

MINUTES OF THE CITY COUNCIL

Thousand Oaks, California

September 10, 2019

1. CALL TO ORDER:

Mayor Rob McCoy called the meeting to order at 6:01 p.m. in Council Chambers, 2100 Thousand Oaks Boulevard, Thousand Oaks, California.

2. PLEDGE OF ALLEGIANCE: Flag Ceremony by Thousand Oaks Police Department and Ventura County Fire Department Honor Guard in remembrance of September 11, 2001. Mayor McCoy led the pledge of allegiance.

3. ROLL CALL:

Present: Councilmembers Bill-de la Peña, Engler, Jones, Adam, and Mayor McCoy.

Also Present: City Manager Andrew P. Powers, City Attorney Tracy Noonan, Assistant City Manager Ingrid Hardy, City Clerk Cynthia M. Rodriguez, Community Development Director Mark Towne, Finance Director/City Treasurer Jaime Boscarino, Library Director Heather Cousin, Cultural Affairs Director Barry McComb, Interim Human Resources Director Tim Giles, Police Chief Tim Hagel, Fire Chief John Spykerman, Assistant to the City Manager Melissa Hurtado, Assistant City Attorney Patrick Hehir, Deputy Public Works Director Cliff Finley, Deputy Community Development Director Kelvin Parker, Planning Division Manager Stephen Kearns, Associate Planner Don Nielsen, Community Development Analyst Lynn Oshita, Transportation Planner Kathy Naoum, Deputy City Clerk Laura Maguire, Cable Operations Supervisor Carl Jarecky, Senior Video Specialist Richard Swingler, Assistant Analyst Christy Glaubke, Records Management Specialist Judy Freeman and Recording Secretary Dominga Zambrano.

4. REQUESTS FOR CONTINUANCE OF ANY PUBLIC HEARING OR AGENDA ITEM:
None.

5. SPECIAL PRESENTATIONS:

A. Mayor McCoy recognized the Thousand Oaks Little League 2019 State Champions 10U.

B. Mayor McCoy introduced Assistant to the City Manager Hurtado who provided information on the upcoming Civic Arts Plaza 25th Anniversary.

6. PUBLIC COMMENTS:

Anna Kitabjian, Newbury Park; Sam H. Wagner, Agoura; Adam Haverstock, Greater Conejo Valley Chamber of Commerce.

13. CITY MANAGER:

*A. Follow-up items: City Manager Powers indicated City support for Saturday of Safety (Kitabjian); noted that industrial hemp and manufacturing would be addressed as part of Item 9A (Wagner); promoted General Plan 2045 Visioning session and encouraged community participation in upcoming workshop.

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7. CONSENT CALENDAR:

(See Exhibit A for Consent Calendar Listing)

8. PUBLIC HEARINGS:

- A. Hearing, advertised as required by law, opened to consider: Municipal Code Amendment to Update City Regulations for Biotechnology and Similar Uses in M-1 (Industrial Park) Zone (MCA 2019-70572) presented by Associate Planner Nielsen; Community Development Director Towne available for questions.

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. 1st Reading

Speaker/Statement Cards: None.

Mayor McCoy closed public hearing.

Motion by Councilmember Adam to 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; 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, carried 5-0 by the following vote: Ayes - Bill-de la Peña, Engler, Jones, Adam, and McCoy; Noes - None.

- B. Hearing, advertised as required by law, opened to consider: Community Development Block Grant Program: Program Year 2018-2019 Consolidated Annual Performance and Evaluation Report presented by Community Development Analyst Oshita; Community Development Director Towne available for questions.

Speaker/Statement Cards: None.

Mayor McCoy closed public hearing.

Motion by Councilmember Bill-de la Peña to 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), carried 5-0 by the following vote: Ayes - Bill-de la Peña, Engler, Jones, Adam, and McCoy; Noes - None.

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8. PUBLIC HEARINGS: (Continued)

- C. Hearing, advertised as required by law, opened to consider: Appeal of Planning Commission Decision Denying Proposed Service Station and Convenience Store (SUP 2019-70299) presented by Planning Division Manager Kearns; Transportation Planner Naoum and City Attorney Noonan responded to questions. Community Development Director Towne available for questions. Additional information supplemental packet including ex parte communications from one Councilmember.

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. 2019-045

Speakers: Applicant/Appellant representative Neal Scribner, Thousand Oaks, pro; John McLoughlin, Thousand Oaks, con; Majid Kamal, Thousand Oaks, con; Steve Nicholson, Thousand Oaks, con; Timothy Corbett, Thousand Oaks, con; Lori Jacobs, Thousand Oaks, con; Maribel, Thousand Oaks, pro; Anne, Thousand Oaks, con; Pamela Scott, Summerland, pro; Jason Schlimgen, Thousand Oaks, con.

Written Statements: Patricia Baughn, Thousand Oaks, con; Thomas Catanese, Thousand Oaks, con; Adonna Ebrahimi, Thousand Oaks, con; Richard Johnson, Thousand Oaks, con; Kelli McCoo, Thousand Oaks, con; Elliot Michael, Malibu, con; Jack Shiwlall, Thousand Oaks, con; Mark Spielman, Thousand Oaks, con; Amy Wilson, Thousand Oaks, con.

Mayor McCoy closed public hearing.

Motion by Councilmember Bill-de la Peña to 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, carried 5-0 by the following vote: Ayes - Bill-de la Peña, Engler, Jones, Adam, and McCoy; Noes - None.

City Council recess 8:17 p.m.; reconvened 8:28 p.m.

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9. DEPARTMENT REPORTS:

- A. Cannabis Program Update presented by Assistant to the City Manager Hurtado, Assistant City Attorney Hehir and Police Chief Hagel. Additional information supplemental packet.

Speakers: Paul Castillo, Burbank; Paul Burns, Thousand Oaks; David MacFarlane, Westlake Village; Chuck Cohen, Thousand Oaks; Patrick Spillane, Newbury Park; Joe Kyle, Newbury Park.

Motion by Councilmember Jones to move option 5 to direct staff to process new application and operating agreement for Legendary Organics at a new business location and negotiate a second operating agreement with Leaf Dispensary, carried 5-0 by the following vote: Ayes - Bill-de la Peña, Engler, Jones, Adam, and McCoy; Noes - None.

Motion by Councilmember Adam to eliminate 24-hour waiting period, allow legal deliveries for both dispensaries, and adjust hours of operation to 8 a.m. to 9 p.m., carried 5-0 by the following vote: Ayes - Bill-de la Peña, Engler, Jones, Adam, and McCoy; Noes – None.

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 presented by Interim Human Resources Director Giles.

RESOLUTION APPROVING COMPENSATION AND SIXTH AMENDMENT
TO EMPLOYMENT AGREEMENT FOR CITY ATTORNEY
RES. NO. 2019-046

Speaker/Statement Cards: None.

Motion by Councilmember Jones to adopt resolution approving compensation and sixth amendment to employment agreement for City Attorney (Contract No. 9799-2012), carried 5-0 by the following vote: Ayes - Bill-de la Peña, Engler, Jones, Adam, and McCoy; Noes – None.

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12. COUNCIL ISSUES/RECOMMENDATIONS: (Continued)

- B. Compensation and Third Amendment to Employment Agreement for City Manager presented by Interim Human Resources Director Giles.

RESOLUTION APPROVING COMPENSATION AND THIRD AMENDMENT
TO EMPLOYMENT AGREEMENT FOR CITY MANAGER
RES. NO. 2019-047

Speaker/Statement Cards: None.

Motion by Councilmember Jones to adopt resolution approving compensation and third amendment to employment agreement for City Manager (Contract No. 11382-2017), carried 5-0 by the following vote: Ayes - Bill-de la Peña, Engler, Jones, Adam, and McCoy; Noes – None.

13. CITY MANAGER: (Continued)

- A. Follow-up items: Nothing additional.
- B. Announcements and upcoming issues: City Manager Powers reviewed potential topics for the next regularly scheduled City Council Meeting September 24, 2019.

14. CLOSED SESSIONS REQUESTED: City Council Conference Room 2nd floor.

City Attorney Noonan announced Closed Session held at 10:03 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation: Initiation of litigation; Pursuant to Government Code Section 54956.9(d)(4). (1 Potential Case).

City Attorney Noonan reported authorization to initiate litigation was approved by City Council. Information relating to subject matter and parties will be publicly available after service of process

15. PUBLIC NOTICES: None.

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16. ADJOURNMENT:

City Council adjourned at 10:11 p.m. to Regular Meeting on Tuesday, September 24, 2019.



Robert McCoy, Mayor
City of Thousand Oaks City Council

Attest:



Cynthia M. Rodriguez, City Clerk
City of Thousand Oaks City Council

AGENDA POSTED: September 5, 2019

MINUTES APPROVED: September, 24, 2019

*indicates item taken out of order

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EXHIBIT A7. **CONSENT CALENDAR:**

RECOMMENDATIONS FOR ITEMS A. THROUGH F. ARE TO APPROVE

Motion by Councilmember Bill-de la Peña to approve Consent Calendar, carried 5-0 by the following vote: Ayes - Bill-de la Peña, Engler, Jones, Adam, and McCoy; Noes - None.

- 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)])

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7. CONSENT CALENDAR: (Continued)

- E. Approved Expenditure: Water Valve and Service Line Replacement Projects (CI 5513/CI 5515); authorize staff to advertise for construction bids
- 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