

**MINUTES
CITY COUNCIL MEETING
MONDAY, JULY 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 Parks & Recreation Program Director Petker.

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, Administrative Services Director Chapman, Acting Police Chief/Commander Peters, Community Development Director Buckingham, Public Works Director/City Engineer Ray, and Parks & Recreation Program Director Petker were also present.

Also present were City Engineer (Sewer/Water) Jim Garing and pavement management consultant Joe Ririe of Pavement Engineering, Inc.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcements:

On Monday, June 16, 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, 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 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.

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

On Wednesday, June 25, 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, 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

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 Designating July 2014 as “National Park and Recreation Month”.

Mayor Pro Tem Lee read and presented the proclamation to Parks & Recreation Program Director Petker, who then displayed a PowerPoint presentation as she described City-sponsored events and park facilities.

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. Jorge Aguilar, San Luis Obispo Council of Governments, announced details of an upcoming public workshop regarding the US 101 Mobility Study to prioritize highway transportation improvements in San Luis Obispo County.
- B. Jerry Hirsch, Grover Beach resident, objected to proposed City measures regarding a City Charter and issuing general obligation bonds. He also expressed concerns regarding contractual obligations for the Grover Beach Lodge and Conference Center project and the cost-effectiveness of the Stone Soup Music Faire.
- C. John A. Wysong, Grover Beach resident, objected to new building development during a period of drought and the proposed City measure for general obligation bonds.
- D. Tom Tanner, Grover Beach resident, suggested a tiered water rate system similar to a program implemented in the northern California city of Davis. Citing pavement management experience with State Parks in the Gorman area, he offered pro bono consulting services to assist the City with seeking less expensive pavement alternatives.
- E. Kay Albertson, Grover Beach resident, inquired whether the proposed bond measure would provide funds for curbs, gutters, and sidewalks. She also described water conservation tips for residents to reduce landscape water usage.

There were no further public comments received at this time. Upon request, staff briefly responded to concerns raised during the public comment period.

PUBLIC HEARINGS

2. Proposed City Charter Measure.

Mayor Peterson noted that, due to Council direction at the Special City Council meeting held on June 25, 2014 to discontinue further discussion regarding the proposed City Charter measure, no further Council discussion was required at this time. However, the matter had already been scheduled for a Public Hearing as required by state law. Mayor Peterson therefore invited comments from those in the audience who wished to be heard on this matter.

Jerry Hirsch, Grover Beach resident, requested and received information regarding available sources to view further information regarding charter cities. He also expressed concern regarding receipt of a recent mailer that expressed opposition to charter cities.

Kay Albertson, Grover Beach resident, expressed opposition to becoming a charter city.

Sharon Brown, Grover Beach resident, requested and received confirmation that the proposed City Charter measure would not be on the November 2014 ballot.

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

The Council commented briefly regarding research conducted by a citizens committee regarding the City Charter proposal, which included a section regarding a code of ethics.

Upon request, City Attorney Koczanowicz confirmed that he would schedule discussion at a future City Council meeting regarding the development of a code of ethics.

Action: No further action regarding a proposed City Charter measure was taken at this time.

3. Development Code and Local Coastal Program Amendment – Development Application Permit No. 11-12. Applicant: City of Grover Beach (Continued Public Hearing from the City Council Meeting of June 16, 2014).

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, Community Development Director Buckingham provided an overview of the Planning Commission's recommendation regarding proposed amendments to the Local Coastal Program and Development Code related to coastal access, coastal hazard, protection of coastal resources, requirements for coastal development permits, development standards for the area west of Highway 1, and other minor revisions, as well as the Addendum to the Negative Declaration. He then responded to questions from the Council.

Brief discussion was held regarding minor clerical, non-substantive corrections that City staff confirmed would be discussed with Coastal Commission staff.

Mayor Peterson invited comments from those in the audience who wished to be heard on this matter. There were no public comments received and the Mayor closed the Public Hearing.

The Council praised staff for diligently and cooperatively working with Coastal Commission staff to address coastal resource protection concerns, and thanked the Planning Commission for its thorough review of the draft documents.

Actions: It was moved by Council Member Nicolls and seconded by Council Member Bright to adopt Resolution No. 14-45 for the Addendum to the Negative Declaration previously adopted with Development Permit 11-12. The motion carried on the following roll call vote:

AYES: Council Members Bright, Nicolls, Marshall, Mayor Pro Tem Lee, and Mayor Peterson.

NOES: Council Members - None.

ABSENT: Council Members - None.

ABSTAIN: Council Members - None.

Resolution No. 14-45: A Resolution of the City Council of the City of Grover Beach Adopting an Addendum to the Negative Declaration for Amendments to the Local Coastal Plan and Development Code (Development Application 11-12).

It was moved by Council Member Nicolls and seconded by Council Member Bright to adopt Resolution No. 14-46 approving the Local Coastal Program Amendment associated with Development Application 11-12. The motion carried on the following roll call vote:

AYES: Council Members Bright, Nicolls, Marshall, Mayor Pro Tem Lee, and Mayor Peterson.

NOES: Council Members - None.

ABSENT: Council Members - None.

ABSTAIN: Council Members - None.

Resolution No. 14-46: A Resolution of the City Council of the City of Grover Beach Approving a Local Coastal Program Amendment for Development Application 11-12.

It was moved by Council Member Nicolls and seconded by Council Member Bright to introduce Ordinance No. 14-04, by title only, to amend Article IX of the Grover Beach Municipal Code (Development Code), and schedule the second reading and adoption at the next regular City Council meeting. The motion carried on the following roll call vote:

AYES: Council Members Bright, Nicolls, Marshall, Mayor Pro Tem Lee, and Mayor Peterson.

NOES: Council Members - None.

ABSENT: Council Members - None.

ABSTAIN: Council Members - None.

Ordinance No. 14-04: An Ordinance of the City Council of the City of Grover Beach Amending Grover Beach Municipal Code Article IX Development Code Associated with Development Permit 11-12. (First Reading only.)

CONSENT AGENDA

Prior to consideration of the Consent Agenda, upon request, City Manager Perrault noted that supplemental information had been distributed to the Council just prior to the meeting regarding Consent Agenda Item No. 5 - an incomplete sentence in the staff report regarding costs to the General Fund that were being mitigated, and a date correction for the coverage period in the Memorandum of Understanding. It was then moved by Mayor Pro Tem Lee and seconded by Council Member Nicolls to approve Consent Agenda Item Nos. 4 and 5 as recommended. The motion carried on the following roll call vote:

AYES: Council Members Bright, Nicolls, Marshall, 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 June 10, 2014 - July 1, 2014.

Action: Approved the Treasurer's Report as submitted.

5. Proposed One-year Successor Memorandum of Understanding with Service Employees International Union, Local 620 (SEIU).

Action: Adopted Resolution No. 14-47 ratifying the successor Memorandum of Understanding (MOU) with Service Employees International Union, Local 620 (SEIU); and 2) adopted Resolution No. 14-48 amending the Classification and Compensation Plan for job classes represented by SEIU, Local 620.

Resolution No. 14-47: A Resolution of the City Council of the City of Grover Beach, California Ratifying a Memorandum of Understanding with Service Employees International Union, Local 620 (SEIU) From July 1, 2014 to June 30, 2015.

Resolution No. 14-48: A Resolution of the City Council of the City of Grover Beach, California, Amending Resolution No. 02-73 to Adjust Salary Ranges for Certain Job Classes Represented by Service Employees International Union Local 620 (SEIU).

REGULAR BUSINESS

6. Consideration of Resolution of Determination of Public Interest and Necessity in Connection with Bond Issuance for Street Improvements.

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 provided an overview regarding the necessary steps for placing a bond measure on the November 2014 ballot to seek voter approval of funds necessary for the reconstruction of City streets. Staff and the Pavement Management Consultant, Joe Ririe, then responded to questions from the Council.

Discussion was held regarding estimated costs to repair streets and various approaches for street rehabilitation, depending upon its condition and traffic loads, as well the request to have a map prepared visually indicating current street conditions. Additional discussion was held regarding the process for issuing bonds incrementally so that future Councils

could make the determination whether to continue issuing bonds, and the estimated cost to property owners based on a property's assessed value.

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

John Wysong, Grover Beach resident, objected to the proposed bond measure.

Sharon Brown, Grover Beach resident, suggested conducting public education meetings to dispel misinformation regarding the proposed bond measure.

There were no further public comments received.

Further discussion was held regarding the limited amount of resources available for street rehabilitation, and that the bond measure, if approved by the voters, would provide funds for the reconstruction and rehabilitation of streets. It was noted that a discussion regarding public education efforts regarding the proposed bond measure would be scheduled for Council consideration at the next meeting.

Action: It was moved by Council Member Nicolls and seconded by Mayor Pro Tem Lee to adopt Resolution No. 14-49. The motion carried on the following roll call vote:

AYES: Council Members Bright, Nicolls, Marshall, Mayor Pro Tem Lee, and Mayor Peterson.

NOES: Council Members - None.

ABSENT: Council Members - None.

ABSTAIN: Council Members - None.

Resolution No. 14-49: A Resolution of the City Council of the City of Grover Beach, California, Determining that the Public Interest and Necessity Demand the Acquisition and Development of Certain Municipal Improvements with Financing Through the Issuance of General Obligation Bonds (Street Improvements).

7. Introduction and First Reading of Ordinance Ordering the Submission of a Proposition of Incurring Bonded Debt to the Qualified Voters of the City of Grover Beach at the General Municipal Election for the Purpose of the Acquisition, Construction and Rehabilitation of Street Improvements.

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 provided an overview regarding the steps necessary to place a bond measure to fund street improvements on the November 2014 ballot.

For the record, City Attorney Koczanowicz read the proposed Ordinance in full.

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

The following persons suggested rephrasing the question regarding the proposed bond measure to indicate that the bonds would be sold in "increments up to" \$48 million:

- Kay Albertson, Grover Beach resident; and
- Sharon Brown, Grover Beach resident.

There were no further public comments received at this time.

Council discussion ensued regarding amending the proposed Ordinance so that the question read as follows (deleted text indicated with ~~strikeout~~ font, and added text indicated with double underline):

STREET REHABILITATION; SAFETY IMPROVEMENT BOND MEASURE:
To rehabilitate/resurface deteriorating residential and major streets to improve drivability of Grover Beach streets; maintain emergency ~~vehicle~~-response times; enhance safety for pedestrians, bicyclists, drivers, and at neighborhood school crosswalks; and promote local economic/job growth; shall the City issue

up to \$48,000,000 of bonds at tax-exempt interest rates, requiring funds go directly into the Street Construction Designated Fund with all funds used locally; subject to independent audits/citizens' oversight committee?"

Action: It was moved by Mayor Pro Tem Lee and seconded by Council Member Bright to introduce Ordinance No. 14-05, as amended, conduct the first reading (which City Attorney Koczanowicz read in full), and schedule second reading and adoption for the July 21, 2014 City Council meeting. The motion carried on the following roll call vote:

AYES: Council Members Bright, Nicolls, Marshall, Mayor Pro Tem Lee, and Mayor Peterson.

NOES: Council Members - None.

ABSENT: Council Members - None.

ABSTAIN: Council Members - None.

Ordinance No. 14-05: An Ordinance of the City Council of the City of Grover Beach, California, Ordering the Submission of a Proposition of Incurring Bonded Debt to the Qualified Voters of the City of Grover Beach at the General Municipal Election to be held on November 4, 2014, for the Purpose of the Acquisition, Construction, and Rehabilitation of Street Improvements. (First Reading only)

8. Selection of Voting Delegate and Alternate(s) for the 2014 League of California Cities Annual Conference.

Discussion was held regarding the process for selecting voting delegates and alternates to represent the City at the Annual Business Meeting held during the League of California Cities Annual Conference, September 2-5, 2014 in Los Angeles, CA.

Action: Upon unanimous consensus, the City Council selected Mayor Peterson to serve as the voting delegate, Council Member Nicolls as first alternate, and Mayor Pro Tem Lee as the second alternate for the upcoming annual business meeting to be held at the League of California Cities Annual Conference.

Recess: Upon consensus of the City Council, the meeting recessed at 8:57 p.m.

Reconvene: At 9:06 p.m., the meeting reconvened with all Council Members present.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

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

Mayor Pro Tem Lee announced that the Integrated Waste Management Authority meeting had been cancelled for July. He then reported on the meeting of Visit San Luis Obispo County.

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, upon request, City Manager Perrault provided an update regarding the Integrated Regional Water Management (IRWM) Plan.

COUNCIL COMMUNICATIONS

- A. Council Member Bright described a water conservation tip received from a local resident regarding the use of antibacterial hand wipes rather than soap and running water.
- B. Mayor Pro Tem Lee thanked staff for sending letters to citizens in response to the City's recent declaration of a Stage III Water Shortage condition. He praised staff for posting water conservation information and tips on the City's Facebook page, and praised the

Grover Beach Police Department for the launch of its new Police Department Facebook page. He also noted a recent article in a local newspaper regarding a solution for repairing potholes in city streets.

- C. Mayor Peterson inquired whether the other members of the Council were interested in receiving copies of updates she had been receiving from the State regarding drought conditions.

Upon consensus, the information would be forwarded to the City Manager for distribution to the rest of the members of the City Council.

She then announced that there were vacancies on the Planning Commission and the Parks, Recreation & Beautification Commission, and that the City was accepting applications from citizens interested in serving on either advisory body.

CITY MANAGER'S REPORTS AND COMMENTS

None at this time.

CITY ATTORNEY'S REPORTS AND COMMENTS

City Attorney Koczanowicz noted that he had been re-appointed to serve a two-year term on the Legal Advocacy Policy Committee for the League of California Cities.

CLOSED SESSION - CITY COUNCIL

At 9:18 p.m., the Council, and subsequently sitting as the Successor Agency, met in Closed Session regarding the following items:

1. **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
2. **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
3. **Conference with Real Property Negotiators**
Pursuant to Government Code Section 54956.8
Property: APN 060-381-010, 011
Agency negotiator: City Manager and City Attorney
Negotiating party: Pacifica Companies
Under negotiation: Terms and conditions of potential lease.

CLOSED SESSION - SUCCESSOR AGENCY:

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 10:51 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 the Closed Sessions.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Peterson adjourned the meeting at 10:52 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest: /s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 09/15/2014)