

MINUTES OF THE CITY COUNCIL

Thousand Oaks, California

January 12, 2016

1. CALL TO ORDER:

Mayor Joel Price called the meeting to order at 6:00 p.m. in Council Chambers, 2100 Thousand Oaks Boulevard, Thousand Oaks, California.

2. PLEDGE OF ALLEGIANCE: Mayor Price led the pledge of allegiance.

3. ROLL CALL:

Present: Councilmembers Andy Fox, Al Adam, Rob McCoy, Claudia Bill-de la Peña, and Mayor Joel Price.

Also Present: City Manager Scott Mitnick, City Attorney Tracy Noonan, Assistant City Manager Andrew Powers, Interim City Clerk Antoinette M. Mann, Finance Director/City Treasurer John F. Adams, Community Development Director John Prescott, Human Resources Director Gary Rogers, Library Director Heather Cousin, Cultural Affairs Director Barry McComb, Public Works Director Jay Spurgin, Fire Chief Theodore Smith, Assistant Police Chief Jim Freyhoff, Deputy Public Works Director Cliff Finley, Deputy Public Works Director/Operations John Smallis, Senior Engineers Jim Mashiko and Mike Tohidian, Code Compliance Manager Geoff Ware, Senior Analyst John Brooks, Landscape Maintenance Supervisor Kevin Wilson, Cable Operations Supervisor Carl Jarecky, Senior Video Specialist Richard Swingler, Production Assistant Christian Phelps, Executive Secretary Pam Romer, and Senior Recording Secretary Janis Daly.

4. REQUESTS FOR CONTINUANCE OF ANY PUBLIC HEARING OR AGENDA ITEM:
None.

5. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS:

A. Mayor Price presented Proclamation to Senior Concerns President Andrea Gallagher designating January 30, 2016 Caregiver Recognition Day; Ms. Gallagher provided details regarding event, "Caregivers Matter...Conejo Cares," sponsored by Senior Concerns, The Greater Conejo Valley Chamber of Commerce, and the Cities of Thousand Oaks, Agoura Hills, and Westlake Village, to be held Saturday, January 30, 2016 from 9:30 a.m. to 1:30 p.m. at Los Robles Greens.

B. Mayor Price introduced Landscape Supervisor Wilson and Deputy Public Works Director/Operations Smallis to present California Urban Forests Council 2015 Urban Forestry Award for City's exceptional Urban Forestry Program.

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5. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS: (Continued)

- C. Mayor Price introduced Senior Analyst Brooks to present 2015 Cool Planet Award received from Southern California Edison and The Climate Registry, recognizing the City for demonstrating exemplary leadership in energy and carbon management.
- D. Cultural Affairs Director McComb provided 2016 Theatre Season Program update.

6. PUBLIC COMMENTS:

Richard Elsley, Thousand Oaks (submitted document); Tom Hunt, city of residence unknown; Carol Knowles, Thousand Oaks (submitted document).

13. CITY MANAGER:

- *A. Follow-up items: City Manager Mitnick explained Assistant Police Chief Freyhoff will follow up to address concerns raised by speakers about vehicle and pedestrian traffic (Hunt, Knowles) and indicated staff will follow up regarding alleged faulty construction on Los Feliz project (Knowles) and possible traffic calming measures in Green Meadow area (Hunt).

7. CONSENT CALENDAR:

(See Exhibit A for Consent Calendar Listing)

8. PUBLIC HEARINGS:

- A. Hearing, advertised as required by law, opened to consider: Municipal Code Amendment MCA 2015-70582 adding regulations for Medical Marijuana presented by Code Compliance Manager Ware; Assistant City Attorney Hehir responded to questions; Community Development Director Prescott and Assistant Police Chief Freyhoff available for questions. Additional information supplemental packet.

ORDINANCE AMENDING SECTION 9-4.202, AND ADDING ARTICLE 42 OF TITLE 9, CHAPTER 4 OF MUNICIPAL CODE TO ADD SPECIFIC DEFINITIONS AND REGULATIONS CONCERNING CULTIVATION, TRANSPORTATION, DELIVERY, AND DISPENSING OF MEDICAL MARIJUANA WITHIN CITY OF THOUSAND OAKS (MCA 2015-70582)

ORD.NO. 1st Reading

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8. PUBLIC HEARINGS: (Continued)

Speakers: Mark Wallis, Newbury Park, pro; Shari Sanders, Thousand Oaks, con (submitted document); Ruth Ann Brown, Westlake Village, card not marked; Todd Lundy, Thousand Oaks, con; Robyn Logan, Westlake Village, card not marked; Kevin Bock, Newbury Park, con; Vadim Manzhos, Newbury Park, con; Chaise Rasheed, Thousand Oaks, pro; Jon city of residence unknown, card not marked; Lea Reiter, Thousand Oaks, card not marked; Bruce Boyer, Ventura, con; Brett Kane, Thousand Oaks, con; Joe Kyle, Newbury Park, con; John Kelly, Newbury Park, con.

Written Statement: Noelle Scott, Newbury Park, con.

Mayor Price closed public hearing.

Motion by Councilmember Fox that ordinance be read in title only, further reading be waived, and if no objection introduced; direct staff to return with status report by end of year, carried 5-0 by the following vote: Ayes – Fox, Adam, McCoy, Bill-de la Peña, and Price; Noes – None.

City Council recess 8:03 p.m.; reconvened 8:21 p.m.; Councilmember Fox absent.

Councilmember Fox present 8:22 p.m.

9. DEPARTMENT REPORTS:

- A. Manna Relocation Project – Request for relief from City Processing Fees; Allow concurrent processing of Special Use Permit application with Zone Change application; Located: 95 N. Oakview Drive. Report presented by Community Development Director Prescott.

Speakers: Robert Engler, Thousand Oaks; Bruce Boyer, Ventura.

Motion by Councilmember Adam to approve Manna request for concurrent processing; authorize General Fund to pay fees associated with Zone Change, Special Use Permit, Building Permit, plan check and associated fees, and any miscellaneous processing fees related to relocation of Manna facility from 3020 Crescent Way to 95 N. Oakview Drive, as well as future Zone Change application for 3020 Crescent Way to change from P-L to residential zone once Manna has vacated property; approve budget appropriation and expenditure transfer in amount of \$14,100 FY 2015-16 and \$12,500 FY 2016-17 A/C 001-0000-311-1000 (General Fund – Fund Balance) to A/C 001-4010-641-5699 (General Fund – Contracted Services) dependent upon actual amount and timing of application fees incurred by Manna for relocation project, carried 5-0 by the following vote: Ayes – Fox, Adam, McCoy, Bill-de la Peña, and Price; Noes – None.

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9. DEPARTMENT REPORTS: (Continued)

- B. 2014 Pavement Management Program (MI 2102) presented by Deputy Public Works Director Finley and Senior Engineer Tohidian; City Manager Mitnick and NCE Paving Consultant Margo Yapp responded to questions.

Speaker: Joseph Silva, Thousand Oaks.

Motion by Councilmember Fox to approve Pavement Management Program report; direct staff to continue maintenance of City streets in accordance with Pavement Management Program and available budget; authorize City Manager to approve Professional Services Agreement with Nichols Consulting Engineers, CHTD. in amount of \$22,780 for term from January 12, 2016 through December 31, 2016 with option to extend one year; approve budget appropriation transfer and expenditure in amount of \$23,800 A/C 132-5310-631-8300 (CI 5231 Gas Tax/Pavement Rehabilitation FY 2015-17) to A/C 132-5310-631-5500 (MI 2102 Gas Tax/Pavement Management Program) in amount of \$22,800 and A/C 132-5310-631-3611 (MI 2102 Printing and Duplicating) in amount of \$1,000, carried 5-0 by the following vote: Ayes – Fox, Adam, McCoy, Bill-de la Peña, and Price; Noes – None.

- C. Flashing Yellow Arrow Left-Turn Operations at Traffic Signals (CI 5259) presented by Senior Engineer Mashiko; Deputy Public Works Director Finley and Associate Engineer Sweeting available for questions. Additional information supplemental packet.

Speakers: Kevin Fox, failed to appear.

Motion by Councilmember Bill-de la Peña to approve Traffic and Transportation Advisory Commission recommendation to install Flashing Yellow Arrow (FYA) operation at five selected intersections; adopt City of Thousand Oaks Road Design and Construction Standard - Plate 7-15 (Standard Installation of Flashing Yellow Arrow Protected-Permissive Traffic Signal); approve expenditure in amount of \$80,000 (\$40,000 FY 2015-16; \$40,000 FY 2016-17) A/C 551-5570-631-8300 (CI 5259 FYA Traffic Signal Modifications), carried 5-0 by the following vote: Ayes – Fox, Adam, McCoy, Bill-de la Peña, and Price; Noes – None.

10. COMMITTEE/COMMISSION/BOARD REPORTS: None

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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. None.

13. CITY MANAGER:

- A. Follow-up items: Nothing additional.
- B. Announcements and upcoming issues: City Manager Mitnick announced City Offices, including Libraries, will be closed Monday, January 18, 2016, in observance of the Martin Luther King Jr. Holiday and reviewed potential topics for the next regularly scheduled City Council Meeting January 26, 2016.

14. CLOSED SESSIONS REQUESTED: City Council Conference Room 2nd floor.

City Attorney Noonan announced Closed Session held at 9:19 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation; Pursuant to Government Code Section 54956.9(d),(e)(3): Claimants: Dos Vientos Ranch East Master Community Association c/o The Emmons Company; Claim No. 1285-2015
- B. CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation; Pursuant to Government Code Section 54956.9(d),(e)(3): Claimants: Dos Vientos Ranch Community Association (West) c/o The Emmons Company; Claim No. 1286-2015

City Attorney Noonan indicated no announcement anticipated.

15. PUBLIC NOTICES:

Items listed under Public Notices are a matter of public record only. These items do not require City Council action.

- A. Notice of Pending Final Map – Approval of Final Tract Map No. 5873; Residential Lot Subdivision; Location: Kanan Road, East of Upper Ranch Road; Developer: KSK Investments, LP

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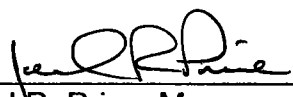
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16. ADJOURNMENT:

City Council adjourned at 10:08 p.m. in memory of Fillmore Fire Chief and Assistant City Manager Rugeberto "Rigo" Landeros and annual adjournment in memory of Mayor Emeritus Alex Fiore who passed away January 3, 2002 to Regular Meeting on Tuesday, January 26, 2016.



Joel R. Price, Mayor
City of Thousand Oaks City Council

Attest:



Antoinette M. Mann, Interim City Clerk
City of Thousand Oaks City Council

AGENDA POSTED: January 7, 2016
MINUTES APPROVED: January 26, 2016

*indicates item taken out of order

CCD:610-60/jld/h:/common/minutes/2016/20160112.docx

EXHIBIT A7. **CONSENT CALENDAR:**

*RECOMMENDATIONS FOR ITEMS A. THROUGH E. ARE TO APPROVE
RECOMMENDATIONS FOR ITEMS F. THROUGH G. ARE TO ADOPT*

Motion by Councilmember Adam to approve Consent Calendar with exception of Item 7.G. (Confirming resolution granting Appeal of Planning Commission decision to approve second monument sign on Westlake Boulevard; Special Use Permit SUP 2015-70335), carried 5-0 by the following vote: Ayes – Fox, Adam, McCoy, Bill-de la Peña, and Price; Noes – None. (Item subsequently approved following discussion.)

Motion by Councilmember Adam to approve Item 7.G., carried 4-1 by the following vote: Ayes – Fox, Adam, McCoy, and Price; Noes – Bill-de la Peña.

- A. General, Utilities, Golf Course, and Theatres Demands – ratify December 23, 2015, December 30, 2015, and January 6, 2016; approve January 13, 2016; approve January 20, 2016, subject to review and ratification
- B. Minutes of City Council meeting of December 15, 2015
- C. Financial Impact to be Determined: First Amendment to Contract No. 10908-2015 with J & H Engineering General Contractors, Inc., for On-Call Civil and Mechanical Repair Services to increase not-to-exceed amount to \$400,000 for the fiscal year ending June 30, 2016, \$200,000 per City fiscal year for remaining term (to 6/30/18), \$45,000 per Task Order and \$800,000 for term of the contract; revise indemnity and insurance language to City requirements; funding to be determined on case by case basis
- D. Approved Expenditure: Development Impact Fees; Receive and file Annual Review of Accounts as of June 30, 2015
- E. Additional Appropriation: Third Party Liability Claims Administration; Second Amendment to Contract No. 10530-2014 with Carl Warren & Company in amount of \$25,000 to extend term to June 30, 2016; budget appropriation and expenditure in amount of \$25,000 A/C 711-0000-341-9900 (General Liability – Net Position) to A/C 711-0520-686-5640 (Claims Handling Fees); revised contract total not-to-exceed \$123,00

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7. CONSENT CALENDAR: (Continued)

- F. No Appropriation/Expenditure Required: Reappointment of Treasurer; adoption of Investment Policy

RESOLUTION RECONFIRMING JOHN F. ADAMS AS CITY TREASURER FROM FEBRUARY 1, 2016 THROUGH JANUARY 31, 2017 AND ADOPTING UPDATED INVESTMENT POLICY RES. NO. 2016-001

- G. No Appropriation/Expenditure Required: Confirming resolution granting Appeal of Planning Commission decision to approve second monument sign on Westlake Boulevard; Special Use Permit SUP 2015-70335 (12/15/15, 3-1, Bill-de la Peña dissenting, Fox absent)

RESOLUTION APPROVING APPEAL OF PLANNING COMMISSION DECISION APPROVING IN PART SUP 2015-70335 LOCATED 101 NORTH WESTLAKE BOULEVARD (APPLICANT/APPELLANT: WESTLAKE AF, LLC) RES. NO. 2016-002