

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, JULY 21, 2014**

**CALL TO ORDER** Mayor Peterson called the meeting to order at 6:36 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 Council Member Bright.

**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, and Parks & Recreation Program Director Petker were also present.

Also present were Interim Fire Chief Riki Heath, Five Cities Fire Authority; Albert Peché, A.M. Peché & Associates LLC; and Joe Seely, Pavement Engineering, Inc.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, July 7, 2014 after the City Council met in Closed Session regarding:

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.

and the Council, sitting as the Successor Agency to the Dissolved Grover Beach Improvement Agency, met 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 and the Successor Agency reconvened into open session and announced that there were no reportable actions taken during the Closed Sessions.

**AGENDA REVIEW**

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

**CEREMONIAL CALENDAR**

1. **Certificate of Appreciation to Former Parks, Recreation & Beautification Commissioner Ellie Ross.**

Mayor Peterson was joined by Parks, Recreation & Beautification Commission Chair Santos and Parks & Recreation Program Director Petker as she read and presented the Certificate of Appreciation to former Parks, Recreation & Beautification Commissioner Ross.

**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. Fred Fink, SLO Clean Energy Representative, announced details of an upcoming workshop regarding Community Choice Aggregation.
- B. Dee Santos, Chair of the Parks, Recreation & Beautification Commission, announced the passing of long-time Grover Beach resident Ellis Roth.
- C. Brenda Auer, Grover Beach resident, commented regarding a free lunch program for children, activities to generate tourism revenue, concerns regarding panhandlers, volunteer clean-up efforts along Highway One, and trash accumulation in the State Parks parking lot.
- D. Judith Bean, Chief Executive Officer, Arroyo Grande & Grover Beach Chamber of Commerce, announced new events added to the upcoming Stone Soup Music Festival and Street Faire.

No further public comments were received at this time.

### **PUBLIC HEARINGS**

#### **2. Second Reading and Consideration of Adoption 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, declared the Public Hearing open, and deferred to staff for a report. City Attorney Koczanowicz presented the staff report and outlined the actions necessary to place a bond measure to fund street improvements on the November 2014 ballot. He then introduced Albert Peché, the City's financial advisor, to present the proposed schedule for issuing bonds and outline the corresponding fiscal impacts.

Mr. Peché provided an overview regarding general obligation bonds, factors that affected the tax rate, and the time frames required for spending bond proceeds from the initial date of issuance.

Council discussion ensued with Mr. Peché and staff responding to questions regarding bond proceeds being put into an account specifically designated for street repair, formation of a citizen committee to review and report its findings regarding those expenditures, and that future Councils would not be obligated to continue issuing bonds to the maximum amount authorized by the voters. Additional discussion was held regarding a map of current pavement conditions and the significant number of streets evaluated to be in "Poor" or "Very Poor" condition. Additional discussion was held regarding revenues generated from the half-percent sales tax augmentation that were allocated to General Fund expenditures, which included street repairs, but that revenues generated from the bond proceeds would be allocated specifically for repairing streets.

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

#### The following persons spoke in support of the proposed bond measure:

- Susan Gates, Grover Beach resident;
- Wayne Allen, Grover Beach resident;
- Todd Jarmine, Grover Beach resident;
- Linda McClure, Grover Beach resident and business owner; and
- Mariam Shah, Grover Beach resident.

#### The following persons also spoke:

- Tom Rehder, Grover Beach business owner, suggested placing a charter measure on the same November ballot;
- Ray Borrow, Grover Beach resident, expressed concerns regarding costs for infrastructure projects;

- Brenda Auer, Grover Beach resident, suggested providing additional information regarding property tax assessments and ensuring a competitive bid process for selecting contractors; she also expressed concerns regarding future sewer rates; and
- Sharon Brown, Grover Beach resident, requested additional information regarding the street repair program and the proposed ordinance.

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

Discussion was held regarding the manner in which capital projects were planned, staged for bidding, and completed; and that the Pavement Management System would inform the process for selecting and scheduling specific street segments for repair. Additional discussion was held regarding how various tax revenues were allocated; and that the Council was scheduled to discuss a draft Argument in Favor of the measure at the next regular City Council meeting.

**Action:** It was moved by Mayor Pro Tem Lee and seconded by Council Member Bright to conduct second reading, by title only, and adopt Ordinance No. 14-05 ordering the submission of the proposition of incurring bonded debt to the qualified voters of the City of Grover Beach at the General Municipal Election. 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. 14-05: An Ordinance of the City Council of the City of Grover Beach, California, Ordering the Submission of a General Obligation Bond Proposition 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 Local Street Improvements.**

**Action:** It was moved by Mayor Pro Tem Lee and seconded by Council Member Bright to adopt Resolution No. 14-50 setting priorities for Arguments and directing the City Attorney to prepare an Impartial Analysis. 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. 14-50: A Resolution of the City Council of the City of Grover Beach, California, Setting Priorities for Filing Written Arguments Regarding a City Measure and Directing the City Attorney to Prepare an Impartial Analysis.**

**Action:** It was moved by Mayor Pro Tem Lee and seconded by Council Member Bright to adopt Resolution No. 14-51 authorizing Rebuttals. 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. 14-51: A Resolution of the City Council of the City of Grover Beach, California, Providing for the Filing of Rebuttal Arguments for a City Measure Submitted at the General Municipal Election.**

**Recess:** Upon consensus of the City Council, the meeting recessed at 8:40 p.m.  
**Reconvene:** At 8:46 p.m., the meeting reconvened with all Council Members present.

**3. Application for a Special Event Permit by Grover Beach United for the First Annual Grover Beach Street Machine & Muscle Car Nationals 2014.**

Applicant: by Grover Beach United.

Mayor Peterson read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Parks & Recreation Program Director Petker provided an overview of the proposed special event to be held at the Ramona Garden Park Center and surrounding streets from September 12 - 14, 2014. The proposed three-day event would include a beer and wine garden and the closure of several residential streets to accommodate parking for oversized vehicles. She then outlined the conditions of approval, noted specific items that were still pending receipt from the applicant, and described fiscal impacts related to conducting the event. Police Chief/Assistant City Manager Copsey, City Attorney Koczanowicz, and Parks & Recreation Program Director Petker responded to questions from the Council.

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

Linda McClure, applicant, Grover Beach United, described the proposed event, explained the delay in providing the City with the required documentation, noted the organization was still seeking event sponsors and were in the process of filing for non-profit status, and also requested the City partially waive the special event fee.

Tom Rehder, Grover Beach United, described plans for the proposed beer and wine garden.

The following persons spoke in support of the proposed special event:

- Ben Salloum, Arroyo Grande resident;
- Amy Rogers, Nipomo resident;
- Mike "Tex" Neeley, Grover Beach resident;
- Todd Jarmine, Grover Beach resident; and
- Ray Barlow, Grover Beach resident.

Sharon Brown, Grover Beach resident, expressed concerns regarding whether the conditions of approval could be met timely.

Upon request, Ms. McClure and Mr. Rehder described further event planning details.

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

Discussion ensued regarding allowing the applicant additional time to meet the conditions of approval, conceptually approving the special event permit at this time, and allowing staff the discretion to determine whether the conditions of approval were met satisfactorily. Additional discussion was held regarding payment options for the special event fee.

**Action:** It was moved by Council Member Marshall and seconded by Mayor Pro Tem Lee to: 1) conceptually approve the proposed "Grover Beach Street Machine & Muscle Car Nationals" special event; 2) authorize the City Manager, or his designee, to complete processing of the Special Event Permit Application; 3) authorize the special event permit fee to be made payable to the City of Grover Beach in two equal payments with the first half to be paid by August 12, 2014, and the second half to be paid by September 10, 2014; 4) confirm that all requirements of the Grover Beach Municipal Code be met to the satisfaction of the City Manager, or his designee, by no later than August 12, 2014; and 5) confirm that no further Public Hearing review was required regarding the 2014 special event permit application. 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.

At this time Ms. McClure distributed promotional event posters to the Council.

### **CONSENT AGENDA**

It was moved by Council Member Bright and seconded by Mayor Pro Tem Lee to approve Consent Agenda Item Nos. 4, 5, and 6 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 July 1, 2014 - July 15, 2014.**  
**Action:** Approved the Treasurer's Report as submitted.
5. **Consideration of City Attorney Contract** - Amending the agreement for City Attorney legal services with the firm Koczanowicz & Hale.  
**Action:** Approved the revised Legal Services Agreement.
6. **Second Reading and Adoption of Ordinance No. 14-04 Amending Grover Beach Municipal Code Article IX Development Code Associated with Development Application 11-12 (Applicant: City of Grover Beach)** - Adopting proposed amendments to the 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.  
**Action:** Adopted Ordinance No. 14-04 amending the Grover Beach Municipal Code Article IX Development Code.

**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.**

### **REGULAR BUSINESS**

7. **Retention of The Lew Edwards Group to Prepare a Public Education Program for the Proposed Bond Measure.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. City Manager Perrault briefly described the proposal to retain the services of a consultant to prepare public educational materials regarding the recent assessment of the City's road system and the proposed bond measure to finance street improvements. He then responded to questions from the Council.

Brief discussion was held regarding the proposals received and previous consultant services provided by The Lew Edwards Group.

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 Council Member Bright and seconded by Mayor Pro Tem Lee to adopt Resolution No. 14-52 authorizing the City to enter into an Agreement with The Lew Edwards Group. 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. 14-52: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the City to Enter into an Agreement with The Lew Edwards Group.**

**Action:** It was moved by Council Member Bright and seconded by Mayor Pro Tem Lee to adopt Resolution No. 14-53 amending the FY 15 Budget. 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. 14-53: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 1<sup>st</sup> Amendment to the Annual Appropriation Resolution No. 14-32 to Provide Funding for the Contract with The Lew Edwards Group.**

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

None at this time.

#### **COUNCIL COMMITTEE REPORTS**

Council Member Bright reported on the meeting of the Zone Three Advisory Committee.

Mayor Pro Tem Lee 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 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. Mayor Pro Tem Lee inquired regarding potential impacts from the State's recent enactment to restrict outdoor water use and impose fines on local agencies.

City Manager Perrault responded that the City had not yet received notification from the State regarding these new regulations.

B. Mayor Peterson reported that a resident had noticed irrigation runoff in the late evening hours along the east side of Ramona Garden Park.

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

City Manager Perrault briefly described weekly meetings of the City's Water Task Force Committee to discuss implementation of the Stage III Water Shortage Declaration and progress in achieving the mandatory 10% reduction in water use. He noted that landscaping in the Mentone Basin and Costa Bella Park were no longer being irrigated, staff was scheduling individual meetings with commercial and residential account holders with the highest water usage, mailers were being sent out to inform customers of water usage prohibitions and highlight City-sponsored incentive programs to reduce water use, and that the water conservation incentive programs would be scheduled for further Council consideration in late August.

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

None at this time.

#### **CLOSED SESSION**

At 10:23 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, and Commander John Peters or Commander Tim Miller (may include some or all of the above)  
Represented Employee Group: Grover Beach Police Officers' Association (GBPOA)
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, and Administrative Services Director Gayla Chapman  
Represented Employee Groups: Grover Beach Police Management and Confidential Employees Association (GBPM&CEA)
3. **Conference with Labor Negotiators**  
Pursuant to Government Code Section 54957.6.  
Agency Negotiator: City Manager Robert Perrault, Police Chief/Assistant City Manager James Copsey, and Administrative Services Director Gayla Chapman  
Unrepresented Employee Groups: Management & Confidential Employees
4. **Conference with Legal Counsel - Existing Litigation**  
Pursuant to Government Code Section 54956.9(d)(1)  
Lopez v. City of Grover Beach, et al CV 120210]

Closed Session Announcements: At 10:44 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 10:46 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 10/06/2014)