

## **ACTION MINUTES**

### **REGULAR MEETING OF THE CITY COUNCIL TUESDAY, AUGUST 14, 2018 COUNCIL CHAMBERS, 215 E. BRANCH STREET ARROYO GRANDE, CALIFORNIA**

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

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

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

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

Staff Present: City Manager Jim Bergman, City Attorney Heather Whitham, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Interim Director of Recreation Services Sheridan Bohlken, Chief of Police Beau Pryor, Director of Community Development Teresa McClish, and Utilities Manager Shane Taylor

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

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

Terry Orton, representing Arroyo Grande Lions 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 Harmon 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. Mayor's Commendation in Recognition of Arroyo Grande In Bloom.**

Mayor Hill presented a Mayor's Commendation in recognition and appreciation of Arroyo Grande in Bloom's work in trimming and pruning the many trees and bushes outside the Recreation Services Department. Laurie Waller, representing Arroyo Grande in Bloom, accepted the Commendation and spoke about the organization's history and beautification improvements in the City.

##### **6.b. Mayor's Commendations Recognizing Joey Bradbury and Justin Negrete for their Participation in the 2018 JB Dewar Tractor Restoration Competition.**

Mayor Hill presented Mayor's Commendations to Joey Bradbury and Justin Negrete, "Team Arroyo Grande", recognizing their participation in the 2018 Mid-State Fair JB Dewar Tractor Restoration competition and congratulated them for receiving the 1<sup>st</sup> Place Award for the restoration of a 1948 Ford 8N tractor.

## **7. COMMUNITY COMMENTS AND SUGGESTIONS**

Mayor Hill invited public comment. Speaking from the public were Linda Osty, who offered an invocation; Amber Johnson, on behalf of the No on Measure G Coalition opposing the oil and gas shutdown initiative and encouraged the Council to remain neutral on the matter and let the voters decide the issue; Ken Price, commented on the amount of water used in the City, and also thanked staff for its efforts in resolving biking issues in the City; Shirley Gibson, expressed concern regarding national politics and racism witnessed in the City, asked if the Police Chief has information on whether these types of incidents are being reported and tracked, and suggested the Police Department provide public education on the issue; Patty Welsh, regarding her request for a Traffic Commission item and stated she did not understand why meetings are being cancelled; and Patricia Price, referred to previous public comment regarding racism and noted there are online reference materials on how to de-escalate incidents, and also commented on the Five Cities Fire Authority lawsuit and requested the Council to speak on the issue if possible. No further comments were received.

## **8. CITY MANAGER/DIRECTOR REPORTS**

City Manager Bergman introduced Community Development Director McClish who provided a status update on the City's permitting activity and current caseload in the Building, Planning and Engineering Divisions of the Community Development Department and responded to questions from Council.

Mayor Hill invited public comment. Speaking from the public was Coleen Kubel, who commented that she is glad the workload is being looked at and suggested that minor corrections on plans be allowed at the counter to avoid long wait times for plans to be returned. No further public comments were received.

## **9. CONSENT AGENDA**

Mayor Hill requested that Item 9.f. be pulled for a separate vote, and requested City Manager Bergman provide a brief overview of Item 9.e.

City Manager Bergman provided a brief overview of Item 9.e. regarding the County Animal Services Shelter project.

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

**Action:** Council Member Brown moved, and Mayor Pro Tem Ray seconded the motion to approve Consent Agenda Items 9.a. through 9.e., with the exception of Item 9.f., with the recommended courses of action. The motion passed on the following roll-call vote:

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

### **9.a. Consideration of Cash Disbursement Ratification**

**Action:** Ratified the listing of cash disbursements for the period July 16, 2018 through July 31, 2018.

**9.b. Consideration of Amendment No. 1 to Agreement for Countywide Animal Services Shelter**

**Action:** Approved and authorized the City Manager to execute Amendment No. 1 to the Agreement for Allocation of Construction and Financing Costs for a Countywide Animal Services Shelter.

**9.c. Consideration of Approval of Minutes**

**Action:** Approved the minutes of the Regular City Council Meeting of July 24, 2018, as submitted.

**9.d. Consideration of Acceptance of the 2018 Concrete Repairs Project, PW 2018-03**

**Action:** 1) Accepted the project improvements as constructed by G. Sosa Construction, Inc. in accordance with the plans and specifications for the 2018 Concrete Repairs Project, PW 2018-03; 2) Directed staff to file a Notice of Completion; and 3) Authorized release of retention, thirty-five (35) days after the Notice of Completion has been recorded, if no liens have been filed.

**9.e. Consideration of Acceptance of the City of Arroyo Grande and Woman's Club Community Center Site Accessibility Improvements Project, PW 2016-10**

**Action:** 1) Accepted the project improvements as constructed by RK&G Construction, Inc. in accordance with the plans and specifications for the City of Arroyo Grande and Woman's Club Community Center Site Accessibility Improvements Project, PW 2016-10; 2) Directed staff to file a Notice of Completion; and 3) Authorized release of retention, thirty-five (35) days after the Notice of Completion has been recorded, if no liens have been filed.

**ITEMS PULLED FROM THE CONSENT AGENDA**

**9.f. Consideration of Adoption of Ordinance - Development Code Amendment Case No. 18-002; Amendments to Chapter 16.62 of Title 16 and Repealing Chapter 5.95 of Title 5 of the Arroyo Grande Municipal Code Relating to Cannabis Delivery Services; Location – Citywide; Applicant – City of Arroyo Grande; and Opposition Letter to the Bureau of Cannabis Control.**

**Recommended Action:** 1) Adopt the Ordinance amending Chapter 16.62 of Title 16 and repealing Chapter 5.95 of Title 5 of the Arroyo Grande Municipal Code relating to cannabis delivery services; and 2) Authorize the City Manager to send a letter to the Bureau of Cannabis Control opposing new cannabis regulations as they relate to delivery and the time for cities to verify if a licensee has obtained the necessary local approvals.

City Attorney Whitham read the full title of the Ordinance, as follows: ***“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING CHAPTER 16.62 OF TITLE 16 AND REPEALING CHAPTER 5.95 OF TITLE 5 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO CANNABIS DELIVERY SERVICES”***.

Mayor Hill stated that based on public comment previously received, he still has a number of reservations about repealing the Ordinance including concern that medical patients in the City will continue to receive their medications; that there is a loss of local control; that there is no ability for the collection of sales tax; and suggested the City should amend the Ordinance to allow deliveries from a non-retail premise in the City. Staff responded to questions from Council.

**Action:** Council Member Brown moved, and Mayor Pro Tem Ray seconded the motion to approve Item 9.f. as proposed to adopt the Ordinance as read by title and authorize the City Manager to send a letter to the Bureau of Cannabis Control. The motion passed on the following roll-call vote:

**AYES:** Brown, Ray, Harmon

**NOES:** Hill

**ABSENT:** Barneich

## **10. PUBLIC HEARINGS**

None.

## **11. OLD BUSINESS**

None.

## **12. NEW BUSINESS**

### **12.a. Annual Report for the 2017 Northern Cities Management Area.**

Utilities Manager Taylor presented the staff report and recommended the Council receive and file the 2017 Northern Cities Management Area annual report. Staff responded to questions from Council.

Mayor Hill invited public comment. Speaking from the public was: Jim Guthrie, commented that Agricultural use is key and asked how they account for the water Agricultural users take directly from the creek, what is the basis of the water use, and what is the timeline for the Central Coast Blue project; and Ken Price, asked about the timeline for when the recycle plant will be up and running. No further public comments were received.

No formal action was taken. The Annual Report was received and filed.

### **12.b. Consideration of an Ordinance Amending the Arroyo Grande Municipal Code to Disband the Traffic Commission, Parks and Recreation Commission and Historical Resources Committee and Transfer Duties.**

City Attorney Whitham read the full title of the Ordinance, as follows: ***“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE REPEALING CHAPTERS 2.21, 2.24 AND 2.32 OF TITLE 2 OF THE ARROYO GRANDE MUNICIPAL CODE TO DISBAND THE TRAFFIC COMMISSION, PARKS AND RECREATION COMMISSION, AND HISTORICAL RESOURCES COMMITTEE; AMENDING CHAPTER 2.18 OF TITLE 2 RELATING TO THE PLANNING COMMISSION AND HISTORIC DESIGNATION; AND ADDING SECTION 1.04.140 TO TITLE 1 TRANSFERRING THE DUTIES OF THE TRAFFIC COMMISSION, PARKS AND RECREATION COMMISSION AND HISTORICAL RESOURCES COMMITTEE”.***

City Manager Bergman presented the staff report and recommended the Council introduce an Ordinance repealing Chapters 2.21, 2.24 and 2.32 of Title 2 of the Arroyo Grande Municipal Code to disband the Traffic Commission, Parks and Recreation Commission, and Historical Resources Committee; amending Chapter 2.18 of Title 2 relating to the Planning Commission and Historic Designation; and adding Section 1.04.140 to Title 1 transferring the duties of the Traffic Commission, Parks and Recreation Commission and Historical Resources Committee. Staff responded to questions from Council.

Mayor Hill invited public comment. Speaking from the public were Kenneth Price, regarding his term on the Traffic Commission and the difference it has made in the community, that he does not think it should be eliminated, and that the Traffic Commission should continue to hear the most important issues; Bill Hart, commented on the purpose of the Historical Resources Committee and asked who will take on the workload; Shirley Gibson, clarified that meeting cancellations were not due to its members, commented that if the work goes to other boards, they may not have the same expertise, and commented on signage issues that have been brought to her attention by other citizens; Coleen Kubel, stated she does not agree with disbanding the committees and thinks that a reorganization would be more effective; Jim Guthrie, spoke in support of the proposal commenting that most of the work is already done by staff and many of the decisions are not discretionary, savings will be achieved, projects can be approved faster, and commented that stakeholder meetings would be more successful than Ad-Hoc committee meetings. No further public comments were received.

Council comments ensued in support of the proposed Ordinance. Mayor Pro Tem Ray commented that she favors efficiency measures; however, expressed concern with a potential transparency gap and suggested retaining the commissions and having them meet on an "as needed" basis.

**Action:** Council Member Brown moved to introduce the Ordinance as proposed, as read by title by the City Attorney. Council Member Harmon seconded, and the motion passed on the following roll-call vote:

**AYES:** Brown, Harmon, Hill  
**NOES:** Ray  
**ABSENT:** Barneich

### **13. COUNCIL COMMUNICATIONS**

Council Member Brown reported on a special meeting of the Integrated Waste Management Authority (IWMA), stated the Administrator had been placed on Administrative Leave, expressed concern about the Joint Powers Authority and how it is set up and that it needs to be revised with accounting controls put in place.

Mayor Hill commended Council Member Brown for bringing the IWMA issues forward.

### **14. COMMUNITY COMMENTS AND SUGGESTIONS**

None.

**15. CLOSED SESSION**

None.

**16. ADJOURNMENT**

Mayor Hill adjourned the meeting at 9:24 p.m.

**/s/Jim Hill, Mayor**

**ATTEST:**

**/s/Kelly Wetmore, City Clerk**

**(Approved at CC Mtg 08-28-2018)**