

MINUTES OF THE CITY COUNCIL

Thousand Oaks, California

May 26, 2015

1. CALL TO ORDER:

Mayor Al Adam called the meeting to order at 6:05 p.m. in Council Chambers, 2100 Thousand Oaks Boulevard, Thousand Oaks, California.

2. PLEDGE OF ALLEGIANCE: Mayor Adam, accompanied by Lori Sorensen, led the pledge of allegiance.

3. ROLL CALL:

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

Absent: Councilmember Joel Price.

Also Present: City Manager Scott Mitnick, City Attorney Tracy Noonan, Assistant City Manager Andrew Powers, Deputy City Clerk Antoinette Mann, Finance Director/City Treasurer John F. Adams, Community Development Director John Prescott, Human Resources Director Gary Rogers, Interim Library Director Nancy Schram, Cultural Affairs Director Barry McComb, Public Works Director Jay Spurgin, Police Chief Tim Hagel, Fire Chief Theodore Smith, Assistant City Attorney Patrick Hehir, Deputy Finance Director Jaime Boscario, Budget Officer Brent Sakaida, Senior Analyst John Brooks, Public Works Superintendent John Smallis, Code Compliance Manager Geoff Ware, Resource Division Manager Joanne Kelly, Internal Auditor Earl Garland, Assistant Analyst Laura Maguire, Senior Video Specialist Richard Swingler, Customer Relations Assistant Christine Broughton, Production Assistant Andrea Baltazar, 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 Adam, accompanied by Councilmember Fox and Fire Chief Smith, presented Commendation to Verne Merrill, President, Newbury Park Steelers Youth Football League, recognizing him for his athletic career and his service to the community in a variety of sports programs.

B. Mayor Adam presented Certificate to Fallon Rabin recognizing her accomplishments.

C. Mayor Adam presented a Proclamation declaring May 26, 2015 Purple Heart City Day, honoring all recipients of the Purple Heart Medal, to Military Order of the Purple Heart Chapter 750 representative Hugh Clabaugh.

D. Mayor Adam introduced Pacific Festival Ballet (PFB) Artistic Director Kim Maselli to provide PFB update; PFB Board Chair Gina Conti, Alliance of the Arts Director of Development Siobhain Hill, and City Cultural Affairs Director McComb recognized PFB Administrative Director Lori Sorensen on her retirement; Mayor Adam presented commendation acknowledging her thirty years of service.

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6. PUBLIC COMMENTS:

Nick Quidwai, Newbury Park.

7. CONSENT CALENDAR:

(See Exhibit A for Consent Calendar Listing)

8. PUBLIC HEARINGS: None.

9. STUDY SESSION:

- A. FY 2015-16 and FY 2016-17 Operating Budget Study Session presented by Finance Director Adams with concluding comments by City Manager Mitnick; Assistant City Manager Powers responded to questions; Deputy Finance Director Boscarino and Budget Officer Sakaida available for questions. Additional information supplemental packet.

Speaker: Nick Quidwai, Newbury Park.

Written Statement: Yvonne Brockwell, Westlake Village.

Motion by Councilmember Bill-de la Peña to schedule public hearing for formal City Council review and adoption of budget on June 9, 2015; direct staff to return to City Council in the fall to provide long-term strategy options for various City Funds with the goal of achieving balanced budgets, carried 3-0 by the following vote: Ayes – Fox, Bill-de la Peña, and Adam; Noes - None; Absent - Price.

10. DEPARTMENT REPORTS:

- A. Water Supply Shortage Declaration and Drought Action Plan presented by Public Works Director Spurgin and Callegas Water District Manager of Resources Eric Bergh; Senior Analyst Brooks, Public Works Superintendent Smallis, and Code Compliance Manager Ware available for questions. Additional information supplemental packet.

RESOLUTION DECLARING LEVEL 2 WATER SUPPLY SHORTAGE  
PURSUANT TO MUNICIPAL CODE SECTION 10-2.1106 AND ENACTING  
ADDITIONAL WATER CONSERVATION MEASURES PURSUANT TO  
MUNICIPAL CODE SECTION 10-2.1110 RES. NO. 2015-024

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10. DEPARTMENT REPORTS: (Continued)

Speakers: Brian Barreto, Thousand Oaks; Doug Varney, city of residence unknown (submitted document); Tim Melbrod, Thousand Oaks (submitted document); Nicholas Flores, Thousand Oaks; Chuck Marino, Thousand Oaks; Sharon Kitcher, Newbury Park (submitted document); Brooke Bateman, Simi Valley; Fran Austin, Westlake Village (submitted document); Joseph Tarpley, Thousand Oaks.

Motion by Councilmember Fox to 1) adopt resolution declaring Level 2 water supply shortage and adopting state mandated water conservation requirements pursuant to Municipal Code sections 10-2.1106 and 10-2.1110; 2) approve Drought Action Plan; 3) direct Code Compliance staff to discontinue enforcement for the following (amended to include "d"): (a) Dead or brown vegetation that is otherwise well maintained, even if shown on approved landscape plan; (b) Landscape containing weeds if low cut and otherwise not creating a public safety hazard; (c) Landscape areas of single-family dwellings with bare dirt, if neatly maintained (no dirt piles and/or significant holes in yard, etc); d) Pool fill/construction issue; 4) direct Code Compliance staff to continue regular enforcement of the following conditions: (a) Dead, overgrown or neglected landscape that creates a public safety hazard (excessive weeds, excessive dead/unmaintained plantings, etc); (b) Landscaping installed as part of an approved landscape plan that is needed to support stability of a manufactured slope area, carried 3-0 by the following vote: Ayes – Fox, Bill-de la Peña, and Adam; Noes - None; Absent - Price.

11. COMMITTEE/COMMISSION/BOARD REPORTS: None.

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

13. COUNCIL ISSUES/RECOMMENDATIONS:

A. Follow-up reports on meetings/conferences attended by Councilmembers. None.

14. CITY MANAGER:

A. Follow-up items: None.

B. Announcements and upcoming issues: City Manager Mitnick reviewed potential topics for the next regularly scheduled City Council Meeting June 9, 2015.

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15. CLOSED SESSIONS REQUESTED: City Council Conference Room 2<sup>nd</sup> floor.

City Attorney Noonan announced Closed Session held at 9:25 p.m.

- A. CONFERENCE WITH LABOR NEGOTIATORS – City designated representatives: City Manager Scott Mitnick; Assistant City Manager Drew Powers; City Attorney Tracy Noonan; and Deputy City Manager/Human Resources Director Gary Rogers; Employee Organizations: Thousand Oaks City Employees Association (TOCEA); Senior Management Association (SMA); Thousand Oaks Management Association (TOMA); and Executive Managers (Assistant City Manager, Finance Director, Community Development Director, Public Works Director, City Clerk, Deputy City Manager/Human Resources Director, Cultural Affairs Director, Library Director); Pursuant to Government Code Section 54957.6
- B. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation: *WEST v CITY OF THOUSAND OAKS*; United States District Court for the Central District of California Case No. CV14-4988 CAS-AJWx; Pursuant to Government Code Section 54956.9(a)

Councilmember Bill-de la Peña absent at 9:50 p.m. Quorum no longer present and following Closed Session not held.

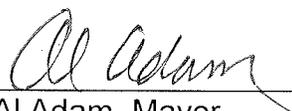
- C. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation: Initiation of Litigation; Pursuant to Government Code Section 54956.9(c) (1 Case)

City Attorney Noonan indicated no announcement anticipated.

16. PUBLIC NOTICES: None.

17. ADJOURNMENT:

City Council adjourned at 9:50 p.m. to Regular Meeting on Tuesday, June 9, 2015.



Al Adam, Mayor  
City of Thousand Oaks City Council

Attest:



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

AGENDA POSTED: May 21, 2015

MINUTES APPROVED: June 9, 2015

**EXHIBIT A**7. CONSENT CALENDAR:

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

Speaker: Nick Quidwai, Newbury Park

Additional information supplemental packet regarding Item 7.C.

Motion by Councilmember Fox to approve Consent Calendar with the exception of Item 7.H. (Establishment of Fraud, Waste, and Abuse Policy and Hotline), carried 3-0 by the following vote: Ayes - Fox, Bill-de la Peña, and Adam; Noes - None; Absent - Price. (Item subsequently approved following discussion.)

Internal Auditor Garland and Finance Director Adams responded to questions regarding Item 7.H.

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

- A. General, Utilities, Golf Course, and Theatres Demands – ratify May 20, 2015; approve May 27, 2015; approve June 3, 2015, subject to review and ratification
- B. Minutes of City Council meeting of May 12, 2015
- C. No Appropriation/Expenditure Required: Request for Letter of Public Convenience or Necessity (LPCN) for Type 40 license to serve only beer for on or off-site consumption; Department of Alcoholic Beverage Control (ABC) requirement; authorize Community Development Director to send LPCN to ABC; Applicant: Aristocratic Salons, Inc., DBA: 18/8 Fine Men's Salon, 960 South Westlake Boulevard (LPCN 2015-70142)
- D. Additional Appropriation : Fully Offset by Grant Funds: Fiber Network Extension to City Facilities Project (CI 5312); plans, specifications and addenda numbers 1 and 2; award construction contract in amount of \$381,567.25 to DBX, Inc.; budget appropriation in amount of \$40,000 plus accrued interest A/C 651-0000-435-6000 (OES003 Transportation/Prop. 1B Revenue) to A/C 651-5310-682-8300 (CI 5312 Transportation Prop. 1B/Fiber to Network); expenditure in amount of \$425,000 (\$381,567.25 contract plus \$38,200 contingency plus \$5,232.75 for City furnished materials and supplies) as follows: \$40,000 A/C 651-5310-682-8300 (CI 5312 Transportation/Fiber to City Facilities); \$385,000 A/C 001-5310-631-8300 (CI 5312 General Fund/Fiber to City Facilities)

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7. CONSENT CALENDAR: (Continued)

- E. Approved Expenditure: Purchase of three utility trucks in amount of \$160,679.75 from Thorson Motor Center and one construction utility bed truck in amount of \$59,997.39 from Theodore Robins Ford; budget appropriations in amount of \$220,800 and expenditures in amount of \$220,678 as outlined in staff report
- F. Approved Expenditure: Summer Beach Bus agreement with Airport Connection, Inc., dba Roadrunner Management Services, Inc., for operation of 2015 Summer Beach Bus Program; term: 6/15/15 – 8/21/15; amount not-to-exceed \$50,000 [\$12,000 FY 2014-15 (June 15 – June 30, 2015); \$38,000 FY 2015-16 (July 1 – August 21, 2015)] A/C 651-5540-682-5650 (BCH Bus Contract Services)
- G. Approved Expenditure: Janitorial Services Hill Canyon Wastewater Treatment Plant (HCTP); agreement with Kelly Cleaning Supplies, Inc., in amount not-to-exceed \$70,908; term: 7/1/15 – 6/30/18 with option to extend additional two years; annual expenditure \$23,636 FY 2015-16 and FY 2016-17 A/C 621-8250-682-5620 (Wastewater HCTP Janitorial Services); remaining funding to be requested during following biennial budget process
- H. Approved Expenditure: Establishment of Fraud, Waste, and Abuse Policy and Hotline; authorize City Manager to enter agreement with Navex Global; term: 7/1/15 – 6/30/20; \$9,385 expenditure A/C 001-3010-612-5640 (General Fund/Contracted Services); budget for future years to be requested during future biennial budget processes
- I. Additional Appropriation: Agreement for professional attorney services with Liebert Cassidy Whitmore in amount not-to-exceed \$95,000; budget appropriation in amount of \$43,000 FY 2014-15 A/C 001-0000-311-1000 (General Fund – Fund Balance) to A/C 001-0510-612-5111 (Legal Labor Relations Fees); additional expenditures in amount of \$43,000 FY 2014-15 and \$52,000 FY 2015-16 A/C 001-0510-612-5111 (Legal Labor Relations Fees) for professional attorney services for labor relations, personnel actions requiring review, legal input, and training

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7. CONSENT CALENDAR: (Continued)

- J. Additional Appropriation: Third Party Liability Claims Administration; First Amendment to Contract No. 10530-2014 with Carl Warren & Company to extend agreement additional six months; term: 7/1/14 – 12/31/15; revised not-to-exceed amount \$98,000; budget appropriation in amount of \$24,000 A/C 711-0000-341-9900 (General Liability – Net Position) to A/C 711-0520-686-5640 (Claims Handling Fees); expenditure in amount of \$58,000 (\$24,000 for FY 2014-15 and \$34,000 for FY 2015-16) A/C 711-0520-686-5640 (Claim Handling Fees)

ORDINANCES FOR SECOND READING:

- K. ORDINANCE AMENDING MUNICIPAL CODE RELATING TO OFFICIAL ZONING MAPS AND CHANGING ZONING CLASSIFICATION OF PROPERTY AT SOUTHEAST CORNER OF KELLEY ROAD AND NEWBURY ROAD; (Z 2014-70198) (APPLICANT: CONEJO VALLEY UNIFIED SCHOOL DISTRICT) (Introduced 5/12/14, 4-0) ORD.NO. 1606-NS
- L. ORDINANCE APPROVING DEVELOPMENT AGREEMENT BETWEEN CITY AND CONEJO VALLEY UNIFIED SCHOOL DISTRICT CONCERNING LAND USE RESTRICTIONS AND LIMITED AUTHORIZATION TO USE RDA BOND PROCEEDS FOR INFRASTRUCTURE IMPROVEMENTS RELATIVE TO PROPERTY ON SOUTHEAST CORNER OF KELLEY AND NEWBURY ROAD; (DAGR 2014-70197) (APPLICANT: CONEJO VALLEY UNIFIED SCHOOL DISTRICT) (Introduced 5/12/14, 4-0) ORD.NO. 1607-NS