

**MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF CALABASAS, CALIFORNIA
WEDNESDAY, AUGUST 14, 2024**

CLOSED SESSION

The Council met in Closed Session at 5:30 p.m. with all Councilmembers present, to discuss the following items:

1. Conference with Legal Counsel: Potential for Litigation Against the City Pursuant to Government Code Section 54956.9(d)(2) & (e)(1)

A point has been reached where, in the opinion of the City Council, on the advice of its legal counsel, based on the below-described existing facts and circumstances, there is a significant exposure to litigation against the City. Facts and circumstances that might result in litigation but which the City believes are not yet known to potential plaintiff or plaintiffs. (Government Code Section 54956.9(e)(1))

Number of Potential Cases: 1.

2. Conference with Legal Counsel; Initiation of Litigation (Government Code Section 54956.9(d)(4))

Number of Potential Cases: 2.

3. Conference with Legal Counsel; Litigation (Gov. Code § 54956.9, subds. (d)(1))

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.

Case Name Unspecified. Disclosure of the case name would jeopardize settlement negotiations.

OPENING MATTERS

CALL TO ORDER

Mayor Weintraub called the meeting to order at 6:03 p.m.

ROLL CALL

Present: Mayor Weintraub, Mayor Pro Tem Kraut, and Councilmembers Albrecht, Bozajian and Shapiro

Staff: City Manager Meik; City Attorney Summers; Assistant City Manager Trujillo; Deputy City Manager McConville; Chief Financial Officer Ahlers; City Clerk Pope; Community Development Director Klein; Public Works Director Castle; City Planner Tom Bartlett; Senior Planner Glenn Michitsch; Deputy Public Works Director Tatiana Holden; Public Safety Manager Michael Dyer; and Sheriff's Deputy Mason De Mateo

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Clerk Pope.

APPROVAL OF AGENDA

Councilmember Shapiro moved and Mayor Pro Tem Kraut seconded a motion to approve the agenda. The motion carried unanimously.

CLOSED SESSION REPORT

City Attorney Summers reported that the Council considered the four closed session items as listed on the agenda; provided direction to staff and counsel on all items, and took one reportable action, to direct the initiation of one item of litigation. The particulars of that one item of initiated litigation will be made available upon request after the lawsuit is filed.

PRESENTATIONS

1. Sheriff's Crime Report – May and June 2024

Deputy De Mateo presented the Crime Report.

The Council requested the arson that did not occur in the City be removed from the report.

ANNOUNCEMENTS/INTRODUCTIONS

Mayor Pro Tem Kraut announced the signing of SB867 related to wildfire resiliency; and the Mayor's Luncheon hosted by the Chamber of Commerce on August 22.

Councilmember Bozajian congratulated Mayor Weintraub and Mayor Pro Tem Kraut on their uncontested reelection.

Councilmember Shapiro congratulated Mayor Weintraub and Mayor Pro Tem Kraut; announced the Food Truck and Mayor's Youth Council Flea Market on August 15, at the Calabasas Community Center; Open Mic at the Listening Lounge on August 20; and the Summer Concert on August 25.

Councilmember Albrecht recognized Mayor Weintraub and Mayor Pro Tem Kraut for their reelection; and announced that the Fall senior center brochure was available online.

Mayor Weintraub reminded residents to be safe during school traffic; and announced the Wild Walnut Park Grand Opening on August 24, from 10 am to 1 pm.

ORAL COMMUNICATIONS – PUBLIC COMMENT

Mark Levinson announced the Mayor's Luncheon on August 22.

Yaser Darvazi expressed concern with issues related to his residential development.

Sarah Baisley discussed code violations on her property.

Dr. Christopher Harz discussed efforts to correct issues on the house they inherited from Robert Hahn.

CONSENT ITEMS

The Consent Calendar consisted of the following items:

2. Approve the minutes of the June 12, 2024 Regular, June 19, 2024 Special, June 26, 2024 Regular and July 31, 2024 Special City Council Meeting.
3. Adoption of Ordinance No. 2024-405, Amending and Restating Chapter 8.24 of the Calabasas Municipal Code (Park Regulations) to Centralize and Codify City Rules Concerning the Use of City Parks
4. Adoption of Ordinance No. 2024-403, Authorizing an Amendment to the Contract Between the City Council of the City of Calabasas and the Board of Administration California Public Employees Retirement System
5. Receive the report on the City of Calabasas Community Emergency Response Team Reorganization
6. Adoption of Resolution No. 2024-1919, Approving the Annual Investment Policy for Fiscal Year 2024-25 and Rescinding Resolution No. 2024-1905

7. Receive and File the Quarterly Investment Report for Quarter Ending June 30, 2024
8. Consideration of Approval of the Measure W Safe, Clean Water Program Municipal Transfer Agreement Between the City of Calabasas and the Los Angeles County Flood Control District

MOTION

Councilmember Albrecht moved and Mayor Pro Tem Kraut seconded a motion to approve the Consent Calendar. The motion carried unanimously.

NEW BUSINESS

9. Report on Firewise USA Community Campaign and Adoption of Resolution No. 2024-1920 approving a budget amendment for outreach

Public Safety Manager Dryer presented the staff report.

In response to Council questions, Public Safety Manager Dyer and City Attorney Summers explained public outreach; requirements for participation; vent covers to prevent fires; and the prequalification process for contractors.

Brian Cameron, President and Co-founder of Emergency Preparedness in Calabasas (EPIC), discussed the need to implement the Firewise program and successful use of the consultant.

MOTION

Councilmember Shapiro moved and Councilmember Albrecht seconded a motion to receive the report on the Firewise USA® campaign and adopt Resolution No. 2024-1920 approving a budget amendment to fund the creation of a FIREWISE website, promote community outreach and create a specialized data management system for FIREWISE compliance.

10. Designation of League of California Cities Voting Delegates

City Clerk Pope presented the staff report.

MOTION

Councilmember Albrecht moved and Councilmember Shapiro seconded a motion to delegate Mayor Pro Tem Kraut as the delegate and Councilmembers Bozajian and Shapiro as alternate delegates. The motion carried unanimously.

- 10.B. Adoption of Resolution No. 2024-1921 Appointing the Nominees to the Office

of City Council, and Canceling the City's General Municipal Election Scheduled for Tuesday, November 5, 2024 pursuant to California Elections Code Section 10229

City Clerk Pope presented the staff report.

MOTION

Councilmember Bozajian moved and Councilmember Shapiro seconded a motion to adopt Resolution No. 2024-1921 appointing Peter Kraut and Alicia Weintraub to the Office of City Council, and canceling the City's General Municipal Election Scheduled for Tuesday, November 5, 2024 pursuant to California Elections Code Section 10229.

PUBLIC HEARING

11. Consideration of a Resolution Approving File Nos. SPR-2024-007, DPR-2024-001, SCP-2024-001, OTP-2024-008, VAR-2024-003, and TTM-2024-001, a Request for Development of a 77-Acre Vacant Property Located at 4790 Las Virgenes Road at the Eastern Terminus of Agoura Road (APNS: 2069-078-009 and 2069-078-011). The Proposed Project Includes:

- (1) 70 Single-Family Residential Units, Occupying Approximately 12.45 Acres (16.1% of the Property);
- (2) Preservation of Approximately 63.83 Acres (82.4% of the Property) as Permanent Open Space;
- (3) Two Stormwater Retention/Debris Catchment Basins (One Relocated and One New);
- (4) Roadway Dedication of 0.08 Acres for Street Improvements Adding a Third Northbound Lane (With Curb, Gutter and Sidewalk) on Las Virgenes Road; and,
- (5) Permanent Dedication of a Public Trail Easement Through the Property Connecting to Open Space Lands to the East.

The Proposed Project also includes the following Ancillary Features: Site Access and Internal Roadway System with Sidewalks and Parkways, Retaining Walls, Landscaping, Common Areas, On-And-Off-Street Parking, and Lighting. Development of this Project Would also Require a Substantial Amount of Remedial Grading to Stabilize a Landslide Hazard Area on the Southern Portion of the Site. Requested Permits Include: Site Plan Review, Development Plan, Scenic Corridor Permit, Oak Tree Permit, Vesting Tentative Tract Map (for Subdivision of Land and for Condominium Purposes), and Variances for: 1) Calculating the Maximum Building Height from Finish Grade, 2) Exceeding the Maximum Retaining Wall Height of Six Feet, and 3) A Reduction in the Minimum Required Setback Distance of 20' Between Buildings. The project is consistent with the prior project as

analyzed in a Certified Amended Final Environmental Impact Report and adopted Statement of Overriding Considerations, no further CEQA review is required. The 77-Acre Property is Zoned Planned Development (PD); Residential-Multi-Family, 24 Units Per Acre (RMF (24)); Open Space - Development Restricted (OS-DR); and is Within the Scenic Corridor (SC) Overlay Zone and Las Virgenes Gateway Master Plan Area.

Senior Planner Michitsch and City Attorney Summers presented the staff report.

RECESS

Mayor Weintraub called a recess at 8:21 p.m. The meeting reconvened at 8:31 p.m. with all Councilmembers present.

In response to Council questions, City Attorney Summers and Senior Planner Michitsch explained the open space protection requirement; new LMD or annexation with a separate zone; designation as 70 single family detached homes, but legally condominiums; potential liability for slope failure; Condition of Approval #36 and mitigations required by other agencies; landslide remediation; requirements of Condition of Approval #70 and its relation to mitigation for loss of portions of the on-site ephemeral drainage; grading to stabilize the landslide repair area to prevent future landslides; requirements for a temporary sound attenuation wall between the project site and the adjacent Colony community; traffic control; construction hours; and soil import and export onsite; and grading bond.

Michael Battaglia, applicant, indicated he had not run HOA budgets; and discussed HOA maintenance of slope, streets, common areas and front yard landscaping; fire insurance and protection measures; Condition of Approval #36 being related to seep only; construction impacts and AQMD, and Regional Water Quality Control Board requirements; use of an LMD and HOA in combination; areas likely to be managed by a conservation agency; and trails likely to be maintain by a resource agency and HOA.

Joe Chilco discussed public interest and indicated agreement with the concern about giving all the responsibility to the HOA.

Miek Harbour, New Home Counsel, explained that the Conservancy or similar non-profit would likely take on the seep areas and an HOA and LMD would ensure the other areas were maintained, ultimately funded by the residents.

Mayor Weintraub closed the public hearing.

The Council discussed its initial opposition to the project; improved, less impactful design; settlement agreement; proposed changes to Condition of Approval #36 and 70; efforts to protect the hillsides; and efforts to reduce City liability.

City Attorney Summers restated the proposed language for Condition of Approval #36.

MOTION

Mayor Pro Tem Kraut moved and Councilmember Shapiro seconded a motion to adopt Resolution No. 2024-1918, approving File Nos. SPR-2024-007, DPR-2024-001, SCP-2024-001, OTP-2024-008, VAR-2024-003, and TTM-2024-001, a request for development of an approximately 77-acre vacant property located at 4790 Las Virgenes Road at the eastern terminus of Agoura Road (APNs: 2069-078-009 and 2069-078-011) inclusive of: (1) 70 single-family residential detached condominium units; (2) two detention/debris basins (one relocated and one new); (3) a roadway dedication of 0.08 acres; (4) permanent dedication of a trail access easement through the site and connecting to open space lands to the east; and (5) preservation of approximately 63.83 acres (82.4% of the site) as permanent open space, with Condition of Approval # 36 amended.

FUTURE INFORMATION/AGENDA ITEMS

12. Direction from Council on requested agenda items
 - A. None
13. New requests for future information/agenda items

TASK FORCE REPORTS

Councilmember Bozajian announced his attendance at the Annual Los Angeles County Division of League of California Cities Swearing In on August 1 and that he would be attending the Annual Contract Cities Association BBQ sponsored by the LA County Sheriff's Department.

Mayor Pro Tem Kraut stated he also attended the Swearing In on August 1; Valley Industry Commerce Association (VICA) meeting on July 30; and the Santa Monica Mountains Conservancy meeting on July 15.

Councilmember Shapiro stated he attended recent SCAG meetings, VICA event, and Valley Economics Board meeting.

Councilmember Albrecht discussed the recent Contract Cities Advocacy Committee; Clean Power Alliance Reach Code; and Economic Development Task Force meetings in preparation for the Olympics.

Mayor Weintraub discussed the recent Economic Development Task Force meeting to ensure Calabasas was on the map for Olympics and COG meeting.

INFORMATIONAL REPORTS

14. Check Register for the period of June 9, 2024 to August 2, 2024

The item was received and filed.

CITY MANAGER'S REPORT

City Manager Meik discussed EOC staff training; Wild Walnut Park opening and additional parks opening soon; and near completion of the Green Street project on Las Virgenes Road.

INFORMATIONAL REPORTS

None.

ADJOURN

Mayor Weintraub adjourned the meeting at 9:35 p.m.

Lisa Pope, City Clerk