

MINUTES OF THE CITY COUNCIL

Thousand Oaks, California

January 13, 2015

1. CALL TO ORDER:

Mayor Al Adam 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 Adam led the pledge of allegiance.

3. ROLL CALL:

Present: Councilmembers Andy Fox, Joel Price, and Mayor Al Adam. Councilmember Claudia Bill-de la Peña arrived 6:07 p.m.

Also Present: City Manager Scott Mitnick, City Attorney Tracy Noonan, Assistant City Manager Andrew Powers, City Clerk Linda Lawrence, Finance Director/City Treasurer John F. Adams, Community Development Director John Prescott, Human Resources Director Gary Rogers, Interim Library Director Nancy Schram, Public Works Director Jay Spurgin, Police Chief Tim Hagel, Fire Chief Theodore Smith, House Supervisor Nancy Loncto, Assistant City Attorney Patrick Hehir, Deputy City Clerk Antoinette Mann, Deputy Public Works Director Finley, Senior Engineer Jim Taylor, Senior Planner Jeffrey Specter, Senior Engineer Jim Mashiko, Associate Planner Wilfredo Chua, Assistant Analyst Laura Maguire, Senior Stage Technician Jonathan Serret, Senior Video Specialist Richard Swingler, Production Assistant Andrea Baltazar, and Senior Recording Secretary Janis Daly.

4. REQUESTS FOR CONTINUANCE OF ANY PUBLIC HEARING OR AGENDA ITEM:

Mayor Adam announced Special Presentation Item 5.D. (New West Symphony performance) being moved up on agenda and heard after Item 5.A.; Department Report Item 9.B. (Local Emergency Resolution) being moved up on agenda and heard prior to the public hearings, before Item 8.A.; Closed Session Item 14.A. (*SHE ENGINEERING & CONSTRUCTION v CITY OF THOUSAND OAKS*) pulled from agenda.

5. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS:

A. Mayor Adam presented Commendation to General Manager Mary Olson recognizing KCLU 20th Anniversary.

Councilmember Bill-de la Peña present 6:07 p.m.

*D. New West Symphony Executive Director Natalia Staneva introduced Mike Garson to perform selection from "Pines of Rome."

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5. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS: (Continued)

- B. Mayor Adam introduced Senior Concerns President Andrea Gallagher to provide details about the "Conejo Cares" Caregivers Recognition Day event January 31, 2015, at Los Robles Greens Golf Course and presented Proclamation designating January 31, 2015 Caregiver Recognition Day.
- C. Cabrillo Music Theatre Artistic Director Lewis Wilkenfeld introduced cast members to perform a song from its upcoming production "Company."

6. PUBLIC COMMENTS:

John Fonti, Newbury Park; Nick Quidwai, Newbury Park.

7. CONSENT CALENDAR:

(See Exhibit A for Consent Calendar Listing)

13. CITY MANAGER:

- *A. Follow-up items: City Manager Mitnick indicated Public Works Director Spurgin will follow up with speaker regarding public landscaping questions and update City Council (Fonti) and explained Councilmember Bill-de la Peña reviews City warrants; Finance Director Adams provided information regarding the review process for payments and issuance of checks (Quidwai).

9. DEPARTMENT REPORTS:

- *B. Declaration of Local Emergency Resolution – December 2014 Winter Storms presented by Public Works Director Spurgin; Senior Engineer Taylor available for questions. Additional information supplemental packet--revised recommendation.

RESOLUTION CONFIRMING THE EXISTENCE OF LOCAL EMERGENCY
RES. NO. 2015-003

Speaker: Heather Scully, Newbury Park; Erin Bell, Newbury Park; Keith Wintermute, Newbury Park; Gunther Kilfoil, Newbury Park; John Fonti, Thousand Oaks.

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9. DEPARTMENT REPORTS: (Continued)

Motion by Councilmember Fox to adopt resolution confirming existence of local emergency as executed by City's Director of Emergency Services pursuant to Thousand Oaks Municipal Code Section 4-4.05; approve Damage Survey Report (DSR) prepared by National Resources Conservation Service (NRCS) outlining recommended mitigation improvements in the Dos Vientos community; approve form of agreement between City and NRCS for financial reimbursement of DSR recommended improvements, up to total of \$130,000, with City match of up to \$32,500 from General Fund Capital Reserves; authorize City Manager to execute agreement subject to final approval by City Attorney and City Manager; waive normal public works project bidding procedures, in accordance with declaration of local emergency pursuant to Thousand Oaks Municipal Code Section 3-10.308; approve budget appropriation in amount of \$32,500 A/C 001-0000-311-1000 (General Fund/Fund Balance) to A/C 001-5310-631-5699 (EMER14 Winter Storms December 2014/General Fund Engineering Contracted Services) carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, Price, and Adam; Noes - None.

8. PUBLIC HEARINGS:

- A. Hearing, continued from December 16, 2014, advertised as required by law, opened to consider: Appeal of Planning Commission decision to approve change in operating hours for McDonald's Restaurant, Development Permit Major Modification DPMJ 2014-70043; Located: 1908 East Avenida de Los Arboles; Appellant: Frank Millar; Applicant: McDonald's dba Voss Enterprises. Report presented by Associate Planner Chua; City Attorney Hehir responded to questions; Community Development Director Prescott available for questions.

RESOLUTION APPROVING IN PART THE APPEAL OF PLANNING COMMISSION DECISION APPROVING DPMJ 2014-70043 (APPLICANT: MCDONALD'S DBA VOSS ENTERPRISES) LOCATED 1908 AVENIDA DE LOS ARBOLES RES. NO. 2015-004

Speakers: Appellant Frank Millar, Thousand Oaks, pro; Applicant Debbie Voss, Simi Valley, pro; Stephanie Deeney, Simi Valley, declined to speak, speaker card indicates pro.

Written Statement: Diane Johnson, Thousand Oaks, pro.

Public hearing closed.

Motion by Councilmember Fox to adopt resolution approving in part the appeal, thereby revising Planning Commission's approval of change in operating hours for McDonald's restaurant located 1908 E. Avenida de los Arboles, carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, Price, and Adam; Noes - None.

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8. PUBLIC HEARINGS: (Continued)

- B. Hearing, advertised as required by law, opened to consider: Amendment to General Plan Land Use Element from "Institutional" to "Industrial" and amendment to Specific Plan No. 7 from "High School Site" to "Employment Park" and from "City Property" to "Employment Park" concerning properties at western terminus of Rancho Conejo Boulevard, 2498 Conejo Center Drive and 1205 Lawrence Drive [LU 2014-70053/Applicant: Jemstreet Properties and SPA 2014-70148/Applicant: Conejo Valley Unified School District (CVUSD)]. Report presented by Senior Planner Specter; Community Development Director Prescott available for questions.

RESOLUTION APPROVING AMENDMENT TO LAND USE ELEMENT OF THOUSAND OAKS GENERAL PLAN FOR LAND LOCATED 2498 CONEJO CENTER DRIVE, 1205 LAWRENCE DRIVE AND WESTERN TERMINUS OF RANCHO CONEJO BOULEVARD (LU 2014-70053: JEMSTREET PROPERTIES) RES. NO. 2015-005

RESOLUTION APPROVING AMENDMENT TO SPECIFIC PLAN NO.7 (AMENDMENT NO. 15) FOR LAND LOCATED 2498 CONEJO CENTER DRIVE, 1205 LAWRENCE DRIVE AND WESTERN TERMINUS OF RANCHO CONEJO BOULEVARD (SPA 2014-70148: CONEJO VALLEY UNIFIED SCHOOL DISTRICT) RES. NO. 2015-006

Speaker: Co-Applicant (CVUSD) representative Joel Kirschenstein, Thousand Oaks, pro.

Written Statements: None.

Mayor Adam closed public hearing.

Motion by Councilmember Price to adopt resolution to approve Negative Declaration 2014-70252 and LU 2014-70053, amendment to General Plan Land Use Element from "Institutional" to "Industrial"; adopt Resolution to approve SPA 2014-70148, amendment to Specific Plan No. 7 (Rancho Conejo) land use designation from "City Property" to "Employment Park" for 2498 Conejo Center Drive and 1205 Lawrence Drive and from "High School Site" to "Employment Park" for western terminus of Rancho Conejo Boulevard and to make conforming changes to Authority and Conditions for Specific Plan No. 7; approve rescission of deed restriction limiting use of 2498 Conejo Center Drive to uses associated with public schools; authorize Mayor to sign necessary document(s) on behalf of City, carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, Price, and Adam; Noes - None.

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9. DEPARTMENT REPORTS: (Continued)

- A. Northbound Westlake Boulevard onto Eastbound Valley Spring Drive Stop Sign Control report presented by Acting Traffic Division Manager Mashiko; Police Chief Hagel and Deputy Public Works Director Finley responded to questions. Additional information supplemental packet.

RESOLUTION REMOVING STOP SIGNS AT THE NORTHBOUND WESTLAKE BOULEVARD SPUR CONNECTOR ON TO EASTBOUND VALLEY SPRING DRIVE AND INSTALLING YIELD SIGN CONTROL RES. NO. 2015-007

Speakers: Meghan Clark, Westlake Village; Patrick Welch, Thousand Oaks.

Motion by Councilmember Fox to adopt resolution to replace stop sign control facing northbound Westlake Boulevard onto Eastbound Valley Spring Drive with yield sign control; install solar powered radar feedback sign facing eastbound Valley Spring Drive west of Oak Grove Place to be displayed above existing 35 mile per hour speed limit sign, direct staff to return in six months with status report carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, Price, and Adam; Noes - None.

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: Nothing additional.
- B. Announcements and upcoming issues: City Manager Mitnick indicated agenda for the next regularly scheduled City Council meeting, January 27, 2015, is pending.

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

A. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation: *SHE ENGINEERING & CONSTRUCTION v CITY OF THOUSAND OAKS*; Case No. 56-2012-00429517-CU-BC-VTA; Pursuant to Government Code Section 54956.9(a)

Pulled from agenda earlier in meeting.

15. PUBLIC NOTICES: None.

16. ADJOURNMENT:

City Council adjourned at 8:02 p.m. with annual adjournment in memory of Mayor Emeritus Alex Fiore who passed away January 3, 2002 to Regular Meeting on Tuesday, January 27, 2015.



Al Adam, Mayor
City of Thousand Oaks City Council

Attest:


Linda D. Lawrence, City Clerk
City of Thousand Oaks City Council

AGENDA POSTED: January 8, 2015
MINUTES APPROVED: January 27, 2015

*indicates item taken out of order

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EXHIBIT A

7. **CONSENT CALENDAR:**

*RECOMMENDATIONS FOR ITEMS A. THROUGH I. ARE TO APPROVE
RECOMMENDATIONS FOR ITEMS J. THROUGH L. ARE TO ADOPT*

Additional information supplemental packet regarding Items 7.B. and 7.J.

Speaker: Nick Quidwai, Newbury Park.

Motion by Councilmember Fox to approve Consent Calendar, carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, Price, and Adam; Noes – None.

- A. General, Utilities, Golf Course, and Theatres Demands – ratify December 24, 2014, December 31, 2014, and January 7, 2015; approve January 14, 2015; approve January 21, 2015, subject to review and ratification
- B. Minutes of City Council meetings of December 9, 2014 and December 16, 2014
- C. Approved Expenditure: Waterline Easement Purchase (CI 5041); purchase of 4,218 square foot waterline easement in amount of \$4,640 on private property owned by Ronald and Elke Block located 2 Alice Ann Road; expenditure in amount of \$4,640 A/C 613-5310-682-8300 (Water Capital Facilities /Waterline Installation at Multiple Locations)
- D. Approved Expenditure: Los Feliz Drive Sidewalk Project (CI 5241); Task Order No. 6, Amendment 3 to On-Call Agreement No. 9295-2010 with KOA Corporation in amount of \$15,225; expenditure in amount of \$15,225 A/C 543-5310-631-8300 (CI 5241 Thousand Oaks Road Improvement Developer Fee/Los Feliz Drive Sidewalk Project)
- E. Approved Expenditure: Fiber Network Extension to City Facilities (CI 5312); authorize staff to advertise for construction bids
- F. No Appropriation/Expenditure Required: 2014 Revenues generated at Hill Canyon Wastewater Treatment Plant (HCTP); receive report; increase FOG (Fats, Oil, and Grease) per gallon tipping fee from 6.25 cents to 6.5 cents per gallon for all restaurant grease trap waste haulers for 2015 calendar year effective February 1, 2015

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7. CONSENT CALENDAR: (Continued)

- G. Additional Appropriation: Hill Canyon Treatment Plant Tertiary Filtration Improvements (CI 5342); Plans, Specifications, and Addendum No. 1; award construction contract in amount of \$342,721.30 plus contingency of \$34,272 to ERS Industrial Services, Inc.; budget appropriation and expenditure in amount of \$377,000 A/C 624-0000-341-9900 (Wastewater Capital Fund–Net Position) to A/C 624-8250-685-8310 (CI 5342 Wastewater Capital Budget)
- H. No Appropriation/Expenditure Required: Soft Wave Innovations, Inc., name change; consent to Assignment and Assumption of Soft Wave Innovation’s Inc.’s rights, duties, and obligations under City Agreement to AGT Soft Wave, Inc.; authorize staff to execute written consent
- I. Additional Appropriation: 2013 Housing Related Parks (HRP) Grant budget appropriation and expenditure in amount of \$208,200 A/C 001-4010-434-3015 (HRPP14 State Grant–Grant Revenue) to A/C 001-4010-671-5500 (HRPP14 Parks Construction) for park renovations; adopt resolution authorizing application for 2014 State of California HRP Program Grant; authorize City Manager or designee to submit application to California State Department of Housing and Community Development and execute contract with State upon award of grant

RESOLUTION AUTHORIZING APPLICATION FOR HOUSING RELATED PARKS GRANT FUNDING FROM STATE OF CALIFORNIA

RES. NO. 2015-001

- J. No Appropriation/Expenditure Required: Annual appointment of Treasurer; adoption of Investment Policy

RESOLUTION RECONFIRMING JOHN F. ADAMS AS CITY TREASURER FROM FEBRUARY 1, 2015 THROUGH JANUARY 31, 2016 AND ADOPTING UPDATED INVESTMENT POLICY

RES. NO. 2015-002

ORDINANCES FOR SECOND READING:

- K. ORDINANCE ADJUSTING AND SETTING RATES, FEES AND DISCHARGE LIMITS OF THE CITY WASTEWATER DIVISION (UNCODIFIED) (Introduced 12/16/14, 4-0) ORD.NO.1602-NS
- L. ORDINANCE ADJUSTING AND SETTING RATES AND FEES OF THE CITY WATER DIVISION (UNCODIFIED) (Introduced 12/16/14, 4-0) ORD.NO.1603-NS