

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, APRIL 28, 2020 COUNCIL CHAMBERS, 215 E. BRANCH STREET ARROYO GRANDE, CALIFORNIA

In compliance with the State and County Shelter at Home Orders due to the coronavirus pandemic, and as allowed by the Governor's Executive Order N-29-20, which allows for a deviation of teleconference rules required by the Ralph M. Brown Act, this meeting was held by teleconference.

1. CALL TO ORDER

Mayor Ray Russom called the Regular City Council Meeting to order at 6:00 p.m. via teleconference.

2. ROLL CALL

City Council: Council Members Lan George, Jimmy Paulding, Kristen Barneich, Mayor Pro Tem Keith Storton, and Mayor Caren Ray Russom were all present via teleconference.

Staff Present: City Manager James Bergman, City Attorney Timothy Carmel, Administrative Services Director Mike Stevens, Accounting Manager Nicole Valentine, Public Works Director Bill Robeson, Community Development Director Whitney McDonald, Recreation Services Director Sheridan Bohlken, Chief of Police Beau Pryor, and Five Cities Fire Authority Fire Chief Steve Lieberman were present via teleconference. Director of Legislative and Information Services/City Clerk Kelly Wetmore, Information Technology Manager Walt Cuzick, and Assistant Planner Patrick Holub were present in the Council Chambers.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Council Member George led the flag salute.

5. AGENDA REVIEW

5.a. Closed Session Announcements.

Special Meeting of April 23, 2020

- a) Threat to Public Services or Facilities pursuant to Government Code Section 54957: Consultation with: Emergency Services Director/City Manager, City Attorney
- b) Conference with Real Property Negotiators pursuant to Government Code Section 54956.8:
Property: 400 Old Ranch Road (corner of W. Branch Street); APN 007-011-056
Agency Negotiators: James Bergman, City Manager
Negotiating Parties: Kamla Hotels Inc.
Under Negotiation: Price and terms of payment
- c) Conference with Labor Negotiator pursuant to Government Code Section 54957.6:
Agency Designated Representative: James Bergman, City Manager
Employee Organization: Arroyo Grande Police Officers' Association (AGPOA)

Successor Agency

- d) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:
Property: APN: 006-151-027; Located at Faeh Avenue and El Camino Real
Agency Negotiators: James Bergman, City Manager
Negotiating Parties: ELA Foods, Inc.
Under Negotiation: Price and terms of payment.

City Attorney Carmel reported that the Council met in closed session on April 23, 2020 and announced the following:

- a) The Council discussed the threat that COVID-19 poses to some public services with the Emergency Services Director and City Attorney.
- b) The Council continued to negotiate the terms of the potential sale of the real property located at 400 Old Ranch Rd. in Arroyo Grande with Kamla Hotels.
- c) The Council came to a tentative agreement with the Arroyo Grande Police Officers Association regarding a Memorandum of Understanding, but that is not final and will most likely be on the next regular meeting agenda for ratification.
- d) The Successor Agency to the Dissolved Arroyo Grande Redevelopment Agency extended to December 31, 2020, the time to perform under section 9.1(e) regarding governmental approvals, of the Purchase and Sale Agreement with ELA Foods for the real property located at 727 El Camino Real, Arroyo Grande.

Mayor Ray Russom read into the record correspondence received from Lori Hunstad regarding Item 5.a.(d), requesting that the neighborhood receive timely public notice on any development proposed for the property. Mayor Ray Russom acknowledged her concerns, referred to the public process, and stated that public notice would be provided in a timely manner. City Attorney Carmel also clarified that December 31st is the date that the buyer would have to satisfy or waive the condition or cancel escrow.

5.b. Ordinances Read in Title Only.

Mayor Ray Russom moved, Council Member George seconded, and the motion passed unanimously by roll-call vote that all ordinances presented at the meeting shall be read by title only and all further readings be waived.

6. SPECIAL PRESENTATIONS

6.a. Honorary Proclamation Declaring the Month of April 2020 as “Sexual Assault Awareness Month”.

Mayor Ray Russom read the Honorary Proclamation declaring the month of April 2020 as “Sexual Assault Awareness Month”. Christi Molina, representing RISE SLO, accepted the Proclamation via teleconference.

6.b. Update Regarding Countywide COVID-19 Efforts.

Recommended Action: Receive update, accept public comments, discuss, and provide direction, as necessary.

City Manager Bergman stated that pursuant to Council direction, staff would be providing updated information regarding COVID-19 during weekly Council meetings. He then reviewed COVID-19 talking points released by the County of San Luis Obispo on April 27, 2020, provided a background of the City's position in the COVID-19 response hierarchy, explained the emergency orders that the City is currently under, stated that the City has adapted services to protect its citizens and employees, and that the City continues to support the County's efforts.

Police Chief Pryor, Community Development Director McDonald, Public Works Director Robeson, and Recreation Services Director Bohlken provided an update regarding current City operations in their respective departments. Five Cities Fire Authority Fire Chief Lieberman also provided an update of Fire Authority operations. Staff responded to questions from Council.

Mayor Ray Russom provided an update on the County's efforts related to COVID-19 as it relates to moving through a phased reopening of the County. She referred to the draft document (Steps to Adapt and Reopen Together (START) Plan) which will be released by the County on Friday, May 1st and it will be available for public review and comment. She noted the County's decision making is based on three health related criteria, including epidemiology, healthcare, and public health. She spoke about the County's position in making decisions to reopen, that it is not a public process, and that this is in the hands of Dr. Penny Borenstein. She acknowledged the number of teams that drafted the plan and stated that the County is working on public messaging. Mayor Ray Russom responded to brief comments and questions from Council and reminded the public to refer to the readyslo.org website for current information.

Mayor Ray Russom invited public comment. Speaking from the public via teleconference was Jill Zamek, who expressed appreciation for all those who are working to keep the community safe, and urged the Council to take action on a rent and mortgage relief program during the time of the Coronavirus by asking Governor Newsom to enact legislation immediately to protect renters, mortgage holders, and small business owners from the impacts of the pandemic. No further comments were received.

No action was taken on this item.

7. COMMUNITY COMMENTS AND SUGGESTIONS

Mayor Ray Russom acknowledged that one email had been received earlier from Lori Hunstad regarding Item 5.a.(d) and requested the City Clerk read it into the record. City Clerk Wetmore read Ms. Hunstad's email which thanked the Council for addressing her concern about the property and requested clarification regarding the buyer's name and what obligations the buyer has to satisfy by December 31st.

Mayor Ray Russom invited public comment at this time and noted that questions would be answered following public comment. Speaking from the public via teleconference was Donna Hare Price, regarding rent and mortgage relief and urged the Council to vote immediately to sign a letter to the Governor; Emma Sullivan, regarding grant and mortgage relief and requested the Council place this issue on a future agenda for discussion and action; Paden McNiff, regarding rent and mortgage relief and requested the Council place this issue on a future agenda for consideration, Jocelyn Brennan, representing South County Chambers of Commerce, announced that the County has created a survey for businesses who would like to provide their comments regarding the START Plan. No further public comments were received.

In response to Ms. Hunstad's questions, City Attorney Carmel clarified the name of the buyer as ELA Foods, Inc. and provided further clarification that the buyer has until December 31st to satisfy all necessary governmental approvals or waive that condition and either move forward with the purchase of the property or cancel the escrow.

In response to public comments that requested the Council take immediate action on a letter to the Governor regarding rent and mortgage relief program, City Attorney Carmel provided an overview of the Brown Act requirements and criteria for adding an emergency item to the agenda to take action on an item. Following brief discussion, it was determined that Council Member Paulding would discuss the item regarding rent and mortgage relief under Item 13, Council Communications.

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.

Mayor Ray Russom referred to item 8.b. (Consideration of Statement of Investment Deposits), commented on the City's Investment Policy to invest locally when possible, referred to several certificates of deposit that are maturing soon, and requested staff to consider local banks or firms upon renewal. Director Stevens acknowledged he would review the Investment Policy.

In response to questions from Council Member Barneich regarding Item 8.e. (Consideration to Approve Construction Plans & Specifications and Environmental Exemption for the 2020 Concrete Repairs Project, PW 2020-03), Public Works Director Robeson explained that waiting and deferring maintenance would lead to more potential damage caused by the Liquid Amber trees and would be more expensive to repair.

In response to questions from Council Member Barneich regarding Item 8.g. (Monthly Water Supply and Demand Update), Public Works Director Robeson provided clarification regarding water use data in the monthly reports.

Mayor Ray Russom invited public comments on the Consent Agenda. Speaking from the public was Rick Haydon, in support of approval of Item 8.e., and expressed concerns regarding the invasive roots of the Liquid Amber trees, their destructive nature to sidewalks, liability issues for the City, and that deferred maintenance would result in higher costs in the future. No further public comments were received.

Action: Mayor Ray Russom moved to approve Consent Agenda Items 8.a. through 8.g., with the recommended courses of action. Council Member Barneich seconded, and the motion passed on the following roll-call vote:

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

8.a. Consideration of Cash Disbursement Ratification.

Action: Ratified the listing of cash disbursements for the period April 1, 2020 through April 15, 2020.

8.b. Consideration of Statement of Investment Deposits.

Action: Received and filed the attached report listing of investment deposits of the City of Arroyo Grande, as of March 31, 2020 as required by Government Code Section 53646(b).

8.c. Consideration of Approval of Minutes.

Action: Approved the minutes of the Regular City Council Meeting of April 14, 2020, as submitted.

8.d. Adoption of a Resolution Declaring a Continued Local Emergency Related to the Coronavirus (COVID-19) Pandemic.

Action: 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”.***

8.e. Consideration to Approve Construction Plans & Specifications and Environmental Exemption for the 2020 Concrete Repairs Project, PW 2020-03.

Action: 1) Approved the construction plans & specifications for the 2020 Concrete Repairs Project, PW 2020-03; 2) Authorized the City Clerk to advertise for construction bids; 3) Found that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301(c); and 4) Directed the City Clerk to file a Notice of Exemption.

8.f. Consideration of a Four Year Agreement with the California Department of Corrections and Rehabilitation for Use of Inmate Work Crews.

Action: 1) Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING THE EXECUTION OF AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION FOR INMATE COMMUNITY SERVICE WORK CREWS”***; and 2) Approved an Agreement with the California Department of Corrections and Rehabilitation for use of inmate work crews.

8.g. Monthly Water Supply and Demand Update.

Action: Received and filed the monthly Water Supply and Demand Report.

9. PUBLIC HEARINGS

None.

10. OLD BUSINESS:

None.

11. NEW BUSINESS

11.a. Consideration of Annual Report and Adoption of Resolution of Intention for Levy of Annual Assessments for Arroyo Grande Tourism Business Improvement District (AGTBID).

City Manager Bergman introduced the item, introduced Jocelyn Brennan, President/CEO, South County Chambers of Commerce and recommended that the Council: 1) Receive and approve the Annual Report; 2) Adopt a Resolution of Intention to levy and collect assessments within the AGTBID area for Fiscal Year 2020-21 at the same rate as in Fiscal Year 2019-20; and 3) set the date for the public hearing for May 26, 2020.

Jocelyn Brennan, President/CEO, South County Chambers of Commerce, introduced Chelsea Modin, Verdin Marketing, who presented the Annual Report and responded to questions from Council.

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

Action: Mayor Pro Tem Storton moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING ITS INTENTION TO CONTINUE THE ARROYO GRANDE TOURISM BUSINESS IMPROVEMENT DISTRICT, TO CONTINUE THE BASIS FOR AND TO LEVY THE ASSESSMENTS FOR THE DISTRICT, AND TO SET A DATE FOR THE PUBLIC HEARING ON THE DISTRICT AND THE ASSESSMENT FOR THE 2020-21 FISCAL YEAR”**. Council Member Paulding seconded, and the motion passed on following roll call vote:

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

11.b. Discussion and Consideration of Implementing Strategies to Address the Projected Fiscal Year (FY) 2019-20 Budget Shortfall.

Administrative Services Director Stevens presented the staff report and recommended that the Council discuss and consider implementing strategies to address the projected FY 2019-20 budget shortfall. Staff responded to questions from Council.

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

Action: Council Member Paulding moved to approve the budget shortfall strategies as shown in Table 2 of the staff report to address the projected Fiscal Year 2019-20 budget shortfall as presented. Mayor Pro Tem Storton seconded, and the motion passed on following roll call vote:

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

Mayor Ray Russom called for a break at 9:45 p.m. The Council reconvened at 9:52 p.m.

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.

(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 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)** Attended Mayor’s Meeting on behalf of the Mayor

(c) COUNCIL MEMBER BARNEICH:

- (1)** Homeless Services Oversight Council (HSOC)
- (2)** South County Homeless Taskforce
- (3)** Zone 3 Water Advisory Board

- (d) **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)

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

13. COUNCIL COMMUNICATIONS

Council Member Paulding referred to public comment regarding efforts to advocate for rent and mortgage relief assistance during the Coronavirus pandemic. He stated that he prepared a draft letter to the Governor, read it into the record, and requested the Council place this item on a future agenda for consideration. Council Member George concurred and suggested placing this item on the special meeting agenda for next week.

Council Member Barneich referred to a recent League of California Cities Action Alert regarding COVID-19 fiscal impacts to California cities and requested the Council place this item on next week's agenda to consider authorizing the Mayor to send a letter to the Governor that would include input on the fiscal impacts to Arroyo Grande. Mayor Ray Russom concurred.

Council Member Barneich stated that she is volunteering with CAPSLO and LINK and that they are taking donations of food and toiletries for low-income families and that donations can be made at the Oceano Resource Center.

Brief Council discussion ensued regarding the scheduling of weekly meetings to provide COVID-19 updates and it was determined that the meetings would be held every other week at 4:30 p.m.

Council Member George encouraged members of the public to wear masks when in public settings for their own protection and of those around them, and commented on the Executive Order regarding the temporary suspension of disposable bags due to the COVID-19 pandemic.

Mayor Pro Tem Storton reported that the Integrated Waste Management Authority (IWMA) Board will be discussing the issue at its next meeting.

Council Member Paulding asked for clarification that the special City Council meetings would be dedicated to COVID-19 updates and any COVID-19 related items only. Staff clarified that was correct.

13. CLOSED SESSION

None.

14. ADJOURNMENT

There being no further business to come before the City Council, Mayor Ray Russom adjourned the meeting at 10:18 p.m.

/s/Caren Ray Russom, Mayor

ATTEST:

/s/Kelly Wetmore, City Clerk

(Approved at CC Mtg 05-12-2020)