

**MINUTES
CITY COUNCIL MEETING
MONDAY, AUGUST 5, 2013**

CALL TO ORDER Mayor Peterson 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 Lee.

ROLL CALL

City Council: Council Members Lee, Marshall, Nicolls, Mayor Pro Tem Bright, and Mayor Peterson were present.

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Public Works Director/City Engineer Ray, Police Chief Copsey, and Human Resources Coordinator Barrett were also present.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, July 15, 2013 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Existing Litigation (2 cases)
Pursuant to Government Code Section 54956.9(d)(1)
Lopez v. City of Grover Beach, et al CV 120210; and Regional Water Quality Control Board v. City of Grover Beach, Complaint No. R3-2013-0039
2. Conference with Real Property Negotiators
Pursuant to Government Code Section 54956.8
Property: Various City Rights-of-Way (ROW)
Agency negotiator: City Manager and City Attorney
Negotiating party: Digital West Networks, Inc.
Under negotiation: Potential Terms of Lease Agreement
3. Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6.
Agency Negotiator(s): City Manager, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator, Police Chief and/or Commander (may include some or all of the above)
Employee Groups: Grover Beach Police Officers' Association (GBPOA); Management & Confidential; and Executive Management.

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

AGENDA REVIEW

Mayor Pro Tem Bright suggested the Council consider discussion of Agenda Item No. 11 earlier in the meeting. Brief discussion was held regarding individuals who had requested that the item remain on the agenda as scheduled. City Attorney Koczanowicz stated that there was no new information regarding the Closed Session item that was scheduled for discussion later on the agenda and requested that it be cancelled.

Action: Upon unanimous consensus, the Council kept Agenda Item No. 11 as scheduled, cancelled the Closed Session that was scheduled for this evening, and approved the agenda as amended.

PRESENTATION

1. **San Luis Obispo Clean Energy Coalition - Presentation Regarding a Program Entitled "Community Choice Aggregation".**

Scott Mann and Eric Veium, representing San Luis Obispo Clean Energy, provided a brief overview regarding the Community Choice Aggregation program for local communities to buy and produce clean electric power, stating that it would enable consumer choice and market competition for retail energy. They distributed additional program information and responded to questions from the Council.

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

The following person spoke in support of the program:

- Mladen Bandov, SLO Clean Energy Leadership Team Member.

The following persons spoke in opposition of the program:

- Laura Mordaunt, San Luis Obispo resident;
- Gary Kirkland, Atascadero resident;
- Tom Dawson, did not state City of residence;
- Andrea Seastrand, former Assembly Member and Grover Beach resident;
- Anne Steele, Arroyo Grande resident; and
- Tom Murray, Arroyo Grande resident and Grover Beach property owner.

Action: Upon unanimous consensus, the information was received and filed and the Council directed that no further action be taken on this matter.

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. Riley Smith, Grover Beach resident, requested that the City Council consider banning all fireworks within city limits.

There were no further public comments received at this time.

PUBLIC HEARING

- 2. Introduction and First Reading of a Proposed Ordinance to Amend Grover Beach Municipal Code Article X, Chapter 4, Increasing the Number of Card Tables, Increasing Hours of Operation, and Removing the Liquor License Requirement.**
(Continued Public Hearing from June 17, 2013.)

Mayor Peterson read the title to the foregoing item, declared the continued Public Hearing open, and deferred to staff for a report. For the information of those present, City Attorney Koczanowicz provided a brief overview regarding proposed amendments to the Grover Beach Municipal Code to: 1) increase the maximum number of card tables allowed at any single location from four (4) tables to six (6) tables; 2) increase the maximum number of card tables allowed citywide from seven (7) tables to nine (9) tables; 3) remove the requirement that alcohol be served at the same location; and 4) increase the allowable hours of operation to 24 hours per day. He then responded to questions from the Council.

Mayor Peterson invited comments from those in the audience who wished to be heard on this matter. No public comments were received at this time and the Mayor closed the Public Hearing.

Discussion ensued regarding the proposed amendments and whether the State might again change its regulations and remove the option to increase the maximum number of card tables allowed. It was noted that one of the card room license holders, Gold Rush Casino, was not qualified to operate a card room at this time.

Council Member Nicolls suggested amending the ordinance further to include: 1) a process for revoking the license for non-use, and 2) a requirement that an applicant first receive a license from the State Gaming Commission prior to receiving a card room license from the City. He stated there was no urgency for the Council to take action on the proposed amendments, and that Central Coast Casino would have an opportunity to add card tables by the end of the year. He then suggested the Council postpone taking action on the proposed amendments to a later date.

Council Member Marshall suggested amending the ordinance to include a sunset clause or maximum time period for non-use, at the end of which time the City could consider revocation of the license.

Upon request, Mayor Peterson re-opened the Public Hearing to receive comments from those in the audience who wished to be heard on this matter.

The following persons spoke in support of the proposed ordinance:

- Linda McClure, Grover Beach business owner; and
- Terry Strickland, Nipomo resident.

The following person spoke in opposition of the proposed ordinance:

- Gary Kirkland, Atascadero resident.

The following person also spoke:

- Bob Cardona, Santa Maria resident, who requested and received information regarding the State's regulations.

Further Council discussion was held regarding amending the ordinance to establish a hearing process to consider revocation of a license.

Action: It was m/s by Council Member Lee/Mayor Pro Tem Bright to: 1) amend the proposed Ordinance to add a process for the revocation of a card table license for non-use; 2) introduce and conduct first reading, by title only, of Ordinance No. 13-02, as amended; and 3) schedule second reading and adoption for the next regular City Council meeting on Monday, August 19, 2013. The motion carried on the following roll call vote:

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

Ordinance No. 13-02: Ordinance of the City Council of the City of Grover Beach, California, Amending Article X, Chapter 4, of the Grover Beach Municipal Code Pertaining to Card Table Licenses and Regulations. (First Reading only.)

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Council Member Nicolls commented on information included in the warrant register. City Manager Perrault described the specific transaction. Council Member Lee thanked City staff and employee group representatives for successfully concluding labor negotiations. It was m/s by Council Members Nicolls/Lee 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 Lee, Marshall, Nicolls, Mayor Pro Tem Bright, and Mayor Peterson.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.

3. Treasurer's Report for the Period July 9, 2013 through July 30, 2013.

Action: Approved as submitted.

4. Minutes of the City Council Meeting of July 15, 2013.

Action: Approved the minutes as submitted.

5. Proposed One-year Successor Memorandum of Understanding with the Grover Beach Police Officers' Association (GBPOA) - Approving a successor one-year Memorandum of Understanding (MOU) with the Grover Beach Police Officers' Association (GBPOA).

Action: Adopted Resolution No. 13-30 and authorized the City Negotiating Team to execute the MOU on the City's behalf.

Resolution No. 13-30: A Resolution of the City Council of the City of Grover Beach, California Approving a Memorandum of Understanding with the Grover Beach Police Officers' Association From July 1, 2013, to June 30, 2014.

6. **Consideration of Benefit Adjustments for Executive Management and Management & Confidential Employees** - Approving one-year agreements for benefit adjustments with employees in the unrepresented labor groups of Executive Management and Management & Confidential.

Action: 1) Adopted Resolution No. 13-31 amending the benefits provided by the City for the unrepresented Executive Management employee group; and 2) adopted Resolution No. 13-32 amending the benefits provided by the City for the unrepresented Management & Confidential employee group.

Resolution No. 13-31: A Resolution of the City Council of the City of Grover Beach, California, Amending the Benefits Provided to the Unrepresented Employee Group of Executive Management From July 1, 2013, to June 30, 2014.

Resolution No. 13-32: A Resolution of the City Council of the City of Grover Beach, California, Amending the Benefits Provided to the Unrepresented Employee Group of Management & Confidential From July 1, 2013, to June 30, 2014.

7. **Adoption of Federal Equitable Sharing Agreement** - Agreement to allow the City to receive federally-forfeited assets from adjudicated narcotics cases pursuant to the Federal Equitable Sharing Program.

Action: Adopted Resolution No. 13-33.

Resolution No. 13-33: 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.

REGULAR BUSINESS

Prior to discussion of Agenda Item No. 8, Mayor Peterson declared a conflict of interest due to her residence and business being located within 500 feet of the subject property. She then stepped down from the dais and left the Council Chambers.

8. **West Grand Avenue Enhancement Project, Phase 3, Presentation of Preliminary Design.**

Mayor Pro Tem Bright 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 preliminary design concepts for the next phase of improvements to be constructed on West Grand Avenue from the western city limits to Highway 1 and from 4th Street to 5th Street. He then responded to questions from the Council.

Discussion ensued regarding various elements of the preliminary design.

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

The following agency representatives responded to questions from the Council regarding funding and various design elements, and confirmed their respective agencies had previously provided comments regarding the proposed design concepts:

- Jessica Berry, San Luis Obispo Council of Governments; and
- Dena Bellman, California State Department of Parks and Recreation.

The following persons commented on the proposed design concepts or requested and received information regarding the project:

- Anne Steele, Arroyo Grande resident;
- Gary Kirkland, Atascadero resident;
- Bob Cardona, Santa Maria resident; and
- Sharon Brown, Grover Beach resident.

City Manager Perrault noted that a local business owner had submitted a letter of interest regarding the formation of a citizen committee to discuss development of this third phase of improvements. He noted that the street segments identified for this third phase of improvements had already been pre-planned. Therefore, formation of a citizen advisory committee would not be recommended at this time; however, businesses and property owners would have an opportunity to provide input as the project proceeded.

Further Council discussion was held regarding the preliminary design, with the following comments provided regarding specific design elements or project segments:

design treatment:

- Highway 1 to serve as the "dividing line" between the two different design treatments;
- the east side to consist of the Lithocrete paving; and
- the west side to consist of a boardwalk pattern.

street trees:

- as no "native dune species" of street tree exists, staff would conduct further research regarding available options.

mid-block crossings:

- keep both proposed mid-block pedestrian crossings;
- for the pedestrian crossing near the Lodge project: 1) move it further east, if possible, and 2) add a bulb-out to improve pedestrian safety; and
- install pedestrian crossing signals or pedestrian warning lights.

roundabouts:

- eliminate both roundabout design proposals that were previously designated for the intersections at 4th Street and Highway 1.

4th Street:

- add a bulb-out to improve pedestrian safety.

from the ocean to Highway 1:

- if possible, eliminate one of the two proposed driveways, preferably the westerly driveway near the existing Fin's restaurant;
- reconfigure the State Parks parking lot to allow more internal vehicle circulation;
- install bike lanes on both the north and south sides of the street; and
- reconfigure eastbound lanes to increase through-traffic circulation.

Action: No formal action was taken at this time.

At this time Mayor Peterson returned to the dais.

Recess: Upon consensus of the City Council, the meeting recessed at 8:54 p.m.

Reconvene: At 9:02 p.m., the meeting reconvened with all Council Members present.

ORDER OF THE DAY: Upon consensus of the City Council, Agenda Item 11 was discussed next before Agenda Item 9.

11. Discussion Regarding Appointment of Council Members to the Air Pollution Control District.

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Manager Perrault provided an overview of the Council's request to review the current appointed representative to the Air Pollution Control District (APCD) and whether that appointment should be changed. The Council had also expressed an interest in exploring whether to appoint a representative to the 5 Cities Homeless Coalition. It was noted that any interested person could submit an application to be considered for appointment to the Board of Directors for the 5 Cities Homeless Coalition and that representatives were not appointed by City Councils.

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

The following persons spoke in support of Mayor Peterson continuing to serve as the City's representative to the APCD:

- Linda McClure, Grover Beach business person, who stated she was also speaking on behalf of former Mayor Peter Keith, who had already left the meeting room;
- Sharon Brown, Grover Beach resident;
- Andrea Seastrand, former Assembly Member and Grover Beach resident;
- Julie Tacker, Los Osos resident;
- Peter Byrne, did not state city of residence;
- Laura Mordaunt, San Luis Obispo resident;
- Tom Dawson, Nipomo Mesa resident;
- Mike Brown, Government Affairs Director, COLAB;
- Elsa Dawson, San Luis Obispo;
- Debbie Arnold, District 5, Supervisor, San Luis Obispo County;
- Randall Jordan, Paso Robles resident;
- Lydia Thompson, Atascadero resident;
- Tom Rehder, Grover Beach business owner and Nipomo Mesa resident;
- Edward Veek, Atascadero resident;
- Kevin Jones, Grover Beach business owner and resident;
- Brad Snook, Arroyo Grande resident;
- Bob Cardona, Santa Maria resident;
- Jack Keane, former Mayor and Grover Beach resident;
- Kevin P. Rice, San Luis Obispo resident, who distributed information to the Council regarding board representation and a letter of support from Tammy James; and
- Terry Strickland, Nipomo Mesa resident

The following persons spoke in opposition of Mayor Peterson continuing to serve as the City's representative to the APCD:

- Arlene Versaw, Nipomo Mesa resident;
- Rachelle Toti, Nipomo Mesa resident;
- Kathy Egan, Nipomo Mesa resident;
- Richard P. Wishner; Nipomo resident;
- Carla Haynie, Nipomo Mesa resident;
- Carol Chenot, Nipomo Mesa resident;
- Peggy Davis, Nipomo Mesa resident;
- Ross Chenot; Nipomo Mesa resident;
- Paul Stolpman, Nipomo Mesa resident; and
- Gayle Applegate, Nipomo Mesa resident.

The following persons also spoke:

- Joseph Rank, Grover Beach resident, who objected to the display of signs among audience members expressing support or opposition on this matter.

There were no further public comments received at this time.

11:00 p.m. Rule: At 10:25 p.m., it was m/s by Council Members Lee/Marshall, to continue the meeting past 11:00 p.m. The motion carried on the following roll call vote:

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

Council Member Nicolls stated that he objected to Mayor Peterson's involvement with a recent petition regarding the APCD and the dust control regulation or "Dust Rule". He therefore recommended that she no longer continue serving as the City's representative to the APCD.

Council discussion ensued regarding whether to change the City's appointed representative to the APCD. Mayor Peterson explained her recent actions, expressed her desire to remain as the City's appointed representative to the APCD, confirmed her belief that she could be an objective representative, and declared her commitment to first seek input from the other members of the City Council.

In reference to a previous comment regarding whether Council Members Lee and Marshall, as San Luis Obispo County employees, might have conflicts of interest if either one of them were to serve as a representative to the APCD, Council Member Lee stated that County

Counsel and the City Attorney had reviewed this concern and determined there was no conflict.

Additional discussion was held regarding the recent lobbying efforts to individual members of the Council by local and outside area residents, as well as by various representatives from outside agencies.

Action: It was m/s by Mayor Pro Tem Bright/Council Member Marshall to take no further action on this matter. The motion carried on the following roll call vote:

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

Recess: Upon consensus of the City Council, the meeting recessed at 10:57 p.m.

Reconvene: At 11:06 p.m., the meeting reconvened with all Council Members present.

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

9. Declaration of Water Shortage Stage.

Mayor Peterson 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 the status of the City's water supply, and outlined recommendations regarding continued water conservation efforts and declaring a Stage II Water Shortage Stage of Action. He then responded to questions from the Council.

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

Julie Tacker, Los Osos resident, suggested: 1) implementing mandatory prohibitions sooner regarding specific water use practices; 2) sending a letter to other agencies encouraging those agencies to take action and reduce water consumption; and 3) encouraging local businesses to replace water fountains with less water-intensive design features.

There were no further public comments received.

Brief discussion was held regarding the various agencies to notify regarding the City's water supply concerns.

City Attorney Koczanowicz reminded the City Council that the Council had previously sent a letter to the Nipomo Community Services District and cautioned against sending an additional letter at this time due to a matter of pending litigation.

Upon request, Public Works Director/City Engineer Ray confirmed that, as the City's representative to the Technical Advisory Committee and Water Resources Advisory Committee, he could notify other area agencies of the Council's action this evening regarding the declaration of a water shortage stage of action and encourage those agencies to implement water consumption reduction methods.

Mayor Peterson confirmed that she would discuss this issue at the next Mayors' meeting.

Action: It was m/s by Council Member Marshall/Mayor Pro Tem Bright to adopt Resolution No. 13-34 declaring a Stage 2 Water Shortage Condition. The motion carried on the following roll call vote:

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

Resolution No. 13-34: A Resolution of the City Council of the City of Grover Beach, California, Declaring a Stage 2 Water Shortage Condition in Accordance with the Adopted Water Shortage Contingency Plan.

10. Selection of Voting Delegate and Alternate for the 2013 League of California Cities Annual Conference.

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Manager Perrault briefly described the process for selecting a voting delegate and alternate to represent the City at the Annual Business Meeting held during the League of California Cities Annual Conference in Sacramento, California, on September 18-20, 2013.

Brief discussion was held regarding those members of the Council who were planning to attend this year's conference.

Action: Upon consensus, Mayor Peterson was selected as the City's Voting Delegate and Council Member Nicolls was selected as the Alternate for the Annual Business Meeting to be held at the League of California Cities Annual Conference.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Upon consensus of the City Council, all committee reports were postponed to the next regular City Council meeting.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Marshall requested Council consensus to schedule a discussion regarding fireworks.

City Attorney Koczanowicz noted that the Five Cities Fire Authority would also be discussing that same issue in an effort to establish a consistent approach among member jurisdictions.

Action: Upon unanimous consensus, the Council authorized scheduling a discussion regarding fireworks.

CITY MANAGER'S REPORTS AND COMMENTS

None at this time.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

As announced earlier in the meeting under Agenda Review, the following Closed Session item was cancelled:

1. ~~Conference with Legal Counsel – Existing Litigation~~
~~Pursuant to Government Code Section 54956.9(d)(1)~~
~~Regional Water Quality Control Board v. City of Grover Beach, Complaint No. R3-2013-0039~~

ADJOURNMENT

There being no further business to come before the City Council, Mayor Peterson adjourned the meeting at 11:26 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 08/19/13)