

**MINUTES  
REGULAR MEETING OF THE  
AGOURA HILLS CITY COUNCIL  
Civic Center – Council Chambers  
30001 Ladyface Court, Agoura Hills, California 91301  
July 8, 2009 at 7:00 p.m.**

The meeting was called to order at 7:00 p.m. by Mayor Weber.

The flag salute was led by Councilmember Kuperberg.

Present were: Mayor Denis Weber, Mayor Pro Tem William Koehler, Councilmember John Edelston, 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, Assistant Director of Planning and Community Development Doug Hooper, Director of Finance Christy Pinuelas, Director of Community Services Amy Brink, Recreation Supervisor Meredith Petit, City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, and City Clerk Kimberly Rodrigues.

**REPORT OF CLOSED SESSION**

City Attorney Steele reported on the City Council Closed Session item pursuant to Government Code Sections 54956.9(a) and 54956.9(c). Direction was given to staff and no reportable action was taken.

**APPROVAL OF AGENDA**

On a motion by Mayor Pro Tem Koehler, second by Councilmember Edelston, the Agenda was approved without objection.

**PUBLIC COMMENTS**

There were no Public Comments.

**PRESENTATIONS**

Mayor Weber read Gene Autry's Code of Honor and presented a Proclamation, recognizing National Day of the American Cowboy, to Ruth and Grant Gerson. In addition, on behalf of U.S. Congressman "Buck" McKeon, 25<sup>th</sup> District of California, Deputy Chief of Staff Bob Haueter presented a Congressional Proclamation to the Gersons.

Mayor Weber presented a Proclamation, recognizing Parks and Recreation Month, to Recreation Supervisor Meredith Petit.

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

There were no reports.

## **CONSENT CALENDAR**

There were no public speakers.

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

1. Approve Minutes of the Regular City Council, Agoura Hills Financing Authority, and Agoura Hills Redevelopment Agency Meeting of June 24, 2009

ACTION: Approved 5-0

2. Approve Demand Warrant Register No. 609

ACTION: Approved 5-0

3. Approve Statement of Investment Policy for Fiscal Year 2009-10

ACTION: Approved 5-0

4. Approve Sewer System Management Plan (SSMP), as Required by State Water Resources Control Board Order No. 2006-0003-DWQ

ACTION: Approved 5-0

5. Approve Notice of Completion for the Computerized Traffic Signal Synchronization Project; NIB 07-01

ACTION: Approved 5-0

6. Adopt **Ordinance No. 09-362**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING ZONING ORDINANCE SECTIONS 9120.1, 9120.15, 9312.2, 9312.3, 9396.1, 9396.2, 9396.3, 9542.1, AND 9710 (ALCOHOLIC BEVERAGE ESTABLISHMENTS) AND CHAPTER 4 OF THE AGOURA VILLAGE SPECIFIC PLAN REGARDING ON-SALE AND OFF-SALE OF ALCOHOLIC BEVERAGES (CASE NO. 09-ZOA-002)

ACTION: Approved 5-0

7. Adopt **Ordinance No. 09-365**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING A ZONE CHANGE (CASE NO. 07-ZC-001)

ACTION: Approved 5-0

### **CONTINUED PUBLIC HEARING/ORDINANCE**

8. Conduct a Continued Public Hearing, Introduce, Read by Title Only, and Waive Further Reading of **Ordinance No. 09-364**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADDING CHAPTER 5 TO ARTICLE VII OF THE AGOURA HILLS MUNICIPAL CODE, RELATING TO THE REGULATION OF BASKETBALL STANCHIONS, and Adopt **Resolution No. 09-1537**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ESTABLISHING IMPOUNDMENT FEES FOR BASKETBALL STANCHIONS

Following presentation of the staff report, Mayor Weber opened the public hearing.

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

ACTION: Following discussion, the motion by Councilmember Schwarz, to Introduce, Read by Title Only, and Waive Further Reading of **Ordinance No. 09-364**, and adopt **Resolution No. 09-1534**, was seconded by Councilmember Edelston, and approved on a roll call vote of 5-0.

### **PUBLIC HEARING/ACTION**

9. Conduct a Public Hearing to Consider an Appeal of the Planning Commission's Approval of Conditional Use Permit (CUP) Amendment Case No. 06-CUP-012, which is a Request to Expand the Live Entertainment Floor Area; to Extend the Live Entertainment Hours; and to Provide Dance Lessons at Senor Carlos Grill & Tequila Lounge/Rockin' Steak House (Carlos Orozco, Applicant)

Following presentation of the staff report, Mayor Weber opened the public hearing.

*The following documents were received after the Agenda packet was prepared and distributed and copies were placed at the dais for City Council consideration:*

Written Correspondence (Email or Letters) in Opposition of the Approval of the CUP:

*Jessica Adams, Agoura Hills  
Linda Axelrod, Agoura Hills  
Jennifer, Gregory, Brett, and Luke Dato, Agoura Hills  
Irma Haldane, Agoura Hills  
Lygia Ionnitiu, Agoura Hills  
Melinda and Danny Irvin, Agoura Hills*

*Susan and Kevin Kindelt, Agoura Hills*  
*Marcia Kornblith and Gerald Peters*  
*Jean Kubelun, Agoura Hills*  
*Nancy and Angelo Minicozzi, Agoura Hills*  
*Orit, Agoura Hills*  
*Lynn and Jeanne Reynolds, Agoura Hills*  
*Barbara and Gary Roller, Agoura Hills*  
*Barbara Schweitzer, Agoura Hills*  
*Charles South, Agoura Hills*  
*Trudy Willauer, Agoura Hills*

Written Correspondence (Email) in Support of the Approval of the CUP:

*Lisa and Mark McCoy, Agoura Hills*

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

Chuck Cohen, Westlake Village, representing the applicant  
Sandy E. Smith, Ventura, Alston and Bird, representing the applicant  
Carlos Orozco, Agoura Hills, Senor Carlos/Rockin' Steak House, applicant

The following person(s) spoke in opposition of the approval of the CUP:

Cynthia Bartholomay, Agoura Hills  
Barry Bartholomay, Agoura Hills  
Robert Slagter, Agoura Hills  
Gail Kagan, Agoura Hills  
Steven Iceland, Agoura Hills  
Mary Wiesbrock, Agoura Hills, representing Save Open Space (*submitted documents*)  
Pat MacGregor, Agoura Hills

The following person submitted a Speaker Card in opposition of the approval of the CUP:

Coreen Costello, Agoura Hills  
Jim Costello, Agoura Hills  
Dave Reizman, Agoura  
Barbara Schweitzer, Agoura Hills  
Jasmine Wilson, Agoura Hills

**The City Council recessed at 8:55 p.m. and reconvened at 9:14 p.m.**

At the request of Mayor Weber, Lieutenant Steve Smith, from the Malibu/Lost Hills Sheriff's Station, spoke about the issues, in general, related to night clubs.

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

**ACTION:** Following discussion, the motion by Councilmember Edelston, to sustain the appeal of Conditional Use Permit (CUP) Amendment Case No. 06-CUP-012, with direction to staff to return to the next meeting with a resolution memorializing that action, was seconded by Councilmember Schwarz, and approved on a roll call vote of 5-0.

10. Conduct a Public Hearing and Consider the Adoption of **Resolution No. 09-1544**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, FINDING THE CITY OF AGOURA HILLS TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

Following presentation of the staff report, Mayor Weber opened the public hearing.

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

**ACTION:** Following discussion, the motion by Councilmember Kuperberg, to adopt **Resolution No. 09-1544**, was seconded by Councilmember Schwarz, and approved on a roll call vote of 5-0.

### **CITY COUNCIL, STAFF COMMENTS**

City Engineer Ramiro Adeva provided an update on both the street resurfacing and annual concrete repair projects and announced the pilot project for the ozone facility is now underway.

Mayor Pro Tem Koehler reported that he attended and introduced the sponsors at the last Concerts in the Park event, commended Recreation Supervisor Nick Newkirk for his coordination of a soundtrack to the fireworks display, and recommended using a soundtrack for future fireworks displays in the City.

Councilmember Schwarz commended staff on the successful fireworks event and encouraged the community to attend the family-oriented Concerts and Movies in the Park events.

Councilmember Edelston announced that he will be a “Grandpa” next spring, as his daughter Danielle is expecting.

Mayor Weber commended staff on the various Park and Recreation activities offered to the community and noted that Reyes Adobe Days is just around the corner.

### **ADJOURNMENT**

At 10:12 p.m., on a motion by Councilmember Edelston, second by Councilmember Schwarz, the City Council unanimously consented to adjourn the meeting, in honor of Councilmember Edelston’s daughter, Danielle, and the anticipated arrival of his new grandchild, to 7:00 p.m., Wednesday, August 12, 2009, 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, MMC  
City Clerk

***The Regular Meeting of the City Council for July 22, 2009  
has been canceled, the next Regular Meeting of the City Council  
is scheduled for Wednesday, August, 12, 2009***