

**MINUTES
CITY COUNCIL MEETING
MONDAY, JULY 6, 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 Council Member Shah.

ROLL CALL

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

City Staff: Acting City Manager/Community Development Director Bruce Buckingham, Assistant City Attorney David Hale, City Clerk Donna McMahon, Police Chief John Peters, Administrative Services Director Gayla Chapman, Public Works Director/City Engineer Greg Ray, and Parks & Recreation Program Director Kathy Petker were also present. City Attorney Martin Koczanowicz was present (by telephone) only for the Closed Session at the end of the meeting.

Also present were Fire Chief Steve Lieberman, Five Cities Fire Authority, and Engineering Consultant John Hollenbeck, Hollenbeck Consulting.

CLOSED SESSION ANNOUNCEMENTS

Assistant City Attorney Hale read the following announcement:

On Monday, June 15, 2015 after meeting in Closed Session regarding:

1. Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6.
Agency Negotiator(s): City Manager Robert Perrault, Police Chief John Peters;
Administrative Services Director Gayla Chapman, Assistant Administrative
Services Director Eve Byrd, Human Resources Coordinator/Deputy City
Clerk Channelle Hubbard, and/or Commander Tim Miller (may include some
or all of the above)
Employee Group: All employee groups (represented and unrepresented)
2. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Lopez v. City of Grover Beach, et al CV 120210
3. 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

the City Council reconvened into open session, and it was 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 Declaring July as “National Park and Recreation Month”.**

Mayor Shoals read and presented the Proclamation to Parks & Recreation Program Director Petker, who then displayed a PowerPoint presentation and briefly described activities, classes, and special events offered or coordinated through the Parks and Recreation Department.

The following persons spoke in support of “National Park and Recreation Month”:
- Walt French, Grover Beach resident and 2015 Spring Garden Tour participant;

- Dale Flud, Parks and Recreation Department volunteer; and
- Kathryn Phelan, Parks and Recreation Department contract instructor.

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. John Wysong, Grover Beach resident, expressed concerns regarding the water meter at his home, objected to having received a warning notice regarding residential water consumption, and submitted a letter that further outlined his concerns.
- B. Ken Lehmann, Grover Beach resident, objected to water consumption activities allowed at the State Parks campground facility by tourists with recreational vehicles, submitted photos to illustrate his concerns, and also submitted a newspaper article regarding water consumption from agricultural activities. He then spoke in support of primarily focusing Measure K-14 bond funds for repairing residential streets.
- C. The following persons spoke in opposition to the proposed Phillips 66 Rail Spur Extension Project on the Nipomo mesa:
 - Laurance Shinderman, Nipomo resident;
 - Stacey Avelar, Grover Beach resident, who also announced details of a public rally to be held in San Luis Obispo and distributed event flyers;
 - Charles Varni, Oceano resident, who distributed flyers and letters from government agencies and organizations opposed to the project; and
 - Judy Parks, Grover Beach resident.
- D. Thomas Webb, Grover Beach resident, described impending bus transit route changes at the Ramona Garden Park Transit Center and the Prime Outlets in Pismo Beach. He requested the Council's assistance with stopping the route changes before they were implemented. Mr. Webb also thanked the City for installing security cameras at Ramona Garden Park and commented on improved conditions at the park.

There were no further public comments received at this time.

PUBLIC HEARING

None at this time.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item No. 6 was pulled pursuant to the requests of Council Member Shah and Mayor Shoals. Item No. 9 was pulled pursuant to the request of Mayor Pro Tem Lee due to a conflict of interest arising from his employment with the County of San Luis Obispo Public Works Department and his involvement in public works projects for Zone 3.

It was moved by Council Member Nicolls, and seconded by Council Member Shah to approve Consent Agenda Item Nos. 2, 3, 4, 5, 7, 8, and 10, as recommended. The motion carried on the following roll call vote:

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

2. **Treasurer's Report for the Period June 10, 2015 - June 30, 2015.**
Action: Approved the Treasurer's Report as submitted.
3. **Treasurer's Report for the Streets Bond Account (Measure K-14: Grover Beach Street Rehabilitation; Safety Improvement Bond Measure) for the Period June 10 - 30, 2015.**
Action: Approved the Treasurer's Report as submitted.
4. **Minutes of the Regular City Council Meeting on June 1, 2015 and the Special City Council Meeting on June 8, 2015.**
Action: Approved the minutes as presented.

5. **Final Acceptance of the Grover Heights Park Restroom Rehabilitation Project** - Accepting restroom facility improvements constructed by Holland Construction for compliance with requirements of the Americans with Disability Act (ADA).

Action: 1) Adopted Resolution No. 15-29 accepting the improvements constructed by Holland Construction as complete; and 2) authorized staff to send the Notice of Completion to Holland Construction for the Grover Heights Park Restroom Rehabilitation Project.

Resolution No. 15-29: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting the Grover Heights Park Restroom Rehabilitation Improvements as Complete.

7. **Agreements Between the City of Grover Beach, the City of Arroyo Grande, and the Oceano Community Services District for Fire Dispatching Services** - Authorizing the City of Grover Beach to enter into agreements with the City of Arroyo Grande and the Oceano Community Services District for the provision of fire, rescue, and emergency medical aid dispatching services.

Action: 1) Adopted Resolution No. 15-30 approving the agreement with the City of Arroyo Grande; 2) adopted Resolution No. 15-31 approving the agreement with the Oceano Community Services District; and 3) authorized the City Manager to execute the agreements on behalf of the City.

Resolution No. 15-30: Resolution of the City Council of the City of Grover Beach Approving an Agreement with the City of Arroyo Grande for Fire, Rescue and Emergency Medical Aid Dispatching Services.

Resolution No. 15-31: Resolution of the City Council of the City of Grover Beach Approving an Agreement with the Oceano Community Services District for Fire, Rescue and Emergency Medical Aid Dispatching Services.

8. **2015-1 Street Rehabilitation and Repair Project: Award of Construction Contract** - Consideration of bids received on June 22, 2015 to construct improvements on Brighton Avenue (between North 13th Street and Oak Park Boulevard), Nice Avenue (between South 12th Street and South 13th Street), and South 7th Street (between West Grand Avenue and Rockaway Avenue).

Action: 1) Adopted Resolution No. 15-32 awarding the 2015-1 Street Rehabilitation and Repair Project to CalPortland Construction in the amount of \$673,562.25; 2) authorized the City Manager to sign and affirm change orders to the project in amounts up to \$101,000 to be deducted from contingency; and 3) authorized the Mayor to execute the contract on behalf of the City.

Resolution No. 15-32: Resolution of the City Council of the City of Grover Beach, California, Awarding the 2015-1 Street Rehabilitation and Repair Project Construction Contract, Capital Improvement Project No. 295-1.

10. **Designating Liebert Cassidy Whitmore as the City's Chief Labor Negotiator** - Consideration of contract services with Liebert Cassidy Whitmore to serve as the City's chief labor negotiator for negotiations with employee groups in FY 16.

Action: 1) Adopted Resolution No. 15-33 authorizing attorney Che Johnson of Liebert Cassidy Whitmore to be designated as the City's Chief Labor Negotiator for FY 16; 2) adopted Resolution No. 15-34 amending the Annual Appropriation Resolution; and 3) authorized the City Manager, or designee, to execute the agreement on behalf of the City.

Resolution No. 15-33: A Resolution of the City Council of the City Grover Beach, California, Authorizing Liebert Cassidy Whitmore as the City's Chief Labor Negotiator.

Resolution No. 15-34: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 2nd Amendment to the Annual Appropriation Resolution No. 15-26 to Provide Funding for Chief Labor Negotiator Liebert Cassidy Whitmore.

REGULAR BUSINESS

11. Authorization to Establish the Job Classification of Associate Engineer and Affirming the Salary Range.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Acting City Manager/Community Development Director Buckingham provided an overview of the recommendation to establish the job classification of Associate Engineer and begin recruitment immediately to fill the position on a provisional basis in order to address operational needs and current public works projects. He then responded to questions from the Council.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. No public comments were received at this time.

Council discussion ensued, with staff responding to questions, regarding the term "incumbents" in the job specifications, funding sources for the full-time position, project management duties to be assigned to the Associate Engineer to address current engineering workload demands, and re-evaluating the position's provisional nature during the next budget cycle.

Action: It was moved by Mayor Pro Tem Lee and seconded by Council Member Shah to:

- 1) amend Exhibit B to Resolution No. 15-35, eliminating the term "incumbents" on page 1 of the job specifications;
- 2) adopt Resolution No. 15-35 amending the Classification and Compensation Plan to authorize a full-time, provisional Associate Engineer job classification, with the job specifications, as amended (Exhibit B);
- 3) adopt Resolution No. 15-36 amending the number of authorized positions, contingent upon an annual review of available funding;
- 4) adopt Resolution No. 15-37 amending the Annual Appropriation Resolution; and
- 5) authorize staff to proceed with the recruitment process for an Associate Engineer, noting the provisional nature of the position in the job flyer. The motion carried on the following roll call vote:

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

Resolution No. 15-35: A Resolution of the City Council of the City of Grover Beach, California, Amending Resolution No. 02-73 to Affirm the Salary Range for the New Job Classification of Associate Engineer.

Resolution No. 15-36: A Resolution of the City Council of the City of Grover Beach Amending the Position Authorization Resolution No. 15-27 to Authorize a Full-time Associate Engineer Position.

Resolution No. 15-37: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 3rd Amendment to the Annual Appropriation Resolution No. 15-26 to Provide Funding for an Associate Engineer.

12. Authorization to Enter into a Consulting Services Agreement with Stantec for Design Services Associated with the 2015-2 Street Repair and Rehabilitation Program.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray introduced Project Consultant John Hollenbeck. Mr. Hollenbeck provided a brief overview of the proposals received and the review process conducted that culminated in recommending Stantec to provide consulting design services for the 2015-2 Street Repair and Rehabilitation Project. He then introduced Buddy Hayne, Project Engineer for Stantec. Mr. Hayne responded to questions from the Council regarding the firm's qualifications and social media tools to be utilized for the purpose of public outreach.

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

John Wysong, Grover Beach resident, expressed concerns that 16th Street wasn't assigned a higher priority on the list of streets selected for initial rehabilitation and repair.

There were no further public comments received.

Upon request by the Council, Public Works Director/City Engineer Ray briefly described factors that went into the process for identifying streets for either rehabilitation or repair. He noted that some street segments would require the completion of utility work prior to initiating street rehabilitation.

Action: It was moved by Mayor Pro Tem Lee and seconded by Council Member Nicolls to: 1) adopt Resolution No. 15-38 authorizing the City to enter into a Consulting Services Agreement with Stantec for design phase services, bidding phase services, and post-design services during the construction phase associated with the 2015-2 Street Repair and Rehabilitation Program; and 2) authorize the Mayor to execute the agreement on behalf of the City based on final review of the Consulting Services Agreement by the City Attorney. The motion carried on the following roll call vote:

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

Resolution No. 15-38: Resolution of the City Council of the City of Grover Beach, California, Authorizing the City to Enter Into a Consultant Services Agreement with Stantec to Provide Professional Design Engineering Services on the Measure K-14 Street Repair and Rehabilitation Program, 2015-2 Design, Bidding, and Construction Phase Project.

Recess: Upon consensus of the City Council (Council Member Bright absent), the meeting recessed at 8:07 p.m.

Reconvene: At 8:17 p.m., the meeting reconvened with all Council Members present (except for Council Member Bright who was absent from this meeting).

ORDER OF THE DAY: At this time, Mayor Shoals called for discussion of Pulled Consent Agenda Item Nos. 6 and 9, prior to Regular Business Item No. 13.

PULLED CONSENT AGENDA ITEMS

6. First Amendment to the Annual Appropriation Resolution for the FY 16 Budget.

Council Member Shah briefly described the City's sponsorship of Savor the Central Coast and suggested the Council consider whether to increase the City's contribution for a more visible presence at the event.

Upon request from the Council, Administrative Services Director Chapman briefly reviewed the proposed budget amendments pursuant to Council direction provided at the Public Hearing held on June 15, 2015 to provide funding to certain partner agencies and non-profit organizations providing either economic development, affordable housing and/or community service programs benefitting Grover Beach residents and/or businesses, as well as other adjustments.

Brief discussion was held regarding inviting a representative of Visit San Luis Obispo County to attend a future City Council meeting to provide the Council with additional information on the Savor the Central Coast event, proceeding with the proposed budget amendments as presented, and making further budget adjustments at a later date, if necessary. It was suggested that economic development agencies in future budget discussions be considered separately from other non-profit, community service-based programs and organizations.

Action: It was moved by Mayor Pro Tem Lee and seconded by Council Member Shah to adopt Resolution No. 15-39 amending the Annual Appropriation Resolution to provide funding for various organizations and to fund a Utility Rate Study, a Management Review, and the City Manager Recruitment. The motion carried on the following roll call vote:

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

Resolution No. 15-39: A Resolution of the City Council of the City of Grover Beach, California, adopting the 1st Amendment to the Annual Appropriation Resolution No. 15-26 to Provide Funding for Various Organizations, Studies, and Recruitment.

Prior to discussion of Agenda Item No. 9, Mayor Pro Tem Lee declared a conflict of interest due to his employment with the County of San Luis Obispo Public Works Department and his involvement regarding public works projects for Zone 3. He then stepped down from the dais and left the Council Chambers.

9. Consent to One-time Extension of Time Under Article 9 Paragraph (C) of the Lopez Water Supply Contracts.

Public Works Director/City Engineer Ray provided a brief overview regarding the request from the County of San Luis Obispo to re-characterize water stored in Lopez Lake during the 2014 water year. He then responded to questions from the Council.

Mayor Shoals invited public comments on this item. No public comments were received at this time.

Action: It was moved by Council Member Shah, and seconded by Council Member Nicolls to approve and authorize the Mayor to sign the consent to one-time extension of time under Article 9 Paragraph (C) of the Lopez Water Supply Contract. The motion carried on the following roll call vote:

AYES: Council Members Nicolls, Shah, and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Member Bright.
ABSTAIN: Council Members - None.
RECUSED: Mayor Pro Tem Lee (due to a conflict of interest).

At this time Mayor Pro Tem Lee returned to the dais.

ORDER OF THE DAY: The Order of the Day resumed to the agenda as posted.

REGULAR BUSINESS

13. Selection of Voting Delegate and Alternate(s) for the 2015 League of California Cities Annual Conference.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Acting City Manager/Community Development Director Buckingham described the process for selecting a Voting Delegate and Alternates to represent the City at the Annual Business Meeting held during the League of California Cities Annual Conference from September 30 - October 2, 2015 in San Jose, CA.

Brief discussion was held regarding the Council Members scheduled to attend this year's conference.

Action: Upon consensus (Council Member Bright absent), the City Council selected Mayor Shoals to serve as the City's voting delegate, Council Member Shah as first alternate, and Council Member Nicolls as second alternate for the upcoming business meeting to be held at the League of California Cities Annual Conference.

COUNCIL COMMITTEE REPORTS

Council Member Shah commented on recent structural changes to the Board of Directors for Visit San Luis Obispo County and inquired whether the Council was interested in having her continue attending the meetings as a non-voting observer. She noted an alternative would be for her to receive updates from the two local Board representatives and forward that information to the Council, as needed.

Action: Upon consensus, the Council confirmed Council Member Shah would no longer need to attend Visit San Luis Obispo County meetings in person and could instead receive updates from the two appointed Grover Beach representatives - the Holiday Inn Express hotel representative and the Chief Executive Officer of the Arroyo Grande & Grover Beach Chamber of Commerce.

Council Member Nicolls reported on the meeting of the Community Action Partnership of San Luis Obispo County and a Special Meeting of the Five Cities Fire Authority.

Mayor Shoals noted that he'd recently spoken with San Luis Obispo Council of Governments Executive Director Ron De Carli regarding providing a presentation on transportation funding for infrastructure improvements. He suggested Council Member Nicolls invite Regional Transit Authority Executive Director Geoff Straw to provide a presentation to the Council.

Mayor Pro Tem Lee announced details of an upcoming sponsors appreciation event for the Economic Vitality Corporation.

Mayor Shoals reported on meetings of the Five Cities Fire Authority and the South San Luis Obispo County Sanitation District. He announced that the Sanitation District had recently contracted with the video production company AGP to cablecast the District's meetings on Charter cable television.

COUNCIL COMMUNICATIONS

- A. Council Member Shah, in response to public comments received earlier in the meeting, requested clarification as to why some residential customers continued to receive warning notices when their water consumption levels were already relatively low, and whether concessions could be offered to seniors.

The Council briefly commented on the Special City Council meeting of June 8, 2015 that focused specifically on water conservation efforts and that no changes had been made to the penalty phase of the Water Conservation Program.

Council Member Shah then requested and received clarification regarding water sources serving the State Parks campground facility and the Pismo State Beach Golf Course.

She also inquired whether to proceed with scheduling a discussion of the proposed Phillips 66 Rail Spur Project before the environmental impact report was finalized. It was noted that the project had not yet been scheduled for discussion by the San Luis Obispo County Planning Commission.

- B. Council Member Nicolls requested a status update as to when the Council was scheduled to consider a local business owner's request to amend the Grover Beach Municipal Code to allow "no limit" poker. Acting City Manager/Community Development Director Buckingham responded that staff would contact the City Attorney to get an update on the business owner's request and would forward that information on to the Council.
- C. Mayor Pro Tem Lee requested a status update on the recruitment efforts for the Citizen Oversight Committee for Measure K-14. Acting City Manager/Community Development Director Buckingham responded that the recruitment process was underway.
- D. Mayor Shoals requested scheduling a discussion regarding the following items:
- 1) *Oak Park Boulevard Rehabilitation Project*: Whether there was an opportunity to discuss the design of the intersection at Oak Park Boulevard and West Grand Avenue, specifically regarding trees at that intersection, as well as the eastern portion of West Grand Avenue that was within the City's jurisdiction; and
 - 2) *Newport Avenue and Longbranch Avenue*: Scheduling a discussion regarding design concepts for these streets that were previously completed by the Wallace Group.

Mayor Shoals then announced that the next "Walk and Roll Grover Beach" event was scheduled to be held on Saturday, July 11th at 9:30 a.m. and would begin at Ramona Garden Park.

CITY MANAGER'S REPORTS AND COMMENTS

Acting City Manager/Community Development Director Buckingham noted that the Council had previously provided direction to schedule a Special Joint Meeting of the City Council with the Parks, Recreation & Beautification Commission on Thursday, July 9th. However, the Commission currently had two vacancies and applicant interviews were scheduled to be held later in the month.

Brief discussion was held regarding rescheduling the special joint meeting and potential meeting dates.

Action: Upon consensus of the City Council (Council Member Bright absent), direction was provided to reschedule the Special Joint City Council and Parks, Recreation & Beautification Commission Meeting to a date some time during the month of September 2015.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 9:05 p.m., the Council met in Closed Session regarding the following items:

1. **Public Employee Performance Evaluation**
Pursuant to Government Code Section 54957
Employee: City Manager
2. **Conference with Labor Negotiators**
Pursuant to Government Code Section 54957.6.
Agency Negotiator(s): City Manager Robert Perrault, Police Chief John Peters; Administrative Services Director Gayla Chapman, Assistant Administrative Services Director Eve Byrd, Human Resources Coordinator/Deputy City Clerk Channelle Hubbard, and/or Commander Tim Miller (may include some or all of the above)
Employee Group: All employee groups (represented and unrepresented)
3. **Conference with Legal Counsel - Anticipated Litigation**
Based on existing facts and circumstances, there is a significant exposure to litigation against the local agency
Pursuant to Government Code Section 54956.9(d)(2): One (1) potential case
4. **Conference with Legal Counsel - Existing Litigation**
Pursuant to Government Code Section 54956.9(d)(1)
Lopez v. City of Grover Beach, et al CV 120210
5. **Conference with Real Property Negotiators**
Pursuant to Government Code Section 54956.8
Property: APN 060-381-010, 011
Agency negotiator: City Manager and City Attorney
Negotiating party: Pacifica Companies
Under negotiation: Terms and conditions of potential lease.

Closed Session Announcements: At 10:34 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present. It was announced that there were no reportable actions taken during Closed Session.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 10:35 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 08/17/2015)