

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, JANUARY 12, 2016 COUNCIL CHAMBERS, 215 EAST BRANCH STREET ARROYO GRANDE, CALIFORNIA

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff Present: City Manager Dianne Thompson, City Attorney Heather Whitham, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Director of Administrative Services Debbie Malicoat, Director of Recreation Services John Rogers, Public Works Director Geoff English, Police Chief Steven Annibali, Five Cities Fire Authority Fire Chief Steve Lieberman, Associate Planner Kelly Heffernon, and Associate Planner Matt Downing.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Michael Drees, representing South County Historical Society, led the Flag Salute.

5. AGENDA REVIEW

5.a. Closed Session Announcements.

None.

5.b. Ordinances Read in Title Only.

Mayor Pro Tem Harmon moved, Council Member Guthrie 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.

Due to technical issues with the audio system, Mayor Pro Tem Harmon called for a break at 6:05 p.m. The Council reconvened at 6:10 p.m.

6. SPECIAL PRESENTATIONS

6.a. Emergency Preparedness and Storm Preparation.

City Manager Thompson provided an introduction of the item. Public Works Director English provided a presentation regarding Public Works Department storm preparedness and emergency response procedures; Fire Chief Lieberman presented public education and outreach efforts and fire/rescue emergency preparedness; and Chief Annibali presented information regarding the Emergency Operations Center located at the Arroyo Grande Police Department and provided an overview of law enforcement emergency preparedness efforts.

Staff responded to questions from Council regarding the fragile and homeless population, and whether hospitals and care centers have their own evacuation and emergency systems.

Mayor Pro Tem Harmon invited public comment. Speaking from the public were Patty Welsh, regarding concern for hospice patients in homes in an emergency event; and Otis Page, regarding whether the public would be sent an alert if rainfall becomes excessive or there is a possibility of a tsunami event.

7. CITIZENS' INPUT, COMMENTS, AND SUGGESTIONS

Mayor Pro Tem Harmon invited public comment. Speaking from the public were Linda Osty, who provided an invocation, and invited the public to the Pismo Beach/5 Cities Rotary Polio Plus event on February 26th; Chet Williams, who requested a status update on the Woodland Street gate; Pat Dempsey, who referred to a letter from the California Joint Powers Insurance Authority (CJPIA) to Mayor Hill and expressed concern about the allegations, referred to website www.ourarroyogrande.com, and commented about the direction the City Manager is taking; Otis Page, noted this is an election year and suggested it is a good time to review the functions of the Council and administration of the City, provide an in-depth analysis of the Fire Authority, commented on sewer services with regard to an upcoming increase in cost, and commented on water conservation as it relates to relief from water charges; Trudy Jarrett, Arroyo Grande, complimented the City Manager and City Clerk for their responses to questions she recently had; Beatrice Spencer, thanked Mayor Hill for calling a special meeting to extend the closure of the Brisco ramps and commended the Police Department for their response to a recent accident; Patty Welsh, expressed concerns about the City Manager.

Mayor Pro Tem Harmon responded to public comment regarding the City Manager.

LeeAnn Akins, spoke about transformational leadership; Shirley Gibson, spoke in support of the City Manager, staff, Council, and Mayor, and urged the public to support Council and staff, referred to the letter from the CJPIA and asked if there would be an increase in rates, and if the City will implement the Healthy Workplace program. No further public comments were received.

In response to a question by Council Member Barneich regarding the removal of public comment at the end of the meeting, City Manager Thompson explained that in response to concerns expressed about the length of the meetings, she had met with the Mayor to discuss and determine the removal of the last public comment section from the Agenda.

8. CITY MANAGER REPORT:

City Manager Thompson provided a status report on construction of the Arroyo Grande Plaza; water conservation efforts; City Hall closure for safety training; the Warming Center at the Department of Social Services; drainage improvements at the Car Corral parking lot; a meeting with the owners of Baja Fresh and possible signage changes; items recently considered by the Traffic Commission, Planning Commission, and Architectural Review Committee; and the expansion of Mason Bar.

In response to a question by Council Member Barneich regarding PG&E's new street lights, Director English provided an update and additional information regarding LED street lights and shields.

9. CONSENT AGENDA

Mayor Pro Tem Harmon requested Item 9.i. be pulled.
Council Member Barneich requested Item 9.j. be pulled.

Mayor Pro Tem Harmon invited public comment on the Consent Agenda. Speaking from the public were April McLaughlin, regarding Item 9.a., Cash Disbursements, and the lack of detail in the report, and also commented on impacts to parking near Trader Joe's due to the supermarket closure across the street and commented on the need for economic development.

City Manager Thompson responded that the financial software should be available online within the next few months; and that staff has contacted Investec regarding a new grocery store and is tracking the progress.

Council Member Brown requested a description of the warrants be provided next time for items brought up in public comment.

Beatrice Spencer, commented on Item 9.a. relating to expenses from Wood Rodgers; and Patty Welsh, commented that Arroyo Grande also has a Smart and Final supermarket.

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

AYES: Barneich, Guthrie, Brown, Harmon
NOES: None
ABSENT: Hill

9.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period December 1, 2015 through December 31, 2015.

9.b. Consideration of Statement of Investment Deposits.

Action: Received and filed the report listing the current investment deposits of the City, as of November 30, 2015, as required by Government Code Section 53646(b).

9.c. Consideration of Resolution Accepting the Status Report on Development Impact Fees (AB-1600).

Action: Adopted a Resolution entitled: "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ACCEPTING THE STATUS REPORT ON DEVELOPMENT IMPACT FEES (AB-1600)**".

9.d. Consideration of Annual Financial Report – Fiscal Year 2014-15 Receipt and Use of Water and Sewer Capacity and Connection Fees/Charges.

Action: Received and filed the annual report of the receipt and use of water and sewer capacity and connection fees and charges, in compliance with Government Code Section 66013.

9.e. Appropriation of Funding for Settlement Agreement with GLR Construction.

Action: Authorized the City Manager to execute a mutual release and settlement agreement with GLR Construction and appropriate \$109,700 from the Local Sales Tax Fund.

9.f. Consideration of Approval of Minutes.

Action: Approved the minutes of the Special and Regular City Council Meetings of November 24, 2015, the Regular City Council Meeting of December 8, 2015, and the Special Meeting of December 17, 2015, as submitted.

9.g. Consideration of Overfilling One Position for the Public Works Department Utilities Division (ENGLISH)

Action: Approved overfilling one full-time Maintenance Worker position allocated to the Utilities Division to accommodate an employee on extended leave.

9.h. Consideration of an Agreement for Contractor Services with Brendler Janitorial, Inc. for Janitorial Services for the Police Station (ENGLISH)

Action: 1) Approved an Agreement for Contractor Services with Brendler Janitorial Service for janitorial services in the amount of \$525.03 per month for a two year term; 2) Authorized the City Manager to approve change orders for \$2,400.00 for additional work during the term of the agreement; and 3) Authorized the City Manager to extend the agreement for two additional one-year terms at the option of the City.

9.i. Consideration of a Fourth Amendment to Agreement for Consultant Services with Garing, Taylor & Associates for the Well No. 11 Project, PW 2010-07 (ENGLISH)

Action: 1) Approved Amendment No. 4 to the Agreement for Consultant Services with Garing Taylor & Associates to increase the “not to exceed” amount by \$9,641.76 for additional design and construction support services for the subject project and extend the termination date; and 2) Authorized the Mayor to execute the Amendment No. 4.

9.k. Oak Park Rehabilitation Project Funding Request (ENGLISH)

Action: Appropriated \$205,000 from the Sales Tax Fund to the Oak Park Rehabilitation project and authorized the City Manager to enter into a reimbursement agreement with the City of Grover Beach for the completion of this work.

ITEMS PULLED FROM THE CONSENT AGENDA

9.j. City Hall Restroom Access and Safety Improvement Project.

Recommended Action: Appropriate \$25,000 from the Sales Tax Fund for the City Hall Restroom Access and Safety Improvement project.

Public Works Director English provided an overview of the project and answered questions from Council regarding the funds for Phase 2 of the project.

Mayor Pro Tem Harmon invited public comment. Speaking from the public was Patty Welsh, expressing concern about the interior hallway door being locked and suggested installing a “Employee Access Only” sign on the door.

Council questions and comments ensued regarding leaving the hallway door unlocked/locked, cost savings if the two phases were done together as one project, safety measures, and ADA requirements.

Action: Council Member Barneich moved to appropriate \$25,000 from the Sales Tax Fund for the City Hall Restroom Access and Safety Improvement project, as proposed. Council Member Brown seconded, and the motion failed on the following roll call vote:

AYES: Barneich, Brown
NOES: Guthrie, Harmon
ABSENT: Hill

Action: Council Member Guthrie moved to appropriate \$25,000 from the Sales Tax Fund for the City Hall Restroom Access and Safety Improvement project with direction to leave the hallway door unlocked. Mayor Pro Tem Harmon seconded, and the motion passed on the following roll call vote:

AYES: Guthrie, Harmon, Barneich
NOES: Brown
ABSENT: Hill

9.I. Consideration to Approve a Vehicle Exchange/Purchase with the Five Cities Fire Authority.

Recommended Action: Approve a vehicle exchange/purchase with the Five Cities Fire Authority.

In response to questions by Mayor Pro Tem Harmon, Fire Chief Lieberman provided an overview of the Fire Authority's fleet, how the vehicle exchange will benefit the Fire Authority, and explained that the funds will be used to establish a fleet replacement fund for the Fire Authority.

Mayor Pro Tem Harmon invited public comment. No public comments were received.

Action: Council Member Guthrie moved to approve a vehicle exchange/purchase with the Five Cities Fire Authority. Mayor Pro Tem Harmon seconded, and the motion passed on the following roll-call vote:

AYES: Guthrie, Harmon, Brown, Barneich
NOES: None
ABSENT: Hill

10. PUBLIC HEARINGS

10.a. Continued Public Hearing - Consideration of Lot Merger No. 15-002, Conditional Use Permit No. 15-006, and Mitigated Negative Declaration; Construction of an Approximately 45,000 Square-Foot, Three-Story Medical Office Building; Location – Northwest Corner of Fair Oaks Avenue and Woodland Drive; Applicant – Triple P, LLC; Representative – Studio Design Group.

Community Development Director McClish recommended that the Council continue the public hearing to a date certain of January 26, 2016.

Mayor Pro Tem Harmon opened the public hearing. Speaking from the public was Chet Williams, stating he had no opposition to project; however, he supported leaving Woodland Drive closed permanently, and expressed concern with the proposed building elevation. Hearing no further public comments, Mayor Pro Tem Harmon closed the public hearing.

Action: Council Member Guthrie moved to continue the public hearing to a date certain of January 26, 2016. Council Member Barneich seconded, and the motion passed on the following roll-call vote:

AYES: Guthrie, Barneich, Brown, Harmon
NOES: None
ABSENT: Hill

10.b. Consideration of Adoption of an Ordinance Amending Chapter 16.84 of the Arroyo Grande Municipal Code Regarding Water Efficient Landscape Requirements and Adopting by Reference the Model Water Efficient Landscape Ordinance of the State of California; Development Code Amendment Case No. 15-002; Location – Citywide; Applicant – City of Arroyo Grande.

Community Development Director McClish introduced the item and Associate Planner Heffernon presented the staff report and recommended that the Council adopt an Ordinance amending Chapter 16.84 of the Arroyo Grande Municipal Code adopting by reference the Model Water Efficient Landscape Ordinance of the State of California as contained in the California Code of Regulations, Title 23, Waters, Division 2.7, Model Water Efficient Landscape Ordinance, Sections 490 et.seq.

Staff responded to questions from Council regarding the definition of landscape and open space areas; grey water systems for new development; and the use of the GIS system for tracking and reporting requirements.

Mayor Pro Tem Harmon opened the public hearing. Hearing no public comments, Mayor Pro Tem Harmon closed the public hearing.

Council comments ensued regarding whether or not greywater plumbing requirements for new residential and mixed-use development should be added back in to the Ordinance.

Action: Council Member Guthrie moved to adopt an Ordinance entitled **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING CHAPTER 16.84 OF THE ARROYO GRANDE MUNICIPAL CODE ADOPTING BY REFERENCE THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE OF THE STATE OF CALIFORNIA AS CONTAINED IN THE CALIFORNIA CODE OF REGULATIONS TITLE 23 WATERS, DIVISION 2, DEPARTMENT OF WATER RESOURCES, CHAPTER 2.7, MODEL WATER EFFICIENT LANDSCAPE ORDINANCE, SECTIONS 490 ET. SEQ.”**, as presented. Mayor Pro Tem Harmon seconded, and the motion passed on the following roll-call vote:

AYES: Guthrie, Harmon, Barneich
NOES: Brown
ABSENT: Hill

Mayor Pro Tem Harmon called for a break at 8:20 p.m. The Council reconvened at 8:26 p.m.

10.c. Consideration of Development Code Amendment Case No. 15-003; Introduction of Ordinance Adding Chapter 16.62 to Title 16 of the Arroyo Grande Municipal Code Regarding Medical Marijuana; Location – Citywide; Applicant – City Of Arroyo Grande.

City Manager Thompson introduced the item and Community Development Director McClish presented the staff report and recommended the Council introduce an Ordinance adding Chapter 16.62 to Title 16 of the Arroyo Grande Municipal Code relating to medical marijuana dispensaries, cooperatives and collectives, cultivation of medical marijuana, and deliveries of medical marijuana or medical cannabis products. Staff responded to questions from Council regarding penalty and enforcement provisions.

Mayor Pro Tem Harmon opened the public hearing. Speaking from the public were Judith Bernstein, spoke in opposition to the proposed ordinance prohibiting cultivation and all medical marijuana collectives, cooperatives and dispensaries, including mobile dispensaries, and supported mobile deliveries and limited home cultivation; Cynthia Gonzales, spoke in opposition to the proposed ordinance prohibiting cultivation and all medical marijuana collectives, cooperatives and dispensaries, including mobile dispensaries; Kay Kyle, spoke in opposition to the proposed ordinance prohibiting cultivation and all medical marijuana collectives, cooperatives and dispensaries, including mobile dispensaries; Patty Welsh, spoke in support of medical marijuana use by chronically ill people; Jack Stevens, spoke in opposition to the proposed ordinance prohibiting cultivation and all medical marijuana collectives, cooperatives and dispensaries, including mobile dispensaries; Tammy Poluso, spoke in opposition to the proposed ordinance prohibiting cultivation and all medical marijuana collectives, cooperatives and dispensaries, including mobile dispensaries; and Gina Morey, spoke in opposition to the proposed ordinance prohibiting cultivation and all medical marijuana collectives, cooperatives and dispensaries, including mobile dispensaries. Hearing no further public comments, Mayor Pro Tem Harmon closed the public hearing.

Council comments ensued regarding total prohibition; issues of local enforcement and civil penalties; that this should be a complaint driven ordinance; concerns relating to cultivation; and that there will be a need to revisit the banning of commercial and mobile dispensaries in the future.

Action: Council Member Guthrie moved to introduce an Ordinance entitled “***AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADDING CHAPTER 16.62 TO TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO MEDICAL MARIJUANA DISPENSARIES, COOPERATIVES AND COLLECTIVES, CULTIVATION OF MEDICAL MARIJUANA, AND DELIVERIES OF MEDICAL MARIJUANA OR MEDICAL CANNABIS PRODUCTS***”. Mayor Pro Tem Harmon seconded, and the motion passed on the following roll-call vote:

AYES: Guthrie, Harmon, Barneich,
NOES: Brown
ABSENT: Hill

11. OLD BUSINESS

None.

12. NEW BUSINESS

12.a. Consideration of Appointment of City Council Representative for Regional Water Initiatives.

City Manager Thompson introduced the item and Community Development Director McClish presented the staff report and recommended the Council appoint one Council Member and one alternate to serve as a representative to meet with neighboring agencies regarding regional water initiatives.

Mayor Pro Tem Harmon invited public comment. No public comments were received.

Mayor Pro Tem Harmon noted that Mayor Hill had expressed an interest in serving as the Council representative. Council discussion ensued relating to the appointment of two Council representatives.

Action: Council Member Barneich moved to appoint Mayor Hill and Council Member Guthrie to serve as representatives to meet with neighboring agencies regarding regional water initiatives. Mayor Pro Tem Harmon seconded, and the motion passed on the following roll-call vote:

AYES: Barneich, Harmon, Guthrie, Brown
NOES: None
ABSENT: Hill

12.b. Government Buildings Infrastructure Assessment Report and Building Repair Schedule.

City Manager introduced the item and Public Works Director English presented the staff report and recommended the Council receive and provide comments and direction on the draft Government Building Infrastructure Assessment Report and Repair Schedule. Staff responded to questions from Council.

Mayor Pro Tem Harmon invited public comment. Speaking from the public were Beatrice Spencer, who referred to Item 9.j. as it related to its place on the priority list, expressed concern about unfunded liabilities the City has and wondered where the money will come from for the Brisco Interchange project; Patty Welsh, expressed concern about the cost of the new City Hall building and the additional costs that were approved for more modifications to the building. No further public comments were received.

Council comments ensued in support of the Building Infrastructure Assessment Report; that the City is making ADA compliance modifications to City buildings; referred to the Local Sales Tax Fund and related advisory measures that identified the Brisco Interchange as the number one project priority in the City; acknowledgement of the extensive work that was done in-house in putting this report together; and appreciation to architect Kyle Harris for his volunteer work on this assessment report.

No formal action was taken on this item.

14. COUNCIL COMMUNICATIONS

Council Member Brown referred to Item 7, Community Comments and Suggestions, and expressed concern that Council should not rebut or debate public comment.

Council Member Barneich noted that her comments during Item 7 were for the benefit of the public who were watching on television; thanked Matt Horn for the sign on Brisco Road; thanked Police Chief Annibali and Community Development Director McClish for the efforts of the Neighborhood Services Division; commented that the warming centers are open and that they are in need of volunteers; echoed Mayor Pro Tem Harmon's comments regarding City Manager Thompson and stated that the feedback she has received has been positive and the City Manager has been following protocol; and requested City Manager Thompson explain her policy as it relates to meeting with and responding to members of the public.

City Manager Thompson explained her protocol for providing customer service and responding to requests for information in the most efficient way possible and at the appropriate level in the organization.

Council Member Guthrie asked if there was a response from the City regarding the letter from CJPIA.

City Manager Thompson replied that she contacted the local CJPIA representative and he indicated that he had initiated the letter based on information that had come to his attention and that the CJPIA offers services to their member agencies at no cost.

Council Member Harmon noted that her Council Reports at the next meeting will be lengthy.

At the request of a member from the public, Mayor Pro Tem Harmon invited final public comment. Speaking from the public were LeAnn Akins, expressing her high expectations for good leadership and stated that though her comments are critical, it does not mean that she doesn't support Council or staff; and Patty Welsh, who inquired about the protocol for when a City Commissioner wants to meet with the City Manager.

15. CLOSED SESSION:

None.

16. ADJOURNMENT

Mayor Pro Tem Harmon adjourned the meeting at 10:35 p.m.

/s/ Jim Hill, Mayor

ATTEST:

/s/ Kelly Wetmore, City Clerk

(Approved at CC Mtg 01/26/2016)