

## **ACTION MINUTES**

### **REGULAR MEETING OF THE CITY COUNCIL TUESDAY, OCTOBER 8, 2019 COUNCIL CHAMBERS, 215 E. BRANCH STREET ARROYO GRANDE, CALIFORNIA**

#### **1. CALL TO ORDER**

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

#### **2. ROLL CALL**

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

Staff Present: City Manager Jim Bergman, City Attorney Heather Whitham, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Director of Public Works Bill Robeson, Police Chief Beau Pryor, and Recreation Services Director Sheridan Bohlken.

#### **3. MOMENT OF REFLECTION**

#### **4. FLAG SALUTE**

Bill Mihlhauser, representing Kiwanis of Greater Pismo Beach, led the Flag Salute.

#### **5. AGENDA REVIEW**

Mayor Ray Russom requested the Council consider reordering the Agenda to consider Item 10.a. (Temporary Use Permit Case No. 19-011; Authorizing "Halloween in the Village") prior to Item 8 to accommodate the number of people present for Item 10a. The Council concurred.

##### **5.a. Closed Session Announcements.**

##### **City Council Meeting of September 24, 2019:**

- a) Conference with Legal Counsel- Existing Litigation pursuant to Government Code Section 54956.9(d)(1): 5 Cases
  - 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.
  - Name of Case: JC and Elsie Teixeira Family LP et al., Santa Barbara Superior Court, Case Number 19CV02086
  - Name of Case: Kieran L Adam, et al. Santa Barbara Superior Court, Case Number 19CV02091
  - Name of Case: JC and Elsie Teixeira Family Limited Partnership, San Luis Obispo Superior Court, Case Number 19CV-0230
  - Name of Case: Koch California LTD et al., San Luis Obispo Superior Court, Case Number 19CV-0227

City Attorney Whitham announced that the City Council met in closed session at a Regular Meeting on September 24, 2019 to discuss the above items, and that there was no reportable action.

**5.b. Ordinances Read in Title Only.**

Mayor Pro Tem Barneich moved, Council Member George 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**

**6.a. Honorary Proclamation Recognizing Dick Blankenburg.**

Mayor Ray Russom presented an Honorary Proclamation to Dick Blankenburg recognizing his 60 years of dedication and service to the community.

**6.b. Honorary Proclamation Declaring October 2019 as Domestic Violence Awareness Month.**

Mayor Ray Russom presented an Honorary Proclamation declaring October 2019 as "Domestic Violence Awareness Month". Nancy DePue, Board Member for Stand Strong (formerly the Women's Shelter Program of San Luis Obispo County), accepted the Proclamation.

**6.c. Honorary Proclamation Declaring October 6-12, 2019 as Fire Prevention Week.**

Mayor Ray Russom presented an Honorary Proclamation declaring October 6-12, 2019 as "Fire Prevention Week". Five Cities Fire Authority Chief Steve Lieberman, joined by Captain Patrick Ferguson, Engineer Mark Searby, and Firefighter John Penner, accepted the Proclamation.

**6.d. Presentation by Community Development Department Summer Interns from Arroyo Grande High School.**

Arroyo Grande High School students Zach Venzor and Tarek Hariri provided an overview of their summer intern project in the Community Development Department, which included using their knowledge and skills in computer science and coding to build a map-based platform for conceptual business and residential development in the City.

**7. COMMUNITY COMMENTS AND SUGGESTIONS**

Mayor Ray Russom invited public comment. Speaking from the public were Linda Osty, who offered an invocation; Gaea Powell, Village Association (VA), regarding the status of the Village Association's reorganization; Frank Schiro, announced the upcoming 4<sup>th</sup> Annual Beer Feast to benefit Meals on Wheels and also expressed appreciation for the sponsorship of the City summer interns; Linda Busek, announced an upcoming event at the Five Cities Repair Café located at the Exploration Station in Grover Beach to repair various electronic equipment; Jamie Sanbonmatsu, regarding the "We Are The Care Initiative" of San Luis Obispo County to address the local child care crisis; Marcia Alter, announced the upcoming Tiny Footprint Expo which will feature Tiny Home models; and Lisa Suddarth, commented that she received a ballot for a sound wall for the freeway and expressed concern that homeowners may not have been properly represented due to the notice being sent to people who rent.

**10. OLD BUSINESS**

**10.a. Consideration of Temporary Use Permit Case No. 19-011; Authorizing “Halloween in the Village” on Thursday, October 31, 2019 and Directing Staff to Implement Related Safety Measures Including No Parking Zones, Street Closures and Warning Devices; Applicant – Krista Bandy, Hello Village.**

City Manager Bergman presented the staff report, recommended that the Council adopt a Resolution approving Temporary Use Permit 19-011 and appropriate \$5,000 from the General Fund Reserves for the event. Staff responded to questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public were Krista Bandy, applicant and Village business owner, spoke about the positive aspects of Halloween in the Village, asked the Council to reconsider the event, and responded to questions from Council; Joslynn Flowers, read a letter on behalf of Ashley Daoust from Lightning Joe’s Guitar Heaven, in support of Halloween in the Village; Joslynn Flowers, spoke in support of Halloween in the Village; Stephanie Burkhart; spoke on behalf of the 350 people in a Facebook group who support Halloween in the Village; Jocelynn Brennan, representing South County Chambers of Commerce, thanked the Council for its support and presented results of a survey taken regarding Halloween in the Village which found that a majority of the businesses would like to participate in the event; Mike Frederick, commended staff and the Council for getting the information out, acknowledged City budget issues, supported efforts by members of the community who want to help, and offered to donate financially toward the event; Camay Winston, Village business owner, commented that her business loses money but the connection to community is a benefit and that she supported the event; Marty Imes, stated the Halloween in the Village is a key event that draws families and provides a sense of community; Susan Lintner, spoke in support of the event; Marcia Alter, spoke in support of the event and offered to help financially; Lisa Suddarth, spoke in support the event and urged the Council to reconsider; and Resident, spoke in support of the event. No further public comments were received.

**Action:** Council Member Paulding moved to adopt a Resolution entitled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING TEMPORARY USE PERMIT CASE NO. 19-011 AUTHORIZING “HALLOWEEN IN THE VILLAGE” ON THURSDAY, OCTOBER 31, 2019 AND DIRECTING STAFF TO IMPLEMENT RELATED SAFETY MEASURES INCLUDING NO PARKING ZONES AND STREET CLOSURES; APPLIED FOR BY KRISTA BANDY, HELLO VILLAGE”**. Mayor Ray Russom seconded, and the motion passed on following roll call vote:

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

*Mayor Ray Russom called for a break at 8:14 p.m. The Council reconvened at 8:20 p.m.*

**8. CONSENT AGENDA**

Mayor Ray Russom asked the Council if they had any questions or would like to pull any items for further discussion.

Mayor Pro Tem Barneich referred to Item 8.a. (Cash Disbursements) and asked about the \$4,600 expense for the bomb taskforce for FY 19-20. City Manager Bergman explained that the City participates in a Countywide effort to have a bomb taskforce which is managed by the San Luis Obispo County Sheriff and consists of members from all police agencies in the County.

Mayor Ray Russom referred to Item 8.d. (Award of Contract to Ferravanti Grading & Paving for Construction of the 2019 Street Repairs Project) as it relates to the funding and the project schedule during the holiday season. Following staff and Council discussion, Mayor Ray Russom requested this item be pulled for separate consideration.

Council Member Paulding referred to Item 8.i. (Resolution Authorizing the City Manager to Submit an Application for the SB2 Planning Grants Program) and requested that the grant application include accessory dwelling units as a component for the funding, and asked about the timeframe for the City's Housing Element Update. City Manager Bergman stated that staff would include accessory dwelling units as a very important part of creating more affordable housing in the City, and stated that the Housing Element Update is just starting, that selection of a consultant would be forthcoming to the Council, and that the City is working closely with Grover Beach to coordinate efforts.

Mayor Ray Russom also referred to Item 8.i. as it relates to Rezone to Permit By-Right (rezoning for significant additional housing capacity without, or lesser, discretionary review) and stated that extensive public outreach will need to be done on the front end and not just have it come forth as part of the Housing Element Update.

Mayor Ray Russom invited public comment on the consent agenda items. No public comments were received.

Mayor Ray Russom pulled Item 8.d. to be heard after Item 11.

**Action:** Mayor Ray Russom moved, and Mayor Pro Tem Barneich seconded the motion to approve Consent Agenda Items 8.a. through 8.i., with the exception of Item 8.d., with the recommended courses of action. The motion passed on the following roll-call vote:

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

**NOES:** None

**ABSENT:** None

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

**Action:** Ratified the listing of cash disbursements for the period September 16, 2019 through September 30, 2019.

**8.b. Consideration of Approval of Minutes.**

**Action:** Approved the minutes of the Regular City Council Meeting of September 24, 2019, as submitted.

**8.c. Consideration of Cancellation of the December 24, 2019 City Council Meeting.**

**Action:** Cancelled the regularly scheduled Council meeting of December 24, 2019 due to the holiday.

- 8.e. Consideration of Acceptance of the Lift Station No. 1 Force Main Replacement Project, PW 2017-07.**  
**Action:** 1) Accepted the project improvements as constructed by Lyles Utility Construction, LLC in accordance with the plans and specifications for the Lift Station No. 1 Force Main Replacement project, PW 2017-07; 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.
- 8.f. Consideration of Acceptance of the 2019 Concrete Repairs Project, PW 2019-02.**  
**Action:** 1) Accepted the project improvements as constructed by CalPortland Construction in accordance with the plans and specifications for the 2019 Concrete Repairs Project, PW 2019-02; 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.
- 8.g. Consideration of Time Extension 19-007; One Year Time Extension in Accordance with the Arroyo Grande Municipal Code; Location – 1271 and 1281 James Way; Applicant – Russ Sheppel; Representative – James Coleman; Steadfast Companies.**  
**Action:** Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING A ONE-YEAR TIME EXTENSION FOR AMENDED CONDITIONAL USE PERMIT 15-001, VARIANCE 15-001, AND LOT LINE ADJUSTMENT 16-001 (TIME EXTENSION 19-007); APPLIED FOR BY RUSS SHEPPEL; LOCATED AT 1271 & 1281 JAMES WAY”.***
- 8.h. Consideration of a Contract Services Agreement with Quincy Engineering, Inc. to Include Engineering Design and Environmental Services for the Traffic Way Bridge Replacement Project.**  
**Action:** Approved and authorized the Mayor to execute a Contract Services Agreement with Quincy Engineering, Inc. in the amount of \$1,237,398 for engineering design and environmental services on the Traffic Way Bridge Replacement Project.
- 8.i. Consideration of a Resolution Authorizing the City Manager to Submit an Application for the SB2 Planning Grants Program (Staff Project 19-005).**  
**Action:** Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING SUBMITTAL OF AN APPLICATION FOR SB2 PLANNING GRANT PROGRAM FUNDS AND EXECUTION OF ANY NECESSARY AGREEMENTS FOR THE USE OF GRANT FUNDS”.***

## **9. PUBLIC HEARINGS**

None.

## **10. OLD BUSINESS**

- 10.b. Consideration to Approve Construction Plans and Specifications, Authorize the Solicitation of Bids, and Approve an Eighth Amendment to Agreement for Consultant Services with Quincy Engineering, Inc. for the Bridge Street Bridge Rehabilitation Project, PW 2020-01.**  
**Recommended Action:** 1) Approve the construction plans & specifications for the Bridge Street Bridge Rehabilitation Project, PW 2020-01; 2) Authorize the City Clerk to advertise for construction bids; 3) Approve and authorize the Mayor to execute an Eighth Amendment to the Agreement for Consultant Services ("Eighth Amendment") with Quincy Engineering, Inc. for design support services during construction of the subject project.

City Manager Bergman provided introductory comments and introduced Mark Reno from Quincy Engineering who gave a presentation of the Bridge Street Bridge Rehabilitation project, including an environmental overview; an overview of all the public workshops and meetings that were conducted; provided a project update with completed tasks, what tasks are currently underway, and next steps; reviewed planned construction activities as it relates to the work zone, traffic detours, and road closure; and reviewed the project schedule planned to begin in March 2020 and be complete in December 2020. Mr. Reno and staff responded to questions from Council.

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

**Action:** Mayor Ray Russom moved to: 1) Approve the construction plans & specifications for the Bridge Street Bridge Rehabilitation Project, PW 2020-01; 2) Authorize the City Clerk to advertise for construction bids; 3) Approve and authorize the Mayor to execute an Eighth Amendment to the Agreement for Consultant Services ("Eighth Amendment") with Quincy Engineering, Inc. for design support services during construction of the subject project. Council Member George seconded, and the motion passed on following roll call vote:

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

#### **11. NEW BUSINESS**

None.

#### **ITEMS PULLED FROM THE CONSENT AGENDA**

##### **8.d. Consideration of an Award of Contract to Ferravanti Grading & Paving for Construction of the 2019 Street Repairs Project, PW 2019-01.**

**Recommended Action:** 1) Award a contract for the 2019 Street Repairs Project to Ferravanti Grading & Paving in the amount of \$936,275.90; and 2) Authorize the City Manager to approve change orders for 10% of the contract amount, \$93,627.59, for unanticipated costs during the construction phase of the project.

Director Robeson explained how the project is funded, explained that funds not spent from prior capital improvement projects are carried over to the next fiscal year to fund future projects, and explained the timing for work on the W. Branch Street segment to avoid the shopping center during the holiday season.

**Action:** Mayor Ray Russom moved to: 1) Award a contract for the 2019 Street Repairs Project to Ferravanti Grading & Paving in the amount of \$936,275.90; and 2) Authorize the City Manager to approve change orders for 10% of the contract amount, \$93,627.59, for unanticipated costs during the construction phase of the project. Council Member Storton seconded, and the motion passed on following roll call vote:

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

**12. COUNCIL COMMUNICATIONS**

Council Member Storton announced that several members of the Council will be attending the upcoming Annual League of California training conference.

Mayor Ray Russom announced that on Wednesday, October 16<sup>th</sup> at 10:30 am, she will hosting a community coffee event with Assemblyman Cunningham at Café Andreini's and invited members of the public to attend.

Mayor Pro Tem Barneich announced Coffee with a Cop will be held at Café Andreini's at 8:00 am on October 26<sup>th</sup>, and also announced the next Senior Tech Clinic will be held on the same day in the Council Chambers from 10-11:30 am.

Council Member George referred to a local commercial promoting 2-1-1 and stated that residents can dial 2-1-1 for all non-emergency needs.

Council Member Paulding commended the Five Cities Fire Authority for their quick response today to a recent brush fire near Strother Park.

**13. CLOSED SESSION**

At 9:06 p.m., City Attorney Whitham announced the City Council would adjourn to closed session to consider the following:

**a) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION.**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: One potential case

The City received a Notice of Violation of the California Voting Rights Act.

**b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8:

Property: 400 Old Ranch Road, APN 007-011-056

Agency negotiators: James Bergman, City Manager; Teresa McClish, Community Development Director

Negotiating parties: Kamla Hotels Inc. and The Mian Companies

Under negotiation: Price and terms of payment

Adjourned to Closed Session

**14. RECONVENE TO OPEN SESSION**

At 10:51 p.m., the meeting was reconvened to open session. City Attorney Whitham announced that for Item a., the Council directed staff to bring forth an item for consideration to adopt a Resolution declaring the Council's intent to transition from at-large to district-based elections with an elective Mayor; and for Item b., there was no reportable action.

**15. ADJOURNMENT**

There being no further business to come before the City Council, Mayor Ray Russom adjourned the meeting at 10:52 p.m.

**/s/Caren Ray Russom, Mayor**

**ATTEST:**

**/s/Kelly Wetmore, City Clerk**

**(Approved at CC Mtg 11-12-2019)**