

**MINUTES
SPECIAL CITY COUNCIL MEETING
MONDAY, AUGUST 9, 2010**

CALL TO ORDER Mayor Shoals called the meeting to order at 6:30 p.m. in the City Hall Council Chambers, 154 South Eighth Street, Grover Beach, California.

MOMENT OF SILENCE

FLAG SALUTE The flag salute was led by Council Member Peterson.

ROLL CALL

City Council: Council Members Bright, Mires, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals were present.

City Staff: City Manager Perrault, City Attorney Koczanowicz, Administrative Secretary Toles, Administrative Services Director Chapman, Public Works Director/City Engineer Ray, Police Lieutenant Bewick, and Human Resources Coordinator Barrett were also present.

Also present were Terry Lee and Alicia Smith of SNL Landscape Architecture.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On July 19, 2010 after meeting in Closed Session regarding:

1. Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6.
Agency Negotiator: City Manager, Administrative Services Director, Assistant Administrative Services Director, and Human Resources Coordinator.
Represented Employee Group: General Employees - (SEIU) Service Employees International Union, Local 620

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

AGENDA REVIEW

City Attorney Koczanowicz requested that the Council consider Agenda Item No. 3 immediately after Agenda Item No. 14.

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

CEREMONIAL CALENDAR

1. **Drawing to Select Monthly Winners of the Local Economic Stimulus Program Shop Local, Shop Loyal Campaign - "Shop & Dine Grover Beach".**

Administrative Services Director Chapman briefly described the "Shop & Dine Grover Beach" Program and encouraged residents to support local businesses by shopping and dining in Grover Beach. A random drawing was held and the names of the following Shop & Dine Grover Beach winners were announced: Tom Fuge, Barry Hauge (three separate cards were drawn with this same name), A. Johnson, Carole Krasner, Rosemary Lucier, Cassandra Mesa, Richard Peterson, and Pat Pierce.

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. Jeff Lee, Vice Chair, Parks, Recreation & Beautification Commission, announced upcoming Parks and Recreation Department events scheduled for the months of August and September 2010.

PUBLIC HEARINGS

2. Capital Improvement Project #384 – South 4th Street Rehabilitation Project. Applicant: City of Grover Beach.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Public Works Director/City Engineer Ray provided an overview of the street rehabilitation project, which included street widening, striping for Class II bike lanes, installation of sewer lines and laterals, installation of fiber optic conduit, and street resurfacing. He noted that a total of 12 to 15 Eucalyptus trees would be removed on the west side of South 4th Street to accommodate the street widening. He stated an Initial Study and Mitigated Negative Declaration for the project had been prepared and no comments from the public or state agencies had been received. Public Works Director/City Engineer Ray then responded to questions regarding potential impacts to businesses within the project area, tree removals, and the proposed construction schedule to minimize the impact on birds nesting in the surrounding trees.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There was no response received and he closed the Public Hearing.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to adopt Resolution No. 10-53. The motion carried on the following roll call vote:

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

Resolution No. 10-53: A Resolution of the City Council of the City of Grover Beach Adopting a Mitigated Negative Declaration for Capital Improvement Project #384 - South 4th Street Rehabilitation.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to adopt Resolution No. 10-54. The motion carried on the following roll call vote:

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

Resolution No. 10-54: A Resolution of the City Council of the City of Grover Beach Granting A Coastal Development Permit for Capital Improvement Project #384 - South 4th Street Rehabilitation.

ORDER OF THE DAY: At this time the Council considered the Consent Agenda. As announced earlier, Public Hearing Item No. 3 would be considered immediately after Agenda Item No. 14.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item Nos. 7 and 12 were pulled pursuant to the respective requests of Mayor Pro Tem Nicolls and Mayor Shoals.

Action: It was m/s by Council Member Bright/Mayor Pro Tem Nicolls to approve Consent Agenda Item Nos. 4, 5, 6, 8, 9, 10, and 11 as recommended. The motion carried on the following roll call vote:

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

4. **Treasurer's Report for the Period July 14 - August 5, 2010.**
Action: Approved as submitted.
5. **Minutes of the City Council Meeting of February 1, 2010 and the Joint City Council / Improvement Agency Meeting of February 1, 2010.**
Action: Approved the minutes as submitted.
6. **Consideration of a Letter Responding to the Grand Jury Report Regarding Use of City Vehicles** - Review of the San Luis Obispo County Grand Jury FY 2009-2010 Final Report regarding use of City vehicles, which contained findings and recommendations to the City of Grover Beach requiring a response.
Action: Authorized the Mayor to sign the letter and directed that it be submitted to the Presiding Judge of the Superior Court.
8. **Proposed Addendum to the Memorandum of Understanding with the Service Employees International Union Local 620 (SEIU)** - Approval of an Addendum ("Side Letter") to the Memorandum of Understanding with SEIU Local 620 to implement certain negotiated modifications to reduce City expenses and minimize the adverse impact of the current fiscal economy upon members of SEIU Local 620.
Action: Adopted Resolution No. 10-55 and authorized the City negotiating team to execute the Addendum to the MOU with SEIU Local 620 on the City's behalf.

Resolution No. 10-55: A Resolution of the City Council of the City of Grover Beach, California, Approving an Addendum to the Memorandum of Understanding with Service Employees International Union Local 620 (SEIU).
9. **Biennial Review of Conflict of Interest Code** - Review of Conflict of Interest Code and proposed updates regarding persons appointed to designated job classifications who will be required to file, or continue filing, Statements of Economic Interest with the City Clerk.
Action: Adopted Resolution No. 10-56.

Resolution No. 10-56: A Resolution of the City Council of the City of Grover Beach, California, Adopting a Revised Standardized Conflict of Interest Code for Designated Filers.
10. **Adoption of Federal Equitable Sharing Agreement** - Approval of agreement to allow receipt of federally-forfeited assets from adjudicated narcotics cases, pursuant to the Federal Equitable Sharing Program.
Action: Adopted Resolution No. 10-57.

Resolution No. 10-57: Resolution of the City Council of the City of Grover Beach Authorizing the Mayor and the Chief of Police to Sign a Federal Equitable Sharing Agreement.
11. **South 13th Street Sidewalk and Street Improvements** - Final acceptance of sidewalk and street improvements constructed on South 13th Street from West Grand Avenue to Manhattan Avenue, which included landscaping, storm water improvements, seal coat striping, and stop bars. The project was awarded in September 2009 to Souza Construction and construction was completed in June 2010.
Action: Adopted Resolution No. 10-58.

Resolution No. 10-58: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting Construction of the South 13th Street Sidewalk and Street Improvements.

Upon Council consensus, discussion was held regarding Consent Agenda Item Nos. 7 and 12.

7. **Consideration of a Letter Responding to the Grand Jury Report on Homelessness in San Luis Obispo County** - Review of the San Luis Obispo County Grand Jury FY 2009-2010 Final Report regarding homelessness, which contained findings and recommendations to the City of Grover Beach that required a response.

Mayor Pro Tem Nicolls stated that the suggestions in the Grand Jury Report had already been considered by the Homeless Services Oversight Committee, which had recently hired an executive director, as well as the Five Cities Homeless Coalition and the Klaproad Initiative Task Team. He described the bequest from Mr. and Mrs. Klaproad, former residents of Oceano, to be used specifically for serving the homeless population in the South County, and stated that the Klaproad Initiative Task Team would be presenting information regarding the creation of a homeless services facility.

Action: Upon unanimous consensus, the Council authorized the Mayor to sign the letter on behalf of the City Council and directed that it be submitted to the Presiding Judge.

12. Award of Bid for the Street Rehabilitation Project - South 4th Street, Farroll Road to Highland Way.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Public Works Director/City Engineer Ray provided an overview of the project that included street rehabilitation, construction of sewer service mains and lateral extensions, and extending the conduit system for future fiber optic services. He noted that eight bids had been received, and the lowest responsive bid was for an amount well below the engineer's estimate.

He stated that when the Council had awarded the Safe Routes to Schools Infrastructure Project at Grover Heights Elementary School in July 2010, it was noted that a transfer of \$63,500 would be needed to complete that project. Since the estimated cost to complete the South 4th Street Project was below the amount budgeted, it would be possible to transfer funds to the Grover Heights Elementary School Project. 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.

Demi Castelli, Santa Maria, requested advance notification to property and business owners regarding the date and time of the pre-construction meeting.

David De LaTorre, resident of Highland Way, Grover Beach, inquired whether installation of sidewalks was included in the project and about the cost for property owners to connect to the new sewer lines.

Elmer Dale, resident of Highland Way, Grover Beach, spoke in support of the project, but expressed concerns if construction were to occur over an extended period of time. He also commented on previous improvements completed on Highland Way and the process conducted at that time to solicit public comments from the surrounding property owners.

No further public comments were received.

Upon request, City Manager Perrault and Public Works Director/City Engineer Ray responded to questions regarding the City's notification process and construction project specifics.

Brief discussion was held regarding the process to encourage public input, as well as potential sidewalk improvements in the future, pending available funding.

Action: It was m/s by Council Member Mires/Mayor Pro Tem Nicolls to: 1) adopt Resolution No. 10-59 awarding the Street Rehabilitation Project to the lowest responsive bidder, Brough Construction, Inc.; 2) authorize the City Manager to sign and affirm change orders up to \$53,317, to be deducted from contingency funds; 3) authorize the City Manager to execute an Appropriation Transfer to transfer funds from Project 384 in the amount of \$63,500 and to increase programmed funding for Project 301, the Safe Routes to School Project, in the same amount; and 4) authorize the Mayor to execute the contract on behalf of the City. The motion carried on the following roll call vote:

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

Resolution No. 10-59: A Resolution of the City Council of the City of Grover Beach, California, Awarding the Street Rehabilitation Project: South 4th Street, Farroll Road to Highland Way.

Recess: Upon consensus of the City Council, the meeting recessed at 7:20 p.m.
Reconvene: At 7:30 p.m., the meeting reconvened with all Council Members present.

REGULAR BUSINESS

13. Ramona Specific Plan Phase III Improvements.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Public Works Director/City Engineer Ray provided an overview of design components for Phase III of the Ramona Specific Plan, which included a proposed cul-de-sac on North 9th Street, park improvements, and street improvements on North 9th Street between Ramona Avenue and W. Grand Avenue. He then introduced Terry Lee and Alicia Smith of SNL Landscape Architecture.

Mr. Lee presented proposed design alternatives that facilitated multiple uses and connectivity between a multi-tiered public plaza area, the Grover Beach Community Library, Exploration Station, Ramona Garden Park, and the site of a future community building.

Public Works Director/City Engineer Ray described design options prepared by Garing Taylor and Associates to accommodate one-way traffic and parking on North 9th Street, including parking spaces for over-sized vehicles, sidewalk improvements, and landscape elements. Public Works Director/City Engineer Ray and Mr. Lee then responded to questions from the Council.

Brief discussion was held regarding various proposed design components, parking configurations for North 9th Street, accommodating bike lanes and handicap access, whether to eliminate additional parking spaces to accommodate wider sidewalks and a more pedestrian-focused entryway to the park, and soliciting further public input on the proposed design options.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There was no response received and he closed the public comment period for this item.

It was noted that no funds were identified to complete construction drawings for Phase III nor pending deadline for completing this portion of the project. Further Council discussion was held regarding deferring a decision regarding a final design concept until further input from community stakeholders had been received, particularly regarding design alternatives and constraints that might eliminate parking spaces on North 9th Street.

Action: Upon consensus, the Council authorized scheduling future discussion of appointing a Council sub-committee to work with staff on the development of a work plan for Phase III of the Ramona Specific Plan and to solicit further input from community stakeholders regarding proposed design concepts.

14. Review of the City Council Meeting Schedule for the Month of September 2010.

For the information of those present, City Manager Perrault reviewed the revised City Council meeting schedule that was previously approved for the months of August and September 2010. He then reviewed the suggestion to further revise the meeting schedule for the month of September.

Action: Upon unanimous consensus, the Council authorized cancelling the regular City Council meeting scheduled for Monday, September 20, 2010 and instead scheduling a special meeting to be held on Monday, September 13, 2010.

As previously announced, at this time the Council considered Public Hearing Item No. 3.

3. Introduction and First Reading of an Ordinance Adding Chapter 6 to Article II of the Grover Beach Municipal Code Regulating the Use of the City Seal, Flag, Letterhead, Logo, and Tagline.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Attorney Koczanowicz stated that, due to the complexity of some issues regarding trademark protection of the recently approved City logo and tagline, the draft Ordinance was not ready for introduction and first reading. He requested that this item be continued to the Special City Council meeting now scheduled to be held on Monday, September 13, 2010 to avoid the additional cost of re-noticing the Public Hearing.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There was no response received at this time.

Action: Upon unanimous consensus, the Council continued the Public Hearing to the Special City Council meeting scheduled to be held on Monday, September 13, 2010.

PULLED CONSENT AGENDA ITEMS

Note: Consent Agenda Items Nos. 7 and 12 were considered previously on the agenda.

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

COUNCIL COMMITTEE REPORTS

Council Member Mires reported on the meeting of the San Luis Obispo County Water Resources Advisory Board (WRAC) and the meeting of the Zone Three Advisory Committee.

Council Member Peterson reported on the meeting of the San Luis Obispo County Visitors & Conference Bureau (VCB).

Mayor Pro Tem Nicolls reported on the meeting of the South San Luis Obispo County Sanitation District and the meeting of the Klapproad Initiative Task Team.

Council Member Bright reported on the meeting of Air Pollution Control District (APCD).

Mayor Shoals reported on the meeting of San Luis Obispo Council of Governments (SLOCOG) and the San Luis Obispo Regional Transit Authority (SLORTA).

CITY COUNCIL MEMBER ITEMS

15. Designation of Voting Delegate and Alternate to League of California Cities Annual Conference, September 15-17, 2010 in San Diego, CA.

City Manager Perrault reviewed the League's request that each member agency designate a voting representative and alternate to participate in the business session of the 2010 League of California Cities Annual Conference.

Action: Upon unanimous consensus, Mayor Shoals was designated as the voting delegate and Mayor Pro Tem Nicolls was designated as the alternate.

COUNCIL COMMUNICATIONS

A. Mayor Shoals requested and received an update from staff regarding construction schedules for the Safe Routes to School Projects at Grover Heights Elementary School and Grover Beach Elementary School.

Mayor Shoals also commented on a recent newspaper article regarding the Grover Beach Lodge and Conference Center Project that included a drawing of the proposed site plan. He suggested scheduling a joint City Council and Planning Commission workshop to receive public comments and respond to questions regarding the project.

CITY MANAGER'S REPORTS AND COMMENTS

16. Employee Furlough Program and City Closures.

City Manager Perrault reviewed the implementation of an Employee Furlough Program and closure of City offices for 13 days during FY 11 to reduce costs and close a budget gap of \$278,849. He stated the furlough program and office closures would result in a savings of \$185,000 in the General Fund. City Manager Perrault noted that City facilities would be closed to the general public on the furlough dates and field work would be suspended; however, public safety personnel would remain on duty. He stated information regarding specific dates for the furlough program was posted on the City website and the front doors of City Hall, and that press releases had been distributed to the news media.

He then commented that progress had been achieved on development of a marketing program by the consultants from Whizbang, and that he would soon be scheduling a meeting of the Council sub-committee to provide them with an update.

CITY ATTORNEY'S REPORTS AND COMMENTS

City Attorney Koczanowicz stated that the number of open seats for the upcoming General Municipal Election scheduled to be held in November 2010 equaled the number of qualified candidates, unless an additional candidate qualified by 5:00 p.m. on Wednesday, August 11, 2010. He then described the process for the Council to consider cancelling the election and appointing the qualified candidates, noting that cancelling the election could save the City approximately \$10,000.

Brief discussion was held regarding each Council Member's availability to attend a special meeting on Wednesday, August 18, 2010. Council Member Peterson noted that she was scheduled to be out of town, but could be available telephonically on that date.

Action: Upon unanimous consensus, the Council authorized scheduling a Special City Council meeting on Wednesday, August 18, 2010 at 6:30 p.m.

CLOSED SESSION

None at this time.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 9:19 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 12/06/2010)

Respectfully Submitted:

/s/

Lorrie Toles
Administrative Secretary