

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, OCTOBER 6, 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 Grover Beach resident Stan Goldbloom.

**FLAG SALUTE** The flag salute was led by Police Chief/Assistant City Manager Copsey.

**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, Assistant City Attorney Hale, 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 Peter Williamson, Employer Outreach Coordinator, San Luis Obispo Regional Rideshare; Geoff Straw, Executive Director, San Luis Obispo Regional Transit Authority; and Ron Brown, Operations Manager, Digital West.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, September 15, 2014 after a Special City Council 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): Two (2) potential cases

the City Council reconvened into open session and announced there were no reportable actions taken. It was noted that Mayor Pro Tem Lee was recused from the discussion for one of the potential cases due to a conflict of interest.

On Monday, September 15, 2014 after a Regular City Council 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 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 - SITTING AS 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

the City Council reconvened into open session and announced the following reportable action: the Council, sitting as the Successor Agency, unanimously authorized the settlement in principle regarding Vernon v. City of Grover Beach, SLO County Superior Court Case # 14CV0040.

## **AGENDA REVIEW**

**Action:** Upon consensus (Council Member Bright absent), the Council adopted the agenda as presented.

## **CEREMONIAL CALENDAR**

**1. Swearing-in Ceremony and Introduction of New Police Department Employees - Police Officers Felix Ramirez, Hilary Napier, and Matthew Goodman.**

Police Chief/Assistant City Manager Copsey introduced Police Officers Ramirez, Napier, and Goodman to the City Council and members of the audience. He then administered the Oaths of Allegiance.

**2. Introduction of New Police Department Employees - Records and Communication Technicians Eric Strickland and Nanette Pipitone-Pennock.**

Police Chief/Assistant City Manager Copsey introduced new Police Department employees Eric Strickland and Nanette Pipitone-Pennock to the City Council and members of the audience.

## **PRESENTATIONS**

**3. Rideshare Month Presentation and Invitation from SLO Regional Rideshare.**

Peter Williamson, Employer Outreach Coordinator, San Luis Obispo Regional Rideshare, described scheduled activities during Rideshare Month, distributed commemorative t-shirts, and provided contact information to obtain further details regarding ridesharing opportunities.

**4. Presentation from the Regional Transit Authority Regarding Public Workshops to Discuss a Proposal to Increase Runabout Fares.**

Geoff Straw, Executive Director, Regional Transit Authority, described the proposal to increase fares on the Runabout service, the county-wide public transport service for people with disabilities who are not able to ride fixed-route public transportation. He announced the schedule for three public workshops to be held during the month of October to receive public input, provided contact information for interested persons to submit comments, and noted that the Public Hearing to consider the proposed rate increase was scheduled for consideration by the Regional Transit Authority Board on November 5, 2014. He then responded to questions from the Council.

**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. Brenda Auer, Grover Beach resident, expressed concerns regarding the accumulation of trash south of West Grand Avenue along Highway One due to the homeless; and whether the increased costs for operation and maintenance of the South San Luis Obispo County Sanitation District would be passed on to ratepayers. She then suggested State Parks provide more trash receptacles for the upcoming Huckfest event.
- B. Linda McClure, Grover Beach resident and local business owner, described the success of the first "Grover Beach Street Machine & Muscle Car" event and thanked event sponsors. She then expressed concerns regarding comments made at the recent City Council Candidate Forum.
- C. Todd Jarmine, Arroyo Grande resident, praised the recent Car Show event. He then spoke in support of having more trash receptacles near the beach for special events and holidays.
- D. Dee Santos, Chair of the Parks, Recreation & Beautification Commission, and Board Member of the Lucia Mar Unified School District, expressed concerns regarding impacts of the homeless on local businesses and described negative encounters with homeless individuals in the downtown area and the Von's Shopping Center.
- E. Dr. Daniel Bronstein, local business owner, expressed concerns regarding negative encounters with the homeless in the downtown area that involved his patients and staff.

There were no further public comments received at this time.

Brief discussion was held regarding some of the public comments received, with staff responding to questions from the Council. It was noted that the property located south of the Train Station was owned by the County, and that there were certain restrictions by the State regarding vegetation removal in that area. Upon request, Police Chief/Assistant City Manager Copsey described the Police Department's response to a recent incident at Dr. Bronstein's office, summarized the Council's direction from the September 15<sup>th</sup> City Council meeting to address community impacts from the homeless, and confirmed that he would contact State Parks regarding the requests for additional trash receptacles on State Parks' property near the beach entrance.

## **PUBLIC HEARINGS**

### **5. Introduction and First Reading of Proposed Ordinance Amending Article III Chapter 5 of the Grover Beach Municipal Code Regarding Animal Regulations Adding Section 3552 (Menacing and Aggressive Animals).**

Mayor Peterson read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Police Chief/Assistant City Manager Copsey described the proposed amendment adding a new section to the Grover Beach Municipal Code regarding menacing and aggressive animals and establishing penalties related to public peace and safety. He stated that every city in the County contracted for animal services with the County of San Luis Obispo and was required to enact regulations similar to and consistent with the County's codes regarding the care, keeping, and management of animals. He then described services provided by County Animal Services and 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, Grover Beach resident and business owner, spoke in support of the proposed ordinance.

Sharon Brown, Grover Beach resident, suggested adding "or the safety of others" to Section D.2 of the proposed ordinance, and expressed concerns regarding enforcement if the owner of the aggressive animal was unknown.

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

Further Council discussion was held with Police Chief/Assistant City Manager Copsey providing further clarification regarding the proposed regulations.

**Action:** Upon consensus of the City Council, Section D.2 was amended as follows (added text denoted with double underline):

"Menacing animal" means any animal which, through its behavior, causes a person observing or subject to that behavior to be in reasonable fear for his or her safety, or the safety of others, or the safety of animals kept by him or her..."

It was moved by Mayor Pro Tem Lee and seconded by Council Member Nicolls to conduct first reading, by title only, of Ordinance No. 14-07, as amended, and schedule second reading and adoption for the next regular City Council meeting. 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.

**Ordinance No. 14-07: An Ordinance of the City of Grover Beach, California Adding Section 3552 (Menacing and Aggressive Animals) to Article III Chapter 5 of the Grover Beach Municipal Code. (First Reading only.)**

**6. Introduction and First Reading of a Proposed Ordinance Amending Article X of the Grover Beach Municipal Code to Renew a Pipeline Franchise and Assignment to Phillips 66 LLC.**

Mayor Peterson read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Attorney Koczanowicz described the proposed ordinance to renew the expired franchise agreement for operation of the Phillips 66 facilities, to include pipeline, in the City's public right-of-way. He then responded to questions from the Council.

Discussion ensued regarding:

- whether an ordinance was required to renew the franchise agreement, noting that a neighboring jurisdiction had approved a franchise agreement with Phillips 66 without enacting an ordinance;
- amending section 10303(G) to: "...the City reserves a right to install ~~conduit for fiber optic cable~~ anything at City's sole expense in the excavated areas..."; or whether that might lead to the installation of incompatible uses in the conduit;
- amending section 10303(I) to include "...reconstruct to Grover Beach standards..."; or whether an encroachment permit that required inspections by City staff would ensure that trench reconstruction was completed to the City's satisfaction;
- franchise fees;
- amending the ordinance to include cash penalties for non-performance or delayed repair work;
- requiring a performance bond for any encroachment permit issued regarding pipeline work; and
- amending section 10303(Q) to delete the term "corporate surety" and replacing it with a term for another financial instrument to secure payment for a penalty levied by the City.

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

Sharon Brown, Grover Beach resident, inquired whether section 10303(K) of the proposed ordinance addressed some of the concerns expressed earlier by the Council.

Mariam Shah, Grover Beach resident, suggested including a provision for undergrounding utilities, when possible.

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

Further Council discussion was held, with staff responding to questions, as needed, regarding obtaining a diagram specifically indicating pipeline locations; strengthening the terms of the franchise agreement regarding required performance and the payment of penalties for failure to perform; whether the installation of conduit should be specific to fiber optic cable; whether Phillips 66 might be agreeable to undergrounding utilities; and including terms in the franchise agreement similar to those approved by the City of Arroyo Grande regarding payments to the City for a granting fee and transactional costs.

It was noted that further information was needed before the Council could conduct a first reading of the proposed ordinance to renew the franchise agreement with Phillips 66.

**Action:** Upon consensus, staff was directed to:

- obtain a copy of the franchise agreement between the City of Arroyo Grande and Phillips 66 to determine whether the terms in that agreement might be beneficial to include in a franchise agreement between the City of Grover Beach and Phillips 66;
- include a diagram/map for the next draft of the franchise agreement that identified pipeline locations in Grover Beach;
- conduct further research regarding whether additional fees could be imposed;
- replace the requirement for a "~~surety bond in the amount of \$1,000~~" with the requirement for a "cash bond in the amount of \$1,500"; (deleted text denoted with ~~strikeout~~ font, added text denoted with double underline)
- include language in the next draft of the franchise agreement that the encroachment permit might include other conditions not listed in the franchise agreement; and

- obtain a copy of the franchise agreement approved by the City of Pismo Beach regarding Phillips 66 pipelines in the public right-of-way for the purpose of additional research and comparison.

Recess: Upon consensus of the City Council, the meeting recessed at 8:28 p.m.

Reconvene: At 8:36 p.m., the City Council reconvened with all members present, except for Council Member Bright who was absent from this meeting.

### **CONSENT AGENDA**

It was moved by Mayor Pro Tem Lee and seconded by Council Member Nicolls to approve Consent Agenda Item Nos. 7, 8, 9, 10, 11, and 12 as recommended. 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.

**7. Treasurer's Report for the Period September 9, 2014 - September 30, 2014.**

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

**8. Minutes of the Special City Council Meeting on July 21, 2014 and the Regular City Council Meeting on July 21, 2014.**

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

**9. Proclamation Declaring October 9, 2014 as "Ride 2 Recovery Day".**

**Action:** Received and filed the proclamation.

**10. Proclamation Declaring October 19 - 25, 2014 as "Freedom from Workplace Bullies Week".**

**Action:** Received and filed the proclamation.

**11. Affirming the City of Grover Beach Investment Policy - City investment policy regarding short-term operating funds.**

**Action:** Adopted Resolution No. 14-71.

**Resolution No. 14-71: A Resolution of the City Council of the City of Grover Beach, California, Affirming the Investment Policy for the City of Grover Beach.**

**12. Second Reading and Adoption of Ordinance No. 14-06 to Amend the Grover Beach Municipal Code Article X, Chapter 4, Identifying the Hours of Operation for Card Table Licenses - Amending the Grover Beach Municipal Code by adding Section 1407 to Article X, Chapter 4, Gaming Regulations, adding a provision memorializing the permitted hours of operation for card rooms to be 24 hours a day, 7 days per week, 365 days per year. This revision is not a change to the existing regulations, but a clarification requested by the State Gaming Commission.**

**Action:** Adopted Ordinance No. 14-06.

**Ordinance No. 14-06: Ordinance of the City Council of the City of Grover Beach, California, Amending Article X, Chapter 4 of the Grover Beach Municipal Code Pertaining to Card Table Licenses and Regulations.**

### **REGULAR BUSINESS**

**13. Consideration of a Series of Agreements Regarding the Development, Implementation, and Financing of a Broadband Network (Virtual Port) for the City of Grover Beach.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. City Manager Perrault described a series of proposed agreements for development, implementation, operation, and maintenance of a broadband network in Grover Beach. He noted that the broadband network was proposed to include County-owned facilities located

on South 16<sup>th</sup> Street, and that the County had provided a Letter of Intent indicating its willingness to participate in the project. He then outlined estimated project costs and options for financing. City Manager Perrault then introduced Ron Brown, Operations Manager for Digital West, and David Hale, Assistant City Attorney, who drafted the proposed agreements. Staff then responded to questions from the Council.

Discussion ensued regarding various elements of the proposed agreements, requirements for conducting an environmental impact study, and the proposed gross revenues from operation of the network.

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

Ron Brown, Operations Manager, Digital West, spoke in support of the proposed agreements and responded to questions from the Council.

Sharon Brown, Grover Beach resident, requested additional information regarding the anticipated revenue and projected number of participating business customers.

No further public comments were received.

Further Council discussion was held regarding the proposed agreements; initially entering into an Engineering and Design Agreement at this time, and subsequently entering into an agreement for Construction Management Consultant Services and then a Conduit Lease Agreement. It was also suggested that the term "architect" in Exhibit A of the draft Conduit Lease Agreement be replaced with another term.

**Actions:** Upon consensus, the Resolution was amended to delete the reference to the Construction Management Agreement and the Conduit Lease Agreement; and Exhibit A to the Engineering and Design Agreement regarding the Scope of Services was amended as follows (added text denoted with a double underline):

- Submit fiber optic cable construction drawings to, and garner approval from, third parties involved (Caltrans, etc.);
- Prepare and process CEQA documents, if necessary;

It was then moved by Mayor Pro Tem Lee and seconded by Council Member Nicolls to:

- 1) adopt Resolution No. 14-72, as amended, authorizing the City to enter into an Engineering and Design Agreement with Digital West;
- 2) delegate the authority to the City Manager and City Attorney to further negotiate, revise or amend the agreement, as necessary, in order to finalize it;
- 3) authorize staff to respond affirmatively to the Letter of Intent from the County;
- 4) authorize staff to bring back a revised Construction Management Agreement and subsequently the Conduit Lease Agreement for Council review and approval, as those phases of the broadband project proceed forward; and
- 5) return to the Council with an acceptable financing mechanism for its consideration.

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. 14-72: A Resolution of the City Council of the City of Grover Beach, California Authorizing the City to Enter into an Engineering and Design Agreement with Digital West for the Municipal Broadband Network (Virtual Port).**

**14. Request from the 5 Cities Men's Club Regarding Renaming a Portion of Mentone Drainage Basin Park, Installation of a Club Sign, Installation of a Plaque, and Installation of a Public Art Piece.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. Parks & Recreation Program Director Petker described the request from the Five Cities Men's Club to rename a portion of Mentone Drainage Basin Park (located at Trouville Avenue and South 14<sup>th</sup> Street), install a donated piece of public art consisting of a 9-ft. steel powder-coated statute depicting a basketball player, and install a plaque that memorializes the organization's donated park improvements. She then introduced Dave Ekbohm, representative for the Five Cities Men's Club, and noted that Parks, Recreation & Beautification Commission Chair Dee Santos and Commissioner Geraldine Roseboro were seated in the audience and available to respond to questions. Staff then responded to questions from the Council.

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 request from the Five Cities Men's Club:

- Dee Santos, Chair, Parks, Recreation & Beautification Commission;
- Dave Ekbohm, Five Cities Men's Club representative, who also offered the Club's assistance with completing the lighting improvement project at the park;
- Dr. John Ziomek, Five Cities Men's Club representative; and
- Sharon Brown, Grover Beach resident, objected to accepting a public art piece that only depicted a male basketball player.

No further public comments were received at this time.

Discussion ensued regarding the proposed public art piece; and whether to develop a formal policy regarding public art; as well as potential liability and maintenance issues with accepting donated artwork for public display. Additional discussion was held regarding the delays in completing the installation of new lighting at the park.

**Action:** It was moved by Mayor Pro Tem Lee and seconded by Council Member Nicolls to: 1) adopt Resolution No. 14-73 renaming a portion of the park to the "Mentone Basin Sports Courts"; 2) authorize the installation of the requested sign and plaque; and 3) refer the offer of a public art piece to the Parks, Recreation and Beautification Commission for its review and approval. 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. 14-73: A Resolution of the City Council of the City of Grover Beach, Renaming a Portion of the Mentone Drainage Basin Park to "Mentone Basin Sports Courts".**

11:00 p.m. Rule: Upon unanimous consensus of those members present (Council Member Bright absent), at 10:27 p.m. the Council authorized continuing the meeting past 11:00 p.m.

**Prior to discussion of Agenda Item No. 15, 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.**

**15. Draft Low Reservoir Response Plan for Lopez Reservoir.**

Mayor Peterson read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray presented a draft of the Low Reservoir Response Plan that Zone 3 would be required to implement by the end of the calendar year to guide future releases, as well as the reduction of water entitlements, from Lopez Reservoir based on

weather and conditions of Lopez Lake during periods of drought. 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. No public comments were received at this time.

Council Member Marshal suggested including the unit of measurement "AF" in Appendix B of the Draft Low Reservoir Response Plan.

**Action:** No formal Council action was taken regarding this matter and comments were provided to staff, the City's alternate representative to the Zone 3 Advisory Committee, and the Technical Advisory Committee representative.

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

### **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 and the Savor the Central Coast event.

Council Member Marshall reported on the meeting of the South San Luis Obispo County Sanitation District and stated that a special meeting had been scheduled for the Homeless Services Oversight Council.

Council Member Nicolls reported on the meeting of the Five Cities Fire Joint Powers Authority and the San Luis Obispo Council of Governments meeting, which he had attended as the Council's alternate representative. Upon question, he described public comments received at that meeting regarding pedestrian access between Grover Beach and Highway One. Mayor Peterson described a conversation that she and San Luis Obispo Council of Governments Executive Director Ron DeCarli had regarding possible efforts to improve pedestrian access in the area around South 4<sup>th</sup> Street and Highway One, such as sending a letter from the City Council in support of improving pedestrian access in that particular area.

**Action:** Upon consensus, the Council authorized scheduling a discussion regarding pedestrian access along Highway One and South 4<sup>th</sup> Street.

Council Member Nicolls then provided an update regarding the status of the recruitment for a new Fire Chief.

Mayor Peterson had no committee reports at this time.

### **COUNCIL COMMUNICATIONS**

- A. Mayor Pro Tem Lee praised Grover Beach residents Michael and Phyllis Trujillo for their curbside art beautification efforts. Brief discussion was held regarding scheduling a joint City Council and Parks, Recreation & Beautification Commission meeting sometime after the new year to discuss public art.
- B. Mayor Peterson described comments received from residents who were pleased with the City's quick response to their request to repair a pothole. She also commented regarding a letter the City had received praising Administrative Analyst (Confidential) Lynn Pearson, Maintenance Worker Raymond Hernandez, and Public Works Supervisor John Barclay for their quick response and attention to a resident regarding sidewalk repairs and the removal of trees. She then inquired regarding the status of the City's electric vehicle charging station.

City Manager Perrault responded that, as a cost savings measure, the electric vehicle charging station at City Hall was available only during regular business hours.

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

#### **16. Discussion Regarding the City Council Meeting and City Hall End of the Year/ January Schedule.**

City Manager Perrault briefly reviewed the request to consider cancelling one regularly scheduled City Council meeting in November 2014 and one meeting in January 2015; as well as extending the closure of City Hall offices during the week of Christmas.

**Action:** Upon consensus (Council Member Bright absent), the Council authorized : 1) the cancellation of the regularly scheduled City Council meetings on Monday, November 3, 2014 and Monday, January 5, 2015; and 2) the closure of City Hall offices to the public during the one-week period of Monday - Friday, December 22 - 26, 2014.

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

City Attorney Koczanowicz noted that a future City Council and/or Parks, Recreation & Beautification Commission discussion regarding development of a public art policy should also include parameters regarding the public forum discussion.

### **CLOSED SESSION**

City Manager Perrault stated that there was no need to conduct the Closed Session scheduled for this evening. The following Closed Session item was therefore cancelled.

#### **~~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)~~

### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Peterson adjourned the meeting at 11:15 p.m.

/s/ DEBBIE PETERSON, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 12/01/2014)