

**MINUTES
CITY COUNCIL MEETING
MONDAY, MAY 5, 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 Edgar Cortes, a 7-year-old, 2nd grade student at Grover Beach 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, Community Development Director Buckingham, Public Works Director/City Engineer Ray, and Parks & Recreation Program Director Petker were also present.

Also present was City Engineer (Sewer/Water) Jim Garing.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, April 21, 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
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

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 May 2014 as “Bike Month”; May 16, 2014 as “Bike to Work Day”; and May 7, 2014 as “Bike to School Day”.**

Council Member Marshall read and presented the proclamation to Jim DeCecco, San Luis Obispo County Rideshare representative and Street Team Volunteer.

Parks & Recreation Program Director Petker announced that, in conjunction with Bike Month, the City and the Chamber of Commerce were partnering to host an “Energizing Station/Continental Breakfast” for bicycle and public transit commuters from 7:00 a.m. to 8:30 a.m. at the Ramona Garden Park Center on Friday, May 16, 2014. She also noted that the City had been awarded a grant from the Air Pollution Control District to host the breakfast.

2. **Proclamation Honoring the Grover Beach Community Library on the Occasion of its 10th Anniversary.**

Council Member Bright read and presented the proclamation to Nan Fowler, President of the Grover Beach Community Library.

3. Proclamation Recognizing May 10th as “National Train Day”.

Mayor Peterson read the proclamation and described the “National Train Day” event that was held at Union Station in Los Angeles on Saturday, May 3, 2014. She stated that she, City staff, and several local business representatives had attended the event.

4. Proclamation Declaring May 3-11, 2014 as “National Travel and Tourism Week”.

Mayor Pro Tem Lee read the proclamation and announced that tickets were available for purchase to attend the upcoming “Savor the Central Coast” event.

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, announced that the U.S. Post Office was conducting a food drive to collect non-perishable items for the Food Bank of San Luis Obispo County.

There were no further public comments received at this time.

PUBLIC HEARINGS

5. Proposed City Charter Ballot Measure.

Mayor Peterson read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Manager Perrault reviewed additional revisions to the proposed charter as a result of Council direction from the meeting of April 7, 2014. He summarized several options regarding the issue of prevailing wage and described staff’s analysis, pursuant to Council direction, regarding specific sections for public works contracts and prevailing wage that were contained in the draft charter being considered by the City of Arroyo Grande. Staff then responded to questions from the Council.

Discussion ensued regarding the draft charter, proposed legislation regarding district elections, and unfunded mandates from the State, such as the recent requirements regarding stormwater management.

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 wages:

- Steve Weiner, Executive Secretary Treasurer, Tri-Counties Building and Trades Council of Santa Barbara;
- David Baldwin, Arroyo Grande resident and Plasterers and Cement Workers Union representative;
- Terry Madonna, Santa Margarita resident and Plumbers and Pipefitters Union representative;
- James Barber, Grover Beach resident; and
- Richard Balk, Paso Robles resident and Operating Engineers Union representative.

The following person spoke in support of becoming a charter city and increasing local control:

- Sharon Brown, Grover Beach resident, who also suggested a typographical correction in the draft charter and inquired regarding the number of union members residing in Grover Beach; and
- Dave Ekbohm, former Grover Beach Mayor and local business owner, objected to out-of-town interests influencing local government.

There were no further public comments received at this time.

Further Council discussion ensued regarding proposed revisions to the draft charter.

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

Steve Weiner, Executive Secretary Treasurer, Tri-Counties Building and Trades Council of Santa Barbara, responded to questions from the Council regarding prevailing wage.

Dave Ekbohm, objected to regulations that would prohibit volunteer organizations, such as the Five Cities Mens Club, from constructing improvements at City parks and facilities.

The following persons again spoke in support of prevailing wage:

- James Barber, Grover Beach resident;
- David Baldwin, Arroyo Grande resident and Plasterers and Cement Workers Union representative; and
- Terry Madonna, Santa Margarita resident and Plumbers and Pipefitters Union representative.

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

Discussion ensued regarding the issue of prevailing wage, and whether to include specific language regarding prevailing wage or to delete it entirely.

Action: Upon unanimous consensus, the Council:

- 1) Revised the draft charter as follows: (*deleted text indicated with ~~strikeout~~ font, added text indicated with double underline font*)
 - page 1, first paragraph in the Preamble: "~~WE THE PEOPLE~~ of the City of Grover Beach ~~declares~~ declare our intent..."
 - page 2, Section 204. Appointive Officers: "...before entering upon the duties of their office, take the oath ~~herein~~ as prescribed..."
 - page 3, Section 301. Purchasing and Public Works Contracts: *keep this section in the next draft.*
 - page 3, Section 302 Prevailing Wage: *delete Option 1, keep Option 2 as outlined in the staff report, but include it with ~~strikeout~~ font in the next draft of the charter; and*
- 2) Authorized continuing the formal review process of the proposed charter.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Mayor Peterson and Mayor Pro Tem Lee pulled Consent Agenda Item No. 9. Upon unanimous consensus, the City Council approved Consent Agenda Item Nos. 6, 7, and 8, as recommended.

6. Treasurer's Report for the Period April 17, 2014 - April 29, 2014.

Action: Approved the Treasurer's Report as submitted.

7. Minutes of the Regular City Council Meeting of Monday, March 3, 2014; and the Special Joint City Council and Parks, Recreation & Beautification Commission Meeting on Thursday, March 13, 2014.

Action: Approved the minutes as submitted.

8. Adoption of FY 15 Goals and Work Program - Goals and Work Program for the coming fiscal year, which begins on July 1, 2014.

Action: Adopted the FY 15 Goals and Work Program.

Mayor Peterson then called for discussion of Consent Agenda Item No. 9.

9. Award of Contract for Audit Services.

Upon request, staff described the review process conducted for the submitted proposals, outlined criteria that disqualified some of the proposals, and described determining factors that lead staff to recommend the Council retain the firm of Moss Levy & Hartzheim LLP. It was also noted that some of the proposals failed to adhere to the required deadlines for submitting certain financial documents to the State.

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/Marshall to: 1) adopt Resolution No. 14-27 to enter into an agreement with Moss Levy & Hartzheim LLP for a three-year period; and 2) authorized 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. 14-27: Resolution of the City Council of the City of Grover Beach, California Awarding a Contract for Audit Services to Moss Levy & Hartzheim LLP.

REGULAR BUSINESS

Prior to discussion of Agenda Item No. 10, Mayor Pro Tem Lee declared a conflict of interest due to his employment with the County of San Luis Obispo Public Works Department, specifically with his involvement regarding public works projects for Zone 3. He then stepped down from the dais and left the Council Chambers.

10. Declaration of Surplus Water at Lopez Lake.

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. City Manager Perrault noted that the receipt of water from the Lopez Lake facility was governed by a water supply contract between the County of San Luis Obispo and the City. He briefly described the process for identifying and annually calculating surplus water, and how the surplus water was then made available to contracting agencies on a proportionate basis. He then introduced City Engineer (Sewer/Water) Jim Garing.

Mr. Garing provided a more in-depth overview regarding the current and historical process for calculating and determining surplus water. Mr. Garing and staff then responded to questions from the Council.

Discussion ensued regarding the issue of surplus water, water sources, the organizational structure of the San Luis Obispo County Flood Control District, technical and advisory boards to the District, and an upcoming meeting of the Board of Supervisors to discuss surplus water. Additional discussion was held regarding edits and corrections to the draft letter as follows: *"The safe yield consists of up to 4,200 acre feet made available or downstream release and the total of ~~4,350~~ 4,530 acre feet of project water that is to be distributed to the contract agencies, including Grover Beach. The safe yield totals ~~8,750~~ 8,730 acre feet of water. Any unused project water ~~or water over and above the safe yield~~ is then placed in a pool and made available to the contracting agencies on a proportionate share basis as surplus water."* (Deleted text denoted with strikethrough and added text denoted with double underline.)

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 consensus (Mayor Pro Tem Lee recused, due to a conflict of interest), the Council authorized sending the letter, as amended, to the Board of Supervisors with a copy to the Zone 3 Advisory Board.

At this time Mayor Pro Tem Lee returned to the dais.

PULLED CONSENT AGENDA ITEMS

None at this time. (Consent Agenda Item no. 9 was discussed earlier in the meeting.)

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; however, announced that he had recently been appointed to the Board of Directors for the Five Cities Homeless Coalition.

Council Member Marshall stated that he had no committee reports at this time.

Council Member Nicolls reported on the South County Transit meeting.

Mayor Peterson stated that she had no committee reports at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Bright described her participation in the recent South County "Helping Hands Event" in support of local non-profit agencies and social service programs.
- B. Mayor Pro Tem Lee announced the upcoming Mother-Son Dance sponsored by the Parks and Recreation Department and the Tip-a-Cop dinner to raise funds for Special Olympics.
- C. Upon question, Council Member Nicolls stated that he had reserved a table for eight people to attend the upcoming Comedy Night fundraiser sponsored by the Five Cities Mens Club.
- C. Mayor Peterson described the following: 1) a recent tourism summit with local South County tourism representatives held at Grover Beach City Hall; 2) the recent Mayors meeting at which the City received commendations from Senator Bill Monning and Assembly Member Katcho Achadjian for being designated as one of the "Top 15 Best Small Cities in California" according to *Cities Journal*; 3) an upcoming meeting for downtown businesses to discuss vagrancy issues in the downtown area; and 4) the next Mayor's Breakfast hosted by the Arroyo Grande & Grover Beach Chamber of Commerce to be held at 8:00 a.m. on Friday, May 30, 2014 at the Ramona Garden Park Center. She then encouraged citizens to check the City website for topics to be discussed at upcoming City Council meetings.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault announced that the City Council would be receiving the proposed FY 15 Budget at the next regularly scheduled City Council meeting on May 19, 2014.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 9:19 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: City Manager, Police Chief/Assistant City Manager Copsey, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator (may include some or all of the above)
Represented Employee Group: General Employees - (SEIU) Service Employees International Union, Local 620
- 2. **Conference with Real Property Negotiators**
Pursuant to Government Code Section 54956.8
Property: Various Cell Tower Sites Owned by the City
Agency negotiator: City Manager and City Attorney
Negotiating party: Unison
Under negotiation: Potential acquisition; terms and conditions

3. **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 9:38 p.m., Mayor Peterson reconvened the meeting in open session with all Council Members present. It was announced that 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 9:39 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 06/16/2014)