

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, AUGUST 18, 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** A moment of silence was held in memory of former Grover Heights Elementary School student Samuel Jeffers and former Arroyo Grande High School student Charlette Yracheta.

**FLAG SALUTE** The flag salute was led by the following children who were earlier seated in the audience - Charity Brown, Ronnie Brown, and Paul Green.

**ROLL CALL**

City Council: Council Members Marshall, Nicolls, Mayor Pro Tem Lee, and Mayor Peterson were present. Council Member Bright was absent.

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Police Commander Peters, Administrative Services Director Chapman, Community Development Director Buckingham, and Public Works Director/ City Engineer Ray were also present.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, August 4, 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, 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 (GBPMCEA)
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

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

**AGENDA REVIEW** Mayor Peterson requested moving Consent Agenda Item No. 3 to the Ceremonial Calendar due to the number of citizens seated in the audience for that particular item.

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

**ORDER OF THE DAY:** Pursuant to Council consensus during review of the posted agenda (Council Member Bright absent), Mayor Peterson called for Consent Agenda Item No. 3.

### **CEREMONIAL CALENDAR**

#### **3. Proclamation Declaring the Month of September 2014 as “Childhood Cancer Awareness Month”.**

Mayor Peterson read the proclamation.

**ORDER OF THE DAY:** The Order of the Day resumed to the agenda as posted.

**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. Sabrina Jeffers, Grover Beach resident, described personal experiences with her son after he had been diagnosed with cancer. She then announced an upcoming childhood cancer awareness fund raiser to be held at Ramona Garden Park.
- B. Harmony Brown, Grover Beach resident, read a list of names of local children who had been diagnosed with cancer. She then provided additional details regarding the fund raiser to raise awareness of childhood cancer.
- C. Brad Snook, Surfrider Foundation, spoke in support of government agencies implementing systems to recycle water.

### **PUBLIC HEARINGS**

None at this time.

### **CONSENT AGENDA**

Prior to consideration of the Consent Agenda, Item No. 4 was pulled pursuant to the request of Mayor Pro Tem Lee and Mayor Peterson; Consent Agenda Item No. 6 was pulled pursuant to the request of Mayor Peterson; and staff responded to questions regarding an expenditure listed on Consent Agenda Item No. 1.

It was then moved by Mayor Pro Tem Lee and seconded by Council Member Nicolls to approve Consent Agenda Item Nos. 1, 2, 5, 7, 8, and 9 as recommended (Note: Consent Agenda Item No. 3 was considered earlier under the “Ceremonial Calendar”). The motion carried on the following roll call vote:

AYES: Council Members Marshall, Nicolls, Mayor Pro Tem Lee, and Mayor Peterson.  
NOES: Council Members - None.  
ABSENT: Council Member Bright.  
ABSTAIN: Council Members - None.

#### **1. Treasurer’s Report for the Period July 30, 2014 - August 13, 2014.**

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

#### **2. Minutes of the Regular City Council Meeting of Monday, June 16, 2014 and the Special City Council Meeting of Wednesday, June 25, 2014.**

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

#### **5. Biennial Review of Conflict of Interest Code - Review of the City’s Conflict of Interest Code and updates regarding persons appointed to designated job classifications who will be required to file, or continue filing, Statements of Economic Interest with the City Clerk.**

**Action:** Adopted Resolution No. 14-55 amending the Conflict of Interest Code.

**Resolution No. 14-55: A Resolution of the City Council of the City of Grover Beach, California, Adopting a Revised Standardized Conflict of Interest Code for Designated Filers.**

7. **Consideration of Approval of a One-year Agreement with Compensation and Benefit Adjustments for Management and Confidential Employees** - Compensation and benefit adjustments for employees in the unrepresented labor group of Management & Confidential employees for the period July 1, 2014 through June 30, 2015.

**Action:** 1) Adopted Resolution No. 14-56 approving the agreement with the Management & Confidential employees group; and 2) adopted Resolution No. 14-57 amending the Classification and Compensation Plan for job classes in the Management & Confidential employees group.

**Resolution No. 14-56: A Resolution of the City Council of the City of Grover Beach, California, Approving the Agreement with Management & Confidential Employee Group, Amending the Compensation and Benefit Package for the Period Ending June 30, 2015.**

**Resolution No. 14-57: A Resolution of the City Council of the City of Grover Beach, California, Amending Resolution No. 02-73 to Adjust Salary Ranges For Certain Management and Confidential Job Classes.**

8. **Proposed Memorandum of Understanding with the Grover Beach Police Management and Confidential Employee Group (GBPMCEG)** - Compensation and benefit adjustments for employees represented by the Grover Beach Police Management and Confidential Employees group for the period July 1, 2014 through June 30, 2015.

**Action:** 1) Adopted Resolution No. 14-58 ratifying the Memorandum of Understanding with the Grover Beach Police Management and Confidential Employee Group; and 2) adopted Resolution No. 14-59 amending the Classification and Compensation Plan for job classes in the Grover Beach Police Management and Confidential Employee Group.

**Resolution No. 14-58: A Resolution of the City Council of the City of Grover Beach, California, Ratifying the Memorandum of Understanding with the Grover Beach Police Management and Confidential Employees Group (GBPMCEG).**

**Resolution No. 14-59: 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 the Grover Beach Police Management and Confidential Employees Group (GBMPCEG).**

9. **Consideration of Approval of an Agreement with Compensation and Benefit Adjustments for Executive Directors** - Compensation and benefit adjustments for Executive Directors for the period July 1, 2014 through June 30, 2015.

**Action:** 1) Adopted Resolution No. 14-60 ratifying the agreement with the Executive Management employee group; and 2) adopted Resolution No. 14-61 amending the Classification and Compensation Plan for job classes in the Executive Management employee group.

**Resolution No. 14-60: A Resolution of the City Council of the City of Grover Beach, California, Approving the Agreement with Executive Management Employee Group, Amending the Compensation and Benefit Package for the Period Ending June 30, 2015.**

**Resolution No. 14-61: A Resolution of the City Council of the City of Grover Beach, California, Amending Resolution No. 02-73 to Adjust Salary Ranges for Certain Executive Management Job Classes.**

**ORDER OF THE DAY:** Upon consensus of the City Council (Council Member Bright absent), Agenda Item Nos. 4 and 6 were discussed at this time rather than later in the meeting under "Pulled Consent Agenda Items".

4. **Report from Citizens Oversight Committee.**

Brief discussion was held regarding revenues and expenditures related to the one-half percent Sales and Use Tax Add-On approved by the voters in 2006; duties of the Citizen Oversight Committee to review the use of those funds; how funds were allocated for General Fund obligations during the budget review process; and various funding sources for street maintenance and street rehabilitation projects.

**Action:** Upon consensus of the City Council (Council Member Bright absent), the report was received and filed.

**6. Authorization to Establish the Job Classification of Water Conservation Specialist and Salary Range.**

Upon citizen request, Mayor Peterson invited comments from the those in the audience who wished to heard on this matter.

Robert Mires, former Council Member and Grover Beach resident, expressed concerns regarding current drought conditions and the number of residential yards with water-intensive landscaping. He suggested implementing a program to require drought-tolerant landscaping.

It was noted that the Council was already scheduled later in the meeting (Agenda Item No.10) to consider modifications to the City's Water Conservation Programs to increase citizen participation.

There were no further public comments received at this time.

**Action:** It was moved by Council Member Mayor Pro Tem Lee and seconded by Council Member Nicolls to: 1) adopt Resolution No. 14-62 authorizing a temporary, part-time Water Conservation Specialist position; and 2) adopt Resolution No. 14-63 amending the Classification and Compensation Plan. The motion carried on the following roll call vote:

AYES: Council Members Marshall, Nicolls, Mayor Pro Tem Lee, and Mayor Peterson.  
NOES: Council Members - None.  
ABSENT: Council Member Bright.  
ABSTAIN: Council Members - None.

**Resolution No. 14-62: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the Job Classification of Water Conservation Specialist Position.**

**Resolution No. 14-63: A Resolution of the City Council of the City of Grover Beach, California, Amending Resolution No. 02-73 Adding a Salary Range for the Job Class of Water Conservation Specialist.**

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

**REGULAR BUSINESS**

**10. Modifications to the Water Conservation Programs to Increase the Incentives.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray described the City's water conservation programs: 1) the Water Conservation Retrofit Program, 2) the Water-Efficient Washing Machine Rebate Program, 3) the Cash for Grass Rebate Program, and 4) the Smart Irrigation Controller and Sensor Rebate Program. He then summarized the results of a recent evaluation regarding each program's impact on water use, program participation levels, impediments to participation, comparisons with other local agency programs, and proposed program modifications. Staff then responded to questions from the Council.

Brief discussion was held regarding each program and the suggested modifications.

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

Brad Snook, Surfrider Foundation representative, suggested implementing modifications that reduced stormwater pollution.

Sharon Brown, Grover Beach, requested and received information regarding efforts by the local school district and other government agencies to reduce water usage.

There were no further comments received.

Council discussion continued regarding proposed program modifications, with the following amendments to the:

- Cash for Grass Rebate Program - (Exhibit A)  
*Second bullet:* "Areas to be converted must have been maintained lawn during the last twelve (12) months at a single-family or multi-family residence, with the final determination regarding eligibility by the Public Works Director/City Engineer"; (and removed the sentence "Dead lawns will not be eligible for a rebate.")  
  
*Fourth bullet:* Replaced: "Although there is no requirement to use a local vendor" with the following: "The City encourages the use of local vendors."  
  
• Water Conservation Retrofit Program - (Exhibit B)  
*Fourth bullet -* "Properties that already have High Efficiency Toilets installed are NOT eligible for toilet fixture replacement, but may still apply for showerhead and faucet retrofits."

**Action:** It was moved by Council Member Marshall and seconded by Mayor Pro Tem Lee to: 1) adopt Resolution No. 14-64, as amended for Exhibits A and B, modifying the City of Grover Beach Water Conservation Programs, and 2) adopt Resolution No. 14-65 amending the adopted FY 15 Budget. The motion carried on the following roll call vote:

AYES: Council Members Marshall, Nicolls, Mayor Pro Tem Lee, and Mayor Peterson.  
NOES: Council Members - None.  
ABSENT: Council Member Bright.  
ABSTAIN: Council Members - None.

**Resolution No. 14-64: Resolution of the City Council of the City of Grover Beach, California, Amending the "Cash for Grass" Water Conservation Rebate Program and the Plumbing Fixture Water Conservation Retrofit Program.**

**Resolution No. 14-65: A Resolution of the City Council of the City of Grover Beach, California, Adopting the 2<sup>nd</sup> Amendment to the Annual Appropriation Resolution No. 14-32 to Provide Additional Funding for the City's Water Conservation Programs.**

Additionally, the Council provided direction to staff that the Water Conservation Programs be placed more prominently on the home page of the City website.

**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, Utilities Administration Division, specifically with his involvement regarding public works projects for Zone 3, noting that his position with the County was partially funded through the Zone 3 budget. He then stepped down from the dais and left the Council Chambers.**

**11. Formal Acceptance of the 2014 San Luis Obispo County Integrated Regional Water Management (IRWM) Plan.**

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 2014 Integrated Regional Water Management Plan, noting that the Plan provided a united framework among regional stakeholders for sustainable water resource management. 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.

Brad Snook, Surfrider Foundation representative, expressed concerns that the Plan was exempt from the California Environmental Quality Act.

There were no further public comments received.

Additional Council discussion was held regarding certain requirements that were imposed by the State. Public Works Director/City Engineer Ray confirmed that he could continue attending meetings of the Water Resources Advisory Committee (WRAC) on behalf of the City. Council Member Nicolls confirmed that he was available to continue attending WRAC meetings as needed.

City Attorney Koczanowicz noted that individual projects, not the Plan, would be evaluated regarding environmental concerns.

**Action:** It was moved by Council Member Nicolls and seconded by Council Member Marshall to adopt Resolution No. 14-66 formally accepting the 2014 San Luis Obispo County Integrated Regional Water Management (IRWM) Plan and finding that the Project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). The motion carried on the following roll call vote:

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

**Resolution No. 14-66: Resolution Formally Accepting the 2014 San Luis Obispo County Integrated Regional Water Management Plan and Finding that the Project is Exempt from Section 2100 ET SEQ. of the California Public Resources Code (CEQA).**

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

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

None at this time. (Note: Consent Agenda Item No. 3 was presented under the Ceremonial Calendar and Consent Agenda Item Nos. 4 and 6 were discussed earlier in the meeting.)

#### **COUNCIL COMMITTEE REPORTS**

Council Member Bright was absent from this meeting.

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 reported on meetings of the Five Cities Fire Joint Powers Authority and South County Transit.

Mayor Peterson reported on the meeting of the San Luis Obispo Council of Governments.

#### **COUNCIL COMMUNICATIONS**

A. Mayor Peterson inquired whether there was any need to schedule a discussion regarding the proposed rail spur project on the Nipomo Mesa. City Manager Perrault confirmed that he would forward any relevant information to the Council.

Mayor Peterson announced the opening of the new coffee shop "Grover Grind", and the following upcoming special events - Stone Soup and Dune Run Run, Muscle Car and Street Machine Car Show, and Huckfest.

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

##### **12. Water Resource Status Report.**

It was noted that there was no conflict of interest for Mayor Pro Tem Lee to remain seated at the dais during the presentation of general information regarding the status of the City's water resources.

City Manager Perrault briefly described current water conditions, actions implemented by the City to either reduce or eliminate landscape irrigation at City parks, collaborative efforts with agency partners to reduce demand, reduced water production levels as well as billable water usage over the past year in Grover Beach, and the notification process since the Council's declaration of a Stage III Water Shortage Condition to alert water consumers of the mandatory water use prohibitions and required 10% reduction in water use.

**At this time, 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.**

City Manager Perrault noted that subsequent to the posting of the agenda, the City had received a copy of the County's staff report regarding its Declaration of Surplus Water and noted that the matter was scheduled for discussion by the Board of Supervisors on August 19, 2014. It was noted that copies of the County's report were subsequently distributed to the Council as a supplemental agenda packet item. City Manager Perrault then reviewed some of the City's concerns regarding the County's interpretation of the water supply contract between the County and Zone 3 agencies, and the calculation and use of surplus water. He confirmed that staff would be attending the Board of Supervisors meeting on August 19<sup>th</sup> and then responded to questions from the Council.

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:** The information was received and filed.

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

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

City Attorney Koczanowicz stated that the period to submit public comments regarding the Phillips 66 Rail Spur Extension Project had been extended.

#### **CLOSED SESSION**

At 9:03 p.m., the Council met in Closed Session regarding the following items:

1. **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
  
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, 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)

**At 9:19 p.m. Mayor Pro Tem Lee left the Closed Session due to a conflict of interest regarding Closed Session Item No. 3 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.**

3. **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 9:59 p.m., Mayor Peterson reconvened the meeting in open session with all Council Members present, except for Mayor Pro Tem Lee who had left after discussion of Closed Session Item Nos. 1 and 2, and 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 10:00 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 10/20/2014)