#### **ACTION MINUTES**

# REGULAR MEETING OF THE CITY COUNCIL TUESDAY, APRIL 8, 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 6:00 p.m.

2. ROLL CALL

City Council: Council Member Kristen Barneich, Council Member Tim Brown, Council

Member Joe Costello, Mayor Pro Tem Jim 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, Director of Administrative Services Debbie Malicoat, Director of Community Development Teresa McClish, and Director of Public Works Geoff

English.

## 3. FLAG SALUTE

Allan Buck, representing Five Cities Men's Club, led the Flag Salute.

# **4. INVOCATION**

Pastor Merritt Greenwood, Saint Barnabas Episcopal, 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 Costello 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. Honorary Proclamation Declaring April 2014 as "Autism Awareness Month".

Mayor Ferrara presented a Proclamation recognizing April 2014 as "Autism Awareness Month". Gary Dee, representing Central Coast Autism Spectrum Center, accepted the Proclamation.

## 7. CITIZENS' INPUT, COMMENTS, AND SUGGESTIONS

Speaking from the public in opposition to the proposed vacation rentals and homestay ordinance were Michael Howard (submitted petition), Ashley Moses, Sue Fowle, Betty DePaul, Mike Nelbut, and Susanna Ortman; and Gay Groomes, who spoke in support of the proposed ordinance.

## 8. CONSENT AGENDA

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

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<u>Action</u>: Council Member Brown moved, and Council Member Costello seconded the motion to approve Consent Agenda Items 8.a. through 8.g., with the recommended courses of action. City Attorney Carmel read the full title of the ordinance in Item 8.g. The motion passed on the following roll-call vote:

**AYES:** Brown, Costello, Barneich, Guthrie, Ferrara

NOES: None ABSENT: None

8.a. Consideration of Cash Disbursement Ratification.

<u>Action</u>: Ratified the listing of cash disbursements for the period March 16, 2014 through March 31, 2014.

8.b. Consideration of Approval of Minutes.

<u>Action</u>: Approved the minutes of the Regular City Council Meeting of March 25, 2014, as submitted.

- 8.c. Consideration of Cancellation of July 22, 2014 City Council Meeting.Action: Cancelled the regularly scheduled Council meeting of July 22, 2014.
- 8.d. Consideration of Temporary Use Permit 14-004 Regarding Street Closures for the Amgen Tour of California Bike Race on Thursday, May 15, 2014.

  Action: Adopted Resolution No. 4575 entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT CASE NO. 14-004; AUTHORIZING STREET CLOSURES AND RELATED ACTIONS FOR THE AMGEN TOUR OF CALIFORNIA BIKE RACE; APPLIED FOR BY AEG CYCLING LLC".
- 8.e. Consideration of a Resolution Accepting Pedestrian Easement and Public Improvements for Conditional Use Permit No. 12-005, McDonald's Renovation, Located in the 400 Block of East Grand Avenue.

  Action: Adopted Resolution No. 4576 entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ACCEPTING PEDESTRIAN ACCESS EASEMENT AND PUBLIC IMPROVEMENTS FOR CONDITIONAL USE PERMIT NO. 12-005, McDONALD'S RENOVATION PROJECT, LOCATED AT THE 400 BLOCK OF EAST GRAND AVENUE".
- 8.f. Consideration of Amendment No. 5 to the Agreement for Consultant Services with Water Systems Consulting, Inc. to Support the Preparation of the Northern Cities Management Area 2013 Annual Monitoring Report and to Develop a Water Supply, Production and Delivery Plan.

  Action: 1) Approved and authorized the Mayor to execute Amendment No. 5 to the
  - Action: 1) Approved and authorized the Mayor to execute Amendment No. 5 to the Consultant Services Agreement with Water Systems Consulting, Inc.
- 8.g. Consideration of Adoption of an Ordinance to Prezone a 48.74 Acre Property Adjoining the City in the Vicinity of Castillo Del Mar and a Resolution for Initiation of Proceedings for the Annexation of Territory; Development Code Amendment 14-003; Applicant Heights at Vista Del Mar Group, LLC.

  Action: 1) Adopted Ordinance No. 661 entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE PREZONING A 48.74-ACRE PROPERTY ADJOINING THE CITY IN THE VICINITY OF CASTILLO DEL MAR (APN 075-021-026) FOR THE PURPOSE OF ANNEXATION (DEVELOPMENT CODE AMENDMENT 14-003); APPLICANT THE HEIGHTS AT VISTA DEL MAR

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GROUP, LLC"; and 2) Adopted Resolution No. 4577 entitled: "A RESOLUTION OF APPLICATION FROM THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING INITIATION OF PROCEEDINGS FOR THE ANNEXATION OF TERRITORY".

## 9. PUBLIC HEARINGS

# 9.a. Consideration of Proposed City Charter.

City Manager Adams presented the staff report and recommended that the Council: 1) Hold a public hearing on the proposed City Charter; 2) Review the draft City Charter recommended by the City Charter Advisory Committee and amended by the City Council; 3) Receive community comments and suggestions on the proposed Charter and provide direction on any changes to the proposed Charter; 4) Direct staff to continue proceeding with the process of placing a City Charter measure on the ballot at the General Municipal Election to be held on November 4, 2014; and 5) Direct staff to schedule an additional public hearing for June 24, 2014 to formally vote on the submission of the proposed Charter ballot measure to the voters. Staff responded to questions from Council.

Council discussion ensued regarding the proposed Charter. Mayor Ferrara suggested minor modifications to Section 205 (Elections) to specify language that the Charter shall only be amended by a vote of the people at a Statewide General Election; and Section 302 (Prevailing Wage) to clarify that the City Council shall establish "by ordinance" criteria and guidelines for determining when payment of prevailing wages will apply to any contract.

Mayor Ferrara opened the public hearing.

The following members of the public spoke:

- Steve Weiner, Tri-Counties Building and Construction Trades Council; who referred to a report from the LaMirada City Charter Exploratory Committee recommending against becoming a Charter City;
- Michael Lopez, Local 14 Training Coordinator, in opposition to the Charter proposal without prevailing wage requirements:
- Steve Ross, Garden Street, in support of the City's proposal to remove prevailing wage requirements from locally funded projects;
- Terry Madonna, Santa Margarita, in opposition to the Charter proposal without prevailing wage requirements:
- Sam Murlino, California Field Iron Workers, in opposition to the Charter proposal without prevailing wage requirements:
- Kyle Krahelfrolander, Oceanside, in opposition to the Charter proposal without prevailing wage requirements:
- Ross Kongable, Arroyo Grande, commenting that more public education regarding the matter is needed:
- John Keen, Arroyo Grande, in support of Alternative 2 or 3 in the staff report which include delaying placing the Charter on the ballot until court rulings involving SB 7 are completed or removing the prevailing wage section from the proposed City Charter.

Upon hearing no further comments, Mayor Ferrara closed the public hearing.

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<u>Action:</u> Council Member Costello moved to: 1) direct staff to continue proceeding with the process of placing a City Charter measure on the ballot at the General Municipal Election to be held on November 4, 2014; 2) direct staff to schedule an additional public hearing for June 24, 2014 to formally vote on the submission of the proposed Charter ballot measure to the voters; and 3) to amend the proposed City Charter to modify the language in Sections 205 and 302, as follows:

Section 205 Elections. The City Council may approve by ordinance use of a mail-in ballot or other electronic voting systems for special elections, except that mail-in ballot or other electronic voting systems for elections shall not be used for elections to amend this Charter. this Charter shall only be amended by a vote of the people at a Statewide General Election. All elections shall be held in accordance with all other provisions of the law applicable to general law cities

Section 302 Prevailing Wage. The City Council shall establish <u>by ordinance</u> criteria and guidelines for determining when payment of prevailing wages will apply to any contract. Prevailing wages shall also apply if: (i) the prevailing wage is legally required, and constitutionally permitted, to be imposed;

- (ii) required by Federal or State grants pursuant to Federal or State law;
- (iii) the City Council does not consider the project to be a municipal affair.

Council Member Guthrie seconded, and the motion passed on the following roll call vote:

AYES: Costello, Guthrie, Brown, Barneich, Ferrara

NOES: None ABSENT: None

## **10. CONTINUED BUSINESS**

None.

## **11. NEW BUSINESS**

None.

## 12. COUNCIL COMMUNICATIONS

None.

## 13. STAFF COMMUNICATIONS

None.

## 14. COMMUNITY COMMENTS AND SUGGESTIONS

Michael Lopez, Local 14 Training Coordinator, commented that SB 7 is now law.

## 15. ADJOURN TO CLOSED SESSION:

Mayor Ferrara invited public comment on the closed session items. No public comments were received. At 7:48 p.m., Mayor Ferrara adjourned the open session and the Council proceeded to closed session.

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## 16. CLOSED SESSION:

a. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6:

Agency Designated Representative: Steven Adams, City Manager

Represented Employees: Arroyo Grande Police Officers' Association

b. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6:

Agency Designated Representative: Steven Adams, City Manager

Represented Employees: Service Employees International Union,

Local 620

c. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6:

Agency Designated Representative: Steven Adams, City Manager Unrepresented Employees: Management Employees

d. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6:

Agency Designated Representative: Timothy J. Carmel, City Attorney Unrepresented Employee: Steven Adams, City Manager

## 17. RECONVENE TO OPEN SESSION

#### 18. ADJOURNMENT

Mayor Ferrara adjourned the meeting at 9:08 p	M	lavor	Ferrara	adiourned	I the n	neetina :	at 9	9:08	p.m
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Tony Ferrara, Mayor	
ATTEST:	
Kelly Wetmore, City Clerk	
(Approved at CC Mtg	)

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