

**MINUTES
CITY COUNCIL MEETING
MONDAY, DECEMBER 6, 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 Adolfo Guerrero, an 11-year-old, 6th grade student from Grover Beach 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, and Police Chief Copsey were also present.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, November 15, 2010 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Pending Litigation
Pursuant to Government Code Section 54956.9(c)
Initiation of Litigation: One (1) potential case - for code violations and related fines and costs at the Grover Beach Inn.

the City Council reconvened into open session and announced the following reportable action was taken: the Council authorized the initiation of litigation (approved 5-0).

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 described the "Shop & Dine Grover Beach" Program to support local businesses by shopping and dining in Grover Beach. A member of the audience assisted with the random drawing and the names of the following Shop & Dine Grover Beach winners were announced: Frances Acosta, Alfonso Gonzalez, Brian Green, Allan Johnson, Guy King, Rosemary Lucier, Candee Mar, Chris Reilly, Jim Wilson, and Cesar Zarate.

2. **Installation of Officers.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Clerk McMahon provided an overview of the General Municipal Election that was scheduled to be consolidated with, and held on the same day as, the Statewide General Election on Tuesday, November 2, 2010. However, at the close of the Nomination Periods for the office of Mayor and two members of the City Council, only one person had been nominated for each elective office. Pursuant to the Elections Code, the City Council accepted the City Clerk's Certification that there were not more candidates than elective offices to be filled and, at a Special Meeting held August 18, 2010, adopted Resolutions appointing John P. Shoals to the two-year term of Mayor and appointing Bill Nicolls and Phyllis A. Molnar to four-year terms on the City Council. With adoption of the Resolutions, the General Municipal Election scheduled for November 2, 2010 was cancelled.

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

City Clerk McMahon then administered the Oaths of Office to Mayor John P. Shoals, Council Member Bill Nicolls, and Council Member Phyllis A. Molnar, and presented each of them with Certificates of Election.

ROLL CALL Council Members Bright, Molnar, Nicolls, Peterson, and Mayor Shoals were present.

3. Remarks from Incoming Officers - Mayor Shoals, Council Member Nicolls, and Council Member Molnar.

Council Member Molnar expressed appreciation for the opportunity to serve the community.

Mayor Pro Tem Nicolls welcomed Council Member Molnar, thanked his wife, Barbara, for her support, and stated that he looked forward to working with staff and the other members of the City Council to continue making progress to improve the community. He also thanked and commended former Council Member Mires for his contributions on the City Council.

Mayor Shoals welcomed Council Member Molnar, thanked his wife, Staci, for her support, and encouraged residents and business owners to be more involved and engaged in community activities and local government.

4. Presentation to Outgoing Council Member Mires and Remarks from Outgoing Council Member Mires.

Mayor Shoals presented outgoing Council Member Mires with an engraved desk clock as a token of the City's appreciation for his service on the City Council.

Former Council Member Mires stated that it was his pleasure to serve on the City Council for the past two years and on the Planning Commission years earlier, and that he also enjoyed being an active community volunteer. He stated that, although it had been a positive and rewarding experience working with the Council and City staff, he had promised his wife he would only serve two years on the Council and they would then be able to take the time to enjoy some traveling.

Members of the City Council expressed their individual thanks and appreciation to former Council Member Mires for his dedicated service and informative perspective on the City Council.

5. Appointment of Mayor Pro Tem for the Coming Year.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz reviewed the regulations pursuant to Resolution No. 08-18 regarding the process for the Mayor to select a Mayor Pro Tem to serve for a one-year period.

Action: Mayor Shoals announced his selection to reappoint Council Member Bill Nicolls to serve as Mayor Pro Tem for the one-year period of December 2010 - December 2011.

Mayor Pro Tem Nicolls accepted the appointment, stating that he enjoyed representing the City and looked forward to continue serving another year as Mayor Pro Tem.

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. John Wysong, Grover Beach, suggested developing a grocery store on West Grand Avenue near the intersections of 10th or 11th Streets to increase local revenues. He then presented the City Council with small tools of the construction trade.

- B. Amanda Rounds, Shell Beach Floral Design, Grover Beach, announced downtown businesses on West Grand Avenue between 4th Street and Highway 1 would be hosting a "Holiday Block Party" event with live music and local artists on Tuesday, December 7, 2010 from 5:00 to 8:00 p.m.
- C. Linda McClure, Grover Beach business owner and Vice President of the Grover Beach Chamber of Commerce, thanked and praised the City Council for recent improvements on West Grand Avenue and for fostering a business-friendly community.
- D. Peter Keith, Grover Beach resident and former Mayor, thanked and praised the City Council for the West Grand Avenue Enhancement Project. He also thanked former Council Member Mires for his service on the City Council and Mrs. Mires for her support during that time.

PUBLIC HEARINGS

None at this time.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item Nos. 8 and 9 were pulled pursuant to the request of Mayor Pro Tem Nicolls.

Upon unanimous consensus, Consent Agenda Item Nos. 6 and 7 were approved as presented.

6. Treasurer's Report for the Period November 9, 2010 - November 30, 2010.

Action: Approved as submitted.

7. Minutes of the Following City Council Meetings:

- **Special City Council Meeting of August 9, 2010;**
- **Special Joint City Council / Improvement Agency Meeting of August 18, 2010; and**
- **Special City Council Meeting of September 13, 2010.**

Action: Approved the minutes as submitted.

ORDER OF THE DAY: Upon unanimous consensus of the City Council, Consent Agenda Item Nos. 8 and 9 were considered next, instead of under "Pulled Consent Agenda Items" scheduled later on the agenda.

8. Convenience Fee for Online Transactions - Authorizing a \$2.00 credit card convenience fee to process payment transactions over the Internet for water and wastewater utility bills.

Upon request, Administrative Services Director Chapman explained the recommendation to establish a limit in the maximum amount of \$300 for each online credit card charge to offset the cost of providing this payment option. She stated that payments for dollar amounts higher than the maximum would be processed separately, with each online transaction incurring an additional convenience fee.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There was no response received and he closed the public comment period for this item.

Brief discussion was held regarding plans to provide online payment options for other City services in the future.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to adopt Resolution No. 10-73 amending the Master Fee Schedule to authorize a convenience fee of \$2.00 for all online payment transactions, with a maximum amount of \$300 per transaction. The motion carried on the following roll call vote:

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

Resolution No. 10-73: A Resolution of the City Council of the City of Grover Beach Amending the Master Fee Schedule for a Credit Card Convenience Fee for Online Payment Transactions.

9. **Approval of Final Tract Map for Tract 2826 for 228-260 W. Grand Avenue, (APN 060-206-028) Development Permit Application No. 06-020 (“Beach Place”) -** Request to approve and accept Final Tract Map No. 2826 and authorize the City Clerk to record Final Tract Map No. 2826, a common lot subdivision with 22 airspace condominium units, located at 228-260 W. Grand Avenue, commonly known as “Beach Place”.

Upon request, Community Development Director Buckingham explained that, due to economic conditions, the State had extended the two-year approval process an additional three years, and that the applicant had recently contacted the City with a request to proceed and get the map recorded. He also noted that the applicant was in the audience to respond to further questions.

Upon request, City Attorney Koczanowicz explained the phrase “substantial conformance” was a standard industry term regarding the City Engineer’s review and certification of the Final Map.

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/Council Member Peterson to adopt Resolution No. 10-74 authorizing the City Clerk to sign and record the Final Map for Tract No. 2826. The motion carried on the following roll call vote:

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

Resolution No. 10-74: A Resolution of the City Council of the City of Grover Beach, California, Approving Final Map No. 2826 and Authorizing the City Clerk to Record Final Map No. 2826 (228-260 West Grand Avenue).

REGULAR BUSINESS

None at this time.

COUNCIL COMMITTEE REPORTS

Upon unanimous consensus, Council Committee reports were deferred to the next regular City Council meeting.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Peterson requested Council consensus to schedule a discussion regarding authorizing the use of “graywater”.

Action: Upon unanimous consensus, the issue of authorizing the use of “graywater” would be scheduled on a future agenda.

- B. Council Member Bright stated that she had received a letter from a concerned citizen regarding littering and pollution from cigarettes and smoking. She requested Council consensus to schedule a discussion regarding regulating smoking.

Action: Upon unanimous consensus, the issue of smoking regulations would be scheduled on a future agenda.

CITY MANAGER'S REPORTS AND COMMENTS

None at this time.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

None at this time.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the Regular City Council meeting at 7:14 p.m. He then announced that prior to convening the Special Joint City Council / Planning Commission meeting also scheduled for this same evening, the public was invited to attend a brief reception to be held just outside the Council Chambers.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 02/07/2011)