

MINUTES OF THE CITY COUNCIL

Westlake Village, California

April 28, 2010

- CALL TO ORDER** This regular meeting of the Westlake Village City Council was called to order by Mayor Rutherford on Wednesday, April 28, 2010 at 6:36 p.m., at 31200 Oak Crest Drive, Westlake Village.
- 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 Engineer Knipe, Senior Planner Wolfe, Administrative Analyst Kallman, Community Services Coordinator Anderson, Administrative Assistant Thompson
- APPROVAL OF AGENDA** Councilmember Slavin moved to amend the agenda to continue Public Hearing No. 1 to May 12, 2010, and to approve the agenda as amended. Councilmember Klessig seconded the motion which passed unanimously.
- APPROVAL OF MINUTES** Councilmember Klessig moved to approve the minutes of April 14, 2010 Study Session and April 14, 2010 Regular Session, as presented. Councilmember McSweeney seconded the motion which passed unanimously.
- SPECIAL PRESENTATIONS/ CEREMONIAL MATTERS** Mayor Rutherford presented a proclamation in recognition of "Pedestrian and Bicycling Safety Month, May 2010. Administrative Analyst Kallman reported on the Bicycle and Pedestrian Safety campaign the City is initiating.
- REPORTS:**
- SHERIFF'S DEPT** Lt. Benedict presented the Sheriff Department's report for the month of March, 2010 which was accepted and filed.
- FIRE DEPT** Community Services Rep. Grycan presented the Fire Department's report for the month of March, 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.

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 of March, 2010.

CULTURAL RECREATION Community Services Coordinator Anderson highlighted various items from the Cultural Recreation Department's Status Report. Assistant City Manager Brown announced Community Outreach Workshops will be held on May 8, May 11, and May 17 regarding the Community Park project.

CHAMBER OF COMMERCE Jan Smith, Director of Governmental/Economic Affairs, highlighted recent and upcoming events of the Greater Conejo Valley Chamber of Commerce. Jill Lederer, President/CEO, Greater Conejo Valley Chamber of Commerce, explained the meaning of accreditation issued by the United States Chamber.

CITY COUNCIL COMMITTEE REPORTS:

CONSIDERATION OF PROPOSED CONTRIBUTION AGREEMENT WITH LAS VIRGENES UNIFIED SCHOOL DISTRICT Mayor Rutherford introduced the item which addressed an agreement with the Las Virgenes Unified School District (LVUSD) concerning a City grant of funds in support of the School District's technology program for the 2009/10 school year. City Manager Taylor presented staff's report and provided background of the technology program, which was designed to be a district-wide program to support and maintain technology use in the classroom, increase parent access to student data, and improve communication between parents and teachers through email and websites. Mr. Taylor reported the City agreed to fund a portion of the program costs, along with the cities of Agoura Hills, Calabasas, and Hidden Hills for fiscal years 2007/08 and 2008/09. The City's third-year financial contribution totals \$72,545, which is contained in the current City budget. Responding to questions from the City Council, Mr. Taylor explained the financial contribution formula for the participating cities. **PUBLIC COMMENTS: PRO: Gordon Whitehead**, LVUSD Boardmember; **Dave Moorman**, LVUSD Boardmember; **Craig Hochhaus**, LVUSD; **Dr. Zimring**, LVUSD Superintendent; **Abbe Irshay**, White Oak Elementary School Principal; **Neil Ticktin**, WLW; **Susan Hodgson**, WLW; **Jake Nonnemaker**, WLW; **Maria Bhattacharya**, WLW. Dr. Zimring responded to questions from the City Council regarding the number of technical

support staff assigned to the program, the increase in band width, future program expansion plans, and teacher participation. Mayor Rutherford and Mayor Pro Tem Davis expressed dissatisfaction with the program. Councilmembers Slavin, McSweeney, and Klessig commended the School District for their progress given the current economy. Councilmember McSweeney moved that the City Council approve the proposed contribution agreement with the Las Virgenes Unified School District for the 2009/10 school year, and authorize the Mayor and City Clerk to sign and execute the document on behalf of the City. Councilmember Slavin seconded the motion which passed 4/1 by a roll-call vote (Ayes: Slavin, Klessig, McSweeney, Rutherford; Noes: Davis).

**CHAMBER OF
COMMERCE
AGREEMENT**

Mayor Rutherford introduced the item which addressed a request for review of the economic development promotional services agreement with the Greater Conejo Valley Chamber of Commerce (Chamber). City Manager Taylor and City Attorney Boga presented staff's report. Mr. Taylor stated this matter was presented to the Economic Development Committee as an informational item, and Mr. Boga provided background of the City's agreement with the Chamber (formerly known as the Thousand Oaks-Westlake Village Regional Chamber of Commerce). Mr. Taylor reported a member of the public contacted the City expressing concerns that the City's support of the Chamber underwrites political positions of its affiliates, the U.S. Chamber of Commerce and the California Chamber of Commerce. Mr. Boga described multiple safeguards provided within the agreement against improper use of City funds. As recommended by the Environmental Committee, staff's report was accepted and filed.

**ENVIRONMENTAL
COMMITTEE REPORT -
FY 2009/10 CITY/
NEIGHBORHOOD
BEAUTIFICATION
GRANT APPLICATIONS**

Mayor Rutherford introduced the item which provided a summary and recommendations for this year's City/ Neighborhood Beautification Grant Program funding. City Engineer Knipe presented staff's report and provided background of the City/Neighborhood Beautification Program, which includes general guidelines and application criteria for a Homeowners Association to apply for City grant funds to beautify major neighborhood entryways and other neighborhood areas visible from the public right-of-way. Mr. Knipe reported applications from Summer Shore, Three Springs, and Renaissance were received. The Environmental Committee recommends approval of the Summer Shore and Three Springs applications. Due to budget limitations and the fact that the Renaissance HOA has previously received grant funding, the Committee is not recommending a grant award

this year. Councilmember Klessig moved that the City Council approve grant funding for the Summer Shore and Three Springs HOAs as shown in the attached City/Neighborhood Beautification Program Grant Application Summary for a total amount of \$25,000. Mayor Rutherford seconded the motion, which passed 5/0 by a roll-call vote.

**CULTURAL/
RECREATION
COMMITTEE
RECOMMENDATIONS
CONCERNING THE
2010 COMMUNITY
SERVICE GRANT
PROGRAM AWARDS
AND SUMMER
RECREATION
PROGRAM**

Mayor Rutherford introduced the item which summarized recommendations made by the Cultural/Recreation Committee concerning the proposed 2010 Community Service Grant Program Awards and an agreement with Conejo Recreation and Park District for the Summer Recreation Program. Community Services Coordinator Anderson presented staff's report, and providing background, reported the Cultural/Recreation Committee is recommending the overall approval of the 2010 Community Service Grant Awards. Mrs. Anderson reported the non-profit organization recommendations are made by the Cultural Recreation Advisory Board, and the public school recommendations are made by the Cultural/Recreation Committee. Mrs. Anderson further reported the Cultural/Recreation Committee is recommending approval of an agreement with Conejo Recreation and Park District for the 2010 Summer Recreation Program. Responding to Councilmember Slavin, City Manager Taylor stated a matrix will be provided in the future that will show the requesting organization, the amount of the request, what the funds will be used for, and the recommended distributions. Councilmember Slavin moved that the City Council: (1) approve the award of the 2010 Community Service Grant Funds as recommended by the Community Service Grant Advisory Committee and the Cultural/Recreation Committee; and (2) approve the proposed agreement with the Conejo Recreation and Park District for the 2010 Summer Recreation Program. Mayor Pro Tem Davis seconded the motion, which passed 5/0 by a roll-call vote.

The following funding awards were made:

Community Service Grant Advisory Committee Recommendations:

Arts Council of Conejo Valley	\$ 1,600
Conejo Free Clinic	\$ 3,000
Conejo/Las Virgenes Future Foundation	\$ 2,000
Conejo Valley Historical Society	\$ 700
Conejo Valley Youth Orchestra	\$ 1,800
Discovery Center for Science and Technology	\$ 3,000
Friends of the Westlake Village Library	\$ 4,000
Hospice of the Conejo	\$ 5,000
Kingsmen Shakespeare Company	\$ 1,500
Livingston Memorial Visiting Nurse Association	\$ 2,000
Lutheran Social Services of Southern California	\$ 7,500
Malibu Pet Companions	\$ 300

Many Mansions	\$ 3,200
The Nature of Wildworks	\$ 500
New West Symphony	\$ 1,200
Senior Concerns - Senior Advocates Program	\$ 5,000
Triunfo YMCA	\$ 3,000
Villa Esperanza Services, West Region	\$ 3,600
Wellness Community Valley/Ventura	\$ 4,100
Westlake Village Junior Women's Club	\$ 1,000
Westlake Village Meals on Wheels	\$ 1,000

Cultural/Recreation Committee Recommendations

Agoura High School Music Boosters	\$ 3,000
Agoura High School Music Program	\$ 4,200
AHS Senior Class Booster Club	\$ 1,000
Agoura High School Theater Arts Boosters	\$ 1,000
LCMS Band Program	\$ 2,500
LCMS Choral and Orchestral Music Education	\$ 1,500
LCMS Drama	\$ 3,000
<u>White Oak Art Specialist</u>	<u>\$19,300</u>
TOTAL	\$90,500

STAFF COMMENTS None.

COUNCIL COMMENTS None.

PUBLIC COMMENTS **Craig Maronde**, WLV - spoke in opposition of a proposed cell tower in the Three Springs neighborhood. Mr. Maronde submitted a petition and a spreadsheet to the City Clerk depicting resident opposition to the application. **Shari Geller**, WLV - spoke in opposition of a proposed cell tower in the Three Springs neighborhood. **Frank Bonvino**, WLV - spoke in opposition of a proposed cell tower in the Three Springs neighborhood.

COUNCIL RESPONSE Responding to Councilmember Slavin, Mr. Maronde stated he is a resident of Three Springs, and is not a member of the HOA Board. Responding to a request from Frank Bonvino requesting more than three minutes for his public comments, it was the consensus of the City Council that each public speaker receive three minutes to address the City Council. Regarding a twelve minute Power Point presentation Mr. Bonvino has prepared, Mr. Rutherford suggested the presentation be printed and submitted to the City Council for review prior to the May 12th Public Hearing.

PUBLIC HEARINGS: None.

CONSENT CALENDAR Councilmember Klessig moved that the Consent Calendar be approved. Councilmember McSweeney seconded the motion which passed unanimously by a roll-call vote.

APPROVAL OF WARRANTS: Warrants effective May 1, 2010 in the total amount of \$1,334,684.50.

GENERAL BUSINESS:

1. Approval of Sewer System Management Plan (SSMP) as

required by State Water Resources Control Board Order No. 2006-0003-DWQ - Recommendation was to adopt the Sewer System Management Plan.

OLD BUSINESS:

**CONSTRUCTION
MANAGEMENT
CONTRACT
EXTENSIONS FOR:
ARTERIAL SYSTEM
FINANCE PROGRAM
PHASE 4B AND
COMMUNITY PARK
PROJECT**

Mayor Rutherford introduced the item which addressed proposed contract extensions for construction management services on the Arterial System Finance Program (ASFP) Phase 4B - Northbound Freeway On-Ramp, and for the Community Park project. City Engineer Knipe, presenting staff's report, provided background of the two projects and explained the need for the contract extensions. Mr. Knipe reported the additional cost for construction management services for the ramp project will require a \$50,000 budget adjustment, of which half will be reimbursed by the MTA Call for Project grant funds. Mr. Knipe also reported that \$45,600 of the additional costs for the park project will be incurred in the current fiscal year, and the balance will be programmed in next year's City budget. Councilmember Slavin moved that the City Council approve the following: (1) a contract extension with Parsons for the remaining construction management services associated with the ASFP Phase 4B-Northbound Freeway On-Ramp Project; (2) a budget adjustment in the amount of \$50,000 to cover additional CM services to be provided by Parson; and (3) a contract extension with Spirit Construction, Inc., in the amount of \$354,100 for construction management services for the remaining phases of the park site development work. Councilmember Klessig seconded the motion, which passed 5/0 by a roll-call vote.

NEW BUSINESS:

**FY 2010-11
ASSESSMENTS FOR
LIGHTING AND
LANDSCAPE
ASSESSMENT
DISTRICTS: RESOS.
1522-10 THROUGH
1530-10**

Mayor Rutherford introduced the item for consideration of proposed Fiscal Year 2010-11 assessments for the Lighting Maintenance Assessment District No. 1, Landscape Maintenance Assessment District No. 1, and Westlake Spectrum Local Landscape Assessment District No. 15. City Engineer Knipe presented staff's report and recommendation that Resolution Nos. 1522-10 through 1530-10 be adopted, a hearing of public protests of the District be held at the May 26, 2010 City Council meeting, and that staff be directed to give notice of the public hearing. Mr. Knipe reported the City Council must annually review and levy assessments against all assessable parcels within the three districts for installation, operation and maintenance of certain street landscaping and street light improvements.

Councilmember Klessig moved that Resolution Nos. 1522-10 through 1530-10 be adopted, that a hearing of public protests of the District be held at the May 26, 2010 City Council meeting, and that staff be directed to give notice of the public hearing. Mayor Pro Tem Davis seconded the motion, which passed 5/0 by a roll call vote. City Manager Taylor noted that as the result of a change in law several years ago, the maintenance of the City's neighborhood parks were moved from the Landscape Assessment Districts to the General Fund. The City will be looking at the new Community Park and the possible opportunity of placing the operation and maintenance in Zone 1 of the Assessment District because this park serves the entire City, not just a specific neighborhood.

**WESTLAKE VILLAGE
COMMUNITY PARK
PROJECT AWARD OF
CONTRACT FOR
LANDSCAPE AND
IRRIGATION DESIGN
SERVICES**

Mayor Rutherford introduced the item which addressed a recommendation to award a contract for the preparation of construction landscape and irrigation documents for the perimeter slopes at the community park. City Engineer Knipe presented staff's report and providing background, reported L. Newman Design Group has been involved with this project from its early stages of development which included the preservation of 26 existing oak trees on the site, protection of an existing oak tree, and design of mitigation areas at the site. Mr. Knipe reported staff's recommendation is to award a contract to the L. Newman Design Group. Responding to Councilmember Slavin, Mr. Knipe clarified the exclusions noted in the proposed agreement. Mayor Pro Tem Davis moved that the City Council approve the following: (1) award a contract to the L. Newman Design Group for a Not-to-Exceed amount of \$106,820 to complete the construction documents for the perimeter slope landscape and irrigation plans and perform construction observation services at the community park; and (2) authorize the Mayor, City Clerk and City Attorney to sign the contract 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 9:12 p.m.

Mark Rutherford, Mayor

Attest:

Beth A. Schott, City Clerk