

**MINUTES
CITY COUNCIL MEETING
MONDAY, JUNE 1, 2015**

CALL TO ORDER Mayor Shoals called the meeting to order at 6:30 p.m. in the City Hall Council Chambers, 154 South Eighth Street, Grover Beach, California.

MOMENT OF SILENCE

FLAG SALUTE The flag salute was led by William Dawes, an 11-year-old 5th grade student at Grover Heights Elementary School.

ROLL CALL

City Council: Council Members Karen Bright, Barbara Nicolls, Mariam Shah, Mayor Pro Tem Jeff Lee, and Mayor John Shoals were present.

City Staff: City Manager Robert Perrault, City Attorney Martin Koczanowicz, City Clerk Donna McMahon, Interim Police Chief Jim Copsey, Administrative Services Director Gayla Chapman, Community Development Director Bruce Buckingham, Public Works Director/City Engineer Greg Ray, Parks & Recreation Program Director Kathy Petker, and Commander John Peters were also present.

Also present were Battalion Chief Riki Heath, Five Cities Fire Authority, and John Hollenbeck, Hollenbeck Engineering.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, May 18, 2015 after meeting in Closed Session regarding:

1. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Santa Maria Valley Water Conservation District v. City of Santa Maria, etc., et al,
and Related Cross-Actions: Santa Clara Superior Court Case No. CV 770214
2. Public Employee Performance Evaluation
Pursuant to Government Code Section 54957
Employee: City Manager

the City Council reconvened into open session and announced that there were no reportable actions taken.

AGENDA REVIEW

Action: Upon unanimous consensus, the Council adopted the agenda as presented.

CEREMONIAL CALENDAR

1. Proclamation of Appreciation to Police Chief James Copsey.

Mayor Shoals read and presented the proclamation of appreciation to Chief Copsey.

Mayor Shoals then called upon the following individuals for scheduled presentations:

- On behalf of the San Luis Obispo County Board of Supervisors, San Luis Obispo County Superintendent Adam Hill, District 3, presented a Certificate of Congratulations;
- On behalf of Assembly Member Katcho Achadjian, District Director Vicki Janssen presented a California State Assembly Resolution; and
- On behalf of the Grover Beach Police Department, Commander John Peters presented a shadow box containing Chief Copsey's badges over the course of his law enforcement career with the cities of Monterey, King City, and Grover Beach. He then presented Chief Copsey with his official Retired Police Chief's badge.

Chief Copsey expressed his appreciation to the community, praised fellow employees for their hard work, cooperation, and team-oriented work ethic, and commended the Police Department as he noted a reduction in the community's crime rate. He also thanked City

Manager Perrault and the City Councils during his tenure with the City for their support of the Police Department, and he praised the appointment of John Peters as Chief of Police.

City Manager Perrault thanked Chief Copsey for his service to the community and the City organization, particularly for taking on the additional duties as Assistant City Manager. He also acknowledged Mrs. Copsey, who was seated in the audience, and announced the special floral arrangement in the Council Chambers was a gift to her as a token of the City's gratitude and appreciation.

2. Introduction, Swearing-in Ceremony, and Badge Pinning of Police Chief John Peters.

City Clerk McMahon administered the Oath of Allegiance to Police Chief Peters. Former Police Chief Copsey then pinned Chief Peters with the Police Chief's badge.

Chief Peters thanked the City Council and City Manager Perrault for the opportunity to serve the community as the Chief of Police. He expressed his appreciation to community members and the other law enforcement agency representatives who were present in the Council Chambers for their support. He then acknowledged and thanked family members and friends who were seated in the audience.

Recess: At 6:54 p.m., Mayor Shoals recessed the meeting and invited all those in attendance to a brief reception in the City Council Chambers.

Reconvene: At 7:11 p.m., the meeting reconvened with all Council Members present.

PUBLIC COMMUNICATIONS The Mayor opened the floor to any member of the public for comment on items of interest which were within the jurisdiction of the City Council, but were not listed on the agenda.

- A. The following individuals spoke in opposition to the proposed Rail Spur Project at the Phillips 66 refinery located on the Nipomo Mesa:
- Charles Varni, Oceano resident;
 - Diana Robertson, Pismo Beach resident;
 - Stacey Avila, Grover Beach resident; and
 - April McLaughlin, who identified herself as a "resident of the Five Cities area".

Mayor Shoals noted receipt of six letters that also expressed opposition to the "Union Oil Rail Spur Expansion" Project (received from Grover Beach residents: Shelley Flynn, Jennifer Lawrence, Heather Craig, Steven Avelar, Karen Burns, and Iris Burns).

- B. April McLaughlin, Five Cities area resident, expressed concerns regarding the City's sign regulations. She described unattractive signage on West Grand Avenue and requested the City initiate a more proactive code enforcement program regarding illegal signs.
- C. A letter was also received from John Wysong, Grover Beach resident, regarding mandatory water conservation measures; however, the contents of the correspondence were not publicly announced.

There were no further public comments received at this time.

Upon request from the Council, City Manager Perrault described the City's code enforcement program, stated that a complete review of the City's sign regulations was included in the City Council's work program for the coming fiscal year, and noted that the City would be contacting the Chamber of Commerce to assist with the review of the City's sign regulations.

It was also noted that the Phillips 66 Rail Spur Expansion Project was not an item scheduled for discussion this evening, and that the Council had not taken a formal position regarding the project. Further, the project's Environmental Impact Report (EIR) was available for public review.

PUBLIC HEARING

3. Proposed Ordinance to Allow the Use of Non-motorized Scooters in the South County Skate Park, 1750 Ramona Avenue. Applicant: City of Grover Beach.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Parks & Recreation Program Director Petker briefly described

the proposed Ordinance to allow the use of non-motorized scooters in the South County Skate Park. She then responded to questions from the Council.

Brief discussion was held regarding the proposed regulations. It was suggested that a future Municipal Code amendment include: 1) deleting Section 2509 regarding "Use of Parks and Facilities" from Article II, Chapter 5, as that Chapter focused on the Parks, Recreation & Beautification Commission rather than park facilities; and 2) adding the text of that section to Article VI, Chapter 4 which, after adoption of the Ordinance, would refer to usage of the skate park facility. Additional discussion was held regarding amending the proposed Ordinance to add the phrase "and fines" to Section 6400, which appeared in the Ordinance title, but was absent from the section title.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter.

Paulette Messenheimer, Grover Beach resident, inquired whether separate hours would be established for different age groups and/or scooter types, and expressed safety concerns for younger children using the skate park facility.

No further public comments were received at this time, and the Mayor closed the Public Hearing.

Further Council discussion was held requesting staff conduct additional research regarding the various types of scooters used at skate park facilities, and whether other agencies had established separate hours of operation or rules for the various scooter types. Additional discussion was held on proceeding with the proposed Ordinance, as amended, in order to allow non-motorized scooters in the skate park facility for at least part of the summer.

Action: It was moved by Council Member Shah, and seconded by Council Member Nicolls, to: 1) amend Ordinance No. 15-02 revising the title of Section 6400 to "South County Skate Park Facility Usage and Fines" (added text denoted with double underline font); 2) introduce and conduct first reading of Ordinance No. 15-02, by title only, as amended; and 3) schedule second reading and adoption for the next regular City Council meeting. The motion carried on the following roll call vote:

AYES: Council Members Bright, Nicolls, Shah, Mayor Pro Tem Lee, and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.

Ordinance No. 15-02: An Ordinance of the City Council of the City of Grover Beach, California, Amending the Grover Beach Municipal Code to Delete Section 2516 (Skate Park Facility Usage and Fines) of Article II Chapter 5 and Add Chapter 4 to Article VI Section 6400 Skate Park Facility Usage as Now Depicted in Section 2516 to Allow the Use of Non-motorized Scooters in the South County Skate Park. (First Reading only)

CONSENT AGENDA

Upon unanimous consensus, the City Council approved Consent Agenda Item Nos. 4, 5, and 6 as recommended. The motion carried on the following roll call vote:

4. **Treasurer's Report for the Period May 12, 2015 - May 26, 2015.**
(**Action:** Approved the Treasurer's Report as submitted.)
5. **Treasurer's Report for the Streets Bond Account (Measure K-14: Grover Beach Street Rehabilitation; Safety Improvement Bond Measure) for the Period May 12- 26, 2015.**
(**Action:** Approved the Treasurer's Report as submitted.)
6. **Minutes of the Regular City Council Meeting on May 18, 2015.**
(**Action:** Approved the minutes as submitted.)

REGULAR BUSINESS

7. Distribution of the Draft FY 16 Budget.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault noted that the draft budget document had been distributed to the Council just prior to the meeting and that it was scheduled for full discussion at the regularly scheduled City Council meeting on Monday, June 15, 2015.

Action: No formal action was taken at this time.

Prior to discussion of Agenda Item No. 8, City Attorney Koczanowicz announced that the Street Rehabilitation Program was a public works project providing equal benefit to the entire community. Therefore, there were no conflicts of interest with all five members of the City Council remaining at the dais to discuss this item.

8. Discussion Regarding the Status of the Street Rehabilitation Program and Potential Time Frame for Issuance of Another Bond.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray provided an update regarding the 2015 Street Rehabilitation Program, outlined the construction schedule, presented streets proposed for the 2016 Street Rehabilitation Program, and requested further Council direction regarding prioritizing the selection of streets for the 2016 program.

City Manager Perrault noted that supplemental information had been distributed to the Council with information from the City's financial consultant regarding the implications of completing an accelerated bond issuance schedule at either \$5 million or \$7 million.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter.

Kathryn Greenelsh, Grover Beach business owner, requested street improvements on Longbranch Avenue between South 3rd and South 4th Streets due to the types of industrial businesses located in that vicinity.

No further public comments were received at this time.

Council discussion ensued with staff and the consultant John Hollenbeck, project manager for the Street Rehabilitation and Repair Program, responding to questions from the Council regarding proposed street improvements for the 2015 and 2016 Street Rehabilitation Programs, community input that identified certain streets as being of high priority, streets identified for maintenance and rehabilitation due to street conditions, and streets identified as needing utility line improvements. Additional discussion was held regarding scheduling improvements in a grid pattern or rehabilitating complete street lengths whenever possible, funding, the construction schedule, and construction/project management services.

Action: Upon consensus of the City Council, the following direction was provided:

2015 Street Rehabilitation Program:

If possible, complete preliminary design work on all of the following thirteen (13) street segments identified for the 2015 program.

Listed in order of priority:

1. Brighton Avenue – from North 13th Street to Oak Park Boulevard;
2. Nice Avenue – from 12th Street to 13th Street;
3. South 7th Street – from West Grand Avenue to Rockaway Avenue;
4. North 13th Street – from West Grand Avenue to Atlantic City Avenue;
5. Saratoga Avenue – from North 8th Street to Oak Park Boulevard;
6. North 5th Street – from the northern limits maintained by the City (near Ocean View Avenue) to Saratoga Avenue;
7. North 7th Street – from West Grand Avenue to Brighton Avenue;
8. South 13th Street – from Farroll Road to Highland Way;
9. South 16th Street – from Mentone Avenue to Nice Avenue;
10. Lynne Street; and
11. Park View Avenue – from North 4th Street to Charles Street.

Plus bid alternates for the 2015 Street Rehabilitation Program:

12. South 14th Street – from West Grand Avenue to Longbranch Avenue; and
13. Dover Court.

The 2016 Street Rehabilitation Program to begin with the following street segments:

1. Any street segment from the recommended 2015 Street Rehabilitation Program, identified in the April 6, 2015 staff report to Council, not yet completed;
2. La Selva Avenue – Encinitas Court to Pebble Street.
3. Pebble - Farroll Road to La Selva Court
4. Encintas Court - La Selva to End
5. Stinson Court

Council agreed on the ranking of the following streets for future programs (these streets are the “priority streets” incorporated into the following approximate proportioning for street selection: 30% community priority streets, 10% light maintenance, and 60% repair/rehabilitation for all other streets):

6. South 13th Street;
7. Longbranch Avenue – from 3rd Street to 10th Street (prior planning level design concepts to be utilized in the improvements for Longbranch Avenue);
8. Newport Avenue;
9. North 16th Street;
10. North 3rd Street – from West Grand Avenue to the northern City limits; and
South 3rd Street – from West Grand Avenue to Longbranch Avenue;
11. South 8th Street; and
12. Mentone Avenue.

The Council also requested that staff provide graphics and illustrations within future staff reports and/or presentations that convey the proposed improvements to supplement written descriptions of the improvements.

Waterline Infrastructure Improvements:

In the event of necessary sewer and/or waterline improvements on a particular street segment identified for repair or rehabilitation, the City Council will make the final determination regarding whether to delay or eliminate the planned street improvement for that particular street segment. The Council expressed a preference that these waterline infrastructure improvements not delay the pavement treatment improvements.

Potential Acceleration of Bond Issuance:

The sizing of the 2016 street program will be forwarded to the City Council for its consideration in November/December 2015. The sizing will also include alternative lists of street improvements for the Council's consideration.

9. Discussion Regarding a Proposed Ordinance and Agreement Amending Article X of the Grover Beach Municipal Code to Renew a Pipeline Franchise and Assignment to Phillips 66 Pipeline LLC.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz presented options for development of an amended franchise agreement with Phillips 66 Pipeline. He then responded to questions from the Council.

Brief discussion was held regarding:

- minor typographical/grammatical errors in the draft Ordinance;
- comparing other agency franchise agreements for the required bond amount (Article 14: \$1 Million versus \$2 Million) and insurance requirement (Article 15: \$10 Million versus \$5 Million);
- comparing the terms with other agency franchise agreements and whether to amend the terms of the proposed agreement from 25 years to 15 years;
- clarification regarding the necessity of Article 10, Section B.1; and
- in addition to a franchise agreement, structuring the proposed Ordinance to provide some flexibility for future Councils.

Action: Upon consensus, the Council provided direction for staff to initiate the Municipal Code amendment process.

Recess: Mayor Shoals recessed the meeting at 9:53 p.m.

Reconvene: At 9:59 p.m., the meeting reconvened with all Council Members present.

10. Discussion of a Request for Consideration of a Code Amendment Which Would Allow No-limit Poker Games in Grover Beach Card Room Establishments.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz briefly described the request from David Stearns, owner of Central Coast Casino, to remove the City's current restrictions for a maximum single bet limit (\$500) and a maximum single hand wager (\$1,000) to allow players to wager any or all of the money they have in front of them on any single bet. He then responded to questions from the Council.

Brief discussion was held regarding the costs of the Municipal Code amendment being borne by the applicant, similar to the fee required for a General Plan or Development Code amendment.

Action: Upon consensus, the Council provided direction to proceed with the requested changes to the Grover Beach Municipal Code with the costs for that process to be borne by the applicant.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Council Member Bright deferred her committee reports to the next regular City Council meeting.

Mayor Pro Tem Lee thanked City Manager Perrault for his presentation at the recent meeting of the Economic Vitality Corporation.

Council Member Nicolls reported on the meeting of Community Action Partnership of San Luis Obispo County (CAPSLO).

Council Member Shah reported on meetings of the Homeless Services Oversight Council (HSOC) and Visit San Luis Obispo County. She also announced that Sam Miller of the Holiday Inn was the Grover Beach representative to Visit San Luis Obispo County, and she described preliminary plans for the next Savor the Central Coast event.

Mayor Shoals described topics to be discussed at the next meeting of the San Luis Obispo Council of Governments (SLOCOG).

COUNCIL COMMUNICATIONS

A. Council Member Bright announced that the Annual Spring Garden Tour and Plant Exchange would be held on Saturday, June 5, 2015 from 1:00 - 4:00 p.m. She also noted that tour maps were available at City Hall.

B. Council Member Shah announced that the Grover Heights Elementary School Silent Auction and Barn Bash at the Avila Barn would be held on Friday, June 4, 2015.

She then suggested scheduling a City Council discussion regarding whether to issue a formal opinion concerning the proposed Phillips 66 Rail Spur Project.

Action: Upon consensus of the City Council, the matter of the proposed Phillips 66 Rail Spur Project would be scheduled for Council discussion on an upcoming meeting agenda.

C. Mayor Pro Tem Lee requested Council consensus that staff provide the Council with more detailed information and status updates regarding public works, building, planning, and capital improvement projects.

Action: Upon consensus of the City Council, staff was requested to provide the Council with a list of Capital Improvement Plan projects with estimated time frames for project completion and periodic progress reports.

- D. Mayor Shoals requested that staff provide the Council with an update at the next regular City Council meeting regarding the status of street repairs and improvements scheduled to be completed on Oak Park Boulevard.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault described issues to be discussed at the Special City Council meeting to be held on Monday, June 8, 2015 at 6:00 p.m., regarding water and the City's Water Conservation Program. He also announced that the Special Meeting would be cablecast on Government Cable Access Channel 20.

CITY ATTORNEY'S REPORTS AND COMMENTS

City Attorney Koczanowicz noted that he would be on vacation in the coming weeks and that Assistant City Attorney David Hale would be available during his absence.

CLOSED SESSION

None at this time.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 10:28 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 07/20/2015)