

**MINUTES
CITY COUNCIL MEETING
MONDAY, OCTOBER 19, 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 Marissa Lynn Miller, a 10-year-old, 6th grade student at Grover Heights Elementary School.

ROLL CALL

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

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 Greg Ray, and Parks & Recreation Program Director Kathy Petker were also present.

Also present were City of Pismo Beach Public Works Director/City Engineer Ben Fine, Consultant Bill Statler, and (by conference phone for the Closed Session only) Special Legal Counsel Che Johnson.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, October 5, 2015 after meeting in Closed Session regarding:

1. Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6.
Agency Negotiator: 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 some or all of the above)
Represented Employee Groups: General Employees - Service Employees International Union (SEIU), Local 620, and Grover Beach Police Officers' Association (GBPOA)
2. Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6.
Agency Negotiator: City Manager Robert Perrault, and Administrative Services Director Gayla Chapman
Unrepresented Employee Groups: Management & Confidential Employees
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. Public Employee Performance Evaluation
Pursuant to Government Code Section 54957
Employee (*Position Title*): City Manager

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

AGENDA REVIEW

Action: Upon consensus (Council Member Bright absent), the Council adopted the agenda as presented.

At this time, Mayor Shoals acknowledged Pismo Beach Mayor Shelly Higginbotham, who was seated in the audience.

CEREMONIAL CALENDAR

1. Proclamation Declaring the Week of October 23 - 31, 2015 as “Red Ribbon Week”.

Council Member Shah read the proclamation and was joined by the other members of the City Council in presenting it to Grover Beach Elementary School Principal James Snyder, Grover Heights Elementary School Principal Susan Kesselring, and Grover Beach Elementary School student Angie Tapia.

PRESENTATION

2. Presentation from the City of Pismo Beach Regarding its Recycled Water Project.

City Manager Perrault provided introductory remarks regarding the proposal for Grover Beach to participate in a proposed Recycled Water Project to offset water supply for the region. He then introduced Ben Fine, Public Works Director/City Engineer, for the City of Pismo Beach.

Referencing a PowerPoint presentation, Mr. Fine presented information regarding a proposed Regional Groundwater Sustainability Project intended to offset some potable water uses, provide a new source of recharge to the groundwater basin, relieve increased water demand, and facilitate the regional use of recycled water in the South County. He then responded to questions from the Council.

The Council thanked Mr. Fine for the informative presentation and deferred further comments until “Council Comments” scheduled later on the agenda.

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. Brad Snook, Co-chair, Surfrider Foundation, expressed concerns regarding the City maintaining its representation on the Board of Directors for the South San Luis Obispo County Sanitation District, as well as concerns regarding the viability of a proposed desalination plant at Diablo Canyon.
- B. The following persons expressed concerns regarding increasing issues associated with the homeless in the downtown area and the associated impacts to local businesses:
 - Dr. Daniel Bronstein, Grover Beach business owner;
 - Breanne Burkand, Grover Beach business owner; and
 - Edgar Turner, Grover Beach business owner.
- C. The following persons spoke in support of Grover Beach participating in the proposed Regional Groundwater Sustainability Project:
 - Shelly Higginbotham, Mayor, City of Pismo Beach; and
 - Ron Reilly, Grover Beach resident.
- D. Jan Ojerholm, Parks, Recreation & Beautification Commissioner, announced upcoming parks and recreation activities and events. She also described the discussion from a Special Parks, Recreation & Beautification Commission meeting held earlier that same evening regarding potential locations for the installation of playground equipment at Ramona Garden Park.
- E. John Wysong, Grover Beach resident, expressed concerns regarding street construction work on Brighton Avenue and the estimated cost to repair the sidewalk in front of his home.

No further public comments were received at this time.

Upon request, City Manager Perrault briefly outlined the City’s efforts to address community concerns regarding the homeless and vagrancy issues. He urged residents and business owners to contact the Police Department to report problems related to vagrancy or panhandling.

PUBLIC HEARINGS

3. Request from South County Sanitary Service for a Proposed Solid Waste Adjustment, Extension of the Franchise Term, and Initiation of Organic Diversion Program.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Manager Perrault briefly outlined the request from South County Sanitary Service to: 1) begin an Expanded Organics Diversion Program that included food waste; 2) extend the term of the existing franchise agreement; and 3) increase solid waste rates by 3.25% commencing January 1, 2016, with additional adjustments effective January 1, 2017 and January 1, 2018. He then introduced Bill Statler, who was contracted by Grover Beach and other South County agencies, to provide an independent review of the proposed rate adjustments.

Referencing a PowerPoint presentation, Mr. Statler presented his analysis of the requested rate adjustments, described the costs to provide the required services, noted that the costs were reasonable, and outlined the criteria that was met for determining a reasonable return on those costs. He also pointed out that the requested rate increase was slightly less than the amount allowed under the terms of the agreement. Mr. Statler recommended approving the multi-year rate approach and for the Council to make the finding not to pursue the "trigger option" to terminate the contract. 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 and the Mayor closed the Public Hearing.

Upon request, Pat Fenton, District Manager, South County Sanitary Service, responded to questions from the Council regarding the food waste program.

City Attorney Koczanowicz noted a correction to the draft Resolution in the staff report that Exhibit A to the Resolution would contain the proposed rate increase amounts as indicated in the Notice of Public Hearing mailed to Grover Beach customers by South County Sanitary Service and marked as Attachment 3 in the staff report.

Action: It was moved by Council Member Nicolls and seconded by Mayor Pro Tem Lee to: 1) approve the Expanded Organics Diversion Program; 2) adopt Resolution No. 15-54 approving the request for rate increases for January 1, 2016, 2017, and 2018; and 3) authorize staff to further review the request from South County Sanitary Service for an extension to the Franchise Agreement. 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. 15-54: A Resolution of the Council of the City of Grover Beach, California, Approving the Request for Integrated Solid Waste Rates for January 1, 2016, 2017, and 2018.

Recess: Upon consensus of the City Council, the meeting recessed at 8:15 p.m.

Reconvene: At 8:25 p.m., the meeting reconvened with all Council Members present, except for Council Member Bright who was absent from this meeting.

4. Introduction and First Reading of a Proposed Ordinance to Amend the Grover Beach Municipal Code Article X, Chapter 4, Changing the Wagering Limits to a No Limit Game.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Police Chief Peters briefly reviewed the request received from David Stearns, Central Coast Casino, to repeal the current maximum wagering limits of Five Hundred Dollars (\$500) per wager and One Thousand Dollars (\$1,000) on any single hand played within a licensed premises and instituting a "no limit" provision. Chief Peters and City Attorney Koczanowicz responded to questions from the Council regarding the proposed ordinance and confirmed that the applicant's security plan had been reviewed and approved.

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 and the Mayor closed the Public Hearing.

Mayor Shoals announced that he had received calls regarding this matter from both David Stearns of Central Coast Casino and Tom Rehder, the property owner, and had encouraged them to communicate directly with each other.

Mayor Pro Tem Lee announced that he, too, had been contacted by Mr. Rehder.

Action: It was moved by Council Member Nicolls and seconded by Council Member Shah to conduct the first reading, by title only, of Ordinance No. 15-05, and schedule the second reading and adoption for the next regular City Council meeting on Monday, November 2, 2015. 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.

Ordinance No. 15-05: Ordinance of the City Council of the City of Grover Beach, California, Amending Article X, Chapter 4 of the Grover Beach Municipal Code Pertaining to Card Table Licenses and Regulations. (First Reading only.)

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Mayor Pro Tem Lee requested additional information regarding Consent Agenda Item No. 8. City Manager Perrault noted that establishing the job class of Maintenance Specialist was a reclassification of a current City employee.

Mayor Shoals invited comments from the audience regarding Consent Agenda Item No. 8. No public comments were received at this time.

It was moved by Mayor Pro Tem Lee and seconded by Council Member Shah to approve Consent Agenda Item Nos. 5, 6, 7, and 8, 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.

5. **Treasurer's Report for the Period September 29, 2015 - October 14, 2015.**
Action: Approved the Treasurer's Report as submitted.
6. **Treasurer's Report for the Streets Bond Account (Measure K-14: Grover Beach Street Rehabilitation; Safety Improvement Bond Measure) for the Period September 29, 2015 - October 14, 2015.**
Action: Approved the Treasurer's Report as submitted.
7. **Minutes of the City Council Meeting on September 21, 2015.**
Action: Approved the minutes as submitted.
8. **Establishment of a Maintenance Specialist Classification and Adoption of an Amendment to the Classification and Compensation Plan** - Establishing the job classification of Maintenance Specialist and amending the City's Classification and Compensation Plan.
Action: Adopted Resolution No. 15-55 authorizing the Maintenance Specialist Classification and amending the City's Classification and Compensation Plan.

Resolution No. 15-55: A Resolution of the City Council of the City of Grover Beach, California, Amending Resolution No. 02-73 Establishing the Classification of Maintenance Specialist and Adding a Salary Range for the Job Class of Maintenance Specialist.

REGULAR BUSINESS

9. Appointment to the Planning Commission.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Community Development Director Buckingham briefly summarized the recommendation from the Advisory Body Screening Committee from the interviews held with applicants interested in being considered for appointment to the Planning Commission.

The Council expressed its appreciation to all those who participated in the interviews.

Action: It was moved by Mayor Pro Tem Lee and seconded by Council Member Nicolls to: 1) accept the Screening Committee's recommendation; and 2) adopt Resolution No. 15-56 appointing Cody McLaughlin to serve on the Planning Commission for the four-year term of office scheduled to expire on May 31, 2019. 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. 15-56: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the Appointment of Cody McLaughlin to the Grover Beach Planning Commission.

Mayor Shoals introduced Planning Commissioner McLaughlin to the City Council and those in the audience.

10. Drainage Standard Discussion – Grover Tech Center.

Property owner: Brad Forde, Forde Properties & Construction.

Project location: West side of Front Street between Ramona and Newport Avenues.
(Continued from the City Council Meeting of August 3, 2015.)

It was noted that subsequent to the posting of the meeting agenda the City had received a letter from the property owner, Brad Forde, requesting this item be continued until Mr. Forde had an opportunity to discuss additional information with City staff.

Action: Upon consensus of the City Council, this item was pulled from the agenda to provide Mr. Forde the opportunity to discuss the matter further with City staff.

11. Review & Discussion Regarding Design of North 13th Street.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Displaying a design plan (Attachment 1 to the staff report), Public Works Director/City Engineer Ray described the proposed street improvements to be constructed on North 13th Street from West Grand Avenue to Atlantic City Avenue. He then responded to questions from the Council.

Brief discussion was held regarding street widths, sidewalks, bike lanes, bulb-outs with sidewalk ramps to accommodate Americans with Disabilities Act improvements, and concrete swales as a potential design option.

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 ensued regarding the proposed street improvements, street widths, traffic calming methods, and the estimated cost to install or relocate sidewalks. City Attorney Koczanowicz noted a separate and specific process was required if the Council was interested in pursuing abandonment of any portion of the street or right of way.

Action: Upon consensus, direction was provided for the following design preferences for street rehabilitation on North 13th Street:

- 48 foot wide streets with bike lanes;
- a consistent and cohesive design for the entire length of the project area;

- complete sidewalks where possible, either straight or meandering; if the estimated cost to install or relocate the sidewalk was economically feasible, then proceed with the sidewalk installation through either a bid addendum or construction change order, or return to Council for further direction if sidewalk installation was determined to be cost prohibitive;
- mid-street narrowing with traffic calming bulb-outs at Brighton Avenue;
- avoid removal of mature trees when possible; and
- construct a bulb-out at the west curb return at West Grand Avenue and North 13th Street to match the proposed bulb-out at the east curb return.

12. Award of Optional Design Services Associated with the North Oak Park Boulevard Rehabilitation Project.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray, referencing a PowerPoint presentation and a map of the intersection at Oak Park Boulevard and West Grand Avenue, provided an overview of options for awarding design alternatives for street rehabilitation improvements on North Oak Park Boulevard. He then responded to questions from the Council.

Brief discussion was held regarding the project area, the process for selecting an engineering firm for design services, and coordination challenges for the City and the two engineering firms proceeding simultaneously on an accelerated schedule.

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 ensued regarding the proposed project, estimated costs for re-issuing a request for proposals, estimated project costs, and expediting the construction of street improvements.

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

- 1) Adopt Resolution No. 15-57 authorizing the City to enter into a Consulting Services Agreement with Wallace Group in an amount not to exceed \$55,00 for design scope Option 1b - Pavement improvements at the West Grand Avenue/Oak Park Boulevard intersection, and east to the City limit;
- 2) Authorized staff to negotiate a contract amendment with Garing Taylor & Associates for design of Option 1a - Geometric improvements at West Grand Avenue;
- 3) Adopt Resolution No. 15-58 amending the Annual Appropriation Resolution approving the transfer of \$82,000 in funding from CIP 283 to this project; and
- 4) Authorize the Mayor to execute the agreements on behalf of the City, based on final review of the Consulting Services Agreements 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. 15-57: Resolution of the City Council of the City of Grover Beach, California, Authorizing the City to Enter into a Consultant Services Agreement with Wallace Group to Provide Professional Design Engineering Services on the North Oak Park Boulevard Rehabilitation Project (CIP 276), Design, Bidding, and Construction Phase.

Resolution No. 15-58: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 7th Amendment to the Annual Appropriation Resolution No. 15-26 to Provide Funding for Design Services Associated with the North Oak Park Boulevard Rehabilitation Project.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Council Member Bright was absent from this meeting.

Council Member Shah noted that she was out of town and missed the last meeting of the Housing Trust Fund.

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

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

Council Member Nicolls stated that she had attended meetings at the Prado Day Center and Community Action Partnership of San Luis Obispo County.

COUNCIL COMMUNICATIONS

- A. Council Member Shah described several of the sessions she had attended at the recent Annual League of California Cities Conference in San Jose, specifically regarding skate parks. She inquired whether there was any interest in discussing the operation of the South County Skate Park.

Action: Upon consensus of those present, discussion regarding skate parks was deferred until after the new year for a status report from the Parks, Recreation & Beautification Commission regarding skate park activities, liability, and the City's contract for management of the Skate Park with the YMCA.

- B. Mayor Pro Tem Lee noted there was an upcoming Broadband Consortium and deferred to the City Manager to provide further details. He then requested clarification regarding Mr. Wysong's comments earlier in the meeting during "Public Comment" involving sidewalk repair costs.

City Manager Perrault described recent efforts to work cooperatively with Mr. Wysong regarding street improvements constructed on Brighton Avenue, costs incurred by the City, and estimated costs for sidewalk construction.

Mayor Pro Tem Lee then inquired on following-up the City of Pismo Beach presentation earlier in the meeting regarding recycled water.

Action: Upon consensus of the City Council, participation in a regional project for recycled water would be scheduled for a future City Council meeting.

- C. Mayor Shoals inquired when the Council would receive an update regarding progress on the FY 16 Goals and Work Program.

City Manager Perrault noted it would be included in the First Quarter FY 16 Budget Update.

Mayor Shoals suggested scheduling Council discussion of waterline upgrades in advance of the next phase of street improvements.

City Manager Perrault noted that updating the City's Water and Sewer Plans would be included as part of the First Quarter FY 16 Budget Update.

- D. In follow-up to public comments earlier in the meeting regarding the homeless and vagrancy issues in the downtown area, Council Member Shah inquired how the City could assist downtown businesses.

Action: Upon consensus of the City Council, staff would schedule a formal presentation updating the Council on actions taken by the City to address homeless encampments and issues involving the homeless in the downtown area.

In follow-up to public comments earlier in the meeting regarding the South San Luis Obispo County Sanitation District, Council Member Shah then inquired whether Council action was necessary to appoint a third alternate.

Mayor Shoals suggested that the Council not take any action on that issue at this time.

CITY MANAGER'S REPORTS AND COMMENTS

13. Verbal Status Report Regarding the Municipal Broadband Network.

City Manager Perrault provided a status update regarding recent discussions between City staff and Digital West and progress regarding the Municipal Broadband Network project. He then announced details of an upcoming Broadband Consortium scheduled to be held in Buellton on Thursday, October 29, 2015 and suggested at least one member of the City Council and City staff attend the meeting.

Mayor Shoals volunteered to attend the Broadband Consortium.

City Manager Perrault then announced that the next meeting of the Joint Authority regarding the Grover Beach Lodge Project was scheduled for Wednesday, October 21, 2015 at 3:30 p.m.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 10:51 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 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 some or all of the above)
Represented Employee Groups: Service Employees International Union, Local 620 (SEIU), and Grover Beach Police Officers' Association (GBPOA)
3. **Conference with Labor Negotiators**
Pursuant to Government Code Section 54957.6.
Agency Negotiator: City Manager Robert Perrault, and Administrative Services Director Gayla Chapman
Unrepresented Employee Groups: Management & Confidential Employees

Closed Session Announcements: At 12:13 a.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 12:14 a.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 12/07/2015)