

City Council

REGULAR MEETING
Tuesday, April 12, 2016, 6:00 P.M.
Council Chambers



Joel R. Price, Mayor
Claudia Bill-de la Peña, Mayor Pro Tem
Andrew P. Fox, Councilmember
Al Adam, Councilmember
Rob McCoy, Councilmember

Executive Team

Scott Mitnick, City Manager
Andrew Powers, Assistant City Manager
John C. Prescott, Comm. Dev. Director
Cynthia M. Rodriguez, City Clerk
Barry McComb, Cultural Affairs Director
Tim Hagel, Police Chief
Jim Friedl, General Manager, CRPD

Tracy M. Noonan, City Attorney
John F. Adams, Finance Director/City Treasurer
Jay Spurgin, Public Works Director
Gary Rogers, Human Resources Director
Heather Cousin, Library Director
Theodore E. Smith, Fire Chief

Revised Agenda
Posted 4/7/16 to
amend Title
Item 9.D.

MISSION STATEMENT:

Extraordinary Service to the Citizens We Serve is Our Purpose

Americans with Disabilities Act (ADA): In compliance with ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk Department, (805) 449-2151. Assisted listening devices are available at this meeting. Ask City Clerk staff if you desire to use this device. Upon request, the agenda and documents in this agenda packet can be made available in appropriate alternative formats to persons with a disability. Notification at least 48 hours prior to the meeting or time when services are needed will assist City staff in assuring reasonable arrangements can be made to provide accessibility to the meeting or service.

The following is provided to assist with public participation:

Agenda Availability: The City Council Agenda is posted at the entry to the Civic Arts Plaza/City Hall, 2100 E. Thousand Oaks Boulevard, Thousand Oaks [main posting location pursuant to the Brown Act, G.C. 54954.2(a)]. City Council Agenda Packets are available for review at the City Clerk Department, 2100 E. Thousand Oaks Boulevard, Thousand Oaks. Agenda packet and “Live and Archived” meetings and minutes are available on the City’s website at www.toaks.org. Televised City Council Meetings are re-broadcast Thursday and Sunday (following meeting) at 10:00 a.m. and 6:00 p.m. on TOTV, Channel 10.

Supplemental Information: Any agenda related information received and distributed to the City Council after the Agenda Packet is printed is included in Supplemental Packets. Supplemental Packets are produced as needed, typically a minimum of two—one available on the Thursday preceding the City Council meeting and the second on Tuesday at the meeting. The Thursday Supplemental Packet is available for public review in the City Clerk Department, 2100 E. Thousand Oaks Boulevard, during normal business hours (main posting location pursuant to the Brown Act, G.C. 54957.5(b)(2)). Both the Thursday and Tuesday Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2100 E. Thousand Oaks Boulevard and on the City’s website.

Please be advised that communications directed to the City Council are public records, and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law. Communications will NOT be edited for redactions; will be printed/posted as submitted.

Public Input: Any person who wishes to speak regarding an item on the regular agenda or on a subject within the City’s jurisdiction during “Public Comments” is requested to file a “Public Speaker” card with City Clerk staff before that portion of the Agenda is called. Any person who wishes to speak on a specific agenda item is requested to file a “Public Speaker” card before the specific item is called. Any person who wishes to speak on a Public Hearing is requested to file a “Public Speaker” card before the Hearing is called. Persons addressing the City Council are requested to state their name and community of residence for the record. Any supporting materials should be submitted to the City Clerk before addressing the Council. These materials are also considered a public record pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law.

Special Meeting Public Input: Only issues listed on a special meeting agenda may be addressed pursuant to the Brown Act/Special Meetings.

Consent Calendar: Matters listed on Consent Calendar that do not require significant reporting and/or discussion for decision or considered to be routine, will be approved by one motion as recommended. There will be no separate discussion unless Councilmember or staff member requests separate discussion prior to approval.

Judicial Review: Any legal action by an applicant seeking to obtain a judicial review of the City Council’s decision on a Hearing or issue listed on this Agenda may be subject to the 90-day filing period, of and governed by, Code of Civil Procedure Section 1094.6. Also refer to TOMC Section 1-4.05.

CITY OF THOUSAND OAKS CITY COUNCIL AGENDA

Thousand Oaks, California

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April 12, 2016

RES. NO. 2016-014
ORD. NO. 1615-NS

1. CALL TO ORDER: 6:00 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL: Councilmembers Fox, Adam, McCoy, Bill-de la Peña, and Mayor Price
4. REQUESTS FOR CONTINUANCE OF ANY PUBLIC HEARING OR AGENDA ITEM:
5. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS:
 - A. Proclamation – National Library Week April 10 – 16, 2016
 - B. Proclamation – April as Parkinson’s Awareness Month
6. PUBLIC COMMENTS:
7. CONSENT CALENDAR:

(See Exhibit A pages 8 thru 9 for Consent Calendar listing)
8. PUBLIC HEARINGS:
 - A. [Public Hearing Continuance Request from Applicant/Appellant for Appeal of Planning Commission Decision \(Special Use Permit Major Modification SUMJ 2015-70629\); Applicant/Appellant: Academy Road LLC \(Continued from 3/22/16\)](#)

RECOMMENDATION: Continue hearing to April 26, 2016
 - B. [Water and Wastewater Utility Rates and User Fees](#)

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

8. PUBLIC HEARINGS: (Continued)

B. Water and Wastewater Utility Rates and User Fees (Continued)

RECOMMENDATION:

1. Ordinance adjusting and setting rates and fees of the City Wastewater division to be read in title only, further reading to be waived, and if no objection, introduced (proposition 218 protest hearing applies)
2. Ordinance adjusting and setting rates and fees of the City Water division to be read in title only, further reading to be waived, and if no objection, introduced (proposition 218 protest hearing applies)

9. DEPARTMENT REPORTS:

- A. [Acquisition of Open Space Parcel in Skyline Area](#); Located South End of Fairview Road, Southwest of Willow Lane

RECOMMENDATION:

1. 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
2. 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)
3. Authorize subsequent transfer of APN 676-0-130-050 from City to Conejo Open Space Conservation Agency (COSCA)

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

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-_____

RECOMMENDATION: Adopt resolution

- C. [Initiation of Municipal Code Amendment MCA 2014-70035](#) to revise certain Entitlement Application processing requirements and reformat Permitted Use Sections of Zoning Ordinance

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-_____

RECOMMENDATION: Adopt resolution

- D. [Ventura County Transportation Commission Countywide Sales Tax Ballot Measure Update](#)

RECOMMENDATION: Receive verbal update and provide direction as necessary

10. COMMITTEE/COMMISSION/BOARD REPORTS:

- A. [Planning Commission Appointment](#) (Price)

RECOMMENDATION: Appointment of Andrew Pletcher to fill an unscheduled vacancy to serve term ending December 2018

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 \(Price\) – Report to be provided](#)

RECOMMENDATION: Receive report

13. CITY MANAGER:

A. Follow-up items

B. Announcements and upcoming issues

14. CLOSED SESSION: City Council Conference Room 2nd floor

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

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

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

CITY OF THOUSAND OAKS CITY COUNCIL AGENDA

Thousand Oaks, California

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April 12, 2016

14. CLOSED SESSION: (Continued)

- 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
- 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
- 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

15. PUBLIC NOTICES: None

16. ADJOURNMENT:

Adjournment in memory of:

- o Jim Neilson, Friends of the Thousand Oaks Library Board member
- o Bernard Moon, Thousand Oaks High School student

to Regular Meeting April 26, 2016

Agenda Post Date/Time: April 7, 2016, 5:00 p.m.

EXHIBIT A

7. CONSENT CALENDAR:

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

- 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 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
- 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)

7. CONSENT CALENDAR: (Continued)

- 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
- 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-