ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, SEPTEMBER 9, 2014
COUNCIL CHAMBERS, 215 EAST BRANCH STREET
ARROYO GRANDE, CALIFORNIA

1. CALL TO ORDER
Mayor Ferrara called the Regular City Council Meeting to order at 6:01 p.m.

2. ROLL CALL
City Council: Council Member Kristen Barneich, Council Member Tim Brown, Council Member Joe Costello, Mayor Pro Tem Guthrie and Mayor Ferrara were present.

City Staff Present: City Manager Steven Adams, City Attorney Timothy Carmel, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Chief of Police Steve Annibali, Director of Administrative Services Debbie Malicoat, Director of Community Development Teresa McClish, and Public Works Director Geoff English.

3. FLAG SALUTE
Pat Loomis, representing Fort Hope, led the Flag Salute.

4. INVOCATION
Pastor Ron Dee, Harvest Church, delivered the invocation.

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
None.

7. CITIZENS' INPUT, COMMENTS, AND SUGGESTIONS
Speaking from the public were: Don Dirkse, Asilo Street, requesting the City discontinue any further investigation regarding the July 3rd incident; Otis Page, Myrtle Street, expressing concerns regarding the July 3rd incident; Aaron Henkel, Alpine Street, regarding a letter written by a Traffic Commissioner about the July 3rd incident, and regarding compliance with street and highway codes; Allen McKenzie, Oceano, regarding emergency and fire response by the Five Cities Fire Authority to a recent fire that occurred and concerns about inadequate dispatch standards; Rod Hatch, requesting the City discontinue any further investigation regarding the July 3rd incident; Robert Johnson, E. Cherry Avenue, regarding the proposed E. Cherry Avenue project, the need to widen E. Cherry Avenue, and speed and safety issues on E. Cherry; Vanessa Andrews, Vard Loomis Lane, expressing concerns regarding the July 3rd incident; Patty Welsh, Pradera Court, regarding her years of water conservation efforts and was upset about

the recent drainage of water from the City's water reservoir tank; Jeanette Watson, Arroyo Grande, requested further investigation of the July 3rd incident; Heather Jensen, Arroyo Grande, expressed disappointment that the events surrounding the July 3rd incident has not been on the Agenda for discussion or action and requested the Council contact the Grand Jury regarding an investigation of the July 3rd incident; Connie Avila, Arroyo Grande, expressing concerns regarding the July 3rd incident; Beatrice Spencer; regarding the new project planned at E. Grand and Courtland and was glad to see that the new project will have less of an impact on surrounding neighbors and businesses than the originally proposed Food 4 Less, and expressed disappointment that so much time, energy and resources were required to defeat a bad project; John Mack, Arroyo Grande, regarding the people's trust in the Council to make decisions, that a special investigation is not needed, to trust the Police Department, take disciplinary action, and move on with business; Pat Dempsey, regarding news articles concerning the cameras inside City Hall; Beatrice Spencer, expressing concerns regarding the July 3rd incident, use of public property for personal use, personnel regulations regarding conduct, and requesting further investigation of the July 3rd incident; Cynthia Alarcio, Arroyo Grande, regarding violation of the City's organizational values posted on the City's website; Tory Rand, Arroyo Grande, regarding the costs of the water conservation education program, the City's reliance on consultants, the process for a write-in candidate for Mayor, and an initiative to make the City Manager an elected position; Michael Pasarelli, Grover Beach, in support of the employees involved in the July 3rd incident; and Robin Chavez, Nipomo, expressing concerns regarding the July 3rd incident.

8. CONSENT AGENDA

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

Mayor Pro Tem Guthrie pulled Item 8.c., and Council Member Brown pulled item 8.b.

Action: Council Member Brown moved, and Council Member Barneich seconded the motion to approve Consent Agenda Items 8.a. through 8.g., with the exception of Items 8.b. and 8.c., with the recommended courses of action. The motion passed on the following roll-call vote:

AYES: Brown, Barneich, Costello, Guthrie, Ferrara
NOES: None
ABSENT: None

8.a. Consideration of Cash Disbursement Ratification.
Action: Ratified the listing of cash disbursements for the period August 16, 2014 through August 31, 2014.

8.d. Consideration of a Resolution Amending the Conflict of Interest Code.
Action: Adopted Resolution No. 4621 entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING THE CITY OF ARROYO GRANDE'S CONFLICT OF INTEREST CODE INCLUDING AMENDED APPENDICES OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES".***

8.e. Consideration of an Agreement for Consultant Services to Provide Voice and Data Services for Citywide Shoretel VOIP Phone System Implementation.
Action: Approved an Agreement for Consultant Services with CIO Solutions to implement and install a ShoreTel VoIP Phone System and necessary network upgrades as part of the Citywide Phone system upgrade project.

8.f. Consideration of a Resolution of Intention to Amend Chapter 3.46 of the Arroyo Grande Municipal Code Relating to Exemptions and Vacation Rentals and Homestays.

Action: Adopted Resolution No. 4622 entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING ITS INTENTION TO AMEND CHAPTER 3.46 OF THE ARROYO GRANDE MUNICIPAL CODE WITH MODIFICATIONS RELATING TO EXEMPTIONS FROM THE TOURISM BUSINESS IMPROVEMENT DISTRICT ASSESSMENT AND ADDING VACATION RENTALS AND HOMESTAYS TO THE DEFINITION OF "LODGING" BUSINESSES SUBJECT TO THE ASSESSMENT".***

8.g. Consideration of Amendment No. 1 to a Cooperation Agreement Between the County of San Luis Obispo and the City of Arroyo Grande for Joint Participation in the Community Development Block Grant Program, the Home Investment Partnerships Program, the Emergency Shelter Grant Program, the American Dream Down Payment Initiative Program, and the Housing Opportunities for Persons with Aids (HOPWA) Program for Fiscal Years 2015 through 2018.

Action: Adopted Resolution No. 4623 entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING AMENDMENT NUMBER 1 TO A COOPERATION AGREEMENT BETWEEN THE COUNTY OF SAN LUIS OBISPO AND THE CITY OF ARROYO GRANDE FOR JOINT PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, THE HOME INVESTMENT PARTNERSHIPS PROGRAM, THE EMERGENCY SHELTER GRANT PROGRAM, THE AMERICAN DREAM DOWN PAYMENT INITIATIVE PROGRAM, AND THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM FOR FISCAL YEARS 2015 THROUGH 2018".***

ITEMS PULLED FROM THE CONSENT AGENDA

8.b. Consideration to Reject All Bids for the Corporation Yard Administration Building and Existing Facility Renovation Project, PW 2013-12.

Recommended Action: 1) Reject all bids received for the subject project; and 2) Direct staff to rebid the project at a future date after performing value engineering and modifications to the project specifications.

In response to questions by Council Member Brown, staff explained the bidding process for the project, the increase of projects out to bid and how it has affected competitive bidding, that this project requires contractors to use 50% of its own forces for the project, and irregularities that were found in the bid documents that requires the City to rebid the project.

Action: Council Member Brown moved to reject all bids received for the subject project and direct staff to rebid the project at a future date after performing value engineering and modifications to the project specifications. Council Member Barneich seconded, and the motion passed on the following roll call vote:

AYES: Brown, Barneich, Costello, Guthrie, Ferrara
NOES: None
ABSENT: None

8.c. Consideration of Parks and Landscaping Time and Motion Study Recommendations and Authorize Hiring of Part-Time Parks Maintenance Worker.
Recommended Action: 1) Approve the Parks and Landscaping Time and Motion Study recommendations for allocation of staff resources; and 2) Approve the addition of a ¾ time employee in the Parks Division budget to account for hiring a part-time Maintenance Worker.

Mayor Pro Tem Guthrie commented on the Time and Motion Study as it relates to the cost effectiveness of contracting out smaller maintenance projects. In response to a question regarding maintenance at Soto Sports Complex on the weekends, staff explained that there is a staff member currently assigned to maintenance duties at Soto Sports Complex on Saturdays. Mayor Pro Tem Guthrie suggested the Council accept the Study and requested the Study recommendations be structured to allow flexibility regarding contracting for services for weekend maintenance.

Action: Mayor Pro Tem Guthrie moved to: 1) Accept the Parks and Landscaping Time and Motion Study recommendations for allocation of staff resources; and 2) Approve the addition of a ¾ time employee in the Parks Division budget to account for hiring a part-time Maintenance Worker. Council Member Barneich seconded, and the motion passed on the following roll call vote:

AYES: Guthrie, Barneich, Costello, Brown, Ferrara
NOES: None
ABSENT: None

9. PUBLIC HEARINGS

9.a. Consideration of Public Art Sculptured Lantern at 150 South Courtland Street; Applicant: Peoples Self Help Housing - Arroyo Grande Public Art Committee.

Community Development Director McClish presented the staff report and recommended that the Council allow public comment and provide input on the proposed sculptured lantern.

Carolyn Johnson, representing Peoples' Self Help Housing, presented information regarding the public art proposal and introduced Jim Jacobsen as the artist.

Trudy Jarrett, Chair of the Public Art Committee, spoke in support of the proposed public art sculptured lantern.

Mr. Jacobsen, the artist, answered questions from Council regarding the sculpture's finish, scale, and location.

Mayor Ferrara opened the public hearing. Speaking from the public was Kathy Teuffel, SLO County Arts Council, in support of the proposed public art sculpture. Upon hearing no further comments, Mayor Ferrara closed the public hearing.

Council comments ensued in support of the proposed sculpture.

No formal action was taken on this item.

10. CONTINUED BUSINESS

None.

11. NEW BUSINESS

11.a. Consideration of an Appeal to Deny Request to Remove a Tree at 465 Tanner Lane.

Public Works Director English presented the staff report and recommended that the Council adopt a Resolution upholding the Parks and Recreation Commission's denial of an appeal from Steven Andrews to remove a mature Coastal Live Oak tree located at 465 Tanner Lane.

Mayor Ferrara invited the appellant to address the Council.

Steven Andrews, appellant, spoke regarding his health issues caused by debris falling from the tree; stated that the tree is too large for the property and presents a danger to the house; requested that the tree be allowed to be removed; and that he would replace it with another tree.

Council asked questions of the appellant regarding frequency of illness, when the tree was last pruned, the nature of the debris from the tree, and whether an outside arborist was consulted.

Mayor Ferrara invited public comment. Speaking from the public was Gail Lightfoot, asking for clarification on the criteria for tree removal, commented on the appellant's health issues, and encouraged removal of the tree and replanting a new tree that would not endanger property or health. Upon hearing no further comments, Mayor Ferrara closed the public comment period.

Council discussion ensued regarding the removal of the tree and the precedent it would set, acknowledgment of the appellant's health issues, potential impacts to the tree from trimming and reducing its canopy, concern about trees encroaching on sidewalks; and the need to revisit the Tree Program Ordinance.

Following discussion regarding suggestions to take progressive steps to mitigate and reduce the impacts caused by the tree by trimming it back to reduce its canopy, Mr. Andrews stated he was comfortable with that direction and working with an arborist to trim the tree. He noted that the City does need to address the issue of trees being planted in the wrong places where they are causing problems.

Action: Mayor Pro Tem Guthrie moved to adopt a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DENYING AN APPEAL TO REMOVE A COASTAL LIVE OAK TREE AT 465 TANNER LANE",*** with the understanding that the Council could review the matter again at a future date if necessary, after an attempt is made to trim the tree and resolve the problem. Council Member Brown seconded, and the motion passed on the following roll call vote:

AYES: Guthrie, Brown, Costello, Barneich, Ferrara
NOES: None.
ABSENT: None

12. COUNCIL COMMUNICATIONS
Mayor Ferrara requested staff place on a future agenda an item to discuss potential changes to the Tree Program Ordinance.

Council Member Costello requested staff place on a future agenda a presentation by Susan Hughes regarding Children's Bill of Rights.

13. STAFF COMMUNICATIONS
Public Works Director English provided an update on the Reservoir No. 3 rehabilitation project and provided an overview of the steps that were taken to drain the reservoir. He noted that staff would be examining practical ways to dispose of water.

14. COMMUNITY COMMENTS AND SUGGESTIONS
Speaking from the public were: John Spencer, regarding how the Council will regain the confidence of the community; Aaron Henkel, Alpine Street, regarding the July 3rd incident and how it has affected the public; Patty Welsh, regarding the July 3rd incident and the issue of public trust; Laura Ordant, regarding the July 3rd incident and the many issues involved; Ross Kongable, regarding his confidence in the City Council, City Manager, and staff.

In response to a request by Mayor Ferrara to provide an explanation of why the issues surrounding the July 3rd incident are discussed in closed session, City Attorney Carmel explained that the Brown Act provides for closed sessions for personnel matters because they involve privacy rights of the individuals involved, and as a result, they're subject to confidentiality rules. He stated the process was created to limit liability and to allow open dialog that doesn't interfere with the actual privacy rights given to individuals under the Constitution. He also explained that the disclosure components are limited as well, to protect the privacy rights of employees involved.

15. ADJOURN TO CLOSED SESSION:
Mayor Ferrara invited public comment on the closed session items. No public comments were received. At 8:55 p.m., Mayor Ferrara adjourned the open session and the Council proceeded to closed session.

16. CLOSED SESSION:

a. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:
   Agency Designated Representative: Shelline Bennett
   Represented Employees: Arroyo Grande Police Officers' Association

b. Public Employee Performance Evaluation pursuant to Government Code Section 54957:
   Title: City Manager

17. RECONVENE TO OPEN SESSION

City Attorney Carmel reported that there was no formal reportable action taken under the Brown Act; however, the City Council asked him to announce that they would be moving forward with an outside investigation of the July 3rd incident.

18. ADJOURNMENT

Mayor Ferrara adjourned the meeting at 10:58 p.m.

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Tony Ferrara, Mayor

ATTEST:

_____

Kelly Wetmore, City Clerk

(Approved at CC Mtg _____)

MINUTES

SPECIAL MEETING OF THE CITY COUNCIL
SATURDAY, SEPTEMBER 20, 2014

COUNCIL CHAMBERS, 215 EAST BRANCH STREET
ARROYO GRANDE, CALIFORNIA

1. ROLL CALL:
Mayor Tony Ferrara called the special meeting to order at 1:00 p.m. Council Member Joe Costello, Council Member Tim Brown, Council Member Kristen Barneich, Mayor Pro Tem Jim Guthrie, and City Attorney Timothy Carmel were present.

2. PUBLIC COMMENT:
Speaking from the public regarding the July 3rd incident were: Chuck Fellows; Rudy Xavier; Otis Page; Aleji Davar; Brad Snook; Connie Avila; Tom Sowin; Patty Welsh; Beatrice Spencer; April McLaughlin; John Mack; Rita Palacios; Sheryl Tolan; Rich Haggler; Greg Passano; Kevin McCarthy; Don Gullickson; and Allan Cushman.

3. CITY COUNCIL CLOSED SESSION:

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:** Pursuant to Government Code Section 54957:

Title: City Manager

4. RECONVENE TO OPEN SESSION:
Mayor Ferrara reported that the Council designated a subcommittee consisting of Council Member Brown and Mayor Pro Tem Guthrie to select an outside, independent investigator to reinvestigate the July 3rd incident.

5. ADJOURNMENT:
The meeting was adjourned at 2:38 p.m.

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Tony Ferrara, Mayor

ATTEST:

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Kitty Norton, Deputy City Clerk

(Approved at CC Mtg _____)