

## **ACTION MINUTES**

### **REGULAR MEETING OF THE CITY COUNCIL TUESDAY, OCTOBER 23, 2018 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 Kristen Barneich, Tim Brown, Mayor Pro Tem Caren Ray, and Mayor Jim Hill were present. Council Member Barbara Harmon was absent.

Staff Present: City Manager Jim Bergman, City Attorney Heather Whitham, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Director of Administrative Services Debbie Malicoat, Director of Public Works Bill Robeson, Chief of Police Beau Pryor, and Director of Community Development Teresa McClish.

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

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

Bob Lund, representing Arroyo Grande In Bloom, led the Flag Salute.

#### **5. AGENDA REVIEW**

##### **5.a. Closed Session Announcements.**

None.

##### **5.b. Ordinances Read in Title Only.**

Council Member Brown moved, Mayor Pro Tem 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 of New Employee – John Benedetti, Assistant Engineer.**

Community Development Director McClish introduced John Benedetti as the City's new Assistant Engineer and highlighted his educational and professional background.

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

Mayor Hill invited public comment. Speaking from the public were: Linda Osty, who offered an invocation; Linda Drummy, commented on traffic congestion in the Berry Gardens neighborhood and suggested opening up the median on E. Grand Avenue for better traffic flow; Casey Johnston, commented on permit issues with his building on South Elm Street; Coleen Kubel, commented on permit processing delays and making the process more business friendly; Jill Stearns, Superintendent/President of Cuesta College, introduced herself, commented on Cuesta's long time relationship with Arroyo Grande High School, and stated she looks forward to working with

City officials; Dan Ferrera, Castillo Del Mar, commented on issues related to the Heights at Vista del Mar development, the length of time for review and corrections, as well as issues between the City and the developer which are impacting property owners; Christina Slemack, Castillo del Mar, commented on the length of time it is taking for permits to be issued and problems with the developer completing work and requested assistance from the City Council; and Terry Fowler-Payne, commented that the sign ordinance is not being followed with regard to height limits and expressed concerns with those who are not following the regulations. No further public comments were received.

Mayor Hill requested staff to respond to concerns expressed about traffic issues in the Berry Gardens neighborhood, the building on S. Elm Street, and issues relating to Heights at Vista del Mar.

Community Development Director McClish provided an overview of the project review and approval for the Berry Gardens development and circulation plan.

City Manager Bergman explained that the building on S. Elm Street in question was remodeled without any building permits and that the City was therefore unable to inspect electrical, plumbing, and ADA accessibility issues. With regard to the current workload, he explained that staff is working hard to provide expedited service to all City customers in a fair and equitable manner.

City Manager Bergman also provided an overview of the Heights at Vista del Mar project and stated that he believes a resolution is very close.

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

This item was deferred to later in the meeting.

#### **9. CONSENT AGENDA**

Mayor Pro Tem Ray requested that items 9.d. and 9.e. be pulled.

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

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

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

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

**Action:** Ratified the listing of cash disbursements for the period October 1, 2018 through October 15, 2018.

##### **9.b. Consideration of Statement of Investment Deposits.**

**Action:** Received and filed the report listing of investment deposits of the City of Arroyo Grande, as of September 30, 2018, as required by Government Code Section 53646(b).

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

**Action:** Approved the minutes of the Regular City Council Meeting of October 9, 2018, as submitted.

**9.f. Monthly Water Supply and Demand Update.**

**Action:** Received and filed the monthly Water Supply and Demand Report.

**ITEMS PULLED FROM THE CONSENT AGENDA**

Mayor Pro Tem Ray stated that she pulled these items for a separate vote as she had voted against the Ordinance to disband the three advisory boards.

**Action:** Council Member Brown moved to approve Consent Agenda Items 9.d. and 9.e., and Council Member Barneich seconded the motion.

City Attorney Whitham read the full title of the Ordinance in Item 9.e., as follows: ***“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE MAKING ADMINISTRATIVE UPDATES TO VARIOUS SECTIONS OF TITLE 2 (ADMINISTRATION AND PERSONNEL), TITLE 10 (VEHICLES AND TRAFFIC), TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) AND TITLE 16 (DEVELOPMENT CODE) OF THE ARROYO GRANDE MUNICIPAL CODE”***

The motion passed on the following roll-call vote:

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

**9.d. Consideration of a Resolution Amending the Appendix of Designated Positions Subject to the City’s Conflict of Interest Code.**

**Action:** Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING THE LIST OF DESIGNATED POSITIONS SUBJECT TO THE CITY’S CONFLICT OF INTEREST CODE”***.

**9.e. Consideration of Adoption of an Ordinance Making Administrative Updates to Various Sections of Title 2 (Administration and Personnel), Title 10 (Vehicles & Traffic), Title 12 (Streets, Sidewalks, and Public Places), and Title 16 (Development Code) of the Arroyo Grande Municipal Code (Development Code Amendment No. 18-004); Location Citywide.**

**Action:** Adopted an Ordinance entitled: ***“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE MAKING ADMINISTRATIVE UPDATES TO VARIOUS SECTIONS OF TITLE 2 (ADMINISTRATION AND PERSONNEL), TITLE 10 (VEHICLES AND TRAFFIC), TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) AND TITLE 16 (DEVELOPMENT CODE) OF THE ARROYO GRANDE MUNICIPAL CODE”***.

**10. PUBLIC HEARINGS**

None.

**11. OLD BUSINESS**

None.

**12. NEW BUSINESS**

**12.a. Consideration of a Request from a Developer to Provide Sewer Service from the City of Arroyo Grande to a 3 Unit Residential Project Inside the City of Grover Beach.**

Public Works Director Robeson introduced the staff report and recommended that the Council: 1) Approve a request from Bischoff Homes, Inc. to allow the City of Arroyo Grande to provide sewer service to a 3-unit residential development project within the City of Grover Beach; 2) Direct staff to complete the Outside User Agreement and authorize the City Manager to execute the Agreement for submittal to the Local Agency Formation Commission (LAFCO); and 3) Authorize the City Manager to execute other documents as required with the City of Grover Beach for easements and other associated agreements in a form approved by the City Attorney. Staff responded to questions from Council.

Mayor Hill invited public comment. Speaking from the public was Paul Bischoff, developer for the project, who commented that wording could be added to the parcel map regarding the agreement, clarified that there is already a 6-inch sewer line present, and responded to questions from Council.

**Action:** Council Member Brown moved to approve staff's recommendations. Council Member Barneich seconded, and the motion passed on the following roll-call vote:

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

**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)

**(b) MAYOR PRO TEM RAY:**

**(1)** California Joint Powers Insurance Authority (CJPIA)

**(2)** Tourism Marketing Committee

**(3)** Community Action Partnership San Luis Obispo (CAPSLO)

**(c) COUNCIL MEMBER 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

**(d) COUNCIL MEMBER BARNEICH:**

**(1)** Zone 3 Water Advisory Board

**(2)** Homeless Services Oversight Council (HSOC)

- (e) **COUNCIL MEMBER HARMON:**
- (1) County Water Resources Advisory Committee (WRAC)
  - (2) Air Pollution Control District (APCD)
  - (3) Five Cities Fire Authority (FCFA)

#### **14. COUNCIL COMMUNICATIONS**

Council Member Brown expressed appreciation to City Manager Bergman for his response to issues raised during the public comment regarding how the City deals with projects.

Mayor Hill stated he received a comment from a realtor about the City picking up their signs, noted he has seen other signs in public rights of way, and hoped the City is being flexible as it relates to real estate signs. City Manager Bergman commented that he met with the Pismo Coast Association of Realtors where signs were a topic of discussion and everyone is working together to understand the temporary sign regulations.

#### **CITY MANAGER REPORT**

City Manager Bergman provided statistical data regarding traffic tickets on Huasna Road and provided an update on the speed survey and street maintenance efforts underway; reported that he attended a Central Coast City/County Manager's forum and retreat regarding regional issues related to housing and transportation systems; reported that he met with the Director of Recreation Services and representatives of Five Cities Girls Softball team regarding the increased fee structure and fundraising efforts; reported that he and Chief Pryor met with representatives from County Behavioral Health regarding policies relating to persons in mental health crisis; reported that he and the Public Works Director met with the Parkside homeowners regarding their landscape maintenance assessment district; reported that in the coming week, he would be having discussions regarding Central Coast Blue, the Five Cities Fire Authority, and the Homeless Task Force; and announced a new online Citizen License and Permit Portal that is now available on the City's website for business licenses, building, engineering, and planning permits.

Mayor Hill announced Halloween next week and asked everyone to drive carefully and look out for kids and trick-or-treaters. City Manager Bergman announced the Trick or Treating in the Village event to be held on October 31<sup>st</sup> from 3:00 to 5:00 pm., and the Halloween Carnival and Haunted Maze on Saturday, October 27<sup>th</sup>.

#### **15. COMMUNITY COMMENTS AND SUGGESTIONS**

Robert Olsen commented on two laws recently signed by the Governor, one of which states that cities may not forbid sleeping in public, and that cities cannot require permits for sidewalk vendors, and asked if the Council or staff could verify this information. Speaker (did not provide name), asked about Item 13.c.4. on the Agenda. Council Member Brown clarified that the Brisco/Halcyon Interchange Subcommittee has not met, therefore, he had nothing to report.

In response to Mr. Olsen's public comments, City Attorney Whitham provided clarification regarding the Martin vs. City of Boise case which limits the City's ability to cite someone for camping in public and that she has discussed the case with the Police Chief. She also confirmed that there is a new law regarding sidewalk vendors and the City would be revising its Ordinance to comply with the new law.

#### **16. CLOSED SESSION**

None.

**17. ADJOURNMENT**

Mayor Hill adjourned the meeting at 7:20 p.m.

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**Jim Hill, Mayor**

**ATTEST:**

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**Kelly Wetmore, City Clerk**

**(Approved at CC Mtg \_\_\_\_\_)**