

**MINUTES
CITY COUNCIL MEETING
MONDAY, JUNE 6, 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 Sarah Brito, a 12-year-old, 6th grade student at Grover Heights 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, Community Development Director Buckingham, Public Works Director/City Engineer Ray, Police Chief Copsey, and Parks & Recreation Director Petker were also present.

Also present were Fire Chief Hubert and Battalion Chief Heath of the Five Cities Fire Authority.

CLOSED SESSION ANNOUNCEMENTS:

City Attorney Koczanowicz read the following announcement:

On Monday, May 16, 2011 after meeting in Closed Session regarding:

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.

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".**

Mayor Shoals briefly described the program to encourage residents to shop and dine locally. A random drawing was held and the names of the following Shop & Dine Grover Beach winners were announced: Marnie Barrett, Bruce Brown, Glen Chapman, Gary Cooper, Corey Knowlton, Debbie Peterson, Judy Puma, Mark Rogers, and Duke Sterling (two separate cards were drawn with the same name).

2. Proclamation Declaring June 6 and 7, 2011 as “Special Olympics- Law Enforcement Torch Run Days”.

Mayor Shoals read and presented the proclamation to Police Chief Copsey, who invited all those present to attend the South County portion of the event on Tuesday, June 7, 2011.

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. Jeff Pienack, Chair, Surfrider Foundation, and Oceano resident, expressed concerns regarding operations at the South San Luis Obispo County Sanitation District.
- B. Brad Snook, Volunteer Coordinator, Surfrider Foundation, expressed concerns regarding management of the South San Luis Obispo County Sanitation District.

PUBLIC HEARINGS

3. Request for Waiver of Underground Utility Requirements Due to Impracticality for Development Permit Application No. 10-029 (Location: 885 South 13th Street).

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, Public Works Director/City Engineer Ray provided an overview of the proposed project to add a storage room to an existing community center building. He stated the Applicant subsequently requested that the City waive the requirement to underground utilities because costs could far exceed the original project cost to construct the storage room. Staff then responded to questions from the Council.

Brief discussion was held regarding the review process by the Planning Commission; requirements to underground utilities; calculations for the in-lieu fee; and the location of existing utility lines.

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

Anita Shower, Grover Beach, inquired whether a subsequent property owner could be required to underground the utilities. She also inquired whether the Mayor, as an employee of the utility company PG&E, could participate in the Council's deliberations of the request.

There were no further public comments received and the Mayor closed the Public Hearing for this matter.

City Attorney Koczanowicz confirmed that the Mayor had no conflict of interest regarding the requested waiver, and also clarified that the Council had the authority to grant a full or partial waiver of the City's requirements to underground the utilities.

Council Member Molnar objected to granting the Applicant's request, expressing concerns that it might set a precedent to waive the underground utility requirement in the future.

Further discussion was held regarding the unique circumstances of the project site and conducting future discussions regarding whether to amend the City's requirements.

Action: It was m/s by Mayor Pro Tem Nicolls/Mayor Shoals to adopt Resolution No. 11-36 granting the requested waiver. The motion carried on the following roll call vote:

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

Resolution No. 11-36: A Resolution of the City Council of the City of Grover Beach, California, Granting a Request for Waiver of the Underground Utilities Requirement for Development Permit Application No. 10-029 (885 South 13th Street).

4. Second Reading and Adoption of Ordinance No. 11-02 Incorporating the 2010 California Fire Codes and Amending Fireworks Regulations.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Community Development Director Buckingham briefly reviewed the proposed Ordinance to incorporate the 2010 California Fire Codes and amend the Grover Beach Municipal Code to regulate the sales and discharge of fireworks.

Brief discussion was held regarding the proposed locations for fireworks stands this year.

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 Council Members Peterson/Bright to conduct second reading, by title only, and adopt Ordinance No. 11-02. 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. (Second Reading)

CONSENT AGENDA

It was m/s by Council Members Peterson/Bright to approve Consent Agenda Item Nos. 5, 6, 7, 8, 9, and 10, 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 May 11, 2011 - June 1, 2011.

Action: Approved as submitted.

6. Minutes of the Regular City Council Meetings of April 18, 2011 and May 2, 2011.

Action: Approved the minutes as submitted.

7. Business Tax Certificate Report: Second Quarter 2010 to First Quarter 2011.

Action: Received and filed the report.

8. Northern Cities Management Area 2010 Annual Report - Annual report regarding groundwater conditions for the Northern Cities' portion of the Santa Maria Groundwater Basin.

Action: Received and filed.

9. Notice of Completion for the Safe Routes to Schools Infrastructure Project, Grover Heights Elementary School and Adjacent Areas - Accepting infrastructure improvements on Ritchie Road, Atlantic City Avenue, and North Fourth Street constructed by Souza Construction, Inc.

Action: Adopted Resolution No. 11-37.

Resolution No. 11-37: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting Construction of Safe Routes to School Infrastructure Project, Grover Heights Elementary School and Adjacent Areas.

10. **Notice of Completion for CIP 283 Local Street Rehabilitation Project, West Grand Avenue Street Repairs** - Accepting street improvements constructed on West Grand Avenue by Souza Construction, Inc.
Action: Adopted Resolution No. 11-38.

Resolution No. 11-38: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting Construction of CIP 283 Local Street Rehabilitation Project: West Grand Avenue Street Repairs.

REGULAR BUSINESS

None at this time.

PULLED CONSENT AGENDA ITEMS

None at this time.

Recess: Upon consensus of the City Council, the meeting recessed at 7:14 p.m., to the Joint City Council / Improvement Agency meeting, which was also scheduled for this same evening.

Reconvene: At 9:22 p.m., the meeting reconvened with all Council Members present.

COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Nicolls reported on the meeting of the South San Luis Obispo County Sanitation District and distributed copies of the District's written response to a Notice of Violation from the State Water Resources Control Board.

Upon consensus, no other committee reports were provided at this time.

CITY COUNCIL MEMBER ITEMS

None at this time.

COUNCIL COMMUNICATIONS

- A. Council Member Bright stated she was contacted by a resident expressing concerns that residents had limited access to view the televised City Council meetings.

City Manager Perrault described the options for viewing the live broadcast or replays of City Council meetings either on Charter Cable television Channel 20, over the Internet, or by contacting the video production company or local library for a copy of the DVD.

- B. Mayor Shoals announced that the City of Arroyo Grande would be holding a celebration for its 100th anniversary of incorporation. He requested consensus to schedule a proclamation or resolution recognizing the City of Arroyo Grande for its centennial celebration.

Action: Upon consensus, a proclamation would be prepared and scheduled for the next regular City Council meeting.

CITY MANAGER'S REPORTS AND COMMENTS

None at this time.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

At 9:30 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 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)

Closed Session Announcements: At 9:38 p.m., Mayor Shoals reconvened the meeting in open session with all Council Members present, and 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 9:38 p.m.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 07/05/2011)