

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, JUNE 2, 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 Giana Damian, an 8-year-old, 3<sup>rd</sup> 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.

Also present were Kaila Dettman and Staci Smith, Land Conservancy of San Luis Obispo County; Christine Rogers, Economic Vitality Corporation; Jerry Rioux, San Luis Obispo County Housing Trust Fund; Lorna Whitaker and Joe Whitaker, Service Corps of Retired Executives; and Monica Grant, San Luis Obispo County YMCA.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, May 19, 2014 after meeting in Closed Session regarding:

1. Conference with Labor Negotiators  
Pursuant to Government Code Section 54957.6.  
Agency Negotiator: City Manager Robert Perrault, Police Chief/Assistant City Manager James Copsey, Administrative Services Director Gayla Chapman, Assistant Administrative Services Director Eve Byrd, and Human Resources Coordinator Channelle Hubbard (may include some or all of the above)  
Represented Employee Groups: 1) General Employees - Service Employees International Union, Local 620 (SEIU); and 2) Grover Beach Police Officers' Association (GBPOA)
2. Conference with Real Property Negotiators  
Pursuant to Government Code Section 54956.8  
Property: Various City Public Rights of Way and underground conduit (ROW)  
Agency negotiator: City Manager Robert Perrault & Assistant City Attorney David Hale  
Negotiating party: Digital West Networks, Inc.  
Under negotiation: Potential price and terms of payment related to lease of City conduit and ROW.
3. Public Employee Performance Evaluation  
Pursuant to Government Code Section 54957  
Employee: City Manager

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

**AGENDA REVIEW**

Brief discussion was held regarding whether to continue Agenda Item No. 10 (regarding parking assessment districts at Ramona Business Square) to a future meeting. City Manager Perrault recommended the Council receive staff's presentation before making a determination regarding whether to continue the matter to a future meeting.

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

## **CEREMONIAL CALENDAR**

### **1. Proclamation Declaring June 2 & 3, 2014 as “Special Olympics - Law Enforcement Torch Run Days”.**

Mayor Peterson read and presented the proclamation to Police Chief/Assistant City Manager Copsey.

## **PRESENTATION**

### **2. Presentation by the Land Conservancy of San Luis Obispo County Regarding the Pismo Preserve - a Proposed 900-acre Regional Public Park.**

Referencing a PowerPoint presentation, Staci Smith, Project Manager, Land Conservancy of San Luis Obispo County, briefly described the Land Conservancy's efforts to protect and enhance lands for the benefit of people and wildlife. Kaila Dettman, Executive Director, Land Conservancy of San Luis Obispo County, described fund raising efforts to purchase approximately 900 acres of land located adjacent to the City of Pismo Beach for a public park offering passive recreation activities. She invited the City of Grover Beach, local residents, and businesses to send letters of support as well as donations.

**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. The following persons spoke in support of the proposed Pismo Preserve:
  - Ted Aclan, Grover Beach resident, and
  - Penny Rappa, San Luis Obispo resident.
- B. Kaye Roozen, Grover Beach, resident expressed concerns regarding landscape maintenance and sidewalk conditions at Golden West Park.
- C. The following Grover Beach United representatives requested the City's support and financial assistance for a proposed car show featuring street machines and muscle cars:
  - Tom Rehder, Grover Beach business owner; and
  - Linda McClure, Grover Beach resident and business owner, who also distributed a proposed promotional event flyer.

There were no further public comments received at this time.

It was noted that requests for financial assistance would be considered during Council discussions regarding the proposed FY 15 Budget. However, upon consensus of the City Council, staff was authorized to prepare a draft letter in support of the Land Conservancy's efforts to purchase property for the development of the Pismo Preserve and to schedule it for Council consideration at an upcoming meeting.

## **PUBLIC HEARINGS**

### **3. Consideration of Formal Adoption of the FY 15 Budget.**

Mayor Peterson read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Manager Perrault provided an overview regarding the proposed budget for the coming fiscal year. He outlined anticipated revenues, planned expenditures, and described the recommended use of reserve funds for specific one-time expenditures. He also noted supplemental information had been distributed to the Council just prior to the meeting regarding certain attachments to the staff report - a typographical correction in Attachment 2 and a missing page from Attachment 7.

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

The following persons spoke in support of their respective agency requests for funding:

- Lorna Whitaker, San Luis Obispo SCORE (Service Corps of Retired Executives);

- Joe Whitaker, San Luis Obispo SCORE;
- Christine Rogers, Economic Vitality Corporation;
- Jerry Rioux, Housing Trust Fund;
- Kaila Dettman, Land Conservancy of San Luis Obispo County;
- Ted Aclan, Land Conservancy of San Luis Obispo County; and
- Paul Sloan, Visit San Luis Obispo County.

No further comments were received at this time and the Mayor closed the Public Hearing. Mayor Pro Tem Lee briefly described correspondence he had received from Parks, Recreation & Beautification Commissioner Heidi Boatman expressing her support for Parks and Recreation staff and hiring additional personnel to assist with recreation activities and special events.

Council discussion ensued regarding the proposed budget; cost savings from the formation of the Five Cities Fire Authority; various funding requests received from outside organizations and agencies; utilizing volunteer assistance provided by the local non-profit organization Achievement House to temporarily assist the City with landscape maintenance at Golden West Park; and adding concrete sidewalk repairs at Golden West Park to the Capital Improvement Plan.

**Actions:** Upon consensus, the Council provided the following direction for staff to:

- 1) prepare a resolution amending the FY 14 Budget for consideration at the next City Council meeting allocating \$5,000 to the Land Conservancy of San Luis Obispo County towards the purchase of the Pismo Preserve;
- 2) schedule the following items not currently included in the FY 15 Budget, due to budget constraints, to be brought back for Council consideration after the first quarter of the new fiscal year:
  - (a) the addition of part-time staff in the Parks and Recreation Department, and
  - (b) Financial System software upgrades; and
- 3) allocate \$2,500 in the FY 15 Budget to San Luis Obispo SCORE from the line item in the City Management portion of the budget designated for economic development activities.

It was moved by Mayor Pro Tem Lee and seconded by Council Member Bright to: 1) adopt Resolution No. 14-31 setting the FY 15 Appropriation Limit from Tax Proceeds; 2) adopt Resolution No. 14-32 adopting the FY 15 Budget; and 3) adopt Resolution No. 14-33 establishing the number of authorized positions for various departments. 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. 14-31: A Resolution of the City Council of the City of Grover Beach, California, Setting the FY 15 Appropriations Limit from Tax Proceeds.**

**Resolution No. 14-32: A Resolution of the City Council of the City of Grover Beach, California Appropriating the FY 15 Budget.**

**Resolution No. 14-33: A Resolution of the City Council of the City of Grover Beach, California Establishing the Number of Authorized Positions in the Various Departments of the City for the FY 15 Budget.**

**ORDER OF THE DAY:** Upon unanimous consensus of the Council, at 8:13 p.m. the Order of the Day was revised so that, immediately following the Consent Agenda, the Council would consider Regular Business Agenda Item Nos. 10 through 14 in the following order: Agenda Item Nos. 10, 12, 14, 11, and 13.

## **CONSENT AGENDA**

Prior to consideration of the Consent Agenda, Item No. 9 was pulled pursuant to the requests of Mayor Peterson and Council Member Bright. Council comments and/or clarification from staff were provided regarding Consent Agenda Item Nos. 4, 6, and 7. It was moved by Council Member Bright and seconded by Council Member Marshall to approve Consent Agenda Item Nos. 4, 5, 6, 7, and 8 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.

**4. Treasurer's Report for the Period May 13, 2014 - May 27, 2014.**

**Action:** Approved the Treasurer's Report as submitted.

**5. Minutes of the City Council Meeting of April 21, 2014.**

**Action:** Approved the minutes as submitted.

**6. Retrospective Insurance Adjustment - Amending the FY 14 Budget for costs associated with workers compensation and liability insurance.**

**Action:** Adopted Resolution No. 14-34.

**Resolution No. 14-34: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 6<sup>th</sup> Amendment to the Annual Appropriation Resolution No. 13-47 to Provide Funding for the Retrospective Insurance Adjustment.**

**7. Final Acceptance of the Grover Beach City Hall Perimeter Improvements - Accepting perimeter improvements constructed at City Hall on South Eighth Street and Rockaway Avenue.**

**Action:** 1) Adopted Resolution No. 14-35 accepting the improvements constructed by CalPortland Construction; and 2) authorized staff to send the Notice of Completion.

**Resolution No. 14-35: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting the Grover Beach City Hall Perimeter Improvements.**

**8. Final Acceptance of the Grover Beach City Hall Accessibility Retrofit and Parking Lot Improvements - Accepting improvements constructed in the south parking lot at City Hall.**

**Action:** 1) Adopted Resolution No. 14-36 accepting the improvements constructed by Crandall Construction; and 2) authorized staff to send the Notice of Completion.

**Resolution No. 14-36: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting the Grover Beach City Hall Accessibility Retrofit and Parking Lot Improvements.**

## **REGULAR BUSINESS**

**10. Discussion Regarding Future Operation and Maintenance of Parking Assessment Districts at the Ramona Business Square.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. Police Chief/Assistant City Manager Copsey provided an overview regarding the two parking assessment districts that were established to provide customer parking facilities for the use and benefit of businesses located at Ramona Business Square along the 900 block of West Grand Avenue. He noted that property owners were assessed for the construction and maintenance of two parking lots; however, construction costs exceeded the amount of collected assessments and the collection of assessments stopped as of July 1997. Without funds from the assessment districts, the City used General Funds to provide minor maintenance and repairs. Staff then responded to questions from the Council.

Discussion ensued regarding property ownership, the location of easements, and the responsible parties regarding repair and maintenance of the parking lots.

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

The following business and/or property owners at Ramona Business Square spoke in support of re-establishing the assessment districts:

- Brad Forde, Grover Beach property owner;
- Anita Forde, Grover Beach property owner;
- Stacy A Korsgaden, Grover Beach business owner; and
- Jodi Ramirez, Grover Beach business owner.

No further public comments were received.

Further Council discussion was held regarding the cost to repair the parking lots if construction was undertaken by private property owners rather than the City, and surveying all property and business owners to determine their level of interest in re-establishing the assessment districts and contributing towards the cost of an engineer's report.

**Action:** Upon unanimous consensus, the City Council authorized staff to:

- 1) meet with the business and property owners of Assessment Districts 1 and 2;
- 2) review the issues and discuss alternatives with the property and business owners; and
- 3) schedule a followup report to the City Council on August 4, 2014 to review and consider the City's level of participation.

## **12. YMCA Agreement Renewal for South County Skate Park Operations.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. Parks & Recreation Program Director Petker provided an overview of the proposal to renew the agreement with the YMCA to continue maintenance and operations of the South County Skate Park. She then introduced Monica Grant, Chief Executive Officer, San Luis Obispo County YMCA.

Ms. Grant briefly described youth recreation activities and financial assistance provided to South County residents through the YMCA and spoke in support of renewing the lease agreement.

Ms. Grant and City staff responded to questions from the Council regarding a proposed skate park monument sign and the use of scooters at the skate park.

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 moved by Mayor Pro Tem Lee and seconded by Council Member Bright to: 1) renew the Lease Agreement for San Luis Obispo County YMCA to operate the South County Skate Park; and 2) authorize the Mayor to execute the Agreement 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.

## **14. Consideration of an Interim Pocket Park at Cleaver Property.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. Parks & Recreation Program Director Petker provided an overview of the Parks, Recreation & Beautification Commission's recommendation to approve a donation to fund an interim pocket park at the front entrance to the "Cleaver property" located at 164 South 13<sup>th</sup> Street. During her presentation, she displayed a location map of the property, concept drawings for the proposed pocket park, and a conceptual design for the Cleaver Center Master Plan.

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

Skip Kautz, Grover Beach business and property owner, suggested the City also consider construction of a dump station for recreational vehicles on the Cleaver property.

Mayor Peterson noted that she had earlier received and distributed copies of correspondence from Duke Sterling, Grover Beach business and property owner, in support of having a dump station located on the Cleaver property.

There were no further public comments received at this time.

Discussion ensued regarding whether a dump station would conflict with the condition that the property be used for parks and recreation purposes, and having the Parks, Recreation & Beautification Commission first consider whether to amend the Cleaver Park Master Plan to include a dump station and/or other alternative uses for the property.

**Action:** Upon unanimous consensus, the City Council accepted the Parks, Recreation & Beautification Commission's recommendation to approve the donation by Mr. Clifford Clark to construct an interim pocket park on the Cleaver property located at 164 South 13<sup>th</sup> Street.

**Recess:** Upon unanimous consensus, the meeting recessed at 9:50 p.m.

**Reconvene:** At 9:58 p.m., the meeting reconvened with all Council Members present.

**11:00 p.m. Rule:** Upon unanimous consensus, the Council agreed to continue the meeting past 11:00 p.m.

**Prior to discussion of Agenda Item No. 11, 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.**

#### **11. Northern Cities Management Area 2013 Annual Report.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray provided an overview of the annual report regarding the monitoring and analysis of conditions of the groundwater basin. Staff then responded to questions from the Council.

Brief discussion was held regarding the report; water purveyors serving the Nipomo Mesa area; and reductions in groundwater elevations in the Northern Cities Management Area (NCMA). It was noted that declaring a Stage III Water Shortage Condition was tentatively scheduled for City Council consideration on June 16, 2014.

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 of those present (Mayor Pro Tem Lee recused due to a conflict of interest), the NCMA 2013 Annual Report was received and filed.

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

#### **13. Consideration of a City Park Naming Rights Policy.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. Parks & Recreation Program Director Petker provided an overview of the recommendation from the Parks, Recreation & Beautification Commission to consider requests for special recognition plaques to honor an individual or organization at City parks, facilities or a portion of a park be considered on a case by case basis, rather than establishing a Citywide naming policy. Staff then responded to questions from the Council.

Brief discussion was held regarding having the Parks, Recreation & Beautification Commission consider establishing criteria for individual citizens and/or community volunteers to be recognized on a memorial wall.

Mayor Peterson noted that there were no members of the public seated in the audience at this time and therefore did not invite public comments.

**Action:** Upon unanimous consensus, the Council accepted the Parks, Recreation & Beautification Commission's recommendation to continue considering naming rights on a case by case basis.

**ORDER OF THE DAY:** At this time, the Order of the Day resumed to the agenda as posted.

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

**9. Authorization to Enter into Agreements for Financial Advisory and Bond Counsel Services Associated with a Potential General Obligation Bond Issue.**

Brief discussion was held regarding typical costs for general administration, preliminary design, and inspection for street rehabilitation projects; as well as terms regarding arbitration under the proposed agreement for bond counsel services.

Mayor Peterson noted that there were no members of the public seated in the audience at this time and therefore did not invite public comments.

**Action:** Upon consensus of the Council, the City Attorney was authorized to contact bond counsel to amend the terms of the arbitration clause in the agreement with Nossaman LLP. It was then moved by Mayor Pro Tem Lee and seconded by Council Member Bright to: 1) adopt Resolution No. 14-37 authorizing the City to enter into agreements with A. M. Peché & Associates LLC and Nossaman LLP to provide financial advisory and bond counsel services, respectively, associated with a potential general obligation bond issue to finance street rehabilitation; and 2) authorize the City Manager to execute the agreements 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. 14-37: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the City to Enter Agreements for Financial Advisory and Bond Counsel Services Associated with a Potential General Obligation Bond Issue.**

#### **COUNCIL COMMITTEE REPORTS**

Council Member Bright reported on the meeting of the Air Pollution Control District.

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 stated that he had no committee reports at this time.

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

#### **COUNCIL COMMUNICATIONS**

**A. Council Member Bright noted that she had recently been contacted by a resident expressing concerns regarding a telephone survey being conducted.**

City Manager Perrault reviewed the purpose of conducting the poll regarding a proposed general obligation bond issue as a financing mechanism for the rehabilitation of streets. It was noted that the specific questions being posed were not previously disclosed to achieve accurate polling results.

- B. Mayor Pro Tem Lee announced fund raising efforts to assist a Grover Beach family defray medical expenses for a scheduled open heart surgery procedure for their young daughter.
- C. Mayor Peterson thanked and praised Parks and Recreation Department staff for the success of the summer concert series and the Spring Garden Tour and Plant Exchange. She also announced that the Grover Beach Rotary would be hosting an appreciation lunch for members of the Grover Beach Police Department and the Five Cities Fire Authority.

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

##### **15. Discussion Regarding Scheduling a Special City Council Meeting.**

City Manager Perrault suggested scheduling a Special City Council meeting for the Council to receive polling results from the consultants Fairbank, Maslin, Maullin, Metz & Associates (FM3) and engineering results from the pavement management consultants Pavement Engineering, Inc.

**Action:** Upon unanimous consensus, the Council authorized scheduling a Special City Council Meeting for Wednesday, June 25, 2014 at 6:30 p.m.

City Manager Perrault then briefly described the following meetings with:

- *San Luis Obispo County Board of Supervisor Adam Hill and County Staff* - to discuss the City's concerns regarding the issues of surplus water, groundwater, and water consumption on the Nipomo Mesa. He noted that Council Member Bright, Public Works Director/City Engineer Ray, City Engineer/Sewer & Water Garing, and he had attended the meeting, that it was constructive, and that letters from the City Council and the Zone Three Advisory Board would be forwarded to the Board of Supervisors.
- *California Coastal Commission* - to consider the two appeals filed with the Coastal Commission regarding the Grover Beach Lodge and Conference Center. He noted that City and State Parks representatives would be attending the Commission meeting in Huntington Beach on Wednesday, June 11, 2014.

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

None at this time.

#### **CLOSED SESSION**

At 11:03 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 Robert Perrault, Police Chief/Assistant City Manager James Copsey, Administrative Services Director Gayla Chapman, Assistant Administrative Services Director Eve Byrd, Human Resources Coordinator Channelle Hubbard (may include some or all of the above)  
Represented Employee Group: General Employees - (SEIU) Service Employees International Union, Local 620
2. **Conference with Labor Negotiators**  
Pursuant to Government Code Section 54957.6.  
Agency Negotiator: City Manager Robert Perrault, Police Chief/Assistant City Manager James Copsey, Administrative Services Director Gayla Chapman, Assistant Administrative Services Director Eve Byrd, Human Resources Coordinator Channelle Hubbard, Commander John Peters or Commander Tim Miller (may include some or all of the above)  
Represented Employee Group: Grover Beach Police Officers' Association (GBPOA)

3. **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.

Closed Session Announcements: At 11:51 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 11:52 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 08/04/2014)