



ACTION MINUTES
REGULAR MEETING OF THE CITY COUNCIL

February 14, 2023, 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 Barneich, Council Member George, Council Member Guthrie, Council Member Secest

Staff Present: City Clerk Jessica Matson, Interim City Attorney Isaac Rosen, City Manager Whitney McDonald, Assistant City Manager/Public Works Director Bill Robeson, Community Development Director Brian Pedrotti, Administrative Services Director Nicole Valentine, Utilities Manager Shane Taylor, Police Chief Michael T. Martinez

Due to ongoing COVID-19 concerns 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

2. ROLL CALL

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Mayor Ray Russom let the flag salute.

5. AGENDA REVIEW

5.a Closed Session Announcements

None.

5.b Ordinances read in title only

None.

6. SPECIAL PRESENTATIONS

6.a Honorary Proclamation Recognizing February 2023 as Teen Dating Violence Action and Prevention Month

Mayor Ray Russom read the Honorary Proclamation Recognizing February 2023 as "Teen Dating Violence Action and Prevention Month". Callie Tennock, Lumina Alliance, and Molly, Close to Home volunteer, accepted the proclamation.

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

No action was taken on this item.

6.b Introductions and Oath of Office - Police Officers Christopher Bennett and Jesse Pierce

Police Chief Martinez introduced Police Officers Christopher Bennett and Jesse Pierce, highlighted their educational and professional background, and facilitated the badge pinning ceremony. City Clerk Matson administered the Oath of Office.

Mayor Ray Russom invited public comment.

No public comments were received.

6.c San Luis Obispo Council of Governments Regional Transportation Plan Presentation

Stephen Hanamaikai, SLOCOG, provided a presentation regarding the Regional Transportation Plan.

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

No action was taken on this item.

6.d Update Regarding Countywide COVID-19 Efforts

City Manager McDonald provided a brief update on COVID-19.

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

No action was taken on this item.

6.e City Manager Communications

City Manager McDonald provided information regarding events happening in the City; and discussed upcoming items for Council consideration.

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

No action was taken on this item.

7. CITY COUNCIL REPORTS

None.

8. COMMUNITY COMMENTS AND SUGGESTIONS

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

9. 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 Pro Tem Barneich declared a conflict of interest due to work performed for Mary Verdin and pulled Item 9.e. for separate consideration. Item 9.g. was pulled for questions.

Mayor Ray Russom invited public comment. Speaking from the public was Mary Verdin, and Kathy McCorry. No further public comments were received.

Moved by Mayor Pro Tem Barneich
Seconded by Council Member George

Approve Consent Agenda Items 9.a. through 9.i. with exception of 9.e., with the recommended courses of action.

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

Passed (5 to 0)

9.a Consideration of Cash Disbursement Ratification

Ratified the listing of cash disbursements for the period of January 1 through January 15, 2023.

9.b Consideration of Statement of Investment Deposits

Received and filed the report listing investment deposits of the City of Arroyo Grande as of December 31, 2022, as required by Government Code Section 53646(b).

9.c 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 and Advisory Bodies Pursuant to Government Code Section 5

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)".***

9.d Consideration of Adoption of a Resolution Declaring a Continued Local Emergency Related to the January 2023 Storm Events

Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING A CONTINUED LOCAL EMERGENCY RELATED TO THE JANUARY 2023 WINTER STORMS".***

9.f Approval of Minutes

Approved the minutes of the Regular City Council Meeting of January 24, 2023, as submitted.

9.g Consideration of Appointments to the Architectural Review Committee; Community Service Grant Program Committee; and Arroyo Grande Tourism Business Improvement District Advisory Board

1) Appointed Glenn Martin to the ARC; 2) Appointed Aileen Loe to the CSGPC; and 3) Appointed David Glass to the AGTBID Advisory Board.

9.h 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 DETERMINING A NEED TO CONTINUE WORK UNDER EMERGENCY CONTRACTS FOR THE FCFA STATION 1 EMERGENCY GENERATOR REPLACEMENT PROJECT"***.

9.i Consideration of Rejection of All Bids for the Retrofit of Swinging Bridge over Arroyo Grande Creek Project, PW 2021-06

Rejected all Bids on the Retrofit of Swinging Bridge over Arroyo Grande Creek Project (Project) and directed staff to begin the processes of compliance with Federal procedures and requirements set forth in the Local Assistance Procedures Manual on the Project.

9.e Consideration of an Extension of the Consultant Services Agreement with Verdin Marketing for Tourism Marketing Services for One Year

Mayor Pro Tem Barneich recused herself due to having performed interior design work for the owners of Verdin Marketing on their residence.

Moved by Council Member George
Seconded by Council Member Secrest

Approve and authorize the City Manager to extend the Consultant Services Agreement with Verdin Marketing for a period of one year, expiring on June 30, 2024.

AYES (4): Council Member George, Council Member Secrest, Council Member Guthrie, and Mayor Ray Russom

ABSENT (1): Mayor Pro Tem Barneich

Passed (4 to 0)

10. PUBLIC HEARINGS

10.a Public Hearing to Discuss and Consider a Resolution Approving Community Development Block Grant (CDBG) Projects for Year 2023

Planning Manager Perez presented the item and recommended that the Council adopt a Resolution approving projects to be funded with the City's allocation of CDBG funds for the Year 2023.

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

Moved by Council Member George
Seconded by Council Member Guthrie

Adopt a Resolution approving projects to be funded with the City's allocation of CDBG funds for the Year 2023 as shown in Table 1.

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

Passed (5 to 0)

11. **OLD BUSINESS**

11.a **Update and Discussion of a Proposal for the Comprehensive General Plan Update**

Community Development Director Pedrotti presented the report and recommended that the Council 1) Direct staff to return to the City Council with a consultant services agreement with Mintier Harnish to initiate the comprehensive General Plan Update, and 2) Direct staff to solicit proposals for a Diversity, Equity, Inclusion, and Justice (DEIJ) expert to implement the City's DEIJ Policy and return to the City Council with a consultant contract for these services. Director Pedrotti and City Manager McDonald responded to Council questions.

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

Council discussion ensued regarding timing options for the General Plan Update and the consultant's proposal. Michael Gibbons, Minitier Harnish, responded to questions from Council.

Moved by Council Member George
Seconded by Council Member Secret

1) Direct staff to return to the City Council with a consultant services agreement with Mintier Harnish to initiate the comprehensive General Plan Update to include the three-year scope of work and alternatives, the Climate Action Plan update, Comprehensive Development Code update, and Economic Development Tasks; and addition of potential funding sources; and 2) Direct staff to solicit proposals for a separate DEIJ expert.

AYES (4): Council Member George, Council Member Secret, Mayor Pro Tem Barneich and Mayor Ray Russom

NOES (1): Council Member Guthrie

Passed (4 to 1)

12. **NEW BUSINESS**

12.a **Consideration of a Resolution Suspending Penalties for Failure to Meet Required Water Use Reductions During the Current Stage 1 Water Shortage Emergency**

Mayor Ray Russom called for a brief break at 7:46 p.m. The Council reconvened at 7:51 p.m.

Administrative Services Director Valentine presented the report and recommended that the Council adopt a Resolution authorizing the City's Administrative Services Director to suspend penalties imposed pursuant to the Stage 1 Water Shortage Emergency Declaration adopted on October 12, 2021, Resolution 5119, for failure to meet required water use reductions for February 2023 billing dates and all future billing dates until otherwise directed by the City Council. Director Valentine and Utilities Manager Taylor responded to questions from Council.

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

Mayor Ray Russom made a motion to adopt a Resolution authorizing the City's Administrative Services Director to suspend penalties imposed for February billing dates and all future billing dates pursuant to the Stage 1 Water Shortage Emergency Declaration adopted on October 12, 2021, Resolution 5119, and to direct staff to include a discussion regarding potential future water shortage emergency declaration language.

The motion failed due to a lack of a second.

Council Member Guthrie made a motion to eliminate the penalties when the Stage 1 Water Shortage Emergency Declaration is rescinded, and to direct staff to bring back options in language that encourages continued water savings. Mayor Pro Tem Barneich seconded the motion with a request to direct staff to also bring back a discussion regarding water shortage triggers. Council Member Guthrie concurred.

Council Member George commented regarding the option of suspending penalties until April 2023 when staff brings back an item to consider rescinding the State 1 Water Shortage Emergency declaration. Council Member Guthrie did not concur due to concerns with starting and stopping penalties.

Moved by Council Member Guthrie
Seconded by Mayor Pro Tem Barneich

Direct staff to eliminate the penalties when the Stage 1 Water Shortage Emergency Declaration is rescinded; bring back options in language that encourages continued water savings; and bring back a discussion regarding water shortage triggers.

AYES (3): Council Member Guthrie, Mayor Pro Tem Barneich, and Council Member Secret

NOES (2): Council Member George and Mayor Ray Russom

Passed (3 to 2)

13. **COUNCIL COMMUNICATIONS**

Mayor Pro Tem Barneich commented on the Community Service Grant Application and welcomed Interim City Attorney Rosen.

Council Member George thanked Central Coast Follies for their assistance; and commented on the Clark Center performances of STEAMPunk Adventures in March.

Council Member Secrest noted that there will be a youth section included in the Art in the Park event; and that Christopher Pruvell, lead prosecutor in the Kristin Smart case, appreciated the support from the Arroyo Grande community during the trial.

14. CLOSED SESSION

City Attorney Rosen announced that the Council will recess into closed session to discuss the following item:

CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION pursuant to Government Code Section 54956.9(d)(1):

Name of Case: Santa Maria Valley Water Conservation District v. City of Santa Maria, et al. and related actions, Santa Clara Superior Court, Case No. CV 770214.

Council adjourned to Closed Session at 8:39 p.m. A Closed Session report will be provided at the next Regular City Council meeting.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Ray Russom adjourned the meeting at 9:45 p.m.

Caren Ray Russom, Mayor

ATTEST:

Jessica Matson, City Clerk