

MINUTES OF THE CITY COUNCIL

Thousand Oaks, California

April 12, 2016

1. CALL TO ORDER:

Mayor Joel Price called the meeting to order at 6:02 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 Al Adam, Claudia Bill-de la Peña, and Mayor Joel Price.

Absent: Councilmembers Andy Fox and Rob McCoy.

Also Present: City Manager Scott Mitnick, City Attorney Tracy Noonan, Assistant City Manager Andrew Powers, City Clerk Cynthia M. Rodriguez, 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, Conejo Open Space Conservation Agency (COSCA) Manager Shelly Mason, Deputy City Clerk Antoinette Mann, Deputy Finance Director Jaime Boscarino, Associate Analysts Nancy Arrieta and Jana Covell, Cable Operations Supervisor Carl Jarecky, Engineering Associate Kathy Lowry, Assistant Analyst Laura Maguire, 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:

Mayor Price announced applicant on Public Hearing Item 8.A. [Appeal of Planning Commission Decision; Applicant/Appellant: Academy Road LLC (SUMJ 2015-70629)] has requested continuance to April 26, 2016 and Closed Session Items 14. B. through 14. G continued to future date.

Motion by Councilmember Adam to continue public hearing Item 8.A., carried 3-0 by the following vote: Ayes - Adam, Bill-de la Peña, and Price; Noes - None; Absent - Fox and McCoy.

5. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS:

A. Mayor Price presented Proclamation to Library Director Cousin designating April 10 – 16, 2016 National Library Week.

B. Mayor Price presented Proclamation to Lisa Oliver declaring April Parkinson's Awareness Month.

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6. PUBLIC COMMENTS:

Jana Covell, Thousand Oaks; Kathleen Mallory, Thousand Oaks; George Lange, Thousand Oaks; Chuck Huffer, Thousand Oaks; Mary Catherine McBride, Thousand Oaks (submitted document); Deborah Shreffler, Newbury Park; Karen Nutkiewicz, Thousand Oaks; Adonna Ebrahimi, Thousand Oaks (submitted document); Tedd Smith, Newbury Park; Andrew Pletcher, Thousand Oaks; Nick Quidwai, Newbury Park.

13. CITY MANAGER:

- *A. Follow-up items: City Manager Mitnick announced information regarding upcoming events mentioned by speakers this evening will be added to Community Calendar on City Website (Lange, Huffer, McBride, Shreffler) encouraged everyone to participate in Landscape & Forestry Master Plan process (Mallory), indicated Public Works Director Spurgin will follow up with speaker regarding soundwall study on 23 Freeway (Nutmiewicz) and explained that public hearing continuance was at the request of applicant (Quidwai).

7. CONSENT CALENDAR:

(See Exhibit A for Consent Calendar Listing)

8. PUBLIC HEARINGS:

- A. Public Hearing Continuance Request for Appeal of Planning Commission Decision; Applicant/Appellant: Academy Road LLC (SUMJ 2015-70629). Additional information supplemental packet.

Item continued earlier in meeting.

- B. Hearing, advertised as required by law, opened to consider: Water and Wastewater Utility Rates and User Fees. Report presented by Public Works Director Spurgin and Raftelis Financial Consultants Vice President Sanjay Gaur; Associate Analyst Arrieta available for questions. Additional information supplemental packet.

Councilmember Bill-de la Peña absent 7:12 p.m.; City Council recess.

Councilmember Bill-de la Peña present 7:15 p.m.; City Council reconvened.

ORDINANCE ADJUSTING AND SETTING RATES, FEES AND DISCHARGE
LIMITS OF CITY WASTEWATER DIVISION (UNCODIFIED)

ORD.NO. 1st Reading

ORDINANCE ADJUSTING AND SETTING RATES AND FEES OF CITY
WATER DIVISION (UNCODIFIED)

ORD.NO. 1st Reading

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8. PUBLIC HEARINGS: (Continued)

Speaker: David McKenzie, Newbury Park, con.

Written Statements: None.

Mayor Price closed public hearing.

City Clerk Rodriguez announced results as follows:

Proposed Water Rate Increase

16,494 Notices issued

43 valid protests received

Insufficient number to constitute majority protest (8,247 required)

Proposed Wastewater Rate Increase

37,972 Notices issued

36 valid protests received

Insufficient number to constitute majority protest (18,986 required)

Motion by Councilmember Adam that ordinances adjusting and setting rates and fees of City Wastewater division and adjusting and setting rates and fees of City Water division be read in title only, further readings be waived, and if no objection, introduced (Proposition 218 protest hearing applies), carried 3-0 by the following vote: Ayes - Adam, Bill-de la Peña, and Price; Noes - None; Absent - Fox and McCoy.

9. DEPARTMENT REPORTS:

- A. Acquisition of Open Space Parcel in Skyline Area; Located South End of Fairview Road, Southwest of Willow Lane. Report presented by Conejo Open Space Conservation Agency (COSCA) Manager Mason; Community Development Director Prescott available for questions.

Motion by Councilmember Bill-de la Peña to authorize City Manager, or designee, to execute all documents necessary to effectuate purchase of APN 676-0-130-050 (Andrew Whittlesey), by City, including authority to accept deed, subject to resolution of any liens and encumbrances affecting said parcel; approve budget appropriation and expenditure of funds in amount of \$32,000 (\$30,000, plus closing costs not-to-exceed \$2,000) for one parcel (APN 676-0-130-050) A/C 512-0000-311-1000 (Community Recreation Facilities and Open Space Fund – Fund Balance) to A/C 512-4410-679-8100 (CI 1227, Capital – Land); authorize subsequent transfer of APN 676-0-130-050 from City to COSCA, carried 3-0 by the following vote: Ayes - Adam, Bill-de la Peña, and Price; Noes - None; Absent - Fox and McCoy.

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9. DEPARTMENT REPORTS: (Continued)

- B. Initiation of Municipal Code Amendment MCA 2016-70135 for comprehensive changes to City's ordinances relating to signs; Applicant: City of Thousand Oaks. Report presented by Assistant City Attorney Hehir; City Attorney Noonan responded to questions; Community Development Director Prescott available for questions. Additional information supplemental packet.

RESOLUTION DECLARING INTENTION TO CONSIDER AMENDMENT TO MUNICIPAL CODE CONCERNING SIGN REGULATIONS PERTAINING TO SIGN DIMENSIONS, NUMBERS, DURATION SIGNS MAY BE POSTED, TEMPORARY SIGNS IN PUBLIC RIGHTS-OF-WAY AND SIGNS IN OTHER LOCATIONS (MCA 2016-70135: CITY OF THOUSAND OAKS)

RES. NO. 2016-015

Speaker: Nick Quidwai, Newbury Park (submitted document).

Motion by Councilmember Adam to adopt resolution, carried 3-0 by the following vote: Ayes - Adam, Bill-de la Peña, and Price; Noes - None; Absent - Fox and McCoy.

- C. Initiation of Municipal Code Amendment MCA 2014-70035 to revise certain Entitlement Application processing requirements and reformat Permitted Use Sections of Zoning Ordinance presented by Community Development Director Prescott.

RESOLUTION DECLARING INTENTION TO CONSIDER AMENDMENT TO MUNICIPAL CODE TO REVISE CERTAIN ENTITLEMENT APPLICATION PROCESSING REQUIREMENTS AND TO RE-FORMAT PERMITTED USE SECTIONS OF ZONING ORDINANCE (MCA 2014-70035)

RES. NO. 2016-016

Motion by Councilmember Adam to adopt resolution, carried 3-0 by the following vote: Ayes - Adam, Bill-de la Peña, and Price; Noes - None; Absent - Fox and McCoy.

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9. DEPARTMENT REPORTS: (Continued)

- D. Ventura County Transportation Commission (VCTC) Countywide Sales Tax Ballot Measure Update presented by Public Works Director Spurgin. City Manager responded to questions. Additional information supplemental packet.

Written Statement: Nick Quidwai, Newbury Park.

Motion by Councilmember Adam to receive verbal report and advise VCTC Board: 1) City is interested in no less than a 50% share of revenues go to local roads and streets; 2) City is neutral on whether or not measure is placed on the ballot at this time; 3) City will support formula Ventura County City Managers and County CAO agree upon, collectively; 4) City requests VCTC consider distribution of 50% be proportional based on tax base per city; 5) Mayor send letter to VCTC conveying these preferences, carried 3-0 by the following vote: Ayes - Adam, Bill-de la Peña, and Price; Noes - None; Absent - Fox and McCoy.

10. COMMITTEE/COMMISSION/BOARD REPORTS:

- A. Planning Commission Appointment presented by Mayor Price. Additional information supplemental packet.

Speaker: Nick Quidwai, Newbury Park.

Motion by Mayor Price to appointment of Andrew Pletcher to fill unscheduled vacancy to serve term ending December 2018, carried 3-0 by the following vote: Ayes - Adam, Bill-de la Peña, and Price; Noes - None; Absent - Fox and McCoy.

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) Public Safety Policy Committee Meeting April 8, 2016 presented by Mayor Price. Additional information supplemental packet.

Report received.

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13. CITY MANAGER: (Continued)

- A. Follow-up items: Nothing additional.
- B. Announcements and upcoming issues: City Manager Mitnick reviewed potential topics for the next regularly scheduled City Council Meeting, April 26, 2016 and highlighted upcoming events at Civic Arts Plaza.

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

City Attorney Noonan announced Closed Session held at 8:37 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: LEO RAMPERSAD (MONTANA/SAFE) v. CITY OF THOUSAND OAKS; Case No. 56-2011-00408151; Appellate Case No. B269065; Pursuant to Government Code Section 54956.9(a)
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - APN No. 670-0-170-130; 1708 and 1710 E. Thousand Oaks Boulevard; CITY NEGOTIATORS: Scott Mitnick, City Manager; Tracy Noonan, City Attorney; John Adams, Finance Director; Haider Alawami, Economic Development Manager; and Larry Kosmont, President and CEO, Kosmont Companies; NEGOTIATING PARTIES: Shaun Bieniek, seller; UNDER NEGOTIATION: Price and Terms of Purchase; Pursuant to Government Code Section 54956.8

Item pulled earlier in meeting.

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - APN No. 670-0-181-295; 1750 E. Thousand Oaks Boulevard; CITY NEGOTIATORS: Scott Mitnick, City Manager; Tracy Noonan, City Attorney; John Adams, Finance Director; Haider Alawami, Economic Development Manager; and Larry Kosmont, President and CEO, Kosmont Companies; NEGOTIATING PARTIES: Shaun Bieniek, seller; UNDER NEGOTIATION: Price and Terms of Purchase; Pursuant to Government Code Section 54956.8

Item pulled earlier in meeting.

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14. CLOSED SESSIONS REQUESTED: (Continued)

- D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - APN No. 670-0-181-300; located near Thousand Oaks Boulevard and Zuniga Ridge Place; CITY NEGOTIATORS: Scott Mitnick, City Manager; Tracy Noonan, City Attorney; John Adams, Finance Director; Haider Alawami, Economic Development Manager; and Larry Kosmont, President and CEO, Kosmont Companies; NEGOTIATING PARTIES: Shaun Bieniek, seller; UNDER NEGOTIATION: Price and Terms of Purchase; Pursuant to Government Code Section 54956.8

Item pulled earlier in meeting.

- E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - APN No. 670-0-181-310; located near Thousand Oaks Boulevard and Zuniga Ridge Place; CITY NEGOTIATORS: Scott Mitnick, City Manager; Tracy Noonan, City Attorney; John Adams, Finance Director; Haider Alawami, Economic Development Manager; and Larry Kosmont, President and CEO, Kosmont Companies; NEGOTIATING PARTIES: Shaun Bieniek, seller; UNDER NEGOTIATION: Price and Terms of Purchase; Pursuant to Government Code Section 54956.8

Item pulled earlier in meeting.

- F. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - APN No. 670-0-181-320; located near Thousand Oaks Boulevard and Zuniga Ridge Place; CITY NEGOTIATORS: Scott Mitnick, City Manager; Tracy Noonan, City Attorney; John Adams, Finance Director; Haider Alawami, Economic Development Manager; and Larry Kosmont, President and CEO, Kosmont Companies; NEGOTIATING PARTIES: Shaun Bieniek, seller; UNDER NEGOTIATION: Price and Terms of Purchase; Pursuant to Government Code Section 54956.8

Item pulled earlier in meeting.

- G. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - APN No. 670-0-170-120; 1708 and 1690 E. Thousand Oaks Boulevard; CITY NEGOTIATORS: Scott Mitnick, City Manager; Tracy Noonan, City Attorney; John Adams, Finance Director; Haider Alawami, Economic Development Manager; and Larry Kosmont, President and CEO, Kosmont Companies; NEGOTIATING PARTIES: Cheri Blessing, seller; UNDER NEGOTIATION: Price and Terms of Purchase; Pursuant to Government Code Section 54956.8

Item pulled earlier in meeting.

City Attorney Noonan indicated no announcement anticipated.

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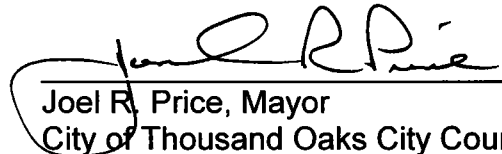
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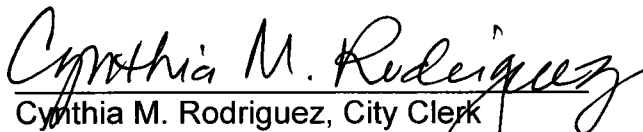
15. PUBLIC NOTICES: None.

16. ADJOURNMENT:

City Council adjourned at 9:15 p.m. in memory of Jim Neilson, Friends of the Thousand Oaks Library Board member and Bernard Moon, Thousand Oaks High School student, to Regular Meeting on Tuesday, April 26, 2016.


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

Attest:


Cynthia M. Rodriguez, City Clerk
City of Thousand Oaks City Council

AGENDA/REVISED AGENDA POSTED: April 7, 2016

MINUTES APPROVED: April 26, 2016

*indicates item taken out of order

EXHIBIT A**7. CONSENT CALENDAR:**

*RECOMMENDATIONS FOR ITEMS A. THROUGH J. ARE TO APPROVE
RECOMMENDATION FOR ITEM K. IS TO ADOPT*

Speaker: Nick Quidwai, Newbury Park.

Motion by Councilmember Adam to approve Consent Calendar with exception of Items 7.F. (Conejo Creek North Park Equestrian and Bike Path Improvements (CI 5409) and 7.K. (Initiate Amendment to General Plan Circulation Element), carried 3-0 by the following vote: Ayes - Adam, Bill-de la Peña, and Price; Noes - None; Absent - Fox and McCoy. (Items subsequently approved following discussion.)

Engineering Associate Lowry responded to questions regarding Item 7.F.

Motion by Councilmember Bill-de la Peña to approve Item 7.F., carried 3-0 by the following vote: Ayes - Adam, Bill-de la Peña, and Price; Noes - None; Absent - Fox and McCoy.

Motion by Councilmember Bill-de la Peña to approve Item 7.K., carried 3-0 by the following vote: Ayes - Adam, Bill-de la Peña, and Price; Noes - None; Absent - Fox and McCoy.

- A. General, Utilities, Golf Course, and Theatres Demands – ratify March 23, 2016, March 30, 2016 and April 6, 2016; approve April 13, 2016; approve April 20, 2016, subject to review and ratification
- B. Minutes of City Council Regular Meeting of March 22, 2016.
- C. Additional Appropriation: League of Women Voters' request for use of City Council Chambers and TOTV Government television for 27th Senate District Candidate Forum May 3, 2016; additional budget appropriation and expenditure in amount of \$3,000 A/C 001-0000-311-1000 (General Fund-Fund Balance) to A/C 001-2110-611-6910 (Election Costs) to cover theatre costs
- D. No Appropriation/Expenditure Required: 2016 Legislative Platform; receive report and approve

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7. CONSENT CALENDAR: (Continued)

- E. Additional Appropriation-Increase to Developer Fee Revenue: Traffic Signal Attachment Agreement with Southern California Gas Company for term of 20 years; budget appropriation in amount of \$1,600 A/C 552-0000-484-9900 (Supplemental Signals/Other Revenue)
- F. Approved Expenditure: Conejo Creek North Park Equestrian and Bike Path Improvements as new capital improvement project (CI 5409); budget transfer in amount of \$75,000 as follows: FY 2015-16 \$30,000 and FY 2016-17 \$45,000 A/C 537-5560-631-5500 (MI2040, Bicycle Safety Improvements/Air Quality Developer Fees) to A/C 537-5310-631-8300 (CI5409, Conejo Creek North Park Equestrian and Bike Path/Air Quality Developer Fees)
- G. Approved Expenditure: 2016 Traffic Impact Mitigation Fee Study (NC0155); Agreement with Kimley-Horn and Associates in amount of \$149,990; term: 4/12/16 – 6/30/17 with option to extend one year; expenditure in amount of \$150,000 A/C 001-5560-631-5699 (NC0155 General Fund Traffic Engineering Contract Services/Traffic Impact Fee Study 15-17)
- H. Approved Expenditure: Mail Room Processing Inserter System, Mail Machine and related services; Lease and Maintenance Agreement for City Mailroom equipment with MailFinance, A Neopost USA Company in amount not-to-exceed \$240,660 for lease of equipment and regular monthly maintenance/service of equipment and related software for 63 months; expenditure in amount not-to-exceed \$45,840 each FY 2015-16 and FY 2016-17 General Fund A/C 001-3530-612-6499 (Rental Fees)
- I. Approved Expenditure: Water Treatment of Mechanical Cooling and Heating Systems at City Facilities; award service contract in amount not-to-exceed \$19,440 first year and \$113,968 over lifetime (including \$3,000 per year for testing services) to Enhanced Life Water Solutions, LLC; term: 5/1/16 – 4/30/17 with two annual options to extend for two years; expenditure of \$13,200 from various General Fund (001) accounts and \$6,240 from various Library Fund (110) accounts for remaining FY 2015-16 and 2016-17 as outlined in staff report; funding for remaining contract term to be requested during upcoming biennial budget process

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7. CONSENT CALENDAR: (Continued)

- J. Additional Appropriation: Amendment to Ventura County Clerk Services Use Agreement (Contract No. 9993-2012); authorize City Manager to finalize and execute proposed amendment between City and Ventura County Clerk and Recorder approved as to form by City Attorney within parameters identified in report; term: 5/1/16 – 12/31/19 with one four-year renewal option; budget appropriations in amounts of \$5,000 FY 2015-16 and \$30,000 FY 2016-17 to A/C 001-0000-471-9900 (Rental of City Facilities) to reflect monthly rent for Plaza tenant space-Suite E
- K. No Appropriation/Expenditure Required: Initiate Amendment to General Plan Circulation Element

RESOLUTION DECLARING INTENTION TO CONSIDER AMENDMENT TO CIRCULATION ELEMENT OF THOUSAND OAKS GENERAL PLAN CONCERNING ROLLING OAKS DRIVE AND HAALAND DRIVE (C 2016-70107)
RES. NO. 2016-014