

MINUTES OF THE CITY COUNCIL

Westlake Village, California

May 12, 2010

- CALL TO ORDER** This regular meeting of the Westlake Village City Council was called to order by Mayor Rutherford on Wednesday, May 12, 2010 at 6:07 p.m., at 31200 Oak Crest Drive, Westlake Village.
- CLOSED SESSION** Mayor Rutherford adjourned the meeting at 6:07 p.m. to discuss the item on the closed session agenda.
- RECONVENE** Mayor Rutherford reconvened the meeting at 6:35 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 place Public Hearing No. 1 before Committee Reports. Mayor Pro Tem Davis seconded the motion, which passed 4/1 by a roll call vote. (Ayes: Rutherford, Davis, McSweeney, Klessig; Noes: Slavin)
- 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 April 28, 2010, as presented. Councilmember Slavin seconded the motion which passed unanimously.
- SPECIAL PRESENTATIONS/ CEREMONIAL MATTERS** Jeff Reinhardt, Las Virgenes Municipal Water District, made a presentation of books to the City Council in celebration of Water Awareness Month, and reported that due to successful conservation efforts by users, the Water District Board voted to refund to customers penalties paid for being over their water budgets.

PUBLIC HEARINGS:

**CUP 10-001; RESO.
1321-10; T-MOBILE
WEST CORP.**

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 continued Public Hearing to consider an application from T-Mobile West Corporation to authorize the installation and operation of a wireless telecommunications facility at the Las Virgenes Municipal Water District reservoir facility at 32601 Torchwood Place. Senior Planner Wolfe reported this hearing was continued from its original date of March 24, and again from April 28, to allow the Three Springs Homeowners Association (HOA) time to complete a survey of the Three Springs residents and to take an official position on the request. Mr. Wolfe provided background of the request, reported the HOA presented staff with a copy of their survey results, and reported the HOA Board will not be supporting the T-Mobile application. Further, the HOA Board will be recommending that the City Council consider other proposals for improved cellular phone service in Three Springs. Mr. Wolfe reported the applicant has reverted to their original application request of a 25 foot tower configuration instead of the 45 foot tower, and that staff's recommendation was to approve the Conditional Use Permit. Mr. Wolfe clarified three points from a Power Point presentation provided to the City from resident Frank Bonvino, noting the NEPA does not apply to this project, clarified that the project is exempt under CEQA, and noted the applicant has clarified the emergency backup power concerns. Mr. Wolfe noted copies of a document provided by the applicant addressing impacts to property values has been placed on the dais for each City Council member.

QUESTIONS OF STAFF: Mr. Wolfe responded to questions from the City Council regarding the backup battery unit, the coverage area which extends into the neighborhoods of Three Springs, Southshore, Lakeshore and Watergate, as well as some areas of the City of Thousand Oaks, and maintenance and screening of the facility. **APPLICANT PRESENTATION:**

Jesse Gilholm, T-Mobile Corp. - reported the height of the proposed "tree" facility has been reduced from 45' to 25', stated the location was selected because it is the most feasible location to obtain the best coverage for the Three Springs neighborhood, and described the aesthetics of the proposed "tree". Mr. Gilholm noted there will be a backup battery at the location, and addressed public comments from the March 24, 2010 City Council meeting regarding health risks, property values, and visual impacts. Mr. Gilholm further stated the product will be the most up to date technologically

at the time of installation. **Ryan Shields**, T-Mobile Corp. - noted cell cstes have saved lives in disasters, stated the "tree" will be the most advanced technologically, and the 10-year permit renewal period will provide an opportunity to update equipment with newer technology. **WRITTEN COMMENTS:** Written Comment Cards were submitted in opposition of the project from **Isabel Herrera**, WLW; **John & Kim Kilkeary**, WLW; **Nancy & Alan Lefkowitz**, WLW. **PUBLIC COMMENTS:** Representing Three Springs HOA: **Ron Skocypek**, WLW; **CON: Craig Maronde**, WLW; **Shari Gellar**, WLW; **Debbie Bergquist**, WLW; **Therese McGill**, WLW; **Frank Bonvino**, WLW; **Susan Curtis**, WLW; **Ellen Frank**, WLW; **Peter Antall**, WLW; **Ingrid Antall**, WLW; **Harlen West**, WLW; **Andrew Frank**, WLW. **CITY COUNCIL RESPONSE:** Responding to Councilmember Klessig, Mr. Maronde stated the petition responses were tallied "per household". **APPLICANT RESPONSE:** Ryan Shields stated the tower being designed will not provide coverage to the entire Three Springs neighborhood, but will have the least impact. Mr. Shields stated the "tree" will blend with the existing foliage, and reported T-Mobile is in full compliance with FCC regulations. **QUESTIONS OF APPLICANT/STAFF:** Mr. Shields and Senior Planner Wolfe responded to questions from the City Council regarding fire safety concerns, brush clearance requirements, maintenance, and response time to concerns reported. **CITY COUNCIL DELIBERATIONS:** Mayor Pro Tem Davis stated that with the help of SCE, he was able to go up in a cherry picker to 25' and 45' to observe the line of site, and he cannot find a reasonable aesthetic reasons to not approve the request. Councilmember Klessig stated cellular service in the Three Springs neighborhood is needed, noted the City's consultant identified this location as a place to have a cellular tower, and she did not think home values will be affected. Councilmember Slavin was surprised by the Three Springs HOA survey results, and stated he does not support the project for aesthetic reasons. Mayor Rutherford noted the proposed "tree" is at least 400' from the first house. Senior Planner Wolfe suggested the addition of Condition No. 11: "The applicant shall plant drought tolerant landscaping, with appropriate irrigation, below the proposed tower location to provide additional context to the "tree" camouflage. Selection of species and planting locations and quantities shall be subject to the approval of the Planning Director." Councilmember Klessig moved that Resolution No. 1521-10, a Resolution of the City Council of the City of Westlake Village approving Conditional Use Permit No. 10-001, allowing the installation and operation of wireless communication facilities

located at 32601 Torchwood Place, be introduced by title only, that further reading be waived, and with the addition of the two proposed conditions 10 and 11 as proposed by staff be added, that Resolution No. 1521-10 be adopted. Mayor Pro Tem Davis seconded the motion, which passed 3/1 by a roll call vote. (Ayes: Mayor Rutherford, Mayor Pro Tem Davis, and Councilmember Klessig; Noes: Councilmember Slavin)

RECESS

Mayor Rutherford called a recess at 8:55 p.m.

RECONVENE

Mayor Rutherford reconvened the meeting at 9:05 p.m.

**CITY COUNCIL
COMMITTEE
REPORTS:**

**CULTURAL
RECREATION
COMMITTEE REPORT:
PROPOSED
OPERATION OF A
WEEK LONG BEACH
BUS PROGRAM**

Mayor Rutherford introduced the item which summarized the operation of a proposed beach bus program during the week of May 24, 2010. Administrative Analyst Kallman, providing background, reported the City was recently informed by the Las Virgenes Unified School District that May 24-27, 2010 have been added to the school calendar as non-school days. May 28, 2010 is a previously scheduled non-school day. The Cultural/Recreation Committee, in an effort to offer a program for middle and high school students, met to discuss the City operating a five-day beach bus program during that time period. Mr. Kallman further reported the City of Agoura Hills has expressed interest in working with the City of Westlake Village regarding a potential route with stops in both cities. The fiscal impact of the School District's calendar change will result in a savings of \$7,000 to the Westlake Village Transit Program, and the cost to operate a single bus for five days would be \$2,440. If the City of Agoura Hills agrees to jointly offer this program the cost would be split equally between the two cities. Mr. Kallman responded to questions from the City Council regarding the number of trips to and from the beach, the bus stop locations, and ridership. Councilmember Klessig expressed apprehension approving this program. Councilmember McSweeney moved that the City Council: (1) approve a temporary week-long beach bus program during the period of May 24-28, 2010; and (2) direct staff to make the necessary arrangements with Durham School Services to accommodate this temporary service. Mayor Pro Tem Davis seconded the motion, which passed 4/1 by a roll call vote. (Ayes: Rutherford, Davis, McSweeney, Slavin. Noes: Klessig)

CONCEPT REVIEW OF

Mayor Rutherford introduced the item which presented additional alternatives to landscaping the perimeter slopes at

**PERIMETER SLOPE
LANDSCAPE AND
PUMP STATION
CONCEPTS AT THE
COMMUNITY PARK**

the new community park site along with corresponding costs for construction, annual water usage and maintenance. City Engineer Knipe presented staff's report, provided background, and reviewed the alternative concepts for landscaping the 32 acres of perimeter slopes. Mr. Knipe reported on the proposed water and maintenance costs, and noted the lower reclaimed water pump station is proposed to be located in an underground vault along the park's access road. **QUESTIONS OF STAFF:** Lee Newman and Arnie Ross, L. Newman Design Group, and Mr. Knipe responded to questions from the City Council regarding the proposed concepts. **PUBLIC COMMENTS:** Larry Persons, WLV, urged the City Council to approve a plan that will get the hills to "disappear" and blend in with the surrounding hillsides. It was the consensus of the City Council to undertake a re-landscaping plan with a combination of Concepts 2 and 3 involving the following elements: entire perimeter slope area will be native hydro-seed; ingress and egress roads and pad perimeter will receive a band of ornamental planting; triangle piece between two access roads and Thousand Oaks Boulevard will have native to ornamental around the access roads; add Edison nursery trees to east end including 24 and 26 inch boxed trees on top of berm; add Edison donated 15-gallon trees to fill slope only; and have fewer trees on the two cut slopes than shown in Concept 3. The Ad-hoc Committee was asked to work with staff to ensure that the final landscape plan took into account feedback from the current community outreach efforts, and to finalize the location of the lower pump station.

STAFF COMMENTS

City Engineer Knipe provided an update on the Freeway On-ramp Improvement project and reported the City will be using goats for annual brush clearance this year.

COUNCIL COMMENTS

Councilmember Klessig encouraged residents to participate in the 2010 U.S. Census currently underway. Mayor Pro Tem Davis thanked staff and Rudy Gonzalez, SCE, for arranging the cherry picker that allowed him to research the line of sight of the proposed cell tower in Three Springs.

PUBLIC COMMENTS

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 15, 2010 in the total amount of \$694,520.74.

GENERAL BUSINESS:

1. Annual City Youth, Citizen Recognition and Los Angeles

County Older American of the Year Recognition Programs - Recommendation was to approve John Notter as the recipient of the 2010 Citizen of the Year, Jingtao Xia as the recipient of the 2010 Youth of the Year, and Margie Price as the recipient of the 2010 Older American of the Year.

2. Denial of Claim of Condon - Recommendation was to reject and deny the subject claim.

OLD BUSINESS: None.

NEW BUSINESS: None.

MEETING ADJOURNED The meeting was adjourned at 10:33 p.m.

Mark Rutherford, Mayor

Attest:

Beth A. Schott, City Clerk