

**MINUTES OF A REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF CALABASAS,
CALIFORNIA, HELD WEDNESDAY, JANUARY 25, 2012**

Mayor Bozajian called the meeting to order at 6:30 p.m. in the City Council Chambers, 100 Civic Center Way, Calabasas, California.

ROLL CALL Present: Mayor Bozajian, Mayor pro Tem Maurer, Councilmember Gaines, Martin and Shapiro.
Absent: None.
Staff: Bartlett, Cohen, Colantuono, Coroalles.

CLOSED SESSION

Jody Thomas, Calabasas, welcomed Councilmember Shapiro and spoke regarding cesspool systems not polluting any more than sewers and spoke in opposition to the initiation of litigation on these individuals and spoke in support of a third party ombudsman or consultant to come to an amicable conclusion. Mike Piszker, Calabasas, spoke regarding cesspool systems and that some of these cases should not be considered failures and presented information on why the City should not continue litigation against them. Toby Keeler, Topanga, welcomed Councilmember Shapiro to the City Council and spoke in opposition to initiating any litigation on these individuals in light of the repeal of the OWTS Inspection program. Dale Reicheneder, Calabasas, spoke in opposition to the initiation of litigation on these individuals and spoke in support of the City hiring a third party consultant to attempt to mend relationships with the residents. Liat Samouhi, Calabasas, spoke regarding the negative impact on the individuals who would be affected by the initiation of litigation. Elizabeth Stephens, Calabasas, welcomed Councilmember Shapiro and spoke in support of an independent review of these cases in order to determine what should happen to the cases and spoke in support of the City helping these 31 individuals come into compliance.

The City Council recessed at 6:49 p.m. into closed session in the Closed Session Conference Room to confer regarding the following:

1. Initiation of Litigation, pursuant to Government Code Section 54956.9(c).
Number of potential cases: 31.

The City Council reconvened at 7:07 p.m. from closed session, and Mayor Bozajian called the meeting to order at 7:12 p.m. in the City Council Chambers of City Hall, 100 Civic Center Way, Calabasas, California.

ROLL CALL Present: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Gaines, Martin and Shapiro.
Absent: None.
Staff: Bartlett, Brozyna, Colantuono, Coroalles, Farassati, Peirce, Yalda.

The City Attorney stated that, in Closed Session, there was no initiation of litigation.

The Pledge of Allegiance was led by Barbara Shapiro.

APPROVAL OF AGENDA

Councilmember Gaines moved, seconded by Councilmember Martin, to approve the agenda. MOTION CARRIED 5/0.

SPECIAL ITEM

The Honorable Michael Latin, Retired Supervising Judge of Van Nuys Civil Court, administered the Oath of Office to Councilmember David Shapiro.

ANNOUNCEMENTS/INTRODUCTIONS

Mayor pro Tem Maurer presented a proclamation to Woody Smeck, Superintendent of the Santa Monica Mountains National Recreation Area (SMMNRA), in recognition of his service and congratulations on his new position as Deputy Superintendent of Yosemite National Park. Councilmember Gaines, Mayor pro Tem Maurer, Councilmember Martin welcomed Councilmember Shapiro. Councilmember Gaines spoke regarding an upcoming Calabasas High School Boys Basketball game against Agoura High School and spoke regarding the Calabasas Chamber of Commerce Installation Dinner that will be taking place on January 28, 2012. Councilmember Gaines announced upcoming events at the Calabasas Library in collaboration with the painting of the mural in the Children's Reading Room. Councilmember Gaines announced a new link on the City website for reporting any issues or problems and spoke regarding the City of Calabasas' Coyote Management Plan being mentioned in *Los Angeles* magazine. Mayor pro Tem Maurer announced that the CERT Emergency Training classes are beginning Thursday, January 26. Councilmember Martin spoke regarding the Grand Opening and Dedication of the Topanga Library and spoke regarding the City Council allowing public comment for Closed Session items. Councilmember Shapiro expressed his thanks to his family and the community for its support. Mayor Bozajian announced that the Mayor's State of the City address will be held on Thursday, February 9, 2012 at 6:30 p.m.

ORAL COMMUNICATIONS - PUBLIC COMMENT

Bruce Boyer, Agoura Hills, spoke in opposition to the City's ban on mobile billboards and spoke regarding the Sheriff's Department handling of the Mitrice Richardson case. Robert Hahn, Topanga, spoke regarding the problems that have arisen out of the enforcement of the On-site Wastewater Treatment System (OWTS) ordinance and spoke regarding his current case and requested that the Council intercede on his behalf with the City Prosecutor. Aricela Moorhead, non-resident of Calabasas, spoke regarding the City's ill treatment of Lloyd Smith and other residents. James Moorhead, non-resident of Calabasas, spoke in opposition to Mayor Bozajian's previous comments towards Mr. Moorhead and spoke in opposition to Mayor Bozajian and most of the Council not

appointing Bob Sibilia to fill the City Council seat. Phyllis Scher, Calabasas, expressed appreciation and spoke in support of the City Council's deliberation and process of filling the City Council vacancy at the previous week's meeting. Liat Samouhi, Calabasas, spoke regarding the Consumers Power Alliance's work on obtaining opt-out options on smart meters for utility companies.

CONSENT ITEMS

1. Approval of meeting minutes from January 11, 2012.
2. Recommendation to approve amendment to the employment agreement for the City Manager.
3. Adoption of Resolution No. 2012-1315, proclaiming the second Saturday of April as the City's Earth Day Celebration/Green Expo.
4. Adoption of Resolution No. 2012-1316, authorizing entering into agreement with the State of California and designating a representative to sign the agreement and any amendments for the Las Virgenes Creek Catch Basin Debris Screen Project.
5. Recommendation to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc. for Professional Civil Engineering Services for the Mulholland Highway Scenic Corridor Completion Project to include roadway widening, landscaped median construction, intersection modifications, slope stabilization and pedestrian and bicycle facilities in an amount not to exceed \$212,900.00.

Councilmember Gaines moved, seconded by Mayor pro Tem Maurer, to approve Consent Item #1, 2, 3, and 4. MOTION CARRIED 5/0 on Items #2, 3 4. MOTION CARRIED 4/0 on Consent Item #1. Councilmember Shapiro abstained on Item #1.

Following discussion, Councilmember Gaines moved, seconded by Councilmember Shapiro, to approved Consent Item #5. MOTION CARRIED 5/0.

NEW BUSINESS

6. Introduction of Ordinance No. 2012-294, removing the local amendments associated with the City's On-Site Wastewater Treatments Systems (OWTS) inspection program from Appendix K of the California Plumbing Code.

Michael Colantuono, City Attorney, provided background information on the ordinance.

Toby Keeler, Topanga, spoke in support of the City rescinding the OWTS ordinance but expressed concern over Secion 3 of the proposed ordinance on enforceability. James Moorhead, spoke in support of the City Council ensuring that the proposed ordinance rescinds the OWTS ordinance. Jody Thomas, Topanga, spoke in support of the City Council ensuring that the proposed ordinance rescinds the OWTS inspection program and expressed concern over the Enforceability clause and spoke in support of the City hiring an

independent third party to review all of the cases that are currently pending. Cathy Pesiri, Calabasas, spoke regarding Heal the Bay's statement on Onsite Wastewater Treatment Systems and their effect on impaired waterways. Kim Lamorie, Calabasas, spoke in support of the City Council rescinding the OWTS inspection program and expressed concern over the enforceability clause and spoke in support of the City hiring an independent third party to review all of the cases that are currently pending. Dave Brown, Calabasas, expressed concern over how the OWTS ordinance has been enforced and spoke in support of ensuring that water quality issues are being addressed but treating better those who are not in compliance. Elizabeth Stephens, Calabasas, spoke in support of the City Council rescinding the OWTS inspection program and expressed concern over the enforceability clause and spoke regarding the negative impact on the residents who have been affected by it. Michael Piszker, Calabasas, expressed concern over what will be happening with the pending cases in light of this ordinance and spoke in support of the City hiring an ombudsman to review these cases. Liat Samouhi, Calabasas, spoke in support of the City Council rescinding the OWTS inspection program and expressed concern over the enforceability clause and spoke in support of the City hiring an independent third party to review all of the cases that are currently pending.

Mayor pro Tem Maurer moved, seconded by Councilmember Martin, to introduce Ordinance No. 2012-294, removing the local amendments associated with the City's On-Site Wastewater Treatments Systems (OWTS) inspection program from Appendix K of the California Plumbing Code. MOTION CARRIED 5/0.

The City Council recessed at 9:00 p.m. and reconvened at 9:10 p.m.

7. Update on the single-use plastic bag ban.

Alex Farassati, Environmental Services Supervisor, presented the staff report.

Thomas Hanson, Calabasas, spoke in opposition to the single-use plastic bag ban. Martin Goldstein, Woodland Hills, spoke in opposition to the single-use plastic bag ban. Sarah Sheedy, California Grocers Association, spoke regarding issues many of the stores have had in transitioning to the plastic bag ban and expressed appreciation to the City for working with the association in adopting the ordinance. Rick Crandall, Albertsons, spoke in support of the City's ban on single-use plastic bags. Paul Mac, business owner in City of Calabasas, expressed concern over customers getting upset about the \$.10 charge for a bag and requested additional educational materials for the transient customers. Rachel Stotan, Calabasas, employee of the Mountains Restorations Trust, spoke in support of the single-use plastic bag ban. Kirsten James, Water Quality Director, Heal the Bay, spoke in support of the single-use plastic bag ban. Graham Hamilton, Santa Monica, Surfrider Foundation, spoke in support of the plastic bag ban and spoke in support of the City allowing stores to offer free paper bags to their customers. Bill Hickman, Ventura, spoke in support of continuing with the single-use plastic bag ban and spoke in support of the \$.10 fee. Dale Reichender, Calabasas, spoke in support of continuing with the single-use plastic bag ban. Dave Brown, Calabasas, spoke in support of the single-use plastic bag ban. Kim Lamorie, Calabasas, spoke in support of the City continuing the single-use plastic bag ban. Michael Friedman, Calabasas, provided background information on the ordinance and spoke in support of continuing the ban. Elizabeth Stephens, Calabasas, spoke in opposition to the

plastic bag ban, especially the fee for the bag. Alicia Weintraub, Calabasas, spoke in support of the single-use plastic bag ban and spoke in support of the City providing information, such as a business card, to stores with a contact at the City for customers to call to complain. Liat Samouhi, Calabasas, spoke in support of continuing with the single-use plastic bag ban. Jody Thomas, Calabasas, spoke in support of continuing with the single-use plastic bag ban and in support of the City providing reusable bags. Tom Gallasi, Calabasas, spoke in support of continuing with the single-use plastic bag ban.

There was no action taken.

8. Discussion regarding the Calabasas sewer upgrade project and cost-sharing agreement.

Andrew Brozyna, Deputy City Engineer, presented a staff report.

Jody Thomas, Topanga, spoke regarding the County identifying pollution hazards with some of the sewer lines in the community.

Mayor pro Tem Maurer moved, seconded by Councilmember Gaines to approve the project and cost-sharing agreement. MOTION CARRIED 5/0.

9. Presentation regarding the Calabasas Wine and Food Festival.

Alan Semsar, CEO from Barcelona Event Marketing, Advertising and Design, presented background information on the event.

There was no action taken.

INFORMATIONAL REPORTS

10. Check Register for the period of January 4, 2012 to January 13, 2012.

There was no action taken.

TASK FORCE REPORTS

There were no task force reports.

CITY MANAGER'S REPORT

City Manager Coroalles indicated he had nothing to report.

FUTURE AGENDA ITEMS

There were no future agenda items requested.

ADJOURN

The City Council adjourned at 11:00 p.m. to their next regular meeting, which is scheduled to be held on Wednesday, February 8, 2012 at 7:00 P.M.