

**MINUTES**  
**REGULAR MEETING OF THE**  
**AGOURA HILLS CITY COUNCIL**  
**Civic Center – Council Chambers**  
**30001 Ladyface Court, Agoura Hills, California 91301**  
**October 28, 2009 at 7:00 p.m.**

The meeting was called to order at 7:15 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 Schwarz.

Also Present were: City Manager Greg Ramirez, City Attorney Craig Steele, Assistant City Manager Nathan Hamburger, Assistant to the City Manager Louis Celaya, City Treasurer Lily Ruff, Director of Finance Christy Pinuelas, Accounting Specialist Melinda Brodsky, City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Director of Planning and Community Development Director Mike Kamino, Associate Planner Renee Madrigal, Planning Consultant Jack Unger, Director of Community Services Amy Brink, Recreation Supervisor Meredith Petit, and City Clerk Kimberly Rodrigues.

**REPORT OF CLOSED SESSION**

City Attorney Steele reported on the five City Council Closed Session items pursuant to Government Code Sections 54956.8, 54956.9(a) and 54956.9(b). Direction was given to staff and no reportable action was taken.

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

There were no Public Comments.

**PRESENTATIONS**

Following a short video presentation on Joni & Friends, Mayor Weber presented a Proclamation to Joni Eareckson Tada recognizing the 30<sup>th</sup> Anniversary of Joni & Friends and a framed photograph recognizing both her organization and her 60<sup>th</sup> birthday.

Mayor Weber presented Employee Service Awards to Mike Kamino, Planning and Community Development Department (20 years), Melinda Brodsky, Finance Department (10 years), Renee Madrigal, Planning and Community Development Department (10 years), Meredith Petit, Community Services Department (5 years), and Kimberly Rodrigues, City Clerk Department (5 years) recognizing their years of dedicated service to the City. Each employee had an opportunity to thank the City Council and spoke about their service with the City.

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

Councilmember Schwarz spoke about attending a California Redevelopment Association (CRA) meeting and the discussion regarding a series of lawsuits and a statewide initiative to prevent the State of California from taking Redevelopment Agency funds from the cities. He suggested the Economic Development Committee meet to discuss this issue and requested the City Council place an item on the agenda for discussion. It was Council consensus to bring back an item for consideration.

Mayor Weber spoke about addressing the Thousand Oaks/Westlake Village Government Relations Committee last week and providing an update on the City.

### **CONSENT CALENDAR**

There were no public speakers.

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

1. Approve Minutes of the Regular City Council and Redevelopment Agency Meeting of September 23, 2009

ACTION: Approved 5-0

2. Approve Minutes of the Regular City Council Meeting of October 14, 2009

ACTION: Approved 5-0

3. Approve Demand Warrant Register No. 616

ACTION: Approved 5-0

4. Approve Treasurer's Investment Report for September 2009

ACTION: Approved 5-0

5. Approve Authorization to Seek Bids for FY 2009-10 Annual Concrete Repair Project; NIB 09-03

ACTION: Approved 5-0

6. Adopt **Resolution No. 09-1556**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AUTHORIZING THE CITY TO ACCESS STATE AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT PURPOSES

ACTION: Approved 5-0

7. Adopt **Resolution No. 09-1557**; A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

ACTION: Approved 5-0

8. Adopt **Resolution No. 09-1558**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE COOPERATIVE AGREEMENT, DISTRICT AGREEMENT NO. 07-4865, WITH THE STATE OF CALIFORNIA FOR THE U.S. 101/PALO COMADO CANYON ROAD INTERCHANGE PROJECT

ACTION: Approved 5-0

#### **CONTINUED PUBLIC HEARING/ACTION**

9. Conduct a Continued Open Public Hearing to Consider an Appeal of the Planning Commission's Approval of Conditional use Permit Case No. 07-CUP-007, which Allows for the Construction of an Unmanned Wireless Telecommunication Facility Consisting of Three (3) New T-Mobile Antenna Flag Poles with Two (2) Antennas Inside Each Pole, and Six (6) Associated Ground-Mounted Equipment Cabinets Surrounded by an Eight (8)-Foot High Masonry Equipment Enclosure and Consider the Adoption of **Resolution No. 09-1532** (Omnipoint Communications, Inc., for T-Mobile, Applicant) – *Continued from September 23, 2009*

The open Public Hearing was continued from September 23, 2009.

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

*Following distribution of the Agenda Packet, and prior to the City Council Meeting, written correspondence was received from the following person, distributed to the City Council, and made available at the public counter:*

*Adrienne Patnaud, Real Estate/Zoning Manager, T-Mobile West Corporation  
(email)  
Donald M. Zimring Ph.D., Superintendent, Las Virgenes Unified School District*

The following person(s) spoke on behalf of the applicant, T-Mobile:

Robert W. Wheaton, AICP, Site Development Specialist

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

Rina Baraz Nehdar, Agoura Hills  
Deborah Lopez, Agoura Hills

The following person(s) spoke in favor of the item:

MaryAnn Rush, Agoura Hills (submitted petition of 60 signatures in favor)

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

Following further discussion, Mayor Weber reopened the Public Hearing.

The following person(s) spoke on behalf of the applicant, T-Mobile:

Robert W. Wheaton, AICP, Site Development Specialist

Mayor Weber closed the Public Hearing.

**ACTION:** Following a question and answer period, the motion by Mayor Pro Tem Koehler, to approve the appeal overturning the Planning Commission's approval of Conditional Use Permit, Case No. 07-CUP-007, and direct staff to bring back a resolution to Council, was seconded by Councilmember Schwarz, and approved on a roll call vote of 4-1, with Weber opposed.

The City Council recessed at 9:01 p.m. and reconvened at 9:16 p.m.

## **DISCUSSION/ACTION**

### 10. Presentation by Thousand Oaks/Westlake Village Regional Chamber of Commerce

Following presentation of the staff report, the Thousand Oaks/Westlake Village Regional Chamber of Commerce made a presentation to the City Council.

The following person(s) submitted written comments:

Paul Dryman, Newbury Park, representing Informed Decision  
Mary Guy  
John Pappas, Moorpark  
Dr. Jacqueline Pick, Westlake Village  
Alaimoana Vete, Newbury Park

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

Jill Lederer, President/CEO, Chamber  
Jan Smith, Director of Governmental & Economic Affairs, Chamber  
Madeline Hess, Chairman of the Board, Chamber  
Rick Lemmo, Board Member, Caruso Affiliated  
Mark Boos Benhard, Westlake Village  
Pete Turpel, Chairman-Elect of the Board, Phone On Hold Marketing  
Phillip Koonce, Board Member, PAK Financial  
Dave Friedl, Board Member, CR Print  
John LaRocca, Board Member, Sage Bancard

Mayor Weber disclosed that he works for all members of the Chamber as a banker.

Following the presentation, Mayor Weber opened the floor for public comment. There were no public speakers.

**ACTION:** Following discussion and a question and answer period, the City Council unanimously consented to direct staff to meet with the Thousand Oaks/Westlake Village Regional Chamber of Commerce and bring back a potential agreement and recommendation for Council consideration at the next meeting scheduled for December 9, 2009.

## **CITY COUNCIL, STAFF COMMENTS**

Assistant to the City Manager Celaya announced the upcoming Water Conservation Symposium, hosted by the Conejo/Las Virgenes Future Foundation, in conjunction with regional water agencies, scheduled for November 15, 2009, at the Agoura Hills/Calabasas Community Center.

Councilmember Edelston encouraged everyone to visit the Agoura Hills Farmers Market prior to attending the Water Conservation Symposium.

Councilmember Kuperberg noted that, prior to the regular meeting, the City Council had met in a study session to discuss the Draft General Plan Update which is a document that will guide the future development of the City for the next 20 years.

Mayor Weber thanked staff for their dedication and service to the City; wished everyone a safe and Happy Halloween; reminded everyone about daylight savings time and to turn their clocks back on Saturday evening; and requested City Council consideration on directing staff to create a section on the City's website for local residents to recognize family and friends that are members of the military serving our country and received Council consensus to do so.

Councilmember Schwarz noted that during World War II, symbols placed on homes signified if a member of the community was serving in the military and posting on the Internet would be an updated version of paying tribute to members in our community that are serving our country.

Councilmember Kuperberg agreed this was a terrific idea and a great way to honor the people that serve our community.

Mayor Weber noted the next regular meeting, November 10, 2009, will be held on a Tuesday.

### **ADJOURNMENT**

At 10:30 p.m., on a motion by Councilmember Schwarz, second by Mayor Pro Tem Koehler, the City Council unanimously consented to adjourn the meeting to 7:00 p.m., Tuesday, November 10, 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

<p>The next Regular City Council Meeting is scheduled for <b>TUESDAY, November 10, 2009</b></p>
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