

## ACTION MINUTES

### SPECIAL MEETING OF THE CITY COUNCIL TUESDAY, OCTOBER 24, 2017 COUNCIL CHAMBERS, 215 E. BRANCH STREET ARROYO GRANDE, CALIFORNIA

#### **1. CALL TO ORDER:**

Mayor Hill called the Special City Council Meeting to order at 5:00 p.m.

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

Council Member Kristen Barneich, Mayor Pro Tem Tim Brown and Mayor Jim Hill were present. Council Members Barbara Harmon and Caren Ray were absent.

Staff members present were City Manager Jim Bergman, City Attorney Heather Whitham, and Director of Legislative and Information Services/City Clerk Kelly Wetmore.

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

Mayor Pro Tem Brown led the flag salute.

#### **4. PUBLIC COMMENT**

None.

Council Member Harmon arrived to the meeting at 5:04 p.m.

#### **5. CITY COUNCIL CLOSED SESSION**

City Attorney Whitham noted that the Agency's Designated Representative was not present and that City Manager Bergman would be the Agency Representative in her place.

- a) **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to Government Code Section 54957.6:  
Agency Designated Representative: Debbie Malicoat, Administrative Services Director  
Represented Employees: Service Employees International Union, Local 620
- b) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to Government Code Section 54957:

Title: City Manager

Adjourned to closed session.

Council Member Ray arrived to the meeting at 5:52 p.m.

#### **6. RECONVENE TO OPEN SESSION:**

The Council reconvened to open session at 6:00 p.m. in conjunction with the Regular City Council meeting. City Attorney Whitham announced that for Item a) the Council provided direction to its labor negotiator, and for Item b) there was no reportable action.

**7. ADJOURNMENT:**

The Special Meeting was adjourned at 5:55 p.m.

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**Jim Hill, Mayor**

**ATTEST:**

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**Kelly Wetmore, City Clerk**

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

## ACTION MINUTES

### REGULAR MEETING OF THE CITY COUNCIL/SUCCESSOR AGENCY TO THE DISSOLVED ARROYO GRANDE REDEVELOPMENT AGENCY TUESDAY, OCTOBER 24, 2017 COUNCIL CHAMBERS, 215 E. BRANCH STREET ARROYO GRANDE, CALIFORNIA

#### **1. CALL TO ORDER**

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

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

City Council/ Successor Agency: Council/Board Members Caren Ray, Barbara Harmon, Kristen Barneich, Mayor Pro Tem/Vice Chair Tim Brown and Mayor/Chair Jim Hill were present.

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

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

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

Scott Astrosky, representing Pismo Beach/5 Cities Rotary Club, led the Flag Salute.

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

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

Special City Council Meeting of October 24, 2017:

- a) Conference with Labor Negotiator Pursuant to Government Code Section 54957.6:  
Agency Designated Representative: Debbie Malicoat, Administrative Services Director  
Represented Employees: Service Employees International Union, Local 620
- b) Public Employee Performance Evaluation pursuant to Government Code Section 54957:

Title: City Manager

City Attorney Whitham announced that the City Council met in closed session at a Special Meeting on October 24, 2017 to discuss the above items, and for Item a) the Council provided direction to its labor negotiator, and for Item b) there was no reportable action.

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

Mayor Hill moved, Council Member 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 Police Cadets Chad Giesmann and Gavin Giesmann.**

Police Chief Pryor introduced new Police Cadets Chad Giesmann and Gavin Giesmann, provided an overview of their educational backgrounds, and spoke about the Police Cadet program.

**6.b. Honorary Proclamation Recognizing “International Day of the Girl”.**

Mayor Hill presented an Honorary Proclamation recognizing “International Day of the Girl”. Melisa Dookie accepted the Proclamation.

**6.c. Honorary Proclamation Declaring October 2017 as “Domestic Violence Awareness Month”.**

Mayor Hill presented an Honorary Proclamation declaring October 2017 as “Domestic Violence Awareness Month”. Kirsten Rambo, Executive Director for the Women’s Shelter Program of San Luis Obispo County, accepted the proclamation.

**7. CITIZENS’ INPUT, COMMENTS, AND SUGGESTIONS**

Mayor Hill invited public comment. Speaking from the public were Linda Osty, who offered an invocation, and spoke about writing notes of encouragement to those who are suffering from the fires in Northern California; Marcia Alter, representing Homeshare SLO, provided an overview of the non-profit organization which connects those with rooms in their home to share with those who are looking for affordable housing and requested the Council consider at a future meeting a request for \$10,000 from the City’s inclusionary housing fund to benefit the non-profit organization; Coleen Kubel, spoke regarding unaccounted funds of over \$800,000 from the South San Luis Obispo County Sanitation District and of her support for Mayor Hill; Patricia Price, spoke regarding respect, compassion, and kindness, that she stands up for truth and injustice, and stated her support of Mayor Hill. No further comments were received.

**8. CITY MANAGER REPORT:**

City Manager Bergman introduced Public Works Director Robeson who provided an overview and status of street projects currently underway in the City. Director Robeson acknowledged and thanked Capital Improvement Project Manager Jill McPeek for her role in tracking and managing all of the City’s projects. City Manager Bergman also thanked the Police Department for their activity in the community and for ensuring public safety.

**9. CONSENT AGENDA**

Council Member Ray requested that Items 9.c. and 9.f. be pulled.  
Council Member Barneich requested that Item 9.g. be pulled.

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

**Action:** Mayor Pro Tem/Vice Chair Brown moved, and Council/Board Member Barneich, seconded the motion to approve Consent Agenda Items 9.a. through 9.h., with the exception of Items 9.c., 9.f., and 9.g., with the recommended courses of action. The motion passed on the following roll-call vote:

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

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

**Action:** Ratified the listing of cash disbursements for the period October 1, 2017 through October 15, 2017.

**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, 2017, as required by Government Code Section 53646(b).

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

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

**9.e. Consideration of an Appropriation of Funds to Replace the Pump at Well No. 6.**

**Action:** Approved an appropriation of \$18,000 from the Water Fund balance to replace the pump and pipe column at Well No. 6.

**9.h. Consideration of Subordination Agreement Between the City and Courtland-Arroyo Grande, L.P.**

**[SUCCESSOR AGENCY]**

**Action:** Approved and authorized the City Manager/Executive Director to execute a Subordination Agreement between the City and Courtland-Arroyo Grande, L.P. to facilitate refinancing of the project by the owners.

**ITEMS PULLED FROM THE CONSENT AGENDA**

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

**Recommended Action:** Approve the minutes of the Regular City Council Meeting of October 10, 2017, as submitted.

Council Member Ray referred to the October 10<sup>th</sup> minutes regarding Item 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) and requested the minutes be corrected to state that she had not spoken to the Mayor or City Council members during the entire public process for the project. City Clerk Wetmore noted the correction.

**Action:** Council Member Ray moved to approve Item 9.c. as amended. Council Member Harmon seconded, and the motion passed on the following roll-call vote:

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

**9.f. Consideration of Adoption of an Ordinance - 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:** Adopt an Ordinance 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.

Council Member Ray referred to supplemental information the Council received regarding the proposed Ordinance as it relates to accessory dwelling units and requested staff to provide a brief response.

Director McClish provided an overview of the discussion and action taken at the previous City Council meeting which resulted in an introduction of the Ordinance and then responded to questions from Council.

Mayor Hill invited public comment. Speaking from the public were: John Keen, expressed concern regarding accessory dwelling units and stated that there should be restrictions and owner occupancy requirements; Shirley Gibson, asked why Council went beyond the State mandate, that the owner occupancy requirement should remain, expressed concern about no owner accountability and single family districts turning into multi-family districts, supported enacting the State mandated policies, and suggested revisiting the other regulations in one year; Coleen Kubel, spoke in support of adoption of the Ordinance as introduced and removing the deed restriction requirements; Pete Carlson, spoke in support of the proposed Ordinance; Sherry McCarthy, expressed concern about removing owner occupancy requirements in the portion of the Ordinance pertaining to accessory dwelling units; Marcia Alter, stated that Homeshare SLO may provide a solution and can help with housing issues; Speaker (did not provide name), spoke in support of the Ordinance as introduced with the removal of deed restriction requirements. No further comments were received.

Brief Council comments ensued regarding the Ordinance. Council Member Barneich expressed concerns about approving the Ordinance as it relates to lack of public noticing for rooftop deck applications, as well as removing the owner occupancy requirement on accessory dwelling units.

**Action:** Mayor Pro Tem Brown moved to adopt the Ordinance. Council Member Ray seconded the 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”.**

The motion passed on the following roll-call vote:

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

**9.g. Consideration of Resolution Delegating Authority to the City Manager or His Designee to Remove Deed Restrictions Regarding the Use of Accessory Dwelling Units.**

**Recommended Action:** Adopt a Resolution delegating authority to the City Manager or his designee to remove deed restrictions stipulating that accessory dwelling units cannot be sold apart from the primary residence and, within Single-Family zoning districts, the owner of the property must occupy one of the dwellings located on the property.

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

**Action:** Council Member Ray moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DELEGATING AUTHORITY TO THE CITY MANAGER OR HIS DESIGNEE TO REMOVE CERTAIN DEED RESTRICTIONS REGARDING ACCESSORY DWELLING UNITS”**. Mayor Pro Tem Brown seconded, and the motion passed on the following roll-call vote:

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

**10. PUBLIC HEARINGS**

None.

**11. OLD BUSINESS**

**11.a. Reconsideration of Agreement with the County of San Luis Obispo to Jointly Finance and Construct a Replacement Animal Services Shelter.**

City Manager Bergman presented the staff report and recommended that the Council: 1) Authorize the Mayor to send a letter to the Cities of Atascadero and Paso Robles urging continued participation in the animal shelter project; and, 2) Consider authorizing staff to withdraw from the Agreement at a specified threshold.

Mayor Hill invited public comment. Speaking from the public was: Coleen Kubel, commented that it would be a burden on the City’s Police Department to handle service calls regarding animal issues. No further comments were received.

**Action:** Council Member Ray moved to: 1) Authorize the Mayor to send a letter to the Cities of Atascadero and Paso Robles urging continued participation in the animal shelter project, as amended, to reflect the following changes in the letter:

3. *This last minute change of course may also be damaging to future collaborative regional and countywide efforts. ~~Why should regional partners believe in the future that your cities will negotiate fairly and not use this tactic in the future? If your quick decision to withdraw turns out not to be in the best interest of your community, why would the remaining partners want to let you rejoin the project later?~~*

4. *This action is wasteful to taxpayers in ~~general~~ county-wide. Two years of staff time, involvement of lawyers to make the agreement, and hours of public testimony may be jeopardized by changing course. This potential action is not an example of good governance but just the opposite.*

~~Your last minute reconsideration of the Agreement leaves us asking, what do you want that was not addressed in the long process of negotiating this agreement? Is it the price of the building? Is it that your citizens have to travel too far? If these are the reasons, w~~We believe that your cities will fare much better staying in the Agreement and working to find cooperative solutions and not forcing your fellow communities to make quick decisions and be penalized by cost increases.

and 2) Authorize staff to send a letter to the County withdrawing from the Agreement at a specified threshold of 15%. Mayor Pro Tem Brown seconded.

Brief discussion ensued to clarify changes in the letter, and to include the word "Conditional" on the Notice of Withdrawal letter.

The motion passed on the following roll-call vote:

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

*Mayor Hill called for a break at 8:34 p.m. The Council reconvened at 8:45 p.m.*

**11.b. Staff Follow-Up of Council Direction from September 12, 2017 Related to the Independent Investigation of the Mayor.**

City Manager Bergman presented the staff report and recommended that the Council: receive an update of progress toward fulfilling Council direction and to provide additional direction. Staff responded to questions from Council.

Mayor Hill invited public comment. Speaking from the public were: Coleen Kubel, stated that the issues being discussed involve the South San Luis Obispo County Sanitation District and not the City and spoke regarding ethics training and compliance; Patricia Price, expressed concern about closed sessions at the Sanitation District and that action items are not being reported out to the public, and commented on the investigation and those who brought it forward. No further public comments were received.

**Action:** Council Member Ray moved that a comprehensive code of conduct policy manual be created, that an ad-hoc subcommittee be created consisting of Council Members Ray and Barneich, with staff assistance by the City Clerk, that the City institute a policy of in-house orientation training within 2 months of the first date of taking office, and that a fully annotated opinion be provided in writing by the City Attorney to the Council interpreting the Health and Safety Code and the Council's ability to remove the Mayor from the Sanitation District. Council Member Barneich seconded.

Following further brief discussion, the motion passed on the following roll-call vote:



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

**(b) MAYOR PRO TEM 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

**(c) COUNCIL MEMBER BARNEICH:**

- (1) Zone 3 Water Advisory Board
- (2) Homeless Services Oversight Council (HSOC)

**(d) COUNCIL MEMBER HARMON:**

- (1) County Water Resources Advisory Committee (WRAC)
- (2) Air Pollution Control District (APCD)
- (3) Five Cities Fire Authority (FCFA)

**(e) COUNCIL MEMBER RAY:**

- (1) California Joint Powers Insurance Authority (CJPIA)
- (2) Economic Vitality Corporation (EVC)
- (3) Tourism Marketing Committee

**14. COUNCIL COMMUNICATIONS**

Council Member Ray requested an information item regarding issues at the Sanitation District be placed on a future agenda and to invite Mr. Sweet to make a presentation so that the Council is informed and can have a discussion about ongoing issues. Mayor Pro Tem Brown concurred. Council Member Barneich suggested waiting for a couple of weeks as she has heard an audit is underway and more information may be available once the audit is complete.

Council Member Ray requested that staff place on a future agenda an item regarding Homeshare SLO's request for utilizing inclusionary housing funds to help the Homeshare SLO program. Council Member Barneich suggested that Homeshare SLO apply for Community Service Grant funds. Council Member Ray stated that her request was not date specific and

could be considered following the Council's consideration of Community Development Block Grant (CDBG) and Community Service Grant funds.

Council Member Ray commented that she spoke with City Manager Bergman regarding future amendments to the Development Code regarding accessory dwelling units and ways to encourage people not to convert garages.

Council Member Ray announced that on October 18<sup>th</sup> at 12:03 a.m., their first grandchild, Jordan Paige, was born.

Council Member Barneich announced that on December 1<sup>st</sup>, the Arroyo Grande Chipotle will be having a fundraising event and will donate half of the proceeds to the 5 Cities Homeless Coalition; on November 28<sup>th</sup>, Fin's Restaurant will host "Dinner for a Cause" and will donate 100% of the proceeds to the 5 Cities Homeless Coalition; and on December 19<sup>th</sup>, Rooster Creek will host "Dining with a Purpose" and a portion of the proceeds will be donated to the 5 Cities Homeless Coalition.

**15. COMMUNITY COMMENTS AND SUGGESTIONS**

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:** Council Member Ray moved to continue the meeting for five minutes. Mayor Hill seconded the motion, and the motion passed unanimously by voice vote.

Speaking from the public were: Marcia Alter, stated she has documentation regarding the use of inclusionary housing funds, that Homeshare SLO missed the application period last year for the Jim Guthrie Community Service Grant Program, commented that those funds are spread among many organizations, but they will still apply; stated the Cities of Grover Beach and San Luis Obispo and the County have allocated funding, and requested the Council to consider allocating inclusionary housing funding to Homeshare SLO; and Patricia Price, commented on the last meeting and how Council worked together to consider a development project, and stated she was glad to see the Council requested an agenda item to receive a presentation from the Sanitation District.

**16. CLOSED SESSION**

None.

**17. ADJOURNMENT**

Mayor Hill adjourned the meeting at 11:06 p.m.

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**Jim Hill, Mayor**

**ATTEST:**

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**Kelly Wetmore, City Clerk**

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