

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, APRIL 20, 2015**

**CALL TO ORDER** Mayor Shoals 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 Interim Police Chief Jim Copsey.

**ROLL CALL**

City Council: Council Members Karen Bright, Barbara Nicolls, Mariam Shah, Mayor Pro Tem Jeff Lee, and Mayor John Shoals were present.

City Staff: City Manager Robert Perrault, City Attorney Martin Koczanowicz, City Clerk Donna McMahan, Interim Police Chief Jim Copsey, Administrative Services Director Gayla Chapman, Community Development Director Bruce Buckingham, Public Works Director/City Engineer Greg Ray, and Parks & Recreation Program Director Kathy Petker were also present.

Also present were Fire Chief Steve Lieberman and Battalion Chief Riki Heath, Five Cities Fire Authority; Jim Anderson, Maintenance Superintendent/Rail Project Manager, Phillips 66; Andy Perez, Director Port Affairs Corporate Relations, Union Pacific Railroad; and Laurance Shinderman, Mesa Refinery Watch Group.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement:

On Monday, April 6, 2015 after meeting in Closed Session regarding:

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. Public Employee Performance Evaluation Pursuant to Government Code Section 54957 Employee: City Manager

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

**AGENDA REVIEW**

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

**CEREMONIAL CALENDAR**

1. **Proclamation Declaring April 24, 2015 as National "Arbor Day".**

Mayor Shoals read and presented the proclamation to Parks & Recreation Program Director Petker. It was announced that in addition to activities scheduled in celebration of "Arbor Day", a tree planting ceremony would be held at Grover Beach City Hall on Friday, May 1<sup>st</sup> with trees donated by the Arroyo Grande & Grover Beach Chamber of Commerce. Additionally, a free Water Conservation & Drought Tolerant Landscaping Workshop was scheduled to be held at the Ramona Garden Community Center on Saturday, May 2<sup>nd</sup>.

**PRESENTATIONS**

2. **Proposed Rail Project at the Phillips 66 Santa Maria Refinery.**

The City Council received presentations and supplemental information materials regarding a proposal to expand the rail facility at the Phillips 66 Santa Maria Refinery for the delivery of crude oil through San Luis Obispo County. PowerPoint presentations were provided by the following individuals, with each presenter responding to questions from the Council:

In support of the project:

- Jim Anderson, Maintenance Superintendent/Rail Project Manager, Phillips 66; and
- Andy Perez, Director Port Affairs Corporate Relations, Union Pacific Railroad.

In opposition to the project:

- Laurance Shinderman, Mesa Refinery Watch Group.

Upon question, Mr. Perez confirmed that he would follow-up and provide the Council with information regarding: 1) why railcars were currently sitting idle next to the Grover Beach Train Station for an extended period of time; 2) maintenance procedures and regulations for retrofitting CPC-1232 tanker cars; and 3) recent inspections conducted on railcars traveling through Grover Beach.

Paul Stolpman, Nipomo, commented on the proposed project's environmental impact report and described some of the "significant impacts".

Upon request, Fire Chief Lieberman described emergency response resources available through the San Luis Obispo County hazardous materials response team, as well as emergency response resources available through mutual aid and Union Pacific Railroad.

Recess: Upon consensus of the City Council, the meeting recessed at 7:44 p.m.

Reconvene: At 7:51 p.m., the meeting reconvened with all Council Members present.

**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.

The following persons spoke in support of the proposed rail spur project:

- Willie Galvan, Santa Maria;
- John Jay, of the Coastal Energy Alliance;
- Suzanne Parker, San Luis Obispo;
- Dave Rohr, Grover Beach;
- Ed Hazard, Paso Robles;
- Josh Martin, Grover Beach resident and Chairman, Arroyo Grande & Grover Beach Chamber of Commerce;
- Peter Rynning, San Luis Obispo;
- Rick Bacon, Nipomo;
- Virlon Smoot, Arroyo Grande;
- Brent Christensen, Arroyo Grande; and
- Terry Fibich, retired Arroyo Grande & Grover Beach Fire Chief.

The following persons spoke in opposition to the proposed rail spur project:

- Dorothy Albertson, Grover Beach;
- Gary McKible, Nipomo;
- Judith Bernstein, Arroyo Grande;
- Jim Fox, who identified himself as a "South County" resident;
- Kevin Beauchamp, Nipomo;
- Charles Varni, Oceano;
- Kay Gore, Arroyo Grande;
- Paul Stolpman, Nipomo;
- Diana Robertson, Pismo Beach;
- Mark Nelson, Grover Beach; and
- John Anderson, Nipomo.

Members of the Council expressed their appreciation for the public's interest in providing comments to the City. It was noted that the Council still had an opportunity to review the environmental impact report for the rail spur project and could schedule the matter for further consideration.

Recess: Upon consensus of the City Council, the meeting recessed at 8:55 p.m.

Reconvene: At 8:59 p.m., the meeting reconvened with all Council Members present.

**PUBLIC HEARING**

None at this time.

## **CONSENT AGENDA**

Prior to consideration of the Consent Agenda, staff provided clarification regarding Consent Agenda Item No. 6 and 7, and a clerical error was noted in the staff report for Consent Agenda Item No. 6, page 1, second paragraph, regarding the date the Council awarded a contract to Souza Construction as "December 15, 2014" (not December 15, 2015). Regarding Consent Agenda Item No. 8, Mayor Pro Tem Lee praised Mr. Hollenbeck's work on previous County public works project. Upon request, Mr. Hollenbeck described his experience as Project Manager for the Nacimiento Water Project, and affirmed his interest and qualifications in providing the City consulting civil engineer services to manage and implement the City's Street Rehabilitation and Repair Program.

It was moved by Council Member Bright and seconded by Mayor Pro Tem Lee to approve Consent Agenda Item Nos. 3, 4, 5, 6, 7, and 8, as recommended. The motion carried on the following roll call vote:

AYES: Council Members Bright, Nicolls, Shah, Mayor Pro Tem Lee, and Mayor Shoals.  
NOES: Council Members - None.  
ABSENT: Council Members - None.  
ABSTAIN: Council Members - None.

**3. Treasurer's Report for the Period March 31, 2015 - April 14, 2015.**

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

**4. Treasurer's Report for the Streets Bond Account (Measure K-14: Grover Beach Street Rehabilitation; Safety Improvement Bond Measure) for the Period March 31, 2015 - April 14, 2015.**

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

**5. Minutes of the City Council Meetings of March 2, 2015 and March 16, 2015.**

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

**6. Award of Contracts Regarding the West Grand Avenue Enhancement Project, Phase 3 - Awarding contracts for consultant services regarding: 1) construction engineering, materials testing, and construction survey services, and 2) contract administration services associated with Phase 3 of the West Grand Avenue Enhancement Project for improvements to be constructed between the beach and Highway 1 (Pacific Coast Highway).**

**Action:** Adopted Resolution No. 15-16.

**Resolution No. 15-16: Resolution of the City Council of the City of Grover Beach, California, Approving a Professional Services Agreement with Cannon for Contract Administration and Construction Management Services Associated with the West Grand Avenue Enhancement Project - Phase 3.**

**7. Consideration of a Draft Resolution to Adopt the Amended and Restated San Luis Obispo Regional Hazardous Materials Cooperative Agreement - A new and re-stated Cooperative Agreement to address funding and operational issues.**

**Action:** 1) Adopted Resolution No. 15-17 approving: a) an increase to annual membership fees for participating in "the Team", b) amendments to and restatement of the Cooperative Agreement governing "the Team", and c) the City's continued participation in "the Team"; and 2) authorized the Mayor to sign the amended and restated Cooperative Agreement on behalf of the City.

**Resolution No. 15-17: A Resolution of the City of Grover Beach City Council Adopting the Amended and Restated San Luis Obispo Regional Hazardous Materials Cooperative Agreement.**

**8. Award of Contract for Streets Program Project Manager - Agreement for project management services associated with the Street Rehabilitation and Repair Program funded by Measure K-14 bonds.**

**Action:** Adopted Resolution No. 15-18 authorizing staff to enter into a consulting services contract with Hollenbeck Consulting for project management services.

**Resolution No. 15-18: Resolution of the City Council of the City of Grover Beach, California, Approving a Contract for Project Management Services Related to the Street Rehabilitation and Repair Program.**

**REGULAR BUSINESS**

**9. Appointment to the Advisory Traffic Committee.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Interim Police Chief Copsey provided recommendations from the Advisory Body Screening Committee regarding interviews held on Thursday, April 9, 2015 with applicants interested in being appointed as the citizen-representative to the Grover Beach Traffic Committee. He also noted that Mr. Wilson had been present earlier in the meeting, but had subsequently left the Council Chambers during the extended public comment period. Interim Chief Copsey then responded to questions from the Council.

Mayor Shoals 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 Nicolls and seconded by Mayor Pro Tem Lee to: 1) adopt Resolution No. 15-19 appointing Mike Wilson to a two-year term of office on the Advisory Traffic Committee, scheduled to expire on January 15, 2017; and 2) in the event of an unscheduled vacancy on the Traffic Committee, authorize the appointment of James Cooper to serve the remainder of that Committee term without having to be re-interviewed by the Screening Committee. The motion carried on the following roll call vote:

AYES: Council Members Bright, Nicolls, Shah, Mayor Pro Tem Lee, and Mayor Shoals.

NOES: Council Members - None.

ABSENT: Council Members - None.

ABSTAIN: Council Members - None.

**Resolution No. 15-19: A Resolution of the City Council of the City of Grover Beach, California, Appointing Mike Wilson to the Advisory Traffic Committee.**

**10. Preliminary FY 16 Budget Discussion and Request for Direction.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault provided an overview of preliminary cost and revenue estimates for each of the City's major funds and responded to questions from the Council. Individual staff presentations were then provided regarding the Police Department and the Five Cities Fire Authority, with staff responding to questions from the Council.

**11:00 p.m. Rule:** At 10:35 p.m., it was moved by Mayor Pro Tem Lee and seconded by Council Member Nicolls to continue the meeting past 11:00 p.m. The motion carried on the following roll call vote:

AYES: Council Members Bright, Nicolls, Shah, Mayor Pro Tem Lee, and Mayor Shoals.

NOES: Council Members - None.

ABSENT: Council Members - None.

ABSTAIN: Council Members - None.

Department presentations continued regarding Community Development, Parks and Recreation, Public Works, and Administrative Services, with staff responding to questions from the Council.

Further Council discussion was held regarding initiating a utility study and continuing the review process of the proposed budget.

**Action:** Upon unanimous consensus, the City Council continued budget discussions to the regular City Council meeting of May 4, 2015.

**PULLED CONSENT AGENDA ITEMS**

None at this time.

### **COUNCIL COMMITTEE REPORTS**

Due to the late hour, Council Committee reports were deferred to the next regular City Council meeting of May 4, 2015.

### **COUNCIL COMMUNICATIONS**

- A. Mayor Pro Tem Lee requested and received information regarding a recent fire hydrant/vehicle incident that occurred near West Grand Avenue and Le Sage Drive. City Manager Perrault confirmed that the responsible party would be billed for the damages.

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

None at this time.

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

None at this time.

### **CLOSED SESSION**

At this time, it was announced that Closed Session Item No. 2 would be *continued* to the next regular City Council meeting of May 4, 2015. At 11:45 p.m., the Council met in Closed Session regarding the following item:

1. **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
  
2. ~~**Public Employee Performance Evaluation**~~  
~~Pursuant to Government Code Section 54957~~  
~~Employee: City Manager~~

Closed Session Announcements: At 11:58 p.m., Mayor Shoals reconvened the meeting to open session with all Council Members present. City Attorney Koczanowicz announced that there were no reportable actions taken during Closed Session.

### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 11:59 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 05/04/2015)