

MINUTES OF THE CITY COUNCIL

Thousand Oaks, California

February 23, 2021

1. CALL TO ORDER:

Mayor Claudia Bill-de la Peña called the meeting to order at 6:00 p.m. in the Council Chambers, 2100 Thousand Oaks Boulevard, Thousand Oaks, California.

2. PLEDGE OF ALLEGIANCE: Mayor Bill-de la Peña led the pledge of allegiance followed by a moment of silence in memory of COVID-related American deaths.

3. ROLL CALL:

Present: Councilmembers Adam, Jones, McNamee, Engler present via video conference, and Mayor Bill-de la Peña present in chambers.

Also Present via video conference: City Manager Andrew P. Powers, City Attorney Tracy M. Noonan, Assistant City Manager Ingrid Hardy, City Clerk Cynthia M. Rodriguez (in chambers), Finance Director Jaime Boscarino, Community Development Director Kelvin Parker, Public Works Director Cliff Finley, Police Chief James Fryhoff, Planning Division Manager Stephen Kearns, Senior Planner Carlos Contreras, Engineering Division Manager Mohammad Fatemi, Senior Engineer Brad Bussell, Transportation Planner Kathy Naoum, Deputy City Clerk Laura Maguire, Assistant to the City Manager Melissa Hurtado, Communications Manager Alexandra South, Information Technology Supervisor Atanas Beltchev, Cable Operations Supervisor Carl Jarecky, Senior Video Specialist Richard Swingler, and Assistant Analysts Sandra Delgado and Christy Glaubke.

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

5. SPECIAL PRESENTATIONS:

A. City Manager Powers provided COVID-19 update.

*C. Mayor Bill-de la Peña presented a proclamation in honor of Black History Month.

B. Mayor Bill-de la Peña presented the Community Commitment Award to Luis Tun and encouraged submission of nominations at www.toaks.org/communitycommitment.

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6. PUBLIC COMMENTS:

Speakers: Patricia Lownes, Thousand Oaks; Kelvin Hau Canche, Newbury Park; Tammy Coburn, Thousand Oaks; Denise Pedrow, Newbury Park; Mandy Jacob, Newbury Park; Lilian Teran, Thousand Oaks; Lee Ann Holland, Newbury Park; Jessica Quintanilla, Thousand Oaks; Evelyn Guerrero, Thousand Oaks; Carole Shelton, Thousand Oaks; Willie Lubka, Thousand Oaks; Rich, Thousand Oaks; Karen Martin, Thousand Oaks; Lynda Karl, Thousand Oaks; Tanya Fox, Westlake Village; Amy Reed, Newbury Park; GayLyn Talbot, Thousand Oaks; Tim McCarthy, Thousand Oaks; Audrey Bruckner, Thousand Oaks; Aitana Sierra-Valdes, Newbury Park; Bartola Cache, Newbury Park; Eulalia Soriano, Thousand Oaks.

Written Statement: Sarah Finch, Thousand Oaks.

Additional information supplemental packet.

7. CONSENT CALENDAR:

(See Exhibit A for Consent Calendar Listing)

8. PUBLIC HEARINGS: None.

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9. DEPARTMENT REPORTS:

- A. Residential Capacity Allocation and Initiation of General Plan Amendment for a Project Located at 1 Baxter Way (LU 2019-70563/Prescreening (RCA) 2019-70561); Applicant: ONE BAXTER WAY LP introduced by City Manager Powers and presented by Senior Planner Contreras. Community Development Director Parker, Public Works Director Finley, and City Attorney Noonan responded to questions. Planning Division Manager Kearns available for questions. Additional information supplemental packet including ex parte communications from three Councilmembers.

RESOLUTION DECLARING INTENTION TO CONSIDER AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN AND ALLOWING CONCURRENT PROCESSING OF ENTITLEMENT APPLICATIONS FOR LAND LOCATED AT 1 BAXTER WAY (LU 2019-70563 / RCA 2019-70561: ONE BAXTER WAY LP) RES. NO. 2021-006

City Council recess 8:40 p.m.; reconvened 8:48 p.m.

Speakers: Applicant representative Dave Eadie, Applicant representative Tom Cohen, representing the applicant; Ariella Ginoza, Thousand Oaks; Kat Selm, Thousand Oaks; Clint, Thousand Oaks; Mike Dutra, Newbury Park; Dr. & Mrs. Eugene Tkachenko, Westlake Village; Danielle Borja, Thousand Oaks; Sally Hibbits, Westlake Village; Sr. Lisa Megaffin, Thousand Oaks; Rose Ann Witt, Thousand Oaks; Bonnie Clarfield-Bylin, Thousand Oaks; Shawn Moradian, Thousand Oaks; Una Hart, Thousand Oaks.

Written Statements: Sarah Finch, Thousand Oaks; Anonymous, city of residence unknown.

Motion by Councilmember McNamee to adopt resolution to Initiate General Plan Amendment to change land use designation from Industrial to High Density Residential for an 8.8-acre portion of a 42.9-acre site, allocate 264 dwelling units of Citywide Measure E capacity, and authorize concurrent processing of legislative actions and project entitlements for a proposed project located at 1 Baxter Way, carried 3-2 by the following vote: Ayes – Adam, McNamee, and Engler; Noes – Jones and Bill-de la Peña.

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10. COMMITTEE/COMMISSION/BOARD REPORTS:

- A. Planning Commission and Traffic and Transportation Advisory Commission Appointments presented by Councilmember Adam.

Speakers/Statement cards: None.

Motion by Councilmember Adam to re-appoint Don Lanson to Planning Commission to serve a term ending December 2024; and appoint Andrew Pletcher to Traffic and Transportation Advisory Commission to serve a term ending December 2024, carried 5-0 by the following vote: Ayes - Adam, Jones, McNamee, Engler, and Bill-de la Peña; Noes - None.

- B. Planning Commission and Traffic and Transportation Advisory Commission Appointments presented by Councilmember McNamee.

Speakers/Statement cards: None.

Motion by Councilmember McNamee to appoint Justin Link to Planning Commission to serve a term ending December 2024; and appoint Victor Hayek to Traffic and Transportation Advisory Commission to serve a term ending December 2024, carried 5-0 by the following vote: Ayes - Adam, Jones, McNamee, Engler, and Bill-de la Peña; Noes - None.

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

12. COUNCIL ISSUES/RECOMMENDATIONS: None.

- A. Follow-up reports on meetings/conferences attended by Councilmembers

13. CITY MANAGER:

- A. Follow-up items: Nothing additional.

- B. Announcements and upcoming issues: City Manager Powers provided an update on the March 9, 2021, City Council Meeting.

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14. CLOSED SESSIONS REQUESTED: Video conference.

City Attorney Noonan announced Closed Session held at 10:17 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: Before the Public Utilities Commission of the State of California: *Application of California-American Water Company (U210W) for Authorization to Increase its Revenues for Water Service by \$34,559,200 or 16.29% in the year 2018, by \$8,478,500 or 3.43% in the year 2019, and by \$7,742,600 or 3.03% in the year 2020*; Application No. 16-07-002; City of Thousand Oaks, Party of Interest; Pursuant to Government Code Section 54956.9(a). Additional information supplemental packet.

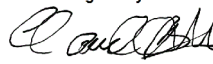
Speaker: Peggy Rosenberg, Thousand Oaks.

City Attorney Noonan indicated no announcement anticipated.

15. PUBLIC NOTICES: None.

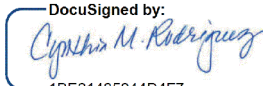
16. ADJOURNMENT:

City Council adjourned at 10:50 p.m. to Regular Meeting on Tuesday, March 9, 2021.

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Claudia Bill-de la Peña, Mayor
City of Thousand Oaks City Council

Attest:

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

AGENDA POSTED: February 18, 2021
MINUTES APPROVED: March 16, 2021

*indicates item taken out of order

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the City of Thousand Oaks City Council on the date cited above.

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EXHIBIT A7. CONSENT CALENDAR:*RECOMMENDATIONS FOR ITEMS A. THROUGH H. ARE TO APPROVE*

Motion by Councilmember Adam to approve Consent Calendar with exception of Item 7.A. (General, Utilities, Golf Course, and Theatres Demands), carried 5-0 by the following vote: Ayes - Adam, Jones, McNamee, Engler, and Bill-de la Peña; Noes - None. (Item subsequently approved following discussion.)

Finance Director Boscarino responded to question regarding Item 7.A.

Motion by Councilmember McNamee to approve Item 7.A., carried 5-0 by the following vote: Ayes - Adam, Jones, McNamee, Engler, and Bill-de la Peña; Noes - None.

- A. General, Utilities, Golf Course, and Theatres Demands – ratify February 10, 2021 and February 17, 2021; approve February 24, 2021, and March 3, 2021, subject to review and ratification
- B. Minutes of City Council meeting of February 9, 2021
- C. Approved Expenditure: 2021 Sidewalk and Concrete Replacement Program (MI 2550); authorize staff to advertise for construction bids
- D. Additional Appropriation: Supervisory Control and Data Acquisition Upgrades/Replacements Project (CI 5284); project design, plans, specifications, and Addenda Nos. 1, 2, and 3; award construction contract to CDM Constructors, Inc., in amount of \$3,467,497, plus \$346,750 contingency; Third Amendment to Professional Services Agreement (Cont. No. 12091-2019) with AECOM Technical Services, Inc., to provide engineering support services during construction in amount of \$420,203, for revised not-to-exceed amount of \$779,103, plus \$42,000 extra services, extend term to 12/31/2022; authorize budget appropriation in amount of \$724,360; \$512,000 A/C 613-0000-341-9900 (Water Capital Fund – Net Position) to A/C 613-8030-682-8300 (CI 5284, SCADA Upgrades/Replacements Project), \$212,360 A/C 624-0000-341-9900 (Wastewater Capital Fund – Net Position) to A/C 624-8030-682-8300 (CI 5284, SCADA Upgrades/ Replacements Project); authorize expense in amount of \$4,281,450 (\$3,467,497 construction contract; \$346,750 construction contingency; \$420,203 Third Amendment; \$42,000 extra services; \$5,000 City furnished supplies and materials) from SCADA Upgrades/Replacements Project (CI 5284), which includes \$1,995,156 from A/C 612-8030-682-8300, \$2,073,934 from A/C 613-5310-682-8300, and \$212,360 from A/C 624-8030-682-8300; 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 project approved contingency amount

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7. CONSENT CALENDAR: (Continued)

- E. Approved Expenditure: Hill Canyon Treatment Plant Program Manager Agreement; Second Amendment to Professional Services Agreement (Cont. No. 11772-2018) with Phoenix Engineering, Inc. in amount of \$200,000, revised not-to-exceed amount \$650,000; authorize expenditure in amount of \$200,000 to be paid by Capital Improvement/Maintenance Improvement Budget under approved Capital Improvement Program, as services are rendered
- F. Approved Expenditure: Library Circulating Materials; authorize expenditures in amount not-to-exceed \$600,000 in FY 2020-21 for Library circulating materials (books, databases, periodicals, electronic books, audio books, etc.) from A/C 110-7220-673-3231 (Materials, Circulating Books) for the following vendors: Ingram Library Services LLC, Overdrive Inc., Gale Cengage Learning Inc., and Baker & Taylor Inc.
- G. No Appropriation/Expenditure Required: 2021 City Council Meeting Schedule Revision; adopt resolution

RESOLUTION REVISING CITY COUNCIL MEETING SCHEDULE FOR
CALENDAR YEAR 2021 AND RESCINDING RESOLUTION 2020-041

RES. NO. 2021-004

- H. Approved Expenditure: State Community Development Block Grant Mitigation Program; authorize staff to apply for State Community Development Block Grant Mitigation funding with Cities of Moorpark and Simi Valley, for amount up to \$500,000 to be shared equally to enhance each City's Virtual Emergency Operations Center capabilities, purchase communications equipment, fund personnel costs, and conduct public outreach and emergency program training; adopt resolution authorizing submittal of joint application with Cities of Moorpark and Simi Valley and authorizing City Manager or designee to enter into and execute the grant agreement and all subsequent amendments with the State

RESOLUTION APPROVING APPLICATION FOR FUNDING AND
EXECUTION OF GRANT AGREEMENT AND AMENDMENTS THERETO
FROM 2019-20 FUNDING YEAR OF STATE CDBG MITIGATION
PROGRAM

RES. NO. 2021-005