

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, JULY 17, 2017**

**CALL TO ORDER** Mayor Pro Tem Shah called the meeting to order at 6:00 p.m. in the City Hall Council Chamber, 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 Jeff Lee, Barbara Nicolls, Debbie Peterson, and Mayor Pro Tem Mariam Shah were present. Mayor John Shoals was absent.

City Staff: City Manager Matthew Bronson, City Attorney David Hale, City Clerk Donna McMahan, Police Chief John Peters, Administrative Services Director Gayla Chapman, Community Development Director Bruce Buckingham, Public Works Director/City Engineer Greg Ray, Parks & Recreation Program Director Kathy Petker, and Associate Engineer Mamerto Estepa, Jr., were also present.

Also present were Steve Lieberman, Fire Chief, Five Cities Fire Authority; Walt French, Chair, Parks, Recreation & Beautification Commission; Judith Bean, President/CEO, Arroyo Grande & Grover Beach Chamber of Commerce; Aleah Bergam, Management Intern; and Hannah Miller, Legislative Assistant to District 3 Supervisor Adam Hill, San Luis Obispo County Board of Supervisors.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Hale read the following announcement:

On Monday, June 19, 2017 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of  
Section 54956.9: Two (2) potential cases

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

**AGENDA REVIEW**

**Action:** Upon consensus (Mayor Shoals absent), the Council adopted the agenda as presented.

**CEREMONIAL CALENDAR**

**1. Proclamation for National Park and Recreation Month.**

Council Member Lee read the proclamation and, together with members of the City Council, presented it to Parks & Recreation Program Director Petker and Parks, Recreation & Beautification Commission Chair Walt French. Parks & Recreation Program Director Petker displayed photos of City-sponsored programs and events provided through the Parks and Recreation Department with the assistance of the Parks, Recreation & Beautification Commission and a team of volunteers.

**PRESENTATIONS**

**2. Update on Fire Station Improvements.**

Associate Engineer Estepa provided an overview of recent improvements completed at the Grover Beach Fire Station that was partially funded through a public-private partnership with the organization Grover Beach United and the Home Depot Foundation.

The City Council was joined by Fire Chief Lieberman in presenting Certificates of Appreciation to representatives of Grover Beach United and Home Depot.

Hannah Miller, Legislative Assistant to District 3 Supervisor Adam Hill, San Luis Obispo County Board of Supervisors, presented a Certificate of Appreciation on behalf of the Supervisor to Grover Beach United.

**PUBLIC COMMUNICATIONS** The Mayor Pro Tem 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. Ken Lehman, Grover Beach resident, objected to increasing tax burdens for property owners on limited incomes and encouraged the City to seek alternate sources of revenue.
- B. Eamon Lacy, Trident Management Solutions, described his firm's interest in operating a commercial medical cannabis dispensary in Grover Beach.
- C. Kathi Flores, Arroyo Grande resident, expressed concerns regarding the discharge of illegal fireworks in the South County area and the period allowed for the sale of Safe and Sane fireworks.
- D. Judith Bean, President/CEO, Arroyo Grande & Grover Beach Chamber of Commerce, announced details of an upcoming Grover Beach Clean Up Day being held in partnership with the Grover Beach Rotary Club - Five Cities.
- E. John Wysong, Grover Beach resident, expressed concerns regarding water supplies, as well as traffic speeds and pedestrian safety on Oak Park Boulevard.
- F. Brad Snook, Surfrider Foundation, expressed concerns regarding management and operations at the South San Luis Obispo County Sanitation District.
- G. Darryl Scheck, SEIU Local 620, in reference to Consent Agenda Item No. 7, spoke in support of the proposed salary range for the Administrative Assistant series.

There were no further public comments received at this time.

### **CONSENT AGENDA**

Prior to consideration of the Consent Agenda, Item No. 6 was pulled pursuant to the request of Council Member Peterson. It was moved by Council Member Nicolls and seconded by Council Member Lee to approve Consent Agenda Item Nos. 3, 4, 5, 7, and 8, as recommended. The motion carried on the following roll call vote:

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

- 3. **Treasurer's Report for the Period June 12, 2017 - July 11, 2017.**  
**Action:** Approved the Treasurer's Report as submitted.
- 4. **Treasurer's Report for the 2016 Streets Bond Account - \$8,000,000 (Measure K-14: Grover Beach Street Rehabilitation; Safety Improvement Bond Measure) for the Period June 12, 2017 - July 11, 2017.**  
**Action:** Approved the Treasurer's Report as submitted.
- 5. **Minutes of the Special City Council Meeting on Saturday, March 11, 2017 and the Regular City Council Meeting on March 20, 2017.**  
**Action:** Approved the minutes as submitted.
- 7. **Amendment to the Classification and Compensation Plan to Add Administrative Assistant Series Classification and Salary Range** - Creating a professional Administrative Assistant series as a means to create flexibly staffed positions for various departments and encourage staff retention.  
**Action:** 1) Adopted Resolution No. 17-36 amending the Position Authorization Resolution No. 17-11 to add the positions of Administrative Assistant I, II, and III and remove the

positions of Water Conservation Specialist and Customer Service Representative; and 2) adopted Resolution No. 17-37 adding salary ranges for the job classification of Administrative Assistant series (I/II/III).

**Resolution No. 17-36: A Resolution of the City Council of the City of Grover Beach, Amending the Position Authorization Resolution No. 17-11 to Add the Positions of Administrative Assistant I/II/III and Remove the Positions of Water Conservation Specialist and Customer Service Representative.**

**Resolution No. 17-37: A Resolution of the City Council of the City of Grover Beach, California, Amending Resolution No. 02-73 Adding the Salary Range for the Job Class of Administrative Assistant Series I/II/III.**

8. **Agreement with Ventura Transit Systems to Operate the Five Cities Senior Shuttle Service** - Entering into a formal multi-agency agreement for the provision of door-to-door specialized transportation services for residents who are 65 years of age and older.  
**Action:** Approved the multi-agency agreement with Ventura Transit Systems to operate the Five Cities Senior Shuttle service and authorized the Mayor to execute the agreement on behalf of the City.

#### **PUBLIC HEARING**

None at this time.

#### **REGULAR BUSINESS**

9. **Second Reading and Adoption of Ordinance No. 17-07 to Amend the California Public Employees' Retirement System (CalPERS) Retirement Contract for all Classic Sworn Personnel.**

Mayor Pro Tem Shah read the title to the foregoing item and deferred to staff for a report. City Manager Bronson provided an overview of an ordinance to amend the City's contract with the California Public Employee's Retirement System (CalPERS) regarding Local Safety 3% at Age 55 Modified Formula for Police Officers.

Mayor Pro Tem Shah invited comments from those in the audience who wished to be heard on this matter. No public comments were received at this time.

**Action:** It was moved by Council Member Lee and seconded by Council Member Nicolls to conduct the second reading, by title only, and adopt Ordinance No. 17-07 to amend the City's contracts with CalPERS to include a 3% increase in cost sharing for all Classic Sworn Personnel. The motion carried on the following roll call vote:

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

**Ordinance No. 17-07: An Ordinance of the City Council of the City of Grover Beach Authorizing an Amendment to the Contract Between the City Council of the City of Grover Beach, California, and the Board of Administration of the California Public Employees' Retirement System.**

10. **Expanded Polystyrene Food Container and Product Regulations.**

Mayor Pro Tem Shah read the title to the foregoing item and deferred to staff for a report. City Manager Bronson provided an overview of adopted policies and community outreach by neighboring agencies to regulate the use of expanded polystyrene (EPS) products. He requested that if the Council was interested in regulating the use of polystyrene products within city limits, to provide staff with key parameters to assist with developing a draft ordinance for Council consideration later in the year. He introduced Management Intern Aleah Bergam, who had assisted in preparing the staff report, and then responded to questions from the Council.

Brief discussion was held. The Council expressed an interest in receiving further information on fiscal impacts to local businesses if the City were to regulate EPS products.

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

Judith Bean, President/CEO, Arroyo Grande & Grover Beach Chamber of Commerce, described comments received from local businesses regarding the use of EPS products, potential cost increases with using alternate products, and noted that a Grover Beach business owner had requested the City conduct outreach and education efforts prior to implementing such regulations. Upon question, she responded that the Chamber had not taken a position on the matter. Additionally, she confirmed that the use of EPS products had already been eliminated from the annual Stone Soup and Music Festival special event.

The following persons spoke in support of implementing a local ordinance regulating EPS products, with some individuals describing the voluntary “ocean-friendly restaurant” certification program:

- Dr. Kathleen Curtis, Grover Beach resident;
- Cynthia Replogle, Pismo Beach resident;
- Brad Snook, Surfrider Foundation;
- Judith Bernstein, Arroyo Grande resident, SLO Foam Free representative;
- Savannah Cooper, Grover Beach resident, who requested the ordinance also prohibit the use of plastic straws; and
- Sharon Brown, Grover Beach resident.

There were no further public comments received at this time.

Additional discussion was held on conducting further outreach with local businesses, providing information to the public through print and social media platforms, establishing regulations that were business-friendly, using the City of Arroyo Grande ordinance as the base model on which to build a Grover Beach ordinance, establishing a hardship threshold to allow businesses either an exemption or an extension period to use existing EPS supplies before the deadline for compliance, seeking grant opportunities through the Integrated Waste Management Authority, and whether to request businesses to not provide plastic straws unless requested by the customer.

Management Intern Bergam provided further data on substitute products and costs considered by other agencies.

**Action:** Upon consensus of the City Council (Mayor Shoals absent), the Council provided direction for staff to:

- 1) develop an ordinance for Council consideration regulating the use of expanded polystyrene (EPS) products;
- 2) model the draft ordinance on the ordinance implemented by the City of Arroyo Grande;
- 3) include a one-year grace period allowing businesses a period of time to use up existing EPS supplies; and
- 4) include an opportunity for business owners to request a hardship exemption or extension period.

#### **11. Update on Homeless Activity in Grover Beach.**

Mayor Pro Tem Shah read the title to the foregoing item and deferred to staff for a report. Police Chief Peters provided an overview of the City’s response over the past year-and-a-half period to address increased vagrant activity, which included implementation of a new community camera program, and the development of a new foot patrol program and reinvigorated bicycle patrol program along the West Grand Avenue corridor and Ramona Garden Park areas. He noted the department’s activities resulted in diminished vagrant activity in the community. Additionally, after working with social services and nonprofit organizations, homeless encampments located adjacent to the Grover Beach Train Station and adjacent to the estuary area near El Camino Real were closed. Clean-up of both encampments resulted in the removal of over 20 tons of trash and debris. In August 2016 the City assisted organizers with the first South County Mobile Assistance Serving Homeless (MASH) program held at Hillside Church in Grover Beach that provided services

to homeless individuals and families. The City will again be assisting with the next event in August 2017 at the South County Regional Center. The Police Department also partnered with the 5Cities Homeless Coalition and the Arroyo Grande Police Department to identify and arrange assistance with housing, schooling, and employment opportunities for homeless youth living in the Five Cities area.

Police Chief Peters continued his presentation noting that the City has worked closely with several non-profit organizations and governmental agencies since 2015 to coordinate homeless support efforts that included Community Development Block Grant funds for housing programs to prevent evictions and assist with rapid re-housing, and Successor Housing Agency funds to provide housing for homeless individuals. Additionally, the City joined with the County and other South County cities to partner with nonprofit agencies on a newly formed South County Homeless Task Force to improve collaboration between local government and nonprofit agencies regarding homeless services and facilities. He also noted the City's financial support last year towards a Warming Center operated by the 5Cities Homeless Coalition.

In conclusion, he described a free lunch program commonly referred to as "People's Kitchen" that was served at the Pacific Christian Center in Grover Beach and held in conjunction with daily church services. He noted staff would resume working with Pacific Christian Center on submitting a revised Use Permit application to continue offering this program.

Brief discussion was held, with members of the Council commending Police Chief Peters and City staff, regarding efforts to address vagrant activity in the community.

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

Mike Byrd, Arroyo Grande resident and President of the 5Cities Homeless Coalition, spoke in support of the City's efforts and praised Police Chief Peters for his support on the program to address homeless youth in the Five Cities area. He then announced details of the 5Cities Homeless Coalition Open House event and the next MASH event. Additionally, he expressed concerns regarding attempts to locate a new facility to operate a Warming Shelter. Details of the 5Cities Homeless Coalitions' Empty Bowls fundraiser were also announced.

Judith Bernstein, Arroyo Grande resident, spoke in support of programs serving the homeless. She then expressed concerns regarding a recent change in the public bus transit route on Oak Park Boulevard and the extended use of a nearby local bus shelter in Arroyo Grande by vagrants.

There were no further public comments received at this time.

As the City's representative on the South County Transit Authority, Council Member Nicolls responded that she would report Ms. Bernstein's concerns at the next Board meeting.

Brief discussion was held on the daily meal program provided at Pacific Christian Church, the intensified use of the facility, and plans to work with the church to obtain a Use Permit.

**Action:** Upon consensus of the Council (Mayor Shoals absent), the Council received the update on homeless activity within Grover Beach and the City's response.

**12. Selection of Voting Delegate and Alternate(s) for the 2017 League of California Cities Annual Conference.**

Mayor Pro Tem Shah read the title to the foregoing item and deferred to staff for a report. City Manager Bronson described the annual business meeting held in conjunction with the League of California Cities Annual Conference, and the request to appoint a voting delegate and up to two alternates to attend and represent the City at the business meeting. Brief discussion was held on those members of the Council planning to attend the conference.

**Action:** Upon consensus (Mayor Shoals absent), Mayor Shoals was selected as the City's voting delegate to attend the annual business meeting at the League of California Cities Annual Conference, and Council Member Peterson and Council Member Lee were selected as the first and second alternates, respectively.

### **PULLED CONSENT AGENDA ITEMS**

#### **6. Amendments to the City's Personnel Rules and Regulations.**

Mayor Pro Tem Shah read the title to the foregoing item and deferred to staff for a report. City Manager Bronson provided an overview of proposed amendments to the City's Personnel Rules and Regulations to address changes in law, best practices, and City operations. He also noted salary surveys that were conducted with comparable cities and minor grammatical corrections to be made in response to comments received earlier from Council Member Lee and copied as a supplemental item to each member of the City Council.

Brief discussion was held regarding salaries, changes in Council compensation scheduled for Council consideration in August, rules of decorum at Council meetings, the recruitment and evaluation process for executive-level employees versus general employees, and additional requirements pursuant to agreements with employee labor groups. It was noted that going forward the Personnel Rules and Regulations would be periodically reviewed and updated as needed.

**Action:** It was moved by Council Member Lee and seconded by Council Member Nicolls to adopt Resolution No. 17-38 amending the City's Personnel Rules and Regulations. The motion carried on the following roll call vote:

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

**Resolution No. 17-38: A Resolution of the City Council of the City of Grover Beach, California, Amending the Personnel Rules and Regulations.**

### **COUNCIL COMMITTEE REPORTS**

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

Council Member Lee reported on the meeting of the Economic Vitality Corporation.

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

Mayor Pro Tem Shah reported on the meeting of the Air Pollution Control District. She also reported on the meeting of the San Luis Obispo Regional Transit Authority as the alternate representative.

Mayor Shoals was absent from this Council meeting.

### **COUNCIL COMMUNICATIONS**

- A. Council Member Nicolls commented on the success of an event recently held and sponsored by DreamMakers of SLO County for a homeless individual battling a terminal illness.
- B. Council Member Lee suggested the building inspector review improvements constructed by volunteer groups at the fire station or other public facilities to assure the quality and completeness of the improvements.
- C. Mayor Pro Tem Shah, in response to public comment received earlier in the meeting, suggested the Council consider reviewing data on the sale of fireworks and the associated reports of illegal activities.

Upon consensus of the Council (Mayor Shoals absent), staff was provided direction to schedule Council consideration of the sale of Safe & Sane fireworks by local non-profit groups, the number of citations issued, and the number of illegal activities reported to determine whether to amend the City's regulations regarding fireworks.

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

City Manager Bronson provided updates and responded to Council questions on the following:

- *Commercial Medical Cannabis Dispensaries*: 12 pre-applications were received by the deadline for consideration of a dispensary permit to operate within city limits; the Coastal Commission had unanimously approved the City's Local Coastal Plan Amendment associated with the City's ordinance to allow commercial medical cannabis uses in the Coastal Industrial and Coastal Industrial Commercial Zones; and
- *Measure K-14 Street Rehabilitation and Repair Project* - street rehabilitation and repair work continued citywide with improvements to gas lines, water and sewer lines, and the installation of curbs and gutters, followed by asphalt grinding and paving. Additionally, signs were posted at key locations to inform the public of Measure K-14 funded projects.

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

None at this time.

#### **CLOSED SESSION**

None at this time.

#### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 8:49 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 11/06/2017)