

**MINUTES
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL, THE
AGOURA HILLS REDEVELOPMENT AGENCY, AND THE
AGOURA HILLS FINANCING AUTHORITY
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
April 23, 2008 at 7:00 p.m.**

The meeting was called to order at 7:10 p.m. by Mayor Edelston.

The flag salute was led by City Clerk Kimberly Rodrigues.

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

Also Present were: City Manager Greg Ramirez, City Attorney Craig Steele, Attorney at Law Trisha Ortiz, Assistant City Manager Nathan Hamburger, Assistant to the City Manager Louis Celaya, Financial Advisor Curt de Crinis, Director of Finance Georgette Holt, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Senior Building Inspector Mike Kalske, Contract Building Inspector Bruce Nearman, Director of Community Services Amy Brink, Administrative Analyst Chris Dodd, and City Clerk Kimberly Rodrigues.

REPORT OF CLOSED SESSION

There was no Closed Session.

APPROVAL OF AGENDA

On a motion by Councilmember Schwarz, second by Councilmember Kuperberg, the Agenda was approved without objection.

PUBLIC COMMENTS

There were no public comments.

PRESENTATIONS

Mayor Edelston presented a Certificate of Appreciation, recognizing her years of service, to Director of Finance Georgette Holt and congratulated her on her retirement.

Mayor Edelston presented a Proclamation, recognizing April as Sexual Assault Awareness Month and April 23, 2008 as Denim Day, to Peace Over Violence representative Anna Santamaria.

Mayor Edelston presented a Proclamation, recognizing National Donate Life Month, to transplant recipient Pamela Endo.

Mayor Edelston presented a Proclamation, recognizing Relay for Life Days, to Event Chair Laura Helgeson and Event Co-Chair Jeannine Lee. Relay for Life is scheduled for May 3-4, 2008 at Willow Elementary School.

Mayor Edelston presented a Proclamation, recognizing National Building Safety Week, to Building Official Amir Hamidzadeh. Mr. Hamidzadeh introduced his staff, Senior Building Inspector Mike Kalske and Contract Building Inspector Bruce Nearman, and recognized Building Permit Technician Karen Sanders.

Mayor Pro Tem Weber thanked Georgette Holt for her years of service and wished her well in her retirement.

Councilmember Kuperberg spoke about Denim Day and Relay for Life and mentioned that the City of Agoura Hills was the top fundraiser in last year's Relay event. He also thanked staff for their fundraising efforts for both the events.

Mayor Edelston thanked Georgette Holt for her years of service with the City.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS

Las Virgenes Municipal Water District Board Member Charles Caspary presented books to Agoura Hills Community Library Manager Raya Sagi in observance of Water Awareness Month, and provided a water update noting the District has called for a voluntary 10% reduction in water use for residents.

Agoura Hills Community Library Manager Raya Sagi presented the State of the Library and Friends of the Library President, Tom Allen, provided an update on their program. Mr. Allen presented certificates of appreciation and honorary leaves, for the permanent donor tree in the library, to the Acorn and Ventura County Star for their continued support.

CITY COUNCIL CONSENT CALENDAR

There were no public speakers.

On a motion by Councilmember Koehler, second by Mayor Pro Tem Weber, the Consent Calendar was approved 5-0.

1. Approve Minutes of the Regular City Council Meeting of April 9, 2008

ACTION: Approved 5-0

2. Approve Demand Warrant Register No. 585

ACTION: Approved 5-0

3. Approve Treasurer's Investment Report for March 2008

ACTION: Approved 5-0

4. Approve Authorization to Seek Bids for FY 2008-09 Street Resurfacing Project; NIB 08-01 and Approve a Joint Street Maintenance Project Agreement with the City of Westlake Village

ACTION: Approved 5-0

5. Approve Authorization to Solicit Proposals for Professional Peer Review Services for the Design of the Roundabout at the Intersection of Kanan Road and Agoura Road

ACTION: Approved 5-0

6. Approve Appointments to the Southern California Association of Governments

ACTION: Approved 5-0

7. Adopt **Resolution No. 08-1473**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, DETERMINING AND DECLARING PRIMA FACIE SPEED LIMITS ON VARIOUS STREETS WITH THE CITY

ACTION: Approved 5-0

CITY COUNCIL DISCUSSION/ACTION

8. Proposed Issuance by the Agoura Hills Redevelopment Agency of its Series 2008 Tax Allocation Bonds and Series 2008 Housing Set-Aside Bonds

Adopt **Resolution No. 08-1474**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING THE ISSUANCE, SALE AND DELIVERY BY THE AGOURA HILLS REDEVELOPMENT AGENCY OF ITS TAX ALLOCATION BONDS (AGOURA HILLS REDEVELOPMENT AGENCY), and

Adopt **Resolution No. 08-1475**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING THE ISSUANCE, SALE AND DELIVERY BY THE AGOURA HILLS REDEVELOPMENT AGENCY OF ITS

HOUSING SET-ASIDE TAX ALLOCATION BONDS (AGOURA HILLS REDEVELOPMENT PROJECT AREA) and

Adopt **Resolution No. 08-1476**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO MAKE PAYMENTS PURSUANT TO AN ADVANCE AND REIMBURSEMENT AGREEMENT AND PURSUANT TO AGOURA HILLS REDEVELOPMENT AGENCY RESOLUTION NO. 2 SUBORDINATE TO THE AGOURA HILLS REDEVELOPMENT AGENCY'S SERIES 2008 BONDS

Following presentation of the staff report, Mayor Edelston opened the floor for public comment.

There were no public speakers.

ACTION: Following discussion, the motion by Mayor Pro Tem Weber, to adopt Resolution No. 08-1474, was seconded by Councilmember Schwarz, and approved 5-0.

ACTION: The motion by Mayor Pro Tem Weber, to adopt Resolution No. 08-1475, was seconded by Councilmember Koehler, and approved 5-0.

ACTION: The motion by Mayor Pro Tem Weber, to adopt Resolution No. 08-1474, was seconded by Councilmember Kuperberg, and approved 5-0.

**Convene the Agoura Hills Redevelopment Agency (RDA) Meeting
Without Adjourning the Agoura Hills City Council Meeting**

The meeting was called to order at 7:51 p.m. by Agency Chair Weber.

Present were: Agency Chair Denis Weber, Agency Vice Chair William Koehler, Agency Member John Edelston, Agency Member Dan Kuperberg, and Agency Member Harry Schwarz

Also Present were: Executive Director Greg Ramirez, Agency Attorney Craig Steele, Attorney at Law Trisha Ortiz, Assistant Executive Director Nathan Hamburger, Assistant to the City Manager Louis Celaya, Financial Advisor Curt de Crinis, Director of Finance Georgette Holt, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Director of Community Services Amy Brink, Administrative Analyst Chris Dodd, and Agency Secretary Kimberly Rodrigues.

RDA APPROVAL OF AGENDA

On a motion by Agency Member Edelston, second by Agency Member Schwarz, the Agenda was approved without objection.

RDA PUBLIC COMMENTS

There were no public comments.

RDA CONSENT CALENDAR

There were no public speakers.

On a motion by Agency Member Kuperberg, second by Agency Member Schwarz, the Consent Calendar was approved 5-0.

RDA1. Approve Minutes of the Regular City Council and Redevelopment Agency Meeting of December 12, 2007

ACTION: Approved 5-0

RDA DISCUSSION/ACTION

RDA2. Proposed Issuance by the Agoura Hills Redevelopment Agency of its Series 2008 Tax Allocation Bonds and Series 2008 Housing Set-Aside Bonds

Adopt **Resolution No. 08-46**; A RESOLUTION OF THE AGOURA HILLS REDEVELOPMENT AGENCY APPROVING THE ISSUANCE, SALE AND DELIVERY OF ITS TAX ALLOCATION BONDS (AGOURA HILLS REDEVELOPMENT PROJECT AREA), APPROVING AS TO FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION WITH SUCH BONDS, AUTHORIZING CERTAIN OTHER RELATED MATTERS, and

Adopt **Resolution No. 08-47**; A RESOLUTION OF THE AGOURA HILLS REDEVELOPMENT AGENCY APPROVING THE ISSUANCE, SALE AND DELIVERY OF ITS HOUSING SET-ASIDE TAX ALLOCATION BONDS (AGOURA HILLS REDEVELOPMENT PROJECT AREA), APPROVING AS TO FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION WITH SUCH BONDS, AUTHORIZING CERTAIN OTHER RELATED MATTERS, and

Adopt **Resolution No. 08-48**; A RESOLUTION OF THE AGOURA HILLS REDEVELOPMENT AGENCY APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO MAKE PAYMENTS PURSUANT TO AN ADVANCE AND REIMBURSEMENT AGREEMENT AND PURSUANT

TO AGOURA HILLS REDEVELOPMENT AGENCY RESOLUTION NO. 2
SUBORDINATE TO THE AGOURA HILLS REDEVELOPMENT AGENCY'S
SERIES 2008 BONDS

Following presentation of the staff report, Agency Chair Weber opened the floor for public comment.

There were no public speakers.

ACTION: Following discussion, the motion by Agency Member Kuperberg, to adopt Resolution No. 08-46, was seconded by Agency Member Schwarz, and approved 5-0.

ACTION: The motion by Agency Member Kuperberg, to adopt Resolution No. 08-47, was seconded by Agency Member Schwarz, and approved 5-0.

ACTION: The motion by Vice Chair Koehler, to adopt Resolution No. 08-46, was seconded by Agency Member Edelston, and approved 5-0.

At 7:56 p.m., on a motion by Agency Member Schwarz, second by Vice Chair Koehler, the Redevelopment Agency unanimously consented to adjourn the Redevelopment Agency Meeting.

**Adjourn the Agoura Hills Redevelopment Agency (RDA) Meeting and
Convene the Agoura Hills Financing Authority (FA) Meeting
Without Adjourning the Agoura Hills City Council Meeting**

The meeting was called to order at 7:57 p.m. by Chairman Edelston.

Present were: Chairman John Edelston, Vice Chairman Denis Weber, Director William Koehler, Director Dan Kuperberg, and Director Harry Schwarz

Also Present were: Executive Director Greg Ramirez, Authority Attorney Craig Steele, Attorney at Law Trisha Ortiz, Assistant Executive Director Nathan Hamburger, Assistant to the City Manager Louis Celaya, Financial Advisor Curt de Crinis, Director of Finance Georgette Holt, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Director of Community Services Amy Brink, Administrative Analyst Chris Dodd, and Authority Secretary Kimberly Rodrigues.

FA APPROVAL OF AGENDA

On a motion by Director Kuperberg, second by Vice Chairman Weber, the Agenda was approved without objection.

FA PUBLIC COMMENTS

There were no public comments.

FA CONSENT CALENDAR

There were no public speakers.

On a motion by Director Kuperberg, second by Vice Chairman Weber, the Consent Calendar was approved 5-0.

FA1. Approve Minutes of the Regular City Council, Agoura Hills Financing Authority, and Agoura Hills Redevelopment Agency Meeting of June 27, 2007

STAFF REFERENCE: AUTHORITY SECRETARY RODRIGUES

FA DISCUSSION/ACTION

FA2. Proposed Issuance by the Agoura Hills Redevelopment Agency of its Series 2008 Tax Allocation Bonds and Series 2008 Housing Set-Aside Bonds

Adopt **Resolution No. 08-007**; A RESOLUTION OF THE AGOURA HILLS FINANCING AUTHORITY APPROVING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT IN CONNECTION WITH TAX ALLOCATION BONDS

Adopt **Resolution No. 08-008**; A RESOLUTION OF THE AGOURA HILLS FINANCING AUTHORITY APPROVING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT IN CONNECTION WITH HOUSING SET-ASIDE TAX ALLOCATION BONDS

Following presentation of the staff report, Chairman Edelston opened the floor for public comment.

There were no public speakers.

ACTION: Following discussion, the motion by Director Schwarz, to adopt Resolution No. 08-007, was seconded by Vice Chairman Weber, and approved 5-0.

ACTION: The motion by Director Koehler, to adopt Resolution No. 08-008, was seconded by Director Schwarz, and approved 5-0.

At 7:58 p.m., with the consensus of the City Council, Chairman Edelston adjourned the Agoura Hills Financing Authority meeting.

**Adjourn the Agoura Hills Financing Authority (FA) Meeting
Without Adjourning the Agoura Hills City Council Meeting**

CITY COUNCIL PUBLIC HEARING

9. Conduct a Public Hearing Regarding an Appeal of the Planning Commission's Denial of Conditional Use Permit Case No. 06-CUP-007 and Sign Permit Case No. 06-SP-037, which is a Request to Construct Five (5) Detached Buildings Totaling 33,680 Square Feet in Size for Retail and Restaurant Use – "Shops at Oak Creek," and a Request for a Sign Permit for the Project's Proposed Sign Program (Danari Oak Creek, LLC, Applicant)

Following presentation of the staff report, Mayor Edelston opened the Public Hearing at 8:05 p.m.

The following persons spoke:

Chuck Cohen, Westlake Village, representing the applicant
Ken Soudani, VTBS Architects, Camarillo, representing the applicant
Matthew May, representing tenants, Encino
Robert Yalda, Agoura Hills
Michael Adler, Agoura Hills
Cindy Rushing, Agoura Hills
Mark Grossman, Agoura Hills
Adena Ishii, Agoura Hills

The following persons submitted Speaker Cards in favor of the project, but did not speak:

Ed and Suzie Boots, Agoura Hills
Keith and Judi Grossman, Agoura Hills
Mark Grossman, Agoura Hills
Susan Grossman, Agoura Hills
Mary Ann Mattiello, Agoura Hills
Shari and Roy Monzello, Agoura Hills
Carolyn Abe-Ishii, Agoura Hills

City Attorney Steele reminded the City Council, and his comments were also for the benefit of the audience, that although this is an appeal of the Planning Commission's decision, as part of the normal procedure, the City Council hears an appeal as, what we call "de novo", meaning they are holding a completely new hearing and are not bound by the Planning Commission's decision. All the information that was before the Planning Commission is presented to the City Council as evidence and the City Council is free to consider it as part of their deliberations, but they are making a new decision and taking over control of this application as they consider it this evening. Again, the City Council is not bound to defend, or uphold, or follow the decision the Planning Commission has made. Also, he noted that one or more of the City Council had visited the site with either Mr. Adler, the applicant, or Mr. Cohen, legal counsel, and/or representatives of the applicant, and he encouraged any member of the City Council who visited the site or did any other fact finding to make sure that information gets on the record and is disclosed.

The following ex parte communication was disclosed:

- Mayor Pro Tem Weber disclosed that he had walked the site with Mr. Adler and reviewed the Planning Commission tapes for December 6, 2007.

The City Council recessed at 8:56 p.m. and reconvened at 9:12 p.m.

As part of the discussion, the following additional ex parte communications were disclosed by the City Council:

- Councilmember Koehler disclosed that he had visited and walked the site with Mr. Adler.
- Mayor Edelston disclosed that he had walked the property with Mr. Adler and had a follow up meeting with Mr. Adler and Mr. Cohen.

Following further discussion and a question and answer period, the City Council recessed at 10:57 p.m. and reconvened at 11:10 p.m.

There being no further speakers, Mayor Edelston closed the Public Hearing at 11:53 p.m.

Mayor Edelston indicated that he heard the applicant agree with most, if not all of the five items listed in the staff report and, for the record, reiterated the items as follows: *1) additional coverage of the pedestrian plaza area at Building A with trellises, including a wrap-around trellis at the west side of the building; 2) the use of enhanced pavement at parking lot driveway north of Building A for traffic calming; 3) enhanced connectivity between the buildings through interior walkways so that pedestrians would not have to go onto sidewalk on Canwood Street; 4) more trellises within the parking and adjacent to the creek to enhance the pedestrian experience and to reduce the visual mass of the parking lot; and 5) stronger demarcation of sidewalk connections at both ends of the creek to help invite people to walk across the bridge instead of driving from one side to the other.*

Following discussion between the City Council and the applicant regarding a continuance, Mayor Edelston reopened the Public Hearing at 12:57 a.m.

At 12:59 a.m., Mr. Cohen, representing the applicant, requested a brief recess to caucus with his client and they left the Council Chamber.

The City Council requested staff present Item No. 10 at this time.

CHANGE IN ORDER – CITY COUNCIL INFORMATIONAL ITEM

10. Receive update on Residential Household Hazardous Waste/Electronic Waste Collection Program

Following presentation of the staff report, Mayor Edelston opened the floor for public comment. There were no public speakers.

No action was required by the City Council on this item.

RETURN TO CITY COUNCIL PUBLIC HEARING

Following a brief recess, Mr. Cohen, on behalf of the applicant, Mr. Adler, requested the application be postponed for six weeks.

ACTION: Following discussion, the motion by Councilmember Kuperberg to continue the open Public Hearing to Wednesday, June 25, 2008, was seconded by Councilmember Schwarz and approved 5-0.

CITY COUNCIL INFORMATIONAL ITEM

10. This item was moved and presented during the recess under Item No. 9.

CITY COUNCIL, STAFF COMMENTS

City Manager Ramirez congratulated City Engineer Adeva on his acceptance into the Masters and Public Administration Program at the University of Southern California (USC).

Councilmember Kuperberg reported that Planet Expo was very well attended last Saturday.

Mayor Edelston reported that the YMCA Soap Box Derby and antique car show held in Westlake Village was also well attended, reported that Relay for Life is scheduled for May 3-4, 2008 at Willow Elementary School, and announced that, as part of the City's Relay for Life fundraiser, pledge buttons would be available at City Hall for a minimum \$1 donation during Paint the Town Purple Week.

ADJOURNMENT

At 1:10 a.m., on a motion by Councilmember Schwarz, second by Mayor Pro Tem Weber, the City Council unanimously consented to adjourn the meeting to 7:00 p.m., Wednesday, May 14, 2008, 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/Agency Secretary/Authority Secretary