

## **ACTION MINUTES**

### **REGULAR MEETING OF THE CITY COUNCIL/SUCCESSOR AGENCY TO THE DISSOLVED ARROYO GRANDE REDEVELOPMENT AGENCY**

**TUESDAY, MAY 8, 2018**

**COUNCIL CHAMBERS, 215 E. BRANCH STREET  
ARROYO GRANDE, CALIFORNIA**

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

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

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

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

Staff Present: City Manager Jim Bergman, City Attorney Heather Whitham, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Executive Assistant/Deputy City Clerk Jessica Matson, Director of Administrative Services Debbie Malicoat, Chief of Police Beau Pryor, Director of Community Development Teresa McClish, and Planning Manager Matt Downing

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

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

Scott Astrosky, representing Rotary Club of Pismo Beach-Five Cities, led the Flag Salute.

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

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

None.

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

Mayor/Chair Hill moved, Council/Board Member Brown 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.

City Attorney Whitham reported that today at 1:05 p.m., the City received a cease and desist letter from a law firm representing Elite Care, in connection with their efforts to get a State license from the California Bureau of Cannabis Control, and the letter demands a response by the City by May 10<sup>th</sup>. She explained that under the Brown Act, there is a procedure to add an item to the Agenda if the finding can be made that the issue came to the City's attention after posting of the Agenda and that it requires immediate action. She stated that Government Code Section 54954.2(b) would allow the Council to add the item to the Agenda if 2/3 of the Council vote to do so and recommended that the item be placed on the Closed Session Agenda pursuant to Section 54956.9(d)2, which allows for a conference with legal counsel regarding anticipated litigation.

**Action:** Council Member Brown moved, and Council Member Barneich seconded to add the item to the Closed Session Agenda. The motion passed on the following roll-call vote:

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

## **6. SPECIAL PRESENTATIONS**

### **6.a. Honorary Proclamation Declaring May 6-12, 2018 as “Public Service Recognition Week”.**

Mayor Hill presented a Proclamation declaring May 6-12, 2018 as “Public Service Recognition Week. Lisa Christensen, Human Resources Manager, accepted the Proclamation on behalf of the City’s employees.

## **7. COMMUNITY COMMENTS AND SUGGESTIONS**

Mayor Hill invited public comment. Speaking from the public were Linda Osty, who offered an invocation; Darryl Scheck, SEIU Local 620 representative, requested that prior to any layoffs of represented employees, the Council look at alternatives and asked for consideration of variations of the Voluntary Employee Retirement Program (VERP) by potentially extending the deadline and benefits of the program; Robert Johnson, expressed concerns regarding the East Cherry Avenue Specific Plan project and submitted a letter for the record; Shirley Gibson, spoke regarding a negative comment made by the Mayor regarding a past employee of the Sanitation District and suggested that Mayor Hill step down from the Sanitation District Board; Patty Welsh, agreed with the comments made by the previous speaker; Patricia Price, stated that she does not want the Mayor to step down from the Sanitation District Board and expressed appreciation for the Mayor’s participation. No further comments were received.

## **8. CITY MANAGER/DIRECTOR REPORT**

City Manager Bergman spoke about public service and stated that public service also includes people who come to the Council meetings and participate, as well as the Council Members; commented on a recent arrest made by the Arroyo Grande Police Department, and the quick response by the Fire Department to a vegetation fire by the Library; and announced that staff is making an effort to free up parking at City Hall in order to increase public parking for customers and visitors to City Hall and the Village. Council/Board Member Harmon commented on a “Free Parking” sign located in the Village having potentially dangerous edges and suggested that the height of the sign may need to be raised.

## **9. CONSENT AGENDA**

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

**Action:** Council/Board Member Barneich moved, and Council/Board Member Harmon seconded the motion to approve Consent Agenda Items 9.a. through 9.e., with the recommended courses of action. 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 April 16, 2018 through April 30, 2018.

**9.b. Consideration of Approval of Preliminary Official Statement for the Taxable Tax Allocation Refunding Bonds, Series 2018 to Refund in Full the Arroyo Grande Redevelopment Agency, Arroyo Grande Redevelopment Project Area, 2007 Tax Allocation Bonds.**

**[SUCCESSOR AGENCY]**

**Action:** The Board of the Successor Agency: 1) Adopted a Resolution entitled: **“A RESOLUTION OF THE SUCCESSOR AGENCY TO THE DISSOLVED ARROYO GRANDE REDEVELOPMENT AGENCY APPROVING THE FORM AND AUTHORIZING DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF TAX ALLOCATION BONDS TO REFUND CERTAIN OUTSTANDING OBLIGATIONS OF THE FORMER ARROYO GRANDE REDEVELOPMENT AGENCY AND APPROVING RELATED DOCUMENTS AND ACTIONS”**; and 2) Authorized the Executive Director to amend or revise minor, non-substantive changes and approve final documents and agreements as needed to affect the bond refunding, provided they are in substantial compliance with the draft documents and Board direction.

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

**Action:** Approved the minutes of the Regular City Council Meeting of April 24, 2018, as submitted.

**9.d. Consideration to Approve Construction Plans and Specifications and Environmental Exemption for the 2018 Concrete Repairs Project, PW 2018-03.**

**Action:** 1) Approved the construction plans & specifications for the 2018 Concrete Repairs Project, PW 2018-03; 2) Authorized the City Clerk to advertise for construction bids; 3) Found that the 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.e. Consideration to Declare Surplus Property.**

**Action:** Adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING A 2005 FORD F-250 TRUCK AS SURPLUS AND AUTHORIZING ITS SALE OR DISPOSAL”**.

**10. PUBLIC HEARINGS**

**10.a. Consideration of Development Code Amendment 17-004; Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Exempt Signs; Location – Citywide; Applicant – City of Arroyo Grande.**

Community Development Director McClish introduced the item and Planning Manager Downing presented the staff report and recommended that the Council introduce an Ordinance amending portions of Title 16 of the Arroyo Grande Municipal Code regarding temporary noncommercial signs. Staff responded to questions from Council.

Mayor Hill invited public comment. Speaking from the public was Patricia Price, requesting clarification regarding one sign versus unlimited signs and expressed concern with having the signs out for 120 days. No further public comments were received.

**Action:** Council Member Harmon moved to introduce an Ordinance entitled: **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING PORTIONS OF TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE REGARDING TEMPORARY NONCOMMERCIAL SIGNS”**. Mayor Hill seconded, and the motion passed on the following roll-call vote:

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

**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

**(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 announced the next free Teens Helping Seniors Tech Clinic would be held on March 19<sup>th</sup> from 10:00 to 11:30 a.m. at the Council Chambers and encouraged seniors to call and reserve a space at the Clinic; and announced that the recent We Heart AG workday was successful and thanked all who participated and volunteered their time.

Council Member Harmon referred to and commented on a letter received by the League of California Cities regarding Assembly Bill (AB) 1912, and expressed concern about the impacts to cities and Joint Powers Authorities should the legislation pass. Following brief discussion and pursuant to Council policy regarding legislative communications, City Manager Bergman stated he would prepare a letter in opposition to AB 1912 on behalf of the City.

Mayor Hill recognized the recent passing of long-time resident and activist Otis Page and stated his thoughts and prayers are with his family.

**15. COMMUNITY COMMENTS AND SUGGESTIONS**

Tami Peluso, Elite Care, provided an overview of unsuccessful meetings with staff since January to operate Elite Care in the City, attempts to obtain their State license through the State Bureau of Cannabis Control, and expressed hope they could come to an agreement with the City in order to avoid litigation; and Cynthia Gonzalez, Elite Care, expressed concerns with the way discussions with the City have been going with regard to their business and referred to correspondence sent to the City from their attorney.

**16. CLOSED SESSION**

At 7:58 p.m., City Attorney Whitham announced the City Council/Successor Agency would adjourn to closed session to consider the following items:

- a) PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to Government Code Section 54957:

Title: City Manager

- b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to Government Code Section 54957:

Title: City Attorney

- c) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 and (e)(3): One Potential Case

Adjourned to closed session.

**17. RECONVENE TO OPEN SESSION:**

At 8:48 p.m., the meeting was reconvened to open session. City Attorney Whitham announced that there was no reportable action.

**18. ADJOURNMENT**

Mayor/Chair Hill adjourned the meeting at 8:49 p.m.

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**Jim Hill, Mayor/Chair**

**ATTEST:**

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**Jessica Matson, Deputy City Clerk/Secretary**

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