

## **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](http://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 14<sup>th</sup>.

**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.

**/s/Caren Ray Russom, Mayor**

**ATTEST:**

**/s/Kelly Wetmore, City Clerk**

**(Approved at CC Mtg 07-28-2020)**