

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL TUESDAY, OCTOBER 22, 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 Lan George, Keith Storton, Jimmy Paulding, Mayor Pro Tem Kristen Barneich, and Mayor Caren Ray Russom were present.

Staff Present: Acting City Manager/Public Works Director Bill Robeson, City Attorney Heather Whitham, Director of Legislative and Information Services/City Clerk Kelly Wetmore, Director of Recreation Services Sheridan Bohlken, Police Chief Beau Pryor, Police School Resource Officer Jeramy Adams, and City Engineer Robin Dickerson.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Stephen Hamilton, representing Knights of Columbus, led the Flag Salute.

5. AGENDA REVIEW

5.a. Closed Session Announcements.

Regular City Council Meeting of October 8, 2019

- 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

City Attorney Whitham announced that the City Council met in closed session at a Regular Meeting on October 8, 2019 to discuss the above items and 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.

5.b. Ordinances Read in Title Only.

Mayor Pro Tem Barneich moved, Council Member Storton 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. Introduction and Oath of Office – Police Officer David Culver.

Police Chief Pryor introduced Police Officer David Culver, highlighted his educational and professional background, and facilitated the badge pinning ceremony. City Clerk Wetmore administered the Oath of Office to Officer Culver.

6.b. Mayor's Commendation Recognizing the 2019 Harvest Festival Committee.

Mayor Ray Russom presented a Mayor's Commendation to the 2019 Harvest Festival Committee in recognition of the extensive number of volunteer hours spent by all members of the committee to plan, organize, and facilitate the 2019 Arroyo Grande Harvest Festival, which has been a beloved local tradition for over 80 years and would not be possible without its dedicated committee volunteers. Anne McCracken, Committee Chair, accepted the Commendation on behalf of the committee.

7. COMMUNITY COMMENTS AND SUGGESTIONS

Mayor Ray Russom invited public comment. Speaking from the public was Barbara Harmon, representing Friends of Five Cities Fire Authority, regarding emergency preparedness and the "Get Ready Five Cities" campaign. No further public comments were received.

8. CONSENT AGENDA

Mayor Ray Russom requested that Items 8.e. and 8.f. be pulled and asked the Council if they had any questions or would like to pull any items for further discussion. Council Member Storton stated he had questions on Items 8.c. and 8.f.

In response to questions by Council Member Storton regarding Item 8.c. (Consideration of Proposition 68 Per Capita Program), Director Bohlken explained that any remaining funds that are available above the minimum grant amount of \$200,000 per agency would be divided among the applicants; that public outreach will be conducted at pop-up events in public parks, at Soto Sports Complex, at senior events and other events to seek feedback on the use of grant funds in the City's parks; and also referred to the list of park improvement projects identified in the City's approved Capital Improvement Program that grants could be utilized for.

In response to a question by Mayor Ray Russom regarding Item 8.c. as it relates to availability of funds should the City receive the grant, Director Bohlken explained the State's application process and deadlines and estimated it would be a six to eight month process. Director Bohlken also responded to questions about public outreach efforts regarding use of the funds, which she said would occur between now and January 31st and that she would be returning to the Council with a list of proposed projects for prioritization prior to January 31st.

In response to questions by Mayor Ray Russom regarding Item 8.e., [Project Update and Incorporation of a Local Roadway Safety Plan (LRSP) with the Systemic Safety Analysis Report (SSAR)], City Engineer Dickerson explained the additional funding for adding the LRSP to the current work program; explained Cycle 10 & 11 funds; clarified that Cycle 11 starts in 2022; and explained which agencies are proposed to be included in the stakeholder group. Director Robeson noted that SHSP is the acronym for Strategic Highway Safety Plan.

In response to questions by Mayor Ray Russom regarding Item 8.f. (Agreement for Consultant Services with PlaceWorks Inc.) regarding potential grant funding opportunities for preparation of the Housing Element Update, it was suggested that this item be postponed to the next meeting in order to determine if grants funds are available. Director Robeson agreed that the item could be postponed and he would look into it.

Council Member Storton asked if there were enough public outreach workshops included in the consultant's scope of work for the Housing Element Update. Director Robeson stated that the City generally conducts additional staff facilitated public input workshops in addition to the workshops led by the consultant.

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

Action: Mayor Pro Tem Barneich moved, and Council Member Paulding seconded the motion to approve Consent Agenda Items 8.a. through 8.e., 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 October 1, 2019 through October 15, 2019.

8.b. Consideration of Statement of Investment Deposits.

Action: Received and filed the report listing of investment deposits of the City of Arroyo Grande, as of September 30, 2019, as required by Government Code Section 53646(b).

8.c. Consideration of Proposition 68 Per Capita Program – Resolution Authorizing Application for Grant Funds for Park Improvements.

Action: Adopted a Resolution entitled: ***“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING APPLICATION(S) FOR PER CAPITA GRANT FUNDS”***.

8.d. Monthly Water Supply and Demand Update.

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

8.e. Consideration of a Project Update and Incorporation of a Local Roadway Safety Plan (LRSP) with the Systemic Safety Analysis Report (SSAR).

Action: Received the project update and approve incorporation of the Local Roadway Safety Plan (LRSP) within the SSAR.

CONSENT AGENDA ITEM 8.f.

8.f. Consideration of Approval of an Agreement for Consultant Services with PlaceWorks Inc. to Assist the City with the Housing Element Update.

Recommended Action: Approve and authorize the Mayor to execute an Agreement for Consultant Services with PlaceWorks Inc. to assist the City with the Housing Element Update.

Action: Mayor Ray Russom moved, and Council Member Storton seconded the motion to postpone consideration of Item 8.f. to a date certain of November 12, 2019 in order to follow up on potential grant funds that may be available for the project. The motion passed on the following roll-call vote:

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

9. PUBLIC HEARINGS

None.

10. OLD BUSINESS

None.

11. NEW BUSINESS

11.a. Consideration of Prohibiting the Retail Sale of Electronic Cigarette Products and Paraphernalia and Prohibiting the Possession of All Tobacco Products and Paraphernalia by Persons Under Twenty-One.

City Attorney Whitham presented the staff report and options related to prohibiting the retail sale of electronic cigarette products and paraphernalia and the prohibition of the possession of all tobacco products and paraphernalia by persons under twenty-one and requested direction as to whether the Council wishes staff to return to the Council with a draft ordinance. City Attorney Whitham, School Resource Officer Adams, and Chief Pryor responded to extensive questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public was Ms. Cuevas, Arroyo Grande High School student, who opposed the sale and use of e-cigarettes and the sale of flavored tobacco; and Kayla, Arroyo Grande High School student, who also opposed the sale and use of e-cigarettes and asked that the online purchase of e-cigarettes be banned in Arroyo Grande. No further public comments were received.

Council comments ensued in support of the proposal to prohibit the retail sale of electronic cigarette products and paraphernalia not approved by the Federal Drug Administration (FDA) and prohibiting the possession of all tobacco products and paraphernalia by persons under twenty-one. Council Member Paulding clarified that he supported a ban of sales of products not approved by the FDA for local retailers only; however, he did not support prohibiting internet sales.

Action: Mayor Ray Russom moved to direct staff to bring forward a ban on the sale of all retail e-cigarette products in the City of Arroyo Grande to include both brick and mortar and online sales, that the ordinance be crafted after the San Francisco ordinance that ties it to FDA approval; and further, to direct staff to bring forward a separate ordinance with a change to the Municipal Code that prohibits the use and possession of all tobacco products by persons under the age of twenty-one. Mayor Pro Tem Barneich seconded, and the motion passed on following roll call vote:

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

Mayor Ray Russom called for a break at 8:31 p.m. The Council reconvened at 8:36 p.m.

11.b. Consideration of Adoption of a Resolution Declaring The Council's Intent to Transition from At-Large to a District-Based Election System by November 2022 and Authorizing the City Manager to Execute a Settlement Agreement with Maria Minicucci.

City Attorney Whitham presented the staff report and recommended the Council: 1) adopt a Resolution declaring the City Council's intent to transition from at-large to a district-based election system before the November 2022 regular election; 2) approve and authorize the City Manager to execute a Settlement Agreement with Maria Minicucci; and 3) appropriate \$31,211 from the unrestricted General Fund balance. Staff responded to questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public was Patricia Price, expressed concern that the City was not more proactive in addressing this issue. No further public comments were received.

Action: Mayor Ray Russom moved to adopt a Resolution entitled: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS BY NOVEMBER 2022"**; approve and authorize the City Manager to execute a Settlement Agreement with Maria Minicucci; and appropriate \$31,211 from the unrestricted General Fund balance. Council Member Paulding seconded, and the motion passed on following roll call vote:

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

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 BARNEICH:**
 - (1) Homeless Services Oversight Council (HSOC)
 - (2) South County Homeless Taskforce
 - (3) 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)
 - (4) South County Chambers of Commerce Governmental Affairs Committee

- (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

Mayor Ray Russom reported on her attendance at the League of California Cities Annual Conference and noted the sessions on economic development.

Mayor Pro Tem Barneich referred to Halloween in the Village and noted that staff can place no parking signs out 24 hours in advance instead of 72 hours, so the signs will be placed in the Village 24 hours prior to the event and will have larger print.

Mayor Pro Tem Barneich requested, and Council Member Paulding concurred, that staff place on a future agenda a discussion on tiny homes. Brief discussion ensued about tying accessory dwelling units into the discussion and whether this could be tied in to the Housing Element Update process.

Mayor Pro Tem Barneich announced an upcoming free Senior Tech Clinic in the Council Chambers on Saturday at 10:00 a.m. She also announced the Coffee with a Cop event at Café Andreini's at 8:00 a.m. on Saturday.

Mayor Pro Tem Barneich thanked Teresa McClish for her 19 years of service to the City of Arroyo Grande, acknowledged her leadership on many City projects, including Camp Arroyo Grande, and wished her well in her endeavors.

Council Member Storton echoed the great work that Teresa has done for the City and agreed that there are a lot of projects around the City that she should get a lot of credit for; announced the Halloween Carnival and Haunted Maze on Saturday, October 26th; and referred to an emergency notice of a power shut off in the community which was not accurate; however, it is a good

indication that everyone should be prepared. He thanked former Council Member Harmon for passing out emergency preparedness information and urged residents to check the PG&E website for further information.

Mayor Ray Russom also announced the Halloween in the Village event on October 31st, and reminded the community that there is an opportunity to donate to the event to off-set the City's costs, thanked those who have donated, and stated that a budget line item has been created specifically for donations.

14. CLOSED SESSION:

None.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Ray Russom adjourned the meeting at 9:22 p.m.

/s/Caren Ray Russom, Mayor

ATTEST:

/s/Kelly Wetmore, City Clerk

(Approved at CC Mtg 11-12-2019)