



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

**April 11, 2023, 6:00 p.m.**  
**Hybrid City Council Chamber/Virtual Zoom Meeting**  
**215 East Branch Street, Arroyo Grande**

Council Members Present:	Mayor Pro Tem Barneich, Council Member Guthrie, Council Member Secrest
Council Members Absent:	Mayor Ray Russom, Council Member George
Staff Present:	Deputy City Clerk Sarah Lansburgh, 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, Assistant Planner Patrick Holub

**This meeting was conducted in a hybrid in-person/virtual format.**

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**1. CALL TO ORDER**

Mayor Pro Tem Barneich called the Regular City Council Meeting to order at 6:02 p.m.

**2. ROLL CALL**

Deputy City Clerk Lansburgh took roll call.

**3. MOMENT OF REFLECTION**

**4. FLAG SALUTE**

Jim Souza, Knights of Columbus led the flag salute.

**5. AGENDA REVIEW**

**5.a Closed Session Announcements**

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

Name of Case: Oak Park Estates, HOA v. City of Arroyo Grande, et al. and related actions  
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 Declaring April 2023 as National Sexual Assault Awareness Month**

Mayor Pro Tem Barneich read the Honorary Proclamation Declaring April 2023 as National Sexual Assault Awareness Month. Stacy Solome, Lumina Alliance, accepted the proclamation.

Mayor Pro Tem Barneich invited public comment. No public comments were received.

No action was taken on this item.

**6.b Honorary Proclamation Declaring April 28, 2023 as Arbor Day**

Mayor Pro Tem Barneich read the Honorary Proclamation Declaring April 28, 2023 as Arbor Day. Bill Robeson, Assistant City Manager/Public Works Director, accepted the proclamation.

Mayor Pro Tem Barneich invited public comment. No public comments were received.

No action was taken on this item.

**6.c City Manager Communications**

City Manager McDonald provided information regarding the We Heart AG event on April 23rd, the Halcyon Complete Streets Workshops on April 26th and 27th, the new City newsletter entitled "Arroyo Grande Gazette"; and discussed upcoming items for Council consideration.

Mayor Pro Tem Barneich invited public comment. No public comments were received.

No action was taken on this item.

**7. CITY COUNCIL REPORTS**

None.

Reports are made during the Second Council Meeting each month.

**8. COMMUNITY COMMENTS AND SUGGESTIONS**

Mayor Pro Tem Barneich invited public comment. Speaking from the public was Manley McNinch. No further public comments were received.

**9. CONSENT AGENDA**

Mayor Pro Tem Barneich asked the Council if there were any questions or any items to be pulled from the consent agenda for further discussion.

Council welcomed new City Attorney Rosen and wished prior City Attorney Carmel well in his future endeavors.

Mayor Pro Tem Barneich invited public comment. No public comments were received.

Moved by Council Member Guthrie  
Seconded by Council Member Secret

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

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

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

Passed (3 to 0)

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

- 1) Ratified the listing of cash disbursements for the period of March 1 through March 15, 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 Statement of Investment Deposits**

- 1) Received and filed the report listing investment deposits of the City of Arroyo Grande as of February 28, 2023, as required by Government Code Section 53646(b);
- 2) Determined that the statement of Investment report 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.c Acceptance of the Annual Comprehensive Financial Report, Single Audit, and Audit Report for the Transportation Development Act Transportation Fund Reports**

- 1) Received and filed the Annual Comprehensive Financial Report (ACFR), Single Audit, and Audit Report for the Transportation Development Act Transportation Fund for the fiscal year ended June 30, 2022.
- 2) Determined that the financial reports 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 Consider Awarding a Contract to Tyler Technologies, Tyler Enterprise ERP Software as a Service, for a Replacement Financial System and Authorize the City Manager to Execute Contractual Agreements with Tyler Technologies**

- 1) Awarded a Contract to Tyler Technologies, Tyler Enterprise ERP Software as a Service, for a Replacement Financial System and authorize the City Manager to Execute Contractual Agreements with Tyler Technologies.
- 2) Determined that awarding a contract to Tyler Technologies 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 Declaring a Continued Local Emergency Related to the Ongoing Storm Events**

1) Adopted a Resolution entitled: "***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING A CONTINUED LOCAL EMERGENCY WITHIN THE CITY OF ARROYO GRANDE (MARCH 2023 AND ONGOING STORM EVENTS BEGINNING DECEMBER 27, 2022)***"; and 2) Made findings that adopting the Resolution continuing a local emergency is not a project subject to the California Environmental Quality Act ("CEQA") because the continued declaration in itself 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 Consideration of Agreement with Best Best & Krieger for City Attorney Services and Appointment of Isaac Rosen as the Arroyo Grande City Attorney**

Approved the Agreement with Best Best & Krieger for City Attorney Services and appoint Isaac Rosen as the City Attorney.

**9.g Consider Opting into Settlement Agreements with Distributors of Opioids; Walgreens Co., Walmart Inc., CVS Health Corporation/CVS Pharmacy Inc., and Opioid Manufacturers Teva Pharmaceuticals Industries LTD and Allergan Finance LLC/Allergan Limited**

1) Opted into settlement agreement with opioid distributor, Walgreens Co., and direct the City Manager to execute any documents necessary to implement the action; 2) Opted into settlement agreement with opioid distributor, Walmart, Inc. and direct the City Manager to execute any documents necessary to implement the action; 3) Opted into settlement agreement with opioid distributor, CVS Health Corporation/CVS Pharmacy, Inc. and direct the City Manager to execute any documents necessary to implement the action; 4) Opted into settlement agreement with opioid manufacturer, Teva Pharmaceutical Industries Ltd., and direct the City Manager to execute any documents necessary to implement the action; 5) Opted into settlement agreement with opioid manufacturer, Allergan Finance, LLC/Allergan Limited and direct the City Manager to execute any documents necessary to implement the action; and 6) Made findings that adopting the Resolution entitled: "***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE CALIFORNIA AUTHORIZING THE CITY MANAGER TO ENTER INTO THE SETTLEMENT AGREEMENTS WITH WALGREENS CO., WALMART, INC., CVS HEALTH CORPORATION/CVS PHARMACY INC., TEVA PHARMACEUTICAL INDUSTRIALS LTD., AND ALLERGAN FINANCE LLC/ALLERGAN LIMITED, AGREE TO THE TERMS OF THE STATE-SUBDIVISION AGREEMENTS, AND AUTHORIZE ENTRY INTO THE STATE-SUBDIVISION AGREEMENTS WITH THE ATTORNEY GENERAL***" is not a project subject to the California Environmental Quality Act ("CEQA") because the adoption in itself 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.h Consideration of Cancellation of July 11, 2023 City Council Meeting**

Cancelled the regularly scheduled Council meeting of July 11, 2023.

**9.i Annual Update on Military Equipment Pursuant to California AB 481**

Received and filed the "Military Equipment Use Inventory Report" in accordance with California Assembly Bill 481 and make a motion to approve the renewal of Ordinance No. 714.

**9.j Consider Adoption of Resolutions Ordering the Preparation and Filing of Annual Engineer's Reports for the Parkside Village Assessment District, Grace Lane Assessment District, and Landscaping and Lighting District No. 1, Within Tract 1769, for Fiscal Year**

1) Adopted Resolutions entitled: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ORDERING THE PREPARATION AND FILING OF THE ANNUAL ENGINEER'S REPORT FOR THE GRACE LANE ASSESSMENT DISTRICT FOR FISCAL YEAR 2023-2024"; "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ORDERING THE PREPARATION AND FILING OF THE ANNUAL ENGINEER'S REPORT FOR THE PARKSIDE VILLAGE ASSESSMENT DISTRICT FOR FISCAL YEAR 2023-2024"; and "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ORDERING THE PREPARATION AND FILING OF THE ANNUAL ENGINEERS REPORT FOR THE ARROYO GRANDE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1, WITHIN TRACT 1769, FOR FISCAL YEAR 2023-2024".** 2) Determined that adopting the resolutions ordering the Engineer's reports 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.k Consideration of a Resolution for Funding Road Repair Consistent with the Road Repair and Accountability Act of 2017 (SB1) for Fiscal Year 2023-24**

1) Adopted a Resolution entitled: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADOPTING A PROJECT FOR FISCAL YEAR 2023-24 FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017";** 2) Authorized the Director of Administrative Services to submit the Resolution to the California Transportation Commission (CTC); and 3) Made findings that adopting the Resolution is not a project subject to the California Environmental Quality Act ("CEQA") because the adoption in itself 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.)

**10. PUBLIC HEARINGS**

**10.a Consideration of Architectural Review 23-006; Painting of a New Wall Mural; Location – 101 West Branch Street; Applicant – Alyssa Manno, Visit SLO CAL**

Assistant Planner Patrick Holub presented the report and recommended Council receive public comment and make a recommendation to the Arroyo Grande Public Art Review Panel. Mr. Holub responded to questions from Council.

Mayor Pro Tem Barneich opened the public hearing. Speaking from the public were Nan Bowman, Alyssa Manno, Elliott Becker, Kathryn, and Buddy Lowe. Deputy City Clerk Lansburgh read into the record written comments by Lori Hall. Upon hearing no further public comments, Mayor Pro Tem Barneich closed the public hearing.

Council Members Secrest and Guthrie acknowledged the supplemental information received and commented on the proposed mural design.

Mayor Pro Tem Barneich read comments from the Architectural Review Committee (ARC) in the staff report and make comments regarding the mural design.

Mayor Pro Tem Barneich re-opened the public hearing. Speaking from the public were applicant Alyssa Manno, and Cathy Cartier. Upon hearing no further public comments, Mayor Pro Tem Barneich closed the public hearing.

Council Member Guthrie made a motion to deny Architectural Review Case 23-006 based on inconsistencies with the historic guidelines for the Village. Mayor Pro Tem Barneich seconded the motion. Brief discussion ensued. Mayor Pro Tem Barneich withdrew her second.

Moved by Mayor Pro Tem Barneich  
Seconded by Council Member Secrest

Provide direction to applicant and artist to make changes aligned with the Village Historic Guidelines and bring back to Council for recommendation to the Arroyo Grande Public Art Panel.

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

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

Passed (3 to 0)

## 11. **OLD BUSINESS**

### 11.a **Consideration to Approve Construction Plans & Specifications and Environmental Exemption for the 2022 Street Repairs Project, PW 2022-05**

Assistant City Manager/Public Works Director Robeson introduced the report and Joe Ririe provided a presentation of the 2022 Street Repairs Project. Director Robeson, Director Valentine and Mr. Ririe responded to questions from Council.

Mayor Pro Tem Barneich invited public comment. No public comments were received.

Moved by Council Member Guthrie  
Seconded by Council Member Secrest

1) Approve the construction plans & specifications for Strategies 2 through 4 of the 2022 Street Repairs Project, with Strategy 2 identified as an additive alternative in the request for bids; 2) Approve the construction plans & specifications for Strategy 1 of the 2022 Street Repairs Project as a separate request for bids; 3) Authorize the City Clerk to advertise for construction bids; and 4) Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301(c) and direct the City Clerk to file a Notice of Exemption.

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

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

Passed (3 to 0)

12. **NEW BUSINESS**

None.

13. **COUNCIL COMMUNICATIONS**

Council Member Guthrie complemented the Recreation Services staff on a job well done after another successful Easter Egg Hunt event.

14. **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Pro Tem Barneich adjourned the meeting at 7:52 p.m.

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Caren Ray Russom, Mayor

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Jessica Matson, City Clerk