

MINUTES OF THE CITY COUNCIL

Westlake Village, California

April 22, 2009

CALL TO ORDER This regular meeting of the Westlake Village City Council was called to order by Mayor Slavin on Wednesday, April 22, 2009 at 6:40 p.m., at 31200 Oak Crest Drive, Westlake Village.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was led by Mayor Slavin.

ROLL CALL **Present:** Councilmembers Klessig, McSweeney, Davis, Mayor Pro Tem Rutherford, Mayor Slavin
Absent: None
Also Present: City Manager Taylor, Assistant City Manager Brown, City Attorney Boga, Planning Director Theobald, City Engineer Knipe, Senior Planner Wolfe, Administrative Analyst Kallman, Community Services Coordinator Anderson, Administrative Assistant Thompson, City Treasurer Biery and Deputy Finance Officer Borchard

APPROVAL OF AGENDA Mayor Pro Tem Rutherford moved to pull item No. 1 from the Consent Calendar as requested by the City Manager, and approve the agenda as amended. Councilmember McSweeney seconded the motion which passed unanimously.

APPROVAL OF MINUTES Councilmember McSweeney moved to approve the minutes of April 7, 2009, as presented. Mayor Pro Tem Rutherford seconded the motion which passed unanimously.

SPECIAL PRESENTATIONS/ CEREMONIAL MATTERS Director Joe Bowman and Jeff Reinhardt, Las Virgenes Municipal Water District, made a presentation of books to the City Council in celebration of Water Awareness Month, discussed water conservation, and announced a water budgeting plan has recently been adopted.

REPORTS:

SHERIFF'S DEPT Lt. Benedict presented the Sheriff Department's report for the month of March, 2009 which was accepted and filed.

FIRE DEPT Community Services Rep. Grycan presented the Fire Department's report for the month of March, 2009, which was accepted and filed.

ENGINEERING City Engineer Knipe highlighted various items from the Engineering Status Report.

PLANNING Planning Director Theobald reviewed his departmental status report which was accepted and filed.

LIBRARY	Mark Totten, Library Manager, highlighted various events from the Westlake Village Daniel K. Ludwig Library's report for the month March, 2009.
CULTURAL RECREATION	Administrative Analyst Kallman highlighted various items from the Cultural Recreation Department's Status Report.
CHAMBER OF COMMERCE	Jill Lederer, President/CEO, highlighted recent and upcoming events of the Thousand Oaks-Westlake Village Regional Chamber of Commerce.
CITY COUNCIL COMMITTEE REPORTS:	None.
STAFF COMMENTS	None.
COUNCIL COMMENTS	Councilmember Klessig congratulated Agoura High School students for winning the Auto Tech Challenge.
PUBLIC COMMENTS	Kent Johnston , Thousand Oaks, stated he would like to establish a medical cannibus business in the City of Westlake Village. Ron Glantz , stated he supports medical cannibus dispensaries. Mark Sellers , Westlake Village, speaking on behalf of Herbamed, a proposed cannibus facility, spoke in support of medical marijuana dispensaries and requested the City place this issue on a future agenda for discussion.
WRITTEN COMMENTS	Cheryl Tabbi , Westlake Village, submitted a written comment opposing medical marijuana dispensaries in Westlake Village.
STAFF RESPONSE	Planning Director Theobald stated the Municipal Code does not list medical cannibus as a specific use, and therefore the City's policy is to not allow it. City Attorney Boga stated the courts have upheld ordinances such as the City's that excluded these uses, and the Attorney General's office has taken the position that these sorts of uses are not recognized by law.
PUBLIC HEARINGS:	None.
CONSENT CALENDAR	Mayor Pro Tem Rutherford moved that the Consent Calendar be approved. Councilmember McSweeney seconded the motion which passed unanimously by a roll-call vote.
	APPROVAL OF WARRANTS: Warrants effective May 1, 2009 in the total amount of \$498,765.94.
	GENERAL BUSINESS:
	1. <u>Award of Contract for Lindero Canyon Road Sidewalk and Bus Stop Improvement Project</u> - Recommendation was to

reject the bid submitted by Seacon Construction and approve the award of contract to Nassau Masonry.

OLD BUSINESS: None.

NEW BUSINESS:

**WESTLAKE VILLAGE
COMMUNITY PARK
PROJECT -
APPROVAL OF
FINANCING
DOCUMENTS FOR
CONSTRUCTION OF
THE COMMUNITY
PARK PROJECT,
RESO. 1470-09**

City Manager Taylor introduced the item which described the proposed certificates of participation financing to refund the City's outstanding certificates of participation delivered in 1997 and 2000, and to finance a portion of the costs of construction of the new community park. Mr. Taylor, presenting staff's report, provided background of the COPs issued in 1997 and 2000 for the City Hall/Library land acquisition and construction of the City Hall/Library. Mr. Taylor explained the use of certificates of participation to finance capital projects, and stated the City Council's Administrative Committee recommended that the financing structure include both the refunding of the past COPs as well as the new issue for the community park project. Mr. Taylor further reported the City's bond underwriter, Stone and Youngberg, will be pre-pricing the COPs on May 6, 2009, and if authorized by the City, selling the COPs on May 7, 2009. A Special City Council meeting is recommended to be held on May 6, 2009 to allow staff an opportunity to present the results of the pre-pricing and to seek final authorization to proceed with the selling of the COPs on May 7, 2009. Brian Quint, Quint and Thimmig, provided information on the purpose of the proposed resolution.

QUESTIONS OF STAFF AND CONSULTANTS: Mr. Quint addressed the contents of the resolution and also responded to questions. Mayor Slavin stated he is not available to attend the May 6, 2009, Special City Council meeting, and Mayor Slavin asked what the interest cost of the \$9 million loan will be over the course of 30 years. City Treasurer Biery stated the interest cost will be approximately \$9 million over the course of 30 years. Councilmember Klessig asked how citizens can participate in purchasing bonds. Mr. Heaney described the process which includes advertising in The Acorn, word of mouth, information on the City's website, and marketing of local investors. Responding to Councilmember Davis, Brian Quint, Quint & Thimmig, explained how the City could reduce the aggregate debt sooner by prepaying the debt, and noted interest rates are estimated to be less than 5.75%. City Manager Taylor explained the timeline for the actions to be taken by the City. **CITY COUNCIL COMMENTS:** The City Council thanked the Administrative Committee, staff, and the Consultants for their hard work on this project. Mayor Slavin expressed concern with the City taking on debt at this time in

the current economy. City Manager Taylor asked Steve Heaney if the City could change the date of the May 6 briefing and May 7 sale, and Mayor Slavin noted he will make himself available anytime after May 7. Mr. Taylor stated Bond Counsel will try to reschedule the pre-pricing to occur on May 12 and the sale to occur on May 13. Mayor Pro Tem Rutherford moved that Resolution No. 1470-09, "A Resolution of the City Council of the City of Westlake Village approving the form and authorizing the execution of certain lease financing documents in connection with the offering and sale of certificates of participation relating thereto, and authorizing and directing certain actions with respect thereto" be introduced by title only, that further reading be waived and that Resolution No. 1470-09 be adopted. Councilmember McSweeney seconded the motion, which passed 4/1 by a roll-call vote. (AYES: Klessig, McSweeney, Davis, Rutherford; NOES: Slavin)

RECESS AND CALL TO ORDER

Mayor Slavin recessed the Regular City Council meeting at 9:10 p.m., and Called to Order a Special Meeting of the Library Facilities Corporation.

ROLL CALL

Present: Boardmembers Klessig, McSweeney, Davis, Rutherford, Slavin

Absent: None

Also Present: City Manager Taylor, Assistant City Manager Brown, City Attorney Boga, Planning Director Theobald, City Engineer Knipe, Senior Planner Wolfe, Administrative Analyst Kallman, Community Services Coordinator Anderson, Administrative Assistant Thompson, City Treasurer Biery and Deputy Finance Officer Borchard

WESTLAKE VILLAGE COMMUNITY PARK PROJECT - APPROVAL OF FINANCING DOCUMENTS FOR THE WESTLAKE VILLAGE COMMUNITY PARK PROJECT CONSTRUCTION

City Manager Taylor introduced the item and Brian Quint, Quint and Thimmig, presented staff's report which recommended that the Board of Directors of the Corporation adopt the attached resolutions approving amendments to and restating the Library Facilities Corporation Bylaws, and providing authorization by the Board of Directors of the Corporation for the refinancing and financing through a lease financing with certificates of participation and authorize the execution by the Corporation of the various legal documents. Boardmember McSweeney moved that Resolution No. 002-09, "A Resolution of the Westlake Village Library Facilities Corporation approving amendments to and restating its Bylaws" and Resolution No. 003-09, "A Resolution of the Board of Directors of the Corporation approving the form and authorizing the execution of certain lease financing documents in connection with the offering and sale of certificates of participation relating thereto, and authorizing and directing certain actions with respect

thereto” be introduced by title only, that further reading be waived and that Resolution Nos. 002-09 and 003-09 be adopted. Boardmember Klessig seconded the motion, which passed 4/1 by a roll-call vote. (AYES: Klessig, McSweeney, Davis, Rutherford; NOES: Slavin)

RECONVENE Mayor Slavin adjourned the Library Facilities Corporation meeting and reconvened the City Council meeting at 9:15 p.m.

ROLL CALL: **Present:** Councilmembers Klessig, McSweeney, Davis, Mayor Pro Tem Rutherford, Mayor Slavin

Absent: None

Also Present: City Manager Taylor, Assistant City Manager Brown, City Attorney Boga, Planning Director Theobald, City Engineer Knipe, Senior Planner Wolfe, Administrative Analyst Kallman, Community Services Coordinator Anderson, Administrative Assistant Thompson, City Treasurer Biery and Deputy Finance Officer Borchard

AWARD OF CONTRACT FOR THE 2009 JOINT CITY PAVEMENT REHABILITATION PROGRAM Mayor Slavin introduced the item which presented the results of the public bidding for the 2009 Joint City Pavement Rehabilitation Program. City Engineer Knipe presented staff's report, and provided background of the pavement rehabilitation program the City undertakes each year as part of the Capital Improvement Program, and stated the City's annual street work will be combined with the City of Agoura Hills. Mr. Knipe reported on April 9, 2009, eight bids were received for this project, and staff is recommending a contract be awarded to the low bidder, All American Asphalt. Councilmember Klessig moved that the City Council: (1) award a contract to All American Asphalt, Inc. in the amount of \$1,242,241.11; (2) authorize the Mayor and City Clerk to sign and execute an agreement for this project on behalf of the City; and (3) authorize the Mayor and City Clerk to sign the agreement with the City of Agoura Hills on behalf of the City. Mayor Pro Tem Rutherford seconded the motion, which passed 5/0 by a roll-call vote.

MEETING ADJOURNED The meeting was adjourned at 9:22 p.m.

Robert Slavin, Mayor

Attest:

Beth A. Schott, City Clerk