

City Council

REGULAR MEETING

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



Al Adam, Mayor
Claudia Bill-de la Peña, Mayor Pro Tem
Bob Engler, Councilmember
Ed Jones, Councilmember
Rob McCoy, 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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December 10, 2019

RES. NO. 2019-061
ORD. NO. 1668-NS

1. CALL TO ORDER: 6:00 p.m.
 2. PLEDGE OF ALLEGIANCE:
 3. ROLL CALL: Councilmembers Engler, Jones, McCoy, Bill-de la Peña, and Mayor Adam
 4. REQUESTS FOR CONTINUANCE OF ANY PUBLIC HEARING OR AGENDA ITEM:
 5. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS:
 - A. Recognition – Community Emergency Response Team (CERT) Graduates
 - B. Commendation – Thousand Oaks Police Chief Tim Hagel Retirement
 6. PUBLIC COMMENTS:
 7. CONSENT CALENDAR:

(See Exhibit A pages 11 thru 13 for Consent Calendar listing)
 8. PUBLIC HEARINGS:
 - A. [Wastewater and Water Rates and Fee Adjustments and Municipal Code Amendment Regarding Water Due Dates and Delinquencies: Penalties](#)

ORDINANCE ADJUSTING AND SETTING RATES, FEES AND DISCHARGE LIMITS OF THE CITY WASTEWATER DIVISION (UNCODIFIED) ORD.NO. 1st Reading

ORDINANCE ADJUSTING AND SETTING RATES AND FEES OF THE CITY WATER DIVISION (UNCODIFIED) ORD.NO. 1st Reading

ORDINANCE AMENDING SECTIONS 10-2.902 AND 10-2.909 OF THE THOUSAND OAKS MUNICIPAL CODE OF THE CITY OF THOUSAND OAKS REGARDING ADMINISTRATIVE PRINCIPLES GOVERNING THE CITY'S WATER SYSTEM ORD.NO. 1st Reading
- RECOMMENDATION:
1. Approve Addendum to Wastewater Financial Plan and Wastewater Cost of Service Study

8. PUBLIC HEARINGS: (Continued)

- A. Wastewater and Water Rates and Fee Adjustments and Municipal Code Amendment Regarding Water Due Dates and Delinquencies: Penalties (Continued)

RECOMMENDATION: (Continued)

2. Ordinance adjusting rates and fees of City Wastewater Division to be read in title only, further reading to be waived, and if no objection, introduced (Proposition 218 protest hearing applies)
3. Ordinance adjusting rates and fees of City Water Division to be read in title only, further reading to be waived, and if no objection, introduced (Proposition 218 protest hearing applies)
4. Ordinance amending Thousand Oaks Municipal Code (TOMC) sections 10-2.902 regarding due dates and 10-2.909 regarding delinquencies: penalties for utility billing and payment to be read in title only, further reading to be waived, and if no objection, introduced

B. [Selection of Cannabis Testing Facility](#)

RECOMMENDATION:

1. Receive report to consider approving Operations Agreement with Atlas Quality Assurance Laboratories (Atlas QAL) to operate one cannabis testing facility in Thousand Oaks
2. Authorize City Manager to execute Operations Agreement with Atlas QAL, subject to approval by City Attorney

8. PUBLIC HEARINGS: (Continued)

C. [Cannabis Operations Update](#)

ORDINANCE AMENDING THOUSAND OAKS MUNICIPAL CODE TITLE 5, REGARDING ALLOWING NUMBER OF CANNABIS DISPENSARIES IN THE CITY, DELIVERY OF CANNABIS, APPOINTMENT REQUIREMENT, AND HOURS OF OPERATION FOR ALL CANNABIS BUSINESSES IN THOUSAND OAKS (MCA 2019-70879)

RECOMMENDATION:

1. Approve MCA 2019-70879 amending several portions of the Thousand Oaks Municipal Code (TOMC) regarding Cannabis (TOMC Section 5-29.01 et seq.), beginning with Section 5-29.08(a) to allow two cannabis retailer M-license facilities, delivery within City limits, eliminate advanced 24-hour appointment requirement, and extend operating hours for cannabis dispensaries
2. Read in title only, further reading be waived, and if no objection, introduce ordinance amending TOMC sections 5-29.08(a), 5-29.12(a), 5-29.12(d)(1), 5-29.24(d), 5-29.34(a)(2), 5-29.34(a)(3), and 5-29.34(b)
3. Approve new location for Legendary Organics – Thousand Oaks, LLC
4. Authorize City Manager to execute Operations Agreement, approved as to form by the City Attorney, between the City and Legendary Organics – Thousand Oaks, LLC
5. Provide feedback and direction to City staff on LEAF Dispensary's request to change their previously-approved cannabis retailer M-license cannabis facility location

8. PUBLIC HEARINGS: (Continued)

- D. [Conejo Creek Southwest Park \(Z 2019-70298; DP 2019-70291; OTP 2019-70292; PMW 2019-70293; MND 2019-70309\)](#) Applicant: Conejo Recreation and Park District

RESOLUTION APPROVING A DEVELOPMENT PERMIT, OAK TREE PERMIT, PARCEL MAP WAIVER AND MITIGATED NEGATIVE DECLARATION FOR THE USE OF CERTAIN PROPERTY WITHIN SAID CITY (DP 2019-70291; OTP 2019-70292; PMW 2019-70293; MND 2019-70309) RES. NO. 2019-_____

ORDINANCE AMENDING THE THOUSAND OAKS MUNICIPAL CODE RELATING TO OFFICIAL ZONING BY CHANGING THE ZONING CLASSIFICATION OF FIVE PARCELS LOCATED AT 901 PAIGE LANE AND 835 COMBES AVENUE; (ZONE CHANGE Z 2019-70298; APPLICANT: CONEJO RECREATION AND PARK DISTRICT)

ORD.NO. 1st Reading

RECOMMENDATION:

1. Read ordinance in title only, further reading be waived, and if no objection, introduce ordinance to amend Thousand Oaks Municipal Code (TOMC) relating to the Official Zoning Map by changing the zoning classification of five parcels located at 901 Paige Lane and 835 Combes Avenue from Single-Family Residential (R-1) and Single-Family Estate (R-O), respectively, to Public, Quasi-Public and Institutional Lands and Facilities (P-L)
2. Adopt resolution to approve Development Permit (DP 2019-70291) for the construction of a park on an undeveloped site, Oak Tree Permit (2019-70292) for the encroachment and minor pruning of 13 protected trees, and Parcel Map Waiver (2019-70293) to merge five parcels into two lots of record

8. PUBLIC HEARINGS: (Continued)

- E. [Annexation and Pre-Zone Request for Two Separate Parcels \(ANX 2019-70198 & Z 2019-70199\)](#); Applicants: Dan Driscoll and Bill Vlachos

RESOLUTION REQUESTING VENTURA LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR REORGANIZATION OF TERRITORY (ANX 2019-70198: DAN DRISCOLL AND BILL VLACHOS) RES. NO. 2019-

ORDINANCE PRE-ZONING TWO SEPARATE PROPERTIES, ONE ON THE WEST SIDE OF SOUTH VENTU PARK ROAD AT THE TERMINUS OF PEPPER ROAD (APN 673-0-110-310), AND THE OTHER ON THE EAST SIDE OF EDWARD ROAD APPROXIMATELY 350-FEET NORTH OF KATHLEEN DRIVE (APN 673-0-120-070) PRIOR TO ANNEXATION; (Z-2019-70199) (APPLICANTS: DAN DRISCOLL AND BILL VLACHOS)
ORD.NO. 1st Reading

RECOMMENDATION:

1. Adopt resolution to annex subject properties to the City of Thousand Oaks and detach from the Ventura County Resource Conservation District, Ventura County Service Area No. 32, and Gold Coast Transit District
2. Authorize the Community Development Director to file the necessary application with the Ventura County Local Agency Formation Commission (LAFCo)
3. Read in title only, further reading to be waived, and if no other objection, introduce ordinance to establish Residential Planned Development (RPD) 4.5U pre-zoning to become effective upon annexation of the subject properties

8. PUBLIC HEARINGS: (Continued)

F. [Electric Vehicle Charging Station User Fees](#)

RESOLUTION ESTABLISHING FEES FOR MUNICIPAL ELECTRIC VEHICLE CHARGING STATIONS RES. NO. 2019-

RECOMMENDATION:

1. Adopt resolution approving user fees for use of City-owned Electric Vehicle (EV) chargers
2. Approve budget appropriation in the amount of \$13,360 in FY 2020-21 to various expenditure/expense accounts for network and maintenance costs associated with EV chargers as outlined in the report. Revenue from user fees to partially offset expenses

G. [Public Hearing Continuance Request for Revised Solid Waste Recycling and Disposal Ordinance](#)

RECOMMENDATION: Continue hearing to January 14, 2020

9. DEPARTMENT REPORTS:

A. [Exclusive Franchise Solid Waste Agreements](#)

RECOMMENDATION:

1. Authorize staff to issue notices of non-extension prior to December 31, 2019 to USA Waste of California, Inc., a Waste Management Company, and Newbury Disposal Company (E.J. Harrison and Sons, Inc.) to avoid automatic extension of the respective Franchise Agreements per Section 3.2 of those Agreements (Contract Nos. 6769-2004A5 and 6770-2004A5)

OR

2. Approve the Memoranda of Understanding negotiated with Waste Management and Harrison, and direct staff to continue negotiations and bring final agreements back to City Council for approval prior to March 2020

10. COMMITTEE/COMMISSION/BOARD REPORTS:

A. [City Investment Review Committee Annual Report](#)

RECOMMENDATION: Receive and file report

B. [FY 2019-20 Community Funding Review Committee Sports Facilities Endowment Fund Grant Recommendations](#)

RECOMMENDATION:

1. Approve Sports Facility Endowment Fund grants totaling \$89,890.88 and authorize City Manager to execute agreements with grantees
2. Authorize expenditure in amount of \$89,890.88 from A/C 001-1120-611-5920 (SFEF2020, City Endowment Grant Account)

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. [2019 National League of Cities \(NLC\) City Summit Conference](#) November 20 – 24, 2019 (Engler/Jones)

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 – Anticipated Litigation: Initiation of litigation; Pursuant to Government Code Section 54956.9(d)(4). (1 Potential Cases)

15. PUBLIC NOTICES: None

CITY OF THOUSAND OAKS CITY COUNCIL AGENDA

Thousand Oaks, California

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December 10, 2019

16. ADJOURNMENT:

Adjourn to Regular Meeting January 14, 2020

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

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EXHIBIT A

7. CONSENT CALENDAR:

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

- A. General, Utilities, Golf Course, and Theatres Demands – ratify November 20, 2019, November 27, 2019, and December 4, 2019; approve December 11, 2019, December 18, 2019, December 25, 2019, January 1, 2020, and January 8, 2020, subject to review and ratification
- B. [Minutes of City Council meeting of November 19, 2019](#)
- C. No Appropriation/Expenditure Required: [Ventura County Citizens Transportation Advisory Committee \(VCCTAC\) Appointments \(Bill-de la Peña\)](#); re-appointment of Todd Oberson to fill regular position and Victor Kamhi to fill alternate position to serve terms ending December 2021
- D. Additional Appropriation: [Valve and Water Service Line Replacement \(CI 5513 and CI 5515\)](#); project design and specifications, including Addendum No. 1; award contract to Sam Hill & Sons, Inc. in amount of \$999,999, plus \$100,000 contingency; \$67,549 budget appropriation A/C 613-0000-341-9900 (Water Capital Fund – Net Position) to A/C 613-8030-685-8300 (CI 5515, Polybutylene Service Line Replacement); \$1,104,999 expenditure (\$999,999 construction contract; \$100,000 contingency; \$5,000 City furnished materials and supplies) in following manner: a.) \$667,549 (\$604,589 construction contract; \$60,460 contingency; and \$2,500 City furnished materials and supplies) A/C 613-8030-685-8300 (CI 5515, Polybutylene Service Line Replacement); b.) \$437,450 (\$395,410 construction contract; \$39,540 contingency; and \$2,500 City furnished materials and supplies) A/C 613-8050-685-8300 (CI 5513, Valve Replacement); delegate authority to City Engineer to approve changes to design, specifications, and working details of project on work directives and change orders up to approved contingency
- E. Approved Expenditure: [Hill Canyon Treatment Plant Digester No. 2 Rehabilitation Project \(MI 2563\)](#); authorize staff to advertise for construction bids

7. CONSENT CALENDAR: (Continued)

- F. Approved Expenditure: [2020 Pavement Overlay \(CI 5503\), Citywide Curb Ramp Program \(CI 5504\), 2020 Pavement Slurry Program \(MI 2549\)](#); authorize staff to advertise for construction bids; approve Professional Services Agreement with D. Woolley & Associates, Inc. in amount of \$559,960 plus \$55,996 extra services to preserve survey monuments; term 12/10/2019 – 12/31/2021; \$615,956 expenditure (\$559,960 agreement, plus \$55,996 extra services) A/C 135-5310-631-8300 (CI 5503, 2020 Pavement Overlay Program)
- G. Approved Expenditure: [Thousand Oaks Groundwater Utilization Project \(CI 5395\) Grant Agreement; Future Supply Actions \(FSA\) Grant Agreement with Calleguas Municipal Water District \(Calleguas\) for Pilot Study](#); accept \$292,800 FSA grant (with City match \$292,800) with Calleguas; authorize expenditure of grant funds \$292,800 A/C 183-0000-438-6000 (CI 5395, Groundwater Utilization Project) to A/C 183-5310-631-8300 (CI 5395, Groundwater Utilization Project)
- H. Additional Appropriation: [Water Meters and Equipment \(CI 4551\)](#); budget appropriation and expenditure not-to-exceed \$200,000 A/C 612-0000-341-9900 (Water Fund, Net Position) to A/C 612-8030-682-8300 (CI 4551, Automated Meter Reading Program) for purchase of Badger water meters
- I. Approved Expenditure: [Security Guard and Patrol Services at Various City Facilities](#); award service contract to Alltech Industries, Inc.; term 12/10/2019 – 11/30/2022 with two annual options to extend; not-to-exceed \$608,120 over life of contract [\$548,120 regular services, \$60,000 additional/as-requested services (extra services)]; authorize \$75,000 expenditure for FY 2019-20 and \$125,000 for FY 2020-21 from General Fund, Wastewater, and Transportation Funds
- J. Approved Expenditure: [Safe Passage Youth Foundation Revocable License Agreement](#); revocable license agreement at 482 Greenmeadow Avenue between City and Safe Passage Youth Foundation, effective 1/1/2020; authorize acceptance of revenue in A/C 001-3581-471-0000 in amount of approximately \$1,500 for FY 2019-20 and \$2,500 for FY 2020-21; authorize City Manager or designee to execute future amendments to agreement

CITY OF THOUSAND OAKS CITY COUNCIL AGENDA

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7. CONSENT CALENDAR: (Continued)

- K. Approved Expenditure: City Active Transportation Plan (ATP); adopt resolution

RESOLUTION ESTABLISHING AN ACTIVE TRANSPORTATION PLAN
RES. NO. 2019-

ORDINANCES FOR SECOND READING:

- L. ORDINANCE AMENDING THOUSAND OAKS MUNICIPAL CODE SECTION 1-10.13 OF TITLE 1, CHAPTER 10 OF THE THOUSAND OAKS MUNICIPAL CODE REGARDING FUTURE EMPLOYMENT RESTRICTIONS FOR FORMER OFFICERS OR EMPLOYEES FOR 1 YEAR FOLLOWING TERMINATION OF OFFICER OR EMPLOYEE
(Introduced 11/19/19, 5-0) ORD.NO. 1668-NS

- M. ORDINANCE TO REPEAL CHAPTERS 1, 4, 5, 6, 7, 8, 10, 14, 16, AND 17 OF TITLE 8, AND TO AMEND CHAPTERS 1, 5, 6, 7, 8, 10, 14, 16, 17 TO TITLE 8 OF THE MUNICIPAL CODE TO ADOPT BY REFERENCE THE TITLE 24 2019 CALIFORNIA CODE OF REGULATIONS, INCLUDING THE CALIFORNIA ADMINISTRATIVE CODE, CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA EXISTING BUILDING CODE, CALIFORNIA HISTORICAL BUILDING CODE, CALIFORNIA FIRE CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA ENERGY CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE, CALIFORNIA REFERENCED STANDARDS CODE, AND INTERNATIONAL PROPERTY MAINTENANCE CODE (MCA 2019-70485) (Introduced 11/19/19, 5-0) ORD.NO. 1669-NS