

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, JUNE 9, 2020 COUNCIL CHAMBERS, 215 E. BRANCH STREET ARROYO GRANDE, CALIFORNIA

In compliance with the State and County Shelter at Home Orders 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, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Director of Administrative Services Mike Stevens, Public Works Manager Shane Taylor, and Information Technology Manager Walt Cuzick were present in the Council Chambers. Acting Deputy City Manager Whitney McDonald, City Attorney Timothy Carmel, Accounting Manager Nicole Valentine, Recreation Services Director Sheridan Bohlken, Chief of Police Beau Pryor, 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

5.a. Closed Session Announcements.

Regular Meeting of May 26, 2020

- a) Public Employee Evaluation pursuant to Government Code Section 54957:
Titles: Acting City Manager, Acting Deputy City Manager

City Attorney Carmel announced that the Council met in closed session to discuss the performance of the Acting City Manager and Acting Deputy City Manager and there was no reportable action taken.

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 effective June 12, 2020, additional businesses may reopen which include schools, childcare, day camps, and that within the County, campgrounds, RV parks, outdoor recreation, public swimming pools, hotels, lodging, short term rentals, movie theatres, restaurant bars and wineries, and fitness facilities. She clarified that indoor fitness classes are not allowed to reopen; however, outdoor non-contact fitness classes are allowed as long as physical distance can be maintained and that there is no shared equipment. Organized sports that require physical contact are still not allowed. She also noted that the City is looking at options for allowing in person public meetings.

Mayor Ray Russom invited public comment. No public comments were received. Mayor Ray Russom stated that she would leave the public comment period open until after item 6.b.

No action was taken on this item.

6.b. Acting City Manager Report – Upcoming Presentation Regarding Current Police Training and Policies.

Mayor Ray Russom read a statement on behalf of the Council and City leadership regarding the City's position on the tragic death of George Floyd, the dedication of the City's Police Department and staff to continue to look for ways to best serve the community, and an upcoming opportunity for the public to be involved..

Acting City Manager Robeson acknowledged all the public comments received and reported that a presentation will be given regarding current police training, policies, and procedures at the June 23, 2020 City Council meeting, and that public input is encouraged.

Police Chief Pryor also provided a statement regarding the circumstances that precipitated Mr. Floyd's death, that it was preventable and should never have happened, and that what happened in Minneapolis is not reflective of the Arroyo Grande Police Department. He stated he appreciates the opportunity to join in the conversation of police reform and looks forward to future dialogue with Council, staff and members of the community.

Mayor Ray Russom invited public comment. City Clerk Wetmore read correspondence into the record received from Kealoha Ghiglia, Jamie Maraviglia, and Ken Hill. No further comments were received.

7. COMMUNITY COMMENTS AND SUGGESTIONS

Mayor Ray Russom invited public comment. Speaking from the public via teleconference regarding incidents that occurred during the recent protest held in Arroyo Grande/Grover Beach were: Hannah Avila, Gina Whitaker, Brenda McAlice, Brianna Biberston, Paul Wolf, Marylin Rossa, Mary Fisher, Spencer Omberg, Chris Cummings, Tom Murray, Jenn Prentice, Shannon Carmedy, Joseph Ogren, Pamela McMillan, Debra Palmer, Jessica Baza, Spencer Goss, Daniel Curriel, Virginia Roof, Lia Hensley, Kyle Berlin, Robert Woodam, Kathy LaSollette, Elizabeth Kell,

Jamie Fordyce, Kevin McBride, Scott Teshmann, Beverly Harven, Bryce Kirby, Zachary Victor, Sazla Christensen, Carolyn Harmon, Casey Johnston, Dana Richards, Ashlin Hatch, Ani Walls, Sara Gibson, April Corday, Marga Selzer, Karah Ramierez, Matthew Park, and Julia Vogue. Speaking via teleconference regarding a policy to mandate the wearing of masks in public places was: Briana Peterson. Written public comments received after 4:00 pm were read into the record by City Clerk Wetmore from the following members of the public: Paul Fordyce, Betsy Sutton, Kat Alessi, Allison Stitzer, Diane Gularte, Kat Schroeder, Briana Peterson, Kristan Jason, Savla Bot, Jordan Bauer, Jessica Baza, Kealoha Ghiglia, Robert Woodham, Jon Marino, Graham Carter, Erin Ogren, Mary Chalin, Jon Marino, Ryan Bartley, Landon Echolds, Joslynn Flowers, and Sierra Beach. Upon receiving no further public comments, Mayor Ray Russom closed the public comment period.

Staff responded briefly to questions from the public and Council regarding incidents that occurred during the protest. City Attorney Carmel clarified that there is an open case that is still under investigation. Further discussion ensued briefly regarding the Brown Act as it relates to adding an action item to the agenda and it was determined to defer any direction until Item 12 - Council Communications.

At 9:26 p.m., Mayor Ray Russom called for a break. At 9:37 p.m., the Council reconvened.

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.

In response to questions from Council Member Paulding and Council Member Barneich regarding Item 8.f. (Consideration of Grant of Access and Utility Easement Over the City-Owned Parking Lot Located Behind the 100 Block of E. Branch Street on the North Side of the Street to Verizon Wireless to Construct and Maintain a New Small Cell Telecommunication Facility on Private Property), City Attorney Carmel responded that the compensation negotiated for the access easement is commercially reasonable and explained the location of the easement.

Mayor Ray Russom invited public comment. Speaking from the public via teleconference was Leyla Duymazler, representing Verizon Wireless, who stated that she is available for questions regarding Item 8.f.

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

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

8.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period May 16, 2020 through May 31, 2020.

8.b. Consideration of Fiscal Year 2020-21 Appropriation Limit.

Action: Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADOPTING A TAX PROCEEDS EXPENDITURE APPROPRIATION LIMIT FOR FISCAL YEAR 2020-21”***.

8.c. Consideration of Approval of Minutes.

Action: Approved the minutes of the Regular City Council Meeting of May 26, 2020, as submitted.

8.d. Consideration of Resolutions for the 2020 General Municipal Election for the Election of Certain Officers of the City.

Action: 1) Adopted a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES”**; 2) Adopted a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE”**; and 3) Adopted a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020”**.

8.e. 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.f. Consideration of Grant of Access and Utility Easement Over the City-Owned Parking Lot Located Behind the 100 Block of E. Branch Street on the North Side of the Street to Verizon Wireless to Construct and Maintain a New Small Cell Telecommunication Facility on Private Property.

Action: Approved a Grant of Easement Agreement with Verizon Wireless granting an access and utility easement over the City-owned parking lot located behind the 100 block of E. Branch Street on the north side of the street to construct and maintain a new small cell telecommunication facility on private property.

8.g. Consideration of Approval of Engineer’s Reports and Adoption of Resolutions Declaring the City’s Intention to Levy and Collect Assessments for the Parkside Village Assessment District, Grace Lane Assessment District and Landscaping and Lighting District No. 1, within Tract 1769, for Fiscal Year 2020-21.

Action: 1) Approved the Engineer’s Reports 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; 2) Adopted Resolutions entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED TO THE PARKSIDE VILLAGE ASSESSMENT DISTRICT FOR FISCAL YEAR 2020-2021”**; **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED TO THE GRACE LANE ASSESSMENT DISTRICT FOR FISCAL YEAR 2020-2021”**; and **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED TO THE ARROYO GRANDE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1, WITHIN TRACT 1769, FOR FISCAL YEAR 2020-2021”**; and 3) Set a public hearing for June 23, 2020 at 6:00 p.m. for the

Parkside Village Assessment District, Grace Lane Assessment District, and Landscaping and Lighting Assessment District No. 1, within Tract 1769.

- 8.h. Consideration of a Resolution Authorizing the City to Join the Coalition to Support Local Recovery in Support of the League of California Cities (LOCC) COVID-19 Recovery Efforts and Authorizing the Mayor, Acting City Manager and Acting Deputy City Manager to Sign Letters of Support Related to the Coalition's and LOCC's Efforts.**

Action: Adopted a Resolution entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING THE MAYOR, ACTING CITY MANAGER, AND/OR ACTING DEPUTY CITY MANAGER TO JOIN THE LEAGUE OF CALIFORNIA CITIES' COALITION TO SUPPORT LOCAL RECOVERY AS A RESULT OF THE COVID-19 PANDEMIC AND TO SIGN ANY LETTERS OF SUPPORT RELATED TO THE COALITION'S EFFORTS AND ANY OTHER LEAGUE OF CALIFORNIA EFFORTS TO OBTAIN RELIEF RELATED TO COVID-19".

- 8.i. Consideration of a Cooperation Agreement between the County of San Luis Obispo and the City of Arroyo Grande for Joint Participation in the Community Development Block Grant Program, the Home Investment Partnerships Program, and the Emergency Solutions Grant Program for Fiscal Years 2021 through 2023.**

Action: Adopted a Resolution entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING A COOPERATION AGREEMENT BETWEEN THE COUNTY OF SAN LUIS OBISPO AND THE CITY OF ARROYO GRANDE FOR JOINT PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, THE HOME INVESTMENT PARTNERSHIPS PROGRAM, AND THE EMERGENCY SOLUTIONS GRANT PROGRAM FOR FISCAL YEARS 2021 THROUGH 2023".

9. PUBLIC HEARINGS

None.

10. OLD BUSINESS:

- 10.a. Presentation by Water Systems Consulting Regarding Central Coast Blue Cost Sharing Memorandum of Agreement Framework and Discuss and Provide Direction Regarding the MOA.**

Acting City Manager/Public Works Director Robeson provided an introduction of the item recommending that the Council review and provide input and direction on the revised Central Coast Blue Cost Sharing Memorandum of Agreement (MOA) framework.

Dan Heimel, Water Systems Consulting, gave a presentation which provided an overview of the original MOA terms, modifications made to the MOA based on City Council input, updated cost share percentages, reconciliation of costs spent to date, financial/funding source update, program schedule, and next steps in approving the MOA framework. Staff, Mr. Heimel, and Ben Fine, City of Pismo Beach Public Works Director, responded to extensive questions from Council regarding the proposed MOA framework.

At 11:00 p.m., Mayor Ray Russom stated that pursuant to Council policy, the Council must vote unanimously to continue the meeting. She suggested the Council discuss moving around or continuing the remaining agenda items due to the late hour. Brief discussion ensued regarding the need to consider the Preliminary Budget at this meeting and postponing Items 11.a. and 11.c. if necessary.

Action: Mayor Ray Russom moved to continue the meeting to 12:00 a.m. and then reconsider which items may need to be continued. 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

Due to the late hour and those on the teleconference line waiting to provide public comment, Mayor Ray Russom invited public comment on Item 11.a. regarding the Jim Guthrie Community Service Grant Program. Speaking from the public via teleconference regarding Item 11.a. were Bob Kerwin, representing SCORE San Luis Obispo County Chapter, in support of the grant panel's recommendation to fund its application; and Janna Nichols, representing the 5 Cities Homeless Coalition, in support of the grant panel's recommendation to fund its application. Jocelyn Brennan, representing South County Chambers, referred back to Item 10.a. and spoke in support of the Central Coast Blue project. Hearing no further public comments, Mayor Ray Russom closed public comment.

At this time, Council questions resumed regarding Item 10.a., Central Coast Blue Cost Sharing Memorandum of Agreement framework.

Mayor Ray Russom invited public comments. Speaking from the public via teleconference were Julie Tacker, stating that she has advocated for a government structure since the beginning of this project, asked questions regarding dilution ratios, noted that the project price keeps escalating, and opposed proceeding with the MOA framework as proposed; and Jocelyn Brennan, read a letter into the record from the South County Chambers of Commerce Board of Directors in support of the project. Hearing no further public comments, Mayor Ray Russom closed public comment.

At 12:00 a.m., Mayor Ray Russom stated that pursuant to Council policy, the Council must vote unanimously to continue the meeting.

Action: Mayor Ray Russom moved to continue the meeting until 1:00 a.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

Council comments and concerns ensued regarding the existing MOA framework and the lack of a single, comprehensive Memorandum of Agreement between all parties that is legally binding and has been reviewed by the appropriate legal counsel. Concerns were expressed regarding provisions in the MOA framework relating to financial contributions by Oceano Community Services District and the South San Luis Obispo County Sanitation District that have not been committed to at this time; that Arroyo Grande is the largest cost contributor and there is no governance structure within the proposed framework; that the MOA framework does not identify the agency that will be operating and maintaining the project; that the MOA framework doesn't address ownership of property and facilities acquired for the project; that the final MOA should be approved by the City Council; that the public should be given more time to receive information about the project; that the 2002 Management Agreement should be updated with the basin yield numbers before moving forward; clarification regarding the status of the grant application and funding for the project; the timing for entering into a

legally binding Memorandum of Agreement; and that there is still time to have more discussions about the MOA as a Council and with the working group.

Action: Mayor Ray Russom moved to continue the discussion of the Memorandum of Agreement framework and providing direction regarding the MOA for Central Coast Blue to a date uncertain pending answers to the questions and comments provided by the City Council. Council Member Paulding seconded, and the motion passed on the following roll-call vote:

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

The Agenda was reordered to consider Item 11.b. prior to Item 11.a.

11. NEW BUSINESS

11.b. Consideration of Fiscal Year 2020-21 Preliminary Budget.

Administrative Services Director Stevens presented the staff report and recommended that the Council provide direction on the proposed FY 2020-21 Preliminary Budget. Staff responded to questions from Council.

At 1:00 a.m., Mayor Ray Russom stated that pursuant to Council policy, the Council must vote unanimously to continue the meeting.

Action: Council Member Paulding moved to continue the meeting to 2:00 a.m. Mayor Pro Tem Storton seconded, and the motion passed unanimously on the following roll-call vote:

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

Mayor Ray Russom invited public comments. Written public comments regarding the preliminary budget were received from Kyle Berlin and read into the record by City Clerk Wetmore. No further public comments were received.

Council comments ensued regarding the proposed alternatives identified by staff that could be implemented to achieve the 20% General Fund reserve balance goal. Council Members Paulding, George, Barneich, and Mayor Pro Tem Storton supported implementing all of the measures with the exception of postponing buy-back of annual/sick/vacation payouts for 12 months. Mayor Ray Russom referred to the Police Department's need to replace its radio repeater system and asked Chief Pryor to provide some background information. Following Chief Pryor's comments, Mayor Ray Russom asked the Council to consider funding this project by utilizing the funds saved by freezing the vacant Police Officer position.

Action: Council Member Paulding moved to approve the proposed FY 2020-21 Preliminary Budget as modified to include the following additional cost cutting measures to: 1) Delay the hiring of the City Manager position through the first quarter of the new fiscal year (\$32,000); 2) Delay the hiring of the Permit Technician position in Community Services through the first quarter of the new fiscal year (\$23,100); 3) Delay the hiring of the Maintenance Worker I position in Public Works through the first quarter of the new fiscal year (\$20,200); 4) Freeze the hiring of a vacant Police

Officer position for the full fiscal year (\$124,000), and 5) Allocate \$124,000 for the purchase and installation of a replacement police radio repeater system for the Police Department. Mayor Ray Russom seconded, and the motion passed on the following roll-call vote:

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

At 2:00 a.m., Mayor Ray Russom stated that pursuant to Council policy, the Council must vote unanimously to continue the meeting.

Action: Mayor Pro Tem Storton moved to continue the meeting to 2:30 a.m. Council Member Paulding seconded, and the motion passed unanimously on the following roll-call vote:

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

11.a. Consideration of Jim Guthrie Community Service Grant Program Allocations for Year 2020.

Acting Deputy City Manager/Community Development Director McDonald presented the staff report and recommended that the Council adopt a Resolution approving projects to be funded through the Jim Guthrie Community Service Grant Program funds.

Mayor Ray Russom acknowledged the public comments previously received and invited additional public comments. No public comments were received.

Brief Council discussion ensued regarding a request received by former Council Member Jim Guthrie to have his name removed from the Program.

Action: Council Member Paulding moved to adopt a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING JIM GUTHRIE COMMUNITY SERVICE GRANT PROGRAM PROJECTS FOR YEAR 2020”***. Council Member Barneich seconded, and the motion passed on the following roll-call vote:

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

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

This item was postponed to the June 23, 2020 Regular City Council meeting.

12. COUNCIL COMMUNICATIONS

Brief Council discussion ensued regarding a future agenda item for further discussion regarding the events that occurred during last Friday’s protest. City Attorney Carmel responded that the matter is still under investigation and that the Council should wait until a determination is made by the District Attorney before taking any additional actions.

Council Member George requested an item be placed on a future agenda regarding review of the Council Handbook as it relates to additional training for the City Council. Council Member Paulding concurred.

Mayor Pro Tem Storton provided an update on the recent Five Cities Fire Authority Board meeting as it related to the approval of the fire union's Memorandum of Understanding through June 30, 2021.

13. CLOSED SESSION

None.

14. ADJOURNMENT

There being no further business to come before the City Council, Mayor Ray Russom adjourned the meeting at 2:20 a.m.

/s/Caren Ray Russom, Mayor

ATTEST:

/s/Kelly Wetmore, City Clerk

(Approved at CC Mtg 06-23-2020)