

**MINUTES  
CITY COUNCIL MEETING  
TUESDAY, SEPTEMBER 8, 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 Gabriella Wise, an 8-year-old, 3<sup>rd</sup> grade student at Fairgrove 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, Assistant City Attorney David Hale, City Clerk Donna McMahon, Police Chief John Peters, Administrative Services Director Gayla Chapman, Community Development Director Bruce Buckingham, and Public Works Director/City Engineer Gregory Ray were also present.

City Attorney Martin Koczanowicz arrived at approximately 8:30 p.m.

**CLOSED SESSION ANNOUNCEMENTS**

Assistant City Attorney Hale read the following announcement:

On Monday, August 17, 2015 after meeting in Closed Session regarding:

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 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 Channelle 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.
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)  
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 during the Closed Session.

**AGENDA REVIEW**

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

## **CEREMONIAL CALENDAR**

### **1. Proclamation Declaring September 2015 as “Childhood Cancer Awareness Month”.**

Mayor Shoals read the proclamation and stated that it would be sent to the event organizers who were unavailable to attend the meeting to receive the proclamation in person.

**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. Carol Roberts, Grover Beach resident and Board Member for the Grover Beach Community Library, described the non-profit group’s organizational structure and outlined the activities and services offered, as Library Board Member Nan Fowler distributed informational brochures regarding the library to the Council. Ms. Roberts also announced the installation of a book drop at the front of the library, which was funded through a grant from PG&E.
- B. Judy Parks, Grover Beach resident, objected to the proposed Rail Spur Extension Project at the Phillips 66 refinery on the Nipomo Mesa and having crude oil transported by rail through Grover Beach.
- C. Mark Nelson, Grover Beach resident, objected to the proposed Rail Spur Extension Project at the Phillips 66 refinery on the Nipomo Mesa, objected to having crude oil transported by rail through Grover Beach, and read a local newspaper editorial expressing similar opinions.
- D. Donald Passineau, Grover Beach resident, requested the City post additional signs regarding authorized truck routes and weight limits for commercial vehicles traveling through the City. He also objected to the daily volume of commercial trucks traveling his residential street Saratoga Avenue.
- E. John Wysong, Grover Beach resident, requested the City install a crosswalk on North Oak Park Boulevard. He also objected to street repairs being constructed on Brighton Avenue requiring the installation of a new waterline in front of his home.

Upon request from the Council, City Manager Perrault responded that: 1) the issue of rail safety in Grover Beach and the Phillips 66 Rail Spur Extension Project was scheduled for City Council consideration on Monday, September 21, 2015; 2) he and Police Chief Peters were available to meet with Mr. Passineau to discuss concerns regarding truck routes in the City; and 3) streets scheduled for rehabilitation would commence construction once necessary water line repairs had been completed. He encouraged residents with additional questions or concerns regarding street construction projects to contact the Public Works Department.

## **PUBLIC HEARINGS**

### **2. Introduction and First Reading of Ordinance Repealing Chapter 16 of Article III of the Grover Beach Municipal Code - Residency Requirements.**

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Assistant City Attorney Hale provided an overview of the proposed Ordinance which would eliminate the local residency restrictions for Penal Code 290 registrants from the Grover Beach Municipal Code, reverting to state law for these purposes. Assistant City Attorney Hale and Police Chief Peters then responded to questions from the Council.

Brief discussion was held regarding recent court cases and changes to the residency restrictions, as well noting that the requirement for sex offenders to register with local law enforcement agencies had remained unchanged.

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

Andrea Seastrand, Grover Beach resident and former Assembly Member, requested and received information regarding the number of registered sex offenders in Grover Beach.

Sharon Brown, Grover Beach resident, requested and received information regarding the Grover Beach Police Department's process for enforcing compliance with the registration requirements.

There were no further public comments received and the Mayor closed the Public Hearing.

**Action:** It was moved by Mayor Pro Tem Lee and seconded by Council Member Bright to conduct first reading, by title only, of Ordinance No. 15-04, and schedule second reading and adoption at the next regularly scheduled meeting on Monday, September 21, 2015. 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. 15-04: An Ordinance of the City Council of the City of Grover Beach, California, Amending Grover Beach Municipal Code Sections of Article III, Chapter 16 - Residency Requirements for Penal Code 290 Registrants. (First Reading only.)**

#### **CONSENT AGENDA - CITY COUNCIL**

It was moved by Mayor Pro Tem Lee and seconded by Council Member Shah 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 August 11, 2015 - September 1, 2015.**  
**Action:** Approved the Treasurer's Report as submitted.
4. **Treasurer's Report for the Streets Bond Account (Measure K-14: Grover Beach Street Rehabilitation; Safety Improvement Bond Measure) for the Period August 11, 2015 - September 1, 2015.**  
**Action:** Approved the Treasurer's Report as submitted.
5. **Minutes of the City Council Meeting on August 3, 2015.**  
**Action:** Approved the minutes as submitted.

#### **CONSENT AGENDA - THE GROVER BEACH CITY COUNCIL IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE DISSOLVED GROVER BEACH IMPROVEMENT AGENCY.**

6. **Adoption of Recognized Obligation Payment Schedule for January 1, 2016 to June 30, 2016 (ROPS 15-16B) - Consideration of the Recognized Obligation Payment Schedule (ROPS 15-16B) for the period January 1, 2016 to June 2016 for presentation to the Oversight Board for its consideration and approval.**  
**Action:** Adopted Resolution No. SA-15-03 approving the Recognized Obligation Payment Schedule (ROPS) and authorized the City Manager to present the ROPS to the Oversight Board for its consideration and approval.  
  
**Resolution No. SA-15-03: A Resolution of the Successor Agency to the Dissolved Grover Beach Improvement Agency Approving and Adopting a Draft of the Recognized Obligation Payment Schedule (ROPS) Pursuant to Health and Safety Code Section 34177(I).**

## **REGULAR BUSINESS**

### **7. Request from the Central Coast Tax Payers Association to Oppose Senate Constitutional Amendment (SCA) 5.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault briefly outlined proposed legislation that would, if approved, assess commercial and industrial properties at their market value after a phase-in period. He then responded to questions from the Council.

Brief discussion was held regarding the potential impacts of the proposed legislation on local businesses in Grover Beach.

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

Andrea Seastrand, Vice President, Central Coast Taxpayers Association and Grover Beach resident, spoke in support of the Council sending a letter opposing the proposed legislation.

Sharon Brown, Grover Beach resident, objected to the Council sending a letter in opposition to the proposed legislation, stating there was insufficient information to evaluate the legislation's impacts on businesses in Grover Beach.

John Wysong, Grover Beach resident, spoke in opposition to government-incurred debt.

There were no further public comments received.

Brief discussion was held regarding the proposed legislation, as written, being unclear as to whether it would benefit local businesses or local government, including Grover Beach. Additional discussion was held regarding protecting local businesses.

**Action:** Upon unanimous consensus, the City Council authorized the Mayor to work with staff to draft a letter to local legislators opposing the bill, and authorized the Mayor to execute the letters on behalf of the City.

### **8. Authorization to Send a Letter to Caltrans Regarding Signage on US 101.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault briefly described public comment received at a recent City Council regarding traffic delays on US 101. The speaker urged the Council to send a letter to the California Department of Transportation (Caltrans) requesting the installation of additional traffic signage along US 101 that encouraged drivers of slower moving vehicles to use the right-hand lanes.

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

Sharon Brown, Grover Beach resident, requested additional information regarding the proposed traffic signs.

John Wysong, Grover Beach resident, spoke in support of sending a letter to Caltrans.

There were no further public comments received.

Brief discussion was held regarding traffic congestion on the US 101, previous discussions held at the San Luis Obispo Council of Governments regarding this same issue, and documentation in the US 101 Mobility Master Plan regarding traffic issues along the highway. Further discussion was held regarding amending the draft letter to add additional recommendations for alleviating the traffic problem along the highway.

**Action:** Upon unanimous consensus, the City Council:

- 1) Provided direction to amend the letter to include reference to the San Luis Obispo Council of Governments' US 101 Corridor Mobility Master Plan that documented traffic

congestion on US 101; and to request the following:

- a) priority be placed on extending the southbound auxiliary lane from Avila Beach Drive to the Spyglass Drive exit;
  - b) installation of signage on both the northbound and southbound sides of the highway indicating "Slower Traffic Should Yield to the Right", and "No Stopping or Parking, Except for Emergencies"; and
  - c) active enforcement along the US 101 corridor from the Avila Beach exit to the Oak Park Boulevard exit; and
- 2) Approved the letter, as amended, and authorized the Mayor to execute the amended letter on behalf of the City Council.

**9. Review of Resolutions to be Considered at the Annual League of California Cities Conference.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault briefly reviewed items scheduled for consideration by the General Assembly at upcoming League of California Cities Annual Conference.

Brief Council discussion was held regarding proposed League Resolutions Nos. 1-3.

Mayor Shoals recused himself from the discussion regarding Resolution No. 4 due to his employment with PG&E. He stepped down from the dais and left the Council Chambers. Mayor Pro Tem Lee presided over the meeting at that time. At the conclusion of the discussion regarding Resolution No. 4, Mayor Shoals returned to the dais.

**Action:** Upon consensus, direction was provided to the City's voting delegate and two alternates as follows regarding the League Resolutions:

- Resolution No. 1: League Bylaw Amendments - *support*;
- Resolution No. 2: Over Concentration of Alcohol & Drug Treatment Facilities - *neutral*;
- Resolution No. 3: Residential Rentals, Support for SB 593 (McGuire) - *support*; and
- Resolution No. 4: Compensation for Prolonged Electrical Power Outages - *no position* (with Mayor Shoals recused from the discussion regarding Resolution No. 4).

**Recess:** Upon consensus of the City Council, the meeting recessed at 7:59 p.m.

**Reconvene:** At 8:05 p.m., the meeting reconvened with all Council Members present.

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

City Manager Perrault provided updates regarding the scope, budget, and milestones for each Council-identified priority project in the Capital Improvement Program. Staff then responded to questions from the Council regarding each priority project.

Mayor Shoals announced that he had recently been contacted by representatives from Phillips 66 requesting a meeting with him later in the week, and noted that the meeting would likely be regarding the Oak Park Boulevard Project and the Phillips 66 oil transmission line project on Oak Park Boulevard.

It was noted that potential cost savings had been identified in the Street Rehabilitation Program and those funds were being recommended for allocation on streets identified as needing light maintenance. Additional discussion was held on providing the Council at a future meeting with specific information regarding the streets identified for light maintenance, as well protecting the City's investment in rehabilitating streets from pavement damage due to high volume truck traffic. It was suggested that the City post additional signage and increase traffic enforcement in order to limit truck traffic to specific streets.

A typographical correction was noted in the PowerPoint slide presentation (Attachment 2 to the staff report) regarding Upgrades of the 2" and 4" Water Mains. The expected completion of design should have been indicated as "November 2015" (not "2016"), with the expected completion of construction in the summer of 2016.

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

John Wysong, Grover Beach resident, requested the City provide the public with additional information regarding street construction projects currently underway and specifically the necessity to repair water utility lines and replace water meters as part of the street repair project.

Sharon Brown, Grover Beach resident, praised staff's recommendation to allocate cost savings identified in the Street Rehabilitation Program towards completing light maintenance on other city streets.

There were no further public comments received.

**Action:** The report was received and filed.

### **PULLED CONSENT AGENDA ITEMS**

None at this time.

### **COUNCIL COMMITTEE REPORTS**

Council Member Shah reported on the meetings of the Arroyo Grande & Grover Beach Chamber of Commerce and Visit San Luis Obispo County.

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

Council Member Nicolls reported on meetings of the Community Action Partnership of San Luis Obispo County and the San Luis Obispo County Water Resources Advisory Committee.

Mayor Pro Tem Lee stated that he had no committee reports at this time. He also stated that he would not be able to attend the meeting of the Joint Authority scheduled for later in the week, as he would be chairing the meeting of the Integrated Waste Management Authority due to the absence of the Chair, Supervisor Adam Hill. He noted that Supervisor Hill was unavailable due to the recent death of a family member.

Mayor Shoals reported on meetings of the San Luis Obispo Regional Transit Authority and the South San Luis Obispo County Sanitation District. He also announced recent management changes at the Sanitation District and noted that the Board had authorized the recruitment of a full time administrator.

### **COUNCIL COMMUNICATIONS**

- A. Council Member Nicolls announced the Grover Beach Community Library had received a grant from PG&E to install a drop box at the library.
- B. Council Member Shah praised the success of the car show event that was sponsored by Grover Beach United and recently held at Ramona Garden Park.
- C. Mayor Pro Tem Lee suggested the Council consider participating as a team at next year's Dune Run Run event and extend a friendly challenge to the City's Commissions and Committees. He then announced details for the following upcoming events: Five Cities Homeless Coalition's Empty Bowls fundraiser, and the City-sponsored 9/11 Memorial Event and Art Show.

Mayor Pro Tem Lee then commented on business signs illegally posted in City medians and inquired whether there was any interest in scheduling a discussion regarding updating the City's sign ordinance. Additionally, he inquired whether Council action was needed regarding the issue of synthetic marijuana and/or medical marijuana.

Mayor Shoals suggested postponing the discussion on whether to schedule those items for consideration until a future meeting.

- D. Mayor Shoals commented on the recent workshop with the City Council and Parks, Recreation and Beautification Commission, and noted the discussions were positive and productive. He suggested scheduling the next Council/Commission workshop with the

Planning Commission, and possibly scheduling a combined team building retreat with the City Council and all members of the City's advisory bodies.

Mayor Shoals then described a recent meeting with Judith Bean, Chief Executive Officer of the Arroyo Grande & Grover Beach Chamber of Commerce, regarding increasing the Chamber's presence in Grover Beach. He also commented that the City should consider installing security fencing on South 7<sup>th</sup> Street to secure equipment stored at the Fire Station.

Mayor Shoals then thanked all those who sent cards, phone calls, and well wishes during his recent absence in mid-August for a medical issue.

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

City Manager Perrault announced details of the City-sponsored 9/11 Memorial Event and Art Show to be held at the Ramona Garden Park Center.

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

Assistant City Attorney Hale stated that he had no reports or comments.

City Attorney Koczanowicz announced the he would be attending a conference sponsored by the California Joint Powers Insurance Authority later that month.

**ORDER OF THE DAY:** At this time Mayor Shoals amended the Order of the Day to receive Public Communication and City Council Comments.

- A. Sharon Brown, Grover Beach resident, announced details of the upcoming Beach Clean Up Day event and invited members of the public and City Council to participate in the event.
- B. Council Member Shah announced details of a Fun Run Fundraiser to be held at Grover Heights Elementary School and noted that a local television station was scheduled to be on site to interview student participants.

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

### **CLOSED SESSION**

At 9:32 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 060-381-010, 011  
Agency negotiator: City Manager and City Attorney  
Negotiating party: Pacifica Companies  
Under negotiation: Terms and conditions of potential lease.
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. **Public Employee Performance Evaluation**  
Pursuant to Government Code Section 54957  
Employee: City Manager

**Closed Session Announcements:** At 10:43 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 the Closed Session.

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 10:44 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 10/05/2015)