

City Council

REGULAR MEETING
Tuesday, February 14, 2017, 6:00 P.M.
Council Chambers

Revised Agenda
Posted 2/10/17 to
add Item 10.D.



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

Executive Team

Andrew P. Powers, City Manager
Gary Rogers, Deputy City Manager/HR Director
Mark A. Towne, Community Development 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. 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.

1. CALL TO ORDER: 6:00 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL: Councilmembers Price, Adam, McCoy, Fox, and Mayor Bill-de la Peña
4. REQUESTS FOR CONTINUANCE OF ANY PUBLIC HEARING OR AGENDA ITEM:
5. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS:
6. PUBLIC COMMENTS:
7. CONSENT CALENDAR:
(See Exhibit A pages 6 thru 7 for Consent Calendar listing)
8. PUBLIC HEARINGS: None
9. DEPARTMENT REPORTS:

A. [Westlake Boulevard Sidewalk Project \(CI 5337\)](#)

RECOMMENDATION:

1. Receive Westlake Boulevard Sidewalk (CI 5337) project update; provide comments on design alternatives
2. Approve Fourth Amendment to Professional Services Agreement No. 10687-2014 with MNS Engineers, Inc., in amount of \$16,888, for additional engineering services for Westlake Boulevard Sidewalk project, increasing agreement not-to-exceed amount to \$204,525
3. Approve expenditure in amount of \$16,888 A/C 136-5310-631-8300 (CI 5337 TDA Article 3 expenditures/Westlake Boulevard Sidewalk Project)

B. [Appointments to Downtown Revitalization Ad Hoc Committee](#)

RECOMMENDATION: Establish Ad Hoc City Council Downtown Revitalization Committee comprised of two Councilmembers

10. COMMITTEE/COMMISSION/BOARD REPORTS:

A. [Planning Commission Appointment \(Adam\)](#)

RECOMMENDATION: Approve reappointment of Douglas V. Nickles to serve term ending December 2020

B. [Traffic and Transportation Advisory Commission \(TTAC\) Appointment \(Adam\)](#)

RECOMMENDATION: Approve reappointment of Michael Rieder to serve term ending December 2020

C. [Traffic and Transportation Advisory Commission \(TTAC\) Appointment \(McCoy\)](#)

RECOMMENDATION: Approve reappointment of Thomas Gregory II to serve term ending December 2020

D. [Planning Commission Appointment \(McCoy\)](#)

RECOMMENDATION: Approve appointment of Don E. Lanson to serve term ending December 2020 – Report to be provided

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

12. COUNCIL ISSUES/RECOMMENDATIONS:

A. [Compensation and Employment Agreement for City Manager](#)

RESOLUTION AUTHORIZING CONTRACT AND ESTABLISHING
COMPENSATION FOR CITY MANAGER RES. NO. 2017-___

RECOMMENDATION: Adopt resolution approving compensation and employment agreement for Andrew P. Powers as City Manager

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

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: Claim of Joyce Lombard; Claim No. 1339-2016; Pursuant to Government Code Section 54956.9(a)
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: Pursuant to Government Code Section 54956.9(a): Claimant: Juan M. Cervantez; Workers' Compensation Claim No. 100780; WCAB No. ADJ8088938
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Property: 1850 E. Thousand Oaks Boulevard, 81 Oakwood Drive and 145 Oakwood Drive; City Negotiators: Andrew Powers, City Manager, John Adams, Finance Director, Haider Alawami, Economic Development Manager, Larry Kosmont, Kosmont Companies; Negotiating Parties: 226 Montgomery LLC; Under negotiation: purchase of property, including price and terms of payment; pursuant to Government Code section 54956.8

15. PUBLIC NOTICES: None

16. ADJOURNMENT:

Adjourn in memory of:

- o Former Mayor and Councilmember Frances K. Prince

to Regular Meeting February 28, 2017

Agenda Post Date/Time: February 9, 2017, 5:00 p.m.

EXHIBIT A

7. CONSENT CALENDAR:

*RECOMMENDATIONS FOR ITEMS A. THROUGH L. ARE TO APPROVE
RECOMMENDATIONS FOR ITEMS M. THROUGH N. ARE TO ADOPT*

- A. General, Utilities, Golf Course, and Theatres Demands – ratify February 1, 2017 and February 8, 2017; approve February 15, 2017; approve February 22, 2017, subject to review and ratification
- B. [Minutes of City Council meeting of January 24, 2017](#)
- C. No Appropriation/Expenditure Required: [Ventura County Citizens Transportation Advisory Committee \(VCCTAC\)](#); appointment of Todd Oberson to fill unscheduled vacancy for alternate position to serve term ending December 2017
- D. No Appropriation/Expenditure Required: [Grand Jury Response](#); authorize Mayor to provide written response to December 1, 2016, Ventura County Grand Jury report “Campaign Contributions Transparency”; forward response to Grand Jury
- E. Additional Appropriation: [Legal Services – Statutory Merger of Alliance for the Arts into Thousand Oaks Civic Arts Plaza Foundation](#); ratify legal services agreement (Contract No. 11212-2016) with The Law Firm for Non-Profits (LFNP) in amount not-to-exceed \$75,000; budget appropriation and expenditure in amount not-to-exceed \$75,000 A/C 001-0000-311-1000 (General Fund – Fund Balance) to A/C 001-1250-674-5699 (Contracted Services – Other)
- F. No Appropriation/Expenditure Required: [Letter of Public Convenience or Necessity \(LPCN\)](#) for Type 42 alcohol license to serve only beer or wine for on-site consumption; Department of Alcoholic Beverage Control (ABC) requirement; authorize Community Development Director to send LPCN to ABC; Applicant: SoCalSipArt Inc., dba Painting with a Twist, 1865 East Thousand Oaks Boulevard (LPCN 2017-70014)
- G. Additional Appropriation Fully Offset by Grant Revenue: [Rancho Road Sidewalk and Bike Lanes Federal Funds Cost Adjustment CML 5392\(055\) \(CI 5308\)](#); budget appropriation in amount of \$51,412 A/C 183-0000-438-4200 (CI 5308 Rancho Road Sidewalks/Congestion Mitigation and Air Quality (CMAQ) Grant Revenue) to A/C 183-5310-631-8300 (CI 5308 Rancho Road Sidewalks/CMAQ Capital Expenditures) for design

7. CONSENT CALENDAR: (Continued)

- H. Approved Expenditure: [Thousand Oaks Boulevard Undergrounding Phase 3 Sidewalk Restoration Project \(CI 5331\)](#); authorize staff to advertise for construction bids
- I. Approved Expenditure: [Financial Reports Fiscal Year 2015-16 ended June 30, 2016](#); receive and file
- J. Approved Expenditure: [Update on additional audit services](#); receive and file audit summary report
- K. Additional Appropriation: [Novell to Microsoft Migration](#); award professional services contract in amount not-to-exceed \$140,500 to Novacoast, Inc.; term: 2/15/17 – 11/30/17; budget appropriation and expenditure in amount not-to-exceed \$140,500 A/C 001-0000-311-1000 (General Fund, Fund Balance) to A/C 001-3410-612-5699 (Contracting Services)
- L. Additional Appropriation Increasing FY 2016-17 Library Revenue Budget: [Donation to benefit Thousand Oaks Library](#); accept and authorize Mayor to acknowledge \$50,422.08 donation from Mr. George J. Altonji in support of Library operations; budget appropriation in amount of \$50,500.00 A/C 110-0000-481-0000 (LBGJA1 Private Contribution) to A/C 110-7210-673-3231 (LBGJA1 Collections - Circulating Materials)
- M. No Appropriation/Expenditure Required: [Water and Energy Efficiency Grant](#) application in amount of \$600,000

RESOLUTION SUPPORTING GRANT APPLICATION TO BUREAU OF RECLAMATION FOR WATERSMART: WATER AND ENERGY EFFICIENCY GRANT FOR PURCHASE AND INSTALLATION OF AUTOMATED METER READING METERS RES. NO. 2017-___

- N. No Appropriation/Expenditure Required: [Confirming resolution granting in part appeal of Planning Commission decision](#) to delete solar awnings and solar mansard roofs on patio covers at two office buildings (1/24/17, 4-1, Adam dissenting)

RESOLUTION GRANTING, IN PART, APPEAL OF PLANNING COMMISSION DECISION THAT APPROVED, IN PART, RPMJ 2016-70123 LOCATED 4165 EAST THOUSAND OAKS BOULEVARD (APPLICANT/APPELLANT: SELVIN PROPERTIES) RES. NO. 2017-___