

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, MAY 24, 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, Deputy City Clerk Kitty Norton, Director of Administrative Services Debbie Malicoat, Community Development Director Teresa McClish, Public Works Director Geoff English, and Police Chief Steven Annibali.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Janet Wood, representing Arroyo Grande Rotary Club, 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.a. Introduction of New City Employees Jill McPeek, Capital Improvement Project Manager and Jason Hodges, Information Technology Specialist.

City Manager Thompson introduced new full-time Capital Improvement Project Manager Jill McPeek, Information Technology Specialist Jason Hodges and the promotion of Planning Manager Matt Downing and provided a brief overview of their backgrounds and experience.

6.b. Recognition of Retirements: Commander Kevin McBride and Police K-9 Gregor; Introduction and Oath of Office: Police Officer Elia Esparza; Promotional Ceremony: Police Officers Zak Ayala, Jeremy Burns, and Stephen Doherty to Senior Police Officers; Sr. Police Officers Shane Day and Jason Castillo to Police Sergeants and Sergeant Michael Martinez to Police Commander.

City Manager Thompson introduced Chief Annibali who recognized Commander Kevin McBride for his 32 years of service with the Arroyo Grande Police Department; K-9 Gregor for his 6 years of service and provided an overview of his accomplishments; and introduced new full-time Police Officer Elia Esparza, and highlighted her educational and professional background. Deputy City Clerk Norton then administered the Oath of Office to Officer Esparza. Chief Annibali continued with the promotion of Police Officers Zak Ayala, Jeremy Burns, and Stephen Doherty to Senior Police Officers; Shane Day and Jason Castillo to Police Sergeants, and Sergeant Michael Martinez to Police Commander.

Mayor Hill called for a break at 6:26 p.m. The Council reconvened at 6:36 p.m.

7. CITIZENS' INPUT, COMMENTS, AND SUGGESTIONS

Mayor Hill invited public comment. Speaking from the public were Linda Osty, who offered an invocation; Aaron Henkel, Arroyo Grande, expressed concern regarding the "Keep Clear" sign on the private development of the property at E. Grand Avenue and S. Elm Street, and the conditions of the bike lane in front of the High School as it relates to traffic signals; Patty Welsh, expressed concern regarding the lack of grocery stores in the City and of the efforts being made to retain one; Julie London, Arroyo Grande, expressed concern with the Council Policy item and would like to see more cohesiveness within the City; Beatrice Spencer, Arroyo Grande, spoke about issues related to the Mayor's efforts on other boards as it relates to his letter to the Federal Trade Commission (FTC); Michael Drees, Arroyo Grande, spoke regarding his concerns related to the Mayor's letter to the FTC; Cynthia Alarcio, Arroyo Grande, spoke regarding the FTC letter and did not feel that a preference was shown to the owners of Spencer's Market; Colleen Drees, Arroyo Grande, expressed concern regarding other Council Members not being notified of the FTC letter by the Mayor; Tom Goss, Arroyo Grande, expressed concerns regarding the FTC letter; LeAnn Akins, noted that Spencer's Fresh Market was the only bidder of preference; Speaker (declined to state name) expressed concern regarding the comments toward staff and Council and encouraged citizens to volunteer; Steve Hollister, Arroyo Grande, spoke regarding the FTC letter; Nick Tompkins, explained the purchase of Haggan from Albertsons and suggested working with the owners of the building; Ashley Acres, Arroyo Grande, spoke on behalf of Adam Verdin and spoke about transparency and leadership; and Shirley Gibson, Halcyon, expressed concern regarding the precedence that the FTC letter is creating.

8. CITY MANAGER REPORT:

City Manager Thompson provided a status report on items recently considered by the Planning Commission, Traffic Commission, and Historic Resources Committee; reported that the Swinging Bridge has re-opened; announced the next Coffee with the City Manager event will be held at Red Dirt Coffee House on June 6, 2016 at 8:00 am; announced that Special Meetings will be held on June 13 and 27, 2016 regarding City Council goal setting; reported on economic development; spoke on the efforts being made to secure a grocery store at the vacant Haggan site; spoke on business outreach that is being conducted and activities happening in the City that help promote economic development, as well as cultural and special events; and commented on upcoming agenda items.

Staff responded to Council Member Barneich's concerns regarding the amount of items on the upcoming agenda, and Mayor Pro Tem Harmon informed staff the Five Cities Fire Authority

Budget also needed to be added as an item for discussion. It was suggested that further discussion be held during an upcoming meeting between Mayor Hill, Mayor Pro Tem Harmon and City Manager Thompson to set the June 14, 2016 agenda.

In response to a question by Mayor Pro Tem Harmon regarding Walmart adding groceries to their store, City Manager Thompson responded that there has not been an inquiry on the matter.

In response to a question by Council Member Brown regarding pedestrian traffic on the Swinging Bridge, City Manager Thompson responded that a sign has been posted as to the limit of pedestrians crossing the bridge.

9. CONSENT AGENDA

Mayor Hill requested that Items 9.c., 9.h. and 9.i. be pulled.

Mayor Hill invited public comment. Speaking from the public were Beatrice Spencer, referred to Item 9.a. (Cash Disbursements) and questioned what work had been performed for fees paid to Wood Rogers, the invoice from Arroyo Grande Village Improvement Association for watering, and Bank of America charges for professional services for goal setting; Patty Welsh referred to Item 9.i. (Temporary Use Permit for Beer and Food Festival) and expressed concern that the event will outgrow the location and suggested that the City pursue other locations; and April McLaughlin, expressed concern with the City not contracting with local businesses.

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

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

9.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period May 1, 2016 through May 15, 2016.

9.b. Consideration of Investment Deposits.

Action: Received and filed the report listing the current investment deposits of the City, as of April 30, 2016, as required by Government Code Section 53646(b).

9.d. Consideration of Approval of Minutes.

Action: Approved the minutes of the Special and Regular City Council Meetings of May 10, 2016, as submitted.

9.e. Consideration to Declare Surplus Property.

Action: Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING EQUIPMENT AS SURPLUS PROPERTY AND AUTHORIZING ITS DONATION"***.

9.f. Consideration to Approve an Agreement for Uniform Laundry Services with Aramark Uniform Services.

Action: 1) Approved an Agreement with Aramark Uniform Services for uniform laundry services in the amount of \$35,694.21 for a three-year term; 2) Authorized the Mayor to

execute the Agreement with Aramark Uniform Services for uniform laundry services; and 3) Authorized the City Manager to extend the Agreement for two additional one-year terms at the option of the City.

9.g. Consideration to Approve the Purchase of a Replacement Pump and Pipe Column for Well No. 4.

Action: Approved the purchase of a replacement vertical turbine pump and pipe column for Well No. 4 in the amount of \$22,000 from Filiponi & Thompson Drilling.

9.j. Consideration of Annual Report and Adoption of Resolution of Intention for Levy of Annual Assessment for Arroyo Grande Tourism Business Improvement District.

Action: 1) Received and approved the annual report of the Arroyo Grande Tourism Business Improvement District Advisory Board (AGTBID); 2) Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING ITS INTENTION TO CONTINUE THE ARROYO GRANDE TOURISM BUSINESS IMPROVEMENT DISTRICT, TO CONTINUE THE BASIS FOR AND TO LEVY THE ASSESSMENT FOR THE DISTRICT, AND TO SET A DATE FOR THE PUBLIC HEARING ON THE DISTRICT AND THE ASSESSMENT FOR THE 2016-17 FISCAL YEAR”***; and 3) Set the date for the public hearing for June 28, 2016.

ITEMS PULLED FROM THE CONSENT AGENDA

Mayor Hill referred to Items 9.h. and 9.i regarding publication requirements due to the Times Press Recorder closing. City Attorney Whitham advised that with regard to Item 9.h., condition of approval #18 can be modified to state that notice is to be published in The Tribune instead of the Times Press Recorder, and that Item 9.i. did not have the same publication provision due to there being no street closures involved.

Staff responded to questions from Council regarding items 9.c., 9.h., and 9.i., including the non-profit application and fee waiver, and the Police Department’s involvement in that process.

Upon Mayor Hill’s request, staff responded to public comment questions regarding the Brisco closure costs (Wood Rogers). Also upon Mayor Hill’s request, staff responded to public comment regarding the use of local vendors, noting that other questions regarding payments made will be researched and responded to at a later date.

Mayor Hill invited public comment on Items 9.c., 9.h., and 9.i. Speaking from the public were Aaron Henkel, who commented on Item 9.c. regarding the work schedule for managers; and April McLaughlin who commented on Items 9.h. and 9.i. regarding the fee waiver process and the closing of streets for events. No further comments were received.

9.c. Consideration of a Resolution Revising and Amending the Definition of Work Week in the Personnel Regulations.

Action: Mayor Hill moved to adopt a Resolution entitled ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING AND ADOPTING REVISED AND AMENDED PERSONNEL REGULATIONS”***. Mayor Pro Tem Harmon seconded, and the motion passed unanimously by the following roll call vote:

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

- 9.h. Consideration of Temporary Use Permit Case No. 16-004 to Authorize the Use of City Property, the Closure of City Streets, and Waiver of Application Fees for the 27th Annual Arroyo Valley Car Club Sunset Cruise on July 29, 2016 and Car Sho on July 30, 2016.**

Action: Council Member Guthrie moved to adopt a Resolution entitled **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT 16-004; AUTHORIZING THE USE OF CITY PROPERTY AND THE CLOSURE OF CITY STREETS FOR THE 27TH ANNUAL ARROYO VALLEY CAR CLUB SUNSET CRUISE ON JULY 29, 2016 AND CAR SHO ON JULY 30, 2016”** with the amendment to Condition No. 18. to be published in The Tribune. Council Member Barneich seconded, and the motion passed unanimously by roll call vote.

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

- 9.i. Consideration of Temporary Use Permit No. 16-005; Authorization to Use City Property and Waiver of Application Fees for a Beer and Food Festival on October 22, 2016; Location - Heritage Square Park; Applicant – Arroyo Grande Village Improvement Association; Representative - Bob Lund.**

Action: Council Member Guthrie moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT NO. 16-005; AUTHORIZING THE USE OF CITY PROPERTY FOR BEER AND FOOD FESTIVAL ON OCTOBER 22, 2016; LOCATED AT HERITAGE SQUARE PARK; APPLIED FOR BY THE ARROYO GRANDE VILLAGE IMPROVEMENT ASSOCIATION”**. Council Member Barneich seconded, and the motion passed unanimously by roll call vote.

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

10. PUBLIC HEARINGS

None.

11. OLD BUSINESS

- 11.a. Consideration of a Resolution Establishing a Policy Regarding Council Communications.**

City Manager Thompson presented the staff report and recommended that the Council adopt a Resolution establishing a policy in the City Council Operations Manual regarding Council communications relating to correspondence, legislative communications, speaking

engagements, and media relations, with a modification to replace “City resources” with “City letterhead” in the last paragraph of the correspondence section.

Staff responded to questions from Council regarding email correspondence between City Council Members. Staff also responded to questions from Council regarding responses to requests for action from the League of California Cities.

Mayor Hill invited public comment. Speaking from the public were Patty Welsh, expressed confusion about the recommended action; Tom Goss, Arroyo Grande, supported the item; Colleen Martin, Arroyo Grande, commented on the need for the Council to have a retreat; John Keen, Arroyo Grande, commented on correspondence from the League of California Cities and encouraged the Council to evaluate any potential responses; Beatrice Spencer, Arroyo Grande, asked why the necessity to respond to the League’s requests now and was confused regarding this item being agendized; April McLaughlin, Arroyo Grande, expressed concern about changing wording from city letterhead to city resources; Aaron Henkel, Arroyo Grande, commented that the Council should make the decision together on the League requests; Caren Ray, Arroyo Grande, stated the Council should make decisions together as a body, expressed concern regarding the use of the term letterhead as opposed to the use of title; and LeAnn Akins, Arroyo Grande, regarding no direction to staff to bring back a resolution. No further public comments were received.

Council comments ensued regarding how the agenda item and resolution regarding letters to the League of California Cities was put on the agenda, the benefit of sharing emails of opinion with other Council Members on League issues as well as other board and committee issues; the potential of a refresher regarding the wearing of dual hats on different boards, commissions and committees; and the benefit of weighing in on League issues only as time allows.

Action: Council Member Guthrie moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ESTABLISHING A POLICY REGARDING COUNCIL COMMUNICATIONS”**, as modified to include changes to the Council Communication Policy replacing “City resources” with “City letterhead” and striking the legislative communications paragraph and continuing with the current practice of bringing to Council requests from the League as time allows. Council Member Barneich seconded, and the motion passed on the following roll-call vote:

AYES: Guthrie, Barneich, Harmon
NOES: Brown, Hill
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) California Joint Powers Insurance Authority (CJPIA)
 - (5) Other

- (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) Economic Vitality Corporation (Attended as Alternate)

- (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 Aaron Henkel, stated he would like a Five Cities Fire Authority (FCFA) cost comparison to include current costs and future liabilities; Julie London, asked for clarification of the bus passes from Social Services and commented about a brochure regarding disposal of prescription medicine; Patty Welsh, requested clarification regarding the qualification for vouchers, and commented on the FCFA Budget; Rudy Xavier, Arroyo Grande, thanked the Council for their action in adopting the communication policy; Beatrice Spencer, questioned how to dispose of prescription medicine; and April McLaughlin, Arroyo Grande, questioned the Tourism Committee's decision for a bus wrap photo and expressed dissatisfaction with the South San Luis Obispo County Sanitation District cancelling its last meeting. No further public comments were received.

14. COUNCIL COMMUNICATIONS

In response to public comment, Mayor Pro Tem Harmon stated that the FCFA preliminary budget is posted for the May 20, 2016 meeting; and that she would like to place the FCFA budget on the agenda for the June 14, 2016 City Council meeting.

Mayor Hill commented on the closure of the Times Press Recorder and thanked April Charlton for her work in covering the City over the years.

15. CLOSED SESSION

At 10:35 p.m., City Attorney Heather Whitham announced the City Council would adjourn to closed session to consider the following items:

- a) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to Government Code Section 54956.8:
Property: 202 Le Point Street, Arroyo Grande
Agency negotiator: Dianne Thompson, City Manager
Negotiating parties: John and Maureen Gutierrez
Under negotiation: Price and terms of payment

- b) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to Government Code Section 54956.8:
Property: 132 Le Point Street, Arroyo Grande
Agency negotiator: Dianne Thompson, City Manager
Negotiating party: Sunny Jacobson
Under negotiation: Price and terms of payment

- c) **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to Government Code Section 54957.6:
Agency Designated Representative: Dianne Thompson, City Manager
Represented Employees: Arroyo Grande Police Officers' Association (AGPOA)

- d) **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to Government Code Section 54957.6:
Agency Designated Representative: Dianne Thompson, City Manager
Unrepresented Employees: Management Employees

- e) **CONFERENCE INVOLVING A JOINT POWERS AGENCY- FIVE CITIES FIRE AUTHORITY** pursuant to Government Code Section 54956.96(b):
Discussion will concern:

CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6:
Agency Negotiators: Shelline K. Bennett - Law Firm of Liebert Cassidy Whitmore; Debbie Malicoat- Administrative Services Director- Arroyo Grande; Channelle Hubbard- Human Resources Coordinator- Grover Beach
Represented Employees: International Association of Fire Fighters (IAFF) Local 4403
Local agency representative on Five Cities Fire Authority Board: Barbara Harmon
Additional attendee: Dianne Thompson, City Manager

Mayor Hill invited additional public comment prior to the closed session. Speaking from the public was Patty Welsh, who commented on the need for medical marijuana to help those in the City with a need. No further public comments were received.

Adjourned to closed session.

16. RECONVENE TO OPEN SESSION:

Mayor Hill reconvened the meeting to open session at 10:44 p.m. City Attorney Whitham announced that the City Council unanimously decided to move forward to exercise the City's option to purchase the property located at 202 Le Point Street and 132 Le Point Street; provided direction regarding the Arroyo Grande Police Officers' Associations' labor negotiation to the City Manager; provided direction regarding the management employees' labor negotiation to the City Manager; and provided direction regarding the International Association of Fire Fighters labor negotiation to the City's representative on the Five Cities Fire Authority Board.

17. ADJOURNMENT

Mayor Hill adjourned the meeting at 10:47 p.m.

/s/Jim Hill, Mayor

ATTEST:

/s/Kitty Norton, Deputy City Clerk

(Approved at CC Mtg 06-14-2016)