

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, JULY 24, 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 Barbara Harmon and Kristen Barneich, Mayor Pro Tem Caren Ray and Mayor Jim Hill were present. Council Member Tim Brown 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, Director of Community Development Teresa McClish, and Chief of Police Beau Pryor.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Ken Dalebout, representing Arroyo Grande Community Hospital, led the Flag Salute.

5. AGENDA REVIEW

5.a. Closed Session Announcements:

None.

5.b. Ordinances Read in Title Only.

Council Member Barneich 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

None.

7. CITIZENS' INPUT, COMMENTS, AND SUGGESTIONS

Mayor Hill invited public comment. Speaking from the public were: Sharlotte Wilson, who offered an invocation; Geri Edwards, regarding the large number of wildfires in California, stated that safe and sane fireworks are a fire hazard and requested that the Council consider having a public hearing to ban all fireworks due to the unnecessary fire hazard; Tim Storton, regarding curb, gutter and sidewalk improvements that are needed on Newman Drive and requested that the Council consider proposed solutions; and Coleen Kubel, on behalf of Francisco's Country Kitchen, regarding the City's building permit process, the backlog of applications in the Building and Engineering Divisions, that there is a lot of money in fees to be collected; and that the City needs to keep the businesses in Arroyo Grande. No further public comments were received.

8. CITY MANAGER/DIRECTOR REPORTS

City Manager Bergman provided status updates on capital improvement projects including James Way street repairs, new sidewalk construction near Harloe Elementary School, and the new roof on the restroom building at Strother Park; provided an update on the Memorandum of Agreement regarding the Five Cities Fire Authority JPA; and reported that he sent a letter of support for the City of Pismo Beach's application for Federal funds for the Central Coast Blue project.

9. CONSENT AGENDA

Council Member Harmon requested that Item 9.c. be pulled, and Mayor Hill requested that Item 9.h. be pulled.

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 AMENDING SECTION 2.44.020 OF TITLE 2 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO PREPARATION OF POSITION CLASSIFICATION PLANS BY THE PERSONNEL OFFICER"***.

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

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

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

9.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period June 16, 2018 through July 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 June 30, 2018, as required by Government Code Section 53646(b).

9.d. Consideration of Purchase Order for Tyler Technologies ExecuTime Software Module.

Action: Approved a purchase order with Tyler Technologies for the purchase and implementation of the ExecuTime time and attendance module, not to exceed \$33,530.

9.e. Consideration of Ordinance Amending Section 2.44.020 (Personnel Officer – Powers and Duties) of the Arroyo Grande Municipal Code.

Action: Adopted an Ordinance entitled: ***"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING SECTION 2.44.020 OF TITLE 2 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO PREPARATION OF POSITION CLASSIFICATION PLANS BY THE PERSONNEL OFFICER"***.

9.f. **Consideration of Approval of Minutes.**

Action: Approved the minutes of the Regular City Council Meetings of June 12, 2018 and June 26, 2018, as submitted.

9.g. **Consideration of Temporary Use Permit 18-013; Authorizing Closure of City Streets and Use of City Property for the 81st Annual Arroyo Grande Valley Harvest Festival, Friday and Saturday, September 28-29, 2018; Applicant - Anne McCracken.**

Action: Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT 18-013, AUTHORIZING CLOSURE OF CITY STREETS AND USE OF CITY PROPERTY FOR THE 81ST ANNUAL ARROYO GRANDE VALLEY HARVEST FESTIVAL”***.

9.i. **Consideration of an Agreement for Consultant Services with Beacon Integrated Professional Resources, Inc., DBA Hamner, Jewell & Associates for Right of Way Acquisition and Appraisal Services for the Bridge Street Bridge Rehabilitation Project.**

Action: 1) Approved an Agreement for Consultant Services with Beacon Integrated Professional Resources, Inc., dba Hamner, Jewell & Associates in the amount of \$30,942.04; and 2) Authorized the Mayor to sign the Agreement.

9.j. **Consideration of Program Supplement Agreement No. R17 to Administering Agency-State Master Agreement No. 00190S and Authorization to Distribute a Request for Proposals for Systemic Safety Analysis Report Program.**

Action: 1) Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING THE MAYOR TO EXECUTE PROGRAM SUPPLEMENT AGREEMENT NO. R17 TO ADMINISTERING AGENCY-STATE MASTER AGREEMENT NO. 00190S FOR THE SYSTEMIC SAFETY ANALYSIS REPORT (SSAR) PROGRAM”***; and 2) Directed staff to prepare and distribute a Request for Proposals for consultant services to provide engineering services for the preparation of the SSAR.

9.k. **Consideration of Revised Master Agency-State Agreement for Federal-Aid Project No. 05-5199F15 and Program Supplement Agreement No. F017 for Federal Aid Project No. 05-5199F15 and Authorization to Distribute a Request for Proposals for Engineering Design and Environmental Services for the Traffic Way Bridge Replacement Project.**

Action: 1) Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING THE MAYOR TO EXECUTE A REVISED MASTER AGENCY-STATE AGREEMENT AND PROGRAM SUPPLEMENT AGREEMENT NO. F017 FOR FEDERAL-AID PROJECT NO. 05-5199F15 FOR THE TRAFFIC WAY BRIDGE REPLACEMENT PROJECT”***; and 2) Directed staff to prepare and distribute a request for proposals for consultant services to provide engineering design and environmental services.

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

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

9.m. **Authorization to Purchase Water Meters.**

Action: Approved the purchase of water meters from Aqua Metric in the amount of \$41,000 during FY 2018/19.

9.n. Consideration to Approve a Purchase Order with Wallace Group for Fats, Oils and Grease (FOG) Program Administration and Inspection.

Action: Approved a purchase order with Wallace Group in an amount not to exceed \$27,000 for the administration and inspection of the City's FOG Program.

9.o. Consideration to Authorize Staff to Exercise the Option to Extend the Agreement with Water Systems Consulting, Inc. to Provide Staff Extension Services for the Northern Cities Management Area Technical Group for FY 2018-19.

Action: Approved the option to extend an Agreement with Water Systems Consulting, Inc. for an additional year, in an amount not to exceed \$32,000.

9.p. Consideration of Agreement of Lease Renewal for Portion of Car Corral Public Parking Lot Located Between 103 and 109 E. Branch Street for an Additional Five-Year Term from August 1, 2018 to July 31, 2023.

Action: 1) Approved the Agreement of Lease ("lease") with Diane D. Pfarr Family Trust, the Gaddis Family Trust, the Nancy T. Loomis Revocable Living Trust; and Oliver V. Loomis Matthews, Lucky K. Matthews, Sandy Matthews, and Eddie S. Matthews; and 2) Authorized the Mayor to execute the lease on behalf of the City.

ITEMS PULLED FROM THE CONSENT AGENDA

9.c. Consideration of a Side Letter of Agreement to the Arroyo Grande Police Officers' Association Memorandum of Understanding.

Recommended Action: Adopt a Resolution approving a side letter of agreement to the Arroyo Grande Police Officers' Association Memorandum of Understanding.

In response to a question by Council Member Harmon, Administrative Services Director Malicoat explained how the annual cost savings of \$109,000 would be achieved through the proposed restructuring of positions as well as through a reduction in retirement costs.

Mayor Hill invited public comment. No public comments were received.

Action: Council Member Harmon moved to adopt a Resolution entitled: "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING A SIDE LETTER OF AGREEMENT TO THE ARROYO GRANDE POLICE OFFICERS' ASSOCIATION MEMORANDUM OF UNDERSTANDING**". Council Member Barneich seconded, and the motion passed on the following roll-call vote:

AYES: Harmon, Barneich, Ray, Hill

NOES: None

ABSENT: Brown

9.h. Consideration of a Resolution Authorizing the Community Development Director to Submit an Application for the Active Transportation Program Cycle 4 Grant and Execute any Agreements for the Use of Grant Funds for Implementation of the Halcyon Road Complete Streets Plan (Staff Project 18-006).

Recommended Action: Adopt a Resolution authorizing the Community Development Director to submit an application for the Active Transportation Program Cycle 4 Grant and execute any agreements necessary for the use of grant funds.

In response to a request by Mayor Hill, Community Development Director McClish provided a brief status report on the Halcyon Road Complete Streets Plan project.

Mayor Hill invited public comment. No public comments were received.

Action: Mayor Hill moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR TO SUBMIT AN APPLICATION FOR THE ACTIVE TRANSPORTATION PROGRAM CYCLE 4 GRANT AND EXECUTE ANY AGREEMENTS NECESSARY FOR THE USE OF GRANT FUNDS”**. Mayor Pro Tem Ray seconded, and the motion passed on the following roll-call vote:

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

10. PUBLIC HEARINGS

10.a. Consideration of Development Code Amendment Case No. 18-002; Amendments to Chapter 16.62 of Title 16 and Repealing Chapter 5.95 of Title 5 of the Arroyo Grande Municipal Code Relating to Cannabis Delivery Services; Location – Citywide; Applicant – City of Arroyo Grande.

Community Development Director McClish presented the staff report and recommended that the Council introduce an Ordinance amending Chapter 16.62 of Title 16 and repealing Chapter 5.95 of Title 5 of the Arroyo Grande Municipal Code relating to cannabis delivery services. Staff responded to questions from Council.

Mayor Hill opened the public hearing. Speaking from the public were: Keith Storton, regarding cannabis regulations and supported the proposed Ordinance; and Patty Welsh, regarding black market marijuana being sold in the City. Hearing no further public comments, Mayor Hill closed the public hearing.

Council comments ensued regarding the proposed Ordinance. Mayor Hill expressed concerns regarding the law of unintended consequences and giving up the possibility of tax revenue by not being willing to provide a premises and that it could lead to less respect for the law.

Action: Council Member Harmon moved to introduce an Ordinance entitled: **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING CHAPTER 16.62 OF TITLE 16 AND REPEALING CHAPTER 5.95 OF TITLE 5 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO CANNABIS DELIVERY SERVICES”**. Council Member Barneich seconded, and the motion passed on the following roll-call vote:

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

11. OLD BUSINESS

None.

12. NEW BUSINESS

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 (*Note: Pursuant to Health & Safety Code Section 34179, commencing July 1, 2018, all Oversight Boards in the County of San Luis Obispo will be replaced by one Oversight Board managed by the County*).

(b) MAYOR PRO TEM RAY:

- (1) California Joint Powers Insurance Authority (CJPIA)
- (2) Economic Vitality Corporation (EVC)
- (3) Tourism Marketing Committee
- (4) 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 Barneich referred to the Homeless Forum suggested that staff speak with Chief Pryor to see if a similar event would be fruitful for our community; stated she spoke with Grover Beach Council Member Shaw regarding a potential joint meeting regarding the Grand Avenue corridor; and requested a future discussion agenda item to discuss the days that safe and sane fireworks are allowed to be used within the City of Arroyo Grande. Mayor Hill supported the request. In response to a question by City Manager Bergman regarding a timeframe for bringing back the item, Council Member Barneich suggested within the next six months. Council Member Harmon noted the inconsistency among the various surrounding jurisdictions regarding the allowable hours that fireworks are sold and that it will be important to bring the item back prior to the beginning of the fireworks process as it relates to the permit process and vendors ordering product.

Mayor Pro Tem Ray expressed concern regarding processing delays in the Engineering Division due to workload and vacant positions, and inquired whether applicants could have the option to request an outside evaluation from one of the City's consultants at the applicant's expense; emphasized the League of California Cities as an important resource for the City, expressed concern that during the budget process the Council elected to cancel the City's League membership and indicated that at the end of this fiscal year she will be requesting the Council reconsider its membership with the League; and announced that Arroyo Grande High School put together a water polo team consisting of local athletes throughout the County of San Luis Obispo who spent the summer qualifying for the National Junior Olympics and announced they finished 16th out of 24 teams in their Division.

Mayor Hill concurred with Mayor Pro Tem Ray's request to look for solutions or additional resources regarding the backlog in the Engineering Division; agreed with concerns expressed regarding the substantial increase in the use of illegal fireworks in the community, the difficulties of enforcement, and asked the residents to continue to respect their neighbors when it comes to using fireworks; expressed disappointment that the Oceano Community Services District is not taking a tax measure to the voters for fire protection; announced that he attended the Mid-State Fair in Paso Robles and acknowledged the Showcase of Cities Exhibit that included the City of Arroyo Grande; referred back to City funding issues and suggested that staff look into the medical insurance provided to the Council; and encouraged residents to bring forward any funding ideas for sidewalk maintenance/repairs.

15. COMMUNITY COMMENTS AND SUGGESTIONS

Coleen Kubel, referred to and commended the work of the City's contract inspector; Tim Storton, stated he looked forward to working with City staff and presenting his ideas regarding solutions for sidewalks in rural areas; and Keith Storton, thanked City Planning Manager Matt Downing for picking up trash before hours on his way to work and commented that several City employees involve themselves in a lot of volunteer work in the community.

16. CLOSED SESSION

None.

17. ADJOURNMENT

Mayor Hill adjourned the meeting at 9:41 p.m.

/s/Jim Hill, Mayor

ATTEST:

/s/Kelly Wetmore, City Clerk

(Approved at CC Mtg 08-14-2018)