

## MINUTES

### REGULAR MEETING OF THE CITY COUNCIL TUESDAY, MAY 11, 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 7:04 p.m.

#### **2. ROLL CALL**

City Council: Council Member Joe Costello, Council Member Chuck Fellows, and Mayor Tony Ferrara were present. Mayor Pro Tem Jim Guthrie was 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, Director of Community Development Teresa McClish, and Planning Manager Jim Bergman.

#### **3. FLAG SALUTE**

John Murray, representing Arroyo Grande Lions Club, led the Flag Salute.

#### **4. INVOCATION**

Rabbi Scott Corngold, Congregation Beth David, delivered the invocation.

#### **5. SPECIAL PRESENTATIONS**

##### **5.a. Mayor's Commendation Recognizing Angela Kraetsch, Administrative Services Director.**

Mayor Ferrara presented a Mayor's Commendation certificate recognizing Angela Kraetsch, Administrative Services Director, on receiving the Government Finance Officers Association "Distinguished Budget Presentation Award". Administrative Services Director Kraetsch accepted the commendation, acknowledged City staff who participated in the budget process, and thanked the Council.

Mayor Pro Tem Guthrie arrived at 7:10 p.m. and took his place at the dais.

#### **6. AGENDA REVIEW**

##### **6.a. Ordinances Read in Title Only.**

Council Member Fellows moved, Council Member Costello 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.

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

None.

#### **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.

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

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

**8.a. Cash Disbursement Ratification.**

**Action:** Ratified the listing of cash disbursements for the period April 16, 2010 through April 30, 2010.

**8.b. Consideration of Cancellation of the July 27, 2010 City Council Meeting.**

**Action:** Cancelled the regularly scheduled Council meeting of the July 27, 2010.

**8.c. Consideration of Request to Caltrans that an Environmental Impact Report (EIR) be Prepared for the Proposed Los Berros Road to Traffic Way Median Barrier Project.**

**Action:** Approved submittal of a letter to Caltrans formally requesting an EIR be prepared on the proposed Los Berros Road to Traffic Way median barrier project.

**9. PUBLIC HEARINGS**

**9.a. Consideration of Development Code Amendment Case No. 10-001 – A Proposed Ordinance Initiated by the City of Arroyo Grande to Consider Clarifications to the Definition of “Agricultural Land” and Agricultural Mitigation Policies.**

Community Development Director McClish presented the staff report and recommended that the Council introduce an Ordinance amending Title 16 of the Municipal Code (Development Code) to clarify agricultural conversion and mitigation requirements.

Mayor Ferrara opened the public hearing.

Dennis Allen, Huasna Road, referred to properties that are not zoned agriculture; understood and agreed that mitigation should be required when agricultural zoned property is changed to a different use; stated he supported the Planning Commission recommendation to eliminate the mitigation for non-agricultural zoned properties and urged the Council to do the same; stated he is the real estate agent/broker for the two acres of commercial zoned property on the corner of Traffic Way and East Cherry Avenue; and supported the Planning Commission’s decision to only include agricultural properties when imposing mitigation fees for agricultural conversion.

Ed Dorfman, Platino Lane, commented this was not a big policy issue and that only five parcels in the City are affected which are less than five acres; that past Councils have determined that no mitigation is required on commercial land; that his property was converted from Agriculture more than 50 years ago; stated he pays property taxes on the land as commercial property; opposed a mitigation fee; and urged the Council to support staff’s recommendation.

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

In response to questions from Council Member Costello, Director McClish responded that the proposed Code change was consistent with General Plan policies; clarified that mitigation would be

required on all land that is zoned Agricultural which is converted or subdivided; that the remaining five Agricultural zoned properties are affected; and that the property tax rate for commercial and agricultural land is the same; however, there is a difference in the assessed value.

Council Member Costello agreed that mitigation for loss of prime soils should not be required for property that is not zoned Agriculture, even if it has been used for agriculture, and supported the Ordinance as proposed.

Council Member Fellows stated that adoption of staff's recommendation to modify the existing Code language regarding mitigation for the loss of agriculture land would result in the permanent loss of a little over two and half acres of prime agriculture soils at the corner of E. Cherry Avenue and Traffic Way without mitigation. He stated when he ran for Council in 2006, he had promised he would protect prime farmland/soils so he did not support the Ordinance as proposed.

Mayor Pro Tem Guthrie agreed that mitigation should only be required on properties zoned Agriculture; that people purchase property with the intention of using it based on its zoning; and supported the Ordinance as proposed. He expressed some concern about opening up the flexibility for determining other mitigation measures and asked staff to clarify this language.

City Attorney Carmel explained that the Council is guided by basic legal principles of nexus and rough proportionality; that there has to be a rational relationship between the mitigation measures that are imposed and the impact that is being addressed.

Following further discussion, Mayor Pro Tem Guthrie stated that he would support the Ordinance as proposed.

Mayor Ferrara referred to the 2001 General Plan Update and the rezoning of agricultural properties; supported language that addresses no mitigation for non-Agricultural zoned land; supported the flexibility in making determinations for the structure of mitigation.

Mayor Pro Tem Guthrie noted that in-lieu fees are already permitted under the existing language, and it was the addition of other mitigation independent of in-lieu fees that he was commenting on.

**Action:** Council Member Costello moved to introduce an Ordinance as follows: ***“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING TITLE 16 OF THE MUNICIPAL CODE (DEVELOPMENT CODE AMENDMENT 10-001) TO CLARIFY AGRICULTURAL CONVERSION AND MITIGATION REQUIREMENTS”***. Mayor Pro Tem Guthrie seconded, and the motion passed on the following roll call vote:

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

## **10. CONTINUED BUSINESS ITEMS**

**10.a. Project Status Update of the Brisco Road-Halcyon Road/Route 101 Project Approval and Environmental Document (PA&ED).**

Community Development Director McClish introduced Tony Harris from Planning Company Associates and Mark Rayback from Wood Rodgers, Inc. who would be giving presentations.

Tony Harris, Planning Company Associates, presented an update on the US 101 Brisco Road/Grand Avenue Improvements which included an overview of the scope of work; preliminary assessment; recommendations; project need and purpose; performance criteria; project charter and steering committee; and current status of the project.

Mark Rayback, Wood Rodgers, Inc., provided an overview of Alternative 1, Alternative 3A and Alternative 3B.

Tony Harris concluded by providing an overview of risks and challenges in moving forward to obtain approvals to complete the environmental document; next steps in the process; and the need for public outreach and education on the additional proposed Alternative.

Director McClish recommended that Council: 1) Approve new Alternative 3B for inclusion as an alternative for the Brisco Road – Halcyon Road/Highway 101 Interchange Improvement Project; 2) Approve contract Amendment No. 5 with Wood Rodgers, Inc. in a form approved by the City Attorney, to revise the Alternatives to be analyzed, update environmental studies and continue preparation of the Environmental Document (PA&ED) for an additional not-to-exceed amount of \$175,000; 3) Authorize the City Manager to execute the amendment; 4) Allocate an additional appropriation of \$175,000 from the Transportation Facility Impact Fund; and 5) Direct staff and the City Council Subcommittee to continue to pursue approval and funding through the San Luis Obispo Council of Governments and Caltrans.

Mayor Ferrara spoke on behalf of the Subcommittee stating this has been a 12 year process; observed the difficulty of reconciling the City's Circulation Element and policies with Caltrans standards and policies; addressed impacts to E. Grand Avenue, West Branch Street and Camino Mercado; that work is in progress to find an Alternative to meet Caltrans' design exceptions; clarified that the Council is asking to include the additional Alternative, not to approve it; commented on the importance of public education in process; and the importance of freeway signage to direct traffic.

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

Steve Loomis, Huasna Road, inquired whether the Highway 101 southbound exit at E. Grand Avenue would stay the same and stated that as a 30 year driver in Arroyo Grande, he commended the Council for this plan and spoke in support of the project.

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

Council comments included support for adding the new Alternative 3B; that in addition to freeway signage, there is a need for signage to direct drivers from the northbound exit if they turn right onto E. Grand Avenue; support for the additional staff recommendations 3, 4 and 5; that Alternative 3B is the best design seen so far and that local drivers will figure it out quickly; and that good signage will help assist drivers.

**Action:** Council Member Costello moved to: 1) Approve new Alternative 3B for inclusion as an alternative for the Brisco Road – Halcyon Road/Highway 101 Interchange Improvement Project; 2) Approve contract Amendment No. 5 with Wood Rodgers, Inc. in a form approved by the City Attorney, to revise the Alternatives to be analyzed, update environmental studies and continue preparation of the Environmental Document (PA&ED) for an additional not-to-exceed amount of \$175,000; 3) Authorize the City Manager to execute the amendment; 4) Allocate an additional appropriation of \$175,000 from the Transportation Facility Impact Fund; and 5) Direct staff and the City Council Subcommittee to continue to pursue approval and funding through the San Luis Obispo Council of Governments and Caltrans. Mayor Pro Tem Guthrie seconded, and the motion passed on the following roll call vote:

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

Mayor Ferrara called for a break at 8:30 p.m. Council reconvened at 8:40 p.m.

## **11. NEW BUSINESS ITEMS**

### **11.a. Consideration of Temporary Use Permit No. 10-005 to Authorize the Use of City Property and to Close City Streets for the Annual Arroyo Valley People's Choice Cruise Night on July 30, 2010 and Car Show on July 31, 2010.**

Planning Manager Bergman presented the staff report and recommended the Council consider the request from the Arroyo Valley Car Club and adopt a Resolution authorizing the use of City property and the closure of City streets for the Annual Arroyo Valley People's Choice Car Cruise and Car Show on July 30 and 31, 2010.

Council questions ensued regarding the advantages of Option 1 versus Option 2; public notification regarding the meeting; whether there had been any reaction or response from Village business owners following notification; the advantages of a two-hour car cruise; and how many cars participated in the event last year.

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

Linda Aiello Madison, representing the Arroyo Valley Car Club, stated the event is limited to 300 cars; the Club wants to keep the event small; and explained that the event is a fundraiser that benefits fourteen local agencies.

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

Council comments ensued in support of Option 1; concern about blocked sidewalks; and a request to the Car Club to take extra efforts to discourage Car Show participants from blocking sidewalks and entrances to Village businesses.

**Action:** Council Member Fellows moved to adopt a Resolution as follows: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT 10-005; AUTHORIZING THE USE OF CITY PROPERTY AND TO CLOSE CITY STREETS FOR THE ANNUAL ARROYO VALLEY PEOPLE’S CHOICE CRUISE NIGHT ON JULY 30, 2010 AND CAR SHOW ON JULY 31, 2010.** Mayor Pro Tem Guthrie seconded, and the motion passed on the following roll call vote:

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

**12. CITY COUNCIL MEMBER ITEMS**

- a) **Request to consider on future agenda proposal for Historical Railroad Kiosk at City property at intersection of Crown Hill and East Branch Street (FELLOWS)**

Council Member Fellows requested, and the Council concurred, to place on a future agenda a proposal for a Historical Railroad Kiosk at City property at intersection of Crown Hill and East Branch Street.

**13. CITY MANAGER ITEMS**

City Manager Adams provided an update on the process for filling the Council vacancy; announced the scheduling of a public forum on May 19<sup>th</sup> from 6:00 to 8:30 p.m. at the Woman’s Club which would be moderated by the League of Women Voters; and noted that AGP Video would be filming the forum and rebroadcasting it on Channel 20. He also reported that a press release would be issued to advertise the public forum and it would be sent to the Chamber of Commerce and Village Improvement Association for distribution to its memberships.

City Attorney Carmel noted that the deadline for submitting applications to fill the Council vacancy was Monday, May 17, 2010.

**14. COUNCIL COMMUNICATIONS**

Mayor Ferrara announced that the Arroyo Grande In Bloom judges visited Arroyo Grande last week and he wanted to thank City staff and all the volunteers that contributed to the efforts. He also commended businesses along East Grand Avenue for their effort.

**15. STAFF COMMUNICATIONS**

City Manager Adams announced a Critical Needs Action Plan Workshop on May 27, 2010 at the Woman’s Club at 6:00 p.m. He also noted that a video regarding the Critical Needs Action Plan was made and would be airing on Channel 20 beginning May 12, 2010.

**16. COMMUNITY COMMENTS AND SUGGESTIONS**

None.

**17. ADJOURNMENT**

Mayor Ferrara adjourned the meeting at 9:04 p.m.

**/s/ Tony Ferrara, Mayor**

**ATTEST:**

**/s/ Kelly Wetmore, City Clerk**

**(Approved at CC Mtg 05/25/2010)**