

DRAFT MINUTES OF THE CITY COUNCIL

Thousand Oaks, California

March 19, 2024

1. CALL TO ORDER: Regular Session - 5:00 p.m.

Mayor Al Adam called the meeting to order at 5:00 p.m. in Council Chambers, 2100 Thousand Oaks Boulevard, Thousand Oaks, California.

2. ROLL CALL:

Present: Councilmembers Engler, McNamee, Taylor, Newman, and Mayor Adam present in chambers.

Also present: City Manager Andrew P. Powers, City Attorney Tracy M. Noonan, Assistant City Manager Ingrid Hardy, Deputy City Manager Akbar Alikhan, City Clerk Laura B. Maguire, Finance Director Jaime Boscarino, Community Development Director Kelvin Parker, Public Works Director Cliff Finley, Cultural Affairs Director Jonathan Serret, Human Resources Director Tim Giles, Library Services Director Jennifer Patterson, Strategic Communications/Public Affairs Director Alexandra South, Police Chief Jeremy Paris, Fire Chief Jeff Shea, Deputy Public Works Director Nader Heydari, Emergency and Transit Programs Administrator Grahame Watts, Deputy Community Development Director Fabiola Zelaya Melicher, Planning Division Manager Krystin Rice, Senior Planner Iain Holt, Senior Planner Angela Georgeff, Community Development Analyst Lynn Oshita, Assistant City Attorney Noel Doran, Assistant to the City Manager Melissa Hurtado, Deputy City Clerk Sandra Delgado, Information Technology Supervisor Atanas Beltchev, Cable Operations Supervisor Carl Jarecky, Senior Video Production Specialist Richard Swingler, Senior Video Production Specialist Ryan Palmer, and Senior Recording Secretary Dominga Zambrano.

3. CLOSED SESSION:

- 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 announced Closed Session held at 5:00 p.m.

4. CLOSED SESSION REPORT:

City Attorney Noonan announced there was nothing to report at 6:00 p.m.

5. PLEDGE OF ALLEGIANCE:

Mayor Adam led the pledge of allegiance.

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

7. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS:

A. Donate Life Month Proclamation

Mayor Adam presented proclamation announcing April as DMV/Donate Life California month to Denise, Donna, and David Belko.

B. Crossing Guard Appreciation Week Proclamation

Mayor Adam presented proclamation recognizing March 18 – 24 as Crossing Guard Appreciation Week to Emergency and Transit Programs Administrator Watts and the City's senior crossing guards.

8. PUBLIC COMMENTS: To be heard before 6:45 p.m. If additional speakers for public comments remain at 6:45 p.m., remainder of speakers may be called at the end of the meeting. (Resolution Nos. 2011-067/2023-008): To be heard before 6:45 p.m. If additional speakers for public comments remain at 6:45 p.m., remainder of speakers may be called at the end of the meeting. (Resolution Nos. 2011-066/067)

Speakers: Clint Fultz, Thousand Oaks; Carole Shelton, Thousand Oaks.

Written Statements: None.

9. CONSENT CALENDAR:

A. General, Utilities, Golf Course, and Theatres Demands

RECOMMENDATION:

Ratify February 28, 2024, March 6, 2024, and March 13, 2024; approve March 20, 2024, subject to review and ratification

Motion by Councilmember Engler to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, McNamee, Taylor, Newman, Adam

Noes – None

B. Minutes of City Council meeting of February 27, 2024

RECOMMENDATION:

Approve

Motion by Councilmember Engler to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, McNamee, Taylor, Newman, Adam

Noes – None

9. CONSENT CALENDAR: (Continued)

C. FY 2023-24 Community Grant Agreement Amendments with Conejo Valley Unified School District and Conejo Open Space Foundation

RECOMMENDATION:

1. Approve First Amendment to Community Sports Grant (CSG) Agreement with Conejo Valley Unified School District (CVUSD) on Behalf of Thousand Oaks High School (TOHS) Softball (Contract No. 13514-2024) to replace original project and allow previously granted funds to be used for a new Locker Room Project.

2. Approve Second Amendment to Community Environmental Enhancement Grant (CEEG) Agreement with Conejo Open Space Foundation (COSF) (Contract No. 13229-2023) to revise original project and allow previously granted funds to be used for an environmental education event.

3. Authorize the City Manager or designee to execute the Amended Community Grant agreements with the Grantees.

4. Find that this action is not a project as defined under the California Environmental Quality Act.

Motion by Councilmember Engler to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, McNamee, Taylor, Newman, Adam

Noes – None

D. Guard Rail Repairs Project (MI 2574)

RECOMMENDATION:

1. Approve the project design, plans, and specifications for the construction of the Guard Rail Repairs Project (MI 2574).

2. Award construction contract to C & W Construction Specialties, Inc. (Ventura, CA), in the amount of \$401,851.73, plus a contingency of \$40,000.

3. Authorize expenditure in the amount of \$444,851.73 (\$401,851.73 construction contract, \$40,000 construction contingency, and \$3,000 for City furnished supplies and materials) as follows: \$3,000 from A/C #132-5610-631-5500, and \$441,851.73 from A/C #183-5610-631-5500 (MI2574, Guardrail Repairs Project).

4. Delegate authority to the City Engineer to approve changes in the design, plans, specifications and working details of the project on work directives and change orders up to the project approved contingency amount.

5. Find that the Project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to 14 CCR 15301.

Motion by Councilmember Engler to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, McNamee, Taylor, Newman, Adam

Noes – None

9. CONSENT CALENDAR: (Continued)

E. Rancho Conejo Biotech Area Sidewalk Project (CI 5664)

RECOMMENDATION:

1. Approve the project design, plans, specifications, and Addenda Nos. 1 and 2 for the construction of the Rancho Conejo Biotech Area Sidewalk Project (CI 5664).

2. Award construction contract for Rancho Conejo Biotech Area Sidewalk Project to Toro Enterprises, Inc. (Oxnard, CA) in the amount of \$3,676,943.75, plus a contingency of \$367,600.

3. Approve Third Amendment to Professional Services Agreement Contract No. 13114-2022 with MNS Engineers, Inc. (Thousand Oaks, CA) for engineering support services during the construction of the Rancho Conejo Biotech Area Sidewalk (CI 5664) in the amount of \$36,570, for a revised not-to-exceed amount of \$392,511, plus \$3,700 for extra services, and extend the term of the agreement to June 30, 2025.

4. Approve budget appropriation in the amount of \$1,374,600 as follows: \$806,508 from A/C #001-0000-311-1000 (General Fund, Fund Balance) to A/C #001-5310-631-8300 (CI 5664, Rancho Conejo Biotech Sidewalk Project), \$2,158 from A/C #538-0000-311-1000 (Developer Fee - Fund Balance) to A/C #538-5570-631-8300 (CI 5664, Rancho Conejo Biotech Sidewalk Project), \$247,490 from A/C #532-0000-311-1000 (Developer Fee, Fund Balance) to A/C #532-5310-631-8300 (CI 5664, Rancho Conejo Biotech Sidewalk Project), and \$318,444 from A/C #555-0000-311-1000 (Developer Fee, Fund Balance) to A/C #555-5310-631-8300 (CI 5664, Rancho Conejo Biotech Sidewalk Project).

5. Authorize expenditures in the amount of \$4,135,225 (\$3,676,944 construction contract; \$367,600 construction contingency; \$6,181 third amendment for construction phase support services; \$3,700 for extra services; \$60,800 for Southern California Edison (SCE) street light fees, and \$20,000 for California-American Water Company (Cal AM) water meters and connection charges for Rancho Conejo Biotech Area Sidewalk (CI 5664), as follows: \$1,974,133 from A/C #001-5310-631-8300; \$1,593,000 from A/C #183-5310-631-8300; \$247,490 from A/C #532-5310-631-8300; \$318,444 from A/C #555-5310-631-8300, and \$2,158 from A/C #538-5570-631-8300.

6. Delegate authority to the City Engineer to approve changes to the design, plans, specifications, and working details of the project on work directives and change orders up to the project contingency value.

7. Find that the Project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to 14 CCR 15301.

City Manager Powers and Deputy Public Works Director Heydari responded to questions.

Motion by Mayor Adam to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, McNamee, Taylor, Newman, Adam

Noes – None

9. CONSENT CALENDAR: (Continued)

F. Wilder Reservoir Improvements Project (CI 5294)

RECOMMENDATION:

1. Approve Professional Services Agreement with HDR Engineering, Inc. (Ventura, CA) for preparation of condition assessment, plans, and specifications for the rehabilitation of Wilder Reservoir Improvements Project (CI 5294), in an amount not to exceed \$248,620, plus extra services of \$24,860, with a term ending June 30, 2025.

2. Authorize expense in the amount of \$273,480 (\$248,620 agreement, plus extra services of \$24,860) from A/C #613-8050-682-8300 (CI 5294 – Wilder Reservoir Improvements).

3. Find that this action is not a project as defined under the California Environmental Quality Act.

Motion by Councilmember Engler to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, McNamee, Taylor, Newman, Adam

Noes – None

G. ORDINANCE FOR SECOND READING:

ORDINANCE AMENDING THOUSAND OAKS MUNICIPAL CODE TITLE 1, CHAPTER 6 ADDING SECTION 1-6.04 PERMITTING RECOVERY OF ATTORNEYS' FEES BY PREVAILING PARTY TO A NUISANCE ABATEMENT ACTION OR PROCEEDING (Introduced 2/27/2024; 5-0)

1724-NS

RECOMMENDATION:

Adopt

Motion by Councilmember Engler to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, McNamee, Taylor, Newman, Adam

Noes – None

H. ORDINANCE FOR SECOND READING:

ORDINANCE AMENDING TITLE 1, CHAPTER 13, SECTION 4 OF MUNICIPAL CODE REGARDING ELECTRONIC CAMPAIGN DISCLOSURE STATEMENTS AND FAIR POLITICAL PRACTICES COMMISSION FILINGS (Introduced 2/27/2024; 5-0)

1725-NS

RECOMMENDATION:

Adopt

Motion by Councilmember Engler to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, McNamee, Taylor, Newman, Adam

Noes – None

10. PUBLIC HEARINGS

A. Housing Element Program Implementation (MCA 2024-70001 and Z 2024-70001)

ORDINANCE AMENDING THOUSAND OAKS MUNICIPAL CODE BY MODIFYING SECTION 9-4.301 AND SECTION 9-4.2816, AND ADDING SECTION 9-4.310, ARTICLE 10.5, SECTION 9-4.2104.5, AND SECTION 9-4.2529 TO ESTABLISH MIXED-USE ZONING REGULATIONS AND AS REQUIRED BY 2021-2029 HOUSING ELEMENT (MCA 2024-70001)

1ST READING

ORDINANCE AMENDING THOUSAND OAKS MUNICIPAL CODE RELATING TO OFFICIAL ZONING MAP BY CHANGING ZONING CLASSIFICATION OF CERTAIN PROPERTIES TO MIXED-USE (MU), MIXED-USE OVERLAY ZONE (MUOZ), AND RESIDENTIAL PLANNED DEVELOPMENT (RPD-10U) TO ALIGN WITH GENERAL PLAN LAND USE DESIGNATIONS (Z 2024-70001)

1ST READING

RECOMMENDATION:

1. Find that the project has been determined to be within the scope of the General Plan 2045 and the 2021-2029 Housing Element Certified Program Environmental Impact Report pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162 and Section 15168 and that none of the conditions identified in the CEQA Guidelines Section 15162 and Public Resources Code Section 21166 has been triggered for additional environmental review under the requirements of the CEQA.

2. Read in title only, further reading be waived, and if no objection, introduce ordinance approving MCA 2024-70001 amendments to Chapter 4 of Title 9 of the Thousand Oaks Municipal Code.

3. Read in title only, further reading be waived, and if no objection, introduce ordinance approving Z 2024-70001 amendment to the Official Zoning Map.

Hearing, advertised as required by law, opened to consider item. Presented by Planning Division Manager Rice. Senior Planner Holt and Consultant Dan Wery, Principal Community Planner, Michael Baker International, available for questions. Additional information supplemental packet.

Speakers: Jackson Piper, Newbury Park, pro.

Written Statements: None.

Mayor Adam closed the public hearing.

Motion by Councilmember Engler to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, McNamee, Taylor, Newman, Adam

Noes – None

10. PUBLIC HEARINGS: (Continued)

B. Proposed 78-Unit For-Sale Affordable Housing Project – 384 Erbes Road

RESOLUTION DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA AND APPROVING A RESIDENTIAL PLANNED DEVELOPMENT PERMIT; TENTATIVE TRACT MAP; PROTECTED TREE PERMIT; AND LANDSCAPE PLAN CHECK FOR CERTAIN PROPERTY WITHIN SAID CITY AT 384 ERBES ROAD (APN NOS. 670-0-250-290 AND 670-0-250-210) AND DECLARING THE PROPERTY EXEMPT SURPLUS PROPERTY PURSUANT TO THE SURPLUS LAND ACT (APPLICATIONS: 2023-70014-RPD; 2023-70001-TTM; 2023-70125-PTP; 2023-70020-LPC; 2021-70182-LU; 2022-70269-DP; 2022-70535-PTP) (APPLICANT: DICECCO ARCHITECTURE, INC. ON BEHALF OF PEOPLE'S SELF-HELP HOUSING)
RES. NO. 2024-003

RECOMMENDATION:

1. Adopt resolution to:

- a. Find the project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Class 32 Section 15332 In-Fill Development Projects, and Section 15194 Affordable Housing; and
- b. Approve Residential Planned Development Permit 2023-70014-RPD, Parcel Merger 2023-70001-TTM, Planned Tree Permit 2023-70125-PTP, and Landscape Plan Check 2023-70020-LPC; and
- c. Declare that the project site is exempt surplus land, contingent upon the transfer of the property in accordance with the terms of the Disposition and Development Agreement, pursuant to California Government Code Section 54221(f)(1)(R).

2. Approve the draft Disposition and Development Agreement by and among the City of Thousand Oaks and Housing Land Trust Ventura County and People's Self-Help Housing Corporation (384 N. Erbes Road), authorize the City Manager and City Attorney to finalize the agreement, and authorize the City Manager to execute the finalized agreement on behalf of the City.

3. Authorize the City Manager to act on behalf of the City whenever an administrative action is required to implement the terms of the Disposition and Development Agreement and associated documents, except for those matters that are reserved under state law to City Council or which the City Manager determines should be referred to City Council.

4. If requested by the Developer in writing, approve deferral of all City planning and permitting fees until Certificate of Occupancy, pursuant to the terms and conditions contained in the Development Impact Fee Deferral Program.

10. PUBLIC HEARINGS: (Continued)

B. Proposed 78-Unit For-Sale Affordable Housing Project – 384 Erbes Road (Continued)

Hearing, advertised as required by law, opened to consider item. Presented by Senior Planner Georgeff, Assistant City Attorney Doran, and Community Development Analyst Oshita. City Manager Powers, City Attorney Noonan, Finance Director Boscarino, and Outside Counsel Susan Apy, Kane, Ballmer & Berkman, responded to questions. Community Development Director Parker, and Deputy Community Development Director Zelaya Melicher available for questions. Additional information supplemental packet.

Speakers: Applicant Representative Mark DiCecco, DiCecco Architecture, Moorpark, pro; Applicant Representative Veronica Garcia, Chief Real Estate Development Officer, Peoples Self Help Housing, Oxnard, pro; Applicant Representative Sheryl Flores, Director of Home Ownership, Peoples Self Help Housing, San Luis Obispo, pro; Applicant Representative Linda Braunschweiger, Chief Executive Officer, Housing Trust Fund Ventura County, community of residence unknown, pro; Kat Selm, Thousand Oaks, pro; Doug Baker, Newbury Park, pro; Jackson Piper, Newbury Park, pro; Carole Shelton, Thousand Oaks, pro.

Written Statement: None.

Mayor Adam closed the public hearing.

Motion by Mayor Pro Tem Newman to approve staff's recommendation.

Passed 4-0 by the following vote:

Ayes – Engler, Taylor, Newman, Adam

Noes – None

Abstain – McNamee

11. STUDY SESSIONS: None.

12. DEPARTMENT REPORTS: None.

13. COMMITTEE/COMMISSION/BOARD REPORTS: None.

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

15. COUNCIL ISSUES/RECOMMENDATIONS:

- A. League of California Cities Channel Counties Division Meeting Update, February 23, 2024

RECOMMENDATION:

1. Receive report.
2. Find that this action is not a project as defined under the California Environmental Quality Act.

Presented by Mayor Pro Tem Newman and Councilmember Engler.

Speaker/Written Statement: None.

Motion by Councilmember Engler to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, McNamee, Taylor, Newman, Adam

Noes – None

16. CITY MANAGER:

- A. Announcements and upcoming issues

City Manager Powers provided an update on the March 26, 2024, City Council meeting.

17. PUBLIC NOTICES: None.

18. ADJOURNMENT: City Council adjourned at 8:22 p.m. to Regular Meeting on March 26, 2024.

Al Adam, Mayor
City of Thousand Oaks City Council

Attest:

Laura B. Maguire, City Clerk
City of Thousand Oaks City Council
AGENDA POSTED: March 14, 2024
MINUTES APPROVED:

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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