

City Council

REGULAR MEETING
Tuesday, December 6, 2016, 6:00 P.M.
Council Chambers



Joel R. Price, Mayor
Claudia Bill-de la Peña, Mayor Pro Tem
Andrew P. Fox, Councilmember
Al Adam, Councilmember
Rob McCoy, Councilmember

Executive Team

Andrew P. Powers, Interim City Manager
Gary Rogers, Deputy City Manager/HR Director
Mark A. Towne, Interim Community Dev. Director
Cynthia M. Rodriguez, City Clerk
Barry McComb, Cultural Affairs Director
Jim Friedl, General Manager, CRPD

Tracy M. Noonan, City Attorney
John F. Adams, Finance Director/City Treasurer
Jay Spurgin, Public Works Director
Heather Cousin, Library Director
Tim Hagel, Police Chief
Theodore E. Smith, Fire Chief

MISSION STATEMENT:
Extraordinary Service to the Citizens We Serve is Our Purpose

Americans with Disabilities Act (ADA): In compliance with ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk Department, (805) 449-2151. Assisted listening devices are available at this meeting. Ask City Clerk staff if you desire to use this device. Upon request, the agenda and documents in this agenda packet can be made available in appropriate alternative formats to persons with a disability. Notification at least 48 hours prior to the meeting or time when services are needed will assist City staff in assuring reasonable arrangements can be made to provide accessibility to the meeting or service.

The following is provided to assist with public participation:

Agenda Availability: The City Council Agenda is posted at the entry to the Civic Arts Plaza/City Hall, 2100 E. Thousand Oaks Boulevard, Thousand Oaks [main posting location pursuant to the Brown Act, G.C. 54954.2(a)]. City Council Agenda Packets are available for review at the City Clerk Department, 2100 E. Thousand Oaks Boulevard, Thousand Oaks. Agenda packet and “Live and Archived” meetings and minutes are available on the City’s website at www.toaks.org. Televised City Council Meetings are re-broadcast Thursday and Sunday (following meeting) at 10:00 a.m. and 6:00 p.m. on TOTV, Channel 10.

Supplemental Information: Any agenda related information received and distributed to the City Council after the Agenda Packet is printed is included in Supplemental Packets. Supplemental Packets are produced as needed, typically a minimum of two—one available on the Thursday preceding the City Council meeting and the second on Tuesday at the meeting. The Thursday Supplemental Packet is available for public review in the City Clerk Department, 2100 E. Thousand Oaks Boulevard, during normal business hours (main posting location pursuant to the Brown Act, G.C. 54957.5(b)(2)). Both the Thursday and Tuesday Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2100 E. Thousand Oaks Boulevard and on the City’s website.

Please be advised that communications directed to the City Council are public records, and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law. Communications will NOT be edited for redactions; will be printed/posted as submitted.

Public Input: Any person who wishes to speak regarding an item on the regular agenda or on a subject within the City’s jurisdiction during “Public Comments” is requested to file a “Public Speaker” card with City Clerk staff before that portion of the Agenda is called. Any person who wishes to speak on a specific agenda item is requested to file a “Public Speaker” card before the specific item is called. Any person who wishes to speak on a Public Hearing is requested to file a “Public Speaker” card before the Hearing is called. Persons addressing the City Council are requested to state their name and community of residence for the record. Any supporting materials should be submitted to the City Clerk before addressing the Council. These materials are also considered a public record pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law.

Special Meeting Public Input: Only issues listed on a special meeting agenda may be addressed pursuant to the Brown Act/Special Meetings.

Consent Calendar: Matters listed on Consent Calendar that do not require significant reporting and/or discussion for decision or considered to be routine, will be approved by one motion as recommended. There will be no separate discussion unless Councilmember or staff member requests separate discussion prior to approval.

Judicial Review: Any legal action by an applicant seeking to obtain a judicial review of the City Council’s decision on a Hearing or issue listed on this Agenda may be subject to the 90-day filing period, of and governed by, Code of Civil Procedure Section 1094.6. Also refer to TOMC Section 1-4.05.

CITY OF THOUSAND OAKS CITY COUNCIL AGENDA

Thousand Oaks, California

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December 6, 2016

RES. NO. 2016-068
ORD. NO. 1625-NS

1. CALL TO ORDER: 6:00 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL: Councilmembers Fox, Adam, McCoy, Bill-de la Peña, and Mayor Price
4. REQUESTS FOR CONTINUANCE OF ANY PUBLIC HEARING OR AGENDA ITEM:
5. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS:
 - A. Recognition – Community Emergency Response Team (CERT) Graduates
 - B. Recognition – Thousand Oaks Police Charitable Foundation (TOPCF) Glow Run 5k Sponsors
6. PUBLIC COMMENTS:
7. CONSENT CALENDAR:

(See Exhibit A pages 6 thru 8 for Consent Calendar listing)
8. COMMITTEE/COMMISSION/BOARD REPORTS:
 - A. [FY 2016-17 Community Enhancement Grant Award Recommendations](#)
(Community Funding Review Committee)

RECOMMENDATION:

 1. Approve Community Enhancement Grants totaling \$45,000; authorize City Manager to execute agreements with grantees
 2. Authorize expenditure of \$45,000 A/C 632-8420-682-5920 (NC0104 Enhancement Fund/Solid Waste Enhancement Grants)
 - B. [City Investment Review Committee Annual Report](#)

RECOMMENDATION: Receive and file report

9. PUBLIC HEARINGS:

- A. [Urgency Ordinance for regulations relating to Marijuana and Commercial Marijuana Activities \(MCA 2016-70480\)](#)

URGENCY ORDINANCE AMENDING SECTION 9-4.202 AND ARTICLE 44 OF TITLE 9, CHAPTER 4 OF MUNICIPAL CODE TO MODIFY SPECIFIC DEFINITIONS AND REGULATIONS CONCERNING CULTIVATION, TRANSPORTATION, DELIVERY, MANUFACTURING AND DISPENSING OF MARIJUANA WITHIN CITY (MCA 2016-70480)
ORD.NO. _____

RECOMMENDATION: Read ordinance in title only, further reading be waived, and adopt urgency ordinance regulating marijuana and commercial marijuana activities (requires four-fifths vote)

10. DEPARTMENT REPORTS: None

11. CITY COUNCIL AS SUCCESSOR AGENCY TO THOUSAND OAKS REDEVELOPMENT AGENCY REPORTS: None

12. COUNCIL ISSUES/RECOMMENDATIONS:

- A. Follow-up reports on meetings/conferences attended by Councilmembers

1. [League of California Cities \(LCC\) League Leaders Meeting](#)
November 9 – 11, 2016 (Price)

RECOMMENDATION: Receive report

2. [2016 National League of Cities \(NLC\) City Summit Conference](#)
November 15 – 19, 2016 (Price)

RECOMMENDATION: Receive report

3. [Channel Counties Division Meeting](#) December 2, 2016 (Price) –
Report to be provided

RECOMMENDATION: Receive report

13. CITY MANAGER:

- A. Follow-up items
B. Announcements and upcoming issues

CITY OF THOUSAND OAKS CITY COUNCIL AGENDA

Thousand Oaks, California

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December 6, 2016

14. CLOSED SESSION: City Council Conference Room 2nd floor
 - A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Title: City Attorney; Pursuant to Government Code Section 54957(b)(1)
 - B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Title: Interim City Manager; Pursuant to Government Code Section 54957(b)(1)
15. PUBLIC NOTICES: None
16. ADJOURNMENT:

Adjourn to City Council Reorganization Meeting December 13, 2016, 6:30 p.m.

Agenda Post Date/Time: December 1, 2016, 5:00 p.m.

CCD:610-40/h:/common/agenda/2016/12-06-2016/12-06-16.docx

EXHIBIT A

7. CONSENT CALENDAR:

*RECOMMENDATIONS FOR ITEMS A. THROUGH N. ARE TO APPROVE
RECOMMENDATIONS FOR ITEMS O. THROUGH Q. ARE TO ADOPT*

- A. General, Utilities, Golf Course, and Theatres Demands – ratify November 23, 2016 and November 30, 2016; approve December 7, 2016; approve December 14, 2016, December 21, 2016, December 28, 2016, and January 4, 2017, subject to review and ratification
- B. [Minutes of City Council meeting of November 15, 2016](#)
- C. No Appropriation/Expenditure Required: [Distribution of theater tickets and passes](#); rescind Resolution No. 94-45
- D. Approved Expenditure: [Fourth Amendment to Agreement No. 11030-2015 with PAX Water Technologies, Inc.](#), in amount of \$50,000 for rental of water disinfectant boosting trailers to extend term to 6/30/17; total contract not-to-exceed \$195,000; budget appropriation and expenditure in amount of \$50,000 A/C 611-0000-341-9900 (Water Operating Fund/Net Position) to A/C 611-8050-686-6499 (Water Reservoirs/Rental Fees)
- E. Approved Expenditure: [Delivery of restaurant fats, oils, and grease \(FOG\) and food-beverage waste to Hill Canyon Treatment Plant \(HCTP\)](#); agreements with Alpha Pumping, Inc., Buron's Preferred Pumping Company, Inc., Coastal Byproducts; ETP, Inc. dba Enviro-Tech Pumping; and Imperial Western Products, Inc., to deliver FOG and food-beverage waste to HCTP for treatment and recycling; terms ending 6/30/19
- F. Approved Expenditure: [Civic Arts Plaza Theatres Janitorial Services](#); award contract to Ultimate Maintenance Services, Inc.; term: 1/1/17 – 12/31/19 with two one-year renewal options, total not-to-exceed \$1,271,353 over contract lifetime; expenditures not-to-exceed \$82,500 A/C 681-7710-682-5620 (Theatres/Contracted Janitorial) and \$35,400 A/C 681-7810-682-5620 (Theatres/Contracted Janitorial)

7. CONSENT CALENDAR: (Continued)

- G. Additional Appropriation: [Newbury Park Library Roof and Electrical Renovation \(CI 5248\)](#); award contract to Saifco Construction Co. in amount not-to-exceed \$849,900, plus \$128,000 contingency; expenditures in amount of \$187,760 A/C 110-7410-673-8200 (CI 5248 Capital Buildings) and \$85,000 A/C 110-7410-673-5500 (MI 2097 Contracted Construction); budget appropriation and expenditure in amount of \$705,140 as follows: \$671,140 A/C 001-0000-311-1000 (General Fund - Fund Balance) to A/C 110-7410-673-8200 (CI 5248 Capital Buildings) and \$34,000 A/C 001-0000-311-1000 (General Fund - Fund Balance) to A/C 110-7410-673-5500 (MI 2097 Contracted Construction); budget appropriation and expenditure in amount of \$21,860 A/C 001-0000-3110-1000 (General Fund – Fund Balance) to A/C 110-7410-673-8200 (CI 5248 Capital Buildings) for miscellaneous engineering and construction costs; plan and design of improvements as shown on construction drawings and specifications for project as reasonable and appropriate
- H. Approved Expenditure: [Water Treatment of Mechanical Cooling and Heating Systems at City Facilities](#); award service contract to Advanced Chemical Technology, Inc.; term: 12/15/16 – 12/31/19 with two options to extend for one year; contract not-to-exceed \$76,082 first year; total contract not-to-exceed \$172,610; not-to-exceed total includes \$3,000 per year for testing services and \$44,350 for initial repairs and installation at various facilities as deemed necessary by City; expenditure in amount of \$65,516 various General Fund (001) accounts as outlined in report for remaining FY 2016-17; funding for remaining term to be requested during upcoming biennial budget process
- I. Approved Expenditure: [Third Party Liability Claims Administration](#); First Amendment to Contract No. 11260-2016 with Carl Warren & Company in amount of \$43,000 to extend agreement twelve months; term: 1/1/17 – 12/31/17; revised total contract not-to-exceed \$92,000; expenditure of \$43,000 A/C 711-0520-686-5640 (Claim Handling Fees)
- J. No Appropriation/Expenditure Required: [Receive Youth Commission Update Report](#); recommended projects: Reality Parties, Mental Health Awareness Forum for Parents, Mental Health Conference for Teens, Teen Nights at Art Trek, High School Spirit Night

7. CONSENT CALENDAR: (Continued)

- K. Additional Appropriation Fully Offset by Grant Revenue: [Acceptance of Edward Byrne Memorial Justice Assistance Grant](#) in amount of \$11,311 less five percent administration fee (\$566) for total grant award amount of \$10,745; ratify former City Manager signing Interlocal Agreement between City of Oxnard and County of Ventura, and Cities of Thousand Oaks and San Buenaventura; budget appropriation and expenditures of \$10,745 A/C 001-6610-438-9900 (Grant revenue – LE0JG8) to A/C 001-6610-621-3300 (Equipment less than \$5,000 – LE0JG8)
- L. Additional Appropriation Fully Offset by Fixed Asset Replacement: [Acceptance of bid and award for purchase of three BMW motorcycles](#) in amount of \$85,773.63 from BMW of Ventura County; budget appropriation in amount of \$23,488 and expenditure of \$85,774 A/C 001-6610-621-8400 (Equipment over \$5,000) fully offset by A/C 001-6610-621-8900 (Fixed Asset Replacement)
- M. No Appropriation/Expenditure Required: [2016 Posting of Boards, Commissions, and Committees Local Appointments List \(Maddy Act\)](#)
- N. No Appropriation/Expenditure Required: Adopt resolution; refer to Planning Commission for recommendation to City Council

[RESOLUTION DECLARING INTENTION TO CONSIDER AMENDMENT TO MUNICIPAL CODE CONCERNING MARIJUANA AND COMMERCIAL MARIJUANA ACTIVITIES \(MCA 2016-70489\)](#) RES. NO. 2016-

- O. No Appropriation/Expenditure Required: Conflict of Interest Resolution update

[RESOLUTION UPDATING DESIGNATED EMPLOYEES, OFFICERS, AND DISCLOSURE CATEGORY LIST FOR FAIR POLITICAL PRACTICES ACT REQUIREMENTS \(CONFLICT OF INTEREST\) AND RESCINDING RESOLUTION NO. 2015-077](#) RES. NO. 2016-

ORDINANCES FOR SECOND READING:

- P. [ORDINANCE ADJUSTING AND SETTING RATES, FEES AND DISCHARGE LIMITS OF CITY WASTEWATER DIVISION \(UNCODIFIED\)](#)
(Introduced 11/15/16, 4-0, JP absent) ORD.NO. 1625-NS
- Q. [ORDINANCE ADJUSTING AND SETTING RATES AND FEES OF CITY WATER DIVISION \(UNCODIFIED\)](#) (Introduced 11/15/16, 4-0, JP absent)
ORD.NO. 1626-NS