

**MINUTES
CITY COUNCIL MEETING
MONDAY, OCTOBER 4, 2010**

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 Ayumi Smallwood, a 7-year-old, 2nd grade student at Grover Heights Elementary School.

ROLL CALL

City Council: Council Members Bright, Mires, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals were present.

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Community Development Director Buckingham, Public Works Director/City Engineer Ray, Police Chief Copsey, Fire Chief Hubert, and Battalion Chief Heath were also present.

Also present was City Engineer (Sewer/Water) Garing.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, September 13, 2010 after meeting in Closed Session regarding:

1. Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6.
Agency Negotiators: City Manager, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator, Police Lieutenant, and Police Chief.
Represented Employee Group: Grover Beach Police Officers' Association (GBPOA)

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. **Drawing to Select Monthly Winners of the Local Economic Stimulus Program Shop Local, Shop Loyal Campaign - "Shop & Dine Grover Beach".**

Administrative Services Director Chapman briefly described the "Shop & Dine Grover Beach" Program and encouraged residents to support local businesses by shopping and dining in Grover Beach. A random drawing was held and the names of the following Shop & Dine Grover Beach winners were announced: Danielle Bainbridge, Steve Bergstrom, Merrilee Costello, Allan Johnson, Rosemary Lucier, B. McMahon, Cassandra Mesa (two separate cards were drawn with the same name), Jason Spears, and Jay Wells.

2. **Proclamation Declaring October 6, 2010 as "Ride 2 Recovery Day".**

Mayor Shoals read and presented the proclamation to a representative from the Greater Pismo Beach Kiwanis Club, who described the Ride 2 Recovery Program to assist wounded members of the armed forces. He invited all those present to attend the South County segment of the ride in support of the participating veterans.

3. Proclamation Declaring October 3-9, 2010 as “Fire Prevention Week”.

Mayor Shoals read and presented the proclamation to Fire Chief Hubert and Battalion Chief Heath. The Chiefs thanked the Council and City for their continued support of the Five Cities Fire Authority.

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. Adam Hill, 3rd District Supervisor, San Luis Obispo County, and Grover Beach resident, briefly described the upcoming Board of Supervisors Strategic Planning Session regarding the County’s budget, anticipated deficits, and further position reductions. He also noted that he anticipated funding events sponsored by the Grover Beach Parks and Recreation Department, as well as the Grover Beach Community Library.
- B. Phyllis Molnar, Council Member-elect, Grover Beach, expressed concerns regarding the Council’s recent discussion of replacing recently planted palm trees on West Grand Avenue with Canary Island palm trees. She distributed information that recommended against planting Canary Island palms near sidewalks or buildings.
- C. John Wysong, Grover Beach, expressed concerns regarding the condition of City streets and requested allocating additional funds towards street improvements. He also objected to the manner in which public comments were received at the Special City Council meeting held on August 13, 2010.

Upon request, City Manager Perrault confirmed that he had spoken with Mr. Wysong regarding his observations of the August 13, 2010 Special City Council meeting.

PUBLIC HEARINGS

4. Application for a Certificate of Public Convenience and Necessity for Tri Counties Transit, Inc., DBA Beach Cities Cab Co., Yellow Cab Co. of SLO County, and Checker Cab Co. of SLO County. (Continued Public Hearing from September 13, 2010).

Mayor Shoals 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, Police Chief Copsey provided an overview of the application received from Tri Counties Transit, and reviewed background information regarding the applicant’s business experience and financial statements that demonstrated the company’s financial responsibility. He then responded to questions from the Council.

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

The applicant’s representative, Bobby Babaeian, in response to Council comments, described distinguishing characteristics to be used on the taxi cabs and explained the marketing perspective for using multiple company names. He stated there would be a total of 20 vehicles in operation countywide, and that the primary office and dispatch center would be located in San Luis Obispo. He also described vehicle upgrades to accommodate passengers with wheelchairs and infant carriers, as well as plans to increase available services.

Jeff Goldenberg, former owner of Beach Cities Cab Company, stated that he had almost 12 years of taxi service experience in multiple counties and praised City staff for their professionalism and assistance during that time.

There were no further public comments received.

Further Council discussion was held with comments regarding benefits to the community from having a professional taxi service available.

Action: It was m/s by Council Members Peterson/Mires: 1) determining there was a public convenience and need for the taxi company Tri Counties Transit, Inc., and 2) adopting Resolution No. 10-63 granting a Certificate of Public Convenience and Necessity to Masood Babaeian to operate Tri Counties Transit, Inc., within the Grover Beach city limits. The motion carried on the following roll call vote:

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

Resolution No. 10-63: Resolution of the City Council of the City of Grover Beach Granting a Certificate of Public Convenience and Necessity, and Amend the Master Fee Schedule to Include the New Rates for Tri Counties Transit, Inc.

5. Application for a Certificate of Public Convenience and Necessity for Central Coast Taxi. *(Continued Public Hearing from September 13, 2010)*

Mayor Shoals announced that the applicant, Mr. Fuad Alsaify, had requested that his application for a Certificate of Public Convenience and Necessity to operate Central Coast Taxi within city limits be withdrawn.

Action: Upon unanimous consensus, the Council accepted the applicant's withdrawal for a Certificate of Public Convenience and Necessity.

6. FY 11 Citizen's Option for Public Safety (COPS) Grant.

Mayor Shoals 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, Police Chief Copsey provided an overview of the Citizen's Option for Public Safety (COPS) Grant program that annually allocated funds for the delivery of frontline local law enforcement services. He noted that the funds must be encumbered by July 2011 and spent by July 2012 or else returned to the State. He also stated that this year's allocation of approximately \$100,000 might end up being a lower amount as a result of State budget impacts and Vehicle License Fee revenues, which were used to fund the grant. He then reviewed the list of proposed expenditures that were included in the adopted FY 11 Budget, and noted that any remaining funds would be used only towards frontline services.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There was no response and he closed the Public Hearing.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to adopt Resolution No. 10-64 approving the recommended allocation of FY 11 COPS grant funds. The motion carried on the following roll call vote:

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

Resolution No. 10-64: A Resolution of the City Council of the City of Grover Beach Accepting the Grover Beach Police Department's Recommendation for Spending the Citizen's Option for Public Safety (COPS) Grant (FY 11).

CONSENT AGENDA

It was m/s by Council Member Bright/Mayor Pro Tem Nicolls to approve Consent Agenda Item Nos. 7, 8, 9, and 10, as recommended. The motion carried on the following roll call vote:

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

7. **Treasurer's Report for the Period September 8 - September 29, 2010.**
Action: Approved as submitted.
8. **Minutes of the Following Meetings:**
 - March 15, 2010 City Council Meeting;
 - March 15, 2010 Joint City Council / Improvement Agency Meeting;
 - March 29, 2010 Special Joint City Council / Improvement Agency Meeting;
 - April 5, 2010 City Council Meeting; and
 - April 5, 2010 Joint City Council / Improvement Agency Meeting.**Action:** Approved the minutes as submitted.
9. **Second Reading and Adoption of Ordinance Adding Chapter 6 to Article II of the Grover Beach Municipal Code Defining and Regulating the Use of City Symbols.**
Ordinance adding regulations to the Grover Beach Municipal Code making it unlawful to misuse the City's seal, flag, logo or tagline, prohibiting the unauthorized use of these City symbols, and providing guidelines and policies for authorized use.
Action: Conducted second reading, by title only, and adopted Ordinance No. 10-05.

Ordinance No. 10-05: An Ordinance of the City Council of the City of Grover Beach, California, Amending Article II of the Grover Beach Municipal Code, by Adding Chapter 6 Use of Official City Symbols and Letterhead. (Second Reading)
10. **Recommendation to Retain the Services of GEI Consultants to Conduct Quarterly Groundwater Monitoring and Prepare the 2010 Annual Report for the Northern City Management Area (NCMA).**
Action: 1) Endorsed the recommendation of the NCMA Technical Group, 2) adopted Resolution No. 10-65 to retain the services of GEI Consultants to conduct quarterly groundwater monitoring and prepare the 2010 annual report for the NCMA; and 3) authorized the Mayor to execute the contract on behalf of the City.

Resolution No. 10-65: A Resolution of the City Council of the City of Grover Beach, California, to Endorse the NCMA Technical Group Recommendation to Approve the Contract with GEI Consultants to Conduct Quarterly Groundwater Monitoring and Prepare the 2010 Annual Report for the NCMA.

REGULAR BUSINESS

11. Local Street Rehabilitation Program.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Public Works Director/City Engineer Ray briefly described the Council-adopted process for selecting streets for rehabilitation. He noted that, although significant state and federal grant funds, as well as funds from local sources, had been allocated for street repair, it was not enough to fund a comprehensive street repair program.

Public Works Director/City Engineer Ray displayed maps depicting street improvements completed to date, primary arterial and collector streets, and designated truck routes. He then described a proposed short-term strategy to achieve a sustainable network of primary streets by:

- 1) Focusing the majority of available funds on those streets that were most used by the public;
- 2) Giving priority to those streets that supported the City's economic development goals;
- 3) Improving and maintaining the condition of the most used streets to an average Pavement Condition Index (PCI) of 60;
- 4) Utilizing a variety of pavement rehabilitation methods to achieve a sustainable system of streets at the lowest overall cost; and
- 5) Using the remainder of available annual funding to rehabilitate other street segments in accordance with the Council-approved process.

He also pointed out that there were no funds allocated for street rehabilitation in the FY 11 Budget, as those funds had been transferred to the South 4th Street and Longbranch Avenue Demonstration Projects. He noted that if the Longbranch Demonstration Project was delayed until summer 2011 when school was not in session, those funds could be

used towards completing another street rehabilitation project this fiscal year. He also stated the adopted FY 12 Budget included an allocation of \$727,395 for local street rehabilitation. He then responded to questions from the Council regarding the City's Pavement Management System, as well as various methods and estimated costs to preserve an improved street.

Discussion ensued regarding the scope of work, status, and combined funding sources for the Longbranch Avenue Demonstration Project and the Safe Routes to School Project at Grover Beach Elementary School to complete street and sidewalk improvements.

Mayor Shoals invited public comments on this matter. There was no response received and he closed the public comment period for this item.

Further Council discussion was held regarding whether to amend the criteria for selecting streets for improvement, as well as whether to delay the Longbranch Avenue Demonstration Project. It was noted that delaying the project until after the regular school year would reduce the amount of disruption to school operations and the surrounding residents. Project funds could then be transferred to improve other streets this fiscal year, such as segments of West Grand Avenue, or to extend the areas of other pending street improvement projects.

Discussion was then held regarding developing a "third tier" list that included streets not designated as primary arterial or collector streets, but which served schools or other public institutions/services. It was also noted that any further street improvement work on West Grand Avenue should be scheduled either prior to, or delayed until after, the holiday shopping season. Additional discussion ensued regarding scheduling future meetings or workshops to review street conditions, discuss criteria for selecting streets for rehabilitation, develop a third tier list of streets, as well as discuss a long-term strategy for rehabilitating streets.

Action: It was m/s by Council Member Mires/Mayor Pro Tem Nicolls to: 1) adopt the proposed short-term street rehabilitation strategy; 2) authorize the transfer of funds from the Longbranch Avenue Demonstration Project to the FY 11 Local Street Rehabilitation Project; and 3) request staff to prepare recommendations for consideration at the next City Council meeting regarding the best method to proceed with rehabilitating street segments this fiscal year, specifically on West Grand Avenue from 8th to 11th Streets and 16th Street to Oak Park Boulevard. The motion carried on the following roll call vote:

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

Mayor Shoals suggested scheduling informational workshops at the elementary schools or Ramona Garden Park Center for discussions with the public regarding street conditions, criteria for selecting streets to be rehabilitated, funding constraints, and the best long-term strategy to address street rehabilitation.

Recess: Upon consensus of the City Council, the meeting recessed at 8:03 p.m.
Reconvene: At 8:08 p.m., the meeting reconvened with all Council Members present.

12. Recommendation Regarding Timing and Costs Associated with Processing an Amendment to Part 40.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Community Development Director Buckingham provided an overview of the recommended steps to initiate a comprehensive amendment to Part 40 Residential Common Area Development Standards, commonly referred to as Planned Unit Developments or PUDs.

He recommended that the first step would be conducting a joint City Council and Planning Commission workshop to discuss the intent of Part 40 and available options to amend that

section to accommodate market changes and community needs. He then outlined estimated time frames for the completion of other major projects currently underway by Community Development Department staff in accordance with the Council's goal setting session and in compliance with state mandates, the estimated time frame to complete an amendment to Part 40 based on current work loads, and options for expediting the process by either retaining the services of a consultant or re-prioritizing the current Council goals and staff workload.

Mayor Shoals invited public comments on this matter. There was no response received and he closed the public comment period for this item.

Brief Council discussion was held regarding conducting special meetings as needed to ensure there were no further delays regarding the Grover Beach Lodge and Conference Center or the West Grand Avenue Master Plan projects, and providing the Council with a status report regarding the amended schedule for the Lodge project.

Action: Upon unanimous consensus, the Council directed staff to initiate the amendment process with a Joint City Council/Planning Commission workshop in April/May of 2011 and for work to be completed in early FY 12.

13. Cooperative Agreement Between the City of Grover Beach, City of Arroyo Grande, and the Oceano Community Services District for Fire Truck/Aerial Apparatus.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault provided an overview of the proposed agreement to participate in the financing of a 100 foot aerial platform fire apparatus. He stated that, prior to the formation of the Five Cities Fire Authority, the City of Arroyo Grande took the lead to apply for a federal grant to purchase the fire truck/aerial apparatus for joint use with the City of Grover Beach and the Oceano Community Services District.

City Manager Perrault explained that grant was awarded in the amount of \$774,843, leaving a balance of \$150,764 to be financed. According to the grant requirements, ownership of the truck would remain with the lead agency during the financing period. Once financing was completed, ownership would be transferred to the Five Cities Fire Authority. He noted that the grant application and development of a cost allocation formula for each agency was supervised by the Fire Oversight Committee, with Mayor Shoals serving as the City's representative. The allocation for Grover Beach was determined at 30%, with annual financing costs of \$11,544 for a period of five years.

Mayor Shoals invited public comments on this matter. There was no response received and he closed the public comment period for this item.

Action: It was m/s by Mayor Pro Tem Nicolls/Mayor Shoals to: 1) adopt Resolution No. 10-66 authorizing the City to enter into the agreement; and 2) authorize the Mayor to execute the agreement on behalf of the City. The motion carried on the following roll call vote:

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

Resolution No. 10-66: A Resolution of the City Council of the City of Grover Beach, California, Authorizing the City to Enter Into a Fire Truck/Aerial Apparatus Cooperative Agreement with the City of Arroyo Grande and the Oceano Community Services District.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Council Member Bright stated she had nothing to report.

Council Member Peterson reported on the meeting of the San Luis Obispo County Visitors & Conference Bureau, stating that the *Sunset* magazine Savor the Central Coast event was deemed a success. She thanked the other Council Members for supporting City sponsorship and staff for their assistance with the event, particularly Parks and Recreation Director Petker and her staff. She also thanked and praised the Parks and Recreation Department for successfully organizing other City-sponsored events over the past few months, specifically recognizing the efforts of Recreation Coordinator O'Donnell.

Council Member Peterson then reported on activities of the Housing Trust Fund.

Council Member Mires reported on the meeting of the Zone Three Advisory Committee and cost increases due to the maintenance and operation of Lopez Lake. He also noted that the increased costs as a result of preparing the Habitat Conservation Plan were anticipated to end soon.

Mayor Shoals commented that a meeting was recently held with Mayors from the South County cities and Zone 3 representatives to discuss Lopez Lake costs and request that input from member agencies be included regarding operational and budget decisions.

Mayor Pro Tem Nicolls reported on the meeting of the South San Luis Obispo County Sanitation District.

Mayor Shoals stated that he had no Committee reports at this time.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Mayor Shoals commended Council Member Peterson for her efforts in securing the City's sponsorship of the train ride component at the recent Savor the Central Coast event at Santa Margarita Ranch.

He then stated that approximately 25 volunteers assisted with the recent Grover Beach Beautiful Day held on Saturday, September 25, 2010, which included members of the Grover Beach Rotary Club. He noted work efforts focused on clearing weeds and debris on West Grand Avenue from 4th Street to Highway 1. He announced the next beautification effort would be held on Saturday, October 16, 2010 at 8:00 a.m.

CITY MANAGER'S REPORTS AND COMMENTS

14. **“Grover Beach Walk Celebration” - Thursday, October 7, 2010 from 6:00 - 8:00 p.m (between 4th Street and the railroad tracks).**

City Manager Perrault described events scheduled by local merchants and the City to encourage the community to come and celebrate the completion of improvements on West Grand Avenue. The evening would include live music performances, food from local restaurants, and merchant discounts.

Action: Upon consensus, the report was received and filed.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 8:45 p.m., the Council met in Closed Session regarding the following item:

1. **Conference with Labor Negotiators**

Pursuant to Government Code Section 54957.6.

Agency Negotiators: City Manager, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator, Police Lieutenant, and Police Chief.

Represented Employee Group: Grover Beach Police Officers' Association (GBPOA)

Closed Session Announcements: At 9:05 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present, and he announced 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 9:05 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK

(Approved at CC Mtg 01/18/2011)