

**MINUTES
CITY COUNCIL MEETING
MONDAY, JULY 20, 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 Police Chief Peters.

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, Police Chief John Peters, Administrative Services Director Gayla Chapman, Community Development Director Bruce Buckingham, Public Works Director/City Engineer Gregory Ray, and Parks & Recreation Program Director Kathy Petker were also present.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, July 6, 2015 after meeting in Closed Session regarding:

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.

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

AGENDA REVIEW

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

CEREMONIAL CALENDAR

1. Proclamation in Support of the Special Olympics World Games Host Town Program.

Mayor Shoals read and presented the proclamation to Kristen Arias, Special Olympics athlete and a World Games Global Messenger.

2. Certificate of Appreciation to Carmen Soto, Tiny Tots Instructor, Retiring after 25 Years of Teaching with the Parks & Recreation Department.

Parks & Recreation Program Director Petker read and presented a "Certificate of Appreciation" to Carmen Soto. Director Petker and the City Council thanked Ms. Soto for her many years of service to the community and for making a positive difference in the lives of her many students.

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. Adam Hill, San Luis Obispo County Board of Supervisor, District 3, provided an update regarding a proposed desalination project that the County was working on in partnership with PG&E to utilize an existing facility located at the Diablo Canyon Power Plant. He noted that the Board of Supervisors was scheduled to discuss the proposed project in late August. He then responded to questions from the Council.
- B. The following individuals spoke in opposition to a proposed Rail Spur Project at the Phillips 66 Nipomo mesa refinery:
- Gary McKible, Nipomo resident, and submitted a written copy of his comments;
 - Laurance Shinderman, Nipomo resident, and submitted a written copy of his comments;
 - Charles Varni, Oceano resident;
 - Kathleen Minck, Arroyo Grande resident and Lucia Mar Unified School District school teacher, and cited several statewide organizations also opposed to the project;
 - Judy Parks, Grover Beach resident; and
 - Stacey Avelar, Grover Beach resident.
- C. Penny Rappa, Trustee for the Land Conservancy of San Luis Obispo County, provided a project update regarding the Pismo Preserve and noted that project completion was anticipated in the summer or fall of 2016. She invited local residents and businesses to volunteer to assist with trail development activities and announced the Land Conservancy's contact information for interested citizens to receive further information.
- D. Andrea Seastrand, Grover Beach resident and former Assembly Member, read and presented copies of a letter and other materials from the Central Coast Taxpayers Association requesting the City Council's support in opposing SCA-5, proposed legislation that would impact Proposition 13.
- E. Elizabeth Doukas, Grover Beach resident, expressed concerns regarding the enforcement of zoning and building regulations pertaining to 691 Atlantic City Avenue. She also presented written materials and photographs with further details of her concerns.
- E. Linda McClure, Grover Beach United representative, requested the City revise its special event regulations and expressed concerns regarding meeting the City's requirements for the upcoming Grover Beach United's Muscle Car Show.

There were no further public comments received at this time.

Upon request from the Council, City Manager Perrault described the City's special event application process and noted that, due current staff workloads, proposed amendments to the City's regulations were not anticipated to be scheduled for Council consideration until the fall. In the meantime, he and City staff would meet with Ms. McClure's team to assist with processing the event application.

It was noted that the proposed Rail Spur Project at the Phillips 66 Nipomo mesa refinery was not an item scheduled for Council consideration, and that a meeting date for project discussion by the San Luis Obispo County Planning Commission had yet to be determined. Additionally, the environmental impact report for the project had not been finalized.

PUBLIC HEARINGS

None at this time.

CONSENT AGENDA

It was moved by Council Member Bright, and seconded by Council Member Nicolls to approve Consent Agenda Item Nos. 3, 4, 5, and 6, as recommended. 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.

3. Treasurer's Report for the Period July 1, 2015 - July 14, 2015.

Action: Approved the Treasurer's Report as submitted.

4. Treasurer's Report: Streets Bond Account (Measure K-14: Street Rehabilitation; Safety Improvement Bond Measure) for the Period July 1, 2015 - July 14, 2015.

Action: Approved the Treasurer's Report as submitted.

5. Minutes of the City Council Meetings of June 1, 2015.

Action: Approved the revised draft minutes of the Regular City Council meeting of June 1, 2015 and the draft minutes of the Special City Council meeting of June 1, 2015 as presented.

6. Consideration of a Resolution Amending the City's Labor Negotiating Team - Formally revising the list of members to represent the City for purposes of labor negotiations.

Action: Adopted Resolution No. 15-40.

Resolution No. 15-40: A Resolution of the City Council of the City of Grover Beach California Amending the City's Negotiating Team for Negotiations with Represented Employee Groups.

REGULAR BUSINESS

7. Appointments to the Parks, Recreation & Beautification Commission.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Parks & Recreation Program Director Petker briefly reviewed the recommendations from the Advisory Body Screening Committee regarding interviews held with applicants interested in being appointed to fill two vacancies on the Parks, Recreation & Beautification Commission.

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

James Cooper, Grover Beach resident and Commission applicant, confirmed that, if appointed, he was looking forward to contributing to the community as a member of the Parks, Recreation & Beautification Commission.

There were no further public comments received.

It was noted that all of the applicants were eager to serve as a member of the Commission, some applicants were fairly new to the community, and all had shared positive comments and suggestions with the Screening Committee.

Action: It was moved by Council Member Shah and seconded by Council Member Bright to: 1) accept the Screening Committee's recommendations; and 2) adopt Resolution No. 15-41 authorizing the re-appointment of Geraldine Roseboro to serve a four-year term of office, expiring on May 31, 2019; and appointing James Cooper to serve the remainder of a four-year term of office, expiring on March 31, 2017, on the Parks, Recreation & Beautification Commission. 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.

Resolution No. 15-41: A Resolution of the City Council of the City of Grover Beach, California, Re-appointing Geraldine Roseboro to Serve a Four-year Term of Office and Appointing James Cooper to Serve the Remainder of an Unscheduled Vacancy on the Parks, Recreation & Beautification Commission.

Parks & Recreation Program Director Petker introduced newly appointed Commissioner Cooper to the City Council and members of the audience. She also noted that Commissioner Roseboro was not available to attend the Council meeting.

8. Contract Amendment and Budget Amendment - Engineering Project Manager.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray briefly described the proposed contract amendment for engineering project management services with Hollenbeck Consulting. He noted that the City had contracted with Hollenbeck Consulting for project management services associated with the Measure K-14 Bond-funded Street Rehabilitation and Repair Program. If approved, the contract would be amended to include project management services for the design and bidding phases of the Oak Park Boulevard Rehabilitation Project and would assist in meeting an expedited schedule for project completion. He then responded to questions from the Council.

Brief discussion was held regarding project funding, and the anticipated construction schedule for a separate project on Oak Park Boulevard involving a Phillips 66 oil transmission line. Discussion continued regarding potential impacts to other high priority capital projects if project management for the Oak Park Boulevard Rehabilitation Project was conducted in-house.

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

No public comments received at this time.

Action: It was moved by Council Member Bright, and seconded by Council Member Nicolls to: 1) adopt Resolution No. 15-42 amending the Contract for Project Management Services Related to the Street Rehabilitation and Repair Program; and 2) adopt Resolution No. 15-43 amending the Annual Appropriation Resolution to provide funding for engineering services for the Oak Park Boulevard Rehabilitation Project. 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.

Resolution No. 15-42: Resolution of the City Council of the City of Grover Beach, California, Amending the Contract for Project Management Services Related to the Street Rehabilitation and Repair Program.

Resolution No. 15-43: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 4th Amendment to the Annual Appropriation Resolution No. 15-26 to Provide Funding for Engineering Services for the Oak Park Rehabilitation Project.

9. Gateway Design Discussion - West Grand Avenue at Oak Park Boulevard.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray briefly described the available funding for rehabilitating Oak Park Boulevard and Council direction from the last Council meeting for staff to

schedule a discussion regarding planned improvements for the intersection of West Grand Avenue and Oak Park Boulevard, as well as treatment of the gateway. He continued his presentation outlining several design options for Council consideration, noting certain constraints that limited those options. He then responded to questions from the Council.

Discussion ensued regarding project scope, whether there was an opportunity to improve functionality at that intersection, and postponing any further discussion of conceptual gateway design treatments until after design work for street construction was completed to avoid delaying the commencement of construction. Additional discussion was held regarding restrictions applicable to this grant-funded project, potential funding shortfalls, pursuing other funding sources for gateway enhancements, existing design themes along the West Grand Avenue corridor, and including enhancements as a bid alternate for the eastern portion of Oak Park Boulevard for the half-block segment that was located within City limits.

Action: Upon consensus of the Council, the following direction was provided: 1) proceed towards street construction as expeditiously as possible; 2) include as an alternate in the Request for Proposals the design for the entire intersection of West Grand Avenue and Oak Park Boulevard, as well as that portion of West Grand Avenue that extends to the eastern City limits; 3) closely monitor funding sources specifically for street construction purposes in compliance with requirements of the grant; 4) contact the San Luis Obispo Council of Governments to inquire on the availability of alternate funding sources for enhancements.

10. Discussion Regarding Scheduling a Special Joint City Council & Parks, Recreation & Beautification Commission Meeting During the Month of September.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault provided potential dates for scheduling a special joint City Council meeting with the Parks, Recreation & Beautification Commission.

Action: Upon unanimous consensus, Council directed staff to schedule a Special Joint City Council and Parks, Recreation & Beautification Commission meeting on Thursday, September 3, 2015 at 6:30 p.m.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Lee stated that he had no committee reports at this time.

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

Council Member Shah reported on meetings of the Homeless Services Oversight Council, the Housing Trust Fund, and Visit San Luis Obispo County.

Council Member Bright reported on the meeting of the Zone Three Advisory Committee and announced that a South County Water Symposium was scheduled to be held at the South County Regional Center on Thursday, August 13, 2015. She suggested posting information to publicize the symposium at City Hall and on the City website.

Mayor Shoals reported on meetings of the Five Cities Fire Authority and the South San Luis Obispo County Sanitation District. He also summarized recent District discussions regarding billing procedures by each member agency.

COUNCIL COMMUNICATIONS

A. Mayor Shoals briefly described a recent presentation by the League of Women Voters at the Mayors meeting on the topic of "civil discourse". He requested Council consensus to schedule the presentation at an upcoming City Council meeting.

Action: Upon consensus of the City Council, staff would contact the League of Women Voters to schedule a presentation on “civil discourse” at an upcoming regularly scheduled City Council meeting.

- B. Council Member Bright commented on the Council's recent receipt of a citizen letter expressing concerns regarding illegal fireworks. Brief discussion was held regarding potential fire dangers during the extended drought, and whether the issue of fireworks should be scheduled for Council discussion.

Action: Upon consensus of the City Council, a report from the Police and Fire Chiefs would be scheduled for an upcoming City Council meeting regarding the level of public safety activities related to fireworks, and potential impacts to non-profit groups if the Council chose to further restrict the sale and/or discharge of fireworks.

- C. Council Member Nicolls requested and received an update regarding: 1) the status of a local card room business owner's request to amend the City's gaming regulations to allow “no limit” wagering - Police Chief Peters responded that the business owner's application was received and was being processed; 2) the status of a code enforcement matter regarding private development on an area of City-owned open space - City Manager Perrault responded that staff had completed a review of the matter, determined the open space property could not be sold, that he would be notifying the adjacent property owners in writing, and that he would provide a copy of that letter to the Council.

- D. Mayor Pro Tem Lee commented that he'd received complaints regarding poor audio quality of the City Council meetings on Channel 20. He then requested and received an update on the relocation of the People's Kitchen program to a local church facility - City Manager Perrault confirmed that the City had received a copy of a letter being distributed by a local church to the surrounding neighborhood regarding the relocation of the People's Kitchen program. Staff had notified the church pastor in writing that any intensified use of the church facility would require a use permit.

Mayor Shoals noted that he had met with the church pastor regarding this planned activity and was informed the pastor would be meeting with City staff. Mayor Shoals requested staff continue to provide the Council with further updates on this matter.

- E. Council Member Shah, in response to earlier public comments regarding a proposed car show event, spoke in favor of the City supporting efforts to provide more community events. She then described a recent conversation with a local business owner regarding the City's regulations pertaining to operating a food truck within City limits. She requested Council consensus to schedule a discussion regarding food trucks at a future City Council meeting.

Action: Upon consensus of the City Council, the matter of food trucks would be scheduled for discussion at a future City Council meeting.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault noted that the recent weekend's summer storm had resulted in only minor flooding, but no significant issues had been reported. The inclement weather, however, resulted in the cancellation of the summer concert at Ramona Garden Park that was scheduled for Sunday afternoon, July 19, 2015.

11. Consideration of a Request from Mr. Brad Ford.

City Manager Perrault provided a brief overview of Mr. Forde's request to schedule a discussion at a future City Council meeting regarding the application of City standards to the Grover Tech Center development.

It was noted that the Regional Water Quality Control Board had requirements that were in addition to and separate from the City's requirements.

Action: Upon unanimous consensus, the Council authorized scheduling the request from Mr. Forde on the agenda for the City Council meeting on August 3, 2015.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 9:12 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 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 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.
4. **Conference with Legal Counsel - Existing Litigation**
Pursuant to Government Code Section 54956.9(d)(1)
Lindsay v. City of Grover Beach, U.S. District Court,
Case No. 2:15-cv-04577-PSG-GJS

Closed Session Announcements: At 10:57 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present. City Attorney Koczanowicz 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 10:58 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

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