

# MINUTES OF THE CITY COUNCIL

Westlake Village, California

April 14, 2010

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- CALL TO ORDER** This regular meeting of the Westlake Village City Council was called to order by Mayor Rutherford on Wednesday, April 14, 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 items on the closed session agenda.
- RECONVENE** Mayor Rutherford reconvened the meeting at 6:38 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 presented. Councilmember Slavin 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 McSweeney moved to approve the minutes of March 24, 2010 Study Session and March 24, 2010 Regular Meeting, as presented. Councilmember Klessig seconded the motion which passed unanimously.
- SPECIAL PRESENTATIONS/ CEREMONIAL MATTERS** None.
- CITY COUNCIL COMMITTEE REPORTS:**
- AMENDMENT TO AN** Mayor Rutherford introduced the item for consideration of an

**AGREEMENT WITH  
CARPI CLAY**

amendment to an existing agreement with Carpi Clay and Smith for Federal Advocacy and State Legislative Consulting Services. Assistant City Manager Brown presented staff's report and provided background of the agreement which was approved in October, 2009, and is set to expire on April 14, 2010. Ms. Brown reported the Administrative Committee and staff recommended the agreement be extended for one additional year. Responding to a question from Councilmember Slavin, Ms. Brown stated copies of the Federal Issues Update monthly reports provided by Carpi Clay and Smith will be copied to the City Council. Councilmember Klessig moved that the City Council approve the amendment with Carpi Clay and Smith and authorize the City Manager and City Clerk to sign the agreement on behalf of the City. Mayor Pro Tem Davis seconded the motion, which passed unanimously.

**AGREEMENT WITH MIG  
TO PROVIDE PUBLIC  
OUTREACH AND  
DESIGN SERVICES**

Mayor Rutherford introduced the item which addressed a proposed agreement with MIG to conduct the public outreach effort and preparation of a preliminary conceptual plan for Phase II of the Westlake Village Community Park. Assistant City Manager Brown presented staff's report and stated Phase I of the park site development has commenced, the grading and drainage portion of the work is nearing completion, and Phase II includes the development of the above-ground park improvements. Ms. Brown reported the City has informed the community that an outreach effort would be conducted this spring to gather input on the final park design and location of the park elements. A variety of stakeholder (Canyon Oaks HOA/neighborhood, youth sports groups, and the overall community) meetings to address specific issues and concerns are envisioned to be held in April and May on several weeknights and a Saturday. Ms. Brown responded to questions from the City Council noting staff envisions Mr. Lang, MIG, to spearhead and facilitate the public outreach meetings. Councilmember McSweeney moved that the City Council: (1) approve the proposal with MIG to provide Phase II public outreach services and development of the preliminary conceptual plan; and (2) direct the City Attorney to draft an agreement with MIG and authorize the Mayor to sign on behalf of the City. Mayor Pro Tem Davis seconded the motion, which passed 5/0 by a roll-call vote.

**ADMINISTRATIVE  
COMMITTEE REPORT -**

Mayor Rutherford introduced the item which addressed a request from AT&T for encroachment permits to allow the

**REQUEST FROM AT&T TO INSTALL EQUIPMENT TO PROVIDE HIGH SPEED INTERNET AND DIGITAL TELEVISION SERVICE**

installation of equipment to provide high speed internet and digital television service (U-Verse) to residents within the City. Senior Planner Wolfe presented staff's report, and providing background, noted a goal of the City Council is to actively work to improve high speed internet and wireless communication services. Mr. Wolfe reported the City Council's Administrative Committee has been meeting with AT&T to minimize the impact of these facilities on the surrounding community while providing enhanced services to the residents. Mr. Wolfe reviewed the proposed locations and treatment of each proposed utility box, and reported the Committee recommends that the City Council review the proposed locations for the new utility boxes, and express a preference for the location of the box at Site No. 5 near the corner of Agoura Road and Greengate Road. Mr. Wolfe and City Engineer Knipe responded to questions from the City Council regarding the various locations, painting the existing and new boxes to be consistent in color, and the possibility of future sidewalks or walking paths in the area of the proposed locations. Representatives in attendance from AT&T explained what U-Verse will offer customers and explained the need for the new utility boxes to house the equipment. It was the consensus of the City Council that the proposed utility box at Site No. 5 (Agoura Road east of Greengate Court) be placed between the existing utility box and the property wall.

**STAFF COMMENTS**

City Engineer Knipe provided an update on the Westlake Village Community Park project and Freeway On-ramp Improvement project. Responding to Councilmember Slavin, Mr. Knipe reported vines planted from the top of the freeway wall should soften the wall and the river rock element adjacent the onramp shoulder.

**COUNCIL COMMENTS**

Councilmember Slavin reported on his attendance at the League of California Cities Revenue and Taxation Committee meeting held on April 8, 2010.

**PUBLIC COMMENTS**

**Written Comment Card: Nancy Devore, WLV** - Mayor Rutherford read comments from Ms. Devore regarding landscape plans for the Westlake Village Community Park.

**COUNCIL RESPONSE**

None.

**PUBLIC HEARINGS:**

**ZONING ORDINANCE**

Mayor Rutherford introduced the item to consider an

**AMENDMENT  
PROHIBITING  
MARIJUANA  
DISTRIBUTION  
FACILITIES; ORD.  
209-10 - FIRST  
READING**

amendment to the Westlake Village Municipal Code pertaining to the prohibition of marijuana distribution facilities within the City. Planning Director Theobald presented staff's report, and providing background, reported the City extended a temporary moratorium in June, 2009, on marijuana distribution facilities for a period of one year. The City Council directed staff to work with the Land Use Committee to determine if the zoning ordinance should be amended to specifically prohibit marijuana facilities. The City Council's Land Use Committee has reviewed a draft amendment to the code, discussing the pros and cons of adopting a local ordinance. No consensus was reached, and the Committee asked staff to present the matter for public hearing before the full City Council. It was the consensus of the City Council not to adopt the proposed ordinance at this time, and to direct staff to prepare the necessary ordinance to extend the current moratorium which expires in July. Mr. Theobald reported an ordinance to extend the moratorium will be placed on the June 9th City Council agenda.

**CONSENT CALENDAR**

Councilmember Klessig 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 15, 2010 in the total amount of \$418,600.41.

**GENERAL BUSINESS:**

1. Award of Contract - Westlake Village Community Park Utility Project - Recommendation was to award a contract to Toro Enterprises for the underground utility phase of site development for the Westlake Village Community Park.
2. Joint Use Agreement with Southern California Edison Company for Partial City Use of an Existing Easement along Thousand Oaks Boulevard - Recommendation was to approve a Joint Use Agreement with Southern California Edison Company for the construction of the Westlake Village Community Park debris basin.
3. Denial of Claim of Bacon - Recommendation was to reject and deny the subject claim as presented.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**REQUEST FOR FUNDS  
BY THE WESTLAKE  
VILLAGE COMMUNITY**

Mayor Rutherford introduced the item which addressed a request from the City-affiliated, not-for-profit Westlake Village Community Foundation for an appropriation totaling \$80,000.

**FOUNDATION**

Assistant City Manager Brown presenting staff’s report, stated the purpose of the appropriation was to pay for campaign counsel services to undertake a capital campaign by the Foundation to raise funds to help offset the City’s new community park project. Ms. Brown reported the Foundation retained the services of Netzel Grigsby Associates in 2008 to undertake a campaign feasibility study to estimate the fund-raising potential of the project, and identify the key areas. The study indicated there is merit in both the Triunfo YMCA and the Westlake Village Community Foundation proceeding with the campaign as a joint venture for a total expenditure over a 24-month period of \$126,225 plus reimbursable expenses billed at \$375 per month. Ms. Brown further stated the FY 2009/10 budget contains an appropriation of \$80,000, and the balance of funds needed will be included in the FY 2010/11 City budget. Ms. Brown responded to questions from the City Council regarding Netzel's fund raising goal in light of changes in the economy. Councilmember McSweeney moved that the City Council: (1) authorize a payment of \$80,000 to the Westlake Village Community Foundation for the purpose of allowing the Foundation to undertake a capital campaign for the City’s new community park project; and (2) authorize the Mayor and City Clerk to sign and execute the attached Contribution Agreement on behalf of the City. Councilmember Klessig seconded the motion, which passed 5/0 by a roll-call vote.

**MEETING ADJOURNED** The meeting was adjourned at 8:00 p.m.

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Mark Rutherford, Mayor

Attest:

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Beth A. Schott, City Clerk