

**MINUTES
CITY COUNCIL MEETING
MONDAY, OCTOBER 21, 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 A moment of silence was held in memory of 8-year-old Grover Beach resident Sammy Jeffers; former City Manager Arnold Dowdy; and former Parks, Recreation & Beautification Commissioner Sue Hartman.

Announcements were given regarding the memorial services for Mr. Dowdy and Ms. Hartman.

FLAG SALUTE The flag salute was led by the following Grover Heights Elementary School Dynamite Dragons Student Leaders: Eric Thiesmeyer, Kayla Lintner, Jonah Jenkins, Tyler Brittingham, Chloe Rea, and Jessica Chapman.

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, Assistant City Attorney Hale, City Clerk McMahon, Administrative Services Director Chapman, Community Development Director Buckingham, Public Works Director/City Engineer Ray, Police Chief Copsey, Commander Miller, and Parks & Recreation Program Director Petker were also present.

Also present were Fire Chief Hubert and Battalion Chief Heath of the Five Cities Fire Authority.

AGENDA REVIEW

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

CEREMONIAL CALENDAR

1. Proclamation Declaring October 2013 as “Rideshare Month”.

Mayor Peterson read and presented the proclamation to Jessica Berry from the San Luis Obispo Council of Governments, who described Rideshare activities and promotional events throughout the month. Parks & Recreation Program Director Petker described the “Good Morning, Commuters!” breakfast event to be held at the Ramona Garden Park Center on Friday, October 25th.

2. Proclamation Declaring October 23-31, 2013 as “Red Ribbon Week”.

Mayor Pro Tem Bright read and presented the proclamation to Commander Tim Miller.

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. Sharon Brown, Grover Beach, requested updated information regarding whether vacation rentals would be regulated and the status of a proposed City charter. She then expressed concerns regarding the condition of the parking lots at City Hall and the Community Center on Trouville Avenue, as well as the increasing number of sidewalk sign advertisements.
- B. Giselle Naylor, Oceano, expressed an interest in commenting regarding Agenda Item Nos. 3 and 7. Upon request from the Mayor, she agreed to defer her comments until those items were discussed later in the meeting.
- C. Melissa Peters, San Luis Obispo County Public Health Department Tobacco Control Program representative, praised Grover Beach for achieving 100% compliance during a recent compliance check of retailers licensed to sell tobacco products.

PUBLIC HEARINGS

3. Introduction and First Reading of Proposed Ordinance Amending Article X of the Grover Beach Municipal Code to Consent to the Adoption of a City Pipeline Franchise and Assignment to Phillips 66 Pipeline, LLC. (Continued Public Hearing from City Council meetings of August 19, 2013 and September 16, 2013.)

Mayor Peterson 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 Attorney Koczanowicz stated that he was still awaiting a response from legal counsel for Phillips 66. Rather than continuing the Public Hearing a third time, he recommended taking the matter off the agenda until further notice.

Council Member Nicolls requested an advance copy of the draft franchise agreement and a map of pipeline locations.

City Attorney Koczanowicz confirmed that when the matter was scheduled for Council consideration, the staff report at that time would include a copy of the draft franchise agreement and a map regarding pipeline locations.

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

Giselle Naylor, Oceano, inquired regarding the process to obtain public information regarding the franchise agreement.

Sharon Brown, Grover Beach, inquired regarding impacts to the City under a franchise agreement and whether there might be potential liability from delaying Council action.

Upon request, City Attorney Koczanowicz outlined the process for members of the public to review City Council agenda items. He noted that the franchise with Phillips 66, originally with the County of San Luis Obispo, expired in December 2008; however, renewal was not a matter of urgency for either the City or Phillips 66. Further, nominal franchise payments continued to be received by the City, and any discussions regarding matters of potential liability would be held with the City Council under Closed Session.

At this time Mayor Peterson commented that several issues, unrelated to this Public Hearing item, raised by Ms. Brown during the earlier public comment period would be discussed by the Council in the coming months. Upon request, City Manager Perrault briefly described the tentative schedule regarding other topics to be discussed by the City Council.

Action: It was m/s by Council Member Marshall/Mayor Pro Tem Bright to take the matter of the proposed franchise agreement off the agenda at this time and authorized rescheduling it for a later meeting date. 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.

Further discussion was held regarding the additional costs for re-noticing a Public Hearing. Direction was provided that the costs for re-noticing the Public Hearing be forwarded to Phillips 66.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item No. 6 was pulled pursuant to the request of Mayor Peterson.

It was m/s by Council Member Lee / Mayor Pro Tem Bright to approve Consent Agenda Item Nos. 4 and 5 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.

4. Treasurer's Report for the Period October 1, 2013 - October 15, 2013.

Action: Approved as submitted.

5. Approval of Final Tract Map, Tract 3038. Applicant: Green Park Homes, LLC. - Final Map regarding the first phase of a 48-lot subdivision of single family homes, with Phase 1 consisting of 19 lots, including two units designated for low-income housing, situated along South 16th Street and on a private street within the subdivision.

Action: Adopted Resolution No. 13-43 authorizing the City Clerk to record the Final Map for Tract 3038 and accepting all offers of dedication identified on the map, except for the offer of dedication for South 16th Street.

Resolution No. 13-43: A Resolution of the City Council of the City of Grover Beach, California, Approving the Final Map of Tract 3038, Phase 1, Rejecting the Offer of Dedication for South 16th Street, and Accepting All Other Offers of Dedication Identified on the Map.

REGULAR BUSINESS

7. Status Report Regarding the Creation of a Benefit Assessment District for the Five Cities Fire Authority.

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 update regarding discussions by the Authority Board and the more recent recommendation to pursue a benefit assessment for revenue augmentation rather than a parcel tax. He also outlined the objectives achieved through the consolidation of fire services and the City's annual financial contributions for those services. Fire Chief Hubert described future budgetary needs to fund an apparatus and equipment replacement program, fire dispatch services, and the replacement of grant funding for fire personnel. It was also noted that a comprehensive engineering study would be needed to identify the approximate benefit assessment levies for each parcel.

Assistant City Attorney Hale outlined the process to implement a benefit assessment district, described opportunities to receive public comments, and the estimated time frame for ballots to be mailed to property owners within the jurisdiction of the Fire Authority. He also described how each property owner's vote would be "weighted" based on specific benefit, as well as the legal authority to pursue an assessment.

Staff then responded to questions from the Council.

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

Giselle Naylor, Oceano, objected to the proposed assessment and objected to the mail ballot voting process regarding assessments.

Steve Lieberman, Grover Beach resident and former Mayor, spoke in support of the proposed benefit assessment for fire services.

There were no further public comments received at this time.

Further discussion ensued regarding federal mandates regarding fire safety personnel, and additional fire personnel currently funded through a two-year grant.

Fire Chief Hubert noted that an audit was conducted annually regarding the Fire Authority's budget and that if the assessment district was approved, an annual report would be prepared. Additionally, the Oceano Community Services District was awaiting the arrival of a new General Manager before scheduling a discussion regarding the proposed assessment by its Board of Directors.

City Attorney Koczanowicz clarified that if the Five Cities Fire Authority Board of Directors approved pursuing a benefit assessment, the protest hearing would be conducted before the Fire Authority Board.

Council Members expressed their individual support for the Five Cities Fire Authority and pursuing a benefit assessment district to secure a long-term funding source for fire protection and prevention services.

Action: The information was received and filed.

PULLED CONSENT AGENDA ITEMS

6. Consideration of Resolutions Necessary to Establish the Classification of Police Chief / Assistant City Manager and Setting a Salary Range.

City Manager Perrault provided a brief overview regarding the proposal to amend the job classification of Police Chief to also serve as the organization's second in command and assume some of the duties that would normally fall to an Assistant City Manager. The recommended change was for purposes of succession planning and the completion of several key projects identified in the Council's adopted work program.

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

Sharon Brown, Grover Beach, expressed concerns regarding the workload of existing management staff, specifically the Police Chief, and whether there might be negative impacts to the Police Department.

Upon request, City Manager Perrault further elaborated regarding the recommended classification change, noting it was the best use of the existing management team and that the classification could easily be changed back to Police Chief, as necessary.

Police Chief Copsey confirmed that the classification change would not jeopardize police operations, and stated that he looked forward to assuming more administrative responsibilities.

Discussion ensued regarding the proposed change. Members of the Council praised the leadership qualities and effective management skills of City Manager Perrault and Police Chief Copsey, commenting that they were both great assets to the City.

Action: It was m/s by Council Member Nicolls/Mayor Pro Tem Bright to: 1) adopt Resolution No. 13-44 authorizing the position of Police Chief/Assistant City Manager; and 2) adopt Resolution No. 13-45 establishing the salary range for the new classification. 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. 13-44: A Resolution of the City Council of the City of Grover Beach, Amending the Position Authorization Resolution No. 09-67 to Add the Position of Police Chief/Assistant City Manager.

Resolution No. 13-45: 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 Police Chief/Assistant City Manager.

COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Bright stated that she had nothing to report at this time.

Council Member Lee briefly described a recent meeting with the Chamber of Commerce for a debriefing regarding the Stone Soup Music Festival.

Council Member Marshall stated that he had nothing to report at this time. It was noted that anyone interested in assisting the People's Kitchen program could contact Betsy Ehrler of the People's Kitchen or Janna Nichols of the 5 Cities Homeless Coalition.

Council Member Nicolls reported on the meeting of the Five Cities Fire Authority, as well as the Authority's recent Open House event. He then announced a ribbon cutting ceremony for South County Transit was scheduled to be held at the Ramona Garden Transit Center on Wednesday, October 23rd. City Manager Perrault noted that the ceremony would be held at 1:00 p.m., followed by the Board meeting at 1:30 p.m.

Mayor Peterson reported on efforts by the Economic Vitality Corporation to gain new flights at the San Luis Obispo County airport. She then provided an update regarding the issue of chip seal street surfacing material recently discussed by the San Luis Obispo Council of Governments. She also stated that she had recently met with consultants for the South San Luis Obispo County Sanitation District regarding proposed assessments for sanitation plant improvements.

COUNCIL COMMUNICATIONS

- A. Council Member Lee requested an estimated time frame when the Council would receive an update regarding public works projects.

City Manager Perrault confirmed that the first quarter review of the FY 14 Budget would also include a review of capital improvement projects.

CITY MANAGER'S REPORTS AND COMMENTS

As a reminder, City Manager Perrault announced that a special City Council workshop regarding water resources was scheduled to be held on Monday, October 28, 2013 at 6:30 p.m.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 8:15 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Legal Counsel - Pending Litigation**
Pursuant to Government Code Section 54956.9(c)
Initiation of Litigation: One (1) potential case
2. **Conference with Real Property Negotiators**
Pursuant to Government Code Section 54956.8
Property: APN 060-381-010, 011
Agency negotiator: City Manager and City Attorney
Negotiating party: Pacifica Companies
Under negotiation: Terms of Potential Lease

Closed Session Announcements: At 9:06 p.m., Mayor Peterson reconvened the meeting in open session with all Council Members present. City Attorney Koczanowicz announced there were no reportable actions taken during Closed Session.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Peterson adjourned the meeting at 9:07 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 11/04/2013)