

MINUTES OF THE CITY COUNCIL

Thousand Oaks, California

February 9, 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, Rob McCoy, and Mayor Joel Price. Councilmember Al Adam arrived 6:02 p.m. Councilmember Claudia Bill-de la Peña arrived 6:04 p.m.

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, Police Chief Tim Hagel, Fire Chief Theodore Smith, Assistant City Attorney Patrick Hehir, Deputy Public Works Director Cliff Finley, Engineering Division Manager Nader Heydari, Senior Planners Rick Burgess and Pam Leopold, Cable Operations Supervisor Carl Jarecky, Assistant Analyst Laura Maguire, Senior Stage Technician Jonathan Serret, Executive Secretary Pam Romer, Records Management Specialist Melissa L'Engle, Senior Video Specialist Richard Swinger, Production Assistant Christian Phelps, 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 introduced Nancy Frawley, representing Assemblymember Jacqui Irwin, and Project SAFER representative Kim O'Neil to present Project SAFER Award to Thousand Oaks Police Department for its partnership and support of "Be the DD and Win" Program; Chief of Police Hagel accepted the award on behalf of the Department.
- B. Mayor Price introduced Stephanie Wilson, Chair of the Cultural Affairs Commission Community Outreach Committee, to present "Arts & Economic Prosperity Study."

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6. PUBLIC COMMENTS:

Billy Martin, Thousand Oaks.

City Council recess 6:22 p.m.; reconvened 6:25 p.m.

Carolyn Guillot, Thousand Oaks; Adam Haverstock, Greater Conejo Valley Chamber of Commerce; Linda Johnston, Thousand Oaks; Tedd Smith, Newbury Park.

13. CITY MANAGER:

- *A. Follow-up items: City Manager Mitnick explained Fiscal Sustainability Study is just the beginning of on-going process, will be topic at City Council Goals Setting Meeting in May, 2016, at which time there will be an opportunity for further discussion, and staff will follow up with speakers (Guillot, Johnston).

7. CONSENT CALENDAR:

(See Exhibit A for Consent Calendar Listing)

8. PUBLIC HEARINGS:

- A. Hearing, advertised as required by law, opened to consider: Assisted Living Facility Consisting of 89-bed (79 units); Zone Change Z 2014-70551; Special Use Permit SUP 2014-70552; Parcel Map Waiver PMW 2014-70553; Oak Tree Permit OTP 2014-70554; Located: 400 E. Rolling Oaks Drive; Applicant: Oakmont Senior Living. Report presented by Community Development Director Prescott; Fire Chief Smith, Deputy Public Works Director Finley and Senior Planners Burgess and Leopold responded to questions. Additional information supplemental packets including Ex Parte Memoranda from Mayor Price and Councilmembers Bill-de la Peña, Adam and McCoy.

City Council recess 6:40 p.m.; reconvened 6:43 p.m.

Speakers: Exhibit B

Written Statements: Exhibit C

City Council recess 10:00 p.m.; reconvened 10:21 p.m.

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8. PUBLIC HEARINGS: (Continued)

Mayor Price closed public hearing.

RESOLUTION ADOPTING FINAL MITIGATED NEGATIVE DECLARATION
MND 2014-70678 INCLUDING MITIGATION MONITORING AND
REPORTING PROGRAM FOR OAKMONT SENIOR LIVING PROJECT
(Z 2014-70551, SUP 2014-70678, PMW 2014-70553, AND OTP 2014-70554)
LOCATED 400 E. ROLLING OAKS DRIVE; APPLICANT: OAKMONT
SENIOR LIVING RES. NO. 2016-006

Motion by Councilmember Fox to adopt Recirculated Mitigated Negative Declaration 2014-70678 and Mitigation Monitoring and Reporting Program, carried 5-0 by the following vote: Ayes - Fox, Adam, McCoy, Bill-de la Peña, and Price; Noes - None.

Motion by Councilmember Fox to deny Zoning Application Z 2014-70551 without prejudice, maintaining current zoning; deny Special Use Permit SUP 2014-70552, Parcel Map Waiver PMW 2014-70553 and Oak Tree Permit 2014-70554, carried 4-1 by the following vote: Ayes - Fox, Adam, McCoy, and Bill-de la Peña; Noes - Price.

City Council recess 11:05 p.m.; reconvened 11:15 p.m.

9. DEPARTMENT REPORTS:

- A. Wastewater and Water Financial Plans and Proposed Rate Adjustments presented by Public Works Director Spurgin and Sanjay Gaur, Vice President, Raftelis Financial Consultants. Inc.

Motion by Councilmember Adam to approve 2016 Wastewater Financial Plan and Water Cost of Service Study and Financial Plan; set April 12, 2016 as Public Hearing Date to establish wastewater and water service charges for FY 2015-16 and FY 2016-17, carried 5-0 by the following vote: Ayes - Fox, Adam, McCoy, Bill-de la Peña, and Price; Noes - None.

Motion by Councilmember Fox to continue past midnight if necessary, carried 4-1 by the following vote: Ayes - Fox, Adam, Bill-de la Peña, and Price; Noes - McCoy.

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9. DEPARTMENT REPORTS: (Continued)

- B. Thousand Oaks Boulevard Utility Undergrounding Construction Contract Award and Utility Agreements (CI 5331) presented by Engineering Division Manager Heydari.

Written Statement: Yvonne Brockwell, Westlake Village.

Motion by Councilmember Bill-de la Peña to approve project plans, specifications, and Addenda No. 1 and 2 and award construction contract for Thousand Oaks Boulevard Undergrounding Project (CI 5331) to Northwest Excavating, Inc., in amount of \$4,810,294.69, plus contingency of \$962,116.46; authorize City Manager to execute all associated documents; approve Rule 20 Agreement and Joint Use Agreements with Southern California Edison(SCE) for Electrical and Communication Systems conversion from overhead to underground in amount of \$7,556,500; authorize City Manager to execute Agreements and all associated documents once City Attorney finalizes all terms with SCE; approve Agreement with Time Warner Cable in amount of \$175,287.40 plus contingency of \$17,529.60 for Communication Systems conversion from overhead to underground; authorize City Manager to execute all associated documents; approve Agreement with Crown Castle in amount of \$88,072.96 plus contingency of \$8,807.04 for Communication Systems conversion from overhead to underground; authorize City Manager to execute all associated documents; approve Agreement with Stantec Consulting Services, Inc., in amount of \$89,000 plus contingency of \$5,000 for construction design and engineering support, field technical support and stormwater pollution prevention monitoring with term February 9, 2016 to December 31, 2017; approve Agreement with Richard W. Campbell, Inc., in amount of \$5,670 plus contingency of \$2,000 for Oak and Landmark Tree monitoring services during construction with term February 9, 2016 to December 31, 2017; authorize City Manager to execute all associated documents; approve \$2,000 for Oak and Landmark Tree Review by Community Development Department; authorize City Manager to execute all associated documents; approve \$25,000 for materials testing by future City service contract, and \$55,000 for City furnished materials, supplies, equipment and fees; approve budget appropriation in amount of \$641,500.00 and expenditures in amount of \$13,802,278.15 (\$12,724,825.05 construction contract and agreements plus \$995,453.10 in contingencies plus \$82,000.00 for material testing, City furnished materials, supplies, equipment, and review fees) as detailed in the staff report, carried 5-0 by the following vote: Ayes - Fox, Adam, McCoy, Bill-de la Peña, and Price; Noes - None.

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10. COMMITTEE/COMMISSION/BOARD 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.
None.

13. CITY MANAGER:

- A. Follow-up items: City Manager Mitnick indicated in response to Statement Card, extensive public outreach regarding Thousand Oaks Boulevard Utility Undergrounding Project will continue, including public meetings, the next of which is in the Oak Room - Civic Arts Plaza on Tuesday, February 16, 2016 at 6:00 p.m. (Brockwell).
- B. Announcements and upcoming issues: City Manager Mitnick reviewed potential topics for the next regularly scheduled City Council Meeting, February 23, 2016.

14. CLOSED SESSIONS REQUESTED: City Council Conference Room 2nd floor. None.

15. PUBLIC NOTICES:

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

- A. Approval of Final Map Tract 5951; Description of Subdivision: 9 Lots of Records, Commercial; Location: Conejo Center Drive and Conejo Spectrum Street; Developer: Conejo Mechant LTD
- B. Approval of Final Map Tract 4927-2; Description of Subdivision: 11 Lots of Records, Commercial; Location: Academy Drive and Grande Vista Drive; Developer: Seventh Day Adventists
- C. Approval of Final Map LD 04-71035; Description of Subdivision: Residential Lot Subdivision; Location: Sunset Drive and Royal Oaks Drive; Developer: Special Ks, LLC

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16. ADJOURNMENT:

City Council adjourned at 11:39 p.m. to Regular Meeting on Tuesday, February 23, 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: February 4, 2016

MINUTES APPROVED: February 23, 2016

*indicates item taken out of order

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EXHIBIT A

7. CONSENT CALENDAR:

RECOMMENDATIONS FOR ITEMS A. THROUGH C. ARE TO APPROVE

Motion by Councilmember Adam to approve Consent Calendar, carried 5-0 by the following vote: Ayes - Fox, Adam, McCoy, Bill-de la Peña, and Price; Noes - None.

- A. General, Utilities, Golf Course, and Theatres Demands – ratify February 3, 2016; approve February 10, 2016; approve February 17, 2016, subject to review and ratification
- B. Minutes of City Council Regular Meeting of January 26, 2016
- C. No Appropriation/Expenditure Required: WaterSMART Grant Application in amount up to \$1,000,000; adopt resolution

RESOLUTION SUPPORTING GRANT APPLICATION TO BUREAU OF
RECLAMATION FOR WATERSMART WATER AND ENERGY EFFICIENCY
GRANT FOR PURCHASE AND INSTALLATION OF AUTOMATED METER
READING METERS
RES. NO. 2016-005

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EXHIBIT B

Item 8.A.

Assisted Living Facility Consisting of 89-bed (79 units); Oakmont Senior Living

Speakers

| | |
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| Applicant Partner <u>Bill Mabry</u> , city of residence unknown, pro/rebuttal | <u>Lynn Burdick</u> , Thousand Oaks, con |
| Applicant Traffic Engineer, <u>Carolyn Cole</u> , city of residence unknown, pro | <u>Greg Sincok</u> , Thousand Oaks, con |
| Applicant VP Operations, <u>Courtney Siegel</u> , city of residence unknown, pro | <u>Tim McGrath</u> , Thousand Oaks, con |
| <u>Ron Hage</u> , Newbury Park, pro | <u>Peter Gomez</u> , Thousand Oaks, con |
| <u>Nick Fotheringham</u> , Thousand Oaks, pro | <u>Mike Nicholls</u> , unincorporated Ventura County, con |
| <u>Bob Grundstrom</u> , Newbury Park, pro | <u>Robert Marcarelli</u> , Thousand Oaks, con |
| <u>Kelila Heller</u> , Thousand Oaks, pro | <u>Lisa Dilallo</u> , Thousand Oaks, con |
| Claire Davis, declined to speak | <u>Gordon Goodwin</u> , city of residence unknown, con |
| <u>Sheila Magnuson</u> , Thousand Oaks, pro | <u>Susan Gulbrandsen</u> , Thousand Oaks, con |
| <u>Grace Baker</u> , Thousand Oaks, pro | <u>Barbara Ballenger</u> , Thousand Oaks, con |
| Jerome Davis, declined to speak | <u>Livia Keresztes-Fischer</u> , Thousand Oaks, con |
| <u>Tony Gitt</u> , Westlake Village, pro | <u>Sara Willis</u> , Thousand Oaks, con |
| <u>Fred Martin</u> , Thousand Oaks, pro | <u>Catherine Knauss</u> , Thousand Oaks, con |
| <u>Sarah Berg</u> , Newbury Park, pro | <u>George Jones</u> , Thousand Oaks, con |
| <u>Shirley Morris</u> , Thousand Oaks, pro (submitted document) | <u>Carolyn Adams-Duda</u> , Thousand Oaks, con |
| <u>Marth Nielsen</u> , Thousand Oaks, pro | <u>Diane Gomez</u> , Thousand Oaks, con |
| <u>Claudia Spelman</u> , Newbury Park, pro | <u>Joyce Marcarelli</u> , Thousand Oaks, con |
| <u>Phyllis Benson</u> , Thousand Oaks, pro | <u>Walter Knauss</u> , Thousand Oaks, con |
| <u>Nancy Healy</u> , Thousand Oaks, pro | <u>Lisa Goodwin</u> , Thousand Oaks, con |
| <u>Don Morris</u> , Thousand Oaks, pro (submitted document) | <u>Patricia Jones</u> , Thousand Oaks, con (submitted document) |
| <u>Jeffrey Plaskett</u> , Thousand Oaks, pro (submitted document) | Rosemary Swenson, failed to appear |
| <u>Nicole Tindell</u> , Thousand Oaks, pro | <u>Avery Willis</u> , Thousand Oaks, pro |
| <u>Gregory Lennox</u> , Thousand Oaks, pro | <u>Nick Schweickert</u> , Sacramento, pro |
| <u>Valerie Fitch</u> , Thousand Oaks, pro | <u>Janet Wall</u> , Thousand Oaks, neither pro or con (submitted document) |
| <u>Karen Gorback</u> , Thousand Oaks, pro | Dinah Frishling, failed to appear |
| <u>Chaise Rasheed</u> , Thousand Oaks, pro | <u>Jeff Schipani</u> , Thousand Oaks, pro |
| <u>Raul Cruz</u> , Thousand Oaks, pro | <u>Michael Stewart</u> , Thousand Oaks, con |
| <u>Joan Edwards</u> , Westlake Village, con | <u>John Fonti</u> , Thousand Oaks, con |

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EXHIBIT C

Item 8.A.

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Written Statements - Pro

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|--|---------------------------------------|
| Loretta Allen, Thousand Oaks | Charles Lech, Thousand Oaks |
| Katherine Ayers, Newbury Park | Michael/Norma Letinsky, Thousand Oaks |
| Susan Boyce, Thousand Oaks | William Malley, Thousand Oaks |
| Connie/Robert Carman, Thousand Oaks | Joseph/Maureen Mellitt, Thousand Oaks |
| Lydia Day, Thousand Oaks | Jeri Miller, Thousand Oaks |
| David/Joanne Deyell, Thousand Oaks | Heather Robinson, Newbury Park |
| Barbara Durand, Thousand Oaks | Marlene Rosselli, Thousand Oaks |
| Susan Fagan, Westlake Village | Rosemary Swenson, Thousand Oaks |
| Stephen Fitch, Thousand Oaks | Laya Tamar, Thousand Oaks |
| Paul Formanek, Thousand Oaks | Tami Podell, Agoura Hills |
| Ruth Freund, city of residence unknown | Fantine Thomson, Thousand Oaks |
| Thomas Froehlich, Thousand Oaks | Mary Webster, Westlake Village |
| Dorothy Hage, Newbury Park | Jessie Williams, Agoura Hills |
| Sharon Howes, Newbury Park | Robin Willis, Thousand Oaks |
| John Labrecque, Thousand Oaks | |

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EXHIBIT C - Continued

Item 8.A.

Assisted Living Facility Consisting of 89-bed (79 units); Oakmont Senior Living

Written Statements - Con

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| Carol Anderson, Thousand Oaks | Daniel Kleiser, unincorporated Ventura County |
| Alejandra/Jose Arambula, Thousand Oaks | Jennifer Knapp, Westlake Village |
| Hazen Arnold, Newbury Park | Lisa Krohn, Thousand Oaks |
| Barbara Ballenger, Thousand Oaks | Maryjane Lavendievshea, Thousand Oaks |
| Zina Bell, Thousand Oaks | Ray Li, Thousand Oaks |
| Gregg Bissonette, Westlake Village | Pat Maclean, Thousand Oaks |
| Gary Borouay, city of residence unknown | Tori McGrath, Thousand Oaks |
| Debra Bryant, Thousand Oaks | Bryan McQueeney, Thousand Oaks |
| Doug Burdick, Thousand Oaks | Patti Martins, Thousand Oaks |
| John Burdick, Thousand Oaks | Dana Miller, Thousand Oaks |
| Matthew Burdick, Thousand Oaks | Nandor Modrovich, Thousand Oaks |
| Robert Cashier, Thousand Oaks | Larane Nesbitt, Newbury Park |
| Ernesto Chavarria, Thousand Oaks | Edward Newman, Thousand Oaks |
| Jeanne Cockcroft, Thousand Oaks | Teri Nicholls, Thousand Oaks |
| Eva Cote, Thousand Oaks | Nancy Nicoletti, Thousand Oaks |
| Ryan Cote, Thousand Oaks | Shanon Overbeck, Newbury Park |
| Stephen Coyne, Thousand Oaks | Kathryn Parry, Thousand Oaks |
| Larry Darden, Ventura | Nick Pavia, Thousand Oaks |
| Lorna Darden, Thousand Oaks | Nancy Ramirez, Thousand Oaks |
| Patti Darden, Ventura | Marcus Ryle, Westlake Village |
| Angelo/Wendy De Augustine, Thousand Oaks | Brian Scanlon, Thousand Oaks |
| Debra Decray, Thousand Oaks | Christine Scholle, Thousand Oaks |
| Thomas Duda, Thousand Oaks | Diane Simons, city of residence unknown |
| Frank/Silvana Eichhorn, Thousand Oaks | Sharon Sincock, Thousand Oaks |
| Frances Endres, Thousand Oaks | William Sluiter, Thousand Oaks |
| Debra Faller, Thousand Oaks | Edward Smith, Thousand Oaks |
| Marilyn Fuentes, Thousand Oaks | Lisa Smith, Thousand Oaks |
| Anna Gavin, Thousand Oaks | Mary Snellenberger, Thousand Oaks |
| Alice Goodwin, Thousand Oaks | Joyce Steinbacher, Thousand Oaks |
| Madison Goodwin, Thousand Oaks | James Weintraub, Thousand Oaks |
| Garett Guenot, Thousand Oaks | Nancy Westcott, Thousand Oaks |
| Kevin Gulbrandsen, Thousand Oaks | Susan Wolf, Westlake Village |
| Gloria Hamblin, Thousand Oaks | Amy Yukich, Thousand Oaks |
| Don/Karen Harper, Newbury Park | Deter Zegers, Thousand Oaks |
| Bela Keresztes-Fischer, Thousand Oaks | Kim/Oksana Zussman, Thousand Oaks |