

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, AUGUST 3, 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 Nicolls.

**ROLL CALL**

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

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

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement and noted that Closed Session Item No. 1 on the posted agenda had been pulled from the discussion:

On Monday, July 20, 2015 after meeting in Closed Session regarding:

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

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**

None at this time.

**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 persons spoke in opposition to the proposed Phillips 66 Rail Spur Project on the Nipomo Mesa:
- Judy Parks, Grover Beach resident;
  - Charles Varni, Oceano resident, who distributed a letter further outlining his concerns;

- Gary McKible, Nipomo resident; and
  - Greg Gaizen, Grover Beach resident.
- B. Andrea Seastrand, Grover Beach resident and former Assembly Member, requested the Council's support in opposing Senate Constitutional Amendment No. 5 (SCA-5), the split roll property tax proposal, and distributed an article further describing the proposed legislation.
- C. John Wysong, Grover Beach resident, expressed concerns regarding slow moving traffic on Highway 101 and suggested the City send a letter to Caltrans requesting the installation of signage reminding motorists that slow moving vehicles should travel in the right-hand lane. He then spoke in support of prioritizing repair and rehabilitation of North 16<sup>th</sup> Street.

It was also noted that Brenda Auer had submitted a speaker slip and written correspondence, but was no longer present in the Council Chambers.

**Action:** Upon consensus of the Council (Council Member Bright and Mayor Pro Tem Lee absent), staff was authorized to schedule the following items for the Council's consideration: 1) proposed legislation (SCA-5) – scheduled for consideration on Tuesday, September 8, 2015; and 2) public safety as it relates to rail traffic through Grover Beach – scheduled for consideration on Monday, September 21, 2015.

## **PUBLIC HEARING**

### **1. Introduction and First Reading of a Proposed Ordinance 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, declared the Public Hearing open, and deferred to staff for a report. City Attorney Koczanowicz provided a brief overview of the proposed Ordinance to renew the franchise agreement for operation of Phillips 66 facilities, to include pipeline, in the City's public right of way. He also noted Phillips 66 had changed the assigned representative regarding this matter. He therefore recommended the Council continue the Public Hearing to the next regularly scheduled City Council meeting to provide the representative an opportunity to comment on the draft Ordinance.

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

The following persons requested clarification regarding the subject matter of the Ordinance:

- Diane Mead, Grover Beach resident; and
- Charles Varni, Oceano resident.

Peggy Midland, Grover Beach resident, objected to the proposed Phillips 66 Rail Spur Project on the Nipomo Mesa and commented on the unsightly appearance of rail cars being stored for extended periods on train tracks located in Grover Beach.

There were no further public comments received at this time.

City Attorney Koczanowicz briefly described the purpose of the proposed Ordinance regarding oil transmission lines located in Grover Beach.

**Action:** It was moved by Council Member Shah and seconded by Council Member Nicolls to: 1) introduce and conduct first reading of Ordinance No. 15-03, by title only; and 2) continue the Public Hearing to the next regularly scheduled City Council meeting of August 17, 2015. The motion carried on the following roll call vote:

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

**Ordinance No. 15-03: An Ordinance of the City Council of the City of Grover Beach Amending Article X of the Grover Beach Municipal Code to Grant a Pipeline Franchise and Assignment to Phillips 66 Pipeline LLC. (First Reading only.)**

**CONSENT AGENDA**

It was moved by Council Member Nicolls and seconded by Council Member Shah to approve Consent Agenda Item Nos. 2, 3, 4, 5, and 6, as recommended. The motion carried on the following roll call vote:

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

**2. Treasurer's Report for the Period July 14, 2015 - July 29, 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 July 14, 2015 - July 29, 2015.**

**Action:** Approved the Treasurer's Report as submitted.

**4. Minutes of the City Council Meeting on June 15, 2015.**

**Action:** Approved the minutes as submitted.

**5. Consideration of Approval of a Three-Year Agreement with Compensation and Benefits Adjustments for the Grover Beach Police Management and Confidential Employee Group (GBPMCEG) - Approving a successor three-year Memorandum of Understanding with the Grover Beach Police Management and Confidential Employee's Group.**

**Action:** 1) Adopted Resolution No. 15-44 approving the Agreement with the Grover Beach Police Management and Confidential Employee Group; 2) adopted Resolution No. 15-45 amending the Classification and Compensation Plan for job classes in the Grover Beach Police Management and Confidential Employee Group; 3) adopted Resolution No. 15-46 amending the FY 16 Budget; and 4) authorized the City's negotiating team to execute the Memorandum of Understanding on behalf of the City.

**Resolution No. 15-44: A Resolution of the City Council of the City of Grover Beach, California, Approving the Agreement with the Grover Beach Police Management and Confidential Employee Group, Amending the Compensation and Benefit Package for the Period Ending June 30, 2018.**

**Resolution No. 15-45: A Resolution of the City Council of the City of Grover Beach, California, Amending Salary Schedule of City's Classification and Compensation Plan.**

**Resolution No. 15-46: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 4<sup>th</sup> Amendment to the Annual Appropriation Resolution No. 15-26 to Provide Funding for the Memorandum of Understanding Between the City of Grover Beach and the Grover Beach Police Management and Confidential Group for Fiscal Year 16.**

**6. Authorization to Enter into an Agreement with Cannon for Professional Services Associated with the 2015-1 Street Rehabilitation and Repair Project - Retaining the services of a professional construction engineering firm.**

**Action:** 1) Adopted Resolution No. 15-47 authorizing the City to enter into a Professional Services Agreement with Cannon for construction engineering and materials testing associated with the 2015-1 Street Rehabilitation and Repair Project; and 2) authorized the Mayor to execute the agreement on behalf of the City.

**Resolution No. 15-47: Resolution of the City Council of the City of Grover Beach, California, Authorizing the City to Enter into a Professional Services Agreement with Cannon to Provide Construction Management Services Associated with the Construction of the 2015-1 Street Rehabilitation and Repair Project.**

**REGULAR BUSINESS**

**7. Discussion Regarding the City's Participation in the Savor the Central Coast Event.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault introduced Lauryn Edwards, Senior Account Executive with Fast Forward Event Productions. Ms. Edwards introduced her assistant, Michelle Needer. Referencing a PowerPoint presentation, Ms. Edwards described the schedule of events and marketing efforts to promote the 2015 Savor the Central Coast event, outlined the benefits of being an event sponsor, and described opportunities to upgrade the City's sponsorship level or host an off-site "adventure tour". She then responded to questions from the Council.

Brief discussion was held regarding the event, the return on the City's investment of finances and dedicated staff time, and the financial commitments secured to date from the surrounding cities. Upon request from the Council, Parks & Recreation Program Director Petker described the City's involvement at previous Savor events and the marketing efforts conducted by City staff.

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.

Further Council discussion was held regarding partnering with local businesses to specifically market Grover Beach to visitors, and whether to change the amount of the City's financial commitment for the Savor event.

**Action:** Upon consensus (Council Member Bright and Mayor Pro Tem Lee absent), the City Council authorized maintaining the current level of funding for the City's participation in the 2015 Savor the Central Coast event.

**8. Drainage Standard Discussion – Grover Tech Center.**

**Project location:** West side of Front Street between Ramona Avenue and Newport Avenue.

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 request from Brad Forde regarding the application of the City's on-site drainage retention standards to the Grover Tech Center development. He then responded to questions from the Council regarding potential design options to meet the City's drainage standards.

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

Brad Forde, Grover Beach business and property owner, spoke in support of his request for a waiver of the City's drainage standards to further develop the Grover Tech Center.

There were no further public comments received.

Discussion ensued regarding the estimated costs for alternative project designs or construction materials, flooding concerns on City streets, and potential options for amending the City's drainage standards and/or development impact fees. Additional discussion was held regarding offering Mr. Forde the opportunity to postpone the Council taking action on his request until all five members of the City Council were present to deliberate on the matter.

Upon question, Mr. Forde confirmed that he was willing to wait until all five Council Members could be present to consider his request, and that a postponement would provide him the opportunity to bring other people to speak in support of his request.

**Action:** Upon consensus of the Council (Council Member Bright and Mayor Pro Tem Lee absent), this item was continued to the regular City Council meeting of Monday, September 21, 2015.

**Recess:** Upon consensus of the City Council, the meeting recessed at 8:03 p.m.

**Reconvene:** At 8:11 p.m., the meeting reconvened with all Council Members present (except for Council Member Bright and Mayor Pro Tem Lee, who were absent from this meeting).

**ORDER OF THE DAY:** Upon consensus of the City Council, the Order of the Day was amended to consider Agenda Item No. 10 prior to Agenda Item No. 9.

**10. Discussion Regarding Installation of a Crosswalk at the Intersection of Oak Park Boulevard and Brighton Avenue.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz briefly described previous Council discussions regarding the matter of whether a controlled intersection was warranted at the intersection of Oak Park Boulevard and Brighton Avenue, and why the installation of a crosswalk or controlled intersection was still not recommended for that location. City staff then responded to questions from the Council.

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

John Wysong, Grover Beach resident, spoke in support of the installation of a crosswalk.

There were no further public comments received.

Brief discussion was held regarding the purpose of conducting a warrant study, potential liability concerns, and the necessary elements that allow public agencies to enforce or change a posted speed limit. Further discussion was held, with Council Members expressing empathy with Mr. Wysong's concerns. However, installation of a crosswalk at the requested intersection would not be prudent or justifiable.

**Action:** Upon consensus, (Council Member Bright and Mayor Pro Tem Lee absent), the report was received and filed.

**ORDER OF THE DAY:** At this time, the Order of the Day resumed to the agenda as posted.

**9. Status Report Regarding a Special Event Permit for Grover Beach United Vehicle Show and Consideration of a Recommendation to Set a Public Hearing.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault provided a status update regarding items received, pending or incomplete in order to set the Public Hearing for the Council to consider a special event permit application received from Grover Beach United. The special event would be for a one-day car show on Saturday, September 5, 2015.

**Action:** Upon consensus of the Council (Council Member Bright and Mayor Pro Tem Lee absent), the report was received and the Council authorized setting the Public Hearing for August 17, 2015 to review the application to conduct the "Grover Beach Street Machine & Muscle Car Nationals".

**11. Status Report Regarding Capital Improvement Projects.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault provided a status update regarding project scope, budget, and milestones for several high priority Capital Improvement Projects. Staff then responded to questions from the Council.

Brief discussion was held on providing the Council with more specific street information related to the waterline upgrades and providing more frequent updates on Capital Improvement Projects.

**Action:** Upon consensus of the Council (Council Member Bright and Mayor Pro Tem Lee absent), the report was received and filed. Additionally, direction was provided to schedule a monthly presentation and status report to the Council regarding Capital Improvement Projects.

### **PULLED CONSENT AGENDA ITEMS**

None at this time.

### **COUNCIL COMMITTEE REPORTS**

Council Member Bright was absent from this meeting.

Mayor Pro Tem Lee was absent from this meeting.

Council Member Nicolls stated that she had no committee reports at this time.

Council Member Shah stated that she had no committee reports at this time.

Mayor Shoals stated that he had no committee reports at this time.

### **COUNCIL COMMUNICATIONS**

- A. Council Member Shah announced that the first day of public schools in the Lucia Mar Unified School District was scheduled for Thursday, August 20, 2015.
- B. In response to a citizen's concern raised at the beginning of the meeting, Mayor Shoals requested Council consensus to schedule consideration of sending a letter to Caltrans requesting the installation of signage on Highway 101 near Avila Beach Drive reminding slow-moving traffic to travel in the far right-hand lane.

**Action:** Upon consensus (Council Member Bright and Mayor Pro Tem Lee absent), the Council authorized staff to draft a letter to the California Department of Transportation for the Council's consideration requesting additional traffic signage on Highway 101.

Mayor Shoals then announced that the Filipino Community of San Luis Obispo was holding a special fiesta and dinner event on Saturday, August 15<sup>th</sup>, but that he would not be available to attend. Council Member Nicolls volunteered to attend the event to represent the City Council.

### **CITY MANAGER'S REPORTS AND COMMENTS**

In response to a citizen's comment earlier in the meeting regarding rail cars and tankers being stored in Grover Beach, City Manager Perrault noted that he was already scheduled to meet with a representative from Union Pacific Railroad later in the week to address that same issue. He also confirmed that he would provide the Council with an update regarding the outcome of that meeting.

### **CITY ATTORNEY'S REPORTS AND COMMENTS**

None at this time.

### **CLOSED SESSION**

At this time, it was announced that Closed Session Item No. 5 on the posted agenda would be continued to the next regularly scheduled City Council meeting of August 17, 2015. At 9:29 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Real Property Negotiators**  
Pursuant to Government Code Section 54956.8  
Property: APN 060-206-027  
Agency negotiator: City Manager Perrault and City Attorney Koczanowicz  
Negotiating party: Sprint Corporation  
Under negotiation: Terms and conditions of potential lease
2. **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.
3. **Conference with Labor Negotiators**  
Pursuant to Government Code Section 54957.6.  
Agency Negotiator(s): City Manager Robert Perrault, Special Counsel  
Che Johnson, Administrative Services Director Gayla Chapman,  
Assistant Administrative Services Director Eve Byrd, and  
Human Resources Coordinator/Deputy City Clerk Chanelle Hubbard  
(May include all or some of the above)  
Employee Groups: General Employees - (SEIU) Service Employees International  
Union, Local 620; Grover Beach Police Officers' Association (GBPOA);  
Management & Confidential Employees, and Executive Management.
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
5. ~~**Public Employee Performance Evaluation**~~  
~~Pursuant to Government Code Section 54957~~  
~~Employee: City Manager~~

Closed Session Announcements: At 10:24 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present (except for Council Member Bright and Mayor Pro Tem Lee, who were absent from this meeting). City Attorney Koczanowicz announced that there were no reportable actions taken regarding Closed Session Item Nos. 1, 2, and 3. He then announced the following reportable action regarding Closed Session Item No. 4: The City Council approved a settlement in principle on a 3-0-2 vote (Council Member Bright and Mayor Pro Tem Lee absent).

#### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 10:25 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 09/08/2015)