



CITY COUNCIL MEETING
AGENDA SUMMARY

Tuesday, October 24, 2023, 6:00 p.m.

In person at:

Arroyo Grande City Council Chambers
215 E. Branch Street, Arroyo Grande, CA 93420

AND via Zoom at:

<https://us02web.zoom.us/j/86752345420>

Please click the link above to join the Zoom Meeting:

Webinar ID: 867 5234 5420

Or by Telephone: 1-669-900-6833; 1-346-248-7799

This City Council meeting is being conducted in a hybrid in-person/virtual format. Members of the public may participate and provide public comment on agenda items during the meeting in person at the location identified above, by joining the Zoom meeting, or by submitting written public comments to the Clerk of the Council at publiccomment@arroyogrande.org. Meetings will be broadcast live on Channel 20 and streamed on the City's website and www.slo-span.org.

CLOSED SESSION:

None.

-
1. **CALL TO ORDER**
 2. **ROLL CALL**
 3. **MOMENT OF REFLECTION**
 4. **FLAG SALUTE**
 5. **AGENDA REVIEW**
 - 5.a **Closed Session Announcements**
None.
 - 5.b **Ordinances read in title only**
Move that all ordinances presented at the meeting shall be read by title only and all further readings be waived.
 6. **SPECIAL PRESENTATIONS**
 - 6.a **Honorary Proclamation Recognizing November 2023 As National Native American & Indigenous Peoples Heritage Month**
 - 6.b **Honorary Proclamation Declaring November 2023 As National Hospice And Palliative Care Month**
 - 6.c **Interim City Manager Communications**

(ROBESON)

Recommended Action:

Receive correspondence/comments as presented by the Interim City Manager and Provide direction, as necessary.

7. CITY COUNCIL REPORTS

7.a MAYOR RAY RUSSOM:

1. California Joint Powers Insurance Authority (CJPIA)
2. Central Coast Blue Regional Recycled Water Authority Board
3. Five Cities Fire Authority
4. San Luis Obispo County Mayor's Meeting
5. South San Luis Obispo County Sanitation District (SSLOCSD)
6. Other

7.b MAYOR PRO TEM BARNEICH:

1. Audit Committee
2. Homeless Services Oversight Council (HSOC)
3. Zone 3 Water Advisory Board
4. Other

7.c COUNCIL MEMBER GEORGE:

1. Five Cities Fire Authority
2. Tourism Business Improvement District Advisory Board
3. Visit SLO CAL Advisory Board
4. Other

7.d COUNCIL MEMBER GUTHRIE:

1. County Water Resources Advisory Committee (WRAC)
2. Council of Governments/Regional Transit Authority/ South County Transit (SLOCOG/SLORTA/SCT)
3. Integrated Waste Management Authority Board (IWMA)
4. REACH Economic Development Roundtable
5. Other

7.e COUNCIL MEMBER SECREST:

1. Air Pollution Control District (APCD)
2. South County Chambers of Commerce Governmental Affairs Committee
3. Other

8. COMMUNITY COMMENTS AND SUGGESTIONS

This public comment period is an invitation to members of the community to present issues,

thoughts, or suggestions on matters not scheduled on this agenda. Comments should be limited to those matters that are within the jurisdiction of the City Council. Members of the public may provide public comment in-person or remotely by joining the Zoom meeting utilizing one of the methods provided below. Please use the “raise hand” feature to indicate your desire to provide public comment.

- Click the link below to join the webinar: <https://us02web.zoom.us/j/86752345420>; Webinar ID: 867 5234 5420
- Or by Telephone: 1-669-900-6833; 1-346-248-7799
Press * 9 to “raise hand” for public comment

The Brown Act restricts the Council from taking formal action on matters not published on the agenda. In response to your comments, the Mayor or presiding Council Member may:

- Direct City staff to assist or coordinate with you.
- A Council Member may state a desire to meet with you.
- It may be the desire of the Council to place your issue or matter on a future Council agenda.

Please adhere to the following procedures when addressing the Council:

- Comments should be limited to 3 minutes or less.
- Your comments should be directed to the Council as a whole and not directed to individual Council members.
- Slanderous, profane or personal remarks against any Council Member or member of the audience shall not be permitted.

9. CONSENT AGENDA

The following routine items listed below are scheduled for consideration as a group. The recommendations for each item are noted. Any member of the public who wishes to comment on any Consent Agenda item may do so at this time. Any Council Member may request that any item be withdrawn from the Consent Agenda to permit discussion or change the recommended course of action. The City Council may approve the remainder of the Consent Agenda on one motion.

9.a **Consideration of Cash Disbursement Ratification** (VALENTINE)

Recommended Action:

1) Ratify the attached listing of cash disbursements for the period of September 16 through September 30, 2023; 2) Determine that ratifying the cash disbursements is not a project subject to the California Environmental Quality Act (“CEQA”) because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

9.b **Approval of Minutes** (MATSON)

Recommended Action:

Approve the minutes of the Regular City Council Meeting of October 10, 2023, as submitted.

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

(SWEENEY)

Recommended Action:

Receive and file the Monthly Water Supply and Demand Update.

10. PUBLIC HEARINGS

- 10.a Consider a Resolution Denying the Installation of One (1) Domestic Well on Property Zoned Planned Development (PD); Applicant – Michael Harris; Representative – Richard Burde, SLO Civil Design (PEDROTTI)**

Recommended Action:

1) Adopt a Resolution denying the request by Michael Harris to drill and install one (1) new domestic well on an unaddressed property on Noyes Road (APN: 007-781-055) northeast of the intersection of Noyes Road and Equestrian Way; and 2) Determine that the installation of a domestic water well is categorically exempt from the California Environmental Quality Act (“CEQA”) under the Class 3 exemption, which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. (State CEQA Guidelines, § 15303.)

- 10.b Consider a Resolution Accepting a Donation of Time and Materials for the Second Phase of Painting of Utility Boxes Citywide and Waiving Encroachment Permit Fees; Staff Project 23-007; Applicant – Shirley Horacek, Arroyo Grande Public Art (PEDROTTI)**

Recommended Action:

1) Receive public comment; 2) Adopt a Resolution accepting the donation of time and materials and waiving encroachment permit fees in the amount of \$720; and 3) Determine that this project is categorically exempt based upon section 15301(e) of the CEQA Guidelines regarding existing facilities. This exemption is applied to additions to existing structures provided that the addition will not result in an increase of square footage. The proposed project is for painting an existing structure and will not result in an increase in square footage.

11. OLD BUSINESS

None.

12. NEW BUSINESS

- 12.a Consideration of Pre-Application 23-003: Development Code Amendment to Make Educational Facilities a Conditionally Allowed Use in the Regional Commercial Zoning District; Applicant – Cuesta College (PEDROTTI)**

Recommended Action:

Receive public comment and provide direction to staff regarding the development code amendment to allow educational institutions as a conditionally permitted use in the RC zone.

13. COUNCIL COMMUNICATIONS

Any Council Member may ask a question for clarification, make an announcement, or report briefly

on his or her activities. In addition, subject to Council policies and procedures, Council Members may request staff to report back to the Council at a subsequent meeting concerning any matter or request that staff place a matter of business on a future agenda. Any request to place a matter of business for original consideration on a future agenda requires the concurrence of at least one other Council Member.

14. ADJOURNMENT

All staff reports or other written documentation, including any supplemental material distributed to a majority of the City Council within 72 hours of a regular meeting, relating to each item of business on the agenda are available for public inspection during regular business hours in the City Clerk's office, 300 E. Branch Street, Arroyo Grande. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. To make a request for disability-related modification or accommodation, contact the Legislative and Information Services Department at 805-473-5400 as soon as possible and at least 48 hours prior to the meeting date.

This agenda was prepared and posted pursuant to Government Code Section 54954.2 Agenda reports can be accessed and downloaded from the City's website at www.arroyogrande.org If you would like to subscribe to receive email or text message notifications when agendas are posted, you can sign up online through the "Notify Me" feature.

City Council Meetings are cablecast live and videotaped for replay on Arroyo Grande's Government Access Channel 20. The rebroadcast schedule is published at www.slo-span.org.



**HONORARY PROCLAMATION
RECOGNIZING NOVEMBER 2023 AS
"NATIONAL NATIVE AMERICAN & INDIGENOUS PEOPLES HERITAGE MONTH"**

WHEREAS, National Native American Heritage Month is also referred to as Indigenous Peoples Heritage Month and is a time to recognize the history and experiences of Indigenous peoples in the United States and to rejoice in the diverse and rich cultures and great contributions of Indigenous people and Tribes; and

WHEREAS, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National Native American Heritage Month; and

WHEREAS, National Native American & Indigenous Peoples Heritage Month allows us to spread awareness about Indigenous people and Tribes and to educate people about the various challenges faced by Indigenous peoples in the past and today; and

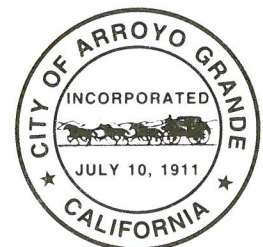
WHEREAS, Indigenous peoples play a critical role in the health and vitality of our great Nation. As leaders, advocates, business owners, artists, teachers, writers, courageous members of our Armed Forces, and so much more, their contributions to our society are cause for celebration and appreciation by all Americans; and

WHEREAS, the City of Arroyo Grande resolves to work side-by-side with Indigenous peoples and Tribes to secure stronger, safer communities and safeguard sacred heritage for future generations.

NOW, THEREFORE, BE IT RESOLVED that I, Caren Ray Russom, Mayor of the City of Arroyo Grande, do hereby proclaim November 2023 as "National Native American & Indigenous Peoples Heritage Month" and urge all our citizens to observe this month with gratitude and sensitivity with the use of appropriate programs, ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Arroyo Grande to be affixed this 24th day of October 2023.

CAREN RAY RUSSOM, MAYOR





**HONORARY PROCLAMATION DECLARING
NOVEMBER 2023 AS
“NATIONAL HOSPICE AND PALLIATIVE CARE MONTH”**

WHEREAS, hospice and palliative care empower people facing a serious or life-limiting illness to live as fully as possible, ensuring people dignity, choice, and quality of life; and

WHEREAS, the hospice model involves an interdisciplinary, team-oriented approach of treatment, including expert medical care, quality symptom control, and comprehensive pain management as a foundation of care; and

WHEREAS, beyond providing physical treatment, hospice attends to the patient’s emotional, spiritual and family needs, and provides family services like respite care and bereavement counseling; and

WHEREAS, hospice is one of the sectors that demonstrates how health care can – and should – work at its best for its patient; and

WHEREAS, a growing body of peer-reviewed research indicates that timely access to hospice and palliative care can decrease hospitalizations and Emergency Room visits and increase quality of life for patients and family caregivers; and

WHEREAS, every year more than 1.56 million Americans living with life-limiting illness, and their families, received care from the nation’s hospice programs in communities throughout the United States; and

WHEREAS, more than 355,000 trained volunteers contribute 16 million hours of service to hospice programs annually in the U.S.; and

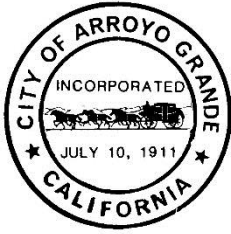
WHEREAS, Central Coast Hospice, Dignity Health Hospice, Hospice of San Luis Obispo County and Wilshire Hospice provide hospice care and bereavement counseling respectively to individuals within the County of San Luis Obispo.

NOW, THEREFORE, BE IT RESOLVED that I, Caren Ray Russom, Mayor of the City of Arroyo Grande, do hereby proclaim November 2023 as “National Hospice and Palliative Care Month” in Arroyo Grande, and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Arroyo Grande to be affixed this 24th day of October 2023.

CAREN RAY RUSSOM, MAYOR





MEMORANDUM

TO: City Council

FROM: Nicole Valentine, Administrative Services Director

BY: Lynda Horejsi, Accounting Manager

SUBJECT: Consideration of Cash Disbursement Ratification

DATE: October 24, 2023

SUMMARY OF ACTION:

Review and ratify cash disbursements for the period of September 16 through September 30, 2023.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

There is a \$1,676,127.45 fiscal impact for the period of September 16 through September 30, 2023, that includes the following items:

- Accounts Payable Checks \$ 1,258,711.45
- Payroll & Benefit Checks \$ 417,416.00

RECOMMENDATION:

1) Ratify the attached listing of cash disbursements for the period of September 16 through September 30, 2023; 2) Determine that ratifying the cash disbursements is not a project subject to the California Environmental Quality Act ("CEQA") because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

BACKGROUND:

Cash disbursements are made weekly based on the submission of all required documents supporting the invoices submitted for payment. Prior to payment, Administrative Services staff reviews all disbursement documents to ensure that they meet the approval requirements adopted in the Municipal Code and the City's Purchasing Policies and Procedures Manual.

Item 9.a.

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Consideration of Cash Disbursement Ratification
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ANALYSIS OF ISSUES:

The attached listing represents the cash disbursements required of normal and usual operations during the period. The disbursements are accounted for in the FY 2022-23 and FY 2023-24 budgets.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Approve staff's recommendation;
2. Do not approve staff's recommendation; or
3. Provide other direction to staff.

ADVANTAGES:

- The Administrative Services Department monitors payments of invoices for accountability, accuracy, and completeness using standards approved by the City Council.
- Invoices are paid in a timely manner to establish goodwill with merchants.
- Discounts are taken where applicable.

DISADVANTAGES:

There are no disadvantages identified in this recommendation.

ENVIRONMENTAL REVIEW:

Ratifying the cash disbursements is not a project subject to the California Environmental Quality Act ("CEQA") because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. September 16 – September 30, 2023 – Accounts Payable Check Register
2. September 22, 2023 – Payroll & Benefit Check Register

CITY OF ARROYO GRANDE
CHECK LISTING
SEPTEMBER 16 - 30, 2023

ATTACHMENT 1

Line	Check Date	Check #	GL Amount	Description	Acct #	Vendor Last Name
1	09/22/2023	298807	\$166.50	07/23 CODE ENFORCEMENT SVCS	010.4101.5303	ADAMSKI MOROSKI MADDEN
2	09/22/2023	298807	\$370.00	06/23 CODE ENFORCEMENT SVCS	010.4101.5303	ADAMSKI MOROSKI MADDEN
3	09/22/2023	298807	\$240.50	04/23 CODE ENFORCEMENT SVCS	010.4101.5303	ADAMSKI MOROSKI MADDEN
4	09/22/2023	298808	\$750.00	07/23 WEBSITE STREAMING & ARCHIVING	010.4002.5303	AGP VIDEO, INC
5	09/22/2023	298808	\$1,915.00	07/23 CABLECASTING	010.4002.5330	AGP VIDEO, INC
6	09/22/2023	298809	\$400.00	ANNUAL FIRE SPRINKLER INSPECTION	010.4213.5303	ALPHA FIRE & SECURITY ALARM CO
7	09/22/2023	298810	\$62.50	AC LEAK-FCFA	010.4213.5303	ALPINE REFRIGERATION
8	09/22/2023	298811	\$29,553.00	ANIMAL SVC CONTRACT Q1 FY23-24	010.4201.5321	ANIMAL SERVICES
9	09/22/2023	298812	\$46.79	Purchase Replacement Parts for Meters	640.4712.5611	AQUA-METRIC SALES CO(DBA)
10	09/22/2023	298812	\$2,452.00	1 (ea) Archer 3HH AR368 Solid	640.4712.6201	AQUA-METRIC SALES CO(DBA)
11	09/22/2023	298812	\$1,753.00	Purchase Water Meters for FY 23/24	640.4712.5207	AQUA-METRIC SALES CO(DBA)
12	09/22/2023	298812	\$6,020.45	Purchase Replacement Parts for Meters	640.4712.5611	AQUA-METRIC SALES CO(DBA)
13	09/22/2023	298812	\$1,112.89	Purchase Replacement Parts for Meters	640.4712.5611	AQUA-METRIC SALES CO(DBA)
14	09/22/2023	298812	\$190.03	Sales Tax	640.4712.6201	AQUA-METRIC SALES CO(DBA)
15	09/22/2023	298812	\$100.00	Freight	640.4712.6201	AQUA-METRIC SALES CO(DBA)
16	09/22/2023	298813	\$35.41	PAINT, SPRAY PAINT	010.4420.5605	ARROYO GRANDE HOME & GARDEN
17	09/22/2023	298814	\$183.52	ACCT#238451-01839190 RADIO	010.4145.5403	AT & T
18	09/22/2023	298815	\$32.01	BAN#9391033183 805-473-2198	010.4201.5403	AT&T
19	09/22/2023	298815	\$73.67	BAN#9391033187 805-481-6944	010.4201.5403	AT&T
20	09/22/2023	298815	\$180.57	BAN#9391033184 805-473-5100	010.4201.5403	AT&T
21	09/22/2023	298816	\$222.09	PW21-SVC & REPAIR, OIL CHG, DIAGNOSIS	010.4430.5601	BACK ON THE ROAD AUTOMOBILE
22	09/22/2023	298816	\$2,058.18	PD-4606 REPAIR	010.4203.5601	BACK ON THE ROAD AUTOMOBILE
23	09/22/2023	298817	\$54.97	FLEET MAINT SUPPLIES-BATTERY	010.4204.5601	BATTERY SYSTEMS
24	09/22/2023	298818	\$210.00	REFUND-SOCCER CAMPS	010.0000.4605	DANYELLE BAYLY
25	09/22/2023	298819	\$16.00	CAR WASH-PW44	612.4610.5601	BOB'S EXPRESS WASH
26	09/22/2023	298819	\$13.00	CAR WASH-B409	010.4212.5601	BOB'S EXPRESS WASH
27	09/22/2023	298819	\$213.00	CAR WASH-PD PATROL	010.4203.5601	BOB'S EXPRESS WASH
28	09/22/2023	298819	\$13.00	CAR WASH-PW10	640.4712.5601	BOB'S EXPRESS WASH
29	09/22/2023	298819	\$10.00	CAR WASH-PW64	010.4307.5601	BOB'S EXPRESS WASH
30	09/22/2023	298819	\$20.00	CAR WASH-50 TOKENS	612.4610.5601	BOB'S EXPRESS WASH
31	09/22/2023	298819	\$26.00	CAR WASH-PD ADMIN	010.4201.5601	BOB'S EXPRESS WASH
32	09/22/2023	298819	\$13.00	CAR WASH-PW22	220.4303.5601	BOB'S EXPRESS WASH
33	09/22/2023	298819	\$24.00	CAR WASH- PW4, PW8	010.4301.5601	BOB'S EXPRESS WASH
34	09/22/2023	298819	\$141.00	CAR WASH-PD SUPPORT SVCS	010.4204.5601	BOB'S EXPRESS WASH
35	09/22/2023	298819	\$20.00	CAR WASH-50 TOKENS	640.4712.5601	BOB'S EXPRESS WASH
36	09/22/2023	298819	\$40.00	CAR WASH-50 TOKENS	220.4303.5601	BOB'S EXPRESS WASH
37	09/22/2023	298819	\$20.00	CAR WASH-50 TOKENS	010.4420.5601	BOB'S EXPRESS WASH
38	09/22/2023	298820	(\$120.00)	(3) DRUM CREDIT	640.4712.5274	BRENNTAG PACIFIC INC
39	09/22/2023	298820	\$1,311.66	(4) DRUMS HYPOCHLORITE	640.4712.5274	BRENNTAG PACIFIC INC

CITY OF ARROYO GRANDE
CHECK LISTING
SEPTEMBER 16 - 30, 2023

ATTACHMENT 1

Line	Check Date	Check #	GL Amount	Description	Acct #	Vendor Last Name
40	09/22/2023	298821	\$194.00	PEST CONTROL: PD	010.4213.5303	BREZDEN PEST CONTROL, INC
41	09/22/2023	298822	\$15.91	SCOURING PAD, SPRAY PAINT	010.4420.5605	BRISCO MILL & LUMBER YARD
42	09/22/2023	298822	\$7.85	SPRAY PAINT	010.4420.5605	BRISCO MILL & LUMBER YARD
43	09/22/2023	298823	\$10.12	POSTCARDS FOR TALLY HO SURVEY	010.4301.5503	BURDINE PRINTING (DBA)
44	09/22/2023	298824	\$21.44	(2) 50# BAGS QUIKCRETE	220.4303.5613	BURKE AND PACE OF AG, INC
45	09/22/2023	298825	\$651.03	ASPHALT-6 TON	640.4712.5610	CALPORTLAND CONSTRUCTION
46	09/22/2023	298826	\$136.00	REFUND BUSINESS LICENSE-NON-PROFIT	010.0000.4050	CAMP ARROYO GRANDE
47	09/22/2023	298827	\$63.77	CLEANING PRODUCTS	640.4712.5601	CARQUEST AUTO PARTS
48	09/22/2023	298827	\$35.17	FLEET MAINT SUPPLIES-OIL & FILTER	010.4203.5601	CARQUEST AUTO PARTS
49	09/22/2023	298827	\$145.81	PW-63 BATTERY	640.4712.5610	CARQUEST AUTO PARTS
50	09/22/2023	298827	\$20.81	INLINE SPARK PLUG TESTER	010.4305.5255	CARQUEST AUTO PARTS
51	09/22/2023	298828	\$199.67	WORK BOOTS-NETZLEY	010.4430.5148	CARR'S BOOTS & WESTERN
52	09/22/2023	298828	\$188.13	WORK BOOTS-RODRIGUEZ	220.4303.5148	CARR'S BOOTS & WESTERN
53	09/22/2023	298828	\$157.68	WORK BOOTS-GARRITY	612.4610.5148	CARR'S BOOTS & WESTERN
54	09/22/2023	298828	\$200.00	WORK BOOTS-BROOKS	640.4712.5148	CARR'S BOOTS & WESTERN
55	09/22/2023	298828	\$157.68	WORK BOOTS-TAYLOR	640.4710.5148	CARR'S BOOTS & WESTERN
56	09/22/2023	298828	\$179.43	WORK BOOTS-MEADOR	010.4420.5148	CARR'S BOOTS & WESTERN
57	09/22/2023	298828	\$155.50	WORK BOOTS-KORD SCHMIDT	010.4430.5148	CARR'S BOOTS & WESTERN
58	09/22/2023	298828	\$200.00	WORK BOOTS-KAUFMAN	640.4712.5148	CARR'S BOOTS & WESTERN
59	09/22/2023	298828	\$195.74	WORK BOOTS-JUAREZ	010.4305.5148	CARR'S BOOTS & WESTERN
60	09/22/2023	298829	\$1,635.00	VILLAGE STREET TREE LIGHT REPAIR	220.4303.5613	CENTRAL COAST ILLUMINATIONS
61	09/22/2023	298830	\$199.98	ACCT#170562001 PD DEPT INTERNET	010.4201.5403	CHARTER COMMUNICATIONS
62	09/22/2023	298830	\$1,349.00	ACCT#170563301 300 E BRANCH INTERNET	010.4140.5303	CHARTER COMMUNICATIONS
63	09/22/2023	298830	\$1,349.00	ACCT#170563401 215 E BRANCH INTERNET	211.4101.5330	CHARTER COMMUNICATIONS
64	09/22/2023	298830	\$122.11	ACCT#170563101 215 E BRANCH TV	010.4145.5401	CHARTER COMMUNICATIONS
65	09/22/2023	298830	\$185.15	ACCT#170562101 200 N HALCYON TV	010.4145.5401	CHARTER COMMUNICATIONS
66	09/22/2023	298830	\$761.32	ACCT#170563801 1221 ASH ST INTERNET	010.4145.5401	CHARTER COMMUNICATIONS
67	09/22/2023	298830	\$58.63	ACCT#090058901 300 E BRANCH TV	010.4145.5401	CHARTER COMMUNICATIONS
68	09/22/2023	298830	\$987.20	ACCT#170562201 200 N HALCYON INTERNET	010.4145.5401	CHARTER COMMUNICATIONS
69	09/22/2023	298830	\$736.80	ACCT#170564001 1375 ASH ST INTERNET	010.4145.5401	CHARTER COMMUNICATIONS
70	09/22/2023	298830	\$327.16	ACCT#170562601 211 VERNON ST INTERNET	010.4145.5401	CHARTER COMMUNICATIONS
71	09/22/2023	298831	\$248.16	Juniper JCare Core Support 3 YR	010.4140.5303	CIO SOLUTIONS LP
72	09/22/2023	298831	\$2,307.00	Juniper EX2300 Ethernet Switch	010.4140.5303	CIO SOLUTIONS LP
73	09/22/2023	298831	\$178.79	Sales Tax	010.4140.5303	CIO SOLUTIONS LP
74	09/22/2023	298832	\$25.21	DRAWINGS	010.4301.5201	CRISP IMAGING
75	09/22/2023	298833	\$401.79	KYOCERA COPIER LEASE	010.4421.5602	DE LAGE LANDEN FINANCIAL SVCS
76	09/22/2023	298834	\$372.59	ACCT#2901-1271650-01 METRO CIRCUIT	010.4140.5303	DIGITAL WEST NETWORKS INC
77	09/22/2023	298835	\$93.20	CIM REFUND-SUMMER 2023	010.0000.4602	VIOLET ESPARZA RENIERE
78	09/22/2023	298836	\$420.42	(28) METER BOX LIDS B-3	640.4712.5610	FAMCON PIPE AND SUPPLY INC

CITY OF ARROYO GRANDE
CHECK LISTING
SEPTEMBER 16 - 30, 2023

ATTACHMENT 1

Line	Check Date	Check #	GL Amount	Description	Acct #	Vendor Last Name
79	09/22/2023	298837	\$64.65	HARVEST FESTIVAL STRAW	640.4712.5255	FARM SUPPLY CO
80	09/22/2023	298837	\$262.45	SOTO IRRIGATION PARTS-RISER EXT	010.4430.5605	FARM SUPPLY CO
81	09/22/2023	298838	\$250.79	(8) KEYS	010.4201.5604	FRANK'S LOCK & KEY
82	09/22/2023	298839	\$445.00	TRAINING/TUITION-GRANT WRITING	010.4204.5501	GRANT WRITING USA
83	09/22/2023	298839	\$495.00	TRAINING/TUITION-GRANT WRITING	010.4203.5501	GRANT WRITING USA
84	09/22/2023	298839	\$445.00	TRAINING/TUITION-GRANT WRITING	010.4204.5501	GRANT WRITING USA
85	09/22/2023	298840	\$119.06	Sales Tax	612.4610.6201	H&E EQUIPMENT SERVICES
86	09/22/2023	298840	\$1,536.28	1 each New 2023 Multiquip QP3T	612.4610.6201	H&E EQUIPMENT SERVICES
87	09/22/2023	298841	\$2,416.35	DUI TRAILER REPAIR	010.4204.5601	HEACOCK TRAILERS & TRUCK
88	09/22/2023	298842	\$131.15	FUEL	010.4203.5608	JB DEWAR, INC
89	09/22/2023	298842	\$110.80	FUEL	010.4203.5608	JB DEWAR, INC
90	09/22/2023	298843	\$630.00	INSTALL NEW PHOTOCCELL ON OLOHAN ALLEY	010.4213.5303	JD ELECTRIC
91	09/22/2023	298844	\$1,120.00	SMOKE TEST-PW VEHICLES	220.4303.5601	L. DIESEL MOBILE SERVICE(DBA)
92	09/22/2023	298845	\$105.00	BASKETBALL SCORER- 7 GAMES X \$15	010.4424.5352	JHADE LA PAZ
93	09/22/2023	298846	\$1,537.23	SHORETEL PHONE CHRGS-PD	010.4201.5403	LEVEL 3 COMMUNICATIONS LLC
94	09/22/2023	298846	\$1,537.23	SHORETEL PHONE CHRGS-PD	010.4201.5403	LEVEL 3 COMMUNICATIONS LLC
95	09/22/2023	298846	\$1,537.23	SHORETEL PHONE CHRGS-PD	010.4201.5403	LEVEL 3 COMMUNICATIONS LLC
96	09/22/2023	298846	\$1,559.89	SHORETEL PHONE CHRGS-CITY HALL	010.4145.5403	LEVEL 3 COMMUNICATIONS LLC
97	09/22/2023	298846	\$1,561.03	SHORETEL PHONE CHRGS-CITY HALL	010.4145.5403	LEVEL 3 COMMUNICATIONS LLC
98	09/22/2023	298846	\$1,559.89	SHORETEL PHONE CHRGS-CITY HALL	010.4145.5403	LEVEL 3 COMMUNICATIONS LLC
99	09/22/2023	298847	\$50.00	09/09/23 ROUND ROBIN PICKLEBALL	010.4424.5351	MAUREEN LEWIS
100	09/22/2023	298848	\$4,698.00	08/23 PROF LEGAL SVCS	010.4110.5303	LIEBERT, CASSIDY, WHITMORE
101	09/22/2023	298848	\$652.50	07/31 PROF LEGAL SVCS	010.4110.5303	LIEBERT, CASSIDY, WHITMORE
102	09/22/2023	298848	\$2,392.50	07/31 PROF LEGAL SVCS	010.4110.5303	LIEBERT, CASSIDY, WHITMORE
103	09/22/2023	298849	\$100.00	PARK DEPOSIT REFUND-STROTHER	010.0000.2206	MEGHAN MADSEN
104	09/22/2023	298850	\$50.67	(5) SPRAY PAINT, SAND PAPER	010.4420.5605	MINER'S ACE HARDWARE, INC
105	09/22/2023	298850	\$5.63	THREAD SEAL TAPE, PVC PLUG	010.4420.5605	MINER'S ACE HARDWARE, INC
106	09/22/2023	298850	\$15.47	(4) PUTTY KNIVES	220.4303.5613	MINER'S ACE HARDWARE, INC
107	09/22/2023	298850	\$23.69	PROPANE TANK EXCHANGE	220.4303.5613	MINER'S ACE HARDWARE, INC
108	09/22/2023	298850	\$8.61	SPRAY PAINT	010.4420.5605	MINER'S ACE HARDWARE, INC
109	09/22/2023	298850	\$17.85	ROLLER FRAME & ROLLER COVERS	220.4303.5613	MINER'S ACE HARDWARE, INC
110	09/22/2023	298850	\$19.36	CARPET TAPE, ADHESIVE	010.4213.5604	MINER'S ACE HARDWARE, INC
111	09/22/2023	298850	\$62.45	CAULK GUN, ADHESIVE	220.4303.5613	MINER'S ACE HARDWARE, INC
112	09/22/2023	298850	\$40.91	CEDAR MULCH, POTTING MIX	010.4420.5605	MINER'S ACE HARDWARE, INC
113	09/22/2023	298850	\$126.00	WD40, WORK GLOVES, SAW, PLAQUE	010.4213.5604	MINER'S ACE HARDWARE, INC
114	09/22/2023	298850	\$47.39	(2) PROPANE TANK EXCHANGE	010.4209.5255	MINER'S ACE HARDWARE, INC
115	09/22/2023	298850	\$9.69	EPOXY	640.4712.5255	MINER'S ACE HARDWARE, INC
116	09/22/2023	298850	\$36.58	BLEACH & SPRAYER	640.4712.5610	MINER'S ACE HARDWARE, INC
117	09/22/2023	298850	\$19.01	FASTENERS	220.4303.5603	MINER'S ACE HARDWARE, INC

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118	09/22/2023	298850	\$7.74	PUTTY KNIFE	220.4303.5613	MINER'S ACE HARDWARE, INC
119	09/22/2023	298850	\$4.34	CLEANING SUPPLIES-MAGIC ERASER	220.4303.5601	MINER'S ACE HARDWARE, INC
120	09/22/2023	298850	\$130.48	(2) AQUAPHALT ASPHALT PATCH	220.4303.5613	MINER'S ACE HARDWARE, INC
121	09/22/2023	298850	\$34.77	(3) TARPS	220.4303.5613	MINER'S ACE HARDWARE, INC
122	09/22/2023	298851	\$127.31	HARNESS, TRIMMER GUARD, EDGER	010.4420.5603	NOBLE SAW, INC
123	09/22/2023	298851	\$21.74	TUNE UP KIT	010.4420.5603	NOBLE SAW, INC
124	09/22/2023	298852	\$33.27	ELECTRIC-WELL#11 352 LA CANADA	640.4711.5402	PACIFIC GAS & ELECTRIC CO
125	09/22/2023	298852	\$17,467.23	ELECTRIC-STREET LIGHTS	010.4307.5402	PACIFIC GAS & ELECTRIC CO
126	09/22/2023	298853	\$472.00	UNIFORM CLEANING-PD PATROL	010.4203.5303	PARAMOUNT CLEANERS
127	09/22/2023	298853	\$44.00	UNIFORM CLEANING-PD SUPPORT SVCS	010.4204.5303	PARAMOUNT CLEANERS
128	09/22/2023	298853	\$16.00	UNIFORM CLEANING-PD ADMIN	010.4201.5303	PARAMOUNT CLEANERS
129	09/22/2023	298854	\$119.95	09/23 WIFI SVC HUBNER SITE	010.4201.5403	PEAKWIFI LLC
130	09/22/2023	298855	\$220.59	Freight	010.4420.5605	PET PICK-UPS
131	09/22/2023	298855	\$1,300.00	PET PICK-UP WICKET-10 CASES	010.4420.5605	PET PICK-UPS
132	09/22/2023	298856	\$25.00	REFUND-BUSINESS CLASS-DUPLICATE	010.0000.4606	COLLEEN PHELAN
133	09/22/2023	298857	\$1,685.10	FTO SOFTWARE SUBSCRIPTION 5/23	010.4204.5607	POWERDMS INC
134	09/22/2023	298858	\$15.95	AUTO SHOP UNIFORMS	010.4305.5143	PRUDENTIAL OVERALL SUPPLY
135	09/22/2023	298858	\$31.68	STREET DEPT UNIFORMS	220.4303.5143	PRUDENTIAL OVERALL SUPPLY
136	09/22/2023	298858	\$23.54	BLDG MAINT UNIFORMS	010.4213.5143	PRUDENTIAL OVERALL SUPPLY
137	09/22/2023	298858	\$34.76	PARKS DEPT UNIFORMS	010.4420.5143	PRUDENTIAL OVERALL SUPPLY
138	09/22/2023	298858	\$22.22	SEWER DEPT UNIFORMS	612.4610.5143	PRUDENTIAL OVERALL SUPPLY
139	09/22/2023	298858	\$22.22	SOTO SPORTS COMPLEX UNIFORMS	010.4430.5143	PRUDENTIAL OVERALL SUPPLY
140	09/22/2023	298858	\$41.03	WATER DEPT UNIFORMS	640.4712.5143	PRUDENTIAL OVERALL SUPPLY
141	09/22/2023	298859	\$50.00	PARK DEPOSIT REFUND-RANCHO GRANDE	010.0000.2206	JAYNIE QUEZADA
142	09/22/2023	298860	\$15.00	08/23 REVERSE OSMOSIS RENTAL	010.4201.5303	RICHETTI COMPLETE WATER
143	09/22/2023	298861	\$34.00	ADULT SOFTBALL SCORER	010.4424.5352	MARTINA SARMIENTO
144	09/22/2023	298861	\$93.50	ADULT SOFTBALL SCORER	010.4424.5352	MARTINA SARMIENTO
145	09/22/2023	298862	\$1,991.00	SART EXAM-AGPD CASE#2301169	010.4201.5324	SLO COUNTY SART PROGRAM
146	09/22/2023	298863	\$50.00	PARK DEPOSIT REFUND-RANCHO GRANDE	010.0000.2206	SHERRI SPJUT
147	09/22/2023	298864	\$162.68	MARKING PAINT-BLUE	640.4712.5610	STATEWIDE SAFETY & SIGNS INC
148	09/22/2023	298865	(\$85.45)	CREDIT RETURN-NIPPLES, COUPLING	640.4712.5610	STREATOR PIPE & SUPPLY
149	09/22/2023	298865	\$98.60	(3) TOILET SEATS	010.4213.5604	STREATOR PIPE & SUPPLY
150	09/22/2023	298865	\$85.60	WELL#7 GATE VALVE	640.4711.5603	STREATOR PIPE & SUPPLY
151	09/22/2023	298865	\$9.28	WELL#7-NIPPLE	640.4711.5603	STREATOR PIPE & SUPPLY
152	09/22/2023	298866	\$1,027.69	UNIFORMS-PATROL HATS	010.4203.5272	THE TOP SHOP
153	09/22/2023	298867	\$585.36	PD-4605 REPAIR	010.4203.5601	TOM'S AUTO SERVICE
154	09/22/2023	298867	\$1,079.95	PD-4603 REPAIR	010.4203.5601	TOM'S AUTO SERVICE
155	09/22/2023	298868	\$182.33	(100) REFLECTIVE PAVEMENT MARKERS	220.4303.5613	TRAFFIC MANAGEMENT PRODUCTS
156	09/22/2023	298868	\$273.23	(5) 50 # BAGS GLASS BEADS	220.4303.5613	TRAFFIC MANAGEMENT PRODUCTS

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157	09/22/2023	298868	\$2,030.19	(5) 30X48 SIGNS, (2) STOP PADDLE	220.4303.5613	TRAFFIC MANAGEMENT PRODUCTS
158	09/22/2023	298868	\$612.67	(5) 30X30 SIGNS	220.4303.5613	TRAFFIC MANAGEMENT PRODUCTS
159	09/22/2023	298868	\$116.10	(5) NO STOPPING SIGNS	220.4303.5613	TRAFFIC MANAGEMENT PRODUCTS
160	09/22/2023	298869	\$75.00	08/23 INVESTIGATIVE SVCS	010.4204.5303	TRANSUNION RISK
161	09/22/2023	298870	\$973.33	RECYCLE ROAD BASE & CONCRETE	220.4303.5613	TROESH RECYCLING, INC
162	09/22/2023	298871	\$46.24	PARTS FOR TORO TITAN	010.4420.5603	TURF STAR, INC
163	09/22/2023	298872	\$928.28	PAYROLL FOR: WK END 09/10 -ARMENTA	010.4420.5303	UNITED STAFFING ASSOC.
164	09/22/2023	298872	\$928.28	PAYROLL FOR:WK END 9/17-ARMENTA	010.4420.5303	UNITED STAFFING ASSOC.
165	09/22/2023	298873	\$17,776.65	08/23 TBID ONLINE MARKETING	240.4150.5301	VERDIN MARKETING INK
166	09/22/2023	298873	\$4,000.00	08/23 TBID MARKETING-CCTC CO	240.4150.5301	VERDIN MARKETING INK
167	09/22/2023	298874	\$107.84	ACCT#472480460-00002 CITY IPAD	010.4145.5403	VERIZON WIRELESS
168	09/22/2023	298875	\$101.52	DOCUMENT SHREDDING SVC	010.4201.5303	VITAL RECORDS CONTROL
169	09/22/2023	298876	\$2,644.00	07/23 PROF LEGAL SVCS	640.4710.5575	WHITE BRENNER LLP
170	09/22/2023	298877	\$389.26	PPE FOR UTILITY DIVISION	640.4712.5255	WINEMA INDUSTRIAL &
171	09/22/2023	298877	\$389.27	PPE FOR UTILITY DIVISION	612.4610.5255	WINEMA INDUSTRIAL &
172	09/22/2023	298878	\$50.00	PARK DEPOSIT REFUND-STROTHER	010.0000.2206	FAITH ZENKER
173	09/22/2023	298879	\$58.83	UB Refund Cst #00027519	640.0000.2301	GAVIN ANGELLO
174	09/22/2023	298880	\$50.64	UB Refund Cst #00028274	640.0000.2301	VACH DARAKDJIAN
175	09/22/2023	298881	\$176.84	UB Refund Cst #00027665	640.0000.2301	RUBEN FARIAS
176	09/22/2023	298882	\$41.64	UB Refund Cst #00028152	640.0000.2301	DANIEL KISTLER
177	09/22/2023	298883	\$13,787.46	MEDICARE: Payment	011.0000.2105	CITY OF ARROYO GRANDE
178	09/22/2023	298883	\$52,020.52	FEDERAL WITHHOLDING: Payment	011.0000.2104	CITY OF ARROYO GRANDE
179	09/22/2023	298883	\$52,544.18	SOCIAL SECURITY: Payment	011.0000.2105	CITY OF ARROYO GRANDE
180	09/22/2023	298884	\$20,871.42	STATE WITHHOLDING: Payment	011.0000.2108	CA ST EMPLOYMENT DEVEL DEPT
181	09/22/2023	298884	\$1,894.15	CASDI: Payment	011.0000.2111	CA ST EMPLOYMENT DEVEL DEPT
182	09/22/2023	298885	\$170.30	DEPT OF CHILD SUPPORT SERVICES	011.0000.2114	CA STATE DISBURSEMENT UNIT
183	09/22/2023	298886	\$10,901.99	DEFERRED COMPENSATION	011.0000.2117	ICMA RETIREMENT CORP
184	09/22/2023	298886	\$183.18	ROTH % - AFTER TAX: Payment	011.0000.2117	ICMA RETIREMENT CORP
185	09/22/2023	298886	\$825.00	DEFERRED COMPENSATION	011.0000.2117	ICMA RETIREMENT CORP
186	09/22/2023	298886	\$310.00	ROTH - AFTER TAX: Payment	011.0000.2117	ICMA RETIREMENT CORP
187	09/22/2023	298886	\$4,226.35	DEFERRED COMPENSATION - EE %:	011.0000.2117	ICMA RETIREMENT CORP
188	09/22/2023	298887	\$603.96	PARS: Payment	011.0000.2107	US BANK OF CALIFORNIA
189	09/29/2023	298888	\$36.00	BACTI TEST-NEW FIRE HYDRANT	640.4710.5310	ABALONE COAST ANALYTICAL INC
190	09/29/2023	298889	\$190.03	Sales Tax	640.4712.6201	AQUA-METRIC SALES CO(DBA)
191	09/29/2023	298889	\$2,452.00	(1) Archer 3 Handheld Meter Reader	640.4712.6201	AQUA-METRIC SALES CO(DBA)
192	09/29/2023	298889	\$1,048.15	Purchase Water Meters for FY 23/24	640.4712.5207	AQUA-METRIC SALES CO(DBA)
193	09/29/2023	298889	\$1,367.38	Purchase Water Meters for FY 23/24	640.4712.5207	AQUA-METRIC SALES CO(DBA)
194	09/29/2023	298889	\$30.97	Freight	640.4712.6201	AQUA-METRIC SALES CO(DBA)
195	09/29/2023	298890	\$397.61	PW-44 OIL CHG, SVC BRAKES	612.4610.5601	BACK ON THE ROAD AUTOMOBILE

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196	09/29/2023	298890	\$120.58	PW-10 OIL CHG	640.4712.5601	BACK ON THE ROAD AUTOMOBILE
197	09/29/2023	298891	\$29,879.49	Building Department Services	010.4212.5303	BPR CONSULTING GROUP LLC
198	09/29/2023	298892	\$165.00	PEST CONTROL: PW CORP YARD	010.4213.5303	BREZDEN PEST CONTROL, INC
199	09/29/2023	298893	\$2,880.00	06/23 ANNUAL FIRE FUEL REDUCTION	220.4303.5303	CALIFORNIA CONSERVATION CORPS
200	09/29/2023	298893	\$5,640.00	06/23 ANNUAL FIRE FUEL REDUCTION	216.4460.5303	CALIFORNIA CONSERVATION CORPS
201	09/29/2023	298894	\$6.61	PW-17 BELT	010.4420.5601	CARQUEST AUTO PARTS
202	09/29/2023	298894	\$21.86	PW-51 VACTOR FUEL FILTER	612.4610.5601	CARQUEST AUTO PARTS
203	09/29/2023	298894	\$78.23	PW-51 VACTOR FILTERS	612.4610.5601	CARQUEST AUTO PARTS
204	09/29/2023	298895	\$2,130.00	Production Support Coverage VM	010.4140.5303	CIO SOLUTIONS LP
205	09/29/2023	298895	\$710.00	Production Support Coverage~	010.4140.5303	CIO SOLUTIONS LP
206	09/29/2023	298895	\$5,922.00	09/23 MICROSOFT 365	010.4140.5607	CIO SOLUTIONS LP
207	09/29/2023	298895	\$4,768.00	09/23 CIO SOLUTIONS SUPPORT	010.4140.5303	CIO SOLUTIONS LP
208	09/29/2023	298895	\$90.00	09/23 PROJECT PLAN 3	010.4140.5607	CIO SOLUTIONS LP
209	09/29/2023	298895	\$1,480.00	09/23 CROWDSTRIKE ADV DEFEND	010.4140.5303	CIO SOLUTIONS LP
210	09/29/2023	298895	\$1,544.00	Production Support Cover Vcent	010.4140.5303	CIO SOLUTIONS LP
211	09/29/2023	298895	\$14,047.18	Nimble Renewal 3yr	010.4140.5303	CIO SOLUTIONS LP
212	09/29/2023	298896	\$157.08	PW-51 FILTERS FOR PONY ENGINE	612.4610.5603	COASTLINE EQUIPMENT(DBA)
213	09/29/2023	298897	\$362.81	2022 STREET REPAIRS PLAN SETS	350.5638.7301	CRISP IMAGING
214	09/29/2023	298898	\$290.27	PW-44 1 NEW TIRE	612.4610.5601	FIGUEROA'S TIRES
215	09/29/2023	298898	\$20.00	PD-4602 TIRE MOUNTING	010.4203.5601	FIGUEROA'S TIRES
216	09/29/2023	298898	\$1,580.06	PW-5 -4 NEW TIRES	640.4712.5601	FIGUEROA'S TIRES
217	09/29/2023	298898	\$88.00	PD TIRE MOUNTING	010.4203.5601	FIGUEROA'S TIRES
218	09/29/2023	298899	\$20,220.00	Program Management - City of AG	010.4307.5303	FILIPPIN ENGINEERING
219	09/29/2023	298899	\$18,450.00	Program Management - City of AG	010.4307.5303	FILIPPIN ENGINEERING
220	09/29/2023	298900	\$6,632.13	Preparation of the NCMA 2023 RPT	640.4710.5303	GSI WATER SOLUTIONS
221	09/29/2023	298900	\$7,038.55	Preparation of the NCMA 2023 RPT	640.4710.5303	GSI WATER SOLUTIONS
222	09/29/2023	298901	\$106.08	09/23 PORTABLE TOILET RENTAL	220.4303.5552	HARVEY'S HONEY HUTS
223	09/29/2023	298902	\$504.00	CASH FOR GRASS- 504 SQ FT	226.4306.5554	MICHAEL HUFFMAN
224	09/29/2023	298903	\$3,806.25	(1) FIRE HYDRANT	640.4712.5610	ICONIX WATERWORKS (US) INC
225	09/29/2023	298903	\$437.40	SEWER PIPE, COUPLINGS, MISC SUPPLIES	612.4610.5610	ICONIX WATERWORKS (US) INC
226	09/29/2023	298903	\$408.69	SEWER PIPE, COUPLINGS, MISC SUPPLIES	640.4712.5610	ICONIX WATERWORKS (US) INC
227	09/29/2023	298904	\$706.77	(10) 5 GALL MARKING PAINT	010.4430.5274	KELLY-MOORE PAINTS
228	09/29/2023	298905	\$2,211.30	08/23 PROF FEES-400 W BRANCH	010.0000.2563	KOSMONT & ASSOCIATES INC
229	09/29/2023	298905	\$1,456.00	05/23 PROF FEES-400 W BRANCH	010.0000.2563	KOSMONT & ASSOCIATES INC
230	09/29/2023	298906	\$1,645.00	Active Transportation Plan	350.5695.7701	KTUA
231	09/29/2023	298906	\$5,232.50	Active Transportation Plan	350.5695.7701	KTUA
232	09/29/2023	298907	\$1,065.00	90 DAY INSPECTION-PW VEHICLES	220.4303.5601	L. DIESEL MOBILE SERVICE(DBA)
233	09/29/2023	298908	\$274,379.48	Construction	640.5973.7001	MAIN LINE ENGINEERING CONSTRTN
234	09/29/2023	298909	\$300.00	CPCA TRAINING PER DIEM 4 DAYS	010.4201.5501	MICHAEL MARTINEZ

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235	09/29/2023	298910	\$20.01	ROLLER COVER, FRAME, BUCKET GRID	010.4420.5605	MINER'S ACE HARDWARE, INC
236	09/29/2023	298910	\$21.53	BATTERIES	640.4712.5255	MINER'S ACE HARDWARE, INC
237	09/29/2023	298910	\$53.29	INSECT SPRAY, SPRAYPAINT, FAUCET	010.4213.5604	MINER'S ACE HARDWARE, INC
238	09/29/2023	298910	\$46.32	TAMPER	220.4303.5613	MINER'S ACE HARDWARE, INC
239	09/29/2023	298910	\$27.99	(2) 8' LODGEPOLES	010.4420.5605	MINER'S ACE HARDWARE, INC
240	09/29/2023	298910	\$80.72	ROLLER COVERS, ROLLER KIT, PLAQUE	010.4420.5605	MINER'S ACE HARDWARE, INC
241	09/29/2023	298910	\$25.85	BAR & CHAIN OIL	220.4303.5613	MINER'S ACE HARDWARE, INC
242	09/29/2023	298910	\$46.75	25# BAG CEMENT ANCHOR	220.4303.5613	MINER'S ACE HARDWARE, INC
243	09/29/2023	298910	\$37.69	TOILET FILL VALVE, FLAPPER	010.4213.5604	MINER'S ACE HARDWARE, INC
244	09/29/2023	298910	\$199.87	5 GALL PAINT	010.4213.5604	MINER'S ACE HARDWARE, INC
245	09/29/2023	298910	\$72.14	5# CEMENT ANCHOR, TROWEL	220.4303.5613	MINER'S ACE HARDWARE, INC
246	09/29/2023	298911	\$8,343.49	comprehensive general plan update	010.4130.5303	MINTIER HARNISH LP
247	09/29/2023	298912	\$582.74	COMMUNICATIONS-RADIO REPAIR	010.4204.5606	NICK'S TELECOM (DBA)
248	09/29/2023	298913	\$8,677.37	ELECTRIC	640.4712.5402	PACIFIC GAS & ELECTRIC CO
249	09/29/2023	298913	\$12.85	ELECTRIC	217.4460.5355	PACIFIC GAS & ELECTRIC CO
250	09/29/2023	298913	\$1,572.92	ELECTRIC	010.4307.5402	PACIFIC GAS & ELECTRIC CO
251	09/29/2023	298913	\$2,595.01	ELECTRIC	612.4610.5402	PACIFIC GAS & ELECTRIC CO
252	09/29/2023	298913	\$10,628.85	ELECTRIC	010.4145.5401	PACIFIC GAS & ELECTRIC CO
253	09/29/2023	298913	\$11,148.88	ELECTRIC	640.4711.5402	PACIFIC GAS & ELECTRIC CO
254	09/29/2023	298914	\$600.00	START CHANGE FOR HARVEST FEST MOVIE	010.0000.1033	PETTY CASH
255	09/29/2023	298915	\$18.88	PVC CAPS, RISER EXTENSIONS	010.4420.5605	SITONE LANDSCAPE SUPPLY LLC
256	09/29/2023	298916	\$2,463.20	cross connections program service	640.4710.5303	SLO COUNTY ENVIRONMENTAL
257	09/29/2023	298917	\$17.51	GAS SERVICES-1500 W BRANCH	010.4145.5401	SOCALGAS
258	09/29/2023	298917	\$18.74	GAS SERVICES-211 VERNON ST	010.4145.5401	SOCALGAS
259	09/29/2023	298917	\$15.53	GAS SERVICES-215 E BRANCH	010.4145.5401	SOCALGAS
260	09/29/2023	298918	\$8.81	CITY ACCT-300 E BRANCH ST	010.4145.5401	SOUTH SLO COUNTY SANIT DIST
261	09/29/2023	298918	\$254,072.39	08/23 SEWER SERVICES COLLECTION	760.0000.2304	SOUTH SLO COUNTY SANIT DIST
262	09/29/2023	298918	\$8.81	CITY ACCT-211 VERNON ST	010.4145.5401	SOUTH SLO COUNTY SANIT DIST
263	09/29/2023	298918	\$8.81	CITY ACCT-SOTO SPORTS COMPLEX	010.4145.5401	SOUTH SLO COUNTY SANIT DIST
264	09/29/2023	298918	\$8.81	CITY ACCT-SHORT ST RESTROOMS	010.4145.5401	SOUTH SLO COUNTY SANIT DIST
265	09/29/2023	298918	\$8.81	CITY ACCT-1221 ASH ST	010.4145.5401	SOUTH SLO COUNTY SANIT DIST
266	09/29/2023	298918	\$8.81	CITY ACCT-211 N HALCYON RD	010.4145.5401	SOUTH SLO COUNTY SANIT DIST
267	09/29/2023	298918	\$8.81	CITY ACCT-STROTHER PARK	010.4145.5401	SOUTH SLO COUNTY SANIT DIST
268	09/29/2023	298918	\$8.81	CITY ACCT-203 N RENA	010.4145.5401	SOUTH SLO COUNTY SANIT DIST
269	09/29/2023	298918	\$8.81	CITY ACCT-127 SHORT ST	010.4145.5401	SOUTH SLO COUNTY SANIT DIST
270	09/29/2023	298918	\$8.81	CITY ACCT-215 E BRANCH ST	010.4145.5401	SOUTH SLO COUNTY SANIT DIST
271	09/29/2023	298918	\$8.81	CITY ACCT-RANCHO GRANDE PARK	010.4145.5401	SOUTH SLO COUNTY SANIT DIST
272	09/29/2023	298918	\$8.81	CITY ACCT-ELM ST PARK	010.4145.5401	SOUTH SLO COUNTY SANIT DIST
273	09/29/2023	298919	\$267.80	SOTO DRINKING FOUNTAIN, FAUCET	010.4430.5605	STREATOR PIPE & SUPPLY

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Line	Check Date	Check #	GL Amount	Description	Acct #	Vendor Last Name
274	09/29/2023	298919	\$125.29	SMALL TOOLS-PVC CUTTER, SAW	640.4712.5273	STREATOR PIPE & SUPPLY
275	09/29/2023	298920	\$633.00	BLD23-000201-REFUND FOR CANCELED PRMT	010.0000.4183	SUNRUN INSTALLATION SERVICES
276	09/29/2023	298920	\$210.00	BLD23-000136-REFUND FOR CANCELED PRMT	010.0000.4183	SUNRUN INSTALLATION SERVICES
277	09/29/2023	298920	\$210.00	BLD23-000200-REFUND FOR CANCELED PRMT	010.0000.4183	SUNRUN INSTALLATION SERVICES
278	09/29/2023	298920	\$210.00	BLD23-000093-REFUND FOR CANCELED PRMT	010.0000.4183	SUNRUN INSTALLATION SERVICES
279	09/29/2023	298920	\$210.00	BLD22-000619-REFUND FOR CANCELED PRMT	010.0000.4183	SUNRUN INSTALLATION SERVICES
280	09/29/2023	298920	\$280.00	BLD23-000163-REFUND FOR CANCELED PRMT	010.0000.4183	SUNRUN INSTALLATION SERVICES
281	09/29/2023	298921	\$363.79	IMPACT SOCKET SETS, HEX ADAPTER	010.4305.5601	TCA TOOLS INC
282	09/29/2023	298921	\$363.79	IMPACT SOCKET SETS, HEX ADAPTER	010.4305.5603	TCA TOOLS INC
283	09/29/2023	298922	\$500.00	TRAINING -TUITION SHOTGUN BREACH	010.4204.5501	TIER-1 CONCEPTS
284	09/29/2023	298923	\$524.56	(5) 30X30 ALUMINUM SIGNS	220.4303.5613	TRAFFIC MANAGEMENT PRODUCTS
285	09/29/2023	298924	(\$2,669.89)	CREDIT FOR TIME & ATTENDANCE MODULE	010.4140.5303	TYLER TECHNOLOGIES INC
286	09/29/2023	298924	(\$35,282.47)	PARTIAL CREDIT-EDEN SUPPORT	010.4140.5303	TYLER TECHNOLOGIES INC
287	09/29/2023	298924	\$115,053.86	5/23-4/24 ENTERPRISE ERP ANNUAL	010.4140.5303	TYLER TECHNOLOGIES INC
288	09/29/2023	298925	(\$14.99)	CREDIT FOR FRAUD CHRG	010.4421.5303	U.S. BANK
289	09/29/2023	298925	\$1,025.84	OTS TRAINING-LODGING	010.4209.5501	U.S. BANK
290	09/29/2023	298925	\$15.07	PERSONAL PURCHASE-REIMBURSED CHRGS	010.4201.5501	U.S. BANK
291	09/29/2023	298925	\$193.06	COUNCIL MEETING SUPPLIES-JAFFA	010.4001.5201	U.S. BANK
292	09/29/2023	298925	\$423.29	SNACK SUPPLIES	010.4425.5259	U.S. BANK
293	09/29/2023	298925	\$233.50	SPORTS SUPPLIES-SOFTBALL	010.4424.5257	U.S. BANK
294	09/29/2023	298925	\$599.00	TRAINING REGISTRATION	010.4203.5501	U.S. BANK
295	09/29/2023	298925	\$3,157.59	CONTRACTUAL SVCS	010.4425.5303	U.S. BANK
296	09/29/2023	298925	\$207.88	FUEL	010.4203.5608	U.S. BANK
297	09/29/2023	298925	\$554.33	UNIFORMS	010.4203.5272	U.S. BANK
298	09/29/2023	298925	\$296.26	RANGE SUPPLIES	010.4204.5255	U.S. BANK
299	09/29/2023	298925	\$85.57	SAFETY EQUIPMENT-VEST PLACARD	010.4204.5272	U.S. BANK
300	09/29/2023	298925	\$642.07	HARVEST FEST TENT RENTAL-GOT YOU CVRD	010.4424.5252	U.S. BANK
301	09/29/2023	298925	\$301.88	SPORTS SUPPLIES-BASKETBALL	010.4424.5257	U.S. BANK
302	09/29/2023	298925	\$2.99	OFFICE SUPPLIES-	010.4201.5201	U.S. BANK
303	09/29/2023	298925	\$163.40	EMPLOYEE WELLNESS SUPPLIES	010.4201.5303	U.S. BANK
304	09/29/2023	298925	\$25.85	RANGE SUPPLIES	010.4204.5255	U.S. BANK
305	09/29/2023	298925	\$85.46	LAST DAY OF SUMMER CAMP SUPPLIES	010.4425.5259	U.S. BANK
306	09/29/2023	298925	\$144.50	UNIFORMS-SHIRTS	010.4201.5272	U.S. BANK
307	09/29/2023	298925	\$608.81	ZOOM MEETINGS	010.4140.5303	U.S. BANK
308	09/29/2023	298925	\$116.70	SUPPLIES FOR EMPLOYEE LUNCHEON	010.4145.5508	U.S. BANK
309	09/29/2023	298925	\$52.50	AUTHORIZE.NET CC FEES	010.4145.5555	U.S. BANK
310	09/29/2023	298925	\$875.00	SO COUNTY CHAMBER ANNUAL DINNER	010.4001.5501	U.S. BANK
311	09/29/2023	298925	\$20.70	CENTRAL COAST MSA MEETING	220.4303.5501	U.S. BANK
312	09/29/2023	298925	\$102.00	AWWA RECERT STUDY GUIDE	010.4420.5255	U.S. BANK

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313	09/29/2023	298925	\$15.07	OFFICE SUPPLIES	010.4201.5201	U.S. BANK
314	09/29/2023	298925	\$938.23	TRAINING-- REGISTRATION & LODGING	010.4204.5501	U.S. BANK
315	09/29/2023	298925	\$41.70	RECRUITMENT SUPPLIES	010.4201.5316	U.S. BANK
316	09/29/2023	298925	\$12.00	PARKING -SLO CAPRA MEETING	010.4421.5255	U.S. BANK
317	09/29/2023	298925	\$155.00	MEMBERSHIP-CPCA	010.4201.5503	U.S. BANK
318	09/29/2023	298925	\$149.48	WEBCAMS FOR REC	010.4421.5701	U.S. BANK
319	09/29/2023	298925	\$60.35	SSMP TRAINING CLASS SUPPLIES	612.4610.5501	U.S. BANK
320	09/29/2023	298925	\$39.30	FACEBOOK AD- SPEC EVENT PROMO	010.4424.5353	U.S. BANK
321	09/29/2023	298925	\$119.99	ANNUAL SUBSCRIPTION-CANVA PRO	010.4002.5503	U.S. BANK
322	09/29/2023	298925	\$53.10	SMART& FINAL MEETING SUPPLIES	010.4307.5201	U.S. BANK
323	09/29/2023	298925	\$150.00	CSMFO BUDGET AWARD APPLICATION	010.4120.5201	U.S. BANK
324	09/29/2023	298925	\$185.00	ABPA BACKFLOW RECERT TEST FEE	010.4420.5255	U.S. BANK
325	09/29/2023	298925	\$984.15	OFFICE SUPPLIES, FLOWERS FOR EMPLOY	010.4201.5201	U.S. BANK
326	09/29/2023	298925	\$83.96	FUEL-OTS	010.4209.5501	U.S. BANK
327	09/29/2023	298925	\$962.99	GROUNDNS MAINT-LUMBER, SAW	010.4201.5605	U.S. BANK
328	09/29/2023	298925	\$117.73	EMPLOYEE WELLNESS SUPPLIES	010.4201.5503	U.S. BANK
329	09/29/2023	298925	\$64.40	FUEL	010.4204.5608	U.S. BANK
330	09/29/2023	298925	\$181.43	OFFICE SUPPLIES	010.4201.5201	U.S. BANK
331	09/29/2023	298925	\$47.98	FUEL-OTS	010.4209.5501	U.S. BANK
332	09/29/2023	298925	\$40.00	FUEL	010.4201.5608	U.S. BANK
333	09/29/2023	298925	\$144.00	OFFICE SUPPLIES-GRAMMERLY	010.4201.5208	U.S. BANK
334	09/29/2023	298925	\$608.79	GROUNDNS MAINT- 9 CU YDS DG	010.4201.5605	U.S. BANK
335	09/29/2023	298925	\$1,727.69	UNIFORMS & EQUIPMENT-TABLET TY	010.4204.5272	U.S. BANK
336	09/29/2023	298925	\$25.00	CONTRACT SVCS- GOOGLE DEVELOPMENT	010.4002.5303	U.S. BANK
337	09/29/2023	298925	\$190.00	FY23/24 GFOA MEMBERSHIP RENEWAL	010.4120.5503	U.S. BANK
338	09/29/2023	298925	\$375.00	SO COUNTY CHAMBER ANNUAL DINNER	010.4101.5501	U.S. BANK
339	09/29/2023	298925	\$45.26	CVS-WORK GLASSES	010.4420.5255	U.S. BANK
340	09/29/2023	298925	\$177.05	LODGING- BACKFLOW RECERT	010.4420.5501	U.S. BANK
341	09/29/2023	298925	\$80.00	PAPA WEBINARS- ROBLES	010.4420.5501	U.S. BANK
342	09/29/2023	298925	\$621.64	MAC TOOLS-SOCKETS, BITS, WIRE	010.4305.5273	U.S. BANK
343	09/29/2023	298925	\$25.38	WOMEN CLUB FIRST AID SUPPLIES-	010.4421.5354	U.S. BANK
344	09/29/2023	298925	\$1,435.74	TRAINING (CPCA) & MEETINGS	010.4201.5501	U.S. BANK
345	09/29/2023	298925	\$554.70	INVESTIGATION SUPPLIES	010.4204.5255	U.S. BANK
346	09/29/2023	298925	\$1,193.02	TRAINING-REGISTRATION IACP CONF	010.4204.5501	U.S. BANK
347	09/29/2023	298925	\$153.55	SUPPLIES FOR EMPLOYEE LUNCHEON	010.4145.5508	U.S. BANK
348	09/29/2023	298925	\$58.00	SPEC DEPT SUPPLIES-NEWLETTER	010.4102.5255	U.S. BANK
349	09/29/2023	298925	\$381.86	TTC TRAINING LODGING-LANSBURGH	010.4002.5501	U.S. BANK
350	09/29/2023	298925	\$5.39	OFFICE MAX-CALCULATOR	010.4420.5255	U.S. BANK
351	09/29/2023	298925	\$34.34	MISAC B'FAST MEETING	010.4140.5501	U.S. BANK

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352	09/29/2023	298925	\$48.90	HOME DEPOT- TOOL ORGANIZER	010.4305.5601	U.S. BANK
353	09/29/2023	298925	\$20.59	MEAL- BACKFLOW RECERT	010.4420.5501	U.S. BANK
354	09/29/2023	298925	\$314.12	TEAMS PHONE LICENSES, CALLING PLAN	010.4140.5303	U.S. BANK
355	09/29/2023	298926	\$9,672.35	JULY & AUGUST SOCCER CAMPS	010.4424.5351	UK INT'L SOCCER CAMPS INC
356	09/29/2023	298926	\$4,385.95	06/12-06/16 & 06/26-06/30 SOCCER	010.4424.5351	UK INT'L SOCCER CAMPS INC
357	09/29/2023	298927	\$841.87	TRENCH SHIELD RENTAL	612.4610.5552	UNITED RENTALS INC
358	09/29/2023	298928	\$441.36	ACCT#208620661-00003 PD CELL PHONES	010.4201.5403	VERIZON WIRELESS
359	09/29/2023	298929	\$1,106.85	FOG PROGRAM ADMINISTRATION & IMPL	612.4610.5303	WALLACE GROUP A CALIF CORP
360	09/29/2023	298929	\$1,957.75	FOG PROGRAM ADMINISTRATION & IMPL	612.4610.5303	WALLACE GROUP A CALIF CORP
361	09/29/2023	298930	\$135.00	PD-TANKLESS WATER HEATER REPAIR	010.4430.5303	WATERBOYS PLUMBING
362	09/29/2023	298931	\$687.62	COPY MACHINE LEASE PYMT	010.4201.5803	WELLS FARGO VENDOR FINANCIAL
363	09/29/2023	298932	\$328.84	SAFETY SUPPLIES FOR PW	612.4610.5255	WINEMA INDUSTRIAL &
364	09/29/2023	298932	\$190.00	CALIBRATE GAS DETECTOR	612.4610.5603	WINEMA INDUSTRIAL &
365	09/29/2023	298932	\$82.02	FIRST AID SUPPLIES	612.4610.5255	WINEMA INDUSTRIAL &
366	09/29/2023	298932	\$328.84	SAFETY SUPPLIES FOR PW	640.4712.5255	WINEMA INDUSTRIAL &
367	09/29/2023	298932	\$82.01	FIRST AID SUPPLIES	640.4712.5255	WINEMA INDUSTRIAL &
368	09/29/2023	298933	\$678.92	AFLAC PRE TAX: Payment	011.0000.2126	AFLAC INSURANCE
369	09/29/2023	298934	\$3,003.60	POLICE DEPT DUES: Payment	011.0000.2116	ARROYO GRANDE POLICE ASSN
370	09/29/2023	298935	\$3,740.00	AG CAREER FIREFIGHTERS ASSN: Payment	011.0000.2115	FIVE CITIES PROF. FIREFIGHTERS
371	09/29/2023	298936	\$43.90	PRE-PAID LEGAL SERVICES: Payment	011.0000.2125	LEGALSHIELD
372	09/29/2023	298937	(\$31.10)	MISC ADJ	011.0000.2106	PERS - RETIREMENT
373	09/29/2023	298937	(\$0.06)	ROUNDING DIFFERENCE	010.0000.4818	PERS - RETIREMENT
374	09/29/2023	298937	\$117.11	PERS BUYBACK - AFTER TAX: Payment	011.0000.2106	PERS - RETIREMENT
375	09/29/2023	298937	\$1,205.83	PERS Employer Pick Up: Payment	011.0000.2106	PERS - RETIREMENT
376	09/29/2023	298937	\$38,774.14	PERS RETIREMENT: Payment	011.0000.2106	PERS - RETIREMENT
377	09/29/2023	298937	\$54,375.69	PERS RETIREMENT: Payment	011.0000.2106	PERS - RETIREMENT
378	09/29/2023	298938	\$1,587.28	SEIU DUES: Payment	011.0000.2118	S.E.I.U. LOCAL 620
			\$1,258,711.45			

CITY OF ARROYO GRANDE

DEPARTMENTAL LABOR DISTRIBUTION

PAY PERIOD

09/01/2023 - 09/14/2023

9/22/2023

BY FUND		BY ACCOUNT	
General Fund	363,398.15	5101	Salaries Full time 229,359.49
Streets Fund	21,406.76	5101	Volunteer Employee Retirement -
Sewer Fund	10,388.75	5102	Salaries Part-Time - PPT 3,953.32
Water Fund	22,222.34	5103	Salaries Part-Time - TPT 9,409.50
	<u>417,416.00</u>	5105	Salaries OverTime 11,351.50
		5106	Salaries Strike Team OT -
		5107	Salaries Standby 2,057.60
		5108	Holiday Pay 21,352.73
		5109	Sick Pay 6,485.91
		5110	Annual Leave Buyback -
		5111	Vacation Buyback -
		5112	Sick Leave Buyback -
		5113	Vacation Pay 7,895.04
		5114	Comp Pay 2,257.78
		5115	Annual Leave Pay 7,113.52
		5116	Salaries - Police FTO -
		5121	PERS Retirement 35,704.83
		5122	Social Security 22,432.73
		5123	PARS Retirement 120.80
		5126	State Disability Ins. 937.91
		5127	Deferred Compensation 700.00
		5131	Health Insurance 48,978.70
		5132	Dental Insurance 2,835.68
		5133	Vision Insurance 773.16
		5134	Life Insurance 376.81
		5135	Long Term Disability 596.94
		5137	Leave Payouts 559.15
		5142	Unemployment Insurance -
		5143	Uniform Allowance -
		5144	Car Allowance 637.50
		5146	Council Expense -
		5147	Employee Assistance -
		5148	Boot Allowance -
		5149	Motor Pay 200.40
		5150	Bi-Lingual Pay 150.00
		5151	Cell Phone Allowance 1,175.00
			<u>417,416.00</u>
OVERTIME BY DEPARTMENT:			
Administrative Services	-		
Information Services	-		
Community Development	-		
Police	9,111.38		
Public Works - Maintenance	1,182.36		
Public Works - Enterprise	1,057.76		
Recreation - Administration	-		
Recreation - Special Events	-		
Children In Motion	-		
	<u>11,351.50</u>		



ACTION MINUTES
REGULAR MEETING OF THE CITY COUNCIL

October 10, 2023, 6:00 p.m.
Hybrid City Council Chamber/Virtual Zoom Meeting
215 East Branch Street, Arroyo Grande

Council Members Present: Mayor Ray Russom, Mayor Pro Tem Barneich, Council Member George, Council Member Guthrie, Council Member Secrest

Staff Present: City Clerk Jessica Matson, City Attorney Isaac Rosen, Interim City Manager Bill Robeson, Community Development Director Brian Pedrotti, City Engineer Shannon Sweeney, Administrative Services Director Nicole Valentine

This meeting was conducted in a hybrid in-person/virtual format.

1. CALL TO ORDER

Mayor Ray Russom called the Regular City Council Meeting to order at 6:00 p.m..

2. ROLL CALL

City Clerk Matson took roll call.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Mayor Ray Russom led the flag salute.

5. AGENDA REVIEW

5.a Closed Session Announcements

None.

5.b Ordinances read in title only

Moved by Mayor Ray Russom
Seconded by Mayor Pro Tem Barneich

Move that all ordinances presented at the meeting shall be read by title only and all further readings be waived.

Passed

6. SPECIAL PRESENTATIONS

6.a Honorary Proclamation Recognizing Arroyo Grande High School Water Polo Coach Steven Allen

Mayor Ray Russom read the Honorary Proclamation Recognizing Arroyo Grande Water Polo Coach Steven Allen. Steven Allen accepted the proclamation.

Mayor Ray Russom invited public comment. Speaking from the public were Kayla, Brooklyn, Brandy Pasquini, Glenn Martin, No Name Provided, Eric Marsh, Sage, Miles Whitfield, and Andy Burnette.

No action was taken on this item.

Mayor Ray Russom called for a brief break from 6:27 p.m. to 6:35 p.m.

6.b Interim City Manager Communications

Interim City Manager Robeson provided an update regarding the General Plan Update Workshop held on October 5th and the City's new mobile app. City Engineer Sweeney provided an update regarding the Fair Oaks Waterline Project, Concrete Repairs Project, Tally Ho Frontage Improvements Project, Public Safety Camera Project, and Swinging Bridge Retrofit Project.

No action was taken on this item.

7. CITY COUNCIL REPORTS

None.

Reports are made during the Second Council Meeting each month.

8. COMMUNITY COMMENTS AND SUGGESTIONS

Mayor Ray Russom invited public comment. Speaking from the public was Gaea Powell, Alexandria, and Kacey Collins.

9. CONSENT AGENDA

Mayor Ray Russom asked the Council if there were any questions or any items to be pulled from the consent agenda for further discussion. There were none.

Mayor Ray Russom invited public comment. No public comments were received.

Moved by Mayor Pro Tem Barneich
Seconded by Council Member George

AYES (5): Mayor Pro Tem Barneich, Council Member George, Council Member Guthrie, Council Member Secrest, and Mayor Ray Russom

Passed (5 to 0)

9.a Consideration of Cash Disbursement Ratification

1) Ratified the attached listing of cash disbursements for the period of September 1 through September 15, 2023; 2) Determined that ratifying the cash disbursements is not a project subject to the California Environmental Quality Act (“CEQA”) because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

9.b Consideration of Statement of Investment Deposits

1) Received and filed the attached report listing investment deposits of the City of Arroyo Grande as of August 31, 2023, as required by Government Code Section 53646(b); 2) Determined that receiving the report of investment deposits is not a project subject to the California Environmental Quality Act (“CEQA”) because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

9.c Consider Adoption of an Ordinance Updating Chapter 3.08 of the City’s Municipal Code Related to Purchasing

1) Adopted an Ordinance of the City Council of Arroyo Grande, Amending Arroyo Grande Municipal Code Chapter 3.08 of Title 3 to Update the City’s Purchasing System; 2) Determined that ratifying the Ordinance Adoption is not a project subject to the California Environmental Quality Act (“CEQA”) because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

9.d Approval of Minutes

Approved the minutes of the Regular City Council Meeting of September 26, 2023, as submitted.

9.e Consideration of Cancellation of the December 26, 2023 City Council Meeting

Canceled the regularly scheduled Council meeting of December 26, 2023, due to the holidays.

9.f Consideration of Adoption of an Ordinance to Reduce the Speed Limit on Tally Ho Road

1) Adopted the Ordinance authorizing a speed limit reduction on Tally Ho Road between James Way and Highway 227 from 35 mph to 30 mph and 2) Made findings that the speed limit adjustment is not a project subject to the California Environmental Quality Act (“CEQA”) because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

9.g Consideration of Agreement for Contractor Services for Arroyo Grande Creek Fallen and Undermined Tree, Debris Removal;

1) Authorized the City Manager to execute the agreement for Contractor Services with Bunyon Brothers Tree Care, Inc. for Arroyo Grande Creek fallen and undermined tree and debris removal; and 2) Made findings that the entire Project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15269 and Executive Order No. N-10-23 and direct staff to file a Notice of Exemption for this project.

9.h Consideration of Temporary Use Permit 23-009 Authorizing Temporary Closure of Branch Street for Halloween in the Village from 3:00 PM to 7:00 PM Tuesday, October 31, 2023;

1) Adopted a Resolution approving Temporary Use Permit 23-009 authorizing the closure of East and West Branch Streets to accommodate Halloween in the Village; and 2) Determined that this project is categorically exempt per Section 15304(e) of the CEQA Guidelines regarding minor temporary uses of land.

9.i Consideration of Temporary Use Permit 23-010 Authorizing Use of Heritage Square Park for the 2023 Arroyo Grande Beer and Wine Festival;

1) Adopted a Resolution approving Temporary Use Permit 23-010 authorizing the use of Heritage Square Park for the 2023 Arroyo Grande Beer and Wine Festival; and 2) Determined that this project is categorically exempt per Section 15304(e) of the CEQA Guidelines regarding minor temporary uses of land.

10. PUBLIC HEARINGS

None.

11. OLD BUSINESS

None.

12. NEW BUSINESS

12.a Discussion of Formula Businesses in the Arroyo Grande Village

Community Development Director Pedrotti presented the staff report and recommended Council review staff's draft ordinance, receive public comment, and provide direction to staff. Director Pedrotti provided a revised map to Council. Staff responded to questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public was Alexandria. No further public comments were received.

Council discussion ensued regarding legally non-confirming businesses, impacts on small businesses, and the draft ordinance. City Attorney Rosen provided legal clarification regarding the draft ordinance. Council requested staff provide clarification in the ordinance regarding a legally non-conforming designation when a business is sold.

Moved by Council Member Guthrie
Seconded by Mayor Pro Tem Barneich

1) Direct staff to bring back the Ordinance for Council consideration, eliminating the restaurant and retail exceptions; 2) Explore increasing the number of establishments that define a "formula business;" 3) Add "services" to list of definition of businesses; and 4) Remove "limited to" from list of types of businesses.

AYES (5): Council Member Guthrie, Mayor Pro Tem Barneich, Council Member George, Council Member Secret, and Mayor Ray Russom

Passed (5 to 0)

13. COUNCIL COMMUNICATIONS

Council Member Guthrie requested an update on the Safe Parking Ordinance.

14. ADJOURNMENT

There being no further business to come before the City Council, Mayor Ray Russom adjourned the meeting at 8:20 p.m.

Caren Ray Russom, Mayor

ATTEST:

Jessica Matson, City Clerk



MEMORANDUM

TO: City Council

FROM: Shannon Sweeney, Interim Public Works Director

BY: Shane Taylor, Utilities Manager

SUBJECT: Monthly Water Supply and Demand Update

DATE: October 24, 2023

SUMMARY OF ACTION:

The update reports the City's total water supply and demand for September 2023. Current Lopez Reservoir level and projected levels are provided in the attachments.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

Approximately two (2) hours of staff time is required to prepare the report.

RECOMMENDATION:

Receive and file the Monthly Water Supply and Demand Update.

BACKGROUND:

On March 28, 2023, the City Council adopted a Resolution rescinding the declaration of a State 1 Water Shortage Emergency and related water shortage restrictions and penalties.

The City of Arroyo Grande's water entitlements are calculated on a water year that begins April 1st. The current water supply for water year 2023/2024 includes 2,290 Acre Feet from Lopez Reservoir, 1323 Acre Feet of groundwater entitlement from the Santa Maria River Groundwater Basin, and 160 Acre Feet from the City's wells that draw from the Pismo formation.

The predicted water use for 2023/2024 water year is 2,200 Acre Feet.

In September 2023, the City's water use was 197.1 Acre Feet with a per capita use of 119 gallons per day/per person. The residential per capita use was 92 gallons per day/per person. There was a total of 0 inches of rainfall in the City in September 2023.

The rainfall total at the City Corporation Yard gauge for the season of 2023/2024 is 0 inches.

Item 9.c.

ANALYSIS OF ISSUES:

The United States Drought Monitor, as of October 9, 2023, shows San Luis Obispo County is not in a drought. Rainfall for the period of July 1, 2023, through September 30, 2023, is 0 inches at the Corporation Yard rain gauge. Lopez Lake is 96% (47,428 Acre Feet) as of October 9, 2023.

The deep well index for the third quarter of 2023 was completed on July 6, 2023, and is 11.57 feet above sea level, which is 4.7 feet above the threshold value. The current deep well index is 0.66 feet lower than April 2023, and 6.23 feet higher July 2022.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Receive and file the report, or
2. Provide other directions to staff.

ADVANTAGES:

The report provides the City Council and the public with the current and projected conditions of our water supply and demand.

DISADVANTAGES:

No disadvantages noted at this time.

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. Monthly Operations Report
2. Lopez Reservoir Storage Projection
3. Yearly Water Use Supply & Demand
4. Deep Well Index Levels

**San Luis Obispo County Flood Control and Water District
Zone 3 - Lopez Project - Monthly Operations Report
September, 2023**

PROJECT WATER																			Monthly Usage of 2023 Spill Credit	YTD CREDIT TO ENTITLEMENT DUE TO SPILL
AVAILABLE WATER (APR-MAR)			DELIVERIES																	
CONTRACTOR	ENTITLE MENT	STORED PW*	TOTAL AVAILABLE PW	THIS MONTH						APRIL TO PRESENT										
				ENTITLEMENT		STORED PW		TOTAL		ENTITLEMENT		STORED PW		TOTAL USAGE						
				USAGE	%	USAGE	%	USAGE	%	USAGE	%	USAGE	%	USAGE	%	USAGE	%	[AF]	[AF]	
AG	2290	405	2695	154.37	7%	0.0	0%	154.37	6%	1026.6	45%	0.0	0%	1026.6	38%	0.00	405.05			
OCS D	303	97	400	39.14	13%	19.2	20%	58.34	15%	303.0	100%	19.2	20%	322.2	81%	19.20	77.40			
GB	800	164	964	67.11	8%	0.0	0%	67.11	7%	399.8	50%	0.0	0%	399.8	41%	0.00	164.17			
PB	892	275	1167	23.65	3%	0.0	0%	23.65	2%	400.3	45%	0.0	0%	400.3	34%	0.00	275.16			
CSA 12	245	20	265	8.56	3%	0.0	0%	8.56	3%	49.6	20%	0.0	0%	49.6	19%	0.00	20.11			
SM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.00	N/A			
TOTAL	4530	961	5491	292.83	6.5%	19.2	20%	312.03	5.7%	2179.3	48.1%	19.2	2.0%	2198.5	40%	19.20	941.89			

STATE WATER PROJECT WATER															TOTAL MONTHLY DELIVERIES
CONTRACTOR	ANNUAL REQUEST**	CUMULATIVE SSWPW ***	DELIVERIES												
			THIS MONTH					JANUARY TO PRESENT							
			REQUEST	ALLOCATION		DIE	AIE	TOTAL	ALLOCATION	DIE	AIE	TOTAL			
			USAGE	%	USAGE	USAGE	USAGE	%	USAGE	USAGE	USAGE	[AF]			
AG	N/A	0.0	N/A	N/A	N/A	0.0	0.0	0.0	N/A	N/A	0	0	0.0	154.37	
OCS D	187.5	0.0	0.0	0.0	0%	0.0	0.0	0.0	94.6	50%	0	0	94.6	58.34	
GB	N/A	0.0	N/A	N/A	N/A	0.0	0.0	0.0	N/A	N/A	0	0	0.0	67.11	
PB	1070.0	0.0	120.0	120.0	11%	0.0	0.0	120.0	547.5	51%	0	0	547.5	143.65	
CSA 12	96.0	0.0	8.5	8.29	9%	0.0	0.0	8.3	58.2	61%	0	0	58.2	16.85	
SM	90.0	0.0	7.0	6.01	7%	0.0	0.0	6.0	44.8	50%	0	0	44.8	6.01	
TOTAL	1443.5	0.0	135.5	134.30	9%	0.0	0.0	134.3	745.1	52%	0	0	745.1	446.33	

DAM OPERATIONS			
	THIS MONTH	WY TO DATE	MAX CAPACITY
LAKE ELEVATION (ft)	521.31	N/A	522.6
STORAGE [AF]	48211	N/A	49200
MONTHLY RAINFALL [in]	0.00	0.00	N/A
(Annual: July 1- June 30)		0.0	
DOWNSTREAM RELEASES [AF]	394.97	1649.2	4200.0
LAKE TO TERMINAL [AF]	445.9	2208.1	N/A
SPILLAGE [AF] (WY)	0.00	8968.1	N/A

DISTRICT STORED SWP WATER	
	[AF]
PREVIOUS MONTH	
DWR METER DELIVERIES	
THIS MONTH	
AG WHEELING OCEANO WATER	2.26

GLOSSARY	
AIE:	Agency Initiated Exchange
DIE:	District Initiated Exchange
N/A:	Not Applicable
PW:	Project Water aka Lopez Water
Surplus Water:	Carry Over Water (LRRP)
SWP:	State Water Project
SSWPW:	Stored SWP Water

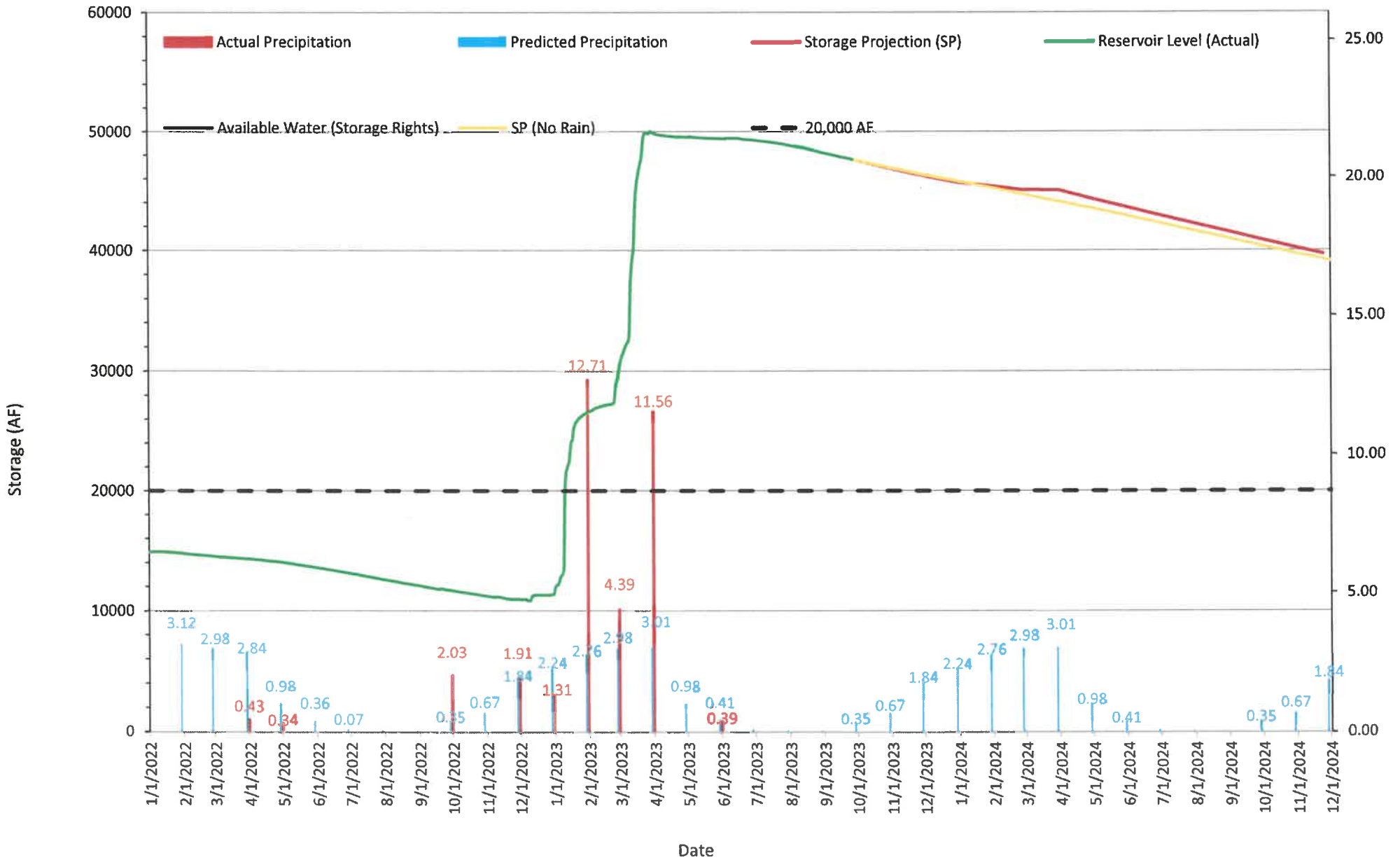
Notes:

- * Stored PW includes Surplus water declared
- ** Actual Amount available is dependent on the State's (DWR) delivery %
- *** Stored SWP water resulting from AIE

- 1) New Contract Changes effective October 1, 2022
- 2) On 12/31/22 there was an estimated 655.5 AF of District SSWPW remaining including approximately 46 AF of water lost to evaporation in 2022.
- 3) In March 2023, 5489 AF of water spilled resulting in losing all of the District SSWPW, Agency SSWPW, and Stored PW.
- 4) 44.53 AF of March Project Water Deliveries will be credited to Stored PW at the end of the water year (WY) due to March spill event.
- 5) End of WY water credit of 44.53 AF was added to Stored PW. 44.53 AF of Stored PW was lost due to April spill event.
- 6) 364.03 AF of April Project Water Deliveries will be credited to Stored PW at the end of the WY due to April spill event.
- 7) 426.5 AF of May Project Water Deliveries will be credited to Stored PW at the end of the WY due to May spill event.
- 8) 170.59 AF of June Project Water Deliveries will be credited to Stored PW at the end of the WY due to June spill event.

LOPEZ RESERVOIR STORAGE PROJECTION

Attachment 2



Notes:

Reservoir Storage = Current Storage + Inflow - Outflow

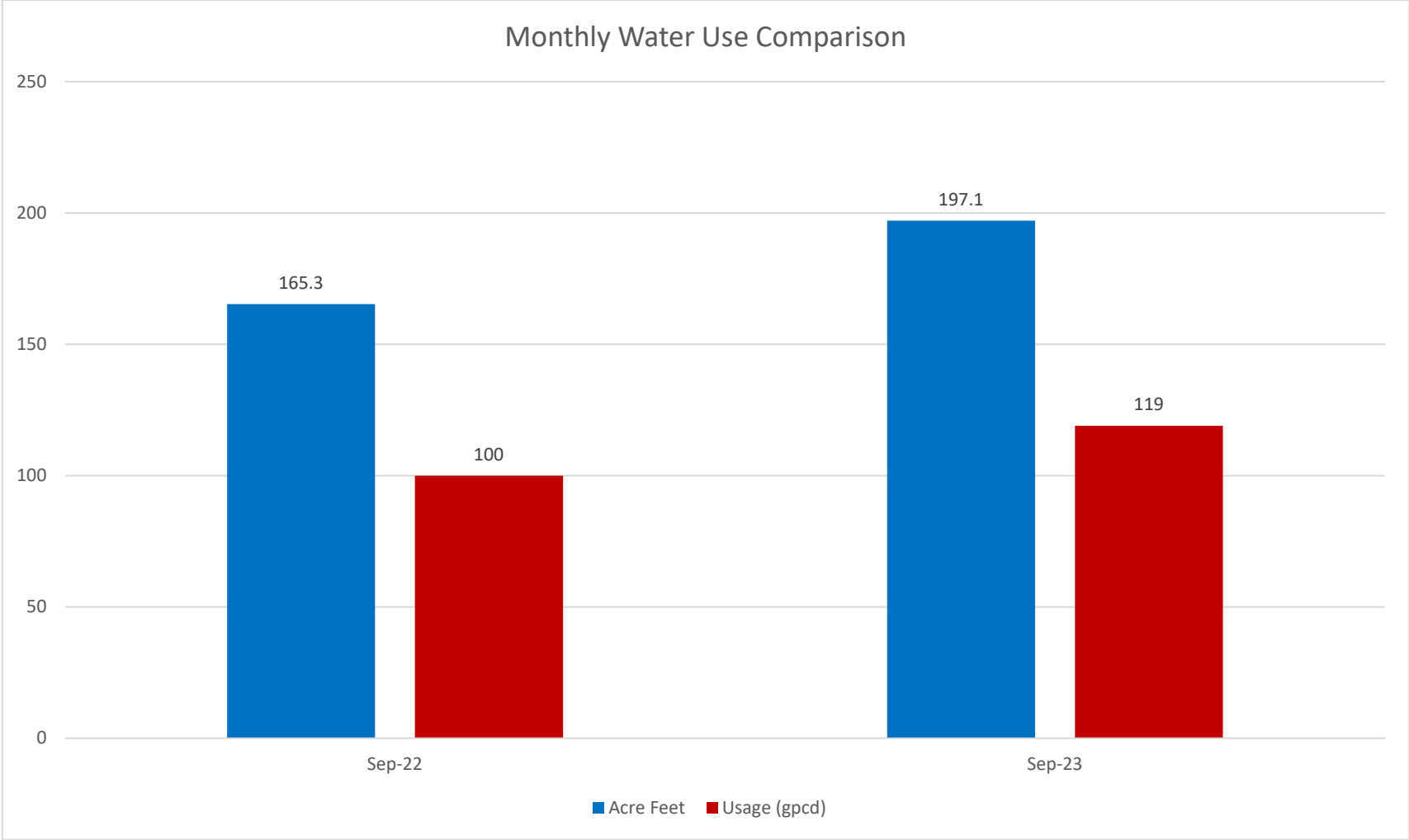
Outflow = Agency Usage + Downstream Releases

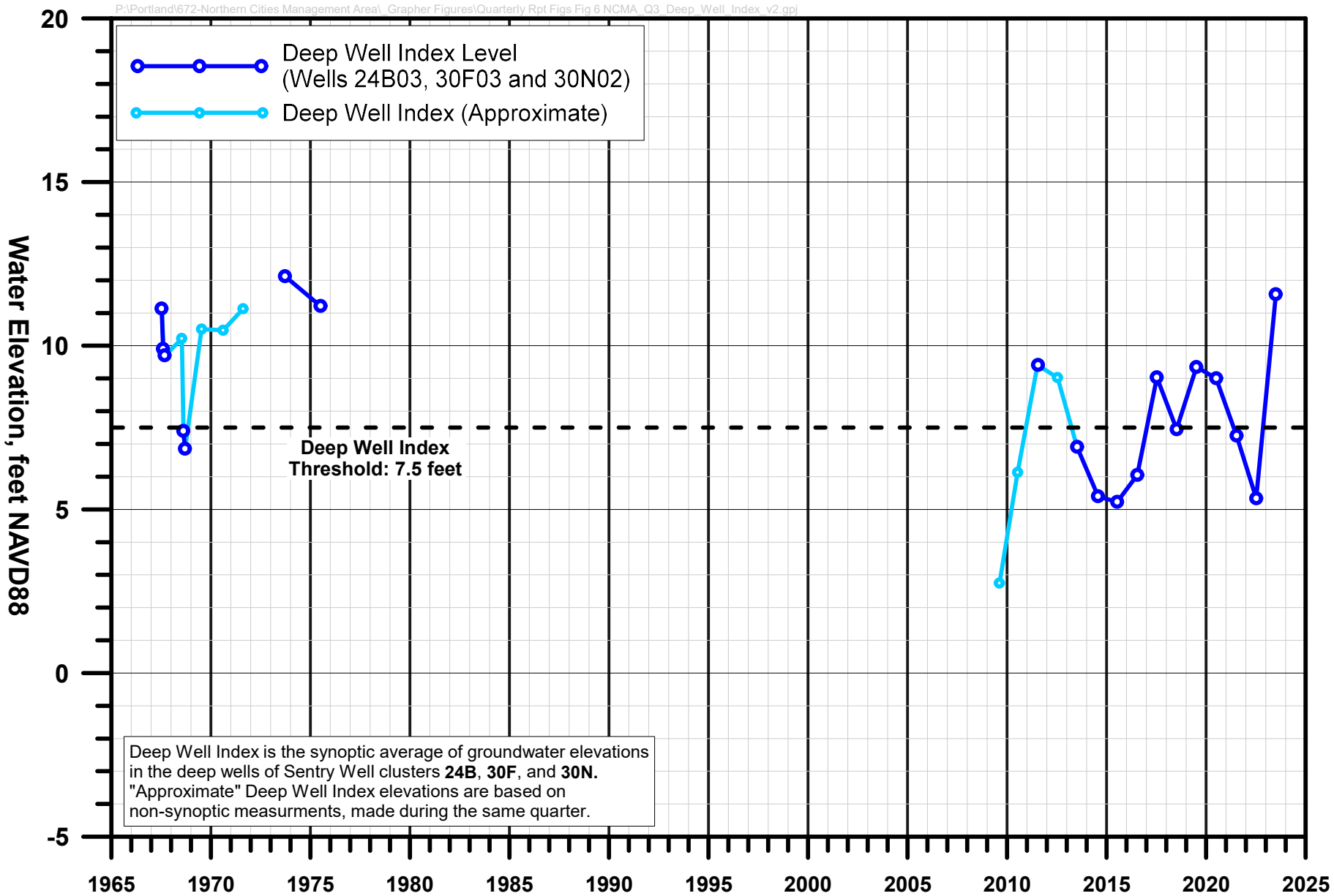
Agency Usage: is based on 2010-2021 average monthly deliveries

Predicted Inflow: is dependent on the predicted rainfall obtained from longrangeweather.com

Inflow is affected by antecedent soil conditions and factored into the model. Rainstorms will produce runoff during the dry months than during the rainy season when the soil is saturated.

The **Storage Projection Model** is based on a polynomial regression (concave in shape). The (concave) **Storage Projection Graph** will fall below the (linear) **Storage Projection with No Rain Graph** during months of low predicted rainfall.



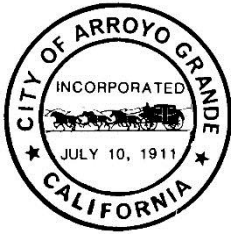


Deep Well Index is the synoptic average of groundwater elevations in the deep wells of Sentry Well clusters **24B**, **30F**, and **30N**. "Approximate" Deep Well Index elevations are based on non-synoptic measurements, made during the same quarter.

FIGURE 6

HISTORICAL THIRD QUARTER DEEP WELL INDEX LEVELS
 Northern Cities Management Area
 San Luis Obispo County, California
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MEMORANDUM

TO: City Council

FROM: Brian Pedrotti, Community Development Director

BY: Patrick Holub, Associate Planner

SUBJECT: Consider a Resolution Denying the Installation of One (1) Domestic Well on Property Zoned Planned Development (PD); Applicant – Michael Harris; Representative – Richard Burde, SLO Civil Design

DATE: October 24, 2023

SUMMARY OF ACTION:

Following a public hearing, consider staff's recommended denial of the request of the property owner to drill and install a new domestic well at an unaddressed property on Noyes Road (APN: 007-781-055) northeast of the intersection of Noyes Road and Equestrian Way.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

There is no direct funding impact anticipated as a result of this denial. If the application is denied, the applicant will alternatively have the option to connect to City services, which will require staff time to process the connection application. If the application is approved, staff time will be required to finalize the well permit. Both options will require applicant fees to offset staff time.

RECOMMENDATION:

1) Adopt a Resolution denying the request by Michael Harris to drill and install one (1) new domestic well on an unaddressed property on Noyes Road (APN: 007-781-055) northeast of the intersection of Noyes Road and Equestrian Way; and 2) Determine that the installation of a domestic water well is categorically exempt from the California Environmental Quality Act ("CEQA") under the Class 3 exemption, which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. (State CEQA Guidelines, § 15303.).

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City Council

Consider a Resolution Denying the Installation of One (1) Domestic Well on Property Zoned Planned Development (PD); Applicant – Michael Harris; Representative – Richard Burde, SLO Civil Design

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BACKGROUND:

The City received a request from property owner Michael Harris, who is seeking approval to drill a well at the subject parcel in order to provide domestic/drinking water to a future proposed residence. If allowed, the proposed well would be drilled to a depth of four hundred feet (400’), depending on the depth of permeable sands. The well is proposed to pump at about 10-20 gallons per minute (gpm). The proposed well meets the City’s definition of an individual domestic well because it is a single well used to supply water for the domestic needs of an individual residence.



ANALYSIS OF ISSUES:

Arroyo Grande Municipal Code (AGMC) Chapter 13.08 requires Council to consider, in its discretion, approval for new or replacement wells or abandonment of existing wells. Approval to drill a well within the City boundaries may be granted if the Council determines: 1) the well will neither deplete nor contaminate the City water supply; and 2) service from the City’s water system is neither practical nor feasible.

Depletion or Contamination

The applicant’s proposed location for the well is on the subject property northeast of the intersection of Noyes Road and Equestrian Way. Any well proposal would be required to submit verification that the well is located at least one-hundred feet (100’) from septic

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system areas, which would also be confirmed by County Environmental Health. Additionally, any new well would be conditioned to be metered to determine annual usage. The well site is outside of the adjudicated Santa Maria Groundwater Basin and is located in the Los Robles Aquifer. The closest City well is located about 2,800 feet away southwest of the proposed well site. Because the proposed well would not tap the same aquifer tapped by the City's wells, staff's determination is that there is no anticipated interference or depletion to the City's system from the requested well. However, staff does not believe the well application meets the second required prong, as described in additional detail below.

Practicality and Feasibility of Connecting to the City's Water System

It is important to highlight that, in determining the practicality and feasibility for a domestic water service connection, City staff reads the practicality and feasibility test as one based on whether **the City** is reasonably able to provide a domestic water service connection from the City water service line to the private property boundary. The City does not believe the second of the two approval criteria should be based upon the private property owner's costs associated with installing domestic water service, nor should it be based on the topography of the site. The applicant has provided a groundwater feasibility analysis that examines the local conditions and finds that developing a groundwater well to serve the subject property is feasible from a hydrological perspective, which is included as an exhibit to this agenda item.

Staff has determined that it is both feasible and practical for the City to connect the City's water supply to the subject property. The subject parcel is immediately adjacent to the City's Reservoir No. 5, which is a 1.2 million gallon above-ground storage tank. The City's Utilities Manager has stated that a residential water service connection can be made directly to the City owned main water line from the tank and a connection placed to the applicant's property line with a standard water meter on their property.

As described above, Section 13.08 of the AGMC provides that the City Council may approve a well if "service from the city water system is neither practical nor feasible". This connection would be approximately 50 feet in length along generally level land with minimal surface restrictions, which staff has determined is both practical and feasible for the City to provide to the applicant's property. In contrast to City staff's determination, the applicant has argued that this connection is neither practical nor feasible, citing that the location of their preferred building site on the property is approximately 600-800 feet from the reservoir, depending on the trenching route, and would involve grading through steeper slopes and sensitive oak trees. However, the City is not responsible for the proposed location of residential structures on a property – that is proposed by an applicant and ultimately reviewed by the City to ensure any municipal code requirements are met, such as setbacks, height, and health and safety standards contained in the California

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City Council

Consider a Resolution Denying the Installation of One (1) Domestic Well on Property Zoned Planned Development (PD); Applicant – Michael Harris; Representative – Richard Burde, SLO Civil Design

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Building Standards Code. The City has historically determined practicality and feasibility based on the City’s ability and cost to serve each parcel.



Other Sites with Wells in City

The City Council approved the establishment of an agricultural well for the property adjacent to the subject site (APN 007-781-056) in December 2017 (see Attachment 3). This well was approved for agricultural purposes (crop irrigation and/or livestock watering) as the City does not provide agricultural water and had no such service connections. That approval for an agricultural well has since expired and was never constructed.

The City Council also approved wells for properties on Easy Street at the northern end of the City, with the most recent approval for 575 Easy Street in January of 2021 (see Attachment 4). The City determined that it was neither practical nor feasible to extend services to these properties because the nearest City waterlines are over 1,000 feet away and cross multiple private properties and open space to reach Easy Street. Connection to the City’s water system in this case was determined to be infeasible because multiple private property owners would be required to grant an easement to the owner of 575 Easy Street. This is in contrast with the current applicant’s situation, where applicant’s property is adjacent to City property and no easements/agreements with other private property owners are required to connect services. Because of the proximity of the City’s above

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City Council

Consider a Resolution Denying the Installation of One (1) Domestic Well on Property Zoned Planned Development (PD); Applicant – Michael Harris; Representative – Richard Burde, SLO Civil Design

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ground reservoir, staff finds that a connection to the City’s system is both practical and feasible and should be required.

ALTERNATIVES:

1. Adopt the Resolution denying the installation of one (1) new domestic supply well;
2. Reject staff’s recommendation denying the installation of one (1) new domestic supply well; or
3. Provide other direction to staff.

ADVANTAGES:

Denial of the application will prevent the applicant from drilling a well on the property for domestic use, consistent with City policy to ensure that properties within the City will connect to the system when it is practical and feasible to do so.

DISADVANTAGES:

None identified.

ENVIRONMENTAL REVIEW:

In compliance with the California Environmental Quality Act (CEQA), it has been determined that the installation of a domestic water well is categorically exempt from the California Environmental Quality Act (“CEQA”) under the Class 3 exemption, which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. (State CEQA Guidelines, § 15303.). This project falls within the Class 3 exemption because approval of the project would result in the installation of a small well structure. In the alternative, if the application is denied, the item does not qualify as a “project” under CEQA, because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.).

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City’s website in accordance with Government Code Section 54954.2.A public hearing notice was published in the Tribune on October 13, 2023.

Attachments:

1. Proposed Resolution
2. Groundwater Feasibility Report, Infeasibility Statement and Application
3. Resolution 4830 – Agricultural Well for APN 007-781-055
4. Resolution 5054 – Domestic Well for 575 Easy Street

Item 10.a.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DENYING WITH PREJUDICE THE INSTALLATION OF ONE (1) NEW DOMESTIC SUPPLY WELL ON PROPERTY ZONED PLANNED DEVELOPMENT; LOCATED NORTHEAST OF THE INTERSECTION OF NOYES ROAD AND EQUESTRIAN WAY (APN: 007-781-055); APPLIED FOR BY MICHAEL HARRIS AND FINDING THE ACTION EXEMPT FROM CEQA

WHEREAS, Michael Harris has submitted an application (see Exhibit A) to drill and install one (1) new domestic supply well at a property on an unaddressed parcel on Noyes Road in Arroyo Grande (“Well Application”); and

WHEREAS, Municipal Code Chapter 13.08 requires City Council review and approval of all new or replacement wells; and

WHEREAS, based upon the distance from existing water infrastructure, the City Council finds that service from the City’s water system is both practical and feasible; and

WHEREAS, it has been determined that the installation of domestic water well is categorically exempt from the California Environmental Quality Act (“CEQA”) under the Class 3 exemption, which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. (State CEQA Guidelines, § 15303.). This project falls within the Class 3 exemption because approval of the project would result in the installation of a small well structure.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arroyo Grande hereby incorporates the recitals herein in full and denies with prejudice the application to drill and install one (1) new domestic supply well at an unaddressed property on Noyes Road (APN: 007-781-055), subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

Specifically, the City Council finds that pursuant to Arroyo Grande Municipal Code Chapter 13.08, the following required finding cannot be made with respect to the Well Application: “service from the City’s water system is neither practical nor feasible.”

The City Council finds that it is both feasible and practical for the City to connect the City’s water supply to the subject property. The subject parcel is immediately adjacent to the City’s Reservoir No. 5, which is a 1.2 million gallon above-ground storage tank. A residential water service connection can be made directly to the City owned main

RESOLUTION NO.
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water line from the tank and a connection placed to the applicant's property line with a standard water meter on their property.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

The foregoing Resolution was passed and adopted this 24th day of October 2023.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

BILL ROBESON, INTERIM CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY

EXHIBIT A



SLO Civil Design, LLC

February 7, 2023

PROJECT: Harris Domestic Well – APN 007-781-055
Permit# PPR23-000001

Property owners of APN 007-781-055, located at the corner of Equestrian and Noyes in the City of Arroyo Grande are requesting approval for the drilling of a domestic water well onsite to support the future residential development of a single-family home.

The city does not currently have a water service connection to the parcel where the well will be drilled and constructed, and a future residence is to be located.

Connecting to the existing city water system would require a private water line to cross two parcels, APN 007-781-056 and APN# 007-851-049. In addition, potential build sites for a residence on this parcel are up to a half mile away from existing city service lines making connection infeasible.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Burde".

Richard Burde, PE
Principal Civil Engineer
C 88309

Enc.



**CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT DEPARTMENT
MINOR PROJECT APPLICATION**

The purpose of this form is to advise the City of the basic components of the proposed project so that the City can accurately evaluate the proposal for compliance with applicable ordinances and policies. **Providing accurate and complete information and plans will help ensure prompt processing of this application.** Use additional sheets when necessary. Please be aware that applications that are inconsistent with the City's General Plan or Development Code will not be accepted as complete. The City is available to assist in filling out this form; please refer any questions to the Community Development Department and we will be happy to assist you.

FOR STAFF USE ONLY			
DATE SUBMITTED	DATE DEEMED COMPLETE	CHECKED BY	CASE NUMBER
01/26/2023	October 16, 2023	Patrick Holub	PPR23-000001

COMPLETION OF THIS FORM IS NECESSARY FOR THE FOLLOWING APPLICATIONS. PLEASE INDICATE THE TYPE OF APPLICATION(S) YOU ARE REQUESTING:

Permit Type: Plot Plan Review
Permit Subtype: Plot Plan Review

INFORMATION TO BE SUBMITTED WITH THIS APPLICATION

A. Refer to the checklist (available from the Community Development Department) for those items required to be submitted for each type of project

B. Include any other information that will help explain your proposal or better clarify your particular situation.

I. GENERAL INFORMATION

Applicant: SLO Civil Design LLC	Phone: (H): (805) 548-1770
Applicant's Address: 615 Clarion Ct. Suite #2 San Luis Obispo , CA 93401	Email: richard@slocivildesign.com
Representative: SLO Civil Design LLC	Phone: (805) 548-1770
Representative's Address: 615 Clarion Ct. Suite #2 San Luis Obispo , CA 93401	Email: richard@slocivildesign.com
Property Owner: AGC HOLDING CORP A CA CORP	Phone:
Owner's Address: 445 GREEN GATE RD SLO, CA 93401	
Architect (if any):	Phone:
Architect's Address:	Email:
Engineer (if any): SLO Civil Design LLC	Phone: (805) 548-1770
Engineer's Address: 615 Clarion Ct. Suite #2 San Luis Obispo , CA 93401	Email: richard@slocivildesign.com

Please indicate if **all** correspondence should be sent to:

<input checked="" type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Representative	<input type="checkbox"/> Property Owner	<input type="checkbox"/> Architect	<input type="checkbox"/> Engineer
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**CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT DEPARTMENT
MINOR PROJECT APPLICATION**

II. PROJECT DESCRIPTION

Street Address: 0 NOYES RD Development		Zoning: Planned
Assessor Parcel No.: 007781055 acres		Parcel Size: 26.54
General Plan Land use Designation:		
Legal Description of Existing Lot: CY AG PM 28-85 PTN LT 11		
Building Sizes in Square Feet:		
Existing	no buildings currently exist on the property	Proposed To be determined
Describe the Proposed Project in Detail. For Vacation Rental applications, please include the emergency contact person's name, address and phone number below:		

Drilling of a water well for future domestic use.



**CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT DEPARTMENT
MINOR PROJECT APPLICATION**

III. COMPLETE THIS SECTION FOR LARGE FAMILY DAY ACRE PERMITS, PLOT PLAN REVIEWS, AND TEMPORARY USE PERMITS ONLY. NOT REQUIRED FOR SHORT TERM RENTAL APPLICATIONS (VACATION RENTALS AND HOMESTAYS).

1. Indicate the proposed hours of operation (DAYS AND TIMES):			
2. Estimate the number of employees			
Total:	Maximum Shift:	Time of Maximum Shift:	
3. Indicate the number of patrons, clients, customers, etc. anticipated:			
Average per day:		Peak Hours:	
4. Number of off street parking spaces to be provided: (if applicable show breakdown as to use)			
Total:	Garage (enclosed):	Covered:	Open:
5. Describe any night-time lighting that will be provided, including the type of lighting to be installed:			

IV. COMPLETE THIS SECTION FOR CERTIFICATES OF COMPLIANCE, LOT LINE ADJUSTMENTS, AND LOT MERGERS ONLY

Number of existing lots:
Size of existing lots (in square feet):
Number of proposed lots:
Size of proposed lots (in square feet):

**RESOLUTION NO.
PAGE 8**





**CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT DEPARTMENT
MINOR PROJECT APPLICATION**

V. COMPLETE THIS SECTION FOR ALL PROJECTS

Due to recent interpretation and legal amendments to the Political Reform act of 1974, the City needs to be aware of all entities (i.e. corporations, lending institutions, etc. or individuals that may have a financial interest in the proposed project. All LLCs shall provide relevant Articles of Incorporation in order to disclose all financially interested entities. Please complete the following certification and provide your signature:

The following entities and/or individuals have financial interest in this project:

<p>APPLICANT/REPRESENTATIVE:</p> <p>I certify under penalty of perjury that the foregoing statements and answers herein made and all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that the submittal of incorrect or false information is grounds for invalidation of application completeness determination or approval. I understand that the city might not approve what I am applying for, or might set conditions of approval.</p> <p style="text-align: center;"></p> <hr/> <p>Signed _____ Date _____</p>	<p>PROPERTY OWNER/AUTHORIZED AGENT:</p> <p>I certify under penalty of perjury that I am the owner of the property that is the subject of this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf.)</p> <hr/> <p> _____</p> <p>Signed _____ Date _____</p>
--	--



SLO Civil Design, LLC

February 7, 2023

PROJECT: Harris Domestic Well – APN 007-781-055
Permit# PPR23-000001

Property owners of APN 007-781-055, located at the corner of Equestrian and Noyes in the City of Arroyo Grande are requesting approval for the drilling of a domestic water well onsite to support the future residential development of a single-family home.

The city does not currently have a water service connection to the parcel where the well will be drilled and constructed, and a future residence is to be located.

Connecting to the existing city water system would require a private water line to cross two parcels, APN 007-781-056 and APN# 007-851-049. In addition, potential build sites for a residence on this parcel are up to a half mile away from existing city service lines making connection infeasible.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Burde".

Richard Burde, PE
Principal Civil Engineer
C 88309

Enc.



November 8, 2022

Mike Harris

**Subject: Well Impact Evaluation
Proposed Private Well in City of Arroyo Grande
APN 007-781-055**

Dear Mr. Harris:

Per your request, Cleath-Harris Geologists has performed a Well Impact Evaluation to address requirements for the City of Arroyo Grande.

The proposed domestic well would serve a residence and ADU on parcel APN 007-781-055. The parcel is located in the northern corner of the City and is not currently served by City utilities. Two potential sites for the residence and ADU are under consideration. One building site is about 700 feet to the west at an elevation of 230 feet (approximate coordinates of 35.145369, -120.590831) and the other building site is about 630 feet from the water tank at an elevation of 265 feet (approximate coordinates of 35.143869, -120.89374).

Water demand for the proposed residence and ADU is estimated at about 2 acre-feet, a portion of which would be percolated back into the groundwater via a leachfield and landscape irrigation deep percolation.

CITY PRIVATE WELL ORDINANCE

Arroyo Grande Municipal Code Chapter 13.08 requires the City Council approve new or replacement wells or abandonment of existing wells. Approval to drill a well may be granted if the Council determines that (1) the well will neither deplete nor contaminate the City water supply and (2) service from the City's water system is either not practical or not feasible.

PROPOSED WELL DESIGN AND CONSTRUCTION

The siting and design of the proposed well will be required to meet State, County and City regulations. Figure 1 from a CHG 2017 study of the property shows the proposed location of the well. The well will be located so as to maintain setbacks from on-site wastewater facilities (150 feet) and property boundaries (10 feet). A 50-foot annular well seal should be placed according to State of California water well standards.



The domestic water well should be drilled to 400 feet depth, depending on the depth of the permeable sands and should be completed with a minimum 5-inch diameter PVC casing to at least 200 feet below the static water level.

The well is anticipated to pump at about 10-20 gallons per minute (gpm). A pumping test will be required to establish that the well is capable of providing 2.5 gallons per minute for a residence.

IMPACT ASSESSMENT

The parcel is outside of the adjudicated Santa Maria Groundwater Basin and the property owner retains overlying water rights.

A groundwater investigation was performed in 2017 on the subject property to determine where an agricultural well could be located and what the impact would be from producing 50 gallons per minute from a proposed well. With the new owner, this concept has since been abandoned. The 2017 investigation determined that the geologic formations dip at about 20 degrees to the northeast and identified a well site in the northern portion of the property that would not produce water from aquifers tapped by City wells in the Oak Park area. The currently proposed well is located at this site.

The City produces water from the “Los Robles Aquifer”. The closest City well (Well #10) is located about 2,800 feet southwest of the proposed well site (Figure 1, CHG 2017). Some years ago, an exploratory test hole was drilled for the City of Arroyo Grande at the Rancho Grande water tank location adjacent to this property. The test hole was abandoned when it was determined that there was insufficient water bearing formations at this location.

Since the proposed domestic well would not tap the same aquifer tapped by the City wells, there would be no interference impact on the City’s existing wells. The operation of the proposed well would not deplete the City’s water supply.

CONTAMINATION ASSESSMENT

The new well would provide domestic supply to a proposed residence (and future ADU) and is required to have setbacks from potential contamination sources. The only contamination sources in the proximity to the well are on-site wastewater disposal systems located outside of the City limit. The well is located more than 150 feet from existing septic system/leachfield areas. This setback will be confirmed by County Environmental Health as part of the water well permitting process.

There currently is no on-site wastewater disposal system on the property. Future systems will be required to have the necessary setback from this well. The adjacent property (outside of the City



limit) is more than 250 feet from the proposed well site and is outside of the required well setback for a septic tank/leach field.

The proposed domestic well serving the residence (and future ADU) would not contaminate the City's water supply.

PRACTICALITY OF SUPPLY FROM THE CITY'S WATER SYSTEM

The City would need to consider the design requirements for delivering water to this parcel or to the residence in order to determine the practicality and feasibility of serving water to this parcel or building site.

The City does not currently have a water line service connection to the parcel where the well is to be drilled/constructed and the proposed residence is to be located.

City water could be served from a water line at the Rancho Grande water tank parcel immediately south of the subject parcel. The water tank parcel is at an elevation of about 402 feet and the building sites are at 230 feet and 265 feet elevations. The water line on the property would need to be placed on 20 percent slopes where erosion could be significant and where access for maintenance could be limited.

CONCLUSION

Based on this review of available groundwater information and site conditions, CHG finds that the property is underlain by aquifers that have a good potential for providing water for residential purposes. Verification of the satisfactory yield and suitability of the water quality will follow the construction of the well with the pumping test and water quality analytical tests. The proposed well would not produce from the same aquifers tapped by the existing City wells. No significant water level drawdown impact from pumping the proposed well is anticipated at the City well, 2,800 feet distant from the proposed wells. No contamination of City water wells is anticipated to occur from this proposed well. There are conditions at the site that could make installation of a water line from a City connection impractical for the proposed alternative residential sites.

Sincerely,

Timothy S. Cleath, Certified Hydrogeologist #81, State of California





**CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT DEPARTMENT
MINOR PROJECT APPLICATION**

The purpose of this form is to advise the City of the basic components of the proposed project so that the City can accurately evaluate the proposal for compliance with applicable ordinances and policies. **Providing accurate and complete information and plans will help ensure prompt processing of this application.** Use additional sheets when necessary. Please be aware that applications that are inconsistent with the City's General Plan or Development Code will not be accepted as complete. The City is available to assist in filling out this form; please refer any questions to the Community Development Department and we will be happy to assist you.

FOR STAFF USE ONLY			
DATE SUBMITTED	DATE DEEMED COMPLETE	CHECKED BY	CASE NUMBER
01/26/2023	October 16, 2023	Patrick Holub	PPR23-000001

COMPLETION OF THIS FORM IS NECESSARY FOR THE FOLLOWING APPLICATIONS. PLEASE INDICATE THE TYPE OF APPLICATION(S) YOU ARE REQUESTING:

Permit Type: Plot Plan Review
Permit Subtype: Plot Plan Review

INFORMATION TO BE SUBMITTED WITH THIS APPLICATION

A. Refer to the checklist (available from the Community Development Department) for those items required to be submitted for each type of project

B. Include any other information that will help explain your proposal or better clarify your particular situation.

I. GENERAL INFORMATION

Applicant: SLO Civil Design LLC	Phone: (H): (805) 548-1770
Applicant's Address: 615 Clarion Ct. Suite #2 San Luis Obispo , CA 93401	Email: richard@slocivildesign.com
Representative: SLO Civil Design LLC	Phone: (805) 548-1770
Representative's Address: 615 Clarion Ct. Suite #2 San Luis Obispo , CA 93401	Email: richard@slocivildesign.com
Property Owner: AGC HOLDING CORP A CA CORP	Phone:
Owner's Address: 445 GREEN GATE RD SLO, CA 93401	
Architect (if any):	Phone:
Architect's Address:	Email:
Engineer (if any): SLO Civil Design LLC	Phone: (805) 548-1770
Engineer's Address: 615 Clarion Ct. Suite #2 San Luis Obispo , CA 93401	Email: richard@slocivildesign.com

Please indicate if all correspondence should be sent to:

<input checked="" type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Representative	<input type="checkbox"/> Property Owner	<input type="checkbox"/> Architect	<input type="checkbox"/> Engineer
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**CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT DEPARTMENT
MINOR PROJECT APPLICATION**

II PROJECT DESCRIPTION

Street Address: 0 NOYES RD Development	Zoning: Planned
Assessor Parcel No.: 007781055 acre	Parcel Size: 26.54
General Plan Land use Designation:	
Legal Description of Existing Lot: CY AG PM 28-85 PTN LT 11	
Building Sizes in Square Feet:	
E i t i n g	Propo e d
no buildings currently exist on the property	To be determined
Describe the Proposed Project in Detail. For Vacation Rental applications, please include the emergency contact person's name, address and phone number below:	

Drilling of a water well for future dome tic u e



**CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT DEPARTMENT
MINOR PROJECT APPLICATION**

III. COMPLETE THIS SECTION FOR LARGE FAMILY DAY ACRE PERMITS, PLOT PLAN REVIEWS, AND TEMPORARY USE PERMITS ONLY NOT REQUIRED FOR SHORT TERM RENTAL APPLICATIONS (VACATION RENTALS AND HOMESTAYS).

1 Indicate the proposed hours of operation (DAYS AND TIMES)			
2 Estimate the number of employees			
Total:	Maximum Shift:	Time of Maximum Shift:	
3. Indicate the number of patrons, clients, customers, etc. anticipated:			
Average per day:		Peak Hours:	
4. Number of off street parking spaces to be provided: (if applicable show breakdown as to use)			
Total:	Garage (enclosed):	Covered:	Open:
5. Describe any night-time lighting that will be provided, including the type of lighting to be installed:			

IV. COMPLETE THIS SECTION FOR CERTIFICATES OF COMPLIANCE, LOT LINE ADJUSTMENTS, AND LOT MERGERS ONLY

Number of existing lot
Size of existing lot (in square feet)
Number of proposed lot
Size of proposed lot (in square feet)





**CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT DEPARTMENT
MINOR PROJECT APPLICATION**

V. COMPLETE THIS SECTION FOR ALL PROJECTS

Due to recent interpretation and legal amendments to the Political Reform act of 1974, the City needs to be aware of all entities (i.e. corporations, lending institutions, etc. or individuals that may have a financial interest in the proposed project. All LLCs shall provide relevant Articles of Incorporation in order to disclose all financially interested entities. Please complete the following certification and provide your signature:

The following entities and/or individuals have financial interest in this project:

<p>APPLICANT/REPRESENTATIVE:</p> <p>I certify under penalty of perjury that the foregoing statements and answers herein made and all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that the submittal of incorrect or false information is grounds for invalidation of application completeness determination or approval. I understand that the city might not approve what I am applying for, or might set conditions of approval.</p> <div style="text-align: center; margin-top: 20px;">  </div> <div style="text-align: right; margin-top: 20px;"> <table style="width: 100%; border: none;"> <tr> <td style="border: none;">Signed</td> <td style="border: none; text-align: right;">Date</td> </tr> </table> </div>	Signed	Date	<p>PROPERTY OWNER/AUTHORIZED AGENT:</p> <p>I certify under penalty of perjury that I am the owner of the property that is the subject of this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf.)</p> <div style="text-align: center; margin-top: 20px;">  </div> <div style="text-align: right; margin-top: 20px;"> <table style="width: 100%; border: none;"> <tr> <td style="border: none;">Signed</td> <td style="border: none; text-align: right;">Date</td> </tr> </table> </div>	Signed	Date
Signed	Date				
Signed	Date				

RESOLUTION NO. 4830

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING AN APPLICATION BY DARREN SHETLER TO INSTALL A TEMPORARY IRRIGATION WELL FOR AGRICULTURAL PURPOSES ON A PROPERTY ZONED PLANNED DEVELOPMENT; APN 007-781-55; NOYES ROAD, ARROYO GRANDE

WHEREAS, Darren Shetler has submitted an application to drill a temporary well for interim agricultural use at property on Noyes Road in Arroyo Grande; and

WHEREAS, Municipal Code Chapter 13.08 requires City Council review and approval of all new or replacement wells; and

WHEREAS, based upon studies submitted by the Cleath-Harris Geologists, Inc. dated November 9, 2017, the City Council finds the proposed well will neither deplete nor contaminate the City water supply; and

WHEREAS, based upon the interim agricultural use and the distance from existing City water infrastructure, the City Council finds that service from the City's water system is neither practical nor feasible..

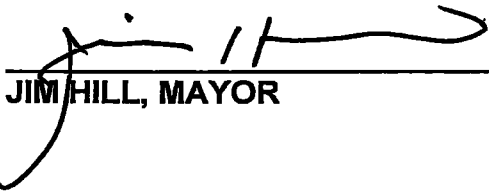
NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Arroyo Grande does hereby approve the application to drill and install an irrigation well at Noyes Road, subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

On motion of Council Member Brown, seconded by Council Member Barneich, and on the following roll call vote, to wit:

AYES: Council Members Brown, Barneich, Harmon, Ray, and Mayor Hill
NOES: None
ABSENT: None

the foregoing Resolution was passed and adopted this 12th day of December, 2017.

RESOLUTION NO. 4830
PAGE 2



JIM HILL, MAYOR

ATTEST:



KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:



JAMES BERGMAN, CITY MANAGER

APPROVED AS TO FORM:



HEATHER WHITHAM, CITY ATTORNEY

EXHIBIT "A"

**CONDITIONS OF APPROVAL FOR A TEMPORARY
TESTIRRIGATION WELL
DARREN SHETLER/AGC HOLDING CORPORTATION
APN 007-781-055 and -056 NOYES ROAD**

GENERAL CONDITIONS:

1. The applicant shall ascertain and comply with all State, County and City requirements as are applicable to this project.
2. The event shall occur in substantial conformance with the application and plans on file in the Public Works Department.
3. The applicant shall agree to defend at his/her sole expense any action brought against the City, its agents, officers, or employees because of the issuance of said approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney fees, with the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his/her obligations under this condition.
4. The irrigation meter serving APN 007-781-056 shall be abandoned.
5. Results from well tests for the purposes of installation of an agricultural irrigation well outlined in the Cleath-Harris Geologists, Inc. Well Impact Discussion shall be reported to the City prior to well operation.
6. The applicant shall install a meter on the well head and report annual pumping amount to the City by December 31st of each year.
7. An approved backflow device shall be installed per City standard on the water meter service.

RESOLUTION NO. 4830
PAGE 4

8. This approval is to install a temporary well for on-site interim agricultural purposes and is valid for five (5) years. If so directed by the City in the event a permanent well approval is not obtained within five (5) years, the applicant shall abandon the well and supply the Public Works Department with a letter stating said abandonment by the County of San Luis Obispo Public Health Department.
9. A copy of the well/driller report required by the provisions of Section 13751 of the Water Code of the State shall be submitted to the Public Works Department upon completion of the construction of the well.

OFFICIAL CERTIFICATION

I, **KELLY WETMORE**, City Clerk of the City of Arroyo Grande, County of San Luis Obispo, State of California, do hereby certify under penalty of perjury, that the attached Resolution No. 4830 was passed and adopted at a regular meeting of the City Council of the City of Arroyo Grande on the 12th day of December, 2017.

WITNESS my hand and the Seal of the City of Arroyo Grande affixed this 18th day of December, 2017.



KELLY WETMORE, CITY CLERK

RESOLUTION NO. 5054

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING THE INSTALLATION OF ONE (1) NEW DOMESTIC SUPPLY WELL ON PROPERTY ZONED RESIDENTIAL ESTATE; LOCATED AT 575 EASY STREET; APPLIED FOR BY LOUIS MOSCARDI

WHEREAS, Louis Moscardi has submitted an application to drill and install one (1) new domestic supply well at 575 Easy Street in order to supply water to 580 Easy Street in Arroyo Grande; and

WHEREAS, Municipal Code Chapter 13.08 requires City Council review and approval of all new or replacement wells; and

WHEREAS, the City Council finds the proposed domestic supply well will neither deplete nor contaminate the City water supply and is needed to serve the property to satisfy health and safety needs; and

WHEREAS, based upon the distance from existing water infrastructure, the City Council finds that service from the City's water system is neither practical nor feasible.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arroyo Grande hereby approves the application to drill and install one (1) new domestic supply well at 575 Easy Street in order to supply water to 580 Easy Street, subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

On motion of Mayor Ray Russom, seconded by Council Member Storton, and by the following roll call vote, to wit:

AYES: Mayor Ray Russom, Council Members Storton, George, Barneich, and Paulding

NOES: None

ABSENT: None

The foregoing Resolution was passed and adopted this 12th day of January 2021.



CAREN RAY RUSSOM, MAYOR

ATTEST:



ANNAMARIE PORTER, INTERIM CITY CLERK

APPROVED AS TO CONTENT:



WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:



TIMOTHY J. CARMEL, CITY ATTORNEY

**EXHIBIT "A"
CONDITIONS OF APPROVAL
ONE (1) NEW DOMESTIC SUPPLY WELL
575 EASY STREET**

GENERAL CONDITIONS:

1. The applicant shall ascertain and comply with all State, County and City requirements as are applicable to this project.
2. The event shall occur in substantial conformance with the application and plans on file in the Community Development Department office.
3. The applicant shall comply with all the conditions of the City Council Resolution adopted on January 12, 2021, as well as the terms, conditions, and standards specified in the written permit issued by the County of San Luis Obispo Public Health Department.
4. The applicant shall agree to defend, indemnify and hold harmless the City, its agents, officers, and employees harmless, at its sole expense from any action brought against the City, its agents, officers, or employees because of said approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of their obligations under this condition.
5. This approval shall expire on January 12, 2023, unless a drilling permit is obtained from the County of San Luis Obispo Public Health Department. Time extensions may be requested in conformation with the Arroyo Grande Municipal Code.
6. The applicant shall install a meter on the well heads and report annual pumping amounts to the City Public Works Department by December 31st of each year.
7. An approved backflow device shall be installed per City standard on the water meter service.
8. A copy of the well/driller report required by the provisions of Section 13751 of the Water Code of the State shall be submitted to the Public Works Department upon completion of the construction of the well.

RESOLUTION NO. 5054

PAGE 4

9. The applicant shall obtain permits for all electrical connections required for the new well pumps.
10. The applicant shall record a water well easement in favor of the property located at 580 Easy Street prior to connecting the well to 580 Easy Street.
11. The applicant shall produce survey verification that the distance of the well to any septic system (leach field) is greater than 100 feet to the satisfaction of the Director of Public Works.
12. The applicant shall ensure the recordation of an easement or other agreement on title at 575 Easy Street addressing the use and maintenance of the well, its pipelines, and all appurtenances, and benefitting the property located at 580 Easy Street. The form of easement or agreement shall be reviewed and approved by the City.

OFFICIAL CERTIFICATION

I, **ANNAMARIE PORTER**, Interim City Clerk of the City of Arroyo Grande, County of San Luis Obispo, State of California, do hereby certify under penalty of perjury, that the attached Resolution No. 5054 was passed and adopted at a regular meeting of the City Council/Successor Agency to the Dissolved Arroyo Grande Redevelopment Agency of the City of Arroyo Grande on the 12th day of January, 2021.

WITNESS my hand and the Seal of the City of Arroyo Grande affixed this 13th day of January, 2021.



ANNAMARIE PORTER, INTERIM CITY CLERK



MEMORANDUM

TO: City Council

FROM: Jessica Matson, Legislative & Information Services Director/City Clerk

**SUBJECT: Supplemental Information
Agenda Item 10.a. – October 24, 2023 City Council Meeting
Consider a Resolution Denying the Installation of One (1) Domestic
Well on Property Zoned Planned Development (PD); Applicant –
Michael Harris; Representative – Richard Burde, SLO Civil Design**

DATE: October 24, 2023

Attached is correspondence received for the above reference item.

cc: Interim City Manager
City Attorney
City Clerk
Community Development Director
City Website and Public Review Binder

Enc

From: [Marsha Burch](#)
To: [Jessica Matson](#); [Brian Pedrotti](#)
Cc: isaac.rosen@bbklaw.com
Subject: Consider a Resolution Denying the Installation of One (1) Domestic Well on Property Zoned Planned Development (PD); Applicant – Michael Harris; Representative – Richard Burde, SLO Civil Design
Date: Tuesday, October 24, 2023 11:10:24 AM
Attachments: [2023.10.24 Ltr Arroyo GrandeHarris Application .pdf](#)
[Harris Report.pdf](#)



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender mburchlaw@gmail.com

Please see attached letter regarding the above-referenced Project.

-Marsha

MARSHA  A. BURCH
LAW OFFICE

131 S. Auburn Street
Grass Valley, CA 95945
530/272.8411
fax: 530/272.9411

mburchlaw@gmail.com
<https://www.marshaburchlawoffice.com>

THE INFORMATION CONTAINED IN THIS ELECTRONIC MAIL TRANSMISSION IS CONFIDENTIAL AND INTENDED TO BE SENT ONLY TO THE STATED RECIPIENT OF THE TRANSMISSION. IT MAY THEREFORE BE PROTECTED FROM UNAUTHORIZED USE OR DISSEMINATION BY THE ATTORNEY-CLIENT AND/OR ATTORNEY WORK-PRODUCT PRIVILEGES. If you are not the intended recipient or the intended recipient's agent, you are hereby notified that any review, use, dissemination, distribution or copying of this communication is strictly prohibited. You are also asked to notify us immediately by telephone at 530/272.8411 or reply by e-mail and delete or discard the message. Thank you.

Although this e-mail and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by the sender for any loss or damage arising in any way from its use.

MARSHA  A. BURCH
LAW OFFICE

131 South Auburn Street
GRASS VALLEY, CA 95945

Telephone:
(530) 272-8411

mburchlaw@gmail.com

October 24, 2023

Via Electronic Mail

Brian Pedrotti, Community
Development Director
City of Arroyo Grande
300 E. Branch Street
Arroyo Grande, CA 93420
bpedrotti@arroyogrande.org

Jessica Matson, City Clerk
City of Arroyo Grande
300 E. Branch Street
Arroyo Grande, CA 93420
jmatson@arroyogrande.org

Re: **Consider a Resolution Denying the Installation of One (1)
Domestic Well on Property Zoned Planned Development (PD);
Applicant – Michael Harris; Representative – Richard Burde, SLO
Civil Design**

Dear Mr. Pedrotti, Ms. Matson, and Council Members:

This office represents Mike Harris with respect to the above-referenced domestic well application (“Project”). We have reviewed the staff report for the Project consideration at the City Council meeting on October 24, 2023 (“Staff Report”) and provide the following comments.

A response to the Staff Report has also been prepared by my client and raises many issues that should be carefully considered by the Council. It is attached to this letter for your review and referred to herein as the “Harris Report”. The two most concerning issues will be addressed below: (1) the disparate treatment of this landowner for reasons that appear to be unrelated to the Code or any other legitimate City consideration; and (2) the improper use of a CEQA¹ exemption and failure to comply with CEQA for the proposed denial of the application.

¹ California Environmental Quality Act: Public Resources Code § 21000 et seq. and the CEQA Guidelines, California Code of Regulations, title 14, 15000 et seq.

A. The Project is being treated differently than any previous well application submitted to the City.

As described in detail in the Harris Report at pages 13-15, the City has consistently considered the cost to the applicant as a significant factor in determining whether a well application should be granted. In this case, the City staff is well aware of the fact that the “connection” the City proposes will be in a distant corner of the applicant’s parcel, and will require expensive trenching through protected oak forest in order for the applicant to make use of the City water at the most reasonable building site. (See Harris Report for description of expense and feasibility.) For inexplicable reasons, for the first time in two decades the City staff is asserting that the consideration of expense and feasibility of the use of City water only pertains to the expense incurred by the City. This interpretation of the City Code defies logic, and it would be an abuse of discretion for the City Council to disregard the reasonable past interpretation that considered the *actual* feasibility of the use of City water.

The Staff Report for the Project is opaque, and there is no explanation for the staff’s abrupt shift from intending to recommend approval in the Spring of this year, to the current refusal to employ the long-followed analysis the City has used in the past. The Staff Report recommends an approach that singles out the applicant for disparate treatment, and the Council should reject this path and consider the *actual* feasibility of the use of City water on the parcel and consider the application in an equitable manner.

B. Denial of the Project application is not exempt from CEQA.

The staff report mistakenly concludes that approval *or* denial of Project would be exempt from CEQA. (Staff report, p. 36.)

While the staff report correctly notes that approval of the domestic well would be subject to a Class 3 exemption, it goes on to improperly conclude that a denial of the application is “not a project”. The staff report states as follows:

[I]f the application is denied, the item does not qualify as a “project” under CEQA, because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.).

It is true that approval, and the drilling of one domestic well, will have no impacts. The opposite is true of a denial, requiring the connection to the City water supply. It is astonishing that the City has been receiving detailed information from the applicant raising many concerns about the oak forest that lies between the proposed “connection” to the parcel and the likely building site, and yet ignores this issue in the Staff Report. The Harris Report describes these

impacts in detail, including the fact that the necessary work would be inconsistent with the Community Tree Program.

The staff report dismisses this by claiming that the “City is not responsible” for the location of the building site on the property. The City is responsible for its discretionary decisions that will foreseeably result in environmental impacts. For the same reasons that the trenching will result in significant impacts to oak trees, any future building would only occur on certain portions of the property.

CEQA defines a “project” as an activity that (1) is a discretionary action by a governmental agency and (2) will either have a direct or reasonably foreseeable indirect impact on the environment. (Pub. Res. Code, § 21065.) Thus, the discretionary decision by the City to deny a well application and force the landowner to connect to City water is, in fact, a “project” for CEQA purposes. If the City connection did not necessitate construction activities through a sensitive oak forest, then the City might be able to make a determination that it was not a project based upon the substantial evidence in the record. In this case, the record is rife with evidence that the discretionary denial of the application will result in significant environmental impacts.

Based upon the record before the City Council, there is no doubt that a denial of the Project application will result in the use of City water, “connected” to the property at a remote corner that will necessitate construction activities within a sensitive oak forest. If the City determines that it will exercise its discretion to deny the Project application, even though many similar applications have been granted due to feasibility concerns for the landowner, then additional environmental review is required. Refusing to consider the required construction activity will at best be a violation of CEQA, and may result in a regulatory taking if the feasibility of the construction through the oak forest is not carefully considered by the City.

C. Conclusion

The City Council should consider the City’s previous interpretation of its own Code to take into account the *actual* feasibility of a connection to the City water supply, and treat the applicant fairly and in a way that is consistent with the way others have been treated.

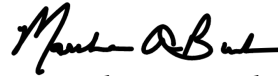
Additionally, the City Council should be aware of the environmental impacts that will result from a denial of the Project application and consider the Council’s opportunity here to approve the Project and avoid those significant environmental impacts.

Forcing the applicant into the position of being required to construct costly infrastructure that will impact the environment is a regulatory burden on the property that exceeds the bounds of fairness and the applicant’s rights. We

City of Arroyo Grande
October 24, 2023
Page 4 of 4

urge the City to consider the application in a fair way that will not interfere with the property rights of the landowner, will avoid environmental impacts, and will be consistent with the treatment of others in the City.

Sincerely,



Marsha A. Burch
Attorney

cc: Mike Harris
Isaac Rosen, City Attorney (isaac.rosen@bbklaw.com)

Harris Report

APN 007-781-055

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Council Summary

- The city staff's interpretation of the AGMC Section 13.08.040 Part A is inconsistent with purpose and intent of AGMC Chapter 13.08 Water Wells.
- City staff has made a new untenable interpretation of AGMC section related to water well permits.
- City staff's final recommendation is inconsistent with past recommendations by city staff and past resolutions by city council regarding water wells.
- City staff prepared a report for final review which recommended approval for the well application but suddenly, without any rational explanation, changed their position.
- City staff claims a policy exists which has never been articulated and has never been documented by city staff, until now.
- City staff's final recommendation is not based on reasoned decision making and did not consider all relevant factors.
- The city staff report does not provide complete information or all alternatives for consideration by the city and is promoting only one viewpoint.
- Service from the city water system is neither practical nor feasible based on excessive cost, environmental issues, and safety concerns.
- There is clear and convincing evidence that the service from the city water system is neither practical nor feasible and, as a result, city council should approve the well application.

Intent and Purpose of AGMC Chapter 13.08- Water Wells

The AGMC was amended in 1971 to add Chapter 8 to Title 6 to require permits for the drilling of wells.

From Ordinance 87 (1971):

"The City finds that said water supply been greatly depleted by unrestricted drilling for and pumping of water, and that a danger exists of salt water intrusion into the aquifers underlying the City."

"The regulations and restrictions as hereinafter set forth are necessary **to protect the health, safety and general welfare of the inhabitants and taxpayers of the City of Arroyo Grande.**"

From AGMC Chapter 13.08 - WATER WELLS (Current):

"It is the purpose of this chapter to provide for the construction, repair, modification and destruction of wells in such a manner that the groundwater of the city will not be contaminated or polluted and that water obtained from wells will be suitable for beneficial use and will not jeopardize the health, safety or welfare of the people of the city."

Neither the intent nor the purpose of the AGMC on water wells prohibits the drilling of water wells unless the water well would adversely impact the health, safety and general welfare of the inhabitants and taxpayers of the City of Arroyo Grande.

The city staff has made no such finding regarding my proposed water well.

AGMC Critical Section- 13.08.040- Permits.

- A. Application. Prior to the issuance of any permit, the application and recommendations of the health officer for a new well shall be submitted to the council. **The council may approve the application if, in its discretion, the drilling and the operation of the well will not deplete nor contaminate the city water supply and service from the city water system is neither practical nor feasible.**

This suggests that connecting a particular property or area to the city water system might pose technical challenges, excessive costs, or other difficulties that make it an impractical or unviable solution. This might then justify seeking alternative water sources, such as drilling a new well. The city code does not prohibit new wells.

The plain language of the city code indicates that it is the “service from” the city water system that is to be considered to determine practicality and feasibility. The use of the preposition “from” inherently implies a direction (e.g., from the city water system to the residence).

The city staff claims that the determination of practicality and feasibility should not consider the costs to the customer to obtain service from the city water system. The city staff also claims that the topography of the site (characteristics of the parcel) should also be given no consideration in determining practicality and feasibility of the service from the city water system.

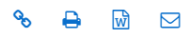
This is not a reasonable interpretation of the city code. Cost is the primary consideration when determining if service from the city water system is neither practical nor feasible for both the city and the customer.

Any analysis considering only the city’s perspective or only the customer perspective would be incomplete. The only way to achieve an objective, fair and comprehensive evaluation of practicality and feasibility is to consider both the city and customer perspectives.

The City has not Followed the AMGC Regarding the Permit Application Process

The city code states that the well application and a recommendation **from the health officer** shall be submitted to the council.

13.08.040 - Permits.



- A. Application. Prior to the issuance of any permit, **the application and recommendations of the health officer for a new well shall be submitted to the council.** The council may approve the application if, in its discretion, the drilling and the operation of the well will not deplete nor contaminate the city water supply and service from the city water system is neither practical nor feasible. If the council approves the granting of a permit, it may be issued subject to such reasonable conditions as the council imposes to prevent the depletion and contamination of the city water supply and subject to compliance with the standards provided by the county of San Luis Obispo. In the event the council refuses to approved the permit, the health officer shall not grant it.

The health officer is not a member of city staff. The definitions in the city code make it clear that the health officer is:

13.08.020 - Definitions.

"Health officer" means the health officer of the county, or his or her duly authorized representatives.

City Council has Not Publicly Questioned or Commented on Any Well Application in a Council Meeting (at least since 2004)

The city council has never questioned, commented or pulled a well application item for separate consideration in any city council meeting since 2004 (according to video archives).

Video archives of city council meetings are available at <https://slo-span.org>. The recordings of city council meetings are available beginning February 10, 2004.

Based on the recordings available there has also never been any public questions or comments on any well application.

City Staff Fails to Consider the Citizen and Taxpayer in its Decision-Making Process

The city staff has the following decision matrix which precludes any consideration of any factor related to the customer/inhabitant/taxpayer.

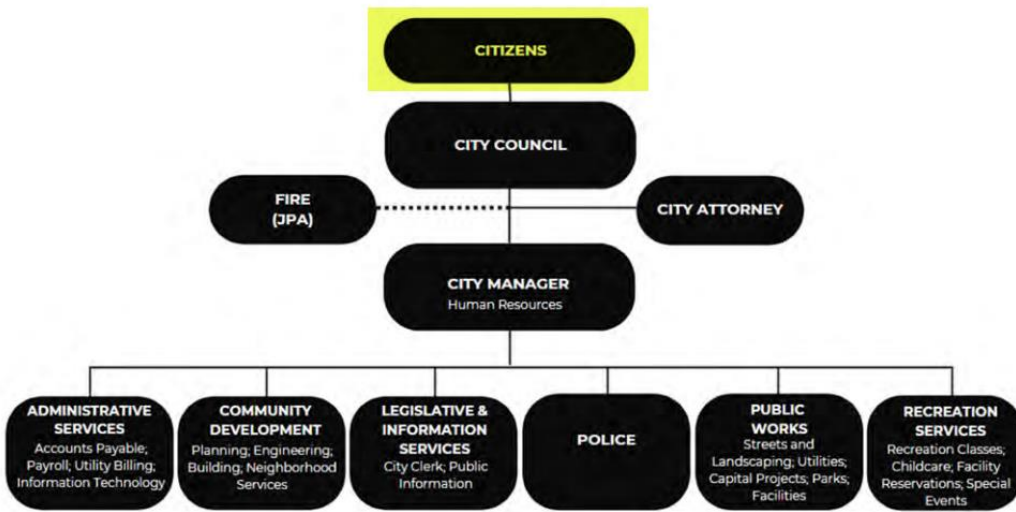
The city's decision matrix is not a matrix at all. There is no consideration given to the customer.

The City's Decision Matrix

City Perspective	
Feasible and practical	Not feasible nor practical
Connect to city	Approve well

The City of Arroyo Grande Organizational Chart and City of Arroyo Grande Organizational Values are contrary to position stated by city staff.

**City of Arroyo Grande
Organizational Chart**



SERVICE

We are committed to providing excellent customer service, striving to exceed the expectations of those we serve, both within the community and the organization. We shall be responsive to our customers in a timely, courteous, and friendly manner. While serving our community, **we recognize the importance of each individual's needs.**

The city's decision matrix should, of course, consider the perspective of the citizen/taxpayer and all relevant factors when making a decision to either approve or deny a well application, including customer related factors.

A Reasonable Decision Matrix

		City Perspective	
		Feasible and practical	Not feasible nor practical
Customer Perspective	Feasible and Practical	Connect to city	Approve well
	Not feasible nor practical	Approve well	Approve well

City Staff Recommendation

The city staff is recommending that the city council deny my well application because it states that a "connection" to the city water system is feasible and practical from the city's perspective - but only from the city's viewpoint and at a location they designate without regard to cost.

Practicality and Feasibility of Connecting to the City's Water System

It is important to highlight that, in determining the practicality and feasibility for a domestic water service connection, City staff reads the practicality and feasibility test as one based on whether **the City** is reasonably able to provide a domestic water service connection from the

City water service line to the private property boundary. ***The City does not believe the second of the two approval criteria should be based upon the private property owner's costs associated with installing domestic water service, nor should it be based on the topography of the site.***

The applicant has provided a groundwater feasibility analysis that examines the local conditions and finds that developing a groundwater well to serve the subject property is feasible from a hydrological perspective, which is included as an exhibit to this agenda item.

Staff has determined that it is both feasible and practical for the City to connect the City's water supply to the subject property. The subject parcel is immediately adjacent to the City's Reservoir No. 5, which is a 1.2 million gallon above-ground storage tank. The City's Utilities Manager has stated that a residential water service ***connection can be made directly to the City owned main water line from the tank*** and a connection placed to the applicant's property line with a standard water meter on their property.

As described above, Section 13.08 of the AGMC provides that the City Council may approve a well if "service from the city water system is neither practical nor feasible". This connection would be approximately 50 feet in length along generally level land with minimal surface restrictions, which staff has determined is both practical and feasible ***for the City to provide to the applicant's property.*** In contrast to City staff's determination, the applicant has argued that this connection is neither practical nor feasible, citing that the location of their preferred building site on the property is approximately 600-800 feet from the reservoir, depending on the trenching route, and would involve grading through steeper slopes and sensitive oak trees. However, ***the City is not responsible for the proposed location of residential structures on a property*** – that is proposed by an applicant and ultimately reviewed by the City to ensure any municipal code requirements are met, such as setbacks, height, and health and safety standards contained in the California Building Standards Code. ***The City has historically determined practicality and feasibility based on the City's ability and cost to serve each parcel.***

The City Staff's Has Not Provided Complete Information

The City of Arroyo Grande City Council Handbook is clear with respect to the scope of information that is to be provided to the city council and that manipulation of information is prohibited.

3.4 City Council/City Manager Mutual Expectations

The following mutual expectations have been agreed upon by the City Council and City Manager regarding their respective roles and support the successful operation of the City Manager/Council form of government. They serve as a general framework to foster a constructive working relationship and provide new Council Members an overall outline of how we have committed to operate. They may also serve as a basis for discussion to resolve potential problems or when changes in the expectations are desired.

Expectation of City Manager

- f. **Provide complete information regarding an issue or item. Never manipulate information in order to promote one viewpoint.**

- g. Ensure staff reports include alternatives, potential impacts of each alternative and staff's best recommendation.

It is clear based on the information presented in this report that city staff has not provided complete information, the staff report is not the only report that was authored and distributed, and that the process and requirements have been manipulated to fit the desired outcome.

The city staff has not provided all alternatives for service from the city water system. The following alternatives have not been provided and, of course, the potential impacts of these alternatives have not been provided:

- Connect to the city water system via Equestrian Way
- Connect to the city water system on Noyes Road
- Adopt a resolution approving the installation of one (1) new domestic well

Staff's best recommendation would be relative to the other alternatives, which have not been provided.

Rather than provide complete information, city staff has decided to modify their interpretation of the AGMC so that complete information is not required or relevant. The decision to claim that no consideration should be given to the property owner cost nor the topology of the property allows city staff to ignore issues related to this information (cost and topology).

The only viewpoint that is being promoted is the viewpoint of the city staff, specifically and intentionally ignoring the viewpoint of the citizen, resident and taxpayer.

The City Staff's Interpretation of the City Code Is Untenable

The city staff report states:

"City staff reads the practicality and feasibility test as one based on whether *the City* is reasonably able to provide a domestic water service connection from the City water service line to the private property boundary."

This is not a reasonable interpretation of the city code. Rather, this is an interpretation created to align with a biased and predetermined decision by city staff.

The city code actually states:

"service from the city water system is neither practical nor feasible"

The city code does not use the term "connection". It uses the term "service". Service is a much broader term than connection. Service, much more accurately, includes:

- Sourcing and Supply
- Connection and Infrastructure
- Water Quality and Treatment
- Delivery and Accessibility

- Maintenance and Upkeep
- Consumption and Use
- Billing and Customer Service

When assessing the "practicality and feasibility" of providing "service from the city water system," each of these factors should be evaluated. By narrowing the definition to just the installation of a water meter, the city is likely missing a wide range of variables that collectively define what constitutes a "service." A robust analysis taking into account all these elements would offer a more comprehensive view of whether city water service is genuinely practical and feasible.

If the city council and the city wanted the subject regarding practical and feasible to be a "connection" they would have used that language. They did not.

The city code does not use the phrase "the City is reasonably able to provide". The city code does not limit consideration to the "provider" of the service. In fact, the code uses the phrase "service from", which indicates consideration should be given the "receiver" of the service since it is the customer that receives *service from* the city.

The city code does not use the phrase "to the private property boundary". The city has again narrowly interpreted the city code to fit this particular recommendation to deny the well application.

City staff is attempting to rewrite the city code to fit their recommendation on this particular well application. Their interpretation is narrowly lacking and is unnecessary. The plain language of the city code, the intent of the original city code, and the stated purpose of the code section provides the guidance needed for the decision-making process.

The City Council Has Previously Determined by Resolution that Service from the City Water System is neither Practical nor Feasible

Resolution No. 4830 was passed and adopted on December 12, 2017.

The resolution stated:

WHEREAS, based upon the interim agricultural use and the distance from existing City water infrastructure, the City Council finds that service from the City's water system is neither practical nor feasible..

The approval of well in resolution 4830 is for the exact same parcel and the exact same well location as the application currently under consideration.

At the city council meeting on December 12, 2017, the city council had no questions or comments prior to approving the well on the same parcel at the same location as the current well application.

https://slo-span.org/meeting/agcc_20171212

Current mayor Ray Russom and council member Barneich voted to approve the well and adopt the resolution, as did all council members, which determined that service from the city water system was neither practical nor feasible because of the distance from existing city water infrastructure.

Service from the city's water system is still not practical nor feasible, as found by the city council on December 12, 2017.

The City Staff Believes That the Owner's Costs Associated with Installing Domestic Water Service is Irrelevant

This is a new belief that was never previously held by city staff. This belief materialized when the decision was suddenly made to change position regarding the well application. This belief is necessary for city staff because, if the owner's costs are considered, the connection to the city water service is clearly neither practical nor feasible.

February 16, 2023 - Richard Burde and Tim Cleath met with Patrick Holub and Shane Taylor at the city offices. Patrick Holub and Shane Taylor specifically requested ***the private property owner's costs associated with installing domestic water service***. The city staff now claims that this information is irrelevant and should not be considered when determining practicality and feasibility.

The in-person meeting was held on February 16, 2023.

February 23, 2023 at 8:43 AM - Richard Burde sent an email to Patrick Holub indicating that he was still working on gathering ***the private property owner's costs associated with installing domestic water service***.

From: Richard Burde <richard@slocivildesign.com>
Sent: Thursday, February 23, 2023 8:43:46 AM
To: Patrick Holub <pholub@arroyogrande.org>
Subject: Re: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Hi Patrick,

Just following up on the meeting we had last week regarding the proposed well at the Harris property, I am currently gathering numbers for construction costs associated with connecting a water line to the water tank and will be providing those to you when they are available. I have one question about the process though, who makes the recommendation to the council? Do you write the staff report and include Shane's recommendation, or are there additional people involved?

Thanks for your help

February 23, 2023 at 9:10 AM – Patrick Holub emailed Richard Burde stating that **a recommendation that council deny the well application was unlikely once you present the numbers**. The “numbers” are ***the private property owner's costs associated with installing domestic water service***.

On Thu, Feb 23, 2023 at 9:10 AM Patrick Holub <pholub@arroyogrande.org> wrote:

Hi, Richard. That is a good question. If we were to recommend that the Council denies the request, that would likely involve a discussion with our City Manager. I don't think that is going to be likely once you present the numbers, but we can meet and discuss before that point so that no one is surprised.

March 9, 2023 at 8:41 AM – Patrick Holub emailed Richard Burde requesting the “feasibility calculation”. The “feasibility calculation” that was requested by Patrick Holub specifically included ***the private property owner’s costs associated with installing domestic water service.***

On Thu, Mar 9, 2023 at 8:41 AM Patrick Holub <pholub@arroyogrande.org> wrote:

Hi, Richard. I wanted to check on your progress with the feasibility calculation. We’re hoping to bring the item to City Council on 3/28, so if we want to keep that date, we will need your information in the next week or so. I have a vacation planned for half of April, so if we do not make the 3/28 date, we will need to discuss an alternate timeline.

Thanks,

March 9, 2023 at 8:46 AM – Richard Burde sent an email to Patrick Holub indicating that he met with the contractor regarding the preliminary cost estimate, part of ***the private property owner’s costs associated with installing domestic water service.***

From: Richard Burde <richard@slocivildesign.com>
Sent: Thursday, March 9, 2023 8:46 AM
To: Patrick Holub
Cc: Mike Harris
Subject: Re: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Hello Patrick,

Thanks for following up on this. I was just out at the property yesterday with our contractor and I will be putting together the preliminary cost estimate this week. I won't have any problem getting that to you by early next week. Please remind me, is there anything else but the cost estimate that we need to provide the City at this time?

Thanks

March 9, 2023 at 8:47 AM – Patrick Holub sent an email to Richard Burde that indicated he was 95% done with the staff report and that he would augment the report with our numbers. Patrick specifically stated that the staff report would include ***the private property owner’s costs associated with installing domestic water service*** in the staff report.

From: Patrick Holub <pholub@arroyogrande.org>
Sent: Thursday, March 9, 2023 8:47 AM
To: 'Richard Burde'
Cc: Mike Harris
Subject: RE: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

I think that should be sufficient. I've already prepared 95% of the staff report and will augment it with your numbers when they are ready. Thanks for the additional analysis.

March 16, 2023 at 5:26 PM – Richard Burde emailed Patrick Holub regarding additional costs for trenching though or removing rocks.

From: Richard Burde <richard@slocivildesign.com>
Sent: Thursday, March 16, 2023 5:26 PM
To: Patrick Holub
Cc: Mike Harris
Subject: Re: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Patrick,

I'd like to point out that the estimate that was provided does not include costs associated with trenching trough, or removing rocks that would be found in the water lines layout. A recent site visit confirmed that there are three rock outcroppings between the water tanks and the likely build site so we would expect the "rock clause" identified on the estimate to come into effect during construction.

Thank you

March 20, 2023 at 7:39 AM – Patrick Holub sent an email to Richard Burde indicating that he sent the staff report for final review last week and that we should be on the consent agenda on March 28 for approval of my well application.

I made multiple public records requests for the staff report which was distributed for final review which recommended approval of my well application. The city has continued to withhold this report and any email messages related to the report.

From: Patrick Holub <pholub@arroyogrande.org>
Sent: Monday, March 20, 2023 7:39 AM
To: 'Richard Burde'
Cc: Mike Harris
Subject: RE: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Hi, Richard. Thanks for this information. I sent the staff report for a final round of review last week. We should be on the consent agenda for next Tuesday for approval.

Thanks again.

March 21, 2023 at 2:23 PM – Patrick Holub emailed Richard Burde asking for additional cost information, specifically the cost related to installation of the well. Patrick indicates that he “was asked” for the

information. So, in addition to Patrick there is at least one other individual that believed that ***the private property owner's costs associated with installing domestic water service*** was relevant and important.

From: Patrick Holub <pholub@arroyogrande.org>
Sent: Tuesday, March 21, 2023 2:32 PM
To: Richard Burde
Cc: Mike Harris
Subject: Re: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Richard, thanks for the call just now regarding the well application. During review of the staff report, I was asked to see if you could provide more information on the cost related to the installation of the well. If you can provide that information, I think that should be sufficient for the Council to make a well-informed decision. A format similar to the cost estimate from your contractor would be great.

Reach out with any questions. Thank you.

March 21, 2023 at 3:14 PM – Richard Burde emailed Patrick Holub information on the cost to drill the well.

From: Richard Burde <richard@slocivildesign.com>
Sent: Tuesday, March 21, 2023 3:14 PM
To: Patrick Holub
Cc: Mike Harris
Subject: Re: Well Permit Application - Noyes and Equestrian (apn 007-781-055)
Attachments: Harris Well - Construction Cost Estimate.pdf

Hi Patrick,

It turns out that property owner Mike Harris already had a construction cost estimate produced by Filipponi & Thomson last year, which came to approx \$23,000. Please see the attached and let me know if you have any questions.
Thanks

If the private property owner's costs associated with installing domestic water service should not be considered, why did Patrik and city staff request information on owner's cost and include that information in the staff report referred to on March 20, 2023? Why were there so many emails and communications regarding the owner's cost if the city staff believed this information was not important and relevant?

It is clear that the primary focus of city staff was on obtaining the private property owner's costs associated with installing domestic water service for the purpose of making a determination on practicality and feasibility. It was not the belief of the city staff that this information should not be considered. That belief materialized only after the city suddenly decided to change their position on the well application.

Patrick Holub, the associate planner that was responsible for preparing and distributing the staff report believed that the private property owner's costs associated with installing domestic water service was relevant and critical to determining whether service from the city water system was

neither practical nor feasible and based on this information the service from the city water system was determined to be not practical and not feasible.

In past well applications the city staff and the city council have determined that the property owner’s costs associated with installing domestic water service was relevant and did, in fact, provide at least a partial basis for determining that service from the city water system was neither practical nor feasible:

The following notes are from the section of the staff report that is titled **“Practicality of Supply from the City’s Water System”**

Year	Notes
2017	Agricultural use, <i>meter connection would be a substantial cost to the applicant</i>
2015	Agricultural use, <i>meter would be a substantial cost to the applicant</i>
2008	Agricultural use, <i>meter connection would be a substantial cost to the applicant</i>
2005	Agricultural use, <i>connection could cost between \$30,000 and \$40,000</i>

Clearly, the private property owner’s cost has been a significant determining factor in the past to determine practicality and feasibility. It is unfair and unreasonable to fail to consider the cost to the property owner of end-to-end service from the city water system when the costs establish that it is neither practical nor feasible for service from the city water system but that fact does not align with the likes and wishes of the city staff.

The city staff report claims that the determination of practicality and feasibility has historically been based on the city’s ability and cost to serve each parcel. The cost referred to are not the city’s cost but rather the property owner’s cost.

As you can see below the cost that is documented (by city staff) is the “cost to the applicant”, not the cost to the city.

City Council

Consider a Resolution Denying the Installation of One (1) Domestic Well on Property Zoned Planned Development (PD); Applicant – Michael Harris; Representative – Richard Burde, SLO Civil Design

October 24, 2023

Page 4

Building Standards Code. The City has historically determined practicality and feasibility based on the City's ability and cost to serve each parcel.



2017 Well Application

Practicality of Supply from the City's Water System

The City currently serves the property with potable water for domestic and fire protection purposes. The property is connected to the City's water main on East Cherry Avenue. The City currently does not provide irrigation water to any agriculturally zoned parcels within the City limits. A separate connection to the City's water system would be required to irrigate the 7-acre parcel. A properly sized meter connection would be a substantial cost to the applicant. The City's current water supply analysis does not account for this connection in that the City does not serve agricultural lands with potable water for irrigation purposes.

2015 Well Application

Practicality of Supply from the City's Water System

The City currently does not serve agricultural lands with potable water for irrigation purposes. The property is connected to the City's water system for domestic use; however, a separate connection to the City water system would be required to irrigate the 9 acres of farmland. A properly sized meter would be a substantial cost to the applicant. For these reasons, it is not practical to supply agriculture water from the City's water system.

2008 Well Application

Practicality of Supply from the City's Water System

The City currently serves the Church and preschool with potable water for domestic and irrigation purposes. The property is connected to the City's water main on Orchard Street. The sports field is south of the existing church and is separated by a large drainage ditch. A separate connection to the City water system would be required to irrigate the 4.3 acre sports field. A properly sized meter connection would be a substantial cost to the applicant. The City's current water supply analysis does not account for this connection.

2005 Well Application

**CITY COUNCIL
CONSIDERATION TO APPROVE AN APPLICATION BY MARTIN DE LEON
TO DRILL A REPLACEMENT IRRIGATION WELL
SEPTEMBER 27, 2005
PAGE 2**

irrigation of 11 acres of farmland would require a separate connection. A connection large enough to supply an irrigation system could cost between \$30,000 and \$40,000 in connection fees. The City currently does not serve any agricultural land with potable water for irrigation purposes. Irrigation is a separate component of the safe yield of the groundwater basin and supplying the irrigation system with domestic water would count against the amount of applied irrigation and water for the urban users. This would further reduce the amount of water for urban uses. The City's current water supply analysis also does not account for this connection, which would use an estimated 11 to 33 acre-feet per year depending on the specific crop and irrigation method.

The City Staff Believes That the Topography of the Site is Irrelevant

This is another new belief that was never previously held by city staff. This belief materialized when the decision was suddenly made to change position regarding the well application. This belief is necessary for city staff because, if the site topography is considered, the connection to the city water service is clearly neither practical nor feasible.

July 24, 2023 at 9:38 AM – Brian Pedrotti emailed me (after I sent a detailed email to all city council members) indicating that a meeting was expected so that the city staff could more fully understand the physical constraints of the site. This is in direct conflict with what is now claimed to be believed regarding the site topography.

From: Brian Pedrotti <bpedrotti@arroyogrande.org>
Sent: Monday, July 24, 2023 9:38 AM
To: Lan George; Mike Harris
Cc: Bill Robeson; Whitney McDonald; Patrick Holub; Caren Ray Russom; Kristen Barneich; Jim Guthrie; Kate Secrest
Subject: RE: A request for assistance

Good morning Mike,

Thank you for letting us know about your frustrations with this item, and I apologize for our part in the delays associated with getting this processed. Although I would characterize some of our past discussions differently, I agree that we can move forward to reach a conclusion and get it scheduled for a hearing. As I recall from our last meeting, the next step was to schedule a meeting onsite with you and staff from CDD and Public Works to more fully understand the physical constraints of the site and for you to show your concerns with connection feasibility. I will coordinate with Public Works today and pull some dates together to send to you and your team. Please feel free to contact me if you have any questions.

Sincerely,

If the topography of the site should not be considered, why is Brian referring to a meeting to more fully understand the constraints of the site. July 24 would have been an ideal time for Brian to let me know that the constraints of the site (the topography of the site) will not be considered by city staff. This was not communicated to me because it was not the position of city staff that the site topography did not matter.

The topography of the site is of utmost importance to determining practicality and feasibility of service from the city water system.

The city staff's position, which completely ignores the importance of the topology of the site, is overlooking crucial issues. Topography should be considered as a critical element in the determination of what's practical and feasible:

Cost-Effectiveness - Sloping or uneven terrains would require extensive civil works like leveling, backfilling, or excavation, making the project prohibitively expensive.

Technical Considerations - Steep or varied topography can create problems that are either technically challenging or impractical to solve.

Environmental Concerns - Construction on uneven or sloping terrain can lead to erosion and sedimentation issues, requiring additional environmental safeguards and potentially triggering stricter regulatory scrutiny. The need to modify the natural landscape to accommodate infrastructure could have significant environmental consequences, such as disruption of local ecosystems, which could be contrary to the public interest or even against environmental regulations.

Regulatory Hurdles - Uneven topography might necessitate additional permits from environmental agencies, increasing the complexity, duration, and cost of the project. Modifications required for challenging topographies could potentially violate environmental and land use statutes, causing legal issues that would make the project impractical.

Precedent and Subjectivity - If topography isn't considered for one parcel, it sets a precedent. This could compromise the city council's ability to make consistent and fair decisions on similar matters in the future. Topography provides an objective measure that can be evaluated through GIS tools, contour maps, and civil engineering studies, which would make the council's decision more transparent and less susceptible to subjectivity.

It's clear that topography should be a significant factor in the city staff's recommendation and council's evaluation of practicality and feasibility. Ignoring it would undermine the council's responsibility to make decisions that are economically prudent, environmentally responsible, and equitable for all parties involved.

The City Is Not Responsible for The Proposed Location of Residential Structures on a Property

However, **the city is responsible for the proposed location of the water meter**, which significantly impacts the practicality and feasibility of service from the city water system and whether or not a parcel is able to be developed.

Below are two pictures of vacant parcels in the north-west area of the city. The red arrows show the driveway access to the parcel and the red X shows the location of the city owned and provided water meter.





Does city staff really believe that the size and the topography of the site is irrelevant to the determination of practicality and feasibility of receiving service from the city water system?

Each parcel is unique and the city code clearly uses broad language which provides the flexibility to make a well-reasoned and fair evaluation and decision with respect to approving or denying water wells.

The City Staff Has Failed to Consider the AGMC Community Tree Program

Chapter 12.16 of the AGMC established the Community Tree Program. The Community Tree Program establishes policies, regulations and specifications necessary to govern installation, maintenance and preservation of trees within the city of Arroyo Grande.

City staff has failed to recognize and consider the impact of the Community Tree Program on the practicality and feasibility of service from the city water system.

The city code, including Chapter 12.16, establishes regulations that all residents and property owners are required to obey. Violation of these ordinances can result in penalties, including fines, legal actions, or other forms of municipal enforcement.

It is unreasonable that the city staff would exclude from consideration city-imposed regulations when considering the well application.

From the perspective of the city reservoir property, the trees which are located on the parcel should be considered. There is no clear, open path to connect to service from the city water system without impacting trees which are protected by the Community Tree Program.



The Community Tree Program states:

12.16.090 - Installation, maintenance and removal of trees relating to property development.

- E. All grading, building, conditional use, tract map, parcel map, planned development, and other development proposals submitted to the city shall be accompanied by an accurate map identifying and locating all existing trees upon the property for which application is received and all existing trees that are off-site but affected by the project. Such map shall also identify all existing trees that are proposed by the applicant for removal or destruction, and such trees shall be visibly marked for the director's inspection. The director, or his or her designee, shall locate all trees upon the applicant's and affected property and prepare a written report to the permit-granting authority within two calendar weeks of the permit application having been received by the city.

- H. The killing, removal or damaging, intentionally or accidentally, of any tree, because of development activity, shall result in a separate administrative penalty to be paid, through payment by person or persons causing such loss, to the city. The payment shall be the amount of the value of the tree, as set forth in the Manual for Plant Appraisers, published by the Council of Tree and Landscape Appraisers, but in no event shall the payment be less than one hundred fifty dollars (\$150.00) per tree. The intentional killing, removal or damaging of any tree, as a result of development activity, shall constitute a misdemeanor.
- M. Trees designated to remain on the tree removal plan shall be protected prior to and during construction by the owner(s), using the following measures:
1. Each tree or group of trees designated to remain shall be protected by an enclosure of a five-foot fence, prior to the beginning of construction. The fence shall be wooden, chain link, or plastic barricade fencing. The location of the fence is normally at the dripline of the tree, but it may adjusted or omitted with the director's written approval.
 2. No parking of vehicles or equipment or storage of materials shall be permitted within the dripline of the trees designated to remain.
 3. In the event the underground utilities must be placed within the dripline of the trees to remain, the utilities shall be installed by auguring at twenty-four (24) inches minimum depth or by hand trenching. If roots over one inch in diameter are encountered, the roots shall be preserved without injury. No machine trenching within a tree's dripline shall be permitted, unless authorized, in writing, by the director.
 4. A performance bond may be required, in a form acceptable to the city and prior to issuance of an entitlement, to assure protection of trees on the site. The amount of any set bond shall be one thousand five hundred dollars (\$1,500.00), or the value of affected trees, whichever is greater, based on the Manual for Plant Appraisers, Council of Tree and Landscape Appraisers. The latest edition is to be available for review in the community development department. If, in the opinion of the certified arborist, no violation or damage has occurred during construction, the bond shall be returned upon final building inspection. However, if damage has occurred, the bond shall be held for three years and forfeited if, in the opinion of the certified arborist, permanent damage has occurred.
 5. Failure to comply with tree preservation requirements shall result in the director issuing a stop work order until all requirements have been met.

A bond of \$200,000 or more could be required to connect to the city water system – because of the location mandated by city staff. Mature oak trees are very expensive and there are hundreds of oak trees on the parcel. Clearly, from an environmental perspective, not to mention a cost perspective, it would be more practical and more reasonable to use a water source which was more closely located to building locations.

The cost to map and identify every tree in the path to the water meter location mandated by the city would cost more than the cost of the city water connection, which has been estimated at over \$7,000.

The cost to trench through protected trees is extremely high. No machine trenching is permitted in the tree dripline, so hand trenching must be used. In addition, no parking of vehicles or equipment or storage of materials shall be permitted within the dripline of the trees. The cost of trenching through the trees, in addition to the slope and rock outcroppings issues, will result in a trenching cost exceeding \$100,000 to connect to the city water system.

Whether consideration is given to the property owner cost of service from the city water system or not, the fact that the city mandates a connection to the city water system through mature groves of trees the result is a service from the city water system that is neither practical nor feasible from any perspective.

The City Staff Has Failed to Consider the Health and Safety of its Resident (or the Location of a Water Meter Impacts Safety Concerns)

The great majority of water meters are placed near the street, sidewalk, or alleyway for easy accessibility for both homeowners and utility personnel. The goal is to strike a balance between accessibility for monitoring and maintenance and the logistical considerations of connecting the home to the water infrastructure.

In our particular case, the city staff is recommending that the water meter be placed at the southern property line, which is the furthest point from the driveway which will lead to the residence. There will be no road available to access the water meter and the path to the water meter will be through very rough terrain consisting of 30% slope, rocks, trees, and uneven terrain.

Quick and efficient shut-off of the water supply in case of leaks or contamination is vital for both safety and resource conservation. The challenging location could significantly delay these emergency procedures, potentially exacerbating any issues such as flooding, or property damage. In this specific case, the accessibility barriers create a high-stakes scenario where time-sensitive actions are hindered, thereby raising safety concerns that could have severe repercussions for the resident.

The city staff has given no consideration to the issues imposed by their proposed water meter location.

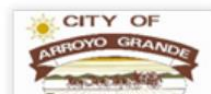
The City Staff Wrote and Distributed a Staff Report That Recommended Approval of the Well

On March 20, 2023 at 7:39 AM, Patrick Holub sent an email to Richard Burde and Mike Harris indicating he had distributed the staff report for final review last week. He also clearly indicated that the staff report recommended approval and that our approval would be put in front of city council on March 28, 2023.

From: Patrick Holub <pholub@arroyogrande.org>
Sent: Monday, March 20, 2023 7:39 AM
To: 'Richard Burde'
Cc: Mike Harris
Subject: RE: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Hi, Richard. Thanks for this information. I sent the staff report for a final round of review last week. We should be on the consent agenda for next Tuesday for approval.

Thanks again.



Patrick Holub
Associate Planner
Community Development, City of Arroyo Grande

Where is the staff report recommending approval? Why has this report not been provided to me after I have requested it many times? Why has the staff report recommending approval not been provided to city council for their consideration?

On March 20, 2023 at 8:17 AM, Patrick Holub sent an email to Richard Burde promising to send the staff report that recommended approval to us on March 22 or 23, 2023. Patrick never sent the report.

From: Patrick Holub <pholub@arroyogrande.org>
Sent: Monday, March 20, 2023 8:17 AM
To: Richard Burde
Cc: Mike Harris
Subject: Re: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Yes, the report will be published on Thurs/Fri and I will send it your way.

From: Richard Burde <richard@slocivildesign.com>
Sent: Monday, March 20, 2023 8:15:56 AM
To: Patrick Holub <pholub@arroyogrande.org>
Cc: Mike Harris <mike@harris5.com>
Subject: Re: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Hi Patrick,

That's great! Would it be possible to get a copy of the staff report ahead of time?
Thanks

On March 21, 2023 Patrick emailed Richard Burde and Mike Harris requesting additional cost information. This is odd because the city staff now claims that the owner's costs are not relevant or applicable to the permitting process. **Patrick did not indicate who asked him to get additional cost information.**

From: Patrick Holub <pholub@arroyogrande.org>
Sent: Tuesday, March 21, 2023 2:32 PM
To: Richard Burde
Cc: Mike Harris
Subject: Re: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Richard, thanks for the call just now regarding the well application. During review of the staff report, I was asked to see if you could provide more information on the cost related to the installation of the well. If you can provide that information, I think that should be sufficient for the Council to make a well-informed decision. A format similar to the cost estimate from your contractor would be great.

Reach out with any questions. Thank you.

On March 21, 2023, Patrick Holub emailed Richard Burde that "this item" will need to be moved to the 4/11 meeting. It should be noted that we provided the additional cost information the same day that it was requested by Patrick at 3:14 PM.

Sometime between March 20, 2023 at 7:39 AM and March 21, at 2:32 PM the decision was made to recommend that the well application be denied.

From: Patrick Holub <pholub@arroyogrande.org>
Sent: Tuesday, March 21, 2023 2:47 PM
To: Richard Burde
Cc: Mike Harris
Subject: Re: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

I believe that this item will need to be moved to the 4/11 meeting due to the fact that the agenda is being finalized today and sent to the Council tomorrow. With that said, I think you have two weeks or so to keep that date.

On March 29, 2023 at 12:00 PM, Patrick Holub sent an email to me indicating he was waiting for “more information” from the City Manager.

From: Patrick Holub <pholub@arroyogrande.org>
Sent: Wednesday, March 29, 2023 12:00 PM
To: Mike Harris
Subject: Meeting

Mike, I received your voicemail requesting a meeting. I’m still waiting on more information from our City Manager regarding this item. I haven’t had a chance to speak with her to see if she has any particular concerns, though, so I don’t think a meeting would be very productive at this time. I’m hoping to have more information shortly and we can try to set up a meeting afterwards.

Thanks,



Patrick Holub
Associate Planner
Community Development - City of Arroyo Grande

On March 29, 2023 at 12:58 PM, Patrick Holub sent an email to me indicating that the discussion regarding my connection to the city water system had shifted away from whether it was practical and feasible to whether it was in the best interest of the city.

From: Patrick Holub <pholub@arroyogrande.org>
Sent: Wednesday, March 29, 2023 12:58 PM
To: 'Mike Harris'
Subject: RE: Meeting

Mike, I don't necessarily think there are any concerns specific to your proposal. We've been discussing our Utility Manager's general opinion that a connection to the City's system would be preferred, is feasible and is practical. Obviously your engineer has presented cost data to help support your case, but we are discussing whether this connection is in the best interest of the City.

I sent a follow up email to see if I can get some more information that would allow us to meet tomorrow. Unfortunately, I am not available this Friday, but if we can find a time to meet and I have some more information to share with you, I'll happily come visit the site.

In terms of previous approvals, I would suggest contacting our City Clerk, Jessica Matson (jmatson@arroyogrande.org). You will likely need to file a request for public records, but we should be able to provide that information.

Thanks,



Patrick Holub
Associate Planner
Community Development, City of Arroyo Grande
Tel: 951.473.5476

On April 3, 2023 at 3:15 PM, Richard Burde emailed Patrick Holub asking for a copy of the staff report.

From: Richard Burde <richard@slocivildesign.com>
Sent: Monday, April 3, 2023 3:15 PM
To: Patrick Holub
Cc: Mike Harris
Subject: Re: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Hi Patrick,

Just following up on the previous correspondence regarding the Harris property's well application. Can you please let me know when the staff report for the 4/11 CC meeting will be available for my review?

Thank you

On April 3, 2023 at 4:28 PM, Patrick Holub send an email to Richard Burde indicating that our item would not be presented on the 4/11 council meeting.

From: Richard Burde <richard@slocivildesign.com>
Sent: Monday, April 3, 2023 3:15 PM
To: Patrick Holub
Cc: Mike Harris
Subject: Re: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Hi Patrick,

Just following up on the previous correspondence regarding the Harris property's well application. Can you please let me know when the staff report for the 4/11 CC meeting will be available for my review?

Thank you

On April 17, 2023 at 4:49 PM, Richard Burde sent an email to Patrick Holub requesting an update on our well application.

From: Richard Burde <richard@slocivildesign.com>
Sent: Monday, April 17, 2023 4:49 PM
To: Patrick Holub
Cc: Mike Harris
Subject: Re: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Hi Patrick,

Any update on the Harris property well application?

Thanks

On April 18, 2023 at 9:11 AM, after receiving no reply from Patrick Holub, Richard Burde sent another request for update to both Patrick Holub and Andrew Perez.

From: Richard Burde <richard@slocivildesign.com>
Sent: Tuesday, April 18, 2023 9:11 AM
To: Patrick Holub; Andrew Perez
Cc: Mike Harris
Subject: Re: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Good Morning Andrew,

I'm hoping you can provide an update to the well permit application that was filed for the Harris property on Equestrian and Noyes. I had been in touch with Patrick who was preparing the staff report for our pending council presentation (we were originally targeting the 3/28 meeting) but have run into delays in getting guidance from City staff on the matter. After reaching out again yesterday I received an automated email response saying Patirek would be out of the office until 5/1.

The applicant is looking for some insight into when the staff report will be complete and available for our review as well as what staff's recommendations will be in regards to supporting the proposed well or not. We had originally met with Shane and Patrick on Feb 16th to discuss the project and have promptly provided additional information as requests from Patrick have come through.

Any info you could provide on this matter would be greatly appreciated.

Thank you

On May 1, 2023 at 11:23 AM, Patrick Holub sent an email to Richard Burde indicating that the city staff feels that it is not in the best interest of the city to allow a domestic well on the property.

Patrick did not specify what "best interest of the City" meant or how the city staff came to the conclusion. ***This was the first time we had been given any indication that the recommendation to the city council would be to deny the well.***

Notably, Patrick did not indicate that service from the city water system was practical and feasible. It was clear that city staff did not want to allow a domestic well on the property, and all indications have been that the recommendation was decided upon based on the city staff's vision of development on the property (which equates to development fees and property taxes) and precedence setting (which is a non-issue).

From: Patrick Holub <pholub@arroyogrande.org>
Sent: Monday, May 1, 2023 11:23 AM
To: 'Richard Burde'; Andrew Perez
Cc: Mike Harris; Brian Pedrotti
Subject: RE: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

Good morning, Richard. After several discussions with our staff, **we do not feel that it is in the best interest of the City to allow a domestic well at this location.** At this point, we will be writing a staff report recommending that the City Council deny the request. I've asked our City Clerk to advise a meeting date where that discussion could be held and I will provide that information to you once I receive it.

Alternatively, if you do not wish to go through the process with the Council, you have the option of withdrawing your application. If you choose to go this route, you would be eligible for a refund of your permit fees. If you request a refund after any hearing is scheduled, you would not be eligible to receive a refund.

Please let me know what you prefer. I'm happy to have another discussion if you have questions. Thanks,



Patrick Holub
Associate Planner
Community Development, City of Arroyo Grande

On March 20, 2023 at 7:39 AM, it was clear that the city staff had completed as staff report which recommended approval of the well application. However, on May 1, 2023 at 11:23 AM, Patrick Holub notified us that the city staff would recommend denial of the well application.

What happened between March 20 and May 1 (42 days, Patrick was out of the office for 14 of those days) to change the decision of city staff? City staff was clearly knowledgeable and experienced in the processing of a permit for a well application and had written several staff reports for prior well applications.

The only information provided regarding this sudden change was from Patrick Holub on March 29, 2023 at 12:00 PM that he was waiting for more information from our City Manager (Whitney McDonald).

The following are the only emails *between city staff* produced that discuss the well application between March 21 and May 1.

On March 21, 29023 at 3:18 PM, Patrick Holub sent an email to Brian Pedrotti and Shane Taylor attaching the well drilling cost estimate and indicating the cost estimate for trenching was \$97k.

From: Patrick Holub <pholub@arroyogrande.org> on behalf of Patrick Holub <pholub@arroyogrande.org>
To: Shane Taylor; Brian Pedrotti
Sent: 3/21/2023 3:18:42 PM
Subject: Fwd: Well Permit Application - Noyes and Equestrian (apn 007-781-055)
Attachments: Harris Well - Construction Cost Estimate.pdf

FYI. The cost estimate for the water line is \$97k. Let me know how we should proceed.

On March 21, 2023 at 3:29 PM, Shane Taylor sent an email to Patrick Holub and Brian Pedrotti asking for the trenching estimate.

From: Shane Taylor <staylor@arroyogrande.org> on behalf of Shane Taylor <staylor@arroyogrande.org>
To: Patrick Holub
CC: Brian Pedrotti
Sent: 3/21/2023 3:29:08 PM
Subject: RE: Well Permit Application - Noyes and Equestrian (apn 007-781-055)

This just for the well, it does not include all the additional infrastructure such as storage tank for fire protection, pumping system that needs to be installed as part of the well system. Where is the \$97,000 estimate ?



Shane Taylor
Utilities Manager
Public Works, City of Arroyo Grande

On March 21, 2023 at 3:29 PM, Patrick Holub sent another email to Shane Taylor and Brian Pedrotti attaching the cost estimate for the trenching.

From: Patrick Holub <pholub@arroyogrande.org> on behalf of Patrick Holub <pholub@arroyogrande.org>
To: Shane Taylor; Brian Pedrotti
Sent: 3/21/2023 3:29:58 PM
Subject: Fwd: Well Permit Application - Noyes and Equestrian (apn 007-781-055)
Attachments: LNC BID - HARRIS 03162023.pdf

Shane, here's the cost estimate for the water line.

There was no other internal email discussion regarding the well application that was provided as a result of my public records request.

Between March 22 and May 1 there were no emails that discussed the well application not the decision to recommend denial of the well application by city staff.

There is No Issue with Precedent Setting Related to the Well Application

City staff has claimed on multiple occasions that there was an issue with precedent if my well application was approved. This is not true and there has been no reasoning provided for such an assertion. There is no record in the AGMC or any past well application that precedent setting has or should be considered when determining whether a well should be approved or denied.

The City of Arroyo Grande 2020-2028 Housing Element Update identified forty (40) vacant parcels which could be developed to provide housing:

Table 4-6 Land Inventory											
APN	Address	Site Size (Acres)	Land Use	Zoning District	Maximum Density	Maximum Dwelling Units	Realistic Dwelling Units - 80% of Maximum Units Unless Noted	Vacant or Non-Vacant	Notes/Site Constraints	Income Categories Affordable To	Infrastructure
Low Density Sites											
007-019-015	318 Grace Lane	0.67	LD	PD	1 unit/parcel	1.0	1	Vacant	Per Reso 3732	Above Moderate	Yes
007-781-055	Noyes Road	24.53	LD	PD	2.5	10.0	8	Vacant	Reso 3775 changed land use designation to Very-Low Density Planned Development	Above Moderate	Yes
007-781-056	Noyes Road	26.35	LD	PD	2.5	11.0	8	Vacant	Reso 3775 changed land use designation to Very-Low Density Planned Development	Above Moderate	Yes
007-851-034	737 Arabian Circle	0.61	LD	PD	0.7	1.0	1	Vacant	Per Reso 1745 approving Tract 1149	Above Moderate	Yes
007-851-039	791 Arabian Circle	1.43	LD	PD	0.7	1.0	1	Vacant	Per Reso 1745 approving Tract 1149	Above Moderate	Yes
007-015-018	164 Rodeo Drive	0.27	LMD	PD	1 unit/parcel	1.0	1	Vacant	Per Reso 2133 approving Tract 1390	Above Moderate	Yes
007-784-008	252 Via Bandolero	0.58	LMD	PD	0.9	1.0	1	Vacant		Above Moderate	Yes
007-785-022	534 Calle Cuervo	0.74	LMD	PD	0.9	1.0	1	Vacant		Above Moderate	Yes
PD Totals		55.18					22				
007-061-004	No address assigned	0.59	LMD	RR	1	0.6	1	Vacant		Above Moderate	Yes
007-061-010	No address assigned	0.52	LMD	RR	1	0.5	1	Vacant		Above Moderate	Yes
RR Totals		1.10					2				
007-291-033	215 Cindy Way	1.18	LD	RS	2.5	2.9	2	Vacant		Above Moderate	Yes
007-291-038	265 Cindy Way	0.98	LD	RS	2.5	2.5	1	Vacant		Above Moderate	Yes
007-291-039	276 Cindy Way	1.15	LD	RS	2.5	2.9	2	Vacant		Above Moderate	Yes
007-291-042	221 Cindy Way	1.36	LD	RS	2.5	3.4	2	Vacant		Above Moderate	Yes
007-211-007	210 Tally Ho Road	0.59	LMD	RS	2.5	1.5	1	Vacant		Above Moderate	Yes
007-254-062	576 Paseo Street	0.19	LMD	RS	2.5	1.0	1	Vacant		Above Moderate	Yes
007-254-063	582 Paseo Street	0.21	LMD	RS	2.5	1.0	1	Vacant		Above Moderate	Yes
007-471-002	366 Stagecoach Road	0.29	LMD	RS	2.5	1.0	1	Vacant		Above Moderate	Yes
007-471-029	416 Stagecoach Road	0.26	LMD	RS	2.5	1.0	1	Vacant		Above Moderate	Yes
007-471-030	410 Stagecoach Road	0.24	LMD	RS	2.5	1.0	1	Vacant		Above Moderate	Yes
007-471-031	400 Stagecoach Road	0.24	LMD	RS	2.5	1.0	1	Vacant		Above Moderate	Yes
007-471-033	355 Gularfe Road	0.25	LMD	RS	2.5	1.0	1	Vacant		Above Moderate	Yes
007-471-035	323 Gularfe Road	0.26	LMD	RS	2.5	1.0	1	Vacant		Above Moderate	Yes
007-471-036	302 Zogata Way	0.25	LMD	RS	2.5	1.0	1	Vacant		Above Moderate	Yes
007-471-037	314 Zogata Way	0.26	LMD	RS	2.5	1.0	1	Vacant		Above Moderate	Yes
007-471-038	328 Zogata Way	0.26	LMD	RS	2.5	1.0	1	Vacant		Above Moderate	Yes

Table 4-6 Land Inventory											
APN	Address	Site Size (Acres)	Land Use	Zoning District	Maximum Density	Maximum Dwelling Units	Realistic Dwelling Units - 80% of Maximum Units Unless Noted	Vacant or Non-Vacant	Notes/Site Constraints	Income Categories Affordable To	Infrastructure
007-471-039	340 Zogata Way	0.28	LMD	RS	2.5	1.0	1	Vacant		Above Moderate	Yes
007-471-040	346 Zogata Way	0.24	LMD	RS	2.5	1.0	1	Vacant		Above Moderate	Yes
077-013-006	1575 Hillcrest Drive	0.42	LMD	RS	2.5	1.1	1	Vacant		Above Moderate	Yes
RS Totals		8.90					22				
077-021-010	1457 Hillcrest Drive	0.36	LMD	SF	4.5	1.6	1	Vacant		Above Moderate	Yes
007-511-002	No address assigned	0.29	MD	SF	4.5	1.3	1	Vacant		Above Moderate	Yes
007-548-029	No address assigned	0.75	MD	SF	4.5	3.4	2	Vacant		Above Moderate	Yes
007-548-032	No address assigned	0.45	MD	SF	4.5	2.0	1	Vacant		Above Moderate	Yes
007-548-038	225 Whitely Street	0.15	MD	SF	4.5	1.0	1	Vacant		Above Moderate	Yes
007-572-014	702 Myrtle Street	0.17	MD	SF	4.5	1.0	1	Vacant		Above Moderate	Yes
077-126-009	1406 Strawberry Avenue	0.16	MD	SF	4.5	1.0	1	Vacant		Above Moderate	Yes
077-151-014	1278 Cedar Street	0.14	MD	SF	4.5	1.0	1	Vacant		Above Moderate	Yes
077-223-070	185 Wood Place	0.16	MD	SF	4.5	1.0	1	Vacant		Above Moderate	Yes
077-353-014	902 The Pike	0.26	MD	SF	4.5	1.2	1	Vacant		Above Moderate	Yes
077-163-001	Cedar & Aspen Streets	0.60	MD	SF	4.5	2.7	2	Vacant		Above Moderate	Yes

Of the forty (40) vacant parcels identified, thirty-eight (38) have city water available in an adjacent city street. **Only two (2) parcels do not have city water available in the adjacent street. The two parcels are off of Noyes Road and owned by the Mike Harris.**

The two parcels are not comparable to any of the 38 parcels which do have reasonable access to city water. The 38 parcels are between 18 and 192 times smaller than the two parcels owned by Mike Harris. The two parcels also have significant slope and significant protected trees compared to the other vacant parcels.

No property owner would want to install a drill a well on a small parcel (0.14 to 1.43 acres) which already has city water available in the adjacent street.

City staff concern for precedent setting based on my well application is misplaced and not reasonable.

Land Use- Development of a Single Residence on the Parcel is Allowed

The city staff have also justified the denial of a well application because they envision a different development on the property.

I have been clear from the beginning that I am interested in building a single family residence on the property. I made significant effort to insure that this was possible without discretionary review prior to purchasing the property.

As early as April 2019 I contacted Andrew Perez in the Community Development Department and informed him that my interest in the property was not as a developer that would want to subdivide for multiple homes.

Prior to purchasing the property in December 2021 I received written confirmation from Andrew Perez that I would be able to build a single family residence on the property:

Andrew Perez <aperez@arroyogrande.org>
to me ▾

Tue, Oct 12, 2021, 5:10 PM ☆ ↶ ⋮

Hi Mike,

My research revealed that the Noyes Road properties could be developed with one single-family residence on each parcel for a total of two units without a discretionary permit. Any development greater than one unit would require the parcels to be rezoned and either a parcel or tract map depending on the number of units/lots proposed. Portions of these parcels are considered environmentally sensitive due to steep slopes, rare vegetation, wetland or riparian habitat, Oak woodland, and other impact areas such as fire safety, access, traffic, noise, visual, and archaeology, therefore a development greater than one unit per parcel would likely trigger the need for a project specific environmental impact report.

Feel free to contact me with any further questions.

Best,

 **Andrew Perez**
Associate Planner

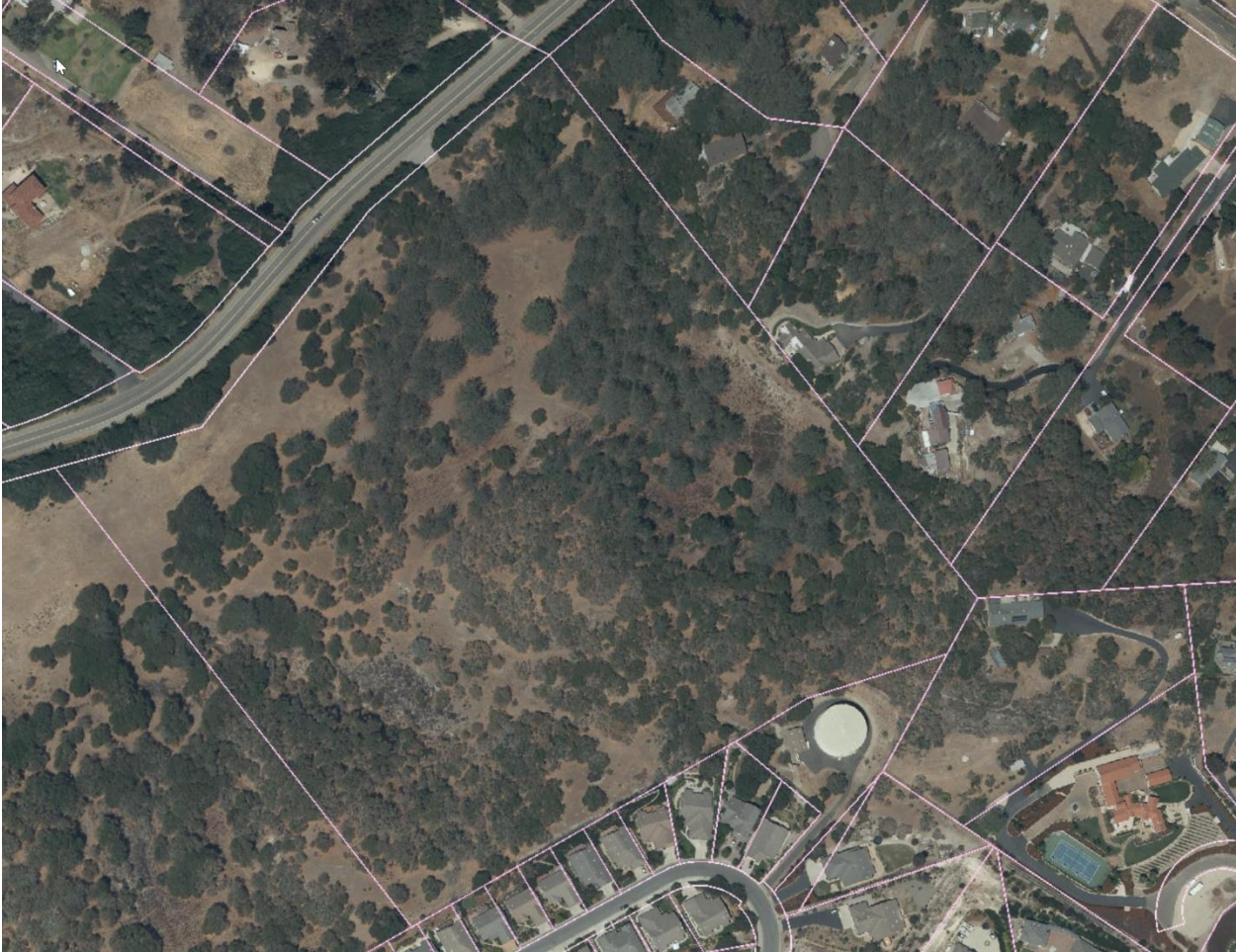
The first time we were told that the city staff would not recommend the well because they envisioned a different development of the property was after the staff report recommending approval was

distributed. Whether or not the city staff *likes* the intended development plans of the property owner is not a criterion of determining practicality and feasibility of service from the city water system.

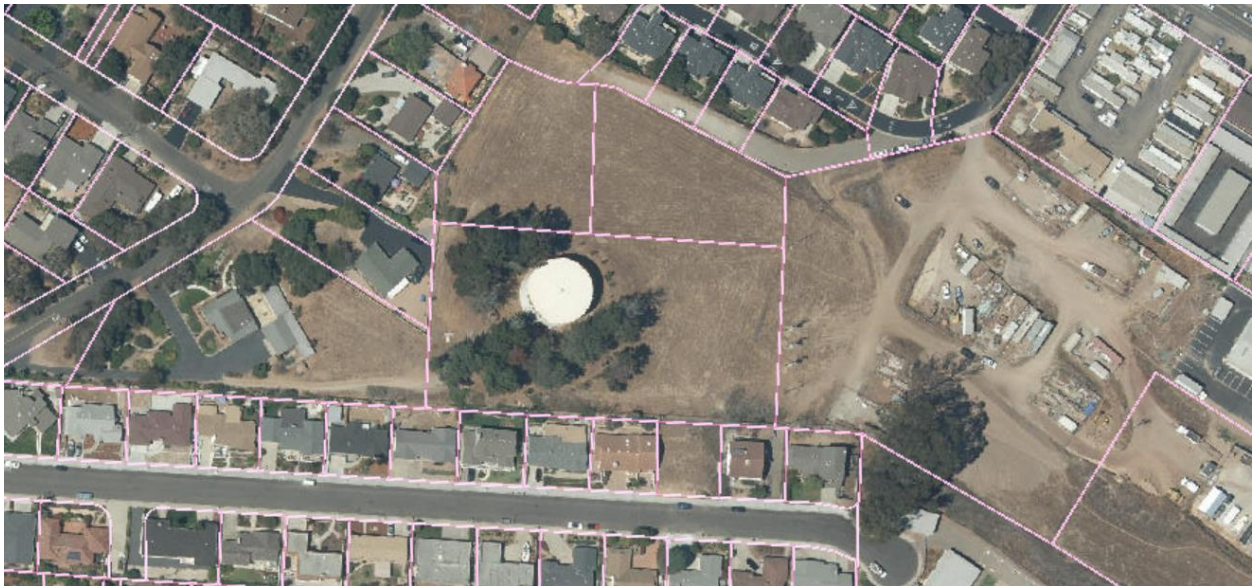
No Reservoir-Adjacent Parcels in the City Connect to City Water in a Similar Way

There are four (4) reservoirs within the city limits. No parcel which is adjacent to a reservoir was required to connect to the city water system by connecting directly to a water line originating from the reservoir tank.

The connection being mandated by city staff is unconventional and not standard practice within the city.







In 2023 The City Approved a Well That Just Feet from City Water Main

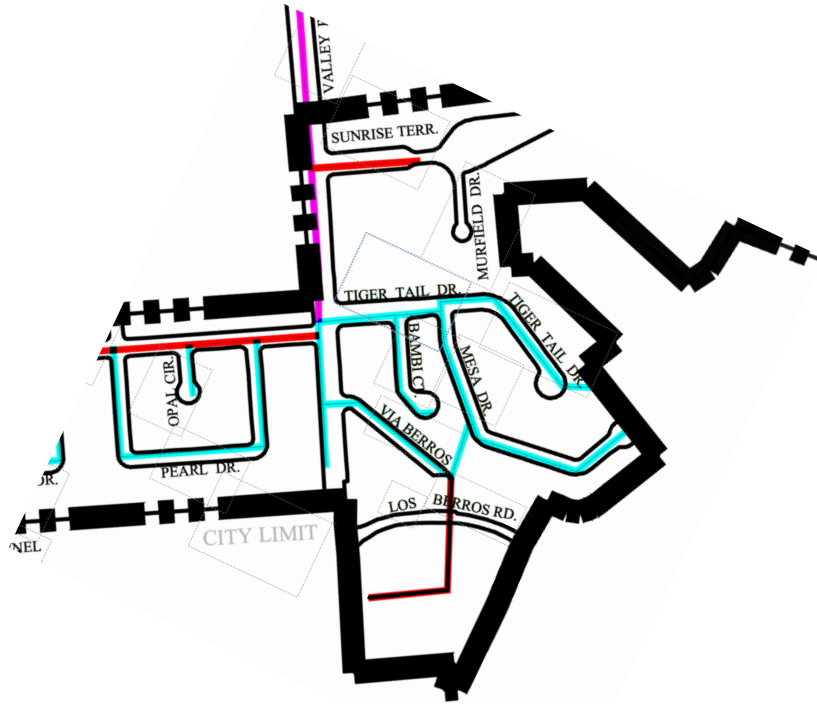
At the city council meeting on January 10, 2023, the council members declined to question, comment or pull for separate consideration the approval of a well that benefited a parcel outside the city limits, even though the proposed well was very close to a city water main. There was no discussion among council members regarding the approval of the well prior to its approval. https://slo-span.org/meeting/agcc_20230110

The city approved a well at 959 Valley Road (inside the city limits) to serve a property and taxpayer at 2783 Los Berros Road (outside the city limits).

There is an 8" city water main that crosses Los Berros Road that is within 18 feet of the old well that was replaced. The applicant already had customer infrastructure (pipes) that was within 18 feet of a city water main.



The city staff did not base their recommendation on whether it was practical and feasible to connect to the city water system. Rather, they simply stated that the non-citizen that would benefit from the well lives outside the city limits.



The City of Arroyo Grande Water System Master Plan December 2012 indicates that there are customers outside the city limits that are served by the city water system. It appears that city staff made the decision to recommend the well and then justified it by stating that the applicant lives outside the city limit, rather than actually evaluating the practicality and feasibility of connecting to the city water system.

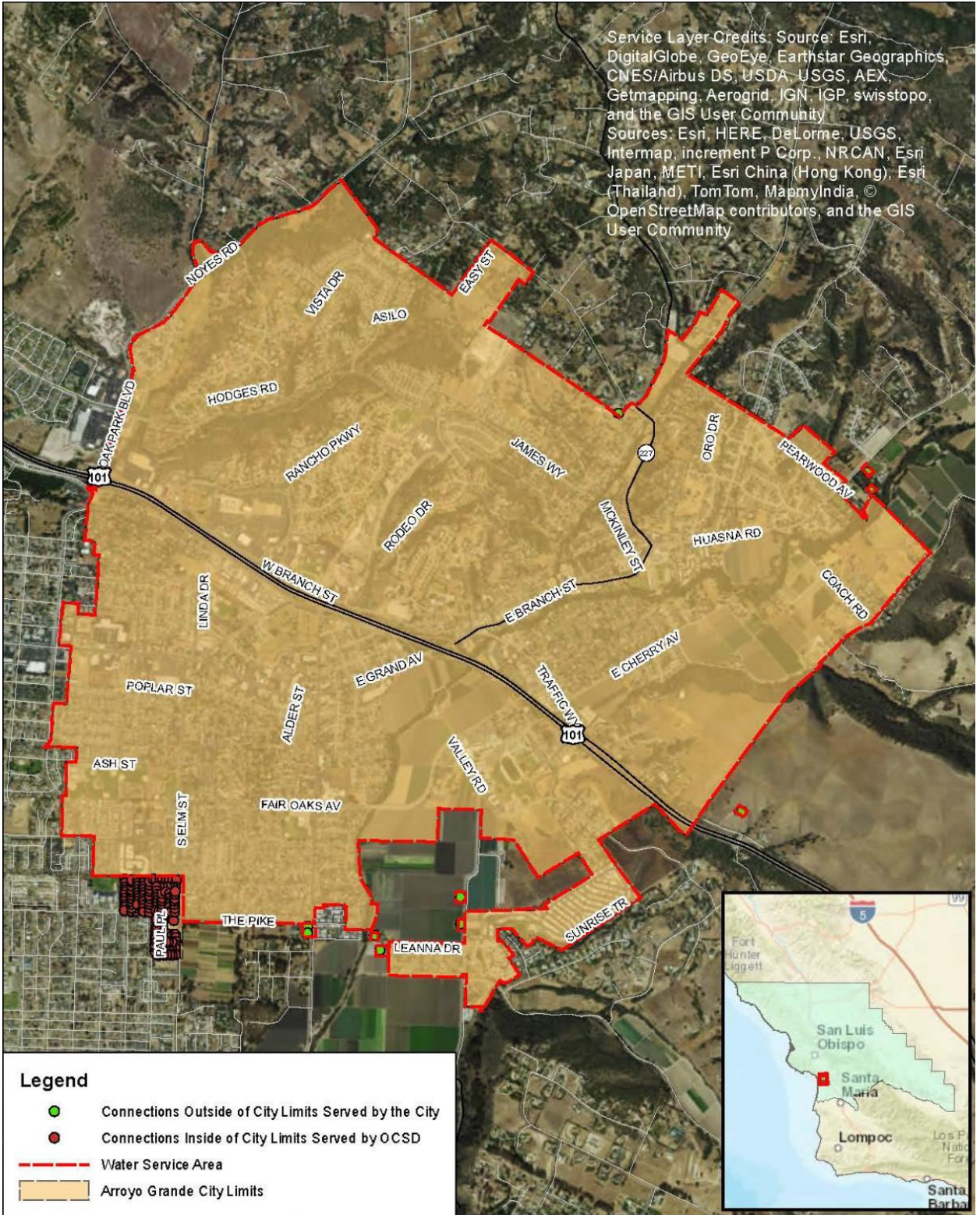
1.1 Land Use and Population

The land use patterns utilized in this study are based on the 2010 Update of the Land Use Element contained within the Arroyo Grande General Plan and on current or pending changes to this plan associated with the General Plan Amendment process. The 2010 population of the City was 17,252 according to the 2010 U.S. Census Bureau; however, 329 residents inside City limit are served by OCSD Water and 22 residents outside city limits are served by City Water. Therefore, the City currently serves water to a population of 16,945 residents. According to the 2010 Update of the Long Range Planning Report, the population of the City is expected to grow from its current level of approximately 17,252 residents to 20,000 residents at build-out. The infrastructure improvements recommended in this document provide for the ultimate build-out of the City.

1.5 Water Distribution

The City's water service area population includes residents of nine (9) water service connections outside of City limits and excludes residents of 138 connections served by Oceano Community Service District in an area located in the southwest portion of the City limits. All connections to the City's water system are metered, and there are no agricultural or industrial connections.

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community
 Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



Legend

- Connections Outside of City Limits Served by the City
- Connections Inside of City Limits Served by OCSD
- Water Service Area
- Arroyo Grande City Limits



City of Arroyo Grande
 2015 Urban Water Management Plan





MEMORANDUM

TO: City Council

FROM: Brian Pedrotti, Community Development Director

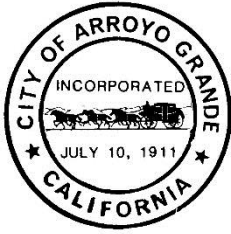
**SUBJECT: Supplemental Information
Agenda Item 10.a. – October 24, 2023 City Council Meeting
Consider a Resolution Denying the Installation of One (1) Domestic
Well on Property Zoned Planned Development (PD); Applicant –
Michael Harris; Representative – Richard Burde, SLO Civil Design**

DATE: October 24, 2023

Staff is recommending opening and continuing the noticed public hearing to a date certain of November 28, 2023.

cc: Interim City Manager
City Attorney
City Clerk
City Website and Public Review Binder

Enc



MEMORANDUM

TO: City Council

FROM: Brian Pedrotti, Community Development Director

BY: Shayna Gropen, Assistant Planner

SUBJECT: Consider a Resolution Accepting a Donation of Time and Materials for the Second Phase of Painting of Utility Boxes Citywide and Waiving Encroachment Permit Fees; Staff Project 23-007; Applicant – Shirley Horacek, Arroyo Grande Public Art

DATE: October 24, 2023

SUMMARY OF ACTION:

Receive public comment and consider a Resolution accepting a donation of time and materials, and waiving encroachment permit fees of \$720, for the second phase of utility box public art proposed by Arroyo Grande Public Art.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

Staff time will be necessary in order to attend future meetings of the Arroyo Grande Public Art Committee. Staff time will likely be required on an individual basis to implement safety measures during painting, as well as processing a “small” encroachment permit for each utility box painting. It is recommended that City Council waive encroachment permit fees of \$180 for each of the four utility box locations for a total of \$720, as proposed in the attached Resolution. All time and materials necessary for the preparation and painting of the utility boxes will be donated by the applicant, valued at approximately \$5,000. The City will be responsible for ongoing maintenance costs.

RECOMMENDATION:

1) Receive public comment; 2) Adopt a Resolution accepting the donation of time and materials and waiving encroachment permit fees in the amount of \$720; and 3) Determine that this project is categorically exempt based upon section 15301(e) of the CEQA Guidelines regarding existing facilities. This exemption is applied to additions to existing structures provided that the addition will not result in an increase of square footage. The proposed project is for painting an existing structure and will not result in an increase in square footage.

Item 10.b.

City Council

Consider a Resolution Accepting a Donation of Time and Materials for the Second Phase of Painting of Utility Boxes Citywide and Waiving Encroachment Permit Fees; Staff Project 23-007; Applicant – Shirley Horacek, Arroyo Grande Public Art

October 24, 2023

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BACKGROUND:

The City Council approved staff recommendations for an Art in Public Places Program and Process in 2002. These recommendations were prepared in a collaborative effort with the San Luis Obispo County Arts Council, leading to the approval of an Art Donation Program by City Council in 2006.

Arroyo Grande Public Art (AGPA) was established in 2013 as a subcommittee within Arroyo Grande In Bloom (AGIB), a nonprofit organization. The Arroyo Grande Public Art Guidelines (Guidelines) were amended in 2021 to limit the purview of the Guidelines to only include projects located on property that is not zoned residential. Other changes that were made to the Guidelines at this time include changes to the City's advisory bodies that provide consultation to the Council regarding public art projects. The consulting body that makes recommendations to the City Council was changed from the San Luis Obispo County Arts Council (SLOCAC) to AGPA. Finally, the Guidelines established a seven (7) member Public Art Panel to review proposed art projects. The adopted Guidelines are included as Attachment 2.

Approved public art projects installed to date include two Chumash art pieces at 126 Mason and 127 Short Street, the painting of the Strother Park basketball court, and the first phase of utility box paintings which led to the painting of four (4) utility boxes in the City.

ANALYSIS OF ISSUES:

The Public Art Guidelines apply to City-owned property, and approvals of art on public property is discussed in greater detail below. Under AGMC 16.04.070, murals are works of art "applied directly to a wall" and the proposed artwork will only be applied to utility boxes. The Public Art Guidelines apply to City-owned property, and approvals of art on public property is discussed in greater detail below:

Review Process Under Public Art Guidelines

The Guidelines specify that projects shall be considered by City Council with community input gathered from a public hearing, with ultimate approval given by the Arroyo Grande Public Art Panel. The panel selection for this project includes the following members:

- Two representatives from the property owner: Bill Robeson and Sheridan Bohlken
- Two representatives from AGPA: Shirley Horacek and Kathryn Phelan
- One representative from the Architectural Review Committee: Kristen Juette
- One representative from the Chamber of Commerce: Kassi Dee
- One representative from the South County Historical Society: Vivian Krug

The Guidelines apply to public art projects proposed on either non-residentially zoned public property or by a private owner in the adjacent public right of way. The Guidelines

Item 10.b.

City Council

Consider a Resolution Accepting a Donation of Time and Materials for the Second Phase of Painting of Utility Boxes Citywide and Waiving Encroachment Permit Fees; Staff Project 23-007; Applicant – Shirley Horacek, Arroyo Grande Public Art

October 24, 2023

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and criteria are also applicable to public art projects on City property. When the City approves art on City property, it approves that art as its own speech, government speech. Once approved, such artwork becomes the property and expression of the government. Donations for Public Art are required to be considered and approved by the City Council.

The following criteria are used in the selection of public art:

1. Relationship to the social, cultural and historical identity of the area. If the public art is proposed to be located in the Village Core Downtown or Village Mixed Use Districts, the art piece shall be representative or evocative of the turn of the century historical period;
2. Evaluation of artistic excellence;
3. Appropriateness of scale, form, material, content and design relative to the immediate and general neighborhood;
4. Relationship to the social, cultural and historical identity of the area;
5. Appropriateness of proposed materials as regards to structural and surface integrity, protection against vandalism, public safety and weathering;
6. Ease of maintenance;
7. Appropriateness of proposed method of installation of artwork and safety and structural factors involved in installation; and
8. Artist's experience in working on comparable projects.

The City Council viewed these findings as part of their acceptance of the donation for time and materials for the first phase of utility boxes in October 2022, and so they have been included for consideration for this second phase for consistency with the City Council's past action on the first phase. Following the public hearing and Council's acceptance of the donation, the project will be forwarded for review and approval by the Public Art Panel to make the necessary findings contained within the City's existing Public Art Guidelines.

Arroyo Grande Public Art & Staff Advisory Committee

A total of four (4) designs were selected for presentation to the City. On August 21st, 2023, the Staff Advisory Committee, consisting of the Recreation, Community Development, Public Works, Police and Fire Departments, discussed recommendations for five

Item 10.b.

City Council

Consider a Resolution Accepting a Donation of Time and Materials for the Second Phase of Painting of Utility Boxes Citywide and Waiving Encroachment Permit Fees; Staff Project 23-007; Applicant – Shirley Horacek, Arroyo Grande Public Art

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locations of the approved artwork. The following designs and preferred locations are provided as Attachment 3:

1. Southeast corner of Fair Oaks Ave and Valley Road—Strawberries by Amy Usrey
2. Northeast corner of South Halcyon Road and Fair Oaks Avenue—box will be removed during Halcyon Complete Streets project.*
3. Northeast corner of North Halcyon and East Grand Avenue—Flowers by Jenny Chang
4. Northeast corner of Rancho Parkway and West Branch Street—Jacaranda by Deborah Lord
5. Northwest corner of Traffic Way & West Branch Street – Butterflies by Amy Usrey

**The utility box located at the northeast corner of South Halcyon Road and Fair Oaks Avenue has not been selected for painting because it will be removed in the preconstruction phase of the Halcyon Complete Streets project.*

Waiver of Encroachment Fees

The project applicant has requested a fee waiver for encroachment permit fees totaling \$720, which includes \$180 for each of the four proposed utility boxes. Staff has determined that the requested fee waiver can be supported because the project provides a community benefit in that it will be available for use by the public at-large and is likely that the project will be used or will benefit more than the residents of the immediate vicinity of each utility box. Further, staff has determined that the project will be of obvious public benefit because it provides beautification of existing public facilities through the application of public artwork.

ALTERNATIVES:

The following alternatives are provided for the Council’s consideration:

1. Conduct the public hearing and adopt the Resolution accepting the donation of approximately \$5,000 in time and materials from the applicant and waive encroachment permit fees totaling \$720;
2. Do not adopt the Resolution, provide specific findings, and direct staff to return with an appropriate resolution to not accept the donation or waive encroachment permit fees; or
3. Provide other direction to staff.

ADVANTAGES:

Approving the donation of time and materials and waiving encroachment permit fees for the proposed public art installations will facilitate the enhancement of the appearance of existing utility boxes for the benefit of the community.

Item 10.b.

City Council

Consider a Resolution Accepting a Donation of Time and Materials for the Second Phase of Painting of Utility Boxes Citywide and Waiving Encroachment Permit Fees; Staff Project 23-007; Applicant – Shirley Horacek, Arroyo Grande Public Art

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DISADVANTAGES:

No disadvantages have been identified.

ENVIRONMENTAL REVIEW:

In compliance with the California Environmental Quality Act (CEQA), it has been determined that the donation of time and materials for the painting of utility boxes, and the waiver of applicable encroachment permit fees, is categorically exempt from the California Environmental Quality Act (“CEQA”) under the Class 3 exemption, which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. (State CEQA Guidelines, § 15303.). This project falls within the Class 3 exemption because approval of the project would result in the donation of time and materials for the painting of existing utility boxes. This project is further exempted under CEQA Section 15301 regarding existing facilities, where no new utility boxes will be constructed in connection with this project. In the alternative, if the application is denied, the item does not qualify as a “project” under CEQA, because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City’s website in accordance with Government Code Section 54954.2.

Attachments:

1. Proposed Resolution
2. Public Art Guidelines
3. Proposed Designs

Item 10.b.

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ACCEPTING A DONATION OF TIME AND MATERIALS FOR THE PAINTING OF UTILITY BOXES CITYWIDE AND WAIVING OF ENCROACHMENT PERMIT FEES AND FINDING THE ACTION EXEMPT FROM CEQA; STAFF PROJECT 23-007; LOCATION – CITYWIDE; APPLICANT – SHIRLEY HORACEK, ARROYO GRANDE PUBLIC ART**

WHEREAS, on August 11, 2023, Arroyo Grande Public Art recommended the City Council hold a public hearing on the proposed painting of four (4) utility boxes within the City (“project”) and consider the donation of time and materials for the proposed project in accordance to the Public Arts Guidelines; and

WHEREAS, on October 24, 2023, the City Council held a duly noticed public hearing for the project; and

WHEREAS, the City Council finds that the project will have a public benefit and therefore encroachment permit fees totaling \$720 for four (4) utility boxes of \$180 each can be waived; and

WHEREAS, when the City Council approves art on public property, such art becomes the property and speech of the government, and in order to submit an application, the artist waives all rights under the Visual Artists Rights Act, 17 U.S.C. §§106A and 113(d) and the California Art Preservation Act, Cal. Civil Code §§ 987 and 989.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arroyo Grande does hereby accept a donation of time and materials and waiving of encroachment permit fees for Staff Project STF23-007, with the above findings and subject to the conditions as set forth in Exhibit “A”, attached hereto and incorporated herein by this reference:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.

2. **CEQA.** This action is exempt from review under the California Environmental Quality Act (CEQA) because it has been determined that the donation of time and materials for the painting of utility boxes, and the waiver of applicable encroachment permit fees, is categorically exempt from the California Environmental Quality Act (“CEQA”) under the Class 3 exemption, which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. (State CEQA Guidelines, § 15303.). This project falls within the Class 3 exemption because approval of the project would result in the donation of time and materials for the painting of existing utility boxes. This project is further exempted under State CEQA Guidelines,

RESOLUTION NO.

PAGE 2

§ 15301 regarding existing facilities, where no new utility boxes will be constructed in connection with this project. In the alternative, if the application is denied, the item does not qualify as a “project” under CEQA, because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

3. Donation of Time and Materials Findings.

- a) Relationship to the social, cultural, and historical identity of the area.
The donation of time and materials for the proposed project will have social and cultural impacts as it proposed designs that are tied to the social, historical, and cultural identity of the area with regards to the designs chosen.
- b) Evaluation of artistic excellence;
Arroyo Grande Public Art met on August 11th, 2023, and selected the proposed designs. AGPA recommended the proposed designs due to the proposal's ability to improve the appearance of the existing utility boxes. The donation of time and materials will further the ability of the project to be completed.
- c) Appropriateness of scale, form, material, content and design relative to the immediate neighborhood;
The donation of time and materials will facilitate the proposed artwork which is intended to replicate natural elements to help the artwork seamlessly fit into the surroundings of the public areas. The materials chosen are appropriate and are materials typically utilized for this type of application. The location of the utility boxes provides an enhancement of the built environment for the enjoyment of the art piece.
- d) Appropriateness of proposed materials as regards to structural and surface integrity, protection against vandalism, public safety and weathering;
The donation of time and materials will facilitate the project, which includes materials selected that are commonly used in applications in public art projects. The quality of the materials selected are such that they will improve the surface integrity of the utility boxes and are meant to withstand natural weathering processes. The materials selected will not have adverse impacts on public safety due to their proper application.
- e) Ease of maintenance;
The donation of time and materials will facilitate the project, which includes proposed materials that are intended to provide a durable, aesthetic finish that helps protect and extend the life of the utility boxes, while improving their aesthetic appearance.
- f) Appropriateness of proposed method of installation and artwork and safety and structural factors involved in installation;

RESOLUTION NO.

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The donation of time and materials are for artwork that will be installed in accordance with the manufacturer's specifications and will not cause safety or structural issues during the installation.

g) Artist's experience in working on comparable projects.

The donation of time and materials will go to artists that have extensive experience completing public art projects.

4. Waiver of Encroachment Fees Finding

- a) The project will be available for the public at-large and the project will be used or will benefit more than the residents of the immediate vicinity; and
- b) The project will be of obvious public benefit because it provides beautification of existing public facilities through the application of public artwork.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Council of the City of Arroyo Grande hereby accepts the donation of time and materials and waives encroachment permit fees for the Utility Box Painting project as described and shown in Exhibit "B" attached hereto and incorporated herein by this reference with the above findings and subject to the conditions of approval as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

On a motion by Council member _____, seconded by Council member _____, and by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was adopted this 24th day of October 2023.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

BILL ROBESON, INTERIM CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY

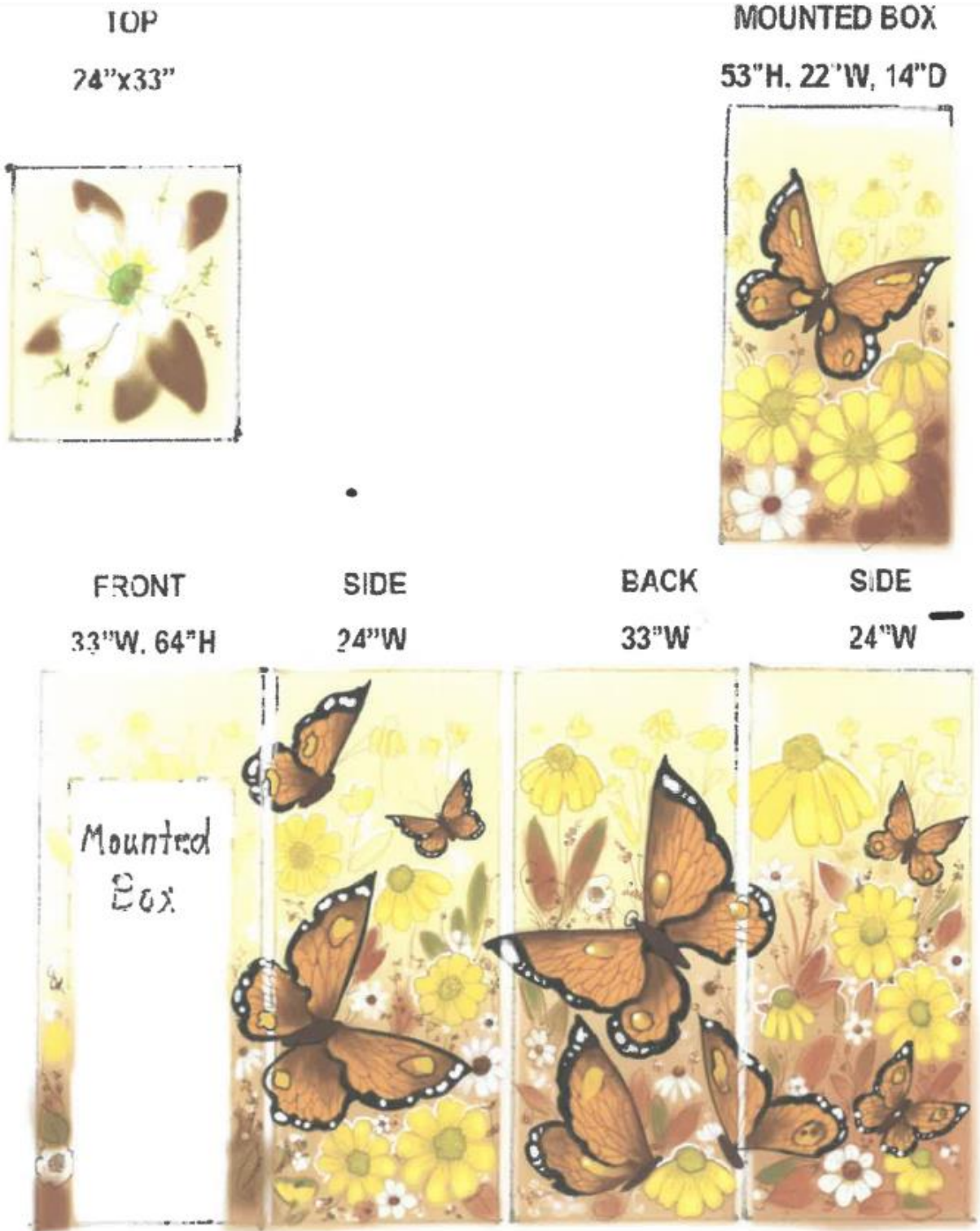
**EXHIBIT "A"
CONDITIONS OF APPROVAL
UTILITY BOX PAINTING PROJECT
CITYWIDE**

CONDITIONS OF APPROVAL

Planning Division

1. The applicant shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this project.
2. The public art shall be installed in conformance with the site design on Exhibit "B" of this Resolution.
3. The applicant shall be responsible for obtaining an encroachment permit for all work within a public right-of-way.
4. The applicant shall agree to defend at his/her sole expense any action brought against the City, its present or former agents, officers, or employees because of the issuance of said approval, or in anyway relating to the implementation thereof, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his/her obligations under this condition.

EXHIBIT B – UTILITY BOX PROJECT



DESIGN TEMPLATE

TOP
24"x33"



MOUNTED BOX
53"H, 22"W, 14"D



FRONT
33"W, 64"H



SIDE
24"W



BACK
33"W



SIDE
24"W





TOP

24"x33"



MOUNTED BOX

53"H, 22"W, 14"D



FRONT

33"W, 64"H



SIDE

24"W



BACK

33"W



SIDE

24"W



RESOLUTION NO. 5118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING THE PUBLIC ART GUIDELINES AND PUBLIC ART DONATION PROGRAM

WHEREAS, in 2002 the City Council approved measures to promote art in the community, establish a uniform process for the review and selection of public art on public and private property that would be reflective of the community but limit City Government involvement, and identify general guidelines and selection criteria to promote creativity and freedom of expression, but also compatibility with the character design and environment of the surrounding area; and

WHEREAS, in 2004 the City Council adopted a Resolution approving Public Art Guidelines and an Ordinance incorporating them by reference into the Municipal Code as part of the Design Guidelines and Standards for Mixed Use Districts; and

WHEREAS, in 2011 the City Council amended the Design Guidelines and Standards for Mixed Use Districts to establish standalone Public Art Guidelines and a Public Art Donation Program; and

WHEREAS, the City Council considered substantive and clerical amendments to the Public Art Guidelines and Public Art Donation Program on October 12, 2021; and

WHEREAS, the City Council finds that this project is consistent with the City's General Plan, Development Code, and the environmental documents associated therewith, and that the project is exempt under per Sections 15061(b)(3) and 15378 of the California Environmental Quality Act (CEQA) Guidelines.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Arroyo Grande that the Public Art Guidelines and Public Art Donation Program are hereby amended as shown in Exhibit A, attached hereto and incorporated herein by this reference.


On motion of Council Member Storton, seconded by Council Member George, and by the following roll call vote, to wit:

AYES: Council Members Storton, George, Barneich, Paulding, and Mayor Ray Russom

NOES: None

ABSENT: None

The foregoing Resolution was approved this 12th day of October, 2021.



CAREN RAY RUSSOM, MAYOR

ATTEST:



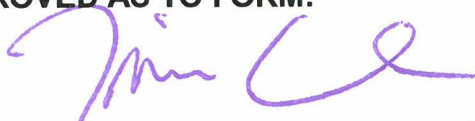
JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:



WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:



TIMOTHY J. CARMEL, CITY ATTORNEY

EXHIBIT “A”

**Public Art Guidelines
And
Public Art Donation Program**

Adopted by City Council
Resolution No. 3787
October 12, 2004

Ordinance No. 557
October 26, 2004

Amended by City Council
Resolution No. 4411
November 8, 2011

Amended by City Council
Resolution No. _____
_____, 2021

PUBLIC ART GUIDELINES

Purpose

The purpose of these Guidelines is to create a framework to facilitate and encourage property owners to provide outdoor public art on their property, or, if approved by the Director of Community Development, in the adjacent public right-of-way. For purposes of these Guidelines “Public Art” shall mean art located on non-residentially zoned private property that is displayed in an open area that is freely available to the general public or public accessibility is provided based upon the characteristics of the artwork or its placement on the site. Artwork may include free-standing pieces (e.g., a sculpture or water fountain) or may be integrated into its surroundings as an architectural element (e.g., relief sculpture embedded in pavement or a wall, a mosaic or mural on a wall, decorative railings or lighting).

These Guidelines are intended to assist artists, citizens and City officials and staff to understand the City's goals regarding art that is displayed in a manner that is available and accessible to the general public. The City recognizes that art and artistic expression is a protected activity and these Guidelines are not intended to unduly restrict creative expression or limit the types of public art possible. Rather, they are intended to facilitate and encourage the best possible combination of sites and artwork, and help to guide what is essentially a form of communication between the artist and the community.

Process

These Guidelines are applicable to public art projects proposed to be located on non-residentially zoned private property or by a private owner in the adjacent public right of way. The guidelines and criteria contained herein shall also apply to public art projects on City property. All Public Art shall be considered and approved by the City Council, in consultation with Arroyo Grande Public Art, and with the recommendation of the Recreation Department Director if the art is proposed to be placed on park property, and is subject to the Public Art Donation Program to the extent applicable.

Public Art Panel

In order to solicit community input and involvement for the consideration and promotion of public art on private property in the City, a Public Art Panel has been established to review all public art. The 7 member panel is made up of the following representatives to be convened as needed (a minimum of 6 members shall be residents or business owners in Arroyo Grande):

- 2 representatives from the property owner.
- 2 representatives designated by Arroyo Grande Public Art.
- 1 representative from the Architectural Review Committee.
- 1 representative from the South County Chambers of Commerce.
- 1 representative from the Historical Society.

The Public Art Panel will convene to approve public art by a majority vote after the piece or plans are presented at a public hearing held by the City Council for the purpose of obtaining community input. Arroyo Grande Public Art shall act in an advisory capacity to the Public Art Panel.

Guidelines

The following guidelines developed by the San Luis Obispo County Arts Council are intended to facilitate and encourage Public Art that is proposed to be placed on non-residentially zoned private property or by a property owner on adjacent public right of way within the City:

1. Public art shall be of high artistic quality.
2. Public art shall be compatible with the immediate site and neighborhood in terms of social and cultural characteristics, architectural scale, materials, land use and geographical and environmental context.
3. Public art shall not impede pedestrian or vehicle traffic or conflict with public or private easements.
4. Consideration shall be given to any public safety or public health concerns related to, or created by, the artwork.
5. Public art shall be constructed of durable, high-quality materials and require minimal or no maintenance.
6. Public art shall be securely installed.
7. A wide variety of artistic expression is encouraged. However, expressions of profanity or vulgarity are inappropriate.

Selection Criteria

The following are considerations for the selection of public art

1. Relationship to the social, cultural and historical identity of the area
2. Evaluation of artistic excellence;
3. Appropriateness of scale, form, material, content and design relative to the immediate neighborhood;
4. Appropriateness of proposed materials as regards to structural and surface integrity, protection against vandalism, public safety and weathering;
5. Ease of maintenance;

6. Appropriateness of proposed method of installation and artwork and safety and structural factors involved in installation;
7. Artist's experience in working on comparable projects.

The City or Public Art Panel may consider a revolving art program for a proposed location on an ongoing basis.

Location

Public art is allowed in any district and is strongly encouraged in the Village Downtown, Village Mixed Use, Gateway Mixed Use, Fair Oaks Mixed Use and Public Facility Districts. Promotion of public art visible from intersections within these districts as well as proximate to public gathering areas, plazas and public parking areas is highly recommended.

PUBLIC ART DONATION PROGRAM

Purpose

Public art can provide aesthetic, cultural and economic benefits to the community. The City of Arroyo Grande Public Art Donation Program is a means by which an artist, or an individual or group commissioning an artist, may donate, gift or bequeath public art to the City of Arroyo Grande for location in a City-owned public place.

Definition

Public art can be defined as “The engagement of an artist with a public place involving original, creative work by an individual or a group.” This includes functional and original works of art that also serve as capital improvements, such as, but not limited to seating, fountains, lighting, and free standing art forms. Pre-fabricated manufactured items such as benches, fountains etc. are not considered public art.

Proposal

Proposals should include:

1. A donor application form (See Attachment 1)
2. The artist or donor's name,
3. Title of the work and artist statement
4. Description of the work (such as a photograph, artist's rendering or computer generated image)
5. The materials and size of the work
6. A preferred public location
7. A statement from the donor and artist that the art is free of encumbrances

8. The artist's resume if available
9. Estimated value of donated work
10. Recommended manner of installation
11. Estimated maintenance cost

Process

The following steps will result in the review and decision regarding a proposal:

1. The proposal would be submitted to the Community Development Department to review it to:
 - a. Determine ongoing and General Plan consistency, accuracy and appropriateness.
 - b. Insure it would not create an undue risk or a safety problem.
 - c. Consider maintenance requirements
 - d. Determine durability
 - e. Identify any engineering concerns
2. The proposal will be reviewed by the Recreation Department Director if placement is proposed on a park property.
3. Recommendations will be forwarded to the City Council for review and action during a public hearing. The Council would have final approval of the donation.

Guidelines for Review of the Proposal

The following guidelines would be used for review of art donations:

1. Public art shall be of high artistic quality.
2. Public art shall be compatible with the immediate site and neighborhood in terms of social and cultural/historical characteristics, architectural scale, materials, land use and geographical and environmental context.
3. Public art shall not impede pedestrian or vehicle traffic or conflict with public or private easements.
4. Consideration shall be given to any public safety or public health concerns related to or created by the artwork.
5. Public art shall be constructed of durable, high-quality materials and require minimal or no maintenance.

6. Public art shall be securely installed.
7. A wide variety of artistic expression is encouraged. However, expressions of profanity or vulgarity are inappropriate.

Display of Public Art

1. A contract shall be executed between the artist and the City establishing the terms of the proposed installation.
2. Artwork shall be displayed to include the artwork title, artist's name, patron's name if applicable and date of completion. The materials used and a short explanation of the work could be included as an option. Plaques will not be used for advertising purposes.
3. Prior to accepting the project, the Community Development Department shall receive from the artist or donor a set of plans, specifications, and a copy of a maintenance record, which identifies maintenance, installation and removal instructions. The transportation, installation and adjunct costs (such as engineering, a base for the artwork or other installation elements) related to artwork are the responsibility of the donor.
4. Once the art piece is installed (by the donor under the supervision of City staff with the artist's installation direction and donor installation funding), it will require inspection and sign off by a City Building Inspector.
5. Following inspection, the artwork shall become the property of the City. A publicized dedication ceremony shall be held to present the art piece to the community.

PUBLIC ART DONATION APPLICATION FORM

The Donor/owner must complete and sign this application form. If the Donor/owner is not the artist who created the artwork, the artist must also sign this application.

Artist/Donor (Name, address and phone #)

Title of Work:

Description of Work (attach drawings or photographs or other graphic depiction):

Materials/Size:

Proposed location (inside or outside, location should be specific, for example, "at the entry of xyz park, or on the northwest corner of x street and y street)

Maintenance Requirements:

An appraisal or other evidence of the Value of the proposed public artwork:

By signing this application below and in consideration for participating in the City's Public art program, the artist/owner hereby acknowledges and assigns the right to the City to collect any royalty payment provided by Civil Code section 986. Except as provided above, the artist/owner further acknowledges and waives, for himself and his successors in interest, to the greatest extent allowed by law, any rights the artist/owner may have under California Civil Code sections 986, 987, 988 and 989, or other applicable law.

The artist/owner further acknowledges and understands that upon completion and installation of artwork, and upon its acceptance by the City Council, the work shall become the property of the City without any right of reversion in the artist/owner. The City retains the right to remove or relocated the artwork in its sole discretion, as the interest of the public welfare, health and safety may be required.

If the artwork is damaged, defaced, altered or destroyed by human acts, by acts of nature or otherwise, the City retains the right to remove, restore, repair or replace the artwork at any time in keeping with the artist's original design intent, without consulting the artist, or his or her heirs or assigns. The City will make reasonable efforts to contact the artist, or if unavailable, another design professional, to advise or assist in any restoration work.

The artist/owner agrees to an alternate site should the City Council determine a more appropriate location.

I have read, understood and accept the terms of this Application and represent that I am the _____ of the artwork, which is the subject of this application.

Owner, artist, or owner and artist:

Signature

Print Name

Date: _____

I have read, understood and accept the terms of this Application and represent that I am the _____ of the artwork, which is the subject of this application.

Owner, artist, or owner and artist:

Signature

Print Name

OFFICIAL CERTIFICATION

I, JESSICA MATSON, City Clerk of the City of Arroyo Grande, County of San Luis Obispo, State of California, do hereby certify under penalty of perjury, that the attached Resolution No. 5118 was passed and adopted at a regular meeting of the City Council of the City of Arroyo Grande on the 12th day of October, 2021.

WITNESS my hand and the Seal of the City of Arroyo Grande affixed this 15th day of October, 2021.



JESSICA MATSON, CITY CLERK

DESIGN TEMPLATE

TOP

24"x33"



MOUNTED BOX

53"H, 22"W, 14"D



FRONT

33"W, 64"H

SIDE

24"W

BACK

33"W

SIDE

24"W



Artist Name: Ami Lynn Usrey

Address 650 Pershing Dr Ocean CA 93445

Phone Number (805) 980-5144

Email Alusrey85@gmail.com

Title of Work: "Sea Shells From Shell Beach"

Medium/Description Acrylic on wood 12" x 12" :

(Attach examples as needed.)

I certify that I have created the above artwork (please initial) 

Artwork Proposal

Concept for Utility Box: Bold Butterflies & Wild Flowers

Description: A whimsical warm interpretation of wild flowers and monarch butterflies.

Please attach designs for consideration by the City and Arroyo Grande Public Art.

Please submit designs using the Design Template form.

By submitting this Application, I agree that: (1) my submission(s) and their contents will automatically become the property of the City of Arroyo Grande and I understand that if my artwork is selected I will be compensated a not-to-exceed amount of \$1000 per artwork, plus \$250 for paint and materials; (2) The City of Arroyo Grande and Arroyo Grande Public Art ("AGPA") may use, copy, or redistribute the submissions and their contents for any purpose and in any way; (3) there is no obligation for the City of Arroyo

DESIGN TEMPLATE

TOP
24"x33"



MOUNTED BOX
53"H, 22"W, 14"D



FRONT
33"W, 64"H



SIDE
24"W

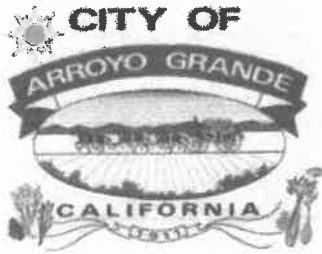


BACK
33"W



SIDE
24"W





ART OUTSIDE THE BOX

APPLICATION

All requirements listed below must be met or the application will be removed from consideration.

1. Completed Application Form.
2. A concept drawing that shows all four sides and top of the utility box must be included with the application. Please note that utility boxes do differ in size, so the diagram is for a concept drawing not necessarily to scale. Concept drawings may be hand drawn, however digital design is recommended. An additional colored design drawing may be included.
3. Specifications on materials and/or program used to design artwork.
4. An Artist Statement (2,000 characters maximum) that describes why the artist is interested in designing an artwork on a utility box, previous experience working on public art projects with supporting materials as examples of other works and reviews of similar work, and how the artist believes the art will transform the street and/or enliven the area.
5. A resume that includes exhibition history, past projects, or a brief description of cooperative, community-based projects, if any (four pages maximum).
6. A maximum of 3 examples of previous work including a brief description.
7. Submit three references that can speak to previous art works.
8. A timetable for the project.
9. The City will make the final determination of the box location for each accepted artist's proposed design.

ARTIST APPLICATION

Artist Name: Jenny Chang

Address 819 Lawrence Dr. San Luis Obispo, CA 93401

Phone Number 805-215-4377

Email morrijenny@gmail.com

Title of Work: A Walk Outside

Medium/Description Digital Art created on Procreate :

(Attach examples as needed.)

I certify that I have created the above artwork (please initial) JC .

Artwork Proposal

Concept for Utility Box: Local CA Plants

Description: The plants that surround us are so stunning in their shapes and colors. I would like to paint a sampling of eucalyptus leaves and wildflowers on this utility box.

Please attach designs for consideration by the City and Arroyo Grande Public Art.

Please submit designs using the Design Template form.

By submitting this Application, I agree that: (1) my submission(s) and their contents will automatically become the property of the City of Arroyo Grande and I understand that if my artwork is selected I will be compensated a not-to-exceed amount of \$1000 per artwork, plus \$250 for paint and materials; (2) The City of Arroyo Grande and Arroyo Grande Public Art ("AGPA") may use, copy, or redistribute the submissions and their contents for any purpose and in any way; (3) there is no obligation for the City of Arroyo

Grande and AGPA to review or select the submission; and (4) there is no obligation to keep any submissions confidential.

Further, I acknowledge that I have read the Art Outside the Box Guidelines and Specifications and reviewed the City's Artist Agreement and the Waiver, Assumption of Risk and Liability Waiver that I will have to sign if my artwork is selected. I also understand and agree to waive my rights of attribution out in the Visual Artists Rights Act, 17 U.S.C §§106A and 113(d) ("VARA"), and, the California Art Preservation Act, Cal. Civil Code §§ 987 and 989 ("CAPA").

ARTIST: 

DISCLAIMER

I have read the Art Outside the Box Guidelines and Specifications, and other related Program documents and agree to the rules & regulations stated. The undersigned agrees to indemnify and hold harmless, the City of Arroyo Grande, its Officers, Agents, and Employees and Arroyo Grande Public Art for any loss or liability which results or is alleged to have resulted from my participation in this activity, including any claim arising out of the applicant's entry, acts, or omissions in said program or any accident, injury or damage involved therein, including but not limited to attorney fees and court costs. I have read and fully understand these policies. I am an adult and my signature is below.

ARTIST:  DATE: 7/31/23

AG DESIGN IMAGES –DEBORAH LORD

JACARANDA TREES, CHILDREN, BIRDS, SKY



BECAUSE THESE ARE FROM EXISTING PAINTINGS, THEY ARE TO GIVE A FLAVOR OF THE FORMS...EACH SIDE OF THE BOX WILL HAVE JACARANDA TREE(S) IN BLOOM,LAVENDER TO VIOLET...CHILDREN IN 2 PANELS, BIRDS OR BUTTERFLIES IN THE PANELS...WILDFLOWERS IN 2 PANELS...COLOR OF SKIES WILL BE CONSISTENT IN EACH PANEL, INCLUDING CLOUDS AND GLOW OF LIGHT. THE LAND WILL BLEND FROM ONE PANEL INTO THE NEXT. BECAUSE IT IS SO TALL, THE TOP WILL BE CONTINUATION OF SKY. THE MOST INTERESTING PANELS WILL BE WHERE THE MOST TRAFFIC WILL SEE IT, ACCORDING TO THE PLACEMENT OF THE BOX.

PROPOSAL ①

ARTIST APPLICATION

Artist Name: DEBORAH LORD

Address 1231 Paseo LADERA Lane Arroyo Grande, 93420

Phone Number 413-207-1821, cell

Email DSL1201@aol.com

Title of Work: "GLORIOUS NATURE"

Medium/Description: ORIGINAL ACRYLIC PAINTINGS - EMANATING BEAUTY, PEACE & UPLIFTING QUALITIES OF OUR NATURAL SURROUNDINGS
(Attach examples as needed.)
See attached art

I certify that I have created the above artwork (please initial) 

Artwork Proposal

See attached artwork. The scenes will be similar to these.

Concept for Utility Box: JACARANDA TREES WITH CHILDREN, BUTTERFLIES, SOARING HAWKS, LIGHT STREAMING THROUGH THE SCENES.

Description: EACH PANEL'S ART WILL FLOW INTO THE ADJOINING SCENE AS A CONTINUUM - NOT SEPARATE. COLORS WILL BLEND ONE INTO THE NEXT. I WILL SAND PRIME PAINT & SEAL PAINTINGS AS REQUESTED, LEAVING THE SPACE CLEAN.

Please attach designs for consideration by the City and Arroyo Grande Public Art.

Please submit designs using the Design Template form.

By submitting this Application, I agree that: (1) my submission(s) and their contents will automatically become the property of the City of Arroyo Grande and I understand that if my artwork is selected I will be compensated a not-to-exceed amount of \$1000 per artwork, plus \$250 for paint and materials; (2) The City of Arroyo Grande and Arroyo

DESIGN TEMPLATE

TOP
24"x33"



MOUNTED BOX
53"H, 22"W, 14"D



FRONT
33"W, 64"H



SIDE
24"W



BACK
33"W



SIDE
24"W



Artist Name: Ami Lynn Usrey

Address 650 Pershing Dr Oceano CA 93945


Phone Number (805) 980-5144

Email AUsrey85@Gmail.com

Title of Work: The Patriot

Medium/Description Acrylic on Canvas 16x24

(Attach examples as needed.)

I certify that I have created the above artwork (please initial) 

Artwork Proposal

Concept for Utility Box: Flowering Strawberries

Description: elegant strawberries in all stages of life, from flower to ripe for the picking.

Please attach designs for consideration by the City and Arroyo Grande Public Art.

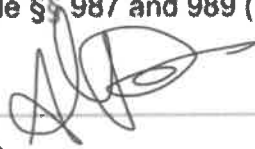
Please submit designs using the Design Template form.

By submitting this Application, I agree that: (1) my submission(s) and their contents will automatically become the property of the City of Arroyo Grande and I understand that if my artwork is selected I will be compensated a not-to-exceed amount of \$1000 per artwork, plus \$250 for paint and materials; (2) The City of Arroyo Grande and Arroyo Grande Public Art ("AGPA") may use, copy, or redistribute the submissions and their contents for any purpose and in any way; (3) there is no obligation for the City of Arroyo

Grande and AGPA to review or select the submission; and (4) there is no obligation to keep any submissions confidential.

Further, I acknowledge that I have read the Art Outside the Box Guidelines and Specifications and reviewed the City's Artist Agreement and the Waiver, Assumption of Risk and Liability Waiver that I will have to sign if my artwork is selected. I also understand and agree to waive my rights of attribution out in the Visual Artists Rights Act, 17 U.S.C §§106A and 113(d) ("VARA"), and, the California Art Preservation Act, Cal. Civil Code §§ 987 and 989 ("CAPA").

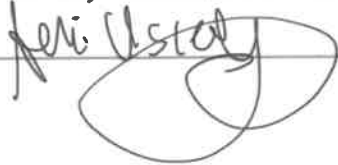
ARTIST: _____



DISCLAIMER

I have read the Art Outside the Box Guidelines and Specifications, and other related Program documents and agree to the rules & regulations stated. The undersigned agrees to indemnify and hold harmless, the City of Arroyo Grande, its Officers, Agents, and Employees and Arroyo Grande Public Art for any loss or liability which results or is alleged to have resulted from my participation in this activity, including any claim arising out of the applicant's entry, acts, or omissions in said program or any accident, injury or damage involved therein, including but not limited to attorney fees and court costs. I have read and fully understand these policies. I am an adult and my signature is below.

ARTIST: _____



DATE: 7.22.23

(Numbered in reference to application questions)

4. Artist's statement:

As a local to the area I am often inspired by the painted utility boxes that I see when I'm driving, and often wish I could contribute. The two designs I have submitted will compliment the beauty of Arroyo Grande as a reminder of the rich agriculture and the lovely naturally occurring biodiversity.

I have painted the pismo clams numerous times, and enjoy the rotation of seasonal art they display. I usually complete them within 2 days, as requested by the city of Pismo Beach. Public art has such a positive impact on our community, as when they are painted they become mini landmarks for the community to enjoy. I would be honored for the opportunity to apply my art on a utility box.

3. Specifications and program used to create design:

I created these designs using the procreate app on my iPad, by screen-shooting the template, opening up the screenshot in the app and drawing on the template with an apple pencil.

7. References:

Dr. Wanda Rhodes (760)221-3838
Paul Hively. (805)710-2168
Rock Griffith. (760)718-0708

8. Timetable

I estimate that the painting of one utility box can be completed within the timespan of a week.



MEMORANDUM

TO: City Council

FROM: Brian Pedrotti, Community Development Director

BY: Andrew Perez, Planning Manager

SUBJECT: Consideration of Pre-Application 23-003: Development Code Amendment to Make Educational Facilities a Conditionally Allowed Use in the Regional Commercial Zoning District; Applicant – Cuesta College

DATE: October 24, 2023

SUMMARY OF ACTION:

The purpose of this pre-application discussion is to provide the City Council an opportunity to direct staff regarding potential ordinance revisions to allow educational institutions as an allowed use in the Regional Commercial zoning district.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

Financial impacts related to preparation for the study session consist of staff time and legal counsel time for purposes of research and writing the staff report. Additional staff time would be required to prepare ordinance revisions, should the City Council provide that direction.

RECOMMENDATION:

Receive public comment and provide direction to staff regarding the development code amendment to allow educational institutions as a conditionally permitted use in the RC zone.

BACKGROUND:

The general plan outlines goals, objectives, and policies regarding the character of commercial uses and development throughout the City. [Chapter 16.36](#) of the Arroyo Grande Municipal Code (AGMC) describes the intent and purpose of each of the City's commercial and mixed-use districts and includes development standards that implement the general plan policies. The Regional Commercial (RC) district implements and is consistent with the Regional Commercial land use designation of the General Plan. AGMC 16.36.020. It describes the purpose of the RC district as providing "areas for a

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diversity of commercial uses that serve community and regional needs for retail and personal services within distinctive and internally pedestrian-oriented shopping centers.”

Cuesta College is exploring the possibility of establishing a satellite facility consisting of student classrooms, study hall, support services, and other resources for students in a vacant structure in the RC district, previously occupied by Pier One Imports. Currently, in the City’s development code, schools/educational institutions of any kind are not an allowed land use in the RC district. The purpose of this pre-application discussion with the City Council is to gauge interest in a development code amendment (DCA) that would establish educational facilities as an allowed use in the RC district.



Project Description

Although it is not a business, a Cuesta College facility in Arroyo Grande will likely have regional attraction. The nearest community colleges are the main Cuesta College campus in San Luis Obispo and Alan Hancock College in Santa Maria, which are nearly 40 miles apart. Cuesta College (Cuesta) currently operates its South County Center on Orchard Street, near Arroyo Grande High School, providing students support services, quality educational opportunities, workforce training, and transfer-oriented higher education. Lucia Mar Unified School District leases Cuesta facilities and those are only available after 4:00 pm. A dedicated space would allow Cuesta to have greater flexibility in scheduling and would provide an opportunity to offer a wider range of coursework. The identified space would allow Cuesta to provide up to 5 classrooms, a study hall, and staff offices to support South County. The applicant has indicated that they anticipate starting

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classes in 2-3 years beginning slowly with 1-2 classes, and ramping up the schedule over time. When the facility is operating at maximum capacity, up to 90 students could be at the site at any one time for instruction, plus staff and any students that may be using resources available in the study hall.

ANALYSIS OF ISSUES:

[Table 16.36.030](#) of the AGMC identifies allowed uses in each of the mixed-use and commercial districts, and their corresponding permit requirements. With regards to schools, two different types are listed in this table, and neither are allowed in the RC district. The two types are “Elementary, middle, and/or secondary schools”, and “Specialized education/training schools”. Colleges and upper education are captured in the broadly defined “Educational institutions” in AGMC [Section 16.04](#), and are defined as “public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary, secondary, collegiate levels, and including graduate schools, universities, nonprofit research institutions and religious institutions.” Such institutions must either: (1) offer general academic instruction equivalent to the standards prescribed by the State Board of Education; (2) confer degrees as a college or university of undergraduate or graduate standing; (3) conduct research; or (4) give religious instruction. The definition does not include commercial or trade schools. Currently, educational institutions in which collegiate level coursework are offered are only allowed in the Public/Quasi-Public district. The proposed code amendment would amend Table 16.36.030 to add educational institutions as an allowed use in the RC zone.

General Plan Consistency

The underlying General Plan Use Designation for all parcels in the RC district is also Regional Commercial. Land Use Element Policy 7-2 describes the purpose of this land use category. It states “the RC district classification shall provide areas for retail and service businesses serving the regional population (trade area typically exceeding 50,000 people – roughly equivalent to the Five-Cities area). Businesses allowed to locate in RC areas shall include major retail commercial tenants associated with a regional mall, “power center” or outlet center.”

The intent of the Regional Commercial district is to provide retail opportunities that have appeal at a regional level and contribute to the general fund via collection of sales tax. A educational institution will not directly generate sales tax, but will bring a significant number of students to Arroyo Grande. These students will likely shop and dine in the city before, between, and after classroom sessions, therefore, staff has determined that it can reasonably be assumed that the educational facility will indirectly generate sales tax revenue, consistent with the intent of the RC zoning designation.

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Permit Requirements

A conditional use permit (CUP) is required to establish a school in the districts where educational institutions are an allowed land use. If Council is amenable to a development code amendment, staff recommends amending AGMC Section 16.36.030 to allow educational institutions as a conditionally permitted use in the RC zone. Pursuant to AGMC 16.16.050, a CUP is intended to allow the establishment of those uses that have some special impact or uniqueness such that their effects on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. The permit application process allows for the review of the location and design of the proposed use, configuration of improvements, and potential impact on the surrounding area from the proposed use. The review shall determine whether the proposed use should be permitted, by weighing the public need for and benefit to be derived from the use against any adverse impact it may cause. Any adverse impacts will be evaluated and mitigated to the degree possible with potential operational conditions such as class scheduling and parking requirements. The Planning Commission is authorized to approve CUPs, and when any new construction or any changes to an exterior of a structure are involved, the Architectural Review Committee will also review the project and make a recommendation to the Planning Commission. The City Council would consider this project only in the event of an appeal of the Planning Commission’s decision of the project.

Parking

Parking rates for various land uses are described in AGMC Section 16.56.060. High schools and colleges are required to provide one parking space for each classroom and office, and five spaces for each classroom. Although these are the required parking space ratios in the AGMC, staff notes later in this report that the practical realities of Cuesta’s

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plans and ultimate build-out could dictate a higher parking need than required in the AGMC. Cuesta plans on creating up to five classrooms at this site, plus support offices and study hall. The parking requirements for colleges is established in the AGMC Section 16.56.060 and are illustrated in Table 1:

Table 1: Parking Requirements

Project Component	Parking Rate	Parking Required
Classrooms (x5)	5 spaces each	25 spaces
Study Hall	5 spaces	5 spaces
Offices (x3)	1 space each	3 spaces
Total		33 spaces

Retail uses are required to provide one parking space for every 250 square feet of gross floor area. The gross floor area of the existing building is approximately 9,400 square feet, which requires 38 spaces, 5 more than what would be required for the proposed use. A shared parking lot with 341 spaces serve all of the tenants at this site. The parking requirement for all of the uses in this portion of the Five Cities Center, including the proposed Cuesta facility, is 273 spaces. For purposes of this calculation, the parking rate of the last use was used to estimate a parking requirement for the vacant suites. The uses and parking requirements are provided in Table 2:

Table 2: Five Cities Center Parking Requirements

Use/Tenant	Parking Req.	Area	Spaces Req.
Cuesta College	1/classroom for staff and 5/classroom for students	6 classrooms (incl study hall) 3 offices	33
Petco	1 space /250 sf	10,331 sf	42
European Wax Center	1 space /250 sf	1357 sf	5
Massage Envy	1 space /250 sf	3312 sf	13
Verizon	1 space /250 sf	2275 sf	9
917 Rancho Pkwy	1 space /250 sf	2275 sf	9
The Parable	1 space /250 sf	2925	12
925 Rancho Pkwy	1 space /250 sf	1495 sf	6
929 Rancho Pkwy	1 space/100 sf of public floor area	2,355 sf	24
Trader Joe's	1 space /250 sf	11,700 sf	47
Wells Fargo Advisors	1 space /250 sf	4000 sf	16

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991 Rancho Pkwy	1 space/100 sf of public floor area	5700 sf	57
Total			273 spaces

There are 341 parking spaces available in this area, which results in a parking surplus of 68 spaces.

Cuesta College staff anticipates a maximum of 90 students to be at the facility at any one time. Despite compliance with the required parking rate, the number of vehicles anticipated to need somewhere to park could be much higher during times of peak demand. However, the noted 68 surplus in available parking is anticipated to be able to help address this need. In addition, all Cuesta students are able to ride Regional Transportation Authority buses for free with a valid student identification. The nearest bus stop to the proposed location is across Rancho Parkway in the 5 Cities Center. Bus ridership is expected to lessen the burden on the existing parking spaces and alleviate some concern about insufficient parking for the use.

As previously mentioned, staff recommends requiring a CUP to establish the land use if the development code is amended to allow educational institutions in the RC district. The CUP process provides an opportunity to impose conditions of approval to mitigate potential impacts. Conditions such as staggered class hours, limitations to the number of classes that can be held concurrently, and targeted education to students about parking availability and areas may be imposed to limit parking impacts on the adjacent businesses and residential neighborhood. By allowing educational institutions as a permitted use, the opportunity to impose conditions to mitigate potential impacts is not available because no discretionary permit would be required.

Other Considerations

Looking beyond this immediate request, a development code amendment could allow other educational institutions to be established in the RC district. By definition, educational institutions do not include trade schools and other commercial schools. Staff asks that the City Council consider whether the DCA should also include making schools an allowed use, which would permit trade and commercial schools in the RC district. Allowing educational institutions and schools would provide greater flexibility to managers and owners of property in the RC district when looking for a tenant to occupy vacant commercial spaces.

Overall, staff is generally supportive of the proposed development code amendment to allow educational institutions in the RC zone. Potential issues with the parking situation can be addressed during the review process of the CUP. Therefore, staff recommends that the City Council direct staff to move forward and process the requested development

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code amendment to allow educational institutions as a conditionally permitted use in the RC zone.

Next Steps

With feedback from City Council and the public, the applicant will decide whether to prepare an application to initiate the DCA and the requisite land use entitlement to establish an educational institution at this location. If an application is submitted, the project will undergo review from the Staff Advisory Committee and Architectural Review Committee prior to a public hearing with Planning Commission.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Provide preliminary comments to the applicant regarding a potential development code amendment and establishment of an educational institution; or
2. Provide other direction to staff and/or the applicant.

ADVANTAGES:

The applicant is currently seeking comments and suggestions from the City Council and the public on processing a DCA and CUP to establish an educational institution in the RC district. Comments made on the proposal will provide the applicant with information to make a decision whether or not to submit an application for the subject project. A pre-application discussion also provides an opportunity for Council and the public to provide feedback about the use and code amendments prior to the submittal of a formal application.

DISADVANTAGES:

Educational institutions do not directly generate sales tax revenue, as intended for uses in the RC district, but will bring a significant number of students into the City that will presumably shop and dine at other businesses located in the City, indirectly resulting in sales tax revenue.

ENVIRONMENTAL REVIEW:

No environmental review is required for the pre-application discussion. Appropriate environmental review will be conducted as part of processing the formal project submittal pursuant to the California Environmental Quality Act (CEQA).

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

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