

**MINUTES
CITY COUNCIL MEETING
MONDAY, MARCH 17, 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 Ethan Samuel Scherrer, a 9-year-old, 4th grade student at Fairgrove Elementary School.

ROLL CALL

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

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Police Chief/Assistant City Manager Copsey, Administrative Services Director Chapman, Community Development Director Buckingham, Public Works Director/City Engineer Ray, and Parks & Recreation Program Director Petker were also present.

Also present were Fire Chief Mike Hubert, Five Cities Fire Authority; Stacie Jacob, Chief Executive Officer, Visit San Luis Obispo County; and Adam Sonenshein, Fairbank, Maslin, Maullin, Metz & Associates.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, March 3, 2014, the City Council, in its capacity as the successor agency to the Dissolved Grover Beach Improvement Agency, after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Anticipated Litigation
Pursuant to Government Code Section 54956.9.(d)(2): One potential (1) case
A point has been reached where, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

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

AGENDA REVIEW

At this time City Manager Perrault requested that the Council pull Agenda Item No. 13 from the agenda as Planning Commission applicant Greg Alex was unavailable to attend the City Council meeting. It was therefore requested that the item be continued to the next regularly scheduled City Council meeting.

Action: Upon unanimous consensus, the Council continued Agenda Item No. 13 to Monday, April 7, 2014, and adopted the agenda as amended.

CEREMONIAL CALENDAR

1. **Proclamation Declaring March 20, 2014 as “Absolutely Incredible Kid Day”.**

Mayor Peterson read and presented the proclamation to Shari McCarthy, Board Member, Camp Fire USA Central Coast. Ms. McCarthy was joined in the presentation by Camp Fire students who presented the City Council with Camp Fire candies and stationery.

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. Nora O'Donnell, Recreation Coordinator and Camp Fire Council President, stated that additional stationery for “Absolutely Incredible Kid Day” was available on the Camp Fire Council’s website. She then announced details of an upcoming Camp Fire fundraiser to be held at the Ramona Garden Park Center.

- B. Meg Crockett, President, Pacific Wildlife Care Center, described the organization's activities to support and rehabilitate injured wildlife, distributed informational brochures, and announced details of an upcoming fundraiser.
- C. Joseph Holmes, Santa Maria resident, expressed concerns regarding vagrants loitering at Ramona Garden Park for meals being distributed by South County People's Kitchen. He described negative behaviors exhibited by the vagrants, and cited a specific incident that involved a public transit system bus driver.

Upon request, Police Chief/Assistant City Manager Copsey announced details of a community meeting to be held on Tuesday, April 8, 2014 at the Ramona Garden Park Center to discuss vagrancy issues at Ramona Garden Park and the business corridor.

PUBLIC HEARINGS

- 2. **Grover Beach Lodge and Conference Center, Development Permit Application No. 10-03 (Applicant: Pacifica Companies).** *(Continued Public Hearing from the City Council meetings of January 21, 2014, February 18, 2014, and March 3, 2014.)*

Mayor Peterson read the title to the foregoing item, declared the continued Public Hearing open, and deferred to staff for a report. City Manager Perrault requested that the Council continue this item to the next regularly scheduled City Council meeting. He noted that discussions between State Parks and Coastal Commission staff regarding the issue of shoreline armoring had not yet been resolved.

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 regularly scheduled City Council meeting on Monday, April 7, 2014 at 6:30 p.m.

Prior to discussion of Agenda Item No. 3, Council Member 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.

- 3. **Capital Improvement Project #270 - West Grand Avenue Enhancement Project, Phase 3.** Applicant: City of Grover Beach

Mayor Pro Tem Lee read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Manager Perrault stated that staff was still working with Coastal Commission staff to determine whether a Coastal Development Permit was required for this project. It was therefore recommended that the item be pulled from the agenda. He noted that if it was determined that a Coastal Development Permit was necessary, it would be re-noticed for a future meeting date.

Action: Upon consensus (Mayor Peterson recused due to a conflict of interest), no public testimony was received at this time and the Public Hearing was continued to a date uncertain.

At this time Mayor Peterson returned to the dais.

- 4. **Introduction and First Reading of an Ordinance Amending Article X Chapter 3 of the Grover Beach Municipal Code to Include Regulations for State-issued Cable Television Franchises.** *(Continued Public Hearing from March 3, 2014.)*

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 an overview of proposed regulations regarding state-issued cable television franchises to include a franchise fee, Public, Educational and Government Access (PEG) capacity, and fees, as well as penalties for compliance with customer service standards. 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. No public comments were received at this time, and the Mayor closed the Public Hearing.

Action: It was m/s by Mayor Pro Tem Lee/Council Member Bright to conduct first reading, by title only, of Ordinance No. 14-02 and schedule second reading and adoption for the next regularly scheduled City Council meeting on Monday, April 7, 2014. The motion carried on the following roll call vote:

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

Ordinance No. 14-02: An Ordinance of the City Council of the City of Grover Beach Amending Article X, Chapter 3 of the City of Grover Beach Municipal Code Regulating State-issued Cable Television Franchises.
(First Reading only.)

5. Introduction and First Reading of an Ordinance Amending the Grover Beach Municipal Code to Add Chapter 7, Section 6700 to Article VI, Relating to Weed Abatement.

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 provided an overview regarding proposed amendments to the Grover Beach Municipal Code to standardize the weed abatement process and abatement procedures for jurisdictions served by the Five Cities Fire Authority. Fire Chief Hubert and City Attorney Koczanowicz then responded to questions from the Council. It was noted that the City of Arroyo Grande had already amended its weed abatement regulations and that the Oceano Community Services District would soon be considering the same matter.

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.

Action: It was m/s by Mayor Pro Tem Lee/Council Member Marshall to conduct first reading, by title only, of Ordinance No. 14-03, and schedule second reading and adoption for the next regularly scheduled City Council meeting on Monday, April 7, 2014. The motion carried on the following roll call vote:

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

Ordinance No. 14-03: An Ordinance of the City Council of the City of Grover Beach, Amending Article VI of the Grover Beach Municipal Code to Add Chapter 7 Section 6700 Relating to Weed Abatement. (First Reading only.)

CONSENT AGENDA

Prior to consideration of the Consent Agenda, the Council pulled Item No. 8 in response to a request from a private citizen and Item No. 10 was pulled pursuant to the request of Council Member Nicolls. It was m/s by Council Member Bright/Mayor Pro Tem Lee to approve Consent Agenda Item Nos. 6, 7, 9, and 11, as recommended. The motion carried on the following roll call vote:

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

6. **Treasurer's Report for the Period February 25, 2014 - March 11, 2014.**
Action: Approved the Treasurer's Report as submitted.
7. **Minutes of the City Council Meeting of February 3, 2014.**
Action: Approved the minutes as submitted.
9. **Amendments to Employer-Employee Relations Resolution** - Amending the City's adopted procedures for employer-employee organization relations due to changes in state law regarding impasse procedures for negotiations between public agencies and public employee organizations.
Action: Adopted Resolution No. 14-14.

Resolution No. 14-14: A Resolution of the City Council of the City of Grover Beach Implementing Chapter 10, Division 2, Title 1 of the Government Code of the State of California Relative to Employee-Employer Relations.
11. **Master Fee Schedule Update** - Updating City fees based on the Consumer Price Index of 1.1% for the Los Angeles-Riverside County index.
Action: Adopted Resolution No. 14-15.

Resolution No. 14-15: A Resolution of the City Council of the City of Grover Beach Amending the Master Fee Schedule.

REGULAR BUSINESS

12. **Visit San Luis Obispo County's Request for Funding and Presentation Regarding a Tourism Marketing 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 outlined the request from Visit San Luis Obispo County to receive sponsorship funding in the next fiscal year and the proposal to form a Tourism Marketing District. He then introduced Stacie Jacob, Chief Executive Officer, Visit San Luis Obispo (SLO) County. Referencing a PowerPoint presentation, Ms. Jacob provided an overview regarding Visit SLO County's tourism-marketing efforts, the request for continued financial support, and the feasibility of establishing a Tourism Marketing District. Ms. Jacob and 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. No public comments were received at this time.

Action: Upon unanimous consensus, Council directed staff to include the request for funding as a part of the review process for the FY 15 Budget, but to take no action relative to the formation of a Tourism Marketing District.

13. **Appointment to the Planning Commission.**

Action: As previously discussed under "Agenda Review", this item was continued to the next regularly scheduled City Council meeting on April 7, 2014.

14. **Authorization to Enter into an Agreement with Fairbank, Maslin, Maullin, Metz & Associates to Conduct an Opinion Poll.**

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 proposal to retain the services of a consulting firm to conduct an opinion poll associated with issuing a general obligation bond for the rehabilitation of City streets. He then introduced Adam Sonensheim from the consulting firm Fairbank, Maslin, Maullin, Metz & Associates.

Mr. Sonensheim briefly described the process and estimated time frame for conducting an opinion poll. He and City Manager Perrault 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.

Action: It was m/s by Council Member Bright/Mayor Pro Tem Lee to adopt Resolution No. 14-16 authorizing the City to enter into an agreement with Fairbank, Maslin, Maullin, Metz & Associates in an amount not to exceed \$20,000. The motion carried on the following roll call vote:

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

Resolution No. 14-16: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the City to Enter Into an Agreement with Fairbank, Maslin, Maullin, Metz & Associates for Polling Services.

15. Authorization to Enter into a Consultant Contract for a Pavement Management System Update.

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 a brief overview regarding retaining the services of a consultant for the collection of new pavement condition data, preparation of an updated Pavement Management System, and the development of project scenarios for use in seeking bond funds to repair City streets. 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. No public comments were received at this time.

Action: It was m/s by Council Member Marshall/Mayor Pro Tem Lee to adopt Resolution No. 14-17 authorizing staff to enter into a consulting contract with Pavement Engineering Incorporated for the development of an updated Pavement Management System. The motion carried on the following roll call vote:

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

Resolution No. 14-17: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the City to Enter Into a Contract for Preparation of an Updated Pavement Management System.

PULLED CONSENT AGENDA ITEMS

8. Second Reading of Ordinance No. 14-01 to Amend Section 3999 of Chapter 16 of Article III of the Grover Beach Municipal Code, and Resolution Amending the Map of Protected Locations.

Police Chief/Assistant City Manager Copsey offered to either provide an overview of the staff report or respond to questions from the Council. Upon consensus, no presentation of the staff report was provided.

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

The following persons objected to the proposed ordinance and disputed statistical data regarding sex offenders:

- Frank Lindsay, Grover Beach resident; and
- Janice Belluci, attorney representing California Reform Sex Offender Laws (CA RSOL).

There were no further comments received.

Brief discussion was held regarding residency restrictions, with staff responding to questions from the Council. It was noted that the proposed ordinance amendment was consistent with existing state regulations.

Council Member Nicolls objected to the residency restriction being expanded from one thousand feet to two thousand feet of any school, park, or day care center, due to the limited areas located within city limits that would remain available for residential use.

Action: It was m/s by Mayor Pro Tem Lee/Council Member Marshall to adopt Ordinance No. 14-01. The motion carried on the following roll call vote:

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

Ordinance No. 14-01: An Ordinance of the City Council of the City of Grover Beach, California, Amending Chapter 16 to Article III of the Grover Beach Municipal Code, Regarding Residency Requirements for Penal Code 290 Registrants.

Action: It was m/s by Mayor Pro Tem Lee/Council Member Marshall to adopt Resolution No. 14-18 amending the map showing the revised distance from restricted properties subject to Ordinance No. 14-01. The motion carried on the following roll call vote:

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

Resolution No. 14-18: A Resolution of the City Council of the City of Grover Beach, California, Identifying Protected Facilities for Residency Requirements for Penal Code 290 Registrants Pursuant to City of Grover Beach Ordinance No. 14-01.

10. Business Tax Certificate Reports: Third and Fourth Quarters of Calendar Year 2013.

Council Member Nicolls suggested eliminating the receipt of quarterly Business Tax Certificate Reports from future agenda packets.

Brief discussion was held regarding the value of the information contained in the reports, and the estimated staff time required to produce the reports with further details.

It was noted that there were no members of the public seated in the audience at this time.

Further discussion was held regarding the reports being an economic indicator of local business activity. However, staff noted that the reports also included information regarding certificates issued to one-time contractors and special event vendors, not just ongoing businesses and service providers.

Action: Upon consensus, it was requested that staff: 1) provide the Council with Business Tax Certificate Reports twice per year in January and July, rather than quarterly; and 2) continue to include the names of the businesses in the reports.

COUNCIL COMMITTEE REPORTS

Council Member Bright stated that she had no committee reports at this time.

Mayor Pro Tem Lee reported on the meeting of the Integrated Waste Management Authority.

Council Member Marshall reported on the meeting of the South San Luis Obispo County Sanitation District. Upon request, Police Chief/Assistant City Manager Copsey reported on the meeting of the Homeless Services Oversight Committee.

Council Member Nicolls stated that he had no committee reports at this time; however, noted that he would inquire at the next South County Transit meeting regarding the citizen concern raised earlier in the meeting with respect to vagrancy issues at the Ramona Garden Transit Center. Council Member Nicolls and staff then responded to questions regarding the special benefit assessment ballot measure for the Five Cities Fire Authority.

Mayor Peterson deferred her committee reports to the next meeting.

COUNCIL COMMUNICATIONS

- A. Mayor Pro Tem Lee announced that he had submitted an application to be considered for appointment to the Board of Directors for the Five Cities Homeless Coalition.
- B. Council Member Nicolls requested Council consensus to schedule a discussion regarding Capital Improvement Projects and whether to consider revising the current short-term street rehabilitation project list to include a segment of South 7th Street between West Grand Avenue and Rockaway Avenue.

Action: Upon unanimous consensus, the Council authorized scheduling a discussion regarding the list of short-term street rehabilitation projects.

City Manager Perrault clarified, and the Council confirmed, that staff would prepare information for Council consideration regarding the specific street segment on South 7th Street, but not a discussion regarding the entire Capital Improvement Program.

- C. Mayor Peterson commented on meetings she recently attended regarding the San Luis Obispo Commission on the Status of Women, and a meeting regarding initiating a local "Clean Sweep" effort in conjunction with South County Sanitary's Clean Up Week.

City Manager Perrault clarified that members of the planning subcommittee had agreed there was insufficient time to initiate a "Clean Sweep" event to be held in April. Therefore, the subcommittee agreed to focus its efforts towards coordinating activities to be held in conjunction with the annual Clean Up Week event scheduled for the fall.

Mayor Peterson then announced that the Chamber of Commerce was promoting Grover Beach businesses during the month of April with a special "Butterfly Daze" campaign. She then commented on the informative discussions held during the Council's recent joint meeting with the Parks, Recreation & Beautification Commission.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault stated that Mayor Peterson would be attending an upcoming Elks Lodge dinner meeting to present a City proclamation in recognition of the lodge's anniversary. Council Member Bright and Mayor Pro Tem Lee expressed interest that either one of them could also attend the event.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 9:25 p.m., the Council met in Closed Session regarding the following item:

- 1. **Conference with Legal Counsel - Existing Litigation**
Pursuant to Government Code Section 54956.9(d)(1)
Vernon v. City of Grover Beach SLO County Superior Court Case # 14CV0040

Closed Session Announcements: At 9:33 p.m., Mayor Peterson reconvened the meeting in open session with all Council Members present, and 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 9:34 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 05/19/2014)