



RAY PEARL
Mayor

NED E DAVIS
Mayor Pro Tem

KELLY HONIG
Councilmember

SUSAN McSWEENEY
Councilmember

BRAD HALPERN
Councilmember

MINUTES Regular Meeting of the City Council JANUARY 11, 2023

CALL TO ORDER:

This Regular Meeting of the Westlake Village City Council was called to order by Mayor Pearl on Wednesday, January 11, 2023, at 6:30 p.m., at 31200 Oak Crest Drive, Westlake Village.

PLEDGE OF ALLEGIANCE:

Mayor Pearl led the Pledge of Allegiance.

ROLL CALL:

PRESENT: Councilmembers Halpern, McSweeney, Honig, Mayor Pro Tem Davis, and Mayor Pearl

ABSENT: None

Also Present: City Manager de Geus, City Attorney Boga, Administrative Services Director Wilson, Planning Director Forbes, Deputy City Manager Eskandar, City Clerk Mann, City Engineer Hughes, and Senior Planner Sinkula.

APPROVAL OF AGENDA:

Councilmember Halpern moved to approve the Agenda as presented. Mayor Pro Tem Davis seconded the motion.

YES: Councilmembers Halpern, McSweeney, Honig, Mayor Pro Tem Davis, and Mayor Pearl.

NO: None

ABSENT: None

ABSTAIN: None

Mayor Pearl declared the motion passed 5-0

APPROVAL OF MINUTES:

Councilmember Honig moved to approve the Minutes of December 7, 2022 Special Meeting/Annual Reorganization Meeting and December 14, 2022 Regular Meeting as presented. Councilmember McSweeney seconded the motion.

YES: Councilmembers Halpern, McSweeney, Honig, Mayor Pro Tem Davis, and Mayor Pearl.
NO: None
ABSENT: None
ABSTAIN: None

Mayor Pearl declared the motion passed 5-0

SPECIAL PRESENTATIONS/CEREMONIAL MATTERS: None

PUBLIC COMMENTS: None

COUNCIL RESPONSE: None

STAFF COMMENTS:

City Manager de Geus commented on the City's efforts regarding storm preparation and requested the City Engineer to provide the Council with an update. City Engineer Hughes reported that staff performed pre-rain inspections at all City Parks, debris basins, and active construction sites. There is coordination with the Los Angeles County Building Inspectors for the construction site inspections in case permit action was required. City Engineer Hughes stated debris basin inspections identify debris in v-ditches, any items stored in the basin, and whether erosion or sediment controls are needed. City Engineer Hughes also reported that the Lindero Channel and Dam had no incidents and the same applied to Potrero Valley Creek, located downstream from the Westlake Lake Dam.

Deputy City Manager Eskandar reported on the storm recap and emergency preparedness activities. He stated that the regional collaboration with the Council of Government (COG) cities and Los Angeles County has been beneficial to the City.

City Manager de Geus reported that Zero Emission Landscaping Equipment Outreach was conducted by the American Green Zone Alliance on January 4, 2023 at City Hall, where residents and landscape companies attended to learn more about electric leaf blowers and potential rebates.

City Manager de Geus highlighted upcoming City Council meeting and Council Committee Meeting topics.

COUNCIL COMMENTS:

Mayor Pearl announced that Las Virgenes Unified School District, in memory of Dr. Kate Vadehra, will participate in the Great Kindness Challenge week of January 23, 2023. The Great Kindness Challenge empowers students to create a culture of kindness.

CITY COUNCIL COMMITTEE REPORTS: None**PUBLIC HEARINGS:****1. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 22-007; RESOLUTION NO. 2281-23**

Mayor Pearl opened the Public Hearing. Senior Planner Sinkula reported that Lindsey Leblanc, on behalf of Fusion Academy submitted Conditional Use Permit (CUP) No. 22-007 to authorize the operation of a private school and tutoring facility for middle and high school students within an existing office building located at 30700 Russell Ranch Road, Suite No. 185. The subject site is in the Multiple Use Zone, and the operation of schools and tutoring facilities are an allowed but conditionally permitted use within this Zone.

On April 23, 2014, the City Council approved CUP No. 14-004 to authorize the establishment of a "private tutoring school" that was operated by Futures Academy within Suite No. 180 of the subject office building. On July 8, 2020, the City Council approved CUP No. 20-002 to authorize an expansion of the tutoring facility use to include a private school and an increase in the maximum allowed occupancy from six students, six teachers, and two administrative staff to 30 students, 10 teachers, and five administrative staff after-the-fact. CUP No. 20-002 set a maximum occupancy and required the submittal of biannual occupancy data.

Staff did not receive any occupancy data since approval of the CUP in 2020 until the submittal of the subject new CUP request. The occupancy data submitted demonstrated compliance with the maximum occupancy allowed on the site, and staff would note that the facility has been operating on a hybrid and/or remote basis since approval of the 2020 CUP such that occupancy data submitted prior would not have been an accurate representation of the facility's typical operations.

The applicant is now operating as Fusion Academy and requests authorization to relocate their facility to a larger suite (No. 185) within the same office building and to increase their maximum occupancy to 70 students and 30 staff (i.e., teachers and administrative staff). The applicant is proposing to relocate from their existing 3,568 square foot suite on the south side of the commercial building to a new, larger 7,750 square foot suite on the north side of the building.

PUBLIC HEARINGS (continued):

The structure consists primarily of instruction on a one-on-one basis, such that classrooms are organized to include one student and one teacher per workstation with two to three workstations per classroom. Instruction is also provided in small groups of five or less students and in a guided independent study room that can include up to ten students and one teacher. Not all students and teachers are present onsite at the same time due to staggered class scheduling and the unique scheduling needs of their students. Classes are offered between 8:00 a.m. and 8:00 p.m. with most individualized learning ending before 4:00 p.m. and some

classes and tutoring taking place in the late afternoon and early evenings. Each class runs for 50 minutes, and no two students have the same schedule and teachers come and go throughout the day, oftentimes for only one class per day. The facility does not offer and is not proposing to offer any outdoor recreation, food service, or assemblies.

The applicant has requested a permit term of ten years. Staff recommends that the permit term remain at five years to allow for the applicant to demonstrate compliance with the conditions of permit approval going forward. Accordingly, the permit term is recommended to be extended to January 11, 2028.

On December 5, 2022, the Land Use Committee (Pearl/Honig), reviewed the request for a CUP, and recommended that the request be moved forward to the full City Council for hearing. The Committee also recommended carrying forward the condition of approval that would require the biannual submittal of occupancy data and a permit term of five years.

Applicant David Moss addressed City Council.

Mayor Pearl closed the Public Hearing.

Councilmember Halpern moved to adopt Resolution No. 2281-23, A Resolution of the City Council of the City of Westlake Village determining Conditional Use Permit No. 22-007 is exempt from CEQA and approving Conditional Use Permit No. 22-007 to authorize the operation of a private school and tutoring facility located at 30700 Russell Ranch Road, Suite No. 185. Councilmember Honig seconded the motion.

YES: Councilmembers Halpern, McSweeney, Honig, Mayor Pro Tem Davis, and Mayor Pearl.
NO: None
ABSENT: None
ABSTAIN: None

Mayor Pearl declared the motion passed 5-0

PUBLIC HEARINGS (continued):**2. PUBLIC HEARING REGARDING ORDINANCE NO. 300-23 PERTAINING TO TEMPORARY USE PERMITS AND OUTDOOR DINING AREAS. ORDINANCE TITLE: AN ORDINANCE OF THE CITY OF WESTLAKE VILLAGE AMENDING TEMPORARY USE PERMIT REGULATIONS IN THE WESTLAKE VILLAGE MUNICIPAL CODE AND APPROVING A CEQA EXEMPTION DETERMINATION**

Mayor Pearl opened the Public Hearing. Planning Director Forbes reported on July 13, 2022, the City Council directed staff to develop a program to allow outdoor dining areas to continue operating on an ongoing basis, subject to requirements to

address aesthetic, safety, and accessibility concerns. Other types of outdoor business operations would not be allowed after February 1, 2023.

Staff developed an outdoor dining program that would be simple and streamlined for business owners while adequately addressing aesthetic, safety, and accessibility concerns. The proposed program would utilize the existing process for Temporary Use Permit (TUP) process, which are approved administratively by the Planning Director for a term of one to two years and can be renewed administratively, assuming no issues. TUP's may be appealed to the City Council.

Outdoor dining areas will continue to be "temporary" in that structures can be removed at any time with adequate notice, but they are intended to be ongoing. TUP's to be approved for one or two year terms to allow for adequate return on investment while providing a fixed end date should problems arise. If parking, noise, or other problems arise that cannot be resolved, the TUP will expire and will not be renewed.

The proposed ordinance would amend the TUP provisions of the Westlake Village Municipal Code to allow outdoor dining areas to be approved through the TUP process and would make various other changes to update, streamline, and clarify the TUP provisions.

The TUP process will require outdoor dining areas to:

- Be on private property, within parking spaces or pedestrian circulation area.
- They cannot obstruct parking lot traffic, disabled spaces or paths, pedestrian access or access to utilities.
- They must be directly adjacent to the restaurant it serves.
- Cannot occupy more than 4 parking spaces and can only be as wide as the restaurant it serves, unless the site layout makes it impractical.
- Must have barriers that prevent vehicles from entering the dining area. Barriers must be 36 – 42 inches tall and can have plexiglass on top, up to 6 feet in height.

PUBLIC HEARINGS (continued):

- Barriers must be screened with wood, foliage other materials that match or complement the building. Dining area must meet all ADA and Title 24 requirements.
- Tents and canopies must be high quality, intended for extended outdoor use. No tarps, steel pipes, concrete filled buckets or temporary materials may be used. Side panels, if used, must be transparent above 42 inches.
- Electric cords for lights or heaters may not be visible.
- Overhead coverings and furniture must match or complement the building.
- Signs are not allowed.
- No cooking, food preparation or storage are allowed.
- No amplified sound, dance or live entertainment are allowed.
- Each restaurant can occupy up to 4 parking spaces. If multiple restaurants in the same shopping center apply and there isn't ample parking, staff may require valet parking.

On December 5, 2022, the Land Use Committee (Pearl/Honig) reviewed the draft program and generally supported the program and using the TUP process. The Committee recommended relaxing to allow tents or similar overhead shade structures, allow overhead lights including string lights, and to relax limitations on the size of the outdoor dining areas. The Committee requested that staff work with businesses and property owners to creatively address any issues that may arise and noted that the existing appeals process could be utilized in the event the Planning Director denies a TUP request due to concerns about parking, safety, aesthetics, or other issues.

PUBLIC SPEAKER:

Adam Haverstock, Greater Conejo Valley Chamber of Commerce, in support of process to adjust the outdoor dining permit process.

EMAIL COMMENTS:

Danielle Borja, Greater Conejo Valley Chamber of Commerce; in support of process (posted in Supplemental Packet) to adjust the outdoor dining permit process.

Mayor Pearl closed the Public Hearing.

Council deliberations included the number of parking spaces utilized for this process, aesthetics of tents and lighting, safety issues, ADA compliance, length of TUPs, process for renewals and timing, consideration to have the Land Use and City Council review and approve all TUPs.

PUBLIC HEARINGS (continued):

Councilmember Honig moved to waive the full reading and introduce Ordinance No. 300-23. Councilmember McSweeney seconded the motion.

YES: Councilmembers McSweeney, Honig, Mayor Pro Tem Davis, and Mayor Pearl.
NO: Councilmember Halpern
ABSENT: None
ABSTAIN: None

Mayor Pearl declared the motion passed 4-Yes, 1-No (Councilmember Halpern).

CONSENT CALENDAR:

Councilmember Halpern moved to approve the Consent Calendar. Councilmember Honig seconded the motion.

YES: Councilmembers Halpern, McSweeney, Honig, Mayor Pro Tem Davis, and Mayor Pearl.
NO: None
ABSENT: None
ABSTAIN: None

Mayor Pearl declared the motion passed 5-0.

APPROVAL OF WARRANTS: Warrants effective December 15, 2022 in the amount of \$ 330,998.12 and January 1, 2023 in the amount of \$ 234,121.83

GENERAL BUSINESS:

1. **ASSEMBLY BILL 361 FINDINGS FOR SPECIAL BROWN ACT REQUIREMENTS FOR TELECONFERENCE MEETINGS** - Made the following findings so that teleconference meetings of the City Council and the City's committees can continue to be conducted pursuant to the AB 361 special Brown Act requirements: the City Council has reconsidered the circumstances of the COVID-19 state of emergency; and state and local officials continue to recommend measures to promote social distancing.
2. **CULTURAL RECREATION ADVISORY BOARD APPOINTMENTS** - Appointed for two-year terms on the Cultural Recreation Advisory Board, terms of office ending December 31, 2024, Cristina Alvarez Barrett, Peggy Frank, Steve Kerman, Bonnie Quintanilla, Mindy Schneider and reappointed Andrea Robinson, Elhum Vahdat and Christianne Winthrop.

CONSENT CALENDAR (continued):

3. **APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH MUNICIPAL RESOURCES GROUP FOR EMERGENCY PREPAREDNESS PLANS** - Authorized the City Manager to enter into a Professional Services Agreement with Municipal Resources Group and to submit for reimbursement from the grant awarded by the Santa Monica Mountains Conservancy.
4. **AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH SABERDOME (DBA – LANDSPEED) FOR INFORMATION TECHNOLOGY SERVICES AND SUPPORT** - Approved Amendment No. 1 to the Professional Services Agreement with SaberDome Corporation, doing business as Landspeed, to provide information technology services and authorize the Mayor to sign and execute the agreement on behalf of the City.
5. **ADOPTION OF ORDINANCE NO 299-23. ORDINANCE TITLE: AN ORDINANCE OF THE CITY OF WESTLAKE VILLAGE REGARDING ELECTRONIC CAMPAIGN DISCLOSURE STATEMENT FILING AND AMENDING THE WESTLAKE VILLAGE MUNICIPAL CODE AND APPROVING A CEQA EXEMPTION DETERMINATION** - Adopted Ordinance No. 299-23.

OLD BUSINESS:

1. **AMENDMENT NO. 2 TO RRM DESIGN GROUP CONTRACT FOR DESIGN OF WESTLAKE VILLAGE COMMUNITY PARK PICKLEBALL COURTS**

City Engineer Hughes presented the status of the Community Park Pickleball Courts project and explained the need for the RRM Design Group contract amendment to accommodate the expanded scope of work to design and incorporate the Full Build and Base Courts bid options, as well as provide the Americans with Disabilities Act accessibility exhibit for use in obtaining a building permit for the parking lot changes.

City Engineer Hughes presented the timeline for the preparation and presentation of the Request for Proposal and City Council's approval process.

Mayor Pro Tem Davis moved to approve the proposed Amendment No. 2 to the contract with RRM Design Group extending the term of the agreement by 12 months increasing the compensation by \$7,600; and authorize the Mayor to execute the contract amendment on behalf of the City. Councilmember McSweeney seconded the motion.

OLD BUSINESS (continued):

YES: Councilmembers Halpern, McSweeney, Honig, Mayor Pro Tem Davis, and Mayor Pearl.
NO: None
ABSENT: None
ABSTAIN: None

Mayor Pearl declared the motion passed 5-0.

NEW BUSINESS:**1. PRESENTATION OF THE 2022 COMMUNITY SURVEY RESULTS**

City Manager de Geus introduced the agenda item and Dr. Timothy McLarney, President of True North Research, Inc. Dr. McLarney presented the 2022 Community Survey Results to City Council, highlighting changes on some topics from prior year surveys.

Dr. McLarney noted that 413 surveys were completed by residents with the key conclusions as follows:

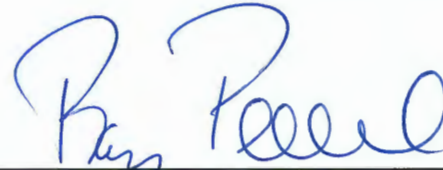
- Residents continue to be satisfied with Westlake Village and the City's performance which include the overall quality of life, performance of service and customer service provided by staff.
- Strengths included library services, maintaining visual character of the community, managing the City's finances, providing special events and cultural events, maintaining streets and roads, maintaining parks and recreation areas and keeping landscapes and public areas clean and well maintained.
- Opportunities for improvement included addressing homelessness, promoting economic development to attract businesses and jobs, collaborating with homeowners' associations, enforcing traffic laws and communication.

City Council reviewed the results of the 2022 community survey and provided comments as deemed appropriate.

ADJOURNMENT:

Mayor Pearl announced the next City Council meeting will be held on January 25, 2023 with a Study Session at 4:30 p.m. and the Regular Meeting at 6:30 p.m.

Meeting adjourned at 8:36 p.m.



Ray Pearl, Mayor

Attest:



Antoinette Mann, City Clerk