

## City Council

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

**Revised Agenda**  
**Posted 7/8/16 to**  
**Add Item 9.C.**



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

### Executive Team

Andrew Powers, Acting City Manager  
Gary Rogers, Deputy City Manager/HR Director  
John C. Prescott, Comm. Dev. Director  
Cynthia M. Rodriguez, City Clerk  
Barry McComb, Cultural Affairs Director  
Jim Friedl, General Manager, CRPD

Tracy M. Noonan, City Attorney  
John F. Adams, Finance Director/City Treasurer  
Jay Spurgin, Public Works Director  
Heather Cousin, Library Director  
Tim Hagel, Police Chief  
Theodore E. Smith, Fire Chief

**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](http://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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July 12, 2016

RES. NO. 2016-047  
ORD. NO. 1619-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. Presentation – Hill Canyon Wastewater Treatment Plant as recipient of 2016 National Electrical Contractors Association Project Excellence Award
  - B. Ventura County Fair Poster Presentation
  - C. Performance – Cabrillo Music Theatre “The Little Mermaid”
6. PUBLIC COMMENTS:
7. CONSENT CALENDAR:

(See Exhibit A pages 8 thru 10 for Consent Calendar listing)
8. PUBLIC HEARINGS:
  - A. [Municipal Code Amendment MCA 2016-70135 regarding Signs in Public Rights-of-Way; adding City Policy Statement for Message Neutrality and Message Substitution](#)

ORDINANCE AMENDING SECTIONS 4-3.207, 5-23.02(h), 7-2.306, 9-4.2301, 9-4.2305(b)(6), 9-4.2309(t), and 9-4.2309(x) OF MUNICIPAL CODE REPEALING OR MODIFYING REGULATIONS CONCERNING NON-COMMERCIAL SIGN POLICY AND TEMPORARY SIGNS LOCATED IN THE PUBLIC RIGHTS-OF-WAY (MCA 2016-70135)

ORD.NO.1<sup>st</sup>Reading

RECOMMENDATION: Ordinance to be read in title only, further reading waived, and if no objection, introduced

8. PUBLIC HEARINGS: (Continued)

- B. [General Plan Amendment to Allocate 206 units of Citywide Measure E Residential Capacity to Thousand Oaks Boulevard Specific Plan \(SP 20\) and Amendments to SP 20 to allocate the 206 units, Delete “K-12” schools as a Permitted Use and Modify Other Land Use and Development Requirements \(LU 2013-70518, SPA 2013-70312, SPA 2014-70068\)](#)

RESOLUTION APPROVING ADDENDUM TO EIR NO. 327 AND AMENDMENT TO LAND USE ELEMENT OF THOUSAND OAKS GENERAL PLAN TO INCREASE RESIDENTIAL CAPACITY WITHIN THOUSAND OAKS BLVD SPECIFIC PLAN BY 206 DWELLINGS (LU 2013-70518: THOUSAND OAKS BOULEVARD PROPERTY BUSINESS IMPROVEMENT DISTRICT) RES. NO. 2016-

ORDINANCE ADOPTING AMENDMENT (NO. 3) TO THOUSAND OAKS BOULEVARD SPECIFIC PLAN TO ADD RESIDENTIAL CAPACITY, PROVIDE FOR ALLOCATION OF ADDED CAPACITY, SET MAXIMUM DENSITY FOR HOUSING PROJECTS, ALLOW ON-STREET PARKING TO BE COUNTED TOWARD REQUIRED PARKING, DELETE K-12 SCHOOLS AS PERMITTED USE, AND MODIFY OTHER LAND USE AND DEVELOPMENT REQUIREMENTS; APPLICANT: THOUSAND OAKS BOULEVARD PROPERTY BUSINESS IMPROVEMENT DISTRICT (SPA 2014-70068 and SPA 2013-70312) ORD.NO. 1<sup>st</sup>Reading

RECOMMENDATION:

1. Adopt Resolution to approve Addendum to EIR No. 327 and General Plan Amendment LU 2013-70518, to allocate 206 dwelling units of Citywide General Plan residential capacity (Measure E capacity) to Thousand Oaks Boulevard Specific Plan (SP 20) area
2. Read Ordinance in title only, further reading be waived and, if no objection, introduce Ordinance to approve SPA 2014-70068 and SPA 2013-70312 to allocate the dwelling units added by LU 2013-70518 to mixed-use projects along Thousand Oaks Boulevard, delete “K-12” schools as a permitted use within SP 20 and modify other land use and development requirements

8. PUBLIC HEARINGS: (Continued)

C. [Municipal Code Amendment MCA 2016-70097 revising Parking Requirements for Assisted Living Facilities, Skilled Nursing Facilities and Continuing Care Retirement Communities](#)

ORDINANCE AMENDING MUNICIPAL CODE TITLE 9, CHAPTER 4; REVISING PARKING REQUIREMENTS FOR ASSISTED LIVING FACILITIES, SKILLED NURSING FACILITIES AND CONTINUING CARE RETIREMENT COMMUNITIES (MCA 2016-70097) (APPLICANT: CITY OF THOUSAND OAKS) ORD.NO. 1<sup>st</sup>Reading

RECOMMENDATION: Ordinance to be read in title only, further reading waived, and if no objection, introduced

9. DEPARTMENT REPORTS:

A. [Water Supply Shortage Declaration](#)

RESOLUTION DECLARING LEVEL 1 WATER SUPPLY SHORTAGE CONDITION PURSUANT TO MUNICIPAL CODE SECTION 10-2.1105 RES. NO. 2016-\_\_\_\_\_

RECOMMENDATION:

1. Adopt resolution declaring Level 1 water supply shortage pursuant to Municipal Code sections 10-2.1105
2. Continue stay on code compliance for brown or dead lawns

B. [2016 Pavement Overlay \(CI 5231\) and Slurry Program \(MI 2526\) – Award Construction Contracts](#)

RECOMMENDATION:

1. Award construction contract for 2016 Pavement Overlay and Resurfacing Program (CI 5231) to Granite Construction Company in amount of \$2,751,502.90 plus contingency of \$283,900.00
2. Approve Professional Services Agreement with Pavement Engineering, Inc., in amount of \$157,010, plus contingency of \$15,701, for design support services, specialized material inspection, materials testing and quality control services for 2016 Pavement Overlay and Resurfacing Program (CI 5231); term: 7/12/16 – 6/30/17

DEPARTMENT REPORTS: (Continued)

- B. 2016 Pavement Overlay (CI 5231) and Slurry Program (MI 2526) – Award Construction Contracts (Continued)

RECOMMENDATION: (Continued)

3. Authorize acceptance of Tire Rubberized Pavement (TRP) Grant in amount of \$86,289 from Department of Resources Recycling and Recovery (CalRecycle)
  4. Authorize acceptance of STPL Federal Grant in amount of \$661,681 [Grant #5392 (057)]
  5. Award construction contract for 2016 Pavement Slurry Program (MI 2526) to Petrochem Materials Innovation, LLC, in amount of \$2,160,050, plus contingency of \$352,076
  6. Approve Professional Services Agreement with Pavement Engineering Inc., in amount of \$184,145 plus contingency of \$18,020, for design support services, specialized material inspection, materials testing and quality control services for 2016 Pavement Slurry Program (MI 2526); term: 7/12/16 – 6/30/17
  7. Approve expenditure of \$70,000 for City Furnished Materials and Supplies (\$35,000 CI 5231 and \$35,000 MI 2526)
  8. Approve budget transfers in amount of \$2,315,633; budget appropriations in amount of \$2,356,128; expenditures in amount of \$5,992,405
- C. [Appointment of Interim City Manager, Designation of Ad Hoc City Council Committee, and Recruitment of City Manager](#)

RECOMMENDATION:

1. Appoint Interim City Manager.
2. Designate Ad Hoc City Council Committee to negotiate a contract with the Interim City Manager and return to the City Council at the next regular meeting.
3. Provide direction to staff on the City Manager recruitment process.

CITY OF THOUSAND OAKS CITY COUNCIL AGENDA

Thousand Oaks, California

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July 12, 2016

10. COMMITTEE/COMMISSION/BOARD REPORTS:

A. [Annual Report \(Youth Commission\)](#)

RECOMMENDATION: Receive report

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 – Public Safety Policy Committee Meeting June 3, 2016](#) (Price)

RECOMMENDATION: Receive report

2. [National League of Cities \(NLC\) Summer Policy Forum Update June 28 – 30, 2016](#) (Price)

RECOMMENDATION: Receive report

13. CITY MANAGER:

A. Follow-up items

B. Announcements and upcoming issues

14. CLOSED SESSION: City Council Conference Room 2<sup>nd</sup> floor – None

15. PUBLIC NOTICES:

Items listed under Public Notices are a matter of public record only. These items do not require City Council action

A. [Notice – Approval of Final Map Tract 5907](#); Location: 1200 Newbury Road; Developer: 1200 Newbury, LLC; Description of Subdivision: 55 Unit Condominium Development

16. ADJOURNMENT:

Adjournment in memory of:

- Deputy Victor Stoicof, former Thousand Oaks Police Department East Valley Station Patrol Officer and 2013 St. Paschal's Officer of the Year

to Regular Meeting August 30, 2016

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

**EXHIBIT A**

## 7. CONSENT CALENDAR:

*RECOMMENDATIONS FOR ITEMS A. THROUGH Q. ARE TO APPROVE  
RECOMMENDATIONS FOR ITEMS R. THROUGH S. ARE TO ADOPT*

- A. General, Utilities, Golf Course, and Theatres Demands – ratify July 6, 2016; approve July 13, 2016; approve July 20, 2016, July 27, 2016, August 3, 2016, August 10, 2016, August 17, 2016, and August 24, 2016, subject to review and ratification
- B. [Minutes of City Council meeting of June 28, 2016](#)
- C. No Appropriation/Expenditure Required: [Youth Commission Appointments](#) (Price); reappointments of Keara Bird and Hannah Cutler Dye to serve one-year terms ending July 2017 and Chloe Nash and Maxwell Walshaw to serve two-year terms ending July 2018; appointments of Sarah Laufenberg, Paul Moon, and Shelby Shea to serve two-year terms ending July 2018
- D. No Appropriation/Expenditure Required: [Council on Aging Appointments](#) (Bill-de la Peña/Adam); reappointments of incumbents Nick Fotheringham, Tony Gitt, and Ronald Hage; and appointments of Terri Maria and Donna Mortimer to serve two-year terms ending July 2018
- E. No Appropriation/Expenditure Required: [Investment Review Committee Appointments](#) (Bill-de la Peña); reappointment of William Berliner and James Hoagland to fill two scheduled vacancies with terms ending July 2018; one unscheduled vacancy with term ending July 2017 – Report to be provided
- F. No Appropriation/Expenditure Required: [Response to Grand Jury Report](#); Authorize Mayor to provide written response to May 26, 2016, Ventura County Grand Jury report "Public Access to Conflict of Interest Codes"; forward response to Grand Jury
- G. Additional Appropriation: [Downtown Revitalization Plan](#); waive normal selection process for professional services; award professional services agreement to Kosmont Companies to provide real estate and financial advisory services for preparation and implementation of City's Downtown Revitalization Plan in amount not-to-exceed \$40,000; authorize City Manager to sign agreement subject to City Attorney approval; budget appropriation and expenditure in amount of \$40,000 A/C 001-0000-311-1000 (General Fund - Fund Balance) to A/C 001-0810-612-5750 (Contracted Services – Management Fees)

## 7. CONSENT CALENDAR: (Continued)

- H. Approved Expenditure: [Conejo Creek Water Line Replacement \(CI 5053\)](#); authorize advertisement for construction bids
- I. Approved Expenditure: [Amendment to Cooperative Agreement to permit transfer of unused Proposition 1B grant funds](#) in amount of \$15,991 from completed projects to active grant for purchase of transit support vehicle (CI 5408)
- J. Approved Expenditure: [Municipal Service Center \(MSC\) Fleet Work Area Canopy \(CI 5369\)](#); authorization for construction bids
- K. Approved Expenditure: [Thousand Oaks Boulevard Decorative Lighting](#); agreement with Caltec Electric, Inc. for repair and upgrades to street light fixtures on Thousand Oaks Boulevard between Moorpark Road and 23 Freeway overpass in amount not-to-exceed \$75,586; carry-over of \$75,600 in available budget A/C 001-5610-631-5699 (General Fund/Street Maintenance) FY 2015-16 to FY 2016-17; expenditure in amount of \$75,586 FY 2016-17 A/C 001-5610-631-5699 (Contracted Services)
- L. No Appropriation/Expenditure Required: [First Amendment to East County Transit Alliance Fiscal Agent Agreement](#) (Contract No. 10953-2015) with East County Transit Alliance (ECTA) to adjust FY 2015-16 per-ride billing rate, establish budget adoption process for future contract years, and add billing methodology for ancillary expenses for FY 2015-16 and future contract years
- M. Approved Expenditure: [Amendment to Ventura County Stormwater Quality Management Program Implementation Agreement](#) (Contract No. 9447-2010) for National Pollutant Discharge Elimination System (NPDES) regulations
- N. Approved Expenditure: [Annual maintenance agreement with Innovative Interfaces, Inc.](#), in amount of \$79,214.76; term: 7/1/16 – 6/30/17; expenditure not-to-exceed \$79,215 FY 2016-17 A/C 110-7330-673-4114 (Computer Hardware Maintenance)
- O. Approved Expenditure: [Redemption of 2005 Multi-family Housing Revenue Refunding Bonds](#); termination of Regulatory Agreement and Declaration of Restrictive Covenants; adopt resolution

RESOLUTION APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF TERMINATION AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH SALE OF SHADOW HILLS

APARTMENTS AND REDEMPTION OF FORMER REDEVELOPMENT AGENCY BONDS RES. NO. 2016-

7. CONSENT CALENDAR: (Continued)

- P. No Appropriation/Expenditure Required: City Manager approval authority during Summer Recess; adopt resolution granting City Manager authority for designated actions during summer recess with report of actions taken to City Council for ratification in August

RESOLUTION DELEGATING CERTAIN INTERIM AUTHORITY TO CITY MANAGER RES. NO. 2016-

- Q. Additional Appropriation Fully Offset by Revenue: FY 2016-17 Transportation Development Act Article 3 Funds Claim – Conejo School Road Sidewalk Project (CI 4252); adopt resolution authorizing staff to file claim FY 2016-17 Transportation Development Act (TDA) Article 3 bicycle/pedestrian funds in amount of \$110,000; budget appropriation in amount of \$110,000 increasing revenue A/C 136-0000-433-0000 (CI 4252 TDA Article 3 revenue, Conejo School Road Sidewalk Project); increasing expenditures in amount of \$110,000 A/C 136-5310-631-8300 (CI 4252 TDA Article 3 expenditures/ Conejo School Road Sidewalk Project)

RESOLUTION AUTHORIZING FILING CLAIM WITH VENTURA COUNTY TRANSPORTATION COMMISSION FOR ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS FOR BICYCLE AND/OR PEDESTRIAN PURPOSES FISCAL YEAR 2016-17 RES. NO. 2016-

ORDINANCES FOR SECOND READING:

- R. ORDINANCE AMENDING MUNICIPAL CODE RELATING TO OFFICIAL ZONING MAPS AND CHANGES IN ZONING CLASSIFICATION OF PROPERTY LOCATED AT 95 NORTH OAKVIEW DRIVE; (ZONE CHANGE Z 2016-70001) (APPLICANT: MANNA CONEJO VALLEY FOOD DISTRIBUTION CENTER, INC.) (Introduced 6/28/16, 4-0, JP absent)  
ORD.NO. 1619-NS

- S. ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 4 (ZONING) AND SECTION 9-10.502 OF TITLE 9 (PLANNING AND ZONING) OF MUNICIPAL CODE REGARDING PROCESSING OF APPLICATIONS FOR CERTAIN LAND USE ENTITLEMENTS, RE-FORMATTING OF REGULATIONS PERTAINING TO PERMITTED USES, AND MISCELLANEOUS NON-SUBSTANTIVE REVISIONS (MCA 2014-70035) (Introduced 6/28/16, 4-0, JP absent) ORD.NO. 1620-NS

CITY OF THOUSAND OAKS CITY COUNCIL AGENDA

Thousand Oaks, California

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July 12, 2016