

**MINUTES
CITY COUNCIL MEETING
TUESDAY, JANUARY 21, 2014**

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 Dawn Judy, a 10-year-old, 5th grade student at Grover Heights 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, Administrative Services Director Chapman, Community Development Director Buckingham, Public Works Director/City Engineer Ray, Police Chief/Assistant City Manager Copsey, and Human Resources Coordinator/Deputy City Clerk Hubbard were also present.

Also present were Parks, Recreation and Beautification Commission Chair Dee Santos, and Parks, Recreation and Beautification Commissioners Heidi Boatman and Debbie Johnston.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, December 16, 2013 after meeting in Closed Session regarding:

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

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. Presentations to the 2013 Holiday of Lights Award Winners.

Recreation Coordinator O'Donnell briefly described the annual holiday decorating contest and was joined by Mayor Peterson, Parks, Recreation and Beautification Chair Santos, and Parks, Recreation and Beautification Commissioners Boatman and Johnston in presenting Certificates of Appreciation to the following:

- City Council Award: The Garcia Family;
- Commissioner's Award: The Lopez Family; and
- Mayor's Award: The Sherdahl & Troutner Families.

The following business owner was unavailable to attend the meeting, but was publicly recognized:

- Business Award: The Proud Pooch

At this time City Manager Perrault introduced Human Resources Coordinator / Deputy City Clerk Channelle Hubbard to the City Council and members of the audience. Mayor Peterson introduced Bakersfield City Council Member Russell Johnson who was seated in the audience.

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. Eric Veium, Leadership Team Member, SLO Clean Energy, invited the City to participate in the Community Choice Aggregation Advisory Committee.
- B. Jeffrey McMorro, Grover Beach resident, suggested prohibiting on-street parking during street sweeping days.
- C. Sharon Brown, Grover Beach resident, commented regarding South County Sanitary Service's revised schedule for the collection of trash, green waste, and recyclable items.
- D. Penny Smith, (did not state city of residence), expressed concerns regarding water resources and the proposed Grover Beach Lodge and Conference Center.

PUBLIC HEARINGS

2. Grover Beach Lodge and Conference Center, Development Permit Application No. 10-03 (Applicant: Pacifica Companies).

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 Manager Perrault briefly described Council direction at the special meeting on December 30, 2013 to schedule the Grover Beach Lodge project for reconsideration on January 21, 2014, and the subsequent appeals filed with the California Coastal Commission regarding the project. He noted that staff was continuing to work with Coastal Commission staff to address certain concerns, but that additional time was needed. It was therefore recommended that the Council continue the Public Hearing to the regular City Council meeting on Tuesday, February 18, 2014.

City Attorney Koczanowicz outlined the process for continuing the Public Hearing to a date certain.

No public testimony was received at this time.

Action: Upon unanimous consensus, the City Council continued the Public Hearing to the regular City Council meeting of Tuesday, February 18, 2014 at 6:30 p.m.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item Nos. 5 and 8 were pulled pursuant to the request of Mayor Pro Tem Bright. It was m/s by Mayor Pro Tem Bright/Council Member Nicolls to approve Consent Agenda Item Nos. 3, 4, 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 December 9, 2013 - January 14, 2014.

Action: Approved the Treasurer's Report as submitted.

4. Minutes of the Following City Council Meetings: - December 2, 2013 Regular City Council Meeting; and - December 9, 2013 Special City Council Meeting.

Action: Approved the minutes as submitted.

6. **Revision to Staff Signatory** - Revising the list of City officials authorized to approve trial check registers for issuing accounts payable and payroll checks.
Action: Adopted Resolution No. 14-01.

Resolution No. 14-01: A Resolution of the City Council of the City of Grover Beach Revising the List of Authorized Staff Signatories.

7. **Request to Accept Offer of Dedication** - Accepting an offer to dedicate 102 square feet of property frontage to accommodate proper curb, gutter, and sidewalk alignment for the construction of a four-unit apartment building at 1263 Mentone Avenue.
Action: Adopted Resolution No. 14-02.

Resolution No. 14-02: Resolution of the City Council of the City of Grover Beach, California, Accepting an Irrevocable and Perpetual Offer of Dedication at 1263 Mentone Avenue.

REGULAR BUSINESS

9. **Appointment of Members to a Charter Measure Drafting 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 letters received in response to the City's efforts to solicit citizen interest in serving on a charter drafting committee. He then responded to questions from the Council regarding the timeframe for placing a measure on the November 2014 ballot.

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

The following persons spoke in support of being appointed to the charter drafting committee and responded to questions from the Council:

- Leland Simpson, Grover Beach resident and business owner;
- John Laferriere, Grover Beach resident and Planning Commission Chair; and
- Mariam Shah, Grover Beach resident.

The following persons spoke in support of becoming a charter city:

- Russell Johnson, Bakersfield Council Member, who also responded to questions from the Council; and
- Jack Hardy, Grover Beach resident.

The following persons spoke in opposition to becoming a charter city or expressed concern that a similar measure had failed on the November 2012 ballot:

- Jeffrey McMorrow, Grover Beach resident;
- Kay Albertson, Grover Beach resident; and
- Mary Morgan, Grover Beach resident.

Public comments were also received from:

- Sharon Brown, who requested and received additional information regarding the charter drafting process.

There were no further public comments received at this time.

City Attorney Koczanowicz briefly described the process to receive public input at scheduled public hearings regarding a proposed charter measure.

Discussion ensued regarding whether the proposed Charter should be reviewed further by another committee of citizens or for staff to prepare the final draft for Council consideration; and scheduling a public workshop and/or more than the required number of public hearings to solicit additional public input.

Action: Upon unanimous consensus, the City Council authorized staff to: 1) finalize the draft of the proposed Charter; 2) schedule a workshop in early March for additional public input; and 3) issue a press release announcing the workshop.

Recess: Upon consensus of the City Council, the meeting recessed at 8:02 p.m.
Reconvene: At 8:09 p.m., the meeting reconvened with all Council Members present.

10. **Street Reconstruction Long-term Strategies.**

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 summarized the information presented at the December 2013 workshop regarding street conditions, street repair strategies, and funding options. Public Works Director/City Engineer Ray presented estimated street repair costs, recommendations for updating the Pavement Management System, and street repair options that could be explored further with sufficient funding and/or additional research. City Manager Perrault outlined the positive and negative aspects of long-term funding options and suggested the Council consider conducting a pre-election poll to determine voter attitudes towards a bond measure. Staff then responded to questions from the Council.

Discussion ensued regarding the Pavement Management System, the additional cost and estimated timeframe to complete the update, and conducting the polling process after the update of the Pavement Management System was completed.

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

Steve DeVencenzi, San Luis Obispo Council of Governments, spoke in support of updating the Pavement Management System and conducting an in-depth poll of the community. Upon request, he also described upcoming public transit workshops.

Marshal Bolyanatz, Grover Beach resident, expressed concern whether a bond measure would achieve voter approval.

John Laferriere, Grover Beach resident, spoke in support of delaying selection of a street repair financing option until completion of the Pavement Management System update.

Jack Hardy, Grover Beach resident, spoke in support of a bond measure for street repairs.

Sharon Brown, Grover Beach resident, objected to placing a bond measure and a charter measure on the same ballot.

Robyn Clark, Grover Beach resident, spoke in support of focusing future efforts on residential street repairs.

Keith Rogers, Grover Beach resident, requested and received further information regarding estimated fiscal impacts to property owners from a general obligation bond issue.

Kay Albertson, Grover Beach resident, spoke in support of updating the Pavement Management System and a bond measure to fund street repairs.

There were no further public comments received at this time.

Discussion ensued regarding the City's past practice of leveraging local funds with grant or redevelopment funds to complete street improvements on major arterial streets and the restricted use of those funds. Additional discussion was held regarding updating the Pavement Management System prior to conducting the polling process, costs for various financing mechanisms, additional factors associated with assessment districts, analyzing the polling data before making a final determination regarding the appropriate financing option, deadlines for a November 2014 ballot measure, and amending the budget for consultant services.

Action: It was m/s by Council Members Lee/Nicolls to authorize staff to: 1) issue a Request for Proposals to update the Pavement Management System; 2) issue a Request for Proposals to retain the services of a polling consultant; 3) initiate the process to move forward with a ballot measure for a General Obligation Bond Issue; and 4) research the costs and fiscal impacts of a General Obligation Bond Issue. 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.

Recess: Upon consensus of the City Council, the meeting recessed at 9:43 p.m.
Reconvene: At 9:55 p.m., the meeting reconvened with all Council Members present.

11. Appointment of an Alternate Representative 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 briefly described the Council's past practice regarding determining committee assignments and noted that a vacancy now existed for the position of alternate to the Air Pollution Control District with Mayor Peterson's resignation from that committee assignment.

Mayor Peterson commented briefly regarding her decision to resign from the assignment.

Action: It was m/s by Council Members Nicolls/Marshall to: 1) adopt Resolution No. 14-03 appointing Council Member Jeff Lee as the alternate representative to the Air Pollution Control District; 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, and Mayor Peterson.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.

Resolution No 14-03: A Resolution of the City Council of the City of Grover Beach, California, Appointing a New Alternate Representative for the Air Pollution Control District.

12. Appointment of Mayor Pro Tem for 2014.

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Attorney Koczanowicz briefly described the process for the Mayor to select a Mayor Pro Tem to serve for a one-year period.

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.

Action: Mayor Peterson thanked Council Member Bright for her service as Mayor Pro Tem for the past year and announced the appointment of Council Member Jeff Lee to serve as Mayor Pro Tem for the remainder of 2014.

PULLED CONSENT AGENDA ITEMS

5. FY 13 Comprehensive Annual Financial Report.

Staff responded to questions from the Council regarding specific line item expenditures.

Action: Upon unanimous consensus, the FY 13 Comprehensive Annual Financial Report was received and filed.

Prior to consideration of Agenda Item No. 8, Mayor Peterson declared a conflict of interest due to both 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. Authorization to Enter into a Consultant Services Contract with Rick Engineering Company for Engineering Design Services for the West Grand Avenue Enhancement Project, Phase 3.

Public Works Director/City Engineer Ray responded to questions from the Council regarding the Request for Proposal process, certain restrictions due to project funding sources, and terms of the contract. It was noted that, just prior to the Council meeting, copies of the proposed contract with Rick Engineering had been distributed as a supplemental agenda item.

Action: It was m/s by Mayor Pro Tem Bright/Council Member Marshall to: 1) adopt Resolution No. 14-04; and 2) authorized the City Manager to execute the agreement on behalf of the City. The motion carried on the following roll call vote:

AYES: Council Members Lee, Marshall, Nicolls, and Mayor Pro Tem Bright.
NOES: Council Members - None.
ABSENT: Council Members - Mayor Peterson (*due to a conflict of interest*).
ABSTAIN: Council Members - None.

Resolution No. 14-04: Resolution of the City Council of the City of Grover Beach, California, Authorizing the City to Enter into a Consultant Services Agreement with Rick Engineering Company to Provide Engineering Design Services on the West Grand Avenue Enhancement Project - Phase 3.

At this time, Mayor Peterson returned to the dais.

COUNCIL COMMITTEE REPORTS

Council Member Bright reported on the meeting of the Zone Three Advisory Committee.

Mayor Pro Tem Lee reported on the Tourism Summit sponsored by Visit San Luis Obispo County.

Council Member Marshall reported on meetings of the South San Luis Obispo County Sanitation District and the Homeless Services Oversight Committee.

Council Member Nicolls reported on meetings of South County Transit and the Five Cities Fire Joint Powers Authority.

Mayor Peterson stated that she had nothing to report at this time.

COUNCIL COMMUNICATIONS

- A. Mayor Peterson announced that she would be attending upcoming League of California Cities policy committee meetings in Sacramento on January 23-24, 2014.

She then inquired and received consensus from the Council to invite a representative from the Five Cities Homeless Coalition to provide the Council with an update at a future City Council meeting regarding that organization's plans and progress in establishing a homeless services center.

- B. Council Member Marshall commented regarding the Governor's recent declaration of a drought state of emergency and the reported water supply shortages in some northern California communities.

Upon request, City Manager Perrault provided a brief update regarding the City's water conservation efforts since the Council's declaration of a Stage II Water Shortage condition in August 2013.

CITY MANAGER'S REPORTS AND COMMENTS

13. Request to Schedule a Workshop to Review Current Workload.

City Manager Perrault briefly reviewed the request to consider scheduling a special workshop to discuss pending projects and staff workloads to assist the Council and staff in preparing the Work Program for the next fiscal year.

Brief discussion was held regarding potential meeting dates.

Action: Upon unanimous consensus, the Council authorized scheduling a special workshop for Monday, February 24, 2014 at 6:30 p.m.

City Manager Perrault also noted that the City of Arroyo Grande was moving forward with its police facility expansion and was temporarily relocating its dispatch services to the San Luis Obispo County Sheriff's Office. However, the County indicated that it could not provide dispatch services for the Five Cities Fire Authority. Further, City staff had been in recent discussions with Arroyo Grande staff regarding the City of Grover Beach providing fire dispatch services on an interim basis. He announced that a proposed agreement would be presented to the Council at the next regular City Council meeting on February 3, 2014.

CITY ATTORNEY'S REPORTS AND COMMENTS

City Attorney Koczanowicz announced that he would be attending a League of California Cities policy committee meeting in Sacramento on January 24, 2014.

CLOSED SESSION

At 10:38 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)
Lopez v. City of Grover Beach, et al CV 120210
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 potential case

Closed Session Announcements: At 11:03 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 11:04 p.m.

/s/ DEBBIE PETERSON, MAYOR

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