

ACTION MINUTES

SPECIAL AND REGULAR MEETINGS OF THE CITY COUNCIL TUESDAY, OCTOBER 11, 2016 SOUTH COUNTY REGIONAL CENTER, 800 W. BRANCH STREET ARROYO GRANDE, CALIFORNIA

SPECIAL MEETING 5:00 P.M.

CALL TO ORDER

Mayor Hill called the Special City Council Meeting to order at 5:04 p.m.

ROLL CALL

Council Members Jim Guthrie, Tim Brown, Kristen Barneich, Mayor Pro Tem Barbara Harmon and Mayor Jim Hill were present. Interim City Manager Bob McFall, City Attorney Heather Whitham, and Director of Legislative and Information Services/City Clerk Kelly Wetmore were also present.

PUBLIC COMMENT ON CLOSED SESSION ITEMS

None.

CLOSED SESSION

City Attorney Whitham announced the Council would recess to a closed session for the following items:

- a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Santa Maria Valley Water Conservation District v. City of Santa Maria, et al. and related actions, Santa Clara Superior Court, Case No. CV 770214

- b) CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION pursuant to Paragraph (1) of Subdivision (d) of Section 54956.9:
Name of Case: Pacific Gas and Electric Company Application 16-08-006 for Approval of the Retirement of Diablo Canyon Power Plant, Implementation of the Joint Proposal, and Recovery of Associated Costs Through Proposed Ratemaking Mechanisms before the California Public Utilities Commission- Protest of the City of San Luis Obispo, City of Pismo Beach, City of Paso Robles, City of Arroyo Grande, City of Morro Bay, and City of Atascadero

RECONVENE TO OPEN SESSION

The Council reconvened to open session at 6:01 p.m. City Attorney Whitham announced that with regard to the first closed session item, the City Council provided direction to its legal counsel regarding its strategy on the Santa Maria Valley Water Conservation District v. City of Santa Maria litigation. City Attorney Whitham stated that with regard to the second closed session item, the Council did not have time to discuss that item and would recess the Special Meeting until the end of the Regular Meeting and then reconvene at that time to consider the remaining item.

REGULAR MEETING

1. CALL TO ORDER

Mayor Hill called the Regular City Council Meeting to order at 6:02 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: Interim City Manager Bob McFall, City Attorney Heather Whitham, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Community Development Director Teresa McClish, Planning Manager Matt Downing, Public Works Director Geoff English, Utilities Manager Shane Taylor; Five Cities Fire Authority Fire Chief Steve Lieberman, Police Chief Steven Annibali, and Building Inspector Johnathan Hurst.

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.

City Attorney Whitham noted that a report from the earlier closed session meeting had already been announced.

5.b. Ordinances Read in Title Only.

Council Member Brown 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.

6. SPECIAL PRESENTATIONS

6.a. Presentation by the Arroyo Grande Cemetery District.

Terry Fibich, Arroyo Grande Cemetery District Board Member, gave a presentation about the Arroyo Grande Cemetery District, including information about its formation as a Special District; district boundaries; size; how the District is funded; its annual budget; how the District is managed and staffed; noted that the Cemetery is under the jurisdiction of the County of San Luis Obispo and is outside the purview of the City; reviewed the District's total assets and major expenditures; reviewed annual water costs from Fiscal Year 2011/12 to Fiscal Year 2016/17 and the District's substantial water conservation efforts and results; and acknowledged that the District is working to address concerns expressed by members of the community regarding the appearance of the grounds within the Cemetery. Lynn Compton, 4th District Supervisor of the County of San Luis Obispo, spoke about Cemetery Districts and how they're funded; reiterated

Mr. Fibich's comments regarding the Arroyo Grande Cemetery and responded to questions from Council regarding alternative landscaping ideas.

Mayor Hill invited public comment. Speaking from the public were Jim Ostavani, veteran, who expressed concern about the condition of the Cemetery and suggested the Cemetery be turned over to the City to be maintained by the City in a manner similar to the City's maintenance of its parks; and Miriam Moustraits, who stated she is a patron of the Cemetery whose son is buried there, expressed concern that the Cemetery is in shambles and that there are ongoing thefts, and suggested a video surveillance system be installed that is not that expensive.

7. CITIZENS' INPUT, COMMENTS, AND SUGGESTIONS

Mayor Hill invited public comment. Speaking from the public were Linda Osty, who provided an Invocation; and Anne Sawyer, who expressed concern about water allotments and potential fines due to her retirement and also expressed concern that new commercial developments are being approved and water allotments should be distributed equally.

8. INTERIM CITY MANAGER REPORT:

Interim City Manager McFall provided an update on the educational efforts for Measure E-16, and announced that the Annual Street Repairs Project will be commencing soon.

9. CONSENT AGENDA

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

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

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

9.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period September 16, 2016 through September 30, 2016.

9.b. Consideration of Approval of Minutes.

Action: Approved the minutes of the Regular City Council/Successor Agency to the Dissolved Arroyo Grande Redevelopment Agency Meeting of September 27, 2016, as submitted.

9.c. Consideration of a Resolution Adopting Two Updated Job Descriptions and Reclassifying a Part-time Position.

Action: Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADOPTING UPDATED JOB DESCRIPTIONS FOR THE CITY ENGINEER AND SENIOR OFFICE ASSISTANT POSITIONS AND RECLASSIFYING THE PART-TIME OFFICE ASSISTANT II POSITION TO SENIOR OFFICE ASSISTANT"***.

9.d. Consideration of Approval of Purchase and Sale Agreements for Le Point Street Properties.

Action: Approved and authorized the Mayor to execute the Purchase and Sale Agreements for the Le Point Street parking lot properties located at 132 and 202 Le Point Street.

- 9.e. **Consideration to Declare an Existing Command Trailer as Surplus Property / Authorize Transfer to the City of San Luis Obispo and Accept a Homeland Security Funded Command Trailer from the San Luis Obispo County Sheriff's Department.**

Action: 1) Adopted a Resolution entitled: "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING AN EXISTING COMMAND TRAILER AS SURPLUS PROPERTY AND AUTHORIZING ITS TRANSFER TO THE CITY OF SAN LUIS OBISPO**"; and 2) Accepted a Homeland Security funded command trailer as a replacement from the San Luis Obispo County Sheriff's Department.

- 9.f. **Consideration of an Award of Contract to Victor Concrete Inc. for Construction of the Mid-Block Crosswalk Barrier Removal Project, PW 2015-03.**

Action: 1) Awarded a contract for the Mid-Block Crosswalk Barrier Removal Project to Victor Concrete Inc. in the amount of \$43,482.00; 2) Authorized the Interim City Manager to approve change orders for up to 10% of the contract amount, \$4,348.20, for unanticipated costs during the construction phase of the project; 3) Transferred \$3,025 from the Sales Tax Fund, Various Striping and Sidewalks Improvements, into the project budget; and 4) Directed the City Clerk to file a Notice of Exemption.

- 9.g. **Consideration of Temporary Use Permit Case No. 16-019; Authorizing the Closure of City Streets for the Annual Arroyo Grande Village Christmas Parade, November 27, 2016; Applicant – Doc Burstein's Ice Cream Lab and the Arroyo Grande Grover Beach Chamber of Commerce; Representative – Cat Keith.**

Action: Adopted a Resolution entitled: "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT NO. 16-019 AND AUTHORIZING THE CLOSURE OF CITY STREETS FOR THE ANNUAL ARROYO GRANDE VILLAGE CHRISTMAS PARADE, NOVEMBER 27, 2016**".

- 9.h. **Consideration of Temporary Use Permit Case No. 16-021; Authorizing "Halloween in the Village" on Monday, October 31, 2016 and Directing Staff to Implement Related Safety Measures Including No Parking Zones, Street Closures, and Warning Devices.**

Action: Adopted a Resolution entitled: "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT CASE NO. 16-021 AUTHORIZING "HALLOWEEN IN THE VILLAGE" ON MONDAY, OCTOBER 31, 2016 AND DIRECTING STAFF TO IMPLEMENT RELATED SAFETY MEASURES INCLUDING NO PARKING ZONES AND STREET CLOSURES**".

10. PUBLIC HEARINGS

None.

11. OLD BUSINESS

- 11.a. **Consideration of Approval of Agreement with the California-Pacific Annual Conference of the United Methodist Church Regarding the Methodist Campground and Tabernacle.**

Mayor Hill noted the request by the California-Pacific Annual Conference of the United Church for a continuance of this item. City Attorney Whitham noted the supplemental information provided to Council.

Mayor Hill invited public comment. Speaking from the public were Bill Hart, regarding the Tabernacle and a group that is seeking non-profit status so it can fundraise, that there is a need to have the City as a partner, and requested the Council consider placing the item on a future agenda for discussion; Virginia Roof, spoke in support of preserving the campground; and Joel Shennum, spoke about the campground and that the land was donated for that purpose.

Action: Council Member Guthrie moved to table the item. Council Member Brown seconded, and the motion passed unanimously by voice vote.

12. NEW BUSINESS

12.a. Consideration of a Proposed Ordinance Amending Portions of Title 8 (Fire Code) and Title 15 (Building and Construction Codes) of the Arroyo Grande Municipal Code.

Building Official Hurst presented the staff report and recommended the Council introduce an Ordinance amending portions of the Arroyo Grande Municipal Code Chapter 8.04 related to the adoption of the California Fire Code and the International Fire Code; and amending portions of Chapter 15.04 related to the adoption of California Building Code, California Residential Code, California electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Code, California Existing Building Code, California Energy Code, California Historical Building Code and the International Property Maintenance Code; and schedule a public hearing for October 25, 2016, in accordance with the requirements of Government Code Section 50022.3, to consider adoption of the Ordinance.

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

Action: Council Member Guthrie moved to introduce an Ordinance entitled: ***“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING PORTIONS OF ARROYO GRANDE MUNICIPAL CODE CHAPTER 8.04 RELATED TO THE ADOPTION OF THE CALIFORNIA FIRE CODE AND INTERNATIONAL FIRE CODE; AND AMENDING PORTIONS OF CHAPTER 15.04 RELATED TO THE ADOPTION OF THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA GREEN BUILDING CODE, CALIFORNIA EXISTING BUILDING CODE, CALIFORNIA ENERGY CODE, CALIFORNIA HISTORICAL BUILDING CODE AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE”***; and to schedule a public hearing for October 25, 2016, in accordance with the requirements of Government Code Section 50022.3, to consider adoption of the Ordinance. Council Member Barneich seconded, and the motion passed on the following roll call vote:

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

Mayor Hill called for a break at 7:25 p.m. The Council reconvened at 7:37 p.m.

12.b. Consideration of Additional Water Restriction Measures and Options for Water Conservation Programs.

Interim City Manager McFall provided introductory comments. Recommendations included: 1) Receive and file the updated water supply and demand report; 2) Approve triggers and additional water use restrictions for the next step of Stage 1 water emergency restrictions and direct staff to bring back an implementing Resolution; 3) Direct staff to bring back a draft Resolution revising the Stage 1 water emergency restrictions to increase mandatory conservation for dedicated irrigation meters from 25% to 50%; and 4) Approve a revised funding plan for water conservation programming and appropriate an additional \$8,450 from the Water Neutralization Fund, as proposed.

Public Works Director English presented Section 1 of the staff report which entailed an expanded water demand and supply report. Utilities Manager Taylor reviewed current and projected water supply. Staff responded to questions from Council.

Community Development Director McClish provided an overview of Section 2 of the staff report regarding potential mandatory water use restrictions and reviewed recommended modified triggers. Staff responded to questions from Council.

Public Works Director English provided an overview of Section 3 of the staff report regarding water conservation measures for dedicated irrigation meters. Staff responded to questions from Council.

Public Works Director English provided an overview of Section 4 regarding water conservation incentive program options and provided an overview of Water Fund accounts. Staff responded to questions from Council.

Mayor Hill invited public comment. Speaking from the public were Patty Welsh, expressed concern about dedicated irrigation meters for commercial and that commercial water rates are not on a tiered system, stated she would like to see more conservation and greywater systems; and Deborah Love, expressed concern that residents are being asked to conserve while development continues, and was concerned that the East Cherry project was approved by the Planning Commission when it seems that there is not sufficient water. No further public comments were received.

At 11:00 p.m., Mayor Hill noted that pursuant to Council policy, the Council must vote unanimously to continue the meeting.

Action: Council Member Guthrie moved to continue the meeting until 11:30 p.m. Mayor Hill seconded, and the motion passed unanimously by voice vote.

Action: Council Member Guthrie moved to: Approve the three modified triggers for additional water use restrictions, as follows: 1) Interruption to local water deliveries, water delivery system or State mandated reductions; 2) Lopez Reservoir level at or below 10,000 acre feet; and 3) Six quarterly continuous monitoring events of Sentry well water level readings in the Santa Maria

Water Groundwater Basin below the deep well index trigger level of 7.5 feet in conjunction with Lopez supply reduction of 20% or indications of sea water intrusion are detected, and approve a Lopez Reservoir level of 15,000 acre feet to exit the additional water use restrictions; Approve the additional Stage 1 restriction recommendations, including: 1) a building moratorium that would apply to projects that did not have an approved vested tract map or projects that have not received a building permit, in the form of a restriction on new water connections; that there be a prohibition on private vehicle washing; to further reduce overall irrigation of City-owned non-sports field turf areas to 25% of the 2015 use; and to increase the mandatory water use reductions for residential water customers by 5% for each of the three water rate tiers; Approve an increase in the mandatory water conservation requirement for dedicated irrigation meters to 50%; and approve the revised funding plan, as proposed, for water conservation programming and appropriate an additional \$8,450 from the Water Neutralization Fund. Council Member Barneich seconded the motion.

Brief Council discussion ensued regarding the motion, and as a result, Council Member Guthrie added to the motion to include a 150% water neutralization off-set program when the City is in a moratorium period; and that an additional \$4,000 be appropriated from the Water Neutralization Fund to be applied to the Water Efficient Commercial Dishwasher Rebate Program. Council Member Barneich seconded the motion, as amended. Council Member Brown and Mayor Hill stated that their only concern was that the moratorium would not be effective immediately. City Attorney Whitham clarified that the actions set forth in the motion would be formulated into a Resolution that would come back at a future meeting and would not be implemented or in place until the Resolution is approved. The motion passed on the following roll call vote:

AYES: Council Member Guthrie, Barneich, Harmon
NOES: Council Member Brown, Mayor Hill
ABSENT: None

Council Member Barneich requested the Council direct staff to investigate and bring back options for possible no new turf and mandatory greywater systems for new construction, and potential funding sources for the Cash for Grass, greywater system, and commercial dishwasher retrofit rebate programs. The Council concurred and stated that there were a number of additional water conservation programs that should be reviewed and considered if additional funding from the Water Availability or Water Neutralization Funds were available.

13. COUNCIL COMMUNICATIONS

The Council tabled Council communications due to the late hour.

14. COMMUNITY COMMENTS AND SUGGESTIONS

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

15. CLOSED SESSION

None.

16. ADJOURNMENT OF REGULAR MEETING

Mayor Hill adjourned the Regular Meeting at 11:24 p.m.

RECONVENE TO SPECIAL MEETING

At 11:25 p.m., the City Council reconvened to the Special Meeting. City Attorney Whitham stated that due to the late hour, the Council would not go into closed session.

ADJOURNMENT

Mayor Hill adjourned the Special Meeting at 11:26 p.m.

/s/Jim Hill, Mayor

ATTEST:

/s/Kelly Wetmore, City Clerk

(Approved at CC Mtg 10/23/2016)