

**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**  
**TUESDAY, November 10, 2009 at 7:00 p.m.**

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

The flag salute was led by Boy Scout Troop No. 756.

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

Councilmember Edelston was absent (arrived at 7:40 p.m.)

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, Principal Planner Allison Cook, and City Clerk Kimberly Rodrigues.

**REPORT OF CLOSED SESSION**

No Closed Session was held.

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

There were no public comments.

**PRESENTATIONS**

Mayor Weber announced the declaration of November as Alzheimer's Disease Awareness Month and urged residents to join in the endeavor to raise public awareness and involvement in addressing this important issue.

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

Mayor Pro Tem Koehler spoke about attending a Las Virgenes Municipal Water District (LVMWD) Quarterly Facility Tour to the Sacramento–San Joaquin Delta last weekend and announced there would be an LVMWD meeting held on November 18, 2009, regarding irrigation and reducing water usage and encouraged residents to attend.

## **CITY COUNCIL CONSENT CALENDAR**

There were no public speakers.

On a motion by Mayor Pro Tem Koehler, second by Councilmember Schwarz, the Consent Calendar was unanimously approved 4-0, with Councilmember Edelston absent.

1. Approve Minutes of the Special Draft General Plan Study Session of October 28, 2009

ACTION: Approved 4-0, Edelston absent

2. Approve Minutes of the Regular City Council Meeting of October 28, 2009

ACTION: Approved 4-0, Edelston absent

3. Approve Demand Warrant Register No. 617

ACTION: Approved 4-0, Edelston absent

4. Approve Authorization to Seek Bids for the Agoura Road Landscape Beautification Project; NIB 09-03

ACTION: Approved 4-0, Edelston absent

5. Approve Notice of Completion for the 2008-2009 Concrete Repair Project; NIB 08-02

ACTION: Approved 4-0, Edelston absent

6. Adopt **Resolution No. 09-1559**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AUTHORIZING PARTICIPATION IN THE ENERGY COMMISSION'S ENERGY EFFICIENCY CONSERVATION BLOCK GRANT (EECBG) SMALL CITY AND COUNTY GRANT PROGRAM

ACTION: Approved 4-0, Edelston absent

7. Adopt **Resolution No. 09-1532**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, GRANTING AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL, AND THEREBY DENYING, CONDITIONAL USE PERMIT CASE NO. 07-CUP-007, AN APPLICATION FOR A WIRELESS TELECOMMUNICATIONS FACILITY WITH ASSOCIATED GROUND MOUNTED EQUIPMENT CABINETS AND EQUIPMENT ENCLOSURES TO BE LOCATED AT LINDERO MIDDLE SCHOOL LOCATED AT 5844 LARBOARD LANE

ACTION: Approved 4-0, Edelston absent

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

The meeting was called to order at 7:07 p.m. by Agency Chair Koehler.

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

Agency Member John Edelston was absent.

Also Present were: Executive Director Greg Ramirez, Agency Attorney Craig Steele, Assistant Executive Director 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, Principal Planner Allison Cook, and Agency Secretary Kimberly Rodrigues.

**RDA APPROVAL OF AGENDA**

On a motion by Agency Vice Chair Schwarz, second by Agency Member Weber, with Agency Member Edelston absent, 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 Weber, second by Agency Member Kuperberg, the Consent Calendar was approved 4-0, with Agency Member Edelston absent.

RDA1. Approve Minutes of the Regular City Council and Redevelopment Agency Meeting of September 23, 2009

ACTION: Approved 4-0, Edelston absent

**RDA PUBLIC HEARING/ACTION**

RDA2. Conduct a Public Hearing and Consider the Adoption of the 2009-10 and 2013-14 Redevelopment Agency Five-Year Implementation Plan

Following presentation of the staff report, Agency Chair Koehler opened the Public Hearing.

There being no public speakers, Agency Chair Koehler closed the Public Hearing.

ACTION: Following discussion, the motion by Agency Vice Chair Schwarz, to adopt the 2009-10 and 2013-14 Redevelopment Agency Five-Year Implementation Plan, was approved 4-0 with Agency Member Edelston absent.

At 7:19 p.m., on a motion by Agency Vice Chair Schwarz, second by Agency Member Kuperberg, with Agency Member Edelston absent, the Redevelopment Agency unanimously consented to adjourn the meeting.

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

**CITY COUNCIL PUBLIC HEARING/ORDINANCE**

8. Conduct a Public Hearing to Consider the Adoption of **Ordinance No. 09-370U**; AN EXTENSION OF THE INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTED AS AN URGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF WIRELESS TELECOMMUNICATIONS FACILITIES IN ANY ZONING DISTRICT WITHIN THE CITY

City Manager Ramirez noted the moratorium would require a 4/5ths vote of the City Council and, as there was not a full City Council in attendance, recommended the Public Hearing and consideration of **Ordinance No. 09-370U** be postponed to a date certain.

ACTION: Following discussion, the motion by Councilmember Kuperberg, to continue the Public Hearing to an adjourned meeting at 6:00 p.m. on November 18, 2009, was seconded by Councilmember Schwarz and approved 4-0, with Councilmember Edelston absent.

City Attorney Steele announced that any public comment for the Public Hearing on the extension of the moratorium related to wireless telecommunications facilities would be continued, with the public hearing open, to next Wednesday, November 18, 2009, at 6:00 p.m. in the Council Chambers and no further notice would be given.

City Manager Ramirez recommended the City Council consider the proposal to support a resolution to seek federal legislation which would provide greater local control to regulate wireless telecommunication facilities.

Mayor Weber opened the floor for public comment.

The following person(s) spoke in support:

Rina Baraz Nehdar, Agoura Hills  
Deborah Lopez, Agoura Hills

**Councilmember Edelston arrived at 7:40 p.m.**

**ACTION:** Following discussion, the motion by Councilmember Kuperberg, to direct staff to return to the next meeting with a resolution, supporting local government authority in Federal wireless telecommunications regulations, for Council consideration, was seconded by Mayor Pro Tem Koehler and approved 4-1, with Councilmember Edelston abstaining, as he was not present for the discussion.

The City Council decided to consider the extension of the interim zoning ordinance relating to the temporary moratorium on the approval of wireless telecommunications facilities. City Attorney Steele provided guidance on the motions needed to reconsider the Public Hearing.

**ACTION:** The motion by Councilmember Kuperberg, to reconsider the continuance of the Public Hearing on the extension of the moratorium related to wireless telecommunications facilities, was seconded by Councilmember Schwarz and approved 5-0.

**ACTION:** The motion by Councilmember Kuperberg, to withdraw the continuance of the Public Hearing to Wednesday, November 18, 2009, at 6:00 p.m., was seconded by Councilmember Schwarz and approved 5-0.

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

The City Council requested the record reflect that the following person(s) previously spoke in support:

Rina Baraz Nehdar, Agoura Hills  
Deborah Lopez, Agoura Hills

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

**ACTION:** Following discussion and a question and answer period, the motion by Councilmember Kuperberg, to read in title only and adopt Ordinance No. 370U, extending a moratorium ordinance regarding wireless telecommunications facilities, was seconded by Councilmember Edelston and approved on a roll call vote of 5-0.

### **CITY COUNCIL DISCUSSION/ACTION**

9. Consider the Adoption of **Resolution No. 09-1560**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING FEES AND CHARGES FOR SERVICES RENDERED FOR APPLICATIONS FOR APPEAL TO THE CITY COUNCIL

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

**ACTION:** Following discussion, the motion by Mayor Pro Tem Koehler, to adopt Resolution No. 09-1560, was seconded by Councilmember Schwarz, and approved 5-0.

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

Councilmember Edelston offered his apologies and explained that he was late to the meeting as he had to attend an important client meeting regarding an impending bankruptcy issue with Lakeside Medical Group.

Mayor Weber noted the next regular City Council meeting is scheduled for December 9, 2009, asked everyone to honor their Veterans tomorrow, requested the meeting be adjourned in honor of the soldiers killed at Fort Hood, and wished everyone a blessed Thanksgiving.

Councilmember Edelston noted this was the last regular City Council meeting of the year and thanked Mayor Weber for a great year.

Councilmember Kuperberg announced the City Council Reorganization Meeting and Mayor's State of the City would be held on Tuesday, December 1, 2009 at 7:00 p.m.

## **ADJOURNMENT**

At 8:23 p.m., on a motion by Mayor Pro Tem Koehler, second by Councilmember Schwarz, the City Council unanimously consented to adjourn the meeting, in honor of the soldiers who lost their lives at Fort Hood, to 7:00 p.m., Wednesday, December 9, 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/Agency Secretary

The Regular Meeting of the City Council for November 25, 2009 has been canceled, the next Regular Meeting is scheduled for December 9, 2009