

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, OCTOBER 8, 2019 COUNCIL CHAMBERS, 215 E. BRANCH STREET ARROYO GRANDE, CALIFORNIA

1. CALL TO ORDER

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

2. ROLL CALL

City Council: Council Members Keith Storton, Jimmy Paulding, Lan George, Mayor Pro Tem Kristen Barneich, and Mayor Caren Ray Russom were present.

Staff Present: City Manager Jim Bergman, City Attorney Heather Whitham, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Director of Public Works Bill Robeson, Police Chief Beau Pryor, and Recreation Services Director Sheridan Bohlken.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Bill Mihlhauser, representing Kiwanis of Greater Pismo Beach, led the Flag Salute.

5. AGENDA REVIEW

Mayor Ray Russom requested the Council consider reordering the Agenda to consider Item 10.a. (Temporary Use Permit Case No. 19-011; Authorizing "Halloween in the Village") prior to Item 8 to accommodate the number of people present for Item 10a. The Council concurred.

5.a. Closed Session Announcements.

City Council Meeting of September 24, 2019:

- a) Conference with Legal Counsel- Existing Litigation pursuant to Government Code Section 54956.9(d)(1): 5 Cases
 - Name of Case: Santa Maria Valley Water Conservation District v. City of Santa Maria, et al. and related actions, Santa Clara Superior Court, Case No. CV 770214.
 - Name of Case: JC and Elsie Teixeira Family LP et al., Santa Barbara Superior Court, Case Number 19CV02086
 - Name of Case: Kieran L Adam, et al. Santa Barbara Superior Court, Case Number 19CV02091
 - Name of Case: JC and Elsie Teixeira Family Limited Partnership, San Luis Obispo Superior Court, Case Number 19CV-0230
 - Name of Case: Koch California LTD et al., San Luis Obispo Superior Court, Case Number 19CV-0227

City Attorney Whitham announced that the City Council met in closed session at a Regular Meeting on September 24, 2019 to discuss the above items, and that there was no reportable action.

5.b. Ordinances Read in Title Only.

Mayor Pro Tem Barneich moved, Council Member George seconded, and the motion passed unanimously that all ordinances presented at the meeting shall be read by title only and all further readings be waived.

6. SPECIAL PRESENTATIONS

6.a. Honorary Proclamation Recognizing Dick Blankenburg.

Mayor Ray Russom presented an Honorary Proclamation to Dick Blankenburg recognizing his 60 years of dedication and service to the community.

6.b. Honorary Proclamation Declaring October 2019 as Domestic Violence Awareness Month.

Mayor Ray Russom presented an Honorary Proclamation declaring October 2019 as "Domestic Violence Awareness Month". Nancy DePue, Board Member for Stand Strong (formerly the Women's Shelter Program of San Luis Obispo County), accepted the Proclamation.

6.c. Honorary Proclamation Declaring October 6-12, 2019 as Fire Prevention Week.

Mayor Ray Russom presented an Honorary Proclamation declaring October 6-12, 2019 as "Fire Prevention Week". Five Cities Fire Authority Chief Steve Lieberman, joined by Captain Patrick Ferguson, Engineer Mark Searby, and Firefighter John Penner, accepted the Proclamation.

6.d. Presentation by Community Development Department Summer Interns from Arroyo Grande High School.

Arroyo Grande High School students Zach Venzor and Tarek Hariri provided an overview of their summer intern project in the Community Development Department, which included using their knowledge and skills in computer science and coding to build a map-based platform for conceptual business and residential development in the City.

7. COMMUNITY COMMENTS AND SUGGESTIONS

Mayor Ray Russom invited public comment. Speaking from the public were Linda Osty, who offered an invocation; Gaea Powell, Village Association (VA), regarding the status of the Village Association's reorganization; Frank Schiro, announced the upcoming 4th Annual Beer Feast to benefit Meals on Wheels and also expressed appreciation for the sponsorship of the City summer interns; Linda Busek, announced an upcoming event at the Five Cities Repair Café located at the Exploration Station in Grover Beach to repair various electronic equipment; Jamie Sanbonmatsu, regarding the "We Are The Care Initiative" of San Luis Obispo County to address the local child care crisis; Marcia Alter, announced the upcoming Tiny Footprint Expo which will feature Tiny Home models; and Lisa Suddarth, commented that she received a ballot for a sound wall for the freeway and expressed concern that homeowners may not have been properly represented due to the notice being sent to people who rent.

10. OLD BUSINESS

10.a. Consideration of Temporary Use Permit Case No. 19-011; Authorizing “Halloween in the Village” on Thursday, October 31, 2019 and Directing Staff to Implement Related Safety Measures Including No Parking Zones, Street Closures and Warning Devices; Applicant – Krista Bandy, Hello Village.

City Manager Bergman presented the staff report, recommended that the Council adopt a Resolution approving Temporary Use Permit 19-011 and appropriate \$5,000 from the General Fund Reserves for the event. Staff responded to questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public were Krista Bandy, applicant and Village business owner, spoke about the positive aspects of Halloween in the Village, asked the Council to reconsider the event, and responded to questions from Council; Joslynn Flowers, read a letter on behalf of Ashley Daoust from Lightning Joe’s Guitar Heaven, in support of Halloween in the Village; Joslynn Flowers, spoke in support of Halloween in the Village; Stephanie Burkhart; spoke on behalf of the 350 people in a Facebook group who support Halloween in the Village; Jocelynn Brennan, representing South County Chambers of Commerce, thanked the Council for its support and presented results of a survey taken regarding Halloween in the Village which found that a majority of the businesses would like to participate in the event; Mike Frederick, commended staff and the Council for getting the information out, acknowledged City budget issues, supported efforts by members of the community who want to help, and offered to donate financially toward the event; Camay Winston, Village business owner, commented that her business loses money but the connection to community is a benefit and that she supported the event; Marty Imes, stated the Halloween in the Village is a key event that draws families and provides a sense of community; Susan Lintner, spoke in support of the event; Marcia Alter, spoke in support of the event and offered to help financially; Lisa Suddarth, spoke in support the event and urged the Council to reconsider; and Resident, spoke in support of the event. No further public comments were received.

Action: Council Member Paulding moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT CASE NO. 19-011 AUTHORIZING “HALLOWEEN IN THE VILLAGE” ON THURSDAY, OCTOBER 31, 2019 AND DIRECTING STAFF TO IMPLEMENT RELATED SAFETY MEASURES INCLUDING NO PARKING ZONES AND STREET CLOSURES; APPLIED FOR BY KRISTA BANDY, HELLO VILLAGE”**. Mayor Ray Russom seconded, and the motion passed on following roll call vote:

AYES: Paulding, Ray Russom, Storton, George, Barneich
NOES: None
ABSENT: None

Mayor Ray Russom called for a break at 8:14 p.m. The Council reconvened at 8:20 p.m.

8. CONSENT AGENDA

Mayor Ray Russom asked the Council if they had any questions or would like to pull any items for further discussion.

Mayor Pro Tem Barneich referred to Item 8.a. (Cash Disbursements) and asked about the \$4,600 expense for the bomb taskforce for FY 19-20. City Manager Bergman explained that the City participates in a Countywide effort to have a bomb taskforce which is managed by the San Luis Obispo County Sheriff and consists of members from all police agencies in the County.

Mayor Ray Russom referred to Item 8.d. (Award of Contract to Ferravanti Grading & Paving for Construction of the 2019 Street Repairs Project) as it relates to the funding and the project schedule during the holiday season. Following staff and Council discussion, Mayor Ray Russom requested this item be pulled for separate consideration.

Council Member Paulding referred to Item 8.i. (Resolution Authorizing the City Manager to Submit an Application for the SB2 Planning Grants Program) and requested that the grant application include accessory dwelling units as a component for the funding, and asked about the timeframe for the City's Housing Element Update. City Manager Bergman stated that staff would include accessory dwelling units as a very important part of creating more affordable housing in the City, and stated that the Housing Element Update is just starting, that selection of a consultant would be forthcoming to the Council, and that the City is working closely with Grover Beach to coordinate efforts.

Mayor Ray Russom also referred to Item 8.i. as it relates to Rezone to Permit By-Right (rezoning for significant additional housing capacity without, or lesser, discretionary review) and stated that extensive public outreach will need to be done on the front end and not just have it come forth as part of the Housing Element Update.

Mayor Ray Russom invited public comment on the consent agenda items. No public comments were received.

Mayor Ray Russom pulled Item 8.d. to be heard after Item 11.

Action: Mayor Ray Russom moved, and Mayor Pro Tem Barneich seconded the motion to approve Consent Agenda Items 8.a. through 8.i., with the exception of Item 8.d., with the recommended courses of action. The motion passed on the following roll-call vote:

AYES: Barneich, Paulding, Storton, George, Ray Russom
NOES: None
ABSENT: None

8.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period September 16, 2019 through September 30, 2019.

8.b. Consideration of Approval of Minutes.

Action: Approved the minutes of the Regular City Council Meeting of September 24, 2019, as submitted.

8.c. Consideration of Cancellation of the December 24, 2019 City Council Meeting.

Action: Cancelled the regularly scheduled Council meeting of December 24, 2019 due to the holiday.

8.e. Consideration of Acceptance of the Lift Station No. 1 Force Main Replacement Project, PW 2017-07.

Action: 1) Accepted the project improvements as constructed by Lyles Utility Construction, LLC in accordance with the plans and specifications for the Lift Station No. 1 Force Main Replacement project, PW 2017-07; 2) Directed staff to file a Notice of Completion; and 3) Authorized release of retention, thirty-five (35) days after the Notice of Completion has been recorded, if no liens have been filed.

8.f. Consideration of Acceptance of the 2019 Concrete Repairs Project, PW 2019-02.

Action: 1) Accepted the project improvements as constructed by CalPortland Construction in accordance with the plans and specifications for the 2019 Concrete Repairs Project, PW 2019-02; 2) Directed staff to file a Notice of Completion; and 3) Authorized release of retention, thirty-five (35) days after the Notice of Completion has been recorded, if no liens have been filed.

8.g. Consideration of Time Extension 19-007; One Year Time Extension in Accordance with the Arroyo Grande Municipal Code; Location – 1271 and 1281 James Way; Applicant – Russ Sheppel; Representative – James Coleman; Steadfast Companies.

Action: Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING A ONE-YEAR TIME EXTENSION FOR AMENDED CONDITIONAL USE PERMIT 15-001, VARIANCE 15-001, AND LOT LINE ADJUSTMENT 16-001 (TIME EXTENSION 19-007); APPLIED FOR BY RUSS SHEPPEL; LOCATED AT 1271 & 1281 JAMES WAY”.***

8.h. Consideration of a Contract Services Agreement with Quincy Engineering, Inc. to Include Engineering Design and Environmental Services for the Traffic Way Bridge Replacement Project.

Action: Approved and authorized the Mayor to execute a Contract Services Agreement with Quincy Engineering, Inc. in the amount of \$1,237,398 for engineering design and environmental services on the Traffic Way Bridge Replacement Project.

8.i. Consideration of a Resolution Authorizing the City Manager to Submit an Application for the SB2 Planning Grants Program (Staff Project 19-005).

Action: Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING SUBMITTAL OF AN APPLICATION FOR SB2 PLANNING GRANT PROGRAM FUNDS AND EXECUTION OF ANY NECESSARY AGREEMENTS FOR THE USE OF GRANT FUNDS”.***

9. PUBLIC HEARINGS

None.

10. OLD BUSINESS

10.b. Consideration to Approve Construction Plans and Specifications, Authorize the Solicitation of Bids, and Approve an Eighth Amendment to Agreement for Consultant Services with Quincy Engineering, Inc. for the Bridge Street Bridge Rehabilitation Project, PW 2020-01.

Recommended Action: 1) Approve the construction plans & specifications for the Bridge Street Bridge Rehabilitation Project, PW 2020-01; 2) Authorize the City Clerk to advertise for construction bids; 3) Approve and authorize the Mayor to execute an Eighth Amendment to the Agreement for Consultant Services ("Eighth Amendment") with Quincy Engineering, Inc. for design support services during construction of the subject project.

City Manager Bergman provided introductory comments and introduced Mark Reno from Quincy Engineering who gave a presentation of the Bridge Street Bridge Rehabilitation project, including an environmental overview; an overview of all the public workshops and meetings that were conducted; provided a project update with completed tasks, what tasks are currently underway, and next steps; reviewed planned construction activities as it relates to the work zone, traffic detours, and road closure; and reviewed the project schedule planned to begin in March 2020 and be complete in December 2020. Mr. Reno and staff responded to questions from Council.

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

Action: Mayor Ray Russom moved to: 1) Approve the construction plans & specifications for the Bridge Street Bridge Rehabilitation Project, PW 2020-01; 2) Authorize the City Clerk to advertise for construction bids; 3) Approve and authorize the Mayor to execute an Eighth Amendment to the Agreement for Consultant Services ("Eighth Amendment") with Quincy Engineering, Inc. for design support services during construction of the subject project. Council Member George seconded, and the motion passed on following roll call vote:

AYES: Ray Russom, George, Paulding, Storton, Barneich
NOES: None
ABSENT: None

11. NEW BUSINESS

None.

ITEMS PULLED FROM THE CONSENT AGENDA

8.d. Consideration of an Award of Contract to Ferravanti Grading & Paving for Construction of the 2019 Street Repairs Project, PW 2019-01.

Recommended Action: 1) Award a contract for the 2019 Street Repairs Project to Ferravanti Grading & Paving in the amount of \$936,275.90; and 2) Authorize the City Manager to approve change orders for 10% of the contract amount, \$93,627.59, for unanticipated costs during the construction phase of the project.

Director Robeson explained how the project is funded, explained that funds not spent from prior capital improvement projects are carried over to the next fiscal year to fund future projects, and explained the timing for work on the W. Branch Street segment to avoid the shopping center during the holiday season.

Action: Mayor Ray Russom moved to: 1) Award a contract for the 2019 Street Repairs Project to Ferravanti Grading & Paving in the amount of \$936,275.90; and 2) Authorize the City Manager to approve change orders for 10% of the contract amount, \$93,627.59, for unanticipated costs during the construction phase of the project. Council Member Storton seconded, and the motion passed on following roll call vote:

AYES: Ray Russom, Storton, Paulding, George, Barneich
NOES: None
ABSENT: None

12. COUNCIL COMMUNICATIONS

Council Member Storton announced that several members of the Council will be attending the upcoming Annual League of California training conference.

Mayor Ray Russom announced that on Wednesday, October 16th at 10:30 am, she will hosting a community coffee event with Assemblyman Cunningham at Café Andreini's and invited members of the public to attend.

Mayor Pro Tem Barneich announced Coffee with a Cop will be held at Café Andreini's at 8:00 am on October 26th, and also announced the next Senior Tech Clinic will be held on the same day in the Council Chambers from 10-11:30 am.

Council Member George referred to a local commercial promoting 2-1-1 and stated that residents can dial 2-1-1 for all non-emergency needs.

Council Member Paulding commended the Five Cities Fire Authority for their quick response today to a recent brush fire near Strother Park.

13. CLOSED SESSION

At 9:06 p.m., City Attorney Whitham announced the City Council would adjourn to closed session to consider the following:

a) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION.

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: One potential case
The City received a Notice of Violation of the California Voting Rights Act.

b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8:

Property: 400 Old Ranch Road, APN 007-011-056
Agency negotiators: James Bergman, City Manager; Teresa McClish, Community Development Director
Negotiating parties: Kamla Hotels Inc. and The Mian Companies
Under negotiation: Price and terms of payment

Adjourned to Closed Session

14. RECONVENE TO OPEN SESSION

At 10:51 p.m., the meeting was reconvened to open session. City Attorney Whitham announced that for Item a., the Council directed staff to bring forth an item for consideration to adopt a Resolution declaring the Council's intent to transition from at-large to district-based elections with an elective Mayor; and for Item b., there was no reportable action.

14. ADJOURNMENT

There being no further business to come before the City Council, Mayor Ray Russom adjourned the meeting at 10:52 p.m.

Caren Ray Russom, Mayor

ATTEST:

Kelly Wetmore, City Clerk

(Approved at CC Mtg _____)

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, OCTOBER 22, 2019 COUNCIL CHAMBERS, 215 E. BRANCH STREET ARROYO GRANDE, CALIFORNIA

1. CALL TO ORDER

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

2. ROLL CALL

City Council: Council Members Lan George, Keith Storton, Jimmy Paulding, Mayor Pro Tem Kristen Barneich, and Mayor Caren Ray Russom were present.

Staff Present: Acting City Manager/Public Works Director Bill Robeson, City Attorney Heather Whitham, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Director of Recreation Services Sheridan Bohlken, Police Chief Beau Pryor, Police School Resource Officer Jeramy Adams, and City Engineer Robin Dickerson.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Stephen Hamilton, representing Knights of Columbus, led the Flag Salute.

5. AGENDA REVIEW

5.a. Closed Session Announcements.

Regular City Council Meeting of October 8, 2019

- a) Conference With Legal Counsel-Anticipated Litigation.
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: One potential case
The City received a Notice of Violation of the California Voting Rights Act.

- b) Conference With Real Property Negotiators pursuant to Government Code Section 54956.8:
 - Property: 400 Old Ranch Road, APN 007-011-056
 - Agency negotiators: James Bergman, City Manager; Teresa McClish, Community Development Director
 - Negotiating parties: Kamla Hotels Inc. and The Mian Companies
 - Under negotiation: Price and terms of payment

City Attorney Whitham announced that the City Council met in closed session at a Regular Meeting on October 8, 2019 to discuss the above items and that for Item a., the Council directed staff to bring forth an item for consideration to adopt a Resolution declaring the Council's intent to transition from at-large to district-based elections with an elective Mayor; and for Item b., there was no reportable action.

5.b. Ordinances Read in Title Only.

Mayor Pro Tem Barneich moved, Council Member Storton seconded, and the motion passed unanimously that all ordinances presented at the meeting shall be read by title only and all further readings be waived.

6. SPECIAL PRESENTATIONS

6.a. Introduction and Oath of Office – Police Officer David Culver.

Police Chief Pryor introduced Police Officer David Culver, highlighted his educational and professional background, and facilitated the badge pinning ceremony. City Clerk Wetmore administered the Oath of Office to Officer Culver.

6.b. Mayor’s Commendation Recognizing the 2019 Harvest Festival Committee.

Mayor Ray Russom presented a Mayor’s Commendation to the 2019 Harvest Festival Committee in recognition of the extensive number of volunteer hours spent by all members of the committee to plan, organize, and facilitate the 2019 Arroyo Grande Harvest Festival, which has been a beloved local tradition for over 80 years and would not be possible without its dedicated committee volunteers. Anne McCracken, Committee Chair, accepted the Commendation on behalf of the committee.

7. COMMUNITY COMMENTS AND SUGGESTIONS

Mayor Ray Russom invited public comment. Speaking from the public was Barbara Harmon, representing Friends of Five Cities Fire Authority, regarding emergency preparedness and the “Get Ready Five Cities” campaign. No further public comments were received.

8. CONSENT AGENDA

Mayor Ray Russom requested that Items 8.e. and 8.f. be pulled and asked the Council if they had any questions or would like to pull any items for further discussion. Council Member Storton stated he had questions on Items 8.c. and 8.f.

In response to questions by Council Member Storton regarding Item 8.c. (Consideration of Proposition 68 Per Capita Program), Director Bohlken explained that any remaining funds that are available above the minimum grant amount of \$200,000 per agency would be divided among the applicants; that public outreach will be conducted at pop-up events in public parks, at Soto Sports Complex, at senior events and other events to seek feedback on the use of grant funds in the City’s parks; and also referred to the list of park improvement projects identified in the City’s approved Capital Improvement Program that grants could be utilized for.

In response to a question by Mayor Ray Russom regarding Item 8.c. as it relates to availability of funds should the City receive the grant, Director Bohlken explained the State’s application process and deadlines and estimated it would be a six to eight month process. Director Bohlken also responded to questions about public outreach efforts regarding use of the funds, which she said would occur between now and January 31st and that she would be returning to the Council with a list of proposed projects for prioritization prior to January 31st.

In response to questions by Mayor Ray Russom regarding Item 8.e., [Project Update and Incorporation of a Local Roadway Safety Plan (LRSP) with the Systemic Safety Analysis Report (SSAR)], City Engineer Dickerson explained the additional funding for adding the LRSP to the current work program; explained Cycle 10 & 11 funds; clarified that Cycle 11 starts in 2022; and explained which agencies are proposed to be included in the stakeholder group. Director Robeson noted that SHSP is the acronym for Strategic Highway Safety Plan.

In response to questions by Mayor Ray Russom regarding Item 8.f. (Agreement for Consultant Services with PlaceWorks Inc.) regarding potential grant funding opportunities for preparation of the Housing Element Update, it was suggested that this item be postponed to the next meeting in order to determine if grants funds are available. Director Robeson agreed that the item could be postponed and he would look into it.

Council Member Storton asked if there were enough public outreach workshops included in the consultant's scope of work for the Housing Element Update. Director Robeson stated that the City generally conducts additional staff facilitated public input workshops in addition to the workshops led by the consultant.

Mayor Ray Russom invited public comment on the consent agenda items. No public comments were received.

Action: Mayor Pro Tem Barneich moved, and Council Member Paulding seconded the motion to approve Consent Agenda Items 8.a. through 8.e., with the recommended courses of action. The motion passed on the following roll-call vote:

AYES: Barneich, Paulding, Storton, George, Ray Russom
NOES: None
ABSENT: None

8.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period October 1, 2019 through October 15, 2019.

8.b. Consideration of Statement of Investment Deposits.

Action: Received and filed the report listing of investment deposits of the City of Arroyo Grande, as of September 30, 2019, as required by Government Code Section 53646(b).

8.c. Consideration of Proposition 68 Per Capita Program – Resolution Authorizing Application for Grant Funds for Park Improvements.

Action: Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING APPLICATION(S) FOR PER CAPITA GRANT FUNDS”***.

8.d. Monthly Water Supply and Demand Update.

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

8.e. Consideration of a Project Update and Incorporation of a Local Roadway Safety Plan (LRSP) with the Systemic Safety Analysis Report (SSAR).

Action: Received the project update and approve incorporation of the Local Roadway Safety Plan (LRSP) within the SSAR.

CONSENT AGENDA ITEM 8.f.

8.f. Consideration of Approval of an Agreement for Consultant Services with PlaceWorks Inc. to Assist the City with the Housing Element Update.

Recommended Action: Approve and authorize the Mayor to execute an Agreement for Consultant Services with PlaceWorks Inc. to assist the City with the Housing Element Update.

Action: Mayor Ray Russom moved, and Council Member Storton seconded the motion to postpone consideration of Item 8.f. to a date certain of November 12, 2019 in order to follow up on potential grant funds that may be available for the project. The motion passed on the following roll-call vote:

AYES: Ray Russom, Storton, Paulding, George, Barneich

NOES: None

ABSENT: None

9. PUBLIC HEARINGS

None.

10. OLD BUSINESS

None.

11. NEW BUSINESS

11.a. Consideration of Prohibiting the Retail Sale of Electronic Cigarette Products and Paraphernalia and Prohibiting the Possession of All Tobacco Products and Paraphernalia by Persons Under Twenty-One.

City Attorney Whitham presented the staff report and options related to prohibiting the retail sale of electronic cigarette products and paraphernalia and the prohibition of the possession of all tobacco products and paraphernalia by persons under twenty-one and requested direction as to whether the Council wishes staff to return to the Council with a draft ordinance. City Attorney Whitham, School Resource Officer Adams, and Chief Pryor responded to extensive questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public was Ms. Cuevas, Arroyo Grande High School student, who opposed the sale and use of e-cigarettes and the sale of flavored tobacco; and Kayla, Arroyo Grande High School student, who also opposed the sale and use of e-cigarettes and asked that the online purchase of e-cigarettes be banned in Arroyo Grande. No further public comments were received.

Council comments ensued in support of the proposal to prohibit the retail sale of electronic cigarette products and paraphernalia not approved by the Federal Drug Administration (FDA) and prohibiting the possession of all tobacco products and paraphernalia by persons under twenty-one. Council Member Paulding clarified that he supported a ban of sales of products not approved by the FDA for local retailers only; however, he did not support prohibiting internet sales.

Action: Mayor Ray Russom moved to direct staff to bring forward a ban on the sale of all retail e-cigarette products in the City of Arroyo Grande to include both brick and mortar and online sales, that the ordinance be crafted after the San Francisco ordinance that ties it to FDA approval; and further, to direct staff to bring forward a separate ordinance with a change to the Municipal Code that prohibits the use and possession of all tobacco products by persons under the age of twenty-one. Mayor Pro Tem Barneich seconded, and the motion passed on following roll call vote:

AYES: Ray Russom, Barneich, Storton, George
NOES: Paulding
ABSENT: None

Mayor Ray Russom called for a break at 8:31 p.m. The Council reconvened at 8:36 p.m.

11.b. Consideration of Adoption of a Resolution Declaring The Council's Intent to Transition from At-Large to a District-Based Election System by November 2022 and Authorizing the City Manager to Execute a Settlement Agreement with Maria Minicucci.

City Attorney Whitham presented the staff report and recommended the Council: 1) adopt a Resolution declaring the City Council's intent to transition from at-large to a district-based election system before the November 2022 regular election; 2) approve and authorize the City Manager to execute a Settlement Agreement with Maria Minicucci; and 3) appropriate \$31,211 from the unrestricted General Fund balance. Staff responded to questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public was Patricia Price, expressed concern that the City was not more proactive in addressing this issue. No further public comments were received.

Action: Mayor Ray Russom moved to adopt a Resolution entitled: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS BY NOVEMBER 2022"**; approve and authorize the City Manager to execute a Settlement Agreement with Maria Minicucci; and appropriate \$31,211 from the unrestricted General Fund balance. Council Member Paulding seconded, and the motion passed on following roll call vote:

AYES: Ray Russom, Paulding, Storton, George, Barneich
NOES: None
ABSENT: None

12. CITY COUNCIL REPORTS

The City Council provided brief reports from the following committee, commission, board, or other subcommittee meetings that they attended as the City's appointed representative.

- (a) **MAYOR RAY RUSSOM:**
- (1) California Joint Powers Insurance Authority (CJPIA)
 - (2) South San Luis Obispo County Sanitation District (SSLOCSD)
 - (3) Tourism Business Improvement District Advisory Board

- (b) MAYOR PRO TEM BARNEICH:**
 - (1) Homeless Services Oversight Council (HSOC)
 - (2) South County Homeless Taskforce
 - (3) Zone 3 Water Advisory Board

- (c) COUNCIL MEMBER PAULDING:**
 - (1) Air Pollution Control District (APCD)
 - (2) Brisco/Halcyon Interchange Subcommittee
 - (3) Council of Governments/Regional Transit Authority (SLOCOG/SLORTA)
 - (4) South County Transit (SCT)

- (d) COUNCIL MEMBER STORTON:**
 - (1) Brisco/Halcyon Interchange Subcommittee
 - (2) Five Cities Fire Authority (FCFA)
 - (3) Integrated Waste Management Authority Board (IWMA)
 - (4) South County Chambers of Commerce Governmental Affairs Committee

- (e) COUNCIL MEMBER GEORGE:**
 - (1) Community Action Partnership San Luis Obispo (CAPSLO)
 - (2) County Water Resources Advisory Committee (WRAC)
 - (3) Regional Water Initiatives
 - (4) Visit SLO CAL Advisory Board

13. COUNCIL COMMUNICATIONS

Mayor Ray Russom reported on her attendance at the League of California Cities Annual Conference and noted the sessions on economic development.

Mayor Pro Tem Barneich referred to Halloween in the Village and noted that staff can place no parking signs out 24 hours in advance instead of 72 hours, so the signs will be placed in the Village 24 hours prior to the event and will have larger print.

Mayor Pro Tem Barneich requested, and Council Member Paulding concurred, that staff place on a future agenda a discussion on tiny homes. Brief discussion ensued about tying accessory dwelling units into the discussion and whether this could be tied in to the Housing Element Update process.

Mayor Pro Tem Barneich announced an upcoming free Senior Tech Clinic in the Council Chambers on Saturday at 10:00 a.m.. She also announced the Coffee with a Cop event at Café Andreini's at 8:00 a.m. on Saturday.

Mayor Pro Tem Barneich thanked Teresa McClish for her 19 years of service to the City of Arroyo Grande, acknowledged her leadership on many City projects, including Camp Arroyo Grande, and wished her well in her endeavors.

Council Member Storton echoed the great work that Teresa has done for the City and agreed that there are a lot of projects around the City that she should get a lot of credit for; announced the Halloween Carnival and Haunted Maze on Saturday, October 26th; and referred to an emergency notice of a power shut off in the community which was not accurate; however, it is a good

indication that everyone should be prepared. He thanked former Council Member Harmon for passing out emergency preparedness information and urged residents to check the PG&E website for further information.

Mayor Ray Russom also announced the Halloween in the Village event on October 31st, and reminded the community that there is an opportunity to donate to the event to off-set the City's costs, thanked those who have donated, and stated that a budget line item has been created specifically for donations.

14. CLOSED SESSION:

None.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Ray Russom adjourned the meeting at 9:22 p.m.

Caren Ray Russom, Mayor

ATTEST:

Kelly Wetmore, City Clerk

(Approved at CC Mtg _____)

MINUTES

**SPECIAL MEETING OF THE CITY COUNCIL
“WATER, WASTEWATER AND STORM WATER RATE STUDY SESSION”
TUESDAY, OCTOBER 29, 2019
COUNCIL CHAMBERS, 215 EAST BRANCH STREET
ARROYO GRANDE, CALIFORNIA**

1. CALL TO ORDER

Mayor Ray Russom called the City Council Special Meeting/Study Session to order at 6:00 p.m. and led the Flag Salute.

2. ROLL CALL

Council Members Jimmy Paulding, Keith Storton, Lan George, Mayor Pro Tem Kristen Barneich, and Mayor Caren Ray Russom were present. Also present were City Manager Jim Bergman, City Attorney Heather Whitham, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Director of Administrative Services Shannon Esenwein, Accounting Manager Nicole Valentine, Director of Public Works Bill Robeson, and Utilities Manager Shane Taylor.

3. PUBLIC COMMENT

Mayor Ray Russom asked for clarification regarding public comment. City Clerk Wetmore stated that this was an opportunity for preliminary public comments and that throughout the study session, there would be opportunity for public participation and input. There were no public comments received.

4. WATER, WASTEWATER AND STORM WATER RATE STUDY SESSION

City Manager Bergman provided introductory comments regarding the interactive workshop format to provide an opportunity for the Council and citizens to receive information, ask questions, and discuss the water, wastewater and stormwater rate study. He introduced Clayton Tuckfield, Tuckfield & Associates, the consultant who performed the study to determine the costs to operate the City's facilities. He also acknowledged Dan Heimel, from Water Systems Consulting, Inc., and City of Pismo Beach Public Works Director Ben Fine, who were present and available to answer any questions.

Mr. Tuckfield gave a presentation of the results from the Water, Wastewater, and Storm Water Rate Study (a copy of which is on file in the City Clerk's office). Throughout the presentation, Mr. Clayton, Mr. Heimel, Mr. Fine, and staff responded to questions from the Council and members of the public regarding the results of the study and the proposed water, wastewater and stormwater rate structures.

No formal action was taken.

5. ADJOURNMENT

Mayor Ray Russom adjourned the study session at 8:45 p.m. to the Regular City Council Meeting of November 12, 2019 at 6:00 p.m. in the Council Chambers located at 215 E. Branch Street.

Caren Ray Russom, Mayor

ATTEST:

Kelly Wetmore, City Clerk

(Approved at CC Mtg _____)