Mountains Trail Council, spoke about a 208-acre parcel, known as Malibu Creek Properties, and requested the City Council write a letter of support to Congressman Henry Waxman regarding the purchase of the property by the National Park Service.

**PRESENTATIONS**

Raya Sagi, Community Library Manager from the Agoura Hills Library made a presentation to *Bookmark Contest* Winners Arielle Dubowe and Simone Liao.

Mayor Weber presented a proclamation recognizing *Go Red For Women Day* to American Heart Association Representative Ankur Chugh.

## **INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE & DEPARTMENTAL REPORTS**

There were no reports.

## **CONSENT CALENDAR**

On a motion by Councilmember Edelston, second by Councilmember Schwarz, the Consent Calendar was approved 5-0.

1. Approve Minutes of the Regular City Council Meeting of February 8, 2006

ACTION: Approved 5-0

2. Approve Demand Register No. 534

ACTION: Approved 5-0

3. Approve Treasurer's Report for January 2006

ACTION: Approved 5-0

4. Approve the Notice of Completion for the Citywide Irrigation System Project; NIB 04-10

ACTION: Approved 5-0

5. Approve Option to Extend Ground Lease for the Agoura Hills Recreation Center

ACTION: Approved 5-0

## **PUBLIC HEARING – CHANGE IN ORDER OF AGENDA**

6. This item was moved to the end of the Agenda

## **DISCUSSION/ACTION**

7. Discussion of Sign Ordinance Enforcement Activity and Procedures

*Prior to the meeting, copies of written comments from Rudy C'Dealva, 23925 Park Sorrento, Calabasas, 91302, requesting a review of the language of the ordinance in relation to the placement of directional "open house" signs, were distributed to the City Council.*

**ACTION:** Following presentation of the staff report and a question and answer period, the City Council unanimously consented to direct staff to bring back options related to the following issues: enhancing the number of hours of code enforcement on the weekends, an educational process on the proper placement of open house and commercial real estate signs, and the definition of the percentage of window coverage for commercial window signs and enforcement of window sign violations.

8. Consideration to Postpone Construction of the Signal Synchronization Project; NIB 04-06

There were no speakers.

**ACTION:** Following presentation of the staff report and a question and answer period, the motion by Mayor Pro Tem Kuperberg to direct the City Engineer to forego construction of the project, was seconded by Councilmember Schwarz and approved 3-2, with Councilmember Edelston and Councilmember Koehler voting no.

#### **PUBLIC HEARING – CHANGE IN ORDER OF AGENDA**

6. Conduct a Public Hearing Regarding an Appeal of the Planning Commission's Denial of Conditional Use Permit Case Nos. 03-CUP-010 and 98-CUP-007, Oak Tree Permit Case No. 98-OTP-011, which was a Request to Develop 27 Detached Single-Family Residences on Two Recorded Residential Tracts, to Remove 33 Oak Trees and Encroach within the Protected Zone of 15 Oak Trees for the Proposed Construction on the South Side of Agoura Road, East of Calle Montecillo and West of Liberty Canyon Road, and Adoption of a Mitigated Negative Declaration and Consideration of Resolution Nos. 06-1404, 06-1405, and 06-1406 (Riopharm USA, Inc., Applicant) – *This Public Hearing was continued from the regular City Council meeting of January 25, 2006*

City Attorney Steele announced that Councilmember Koehler and Councilmember Schwarz, having previously considered this matter as members of the Planning Commission, would be abstaining from participation in the appeal. This is not a Political Reform Act nor a Financial conflict of interest, this is an interest in protecting the due process rights of both the applicants and anyone else interested in the matter and the right to a brand new de novo hearing.

**Councilmember Koehler and Schwarz left the meeting at this point.**

The following ex parte communications were disclosed by the City Council:

- Councilmember Edelston disclosed that he had watched the videotape of the Planning Commission hearing and would not be using any of the information that was contained in that hearing as part of his determinations and that he had met with Mr. Chuck Cohen.
- Mayor Weber disclosed that he met with both Mr. Chuck Cohen and Mr. Tom Cohen.

- Mayor Pro Tem Kuperberg disclosed that he had not sat through an entire Planning Commission item (there were three or four on this issue), but had watched approximately 10-15 minutes of each item. He also noted that he had not had any discussions on this issue with either Mr. Chuck Cohen or Mr. Tom Cohen.

Following presentation of the staff report, Mayor Weber opened the Public Hearing.

*Prior to the City Council meeting, the City Council received a letter, in support of the Applicant, from Thomas S. Cohen, Westlake Village, representing Weston Benshoof Rochefort Rubalcava & MacCuish.*

Speaking on behalf of the Applicant:

Chuck Cohen, 2801 Townsgate, Westlake Village, representing the Applicant, Riopharm, USA, Inc. (photographs were submitted to Council)

**The City Council recessed at 8:56 p.m. and reconvened at 9:06 p.m.**

Public Comment in Opposition of the Project:

Joan Yacovone, Agoura Hills, representing Liberty Canyon Homeowners Association  
Robert Evren, 5732 Colodny Drive, Agoura Hills

Speaking on Behalf of the Applicant:

Don Waite, Thousand Oaks, Civil Engineer with Westland Civil  
John Irvine, 145 North Sierra Madre, Pasadena, Soils Engineer

The Following Representatives for the Applicant Submitted Speaker Cards for Questions Only:

Richard Campbell, Thousand Oaks, Oak Tree Specialist  
Laura Kaufman, 28328 Agoura Road, Agoura Hills, representing Envicom  
Yair Koshet, 5206 Medina Road, Woodland Hills, Project Architect  
Yael Lir, Agoura Hills, Landscape Architect

Comment Form Received in Opposition to the Project:

Robyn Britton, Agoura Hills

Mayor Weber asked if there were other speakers who wished to be heard. There being none, the Public Hearing was closed.

Following further discussion, Mayor Weber inquired if the Applicant would like the opportunity to take the Council's comments into consideration and work with staff to make changes and bring back the project for Council consideration.

At the request of Mr. Cohen for a recess to confer with the Applicant, **the City Council recessed at 10:26 p.m. and reconvened at 10:28 p.m.**

Mayor Weber reopened the Public Hearing.

Mr. Cohen indicated that the Applicant desired to take the opportunity to work with staff and come back to Council with a revised project.

**ACTION:** The motion by Mayor Pro Tem Kuperberg to continue the opened Public Hearing to May 24, 2006, was seconded by Councilmember Edelston and approved 3-0, with Councilmember Koehler and Councilmember Schwarz abstaining.

### **COUNCIL, STAFF COMMENTS**

City Clerk Rodrigues displayed the bookmarks from Library Bookmark Contest Winners Arielle Dubowe and Simone Liao.

Mayor Weber reported that he attended a meeting of the Westlakers and commended Director of Planning and Community Development Mike Kamino and Senior Planner Allison Cook on their presentation of the Agoura Village Specific Plan.

### **ADJOURNMENT**

At 10:44 p.m., on a motion by Mayor Pro Tem Kuperberg, seconded by Councilmember Edelston, the Council, with Councilmember Koehler and Councilmember Schwarz absent, unanimously consented to adjourn the meeting to 7:00 p.m., Wednesday, March 8, 2006 for a Regular Meeting of the City Council in the Council Chambers of the Civic Center with a Closed Session at 6:00 p.m. The Civic Center is located at 30001 Ladyface Court, Agoura Hills, California.

Kimberly M. Rodrigues, CMC  
City Clerk