

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL/SUCCESSOR AGENCY TO THE DISSOLVED ARROYO GRANDE REDEVELOPMENT AGENCY TUESDAY, FEBRUARY 12, 2019 COUNCIL CHAMBERS, 215 E. BRANCH STREET ARROYO GRANDE, CALIFORNIA

1. CALL TO ORDER

Mayor/Chair Ray Russom called the City Council/Successor Agency Meeting to order at 6:00 p.m.

2. ROLL CALL

City Council/

Successor Agency: Council/Board Members Lan George, Keith Storton, Jimmy Paulding, Mayor Pro Tem/Vice Chair Kristen Barneich, and Mayor/Chair Caren Ray Russom were present.

Staff Present: City Manager/Executive Director Jim Bergman, City Attorney/General Counsel Heather Whitham, City Clerk/Secretary Kelly Wetmore, Director of Public Works Bill Robeson, Director of Community Development Teresa McClish, City Engineer Robin Dickerson, Police Chief Beau Pryor, and Five Cities Fire Authority Fire Chief Steve Lieberman.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Zineb Kammeimeyer, representing the Arroyo Grande High School Speech and Debate Team, led the Flag Salute.

5. AGENDA REVIEW

5.a. Closed Session Announcements.

None.

5.b. Ordinances Read in Title Only.

Mayor Ray Russom moved, Mayor Pro Tem Barneich seconded, and the motion passed unanimously that all ordinances presented at the meeting shall be read by title only and all further readings be waived.

6. SPECIAL PRESENTATIONS

None.

7. COMMUNITY COMMENTS AND SUGGESTIONS

Mayor Ray Russom invited public comment. Speaking from the public were: Linda Osty, who offered an invocation; Diane Brand, representing the Los Robles de Rancho Grande HOA, spoke in opposition of Staff Project 19-001 (James Way Habitat Trail Addition) stating the project is not consistent and compatible with the Open Space Agreement, fails to address environmental impacts pursuant to the California Environmental Quality Act, and submitted petitions opposing the project; Terry Tardiff, referred to the closed session item with ELA Foods, Inc. and expressed opposition to a Popeye's Restaurant coming back to Council for consideration; and Eli Yorba, commented on Staff Project 19-001 (James Way Habitat Trail Addition) and requested the City

not permit any new trails in the Preserve until all the trails have been mapped and a thorough assessment of the property can be performed.

8. CONSENT AGENDA

Mayor Ray Russom referred to Item 8.c. (Appointment to Planning Commission) and thanked Ken Sage for volunteering to serve on the Planning Commission.

Council Member George requested that Item 8.e. be pulled.
Mayor Ray Russom requested that Item 8.g. be pulled.

Mayor Ray Russom invited public comment on the consent agenda items. Speaking from the public was: Robert Olsen, regarding Item 8.d., regarding an apparent contradiction in the Ordinance regarding mobile vending in residential areas.

At Mayor Ray Russom's request, staff clarified that stationary vendors are prohibited from operating in residential areas; however, roaming carts in residential areas are allowed during limited hours, pursuant to State law.

Action: Mayor Pro Tem Barneich moved, and Council Member George seconded the motion to approve Consent Agenda Items 8.a. through 8.d. and 8.f., with the recommended courses of action. City Attorney Whitham read the full title of the Ordinance in Item 8.d. The motion passed on the following roll-call vote:

AYES: Barneich, George, Paulding, Storton, Ray Russom
NOES: None
ABSENT: None

8.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period January 16, 2019 through January 31, 2019.

8.b. Consideration of Approval of Minutes.

Action: Approved the minutes of the Regular City Council Meeting of January 22, 2019, as submitted.

8.c. Consideration of Council Appointment to the Planning Commission.

Action: Approved the recommendation of Council Member Paulding to appoint Ken Sage to the Planning Commission.

8.d. Consideration of an Ordinance Amending Chapter 9.32 and Adding Chapter 9.33 to Title 9 of the Arroyo Grande Municipal Code Relating to Mobile Vending and Sidewalk Vending.

Action: Adopted an Ordinance entitled: ***"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING CHAPTER 9.32 AND ADDING CHAPTER 9.33 TO TITLE 9 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO MOBILE VENDING AND SIDEWALK VENDING"***.

8.f. Consideration to Approve an Agreement with the California Conservation Corp for Vegetation Management Services.

Action: Approved and authorized the City Manager to execute an agreement with the California Conservation Corps for annual vegetation management services.

ITEMS PULLED FROM THE CONSENT AGENDA

8.e. Consideration of Striping and Signage Improvements at the Intersection of Halcyon Road and The Pike.

Recommended Action: Adopt a Resolution approving installation of one stop sign on southbound Halcyon Road at The Pike and install the necessary pavement striping improvements.

In response to questions from Council Member George, staff explained that this is a joint project between the City and the County and that the City will pay for the cost of installing the southbound stop sign and that the County will pay for the installation of the northbound stop sign; explained that the Halcyon Complete Streets Plan is currently underway in which a crosswalk would be considered at a later date in conjunction with that project; and confirmed that the proposed project is a six month trial period at which time accident and traffic data would be reviewed and evaluated.

Mayor Ray Russom invited public comment. Speaking from the public were: Jim Guthrie, who thanked the City for its efforts at improving this intersection and expressed his desire for the City to keep implementing incremental improvements to control speed as funding permits; and Robert Olsen, expressed concern with traffic if the City only installed the southbound stop sign without installing the northbound stop sign.

At Mayor Ray Russom's request, City Engineer Dickerson clarified that the City is only installing the southbound stop sign that is within the City limits; the County Board of Supervisors will be considering the installation of the northbound stop sign on March 12th; and the City will be working in conjunction with the County so that both stop signs are installed at the same time.

Hearing no further comments, Mayor Ray Russom closed the public comment period.

Action: Council Member George moved to adopt the Resolution as proposed. Mayor Pro Tem Barneich seconded, and the motion passed on the following roll-call vote:

AYES: George, Barneich, Paulding, Storton, Ray Russom

NOES: None

ABSENT: None

8.g. Consideration of Residential Lease for 202 East Le Point Street.

Recommended Action: Approve and authorize the City Manager to execute a Residential Lease between the City of Arroyo Grande as the Landlord and Jena Simmons and Chad Jackson as the tenants for the house located at 202 East Le Point Street.

In response to questions from Mayor Ray Russom, Public Works Director Robeson explained that staff did not conduct a full market analysis but talked to professionals in the real estate industry and the feedback was that the range for rent would be within \$1,200-\$1,600 per month for the property.

Mayor Ray Russom invited public comment. Speaking from the public was Chad Jackson, who introduced himself to the Council as the tenant of the property, commented that the rent has been increasing over the past years, and stated he and his family hoped to stay in the property. Hearing no further comments, Mayor Ray Russom closed public comment.

Mayor Ray Russom commented that she would prefer to approve a month to month agreement and move forward with a full market analysis on the property to be sure that the City is getting fair market value for rent.

Further Council comments ensued in support of the Residential Lease as proposed.

Action: Mayor Pro Tem Barneich moved to approve the Residential Lease as proposed. Council Member Storton seconded, and the motion passed on the following roll-call vote:

AYES: Barneich, Storton, Paulding, George
NOES: Ray Russom
ABSENT: None

9. PUBLIC HEARINGS

None.

10. OLD BUSINESS

None.

11. NEW BUSINESS

11.a. Discussion Regarding Municipal Code Requirements Related to the Discharge of Class C (“Safe and Sane”) Fireworks.

Chief Lieberman presented the staff report and recommended the Council discuss Arroyo Grande Municipal Code Section 8.08.100 related to the discharge of Class C (“Safe and Sane”) fireworks and provide direction to staff on any potential changes to the number of days that fireworks may be discharged in the City. Staff responded to questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public were: Frank Schiro, in support of safe and sane fireworks to celebrate Independence Day; Eric Baskin, in support of safe and sane fireworks; Karen Cabrenan, in support of safe and sane fireworks; Linda Busick, expressed concern with the potential of fire risk and supported the ban of fireworks in the City; Kim Banks, representing Arroyo Grande High School Boosters, in support of safe and sane fireworks; Steven Nailor, in support of safe and sane fireworks; Melody Evant, representing Five Cities Girls Softball, in support of safe and sane fireworks; Debbie Dyksyl, in support of safe and sane fireworks on July 4th only; Lewis Lenny, representing TNT Fireworks, commented that he believes illegal fireworks are the issue and not safe and sane, and suggested adoption of a “social host” ordinance for enforcement purposes; Patricia Price, in opposition to safe and sane fireworks, but stated she could accept limiting discharge of fireworks to July 4th only; and Jeri Edwards, supported a complete ban on all fireworks for

consumers, however, she could support changing the Ordinance to allow a fireworks display on July 4th only. Hearing no further comments, Mayor Ray Russom closed public comment. Council comments and discussion ensued regarding potential changes in the City's fireworks ordinance to reduce the number of days safe and sane fireworks can be discharged, reducing the timeframe for sales, increasing public education and outreach methods regarding the discharge and disposal of safe and sane fireworks, enforcement and penalties, and interest in further researching implementation of a social host ordinance.

Action: Mayor Pro Tem Barneich directed staff to develop a draft Ordinance to amend the Municipal Code relating to safe and sane fireworks; to retain the sale dates; that the discharge of fireworks in Arroyo Grande is the 24-hour period on July 4th only; that there be a robust public education campaign with an emphasis on proper disposal of safe and sane fireworks and the fines and penalties associated with violations of the City's fireworks ordinance; to provide information to Council regarding a social host ordinance; and to consider including a modification to the ordinance related to the sale of safe and sane fireworks. Council Member George seconded, and the motion passed on the following roll-call vote:

AYES: Barneich, George, Paulding, Storton, Ray Russom
NOES: None
ABSENT: None

13. CITY COUNCIL REPORTS

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

- (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

- (b) **MAYOR PRO TEM BARNEICH:**
 - (1) Homeless Services Oversight Council (HSOC)
 - (2) Zone 3 Water Advisory Board

- (c) **COUNCIL MEMBER PAULDING:**
 - (1) Air Pollution Control District (APCD)
 - (2) Brisco/Halcyon Interchange Subcommittee
 - (3) Council of Governments/Regional Transit Authority (SLOCOG/SLORTA)
 - (4) South County Transit (SCT)

- (d) **COUNCIL MEMBER STORTON:**
 - (1) Brisco/Halcyon Interchange Subcommittee
 - (2) Five Cities Fire Authority (FCFA)
 - (3) Integrated Waste Management Authority Board (IWMA)

- (e) **COUNCIL MEMBER GEORGE:**
- (1) Community Action Partnership San Luis Obispo (CAPSLO)
 - (2) County Water Resources Advisory Committee (WRAC)
 - (3) Visit SLO CAL Advisory Board

13. COUNCIL COMMUNICATIONS

Mayor Pro Tem Barneich announced the Pismo Beach Golf Course/5 Cities Homeless Coalition golf tournament and announced that 100% of the proceeds will benefit the 5 Cities Homeless Coalition.

Council Member George referred to the 5 Cities Homeless Coalition and stated that with the recent cold weather, the warming center has been open longer than anticipated and there has been a call for more volunteers and community support. She also recommended the public take a tour of the facility.

Mayor Ray Russom announced that the Brisco Interchange Project community meeting will be held February 13th and urged the public to attend and provide their input on the project.

14. CLOSED SESSION

SUCCESSOR AGENCY:

At 8:37 p.m., City Attorney Whitham announced the Successor Agency Board would adjourn to closed session to consider the following item:

- a) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to Government Code Section 54956.8:

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|----------------------|---|
| Property: | APN: 006-151-027; Located at Faeh Avenue and El Camino Real |
| Agency Negotiators: | James Bergman, City Manager; Marty Indvik, Lee & Associates |
| Negotiating Parties: | ELA Foods, Inc. |
| Under Negotiation: | Price and terms of payment for sale of property |

Chair Ray Russom invited public comment on the closed session item, and upon hearing no comments, she closed the public comment period.

Adjourned to Closed Session.

15. RECONVENE TO OPEN SESSION

At 9:32 p.m., the meeting was reconvened to open session. City Attorney Whitham reported that the Successor Agency directed the Board President to execute an Addendum to the Purchase and Sale Agreement extending the government approval contingency.

16. ADJOURNMENT

Mayor/Chair Ray Russom adjourned the meeting at 9:33 p.m.

/s/ Caren Ray Russom, Mayor/Chair

ATTEST:

/s/ Kelly Wetmore, City Clerk/Secretary

(Approved at CC Mtg 02/26/2019)