

MINUTES OF THE CITY COUNCIL

Westlake Village, California

May 9, 2012

- CALL TO ORDER** This regular meeting of the Westlake Village City Council was called to order by Mayor McSweeney on Wednesday, May 9, 2012 at 6:35 p.m., at 31200 Oak Crest Drive, Westlake Village.
- PLEDGE OF ALLEGIANCE** Mary Kate Smith, Chaminade College Preparatory student, led the Pledge of Allegiance
- ROLL CALL** **Present:** Councilmembers Davis, Rutherford, Slavin, Mayor Pro Tem Klessig, Mayor McSweeney
Absent: None.
Also Present: City Manager Taylor, Assistant City Manager Schmitz, City Attorney Boga, Planning Director Wolfe, City Clerk Schott, City Engineer Knipe, Administrative Analyst Kallman, Assistant Planner Casswell, City Traffic Engineer Wessel
- APPROVAL OF AGENDA** Councilmember Rutherford moved to amend the agenda to move the Consent Calendar to immediately follow the approval of the Minutes, and to approve the Agenda as amended. Councilmember Davis seconded the motion which passed unanimously.
- APPROVAL OF MINUTES** Mayor Pro Tem Klessig moved to approve the minutes of April 25, 2012 as presented. Councilmember Slavin seconded the motion which passed unanimously.
- CONSENT CALENDAR** Councilmember Rutherford moved that the Consent Calendar be approved. Councilmember Slavin seconded the motion which passed unanimously by a roll-call vote.
APPROVAL OF WARRANTS: Warrants effective May 15, 2012 in the total amount of \$1,189,574.65.
GENERAL BUSINESS:
1. Public Safety Committee Report - Review of items discussed at the April 26, 2012 Public Safety Committee meeting, report was received and filed.
 2. Resolution No. 1615-12; Modification of Employer Paid Member Contributions to CalPERS - Recommendation was to adopt Resolution No. 1615-12, modifying employer paid member contributions.
 3. Las Virgenes-Malibu Council of Governments Hazard Mitigation Plan; Resolution No. 1616-12 - Recommendation was to approve Resolution No. 1616-12, adopting the Las Virgenes-Malibu Council of Governments Hazard Mitigation

Plan.

4. Street Sweeping Contract Renewal - Recommendation was to approve a four-year contract with Clean Street, Inc., and direct the City Attorney to prepare a contract for the services for execution by the Mayor and City Clerk.

5. Renewal of General Services Agreement with Los Angeles County - Recommendation was that the General Services Agreement be renewed, and that the Mayor and City Clerk be authorized to sign and execute the document.

PUBLIC HEARINGS:

**COMMUNITY
DEVELOPMENT
PERMIT NO. 10-01
(GPA 10-001,
SPECIFIC PLAN
AMENDMENT NO.
10-001; DEV. AGMT.
10-001; OT PERMIT
10-001; PDP
10-003); RESOS.
1612-12, 1613-12,
1614 -12; ORDS.
218-12, 219-12;
WESTLAKE NORTH
PLANNING AREA C;
SELLECK
DEVELOPMENT
GROUP**

Councilmember Slavin read a prepared statement announcing he is recusing himself from this Public Hearing item. City Manager Taylor introduced the item for consideration of a request from SDG Russell Ranch Associates, LLC (Selleck Development Group) for a General Plan Amendment, a Specific Plan Amendment, a Tentative Parcel Map, a Planned Development Permit and Oak Tree Permit, and a Development Agreement to authorize the development of a retail center on a 21.51-acre parcel located to the north of the 101 Freeway and southeast of Russell Ranch Road. Presenting staff's report, Planning Director Wolfe described the subject site located on Planning Area "C" of the Westlake North Specific Plan. Mr. Wolfe reported the applicant proposes to construct a 243,561 sq. ft. retail commercial center, which will include a 136,886 sq. ft. Target store as the main anchor; one two story building and one single story building, to contain retail shops, restaurants, and a Total Woman gym; a cluster of three single story retail/restaurant buildings centrally located on the frontage of the site; and two single story retail/restaurant buildings located at the north end of the site along Russell Ranch Road and along the 101 Freeway at the west end of the site. Mr. Wolfe provided a detailed report on the application process required for this proposal, and described the proposed "Napa Valley" style building architecture and design; and reviewed the details of the proposed Development Agreement, which includes a traffic mitigation and community impact fee of \$3.4 million, City use of the Southern California Edison transmission easement along the eastern boundary for recreation uses, and dedication to the City in perpetuity a 285 sq. ft. monument sign easement on the property adjacent to the U.S. 101 freeway. Mr. Wolfe further reviewed the draft Environmental Impact Report prepared for this proposal, and noted a list of corrections/changes the City Attorney has placed on the dais for the City Council, mitigation measure language changes, and changes to Ordinance No. 219-12 regarding dining establishments. Mr. Wolfe reported a petition

opposing any change from office to retail for this site was submitted to the City containing 318 signatures (230 City residents, 88 non-City residents); and correspondence received by the City regarding the project contained PRO = 55 (24 City residents, 11 non-City residents, 19 unable to determine residency); CON = 27 (22 City residents, 2 non-City residents, 2 unable to determine residency). **Questions of Staff:** Mr. Wolfe responded to questions from Councilmember Rutherford regarding the Errata identifying typographical errors, and Mr. Wolfe's proposed changes to the Motion contained in the staff report. Mr. Wolfe further responded to questions from Mayor Pro Tem Klessig regarding parking, and Francisco Behr, City Architectural Design Consultant, responded to questions from Councilmember Davis regarding what a trained eye looks at with this type of project. **Applicant Presentation:** Chuck Cohen, Legal Counsel, provided introduction comments describing the Napa/European theme project which will include a Target Store. Mr. Cohen commented on the community outreach conducted by Selleck Development Group, and the numerous meetings held with City staff and the City Council's Planning Area C Ad Hoc Committee. Dan Selleck, Selleck Development Group, complimented Scott Wolfe and Francisco Behr on a well done presentation. Mr. Selleck provided background of the property, and described the process of bringing this proposal to the City. Brian Polliquin, Architect, described the architectural elements of the project. Lee Newman, Landscape Architect, described the landscaping and walkway areas planned. Mr. Selleck discussed the community benefits of the project, potential sales tax revenue, and green energy. Todd Acalin, Project Manager, talked about the community benefits Target Corporation and their employees bring to the communities in which they are located. Dan Selleck stated the anticipated opening date is March, 2014. **Questions of Applicant:** Mr. Newman responded to environmental questions from Mayor Pro Tem Klessig. **Written Public Comments: PRO: 22. CON: 14. NO POSITION STATED: 1. Public Comments: PRO:** Michelle Sievers, Dragan Mijailovic, Robert Bocchi, Dave Deluccia, Liz Caputo (Total Woman Gym), Janet Whitney, Greg Whitney. **CON:** Gale Slone, Robert Azzarello, Colin Donahue.

Mayor McSweeney called a Recess at 9:45 p.m. The meeting reconvened at 9:50 p.m.

Public Comments: PRO: Linda Miller, Steve Umberger, Paul Bryan, Marc Hernandez, Ray Pearl, Carol Kirschbaum,

Dan Spielfogel, Karen Bakerman, Kevin Ketchum, Richard Still, John Moyen, Joe Norick, Christina LaForgia, Steve Edwards, Brad Spiegel, Ken Bauer (Value Click), Rick Gupta, David Catlin, Bob Bekcian, Coleen Darling, Lynwood Fields, Frank Bonvino, Susan Curtis, Steve Rice, Mike Tingus, Tom Chowanec, Larry Persons. **PRO WITH SIGNAGE**

CONDITIONS: Brad Halpern, Ken Brown. **CON:** Susan Armstrong, Nancy Pistacellie, John Mullin, John Lyon, Karl Alexander, Ladan Nejad, Elaine Goldman, Jim Shaw, Barbara Erickson, Cheryl Tabbi, Margaret Krpan. **Staff Response:** Planning Director Wolfe suggested additional conditions regarding Title 24 and site maintenance of undeveloped building pads. **Questions of Staff:** Mr. Wolfe responded to questions regarding the Environmental Impact Report alternatives and unmitigatable impacts, truck delivery schedules, and the City's Public Art in Public Places program. **Questions of Applicant:** Mr. Selleck responded to questions from the City Council regarding truck deliveries, the City's Public Art requirement, and soil exportation. Kareem Ali, Target, responded to Councilmember Davis' concerns regarding Target's red "bullseye" logo, and responded to questions from Mayor McSweeney regarding Target's policy to give back to the community. Mr. Selleck stated he is willing to explore possibilities with staff and the City's Planning Area C Ad hoc Committee regarding changes to the Target signage in regards to material, lighting, etc. **City Council Deliberation:** Councilmember Davis stated retail is the right use for this space, this project will greatly benefit the City, and supports approval of the project. Councilmember Rutherford complimented Planning Director Wolfe on his presentation, stated he believes retail is the better use for this site, and supports approval of the application. Mayor Pro Tem Klessig and Mayor McSweeney supported approval. Councilmember Rutherford suggested the condition be added regarding solar roof panels, a condition with respect to the Specific Plan Amendment concerning dining establishments to Section 4.C.1., a condition concerning Title 24 compliance, and language concerning the color, materials, and lighting of the freeway signage logo will be referred to the Ad-hoc Committee for further research with the ability to refer back to the City Council. City Attorney Boga proposed adding the following sentence to the end of Section 8.E. of the Development Agreement "Notwithstanding any other provision of this agreement the color, materials, and illumination of the Target logo facing the Ventura Freeway shall be as approved by the City Council's Planning Area C Ad-hoc Committee and Developer, subject to the Developers right to appeal to the City

Council. Councilmember Rutherford further added a condition regarding completion of undeveloped pads. It was the consensus of the City Council to add the above conditions. Councilmember Rutherford moved the following: (1) that Resolution No. 1612-12, 'A resolution of the City of Westlake Village adopting findings pursuant to the California Environmental Quality Act; adopting a Statement of Overriding Considerations; and adopting a Mitigation Monitoring and Reporting Program,' be introduced by title only, that further reading be waived, and that Resolution No. 1612-12 be adopted; (2) that Ordinance No. 218-12, 'An ordinance of the City of Westlake Village, California, approving Development Agreement No. 10-01' be introduced for first reading by title only, that further reading be waived, and that Ordinance No. 218-12 be passed to second reading; (3) that Resolution No. 1613-12, 'A resolution of the City Council of the City of Westlake Village approving General Plan Amendment No. 10-001,' be introduced by title only, that further reading be waived, and that Resolution No. 1613-12 be adopted; (4) that Ordinance No. 219-12, 'An ordinance of the City of Westlake Village, California, amending the Westlake Village Municipal Code to revise Chapter 9.24 (Westlake North Specific Plan)', be introduced for first reading by title only, that further reading be waived, and that Ordinance No. 219-12 be passed to second reading; and (5) that Resolution No. 1614-12, 'A resolution of the City Council of the City of Westlake Village approving Tentative Parcel Map No. 71900, Planned Development Permit No. 10-003 and Oak Tree Permit No. 10-001, authorizing the subdivision of land into 10 lots, development of a 243,561 square foot retail commercial center, and the removal and/or relocation of oak trees on the project site located to the east of Russell Ranch Road and north of the Ventura/101 Freeway,' be introduced by title only, that further reading be waved, and that Resolution No. 1614-12 be adopted with additional conditions and/or changes to either one of the agreements identified above, including language staff has identified concerning solar roof panels, including language staff identified concerning an amendment to the provision of Section 4.C.1 to the Specific Plan, a condition concerning Title 24 compliance, language that the City Attorney identified regarding freeway signage, and a condition concerning partial completion and landscaping of undeveloped pads. Mayor Pro Tem Klessig seconded the motion, which passed 4/0 by a roll call vote.

**SPECIAL
PRESENTATIONS/**

None.

**CEREMONIAL
MATTERS**

CITY COUNCIL None.

COMMITTEE

REPORTS:

STAFF COMMENTS None.

COUNCIL COMMENTS None.

PUBLIC COMMENTS None.

OLD BUSINESS: None.

NEW BUSINESS: None.

MEETING ADJOURNED The meeting was adjourned at 12:20 a.m.

Susan McSweeney, Mayor

Attest:

Beth A. Schott, City Clerk

RESOLUTION NO. 1616-12

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WESTLAKE VILLAGE
APPROVING THE HAZARD MITIGATION PLAN**

WHEREAS, the federal Disaster Mitigation Act of 2000 ("Mitigation Act") requires that local governments develop and submit local hazard mitigation plans to the Federal Emergency Management Agency ("FEMA") as a condition of receiving FEMA Hazard Mitigation Grant program funds after November 2004; and

WHEREAS, the Las Virgenes-Malibu Council of Governments in conjunction with a steering committee comprised of the member city managers and members of various city departments developed the multi-jurisdiction Las Virgenes-Malibu Council of Governments Hazard Mitigation Plan 2011-2015 ("Hazard Mitigation Plan") to serve as the hazard mitigation plan for the cities of Agoura Hills, Calabasas, Hidden Hills, Malibu and Westlake Village; and

WHEREAS, the Hazard Mitigation Plan has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*) (hereafter the "Guidelines"), and a Class 6 Categorical Exemption has been issued in accordance with the requirements of Section 15306 of the Guidelines; and

WHEREAS, the public has been provided an opportunity to comment on the Hazard Mitigation Plan during its drafting and prior to its approval by the City Council; and

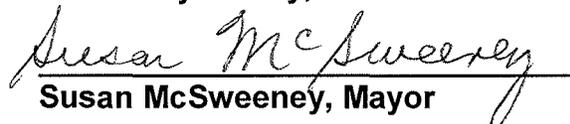
WHEREAS, the City Council held a duly noticed public meeting on May 9, 2012, to consider the adoption of the Hazard Mitigation Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WESTLAKE VILLAGE HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council hereby adopts the Las Virgenes-Malibu Council of Governments Hazard Mitigation Plan 2011-2015, which was presented to the City Council on May 9, 2012 at a regular duly noticed City Council meeting in substantially the same form as it was presented to the Las Virgenes-Malibu Council of Governments, as the local hazard mitigation plan for the City of Hidden Hills.

Section 2. The City Manager is hereby directed to include a copy of this resolution in the Las Virgenes-Malibu Council of Governments Hazard Mitigation Plan 2011-2015.

PASSED, APPROVED and ADOPTED this 9th day of May, 2012.


Susan McSweeney, Mayor

ATTEST:


Beth Schott, City Clerk