

ACTION MINUTES

SPECIAL AND REGULAR MEETINGS OF THE CITY COUNCIL TUESDAY, JUNE 23, 2020 COUNCIL CHAMBERS, 215 E. BRANCH STREET ARROYO GRANDE, CALIFORNIA

In compliance with the State Shelter at Home Order due to the coronavirus pandemic, and as allowed by the Governor's Executive Order N-29-20, which allows for a deviation of teleconference rules required by the Ralph M. Brown Act, this meeting was held by teleconference.

SPECIAL MEETING 5:00 P.M.

1. CALL TO ORDER

Mayor Ray Russom called the Special City Council Meeting to order at 5:00 p.m. via teleconference.

2. ROLL CALL

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

Staff members present via teleconference were Acting City Manager Bill Robeson, Acting Deputy City Manager Whitney McDonald, and City Attorney Timothy Carmel. City Clerk Kelly Wetmore, and Information Technology Manager Walt Cuzick were present in the Council Chambers.

3. FLAG SALUTE

Mayor Ray Russom led the flag salute.

4. PUBLIC COMMENT ON CLOSED SESSION ITEMS

None.

5. CLOSED SESSION

The City Council recessed to a closed session for the following:

- a) Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Bill Robeson, Acting City Manager
Represented Employees: Service Employees International Union (SEIU) Local 620

RECONVENE

The City Council reconvened to open session at 6:00 p.m. in conjunction with the City Council Regular Meeting. Announcements of any reportable action were made under Item 5.

REGULAR MEETING 6:00 P.M.

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff Present: Acting City Manager Bill Robeson, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Administrative Services Director Mike Stevens, Police Chief Pryor, Commander Shawn Cosgrove, Commander Mike Martinez, and Information Technology Manager Walt Cuzick were present in the Council Chambers. Acting Deputy City Manager Whitney McDonald, City Attorney Timothy Carmel, Recreation Services Director Sheridan Bohlken, and Accounting Manager Nicole Valentine were present via teleconference.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Mayor Ray Russom led the flag salute.

5. AGENDA REVIEW

5.a. Closed Session Announcements.

- a) Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Bill Robeson, Acting City Manager
Represented Employees: Service Employees International Union (SEIU) Local 620

City Attorney Carmel announced that the City Council discussed labor negotiations with its negotiator, Acting City Manager Bill Robeson, regarding a new memorandum of understanding with SEIU Local 620, that it is very early in the process, and there was no reportable action.

5.b. Ordinances Read in Title Only.

Mayor Ray Russom moved, Council Member Barneich seconded, and the motion passed unanimously by roll-call vote that all ordinances presented at the meeting shall be read by title only and all further readings be waived.

6. SPECIAL PRESENTATIONS

6.a. Update Regarding Countywide COVID-19 Efforts.

Recommended Action: Receive update, accept public comments, discuss, and provide direction, as necessary.

Acting Deputy City Manager McDonald provided a brief update on Countywide and Citywide COVID-19 efforts. She stated that due to the increase in positive cases, the State has issued an order requiring face masks to be worn, reminded the public about the free testing locations, and referred members of the public to the www.ReadySLO.org website which is being updated regularly with current information.

Mayor Ray Russom invited public comment. Speaking from the public via teleconference was Linda Drummy, regarding enforcement of the State's mask order and urged the Council to adopt a similar local ordinance as soon as possible. City Clerk Wetmore read correspondence into the record received from Vonie Grim. No further public comments were received.

Acting Deputy City Manager McDonald responded to public comment and stated that the City does not currently have an adopted administrative citation ordinance and that it is scheduled to be on a future agenda in July. She explained that the Council could consider an urgency ordinance, which requires 4/5 approval of the Council to enact and would take effect immediately upon adoption.

Police Chief Pryor commented that enforcement of face masks would be reliant upon citizens and store owners to register a complaint.

Council and staff discussion ensued regarding the current State orders and potential local ordinances to enforce those orders; that any local ordinance should mirror the requirements set forth under the current State order, that they be presented as urgency ordinances, and that staff reach out to the Chamber to receive input from the businesses.

Mayor Ray Russom requested, and the Council concurred, to direct staff to prepare the appropriate urgency ordinances for consideration by the Council at its next meeting.

6.b. Presentation by Arroyo Grande Police Department Regarding Policies and Procedures and Training Program.

Police Chief Pryor introduced Commander Cosgrove and Commander Martinez. Commander Cosgrove provided a presentation on the Police Department Policies and Procedures, and Commander Martinez provided a presentation on the Police Department's Training Program. Staff responded to questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public via teleconference regarding the Police Department's policies, procedures and training standards were Barry Price, and Jamie Maraviglia. City Clerk Wetmore read correspondence received into the record from Virginia Wolf, Erin Alvas, and Zachery Victor. Additional members speaking from the public via teleconference were Kyle Berlin, and Kelora Giglia. No further public comments were received.

Council comments and discussion ensued regarding current policies and reviewing them to ensure they are consistent with State law; expanding policies beyond Lexipol so that they are more tailored to the City; acknowledgement regarding the suspension and review of certain policies; a suggestion for some form of citizen oversight; acknowledgement of the Police Department's efforts; and acknowledgement of the public's desire to be involved.

Based on the discussion, direction was provided to the Police Department to begin with citizen engagement as the next step moving forward; then a report back on the interface with the County and the point that the Council can advocate with the County on behalf of the Police Department on various programs; and then to perform a comprehensive policy review.

Acting City Manager Robeson referred to the investigation relating to the June 9th protest event, stated that the investigation has been turned over to the Monterey County District Attorney's Office, and reported that the investigation is still ongoing.

6.c. Honorary Proclamation Declaring July 2020 as Parks Make Life Better Month.

Mayor Ray Russom read the Honorary Proclamation declaring the month of July 2020 as "Parks Make Life Better Month". Recreation Services Director Bohlken accepted the Proclamation via teleconference.

6.d. Honorary Proclamation Recognizing June 20, 2020 As "Juneteenth Day".

Mayor Ray Russom read the Honorary Proclamation declaring June 20, 2020 as "Juneteenth Day," commemorating the end of slavery in the United States. Cheryl Vines, representing NAACP San Luis Obispo County, accepted the Proclamation via teleconference.

7. COMMUNITY COMMENTS AND SUGGESTIONS

Mayor Ray Russom invited public comment. Speaking from the public via teleconference were: Brenda McAlice, corrected public comments she made at a previous Council meeting regarding the weed abatement process, spoke about face mask compliance, and asked what the Police Department is doing to address the underlying culture of the blue wall of silence; and Speaker (no name provided), expressed concerns regarding retaliation by the Arroyo Grande Police Department, racism, and discrimination. City Clerk Wetmore read correspondence into the record received from Karen Kubarek, Nate Page, Ryan Crandall, Breana Peterson, Janie Leikind, Annie Wald. No further public comments were received.

8. 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.

Council Member Barneich requested that item 8.i. be pulled. Mayor Ray Russom requested that Items 8.i. and 8.j. be pulled.

In response to questions from Council Member Barneich regarding Item 8.i. (Consideration of Adoption of a Resolution Authorizing the Temporary Closure of Short Street South of East Branch Street and North of Olohan Alley to Accommodate its Use as an Outdoor Eating Area During the COVID-19 Reopening Process), Acting City Manager Robeson clarified the rental costs per day for the water barricades, stated that staff would fill and refill them in order to save on costs, and commented that staff has looked into purchasing barricades.

Mayor Ray Russom also referred to Item 8.i. and thanked Acting City Manager Robeson and Acting Deputy City Manager McDonald for their proactive work on efforts to temporarily close Short Street to accommodate outdoor dining. She then referred to Item 8.j. (Resolution Authorizing the Community Development Director to Waive Application Fees for Encroachment Permits and Minor Use Permits-Temporary Use Permits Submitted by Restaurants Seeking Additional Outdoor Dining Space during the COVID-19 Reopening Process) and clarified that this item waives the application fee that restaurants would have to pay.

Mayor Ray Russom invited public comment on the Consent Agenda. City Clerk Wetmore read into the record written correspondence received from Vonie Grimm regarding Item 8.d. (Resolution Declaring a Continued Local Emergency Related to the Coronavirus (COVID-19) Pandemic). No further public comments were received.

In response to a request by Mayor Ray Russom for a response to public comment, City Attorney Carmel clarified that the continued declaration of a local emergency in the City of Arroyo Grande is legal under both State law and the City's Municipal Code.

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

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

- 8.a. Consideration of Cash Disbursement Ratification.**
Action: Ratified the listing of cash disbursements for the period June 1, 2020 through June 15, 2020.
- 8.b. Consideration of Statement of Investment Deposits.**
Action: Received and filed the attached report listing of investment deposits of the City of Arroyo Grande, as of May 31, 2020 as required by Government Code Section 53646(b).
- 8.c. Consideration of Approval of Minutes.**
Action: Approved the minutes of the Regular City Council Meeting of June 9, 2020, as submitted.
- 8.d. Adoption of a Resolution Declaring a Continued Local Emergency Related to the Coronavirus (COVID-19) Pandemic.**
Action: Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING A CONTINUED LOCAL EMERGENCY RELATED TO THE CORONAVIRUS (COVID-19) PANDEMIC"***.
- 8.e. Consideration of an Award of Contract to G. Sosa Construction, Inc. for Construction of the 2020 Concrete Repairs Project, PW 2020-03.**
Action: 1) Awarded a contract for the 2020 Concrete Repairs Project to G. Sosa Construction, Inc. in the amount of \$103,963; and 2) Authorized the City Manager to approve change orders for 10% of the contract amount, \$10,396 for unanticipated costs during the construction phase of the project.
- 8.f. Memorandum of Agreement (MOA) Regarding Preparation of a Groundwater Sustainability Plan for the Santa Maria River Valley-Arroyo Grande Subbasin.**
Action: Approved the MOA regarding preparation of a Groundwater Sustainability Plan for the Santa Maria River Valley - Arroyo Grande Subbasin with the County of San Luis Obispo.
- 8.g. Monthly Water Supply and Demand Update.**
Action: Received and filed the monthly Water Supply and Demand Report.
- 8.h. Consideration of a Resolution Accepting Public Improvements for Parcel Map 11-0046, Located at the Intersection of White Court and Ridgeview Way.**
Action: Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ACCEPTING PUBLIC IMPROVEMENTS FOR***

PARCEL MAP 11-0046, LOCATED AT THE INTERSECTION OF WHITE COURT AND RIDGEVIEW WAY”.

- 8.i. **Consideration of Adoption of a Resolution Authorizing the Temporary Closure of Short Street South of East Branch Street and North of Olohan Alley to Accommodate its Use as an Outdoor Eating Area During the COVID-19 Reopening Process.**

Action: Adopted a Resolution entitled: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING THE TEMPORARY CLOSURE OF SHORT STREET SOUTH OF EAST BRANCH STREET AND NORTH OF OLEHAN ALLEY TO ACCOMMODATE ITS USE AS A COMMON OUTDOOR EATING AREA DURING THE COVID-19 REOPENING PROCESS”.

- 8.j. **Consideration of a Resolution Authorizing the Community Development Director to Waive Application Fees for Encroachment Permits and Minor Use Permits-Temporary Use Permits Submitted by Restaurants Seeking Additional Outdoor Dining Space during the COVID-19 Reopening Process.**

Action: Adopted a Resolution entitled: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR TO WAIVE APPLICATION FEES FOR ENCROACHMENT PERMITS AND MINOR USE PERMITS-TEMPORARY USE PERMITS SUBMITTED BY RESTAURANTS SEEKING ADDITIONAL OUTDOOR DINING SPACE DURING THE COVID-19 REOPENING PROCESS”.

9. PUBLIC HEARINGS

- 9.a. **Consideration of Adoption of Resolutions Directing the Levy of the Annual Assessments for the Parkside Village Assessment District, Grace Lane Assessment District and Landscaping and Lighting Assessment District No. 1, Within Tract 1769, for Fiscal Year 2020-2021.**

Acting City Manager/Public Works Director Robeson presented the staff report and recommended the Council: 1) Conduct a public hearing for the levy and collection of assessments for the Parkside Village Assessment District, Grace Lane Assessment District, and Landscaping and Lighting Assessment District No. 1, within Tract 1769; 2) Adopt a Resolution directing the levy of the annual assessment for the Parkside Village Assessment District pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 et. seq.) for Fiscal Year 2020-2021; 3) Adopt a Resolution directing the levy of the annual assessment for the Grace Lane Assessment District pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 et. seq.) for Fiscal Year 2020-2021; and 4) Adopt a Resolution directing the levy of the annual assessment for the Landscaping and Lighting Assessment District No. 1 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 et. seq.) within Tract 1769, for Fiscal Year 2020-2021. Staff responded to questions from Council.

Mayor Ray Russom opened the public hearing. Upon hearing no comments, Mayor Ray Russom closed the public hearing.

Action: Mayor Pro Tem Storton moved to adopt a Resolution entitled: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DIRECTING THE LEVY OF THE ANNUAL ASSESSMENTS RELATED TO THE PARKSIDE VILLAGE ASSESSMENT

DISTRICT PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (STREETS AND HIGHWAYS CODE SECTIONS 22500 ET. SEQ.) FOR FISCAL YEAR 2020-2021". Council Member George seconded, and the motion passed on following roll call vote:

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

Action: Mayor Pro Tem Storton moved to adopt a Resolution entitled: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DIRECTING THE LEVY OF THE ANNUAL ASSESSMENTS RELATED TO THE GRACE LANE ASSESSMENT DISTRICT PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (STREETS AND HIGHWAYS CODE SECTIONS 22500 ET. SEQ.) FOR FISCAL YEAR 2020-2021"**. Council Member George seconded, and the motion passed on following roll call vote:

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

Action: Mayor Pro Tem Storton moved to adopt a Resolution entitled: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DIRECTING THE LEVY OF THE ANNUAL ASSESSMENTS RELATED TO THE ARROYO GRANDE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1, WITHIN TRACT 1769, PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (STREETS AND HIGHWAYS CODE SECTIONS 22500 ET. SEQ.) FOR FISCAL YEAR 2020-2021"**. Council Member George seconded, and the motion passed on following roll call vote:

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

10. OLD BUSINESS:

10.a. Consideration of Adoption of Fiscal Year 2020-21 Budget.

Administrative Services Director Stevens presented the staff report and recommended that the Council adopt a Resolution approving the Fiscal Year 2020-21 Budget. Staff responded to questions from Council.

Mayor Ray Russom invited public comments. No 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 ADOPTING THE FISCAL YEAR 2020-21 BUDGET AND MAKING APPROPRIATIONS FOR THE AMOUNT BUDGETED"**. Mayor Pro Tem Storton seconded, and the motion passed on following roll call vote:

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

Mayor Ray Russom called for a break at 9:45 p.m. The Council reconvened at 9:52 p.m.

11. NEW BUSINESS

11.a. Consideration and Direction Regarding a Proposed Revenue Measure to Address the City's Future Funding Needs.

Acting City Manager Robeson presented the staff report and recommended the Council consider a proposed revenue measure to address the City's future funding needs, and, if desired, direct staff to prepare an action item to place a local transaction and use tax ("sales tax") measure on the November 2020 ballot. Staff responded to questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public via teleconference were: Frank Schiro, who thanked the Council for helping businesses to reopen, stated businesses are facing shortages and expressed concern about a 1% increase in sales tax; and Jocelyn Brennan, President/CEO, South County Chambers of Commerce, stated the Board of Directors has not taken an official position on the matter but would encourage some of the funds go to the business community and stated the Chamber would work with the City to engage the business community. No further public comments were received.

At 10:57 p.m., Mayor Ray Russom stated that pursuant to Council policy, the Council must vote unanimously to continue the meeting past 11:00 p.m.

Action: Mayor Ray Russom moved to continue the meeting to 11:15 p.m. Council Member Barneich seconded, and the motion passed unanimously on the following roll-call vote:

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

Council comments and discussion ensued regarding the structure of a proposed measure, including potential advisory measures to help in prioritizing use of the funds; support for utilizing sales tax revenue to assist local businesses, acknowledgement that there is a need for additional funding sources for streets, sidewalks and other infrastructure, that this should go to the voters to decide, that there are transparency and accountability measures in place, that there should not be a sunset clause, and support for a 1% general tax. Mayor Ray Russom stated that the presentation demonstrated it was clear that funding is needed for pavement and sidewalks and that her preference was a special tax for that purpose.

Action: Mayor Pro Tem Storton moved to continue with placing a sales tax measure on the November ballot asking voters for a 1% increase in sales tax to be designated for the City's identified top priorities. Council Member Barneich seconded the motion. Brief discussion ensued to clarify that the top priorities include roads (streets), sidewalks, infrastructure maintenance and repair, along with local business assistance programs due to COVID-19. Further discussion ensued regarding the ballot question and potential advisory measures. City Attorney Carmel explained that staff would need very specific direction with regard to advisory measures, and noted that as the Acting City Manager demonstrated in the presentation, the City's needs are very focused to include street and sidewalk maintenance, stormwater and drainage maintenance and upgrades, parks and open space maintenance and upgrades, public facilities, and local business

assistance. He clarified that the proposed ballot measure question would include these priorities and would come back to the Council for consideration. The motion passed on following roll call vote:

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

12. CITY COUNCIL REPORTS

Mayor Ray Russom suggested, and the Council concurred, to postpone City Council reports to the next regular meeting on July 14th.

Action: At 11:15 p.m., Mayor Ray Russom moved to continue the meeting for an additional five minutes, Council Member George seconded, and the motion passed on the following roll call vote:

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

13. COUNCIL COMMUNICATIONS

There were no Council communications.

14. CLOSED SESSION

None.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Ray Russom adjourned the meeting at 11:17 p.m.

Caren Ray Russom, Mayor

ATTEST:

Kelly Wetmore, City Clerk

(Approved at CC Mtg _____)

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, JULY 14, 2020 COUNCIL CHAMBERS, 215 E. BRANCH STREET ARROYO GRANDE, CALIFORNIA

In compliance with the State Shelter at Home Order due to the coronavirus pandemic, and as allowed by the Governor's Executive Order N-29-20, which allows for a deviation of teleconference rules required by the Ralph M. Brown Act, this meeting was held by teleconference.

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff Present: Acting City Manager Bill Robeson, Acting Deputy City Manager Whitney McDonald, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Commander Mike Martinez, Deputy City Clerk Jessica Matson, and Information Technology Specialist Jason Hodges were present in the Council Chambers. City Attorney Timothy Carmel, Administrative Services Director Mike Stevens, Recreation Services Director Sheridan Bohlken, and Five Cities Fire Authority Fire Chief Steve Lieberman were present via teleconference.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Council Member Barneich led the flag salute.

5. AGENDA REVIEW

Mayor Ray Russom requested, and the Council concurred, to reorder the Agenda to hear Item 11.a. prior to the Item 8 (consent agenda) due to the number of public comments anticipated for Item 11.a. Following Item 7, the Agenda was reordered as follows: Item 11.a., 10.a., 10.b., 8., 11.b.

5.a. Closed Session Announcements.

None.

5.b. Ordinances Read in Title Only.

Mayor Ray Russom moved, Council Member Barneich seconded, and the motion passed unanimously by roll-call vote that all ordinances presented at the meeting shall be read by title only and all further readings be waived.

6. SPECIAL PRESENTATIONS

6.a. Update Regarding Countywide COVID-19 Efforts.

Recommended Action: Receive update, accept public comments, discuss, and provide direction, as necessary.

Acting Deputy City Manager McDonald provided an update on the County's current COVID-19 efforts. She reminded residents to visit www.ReadySlo.org for current information on the shelter at home order. She stated that the Governor issued new Statewide orders which require additional closures. Effective July 13, 2020, the following businesses are required to close indoor operations: dine-in restaurants, wineries and tasting rooms, movie theatres, family entertainment centers, zoos and museums, and card rooms. In addition, bars, brew pubs, breweries, and pubs are required to close indoor and outdoor operations. She stated that counties on the Statewide monitoring list for three days will be subject to the following additional in-door closures: fitness centers, worship services, protests, office for non-essential services, personal care services, hair salons and barber shops, and malls. She noted that the City is looking to help business owners to modify operations in order to operate outdoors.

Mayor Ray Russom stated that additional closures may be issued on July 16, 2020.

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

No action was taken on this item.

6.b. Consideration of Confirmation of Appointment of Chief of Police.

Recommended Action: Confirm the appointment of Mike Martinez as the Chief of Police. If confirmed, the City Clerk will administer the Oath of Office.

Acting City Manager Robeson presented the staff report. Acting Deputy City Manager McDonald announced that the salary range for the position would be between \$11,450 - \$13,924 per month, that Chief Martinez's starting salary would be \$11,967, and he would receive benefits that are described in the Council adopted Resolution for Management

Action: Council Member Barneich moved to confirm the appointment of Mike Martinez as Chief of Police. Council Member Paulding seconded, and the motion passed on the following roll-call vote:

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

City Clerk Wetmore administered the Oath of Office to Chief Martinez, and facilitated the badge pinning which was performed by Chief Martinez's wife, Lorena Martinez.

Mayor Ray Russom read a letter from a member of the public regarding Commander Martinez's service and the Council congratulated him on his appointment to Chief.

7. COMMUNITY COMMENTS AND SUGGESTIONS

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

The following items were heard out of order.

11. NEW BUSINESS

- 11.a. Consideration of Adoption of an Uncodified Urgency Ordinance Providing that all State and County Orders and Regulations Applicable within the Jurisdiction of the City of Arroyo Grande and Issued in Response to COVID-19 as Being Expressly Enforceable by City Officials; An Urgency Ordinance Adding Chapter 1.18 to Title 1 of the Arroyo Grande Municipal Code Relating to Administrative Citations, Fines and Penalties; and a Resolution Establishing Administrative Fines and Penalties.**

City Attorney Carmel and Acting Deputy City Manager McDonald presented the staff report and recommended that the Council adopt the Uncodified Urgency Ordinance; adopt the Urgency Ordinance adding Chapter 1.18 to Title 1 of the Arroyo Grande Municipal Code; and adopt the Resolution establishing administrative fines and penalties. Staff responded to extensive questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public via teleconference in opposition to the proposed Ordinances citing concerns relating to the wearing and enforcement of face masks were: Chris Cucchierra, Dawn, Andrea, Patrick Sparrow, Frank Schiro, Sandy, Christine Miller, Deena, and Bart Ingar. Speaking in support of the proposed Ordinances were: Brenda McAlice, Linda Drummy, Shirley Gibson, and Kay Gore. City Clerk Wetmore read into the record written correspondence received from Brenda Ratkay, Michael Edwards, Danielle Dill, Scott Andrews, Kristi Dibbern, Jessica Pellegrini, Bruce Berlin, Zack Victor, and Natalie Terrasas. No further comments were received. Staff responded to several questions asked during public comment.

Action: Mayor Pro Tem Storton moved to adopt an urgency Ordinance entitled: ***“AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE PROVIDING THAT ALL STATE AND COUNTY ORDERS AND REGULATIONS, APPLICABLE WITHIN THE JURISDICTION OF THE CITY OF ARROYO GRANDE, AND ISSUED IN RESPONSE TO COVID-19, AS BEING EXPRESSLY ENFORCEABLE BY CITY OFFICIALS”***. Council Member Paulding seconded, and the motion passed on following roll call vote:

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

Action: Mayor Pro Tem Storton moved to adopt an urgency Ordinance entitled: ***“AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADDING CHAPTER 1.18 TO TITLE 1 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS AND PENALTIES TO BE EFFECTIVE IMMEDIATELY IN ORDER TO PROVIDE FOR THE ENFORCEMENT OF ALL STATE AND COUNTY ORDERS AND REGULATIONS, APPLICABLE WITHIN THE JURISDICTION OF THE CITY OF ARROYO GRANDE, AND ISSUED IN RESPONSE TO COVID-19”***. Council Member Paulding seconded, and the motion passed on following roll call vote:

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

Action: Mayor Pro Tem Storton moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE SETTING FORTH ADMINISTRATIVE FINES AND PENALTIES FOR VIOLATIONS OF THE ARROYO GRANDE MUNICIPAL CODE”**. Council Member Paulding seconded, and the motion passed on following roll call vote:

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

Mayor Ray Russom called for a break at 8:54 p.m. The Council reconvened at 8:59 p.m.

10. OLD BUSINESS:

10.a. Consideration of Placing a Local Transaction and Use Tax (“Sales Tax”) Measure on the November 3, 2020 Ballot.

Acting City Manager Robeson presented the report and recommended that the Council: 1) Adopt the proposed Resolution ordering the submission to the qualified electors of the City a measure relating to the establishment of a local transactions and use tax (hereinafter referred to as a "sales tax") at the General Municipal Election to be held on Tuesday, November 3, 2020, as called by Resolution No. 4994; 2) Introduce the proposed Ordinance adding Chapter 3.23 to Title 3 of the Arroyo Grande Municipal Code regarding a transactions and use tax; 3) Adopt the proposed Resolution setting priorities for filing a written argument regarding a City measure and directing the City Attorney to prepare an impartial analysis of the measure; 4) Adopt the proposed Resolution providing for the filing of rebuttal arguments for City measures submitted at municipal elections; and 5) Approve the argument to be submitted in favor of the measure. Staff responded to questions from Council.

Jocelyn Brennan, President/CEO of South County Chambers of Commerce, provided an update on additional survey results received from Arroyo Grande businesses and summarized that out of 173 responses, 58.9% opposed the proposed sales tax increase, 21.9% supported the proposed increase, and 19.1% were undecided. She stated that some businesses could support a sales tax increase if there was a sunset clause. Ms. Brennan responded to questions from Council.

Mayor Ray Russom invited public comments. Speaking from the public via teleconference were: Frank Schiro, in opposition to a general tax measure, expressed concern with the amount of revenue lost due to the COVID-19 pandemic, and favored a special tax that would ensure that infrastructure improvements get done in the City; Linda Drummy, expressed concern with the proposed 1% sales tax increase; Jocelyn Brennan, stated if a sales tax increase were to be passed, the survey results from businesses favored the money being used for streets, local business recovery, and public safety, and she then read a letter of opposition into the record from the South County Chambers of Commerce Board of Directors; and Jim Hill, stated while he supports infrastructure improvements, he suggested the Council consider lowering the sales tax to encourage car sales and other sales in Arroyo Grande and the City may find an increase in

revenue. City Clerk Wetmore read into the record written correspondence received from Kevin Colten, and Bruce Berlin. No further public comments were received.

Mayor Ray Russom clarified that she thought there would be a more robust discussion on whether a general or special tax was going to be considered so she abbreviated her comments at the previous Council meeting due to the late hour and had mistakenly voted in favor with the Council. She stated that she would not be voting to move forward with a general sales tax measure, explained that she is concerned with the overall commentary that the money would be used for infrastructure and pavement, and stated that the funds would go into the General Fund and could be used for anything as directed by the Council. She stated that over time, priorities can change and the monies can be used for other purposes. She commented on pavement costs as maintenance is deferred, stated it is the City's largest expense, and that she could not support the sales tax increase without having the funds restricted. She also expressed concern about the limit of public oversight of the funds.

Mayor Pro Tem Storton acknowledged there are a lot of issues to consider, understood the concerns that have been expressed by people in opposition to the measure, and stated that he thought the issue comes down to trust in government and how the Council is expected to spend the people's money. He commented on the City's budget, infrastructure and deferred maintenance, and actions that have been taken to reduce expenditures, spoke in support of the measure as proposed and stated that he could support including a sunset clause and a citizen oversight committee.

Council Member George commented on pavement maintenance costs; stated that she believes it is the Council's job to listen to the needs and concerns of residents and to provide viable solutions; commented that the shortfall in funds for the City's public safety and infrastructure is one of the most pressing problems the City faces and to address that shortfall, the City needs to find a way to generate revenue. She referred to previous discussions regarding revenue generation and acknowledged that a sales tax measure is the most effective way to generate revenue quickly. She stated that she reached out to many residents and local business owners to understand what the proposed tax measure would mean to the community; spoke about the pandemic and the difficulty in forecasting the economy and where we are going to be; that a term should be set that will allow the City to be flexible to reset the tax rate as needed; acknowledged that it is never a good time for a tax increase, but the health and welfare of our community must be addressed. She acknowledged that there is a great need for revenue, but suggested the possibility of waiting two years; commented on sales tax per capita; stated that the City cannot provide the services it needs to maintain and support Arroyo Grande's infrastructure if we do not have the funding to do so; however, that she would be remiss not to acknowledge where citizens are financially at this moment due to COVID-19. She stated she did not believe a special tax would pass, and that if the proposed general tax measure were to be placed on the ballot, she would like staff to start working with the local small businesses to develop a small business relief plan so that it is already in place if the measure passes. She concluded by stating this is not a simple answer, expressed concern whether now was the right time or whether the Council should wait two years to address this tax on the 2022 ballot in order to allow the community time to see the true effect of the pandemic, and stated she could not support the proposed tax measure at this time in its current form.

Council Member Paulding expressed appreciation for comments received by the public and the extensive thoughts and comments provided by the Council. He stated that in general, the Council

has to make sure the City remains fiscally stable, that we have a balanced budget, and that the City is in a position or at least well positioned to fund increasing costs, including deferred maintenance costs. He stated that the measure, as drafted, provides transparency and accountability; and acknowledged that the Measure O-06 annual report and the public hearing that occurs every five years to determine whether the tax should remain in effect provides both transparency and accountability. He referred to a special tax and noted that the Chamber survey results did not indicate support for that; spoke in support of the measure but stated he would be open to discussing a sunset clause, and stated that in general, he believed the Council should let the voters decide whether they want to support a sales tax to maintain their quality of life.

Council Member Barneich spoke about Measure O-06 and its related advisory measures asking voters how the funds should be used; spoke about the City's annual report of local sales tax revenue and expenditures that is mailed to every household which provides accountability of how the funds have been spent; commented that over the past 14 years, infrastructure and maintenance costs have gone up; acknowledged it is never a good time to bring forward a tax measure; acknowledged those residents and businesses that are struggling due to the pandemic; stated that the City needed additional revenue before COVID-19 and even more so now; believed the current and prior Councils have been fiscally responsible and conservative and have made difficult financial decisions to close budget gaps. She stated she did not favor a special tax, reducing the sales tax rate, or putting the measure off until 2022; however, she stated she would be open to including a sunset clause even though it would be hard to do long-range planning. She concluded by stating that she would like to give the citizens the choice to vote on this as it is up to them to decide if they can afford to pay that increase.

Brief Council discussion ensued regarding whether to include a sunset clause.

Council Member George clarified she is not in favor of the sales tax measure in its current form, that it is not the right time due to the unknown financial impacts on the City's residents as a result of COVID-19, and that she would support discussion regarding a sunset clause if there were already full consensus of the City Council in favor of moving forward with the sales tax measure.

No motion was made; therefore, no action was taken on this item.

10.b. Consider Approval of Third Amendment to the Joint Exercise of Powers Agreement for the Five Cities Fire Authority.

Acting Deputy City Manager McDonald presented the staff report and recommended that the Council adopt the Resolution approving the Third Amendment to the Joint Exercise of Powers Agreement for the Five Cities Fire Authority. Staff responded to questions from Council.

At 10:59 p.m., Mayor Ray Russom stated that pursuant to Council policy, the Council must vote unanimously to continue the meeting past 11:00 p.m.

Action: Mayor Ray Russom moved to continue the meeting to 11:20 p.m. Council Member George seconded, and the motion passed unanimously on the following roll-call vote:

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

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

Action: Council Member Barneich moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING THE THIRD AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT FOR THE FIVE CITIES FIRE AUTHORITY”**. Mayor Pro Tem Storton seconded, and the motion passed on following roll call vote:

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

Action: At 11:20 p.m., Mayor Ray Russom moved to continue the meeting to 11:30 p.m. Mayor Pro Tem Storton seconded, and the motion passed unanimously on the following roll-call vote:

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

8. 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.

Mayor Ray Russom invited public comment on the Consent Agenda. City Clerk Wetmore read into the record written correspondence received from Tracy Thomas regarding Item 8.c. (Resolution Declaring a Continued Local Emergency Related to the Coronavirus (COVID-19) Pandemic); and Kevin Buchanan, regarding Item 8.i. (Consideration of Approval of a Fourth Amendment to the Agreement for Consultant Services with GHD Inc., for the General Plan Circulation Element Update (GPA 19-001)). No further public comments were received.

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

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

8.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period June 16, 2020 through June 30, 2020.

8.b. Consideration of Agreement for Auditing Services.

Action: Approved an Agreement for auditing services with Moss, Levi & Hartzheim LLP, Certified Public Accountants, for a period of three years, with an option to extend for two additional one-year periods, and authorized the Mayor to execute the Agreement.

- 8.c. **Adoption of a Resolution Declaring a Continued Local Emergency Related to the Coronavirus (COVID-19) Pandemic.**
Action: Adopted a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING A CONTINUED LOCAL EMERGENCY RELATED TO THE CORONAVIRUS (COVID-19) PANDEMIC”.**
- 8.d. **Consideration of Acceptance of the 2019 Street Repairs Project, PW 2019-01.**
Action: 1) Accepted the project improvements as constructed by Ferravanti Grading & Paving in accordance with the plans and specifications for the 2019 Street Repairs Project, PW 2019-01; 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.e. **Consideration to Approve a Purchase Order with Wallace Group for Fats, Oils and Grease (FOG) Program Inspection Administration and Inspection.**
Action: Approved a purchase order with Wallace Group in an amount not to exceed \$28,000 for the administration and inspection of the City’s FOG Program.
- 8.f. **Consideration of a First Amendment to Contract for Consultant Services with Filippin Engineering, Inc. for the Bridge Street Bridge Project, PW 2020-01.**
Action: 1) Approved a First Amendment to the Contract for Consultant Services with Filippin Engineering, Inc. to include additional services; and 2) Authorized the Mayor to execute the First Amendment.
- 8.g. **Authorization to Purchase Water Meters.**
Action: Approved the purchase of water meters from Aqua Metric in the amount of \$48,000 during FY 2020/21.
- 8.h. **Consideration of a Resolution Approving the Installation of Two (2) Irrigation Wells on Property Zoned Agriculture; Location – 500 Fair Oaks Avenue; Applicant – Leroy Saruwatari.**
Action: Adopted a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING THE INSTALLATION OF TWO (2) NEW IRRIGATION WELLS ON PROPERTY ZONED AGRICULTURE; LOCATED AT 500 FAIR OAKS AVENUE; APPLIED FOR BY LEROY SARUWATARI”.**
- 8.i. **Consideration of Approval of a Fourth Amendment to the Agreement for Consultant Services with GHD Inc., for the General Plan Circulation Element Update (GPA 19-001).**
Action: Approved the Fourth Amendment to the Agreement for Consultant Services with GHD Inc. for preparation of the General Plan Circulation Element Update, interim VMT Guidelines, Transportation Impact Analysis Guidelines, Transportation Impact Fee Update, and required environmental review.

9. PUBLIC HEARINGS

None.

11. NEW BUSINESS

- 11.b. **Consideration of Introduction of an Ordinance Related to Electronic Filing and Administration of Fair Political Practices Commission (FPPC) Campaign Disclosure Statements and Statement of Economic Interests Forms.**

City Clerk Wetmore presented the staff report and recommended that the Council introduce an Ordinance adding Chapter 2.06 to Title 2 of the Arroyo Grande Municipal Code relating to electronic filing of campaign statements and statements of economic interests.

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

Action: Mayor Pro Tem Storton moved to introduce an Ordinance entitled: **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADDING CHAPTER 2.06 (ELECTRONIC FILING) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS”**. Council Member George seconded, and the motion passed on following roll call vote:

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

12. CITY COUNCIL REPORTS

Mayor Ray Russom suggested, and the Council concurred, to postpone City Council reports to the next regular meeting on July 28th.

13. COUNCIL COMMUNICATIONS

There were no Council communications.

14. CLOSED SESSION

None.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Ray Russom adjourned the meeting at 11:30 p.m.

Caren Ray Russom, Mayor

ATTEST:

Kelly Wetmore, City Clerk

(Approved at CC Mtg _____)