

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, OCTOBER 1, 2012**

**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 Anthony Johnson, an 11-year-old, 6<sup>th</sup> grade student at Grover Heights Elementary School.

**ROLL CALL**

City Council: Council Members Bright, Molnar, 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, Community Development Director Buckingham, Public Works Director/City Engineer Ray, and Police Chief Copsey were also present.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, September 17, 2012 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Existing Litigation  
Pursuant to Government Code Section 54956.9(a)  
City of Grover Beach v. Shukla, CV 120229
2. Conference with Legal Counsel - Pending Litigation  
Pursuant to Government Code Section 54956.9(c)  
Initiation of Litigation: One (1) potential case
3. Public Employee Performance Evaluation  
Pursuant to Government Code Section 54957  
Employee: City Manager

the City Council reconvened into open session and announced the following reportable action regarding Closed Session Item No. 2: the City Council authorized initiating litigation against Ward Automotive in the event code enforcement efforts were unsuccessful (on a vote of 5-0).

**AGENDA REVIEW**

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

**CEREMONIAL CALENDAR**

1. **Proclamation Declaring the Month of October 2012 as "Rideshare Month".**

As there was no representative available to attend the meeting, Mayor Shoals announced the proclamation would be sent to the San Luis Obispo Regional Rideshare office.

**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. John Wysong, Grover Beach, disputed the accuracy of water utility meter readings at his residence when compared with the water bills for a rental unit located next to his home. He then distributed copies of several billing statements to each Council Member.
- B. Jeff Lee, Chair, Parks, Recreation & Beautification Commission, announced the schedule of upcoming parks and recreation activities.

Upon request, City Manager Perrault briefly described actions taken by City staff in response to Mr. Wysong's concerns regarding the accuracy of water utility meter readings at his home,

including testing and/or replacing the meter. He noted that the last two replacement meters were tested and determined to be reading accurately, and that he would be providing Mr. Wysong with the results of the City's findings in writing.

## **PUBLIC HEARINGS**

### **2. Consideration of Zoning Code Update to Bring into Conformance with the Land Use and Housing Elements (Development Application No. 11-12).**

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, Community Development Director Buckingham briefly described the proposed Zoning Code update. He then outlined revisions incorporated into the Ordinance as a result of public input and Council direction from the meeting of August 20, 2012, regarding legal non-conforming uses and increasing the abandonment period in the Coastal Commercial zone to one year. 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 and he closed the Public Hearing on this item.

Brief Council discussion was held regarding the appeal process.

**Action:** It was m/s by Council Members Bright/Peterson to introduce, by title only, Ordinance No. 12-06 amending the Grover Beach Municipal Code and schedule second reading and adoption at the next regular City Council meeting on Monday, October 15, 2012. The motion carried on the following roll call vote:

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

**Ordinance No. 12-06: An Ordinance of the City Council of the City of Grover Beach Amending Grover Beach Municipal Code Article IX Planning and Zoning Regulations and Article VII Public Works Associated with Development Permit Application No. 11-12. (First Reading only.)**

## **CONSENT AGENDA**

It was m/s by Council Members Peterson/Molnar to approve Consent Agenda Item Nos. 3, 4, 5, 6, 7, and 8 as recommended. The motion carried on the following roll call vote:

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

### **3. Treasurer's Report for the Period September 11, 2012 - September 25, 2012.**

**Action:** Approved as submitted.

### **4. Minutes of the Special City Council Meeting of July 16, 2012, and Regular City Council Meeting of July 16, 2012.**

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

### **5. Business Tax Certificate Report - First and Second Quarters 2012 - Business tax certificates issued during the periods January 1, 2012 to March 31, 2012 and April 1, 2012 to June 30, 2012.**

**Action:** Received and filed the reports.

### **6. Request to Destroy Records in Accordance with the Established Records Retention Schedule - Authorizing the destruction of certain records.**

**Action:** Adopted Resolution No. 12-63.

**Resolution No. 12-63: Resolution of City Council of the City of Grover Beach, California Accepting the Administrative Services Department's Recommendations for Records Destruction.**

7. **Affirming the City of Grover Beach Investment Policy** - Annual review of the City's written investment policy pursuant to state law.

**Action:** Adopted Resolution No. 12-64.

**Resolution No. 12-64: A Resolution of the City Council of the City of Grover Beach, California Affirming the Investment Policy for the City of Grover Beach.**

8. **Oak Park Boulevard Rehabilitation Project: 1<sup>st</sup> Amendment to the Annual Appropriation Resolution No. 12-60 and Resolution Amending the Capital Improvement Program FY 13 through FY 17-** Budget amendment to appropriate \$30,000 in Gas Tax Funds for design and testing service and amending the five-year Capital Improvement Program (CIP) for the Oak Park Boulevard Rehabilitation Project, CIP 276.  
**Action:** 1) Adopted Resolution No. 12-65 amending the Annual Appropriation Resolution; and 2) Adopted Resolution No. 12-66 amending the Capital Improvement Program for FY 13 through FY 17.

**Resolution No. 12-65: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 1<sup>st</sup> Amendment to the Annual Appropriation Resolution No. 12-60 by Providing Funding for Design of Oak Park Boulevard Rehabilitation.**

**Resolution No. 12-66: A Resolution of the City Council of the City of Grover Beach, California Amending the Capital Improvement Program (CIP) for FY 13 through FY 17.**

**REGULAR BUSINESS**

9. **West Grand Avenue Enhancement Project, Phase 2 - Award of Construction Contract and Scheduling Options.**

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 regarding bids received to construct improvements on West Grand Avenue between 8<sup>th</sup> and 11<sup>th</sup> Streets. He described the project scope, allocated funding, recent changes regarding certain federal requirements, and the estimated total cost of construction for a base bid project. He noted that the estimated total exceeded the amount allocated for construction; however, the Council could authorize additional funding from either the Gas Tax Fund or Local Street Rehabilitation funds. He then outlined scheduling options for construction, summarized feedback received from local business owners regarding the project, and responded to questions from the Council.

Discussion ensued regarding the project scope, various design elements, estimated costs, funding, and the required project review and approval process conducted by outside agencies.

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

Further discussion was held regarding time frames for construction, maximizing this opportunity to leverage funds from other sources for the benefit of the City, and scheduling construction to begin immediately after the holidays.

Council Member Molnar expressed concerns with the estimated costs and the amount of street repair that would be completed. She suggested considering a scaled-down version of the project or eliminating the more expensive design elements.

It was noted that changes to the project scope would require preparing a new bid document, additional review by outside agencies, and re-issuing the request for bids, which might further delay construction and potentially jeopardize funding.

**Action:** It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to:

- 1) Adopt Resolution No. 12-67 awarding the Base Bid to Brough Construction in the amount of \$938,141.20;
- 2) Delay the start date for construction until January 2013;
- 3) Adopt Resolution No. 12-68 to allocate \$292,571 of additional funding for the project from the Gas Tax Fund balance (including funding for construction contingency);
- 4) Authorize the City Manager to sign and affirm change orders to the project in amounts up to \$74,000 to be deducted from contingency; and
- 5) 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, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals.  
NOES: Council Member Molnar.  
ABSENT: Council Members - None.  
ABSTAIN: Council Members - None.

**Resolution No. 12-67: Resolution of the City Council of the City of Grover Beach, California, Awarding the West Grand Avenue Enhancement Project, Phase 2, Federal Project Number RPSTPLE-5359(017).**

**Resolution No. 12-68: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 2<sup>nd</sup> Amendment to the Annual Appropriation Resolution No. 12-60 by Providing Funding for West Grand Avenue Enhancement Project, Phase 2.**

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

None at this time.

#### **COUNCIL COMMITTEE REPORTS**

Council Member Molnar reported on the meeting of the Zone Three Advisory Committee, noting that she had been appointed the Committee's Vice Chair. Brief discussion was held regarding the status of the Habitat Conservation Plan.

Council Member Bright deferred her reports until the next Council meeting.

Council Member Peterson described efforts by a local business owner to stimulate the economy for Grover Beach-based businesses with "Grover Pride" activities. She then described the success of the recent Savor the Central Coast event held at Santa Margarita Ranch from September 29-30, 2012, and the City's sponsorship of the Pacific Coast Railroad train ride and a booth located in the main event pavilion.

Mayor Pro Tem Nicolls reported on meetings of the Homeless Services Oversight Committee and the South San Luis Obispo County Sanitation District. He also distributed copies of the District's first newsletter and noted future issues were scheduled to be distributed bi-monthly. Brief discussion was held regarding the District's contract with the Wallace Group.

Mayor Shoals reported on the meeting of the Five Cities Fire Authority, as well as meetings between City representatives and Coastal Commission staff regarding the Grover Beach Lodge and Conference Center Project. He then reviewed recommendations from the League of California Cities regarding state propositions on the November 2012 ballot.

#### **CITY COUNCIL MEMBER ITEMS**

None at this time.

#### **COUNCIL COMMUNICATIONS**

- A. Council Member Molnar requested scheduling a City Council discussion regarding proposed seismic testing along the Central Coast by PG&E, citing recent discussions held by the City of Morro Bay.

Upon consensus, City Manager Perrault was requested to provide Council Members with the web-link to an online environmental impact report regarding the seismic imaging project.

- B. Council Member Peterson praised recent community efforts to support the family of a seven-year-old Grover Beach resident diagnosed with a serious medical condition.

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

**10. Discussion Regarding Use of the City Office Building Located at the Train Station Site, 180 Highway One.**

City Manager Perrault provided a brief overview regarding the use of City-owned commercial office space by the Grover Beach Chamber of Commerce over the past several years. He noted that, with the recent merger of the Grover Beach and Arroyo Grande Chambers of Commerce, the office space was now vacant. Further, recent communications with Amtrak representatives to solicit interest in a staffed facility for ticket sales were unsuccessful, as Amtrak was promoting the use of a new e-ticket program. Therefore, staff intended to begin the process of seeking a commercial tenant. Staff then responded to questions from the Council.

Brief discussion was held regarding the size of the office space and other potential uses, as well as the land use designation for the property. It was noted that an agreement between the City and a potential tenant would be scheduled for Council review.

#### **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 7:57 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:  
/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 11/05/12)