

**MINUTES
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL, AND THE
AGOURA HILLS REDEVELOPMENT AGENCY
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
June 11, 2008 at 7:00 p.m.**

The meeting was called to order at 7:03 p.m. by Mayor Edelston.

The flag salute was led by Mayor Pro Tem Weber.

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, Assistant City Manager Nathan Hamburger, Assistant to the City Manager Louis Celaya, Director of Planning and Community Development Mike Kamino, Senior Planner Allison Cook, Associate Planner Valerie Darbouze, Oak Tree/Landscape Consultant Kay Greeley, Environmental Consultants Joe Powers and Sean Waslaw, City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Director of Finance Christy Pinuelas, Director of Community Services Amy Brink, Administrative Analyst Chris Dodd, and City Clerk Kimberly Rodrigues.

REPORT OF CLOSED SESSION

City Attorney Steele reported on the two Closed Session items, pursuant to Government Code Sections 54957 and 54957.6. Direction was given to staff and no reportable action was taken.

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

There were no presentations.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS

Superintendent Dr. Donald Zimring, along with Mike Carmody, Director of Management Information Systems, Trish Paulson, Director of Educational Technology, and Mary Hamre and Jeanne Sbardellati, Teachers on Special Assignment-Technology, provided a Technology Update from the Las Virgenes Unified School District.

CONSENT CALENDAR

There were no public speakers.

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

1. Approve Minutes of the Special City Council and Redevelopment Agency FY 2008-09 Budget Workshop of May 28, 2008

ACTION: Approved 5-0

2. Approve Minutes of the Regular City Council and Redevelopment Agency Meeting of May 28, 2008

ACTION: Approved 5-0

3. Approve Demand Warrant Register No. 588

ACTION: Approved 5-0

4. Approve Treasurer's Investment Report for April 2008

ACTION: Approved 5-0

5. Approve Extension of Agreement with California Code Check to Provide Professional Plan Review and Inspection Services

ACTION: Approved 5-0

6. Approve Extension of Agreement with the County of Los Angeles to Provide Paratransit (Dial-A-Ride) Service

ACTION: 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 7:33 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 Counsel Craig Steele, Assistant Executive Director Nathan Hamburger, Assistant to the City Manager Louis Celaya, Director of Planning and Community Development Mike Kamino, Senior Planner Allison Cook, Associate Planner Valerie Darbouze, Oak Tree/Landscape Consultant Kay Greeley, Environmental Consultants Joe Powers and Sean Waslaw, City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Director of Finance Christy Pinuelas, 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 Schwarz, second by Agency Member Kuperberg, 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 Special City Council and Redevelopment Agency FY 2008-09 Budget Workshop of May 28, 2008

ACTION: Approved 5-0

RDA2. Approve Minutes of the Regular City Council and Redevelopment Agency Meeting of May 28, 2008

ACTION: Approved 5-0

RDA3. Adopt **Resolution No. 08-49**; A RESOLUTION OF THE AGOURA HILLS REDEVELOPMENT AGENCY AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND

ACTION: Approved 5-0

Chair Weber adjourned the Redevelopment Agency meeting at 7:34 p.m.

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

PUBLIC HEARING/ORDINANCE

7. Conduct a Public Hearing and Introduce, Read by Title Only, and Waive Further Reading of **Ordinance No. 08-352**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, REVISING REGULATIONS APPLICABLE TO THE GRANTING OF DENSITY BONUSES AND RELATED INCENTIVES, AND AMENDING DIVISION 4., LOW AND MODERATE INCOME HOUSING PERMIT, OF PART 3 OF CHAPTER 6 OF ARTICLE IX OF THE CITY OF AGOURA HILLS MUNICIPAL CODE

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

There being no public speakers, Mayor Edelston closed the Public Hearing.

ACTION: Following discussion, the motion by Mayor Pro Tem Weber, to introduce, read by title only, and waive further reading of **Ordinance No. 08-352**, was seconded by Councilmember Schwarz, and approved on a roll call vote of 5-0.

PUBLIC HEARING/ACTION

8. Conduct a Public Hearing to Consider an Appeal of the Planning Commission's Approval of Site Plan/Architectural Review Case No. 06-SPR-009, Oak Tree Permit Case No. 06-OTP-021 and a Vesting Tentative Parcel Map Case No. VTPM 67397, which Allows for the Construction of a New 9,658 Square-Foot, One-Story Professional Office Building and a 20,002 Square-Foot, Two-Story Medical Office Building on a Partially Developed Site at 27489 Agoura Road; an Oak Tree Permit to Encroach into the Protected Zone of 27 Oak Trees During the Construction and to Remove 12 Oak Trees for the Proposed Development; a Vesting Tentative Parcel Map to Merge Six (6) Parcels into a Single Parcel; and a Mitigated Negative Declaration and Mitigation Monitoring Program; and to Consider the Adoption of a Resolution (Applicant: 27489 Agoura Road, LLC)

Following presentation of the staff report, Mayor Edelston opened the Public Hearing at 7:42 p.m.

City Attorney Steele announced that this hearing is somewhat unusual for city hearings in that the City Council took the action to vote to have this matter brought before the Council after the Planning Commission had made its decision. This is a course of action that is certainly available in the Municipal Code and absolutely legal, but not one that happens very often and so he wanted the public to recognize that this is something that is legal under the Code, but nonetheless unusual. The process creates the unusual situation not normally seen in an appeal hearing where, essentially, there is no appellant to give an appeal presentation because the Councilmembers have brought this matter forward to give a new hearing. So, in the procedure this evening, because this is a de novo (brand new) hearing, the City Council will be hearing from the applicant first, under the normal time constraints that the City works with in public hearings, and then, instead of having a back and forth between an appellant and an applicant, as the City would normally have, the City Council will be hearing from any member of the public who is present to testify, but the public would be subject to the normal three-minute time limit. City Attorney Steele noted, for the benefit of the record, and the benefit of the public, that the City Council has asked for this matter to be brought before the Council to hold the de novo hearing. He reminded the City Council they would be hearing all testimony with an open mind and making their decision based only on the record that is presented at the hearing this evening.

The following persons submitted written comments prior to the City Council meeting and after the distribution of the Agenda packet:

Paul Melograno and Stephanie Gootgeld, Agoura Hills
Paul Edelman, Deputy Director, Natural Resources and Planning, representing the
Santa Monica Mountains Conservancy, Malibu
Wayne Baker, Agoura Hills

The following persons submitted comment cards in opposition to the project:

Antonia M. Branch, Agoura Hills
Mary L. Deuter, Agoura Hills
Nona Harwick, Agoura Hills
Holly Phelan, Agoura Hills
Jeffrey D. Ransom, Agoura Hills

The following persons spoke on behalf of the applicant:

Michael Browsers, Behr Browsers Architects, Woodland Hills
Francisco Behr, Behr Browsers Architects, Woodland Hills

The City Council recessed at 8:58 p.m. and reconvened at 9:10 p.m.

Following the break, the applicant, Mark Spellman from Hidden Hills, spoke.

Mayor Edelston provided direction for the public comment portion of the meeting and requested persons wishing to speak to submit a Speaker's Card to the City Clerk; announced that each person would have an opportunity to be heard and be allowed three minutes to speak; noted that no time would be deferred from other speakers; requested the public to refrain from any comments, applause, or outbursts; and, introduced Los Angeles Sheriff's Department Deputies Shawn Brownell and Robert Desantis from the Malibu/Lost Hills Station.

The following persons spoke in opposition to the project:

Patrick Barry, Agoura Hills, representing the Rondell Homeowners Association
Lee Abramo, Agoura Hills, representing the Rondell Homeowners Association
Garry Coates, Agoura Hills, representing the Rondell Homeowners Association
Rachel Brenner, Agoura Hills
Steve Merriett, Agoura Hills
Penny Merriett, Agoura Hills
Muriel Latta, Agoura Hills
Randi Haim, Agoura Hills
Jim McGlothlin, Agoura Hills
Rose Topliss, Agoura Hills
Marianne Escaron, Agoura Hills
Mike Duck, Agoura Hills

The following persons spoke, in opposition, on behalf of the Liberty Canyon Homeowners Association:

Rudy C'Dealva, Agoura Hills
Rich Lawson, Agoura Hills
Andy Pavley, Agoura Hills
Andy Coradeschi, Agoura Hills
Larry Kohler, Agoura Hills (submitted a rendering)
Glenda Burnett, Agoura Hills
Joan Yacovone, Agoura Hills
Robin Morselli-Reilly, Agoura Hills
Fran Pavley, Agoura Hills
Steve Perry, Agoura Hills
Brad Cracchiola, Agoura Hills
Kathy Babylon, Agoura Hills
Carol Kohler, Agoura Hills

There being no further public speakers, Mayor Edelston closed the Public Hearing at 11:05 p.m.

The City Council recessed at 11:06 p.m. and reconvened at 11:18 p.m.

Following a discussion between the City Council and the applicant regarding a request for a continuance, Mayor Edelston reopened the Public Hearing at 12:04 a.m.

ACTION: The motion by Councilmember Kuperberg, to continue the open Public Hearing to the regular City Council meeting of August 13, 2008, was seconded by Councilmember Schwarz, and unanimously approved 5-0.

Councilmember Kuperberg and Mayor Edelston requested staff notify the interested parties of the continued public hearing, including the homeowners associations in the area.

CITY COUNCIL, STAFF COMMENTS

Councilmember Kuperberg thanked Assistant to the City Manager Louis Celaya for his assistance in preparing materials for a statewide League of California Cities presentation regarding Green City Initiatives and reported it was very well received by the attendees.

Mayor Edelston announced the Summer 2008 Concerts in the Park Series kicks off this Sunday at Chumash Park with a Beach Boys cover band, Surfin' Safari.

The City Council wished everyone a Happy Father's Day.

ADJOURNMENT

At 12:08 a.m., on a motion by Councilmember Kuperberg, second by Councilmember Koehler, the City Council unanimously consented to adjourn the meeting to 7:00 p.m., Wednesday, June 25, 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