

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, FEBRUARY 9, 2016 COUNCIL CHAMBERS, 215 EAST 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 Jim Guthrie, Tim Brown, Kristen Barneich, Mayor Pro Tem Barbara Harmon and Mayor Jim Hill were present.

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, Community Development Director Teresa McClish, Associate Planner Matt Downing, City Engineer Matt Horn, GIS Technician Camilla Greenbach, and Public Works Director Geoff English.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Members of Junior Girl Scout Troop 41049 led the Flag Salute.

5. AGENDA REVIEW

5.a. Closed Session Announcements.

None.

5.b. Ordinances Read in Title Only.

Council Member Brown moved, Council Member Barneich 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.b. Presentation of the City's Geographic Information System (GIS) by Cammie Greenbach, GIS Technician

City Manager Thompson introduced Cammie Greenbach, GIS Technician, and presented a biography of her educational background and achievements. Ms. Greenbach then provided a presentation of the City's GIS System.

6.a. Presentation by Five Cities Homeless Coalition

Janna Nichols, representing the 5 Cities Homeless Coalition, provided an overview of the financial, educational, and healthcare services and programs the Coalition provides; spoke regarding the lack of a homeless shelter in the South County; challenges in locating facilities to provide warming shelters; cited homeless population statistics; requested the City streamline the permit process for applicants willing to open warming shelters in the City; stated that the Coalition is looking for long term solutions for providing emergency warming shelters; stated the Coalition is not looking for a City facility at this time, and no financial support is needed as the

Coalition just recently received a generous grant. Ms. Nichols responded to questions from Council.

7. CITIZENS' INPUT, COMMENTS, AND SUGGESTIONS

Mayor Hill invited public comment. Speaking from the public were Trudy Jarrett, about civil discourse and provided pamphlets to assist with civil discourse during public meetings; Linda Osty, Arroyo Grande, who offered an invocation and commented that she will be sending postcards to Troops and shared a message from one of the postcards; April McLaughlin, commented that she attended the January 28th meeting with District 3 contenders and noted that it was a good example of civility; Mike Daly, Vista del Mar resident, expressed concerns about the adjacent development and construction site trash, excessive run-off into the street and neighboring properties and requested the Council to look into the matter; Bob Cuddy, Arroyo Grande, expressed concern regarding the civility of Council toward City staff and asked what the City is going to do about it and if the programs offered by the insurance company would be offered; Devin Ward, Arroyo Grande, stated he has been diagnosed with ALS, that he uses medical cannabis for easing his pain, and spoke in opposition to the medical marijuana ordinance; Darrell Berg, Heights at Vista del Mar, questioned the Hydrology report for the project and expressed concerns with construction run-off and undersized basins; Patty Welsh, stated she attended a public safety emergency preparedness presentation, spoke of the CERT program, and that it is available for the public to attend.

8. CITY MANAGER REPORT:

City Manager Thompson provided a status report on items recently considered by the Planning Commission and Architectural Review Committee; a meeting to be held with local bar owners regarding music noise complaints; the swinging bridge maintenance project; and upcoming agenda items.

9. CONSENT AGENDA

Mayor Pro Tem Harmon requested Item 9.c. be pulled.

Mayor Hill invited public comment on the Consent Agenda. No public comments were received.

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

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

9.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period January 16, 2016 through January 31, 2016.

9.b. Consideration of a Resolution Authorizing Submittal of an Application to the Department of Resources Recycling and Recovery for Payment Programs and Related Authorizations.

Action: Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY FOR PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS"***.

ITEM PULLED FROM THE CONSENT AGENDA

9.c. Consideration of Adoption of an Ordinance Regulating Expanded Polystyrene Food Containers and Products; Location: Citywide; Applicant – City of Arroyo Grande.

Recommended Action: Adopt an Ordinance adding Chapter 8.34 to Title 8 of the Arroyo Grande Municipal Code regulating expanded polystyrene food containers and products.

In response to a request by Mayor Pro Tem Harmon, staff reviewed the results of the survey distributed by the AGGB Chamber of Commerce to businesses regarding the use of polystyrene products, and stated that the City would conduct outreach to educate the businesses about the provisions of the Ordinance.

Mayor Hill invited public comment. Speaking from the public were Beatrice Spencer, who asked where Styrofoam packing material can be taken for recycling; Jeanine Rands, SLO Foam Free, in support of the proposed Ordinance; and Patty Welsh, expressed concern that the businesses were not contacted. No further comments were received.

Action: Council Member Barneich moved to adopt an Ordinance entitled: **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADDING CHAPTER 8.34 TO TITLE 8 OF THE ARROYO GRANDE MUNICIPAL CODE REGULATING EXPANDED POLYSTYRENE FOOD CONTAINERS AND PRODUCTS”**. Council Member Brown seconded, and the motion passed on the following roll-call vote:

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

10. PUBLIC HEARINGS

10.a. Consideration of Conditional Use Permit 15-010; Incidental On-site Sale of Beer and Wine with Associated Architectural Modifications; Location: 924 West Branch Street; Applicant: Starbucks Coffee Company; Representative: Spencer Regnery, GPA Inc.

Associate Planner Downing presented the staff report and recommended that the Council adopt a Resolution approving Conditional Use Permit 15-010 for the incidental on-site sale of beer and wine with associated architectural modifications at Starbucks located at 924 West Branch Street. Staff responded to questions from Council.

Spencer Regnery, applicant, provided an overview of the proposal to enhance evening service to customers; and responded to concerns about the sale of beer and wine as it relates to minors.

Mayor Hill opened the public hearing. Speaking from the public were Ann Lundeen, spoke in opposition of the proposal; Glen Hoving, spoke in support of the proposal; Beatrice Spencer, spoke in support of the proposal; and Dr. Gene Reynolds, spoke in opposition to the proposal. Hearing no further comments, Mayor Hill closed the public hearing.

Council comments ensued in support of the project; however, concerns were expressed regarding the sale of alcohol at this Starbucks location, that the location is not favorable for kids

who frequent this location, that additional security cameras should be installed, and whether a one-year look back provision should be added.

Action: Mayor Pro Tem Harmon moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING CONDITIONAL USE PERMIT 15-010; LOCATED AT 924 WEST BRANCH STREET; APPLIED FOR BY STARBUCKS COFFEE COMPANY”**. Council Member Guthrie seconded, and the motion passed on the following roll-call vote:

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

11. OLD BUSINESS

None.

Mayor Hill called for a break at 8:50 p.m. The Council reconvened at 8:55 p.m.

12. NEW BUSINESS

12.a. Drainage Infrastructure Assessment and Replacement Report.

City Manager Thompson introduced the item and Public Works Director English presented the staff report and recommended that the Council receive and provide comments and direction on the draft Drainage Infrastructure Assessment and Replacement Report. Staff responded to questions from Council.

Mayor Hill invited public comment. No public comments were received.

No formal action was taken and the report was received and filed.

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)** California Joint Powers Insurance Authority (CJPIA)
- (5)** Zone 3 Advisory Board (Attended as the Alternate)

(b) MAYOR PRO TEM HARMON:

- (1)** County Water Resources Advisory Committee (WRAC)
- (2)** Air Pollution Control District (APCD)
- (3)** Five Cities Fire Authority (FCFA)
- (4)** Other

- (c) COUNCIL MEMBER GUTHRIE:**
 - (1) San Luis Obispo Council of Governments/Regional Transit Authority (SLOCOG/RTA)
 - (2) South County Transit (SCT)
 - (3) Tourism Committee
 - (4) Brisco/Halcyon Interchange Subcommittee
 - (5) Other

- (d) COUNCIL MEMBER BROWN:**
 - (1) Integrated Waste Management Authority Board (IWMA)
 - (2) Economic Vitality Corporation (EVC)
 - (3) Other

- (e) COUNCIL MEMBER BARNEICH:**
 - (1) Zone 3 Water Advisory Board
 - (2) Homeless Services Oversight Council (HSOC)
 - (3) Other

Mayor Hill invited public comment. Speaking from the public were April McLaughlin, inquiring about the difference between the Tourism Committee and the Arroyo Grande Tourism Business Improvement District Board and which one is a public meeting versus a private meeting; and Beatrice Spencer, who commented on the Sanitation District and related Knudsen Report, a letter she sent to the District Attorney and FBI Director in Santa Maria, urged residents to write to the District Attorney, FBI and Attorney General in Sacramento, and requested the City to sever its relationship with Wallace Group.

14. COUNCIL COMMUNICATIONS

In response to a question by Council Member Guthrie about whether the City sent a response to the CJPIA letter, City Manager Thompson replied that she had received information regarding training that was available at no cost to the City. Following brief discussion, it was agreed a facilitated Goal Setting/Team Building Workshop would be scheduled for Council and staff participation.

Council Member Brown requested placing on a future agenda modification of the medical marijuana ordinance to allow limited cultivation. Mayor Hill agreed.

City Attorney Whitham commented that the Council should wait until the Ordinance takes effect and that it would take time to thoroughly look at all the options and prepare a revised ordinance. City Attorney Whitham also commented that the discussion about amending the policy to allow one Council Member with the consensus of a second Council Member to put things on the agenda has not yet been adopted and that staff had been directed to create that new language and bring back a Resolution to make that change to the policy.

Council Member Guthrie expressed support to bring back the medical marijuana ordinance with additional direction to attempt to assess the potential items that might be on the November ballot that could make recreational marijuana use legal and what implications that might have.

City Attorney Whitham reviewed direction from Council to bring back at a later date after the Ordinance has taken effect with modifications to allow limited cultivation by medical marijuana patients.

Council Member Barneich expressed support for modification of the ordinance and that she would like all research be done.

Mayor Pro Tem Harmon commented that an outreach and focus group should be held with those who are using medical marijuana as a treatment to help draw parameters.

Mayor Hill invited public comment. Speaking from the public were Julie, who commented that she spoke with the man who was diagnosed with ALS, that his time is very limited, that the Council should add a condition now for terminally ill patients and then continue on with further modifications to the Ordinance; Beatrice Spencer, suggested reaching out to Hospice.

Action: Council Member Brown moved to place the issue of modifying the medical marijuana ordinance on the agenda for discussion 60 days from today's date. Mayor Hill seconded, and the motion passed unanimously by voice vote.

Council Member Barneich announced the Storm Rewards and Rebates workshop being held on March 3, 2016 at the Council Chambers.

Action: Council Member Barneich moved to bring back on the next agenda a declaration of an emergency shelter crisis. Mayor Hill seconded, and the motion passed unanimously by voice vote.

Mayor Hill expressed concern with the State STIP funding being cut with regard to the Brisco Road Interchange project, and reported that he visited the New Tech High School in Nipomo.

15. CLOSED SESSION

At 10:45 p.m., City Attorney Heather Whitham announced the City Council would adjourn to closed session to consider the following item:

- **Public Employee Performance Evaluation** pursuant to Government Code Section 54957:
Title: City Manager

Adjourned to Closed Session.

16. RECONVENE TO OPEN SESSION:

Mayor Hill reconvened the meeting to open session at 11:19 p.m. City Manager Thompson announced that the Council agreed to the parameters for the City Manager evaluation process. No reportable action was taken.

17. ADJOURNMENT

Mayor Hill adjourned the meeting at 11:19 p.m.

/s/ Jim Hill, Mayor

ATTEST:

/s/ Kelly Wetmore, City Clerk

(Approved at CC Mtg 03/08/2016)