

**MINUTES**  
**REGULAR MEETING OF THE**  
**AGOURA HILLS CITY COUNCIL**  
**Civic Center – Council Chambers**  
**30001 Ladyface Court, Agoura Hills, California 91301**  
**November 10, 2010 at 7:00 p.m.**

The meeting was called to order at 7:04 p.m. by Mayor Koehler.

The flag salute was led by Mayor Pro Tem Schwarz.

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

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, City Engineer Ramiro Adeva, Engineering Consultant Donna Snider, Building Official Amir Hamidzadeh, Director of Finance Christy Pinuelas, Director of Community Services Amy Brink, Administrative Analyst/Interim Public Works Project Manager Chris Dodd, and City Clerk Kimberly Rodrigues.

**REPORT OF CLOSED SESSION**

City Attorney Steele reported on the three City Council Closed Session items, pursuant to Government Code Sections 54956.9(a), 54956.9(c), and 54957, and the Redevelopment Agency item, pursuant to Government Code Section 54956.8. The City Council considered Items 1, and 2, and the Redevelopment Agency considered Item 1; direction was given to staff and no reportable action was taken. City Attorney Steele announced the Council would recess to the Closed Session, following the regular City Council meeting, to consider Item 3.

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

There were no public comments.

**PRESENTATIONS**

Mayor Koehler recognized Brad Rosenheim as Recipient of the Valley Cultural Center's 2010 Clyde Porter Humanitarian Award.

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

There were no reports.

## **CONSENT CALENDAR**

There were no public speakers.

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

1. Approve Minutes of the Regular City Council Meeting of October 27, 2010

ACTION: Approved 5-0

2. Approve Demand Warrant Register No. 637

ACTION: Approved 5-0

3. Approve Notice of Completion for FY 2010-11 Street Rehabilitation Project; NIB 10-01

ACTION: Approved 5-0

4. Approve Rejection of Claim for Damages for Giti Amiransari

ACTION: Approved 5-0

5. Approve Second Amendment to Agreement with Kimley-Horn and Associates, Inc., Relating to the Completion of the Project Report and Environmental Documents for the U.S. 101/Palo Comado Canyon Road Interchange Project

ACTION: Approved 5-0

6. Adopt **Resolution No. 10-1604**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING THE FINANCIAL TRANSACTIONS BETWEEN EMPLOYEES AND APPOINTED OFFICIALS AND ELECTED OFFICIALS POLICY

ACTION: Approved 5-0

## **CONTINUED PUBLIC HEARING/ORDINANCE**

7. Continue the Open Public Hearing, to March 23, 2011, to Introduce, Read by Title Only, and Waive Further Reading of **Ordinance No. 10-373**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTIONS 9312.2.S.19c, 9312.3, AND 9654.6, AND ADDING ZONING ORDINANCE SECTION 9396.4 TO ALLOW SELF-STORAGE USE IN THE BP-M-

FC ZONE, NORTH OF THE 101 FREEWAY (CASE NO. 09-ZOA-005) – *This Public Hearing was continued from the Regular City Council Meeting of May 12, 2010*

Mayor Koehler announced staff had requested this item be continued to March 23, 2010.

ACTION: The motion by Councilmember Kuperberg, to continue the Open Public Hearing to March 23, 2011, was seconded by Councilmember Edelston, and approved 5-0.

### **PUBLIC HEARING/ORDINANCE**

8. Conduct a Public Hearing, Introduce, Read by Title Only, and Waive Further Reading of **Ordinance No. 10-380**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING DIVISION 3 OF PART 1 OF CHAPTER 6 OF ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE, RELATING TO THE CITY'S UNDERGROUNDING UTILITIES ORDINANCE TO ALLOW FOR THE OPTION OF AN IN-LIEU FEE FOR DEVELOPMENT LOCATED WITHIN SPECIFIED AREAS OF UNDERGROUNDING DISTRICTS

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

The following person spoke:

Brad M. Rosenheim, Woodland Hills, representing Whizen Market Square/  
Regency Center

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

Following further discussion to continue the item, Mayor Koehler reopened the Public Hearing.

ACTION: Following discussion, the motion by Mayor Pro Tem Schwarz, to continue the open Public Hearing to December 8, 2010, was seconded by Councilmember Kuperberg, and unanimously approved 5-0.

### **ORDINANCE/ACTION**

9. Introduce, Read by Title Only, and Waive Further Reading of **Ordinance No. 10-381**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA ADOPTING, BY REFERENCE, THE FOLLOWING MODEL CODES INTO AGOURA HILLS MUNICIPAL CODE: 2010 CALIFORNIA BUILDING, RESIDENTIAL, PLUMBING, MECHANICAL, ELECTRICAL, FIRE, GREEN BUILDING, PROPERTY AND MAINTENANCE, AND OTHER RELATED MODEL CODES, AND THEIR APPENDICES, AND REPEALING AND REPLACING CHAPTER 1 OF ARTICLE III, AND CHAPTERS 1, 2, 3, AND 4 OF ARTICLE VIII OF THE AGOURA HILLS MUNICIPAL CODE - *and Set the Public Hearing on the Adoption of the Ordinance for Wednesday, December 8, 2010*

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

City Attorney Steele noted the final draft of the ordinance was on the dais for the City Council's review: **Ordinance No. 10-381**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA ADOPTING, BY REFERENCE THE 2010 VERSIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL, FIRE, GREEN BUILDING, ENERGY AND HISTORICAL BUILDING CODES, THE 2006 VERSION OF THE INTERNATIONAL PROPERTY AND MAINTENANCE CODE, AND OTHER RELATED MODEL CODES, AND THEIR APPENDICES, AND REPEALING AND REPLACING CHAPTER 1 OF ARTICLE III, AND CHAPTERS 1, 2 AND SELECTED SECTIONS OF CHAPTER 3 OF ARTICLE VIII OF THE AGOURA HILLS MUNICIPAL CODE

**ACTION:** Following discussion, the motion by Mayor Pro Tem Schwarz, to introduce, read by title only, and waive further reading of **Ordinance No. 10-381**, as amended, and to set the Public Hearing for the adoption of the ordinance for Wednesday, December 8, 2010, was seconded by Councilmember Edelston, and approved 5-0.

### **DISCUSSION/ACTION**

10. Discussion and Consideration to Adopt **Resolution No. 10-1605**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING A PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS BETWEEN THE CITY OF AGOURA HILLS AND RELIANCE TRUST, TRUSTEE, FOR THE CITY'S PURCHASE OF REAL PROPERTY LOCATED AT 29900 LADYFACE COURT

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

City Attorney Steele offered two additional points: 1) the City's offer was based on an independent appraisal, under MAI standards, that was commissioned by the City and considered during negotiations, and 2) the offer price was significantly less than the original listing price on the property and the City was advised, throughout the process, by a local experienced commercial real estate professional and it has been a process of due diligence, as to price, throughout the course of the negotiations. If the Council approves the agreement, there will be another fairly extended period of due diligence, with regard to inspections of the property, title surveys, etc., before the acquisition would be final.

There were no public comments.

**ACTION:** Following discussion and a question and answer period, the motion by Councilmember Kuperberg, to adopt **Resolution No. 10-1605**, was seconded by Mayor Pro Tem Schwarz, and unanimously approved 5-0.

## **CITY COUNCIL, STAFF COMMENTS**

Director of Community Services Amy Brink announced the Agoura Hills/Las Virgenes/Westlake Village Community Concert and Jazz Band would be performing at Oaks Christian High School on November 8, 2010 at 5:00 p.m..

Councilmember Edelston announced the International Baccalaureate Program at Agoura Hills High School is hosting a fundraiser on November 13, 2010, beginning at 11:00 a.m.

Councilmember Kuperberg announced this was the last regular City Council meeting of the year, thanked Mayor Koehler for an incredible year, and noted the City Council reorganization meeting was scheduled for Tuesday, November 30, 2010.

Councilmember Weber thanked Mayor Koehler for a great year and wished everyone a Happy and blessed Thanksgiving.

Mayor Koehler remarked it had been a very fast year and commended the Council for their integrity and working towards the ultimate goal of whatever is in the best interest of the community.

## **ADJOURNMENT**

At 8:25 p.m., on a motion by Mayor Pro Tem Schwarz, second by Councilmember Kuperberg, the City Council unanimously consented to recess the meeting to a Closed Session and then adjourn to 7:00 p.m., Wednesday, December 8, 2010, 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