

MINUTES OF THE CITY COUNCIL

Thousand Oaks, California

December 10, 2019

1. CALL TO ORDER:

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

2. PLEDGE OF ALLEGIANCE: Mayor Adam introduced Thousand Oaks Kiwanis K-Kids group to lead the pledge of allegiance.

3. ROLL CALL:

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

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, Public Works Director Jay Spurgin, Library Director Heather Cousin, Cultural Affairs Director Barry McComb, Fire Chief John Spykerman, Police Captain Denise Sliva, Revenue Operations Manager Sheri Johnson, Assistant City Attorney Patrick Hehir, Deputy Community Development Director Kelvin Parker, Community Development Operations Manager Marjan Behzadi, Senior Planner Krystin Rice, Associate Planner Don Nielsen, Deputy Public Works Director Cliff Finley, Sustainability Division Manager Helen Cox, Senior Engineer Brad Bussell, Disaster Services Coordinator Grahame Watts, Assistant to the City Manager Melissa Hurtado, Associate Analyst Francine Sprigel, Deputy City Clerk Laura Maguire, Cable Operations Supervisor Carl Jarecky, Senior Video Specialist Richard Swingler, Assistant Analyst Sandra Delgado, Assistant Analyst Christy Glaubke, and Recording Secretary Dominga Zambrano.

4. REQUESTS FOR CONTINUANCE OF ANY PUBLIC HEARING OR AGENDA ITEM:

Mayor Adam announced Special Presentation Item 5.B. (Commendation – Thousand Oaks Police Chief Tim Hagel Retirement) will be made in January and announced Public Hearing Item 8.G. (Revised Solid Waste Recycling and Disposal Ordinance) is being continued to January 14, 2020 and requested a motion for continuance.

Motion by Councilmember Engler to continue Public Hearing Item 8.G. Revised Solid Waste Recycling and Disposal Ordinance to January 14, 2020, carried 5-0 by the following vote: Ayes - Engler, Jones, McCoy, Bill-de la Peña, and Adam; Noes - None.

5. SPECIAL PRESENTATIONS:

A. Mayor Adam introduced Disaster Services Coordinator Watts to recognize Thousand Oaks Community Emergency Response Team (CERT) Program 2019 graduates; Fire Chief Spykerman and Thousand Oaks Police representatives thanked graduates.

6. PUBLIC COMMENTS:

Kristi Hronek, Moorpark; Cristy Warner, Thousand Oaks; Gary Hartung, Thousand Oaks; Susan Weininger, Thousand Oaks (submitted document); Joy DuPuis, Thousand Oaks (submitted document); Peggy Rosenberg, Thousand Oaks; Madeline Altman, Newbury Park (submitted document); Tracy Tomas, Thousand Oaks; Mandy Jacob, Newbury Park.

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13. CITY MANAGER:

- *A. Follow-up items: City Manager Powers addressed 299 Thousand Oaks Boulevard development (Hartung); addressed 5G regulation concerns and ADA reasonable accommodations (Jacob).

7. CONSENT CALENDAR:

(See Exhibit A for Consent Calendar Listing)

10. COMMITTEE/COMMISSION/BOARD REPORTS:

- *A. City Investment Review Committee Annual Report presented by Investment Review Committee Chair John Short III. Finance Director Boscarino responded to questions.

Speaker/Statement cards: None.

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

- *B. FY 2019-20 Community Funding Review Committee Sports Facilities Endowment Fund Grant Recommendations presented by Community Funding Review Committee Chair Anne LaFianza. Associate Analyst Sprigel responded to questions. Assistant to the City Manager Hurtado available for questions.

Speaker/Statement cards: None.

Motion by Councilmember Bill-de la Peña to approve Sports Facility Endowment Fund grants, totaling \$79,890.88 and authorize City Manager to execute agreements with grantees, with the exception of the Conejo YMCA, in order for staff to return at a later date with additional information; Authorize expenditure in amount of \$79,890.88 from A/C 001-1120-611-5920 (SFEF2020, City Endowment Grant Account), carried 5-0 by the following vote: Ayes - Engler, Jones, McCoy, Bill-de la Peña, and Adam; Noes - None.

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8. PUBLIC HEARINGS:

- A. Hearing, advertised as required by law, opened to consider: Wastewater and Water Rates and Fee Adjustments and Municipal Code Amendment Regarding Water Due Dates and Delinquencies: Penalties presented by Revenue Operations Manager Johnson. Public Works Director Spurgin available for questions.

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

Speaker/Statement Cards: None.

Mayor Adam closed public hearing.

City Clerk Rodriguez announced results as follows:

Proposed Water Rate Increase

15,352 Notices issued

3 valid protests received prior to meeting

Insufficient number to constitute a majority protest (7,677 required)

Proposed Wastewater Rate Increase

35,199 Notices issued

9 valid protests received prior to meeting

Insufficient number to constitute a majority protest (17,600 required)

Motion by Councilmember Jones to approve Addendum to Wastewater Financial Plan and Wastewater Cost of Service Study; ordinance adjusting rates and fees of City Wastewater and Water Divisions to be read in title only, further reading be waived, and if no objection, introduced (Proposition 218 protest hearings apply); 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 be waived, and if no objection, introduced, carried 5-0 by the following vote: Ayes - Engler, Jones, McCoy, Bill-de la Peña, and Adam; Noes - None.

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8. PUBLIC HEARINGS: (Continued)

- B. Hearing, advertised as required by law, opened to consider: Selection of and Cannabis Testing Facility and Cannabis Operations Update presented by
- C. Assistant City Attorney Hehir. Community Development Director Towne, Community Development Operations Manager Behzadi and HdL Consultant Matthew Eaton responded to questions. Additional information supplemental packet.

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) ORD.NO. 1st Reading

Speakers: Paul Burns, Thousand Oaks, pro; James Goldstein, Newbury Park, con; Chuck Cohen, Thousand Oaks, pro (questions only); Mark Innocenzi, Newbury Park, con; Patrick Spillane, Thousand Oaks, pro; Lupe Schoenberger, city of residence unknown, pro; David McFarlane, Thousand Oaks, pro.

Mayor Adam closed public hearing.

Motion by Councilmember Engler to receive report and approve Atlas Quality Assurance Laboratories (Atlas QAL) as a Cannabis Testing Laboratory in Thousand Oaks; authorize City Manager to execute Operations Agreement with Atlas QAL, subject to approval by City Attorney, carried 5-0 by the following vote: Ayes - Engler, Jones, McCoy, Bill-de la Peña, and Adam; Noes - None.

Councilmember McCoy absent 8:13 p.m.; present 8:16 p.m.

Motion by Councilmember McCoy to 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) and (b) to allow two cannabis retailer M-license facilities and two cannabis testing laboratories, delivery of medicinal cannabis by the two cannabis retailer M-license operators, eliminate advanced 24-hour appointment requirement, extend operating hours for cannabis dispensaries, and correcting language of TOMC Section 5-29.24 inadvertently removed in a prior hearing; 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, 5-29.34(a)(2), 5-29.34(a)(3), and 5-29.34(b), carried 5-0 by the following vote: Ayes - Engler, Jones, McCoy, Bill-de la Peña, and Adam; Noes - None.

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8. PUBLIC HEARINGS: (Continued)

Motion by Councilmember McCoy to approve new location for Legendary Organics – Thousand Oaks, LLC; authorize City Manager to execute Operations Agreement, approved as to form by City Attorney, between City and Legendary Organics – Thousand Oaks, LLC, carried 5-0 by the following vote: Ayes - Engler, Jones, McCoy, Bill-de la Peña, and Adam; Noes - None.

Motion by Councilmember Jones to direct staff to accept, process, and analyze LEAF Dispensary's application to change their previously-approved cannabis retailer M-license facility location to 2360 Townsgate Road, Thousand Oaks, CA, carried 5-0 by the following vote: Ayes - Engler, Jones, McCoy, Bill-de la Peña, and Adam; Noes - None.

City Council recess 8:39 p.m.; reconvened 8:53 p.m.

- D. Hearing, advertised as required by law, opened to consider: 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 (CRPD) presented by Senior Planner Rice. Community Development Director Towne, Deputy Community Development Director Parker, and CRPD Senior Planner Andrew Mooney available for questions.

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. 2019-062

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

Speaker/Statement cards: None.

Mayor Adam closed public hearing.

Motion by Councilmember Bill-de la Peña to read ordinance in title only, further reading be waived, and if no objection, introduce ordinance to amend Thousand Oaks Municipal Code (TOMC) relating to Official Zoning Map by changing 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); adopt resolution to approve Development Permit (DP 2019-70291) for construction of park on undeveloped site, Oak Tree Permit (2019-70292) for encroachment and minor pruning of 13 protected trees, and Parcel Map Waiver (2019-70293) to merge five parcels into two lots of record, carried 5-0 by the following vote: Ayes - Engler, Jones, McCoy, Bill-de la Peña, and Adam; Noes - None.

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8. PUBLIC HEARINGS: (Continued)

- E. Hearing, advertised as required by law, opened to consider: Annexation and Pre-Zone Request for Two Separate Parcels (ANX 2019-70198 & Z 2019-70199); Applicants: Dan Driscoll and Bill Vlachos presented by Associate Planner Nielsen. Senior Engineer Bussell responded to questions. Community Development Director Towne and Deputy Community Director Parker available for questions.

RESOLUTION REQUESTING VENTURA LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR REORGANIZATION OF TERRITORY (ANX 2019-70198: DAN DRISCOLL AND BILL VLACHOS)

RES. NO. 2019-063

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

Speakers: Bill Vlachos, Applicant, Thousand Oaks; Dan Driscoll, Applicant, Thousand Oaks; Valerie Ewald, Thousand Oaks (question only).

Mayor Adam closed public hearing.

Motion by Councilmember Bill-de la Peña to adopt resolution to annex subject properties to City of Thousand Oaks and detach from Ventura County Resource Conservation District, Ventura County Service Area No. 32, and Gold Coast Transit District; authorize Community Development Director to file necessary application with Ventura County Local Agency Formation Commission (LAFCo); read in title only, further reading be waived, and if no objection, introduce ordinance to establish Residential Planned Development (RPD) 4.5U pre-zoning to become effective upon annexation of subject properties, carried 5-0 by the following vote: Ayes - Engler, Jones, McCoy, Bill-de la Peña, and Adam; Noes - None.

- F. Hearing, advertised as required by law, opened to consider: Electric Vehicle Charging Station User Fees presented by Sustainability Division Manager Cox. Deputy Public Works Director Finley available for questions.

RESOLUTION ESTABLISHING FEES FOR MUNICIPAL ELECTRIC VEHICLE CHARGING STATIONS

RES. NO. 2019-064

Speaker/Statement cards: None.

Mayor Adam closed public hearing.

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8. PUBLIC HEARINGS: (Continued)

Motion by Councilmember McCoy to adopt resolution approving user fees for use of City-owned Electric Vehicle (EV) chargers; approve budget appropriation in 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 report; revenue from user fees to partially offset expenses, carried 5-0 by the following vote: Ayes - Engler, Jones, McCoy, Bill-de la Peña, and Adam; Noes - None.

- G. Hearing, advertised as required by law, opened to consider: Public Hearing Continuance Request for Revised Solid Waste Recycling and Disposal Ordinance

Item continued to January 14, 2020 earlier in meeting.

9. DEPARTMENT REPORTS:

- A. Exclusive Franchise Solid Waste Agreements presented by Sustainability Division Manager Cox. Deputy Public Works Director Finley and Consultant Richard Tagore-Erwin responded to questions. City Manager Powers and City Attorney Noonan provided comment. Additional supplemental information.

Speakers: Mike Harrison, Camarillo; Bill Camarillo, Camarillo; Mike Smith, Moorpark; Nan Drake, Ventura.

Written Statement: Joan Burns, Thousand Oaks.

City Council recess 10:27 p.m.; reconvened 10:34 p.m.

Motion by Councilmember McCoy to authorize staff to extend notice of non-extension with USA Waste of California, Inc., a Waste Management Company, and Newbury Disposal Company (E.J. Harrison and Sons, Inc.) to January 31, 2020 to avoid automatic extension provisions of respective Franchise Agreements per Section 3.2 of Agreements (Contract Nos. 6769-2004A5 and 6770-2004A5); and to continue matter to January 28, 2020, carried 5-0 by the following vote: Ayes - Engler, Jones, McCoy, Bill-de la Peña, and Adam; Noes - None.

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

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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)

Report received.

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 January 14, 2020.

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

City Attorney Noonan announced Closed Session held at 10:42 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL – 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 the City Council. Information regarding this litigation will be available to the public upon request once service of process has been effectuated.

15. PUBLIC NOTICES: None.

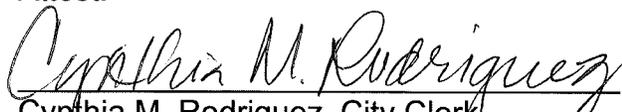
16. ADJOURNMENT:

City Council adjourned at 10:52 p.m. to Regular Meeting on Tuesday, January 14, 2020.



Al Adam, Mayor
City of Thousand Oaks City Council

Attest:



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

AGENDA POSTED: December 5, 2019

MINUTES APPROVED: January 14, 2020

*indicates item taken out of order

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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*

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

- 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

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

RESOLUTION ESTABLISHING AN ACTIVE TRANSPORTATION PLAN

RES. NO. 2019-061

7. CONSENT CALENDAR: (Continued)

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