

MINUTES OF THE CITY COUNCIL

Westlake Village, California

June 9, 2010

- CALL TO ORDER** This regular meeting of the Westlake Village City Council was called to order by Mayor Rutherford on Wednesday, June 9, 2010 at 6:30 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 Clerk Schott, City Engineer Knipe, Senior Planner Wolfe, Community Services Coordinator Anderson
- APPROVAL OF AGENDA** Councilmember Klessig moved to approve the agenda as presented. Mayor Pro Tem Davis seconded the motion which passed unanimously.
- APPROVAL OF MINUTES** Councilmember Klessig moved to approve the minutes of May 26, 2010, as presented. Councilmember Slavin seconded the motion which passed unanimously.
- SPECIAL PRESENTATIONS/ CEREMONIAL MATTERS** Mayor Rutherford welcomed White Oak Elementary School 4th Grade Students who were shadowing the City Council during the meeting. Community Services Coordinator Anderson provided a presentation of the City of Westlake Village and White Elementary School's Joint City/Schools Program, and City Clerk Schott called roll-call of Student City Council Members: Keenan Coop, Casey Cusolito, Diana Lewis, Henrick Zhang. Responding to questions from the City Council, Student City Council members commented on their participation in the program.
- Rudy Gonzalez, Southern California Edison, announced a free class will be held at the Thousand Oaks Civic Arts Plaza on June 15, 6:00 pm, to teach homeowners how to "Go Solar" and extended an invitation to the City Council. Mr. Gonzalez discussed residential rebate programs, the new "Direct Install Program" for small businesses, and smart meters.
- Jordan Hobmann and Madison Call, Conejo Las Virgenes

Future Foundation, provided a summary to the City Council of the activities of the Youth Congress and reported on the 2010 Youth Congress Leadership Forum sponsored by the Conejo Las Virgenes Future Foundation. Asst. City Manager Brown described what the Future Foundation does and the Youth Congress.

**CITY COUNCIL
COMMITTEE
REPORTS:**

None.

STAFF COMMENTS

City Engineer Knipe provided an update on the Freeway Onramp Improvement project and reported brush clearance accomplished by the use of goats is complete.

COUNCIL COMMENTS

Mayor Rutherford stated he, and his neighbors, enjoyed having the goats in their neighborhood.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS:

**CUP 10-003; RESO.
1535-10;
VANDERBOK**

Mayor Rutherford introduced the item which addressed an application to authorize operation of a personal fitness training studio at 31143 Via Colinas, Suite 510. Planning Director Theobald presented staff's report, provided background of the request and reported staff is recommending the request be approved. **Questions of Staff:** Mr. Theobald responded to questions from the City Council regarding the number of clients that will be at the business. Councilmember Klessig reported neighboring businesses she has spoken to are in support of the request. Councilmember McSweeney moved that Resolution No. 1535-10, a Resolution of the City Council of the City of Westlake Village approving Conditional Use Permit No. 10-003 authorizing the operation of a personal fitness training facility located at 31143 Via Colinas, Suite 510, be introduced by title only, that further reading be waived, and that Resolution No. 1535-10 be adopted. Councilmember Klessig seconded the motion, which passed 5/0 by a roll-call vote.

RECESS

Mayor Rutherford called a recess at 7:05 p.m. The audience was invited to a reception in the Civic Center courtyard with the White Oak Elementary School 4th grade students.

RECONVENE

Mayor Rutherford reconvened the meeting at 7:20 p.m.

PUBLIC HEARINGS:

MARIJUANA

Mayor Rutherford introduced the item which addressed a

**DISTRIBUTION
FACILITY
MORATORIUM ORD.
209-10**

recommendation to extend the moratorium on marijuana distribution facilities for a period of one year. Planning Director Theobald, providing background, reported Interim Ordinance No. 207-09 was adopted on July 8, 2009, which established a temporary moratorium on marijuana distribution facilities. The temporary moratorium was subsequently extended for an additional period of 10 months and 15 days. Staff is recommending Ordinance No. 209-10 be adopted to extend the temporary moratorium for a final period of one year in order to allow sufficient time to evaluate results of the state initiative process, as well as the outcomes in pending litigation involving challenges to other municipalities' bans on marijuana distribution facilities. **Questions of Staff:** Responding to a question from Mayor Rutherford, City Attorney Boga stated this is the last extension that can be granted. Councilmember Slavin moved that: Ordinance No. 209-10, an Interim Ordinance of the City of Westlake Village extending a temporary moratorium on Marijuana Distribution facilities be adopted. Mayor Pro Tem Davis seconded the motion, which passed 5/0 by a roll-call vote.

**CUP 10-002; RESO.
1534-10; PAINTIN'
PLACE**

Mayor Rutherford introduced the item which addressed a request from The Paintin' Place for authorization to operate an auto body repair and painting facility at 31264 La Baya Drive. Senior Planner Wolfe, presenting staff's report, provided background of the request and staff's recommendation was to approve the request. **Applicant Presentation: Michael Simshauser**, Applicant, responded to questions from the City Council regarding vehicle storage at the site and clarified the site has 44 parking spaces. **Public Comments: Bruce Nation**, WLV, expressed concerns the building does not have a clarifier on the property. **Staff/City Council Response:** Mr. Wolfe stated requirements under the City's NPDES permit regulate at what stage in the approval process retrofitting is required, which the City's Engineering Department will be overseeing. It was the consensus of the City Council to add the following condition "The applicant shall meet all requirements of the City's NPDES permit, and shall, if required, install clarifiers or other measures to ensure the City's NPDES permit requirements are met." Councilmember McSweeney moved that Resolution No. 1534-10, a Resolution of the City Council of the City of Westlake Village approving Conditional Use Permit No. 10-002 authorizing the operation of an auto body repair facility located at 31264 La Baya Drive, as amended, be introduced by title only, that further reading be waived, and that Resolution No. 1534-10 be adopted. Councilmember Klessig seconded the motion, which passed 5/0 by a roll- call vote.

CONSENT CALENDAR

Councilmember Slavin moved that the Consent Calendar be approved. Mayor Pro Tem Davis seconded the motion which passed unanimously by a roll-call vote.

APPROVAL OF WARRANTS: Warrants effective June 15, 2010 in the total amount of \$609,396.07.

GENERAL BUSINESS:

1. Notice of Completion - Community Park Project Grading and Drainage Project - Phase I - Recommendation was that the Westlake Village Community Park Grading and Drainage Project - Phase I be accepted and that the Notice of Completion be executed and recorded with Los Angeles County.
2. Approval of Resolution No. 1536-10 and 1537-10 authorizing payments for the 2010 Joint City Pavement Rehabilitation Program and the Citywide Arterial Street Overlay Project - Recommendation was that the City Council adopt Resolution No.1536-10 and 1537-10 authorizing progress payments to Excel for work completed on the 2010 Joint City Pavement Rehabilitation Program and the Citywide Arterial Street Overlay Project.
3. Approval of Memorandums of Understanding with the Los Angeles County Metropolitan Transportation Authority for Measure R Funding - Recommendation was to authorize the City Manager to execute five Memorandums of Understanding with the Los Angeles County Metropolitan Transportation Authority to accept Measure R funding for the Arterial System Finance Program and a park and ride facility at the new community park site.

OLD BUSINESS:

**ADOPTION OF FY
2010-11 CITY
BUDGET; RESO.
1538-10**

City Manager Taylor introduced the item and presented staff's report, which addressed the proposed Fiscal Year (FY) 2010-11 City Budget for formal adoption by the City Council. Mr. Taylor reported a workshop was held in March and a comprehensive review of the document was presented to the City Council at the May 26, 2010 regular meeting. Mr. Taylor noted the final document incorporates the addition of an appropriation of \$72,540 earmarked for the Las Virgenes Unified School District's 2010-11 technology program, as directed by the City Council at the May 26, 2010 regular meeting. Secondly, Mr. Taylor reported an addition of \$125,000 to the Capital Improvement Program budget as a "place holder" appropriation to cover anticipated costs to undertake a supplemental environmental impact report addressing any impacts associated with construction of above ground improvements for the City's new community park

project. Mr. Taylor reported a Study Session will be held in September at which time the City Council will be reviewing the status of Measure R funding and the possibility of undertaking several sidewalk projects. **City Council Comments:** Mayor Pro Tem Davis stated he is not opposed to helping the School District, but is concerned about earmarking this kind of money for a specific element such as the technology program. Councilmember Klessig moved that Resolution No. 1538-10, a resolution adopting and appropriating funds for the operating and capital budgets for Fiscal Year 2010-11, closing appropriations for Fiscal Year 2009-10 and establishing the appropriations limit as required by the California Constitution, be introduced by the title only, that further reading be waived, and that Resolution No. 1538-10 be adopted. Councilmember McSweeney seconded the motion, which passed 5/0 by a roll-call vote.

NEW BUSINESS: None.

MEETING ADJOURNED The meeting was adjourned at 8:15 p.m.

Ned E Davis, Mayor Pro Tem

Attest:

Beth A. Schott, City Clerk