

**MINUTES
CITY COUNCIL MEETING
MONDAY, APRIL 7, 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 Juliana Vanessa Hernandez, an 8-year-old, 4th grade student at Grover Heights 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.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, March 17, 2014 after meeting in Closed Session regarding:

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

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. **Proclamation Declaring April 2014 as "Autism Awareness Month".**

Mayor Peterson read and presented the proclamation to Mercedes Meier, representative for the Central Coast Autism Spectrum Center.

2. **Proclamation Declaring April 2014 as "Month of the Child".**

Council Member Bright read and presented the proclamation to Raechelle Bowlay-Sutton, Coordinator for the San Luis Obispo County Child Care Planning Council.

3. **Proclamation Declaring April 2014 as "Sexual Assault Awareness Month" and April 12th as "Walk a Mile in Her Shoes Day".**

Mayor Pro Tem Lee read and presented the proclamation to Jennifer Adams, Executive Director of RISE (Respect, Inspire, Support & Empower), who distributed an informational brochure and flyer regarding events being held during the month of April.

4. **Proclamation Declaring the Week of April 13 through April 19, 2014 as "National Public Safety Telecommunications Week".**

Council Member Nicolls read and presented the proclamation to Grover Beach Police Communications Supervisor Devon Polit. Police Chief/Assistant City Manager Copsey commended and thanked members of the Grover Beach Police Department who provided police, fire, and emergency dispatch services.

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. Kevin P. Rice, San Luis Obispo resident, commented on a recent consent degree between the Air Pollution Control District and California State Parks regarding dust control regulations.

There were no further public comments received at this time.

PUBLIC HEARINGS

5. **Grover Beach Lodge and Conference Center, Development Permit Application No. 10-03 (Applicant: Pacifica Companies).** *(Continued Public Hearing from January 21, February 18, March 3, and March 17, 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, Community Development Director Buckingham provided an overview of the proposed project, described the public review process for the project over the last three and one-half years, outlined concerns raised in the two appeals filed with the Coastal Commission regarding the project, and described subsequent discussions between the Joint Authority (State Parks and the City of Grover Beach) and Coastal Commission staff to address those concerns.

He stated that staff had prepared a draft resolution for Council consideration for approval of a Coastal Development Permit and Site and Architectural Plans that would rescind the Council's previous resolution of approval. Upon adoption, the two appeals would become null and void. He then described the process for the commencement of a new appeal period. Community Development Director Buckingham also noted that, subsequent to the production and distribution of the agenda packet, additional correspondence had been received from Friends of the Oceano Dunes and copies were distributed to the City Council at the beginning of the meeting. 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.

Josh Martin, Grover Beach resident and Chair of the Arroyo Grande - Grover Beach Chamber of Commerce, spoke in support of the project.

Deah Rudd, Arroyo Grande resident, expressed concerns regarding the design of the project's parking area, stating that it was inadequate for purposes of equestrian and recreational vehicle staging prior to accessing the beach. She also noted that she had similar concerns regarding Phase 3 of the West Grand Avenue Enhancement Project, which was the next item scheduled for discussion (Agenda Item No. 6).

There were no further public comments received and the Mayor closed the Public Hearing.

Discussion ensued regarding the conceptual design of the project's proposed parking area and alternate sites on County-owned property that were being analyzed for an equestrian staging area.

Action: It was m/s by Council Member Nicolls/Mayor Pro Tem Lee to adopt Resolution No. 14-19 approving the Coastal Development Permit and Site and Architectural Plans. 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. 14-19: A Resolution of the City Council of the City of Grover Beach Approving a Coastal Development Permit and Site and Architectural Plans Associated with Development Permit Application 10-03 for the Grover Beach Lodge and Conference Center Project and Rescinding Resolution No. 13-48.

Prior to discussion of Agenda Item No. 6, 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.

6. 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. For the information of those present, Public Works Director/City Engineer Ray provided an overview of the request to approve a Coastal Development Permit for construction of Phase 3 of the West Grand Avenue Enhancement project that included improvements to be constructed between the beach and Highway 1, pavement repairs, a new 10-foot wide concrete multi-use path, landscaping on the north side, and an all-weather surface multi-use path on the south side. He then responded to questions from the Council.

Brief discussion was held regarding project funding, pedestrian crossings, and the filing period for an appeal to the Coastal Commission.

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. However, a citizen had earlier in the meeting expressed concerns (during Agenda Item No. 5) regarding having a staging area designated for equestrian and recreational vehicles prior to accessing the beach.

Action: It was m/s by Council Members Marshall/Bright to adopt Resolution No. 14-20 approving the Coastal Development Permit for the project. The motion carried on the following roll call vote:

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

Resolution No. 14-20: A Resolution of City Council of the City of Grover Beach Approving a Coastal Development Permit for Capital Improvement Project #270 - West Grand Avenue Enhancement Project, Phase 3.

At this time Mayor Peterson returned to the dais.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item No. 11 was pulled pursuant to the requests of Mayor Peterson and Council Member Marshall. It was m/s by Council Members Bright/Nicolls to approve Consent Agenda Item Nos. 7, 8, 9, 10, and 12, 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.

7. Treasurer's Report for the Period March 11, 2014 - April 1, 2014.

Action: Approved the Treasurer's Report as submitted.

8. **Second Reading and Adoption of Ordinance No. 14-02 Amending Article X, Chapter 3 of the Grover Beach Municipal Code Regulating State-Issued Cable Television Franchises** - Amending the Grover Beach Municipal Code to provide for 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.

Action: Adopted Ordinance No. 14-02.

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.

9. **Second Reading of Ordinance No. 14-03 Amending the Grover Beach Municipal Code to Add Chapter 7, Section 6700 to Article VI, Relating to Weed Abatement** - Adopting an Ordinance to amend the Grover Beach Municipal Code regarding the removal of weeds, rubbish, and other materials dangerous or injurious to neighboring properties or the health and welfare of residents of the vicinity and making the cost of removal a lien upon the property owner. In addition to other procedures for the abatement of weeds, grass, and rubbish, adopting by reference the procedures contained in California Health and Safety Code Sections 14875 through 14922 as the alternative weed abatement procedure.

Action: Adopted Ordinance No. 14-03.

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.

10. **Police Department Fingerprint Room and Interview Room Improvements** - Authorizing funds for the construction of a separate room to provide Live Scan fingerprinting services and the construction of a second interview room.

Action: Adopted Resolution No. 14-21.

Resolution No. 14-21: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 4th Amendment to the Annual Appropriation Resolution No. 13-47 by Providing Funding for Fingerprint Room and Interview Room Improvements.

12. **Authorization to Establish the Job Classification of Fleet Maintenance Coordinator and Salary Range** - Establishing the new job classification of Fleet Maintenance Coordinator and adjusting the salary range to more accurately reflect the duties being performed by the Equipment Mechanic II position.

Action: Adopted Resolution No. 14-22.

Resolution No. 14-22: A Resolution of the City Council of the City of Grover Beach, California, to Establish the Job Classification and Salary Range of Fleet Maintenance Coordinator.

REGULAR BUSINESS

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

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, Community Development Director Buckingham briefly reviewed the recommendation from the Advisory Body Screening Committee regarding making an appointment to the Planning Commission.

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

Greg Alex, Planning Commissioner and applicant for re-appointment to the Planning Commission, expressed appreciation for the opportunity to continue serving on the Planning Commission.

No other public comments were received at this time.

The Council thanked Commissioner Alex for his service and continued interest in serving as a member of a City advisory body, and expressed appreciation to the other applicants for their interest in serving the community.

Action: It was m/s by Council Members Marshall/Bright to:1) accept the Screening Committee's recommendation; and 2) adopt Resolution No. 14-23 re-appointing Greg Alex to serve on the Planning Commission for the remainder of the term scheduled to expire on May 31, 2017. 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. 14-23: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the Re-appointment of Greg Alex to the Grover Beach Planning Commission.

At this time, Planning Commissioner Alex was re-introduced to the City Council and members of the audience.

14. Report and Request for Direction Regarding the City Charter Measure.

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. Referencing a PowerPoint presentation, City Manager Perrault provided a brief overview regarding municipal government, the report received in December 2013 from an independent citizen committee regarding a draft charter, and input received from a public workshop held in March 2014. He then outlined key provisions of a revised draft charter. He noted that legislation adopted in 2013 regarding prevailing wage exemptions was being challenged in court; however, the outcome of that process could take several years. In conclusion, he outlined the public review process for placing a charter measure on the ballot and noted that the Council would also be considering the potential placement of a general obligation bond measure to fund street repairs on the November 2014 ballot. 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.

The following persons spoke in support of prevailing wage requirements:

- Steve Weiner, Executive Secretary-Treasurer, Tri Counties Building & Construction Trades Council; and
- Mike Lopez (did not state city of residence).

There were no further public comments received at this time.

Discussion ensued regarding the proposed charter, excerpts of several sections from the proposed charter being considered by the City of Arroyo Grande that were distributed just prior to the meeting at the request of Council Member Nicolls; and keeping alternative language regarding the issue of prevailing wage in the draft charter document for Grover Beach for purposes of further Council deliberations and public input.

Action: Upon unanimous consensus, the Council authorized:

- 1) Incorporating two options for additional consideration in the draft charter regarding the issue of prevailing wage:
 - Option 1: Providing the City the ability to exempt itself from the prevailing wage.
 - Option 2: Indicating the City will require all public works project contractors to pay prevailing wage for all contractor employees working on public works projects regardless of funding source;
- 2) The City Attorney to review and provide the Council with a legal opinion regarding those sections in the City of Arroyo Grande draft charter regarding public works contracts and prevailing wage; and
- 3) Initiating the formal review process for a proposed city charter, as required by state law.

15. FY 15 Budget Outlook.

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 preliminary revenue and expenditure estimates for the City's key funds, noting that General Fund reserves have recovered since the economic downturn when reserve funds were used to balance the budget, and that the Water Enterprise Fund was showing improvement. However, costs related to storm water and waste water were anticipated to increase and a storm water rate adjustment might be required in the next fiscal year. He then responded to questions from the Council.

Action: Upon unanimous consensus, the report was received and filed.

16. 2013 Annual Report on the Status of the General Plan.

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. For the information of those present, Community Development Director Buckingham provided an overview of the Annual Report regarding the status of the General Plan and progress in its implementation, including progress in meeting its share of regional housing needs. He then responded to questions from the Council.

Action: Upon unanimous consensus, the report was received and filed, and the Council authorized staff to submit it to the State in accordance with statutory requirements.

PULLED CONSENT AGENDA ITEMS

11. Authorization to Award Contract for Water Meter Reading Services.

Upon request, staff responded to questions regarding the draft resolution, costs, and the amount of labor associated with the City's current water meter reading program, and cost savings that were anticipated by contracting for water meter reading services.

It was noted that page 1 of the draft resolution had a typographical error. The line item for total amount should be amended as: "Total Water Fund" rather than "Total ~~General~~ Fund".

Action: It was m/s by Council Member Marshall/Mayor Peterson to 1) adopt Resolution No. 14-24, as amended, authorizing the City to enter into a three-year contract with Alexander's Contract Services, Inc., in the amount of \$34,843.04 for the first year of service and \$32,910.24 for the second and third years of service; 2) adopt Resolution No. 14-25 authorizing an Amendment to the Annual Appropriation Resolution; and 3) authorize the Mayor to execute the contract on behalf of the City. 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. 14-24: Resolution of the City Council of the City of Grover Beach, California, Awarding a Water Meter Reading Services Contract to Alexander's Contract Services, Inc.

Resolution No. 14-25: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 4th Amendment to the Annual Appropriation by Providing Resolution No. 13-47 Funding for Water Meter Reading Services.

COUNCIL COMMITTEE REPORTS

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

Mayor Pro Tem Lee stated that he had no committee reports at this time.

Council Member Marshall reported on the meeting of the South San Luis Obispo County Sanitation District.

Council Member Nicolls reported on the meeting of the Five Cities Fire Joint Powers Authority and responded to questions regarding the Authority's mail ballot for a special benefit assessment.

Mayor Peterson reported on the meetings of the Economic Vitality Corporation, the San Luis Obispo Council of Governments, and the San Luis Obispo Regional Transit Authority, with staff providing additional information regarding various project funding sources. In response to an earlier citizen public comment, Mayor Peterson praised all parties involved for reaching the recent agreement between the Air Pollution Control District and California State Parks.

CITY COUNCIL MEMBER ITEMS

17. Revision to the Short-term Local Street Rehabilitation List to Include a Segment of South 7th Street - Council Member Nicolls.

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray briefly described the City's Local Street Rehabilitation Program and provided a status update regarding the list of streets identified for repair. In response to Council direction at the meeting of March 17th, he outlined cost estimates to repair a section of South 7th Street between West Grand Avenue and Rockaway Avenue. He then responded to question from the Council.

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

Action: Upon unanimous consensus, the Council authorized including the street segment on South 7th Street (from West Grand Avenue to Rockaway Avenue) in the short-term list of streets identified for rehabilitation.

COUNCIL COMMUNICATIONS

- A. Mayor Pro Tem Lee briefly described the discussion topics from the San Luis Obispo County Mayors meeting held in Atascadero, for which he attended on behalf of the Mayor.
- B. Mayor Peterson announced that the next Mayors meeting would be hosted in Grover Beach on May 2nd, and that she was coordinating another Tourism Summit to be held on that same date with various representatives of the tourism, recreation, and hospitality industry.
- C. Council Member Nicolls requested that if there was any interest by individual Council Members to host a table at the upcoming comedy night fundraiser by the Five Cities Men's Club, to please speak with him directly.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault announced that the Police Department would be hosting a community forum at the Ramona Garden Park Center on Tuesday, April 8th to discuss community concerns regarding vagrancy. He stated that he would not be available to attend the forum as he was already registered to attend the California Economic Development (CALED) Conference in Sacramento from April 8-10, 2014.

Brief discussion was held regarding individual Council Member interest in attending the community forum.

City Attorney Koczanowicz requested that any Council Member attending the forum refrain from engaging in the public discussion, due to open meeting requirements of the Brown Act for public officials.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 9:49 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Labor Negotiators**
Pursuant to Government Code Section 54957.6.
Agency Negotiator(s): City Manager, Police Chief/Assistant City Manager, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator, and/or Commander (may include some or all of the above)
Employee Group: All employee groups (represented and unrepresented)

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]

Closed Session Announcements: At 10:47 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 10:48 p.m.

/s/ DEBBIE PETERSON, MAYOR

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