

**MINUTES
CITY COUNCIL MEETING
TUESDAY, JANUARY 19, 2016**

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 Gigi Woodman, a 10-year-old, 5th grade student at Grover Heights 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, Public Works Director/City Engineer Greg Ray, and Parks & Recreation Program Director Kathy Petker were also present.

Also present were Parks, Recreation & Beautification Commission Chair Heidi Boatman and Parks, Recreation & Beautification Commissioner Jan Ojerholm.

CLOSED SESSION ANNOUNCEMENTS

Assistant City Attorney Hale read the following announcements:

On Monday, January 4, after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Diamond v. City of Grover Beach, SLO County Superior Court Case No. 15CV-0028
2. Public Employment
Pursuant to Government Code Section 54957
Title: City Manager

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

Further, at the Special City Council meeting held on Thursday, January 14, 2016 regarding:

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

the City Council reconvened into open session and announced 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. Certificates of Appreciation - 2015 Holiday of Lights Award Recipients.

The City Council, members of the Parks, Recreation & Beautification Commission, and Parks & Recreation Program Director Petker presented Certificates of Appreciation to the following individuals or representatives.

Business Display - Best Overall

- 1st Place: Shell Beach Floral Design, 260 West Grand Avenue
- 2nd Place: Chevron Extra Mile, 1284 West Grand Avenue
- 3rd Place: La Real Michoacana Ice Cream Shop, 1554 West Grand Avenue

Business Award - Honorable Mentions

- Proud Pooch, 1123 West Grand Avenue
- Velocity Tint, 1351 West Grand Avenue
- Ken's Automotive, 583 West Grand Avenue

Mayor's Award – Best Overall in Originality (Residence)

- Two-way tie: 600 Manhattan Avenue and 952 Margarita Avenue

City Council Award – Best Original Use of Animation (Residence)

- Three-way tie: 1477 West Grand Avenue, Space #10; 972 Margarita Avenue; and 944 Brighton Avenue

Commissioner's Award – Best Use of Lights (Residence)

- Three-way tie: 1840 Atlantic City Avenue; 451 Atlantic City Avenue; and 410 South 8th Street

Best Theme – Best Use of a Consistent Theme (Residence)

- Two-way tie: 1654 Seabright Avenue and 1416 Mentone Avenue

Simple Elegance Award – Best Display Demonstrating Simplicity & Grace (Residence)

- Two-way tie: 938 Trouville Avenue and 238 N. 11th Street

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. Ed Longstreth, Grover Beach business owner, described interior improvements underway at his restaurant, announced planned menu changes and expanded hours of operation, and invited the public to come and visit Grover Grind.

There were no further public comments received at this time.

PUBLIC HEARING

- 2. **Introduction and First Reading of a Proposed Ordinance to Amend the Grover Beach Municipal Code Article III, Chapter 11, Changing Regulations Regarding Special Events and Outdoor Assemblies.**

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 noted that, subsequent to distribution of the agenda packet, City staff distributed to the Council correspondence received that day from attorney Stew Jenkins expressing concerns with the proposed ordinance. He recommended the Council receive staff's presentation, consider public testimony, and continue the Public Hearing to the next regularly scheduled City Council meeting to provide staff an opportunity to review this additional information.

Police Chief Peters provided an overview of proposed amendments to streamline the review and permitting process for special events and outdoor assemblies. He then responded to questions from the Council.

Discussion was held regarding the proposed changes, time frames for reviewing an application, insurance and surety bond requirements in accordance with recommendations from the City's self-insurance administrators, financial information required from the applicants, and demonstrations held on public property.

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

Tom Rehder, Grover Beach business owner and Grover Beach United representative, spoke in support of the proposed ordinance and expressed his appreciation to staff for bringing the proposed amendments to the Council. However, he noted a concern that

delaying receipt of an approved event permit might hinder their organization's efforts to raise sponsorships for this year's car show event.

Linda McClure, Grover Beach business owner and Grover Beach United representative, spoke in support of staff's efforts to streamline the special event permitting process, but objected to the proposed time frame to provide the City with information regarding sponsors and vendors, as well as the proposed amount for a surety bond. She then suggested the City provide a step-by-step checklist to assist applicants to successfully complete the application process.

There were no further public comments received at this time.

Further Council discussion ensued regarding the special event application and review process; the initial deposit fee collected; requirements for a business tax certificate; proposed insurance amounts and surety bond requirements; and providing applicants the option of filing an appeal of staff's determination with the City Council. Additional discussion was held on providing event organizers the opportunity to solicit sponsorships prior to receiving final permit approval, and whether to remove the reference to "demonstrations" in the proposed ordinance.

Action: Upon unanimous consensus, direction was provided to:

- 1) further revise the draft ordinance as follows (deleted text indicated with ~~strikeout~~ and added text indicated with double underline):
 - remove the reference to "~~demonstrations~~";
 - establish a process for issuing "preliminary or conditional" approval for applicants interested in soliciting event sponsorships prior to receiving final permit approval;
 - Section 3976 - Permit Required: "No person shall ~~sponsor~~, operate, ~~maintain~~, and conduct, or promote an outdoor assembly demonstration or special event to be held within the City...";
 - Section 3977 - Application, paragraph (D): rephrase this section to require the applicant submit an event budget / financial plan outlining estimated expenditures and revenues;
 - Section 3978 - Processing of Permit Application: rephrase this section regarding the preliminary staff review of a special event application to be completed and forwarded on to the City Manager for approval or denial within a specified time frame. Additionally, include a process for an special event applicant to file an appeal with the City Council.
 - Section 3981 - Specific Regulations, paragraph (L): Insurance - re-evaluate the proposed insurance and surety bond requirements;
 - Section 3985 Violations - rephrase this section so that after having received preliminary approval from the City, an applicant may advertise and promote the event prior to receiving final permit approval; and
- 2) continue the Public Hearing to the next regularly scheduled City Council meeting on Monday, February 1, 2016.

At this time, Mayor Shoals inquired whether Grover Beach United representatives had any further concerns.

Linda McClure, Grover Beach United representative, noted that delaying adoption of the Ordinance could make it difficult for their organization to meet the deadlines for submitting sponsorship requests to some of the larger local area businesses.

Tom Rehder, Grover Beach United representative, requested the City allow flexibility for special event permits submitted during this interim period, noting the initial documentation required last year for the car show event impacted their advertising budget.

Action: Upon consensus of the City Council, further direction was provided for staff to continue working cooperatively with Grover Beach United representatives and to assist the event organizers, where possible, with meeting the new requirements.

Recess: Upon consensus of the City Council, the meeting recessed at 8:07 p.m.
Reconvene: At 8:15 p.m., the meeting reconvened with all Council Members present.

CONSENT AGENDA - CITY COUNCIL ITEMS

Prior to consideration of the Consent Agenda, Item No. 8 was pulled pursuant to the request of Mayor Pro Tem Lee. It was moved by Council Member Nicolls and seconded by Council Member Shah to approve Consent Agenda Item Nos. 3, 4, 5, 6, and 7, 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 December 30, 2015 through January 14, 2016.**
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 December 30, 2015 through January 14, 2016.**
Action: Approved the Treasurer's Report as submitted.
5. **Second Reading and Adoption of Ordinance No. 16-01 Amending the Grover Beach Municipal Code to Ban Cultivation of Commercial Cannabis and Revise the Prohibition on Dispensaries** - Updating regulations pertaining to medical marijuana.
Action: Conducted second reading, by title only, and adopted Ordinance No. 16-01 amending the Grover Beach Municipal Code (GBMC) to ban commercial cultivation of cannabis in the City limits and to update the existing dispensary ban.

Ordinance No. 16-01: An Ordinance of the City Council of the City of Grover Beach, California, Amending Article III, Chapter 1.2 of the Grover Beach Municipal Code to Prohibit the Commercial Cultivation of Marijuana in Every Zone in the City Excepting Therefrom Cultivation for Medical Use by a Qualified Patient or Primary Caregiver and Amending Ban on Dispensaries.
6. **Request to Destroy Records in Accordance with the Adopted Records Retention Schedule** - Authorizing the destruction of certain City records no longer required to be maintained.
Action: Adopted Resolution No. 16-03.

Resolution No. 16-03: Resolution of the City Council of the City of Grover Beach Authorizing the Community Development Department to Destroy Records in Accordance with the Records Retention Schedule.
7. **Authorization to Amend the Agreement with Cannon for Professional Services Associated with the 2015-2 Street Rehabilitation and Repair Project** - Amending the agreement with Cannon, the construction management consulting firm, for services associated with the 2015-1 Street Rehabilitation and Repair Project.
Action: 1) Adopted Resolution No. 16-04 authorizing the City to amend the current agreement with Cannon to provide professional service associated with the 2015-2 Street Rehabilitation and Repair Project; and 2) authorized the Mayor to execute the amendment on behalf of the City.

Resolution No. 16-04: Resolution of the City Council of the City of Grover Beach, California, Authorizing the City to Amend the Professional Services Agreement with Cannon to Provide Construction Engineering, Materials Testing, and Construction Survey Services Associated with the Construction of the 2015-2 Street Rehabilitation and Repair Project.

THE GROVER BEACH CITY COUNCIL IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE DISSOLVED GROVER BEACH IMPROVEMENT AGENCY:

CONSENT AGENDA - SUCCESSOR AGENCY ITEM

It was moved by Council Member Bright and seconded by Mayor Pro Tem Lee to approve Consent Agenda Item No. 9 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.

9. **Adoption of Recognized Obligation Payment Schedule for July 1, 2016 to June 30, 2017 (Annual ROPS 16-17)** - Review of the Recognized Obligation Payment Schedule for the period July 1, 2016 to June 30, 2017 for submission to the Oversight Board for its consideration.

Action: Adopted Resolution No. SA-16-01 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-16-01: 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

10. **Discussion Regarding Options for Equestrian Crossing at West Grand Avenue Between Highway One and the Beach.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Displaying a map of the subject area, Public Works Director/City Engineer Ray described the two pedestrian crosswalks with stamped concrete decorative paving on West Grand Avenue located near the access ramp to Pismo State Beach. Additionally, he outlined options for addressing the concerns raised by equestrians regarding the stamped concrete paving, noting the costs for each of the proposed options. 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.

The following persons spoke in support of having permanent warning signs installed at the existing pedestrian crosswalks; providing a designated equestrian crossing and equestrian staging area; and described slip and fall incidents at the crosswalks:

- Kathleen Phelps, Back Country Horsemen representative;
- Linda Clarke, member of several equestrian groups and Chair of an equestrian committee that met previously with City staff, distributed a handout with photos of equestrian crossing signs and a marked equestrian crossing, as well as a diagram of an unprotected/marked crossing at a trail roadway crossing; and
- Jim Harrison, Ride Nipomo, Back Country Horsemen, and West Coast Riding Club representative.

There were no further public comments received at this time.

Further Council discussion was held regarding the proposed options, with a majority of the Council expressing a desire to, within reason, preserve equestrian access to the beach. It was also noted that installing any designated equestrian crossing in the near future might be revised once development of the Grover Beach Lodge project was underway.

Mayor Shoals invited additional comments on the proposed caution signs, applying a spray on friction coating, and a preferred location for a designated equestrian crossing.

Linda Clarke, spoke in support installing permanent warning signs at the existing pedestrian crosswalks with no application of spray on friction coating, and designating a temporary equestrian crossing located just east of the east State Park driveway entrance and closer to Highway One.

Kathleen Phelps, spoke in support of a temporary equestrian crossing located between the two existing pedestrian crosswalks.

Action: Upon consensus of the City Council, direction was provided to staff to: 1) install permanent “No Equestrian Crossing” signs at the two stamped concrete pedestrian crosswalks; 2) install signage and/or striping to indicate a temporary equestrian crossing located west of the stamped concrete pedestrian crosswalk and closer to the beach access ramp; and 3) evaluate whether to apply spray on friction coating on the two pedestrian crosswalks and/or the stamped concrete sidewalk.

11. **Establishment of an Approved List of Qualified Consultants.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray provided an overview of the proposal to establish an approved list of qualified construction management and geotechnical engineering consultants to expedite the delivery of construction projects identified in the City’s Capital Improvement Plan. 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.

Ron Reilly, Garing Taylor & Associates, requested the City reconsider and expand the recommended list of qualified consultants to include smaller local engineering firms to further support the local economy.

There were no further public comments received at this time.

Brief discussion was held regarding the proposed list of qualified firms and the Council’s interest in having street construction projects proceed without undue delay.

Council Member Bright noted that she was not aware that SGI and Garing Taylor & Associates had a partnership relationship for the proposed engineering services.

Mayor Pro Tem Lee confirmed that he had spoken earlier with Mr. Reilly regarding the partnership relationship between SGI and Garing Taylor & Associates.

Council Member Nicolls expressed concerns whether the combined efforts of two smaller firms could meet the needs of the City’s capital improvement projects or sufficiently compare with the larger engineering firms.

Action: It was moved by Mayor Pro Tem Lee and seconded by Mayor Shoals to: 1) add the engineering firm SGI/GTA to the list of qualified consultants; 2) adopt Resolution No. 16-05, as amended, establishing an approved list of qualified consultants for construction management and geotechnical engineering services related to upcoming street and waterline projects; and 3) authorize the City Manager to execute the Agreements for Consultant Services on behalf of the City with the amended and approved list of qualified consultants based on approved scope and budget proposals. The motion carried on the following roll call vote:

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

Resolution No. 16-05: Resolution of the City Council of the City of Grover Beach, California, Establishing an Approved List of Qualified Consultants.

12. Resolution Authorizing an Exception to the 180-day wait Period per Government Code Sections 7522.56 and 21224(a) and Agreement with Dan Langstaff for Police Detective Services.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Police Chief Peters briefly described the Department's staffing needs for police detective services and requested the Council consider waiving the 180-day wait period in accordance with state law in order to retain the services of a recently retired public safety officer. 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. No public comments were received at this time.

Brief discussion was held regarding the anticipated fiscal impacts of retaining a part-time detective and the specific employment restrictions imposed by the State under these circumstances.

Action: It was moved by Mayor Pro Tem Lee and seconded by Council Member Nicolls to: 1) amend the Resolution to include the statement, "not to exceed \$21,000 for the remainder of the fiscal year"; 2) adopt Resolution No. 16-06, as amended, to waive the exception to the 180-day wait period per Government Code Sections 7522.56 & 21224(a) and enter into an agreement with Dan Langstaff to serve as a Police Detective; and 3) authorize the City Manager to execute the agreement on behalf of the City. 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. 16-06: Resolution of the City Council of the City of Grover Beach, California Approving an Exception to the 180-Day Wait Period per Government Code Sections 7522.56 & 21224(A) and Approving an Agreement with Dan Langstaff to Provide Police Detective Services.

13. Status Report Regarding the Oak Park Pavement Rehabilitation Project and the Transit Station Expansion Project.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray provided a status update regarding two priority Capital Improvement Projects, requested authorization to proceed with modifying the optional design efforts for possible gateway improvements at Oak Park Boulevard and West Grand Avenue, as well as geometric improvements at that same intersection. He then responded to questions from the Council regarding the two projects, funding, estimated costs, and the status of transmission line repairs being conducted by Phillips 66 on Oak Park Boulevard.

Action: Upon consensus of the City Council, direction was provided for staff to proceed with: 1) issuing a base bid for the Oak Park Boulevard Rehabilitation Project with a 1¼ -inch pavement treatment on Oak Park Boulevard from Ramona Avenue to West Grand Avenue and from Oak Park Boulevard to the eastern city limits, and 2) proceeding with preliminary geometric design improvements, including gateway landscaping improvements, at the intersection of Oak Park Boulevard and West Grand Avenue.

PULLED CONSENT AGENDA ITEMS

8. Amendment to the Classification and Compensation Plan for an Hourly Communications/Records Technician and Hourly Police Detective.

Upon request, Police Chief Peters responded to questions from the Council and noted that the salary schedule in the Memorandum of Understanding with the Grover Beach Police Officers' Association (GBPOA) did not include hourly, part-time job classifications.

Brief discussion was held regarding amending the draft Resolution to include a reference to the latest approved Memorandum of Understanding with the GBPOA.

Action: It was moved by Mayor Pro Tem Lee and seconded by Council Member Nicolls to: 1) amend the draft Resolution to include a reference to the latest approved successor Memorandum of Understanding with the Grover Beach Police Officers' Association that established rules governing compensation for the job classes of Communications/Records Technician and Police Detective; and 2) adopt Resolution No. 16-07, as amended, amending the Compensation and Classification Plan for the hourly Police Detective and the hourly Communications/Records Technician. 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. 16-07: Resolution of the City Council of the City of Grover Beach, California Amending the Classification and Compensation Plan for the Job Classes of Hourly Police Detective and Hourly Records/Communications Technician.

COUNCIL COMMITTEE REPORTS

Mayor Shoals reported on the meeting of the South San Luis Obispo County Sanitation District.

Mayor Pro Tem Lee and Council Members Bright, Nicolls, and Shah stated they would defer their Council committee reports until the next regularly scheduled City Council meeting.

COUNCIL COMMUNICATIONS

None at this time.

CITY MANAGER'S REPORTS AND COMMENTS

None at this time.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 10:53 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 060-206-029
Agency negotiator: City Manager Robert Perrault and
City Attorney Martin Koczanowicz
Negotiating party: Union Pacific
Under negotiation: Lease of land owned by Union Pacific Railroad to the City,
which currently contains the Train Station building & parking lot
2. **Conference with Legal Counsel - Anticipated Litigation**
Based on existing facts and circumstances, the legislative body of the local agency
has decided to initiate or is deciding whether to initiate litigation
Pursuant to Government Code Section 54956.9(d)(4): One (1) potential case
3. **Public Employment**
Pursuant to Government Code Section 54957
Title: City Manager

Closed Session Announcements: At 11:55 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present, and announced 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 11:56 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 03/21/2016)