

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, FEBRUARY 28, 2017 COUNCIL CHAMBERS, 215 E. 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 Caren Ray, Barbara Harmon, Kristen Barneich, Mayor Pro Tem Tim Brown 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, Administrative Services Director Debbie Malicoat, Community Development Director Teresa McClish, Recreation Services Director John Rogers, Public Works Director Geoff English, Acting Police Chief Beau Pryor, and Planning Manager Matt Downing.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Gregory Baker, representing the Rotary Club of Pismo Beach/5 Cities, led the Flag Salute.

5. AGENDA REVIEW

5.a. Closed Session Announcements.

Regular City Council/Successor Agency Meeting of February 14, 2017

Successor Agency:

- a) Conference With Real Property Negotiator pursuant to Government Code Section 54956.8:
Property: APN: 006-151-027; Located at Faeh Avenue and El Camino Real
Agency Negotiators: Debbie Malicoat, Finance Officer; Marty Indvik, Lee & Associates
Negotiating Parties: ELA Foods, Inc.
Under Negotiation: Price and terms of payment for sale of property

City Attorney Whitham announced that the Successor Agency unanimously agreed to modify the time for satisfying governmental approvals to 120 days from the date the entitlement application is deemed complete.

Special City Council Meeting of February 17, 2017

- a) Public Employment pursuant to Government Code Section 54957:
Title: City Manager

City Attorney Whitham announced that no reportable action was taken.

5.b. Ordinances Read in Title Only.

Mayor Pro Tem Brown moved, Council Member Ray 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 and Oath of Office - Police Officers Matthew Bockhahn and Derrick Porter.

Acting Chief of Police Pryor introduced new full-time Police Officers Matthew Bockhahn and Derrick Porter, highlighted their educational and professional background, and invited their spouses to pin their badges. City Clerk Wetmore then administered the Oaths of Office to Officers Bockhahn and Porter.

6.b. Mayor's Commendation Recognizing Mel and Jan Cottrell for their Donation for the Purchase of a New Audio/Visual System at the Arroyo Grande Woman's Club and Community Center.

Mayor Hill presented a Mayor's Commendation to Mel and Jan Cottrell in appreciation of their generous donation for the purchase of a new audio/visual system at the Arroyo Grande Woman's Club and Community Center, which will benefit all for many years to come.

6.c. Recognition of Outgoing City Commission, Committee, and Board Members.

Mayor Hill recognized the following outgoing Commissioners, Committee and Board Members and presented them with City plaques acknowledging their service to the community: Parks and Recreation Commissioner Greg King (2009-2017), Traffic Commissioners Steven Ross (2005-2017), Jim Carson (2005-2017), and Planning Commissioner John Keen (1989-2017). He also recognized the following members who were not present: Parks and Recreation Commissioner Linda Sandy (2014-2017), Architectural Review Committee Member Michael Peachey (2005-2017), and Historical Resources Committee Members Norma Harloe (2007-2017) and Chuck Fellows (2015-2017).

7. CITIZENS' INPUT, COMMENTS, AND SUGGESTIONS

Mayor Hill invited public comment. Speaking from the public were Linda Osty, offered an invocation; Patty Welsh, commended City for work done during the storm; Ann Wyatt, Program Coordinator, HomeShare SLO, introduced a new program in the County to match home providers with home seekers, and requested funding to help establish the program; Coleen Kubel, spoke in support of Mayor Hill and expressed concern with the need for an investigation; and Charlotte Wilson, agreed with the previous speaker and spoke in support of Mayor Hill.

8. INTERIM CITY MANAGER REPORT:

Interim City Manager McFall expressed appreciation to City staff for their efforts during the recent storm and introduced Public Works Director English who presented a status report including photos taken of fallen trees and power lines throughout the City and highlighted response and cleanup efforts that occurred during and after the storm.

9. CONSENT AGENDA

Council Member Harmon requested that Item 9.g. be pulled.

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

In response to a question from Mayor Pro Tem Brown regarding the status of groundwater levels, Interim City Manager McFall responded that groundwater levels are definitely up but we haven't yet received the results of the physical measurements that must be taken.

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

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

9.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period February 1, 2017 through February 15, 2017.

9.b. Consideration of Statement of Investment Deposits.

Action: Received and filed the report listing investment deposits of the City of Arroyo Grande, as of October 31, 2016, November 30, 2016, December 31, 2016 and January 31, 2017, as required by Government Code Section 53646(b).

9.c. Consideration of Acceptance of the Comprehensive Annual Financial Report.

Action: Received and filed the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2016.

9.d. Consideration of Approval of Minutes.

Action: Approved the minutes of the Regular City Council Meeting of January 24, 2017, the Special City Council and Regular City Council/Successor Agency Meetings of February 14, 2017, and the Special City Council Meeting of February 17, 2017, as submitted.

9.e. Monthly Water Supply and Demand Update.

Action: Received and reviewed the monthly Water Supply and Demand Report.

9.f. Consideration of an Agreement Amending and Restating the South County Area Transit Joint Powers Agreement.

Action: Approved and authorized the Mayor to execute an Agreement amending and restating the Joint Powers Agreement with the City of Grover Beach, the City of Pismo Beach and the County of San Luis Obispo forming the South County Transit agency.

9.h. Consideration of a One Year Time Extension for Vesting Tentative Tract Map 01-001 and Planned Unit Development 01-001 (Time Extension 16-002) One Year Time Extension in Accordance with the Subdivision Map Act and Arroyo Grande Municipal Code: Location – La Canada/Blossom Valley Road (Tract 1998); Applicant – Castlerock Development.

Action: Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING A ONE-YEAR TIME EXTENSION FOR VESTING TENTATIVE TRACT MAP NO. 01-001 AND PLANNED UNIT DEVELOPMENT 01-001 (TIME EXTENSION 16-002); APPLIED FOR BY CASTLEROCK DEVELOPMENT CO.; LOCATED AT JAMES WAY AND LA CANADA”.***

9.i. Consideration of Revised Memorandum of Agreement with the County of San Luis Obispo to Jointly Finance and Construct a Replacement Animal Services Shelter to Include a Non-Appropriation Provision.

Action: Approved and authorized the Mayor to execute a Memorandum of Agreement (“MOA”) in substantial conformance with the County of San Luis Obispo and the cities of Atascadero, Grover Beach, Morro Bay, Pismo Beach, Paso Robles and San Luis Obispo to jointly finance and construct the replacement of an animal services shelter.

ITEMS PULLED FROM THE CONSENT AGENDA

9.g. Consideration of Temporary Use Permit No. 16-026; Authorization to Use City Property and Close City Streets for the Annual Arroyo Grande Strawberry Festival and Stampede on May 27 and 28, 2017; Applicant – Arroyo Grande Village Improvement Association.

Recommended Action: Adopt a Resolution authorizing the use of City property and closure of City streets for the Annual Arroyo Grande Strawberry Festival and Stampede on May 27 and 28, 2017.

In response to questions from Council Member Harmon, staff explained that the earlier closure proposed for Olohan Alley was to allow time for the merchants to arrive and set up for the Festival before 5:00 p.m. and that the majority of impacted businesses along Olohan Alley (18 of 20) supported the earlier closure. Staff also noted that extra signage would be posted for parking that is available at the Le Point Street parking lot.

Action: Council Member Harmon moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT NO. 16-026; AUTHORIZING THE USE OF CITY PROPERTY AND CLOSURE OF CITY STREETS FOR THE ANNUAL ARROYO GRANDE STRAWBERRY FESTIVAL AND STAMPEDE ON MAY 27 AND 28, 2017; APPLIED FOR BY THE ARROYO GRANDE VILLAGE IMPROVEMENT ASSOCIATION”**. Mayor Hill seconded, and the motion passed on the following roll-call vote:

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

10. PUBLIC HEARINGS

None.

11. OLD BUSINESS

None.

12. NEW BUSINESS

12.a. Consideration of an Ordinance Adding New Rules for the Elm Street Off Leash Dog Park.

Recreation Services Director Rogers introduced the staff report and recommended that the Council introduce an Ordinance amending Section 12.20.080(B) of the Arroyo Grande Municipal Code relating to dog park rules and prohibited activities for the Elm Street Off

Leash Dog Park as proposed by the Elm Street Dog Park Association. Staff responded to questions from Council.

Jan Scott, representing the Elm Street Dog Park Association, responded to questions regarding the proposed new rules.

Mayor Hill opened the public hearing. Speaking from the public were Patty Welsh, expressed concern regarding negative health impacts to dogs if they are neutered before a certain age, and commented that there is already an existing dog park rule that aggressive dogs are not allowed in the dog park; Jan Scott, spoke about the scent of unneutered dogs and how that impacts the behavior of other dogs; Speaker (did not state name), spoke in support of the proposed new rules; and Marilyn Spiegelman, President of the Elm Street Dog Park Association, spoke in support of the proposed new rules and stated that there is no reason a male dog should not be neutered unless it is a show dog or a breeder's dog and that research shows neutered males are not as aggressive.

Action: Mayor Hill moved to introduce the Ordinance as proposed, and Mayor Pro Tem Brown seconded. 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 SECTION 12.20.080(B) OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO DOG PARK RULES AND PROHIBITED ACTIVITIES”**. The motion passed on the following roll-call vote:

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

Mayor Hill called for a break at 7:45 p.m. The Council reconvened at 7:55 p.m.

12.b. Consideration of Fiscal Year 2016-17 Mid-Year Budget Report.

Administrative Services Director Malicoat introduced the staff report and recommended that the Council: 1) Approve detailed budget adjustments and requests for additional appropriations listed in the Mid-Year Budget Report; 2) Approve Schedule A; and further, to appropriate an additional \$10,000 for the Fire Diesel Exhaust Removal Project. Staff responded to questions from Council.

Mayor Hill opened the public hearing. Speaking from the public were: Mike Byrd, 5 Cities Homeless Coalition, provided an overview of statistics as it relates to the increase in number of people served at the Homeless Warming Shelter this winter, noted that the County has allocated additional funds for the Warming Shelter, and requested the City approve \$5,000 in funding to assist in covering their operating costs through the end of March; and Patty Welsh, asked questions regarding the payout of benefits, overtime costs, costs related to public records act requests, and commented on the deterioration of the Elm Street recreation building.

Action: Council Member Harmon moved to: 1) Approve detailed budget adjustments and requests for additional appropriations listed in the Mid-Year Budget Report; 2) Approve Schedule A, with the following additional appropriations of \$10,000 Diesel Exhaust Removal Project, \$25,000 for winter storm damage cleanup, and an additional \$2,500 for the

warming shelter. Council Member Ray seconded, and the motion passed on the following roll-call vote:

AYES: Harmon, Ray, Barneich, Brown, Hill
NOES: None
ABSENT: 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) Other: League of California Cities

(b) MAYOR PRO TEM BROWN:

- (1) San Luis Obispo Council of Governments/Regional Transit Authority (SLOCOG/RTA)
- (2) Integrated Waste Management Authority Board (IWMA)
- (3) South County Transit (SCT)
- (4) Brisco/Halcyon Interchange Subcommittee
- (5) Other: Zone 3 Water Advisory Board (Alternate)

(c) COUNCIL MEMBER BARNEICH:

- (1) Zone 3 Water Advisory Board
- (2) Homeless Services Oversight Council (HSOC)
- (3) Other

(d) COUNCIL MEMBER HARMON:

- (1) County Water Resources Advisory Committee (WRAC)
- (2) Air Pollution Control District (APCD)
- (3) Five Cities Fire Authority (FCFA)
- (4) Other

(e) COUNCIL MEMBER RAY:

- (1) California Joint Powers Insurance Authority (CJPIA)
- (2) Economic Vitality Corporation (EVC)
- (3) Tourism Committee
- (4) Other

14. COUNCIL COMMUNICATIONS

Council Member Harmon stated that given all the other opportunities for public comment during the meeting that maybe the last public comment period could be removed from the Agenda.

Council Member Ray moved to eliminate Item 15 from the City Council Agenda and to bring back on a future agenda an item for discussion regarding agenda management. Council Member Barneich concurred. Following further discussion, Council Member Ray withdrew her motion.

15. COMMUNITY COMMENTS AND SUGGESTIONS

Mayor Hill invited public comment. Speaking from the public was Patricia Price, who stated she likes the opportunity to provide public comments at the end of the meeting.

16. CLOSED SESSION

At 9:58 p.m., City Attorney Heather Whitham announced the City Council would adjourn to closed session to consider the following item:

- a) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Appeal of CalPERS determination dated January 26, 2017,
(CalPERS ID: 4633639204)

Adjourned to closed session.

16. RECONVENE TO OPEN SESSION:

At 11:14 p.m., the Council reconvened to open session. City Attorney Whitham announced that there was no reportable action.

ADJOURNMENT

Mayor Hill adjourned the meeting at 11:15 p.m.

Jim Hill, Mayor

ATTEST:

Kelly Wetmore, City Clerk

(Approved at CC Mtg _____)

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