

**MINUTES
CITY COUNCIL MEETING
MONDAY, MAY 16, 2011**

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 9-year-old Deanna Martinez and 10-year-old Joshua Castilleja, 4th grade students at Fairgrove Elementary School.

ROLL CALL

City Council: Council Members Bright, Molnar, 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, Human Resources Coordinator Barrett, Planner II Reese, and Public Works Supervisor Barclay were also present.

Also present were Fire Chief Hubert and Battalion Chief Heath, Five Cities Fire Authority, and Jeff Lee, Chair, Parks, Recreation & Beautification Commission.

CLOSED SESSION ANNOUNCEMENTS

City Attorney Koczanowicz read the following announcement:

On Monday, May 2, 2011 after meeting in Closed Session regarding:

1. Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6.
Agency Negotiator: City Manager, Administrative Services Director, Assistant Administrative Services Director, and Human Resources Coordinator.
Represented Employee Group: General Employees - Service Employees International Union, Local 620 (SEIU)

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 May 15-21, 2011 as “National Public Works Week”.**

Mayor Shoals read and presented the proclamation to Public Works Supervisor John Barclay.

PRESENTATIONS

2. **Parks, Recreation & Beautification Commission Quarterly Reports - Second and Third Quarters for FY 11.**

Jeff Lee, Chair, Parks, Recreation & Beautification Commission, provided an overview of Commission activities during the periods October 1 - December 31, 2010 and January 1 - March 31, 2011.

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. Morgen Marshall, Program Manager, San Luis Obispo Regional Rideshare, thanked the Council for having declared the month of May as "Bike Month" at the last Council meeting. She then described upcoming events to promote Rideshare and bike riding.
- B. Brad Snook, Volunteer Coordinator, Surfrider Foundation, expressed concerns regarding operations at the South San Luis Obispo County Sanitation District.
- C. Jeff Pienack, Chair, Surfrider Foundation, expressed concerns regarding aging infrastructure at the South San Luis Obispo County Sanitation District.

PUBLIC HEARINGS

3. 2011 Weed Abatement Protest Hearing.

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, Battalion Chief Heath described the notification process to all property owners regarding the Weed Abatement Program. He stated that property inspections had been completed and 57 lots were found to be in violation. Property owners would have 30 days to comply with the City's abatement standards, then those properties found to still be in violation would be abated by a weed abatement contractor. He noted that costs for abatement could be assessed to the property owner's tax bill after a Cost Protest Hearing to be held on July 5, 2011.

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: Upon unanimous consensus, the Council: 1) made findings that there were no defensible protests, and 2) ordered the abatement of those properties listed as being in violation.

4. Adoption of the 2010 California Fire Code & Amending Fireworks Regulations.

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, Community Development Director Buckingham described the State mandate that fire codes be updated every three years. He noted that the Council had adopted most of the building and construction codes in November 2010; however, Five Cities Fire Authority had requested additional time to coordinate adoption of the 2010 Fire Code among the three jurisdictions they serve.

He noted that the most significant local impact with adoption of the new regulations would be the requirement to install fire sprinkler systems for new residential units classified as R-3 occupancies with less than 1,000 square feet. Two amendments to the code were also being proposed to specifically address local circumstances: 1) designating driveways over 40 feet in length as fire lanes; and 2) requiring the installation of fire sprinklers in additions or alterations for all buildings. Additionally, the Fire Authority requested changing the calculation method to a simple percentage rather than a weighted formula of square footage, with certain exceptions involving private garages and carports. He then reviewed additional proposed modifications as requested by the Fire Authority regarding the sale and discharge of safe and sane fireworks. Community Development Director Buckingham and Fire Chief Hubert 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 following persons spoke in opposition to the proposal for the sale of fireworks to cease by 9:00 p.m.:

- Linda McClure, Chair, Grover Beach Chamber of Commerce; and
- Peggy Hoobery, Five Cities Girls Softball.

Judy Tennant Schwarm, Grover Beach, inquired regarding additional costs to implement the new regulations.

There were no further public comments received.

City Attorney Koczanowicz noted that regulations regarding fire sprinklers involved matters of public safety and therefore did not include an exemption for claims of financial hardship.

Discussion ensued regarding regulations for the sale and discharge of fireworks in neighboring jurisdictions, whether to consider the issue of fireworks in a separate Ordinance, and receiving confirmation from staff that no significant concerns were reported in previous years regarding the operation of fireworks stands. Additional discussion was held to amend the proposed Ordinance to: 1) extend the required time for the sale of fireworks to cease to 11:00 p.m. rather than 9:00 p.m., and 2) add New Year's Eve to the time frame when the discharge of fireworks would be allowed.

City Attorney Koczanowicz suggested amending the proposed Ordinance as follows (deleted text denoted with ~~strikeout~~ font, added text denoted with double underline):

- 1) Section 3992(E)(17) - changing the closing time for the operation of fireworks stands from ~~9:00 p.m.~~ to "11:00 p.m." each day.
- 2) Section 3996 - "Discharge of 'safe and sane fireworks' shall only occur from noon on the third of July through midnight on the fifth of July, and from noon on December 30 to midnight on January 1. No person under eighteen (18) years of age may possess or discharge 'safe and sane fireworks' except when under the direct supervision of a person twenty-one (21) years of age or older."

Action: It was m/s by Council Members Molnar/Peterson to: 1) amend the Ordinance as recommended and introduce Ordinance No. 11-02 as amended, by title only, repealing and replacing Article VI Chapter 1 of the Grover Beach Municipal Code to adopt the 2010 Edition of the California Fire Code with local amendments and amend Article III Chapter 12 of the Grover Beach Municipal Code regulating fireworks sales and discharge; and 2) schedule second reading and adoption of the Ordinance at a Public Hearing scheduled for the next regular City Council meeting. 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.

Ordinance No. 11-02: An Ordinance of the City Council of the City of Grover Beach Amending Article III Chapter 12 and Amending Article VI Chapter 1 of the Grover Beach Municipal Code to Adopt the 2010 California Fire Code and Amend Regulations for Fireworks. (First Reading only)

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Item No 8 was pulled pursuant to the request of Council Member Molnar. It was m/s by Council Members Peterson/Bright to approve Consent Agenda Item Nos. 5, 6, and 7, as recommended. 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.

5. Treasurer's Report for the Period April 27 - May 11, 2011.

Action: Approved as submitted.

6. Minutes of the City Council Meeting of April 4, 2011.

Action: Approved the minutes as submitted.

7. Proposed Equity Adjustments to Salaries for Five Job Classes Represented by Service Employees International Union Local 620 (SEIU) - Amending the Classification and Compensation Plan to reflect negotiated changes, with adjustments to be retroactive to January 1, 2011.

Action: Adopted Resolution No. 11-31, amending the Classification and Compensation Plan Resolution No. 02-73, as amended, for five job classes represented by SEIU Local 620.

Resolution No. 11-31: A Resolution of the City Council of the City of Grover Beach, California, Amending Resolution No. 02-73 to Adjust Salary Ranges for Certain Job Classes Represented by Services Employees International Union Local 620 (SEIU).

ORDER OF THE DAY: Upon consensus of the City Council, Consent Agenda Item No. 8 was considered at this time.

8. Authorization to File an Application for the 2011 COPS Hiring Recovery Program.

Upon request, Police Chief Copsey and City Manager Perrault responded to questions regarding projected costs for the fourth year of the program.

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 Council Members Peterson/Bright, to adopt Resolution No. 11-32 authorizing the City Manager, Chief of Police, and Administrative Services Director to file an application for a federal grant to fund one police officer position from the COPS Hiring Recovery Program. 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. 11-32: A Resolution of the City Council of the City of Grover Beach Authorizing the Filing of an Application for the 2011 Cops Hiring Recovery Program Grant.

ORDER OF THE DAY: At this time the Order of the Day resumed to the agenda as posted.

REGULAR BUSINESS

9. Appointment to the Citizen Oversight Committee.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, Administrative Services Director Chapman briefly described the duties of the Citizen Oversight Committee. She stated that the City had received only one application for the current Committee vacancy and, as a cost saving measure, no interview before the Advisory Body Screening Committee was scheduled. Further, staff recommended that the Council appoint the applicant to serve on the Citizen Oversight Committee.

Action: It was m/s by Council Members Bright/Peterson to adopt Resolution No. 11-33 appointing Jim Katen to fill the remainder of the four-year term on the Citizen Oversight Committee scheduled to expire on January 15, 2014. 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. 11-33: A Resolution of the City Council of the City of Grover Beach, California, Appointing James K. Katen to Fill the Remainder of a Four-Year Term on the Citizen Oversight Committee.

Recess: Upon consensus of the City Council, the meeting recessed at 7:58 p.m. to the Joint City Council / Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 9:03 p.m., the meeting reconvened with all Council Members present.

10. Community Development Block Grant (CDBG) Participation.

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 two types of Community Development Block Grant (CDBG) programs authorized to use funds to eliminate blight and to assist low- and moderate-income residents: 1) the "entitlement" program, which was formula based; and 2) the "non-entitlement" program distributed through a competitive grant application process.

He noted that, under the "entitlement" program, the City had consistently received annual funds to benefit local non-profit organizations for public service activities, with the majority of the entitlement dollars spent on infrastructure projects to benefit low-income residents. However, the "non-entitlement" program would allow the City to compete for grants that far exceeded the annual entitlement program amounts. He then reviewed the results of a recently conducted community survey indicating, based on household income levels, that the City would be competitive for the non-entitlement program.

Community Development Director Buckingham also acknowledged receipt of correspondence after the agenda packet had been prepared from Pearl Munak, President of Transitional Food and Shelter, Inc., that was distributed to the Council prior to the meeting. Staff then responded to questions from the Council.

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

Discussion was held regarding potential eligible infrastructure projects, retaining the services of a professional grant writer, alternatives for funding one or more non-profit organizations, the deadline to notify the County of the Council's decision regarding participation, and examples of other cities successfully competing through the non-entitlement program. It was also noted that local redevelopment efforts could cease if the Governor's proposal to eliminate redevelopment agencies succeeded.

Action: It was m/s by Mayor Pro Tem Nicolls/Council Member Peterson to adopt Resolution No. 11-35 withdrawing from the entitlement program with the Urban County. 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. 11-35: A Resolution of the City Council of the City of Grover Beach, California Electing to Not Enter Into a Cooperation Agreement Between the County of San Luis Obispo and the City of Grover Beach for Joint Participation in the Urban County Community Development Block Grant Program and the Home Investment Partnerships Program for July 2012 through June 2015.

PULLED CONSENT AGENDA ITEMS

Note: Upon consensus of the City Council, Agenda Item No. 8 was considered previously on the agenda.

COUNCIL COMMITTEE REPORTS

Council Member Peterson distributed copies of a U.S. Airways article that featured San Luis Obispo County and included specific references to Grover Beach. She noted that she was in the process of preparing a memorandum with suggestions to better leverage the City's membership in the San Luis Obispo County Visitors & Conference Bureau.

Council Member Molnar reported on the meeting of the Integrated Waste Management Authority (IWMA) and an upcoming Countywide proposal to ban plastic and paper bags.

Council Member Bright stated she had nothing to report.

Mayor Pro Tem Nicolls stated he had received inquiries regarding a Notice of Violation that was sent to the South San Luis Obispo County Sanitation District from the Regional Water Quality Control Board. He stated that the District was in the process of responding to the Notice and, once it was completed, he would provide the Council with copies of the document. He then stated the Zone 3 budget had been adopted and the next meeting was scheduled for later in the week.

Brief discussion was held regarding the process of directing specific inquiries to the Council's appointed representative regarding activities of other boards and committees.

Mayor Shoals reported on the meeting of the San Luis Obispo Regional Transit Authority (SLORTA) and stated the FY 12 Budget had been adopted with no service cuts contemplated. He then reported on the meeting of the San Luis Obispo Council of Governments (SLOCOG) and announced that polling activities would soon commence regarding a proposed half-percent sales tax measure anticipated to be on the 2012 ballot.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Mayor Shoals stated: 1) the City of Arroyo Grande was interested in holding a joint meeting with the City of Grover Beach to discuss contracting for law enforcement services; 2) there was continued public interest in forming a sub-committee to review expansion of Ramona Garden Park, constructing a cul-de-sac at North 10th Street, and better integration of the Exploration Station, and that he would be looking into forming a sub-committee; and 3) he and City Manager Perrault would be traveling to Sacramento to attend meetings regarding redevelopment agencies and the Grover Beach Lodge and Conference Center Project.

Upon consensus, the Council authorized staff to schedule the City of Arroyo Grande's request regarding a joint meeting of the City Councils on a future meeting agenda, once the City received the written request.

Council Member Molnar expressed interest in serving on the subcommittee regarding expansion of Ramona Garden Park.

CITY MANAGER'S REPORTS AND COMMENTS

11. Review of Special Meeting Date Scheduled for the Joint City Council / Improvement Meeting Regarding the FY 11 - FY 12 Biennial Budget.

City Manager Perrault stated that the meeting date for the Council / Agency to review the FY 11 - FY 12 Biennial Budget had originally been set for Wednesday, May 25, 2011; however, Mayor Shoals had a scheduling conflict with that date.

Brief discussion was held regarding an alternate meeting date and time and having a light dinner delivered at 5:00 p.m. so that the Council / Agency Board could begin the meeting at 5:30 p.m.

Action: Upon unanimous consensus, the Council rescheduled the Special Joint City Council / Improvement Agency meeting to review the budget from Wednesday, May 25, 2011 to Tuesday, May 24, 2011 at 5:30 p.m.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 9:54 p.m., the Council met in Closed Session regarding the following items:

1. **Conference with Labor Negotiators**
Pursuant to Government Code Section 54957.6.
Agency Negotiator(s): City Manager, City Attorney, Administrative Services Director, Assistant Administrative Services Director, Human Resources Coordinator, Police Lieutenant, and Police Chief.
Employee Group: All employee groups (represented and unrepresented)
2. **Conference with Legal Counsel - Existing Litigation**
Pursuant to Government Code Section 54956.9(a)
City of Grover Beach v. Listyo et al CV 110015
3. **Conference with Legal Counsel - Anticipated Litigation**
Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9: One (1) potential case

Closed Session Announcements: At 10:15 p.m., Mayor Shoals reconvened the meeting into open session with all Council Members present and 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 10:15 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:
/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 06/20/2011)