

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, JULY 20, 2009**

**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 City Attorney Koczanowicz.

**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, Interim Community Development Director Beck, Police Chief Copsey, Fire Chief Hubert, Parks and Recreation Director Petker, Public Works Superintendent Ford, Economic Development Specialist Buckingham, and Assistant Administrative Services Director Byrd were also present.

Also present were City Engineer Garing, and Parks, Recreation & Beautification Commission Chair Greeley.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Koczanowicz read the following announcement - On Monday, July 6, 2009 after meeting in Closed Session regarding:

1. Conference with Real Property Negotiators  
Pursuant to Government Code Section 54956.8  
Property: 1541 Hillcrest Road  
Agency Negotiator: City Manager and City Attorney  
Negotiating Party: LYLE Company  
Under negotiation: Lease Agreement
  
2. Conference with Legal Counsel - Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of  
Section 54956.9: One (1) potential case

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

**AGENDA REVIEW**

City Attorney Koczanowicz requested that the Council cancel the item scheduled for discussion under Closed Session, stating certain materials had not yet been received by the City.

**Action:** Upon unanimous consensus, the City Council cancelled the item scheduled later in the meeting under Closed Session and adopted the agenda as amended.

**CEREMONIAL CALENDAR**

**PRESENTATIONS**

1. **Parks, Recreation & Beautification Commission Quarterly Report - Second Quarter.**

Chair Greeley provided an overview of Commission activities for the period April 1 through June 30, 2009. She and Parks and Recreation Director Petker then responded to questions from the Council regarding use of the Mentone Basin by the Central Coast Condors Youth Soccer Club and the Club's offer to make repairs to the field at no charge to the City.

**Action:** The report was received and filed.

**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. Tom Rehder, owner of Mongo's Saloon, 356 West Grand Avenue, commented on a letter he had previously submitted to the Council regarding concerns with street improvements scheduled for West Grand Avenue and potential traffic issues. He offered to work with staff in order to minimize disruptions to his business during the construction period.
- B. Daryl Cameron, Arroyo Grande businessperson, requested the City reduce the vendor fee and modify the process for massage technicians at the Farmer's Markets held at Ramona Garden Park.

The Council requested Ms. Cameron contact City staff to discuss possible alternatives.

### **PUBLIC HEARINGS**

None at this time.

### **CONSENT AGENDA**

Prior to consideration of the Consent Agenda, Item Nos. 3 and 5 were pulled pursuant to the respective requests of Council Members Peterson and Mayor Pro Tem Nicolls.

It was m/s by Council Members Bright/Peterson to approve Consent Agenda Item Nos. 2 and 4, 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.

- 2. **Treasurer's Report for the Period July 1 - 15, 2009.**  
**Action:** Approved as submitted.
- 4. **Minutes of the City Council Meeting of March 16, 2009.**  
**Action:** Approved the minutes as submitted.

### **REGULAR BUSINESS**

#### **6. Appointment to Advisory Traffic Committee.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Police Chief Copsey provided an overview of the Advisory Body Screening Committee's recommendations regarding interviews conducted to fill one vacancy on the Advisory Traffic Committee. He stated the Screening Committee had recommended that Paul Brunner be re-appointed to fill the two-year term.

**Action:** It was m/s by Council Members Peterson/Mires to adopt Resolution No. 09-43 re-appointing Paul Brunner to the two-year term on the Advisory Traffic Committee scheduled to expire on January 15, 2011. 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. 09-43: A Resolution of the City Council of the City of Grover Beach, California, Appointing Mr. Paul Brunner to the Advisory Traffic Committee.**

Traffic Committee Member Brunner was then introduced to the City Council and members of the audience.

## 7. **Appointments to Parks, Recreation & Beautification Commission.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. Parks and Recreation Director Petker reviewed recommendations from the Advisory Body Screening Committee regarding interviews conducted to fill three vacancies on the Commission. She stated that the Screening Committee had recommended three of the applicants for appointment: Dee Santos, Ellie Ross, and Jeffrey Lee, and appointing one additional applicant, Arnold Dowdy, to fill the next vacancy resulting from the resignation of a Commissioner from an unexpired term. She then announced that subsequent to the agenda being copied and distributed, the City had received a letter of resignation from Commissioner Herb Delo, resulting in a fourth Commission vacancy.

Brief discussion was held regarding the recommendations. The candidates confirmed they were amenable to Dee Santos and Ellie Ross being appointed to full four-year Commission terms and Jeff Lee being appointed to fill the remaining two years of an unexpired four-year term.

**Action:** It was m/s by Council Members Mires/Bright to: 1) accept the Screening Committee's recommendations; 2) adopt Resolution No. 09-44 appointing Dee Santos and Ellie Ross to serve four-year Commission terms, scheduled to expire on March 31, 2013; and appointing Jeffrey Lee to fill the *unexpired* Commission term, scheduled to expire on March 31, 2011; and 3) to schedule the appointment of Arnold Dowdy at the next regularly scheduled City Council meeting to fill the remainder of the term resulting from the resignation of former Commissioner Herb Delo. 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. 09-44: A Resolution of the City Council of the City of Grover Beach, California, Appointing Dee Santos, Ellie Ross, and Jeffrey Lee to Serve on the Parks, Recreation & Beautification Commission.**

At this time, the Council recognized and thanked former Commissioner Delo, who was seated in the audience, for his service to the City as a member of the Commission.

## 8. **Water Shortage Contingency Plan.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Engineer Garing provided a brief overview of the City's Urban Water Management Plan and the rainfall monitoring process conducted each "rainfall year", which was calculated per Zone 3 requirements as April 1<sup>st</sup> to March 31<sup>st</sup> of the following year, to determine whether to declare the existence of a water shortage. He then reviewed the four stages of a declared water shortage, as defined in the City's Water Shortage Contingency Plan, and the actions associated with each stage to encourage citizens to reduce water consumption.

City Engineer Garing stated that on June 18, 2007, the Council had declared a Stage I Minor-Voluntary Water Shortage condition when the data presented at that meeting indicated a 42.2% below normal average rainfall amount for rainfall year 2006-2007. On July 7, 2008, the Council received data indicating that the average rainfall was 72.3% below normal and determined to continue the Stage I Minor-Voluntary Water Shortage. He stated that in the current rainfall year of 2008-2009, measured rainfall was 40.9% below normal. He then reviewed measures to be instituted during more serious water shortage periods.

Staff then responded to questions from the Council. Upon request, Public Works Superintendent Ford distributed information regarding water consumption rates for the period January 2005 - May 2009, and stated that average water consumption levels were approximately 92% of the City's total allotment.

Brief discussion was held regarding the downstream release of water from Lopez Lake, impacts to City wells from water consumption by the Nipomo Mesa area, declarations of a water shortage by neighboring jurisdictions, discussions with the County regarding State water, potential impacts if mandatory water reduction measures were enacted, and the possibility of raising water rates in order to cover operating costs.

**Action:** Upon unanimous consensus, the Council: 1) declared a Stage II Water Shortage (Moderate-Voluntary), 2) directed staff to continue those measures as noted in the Water Shortage Stages of Action, and 3) directed staff to continue Consumption Reduction Methods.

**9 Consideration of Local Preference Policy in All Procurement Processes Which Require Estimates or Competitive Bidding.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz reviewed the Council's previous direction as part of the local economic stimulus program to draft a policy amending the City's purchasing manual to provide an advantage for any business located within the City limits competing for the procurement of goods or services to the City. The proposed policy would provide a five percent (5%) preference, up to a \$5,000 maximum limit, to any Grover Beach-based business in a competitive bid process held by the City. Staff then responded to questions from the Council.

Brief discussion was held regarding the purchasing policies of other agencies, policies that included a point system for evaluating bids, and whether to expand the policy to include businesses located within San Luis Obispo County or with owners and/or employees who were residents of Grover Beach.

City Attorney Koczanowicz clarified that the policy could not legally apply to professional services, such as legal services, website design or engineering services, where the determining factor was service quality, not price. He also pointed out that public works projects were awarded to the lowest responsive bidder, not just the lowest bid price.

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

Fernando Miranda, Grover Beach, stated that he was a licensed contractor and expressed concerns with not being able to find information regarding local building activity.

There were no further public comments received.

Additional discussion was held regarding scheduling this matter for further Council consideration.

**Action:** Upon unanimous consensus, the Council directed staff to schedule this matter for further discussion at the City Council meeting of Monday, August 17, 2009.

**PULLED CONSENT AGENDA ITEMS**

**3. Second Quarter 2009 Business Tax Certificate Report** - Receipt of the list of new Business Tax Certificates issued for the period April - June 2009.

Administrative Services Director Chapman responded to questions regarding the number of new businesses that had recently opened in Grover Beach.

Brief discussion was held regarding coordinating economic development efforts with the Chamber of Commerce to assist local businesses and developing a local business inventory to evaluate economic trends.

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

**5. Approve and Adopt Increased Parking Fines** - Consideration of increasing fines for parking citations as a result of increased surcharges enacted by the County and State that were scheduled to become effective August 1, 2009.

Police Chief Copsey reviewed a list of additional assessments and surcharges the City was mandated to begin paying to the County and State for issuing parking citations as of August 1, 2009. In response to Council questions, he also reviewed the range of parking fines charged by the surrounding jurisdictions and the estimated negative fiscal consequence if the Council chose not to increase the fines.

**Action:** It was m/s by Mayor Pro Tem Nicolls/Council Members Peterson to adopt Resolution No. 09-45 increasing the City's parking fines. 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. 09-45: A Resolution of the City Council of the City of Grover Beach Establishing an Updated Fine Schedule for Violations of Parking Regulations of Municipal and Vehicle Code Sections.**

**Recess:** Upon consensus of the City Council, the meeting recessed at 8:20 p.m. to the Joint City Council / Improvement Agency meeting, which was also scheduled for this same evening.

**Reconvene:** At 9:33 p.m., the meeting reconvened with all Council Members present.

**COUNCIL COMMITTEE REPORTS**

Council Member Bright stated that she had nothing to report.

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

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

Council Member Peterson stated that she had nothing to report.

Mayor Shoals stated that he had nothing to report.

**CITY COUNCIL MEMBER ITEMS**

**10. Designation of Voting Delegates and Alternates at the League of California Cities Annual Conference - September 16-18, 2009 in San Jose, CA.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault reviewed the League's request that each member agency designate a voting representative and alternate to participate in the business session of the conference.

Brief discussion was held.

**Action:** Upon unanimous consensus, Mayor Shoals was designated as the City's voting delegate and Mayor Pro Tem Nicolls was designated as the alternate at the 2009 League of California Cities Annual Conference.

**COUNCIL COMMUNICATIONS**

A. Council Member Bright announced that she would be absent from the City Council meeting of August 17, 2009, due to a scheduled two-week vacation in mid-August.

B. Mayor Shoals requested Council consensus to schedule consideration of establishing a Rule 20B program for the undergrounding of overhead utility lines, specifically in two areas: 1) West Grand Avenue from Highway 1 to the beach and 2) Huber Street down to Calvin Court. He briefly described the differences between a Rule 20A program versus a Rule 20B program, with the latter program limiting the role of PG&E to primarily reviewing a project rather than being responsible for designing and setting the construction schedule.

City Manager Perrault stated that he had recently met with representatives from the utility companies and hoped to have updated project information at the next Council meeting.

Mayor Shoals then distributed information regarding a recent local government summit he had attended July 17-18, 2009 in Sacramento called "Rebuilding California from the Ground Up" that was hosted by the Cities Counties Schools (CCS) Partnership to discuss state governance and fiscal reform. He stated that officials from cities, counties, and school districts were in attendance to discuss topics such as protecting local revenues, eliminating unfunded mandates, the unintended consequences of legislative term limits, modernizing the State budget, and updating the revenue system. The next steps in this effort would consist of regional meetings and increasing public awareness of the issues that impact local communities.

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

### **11. Update on Pending Projects as Requested by the Mayor.**

City Manager Perrault provided a verbal update regarding the following projects:

- *Mobilehome Park Conversion Ordinance* - a draft was reviewed by the Planning Commission and it would be scheduled for the City Council meeting on August 17, 2009;
- *Local Stimulus Programs* - most of the proposed programs were scheduled for Council review over the next 30-45 days and would be implemented shortly thereafter. The City retained the assistance of a local marketer, Bruce Brown, to develop the public information portion of the programs;
- *City Website Design* - A total of 28 proposals were received and the City Manager would be reviewing the final eight proposals;
- *Economic Advisory Committee* - staff work would begin within the next 60 days;
- *Street Rehabilitation Projects* - this item was reviewed previously during the Council/Agency's review of the Capital Improvement Program;
- *Bicycle Facilities Plan* - a grant application was submitted to the State, therefore, the project remained pending;
- *Beach Cities Trail Feasibility Study* - a recommendation for the retention of a consultant would be scheduled for Council consideration in August 2009;
- *Safe Route to Schools* - determination on project funding was pending at the State-level;
- *Tree Ordinance* - the Parks and Recreation Director and Commission have completed most of the basic work, and staff would be working with the Community Development Director and City Attorney to coordinate a recommendation to the City Manager regarding how to proceed with proposed revisions;
- *City Hall upgrades* - this project was scheduled to be completed by in-house staff and should resume upon the return of certain Public Works staff members out on leave;
- *Signage Program* - a Request for Proposal was being developed with a target date for release by the end of August 2009;
- *ICLEI* - the inventory was anticipated to be completed by the end of July with a target date for Council consideration on August 17, 2009; additionally, staff had contacted the local university to discuss the possibility of a partnership effort to control costs;
- *PacificWest Energy Solutions Energy Audit* - the initial audit had been reviewed and would be scheduled for Council/Agency review;
- *Clever Park Master Plan* - this project was currently on hold;
- *South County Transit Hub* - this item was reviewed previously during the Council/Agency's review of the Capital Improvement Program;
- *South 13<sup>th</sup> Street* - this project should be scheduled to go out to bid in approximately three weeks;
- *Margarita Avenue Traffic Calming* - notices were mailed out to residents regarding recommendations to be discussed at the Council meeting of August 17, 2009;
- *Inventory of City-owned Property* - the inventory had been completed;
- *Smoking Limitations in Public Facilities* - due to current work loads, no further action had been taken; and
- *Community Foundation* - due to current work loads, no further action had been taken.

**CITY ATTORNEY'S REPORTS AND COMMENTS**

None at this time.

**CLOSED SESSION**

As announced earlier in the meeting during "Agenda Review", the following Closed Session item was *cancelled*:

1. **Conference with Real Property Negotiators**  
Pursuant to Government Code Section 54956.8  
Property: 1541 Hillcrest Road  
Agency Negotiator: City Manager and City Attorney  
Negotiating Party: LYLE Company  
Under negotiation: Lease Agreement

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 10:06 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 12/7/09)