

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, OCTOBER 13, 2015 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, Barbara Harmon, Mayor Pro Tem Kristen Barneich 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, Director of Recreation Services John Rogers, Public Works Director Geoff English, and Five Cities Fire Authority Fire Chief Steve Lieberman.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Bill Cockshott and Bill Harvey, representing Arroyo Grande Lions Club, led the Flag Salute.

5. AGENDA REVIEW

5.a. Closed Session Announcements:

September 22, 2015:

- Conference with Legal Counsel – Anticipated Litigation, significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): potential litigation relating to contract with GLR Construction for Police Station Addition/Tenant Improvement Project, PW 2014-08.

City Attorney Whitham reported that the Council provided direction to legal counsel regarding potential litigation and that there was no other reportable action.

5.b. Ordinances Read in Title Only.

Council Member Guthrie moved, Mayor Pro Tem 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

Mayor Hill invited public comment. Speaking from the public were Bob Lund, Arroyo Grande, on behalf of Arroyo Grande in Bloom and presented the America in Bloom awards the City recently received, recognized Mary Hertel as the America in Bloom Community Champion Award recipient, and announced a fundraiser at the Woman's Club on October 17th; Linda Osty, Arroyo

Grande, provided an invocation; Colleen Martin, Arroyo Grande, urged the Council to follow the General Plan and Land Use Element; and Patty Welsh, Arroyo Grande, expressed concern with local businesses moving or closing, staff response time, no new business items, and the Council requesting addresses from public speakers.

8. CONSENT AGENDA

Mayor Hill requested Item 8.f. be pulled; and Council Member Brown requested Item 8.d. be pulled.

Mayor Hill invited public comment on the Consent Agenda. Colleen Martin, Arroyo Grande, expressed concerns regarding Item 8.i. as it relates to the Environmental Impact Report; Linda Osty, Arroyo Grande, spoke regarding Item 8.i. as it relates to the East Cherry Avenue project; Patty Welsh, Arroyo Grande, expressed concern regarding notification regarding Item 8.i.; Beatrice Spencer, Arroyo Grande, expressed concern with documentation of staff time as it relates to Item 8.i.; Carol Florence, Oasis Associates, spoke regarding the process that the applicant has been through regarding Item 8.i. and the outreach that has been done to date. No further comments were received.

Council Member Tim Brown requested Item 8.i. be pulled.

City Attorney Whitham read the full title of the Ordinances in Items 8.j. and 8.k.

Action: Council Member Guthrie moved, and Mayor Pro Tem Barneich seconded the motion to approve Consent Agenda Items 8.a. through 8.k., with the exception of Items 8.d., 8.f., and 8.i., with the recommended courses of action. The motion passed on the following roll-call vote:

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

8.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period September 15, 2015 through September 30, 2015.

8.b. Consideration of Statement of Investment Deposits.

Action: Received and filed the report listing the current investment deposits of the City, as of September 30, 2015, as required by Government Code Section 53646(b).

8.c. Consideration of Approval of Cost Allocation Plan.

Action: Approved the Fiscal Year 2015-16 Cost Allocation Plan and amended the budget as appropriate.

8.e. Consideration of a Resolution Approving a Side Letter of Agreement to the Arroyo Grande Police Officers' Association FY 2014/15 through 2015/16 Memorandum of Understanding Establishing Standby Pay for the Detective Job Assignment.

Action: Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING A SIDE LETTER OF AGREEMENT TO THE ARROYO GRANDE POLICE OFFICERS' ASSOCIATION FY 2014/15 – 2015/16 MEMORANDUM OF UNDERSTANDING"***.

8.g. Consideration of a Five Year Agreement with the California Department of Corrections and Rehabilitation for Use of Inmate Work Crews.

Action: 1) Adopted a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING THE EXECUTION OF AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION FOR INMATE COMMUNITY SERVICE WORK CREWS”**; and 2) Approved an Agreement with the California Department of Corrections and Rehabilitation for use of inmate work crews.

8.h. Consideration of Acceptance of the 2015 Street Resurfacing Project, PW 2015-07.

Action: 1) Accepted the project improvements as constructed by American Asphalt South, Inc. in accordance with the plans and specifications for the 2015 Street Resurfacing Project; 2) Directed staff to file a Notice of Completion; and 3) Authorized release of the retention, thirty-five (35) days after the Notice of Completion has been recorded, if no liens have been filed.

8.j. Consideration of Adoption of an Ordinance Adding Section 15.04.030 to Title 15 of the Municipal Code Regarding Expedited Permitting Procedures for Small Residential Rooftop Solar Systems.

Action: Adopted an Ordinance entitled: **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADDING SECTION 15.04.030 TO TITLE 15 OF THE MUNICIPAL CODE RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS”**.

8.k. Consideration of Adoption of an Ordinance Adding Section 12.20.080 to the Arroyo Grande Municipal Code Relating to Dog Park Rules and Exclusion Policy.

Action: Adopted an Ordinance entitled: **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADDING SECTION 12.20.080 TO CHAPTER 12.20 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO DOG PARK RULES AND EXCLUSION POLICY”**.

ITEMS PULLED FROM THE CONSENT AGENDA

8.d. Consideration of a Resolution Determining that Senior Police Officer James Johnson Suffers from an Industrial Disability.

Recommended Action: Adopt a Resolution determining that Senior Police Officer James Johnson suffers from an industrial disability.

Council Member Brown stated that he appreciated the work of Senior Police Officer James Johnson and supported staff’s recommendation.

Mayor Hill invited public comment. Speaking from the public was Patty Welsh, Arroyo Grande, in support of this item. No further comments were received.

Action: Mayor Pro Tem Barneich moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DETERMINING THAT SENIOR POLICE OFFICER JAMES JOHNSON SUFFERS FROM AN INDUSTRIAL DISABILITY PURSUANT TO GOVERNMENT CODE SECTION 21156”**. Council Member Brown seconded, and the motion passed on the following roll-call vote:

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

8.f. Consideration of Approval of a Change Order to the Contract with R. Burke Corporation for Additional Work Related to the 2015 Street Repairs, Paulding Wall and Brisco Road Paving.

Recommended Action: 1) Approve additional expenses in the amount of \$49,345 for additional work on the 2015 Street Repair project; 2) Approve an additional \$10,234 for project contingency for the Brisco Road Under-crossing paving portion of the 2015 Street Repair project; and 3) Approve additional expenses in the amount of \$40,000 for additional paving and drainage work related to the Paulding Wall project.

Public Works Director English explained the need for the contingency funds and gave an update on the recent closure and paving at the Brisco Interchange location.

Mayor Hill invited public comment. Speaking from the public was Beatrice Spencer, Arroyo Grande, expressing concern with the size and direction of the turn arrows; and Patty Welsh, Arroyo Grande, expressing concern with the closure time frame of 10 weeks. No further comments were received.

Action: Mayor Hill moved to: 1) Approve additional expenses in the amount of \$49,345 for additional work on the 2015 Street Repair project; 2) Approve an additional \$10,234 for project contingency for the Brisco Road Under-crossing paving portion of the 2015 Street Repair project; and 3) Approve additional expenses in the amount of \$40,000 for additional paving and drainage work related to the Paulding Wall project. Mayor Pro Tem Barneich seconded, and the motion passed on the following roll-call vote:

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

8.i. Consideration of Proposed Consultant Services Agreement with Amec Foster Wheeler Environment & Infrastructure, Inc. for Preparation of the East Cherry Avenue Specific Plan Environmental Impact Report

Recommended Action: 1) Approve an Agreement with Amec Foster Wheeler Environmental & Infrastructure, Inc. for preparation of an Environmental Impact Report for the East Cherry Avenue Specific Plan; and 2) Authorize the City Manager to enter into a Reimbursement Agreement with the applicant.

Council Member Brown commented that this project is in the initial stage and that the East Cherry and Japanese Welfare Garden projects are being considered separately.

Mayor Hill invited public comment. Speaking from the public were Colleen Martin, Arroyo Grande, expressing concern with the proposed map identified in the EIR and the size of the proposed two-story homes; and Linda Osty, Arroyo Grande, commented that the total square footage was being included for the three separate projects. No further comments were received.

Community Development Director clarified that the project description is for a Specific Plan Amendment along with individual projects for each of the three subareas.

Action: Mayor Pro Tem Barneich moved to: 1) Approve an Agreement with Amec Foster Wheeler Environmental & Infrastructure, Inc. for preparation of an Environmental Impact Report for the East Cherry Avenue Specific Plan; and 2) Authorize the City Manager to enter into a Reimbursement Agreement with the applicant. Council Member Harmon seconded, and the motion passed on the following roll-call vote:

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

9. PUBLIC HEARINGS

9.a. Consideration of Request from South County Sanitary Service for Integrated Solid Waste Collection Rate Increase.

Administrative Services Director Malicoat presented the staff report and recommended that the Council adopt a Resolution establishing integrated solid waste collection service rates for January 1, 2016, 2017, and 2018.

Bill Statler presented the results of the rate review analysis and responded to questions from Council.

Pat Fenton, representing South County Sanitary Service, responded to questions from Council.

Mayor Hill opened the public hearing. Speaking from the public were Patty Welsh, Arroyo Grande, questioned if food waste and recycling material will be in the same receptacle; and Victor Escudero, expressing concern with the rate increase. Hearing no further comments, Mayor Hill closed the public hearing.

Action: Mayor Pro Tem Barneich moved to adopt a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ESTABLISHING INTEGRATED SOLID WASTE COLLECTION SERVICE RATES FOR JANUARY 1, 2016, 2017 AND 2018”***.

City Attorney Whitham noted errors in Exhibit A as it relates to the rate increases.

Council and staff discussion ensued regarding the errors in the exhibit and whether the hearing should be renoticed with the corrected information.

Mayor Pro Tem Barneich withdrew her motion.

Action: Council Member Brown moved to continue this item to a future date in order to provide the appropriate noticing with the correct rates. Council Member Guthrie seconded, and the motion passed on the following roll-call vote:

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

10. OLD BUSINESS

None.

11. NEW BUSINESS

None.

12. COUNCIL COMMUNICATIONS

Mayor Pro Tem Barneich requested that an ordinance regarding Styrofoam free containers be placed on a future agenda.

Action: Mayor Pro Tem Barneich moved to place the issue regarding an Ordinance for a Styrofoam free community on a future agenda. Council Member Brown seconded, and the motion passed unanimously by voice vote.

Council Member Harmon commented on a Fair Political Practices Commission (FPPC) complaint that has been filed against Planning Commissioner John Mack, expressed concern regarding his alleged conduct during the Courtland/Grand project due to residing in the Berry Gardens Specific Plan area, and requested consideration of his removal from the Planning Commission be placed on a future agenda.

Action: Council Member Harmon moved to place consideration of removal of Commissioner Mack from the Planning Commission on the next agenda and to direct staff to obtain a copy of the FPPC complaint. Mayor Pro Tem Barneich seconded the motion.

Brief Council discussion ensued as to notification from the FPPC regarding the complaint filed, and the timing of their response. Council Member Guthrie suggested the item be brought back at the November 10, 2015 City Council meeting.

Council Member Harmon amended her motion to include bringing back this item to the November 10, 2015 City Council meeting. Mayor Pro Tem Barneich seconded, and the motion passed on the following roll call vote:

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

Council Member Brown requested a short presentation regarding the status of the marijuana law be placed on a future agenda.

Action: Council Member Brown moved to schedule a presentation regarding the current status of the marijuana law on a future agenda. Council Member Harmon seconded, and the motion passed unanimously by voice vote.

Mayor Hill noted that the Five Cities Fire Authority has an increase for compensation for administrative staff on an upcoming agenda and requested revisit of the JPA. He also stated his concern to make sure that contracts are being funded as they relate to consultant Mr. Harris, and noted the completed paving on Brisco Road and urged residents to become familiar with the Brisco ramp alternatives.

13. STAFF COMMUNICATIONS

City Manager Thompson gave an update on Recreation Services activities including the Halloween and Haunted Maze event on October 24, 2015.

14. COMMUNITY COMMENTS AND SUGGESTIONS

Patty Welsh, Arroyo Grande, noted that the dog park is closed during the Halloween event at Elm Street Park; Colleen Martin, Arroyo Grande, requested that staff include the odor, noise and safety concerns of a marijuana establishment in the item requested by Council Member Brown.

15. CLOSED SESSION:

None.

16. ADJOURNMENT

Mayor Hill adjourned the meeting at 8:10 p.m.

Jim Hill, Mayor

ATTEST:

Kitty Norton, Deputy City Clerk

(Approved at CC Mtg _____)

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