



ACTION MINUTES
REGULAR MEETING OF THE CITY COUNCIL

September 27, 2022, 6:00 p.m.
Hybrid City Council Chamber/Virtual Zoom Meeting
215 East Branch Street, Arroyo Grande

Council Members Present: Mayor Ray Russom, Mayor Pro Tem George, Council Member Barneich, Council Member Paulding, Council Member Storton

Staff Present: City Clerk Jessica Matson, City Attorney Timothy Carmel, City Manager Whitney McDonald, Assistant City Manager/Public Works Director Bill Robeson, Administrative Services Director Nicole Valentine, Community Development Director Brian Pedrotti, Associate Planner Patrick Holub, Police Chief Michael Martinez

Given the recent increase in COVID-19 cases in San Luis Obispo County, and in compliance with Assembly Bill (AB) 361, which allows for a deviation of teleconference rules required by the Ralph M. Brown Act, this meeting was conducted in a hybrid in-person/virtual format.

1. CALL TO ORDER

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

2. ROLL CALL

City Clerk Matson took roll call.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Mayor Ray Russom led the flag salute.

5. AGENDA REVIEW

5.a. Closed Session Announcements

None.

5.b. Ordinances read in title only

Moved by Mayor Ray Russom
Seconded by Council Member Barneich

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

Passed (5 to 0)

6. SPECIAL PRESENTATIONS

6.a. Update Regarding Countywide COVID-19 Efforts

City Manager McDonald provided a brief update on COVID-19 which included information on the new data dashboard the County is using for reporting COVID-19 statistics.

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

No action was taken on this item.

6.b. City Manager Communications

City Manager McDonald thanked everyone involved in their efforts in making the Harvest Festival a success; provided an update on the progress of the Elm Street playground project; announced that the new County animal shelter is now open; and provided information regarding the 5Cities Homeless Coalition cabin project in Grover Beach.

Assistant City Manager/Public Works Director Robeson informed the public of a planned street closure on South Mason Street for removal of a tree on October 14, 2022.

Mayor Ray Russom invited public comment. Speaking from the public were Krista Bandy and Peggy Coon. No further public comments were received. Director Robeson responded to questions from the public.

No action was taken on this item.

6.c. Honorary Proclamation - Native American & Indigenous Peoples Heritage Month 2022

Mayor Ray Russom read the Honorary Proclamation declaring October 2022 Native American & Indigenous Peoples Heritage Month. Slo'w Victor Gutierrez accepted the proclamation.

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

No action was taken on this item.

6.d. Honorary Proclamation - Fire Prevention Week 2022

Mayor Ray Russom read the Honorary Proclamation declaring October 9 - 15, 2022 Fire Prevention Week. Five Cities Fire Chief Lieberman accepted the proclamation and commented that Five Cities Fire Authority will be hosting an Open House at Station 1 in Arroyo Grande on Saturday, October 8th.

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

No action was taken on this item.

7. COMMUNITY COMMENTS AND SUGGESTIONS

Mayor Ray Russom invited public comment. Speaking from the public were Mike Drees and Jeff Edwards. No further public comments were received. Assistant City Manager/Public Works Director Robeson responded to questions from the public.

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 pulled Item 8.k. for a separate vote.

Council commented on Items 8.i. and 8.l.

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

Moved by Council Member Storton
Seconded by Mayor Ray Russom

Approve Consent Agenda Items 8.a. through 8.m., with the exception of item 8.k., with the recommended courses of action.

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

Passed (5 to 0)

8.a. Consideration of Cash Disbursement Ratification

Ratified the attached listing of cash disbursements for the period of August 16 through August 31, 2022.

8.b. Consideration of Adoption of a Resolution Declaring a Continued Local Emergency Related to the COVID-19 Pandemic and Authorizing the Continuance of Remote Teleconference Meetings of the Legislative Bodies Pursuant to Government Code Section 54953(e)(3)

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 AND AUTHORIZING THE CONTINUANCE OF REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF ARROYO GRANDE PURSUANT TO GOVERNMENT CODE SECTION 54953(e)".***

8.c. Consideration of Adoption of a Resolution Approving the Amended and Restated Contract Between San Luis Obispo County Flood Control and Water Conservation District and the City of Arroyo Grande for Water Supply from Lopez Reservoir

Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE MAKING RESPONSIBLE AGENCY FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE AMENDED AND***

RESTATED WATER SUPPLY CONTRACT PROJECT FOR ZONE 3 AND APPROVING EXECUTION OF AN AMENDED AND RESTATED WATER SUPPLY CONTRACT WITH THE SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT".

8.d. Consideration of First Amendment to the Communications Site Lease Agreement ("Lease") with T-Mobile West, LLC ("T-Mobile"), for the Operation of a Telecommunications Facility Located at Branch Mill Road (Reservoir 4)

Approved the First Amendment to the Communications Site Lease Agreement ("Lease") with T-Mobile West, LLC ("T-Mobile"), successor in interest to Cingular Wireless, for the operation of a telecommunications facility located at Branch Mill Road, commonly known as the Reservoir 4 site.

8.e. Approval of Minutes

Approved the minutes of the Regular City Council Meeting of September 13, 2022.

8.f. Consideration of Conflict of Interest Code Biennial Review and Resolution Amending the City of Arroyo Grande Conflict of Interest Code

Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING AN AMENDED CONFLICT OF INTEREST CODE FOR DESIGNATED POSITIONS"***.

8.g. Consideration of an Agreement for Police Fleet Lease and Purchase and Resolution Declaring Vehicles as Surplus

1) Authorized the purchase of (a) thirteen (13) vehicles from Mullahey Ford, (b) vehicle fleet upfitting from Dana Safety Supply, (c) MDC Computers from Code3 Technologies, and (d) dash cameras from Safe Fleet; 2) Authorized a financing agreement for nine (9) Patrol vehicles and upfitting for a total not to exceed the amount of \$749,103, through a 4-year municipal lease from Holman Capital Corporation at an APR of 4.57% (4 annual payments of approximately \$201,583); 3) Authorized the cash purchase of four (4) vehicles and upfitting not to exceed the amount of \$204,395; 4) Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING FOURTEEN VEHICLES AS SURPLUS AND AUTHORIZING THEIR SALE OR DISPOSAL"***; and 5) Authorized the City Manager to execute all necessary documents.

8.h. Consideration to Award Construction Contract to G. Sosa Construction, Inc. for 2022 Pedestrian Crossing Improvement Project, PW 2021-08, and Authorization of Budget Adjustment for \$90,618 from Unexpended FY 2021-22 CIP Budget Funds

1) Awarded a construction contract to G. Sosa Construction, Inc. in the amount of \$321,202.75 and authorized the City Manager to approve change orders for up to 10% of the contract amount, \$32,120.25, for unanticipated costs during the construction phase of the project (construction contract costs = \$321,202.75 + \$32,120.25 = \$353,323); and 2) Approved a budget adjustment to appropriate \$90,618 from unexpended FY 2021-22 Capital Improvement Program budget funds to cover the subject project expenditures.

8.i. Monthly Water Supply and Demand Update

Received and filed the monthly Water Supply and Demand Report.

8.j. Consideration to Adopt a Resolution Pursuant to Public Contract Code Section 22050 Determining to Continue Work Under Emergency Contracts for the FCFA Station 1 Emergency Generator Replacement Project, PW 2021-09

1) Received and filed an update of the emergency generator replacement project at the FCFA Station 1; and 2) Adopted a Resolution entitled: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING FOURTEEN VEHICLES AS SURPLUS AND AUTHORIZING THEIR SALE OR DISPOSAL"**.

8.i. Consideration of Temporary Use Permit 22-011 Authorizing the Temporary Closure of Branch Street for Halloween in the Village on Monday, October 31, 2022; Applicant – Krista Bandy

Adopted a Resolution entitled: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT CASE NO. 22-011 AUTHORIZING "HALLOWEEN IN THE VILLAGE" ON MONDAY, OCTOBER 31, 2022 AND DIRECTING STAFF TO IMPLEMENT RELATED SAFETY MEASURES INCLUDING NO PARKING ZONES AND STREET CLOSURES; APPLIED FOR BY KRISTA BANDY"**.

8.m. Consideration of Adoption of a Resolution Amending the Citywide Combined Salary Schedule to Establish a Pay Schedule for a Temporary Part-Time Acting Capital Improvement Project Manager

Adopted a Resolution entitled: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING THE CITYWIDE COMBINED SALARY SCHEDULE AND ESTABLISHING A PAY SCHEDULE FOR THE POSITION OF TEMPORARY PART-TIME ACTING CAPITAL IMPROVEMENT PROJECT MANAGER"**.

8.k. Consideration of Adoption of an Ordinance Amending Title 16 of the Arroyo Grande Municipal Code Regarding Accessory Dwelling Units and Adoption of a Resolution Approving an Accessory Dwelling Unit Fee Waiver Program

Council Member Barneich declared a conflict of interest and recused herself.

Mayor Ray Russom declared a conflict of interest due to owning an ADU and recused herself. Mayor Pro Tem George presided.

Moved by Mayor Pro Tem George
Seconded by Council Member Paulding

Adopted an Ordinance entitled: **"AN ORDINANCE OF THE CITY COUNCIL ADOPTING AMENDMENTS TO TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE (AGMC) REGARDING ACCESSORY DWELLING UNITS; LOCATION- CITYWIDE"**, and a Resolution entitled: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE PROVIDING FOR AN ACCESSORY DWELLING UNIT FEE WAIVER PROGRAM"**. City Attorney Carmel read the full title of the Ordinance.

AYES (3): Mayor Pro Tem George, Council Member Paulding, and Council Member Storton

ABSENT (2): Mayor Ray Russom, and Council Member Barneich

Passed (3 to 0)

9. PUBLIC HEARINGS

9.a. Discussion and Consideration of Introduction of Ordinance Amending Title 16 of the Arroyo Grande Municipal Code Regarding Short Term Rentals (Vacation Rentals and Homestays); Development Code Amendment 22-002

Mayor Ray Russom returned to the meeting and presided.

Council Member Barneich declared a conflict of interest and left the meeting.

Mayor Pro Tem George declared a conflict of interest and left the meeting.

Mayor Ray Russom noted that due to the multiple conflicts of interest, Council previously drew straws to see who would hear the item.

Community Development Director Pedrotti introduced the item, and Associate Planner Holub provided a presentation of the staff report. Staff responded to questions from Council.

City Attorney Carmel clarified what language was legally necessary in the Ordinance.

Mayor Ray Russom opened the public hearing. Speaking from the public were Zazz Daniel, Josephine Moore, Annie Ashbrook, Jim Guthrie, Peggy Coon, and No Name provided. City Clerk Matson read into the record written correspondence received from Joanie Fugitt, Zazz and Dove Daniel, Deborah Cookson and Josephine Moore, Terry and Jeff Walters. Upon hearing no further public comments, Mayor Ray Russom closed the public hearing. Director Pedrotti and Associate Planner Holub responded to questions from the public.

City Attorney Carmel provided clarification regarding the revocations and public hearing process.

Council discussion ensued regarding metrics for the payment of Transient Occupancy Tax (TOT) as it relates to a possible revocation hearing; the permitting cap; and requiring an affidavit regarding responsiveness.

Mayor Ray Russom suggested continuing the Item until after Item 9.b. to allow staff time to clarify language in the Ordinance. Council concurred.

Mayor Ray Russom called for a brief break at 8:13 p.m. The Council reconvened at 8:24 p.m.

Council returned to the item and staff recommended modifying the Ordinance as follows:

Amending performance standards and conditions for vacation rentals #16 to read: "Vacation rentals must remit a minimum amount of TOT to the City at least once every six (6) months. The amount shall be established by a resolution of the City Council and shall be equivalent to half of the average annual TOT remitted by all vacation rentals that have remitted payment the previous fiscal year."

Amending performance standards and conditions for Home Stays #12 to read: "Home Stays must remit a minimum amount of TOT to the City at least once every six (6) months. The amount shall be established by a resolution of the City Council and shall be equivalent to half of the average annual TOT remitted by all vacation rentals that have remitted payment the previous fiscal year."

Moved by Mayor Ray Russom
Seconded by Council Member Paulding

Introduce an Ordinance entitled: "***AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE REGARDING VACATION RENTALS AND HOMESTAYS***", as modified by staff. City Attorney Carmel read the full title of the Ordinance into the record.

AYES (3): Mayor Ray Russom, Council Member Paulding, and Council Member Storton

ABSENT (2): Mayor Pro Tem George, and Council Member Barneich

Passed (3 to 0)

9.b. Discussion and Consideration of Introduction of Ordinance Amending Title 16 of the Arroyo Grande Municipal Code (AGMC) Regarding a Permanent Parklet Program; Development Code Amendment 22-003; Location – Citywide

Associate Planner Holub presented the staff report and recommended that the Council introduce the Ordinance to establish a permanent parklet program. Staff responded to questions.

Mayor Ray Russom opened the public hearing. Speaking from the public were Jim Guthrie, Krista Bandy, and Laura Beth Amy. Upon hearing no further public comments, Mayor Ray Russom closed the public hearing.

Council discussion ensued regarding a steam cleaning requirement every 6 months; the definition of a parklet; and massing.

Mayor Ray Russom suggested continuing the item until after Item 11.a. to allow staff time to clarify language in the Ordinance. Council concurred.

After hearing Item 12, Council returned to the item and staff recommended modifying the Ordinance as follows:

Performance Standards and Conditions #8 to include: "any parklet features, furnishings, or vegetation shall maintain an open see through aesthetic in and out of the parklet."

Performance Standards and Conditions #17 to include: "parklets shall be kept clean and neat."

Performance Standards and Conditions #18 to include: "Steam cleaning shall be completed at least once every six months by the parklet operator. Steam cleaning shall be consistent with Regional Water Quality Control Board regulations regarding illicit discharge."

SECTION 3 Definitions: changed public amenity to private amenity.

Moved by Mayor Ray Russom
Seconded by Mayor Pro Tem George

Introduce an Ordinance entitled: "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE REGARDING THE ESTABLISHMENT OF A PERMANENT PARKLET PROGRAM**", including the modifications made by staff. City Attorney Carmel read the full title of the Ordinance into the record.

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

Passed (5 to 0)

10. OLD BUSINESS

None.

11. NEW BUSINESS

11.a. Discussion and Consideration of Approval of a Joint Exercise of Powers Agreement Creating the Central Coast Blue Regional Recycled Water Authority and Appointment of a Representative to the Authority Board of Directors

City Manager McDonald presented the item and recommended that the Council authorize the Mayor to execute a Joint Exercise of Powers Agreement Creating the Central Coast Blue Regional Recycled Water Authority (Authority); and appoint a member of the City Council to the Authority Board of Directors. City Manager McDonald responded to questions from Council.

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

Moved by Council Member Barneich
Seconded by Mayor Pro Tem George

Authorize the Mayor to execute a Joint Exercise of Powers Agreement Creating the Central Coast Blue Regional Recycled Water Authority; and appoint Mayor Ray Russom to the Authority Board of Directors.

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

Passed (5 to 0)

12. CITY COUNCIL REPORTS

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

12.a. MAYOR RAY RUSSOM:

1. California Joint Powers Insurance Authority (CJPIA)

2. South San Luis Obispo County Sanitation District (SSLOCSD)
3. Tourism Business Improvement District Advisory Board
4. Other

12.b. MAYOR PRO TEM GEORGE:

1. County Water Resources Advisory Committee (WRAC)
2. Visit SLO CAL Advisory Board
3. Other

12.c. COUNCIL MEMBER BARNEICH:

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

12.d. COUNCIL MEMBER PAULDING:

1. Air Pollution Control District (APCD)
2. Brisco/Halcyon Interchange Subcommittee
3. Council of Governments/Regional Transit Authority/ South County Transit (SLOCOG/SLORTA/SCT)
4. REACH SLO Advisory Commission
5. Other

12.e. COUNCIL MEMBER STORTON:

1. Brisco/Halcyon Interchange Subcommittee
2. Five Cities Fire Authority (FCFA)
3. Integrated Waste Management Authority Board (IWMA)
4. South County Chambers of Commerce Governmental Affairs Committee
5. Other

13. COUNCIL COMMUNICATIONS

Council Member Barneich thanked staff for the work done for the Harvest Festival.

Mayor Pro Tem George requested a discussion item at a future Council meeting regarding annual steam cleaning of the sidewalks in the Village. Mayor Ray Russom concurred. Assistant City Manager/Public Works Director Robeson clarified that staff did not commit to annual sidewalk steam

cleaning during a recent Village Businesses Roundtable. Mayor Ray Russom suggested the discussion be brought up during the next budget discussion. Mayor Pro Tem George concurred.

Mayor Pro Tem George announced that the next Empty Bowls event for 5 Cities Homeless Coalition will take place on October 1, 2022.

14. CLOSED SESSION

None.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Ray Russom adjourned the meeting at 10:02 p.m.

Caren Ray Russom, Mayor

ATTEST:

Jessica Matson, City Clerk