



**ACTION MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**

**February 28, 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 Secrest

Staff Present: City Clerk Jessica Matson, Interim City Attorney Isaac Rosen, City Manager Whitney McDonald, Assistant City Manager/Public Works Director Bill Robeson, Administrative Services Director Nicole Valentine, Community Development Director Brian Pedrotti, Planning Manager Andrew Perez, FCFA Chief Steve Lieberman, Police Chief Michael Martinez, Commander Zak Ayala, Commander Dave Culver

**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.**

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**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**

Regular Meeting of February 14, 2023

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.

Interim City Attorney Rosen announced that there was no reportable action.

**5.b Ordinances read in title only**

None.

**6. SPECIAL PRESENTATIONS**

**6.a Honorary Proclamation Recognizing March as Women’s History Month**

Mayor Ray Russom read the Honorary Proclamation Recognizing March as Women’s History Month. Nan Fowler, South County Historical Society, accepted the proclamation.

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

No action was taken on this item.

**6.b Recognition of Outgoing Advisory Body Members**

Mayor Ray Russom thanked outgoing Downtown Parking Advisory Board Members Mike Zimmerman, Chiasa Klapper, Jim Kelsey, and Architectural Review Committee Members Jon Couch and Warren Hoag for their service to the community.

Mayor Ray Russom presented a Mayor's Commendation to Warren Hoag for his 30 years of service on the Architectural Review Committee. Council Member George and Mayor Pro Tem Barneich commented on Mr. Hoag's service and thanked him.

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

**6.c Central Coast Community Energy Special Presentation**

Judi Young, Central Coast Community Energy, provided a presentation regarding recent accomplishments and plans for 2023.

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 noted that this item will no longer be on future agendas due to the termination of the local emergency.

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 the upcoming City Council goal-setting meeting; 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**

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.

**7.a MAYOR RAY RUSSOM:**

1. California Joint Powers Insurance Authority (CJPIA)
2. Central Cost Blue Regional Recycled Water Authority Board
3. San Luis Obispo County Mayor's Meeting
4. South San Luis Obispo County Sanitation District (SSLOCSD)
5. Other

**7.b MAYOR PRO TEM BARNEICH:**

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

**7.c COUNCIL MEMBER GEORGE:**

1. Five Cities Fire Authority
2. Tourism Business Improvement District Advisory Board
3. Visit SLO CAL Advisory Board
4. Other

**7.d COUNCIL MEMBER GUTHRIE:**

1. Brisco/Halcyon Interchange Subcommittee
2. County Water Resources Advisory Committee (WRAC)
3. Council of Governments/Regional Transit Authority/ South County Transit (SLOCOG/SLORTA/SCT)
4. Integrated Waste Management Authority Board (IWMA)
5. REACH Economic Development Roundtable
6. Other

**7.e COUNCIL MEMBER SECREST:**

1. Air Pollution Control District (APCD)
2. Brisco/Halcyon Interchange Subcommittee

3. South County Chambers of Commerce Arroyo Grande Business Meeting
4. South County Chambers of Commerce Governmental Affairs Committee
5. Other

**8. COMMUNITY COMMENTS AND SUGGESTIONS**

Mayor Ray Russom invited public comment. Speaking from the public were Nan Fowler and Jeff Metcalf. No further 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 Ray Russom invited public comment. No public comments were received.

Moved by Mayor Pro Tem Barneich  
 Seconded by Council Member Guthrie

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

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

Passed (5 to 0)

**9.a Consideration of Cash Disbursement Ratification**

1) Ratified the listing of cash disbursements for the period of January 16 through January 31, 2023.

2) Determined that ratifying the cash disbursements is not a project subject to the California Environmental Quality Act (“CEQA”) because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

**9.b Consideration of Fiscal Year 2022-23 Second Quarter Status Report and Request to Approve Two Budget Adjustment Requests**

Received, considered, and filed the FY 2022-23 Second Quarter Financial Status Report; and approve two Budget Adjustment Requests.

**9.c Consideration of a Resolution Designating Authorized Agents for the City’s Application(s) for State and Federal Disaster Relief Funds**

1) Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DESIGNATING AUTHORIZED AGENTS FOR THE CITY’S APPLICATION(S) FOR STATE AND FEDERAL DISASTER COST RECOVERY ASSISTANCE”***.

2) Made findings that adopting the Resolution Designating Authorized Agents for the City’s Application(s) for State and Federal Disaster Relief Funds is not a project subject to the

California Environmental Quality Act (“CEQA”) because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

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

1) 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"***.

2) Made findings that adopting the Resolution continuing a local emergency is not a project subject to the California Environmental Quality Act (“CEQA”) because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

**9.e Consideration of Adoption of a Resolution Terminating the Local Emergency Related to the COVID-19 Pandemic**

1) Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE TERMINATING A CONTINUED LOCAL EMERGENCY RELATED TO THE CORONAVIRUS (COVID-19) PANDEMIC"***.

2) Made findings that the Resolution terminating a local emergency is not a project subject to the California Environmental Quality Act (“CEQA”) because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

**9.f Consider Adoption of 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; 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"***; and 3) Made findings that the continuation of the emergency action and the update of the Emergency generator replacement project at FCFA Station 1 is categorically exempt from the California Environmental Quality Act (“CEQA”) under the Class 2 exemption, which applies to the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, and where none of the exceptions to the exemption apply. (State CEQA Guidelines, § 15302.)

**9.g Consideration of Acceptance of the 2022 Pedestrian Crossing Improvements Project, PW 2021-08**

1) Accepted the project improvements as constructed by G. Sosa Construction, Inc. in accordance with the plans and specifications for the 2022 Pedestrian Crossing improvement Project, PW 2021-08; 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.

2) Found the Project improvements and completion of the Project exempt from the California Environmental Quality Act, under the CEQA Class 3 exemption, for the new construction of small structures. (State CEQA Guidelines, § 15303.)

**9.h Consideration of a Resolution Accepting Public Improvements for Parcel Map PM AG17-0073; Location – 189 Brisco Road**

1) Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ACCEPTING PUBLIC IMPROVEMENTS FOR PARCEL MAP 17-0073, LOCATED AT 189 BRISCO ROAD BY EDWARD SHAPIRO"***.

2) Made a finding that the acceptance of public improvements for PM AG17-0073 is not a project under CEQA pursuant to State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378, because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment; or in the alternate, is exempt from CEQA on the basis that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (State CEQA Guidelines, § 15061, subd. (b)(3).)

**9.i Monthly Water Supply and Demand Update**

Received and filed the monthly Water Supply and Demand Update.

**10. PUBLIC HEARINGS**

None.

**11. OLD BUSINESS**

None.

**12. NEW BUSINESS**

**12.a Receive an Update Regarding the Five Cities Fire Authority (FCFA) Wind-Down Process and Organizational Assessment**

City Manager McDonald presented an update regarding the Five Cities Fire Authority (FCFA) wind-down process and organizational assessment. City Manager McDonald also shared questions for discussion from the Grover Beach City Council including "Should we continue to pursue a restructured fire services Joint Powers Agreement (JPA) with the City of Grover Beach as recommended in the study?"; "If so, should our restructured JPA provide service to Oceano in a contractual fee-for-service arrangement for a defined period of time?"; and "Do you have any other input or direction or inclusions or recommendations to be included in what the consultant is putting together?". City Manager McDonald commented that staff recommend taking the recommendations from the consultant and working with the City of Grover Beach to form a new JPA and noting the Oceano divestiture process will not be completed by June 30, 2023. City Manager McDonald and Interim City Attorney Rosen responded to questions from Council.

Rick Hayden, Larry Waterhouse, Bob Leland, and Andy Belknap, consultants with Baker Tilly, presented the analysis of the FCFA Fire Services. The consultants responded to questions from Council.

*Mayor Ray Russom called for a brief break at 8:47 p.m. The Council reconvened at 8:56 p.m.*

FCFA Chief Steve Lieberman read his statement into the record and responded to questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public was Bruce Hensley, Barbara Harmon, No name provided, Craig Vanderzwaag, Steven Hensley, Jeff Lane, Matthew Chircop, and Tom Hugh. No further public comments were received.

Extensive Council discussion ensued.

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

Mayor Ray Russom disclosed ex-parte conversations with Local 4403.

Mayor Ray Russom led a straw poll regarding Grover Beach City Council's questions as follows:

- "Should we continue to pursue a restructured fire services Joint Powers Agreement (JPA) with the City of Grover Beach as recommended in the study?" Council Members George, Secrest, Mayor Pro Tem Barneich, and Mayor Ray Russom stated "yes;" Council Member Guthrie stated "no."

- "If so, should our restructured JPA provide service to Oceano in a contractual fee-for-service arrangement for a defined period of time?" Council Members Guthrie, George, Secrest, Mayor Pro Tem Barneich, and Mayor Ray Russom stated "yes."

- "Do you have any other input or direction or inclusions or recommendations to be included in what the consultant is putting together?" All Council Members provided comments in response to Baker Tilly's report including contract options for fire services, tax measures, the JPA Board makeup, and possibility of providing fire services to Oceano.

Council Member George disclosed ex-parte conversations with Local 4403.

At 10:52 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. Council Member Guthrie moved to continue the meeting to 11:30 p.m. Mayor Ray Russom seconded the motion, and the motion passed unanimously by voice vote.

No action was taken on this item.

## **12.b Discussion of a Draft Safe Parking Ordinance**

Due to meeting time constraints, Mayor Pro Tem Barneich moved to continue Item 12.b. to a date uncertain.

Moved by Mayor Pro Tem Barneich  
Seconded by Council Member Secrest

Move to continue the item to a date uncertain.

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

Passed (5 to 0)

**13. COUNCIL COMMUNICATIONS**

Council Member Guthrie commented on the success of the Meet the Machines event.

Mayor Pro Tem Barneich requested an update on the Short-term Rental consultant's work; and requested that the Council consider directing staff to agendize a discussion of the TBID Board. Council Member Guthrie concurred. The Council briefly discussed timing of the proposed item and directed the City Manager to discuss the item separately with Mayor Pro Tem Barneich and Council Member Guthrie.

Mayor Ray Russom announced that she will be absent from the April 11th City Council meeting.

**14. CLOSED SESSION**

Due to meeting time constraints, Mayor Pro Tem Barneich moved to continue Closed Session to a date uncertain.

Moved by Mayor Pro Tem Barneich  
Seconded by Council Member Secret

Move to continue the item to a date uncertain.

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

Passed (5 to 0)

**15. ADJOURNMENT**

There being no further business to come before the City Council, Mayor Ray Russom adjourned the meeting at 11:25 p.m.

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Caren Ray Russom, Mayor

ATTEST:

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Jessica Matson, City Clerk