

MINUTES OF THE CITY COUNCIL

Westlake Village, California

March 24, 2010

CALL TO ORDER This regular meeting of the Westlake Village City Council was called to order by Mayor Rutherford on Wednesday, March 24, 2010 at 6:00 p.m., at 31200 Oak Crest Drive, Westlake Village.

CLOSED SESSION Mayor Rutherford adjourned the meeting at 6:01 p.m. to discuss the item on the closed session agenda.

RECONVENE Mayor Rutherford reconvened the meeting at 6:45 p.m.

PLEDGE OF ALLEGIANCE Mayor Rutherford led the Pledge of Allegiance.

ROLL CALL **Present:** Councilmembers Slavin, Klessig, McSweeney, Mayor Pro Tem Davis, Mayor Rutherford
Absent: None
Also Present: City Manager Taylor, Assistant City Manager Brown, City Attorney Boga, Planning Director Theobald, City Clerk Schott, City Engineer Knipe, Senior Planner Wolfe, Administrative Analyst Kallman, Community Services Coordinator Anderson

APPROVAL OF AGENDA Councilmember Klessig moved to approve the agenda as amended to move the Consent Calendar before Public Hearing No. 1. Mayor Pro Tem Davis seconded the motion which passed unanimously.

CLOSED SESSION REPORT City Attorney Boga reported the City Council met in Closed Session to discuss the item listed on the Closed Session Agenda, and no reportable action was taken.

APPROVAL OF MINUTES Councilmember Klessig moved to approve the minutes of March 10, 2010, as presented. Councilmember McSweeney seconded the motion which passed unanimously.

SPECIAL PRESENTATIONS/ CEREMONIAL MATTERS None.

REPORTS:

SHERIFF'S DEPT Lt. Benedict presented the Sheriff Department's report for the month of February, 2010 which was accepted and filed. Responding to Mayor Rutherford, Capt. Stephen reported he is

not at liberty to share information of the events of the past Saturday night because of an ongoing investigation. Capt. Stephen stated he is happy to be back at the Lost Hills Station, and the City Council and City Manager Taylor congratulated him on his appointment as Captain of the Lost Hills Sheriff's Station.

- FIRE DEPT** Community Services Rep. Grycan presented the Fire Department's report for the month of February, 2010, which was accepted and filed.
- ENGINEERING** City Engineer Knipe highlighted various items from the Engineering Status Report, and provided an update on the Westlake Village Community Park project and Freeway On-ramp Improvement project. Mr. Knipe reported the northbound loop ramp closure begins on Thursday, March 25th. Responding to questions from the City Council, Mr. Knipe reported the slopes at the park site have been sprayed for erosion control, and stated the exterior pipes on the park site are painted purple to identify them as reclaimed water.
- PLANNING** Planning Director Theobald reviewed his departmental status report which was accepted and filed.
- LIBRARY** Nina Hull, Library Manager, highlighted various events from the Westlake Village Daniel K. Ludwig Library's report for the month February, 2010.
- CULTURAL RECREATION** Community Services Coordinator Anderson highlighted various items from the Cultural Recreation Department's Status Report. Administrative Analyst Kallman responded to question from the City Council regarding the King of the Mountains cuvee wine tasting event at Malibu Family Wines, which kicks off the Amgen Tour of California Bike Race.
- CHAMBER OF COMMERCE** Jan Smith, Director of Governmental/Economic Affairs, highlighted recent and upcoming events of the Thousand Oaks-Westlake Village Regional Chamber of Commerce.
- CITY COUNCIL COMMITTEE REPORTS:**
- TRIUNFO CANYON ROAD MEDIAN LANDSCAPE IMPROVEMENTS** Mayor Rutherford introduced the item which reviewed the status of the Triunfo Canyon Median Landscaping Improvement project. City Engineer Knipe, presenting staff's report, provided background of the project and reported the City has received feedback from several residents about the choice of plant material, the number of trees removed, the close grouping of newly planted trees, the potential view

blockage of the lake by plants and trees, the linear layout of the planting, maintenance issues that may be caused by too large of a tree canopy, unattractive landscape design, excessive depth of the median area, and line of sight problems for traffic caused by the planting arrangement. Mr. Knipe reported the Environmental Committee met to review the issues, and noted that in some cases staff has made changes in the field to address issues. Mr. Knipe further reported L. Newman Design Group prepared a report on the history of the design and also compared the design to actual field conditions. The Environmental Committee recommends the City review the matter again in six months, after the landscaping will have had an opportunity to develop and fill out. **Questions of Staff:** City Traffic Engineer Wessel responded to questions from the City Council regarding "line of sight". Lee Newman, L. Newman Design Group, described the types of plantings and reviewed the report prepared by his firm. Mr. Newman, Mr. Wessel, and Mr. Knipe responded to questions from the City Council regarding the plant heights, line of sight, and the final planting plan, which had less native plants than originally proposed. **Public Comments:** **B.B. Khalil**, WLW - stated the plants are too high and the line of sight is dangerous. **City Council Response:** Responding to questions from the City Council, Ms. Khalil stated she is referring to the line of sight while driving. Councilmember McSweeney stated there may have been a rush to judgment on the project, and stated she thinks the project is more beautiful every day. It was the consensus of the City Council to direct the City Engineer to report back to the Environmental Committee on the progress of the project in six months.

STAFF COMMENTS None.

COUNCIL COMMENTS None.

PUBLIC COMMENTS None

CONSENT CALENDAR Councilmember McSweeney 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 April 1, 2010 in the total amount of \$562,599.69.

PUBLIC HEARINGS:

CUP 10-001; RESO. 1321-10; T-MOBILE Councilmember McSweeney recused herself from the item because of the proximity of her home to the proposed location. Mayor Rutherford introduced the item of a request from T-Mobile West Corporation to authorize the installation and

operation of wireless communications antennae at 32601 Torchwood Place, at the Las Virgenes Municipal Water District Reservoir Facility. Senior Planner Wolfe presented staff's report and providing background, reported the property is currently zoned Open Space and the proposed use is conditionally permitted within that zone. Mr. Wolfe described the proposed placement of the antenna facility, which will be camouflaged to resemble an Elm tree with the antennas screened within the leaves and branches of the "tree". Mr. Wolfe further reported the proposed antennae will provide wireless communications service to residents of the Three Springs neighborhood who have not previously had service.

Questions of Staff: Mr. Wolfe, responding to the City Council, reported the Three Springs Homeowners Association was notified of this hearing, and has not commented on the project. Mr. Wolfe discussed the cell coverage in the neighborhood, the height and the placement of the proposed "tree", and further stated the height of the proposed "tree" would need to be increased if it is moved to the opposite side of the building in order for the neighborhood to receive a good signal. At the request of Mayor Rutherford, City Attorney Boga explained the restrictions imposed by the Federal Communications Act of 1996 "FCC" when reviewing this type of facility. Mr. Boga stated cities cannot unreasonably discriminate among different companies providing these services, cities cannot prohibit these facilities within their jurisdiction, and cities cannot effectively prohibit these facilities. The law further states if these facilities comply with FCC requirements and limitations regarding radio frequency emissions, then the City is not allowed to make a regulatory decision based on environmental impacts of radio frequency emissions. **Written Comment**

Card: Kim Kilkeany, WLV - Mayor Rutherford read Ms. Kilkeany's Comment Card, and asked the Applicant to respond to her questions during his presentation. **Applicant**

Presentation: Jesse Gilholm, on behalf of T-Mobile Corp. - reported the location was selected because it is the most feasible to obtain the best coverage for the Three Springs neighborhood, and described the aesthetics of the proposed "tree". Responding to the questions from Ms. Kilkeany, Mr. Gilholm stated:

1. *"The proposed antenna appears to be only 100-150 feet from the properties of the residents of Three Springs . Is it legal for it to be so close to residential properties?"* Mr. Gilholm - yes it is legal.

2. *"The proposed antenna is directly behind the homes on*

Three Springs Drive and Sandycreek Drive - can it be pushed further back on the Water District Property, on the other side of the Water District building, or on the roof of the Water District building so that its not as visually obtrusive?" Mr. Gilholm - to change the location to the opposite side of the property, the height would need to be increased to 150' to provide the optimum coverage.

3. *"Can the City require the cell phone company to erect a temporary pole so that the residents of Three Springs can assess the detrimental visual impact of the proposed antenna?"* Mr. Rutherford asked this question be addressed by staff.

4. *"Has the City or the cell phone company consulted with the Three Springs Homeowner's Association to choose a location that is mutually acceptable?"* Previously answered by staff.

5. *"If architectural drawings on file with the City show that the proposed antenna is 25 feet, several feet taller than the surrounding foliage, but we understand that other documents list the proposed height as up to 40 feet, how tall is the proposed antenna really?"* Mr. Gilholm - 40 feet.

6. *"What other locations for the proposed antennae are possible?"* This was addressed earlier.

7. *"Will there also be transformers and generators on the site? Will they be visible to the residents of Three Springs? How much noise will they make? Will they be located inside the existing Water District fence line?"* Mr. Gilholm - no generators are proposed, a transformer will most likely be installed in the southeast corner behind the building. Transformers have a low hum, and will be located within the Water District's fence line.

Questions of Applicant: Mr. Gilholm responded to questions from the City Council regarding whether or not the tree could be climbed and what other carriers will receive service through this antennae.

Written Comment Cards:

(CON) Charles Stayart, WLV; Cristi Harris, Thousand Oaks; Lavonne Stayart, WLV; Peter and Debbie Bergquist, WLV

Public Comments:

(CON) Craig Maronde, WLV; Ken Bock, WLV; Andrew Frank, WLV; Frank Bonvino, WLV; Shari Gellar, WLV; Ellen

Frank, WLV; Jack Gerson, WLV; Andrew Friedman, WLV; Sherman Ng, WLV

Applicant Response: Mr. Gilholm responded to comments regarding health risks, property values, visually intrusive, alternative locations, and time concerns. **Questions of Staff:** Senior Planner Wolfe responded to questions from the City Council regarding signal strength, alternative locations, elevations, and distance to residences. Mr. Wolfe also described the various types of radiation waves and where this use falls in that spectrum, and stated the National Cancer Society and World Health recommend caution, and that the American Cancer Society does not see a problem with this use. **City Council Deliberations:** Mayor Rutherford stated the City cannot legally make a decision based on health issues. Councilmember Slavin, noting the importance of communication from the City, stated the notification to property owners was done as the law requires, and expressed concern the Three Springs HOA had not responded on this issue. Mr. Slavin suggested the item be postponed to allow the City time to contact the HOA. Councilmember Klessig stated the City has been discussing the goal of bringing better cell phone coverage to the Three Springs neighborhood for the past five years. It was the consensus of the City Council to postpone the Public Hearing to a date certain, April 28, 2010 City Council meeting, with direction to staff to reach out to the homeowners association. Mr. Wolfe stated staff will contact the homeowner association President and Property Management company. Mr. Slavin suggested staff attend the HOA's next board meeting.

OLD BUSINESS: None.
NEW BUSINESS: None.
MEETING ADJOURNED The meeting was adjourned at 10:10 p.m.

Mark Rutherford, Mayor

Attest:

Beth A. Schott, City Clerk