

City Council

REGULAR MEETING

Tuesday, January 28, 2020, 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

Ingrid Hardy, Assistant City Manager

Mark A. Towne, Community Development Director

Cynthia M. Rodriguez, City Clerk

Barry McComb, Cultural Affairs Director

Jim Friedl, General Manager, CRPD

John Spykerman, Fire Chief

Tracy M. Noonan, City Attorney

Gary Rogers, Deputy City Manager

Jaime Boscarino, Finance Dir./City Treasurer

Jay T. Spurgin, Public Works Director

Tim Giles, Human Resources Director

Heather Cousin, Library Director

Jim Fryhoff, 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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January 28, 2020

RES. NO. 2020-003
ORD. NO. 1676-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. Thousand Oaks Reads: One City One Book Program
6. PUBLIC COMMENTS:
7. CONSENT CALENDAR:

(See Exhibit A pages 7 thru 9 for Consent Calendar listing)
8. PUBLIC HEARINGS: None
9. DEPARTMENT REPORTS:
 - A. [Thousand Oaks Alliance for the Arts \(TOARTS\) Operations and Programming Update](#)

RECOMMENDATION: Receive and file TOARTS operations and programming update for the previous six months ending December 31, 2019

9. DEPARTMENT REPORTS: (Continued)

- B. [Residential Capacity Allocation and Initiation of General Plan Amendment](#) and Rancho Conejo Specific Plan Amendment for Project Located Directly East of the Intersection of Rancho Conejo Boulevard and Corporate Center Drive (RCA 2019-70742 / LU 2020-70026 / SPA 2020-70027); Applicant: Shapell Properties, Inc.

RECOMMENDATION:

Receive request and provide direction. Options include:

- 1. Initiate a General Plan Amendment from “Industrial” to “High Density Residential” and a Specific Plan Amendment to change the zoning from “Employment Center” to “Residential Apartments;” allocate 48 dwelling units of citywide Measure E residential capacity to the project located directly east of the intersection of Rancho Conejo Boulevard and Corporate Center Drive, subject to submittal of a formal application within 12 months from the date of unit allocation; and allow concurrent processing of legislative actions and entitlements

OR

- 2. Deny the initiation of the General Plan Amendment, Specific Plan Amendment, and allocation of 48 residential units for the proposed project

- C. [Urgency Ordinance Amending Chapter 4 of Title 9 of the Thousand Oaks Municipal Code Relating to Regulations for Accessory Dwelling Units, and Resolution Initiating Municipal Code Amendment Relating to Accessory Dwelling Units \(MCA 2019-70990\)](#)

URGENCY ORDINANCE AMENDING SECTIONS 9-4.202, 9-4.1802(c), 9-4.1803, 9-4.2104, 9-4.2501(a)(3), 9-4.2402(a)(7), 9-4.2509(a), 9-4.2509.5, AND 9-4.2521; AND DELETING IN ITS ENTIRETY SECTION 9-4.2521.1 OF CHAPTER 4 OF TITLE 9 OF THE THOUSAND OAKS MUNICIPAL CODE REGARDING REGULATIONS FOR ACCESSORY DWELLING UNITS (MCA 2019-70990) ORD. NO. _____

RESOLUTION DECLARING INTENTION TO CONSIDER AMENDMENTS TO THE THOUSAND OAKS MUNICIPAL CODE RELATED TO ACCESSORY DWELLING UNITS RES. NO. 2020-_____

9. DEPARTMENT REPORTS: (Continued)

- C. Urgency Ordinance Amending Chapter 4 of Title 9 of the Thousand Oaks Municipal Code Relating to Regulations for Accessory Dwelling Units, and Resolution Initiating Municipal Code Amendment Relating to Accessory Dwelling Units (MCA 2019-70990) (Continued)

RECOMMENDATION:

1. Read ordinance in title only, further reading to be waived, and adopt urgency ordinance regulating accessory dwelling units (ADUs) (requires four-fifths vote)
2. Adopt resolution initiating amendments to the Thousand Oaks Municipal Code concerning ADUs

- D. [Exclusive Franchise Solid Waste Agreements](#)

RECOMMENDATION:

1. Authorize staff to issue notices of non-extension prior to January 31, 2020 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: None

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 \(LCC\) Transportation, Communications, and Public Works Policy Committee January 23, 2020 \(Engler\)](#) – Report to be provided

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 – Existing Litigation: Dos Vientos Community Preservation Association v. City of Thousand Oaks; Pursuant to Government Code Section 54956.9(a)

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

15. PUBLIC NOTICES: None

16. ADJOURNMENT:

Adjourn in memory of:

- o Ed Lawrence, distinguished community member and photo historian of the Conejo Valley

to Regular Meeting February 11, 2020

Agenda Post Date/Time: January 23, 2020, 5:00 p.m.

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 January 15, 2020 and January 22, 2020; approve January 29, 2020; approve February 5, 2020, subject to review and ratification
- B. [Minutes of City Council meeting of January 14, 2020](#)
- C. Approved Expenditure: [Conejo Open Space Conservation Agency](#) (COSCA) Board of Directors Appointment; appoint Rorie Skei to fill scheduled private citizen vacancy on COSCA Board of Directors, subject to concurrence of Conejo Recreation and Park District (CRPD) Board of Directors
- D. Additional Appropriation: [Tara Reservoir Award Construction Contract \(CI 5290\)](#); project design, plans, and specifications, including Addendum No. 1; award construction contract to Spiess Construction Co., Inc., \$1,911,995, plus \$190,000 contingency; sixth amendment to Contract No. 10402-2014 with HDR Engineering, Inc., \$162,795, plus \$15,000 extra services, revising total not-to-exceed amount to \$305,695, and extending term date to 07/30/2021; \$110,000 budget appropriation A/C 613-0000-341-9900 (Water Capital Facilities – Net Position) to A/C 613-8050-682-8300 (CI 5290, Tara Reservoir Improvements Project); \$2,284,790 expenditure (\$1,911,995 construction contract; \$190,000 contingency; \$5,000 City furnished materials and supplies; \$162,795 sixth amendment, \$15,000 extra services) A/C 613-8050-682-8300 (CI 5290, Tara Reservoir Improvements Project); delegate authority to City Engineer to approve changes to design, plans, specifications, and working details of project on work directives and change orders up to approved contingency
- E. Approved Expenditure: [Authorization to Purchase Valves for Digester 2](#) (MI 2563); authorize purchase of 31 valves not-to-exceed \$130,519.54 from CS-Amsco; \$130,519.54 expenditure A/C 624-8250-682-5500 (MI 2563, Contracted Services – Construction)

7. CONSENT CALENDAR: (Continued)

- F. Approved Expenditure: [Energy Information System Contract Amendment](#); amendment to Contract No. 11686-2018 with EcoVox, Inc. to extend termination date from 02/19/2020 to 08/19/2020, expand scope of work to integrate additional accounts into Energy Information System, and increase not-to-exceed total by \$16,995 to \$116,387; authorize expenditure in amount of \$16,995 from Water Fund and General Fund as follows: \$11,595 for addition of water usage and water pumping accounts to Energy Information System A/C 611-8025-685-31-22 (P.C. Software Licenses), and \$5,400 A/C 001-5060-612-56-99 (SUSADM, Contracted Services – Other) for extended period of monitoring support
- G. Approved Expenditure: [Local Road Safety Plan \(MI 2598\); Task Order No. 1 to On-Call Professional Services Agreement \(Contract No. 11469-2017\)](#) with KOA Corporation, not-to-exceed \$79,990; \$79,990 expenditure [\$72,000 A/C 183-5610-631-5500 (MI 2598, Contracted Services – Construction), \$8,000 A/C 132-5610-631-5500 (MI 2598, Contracted Services – Construction)]
- H. Additional Appropriation: [Engineering Services for Emergency Generators at Various City Facilities \(CI 5541, CI 5547 & CI 5577\)](#); professional services contract with Salas O'Brien Engineers, Inc., DBA Salas O'Brien, effective 01/28/2020 thru 06/30/2022, not-to-exceed \$233,634 over lifetime of contract (includes \$208,634 for regular services, \$25,000 for extra services); \$13,800 budget appropriation and expenditure A/C 001-0000-311-1000 (General Fund – Fund Balance) to A/C 001-3573-677-3499 (CI 5577, Improvements, Not Capitalized); authorize expenditure in total amount of \$34,000 for FY 2019-20 from General Fund and Library Fund as follows: \$17,000 A/C 001-3570-612-3499 (CI 5541, Improvements, Not Capitalized), and \$17,000 A/C 110-7310-673-3499 (CI 5547, Improvements, Not Capitalized)
- I. Additional Appropriation: [Rancho Potrero Community Equestrian Center](#); third amendment to Interim Memorandum of Understanding between City and Ride On LA for Operation of Rancho Potrero Equestrian Center (Contract No. 11980-2019); authorize staff to enter negotiations to secure long-term operation of Rancho Potrero Community Equestrian Center under appropriate public agency oversight; authorize staff to waive formal bid procedure process for purchase of mechanical equipment and approve Diamond A Equipment pursuant to TOMC Section 3-10.501; approve purchase of mechanical equipment from Diamond A in amount not-to-exceed \$45,000; \$350,000 budget appropriation and expenditure A/C 001-0000-311-1000 (General Fund Fund Balance) with \$150,000 to A/C 001-3591-671-8400 (Equipment over \$5,000) and \$200,000 to A/C 001-3591-671-8300 (Improvements other than Buildings) for both equipment purchases and capital improvements

7. CONSENT CALENDAR: (Continued)

- J. Approved Expenditure: Library Circulating Materials; authorize expenditures not-to-exceed \$600,000 in FY 2019-20 for Library circulating materials (books, electronic books, databases, periodicals, etc.) A/C 110-7220-673-32-31 (Materials, Circulating Books) from following vendors: Ingram Library Services LLC, Gale Cengage Learning Inc, Overdrive Inc., Baker & Taylor Inc.
- K. Approved Expenditure: 2020 City Council Meeting Schedule Revisions; adopt resolution

RESOLUTION REVISING CITY COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2020 AND RESCINDING RESOLUTION 2019-043
RES. NO. 2020-_____

ORDINANCES FOR SECOND READING:

- L. ORDINANCE AMENDING SECTION 8-1.26 OF THE MUNICIPAL CODE OF THE CITY OF THOUSAND OAKS REGARDING ELECTRICAL VEHICLE CHARGING STATIONS (MCA 2019-70991)
(Introduced 01/14/20, 5-0) ORD. NO. 1676-NS
- M. ORDINANCE AMENDING THE THOUSAND OAKS MUNICIPAL CODE REPEALING IN ITS ENTIRETY CHAPTER 2 TO TITLE 6 AND ADDING CHAPTER 2 TO TITLE 6 ADOPTING REGULATIONS FOR SOLID WASTE, ORGANIC WASTE AND RECYCLABLE MATERIALS COLLECTION PROCESSING AND DISPOSAL (Introduced 01/14/20, 5-0)
ORD. NO. 1677-NS