

MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, JANUARY 12, 2010 COUNCIL CHAMBERS, 215 EAST BRANCH STREET ARROYO GRANDE, CALIFORNIA

1. CALL TO ORDER

Mayor Ferrara called the Regular City Council meeting to order at 7:00 p.m.

2. ROLL CALL

City Council: Council Members Chuck Fellows, Mayor Pro Tem Jim Guthrie and Mayor Tony Ferrara were present. Council Members Joe Costello and Ed Arnold were absent.

City Staff Present: City Manager Steven Adams, City Attorney Tim Carmel, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Director of Administrative Services Angela Kraetsch, Chief of Police Steve Annibali, Police Commander John Hough, Fire Chief Mike Hubert, Building Official John Hurst, and Director of Community Development Teresa McClish.

3. FLAG SALUTE

George Smith, representing Knights of Columbus, led the Flag Salute.

4. INVOCATION

Retired Episcopal Priest Jeremy Bond, Saint Barnabas Episcopal, delivered the invocation.

5. SPECIAL PRESENTATIONS

5.a. Introduction of Police Sergeants Shawn Cosgrove and Jeff Souza.

Chief Annibali introduced newly promoted Sergeants Shawn Cosgrove and Jeff Souza and gave a brief biography of their careers. He then invited their respective spouses to pin on their new badges.

6. AGENDA REVIEW

6.a. Ordinances Read in Title Only.

Council Member Fellows moved, Mayor Pro Tem Guthrie seconded, and the motion passed unanimously that all ordinances presented at the meeting shall be read in title only and all further readings be waived.

Mayor Ferrara stated he was informed by Council Member Fellows that he may have a potential conflict of interest with Agenda Item 11.a. due to the proximity of his home and would have to step down. Therefore, for the benefit of those in attendance for this item, Mayor Ferrara stated there would not be a quorum of the Council present, that this item would not be discussed at this meeting, and it would need to be postponed.

City Manager Adams stated the item would be rescheduled for the Regular City Council meeting on January 26, 2010.

7. CITIZENS' INPUT, COMMENTS, AND SUGGESTIONS

Ira Hughes, Village business owner and City resident, spoke regarding the closure of Short Street for a traffic survey. He stated he would like closure of the parking lot as well as all areas proposed to be impacted by the proposed Centennial Plaza project in order to achieve an accurate evaluation of the traffic impacts.

Tracy del Rio, Huasna Valley Association, spoke about the upcoming County Planning Commission meeting regarding the proposed Excelaron project and associated scoping for the environmental impact report; stated Council had previously sent a comprehensive letter in response to the original project and encouraged the Council to comment on the new project; commented on traffic related issues and concerns that could impact the City; and noted the deadline for submitting written comments to the County is February 16, 2010.

Manetta Bennett, Allen Street, commented that The Tribune is not providing notice of upcoming Council meetings for Arroyo Grande; and further expressed concerns regarding the closure of Short Street and stated she has not yet seen anybody doing traffic counts.

8. CONSENT AGENDA

Mayor Ferrara invited members of the public who wished to comment on any Consent Agenda Item to do so at this time. There were no public comments received.

Council Member Fellows pulled Item 8.c.

Mayor Pro Tem Jim Guthrie pulled Item 8.g.

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

AYES: Fellows, Guthrie, Ferrara

NOES: None

ABSENT: Costello, Arnold

8.a. Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period December 1, 2009 through December 31, 2009.

8.b. Consideration of Statement of Investment Deposits.

Action: Received and filed report as of November 30, 2009.

8.d. Consideration of Award of Bid for Utility Service Truck.

Action: Awarded bid to Mullahey Ford in the amount of \$68,599.55 for a utility service truck.

8.e. Consideration to Approve Construction Plans and Specifications and Environmental Exemption for the Elm Street Community Center ADA Improvements Project, PW 2009-10.

Action: 1) Approved the construction plans and specifications for the Elm Street Community Center ADA Improvements Project, PW 2009-10; 2) Found that the subject project is categorically exempt from CEQA pursuant to Section 15303(c); and 3) Directed the City Clerk to file a Notice of Exemption.

8.f. Consideration of Resolution in Support of the South County Homeless Coalition and Efforts to Locate a Homeless Facility in the South County.

Action: 1) Adopted Resolution No. 4239 as follows: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE SUPPORTING THE EFFORTS OF THE FIVE CITIES HOMELESS COALITION IN LOCATING A HOMELESS SERVICES CENTER WITHIN THE SOUTH COUNTY”***; and 2) Appointed the City Manager to serve as the City's representative on the San Luis Obispo Community Foundation Community Steering Committee.

ITEMS PULLED FROM THE CONSENT AGENDA

8.c. Consideration of Approval of Minutes.

Recommended Action: Approve the minutes of the Special City Council Meeting of December 8, 2009 and the Regular City Council/Redevelopment Agency Meeting of December 8, 2009, as submitted.

Council Member Fellows asked for clarification regarding Council Member Guthrie's comments on page 10 of the minutes concerning the Centennial Plaza project as it related to demolition of the Building Department building. Council Member Guthrie agreed it should be modified to read that he was neutral on the matter and would be ok with or without the demolition.

Action: Council Member Fellows moved to approve Item 8.c., as amended. Mayor Pro Tem Guthrie seconded, and the motion passed on the following roll-call vote:

AYES: Fellows, Guthrie, Ferrara
NOES: None
ABSENT: Costello, Arnold

8.g. Consideration of Smart Modernization and Retrofit Technology Solutions Program.

Recommended Action: 1) Approve preliminary recommendations for the Smart Modernization and Retrofit Technology Solutions (SMARTS) Program; and 2) Adopt a Resolution authorizing PacificWest Energy Solutions, Inc. to submit and execute applications on behalf of the City for grant and loan funding from the California Energy Commission for the SMARTS program.

Mayor Pro Tem Guthrie noted the supplemental information distributed to Council and asked staff to explain the proposed amendments in the Resolution.

City Manager Adams explained the authorized amount had been changed from \$210,000 to \$230,000 due to additional items being added based upon a program PG&E is offering to retrofit street lights with LED lights. He further stated that this would increase the cost of the overall project, but would increase the projected savings accordingly.

Action: Mayor Pro Tem Guthrie moved to approve preliminary recommendations for the Smart Modernization and Retrofit Technology Solutions (SMARTS) Program and adopt a Resolution as follows: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING THE LEAD COLLABORATIVE ENTITY TO APPLY FOR FUNDS ON BEHALF***

OF THE CITY OF ARROYO GRANDE". Council Member Fellows seconded, and the motion passed on the following roll-call vote:

AYES: Guthrie, Fellows, Ferrara
NOES: None
ABSENT: Costello, Arnold

9. PUBLIC HEARINGS

9.a. Consideration of Resolutions to Participate in the CaliforniaFIRST AB 811 Solar and Energy Efficiency Program.

City Manager Adams presented the staff report and recommended the Council: 1) Adopt a Resolution approving the City's participation in the CaliforniaFIRST AB 811 Solar and Energy Efficiency Program; and 2) Adopt a Resolution authorizing the lead entity to apply for funds on behalf of the City. He then responded to questions from Council concerning staff time involved with the program.

Mayor Ferrara opened the public hearing, and upon hearing no public comments, he closed the public hearing.

Council comments ensued in support of the program; that it is a "green" program and would make it possible for citizens to save energy in an economical manner; that the program should be expanded in the future to include water conservation; that it is important for citizens to be able to participate in this cost effective program; and that it is a win-win situation and it would be nice if there was good participation from the community.

Action: Mayor Pro Tem Guthrie moved to adopt a Resolution as follows: **"A RESOLUTION AUTHORIZING THE CITY OF ARROYO GRANDE TO JOIN THE CALIFORNIAFIRST PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY OF ARROYO GRANDE; AND AUTHORIZING RELATED ACTIONS"**. Council Member Fellows seconded, and the motion passed on the following roll call vote:

AYES: Guthrie, Fellows, Ferrara
NOES: None
ABSENT: Costello, Arnold

Action: Mayor Pro Tem Guthrie moved to adopt a Resolution as follows: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING THE LEAD COLLABORATIVE ENTITY TO APPLY FOR FUNDS ON BEHALF OF THE CITY OF ARROYO GRANDE"**. Council Member Fellows seconded, and the motion passed on the following roll call vote:

AYES: Guthrie, Fellows, Ferrara
NOES: None
ABSENT: Costello, Arnold

10. CONTINUED BUSINESS ITEMS

10.a. Consideration of Authorization to Issue Request for Proposals for an Exclusive Vendor Police Tow Service Agreement and Adopt a Resolution Amending the Master Fee Schedule to Establish an Administrative Fee for Police Tow Service.

Police Chief Annibali presented the staff report and recommended the Council authorize staff to solicit proposals for an exclusive vendor police tow service and adopt a Resolution amending the master fee schedule to establish an administrative fee for police tow service.

Mayor Ferrara invited comments from those in the audience who wished to be heard on the matter.

George Alvarez, Guadalupe, spoke in opposition to an exclusive vendor tow service agreement and favored a rotational tow service program.

John Coulter, Johnboy's Towing, spoke in opposition to an exclusive vendor tow service agreement; spoke of the costs of doing business; supported the concept of an administrative fee; and favored a rotational tow service program.

Terry Sipes, Central Coast Towing, spoke in opposition to an exclusive vendor tow service agreement and favored a rotational tow service program.

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

Council comments and questions ensued concerning the fees and costs for towing services; how tow service agreements work in other cities; whether the tow service agreement is re-bid annually; that the proposed rotational tow service program is too expensive for the City's residents; that all tow companies would have an opportunity to bid for an exclusive tow service agreement; that there was enough information to move forward to support the program as proposed; and a suggestion that the program be reviewed and evaluated again in one year.

Action: Mayor Pro Tem Guthrie moved to authorize staff to solicit proposals for an exclusive vendor police tow service and adopt a Resolution as follows: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING THE MASTER FEE SCHEDULE TO INCLUDE AN ADMINISTRATIVE FEE FOR EACH VEHICLE TOWED BY A POLICE TOW SERVICE VENDOR AT THE REQUEST OF THE POLICE DEPARTMENT"***. Council Member Fellows seconded, and the motion passed on the following roll call vote:

AYES: Guthrie, Fellows, Ferrara
NOES: None
ABSENT: Costello, Arnold

11. NEW BUSINESS ITEMS

11.a. Consideration to Approve Construction Plans and Specifications and Environmental Exemption for the Tally Ho Road Sidewalk Improvement Project, PW 2009-07.

Council Member Fellows declared a conflict of interest due to ownership of real property near the project and stepped down from the dais.

Mayor Ferrara noted there was no quorum for this item to be heard.

City Manager Adams announced that due to a lack of a quorum, this item would be moved to the January 26, 2010 City Council meeting.

11.b. Consideration of a Proposed Ordinance Providing Time Extension Opportunities to Land Use Entitlements Consistent with State Legislative Action.

Community Development Director McClish presented the staff report and recommended the Council introduce an Ordinance to extend land use entitlements consistent with State legislative actions for subdivision maps.

Mayor Ferrara invited comments from those in the audience who wished to be heard on the matter, and upon hearing no public comments, he closed the public comment period.

Brief Council comments ensued in support of the Ordinance and that the City would be in compliance with State Law.

Action: Council Member Fellows moved to introduce an Ordinance as follows: ***“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE EXTENDING CERTAIN DISCRETIONARY APPROVALS ACCOMPANYING SUBDIVISION MAPS CONSISTENT WITH ASSEMBLY BILL 333”***. Mayor Pro Tem Guthrie seconded, and the motion passed on the following roll call vote:

AYES: Fellows, Guthrie, Ferrara
NOES: None
ABSENT: Costello, Arnold

12. CITY COUNCIL MEMBER ITEMS

None.

13. CITY MANAGER ITEMS

13.a. Request for direction whether to maintain the Farmer’s Market in the current location or to seek alternative locations during the Short Street test closure period.

City Manager Steve Adams requested direction from the Council on whether to maintain the Farmer’s Market in the current location or to seek alternative locations during the Short Street test closure period.

Discussion ensued concerning public safety and traffic impacts through Olanhan Alley if Farmer's Market remains in its current location during the closure of Short Street, even on a temporary basis; alternative locations for Farmer's Market; that the traffic survey should be done as conditions will exist; that it was not likely Farmer's Market could remain in the same location if Short Street is closed permanently; and that the matter should be discussed with the Village Improvement Association and Farmer's Market representatives.

Following discussion, Council directed staff to find a new location for Farmer's Market during the temporary Short Street closure.

14. COUNCIL COMMUNICATIONS

Council Member Fellows suggested the use of the "Staff Communication" portion of the agenda to update the public on current issues, for the benefit of those watching at home on TV.

Mayor Ferrara spoke about the upcoming meeting on February 10th with Caltrans and consultants regarding the Brisco Interchange project.

15. STAFF COMMUNICATIONS

None.

16. COMMUNITY COMMENTS AND SUGGESTIONS

Mike McConville, E. Branch St., referred to the last Council meeting regarding the Centennial Plaza project; stated he felt there had been no consensus to do a traffic study; wanted to know how the idea came about and who is in favor of it; wanted to know what it does for the City; and how the City is obtaining public opinion on the project.

Ira Hughes, Village business owner, spoke on the closure of the parking lot and expressed concerns over loss of parking; that it would negatively impact the merchants by driving away business and that he was more interested in efforts to improve business in the Village instead of all the beautification efforts.

Susan Flores, E. Branch Street, spoke about the Centennial Plaza project and acknowledged it would provide additional beautification to the Village; however, she noted that the streetscape project accomplished that; agreed that the parking lot and Short Street should be closed and Farmer's Market moved to get accurate traffic survey results.

Ira Hughes referred to the recent removal of the tree in front of South County Realty, and stated that there is a 6" 4x4 tripping meter with an electrical outlet on it which needs to be marked in yellow so that it is not a safety hazard.

Mayor Ferrara commented that he did not believe anyone on the Council had any intent to harm the Village; that there are different perspectives on the Council and in the community; that the Council takes seriously efforts to make the Village businesses successful; and that in terms of the closure of Short Street, the City is taking small steps to determine the best solution.

17. ADJOURNMENT

Mayor Ferrara adjourned the meeting at 8:25 p.m.

/s/ Tony Ferrara, Mayor

ATTEST:

/s/ Kelly Wetmore, City Clerk

(Approved at CC Mtg 01/26/2010)