

AGENDA
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
Wednesday, October 23, 2013
6:00 P.M.

In compliance with the Americans with Disabilities Act, individuals with a disability who plan to attend or otherwise participate in this meeting and who may require any accommodation should contact the City Clerk's Office at least 48 hours before the meeting either in person at City Hall or by telephone at (818) 597-7303.

Assisted Listening is available in the Council Chambers. Prior to the meeting, please contact the City Clerk to arrange for use of a personal listening device.

Please turn off all cell phones and other electronic devices during the meeting.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL Mayor Denis Weber
Mayor Pro Tem William D. Koehler
Councilmember Illece Buckley Weber
Councilmember John M. Edelston
Councilmember Harry Schwarz

REPORT OF CLOSED SESSION

APPROVAL OF AGENDA

PRESENTATIONS

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS

PUBLIC COMMENTS

*(This section is reserved for persons wishing to speak on items not listed on the Agenda. Please submit a "Speaker's Card" to the City Clerk and limit testimony to **three (3) minutes**.)*

CONSENT CALENDAR

*(Items on the Consent Calendar may be approved by a single motion and vote. Unless pulled by the City Council, there will be no separate discussion of these items. Members of the public have a total of **three (3) minutes**, cumulatively, to address any/all items on the Consent Calendar.)*

1. Approve Minutes of the Regular City Council Meeting of October 9, 2013
STAFF REFERENCE: CITY CLERK RODRIGUES
2. Approve Demand Warrant Register No. 697
STAFF REFERENCE: DIRECTOR OF FINANCE PINUELAS
3. Approve Treasurer's Investment Report for September 2013
STAFF REFERENCE: DIRECTOR OF FINANCE PINUELAS
4. Approve Contract Award for the Agoura Hills Recreation Center Rehabilitation Project Re-Bid; NIB 13-04
STAFF REFERENCE: ASSISTANT CITY MANAGER HAMBURGER
PUBLIC WORKS PROJECT MANAGER DODD
5. Adopt **Resolution No. 13-1721**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AUTHORIZING EXAMINATION OF SALES, USE AND TRANSACTIONS TAX RECORDS
STAFF REFERENCE: DIRECTOR OF FINANCE PINUELAS

PUBLIC HEARING

6. Open and Conduct a Public Hearing on the Consideration and Adoption of Resolutions of Necessity for the Acquisition in Eminent Domain of Certain Real Property for Public Purposes, namely the fourteen (14) properties listed below, in connection with the Agoura Road Widening and Canwood Street Improvements Project
STAFF REFERENCE: ASSISTANT CITY MANAGER HAMBURGER
DIRECTOR OF PUBLIC WORKS/
CITY ENGINEER ADEVA
CITY ATTORNEY LEE
EMINENT DOMAIN ATTORNEY YOSHIBA
EMINENT DOMAIN ATTORNEY DANNER

PUBLIC HEARING, *continued* -

Staff and the City Attorney Recommend the City Council:

- A. Open and conduct a hearing on the adoption of the proposed Resolutions of Necessity, receive from staff the evidence stated and referred to in this Report to City Council, take testimony from any person wishing to be heard on issues a, b, c, and d below, and consider all evidence to determine whether to adopt the proposed Resolutions of Necessity, each of which requires the City Council's separate consideration and determination.
1. The public interest and necessity require the Proposed Project;
 2. The Proposed Project is planned and located in the manner that will be most compatible with the greatest public good and least private injury;
 3. The Subject Property Interests described in each Resolution of Necessity are necessary for the Proposed Project; and
 4. The City has made an offer as required by Government Code section 7267.2 to each of the owners of record of the real property it seeks to acquire.
- B. Separately consider each of the following fourteen (14) Resolutions, which are Resolutions of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition thereof in connection with the Agoura Road Widening and Canwood Street Improvements Project:
1. **Resolution No. 13-1722** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project - 30800 Agoura Road, Agoura Hills, California, also identified as Assessor's Parcel Number 2061-001-025.
 2. **Resolution No. 13-1723** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project - 29395 Agoura Road, California, also identified as Assessor's Parcel Number 2061-004-024.

PUBLIC HEARING, *continued* -

3. **Resolution No. 13-1724** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project - 29301 Agoura Road, California, also identified as Assessor's Parcel Number 2061-004-027.
4. **Resolution No. 13-1725** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project – North side of Agoura Road and West of Roadside Drive, California, also identified as Assessor's Parcel Number 2061-004-030.
5. **Resolution No. 13-1726** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project - 29301 Agoura Road, California, also identified as Assessor's Parcel Number 2061-004-039.
6. **Resolution No. 13-1727** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project - 29525 Agoura Road, California, also identified as Assessor's Parcel Number 2061-004-900.
7. **Resolution No. 13-1728** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project - 29101 Agoura Road, California, also identified as Assessor's Parcel Number 2061-006-035.
8. **Resolution No. 13-1729** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project - 29045 Agoura Road, California, also identified as Assessor's Parcel Number 2061-006-044.

PUBLIC HEARING, *continued* -

9. **Resolution No. 13-1730** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project - Southeast corner of Agoura Road and Kanan Road, California, also identified as Assessor's Parcel Number 2061-031-020.
10. **Resolution No. 13-1731** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project - 29020 Agoura Road, California, also identified as Assessor's Parcel Number 2061-031-023.
11. **Resolution No. 13-1732** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project - 29646 Agoura Road, California, also identified as Assessor's Parcel Number 2061-033-013.
12. **Resolution No. 13-1733** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project – South side of Agoura Road and East of Ladyface Court, California, also identified as Assessor's Parcel Number 2061-033-015.
13. **Resolution No. 13-1734** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project - Southwest corner of Agoura Road and Kanan Road, California, also identified as Assessor's Parcel Number 2061-033-016.

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PUBLIC HEARING, *continued* -

14. **Resolution No. 13-1735** - A Resolution of Necessity of the City of Agoura Hills Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof, in Connection with the Agoura Road Widening and Canwood Street Improvements Project – South side of Agoura Road and West of Kanan Road, California, also identified as Assessor's Parcel Number 2061-033-904.

C. If the City Council finds, based upon the evidence contained and referred to in this Report to City Council, the testimony and comments received at this hearing, and all written testimony submitted to the City Council, that the evidence warrants the necessary findings with respect to each of the proposed Resolutions of Necessity, then staff recommends that the City Council, in the exercise of its discretion, adopt proposed Resolution Nos. 13-1722; 13-1723; 13-1724; 13-1725; 13-1726; 13-1727; 13-1728; 13-1729; 13-1730; 13-1731; 13-1732 13-1733; 13-1734; and 13-1735 (each of which requires a 4/5ths vote of the entire Council) and authorize the City Attorney's office to file eminent domain proceedings to acquire each of the following real property interests:

- Portions of 30800 Agoura Road, Agoura Hills, 91301 (Assessor's Parcel Number 2061-001-025) consisting of two permanent easements (878 square feet and 24,108 square feet) (Agoura Hills Center Properties, LLC);
- Portions of 29395 Agoura Road, Agoura Hills 91301 (Assessor's Parcel Number 2061-004-024) consisting of a three-month temporary construction easement (761 square feet) (Kids from the Valley VI, LLC);
- Portions of 29301 Agoura Road, Agoura Hills 91301 (Assessor's Parcel Number 2061-004-027) consisting of a four-month temporary construction easement (1,244 square feet) (Las Virgenes Properties);
- Portions of the real property located on the North side of Agoura Road and West of Roadside Drive, Agoura Hills 91301 (Assessor's Parcel Number 2061-004-030) consisting of a permanent easement (7,640 square feet) (General Electric Credit Equities, Inc.);
- Portions of 29301 Agoura Road, Agoura Hills 91301 (Assessor's Parcel Number 2061-004-039) consisting of a partial fee take (6,893 square feet) and a three-month temporary construction easement (111 square feet) (Las Virgenes Properties);

PUBLIC HEARING, *continued* -

- Portions of 29525 Agoura Road, Agoura Hills 91301 (Assessor's Parcel Number 2061-004-900) consisting of a permanent easement (6,365 square feet) and a six-month temporary construction easement (1,678 square feet) (Los Angeles County);
- Portions of 29101 Agoura Road, Agoura Hills 91301 (Assessor's Parcel Number 2061-006-035) consisting of a three-month temporary construction easement (42 square feet) (Conejo Valley U-Store-It);
- Portions of 29045 Agoura Road, Agoura Hills 91301 (Assessor's Parcel Number 2061-006-044) consisting of a partial fee take (250 square feet) and a three month temporary construction easement (5,385 square feet) (Kids From the Valley V, LLC);
- Portions of the real property located on the Southeast Corner of Agoura Road and Kanan Road, Agoura Hills 91301 (Assessor's Parcel Number 2061-031-020) consisting of a three-month temporary construction easement (3,198 square feet) (Shuman Associates);
- Portions of 29020 Agoura Road, Agoura Hills 91301 (Assessor's Parcel Number 2061-031-023) consisting of a three-month temporary construction easement (763 square feet) (Agoura Shopping Center Capital, LLC);
- Portions of 29646 Agoura Road, Agoura Hills 91301 (Assessor's Parcel Number 2061-033-013) consisting of two permanent easements (2,214 square feet and 35,812 square feet) and a six-month temporary construction easement (4,619 square feet) (International Church of the Gospel Foursquare);
- Portions of the real property located on the South side of Agoura Road and East of Ladyface Court, Agoura Hills 91301 (Assessor's Parcel Number 2061-033-015) consisting of two permanent easements (286 square feet and 894 square feet) and a three-month temporary construction easement (434 square feet) (Vinod K. & Chanresh Gupta Trust);
- Portions of the real property located on the South west corner of Agoura Road and Kanan Road, Agoura Hills 91301 (Assessor's Parcel Number 2061-033-016) consisting of two partial fee acquisitions (21,127 square feet and 3,630 square feet) and two permanent easements (2,262 square feet and 51,980 square feet) (Creekside Terrace); and

PUBLIC HEARING, *continued* -

- Portions of the real property located on the South side of Agoura Road and West of Kanan Road, Agoura Hills 91301 (Assessor's Parcel Number 2061-033-904) consisting of a three-month temporary construction easement (532 square feet) (Los Angeles County Flood Control District).

These real property interests are referred to as Subject Property Interests are described more particularly in the Exhibits attached to each Resolution of Necessity. Each Resolution also contains a drawing depicting the location of the real property interests in relation to the Agoura Road Widening and Canwood Street Improvements Project. Said Resolutions together with their Exhibits are attached hereto and incorporated in this Report by this reference.

- D. If the Resolutions of Necessity are approved, authorize the City Attorney's office and City staff to take all necessary steps to deposit with the Office of the State Treasurer, the amount of probable compensation required by law for issuance of Orders for Possession, including complaints in condemnation.
- E. Authorize the City Manager to execute all necessary documents.

PUBLIC HEARING/ORDINANCE

7. Conduct a Public Hearing and Adopt **Ordinance No. 13-402**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING TITLE 15 (VEHICLES AND TRAFFIC) OF THE LOS ANGELES COUNTY CODE, AS ADOPTED BY REFERENCE, AMENDING THE DEFINITION OF COMMISSONER AND AMENDING CHAPTER 2 OF ARTICLE III OF THE AGOURA HILLS MUNICIPAL CODE (*Ordinance was Introduced on October 9, 2013*)

STAFF REFERENCE:

DIRECTOR OF PUBLIC WORKS/
CITY ENGINEER ADEVA

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DISCUSSION/ACTION

8. Discussion to Introduce, Read by Title Only, and Waive Further Reading of **Ordinance No. 13-403**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING TITLE 15 OF THE LOS ANGELES COUNTY CODE, AS ADOPTED BY REFERENCE, BY ADDING A NEW PREFERENTIAL PARKING DISTRICT NO. 4 (CARELL AVENUE, BETWEEN THOUSAND OAKS BOULEVARD AND GARNET HILL COURT, MICHELLE DRIVE AND GARNET HILL COURT) AND AMENDING CHAPTER 2 OF ARTICLE III OF THE AGOURA HILLS MUNICIPAL CODE; and to Set a Public Hearing for November 13, 2013

STAFF REFERENCE: DIRECTOR OF PUBLIC WORKS/
CITY ENGINEER ADEVA

9. Discussion to Introduce, Read by Title Only, and Waive Further Reading of **Ordinance No. 13-404**; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING BY REFERENCE THE 2013 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL, FIRE, GREEN BUILDING STANDARDS, AND ENERGY CODE, AND THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AND OTHER RELATED MODEL AND REFERENCE CODES, AND THEIR APPENDICES, AND REPEALING AND REPLACING CHAPTERS 1 AND 2 OF ARTICLE VIII, SELECTED SECTIONS OF CHAPTER 1 OF ARTICLE III, AND SELECTED SECTIONS OF CHAPTER 3 OF ARTICLE VIII OF THE AGOURA HILLS MUNICIPAL CODE; and to Set a Public Hearing for November 13, 2013

STAFF REFERENCE: BUILDING OFFICIAL HAMIDZADEH

CITY COUNCIL, STAFF COMMENTS

ADJOURN to 6:00 p.m., Wednesday, November 13, 2013, for a Regular Meeting of the City Council in the Council Chambers of the Civic Center, with a Closed Session at 5:00 p.m. The Civic Center is located at 30001 Ladyface Court, Agoura Hills, California.

Copies of staff reports or other written documentation, relating to each item of business described in this Agenda, are posted to the City's website at www.ci.agoura-hills.ca.us and are on file and available for public inspection, during normal business hours, in the office of City Clerk Kimberly M. Rodrigues, Agoura Hills City Hall, 30001 Ladyface Court, Agoura Hills, California.

Any disclosable public records submitted to the City Council after the distribution of the Agenda packet (less than 72 hours prior to the meeting), relating to an item of business described in this Agenda, will be available for public inspection, during normal business hours, in the Office of the City Clerk.

Normal business hours are from 7:00 a.m. to 5:00 p.m., Monday through Thursday, and 7:00 a.m. to 4:00 p.m. on Friday. The City Hall general telephone number is (818) 597-7300.

The telecast of the October 23, 2013, Regular City Council Meeting will be shown on Channel 10 for Time Warner Cable subscribers, Channel 3 for Charter subscribers, and Channel 99 for AT&T U-Verse subscribers, beginning at 7:00 p.m. on Thursday, October 24, 2013, and running daily until the next regularly scheduled City Council meeting. The broadcast schedule is as follows: M-10am; T-3pm; W-10am; Th-7pm; F-10am; S-3pm; and Su-7pm.