

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, OCTOBER 10, 2017 COUNCIL CHAMBERS, 215 E. BRANCH STREET ARROYO GRANDE, CALIFORNIA

1. CALL TO ORDER

Mayor Hill called the City Council Meeting to order at 6:00 p.m.

2. ROLL CALL

City Council: Council Members Caren Ray, Barbara Harmon, Kristen Barneich, Mayor Pro Tem Brown, and Mayor Jim Hill were present.

Staff Present: City Manager Jim Bergman, City Attorney Heather Whitham, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Director of Community Development Teresa McClish, Director of Public Works Bill Robeson, Police Chief Beau Pryor, Planning Manager Matt Downing, City Engineer Robin Dickerson, and Assistant Planner Sam Anderson.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Anne McCracken, representing Arroyo Grande Valley Kiwanis Club, led the Flag Salute.

5. AGENDA REVIEW

5.a. Closed Session Announcements.

None.

5.b. Ordinances Read in Title Only.

Mayor Pro Tem Brown moved, Council Member Barneich 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 and Oath of Office - Police Officers Lucas Henson and Andrew Williams.

Police Chief Pryor introduced new full-time Police Officers Lucas Henson and Andrew Williams, highlighted their educational and professional backgrounds, and facilitated the badge pinning ceremony. City Clerk Wetmore administered the Oath of Office to Officers Henson and Williams.

7. COMMUNITY COMMENTS, AND SUGGESTIONS

Mayor Hill invited public comment. Speaking from the public were Linda Osty, who offered an invocation; Pete Carlson, thanked the Community Development Department staff for their work, specifically the Building Division; Patricia Price, regarding the investigation of Mayor Hill, referred the public to the South San Luis Obispo County Sanitation District (SSLOCSD) website to view the September 20, 2017 SSLOCSD meeting online as it relates to the Liebert Cassidy

Whitmore presentation, and the September 12, 2017 City Council meeting at which a rebuttal letter from Stew Jenkins was submitted in response to the investigation report, and expressed concern about the cost and need for the investigation; Student, Arroyo Grande High School senior, spoke of prejudices faced as a gay student, spoke of inclusionary efforts at the High School, and suggested that the seasonal banner flags in the Village be changed to display rainbow flags during pride month in June 2018; and Coleen Kubel, commented that there are many SSLOCS D ratepayers that are calling for an investigation of Board Member John Shoals for his interference in personnel matters, and further commented on a recent SSLOCS D meeting. No further comments were received.

8. CITY MANAGER REPORT:

City Manager Bergman referred to the new restroom facility at Heritage Square Park and noted that the facility will be open from 5:00 a.m. to 10:00 p.m., which is consistent with the hours for all other restroom facilities located in City parks. He then introduced Bill Robeson, Public Works Director, who provided an update on the 2017 Concrete Repairs Project, which includes repairs and improvements to concrete areas on E. Grand Avenue, North and South Halcyon Road, W. Branch Street, El Camino Real, Woodland Drive, and Traffic Way.

9. CONSENT AGENDA

Council Member Barneich requested Item 9.j. be pulled.

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

Action: Council Member Barneich moved, and Council Member Ray seconded the motion to approve Consent Agenda Items 9.a. through 9.i., with the recommended courses of action. City Attorney Whitham read the full title of the Ordinance in Item 9.i. The motion passed on the following roll-call vote:

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

9.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period September 16, 2017 through September 30, 2017.

9.b. Consideration of Approval of Minutes.

Action: Approved the minutes of the Regular City Council Meeting of September 12, 2017 and the Special and Regular City Council Meetings of September 26, 2017, as submitted.

9.c. Consideration of an Agreement for Consultant Services for Installation of Network Storage at City Hall and the Police Department.

Action: Approved and authorized the City Manager to execute an Agreement for Consultant Services with CIO Solutions for implementation of additional network storage at City Hall and the Police Department data center locations.

9.d. Consideration to Purchase Police Fleet Equipment Including Mobile Data Computers and In-Car Video Camera Systems and Enter into an Agreement for their Installation.

Action: 1) Approved and authorized the Mayor to execute an agreement for police fleet equipment and upfitting from Drive Customs in the amount of \$143,310.40; 2) Approved and authorized the Chief of Police to purchase Mobile Data Computers (MDC's) from GeTac in the amount of \$48,278.47; 3) Approved and authorized the Chief of Police to purchase in-car video camera systems from COBAN in the amount of \$55,990.00; and 4) Appropriated \$290,000 from the Community Oriented Policing Services (COPS) Fund for the project.

9.e. Consideration of an Appropriation of Funds to Replace the Emergency Standby Generator Located at Reservoir No. 2 on Hillcrest Drive.

Action: Approved an appropriation of \$25,000 from the unappropriated General Fund Balance to purchase a new standby generator and automatic transfer switch for the Reservoir No. 2 communication building.

9.f. Consideration to Approve Construction Plans and Specifications and Environmental Exemption for the City of Arroyo Grande and Woman's Club Community Center Kitchen Renovation Project, PW 2016-01.

Action: 1) Approved the construction plans & specifications for the City of Arroyo Grande and Woman's Club Community Center Kitchen Renovation Project, PW 2016-01; 2) Authorized the City Clerk to advertise for construction bids; 3) Found that project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301(e)(1); and 4) Directed the City Clerk to file a Notice of Exemption.

9.g. Consideration to Approve Construction Plans and Specifications and Environmental Exemption for the Santos Field Barrier Removal Project, PW 2017-01.

Action: 1) Approved the construction plans & specifications for the Santos Field Barrier Removal Project, PW 2017-01; 2) Authorized the City Clerk to advertise for construction bids; 3) Found that project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301(c); and 4) Directed the City Clerk to file a Notice of Exemption.

9.h. Consideration to Approve Construction Plans and Specifications and Environmental Exemption for the City of Arroyo Grande and Woman's Club Community Center Barrier Removal Project, PW 2016-10.

Action: 1) Approved the construction plans & specifications for the City of Arroyo Grande and Woman's Club Community Center Barrier Removal Project, PW 2016-10; 2) Authorized the City Clerk to advertise for construction bids; 3) Found that project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Sections 15301 and 15302; and 4) Directed the City Clerk to file a Notice of Exemption.

9.i. Consideration of Development Code Amendment Case No. 17-003; Amendments to Chapter 16.62 of Title 16 and Chapter 5.95 of Title 5 of the Arroyo Grande Municipal Code Relating to Marijuana and Marijuana Delivery Services.

Action: Adopted an Ordinance entitled ***"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING PORTIONS OF CHAPTER 16.62 OF TITLE 16 AND CHAPTER 5.95 OF TITLE 5 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO MARIJUANA AND MARIJUANA DELIVERY SERVICES."***

ITEMS PULLED FROM THE CONSENT AGENDA

- 9.j. Consideration of Temporary Use Permit Case No. 17-015; Authorizing “Halloween in the Village” on Tuesday, October 31, 2017 and Directing Staff to Implement Related Safety Measures Including No Parking Zones, Street Closures, and Warning Devices.**

Recommended Action: Adopt a Resolution approving Temporary Use Permit Case No. 17-015 Authorizing “Halloween In The Village” on Tuesday, October 31, 2017 and Directing Staff to Implement Related Safety Measures Including No Parking Zones and Street Closures.

In response to questions by Council Member Barneich, staff explained that water barricades are used in certain areas due to the need for increased public safety.

Action: Council Member Barneich moved to adopt Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT CASE NO. 17-015 AUTHORIZING “HALLOWEEN IN THE VILLAGE” ON TUESDAY, OCTOBER 31, 2017 AND DIRECTING STAFF TO IMPLEMENT RELATED SAFETY MEASURES INCLUDING NO PARKING ZONES AND STREET CLOSURES”**. Mayor Pro Tem Brown seconded, and the motion passed on the following roll call vote:

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

10. PUBLIC HEARINGS

- 10.a. Consideration of Development Code Amendment 17-002 - Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Accessory Dwelling Units for Compliance with State Law; Amendment Related to Rooftop Decks and the Undergrounding of Utilities; Location Citywide; Applicant – City of Arroyo Grande.**
Recommended Action: The Planning Commission recommends that the City Council introduce the Ordinance amending Title 16 of the Arroyo Grande Municipal Code regarding accessory dwelling units for compliance with State law as well as rooftop decks and undergrounding of utilities.

Community Development Director McClish provided introductory comments. Planning Assistant Anderson presented the portion of the staff report pertaining to accessory dwelling units and responded to questions from Council.

Mayor Hill opened the public hearing and invited public comment for the portion of the proposed Ordinance regarding accessory dwelling units. Speaking from the public were: Paul Leininger, requested removal of the owner occupancy deed restriction requirement in Single Family zoning districts; Leslie Kight, real estate lender, supported removing the owner occupancy deed restriction requirement; Pete Carlson, supported removing the owner occupancy deed restriction requirement; Jack Hardy, Century 21 Hometown Realty, urged the Council to remove the owner occupancy deed restriction requirement; Sergio Montesinos, Wells Fargo Bank, supported removing the owner occupancy deed restriction requirement; Rob Railsback, supported

removing the owner occupancy deed restriction requirement; Randy Russom, commented on the State's goal to promote additional, affordable housing, supported the proposed changes to the Ordinance in response to the AIA letter, commented that there is already an Ordinance in effect with regard to regulating homestays and vacation rentals, and suggested the Council consider further reducing minimum lot size; and Jennifer Leininger, commented on a similar issue with the County and stated that the County was able to remove the deed restriction on a specific property and then remove the restrictions from all properties at a later time.

Assistant Planner Anderson proceeded with presentation of the staff report as it relates to rooftop decks and undergrounding utilities and responded to questions from Council.

Mayor Hill invited public comment for the portion of the proposed Ordinance regarding rooftop decks and undergrounding utilities. Speaking from the public were: Pete Carlson, in support of the proposed Ordinance; Jack Hardy, commented on requirements for undergrounding utilities and stated he would like to see a more fair way to distribute the cost of undergrounding utilities among property owners that benefit from undergrounding utilities; and Speaker (did not state name), expressed concern about the cost of undergrounding utilities for individual property owners. Hearing no further comments, Mayor Hill closed the public hearing.

Council Member Ray moved to introduce the Ordinance, as modified in the revised Ordinance provided in the Supplemental Memorandum, with the following modifications: strike the owner occupied deed restrictions, add a noticing requirement of 300 feet for rooftop decks, and add deed restriction removal authority; and further, to direct staff to have a legal analysis done to see if the City can do anything to help remove the deed restriction on the property at 1064 Maple Street. Mayor Pro Tem Brown seconded the motion.

Brief discussion ensued regarding noticing requirements for roof decks. Council Member Ray indicated that she would amend her motion to remove that portion from her motion.

City Attorney Whitham read the full title of the Ordinance as follows: ***“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS FOR COMPLIANCE WITH STATE LAW AND ADDITIONALLY ROOFTOP DECKS AND UNDERGROUNDING OF UTILITIES; LOCATION – CITYWIDE; APPLICANT – CITY OF ARROYO GRANDE”***.

Action: Council Member Ray amended her motion as follows: Introduce the revised Ordinance (as read in title by the City Attorney), as modified to strike the owner occupied deed restriction requirement; and, further, to direct staff to bring back to the next City Council meeting an item to provide deed restriction removal authority as an administrative or ministerial process, and to further research whether or not anything can be done to help the property owner at 1064 Maple Street. Mayor Pro Tem Brown seconded, and the motion passed on the following roll-call vote:

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

Council Member Ray announced that the architect on the project for the next item is her fiancé and she will be stepping down for that item, and that because she is heading down to Los Angeles for a conference tomorrow, she would not be staying for the final agenda item; therefore, she would be recusing herself from Item 10.b., and be absent for Item 12.a. She also noted that she has not spoken about the project to anyone during the entire public process. *Council Member Ray left the meeting.*

Mayor Hill called for a break at 8:25 p.m. The Council reconvened at 8:33 p.m.

10.b. Consideration of Appeal 17-002; Appeal of Planning Commission's Denial of Architectural Review 16-009; Proposed Merger of Two (2) Lots and Construction of a New 12,730 Square Foot Single Family Home; Location 779 and 759 Castillo Del Mar (Lots 6 and 7 of Tract 3048- Heights at Vista Del Mar); Applicant - James and Katy Redmond; Representative – RRM Design Group.

Community Development Director McClish provided introductory comments. Associate Planner Heffernon presented the staff report and recommended the Council: 1) Adopt a Resolution denying Appeal 17-002 and Architectural Review 16-009; and 2) Take no action on Lot Merger 17-003. Staff responded to questions from Council.

Mayor Hill opened the public hearing and invited the applicant's representative to address the Council first. Speaking from the public were: Randy Russom, applicant's representative, provided a presentation of the proposed project and responded to questions from Council; Anthony Detwiler, opposed the project and stated that it is not consistent to the guidelines for the area, not in keeping with the character of the neighborhood, and that the proposal will impair the investment and occupation of the neighborhood; Katie Gonzalez, supported the applicant's desire to build their home and supported the project; Gonzolo Breanchar, commented that the progressive scaling of homes in the neighborhood seems appropriate; Kimberly Redmond, spoke about the Redmond family and their intent for their home; Dan Ferrara, Engineer for Lot 8, stated that the house on Lot 8 would be 2,800 sq. ft. and the proposed basketball court would be much bigger, and stated that if approved, the project could jeopardize future development on remaining lots; Daryl Berg, spoke regarding the massive size of the project and opposed the project; Jennifer Johnson, expressed concern about the behavior at the Planning Commission meeting and questioned if the lots could be legally merged; Pashmina Patel, opposed the project; Christine Semac, opposed the project; James Redmond, spoke on behalf of the family in support of the project; Patty Welsh, supported the project; Julie Moore, stated that she would like to see this house on a larger piece of property; Sedina Craven, stated that she feels size is irrelevant; Mike Daly, stated that the project has been denied due to scale; Leo Craven, spoke about objectivity vs. subjectivity and that a decision should be made as objectively as possible; Ian Johnson, stated that the decision not be made on emotion but in order to preserve the character of the neighborhood and that this is a home for a larger piece of property; Matthew Rogers, doesn't see an issue with the project and feels that it will help the neighborhood; Mr. Patel, stated that the owner of Lot 5 could not be at the meeting but that he will sell the lot if the project passes; Speaker (did not state name), opposed the project; Katy Redmond, applicant, spoke in support of the project, addressed and responded to concerns and rumors expressed by members of the community, and requested approval of the project. Hearing no further comments, Mayor Hill closed the public hearing.

Mayor Hill called for a break at 10:36 p.m. The Council reconvened at 10:43 p.m.

At this time, it was noted that pursuant to Council policy, the Council must vote unanimously to continue the meeting past 11:00 p.m.

Action: Mayor Pro Tem Brown moved to continue the meeting to 11:20 p.m., Council Member Barneich seconded the motion, and the motion passed unanimously by voice vote.

Action: Council Member Harmon moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DENYING APPEAL 17-002 AND DENYING ARCHITECTURAL REVIEW 16-009; LOCATION – 779 AND 759 CASTILLO DEL MAR (TRACT 3048 – HEIGHTS AT VISTA DEL MAR); APPLICANT – JAMES AND KATY REDMOND; REPRESENTATIVE – RRM DESIGN GROUP”**; and take no action on Lot Merger 17-003. Mayor Pro Tem Brown seconded, and the motion passed on the following roll-call vote:

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

11. OLD BUSINESS

None.

12. NEW BUSINESS

12.a. Consideration of a Resolution of Intention and Introduction of an Ordinance to Approve an Amendment to Contract between the Board of Administration California Public Employees’ Retirement System and the City of Arroyo Grande.

City Manager Bergman presented the staff report and recommended the Council: 1) Adopt and authorize the Mayor to sign on behalf of the City a Resolution of Intention with the California Public Employees’ Retirement System; and 2) Introduce an Ordinance to approve an amendment to the California Public Employees’ Retirement System Contract regarding cost sharing by members of the Arroyo Grande Police Officers’ Association.

Action: Council Member Harmon moved to adopt a Resolution as follows: **“A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF ARROYO GRANDE”**. Mayor Hill seconded, and the motion passed on the following roll-call vote:

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

City Attorney Whitham read the full title of the Ordinance as follows: **“AN ORDINANCE THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE**

AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM".

Action: Mayor Pro Tem Brown moved to introduce the Ordinance as read in title by the City Attorney. Council Member Barneich seconded, and the motion passed on the following roll-call vote:

AYES: Brown, Barneich, Harmon, Hill

NOES: None

ABSENT: Ray

13. COUNCIL COMMUNICATIONS

None.

14. COMMUNITY COMMENTS AND SUGGESTIONS

None.

15. CLOSED SESSION

None.

16. ADJOURNMENT

Mayor Hill adjourned the meeting at 11:16 p.m.

Jim Hill, Mayor

ATTEST:

Kelly Wetmore, City Clerk

(Approved at CC Mtg _____)