

City Council

REGULAR MEETING

Tuesday, September 10, 2019, 6:00 P.M.
Andrew P. Fox City Council Chambers



Rob McCoy, Mayor
Al Adam, Mayor Pro Tem
Claudia Bill-de la Peña, Councilmember
Bob Engler, Councilmember
Ed Jones, Councilmember

Executive Team

Andrew P. Powers, City Manager	Tracy M. Noonan, City Attorney
Ingrid Hardy, Assistant City Manager	Gary Rogers, Deputy City Manager
Mark A. Towne, Community Development Director	Jaime Boscarino, Finance Dir./City Treasurer
Cynthia M. Rodriguez, City Clerk	Jay T. Spurgin, Public Works Director
Barry McComb, Cultural Affairs Director	Tim Giles, Interim Human Resources Director
Jim Friedl, General Manager, CRPD	Heather Cousin, Library Director
John Spykerman, Fire Chief	Tim Hagel, Police 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.

CITY OF THOUSAND OAKS CITY COUNCIL AGENDA

Thousand Oaks, California

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September 10, 2019

RES. NO. 2019-045
ORD. NO. 1664-NS

1. CALL TO ORDER: 6:00 p.m.
2. PLEDGE OF ALLEGIANCE: Flag Ceremony by Thousand Oaks Police Department and Ventura County Fire Department Color Guard in remembrance of September 11, 2001
3. ROLL CALL: Councilmembers Bill-de la Peña, Engler, Jones, Adam, and Mayor McCoy
4. REQUESTS FOR CONTINUANCE OF ANY PUBLIC HEARING OR AGENDA ITEM:
5. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS:
 - A. Recognition – Thousand Oaks Little League 2019 State Champions 10U
 - B. Civic Arts Plaza 25th Anniversary
6. PUBLIC COMMENTS:
7. CONSENT CALENDAR:

(See Exhibit A pages 7 thru 8 for Consent Calendar listing)
8. PUBLIC HEARINGS:
 - A. [Municipal Code Amendment to Update City Regulations for Biotechnology and Similar Uses in M-1 \(Industrial Park\) Zone \(MCA 2019-70572\)](#)

ORDINANCE AMENDING THOUSAND OAKS MUNICIPAL CODE TO ADD OR MODIFY SECTIONS 9-4.202, 9-4.1601, 9-4.2105, AND 9-4.2402 TO DEFINE BIOTECHNOLOGY AND SIMILAR USES AS “TECHNOLOGY AND LIFE SCIENCES,” ADD TECHNOLOGY AND LIFE SCIENCES TO LIST OF USES ALLOWED IN INDUSTRIAL PARK (M-1) ZONE, AND ESTABLISH PARKING STANDARDS FOR TECHNOLOGY AND LIFE SCIENCE USES (MCA 2019-70572) ORD.NO. _____

RECOMMENDATION:

1. Find that this Municipal Code Amendment (MCA) is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

8. PUBLIC HEARINGS: (Continued)

- A. Municipal Code Amendment to Update City Regulations for Biotechnology and Similar Uses in M-1 (Industrial Park) Zone (MCA 2019-70572) (Continued)

RECOMMENDATION: (Continued)

2. Read Ordinance in title only, further reading be waived, and if no objection introduce Ordinance to amend Thousand Oaks Municipal Code (TOMC), to add or modify Sections 9-4.202, 9-4.1601, 9-4.2105, and 9-4.2402 to define biotechnology and similar uses as "Technology and Life Sciences," add Technology and Life Sciences to list of uses allowed in Industrial Park (M-1) Zone, and to establish related parking standards

- B. [Community Development Block Grant Program: Program Year 2018-2019 Consolidated Annual Performance and Evaluation Report](#)

RECOMMENDATION: Approve Program Year (PY) 2018-19 Consolidated Annual Performance and Evaluation Report (CAPER) for submittal to U.S. Department of Housing and Urban Development (HUD)

- C. [Appeal of Planning Commission Decision Denying Proposed Service Station and Convenience Store \(SUP 2019-70299\)](#)

RESOLUTION DENYING APPEAL OF PLANNING COMMISSION DECISION OF SUP 2019-70299 LOCATED AT 2198 NORTH MOORPARK ROAD (APPLICANT/APPELLANT: MEGDAL THOUSAND OAKS, LLC)

RES. NO. 2019-

RECOMMENDATION: Adopt resolution to deny the appeal, thereby upholding the decision of the Planning Commission to deny the proposed service station and convenience store on property located at 2198 North Moorpark Road

9. DEPARTMENT REPORTS:

- A. [Cannabis Program Update](#)

RECOMMENDATION: Receive report and provide direction

10. COMMITTEE/COMMISSION/BOARD REPORTS: None
11. CITY COUNCIL AS SUCCESSOR AGENCY TO THOUSAND OAKS REDEVELOPMENT AGENCY REPORTS: None
12. COUNCIL ISSUES/RECOMMENDATIONS:
 - A. [Compensation and Sixth Amendment to Employment Agreement for City Attorney](#)

RESOLUTION APPROVING COMPENSATION AND SIXTH AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY ATTORNEY
RES. NO. 2019-_____

RECOMMENDATION: Adopt resolution approving compensation and sixth amendment to employment agreement for City Attorney (Contract No. 9799-2012)
 - B. [Compensation and Third Amendment to Employment Agreement for City Manager](#)

RESOLUTION APPROVING COMPENSATION AND THIRD AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY MANAGER
RES. NO. 2019-_____

RECOMMENDATION: Adopt resolution approving compensation and third amendment to employment agreement for City Manager (Contract No. 11382-2017)
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 – Anticipated Litigation: Initiation of litigation; Pursuant to Government Code Section 54956.9(d)(4). (1 Potential Case)

CITY OF THOUSAND OAKS CITY COUNCIL AGENDA

Thousand Oaks, California

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September 10, 2019

15. PUBLIC NOTICES: None

16. ADJOURNMENT:

Adjourn to Regular Meeting September 24, 2019

Agenda Post Date/Time: September 5, 2019, 5:00 p.m.

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EXHIBIT A

7. CONSENT CALENDAR:

RECOMMENDATIONS FOR ITEMS A. THROUGH F. ARE TO APPROVE

- A. General, Utilities, Golf Course, and Theatres Demands – ratify August 28, 2019 and September 4, 2019; approve September 11, 2019; approve September 18, 2019, subject to review and ratification
- B. [Minutes of City Council meeting of August 27, 2019](#)
- C. Approved Expenditure: [Bank of America Performing Arts Center Crowd Control Security Services Agreement](#); authorize City Manager to execute agreement with Allied Universal, dba Staff Pro, not to exceed \$1.85 million; initial term 9/29/2019-6/30/2021, with option for two one-year extensions; \$350,000 expenditure [\$245,000 A/C 681-7710-682-5660 (Security), \$105,000 A/C 681-7810-682-5660 (Security)], to be reimbursed by the General Fund
- D. Approved Expenditure: [2020 Pavement Overlay \(CI 5503 & CI 5504\) and Slurry Program \(MI 2549\)](#); Professional Services Agreement with Pavement Engineering Inc., \$196,020, plus \$19,580 extra services [\$152,896 plus \$15,290 extra services (CI 5503), \$43,124, plus \$4,290 extra services (MI 2549)] to provide engineering design services; term ending 12/31/2020; Professional Services Agreement with Twining, Inc., \$566,577, plus \$56,393 extra services [\$441,929 plus \$44,193 extra services (CI 5503), \$124,648, plus \$12,200 extra services (MI 2549)] to provide material testing and inspection services; term ending 12/31/2020; \$20,000 expenditure for traffic control and temporary barricades, \$60,000 for in-house curb ramp modifications, and \$20,000 for public outreach fees (\$90,000 A/C 132-5310-631-8300 [Pavement Overlay Program (CI 5503)], \$10,000 A/C 132-5310-631-5500 [Pavement Slurry Program (MI 2549)]); \$938,570 expenditures (\$700,000 A/C 132-5310-631-8300, \$44,307 A/C 135-5310-631-8300 [Pavement Overlay Program (CI 5503)], \$194,263 A/C 132-5310-631-5500 [Pavement Slurry Program (MI 2549)])
- E. Approved Expenditure: [Water Valve and Service Line Replacement Projects \(CI 5513/CI 5515\)](#); authorize staff to advertise for construction bids

7. CONSENT CALENDAR: (Continued)

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- F. No Appropriation/Expenditure Required: [College Student Bus Ride Agreement](#); agreement with Ventura County Transportation Commission (VCTC) and other Transit Operators for Free College Student Bus Ride Pilot Program