

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, SEPTEMBER 21, 2009**

**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 James Simmons, an 11-year-old, 6<sup>th</sup> grade student from Fairgrove Elementary School.

**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, City Clerk McMahon, Administrative Services Director Chapman, Police Chief Copsey, Fire Chief Hubert, and Economic Development Specialist Buckingham were also present.

Also present were City Engineer Garing and Patrick Weller from PacificWest Energy Solutions, Inc.

**CLOSED SESSION ANNOUNCEMENTS:**

None at this time.

**AGENDA REVIEW**

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

**CEREMONIAL CALENDAR**

**1. Proclamation Declaring October 2009 as "Ride Share Month".**

Mayor Shoals read and presented the Proclamation to Meghan Field, Air Quality Specialist from the San Luis Obispo County Air Pollution Control District (APCD). Ms. Field described this year's Ride Share Program campaign "Commute for Cash Challenge Ride Share Month 2009".

**2. Proclamation Declaring September 27 - October 3, 2009 as "Sea Otter Awareness Week".**

Mayor Shoals announced that this Proclamation was mailed to the recipient organization.

**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. Ron Yukelson, Associate Administrator/Director of Business Development for Sierra Vista Regional Medical Center, San Luis Obispo, requested the City's support at an upcoming San Luis Obispo County Board of Supervisors meeting regarding the proposal to establish a Level II Trauma Center.

**PUBLIC HEARINGS**

**3. Establishment of Four New Underground Utility Districts.**

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. For the information of those present, City Manager Perrault provided an overview of meetings held with representatives from the utility companies regarding the establishment of four districts for the purpose of placing the utilities underground. He described the proposed district areas as: 1) South County Transit Hub District; 2) West Grand Avenue, Gateway to the Pacific District; 3) City Hall and Longbranch Avenue Demonstration Project District; and 4) 16<sup>th</sup> Street Park District. He stated that

information from the AT&T representative was to have been completed by mid-August, but was not received until September 11, 2009. That information required further review; therefore, staff recommended continuing the Public Hearing to October 19, 2009.

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

**Action:** Upon unanimous consensus, the Council continued the Public Hearing regarding this matter to the regular City Council meeting scheduled for Monday, October 19, 2009.

**4. Consideration of Energy Alternatives Presented in the Investment Grade Audit Prepared by PacificWest Energy Solutions, Inc., Selection of the Preferred Energy Solutions, and Consideration of Entering into an Energy Solutions Agreement with PacificWest Energy Solutions, Inc., to Assist the City With Implementing an Energy Improvement Program.**

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. For the information of those present, City Manager Perrault reviewed a list of improvements identified in the Investment Grade Audit to assist the City with its efforts to reduce energy consumption, achieve savings in capital and operating budgets, and reduce the City's carbon footprint. If the improvements were implemented, the audit also identified an additional benefit of creating local jobs for electrical and mechanical subcontractors. City Manager Perrault reviewed the options identified by the consultant to implement and finance the improvements through federal and state grants, loans, and utility rebate programs, as well as possible approaches for evaluating energy use reductions thereafter. He then introduced Patrick Weller from PacificWest Energy Solutions, Inc. City Manager Perrault and Mr. Weller responded to questions from the Council.

Discussion was held regarding the proposed improvements and financing alternatives presented, cost estimates for completing each improvement option, and potential cost savings once the program was completed. Additional discussion was held regarding the life expectancy and time frame for replacing existing HVAC units in City facilities.

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

Claire Adriane, Grover Beach, inquired if a time table for implementation of the energy improvement program had been completed.

It was noted that program implementation would depend upon receipt of funding.

There were no further public comments received.

Further Council discussion was held regarding the range of potential cost savings under each of the program options, whether to defer replacement of HVAC units, alternative funding options, and comparing program costs and estimated savings between two of the program options: "Option 2 - Modernization with Solar Photovoltaics" and "Option 5 - Energy HVAC Retrofit with Solar Photovoltaics".

Council Member Bright spoke in support of selecting the program under Option 5.

**Action:** It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to adopt Resolution No. 09-64 selecting PacificWest Energy Solutions, Inc., to assist the City with implementing an energy improvement program and making the necessary findings as required by Government Code Section 4217.10. 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. 09-64: A Resolution of the City Council of the City of Grover Beach, California, Authorizing an Energy Services Contract With PacificWest Energy Solutions, Inc.**

**Action:** It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to: 1) select the energy improvement program identified as "Option 2 - Modernization with Solar Photovoltaics" to complete all of the improvements, provided that grant funding could be found in the amount of \$915,550 to be used for the installation of solar; 2) use the "Measurement and Verification Plan" approach to evaluate energy use reductions rather than entering into a "Performance Guarantee" contract; 3) direct the City Manager to enter into negotiations with PacificWest Energy Solutions, Inc., and authorize the Mayor to execute the final Energy Solutions Agreement reflecting the selected program option; and 4) authorize staff to pursue alternative program financing if terms could be found that were equivalent or better than those presented at this Council meeting. The motion carried on the following roll call vote:

AYES: Council Members Mires, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals.

NOES: Council Member Bright.

ABSENT: Council Members - None.

ABSTAIN: Council Members - None.

**Recess:** Upon consensus of the City Council, the meeting recessed at 7:44 p.m.

**Reconvene:** At 7:55 p.m., the meeting reconvened with all Council Members present.

**CONSENT AGENDA**

Prior to consideration of the Consent Agenda, Item No. 10 was pulled pursuant to the request of Mayor Shoals.

It was m/s by Council Members Bright/Mayor Pro Tem Nicolls to approve Consent Agenda Item Nos. 5, 6, 7, 8, 9, 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.

**5. Treasurer's Report for the Period September 2-15, 2009.**

**Action:** Approved as submitted.

**6. Minutes of the City Council Meeting of May 4, 2009.**

**Action:** Approved the minutes as submitted.

**7. Second Reading and Adoption of an Ordinance Adding Chapter 11 to the City's Purchasing Manual to Provide for a Local Preference Policy in All Procurement Processes Which Require Estimates or Competitive Bidding - Establishing a local preference policy for all competitive procurement processes of the City for goods and services in excess of one thousand dollars (\$1,000). The new policy would provide for a five percent (5%) advantage on all bids, quotes, and estimates submitted by a responding individual, company or other entity located in Grover Beach. The five percent (5%) advantage would be limited to a maximum "allowance" not to exceed five thousand dollars (\$5,000).**

**Action:** Conducted second reading, by title only, and adopted Ordinance No. 09-04.

**Ordinance No. 09-04: An Ordinance of the City Council of the City of Grover Beach, California, Amending the City's Purchasing Manual to Add Chapter 11, Local Preference Policy, Which Provides a Five Percent (5%) Bidding Advantage to Local Businesses. (Second Reading.)**

8. **Award of Bid for Construction of the South County Transit Hub Project, Phase II** - Consideration of bids received on Tuesday, September 1, 2009 for the South Grover Transit Hub Project, Phase II (Ramona Avenue from 8<sup>th</sup> Street to 9<sup>th</sup> Street).

**Actions:** 1) Adopted Resolution No. 09-65 awarding the South County Transit Hub Project, Phase II, to the lowest responsive bidder, California Coastal Development, Inc.; 2) authorized the City Manager to sign and affirm change orders to the project in amounts totaling up to \$18,462 to be deducted from contingency; and 3) authorized the Mayor to execute the contract on behalf of the City.

**Resolution No. 09-65: A Resolution of the City Council of the City of Grover Beach, California, Awarding the South County Transit Hub, Phase II, (Ramona Avenue from the Intersection of 8<sup>th</sup> Street to 9<sup>th</sup> Street).**

9. **Award of Bid for Public Street Improvements on South 13<sup>th</sup> Street (South of West Grand Avenue to Manhattan Avenue)** - Consideration of bids received on Wednesday, September 2, 2009 for the South 13<sup>th</sup> Street Rehabilitation Project (south of West Grand Avenue to Manhattan Avenue).

**Actions:** 1) Adopted Resolution No. 09-66 to award the construction of Public Street Improvements 13<sup>th</sup> Street (south of West Grand Avenue to Manhattan Avenue) to the lowest responsive bidder, Souza Construction, Inc.; 2) authorized the City Manager to sign and affirm change orders to the project in amounts up to \$12,709 to be deducted from contingency; and 3) authorized the Mayor to execute the contract on behalf of the City.

**Resolution No. 09-66: Resolution of the City Council of the City of Grover Beach, California, Awarding the Project: Public Street Improvements 13<sup>th</sup> Street (South of West Grand Avenue to Manhattan Avenue).**

11. **Consideration of Resolutions Necessary to Initiate Recruitment for a Public Works Director / City Engineer and a Community Development Director** - Consideration of authorizing the position and salary range for Public Works Director/City Engineer and amending the salary range for Community Development Director.

**Action:** 1) Adopted Resolution No. 09-67, authorizing the position of Public Works Director / City Engineer; and 2) adopted Resolution No. 09-68, amending the Salary Schedule to add the classification of Public Works Director / City Engineer and set the salary ranges for Public Works Director / City Engineer and Community Development Director.

**Resolution No. 09-67: A Resolution of the City Council of the City Of Grover Beach, California, Amending the Position Authorization Resolution No. 08-51 to Add the Position of Public Works Director / City Engineer.**

**Resolution No. 09-68: A Resolution of the City Council of the City of Grover Beach, California, Amending Resolution No. 02-73 Adding a Salary Range for the Job Class of Public Works Director / City Engineer and Amending the Salary Range for the Job Class of Community Development Director.**

#### **REGULAR BUSINESS**

None at this time.

#### **PULLED CONSENT AGENDA ITEMS**

10. **Clarification of Resolution No. 02-102 Which Created an Underground Utility District on North Oak Park Boulevard from Ramona Avenue to Atlantic City Avenue.**

City Engineer Garing stated that the North Oak Park Boulevard Underground Utility District was created in December 2002 with the adoption of Resolution No. 02-102. Construction was currently in progress; however, PG&E recently determined that language in the Resolution necessary to invoke the "100 Foot Rule" was unclear. He explained that the "100 Foot Rule" allowed PG&E to use Rule 20A tariff credits to fund that portion of work on private property that connected facilities at the property line or street to the electric meter

at the building - up to 100 feet. This would consist of trenching, installation of necessary structures such as conduit and boxes, all necessary underground wiring, and restoration of private property to "as good" or "better than" original condition. The most expedient method to resolve this issue would be to clarify the City's original intent by specifically using the term "100 Foot Rule". He stated the proposed Resolution also included language so that communications utilities would be alerted to this clarification as it applied to Communications Tariff Rule 32. He then responded to questions from the Council.

Brief discussion was held regarding the responsibility of private property owners to coordinate the conversion of utilities from overhead to underground with the utility companies, and the failure by one of the involved utility companies to notify affected property owners regarding a recent utility underground project conducted on North Oak Park Boulevard.

Mayor Shoals invited public comments on this matter. There was no response and he closed the public comment period for this item.

**Action:** It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to adopt Resolution No. 09-69 clarifying Resolution No. 02-102 by using the term "100 Foot Rule" to describe the service connection portion of the project to be funded by Rule 20A funds and Rule 32 obligations.

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. 09-69: A Resolution of the City Council of the City of Grover Beach, California, Clarifying Resolution No. 02-102 Relating to the Establishment of the North Oak Park Boulevard Underground Utility District.**

### **COUNCIL COMMITTEE REPORTS**

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

Council Member Peterson reported on the meeting of the Housing Trust Fund.

Mayor Pro Tem Nicolls reported on the meeting of the San Luis Obispo Countywide 10-Year Plan to End Chronic Homelessness.

Council Member Bright stated that she had nothing to report.

Mayor Shoals reviewed items scheduled for discussion at the next meetings of the San Luis Obispo Council of Governments (SLOCOG), Regional Transit Authority (SLORTA), South County Area Transit (SCAT), and Fire and Emergency Services Oversight Committee. He then provided a progress update on the Beachfront Lodge and Conference Center Project.

### **CITY COUNCIL MEMBER ITEMS**

None at this time.

### **COUNCIL COMMUNICATIONS**

- A. Council Member Peterson reminded residents to participate in the "Shop & Dine in Grover Beach" Program.
- B. Council Member Bright alerted staff to a citizen complaint that she had recently received regarding a tree located on private property at Brighton Avenue and Oak Park Boulevard that was blocking a City truck route sign.

**CITY MANAGER'S REPORTS AND COMMENTS**

City Manager Perrault provided an update on the West Grand Avenue Enhancement Project that was submitted for funding through the American Recovery and Reinvestment Act of 2009 (ARRA) and the City's recent grant application requesting funds to develop a Bikeway Master Plan. He then reminded all those present that reservations were still being accepted for the City's Sister City Celebration picnic to be held at 16<sup>th</sup> Street Park on Sunday, September 27, 2009.

**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 8:22 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 03/01/10)