

MINUTES OF THE CITY COUNCIL

Thousand Oaks, California

October 20, 2015

1. CALL TO ORDER:

Mayor Al Adam called the meeting to order at 6:03 p.m. in Council Chambers, 2100 Thousand Oaks Boulevard, Thousand Oaks, California.

2. PLEDGE OF ALLEGIANCE: Mayor Adam, accompanied by Ventura County Sheriff Geoff Dean, led the pledge of allegiance.

3. ROLL CALL:

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

Absent: Councilmember Joel Price.

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, Library Director Heather Cousin, Cultural Affairs Director Barry McComb, Public Works Director Jay Spurgin, Police Chief Tim Hagel, Fire Chief Theodore Smith, Economic Development Manager Haider Alawami, Legislative Affairs Manager Mina Layba, Deputy City Clerk Antoinette Mann, Senior Planners Stephen Kearns and Jeff Specter, Cable Operations Supervisor Carl Jarecky, Assistant Analyst Laura Maguire, Senior Stage Technician Jonathan Serret, Senior Video Specialist Richard Swingler, 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:

Mayor Adam announced October is "Breast Cancer Awareness Month," indicating City staff is wearing pink this evening in support of increasing awareness of this disease.

A. Mayor Adam introduced California Department of Food and Agriculture Special Assistant David Pegos and Agricultural Commissioner Henry Gonzales provided Information regarding Asian Citrus Psyllids (ACP) Treatment Program and Schedule.

B. Mayor Adam introduced Cultural Affairs Director McComb to highlight events scheduled for "Spokes in the Oaks" Open Streets Festival October 31, 2015.

C. Cultural Affairs Director McComb provided 2015-16 Theatre Season Schedule Update.

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6. PUBLIC COMMENTS:

Richard Elsley, Thousand Oaks (submitted document); Billy Martin, Thousand Oaks; Adam Haverstock, Greater Conejo Valley Chamber of Commerce; Joan Edwards, Thousand Oaks; Brian Pletcher, Thousand Oaks; Elizabeth Diniakos, Thousand Oaks; Sally Hibbitts, Westlake Village; Nick Quidwai, Newbury Park, John (last name unknown), failed to appear; Shoshana Brower, Westlake Village.

Written Statements: Janet Eckhouse, city of residence unknown; Irene Freeman, Thousand Oaks; Heidi Giddy-VanPernis, Westlake Village; Amy Montano, city of residence unknown; Nancy Tamariv, Thousand Oaks; two anonymous written statements.

7. CONSENT CALENDAR:

(See Exhibit A for Consent Calendar Listing)

8. DEPARTMENT REPORTS:

A. Body-Worn Cameras – Thousand Oaks Police Department report presented by Ventura County Sheriff Geoff Dean; Finance Director Adams and Police Chief Hagel available for questions.

Oral report and presentation received.

Ventura County Sheriff Dean agree to provide a status update outlining outcomes in six months or one year.

9. PUBLIC HEARINGS:

A. Hearing, advertised as required by law, opened to consider: Oak Tree Ordinance and Landmark Tree Ordinance Amendments Municipal Code Amendment MCA 2014-70145 presented by Senior Planner Kearns. City Manager Mitnick, Community Development Director Prescott, and Tree Consultant John Innis responded to questions. Additional information supplemental packet.

RESOLUTION REDUCING USER FEES FOR SPECIFIC TYPE B AND TYPE C OAK TREE PERMIT APPLICATIONS, MODIFYING USER FEE DESCRIPTION FOR TYPE C OAK TREE PERMITS TO INCLUDE HOMEOWNER ASSOCIATION COMMON AREAS AND ELIMINATE USER FEE CATEGORY FOR OWNER-PLANTED OAK TREE EXEMPTION APPLICATIONS

RES. NO. 2015-065

Speakers: Chaise Rasheed, Thousand Oaks, card not marked; Don Huffman, Thousand Oaks, card marked pro and con; James Dean, Newbury Park, pro (questions only); Joan Edwards, Thousand Oaks, card not marked; Marilyn Carpenter, Thousand Oaks, card not marked; Nick Quidwai, Newbury Park, pro;

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9. PUBLIC HEARINGS: (Continued)

Janet Wall, Thousand Oaks (submitted document) card not marked-referred to document; Bonnie Clarfield-Bylin, Thousand Oaks, card not marked; Yvonne Brockwell, Thousand Oaks, con; Patrissha Booker, Thousand Oaks, card not marked; Fred Fukunaga, Thousand Oaks, con.

Written Statements: Tina Frugoli, Thousand Oaks, con; Laura Schulz, Thousand Oaks, pro; Gina Smurthwaite, Thousand Oaks, con.  
Mayor Adam closed public hearing.

Motion by Councilmember Fox that removal of any Oak and/or Landmark tree 24" or greater in diameter require Planning Commission Hearing; removal of Oak and/or Landmark tree less than 24" in diameter be handled administratively; removal of 4 or more Oak and/or Landmark trees less than 24" in diameter require Planning Commission Hearing; removal of fewer than 4 Oak and/or Landmark trees less than 24" be handled administratively, carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, McCoy, and Adam; Noes - None; Absent – Price.

City Council recess 9:39 p.m.; reconvened 9:50.

Motion by Councilmember Fox to reduce fee for Application Type B for Single-Family Detached Residential Dwellings/Homeowner Association Areas to \$100 with no deposit required and to reduce fee for Application Type C Fees for Single-Family Detached Residential Dwellings/Homeowner Association areas to \$100 plus \$180 deposit, leaving current fees for "All Other" Filing Fees and Application Type D unchanged (reference--page 17 of staff report); adopt revised resolution, carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, McCoy, and Adam; Noes - None; Absent - Price.

Motion by Councilmember Fox to expand existing standard for justifying approval of oak or landmark tree permit to include trees that are causing, or are likely to cause, substantial property damage based on sufficient evidence and documentation, carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, McCoy, and Adam; Noes - None; Absent - Price.

Motion by Councilmember Fox to remove procedural distinction between indigenous and planted, nursery grown oak trees in parking areas for oak and landmark tree removal requests, treating all trees equally, regardless of origin, with requests for removal of more than four (4) oak or more than four (4) landmark trees in parking areas requiring consideration by Planning Commission, carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, McCoy, and Adam; Noes - None; Absent - Price.

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9. PUBLIC HEARINGS: (Continued)

Motion by Councilmember Fox to eliminate the owner-planted exemption, carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, McCoy, and Adam; Noes - None; Absent – Price.

Motion by Councilmember Fox to move Oak and Landmark Tree Ordinances from Title 5 – “Public Welfare, Morals, and Conduct” to Title 9 – “Planning and Zoning”, including elimination of Tree Advisory Board, and incorporating clean-up language as set forth in ordinance, carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, McCoy, and Adam; Noes - None; Absent - Price.

Pursuant to discussion, the Public Hearing was continued to November 10, 2015.

- B. Hearing, advertised as required by law, opened to consider: Amendment to General Plan Land Use Element LU 2015-70137 and Amendment No. 16 to Specific Plan No. 7 SPA 2015-70138; Located: west side Conejo Center Drive approximately 200 feet north of Conejo Spectrum Street; Applicant: City of Thousand Oaks. 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 WEST SIDE OF CONEJO CENTER DRIVE APPROXIMATELY 200 FEET NORTH OF CONEJO SPECTRUM STREET (LU 2015-70137: CITY OF THOUSAND OAKS)

RES. NO. 2015-066

RESOLUTION APPROVING AMENDMENT TO SPECIFIC PLAN NO. 7 (AMENDMENT NO. 16) FOR LAND LOCATED WEST SIDE OF CONEJO CENTER DRIVE APPROXIMATELY 200 FEET NORTH OF CONEJO SPECTRUM STREET (SPA 2015-70138: CITY OF THOUSAND OAKS)

RES. NO. 2015-067

Speaker: Marilyn Carpenter, Thousand Oaks, card not marked.

Written Statement Cards: None.

Public hearing closed.

Motion by Councilmember Fox to adopt resolution to approve Negative Declaration 2015-70251 and LU 2015-70137 to change General Plan Land Use Element Amendment from “High Density Residential” to “Industrial; adopt resolution to approve SPA 2015-70138, amendment to Specific Plan No. 7 (Rancho Conejo Specific Plan) land use designation from “High Density” to “Employment Park” and conforming changes to Authority and Conditions for Specific Plan No., carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, McCoy, and Adam; Noes - None; Absent - Price.

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10. STUDY SESSION:

- A. Thousand Oaks Boulevard Specific Plan Modifications Ad Hoc Committee Report (Adam/Fox) presented by Economic Development Manager Alawami; City Manager Mitnick, and Community Development Director Prescott responded to questions.

Speakers: Chaise Rasheed, Thousand Oaks; Kurt Sauter, Thousand Oaks; Nick Quidwai, failed to appear; Fred Fukunaga, Thousand Oaks.

Written Statement: Nelson Buss, Thousand Oaks.

Motion by Councilmember Fox to direct staff to prepare amendment to Thousand Oaks Boulevard Specific Plan to allow for use of on-street parking to satisfy on-site parking requirements for certain uses; direct staff to evaluate and make recommendations regarding remaining Thousand Oaks Boulevard Business Improvement District's Parking Management Plan items; direct staff to prepare amendments to General Plan and Thousand Oaks Boulevard Specific Plan to allocate 206 "at-large" residential units from available Citywide General Plan capacity below Measure E baseline to Thousand Oaks Boulevard Specific Plan area; provide a special process to award those units, as described in report; direct staff to proceed with design and construction of necessary public infrastructure capital improvement projects, as included in adopted FY 2015-16 and FY 2016-17 Capital Improvement Program Budget and as envisioned in Thousand Oaks Boulevard Specific Plan, carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, McCoy, and Adam; Noes - None; Absent – Price.

Motion by Councilmember Bill-de la Peña to continue meeting past 11:00 p.m., carried 4-0 by the following vote: Ayes – Fox, Bill-de la Peña, McCoy, 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.

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13. COUNCIL ISSUES/RECOMMENDATIONS:

A. Follow-up reports on meetings/conferences attended by Councilmembers.

1. Report on National League of Cities (NLC) Public Safety Crime Prevention Steering Committee Meeting September 20 – 22, 2015 (Price) presented by Legislative Affairs Manager Layba.

Report received.

2. Report on League of California Cities (LCC) Annual Conference September 30 – October 2, 2015 (Price/McCoy) presented by Legislative Affairs Manager Layba.

Report received.

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 November 10, 2015.

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

City Attorney Noonan announced Closed Session held at 11:22 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation: *LEO RAMPERSAD (MONTANA/SAFE) v. CITY OF THOUSAND OAKS*; Case No. 56-2011-00408151-CU-WM-SIM; pursuant to Government Code Section 54956.9(a)

City Attorney Noonan indication no announcement anticipated.

16. PUBLIC NOTICES: None.

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17. ADJOURNMENT:

City Council adjourned at 11:33 p.m. in memory of Jaclyn "Jackie" Foley, daughter of City employee Cathy Jansen, to Regular Meeting on Tuesday, November 10, 2015.



Al Adam, Mayor  
City of Thousand Oaks City Council

Attest:



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

AGENDA POSTED: October 15, 2015  
MINUTES APPROVED: November 10, 2015

CCD:610-60/jld/h:/common/minutes/2015/20151020.docx

**EXHIBIT A**7. **CONSENT CALENDAR:**

*RECOMMENDATIONS FOR ITEMS A. THROUGH J. ARE TO APPROVE*

Speakers: James Ross, city of residence unknown; Nick Quidwai, Newbury Park.

Additional information supplemental packet regarding Items 7. C., 7.D., 7.E. and 7.J.

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

- A. General, Utilities, Golf Course, and Theatres Demands – ratify September 23, 2015 and September 30, 2015; approve October 7, 2015, October 14, 2015 and October 21, 2015; approve October 28, 2015 and November 4, 2015, subject to review and ratification
- B. Minutes of City Council meeting of September 15, 2015
- C. No Appropriation/Expenditure Required: Conejo Open Space Conservation Agency (COSCA) Board of Directors Public Member Appointment; appoint Rorie Skei to fill scheduled vacancy, approved by the Conejo Recreation and Park District (CRPD) Board of Directors, to serve four-year term ending July 2019
- D. No Appropriation/Expenditure Required: Social Services Ad Hoc Committee Appointments (Bill-de la Peña); reappointments of Margaret Ambrose, Frank Bianchino, Clyde Doheney, and Lisa Powell, and appointments of Wilfred Garand, Joseph Kirby, Anne LaFianza, Terry Piper, and Terri West to serve one-year terms ending September 2016
- E. No Appropriation/Expenditure Required: Cultural Affairs Commission Appointments (Bill-de la Peña/Adam); reappointments of Robert Biery, David Mead, Stephanie Wilson, and John Bradley (Alliance for the Arts Nomination) to serve three-year terms ending November 2018
- F. No Appropriation/Expenditure Required: Simulated weapon discharge in conjunction with Civil War Re-enactment November 6-8, 2015; Applicant: Rotary Club of Moorpark; Location: California Lutheran University, 75 Olsen Road - undeveloped area (Special Event Permit 2015-102SE)

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7. CONSENT CALENDAR:

G. No Appropriation/Expenditure Required: Thousand Oaks Auto Mall Public Improvements Project (CI 5118); reject all bids received on June 3, 2015

H. Financial Impact to be Determined for On-Call Agreements; Approved Expenditure for Software Maintenance Agreement: General Maintenance and Technology Support Agreements (see Exhibit B); five three-year on-call technology support agreements each in amount of \$200,000 per year with not-to-exceed amounts of \$50,000 for individual task orders; each term ending 6/30/18; three-year agreement for software maintenance with MaintStar, Inc., in amount not-to-exceed \$149,806; term: 7/1/15 – 6/30/18 with two 1-year options to extend; four three-year on-call general maintenance agreements each in amount not-to-exceed \$250,000 per year with not-to-exceed amounts of \$45,000 for each individual task order; each term ending 6/30/18; annual expenditure of \$28,500 to MaintStar, Inc., for FYs 2015-16 and 2016-17 as follows: \$14,250 A/C 001-5650-631-4300 (General Fund/ MSC Computer Software Maint) \$7,125 A/C 611-5650-685-4300 (Water Operating/ MSC Computer Software Maintenance), and \$7,125 from A/C 621-5650-685-4300 (Wastewater Operating/MSC Computer Software Maintenance)

I. Additional Appropriation Fully Offset by Revenue: FY 2015-16 Transportation Development Act (TDA) Article 3 Funds Claim with Ventura County Transportation Commission (VCTC) in amount of \$60,000; budget appropriation in amount of \$5,000 increasing revenue in A/C 136-0000-433-0000 (CI 5337 TDA Article 3 revenue Westlake Boulevard Sidewalk Project) and increasing expenditures in amount of \$60,000 in A/C 136-5310-631-8300 (CI 5337 TDA Article 3 expenditures/Westlake Boulevard Sidewalk Project); adopt resolution

RESOLUTION AUTHORIZING FILING OF CLAIM WITH VCTC FOR ALLOCATION OF TDA ARTICLE 3 FUNDS FOR BICYCLE AND/OR PEDESTRIAN PURPOSES FISCAL YEAR 2015-16 RES. NO. 2015-059

J. Approved Expenditure: Property Assessed Clean Energy (PACE) Programs; adopt resolutions; indemnification and insurance agreement from Renovate America; Public Works Director as the authorized staff contact for these programs

RESOLUTION CONSENTING TO INCLUSION OF PROPERTIES WITHIN TERRITORY OF CITY IN CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) OPEN PACE PROGRAMS; AUTHORIZING CSCDA TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN TERRITORY OF THE CITY; AND AUTHORIZING RELATED ACTIONS RES. NO. 2015-060

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7. CONSENT CALENDAR: (Continued)

- J. RESOLUTION APPROVING ASSOCIATE MEMBERSHIP BY CITY IN CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY; AUTHORIZING AND DIRECTING EXECUTION OF ASSOCIATE MEMBERSHIP AGREEMENT RELATING TO ASSOCIATE MEMBERSHIP OF CITY IN AUTHORITY; AUTHORIZING CITY TO JOIN FIGTREE PACE PROGRAM; AUTHORIZING CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY TO CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN TERRITORY OF CITY OF THOUSAND OAKS; AND AUTHORIZING RELATED ACTIONS RES. NO. 2015-061

RESOLUTION CONSENTING TO INCLUSION OF PROPERTIES WITHIN CITY'S JURISDICTION IN CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING AMENDMENT TO CERTAIN JOINT POWERS AGREEMENT RELATED THERETO  
RES. NO. 2015-062

RESOLUTION CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN CALIFORNIA HOME FINANCE AUTHORITY, PROGRAM TO FINANCE RENEWABLE ENERGY GENERATION, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO  
RES. NO. 2015-063

RESOLUTION CONSENTING TO INCLUSION OF PROPERTIES WITHIN CITY'S JURISDICTION IN CALIFORNIA HOME FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2014-1 (CLEAN ENERGY) TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY EFFICIENCY AND WATER CONSERVATION IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO  
RES. NO. 2015-064

**EXHIBIT B**

Item 7.H.

On- Call Technology Support and General Maintenance Providers

A. **TECHNOLOGY SUPPORT**

1. AIC Consulting, Inc., Oxnard, CA
2. Interwest Consulting Group, Huntington Beach, CA
3. MSO Technologies, Thousand Oaks, CA
4. Northern Digital, Inc., Bakersfield, CA
5. Prousys, Inc., Bakersfield, CA

B. **GENERAL MAINTENANCE SERVICES**

1. AR Pipeline, Inc., Newbury Park, CA
2. General Pump Company, Camarillo, CA
3. Innocenti Construction, Inc., Camarillo, CA
4. ServPro, Newbury Park, CA