

## **ACTION MINUTES**

### **REGULAR MEETING OF THE CITY COUNCIL TUESDAY, APRIL 25, 2017 COUNCIL CHAMBERS, 215 E. BRANCH STREET ARROYO GRANDE, CALIFORNIA**

#### **1. CALL TO ORDER**

Mayor Hill called the Regular City Council Meeting to order at 6:00 p.m.

#### **2. ROLL CALL**

City Council: Council Members Caren Ray, Barbara Harmon, Kristen Barneich, Mayor Pro Tem Tim Brown and Mayor Jim Hill were present.

Staff Present: Interim City Manager Bob McFall, City Attorney Heather Whitham, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Community Development Director Teresa McClish, Public Works Director Geoff English, Acting Police Chief Beau Pryor, and Associate Planner Kelly Heffernon.

#### **3. MOMENT OF REFLECTION**

#### **4. FLAG SALUTE**

Bob Lund, representing Arroyo Grande In Bloom, led the Flag Salute.

#### **5. AGENDA REVIEW**

Mayor Hill announced a very inspiring success related to Arroyo Grande in that Jordan Hasay, a long-time resident of Arroyo Grande, set a record in the Boston Marathon; congratulated and wished Jordan continued success; referred to The Tribune article on her accomplishment; and stated there would be a special commendation for her on the next Agenda.

##### **5.a. Closed Session Announcements.**

#### **Regular City Council Meeting of April 11, 2017**

- a) Conference with Real Property Negotiators pursuant to Government Code Section 54956.8  
Property: 250 Wesley Street, Arroyo Grande (APNs 007-011-021 and 007-011-049)  
Agency Negotiator: Teresa McClish, Community Development Director  
Negotiating Party: Eric Knowles, Kidder Matthews  
Under Negotiation: Price and Terms of Payment

City Attorney Whitham announced that the City Council met in closed session on April 11, 2017 and no reportable action was taken.

##### **5.b. Ordinances Read in Title Only.**

Council Member Barneich moved, Mayor Pro Tem Brown seconded, and the motion passed unanimously that all ordinances presented at the meeting shall be read by title only and all further readings be waived.

**6. SPECIAL PRESENTATIONS**

**6.a. Presentation by SLOCOG/Rideshare Regarding Bike Month, May 2017.**

Peter Williamson, Employer Outreach Coordinator, gave a presentation about planned events during Bike Month to encourage people to ride bikes and reduce the number of vehicles on the roadways, including Bike to School Day on Wednesday, May 10<sup>th</sup> and Bike to Work Day on Friday, May 19<sup>th</sup>.

**7. CITIZENS' INPUT, COMMENTS, AND SUGGESTIONS**

Mayor Hill invited public comment. Speaking from the public were Linda Osty, who offered an invocation; Patty Welsh, who thanked Bob McFall for his work as Interim City Manager; and Gigi Senna, who extended an invitation on behalf of the Filipino community to a concert by The Mandaue City Children's Choir at the Clark Center on Saturday, April 29, 2017 at 7:00 p.m., and also thanked Interim City Manager McFall and Public Works Director English for their assistance in addressing ADA accessibility issues in the City.

**8. INTERIM CITY MANAGER REPORT:**

Interim City Manager McFall announced that this was Public Works Director Geoff English's last Council meeting and acknowledged his service to the City. He also announced that Chris Magdosku has started as the new Public Works Director and provided information on his career background.

Director English addressed the Council and thanked the Council, Interim City Manager McFall, and staff.

Mayor Hill and the Council acknowledged Director English's outstanding service to the City, expressed their well wishes and congratulations, and welcomed Chris Magdosku to the City.

Interim City Manager McFall stated that this was also his last meeting and that Jim Bergman would be starting on Monday, May 1<sup>st</sup> and expressed his pleasure for the opportunity to be of service to the City.

Mayor Hill and the Council expressed their appreciation and thanked Interim City Manager McFall for his service to the City.

**9. CONSENT AGENDA**

Mayor Hill requested that Item 9.j. be pulled.

Mayor Hill invited public comment on the remaining consent agenda items. No public comments were received.

**Action:** Council Member Harmon moved, and Council Member Barneich seconded the motion to approve Consent Agenda Items 9.a. through 9.k., with the exception of Item 9.j., with the recommended courses of action. The motion passed on the following roll-call vote:

**AYES:** Harmon, Barneich, Ray, Brown, Hill  
**NOES:** None  
**ABSENT:** None

- 9.a. Consideration of Cash Disbursement Ratification.**  
**Action:** Ratified the listing of cash disbursements for the period April 1, 2017 through April 15, 2017.
- 9.b. Consideration of Statement of Investment Deposits.**  
**Action:** Received and filed the report listing of investment deposits of the City of Arroyo Grande, as of March 31, 2017, as required by Government Code Section 53646(b).
- 9.c. Consideration of Approval of Minutes.**  
**Action:** Approved the minutes of the Regular City Council Meeting of April 11, 2017, as submitted.
- 9.d. Consideration of Cancellation of July 11, 2017 City Council Meeting.**  
**Action:** Cancelled the regularly scheduled Council meeting of July 11, 2017.
- 9.e. Consideration of Approval of Water Tank Lease Agreement and Memorandum of Lease with Verizon Wireless.**  
**Action:** Approved and authorized the Mayor to execute a Water Tank Lease Agreement and Memorandum of Lease between the City and AirTouch Cellular, dba Verizon Wireless (“Verizon”) for use of approximately 680 square feet of property located at 805 Stagecoach Road and space on the City’s water tank for use as a wireless communication facility.
- 9.f. Consideration to Authorize an Award of Contract for Police Fleet Leasing Program Including Vehicles, Financing and Declaring Existing Vehicles as Surplus Property.**  
**Action:** 1) Awarded a bid for the purchase of nine police patrol vehicles to Mullahey Ford of Arroyo Grande, CA; 2) Entered into a contract for lease financing with California First Leasing Corporation of Irvine, CA; 3) Adopted a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING VEHICLES AS SURPLUS AND AUTHORIZING THEIR SALE”**; and 4) Authorized the City Manager to execute all necessary documents.
- 9.g. Consideration of a Fifth Amendment to Agreement for Consultant Services with Garing, Taylor & Associates for the Municipal Water Well No. 11 Treatment Plant Construction, Well Equipment and Pipeline Installation Project, PW 2010-07.**  
**Action:** 1) Approved a Fifth Amendment to the Agreement for Consultant Services with Garing, Taylor & Associates to revive and extend the duration of the Agreement for the subject project; and 2) Authorized the Mayor to execute the Fifth Amendment.
- 9.h. Consideration of a Fourth Amendment to Agreement for Consultant Services with Quincy Engineering, Inc. for the Bridge Street Bridge Project.**  
**Action:** 1) Approved a Fourth Amendment to the Agreement for Consultant Services with Quincy Engineering, Inc. to include additional services at no increased cost for the subject project; and 2) Authorized the Mayor to execute the Fourth Amendment.
- 9.i. Consideration of Temporary Use Permit 17-004; Authorization to Use City Property for the Horseless Carriage Club of America Event on Thursday, May 24, 2017; Location – Heritage Square Park; Applicant – Arroyo Grande Village Improvement Association.**  
**Action:** Adopted a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT NO. 17-004; AUTHORIZING THE USE OF CITY PROPERTY AND CLOSURE OF CITY**

**STREETS FOR THE HORSELESS CARRIAGE CLUB OF AMERICA EVENT ON THURSDAY, MAY 4, 2017; APPLIED FOR BY THE ARROYO GRANDE VILLAGE IMPROVEMENT ASSOCIATION”.**

- 9.k. Consideration of Adoption of Resolutions Ordering the Preparation and Filing of Annual Engineer’s Reports for the Parkside Village Assessment District, Grace Lane Assessment District, and Landscaping and Lighting District No. 1, within Tract 1769, for Fiscal Year 2017-2018.

**Action:** Adopt Resolutions entitled: “**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ORDERING THE PREPARATION AND FILING OF THE ANNUAL ENGINEER’S REPORT FOR THE PARKSIDE VILLAGE ASSESSMENT DISTRICT FOR FISCAL YEAR 2017-2018**”; “**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ORDERING THE PREPARATION AND FILING OF THE ANNUAL ENGINEER’S REPORT FOR THE GRACE LANE ASSESSMENT DISTRICT FOR FISCAL YEAR 2017-2018**”; and “**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ORDERING THE PREPARATION AND FILING OF THE ANNUAL ENGINEERS REPORT FOR THE ARROYO GRANDE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1, WITHIN TRACT 1769, FOR FISCAL YEAR 2017-2018**”.

#### **ITEMS PULLED FROM THE CONSENT AGENDA**

- 9.j. Consideration of Submission of a Letter of Support for the South San Luis Obispo County Sanitation District’s Redundancy Project.

**Recommended Action:** Authorize the Mayor to sign a letter of support for the South San Luis Obispo County Sanitation District’s Redundancy Project.

Mayor Hill spoke in support of the redundancy project; however, expressed concern regarding the Coastal Commission’s recommendation for a 10 year temporary permit and requested that a modification be made to the letter to request a 30 year permit because financing of a project of this nature would typically take place over 30 years.

Mayor Hill invited public comment. Speaking from the public was Patricia Price, who expressed concern about funding not being granted if the permit is only for 10 years. No further public comments were received.

**Action:** Mayor Hill moved to authorize the Mayor to sign a letter of support for the South San Luis Obispo County Sanitation District’s Redundancy Project, as amended, to endorse a 30 year project. Mayor Pro Tem Brown seconded, and the motion passed on the following roll-call vote:

**AYES:** Hill, Brown, Ray, Harmon, Barneich  
**NOES:** None  
**ABSENT:** None

#### **10. PUBLIC HEARINGS**

- 10.a. Consideration of Development Code Amendment 15-001: An Ordinance to Amend Regulations Regarding Small Cell Telecommunication Facilities and A

**Resolution Approving Amendments to the City’s Telecommunication Siting and Submittal Requirements; Location – Citywide; Applicant – Verizon Wireless.**

Community Development Director McClish introduced the item and Associate Planner Heffernon presented the staff report and recommended that the Council: 1) Introduce an Ordinance amending Arroyo Grande Municipal Code Section 16.04.070(C), Table 16.36.030(A) and Table 16.44.040-A relating to small cell telecommunication facilities; and 2) Adopt a Resolution approving amendments to the City’s Telecommunication Facilities Siting and Permit Submittal Requirements. Staff responded to questions from Council.

Mayor Hill opened the public hearing. Speaking from the public were Tricia Knight, representing the applicant, in support of the proposal, and answered questions from Council about placement and service coverage in the Village; and Patty Welsh, expressed concern about the size and look of the antennas and the potential loss of parking spaces in the Village.

**Action:** Council Member Ray moved to introduce the Ordinance, as modified, to amend the Table to allow a Minor Use Permit (MUP) for boxes or antennas that are deemed invisible by the Community Development Director, prohibit placement in sidewalks, and leave designation of Historic Resources Committee (HRC) review in the Ordinance as proposed. Mayor Pro Tem Brown seconded the motion. City Attorney Whitham read the full title of the proposed Ordinance as follows: **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING SECTION 16.04.070(C), TABLE 16.36.030(A) AND TABLE 16.44.040-A OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO SMALL CELL TELECOMMUNICATION FACILITIES ”.**

Director McClish clarified that the sidewalk provision is located in the Telecommunications Facilities Guidelines, which is in the Resolution, not the Ordinance.

The motion passed on the following roll-call vote:

**AYES:** Ray, Brown, Harmon, Barneich, Hill  
**NOES:** None  
**ABSENT:** None

**Action:** Council Member Ray moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING AMENDMENTS TO THE CITY’S TELECOMMUNICATION FACILITIES SITING AND PERMIT SUBMITTAL REQUIREMENTS”**, as modified, to include a regulation that ground-mounted equipment is not allowed within sidewalks. Council Member Barneich seconded, and the motion passed on the following roll-call vote:

**AYES:** Ray, Barneich, Harmon, Brown, Hill  
**NOES:** None  
**ABSENT:** None

*Mayor Hill called for a break at 7:38 p.m. The Council reconvened at 7:46 p.m.*

**11. OLD BUSINESS**

**11.a. Consideration of Adoption of a Resolution Rescinding the Declaration of a Stage 1 Water Shortage Emergency.**

Interim City Manager McFall introduced the item and Public Works Director English presented the staff report and recommended that the Council adopt a Resolution rescinding the declaration of the Stage 1 Water Shortage Emergency and related water conservation measures and restrictions.

Mayor Hill opened the public hearing. Speaking from the public were: Patty Welsh, in support of rescinding the Stage 1 Water Shortage Emergency and commented that residents will continue to conserve water; Jim Guthrie, stated that water conservation is what helped to end the drought and raise water levels, commented on the safe yield for Lopez, and stated that the Council should reduce the fines to help everyone stay focused on conservation; and Patricia Price, in support of lowering the fines and keeping the restrictions in place.

**Action:** Council Member Ray moved to rescind the Stage 1 Water Shortage Emergency and rely on the City's permanent mandatory water use restrictions to meet the new requirements by adoption of a Resolution entitled: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE RESCINDING THE DECLARATION OF A STAGE 1 WATER SHORTAGE EMERGENCY AND RELATED WATER CONSERVATION MEASURES AND RESTRICTIONS"**, and further, to add a mailer that goes out separate from a notice in the water bill to every ratepayer so that it is clear what lifting of the restrictions means and does not mean; to request an annual look back; and to direct staff to bring back at a future date the possible revision of Chapter 13.05 of the Municipal Code.

Council Member Barneich requested that the mailer include information on which water conservation programs are still available. Council Member Ray agreed to include that in the motion. Mayor Pro Tem Brown seconded, and the motion passed on the following roll-call vote:

**AYES:** Ray, Brown, Harmon, Barneich, Hill  
**NOES:** None  
**ABSENT:** None

**12. NEW BUSINESS**

None.

**13. CITY COUNCIL REPORTS**

The Mayor and Council Members provided brief reports from the following committee, commission, board, or other subcommittee meetings that they attended as the City's appointed representative.

- (a) **MAYOR HILL:**
- (1) South San Luis Obispo County Sanitation District (SSLOCSD)
  - (2) Brisco/Halcyon Interchange Subcommittee
  - (3) Oversight Board to the Successor Agency to the Dissolved Arroyo Grande Redevelopment Agency
  - (4) Other: Attended SLOCOG/RTA meeting (Alternate)

- (b) MAYOR PRO TEM BROWN:**
  - (1) San Luis Obispo Council of Governments/Regional Transit Authority (SLOCOG/RTA)
  - (2) Integrated Waste Management Authority Board (IWMA)
  - (3) South County Transit (SCT)
  - (4) Brisco/Halcyon Interchange Subcommittee
  - (5) Other: Zone 3 Water Advisory Board (Alternate)
  
- (c) COUNCIL MEMBER BARNEICH:**
  - (1) Zone 3 Water Advisory Board
  - (2) Homeless Services Oversight Council (HSOC)
  - (3) Other
  
- (d) COUNCIL MEMBER HARMON:**
  - (1) County Water Resources Advisory Committee (WRAC)
  - (2) Air Pollution Control District (APCD)
  - (3) Five Cities Fire Authority (FCFA)
  - (4) Other
  
- (e) COUNCIL MEMBER RAY:**
  - (1) California Joint Powers Insurance Authority (CJPIA)
  - (2) Economic Vitality Corporation (EVC)
  - (3) Tourism Committee
  - (4) Other

#### **14. COUNCIL COMMUNICATIONS**

Council Member Barneich announced that tickets are available for the Fiesta at Finn's fundraiser on May 2<sup>nd</sup> to benefit the Five Cities Homeless Coalition; commented that recently a friend was involved in a serious car accident in the Village and praised Arroyo Grande Police and Five Cities Fire Authority emergency personnel for their assistance; reported that a barbeque was recently held for the warming center volunteers and provided statistics on the number of hours and shifts worked during the 69 nights the Center was open from November through March, and announced there is a search for a new warming center location for next year.

Council Member Ray requested that Interim City Manager McFall provide an update on comments made from public comment at the previous Council meeting regarding the medical marijuana mobile delivery permit process.

Interim City Manager McFall provided an update on staff's follow up with the concerns expressed by Elite Care regarding the medical marijuana mobile delivery permit process. He noted a more detailed update would be provided to the Council by Acting Police Chief Pryor.

Council Member Ray acknowledged the response by all parties to resolve the issues.

#### **15. COMMUNITY COMMENTS AND SUGGESTIONS**

Patty Welsh stated she had missed the last meeting and that she was sorry to have missed Devon Ward and that she looked forward to medicine being available via mobile deliveries.

**16. CLOSED SESSION**

At 9:56 p.m., City Attorney Heather Whitham announced the City Council would adjourn to closed session to consider the following items:

- a) **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to Government Code Section 54957.6:  
Agency Designated Representatives: Debbie Malicoat, Administrative Services Director; Karen Sisko, Human Resources Manager  
Employee Organization: Arroyo Grande Police Officers' Association (AGPOA)
  
- b) **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to Government Code Section 54957.6:  
Agency Designated Representatives: Debbie Malicoat, Administrative Services Director; Karen Sisko, Human Resources Manager  
Employee Organization: Service Employees International Union, Local 620
  
- c) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Government Code Section 54956.9(d)(1):  
Name of Case: Appeal of CalPERS determination dated January 26, 2017, (CalPERS ID: 4633639204)

Adjourned to closed session.

**16. RECONVENE TO OPEN SESSION:**

At 11:40 p.m., the Council reconvened to open session. City Attorney Whitham announced that there was no reportable action.

**ADJOURNMENT**

Mayor Hill adjourned the meeting at 11:41 p.m.

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**Jim Hill, Mayor**

**ATTEST:**

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**Kelly Wetmore, City Clerk**

(Approved at CC Mtg \_\_\_\_\_)