

DRAFT MINUTES OF THE CITY COUNCIL

Thousand Oaks, California

September 26, 2023

1. CALL TO ORDER: Mayor Kevin McNamee 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, Newman, Taylor, Adam, and Mayor McNamee 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, TOArts Associate Director Niki Richardson, Deputy Community Development Director Fabiola Zelaya Melicher, Senior Planner Nizar Slim, Assistant to the City Manager Melissa Hurtado, Chief Assistant City Attorney Patrick Hehir, 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 – Pending Litigation: *Martin Flores and Graciela Franco Reyes vs. Thomas Halub and City of Thousand Oaks*, Ventura County Superior Court Case Number: 202100551360CUPA; Pursuant to Government Code Section 54956.9(a).

City Attorney Noonan announced Closed Session held at 5:01 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 McNamee led the pledge of allegiance.

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

7. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS:

A. Los Robles Hospital White Coat Ceremony

Mayor McNamee introduced Chief Medical Director of Los Robles Health System Gabriella Sherman to discuss the resident program and welcome the 40 new members.

B. Ventura County Human Services Agency – Homeless Prevention

Mayor McNamee introduced County of Ventura Human Services Agency Homeless Services Program Manager Jillian Fleming to provide a report on the Homeless Services Program and Homeless Prevention.

City Manager Powers recognized Deputy Tom Fuchs for serving as the City's Vulnerable Population Officer and congratulated him on his recent promotion.

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. 2011-066/067)

Speakers: Jon, city of residence unknown (submitted document); Pantea Choroomi, Thousand Oaks.

Written Statements: None.

City Manager Powers addressed public comments.

9. CONSENT CALENDAR

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

RECOMMENDATION:

Ratify September 13, 2023, and September 20, 2023; approve September 27, 2023, and October 4, 2023, subject to review and ratification

Motion by Councilmember Engler to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, Newman, Taylor, Adam, McNamee

Noes – None

9. CONSENT CALENDAR: (Continued)

B. Minutes of City Council meeting of September 12, 2023

RECOMMENDATION:

Approve

Motion by Councilmember Engler to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, Newman, Taylor, Adam, McNamee

Noes – None

C. Security Guard and Patrol Services at Various City Facilities

RECOMMENDATION:

1. Approve First Amendment to Agreement for security services with Taurus Protection, Inc. (Taurus) of Thousand Oaks, CA (Contract No. 13365-2023) to add security guard and patrol services at various City facilities, with an increase in the not-to-exceed amount of \$727,911 over the lifetime of the contract, which includes \$395,601 for regular services and \$332,310 for extra services and optional term extensions. The new total not-to-exceed amount for the contract shall be \$1,105,911.

2. Authorize expenditure in the total amount of \$129,573 for FY 2023-24 (\$104,573 for regular contracted services and \$25,000 for potential extra services) and \$156,774 for FY 2024-25 (\$131,774 for regular contracted services and \$25,000 for potential extra services) from various General Fund and Transportation Fund accounts as outlined in the staff report.

3. Approve budget appropriations in the amounts of \$11,500 in FY 2023-24 and \$17,800 in FY 2024-25 from A/C #001-0000-311-1000 (General Fund – Fund Balance) as outlined in the staff report.

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, Newman, Taylor, Adam, McNamee

Noes – None

9. CONSENT CALENDAR: (Continued)

- D. Hill Canyon Treatment Plant Facility Exterior Painting and Coating Project - Phase II (MI 2619)

RECOMMENDATION:

1. Reject all bids received on August 24, 2023.
2. Authorize staff to re-advertise the project for new construction bids following a value engineering evaluation.
3. 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, Newman, Taylor, Adam, McNamee

Noes – None

- E. Ventu Pump Station Electrical Improvement and Upgrades (CI 5739)

RECOMMENDATION:

1. Approve First Amendment to Professional Services Agreement No. 13279-2023 with AECOM Technical Services, Inc. (AECOM) of Westlake Village, CA, to provide additional professional engineering services for Ventu Pump Station Electrical Improvement and Upgrades (CI 5739) in the amount of \$59,898, for a revised not-to-exceed contract amount of \$458,953.
2. Authorize expense in the amount of \$59,898 from A/C #613-8030-682-8300, (CI 5739, Ventu Pump Station Electrical Improvement and Upgrades).
3. Find that this action is not a project as defined under the California Environmental Quality Act (CEQA).

Motion by Councilmember Engler to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, Newman, Taylor, Adam, McNamee

Noes – None

9. CONSENT CALENDAR: (Continued)

F. First Amendment to Agricultural Land Lease Agreement

RECOMMENDATION:

1. Approve First Amendment to Agricultural Land Lease Agreement of City-owned property, Assessor Parcel Numbers 520-0-180-245 and 520-0-180-155, with Underwood and Sons, LLC (Moorpark, CA), to extend term for three years beginning 12:01 a.m. on January 1, 2024, and ending at midnight on December 31, 2026.

2. Find that this lease is not a project as defined under the California Environmental Quality Act (CEQA).

Motion by Councilmember Engler to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, Newman, Taylor, Adam, McNamee

Noes – None

G. Replacement of Data Storage Equipment

RECOMMENDATION:

1. Approve “piggyback” agreement using the National Association of State Procurement Officials (NASPO) ValuePoint Master Agreement No. MNNVP-134 negotiated between Hewlett Packard Enterprise (HPE) and the State of Minnesota, to purchase one HPE Alletra 5030 storage area network SAN including five years of maintenance and support beginning at the date of purchase, in an amount not to exceed \$130,000. The purchase made through Evocative, Inc. using this NASPO master agreement is valid through October 31, 2023.

2. Authorize expenditure of a not-to-exceed amount \$130,000 from A/C #001-3410-612-8400 (Equipment \$5,000 or More).

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, Newman, Taylor, Adam, McNamee

Noes – None

10. PUBLIC HEARINGS: None.

11. STUDY SESSIONS: None.

12. DEPARTMENT REPORTS:

A. Thousand Oaks Alliance for the Arts Operations and Programming Update

RECOMMENDATION:

1. Receive and file Thousand Oaks Alliance for the Arts' (TOArts) operations and programming update for the previous fiscal year ending June 30, 2023.

2. Find that this action is not a project, as defined by CEQA.

Presented by TOArts Chair David Meade who introduced Consortium Media + Public Relations Culturalist and CEO Denise Bean-White to present an audience development report. Cultural Affairs Director Serret and TOArts Associate Director Richardson available for questions.

Speaker/Written Statement: None.

Motion by Councilmember Newman to approve staff's recommendation.

Passed 5-0 by the following vote:

Ayes – Engler, Newman, Taylor, Adam, McNamee

Noes – None

B. Initiation of Municipal Code Amendments to Update Various Sections of Planning and Zoning Code (MCA 2023-70003 and MCAs 2023-70005 through - 70008) (Continued)

RESOLUTION DECLARING INTENTION TO CONSIDER AMENDMENTS TO THE THOUSAND OAKS MUNICIPAL CODE TO UPDATE CERTAIN REGULATIONS REGARDING SCHOOL USES IN RESIDENTIAL ZONES (MCA 2023-70003); ACCESSORY DWELLING UNITS, SB-9 THE CALIFORNIA HOME ACT, CLEAN-UP (MCA 2023-70005); MASSAGE ESTABLISHMENTS (MCA 2023-70006); RESIDENTIAL LARGE FAMILY DAYCARE (MCA 2023-70007); AND EMERGENCY SHELTERS (MCA 2023-70008)

RES. NO. 2023-053

12. DEPARTMENT REPORTS: (Continued)

- B. Initiation of Municipal Code Amendments to Update Various Sections of Planning and Zoning Code (MCA 2023-70003 and MCAs 2023-70005 through -70008)
(Continued)

RECOMMENDATION:

1. Adopt resolution initiating Municipal Code Amendments (MCA) as listed below:

a) "Residential Zones Permitted Use Matrix" to allow a private school use in Residential zones with approval of a Special Use Permit (MCA 2023-70003);

b) Section 9-4.2521 related to "Accessory Dwelling Units" in compliance with changes to State law enacted under Assembly Bill 2221 and Senate Bill 897 and to implement Program 3 of the City's adopted 2021-2029 Housing Element (MCA 2023-70005);

c) Title 9, Chapter 4, Article 37 related to Senate Bill 9 - The California Home Act "clean-up" items to be consistent with the State law (MCA 2023-70005);

d) Title 5, Chapter 17 related to "Massage Establishments, Massage Therapists, the Practice of Massage Therapy" related to business licenses, regulations, and permits including potential changes to Title 9, Chapter 4 (Zoning) (MCA 2023-70006);

e) Section 9-4.2104 related to "Residential Large Family Daycare" in compliance with changes enacted under Senate Bill 234 (MCA 2023-70007); and

f) Section 9-4.202 related to definitions of "Emergency Shelters" in compliance with changes enacted under State law (MCA 2023-70008).

2. Find that initiating a municipal code amendment for changes to the City's Zoning Code is an action exempt from CEQA pursuant to Section 15061(b)(3) of Title 14, Chapter 3 of the California Code of Regulations.

Presented by Senior Planner Slim. City Manager Powers, City Attorney Noonan, Community Development Director Parker, Chief Assistant City Attorney Hehir, Deputy Community Development Director Zelaya Melicher, and Assistant City Attorney Doran responded to questions.

Speaker/Written Statement: None.

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

Passed 3-2 by the following vote:

Ayes – Taylor, Adam, McNamee

Noes – Engler, Newman

12. DEPARTMENT REPORTS: (Continued)
- C. Cannabis Operations Update
- RECOMMENDATION:
1. Receive report and provide direction, if so desired.
 2. Find that this action is not a project as defined under the California Environmental Quality Act.
- Presented by Assistant to the City Manager Hurtado. Police Chief Paris and Chief Assistant City Attorney Hehir responded to questions.
- Speaker/Written Statement: None.
- Motion by Councilmember Engler to approve staff's recommendation.
- Passed 5-0 by the following vote:
- Ayes – Engler, Newman, Taylor, Adam, McNamee
- Noes – None
13. COMMITTEE/COMMISSION/BOARD REPORTS: None.
14. CITY COUNCIL AS SUCCESSOR AGENCY TO THOUSAND OAKS REDEVELOPMENT AGENCY REPORTS: None.
15. COUNCIL ISSUES/RECOMMENDATIONS: None.
16. CITY MANAGER:
- A. Announcements and upcoming issues
- City Manager Powers provided an update on the October 10, 2023, City Council meeting.
17. PUBLIC NOTICES: None.
18. ADJOURNMENT: City Council adjourned in memory of Eloise Cohen and Karen Underlin, at 8:39 p.m. to Regular Meeting on October 10, 2023.

Attest:

Kevin McNamee, Mayor
City of Thousand Oaks City Council

Laura B. Maguire, City Clerk
City of Thousand Oaks City Council

AGENDA POSTED: September 21, 2023

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.