

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, DECEMBER 16, 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 Jamison Steil, an 8-year-old, 3<sup>rd</sup> grade student at Fairgrove Elementary School.

**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, Community Development Director Buckingham, Public Works Director/City Engineer Ray, Police Chief/Assistant City Manager Copsey, and Parks & Recreation Program Director Petker were also present.

At this time Mayor Peterson acknowledged the following officials who were seated in the audience: Adam Hill, District 3, San Luis Obispo County Board of Supervisor; Steve Lieberman, former Grover Beach Mayor; Dee Santos, former Grover Beach Mayor, current Lucia Mar Unified School District Board Member, and current Parks, Recreation & Beautification Commission Chair; Heidi Boatman, Parks, Recreation & Beautification Commissioner; and John Laferriere, Planning Commission Chair.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, December 2, 2013 after meeting in Closed Session regarding:

1. 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
2. Conference with Legal Counsel - Anticipated Litigation  
Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation  
Pursuant to Government Code Section 54956.9.(d)(4): One (1) potential case
3. 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.

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

**AGENDA REVIEW**

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

**CEREMONIAL CALENDAR**

**1. Mayor's Commendation Presented to Ray W. Loyd.**

City Manager Perrault provided background information regarding World War II veteran and longtime Grover Beach resident Ray Lloyd. Mayor Peterson presented Mr. Loyd with the Mayor's Commendation and Parks, Recreation & Beautification Commission Chair Santos presented Mrs. Lloyd with a bouquet of flowers. Mr. and Mrs. Lloyd were joined in the presentation by members of their family, while a statement was read on behalf of one family member who could not attend the meeting.

**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. Adam Hill, District 3, San Luis Obispo County Board of Supervisor, provided an update regarding recent County activities.
- B. Darryl Schenk, Field Representative, SEIU, Local 620, described the outcome of labor negotiations in FY 14 for general employees and objected to recent compensation changes for the reclassified position of Police Chief/Assistant City Manager.
- C. Brad Snook, Chair, Surfrider Foundation, briefly described the organization's recent activities, as well as several volunteer opportunities.
- D. John A. Wysong, Grover Beach, expressed concerns regarding the economy.

**PUBLIC HEARING**

None at this time.

**CONSENT AGENDA**

It was m/s by Council Member Lee/Mayor Pro Tem Bright to approve Consent Agenda Item Nos. 2 and 3 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.

- 2. **Treasurer's Report for the Period November 25, 2013 - December 9, 2013.**  
**Action:** Approved the Treasurer's Report as submitted.
- 3. **Second Reading and Adoption of Ordinance to Amend Grover Beach Municipal Code Article IX (Development Code); Article V (Sanitation and Health), Chapter 6; and Article VIII (Building Regulations), Chapter 4 (Grading); Development Permit Application 13-16 (Applicant: City of Grover Beach)** - Adoption of Ordinance enacting new standards for stormwater protection on projects during and after construction, enacting new grading regulations, and enacting new controls and enforcement mechanisms for non-stormwater discharges to the City's storm drain system. Once adopted, Ordinance will affect all properties in the City, including those within the Coastal Zone.  
**Action:** Adopted Ordinance No. 13-04.

**Ordinance No. 13-04: An Ordinance of the City Council of the City of Grover Beach Amending Grover Beach Municipal Code Article V Sanitation and Health, Article VIII Building Regulations, and Article IX Development Code.**

**REGULAR BUSINESS**

- 4. **Report and Recommendations from the Citizens Charter Committee.**

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 efforts of a volunteer citizens committee to independently review the concept of becoming a Charter City. He summarized the committee's recommendations to the Council, and outlined the public review process if the Council chose to proceed with placing the matter on a future ballot. He then introduced Steve Lieberman, who chaired the volunteer citizens committee.

Mr. Lieberman introduced members of the citizens committee who were seated in the audience. He described the topics discussed over the course of several committee meetings, responded to questions from the Council, and confirmed that committee meetings had been open to the public and included opportunities for input from non-committee members.

The following volunteer citizens committee members also spoke:

- Louis Robles, Grover Beach resident and construction trades representative;
- John Laferriere, Grover Beach resident; and
- Mariam Shah, Grover Beach resident.

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

The following persons spoke in support of requiring prevailing wage compensation:

- Steve Weiner, Executive Secretary-Treasurer, Tri-Counties Building & Construction Trades Council;
- Michael Lopez, plumbing trades member, Solvang;
- Dave Baldwin, plaster and cement masons union representative, Los Osos;
- Louis Robles, ironworkers trades union member, Grover Beach;
- Mark Simonin, electrical workers trades union member, Atascadero;
- Cesar Chavez, in-home support workers trades union member, Pismo Beach;
- Joe Gibson, electrical trades union member, Morro Bay; and
- Greg McLeland, Executive Director, Western Steel Council, Sacramento.

The following persons spoke in support of local control and the Charter City concept:

- Judith Bean, President/Chief Executive Officer, Arroyo Grande & Grover Beach Chamber of Commerce; and
- Steve Lieberman, Grover Beach.

The Council thanked and praised the citizens committee for the open format of the committee's meetings and the thorough report and recommendations provided. Council discussion ensued regarding various citizens committee recommendations, as well as the issues of prevailing wage, the requirement to amend Council compensation levels by voter-approval only, and recent mailers that contained misinformation regarding the Charter City concept being considered for Grover Beach. Additional discussion was held regarding options for encouraging even more public input to further refine the proposed Charter.

**Action:** Upon consensus, the City Council provided direction for staff to:

- 1) solicit letters of interest from citizens interested in assisting the Council with drafting the Charter measure to be submitted to the City Management Office by no later than January 15, 2014;
- 2) contact members of the local citizens committee to determine interest in participating in a Charter Drafting Committee; and
- 3) schedule a Council discussion on Tuesday, January 21, 2014, regarding:
  - a) appointing citizen members and staff representatives/liasons to a Charter Drafting Committee; and
  - b) for the Council to determine at that time whether the committee would be an ad hoc committee or subject to the Brown Act.

**5. Consideration of Prioritized Recommendations From the Parks, Recreation & Beautification Commission.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, Parks & Recreation Program Director Petker provided an overview regarding parks and community center facilities owned and maintained by the City and the annual process to review, identify, and prioritize project priorities for maintenance and repair funding requests. Staff then responded to questions from the Council.

Brief discussion was held regarding:

- engaging volunteers, non-profits, civic organizations, and homeowners associations to assist with maintenance efforts of neighborhood parks;
- an in-house water audit being conducted to analyze and reduce the City's irrigation costs;
- scheduling a future Council discussion regarding the development of a formal program for naming City facilities and sponsorship opportunities; and
- the recent completion of an Eagle Scout Project at the South County Skate Park.

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

Sharon Brown, Grover Beach, commented regarding the higher number of visitors utilizing the Golden West Park facility with young children, but did not reside in the park's surrounding senior housing development. She then spoke in support of repairing the park's split-rail fencing to clearly delineate private property areas for non-resident park users.

**Action:** Upon consensus, the City Council:

- 1) accepted the Parks, Recreation & Beautification Commission's recommendations;
- 2) authorized scheduling an off-site location for a joint City Council / Parks, Recreation & Beautification Commission workshop to review the prioritized list of recommended improvements; and
- 3) once the water audit was completed, to provide the Council with a brief report regarding findings from the audit.

#### **6. Appointment of Council Members to Various Boards, Commissions, and Committees.**

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 Council's annual practice for determining Council committee assignments.

Council discussion ensued regarding the dates and meeting times of various boards and commissions held throughout the County; the availability of individual members of the City Council to attend certain meetings; subject matter expertise for those assignments that were more technical in nature; and previous Council discussions regarding the appointed representatives to the Air Pollution Control District.

Mayor Peterson objected to not being appointed to continue serving as the Council's primary representative to the Air Pollution Control District.

**Action:** It was m/s by Council Members Lee/Marshall to: 1) adopt Resolution No. 13-50 confirming certain Council appointments; and 2) authorize the City Clerk to update FPPC Form 806 for posting on the City website. The motion carried on the following roll call vote:

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

**Resolution No. 13-50: A Resolution of the City Council of the City of Grover Beach, California, Confirming City Council Committee Assignments for Calendar Year 2014.**

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

None at this time.

#### **COUNCIL COMMITTEE REPORTS**

Mayor Pro Tem Bright provided a report regarding the meeting of the Housing Trust Fund.

Council Member Lee provided reports regarding meetings of Visit San Luis Obispo County and the Zone Three Advisory Committee, for which he attended as one of the speakers.

Council Member Marshall stated he had nothing to report.

Council Member Nicolls reported on the meeting of the Five Cities Fire Authority and a recent holiday celebration hosted by South County Transit.

Mayor Peterson provided a report regarding the meeting of the San Luis Obispo Council of Governments and briefly described South County projects that received transportation grant funding.

#### **COUNCIL COMMUNICATIONS**

- A. Mayor Pro Tem Bright thanked City staff and the many volunteers for hosting the recent City employee holiday celebration.

- B. Mayor Peterson described the following meetings she had recently attended: 1) a tour hosted by the City of Oxnard of that agency's water purification plant; 2) the Central Coast Economic Impact Review held at the Madonna Expo Center, which she attended as a guest of Pacific Gas & Electric; and 3) a meeting hosted by the U.S. Fish and Wildlife Service regarding the development of a conservation plan for the Guadalupe-Nipomo Dunes National Wildlife Refuge.

She then described a compliment regarding the Five Cities Fire Authority for services recently provided to an elderly couple requiring medical assistance; inquired and received information from Police Chief/Assistant City Manager Copsey regarding plans to schedule an emergency response training session with elected officials; and then stated that she'd received requests to host another tourism summit with South County agencies and tourism representatives that was similar to the one held approximately one year ago. She noted that if there was no Council objections, she would host another summit.

- C. Council Member Marshall thanked the Five Cities Fire Authority for hosting the Annual Santa Run held earlier that month in Grover Beach.

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

None at this time.

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

City Attorney Koczanowicz noted that he would be out of the area for the Christmas and New Year's holidays and Assistant City Attorney David Hale would be available during his absence.

#### **CLOSED SESSION**

At 10:07 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Legal Counsel – Existing Litigation**  
Pursuant to Government Code Section 54956.9(d)(1)  
Santa Maria Valley Water Conservation District v. City of Santa Maria, etc., et al,  
and Related Cross-Actions: Santa Clara Superior Court Case No. CV 770214.
2. **Conference with Legal Counsel – Existing Litigation**  
Pursuant to Government Code Section 54956.9(d)(1)  
Lopez v. City of Grover Beach, et al CV 120210]

Closed Session Announcements: At 10:43 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 10:44 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:  
/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 02/03/2014)